

1249

2015-2016 Regular Sessions

I N A S S E M B L Y

January 8, 2015

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

AN ACT to amend the tax law, in relation to providing certain benefits
to veterans

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

1 Section 1. The tax law is amended by adding a new section 42 to read
2 as follows:
3 S 42. NATIONAL GUARD AND RESERVIST COMPENSATION TAX CREDIT. (A) ALLOW-
4 ANCE OF CREDIT. A TAXPAYER SUBJECT TO TAX UNDER ARTICLE NINE, NINE-A,
5 TWENTY-TWO OR THIRTY-THREE OF THIS CHAPTER SHALL BE ALLOWED A CREDIT
6 AGAINST SUCH TAX IN AN AMOUNT EQUAL TO ANY COMPENSATION WHICH IS PAID TO
7 AN EMPLOYEE WHO IS A MEMBER OF THE ORGANIZED MILITIA OR OF RESERVE FORC-
8 ES OR RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES WHILE
9 SUCH EMPLOYEE IS ON ACTIVE DUTY AS SUCH TERM IS DEFINED IN THE MILITARY
10 LAW.
11 (B) A TAXPAYER WISHING TO CLAIM A CREDIT UNDER THIS SECTION SHALL
12 ANNUALLY CERTIFY TO THE COMMISSIONER, ON FORMS SUPPLIED BY THE COMMIS-
13 SIONER, AMOUNTS PAID TO ELIGIBLE EMPLOYEES SERVING ON ACTIVE DUTY.
14 (C) CROSS-REFERENCES. FOR APPLICATION OF THE CREDIT PROVIDED FOR IN
15 THIS SECTION, SEE THE FOLLOWING PROVISIONS OF THIS CHAPTER:
16 (1) ARTICLE 9: SECTION 187-T.
17 (2) ARTICLE 9-A: SECTION 210-B: SUBDIVISION 49.
18 (3) ARTICLE 22: SECTION 606: SUBSECTION (CCC).
19 (4) ARTICLE 33: SECTION 1511: SUBDIVISION (A-1).
20 S 2. The tax law is amended by adding a new section 187-t to read as
21 follows:
22 S 187-T. NATIONAL GUARD AND RESERVIST COMPENSATION TAX CREDIT. 1.
23 ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE
24 COMPUTED AS PROVIDED IN SUBDIVISION (A) OF SECTION FORTY-TWO OF THIS
25 CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

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

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1 2. APPLICATION OF CREDIT. IN NO EVENT SHALL THE CREDIT UNDER THIS
2 SECTION BE ALLOWED IN AN AMOUNT WHICH WILL REDUCE THE TAX PAYABLE TO
3 LESS THAN THE FIXED DOLLAR MINIMUM PRESCRIBED IN PARAGRAPH (D) OF SUBDI-
4 VISION ONE OF SECTION TWO HUNDRED TEN OF ARTICLE 9-A. IF, HOWEVER, THE
5 AMOUNT OF CREDIT ALLOWABLE UNDER THIS SECTION FOR ANY TAXABLE YEAR
6 REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN
7 SUCH TAXABLE YEAR SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE
8 REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND
9 EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF
10 SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER
11 NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

12 S 3. Section 210-B of the tax law is amended by adding a new subdivi-
13 sion 49 to read as follows:

14 49. NATIONAL GUARD AND RESERVIST COMPENSATION TAX CREDIT. (A) ALLOW-
15 ANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS
16 PROVIDED IN SECTION FORTY-TWO OF THIS CHAPTER, AGAINST THE TAX IMPOSED
17 BY THIS ARTICLE.

18 (B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION
19 FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS
20 THAN THE HIGHER AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF
21 SECTION TWO HUNDRED TEN OF THIS ARTICLE. HOWEVER, IF THE AMOUNT OF
22 CREDITS ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE
23 TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH
24 TAXABLE YEAR SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR
25 REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND
26 EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF
27 SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER
28 NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

29 S 4. Section 606 of the tax law is amended by adding a new subsection
30 (ccc) to read as follows:

31 (CCC) NATIONAL GUARD AND RESERVIST COMPENSATION TAX CREDIT. (1) ALLOW-
32 ANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS
33 PROVIDED IN SECTION FORTY-TWO OF THIS CHAPTER, AGAINST THE TAX IMPOSED
34 BY THIS ARTICLE.

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

41 S 5. Section 1511 of the tax law is amended by adding a new subdivi-
42 sion (a-1) to read as follows:

43 (A-1) NATIONAL GUARD AND RESERVIST COMPENSATION TAX CREDIT. (1) ALLOW-
44 ANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS
45 PROVIDED IN SECTION FORTY-TWO OF THIS CHAPTER, AGAINST THE TAX IMPOSED
46 BY THIS ARTICLE.

47 (2) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION
48 FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS
49 THAN THE MINIMUM FIXED BY PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION
50 FIFTEEN HUNDRED TWO OR SECTION FIFTEEN HUNDRED TWO-A OF THIS ARTICLE.
51 HOWEVER, IF THE AMOUNT OF CREDITS ALLOWED UNDER THIS SUBDIVISION FOR ANY
52 TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS
53 NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREATED AS AN OVERPAYMENT
54 OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF
55 SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE

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

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

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| 6 (XLI) CREDIT FOR NATIONAL | AMOUNT OF CREDIT UNDER |
| 7 GUARD AND RESERVIST | SUBDIVISION FORTY-NINE OF |
| 8 COMPENSATION UNDER | SECTION TWO HUNDRED TEN-B |
| 9 SUBSECTION (CCC) | |

10 S 7. This act shall take effect immediately and shall apply to taxable
11 years beginning on or after January 1, 2015.