

4645

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 5, 2015

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 210-B of the tax law is amended by adding a new  
2     subdivision 49 to read as follows:  
3     49. CHILD CARE FACILITY CREDIT. (A) FOR THE PURPOSES OF THIS SUBDIVI-  
4     SION, "CHILD CARE INFORMATION AND REFERRAL PROGRAMS" SHALL BE THOSE  
5     SERVICES DEFINED IN SECTION FOUR HUNDRED TEN-Q OF THE SOCIAL SERVICES  
6     LAW.  
7     (B) A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY  
8     THIS ARTICLE, OF THIRTY PERCENT OF: (1) START UP COSTS INCURRED IN  
9     ESTABLISHING A CHILD CARE PROGRAM LICENSED OR REGISTERED IN ACCORDANCE  
10    WITH SECTION THREE HUNDRED NINETY OF THE SOCIAL SERVICES LAW OR THE  
11    ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR CONSTRUCTING A CHILD DAY  
12    CARE FACILITY TO BE USED BY THE CHILDREN OF THE TAXPAYER'S EMPLOYEES AND  
13    (2) CONTRIBUTIONS FOR THE TAXPAYER'S EMPLOYEES TO CHILD CARE INFORMATION  
14    AND REFERRAL PROGRAMS.  
15    (C) IN NO EVENT SHALL THE CREDIT HEREIN PROVIDED FOR BE ALLOWED IN AN  
16    AMOUNT WHICH WILL REDUCE THE TAX PAYABLE TO LESS THAN THE HIGHER OF THE  
17    AMOUNTS PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF  
18    SECTION TWO HUNDRED TEN OF THIS ARTICLE. PROVIDED, HOWEVER, THAT IF THE  
19    AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR  
20    REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN  
21    SUCH YEAR SHALL BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY  
22    BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.  
23    S 2. Section 1511 of the tax law is amended by adding a new subdivi-  
24    sion (h-1) to read as follows:

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

LBD08586-01-5

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

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

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

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