

8705

I N   A S S E M B L Y

February 4, 2014

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

AN ACT to amend the tax law, in relation to creating a wage tax credit  
for employers who employ New York national guard men and women and  
reservists

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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. EMPLOYMENT OF NEW YORK NATIONAL GUARD AND RESERVE MEMBERS WAGE  
4     TAX CREDIT. (A) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CRED-  
5     IT, TO BE COMPUTED AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION,  
6     AGAINST THE TAX IMPOSED BY THIS ARTICLE, IF IT EMPLOYS MEMBERS OF THE  
7     NEW YORK NATIONAL GUARD AND RESERVES. PROVIDED, HOWEVER, SUCH TAXPAYER  
8     SHALL COMPLY WITH THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT  
9     RIGHTS ACT, AS FOUND IN SECTION 4301 ET SEQ. OF TITLE 18 OF THE UNITED  
10    STATES CODE.  
11    (B) AMOUNT OF CREDIT. THE CREDIT ALLOWED PURSUANT TO PARAGRAPH (A) OF  
12    THIS SUBDIVISION SHALL BE IN AN AMOUNT EQUAL TO FIFTEEN HUNDRED DOLLARS  
13    FOR EACH NATIONAL GUARD OR RESERVE MEMBER EMPLOYED BY SUCH EMPLOYER AND  
14    TWENTY-FIVE HUNDRED DOLLARS FOR EACH NATIONAL GUARD OR RESERVE MEMBER  
15    EMPLOYED BY SUCH EMPLOYER WHO HAS COMPLETED OR RETURNED FROM A DEPLOY-  
16    MENT OR ACTIVATION. PROVIDED, HOWEVER, THAT NO SUCH CREDIT ALLOWED UNDER  
17    THIS SUBDIVISION SHALL EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS FOR EACH  
18    NATIONAL GUARD OR RESERVE MEMBER EMPLOYED BY SUCH EMPLOYER.  
19    (C) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION  
20    FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS  
21    THAN THE HIGHER OF THE AMOUNT PRESCRIBED IN PARAGRAPHS (C) AND (D) OF  
22    SUBDIVISION ONE OF THIS SECTION. IF, HOWEVER, THE AMOUNT OF CREDITS  
23    ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO  
24    SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE  
25    YEAR SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR  
26    REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND  
27    EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF

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

LBD13323-01-3

1 SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER  
2 NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

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 (xxxvii) to read as  
5 follows:

6 (XXXVII) EMPLOYMENT OF NEW	AMOUNT OF CREDIT
7 YORK NATIONAL GUARD AND	UNDER SUBDIVISION
8 RESERVE MEMBERS CREDIT	FORTY-EIGHT OF SECTION
9 UNDER SUBSECTION (XX)	TWO HUNDRED TEN

10 S 3. Subsections (yy) and (zz) of section 606 of the tax law, as  
11 relettered by section 5 of part H of chapter 1 of the laws of 2003, are  
12 relettered subsections (yyy) and (zzz), and a new subsection (xx) is  
13 added to read as follows:

14 (XX) EMPLOYMENT OF NEW YORK NATIONAL GUARD AND RESERVE MEMBERS WAGE  
15 TAX CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CRED-  
16 IT, TO BE COMPUTED AS PROVIDED IN PARAGRAPH TWO OF THIS SUBSECTION,  
17 AGAINST THE TAX IMPOSED BY THIS ARTICLE IF THEY EMPLOY MEMBERS OF THE  
18 NEW YORK NATIONAL GUARD AND RESERVE. PROVIDED, HOWEVER, THEY SHALL  
19 COMPLY WITH THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS  
20 ACT, AS FOUND IN SECTION 4301 ET SEQ. OF TITLE 18 OF THE UNITED STATES  
21 CODE.

22 (2) AMOUNT OF CREDIT. THE CREDIT ALLOWED PURSUANT TO PARAGRAPH ONE OF  
23 THIS SUBSECTION SHALL BE IN AN AMOUNT EQUAL TO ONE THOUSAND FIVE HUNDRED  
24 DOLLARS FOR EACH NATIONAL GUARD OR RESERVE MEMBER EMPLOYED BY SUCH  
25 EMPLOYER AND TWO THOUSAND FIVE HUNDRED DOLLARS FOR EACH NATIONAL GUARD  
26 OR RESERVE MEMBER EMPLOYED BY SUCH EMPLOYER WHO HAS COMPLETED OR  
27 RETURNED FROM A DEPLOYMENT OR ACTIVATION. PROVIDED, HOWEVER, THAT NO  
28 SUCH CREDIT ALLOWED UNDER THIS SUBSECTION SHALL EXCEED TWO THOUSAND FIVE  
29 HUNDRED DOLLARS FOR EACH NATIONAL GUARD OR RESERVE MEMBER EMPLOYED BY  
30 SUCH EMPLOYER.

31 (3) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT ALLOWED UNDER  
32 THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR  
33 SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE  
34 CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX  
35 HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST  
36 SHALL BE PAID THEREON.

37 S 4. This act shall take effect immediately and apply to taxable years  
38 beginning on and after January 1, 2016.