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

6001

2013-2014 Regular Sessions

I N   A S S E M B L Y

March 12, 2013

Introduced by M. of A. HENNESSEY -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to the definition of employment number with respect to the empire zones program to allow for the eligibility of employees of contract operators

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

Section 1. Paragraph 1 of subdivision (g) of section 14 of the tax law, as amended by section 1 of part Z-1 of chapter 109 of the laws of 2006, is amended to read as follows:

(1) The term "employment number" shall mean the average number of individuals, excluding general executive officers (in the case of a corporation), employed full-time by the enterprise for at least one-half of the taxable year. Such number shall be computed by determining the number of such individuals employed by the taxpayer on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September and the thirty-first day of December during the applicable taxable year, adding together the number of such individuals determined to be so employed on each of such dates and dividing the sum so obtained by the number of such dates occurring within such applicable taxable year. Such number shall not include individuals employed within the state within the immediately preceding sixty months by a related person to the QEZE, as such term "related person" is defined in subparagraph (c) of paragraph three of subsection (b) of section four hundred sixty-five of the internal revenue code. For this purpose, a "related person" shall include an entity which would have qualified as a "related person" to the QEZE if it had not been dissolved, liquidated, merged with another entity or otherwise ceased to exist or operate. PROVIDED, HOWEVER, SUCH NUMBER MAY INCLUDE INDIVIDUALS EMPLOYED FULL-TIME OR AS FULL-TIME EQUIVALENTS BY A BUSINESS ENTITY OTHER THAN THE QEZE, PROVIDED, (I) SUCH INDIVIDUALS WORK FULL-TIME OR ARE FULL-TIME EQUIVALENTS AT THE QEZE'S

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

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EMPIRE ZONE LOCATION PURSUANT TO A WRITTEN AGREEMENT ENTERED INTO FOR MANAGEMENT AND/OR OPERATIONAL SERVICES BETWEEN THE QEZE AND THE BUSINESS ENTITY WHICH EMPLOYS SUCH INDIVIDUALS, (II) THE BUSINESS ENTITY WHICH EMPLOYS SUCH INDIVIDUALS IS NOT CERTIFIED UNDER ARTICLE EIGHTEEN-B OF THE GENERAL MUNICIPAL LAW WITHIN SUCH ZONE, AND (III) ALL OTHER REQUIREMENTS OF THIS PARAGRAPH REGARDING SUCH INDIVIDUALS ARE SATISFIED.

S 2. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2013.