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

4093--B

2015-2016 Regular Sessions

I N S E N A T E

February 26, 2015

Introduced by Sens. ADDABBO, COMRIE, DILAN, ESPAILLAT, PARKER, PERKINS -- 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 -- 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 disabled persons

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. SMALL BUSINESS TAX CREDIT; DISABLED PERSONS. (A) GENERAL. A TAXPAYER WHO HAS ONE HUNDRED EMPLOYEES OR LESS, SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBDIVISION, AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR EACH DISABLED PERSON HIRED DURING A TAXABLE YEAR, PROVIDED THAT SUCH DISABLED PERSON IS EMPLOYED FOR THIRTY-FIVE HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR TWELVE MONTHS OR MORE.

(B) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL EQUAL FIVE THOUSAND DOLLARS PER HIRED DISABLED PERSON BUT SHALL NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS.

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

(D) DEFINITIONS. AS USED IN THIS SUBDIVISION, THE TERM "DISABLED PERSON" SHALL MEAN A PERSON WHO SUFFERS FROM ANY PHYSICAL, MENTAL OR

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

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MEDICAL IMPAIRMENT RESULTING FROM ANATOMICAL, PHYSIOLOGICAL, GENETIC OR NEUROLOGICAL CONDITIONS WHICH PREVENTS THE EXERCISE OF A NORMAL BODILY FUNCTION OR IS DEMONSTRABLE BY MEDICALLY ACCEPTED CLINICAL OR LABORATORY DIAGNOSTIC TECHNIQUES.

(E) AGGREGATE AMOUNT. THE AGGREGATE AMOUNT OF TAX CREDITS ALLOWED PURSUANT TO THE AUTHORITY OF THIS SUBDIVISION AND SUBSECTION (CCC) OF SECTION SIX HUNDRED SIX OF THIS CHAPTER SHALL BE FIVE MILLION DOLLARS EACH YEAR. SUCH AGGREGATE AMOUNTS OF CREDITS SHALL BE ALLOCATED BY THE COMMISSIONER. IF THE TOTAL AMOUNT OF ALLOCATED CREDITS APPLIED FOR IN ANY PARTICULAR YEAR EXCEEDS THE AGGREGATE AMOUNT OF TAX CREDITS ALLOWED FOR SUCH YEAR UNDER THIS SECTION, SUCH EXCESS SHALL BE TREATED AS HAVING BEEN APPLIED FOR ON THE FIRST DAY OF THE SUBSEQUENT YEAR.

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

(XLIII) SMALL BUSINESS TAX CREDIT; DISABLED PERSONS UNDER SUBSECTION (CCC)	COSTS UNDER SUBDIVISION FORTY-NINE OF SECTION TWO HUNDRED TEN-B

S 3. Section 606 of the tax law is amended by adding a new subsection (ccc) to read as follows:

(CCC) SMALL BUSINESS TAX CREDIT; DISABLED PERSONS. (1) GENERAL. A TAXPAYER WHO HAS ONE HUNDRED EMPLOYEES OR LESS, SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBSECTION, AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR EACH DISABLED PERSON HIRED DURING A TAXABLE YEAR, PROVIDED THAT SUCH DISABLED PERSON IS EMPLOYED FOR THIRTY-FIVE HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR TWELVE MONTHS OR MORE.

(2) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL EQUAL FIVE THOUSAND DOLLARS PER HIRED DISABLED PERSON BUT SHALL NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS.

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

(4) DEFINITIONS. AS USED IN THIS SUBSECTION, THE TERM "DISABLED PERSON" SHALL MEAN A PERSON WHO SUFFERS FROM ANY PHYSICAL, MENTAL OR MEDICAL IMPAIRMENT RESULTING FROM ANATOMICAL, PHYSIOLOGICAL, GENETIC OR NEUROLOGICAL CONDITIONS WHICH PREVENTS THE EXERCISE OF A NORMAL BODILY FUNCTION OR IS DEMONSTRABLE BY MEDICALLY ACCEPTED CLINICAL OR LABORATORY DIAGNOSTIC TECHNIQUES.

(5) AGGREGATE AMOUNT. THE AGGREGATE AMOUNT OF TAX CREDITS ALLOWED PURSUANT TO THE AUTHORITY OF THIS SUBSECTION AND SUBDIVISION FORTY-NINE OF SECTION TWO HUNDRED TEN-B OF THIS CHAPTER SHALL BE FIVE MILLION DOLLARS EACH YEAR. SUCH AGGREGATE AMOUNTS OF CREDITS SHALL BE ALLOCATED BY THE COMMISSIONER. IF THE TOTAL AMOUNT OF ALLOCATED CREDITS APPLIED FOR IN ANY PARTICULAR YEAR EXCEEDS THE AGGREGATE AMOUNT OF TAX CREDITS ALLOWED FOR SUCH YEAR UNDER THIS SECTION, SUCH EXCESS SHALL BE TREATED AS HAVING BEEN APPLIED FOR ON THE FIRST DAY OF THE SUBSEQUENT YEAR.

S 4. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2017.