S T A T E   O F   N E W   Y O R K

4645

2015-2016 Regular Sessions

I N  A S S E M B L Y

February 5, 2015

Introduced by M. of A. CLARK -- Multi-Sponsored by -- M. of A. BRENNAN, ROBINSON -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to authorizing a franchise tax credit for providers of child care services in certain instances

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

Section 1. Section 210-B of the tax law is amended by adding a new subdivision 49 to read as follows:

49. CHILD CARE FACILITY CREDIT. (A) FOR THE PURPOSES OF THIS SUBDIVISION, "CHILD CARE INFORMATION AND REFERRAL PROGRAMS" SHALL BE THOSE SERVICES DEFINED IN SECTION FOUR HUNDRED TEN-Q OF THE SOCIAL SERVICES LAW.

(B) A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE, OF THIRTY PERCENT OF: (1) START UP COSTS INCURRED IN ESTABLISHING A CHILD CARE PROGRAM LICENSED OR REGISTERED IN ACCORDANCE WITH SECTION THREE HUNDRED NINETY OF THE SOCIAL SERVICES LAW OR THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR CONSTRUCTING A CHILD DAY CARE FACILITY TO BE USED BY THE CHILDREN OF THE TAXPAYER'S EMPLOYEES AND (2) CONTRIBUTIONS FOR THE TAXPAYER'S EMPLOYEES TO CHILD CARE INFORMATION AND REFERRAL PROGRAMS.

(C) IN NO EVENT SHALL THE CREDIT HEREIN PROVIDED FOR BE ALLOWED IN AN AMOUNT WHICH WILL REDUCE THE TAX PAYABLE TO LESS THAN THE HIGHER OF THE AMOUNTS PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF SECTION TWO HUNDRED TEN OF THIS ARTICLE. PROVIDED, HOWEVER, THAT IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH YEAR SHALL BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

S 2. Section 1511 of the tax law is amended by adding a new subdivision (h-1) to read as follows:

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

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(H-1) CHILD CARE FACILITY CREDIT. (1) FOR THE PURPOSES OF THIS SUBDIVISION, "CHILD CARE INFORMATION AND REFERRAL PROGRAMS" SHALL BE THOSE SERVICES DEFINED IN SECTION FOUR HUNDRED TEN-Q OF THE SOCIAL SERVICES LAW.

(2) A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE, OF THIRTY PERCENT OF: (A) START UP COSTS INCURRED IN ESTABLISHING A CHILD CARE PROGRAM LICENSED OR REGISTERED IN ACCORDANCE WITH SECTION THREE HUNDRED NINETY OF THE SOCIAL SERVICES LAW OR THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR CONSTRUCTING A CHILD DAY CARE FACILITY TO BE USED BY THE CHILDREN OF THE TAXPAYER'S EMPLOYEES AND (B) CONTRIBUTIONS FOR THE TAXPAYER'S EMPLOYEES TO CHILD CARE INFORMATION AND REFERRAL PROGRAMS.

(3) IN NO EVENT SHALL THE CREDIT HEREIN PROVIDED FOR BE ALLOWED IN AN AMOUNT WHICH WILL REDUCE THE TAX PAYABLE TO LESS THAN THE MINIMUM AMOUNT FIXED BY PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION FIFTEEN HUNDRED TWO OF THIS ARTICLE. PROVIDED, HOWEVER, THAT IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH YEAR SHALL BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

S 3. This act shall take effect January 1, 2016 and shall apply to taxable years commencing on and after such effective date.