

1800

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. SKARTADOS, SCARBOROUGH, SCHIMMINGER, JAFFEE, CAHILL, GUNTHER, ROBERTS, CLARK, BARRETT, WEPRIN -- Multi-Sponsored by -- M. of A. ABBATE, BRENNAN, COLTON, GIBSON, GOTTFRIED, SWEENEY, TITONE -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing a small business tax credit for the employment of unemployed 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 46 to read as follows:

3 46. SMALL BUSINESS TAX CREDIT; UNEMPLOYED VETERANS. (A) GENERAL. A
4 TAXPAYER WHO HAS ONE HUNDRED EMPLOYEES OR LESS, SHALL BE ALLOWED A CRED-
5 IT, TO BE COMPUTED AS PROVIDED IN THIS SUBDIVISION, AGAINST THE TAX
6 IMPOSED BY THIS ARTICLE FOR EACH UNEMPLOYED VETERAN HIRED DURING A TAXA-
7 BLE YEAR, PROVIDED THAT SUCH UNEMPLOYED VETERAN IS EMPLOYED FOR THIRTY-
8 FIVE HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER
9 FOR TWELVE MONTHS OR MORE.

10 (B) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL EQUAL
11 FIVE THOUSAND DOLLARS PER HIRED UNEMPLOYED VETERAN BUT SHALL NOT EXCEED
12 TWENTY-FIVE THOUSAND DOLLARS.

13 (C) CARRYOVERS. THE CREDIT ALLOWED UNDER THIS SUBDIVISION MAY BE
14 CLAIMED AND IF NOT FULLY USED IN THE INITIAL YEAR FOR WHICH THE CREDIT
15 IS CLAIMED MAY BE CARRIED OVER, IN ORDER, TO EACH OF THE FIVE SUCCEEDING
16 TAXABLE YEARS. THE CREDIT AUTHORIZED BY THIS SUBDIVISION MAY NOT BE USED
17 TO REDUCE THE TAX LIABILITY OF THE CREDIT CLAIMANT BELOW ZERO.

18 (D) DEFINITIONS. AS USED IN THIS SUBDIVISION, THE TERM "VETERAN" SHALL
19 MEAN A PERSON WHO SERVED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE
20 DURING A PERIOD OF WAR, OR WHO WAS A RECIPIENT OF THE ARMED FORCES
21 EXPEDITIONARY MEDAL, NAVY EXPEDITIONARY MEDAL, MARINE CORPS EXPEDITION-

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

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1 ARY MEDAL, OR GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL, AND WHO WAS
2 DISCHARGED OR RELEASED THEREFROM UNDER HONORABLE CONDITIONS.

3 S 2. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
4 of the tax law is amended by adding a new clause (xxxv) to read as
5 follows:

6 (XXXV) SMALL BUSINESS TAX CREDIT; COSTS UNDER SUBDIVISION
7 UNEMPLOYED VETERAN FORTY-SIX OF SECTION
8 UNDER SUBSECTION (VV) TWO HUNDRED TEN

9 S 3. Section 606 of the tax law is amended by adding a new subsection
10 (vv) to read as follows:

11 (VV) SMALL BUSINESS TAX CREDIT; UNEMPLOYED VETERANS. (1) GENERAL. A
12 TAXPAYER WHO HAS ONE HUNDRED EMPLOYEES OR LESS, SHALL BE ALLOWED A CRED-
13 IT, TO BE COMPUTED AS PROVIDED IN THIS SUBSECTION, AGAINST THE TAX
14 IMPOSED BY THIS ARTICLE FOR EACH UNEMPLOYED VETERAN HIRED DURING A TAXA-
15 BLE YEAR, PROVIDED THAT SUCH UNEMPLOYED VETERAN IS EMPLOYED FOR THIRTY-
16 FIVE HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER
17 FOR TWELVE MONTHS OR MORE.

18 (2) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL EQUAL
19 FIVE THOUSAND DOLLARS PER HIRED UNEMPLOYED VETERAN BUT SHALL NOT EXCEED
20 TWENTY-FIVE THOUSAND DOLLARS.

21 (3) CARRYOVERS. THE CREDIT ALLOWED UNDER THIS SUBSECTION MAY BE
22 CLAIMED AND IF NOT FULLY USED IN THE INITIAL YEAR FOR WHICH THE CREDIT
23 IS CLAIMED MAY BE CARRIED OVER, IN ORDER, TO EACH OF THE FIVE SUCCEEDING
24 TAXABLE YEARS. THE CREDIT AUTHORIZED BY THIS SUBSECTION MAY NOT BE USED
25 TO REDUCE THE TAX LIABILITY OF THE CREDIT CLAIMANT BELOW ZERO.

26 (4) DEFINITIONS. AS USED IN THIS SUBSECTION, THE TERM "VETERAN" SHALL
27 MEAN A PERSON WHO SERVED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE
28 DURING A PERIOD OF WAR, OR WHO WAS A RECIPIENT OF THE ARMED FORCES
29 EXPEDITIONARY MEDAL, NAVY EXPEDITIONARY MEDAL, MARINE CORPS EXPEDITION-
30 ARY MEDAL, OR GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL, AND WHO WAS
31 DISCHARGED OR RELEASED THEREFROM UNDER HONORABLE CONDITIONS.

32 S 4. This act shall take effect immediately and shall apply to taxable
33 years beginning on or after January 1, 2013.