

984--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. MARTINS -- 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 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:

1 Section 1. Paragraph 1 of subdivision (g) of section 14 of the tax
2 law, as amended by section 1 of part Z-1 of chapter 109 of the laws of
3 2006, is amended to read as follows:
4 (1) The term "employment number" shall mean the average number of
5 individuals, excluding general executive officers (in the case of a
6 corporation), employed full-time by the enterprise for at least one-half
7 of the taxable year. Such number shall be computed by determining the
8 number of such individuals employed by the taxpayer on the thirty-first
9 day of March, the thirtieth day of June, the thirtieth day of September
10 and the thirty-first day of December during the applicable taxable year,
11 adding together the number of such individuals determined to be so
12 employed on each of such dates and dividing the sum so obtained by the
13 number of such dates occurring within such applicable taxable year. Such
14 number shall not include individuals employed within the state within
15 the immediately preceding sixty months by a related person to the QEZE,
16 as such term "related person" is defined in subparagraph (c) of para-
17 graph three of subsection (b) of section four hundred sixty-five of the
18 internal revenue code. For this purpose, a "related person" shall
19 include an entity which would have qualified as a "related person" to

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

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1 the QEZE if it had not been dissolved, liquidated, merged with another
2 entity or otherwise ceased to exist or operate. PROVIDED, HOWEVER, SUCH
3 NUMBER MAY INCLUDE INDIVIDUALS EMPLOYED FULL-TIME OR AS FULL-TIME EQUIV-
4 ALENTS BY A BUSINESS ENTITY OTHER THAN THE QEZE, PROVIDED, (I) SUCH
5 INDIVIDUALS WORK FULL-TIME OR ARE FULL-TIME EQUIVALENTS AT THE QEZE'S
6 EMPIRE ZONE LOCATION PURSUANT TO A WRITTEN AGREEMENT ENTERED INTO FOR
7 MANAGEMENT AND/OR OPERATIONAL SERVICES BETWEEN THE QEZE AND THE BUSINESS
8 ENTITY WHICH EMPLOYS SUCH INDIVIDUALS, (II) THE BUSINESS ENTITY WHICH
9 EMPLOYS SUCH INDIVIDUALS IS NOT CERTIFIED UNDER ARTICLE EIGHTEEN-B OF
10 THE GENERAL MUNICIPAL LAW WITHIN SUCH ZONE, AND (III) ALL OTHER REQUIRE-
11 MENTS OF THIS PARAGRAPH REGARDING SUCH INDIVIDUALS ARE SATISFIED.

12 S 2. This act shall take effect immediately and shall apply to taxable
13 years beginning on or after January 1, 2014.