

S T A T E O F N E W Y O R K

4098--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 30, 2013

Introduced by M. of A. THIELE, SWEENEY, ABINANTI, ENGLEBRIGHT, JAFFEE, HEVESI, COLTON, GUNTHER, MAGNARELLI, GIBSON, LUPARDO, ROBERTS, GALEF, McLAUGHLIN, TENNEY, RAMOS, ROBINSON, SCHIMEL, WEPRIN, HOOPER, SCHIM-MINGER, BRINDISI, HENNESSEY -- Multi-Sponsored by -- M. of A. CERETTO, CRESPO, CROUCH, DUPREY, FINCH, GARBARINO, GRAF, JOHNS, KATZ, P. LOPEZ, MARKEY, MONTESANO, PALMESANO, RA, TITONE, WEISENBERG -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to establishing a returning veterans tax credit for businesses that hire veterans

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 210 of the tax law is amended by adding a new
2 subdivision 48 to read as follows:
3 48. RETURNING VETERANS TAX CREDIT. (A) GENERAL. A TAXPAYER SHALL BE
4 ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBDIVISION,
5 AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR EACH VETERAN OR DISABLED
6 VETERAN HIRED DURING A TAXABLE YEAR, PROVIDED THAT:
7 (I) SUCH VETERAN IS A NEW EMPLOYEE AND IS EMPLOYED FOR THIRTY-FIVE
8 HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR
9 TWELVE MONTHS OR MORE; OR
10 (II) SUCH DISABLED VETERAN IS A NEW EMPLOYEE WHO IS EMPLOYED FOR
11 SEVENTEEN AND ONE-HALF HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY
12 OF SUCH TAXPAYER FOR TWELVE MONTHS OR MORE.
13 (B) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL EQUAL
14 THREE THOUSAND DOLLARS PER HIRED VETERAN AND FOUR THOUSAND DOLLARS PER
15 HIRED DISABLED VETERAN BUT SHALL NOT EXCEED FIFTEEN THOUSAND DOLLARS
16 ANNUALLY.
17 (C) CARRYOVERS. THE CREDIT ALLOWED UNDER THIS SUBDIVISION MAY BE
18 CLAIMED AND IF NOT FULLY USED IN THE INITIAL YEAR FOR WHICH THE CREDIT

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD05148-03-3

1 IS CLAIMED MAY BE CARRIED OVER, IN ORDER, TO EACH OF THE TEN SUCCEEDING
2 TAXABLE YEARS. THE CREDIT AUTHORIZED BY THIS SUBDIVISION MAY NOT BE USED
3 TO REDUCE THE TAX LIABILITY OF THE CREDIT CLAIMANT BELOW ZERO.

4 (D) DEFINITIONS. AS USED IN THIS SUBDIVISION, THE FOLLOWING TERMS
5 SHALL HAVE THE FOLLOWING MEANINGS:

6 (I) "NEW EMPLOYEE" SHALL MEAN ANY FULL TIME EMPLOYEE THAT CAUSES THE
7 TOTAL NUMBER OF EMPLOYEES TO INCREASE ABOVE BASE EMPLOYMENT OR CREDIT
8 EMPLOYMENT, WHICHEVER IS HIGHER.

9 (II) "BASE YEAR" SHALL MEAN CALENDAR YEAR TWO THOUSAND TWELVE.

10 (III) "BASE EMPLOYMENT" SHALL MEAN THE AVERAGE NUMBER OF FULL TIME
11 EMPLOYEES OR FULL TIME EQUIVALENT EMPLOYEES DURING THE BASE YEAR. FOR A
12 NEW BUSINESS, BASE EMPLOYMENT SHALL BEGIN AT ZERO.

13 (IV) "CREDIT EMPLOYMENT" SHALL MEAN BASE EMPLOYMENT PLUS THE NUMBER OF
14 NEW EMPLOYEES FOR WHICH A CREDIT IS EARNED FOR THE PRIOR TAX YEARS.

15 (V) "VETERAN" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION
16 EIGHTY-FIVE OF THE CIVIL SERVICE LAW.

