

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. CUSICK, ABBATE, COLTON, GUNTHER, JACOBS, JAFFEE, LUPARDO, MAGNARELLI, MILLMAN, ROBINSON, ROSENTHAL, RUSSELL, TITONE, WEISENBERG, CAHILL, ZEBROWSKI, BRENNAN, GALEF, CASTRO, BOYLAND -- Multi-Sponsored by -- M. of A. GABRYSZAK, MAGEE, SCHIMEL, SIMANOWITZ -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to enacting the "hire veterans now act"; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. This act shall be known and may be cited as the "hire
2 veterans now act".
3 S 2. Section 210 of the tax law is amended by adding a new subdivision
4 24-a to read as follows:
5 24-A. CREDIT FOR HIRING UNEMPLOYED VETERANS. (A) A TAXPAYER SHALL BE
6 ALLOWED A CREDIT, TO BE COMPUTED AS HEREINAFTER PROVIDED, AGAINST THE
7 TAX IMPOSED BY THIS ARTICLE, FOR HIRING QUALIFIED INDIVIDUALS AND FOR
8 THE RETENTION OF SUCH INDIVIDUALS FOR A PERIOD OF ONE YEAR.
9 (B) FOR PURPOSES OF THIS SUBDIVISION, THE FOLLOWING TERMS SHALL HAVE
10 THE FOLLOWING MEANINGS:
11 (1) "QUALIFIED EMPLOYER" MEANS ANY EMPLOYER OTHER THAN THE FEDERAL,
12 STATE OR LOCAL GOVERNMENT OR ANY INSTRUMENTALITY THEREOF;
13 (2) "QUALIFIED INDIVIDUAL" MEANS ANY INDIVIDUAL RESIDING IN THIS STATE
14 WHO:
15 (A) IS A VETERAN AS DEFINED IN SUBDIVISION THREE OF SECTION THREE
16 HUNDRED FIFTY OF THE EXECUTIVE LAW;
17 (B) BEGINS EMPLOYMENT WITH A QUALIFIED EMPLOYER AFTER JANUARY FIRST,
18 TWO THOUSAND THIRTEEN AND BEFORE JANUARY FIRST, TWO THOUSAND FOURTEEN;
19 (C) CERTIFIES BY A SIGNED AFFIDAVIT, UNDER THE PENALTIES OF PERJURY,
20 THAT SUCH INDIVIDUAL HAS NOT BEEN EMPLOYED FOR MORE THAN FORTY HOURS

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

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1 DURING THE SIXTY DAY PERIOD ENDING ON THE DATE SUCH INDIVIDUAL BEGINS
2 SUCH EMPLOYMENT; AND

3 (D) IS NOT EMPLOYED BY THE QUALIFIED EMPLOYER TO REPLACE ANOTHER
4 EMPLOYEE OF SUCH EMPLOYER UNLESS SUCH OTHER EMPLOYEE SEPARATED FROM
5 EMPLOYMENT VOLUNTARILY OR FOR CAUSE;

6 (3) "RETAINED WORKER" MEANS ANY QUALIFIED INDIVIDUAL:

7 (A) WHO WAS EMPLOYED BY THE TAXPAYER ON ANY DATE DURING THE TAXABLE
8 YEAR;

9 (B) WHO WAS SO EMPLOYED BY THE TAXPAYER FOR A PERIOD OF NOT LESS THAN
10 FIFTY-TWO CONSECUTIVE WEEKS;

11 (C) WAS EMPLOYED FULL TIME, NOT LESS THAN THIRTY-FIVE HOURS A WEEK
12 DURING THE FIFTY-TWO CONSECUTIVE WEEKS PERIOD; AND

13 (D) WHOSE WAGES FOR SUCH EMPLOYMENT DURING THE LAST TWENTY-SIX WEEKS
14 OF SUCH PERIOD EQUALED AT LEAST EIGHTY PERCENT OF SUCH WAGES FOR THE
15 FIRST TWENTY-SIX WEEKS FOR SUCH PERIOD.

