

3745--A

2013-2014 Regular Sessions

I N S E N A T E

February 13, 2013

Introduced by Sens. ADDABBO, AVELLA, PARKER, SAMPSON, TKACZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- 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 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 48 to read as follows:
3 48. 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

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

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1 EXPEDITIONARY MEDAL, NAVY EXPEDITIONARY MEDAL, MARINE CORPS EXPEDITION-
2 ARY MEDAL, OR GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL, AND WHO WAS
3 DISCHARGED OR RELEASED THEREFROM UNDER HONORABLE CONDITIONS.

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

7 (XXXVII) SMALL BUSINESS TAX CREDIT; COSTS UNDER SUBDIVISION
8 UNEMPLOYED VETERAN FORTY-EIGHT OF SECTION
9 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) SMALL BUSINESS TAX CREDIT; UNEMPLOYED VETERANS. (1) GENERAL. A
15 TAXPAYER WHO HAS ONE HUNDRED EMPLOYEES OR LESS, SHALL BE ALLOWED A CRED-
16 IT, TO BE COMPUTED AS PROVIDED IN THIS SUBSECTION, AGAINST THE TAX
17 IMPOSED BY THIS ARTICLE FOR EACH UNEMPLOYED VETERAN HIRED DURING A TAXA-
18 BLE YEAR, PROVIDED THAT SUCH UNEMPLOYED VETERAN IS EMPLOYED FOR THIRTY-
19 FIVE HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER
20 FOR TWELVE MONTHS OR MORE.

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

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

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

35 S 4. This act shall take effect immediately and shall apply to taxable
36 years beginning on or after January 1, 2014.