17 (VI) "DISABLED VETERAN" SHALL HAVE THE SAME MEANING AS SET FORTH IN
18 SECTION EIGHTY-FIVE OF THE CIVIL SERVICE LAW.

19 S 2. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
20 of the tax law is amended by adding a new clause (xxxvii) to read as
21 follows:

22 (XXXVII) RETURNING VETERAN TAX	COSTS UNDER SUBDIVISION
23 CREDIT; SUBSECTION (XX)	FORTY-EIGHT OF SECTION
24	TWO HUNDRED TEN

25 S 3. Section 606 of the tax law is amended by adding a new subsection
26 (xx) to read as follows:

27 (XX) RETURNING VETERANS TAX CREDIT. (1) GENERAL. A TAXPAYER SHALL BE
28 ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBSECTION, AGAINST
29 THE TAX IMPOSED BY THIS ARTICLE FOR EACH VETERAN OR DISABLED VETERAN
30 HIRED DURING A TAXABLE YEAR, PROVIDED THAT:

31 (I) SUCH VETERAN IS A NEW EMPLOYEE AND IS EMPLOYED FOR THIRTY-FIVE
32 HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR
33 TWELVE MONTHS OR MORE; OR

34 (II) SUCH DISABLED VETERAN IS A NEW EMPLOYEE AND IS EMPLOYED FOR
35 SEVENTEEN AND ONE-HALF HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY
36 OF SUCH TAXPAYER FOR TWELVE MONTHS OR MORE.

37 (2) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL EQUAL
38 THREE THOUSAND DOLLARS PER HIRED VETERAN AND FOUR THOUSAND DOLLARS PER
39 HIRED DISABLED VETERAN BUT SHALL NOT EXCEED FIFTEEN THOUSAND DOLLARS
40 ANNUALLY.

41 (3) CARRYOVERS. THE CREDIT ALLOWED UNDER THIS SUBSECTION MAY BE
42 CLAIMED AND IF NOT FULLY USED IN THE INITIAL YEAR FOR WHICH THE CREDIT
43 IS CLAIMED MAY BE CARRIED OVER, IN ORDER, TO EACH OF THE TEN SUCCEEDING
44 TAXABLE YEARS. THE CREDIT AUTHORIZED BY THIS SUBSECTION MAY NOT BE USED
45 TO REDUCE THE TAX LIABILITY OF THE CREDIT CLAIMANT BELOW ZERO.

46 (4) DEFINITIONS. AS USED IN THIS SUBSECTION, THE FOLLOWING TERMS SHALL
47 HAVE THE FOLLOWING MEANINGS:

48 (I) "NEW EMPLOYEE" SHALL MEAN ANY FULL TIME EMPLOYEE THAT CAUSES THE
49 TOTAL NUMBER OF EMPLOYEES TO INCREASE ABOVE BASE EMPLOYMENT OR CREDIT
50 EMPLOYMENT, WHICHEVER IS HIGHER.

51 (II) "BASE YEAR" SHALL MEAN CALENDAR YEAR TWO THOUSAND TWELVE.

52 (III) "BASE EMPLOYMENT" SHALL MEAN THE AVERAGE NUMBER OF FULL TIME
53 EMPLOYEES OR FULL TIME EQUIVALENT EMPLOYEES DURING THE BASE YEAR. FOR A
54 NEW BUSINESS, BASE EMPLOYMENT SHALL BEGIN AT ZERO.

55 (IV) "CREDIT EMPLOYMENT" SHALL MEAN BASE EMPLOYMENT PLUS THE NUMBER OF
56 NEW EMPLOYEES FOR WHICH A CREDIT IS EARNED FOR THE PRIOR TAX YEARS.

1 (V) "VETERAN" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION
2 EIGHTY-FIVE OF THE CIVIL SERVICE LAW.

3 (VI) "DISABLED VETERAN" SHALL HAVE THE SAME MEANING AS SET FORTH IN
4 SECTION EIGHTY-FIVE OF THE CIVIL SERVICE LAW.

5 S 4. This act shall take effect immediately and shall apply to taxable
6 years beginning on or after January 1, 2014 and shall apply to those
7 employees hired after this act shall take effect.