16 (C) THE AMOUNT OF THE CREDIT SHALL BE ONE THOUSAND DOLLARS PER
17 RETAINED WORKER. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXA-
18 BLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE
19 HIGHER OF THE AMOUNTS PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVI-
20 SION ONE OF THIS SECTION. PROVIDED, HOWEVER, THAT IF THE AMOUNT OF CRED-
21 IT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX
22 TO SUCH AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR
23 MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED
24 FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

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

28 (XXXV) CREDIT FOR HIRING	AMOUNT OF CREDIT UNDER SUBDIVISION
29 UNEMPLOYED VETERANS	TWENTY-FOUR-A OF SECTION TWO
30	HUNDRED TEN OR
31	SUBSECTION (J-1) OF SECTION
32	FOURTEEN HUNDRED FIFTY-SIX

33 S 4. Section 606 of the tax law is amended by adding a new subsection
34 (s-1) to read as follows:

35 (S-1) CREDIT FOR HIRING UNEMPLOYED VETERANS. A TAXPAYER SHALL BE
36 ALLOWED A CREDIT AS HEREINAFTER PROVIDED, AGAINST THE TAX IMPOSED BY
37 THIS ARTICLE, FOR THE HIRING OF QUALIFIED INDIVIDUALS, AS DEFINED IN
38 SUBDIVISION TWENTY-FOUR-A OF SECTION TWO HUNDRED TEN OF THIS CHAPTER AND
39 THE RETENTION OF SUCH INDIVIDUALS FOR A PERIOD OF ONE YEAR. THE AMOUNT
40 OF THE CREDIT SHALL BE ONE THOUSAND DOLLARS PER RETAINED WORKER. IF THE
41 AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBSECTION SHALL EXCEED THE
42 TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS MAY BE CARRIED OVER TO THE
43 FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR
44 SUCH YEAR OR YEARS.

45 S 5. Section 1456 of the tax law is amended by adding a new subsection
46 (j-1) to read as follows:

47 (J-1) CREDIT FOR HIRING UNEMPLOYED VETERANS. A TAXPAYER SHALL BE
48 ALLOWED A CREDIT AS HEREINAFTER PROVIDED, AGAINST THE TAX IMPOSED BY
49 THIS ARTICLE, FOR THE HIRING OF QUALIFIED INDIVIDUALS, AS DEFINED IN
50 SUBDIVISION TWENTY-FOUR-A OF SECTION TWO HUNDRED TEN OF THIS CHAPTER AND
51 THE RETENTION OF SUCH INDIVIDUALS FOR A PERIOD OF ONE YEAR. THE AMOUNT
52 OF THE CREDIT SHALL BE ONE THOUSAND DOLLARS PER RETAINED WORKER. THE
53 CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL NOT
54 REDUCE THE TAX TO LESS THAN THE DOLLAR AMOUNT FIXED AS A MINIMUM TAX BY
55 SUBSECTION (B) OF SECTION FOURTEEN HUNDRED FIFTY-FIVE OF THIS ARTICLE.
56 IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBSECTION FOR ANY TAXABLE

1 YEAR REDUCES THE TAX TO SUCH AMOUNT, THE EXCESS MAY BE CARRIED OVER TO
2 THE FOLLOWING YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX
3 FOR SUCH YEAR OR YEARS.

4 S 6. Section 1511 of the tax law is amended by adding a new subdivi-
5 sion (cc) to read as follows:

6 (CC) CREDIT FOR HIRING UNEMPLOYED VETERANS. (1) A TAXPAYER SHALL BE
7 ALLOWED A CREDIT AS HEREINAFTER PROVIDED, AGAINST THE TAX IMPOSED BY
8 THIS ARTICLE, FOR THE HIRING OF QUALIFIED INDIVIDUALS, AS DEFINED IN
9 SUBDIVISION TWENTY-FOUR-A OF SECTION TWO HUNDRED TEN OF THIS CHAPTER AND
10 THE RETENTION OF SUCH INDIVIDUALS FOR A PERIOD OF ONE YEAR. THE AMOUNT
11 OF THE CREDIT SHALL BE ONE THOUSAND DOLLARS PER RETAINED WORKER.

12 (2) THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR
13 SHALL NOT REDUCE THE TAX TO LESS THAN THE MINIMUM TAX FIXED BY THIS
14 ARTICLE. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVI-
15 SION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF
16 CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO
17 THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX
18 FOR SUCH YEAR OR YEARS.

19 S 7. This act shall take effect on the sixtieth day after it shall
20 have become a law and shall apply to taxable years commencing on or
21 after January 1, 2013; provided however, that this act shall expire
22 January 1, 2015 when upon such date the provisions of this act shall be
23 deemed repealed.