

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:

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. SMALL BUSINESS TAX CREDIT; DISABLED PERSONS. (A) GENERAL. A
4 TAXPAYER WHO HAS ONE HUNDRED EMPLOYEES OR LESS, SHALL BE ALLOWED A CRED-
5 IT, TO BE COMPUTED AS PROVIDED IN THIS SUBDIVISION, AGAINST THE TAX
6 IMPOSED BY THIS ARTICLE FOR EACH DISABLED PERSON HIRED DURING A TAXABLE
7 YEAR, PROVIDED THAT SUCH DISABLED PERSON IS EMPLOYED FOR THIRTY-FIVE
8 HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR
9 TWELVE MONTHS OR MORE.
10 (B) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL EQUAL
11 FIVE THOUSAND DOLLARS PER HIRED DISABLED PERSON BUT SHALL NOT EXCEED
12 TWENTY-FIVE THOUSAND DOLLARS.
13 (C) CARRYOVERS. THE CREDIT ALLOWED UNDER THIS SUBDIVISION MAY BE
14 CLAIMED AND IF NOT FULLY USED IN THE INITIAL YEAR FOR WHICH THE CREDIT
15 IS CLAIMED MAY BE CARRIED OVER, IN ORDER, TO EACH OF THE FIVE SUCCEEDING
16 TAXABLE YEARS. THE CREDIT AUTHORIZED BY THIS SUBDIVISION MAY NOT BE USED
17 TO REDUCE THE TAX LIABILITY OF THE CREDIT CLAIMANT BELOW ZERO.
18 (D) DEFINITIONS. AS USED IN THIS SUBDIVISION, THE TERM "DISABLED
19 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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1 MEDICAL IMPAIRMENT RESULTING FROM ANATOMICAL, PHYSIOLOGICAL, GENETIC OR
2 NEUROLOGICAL CONDITIONS WHICH PREVENTS THE EXERCISE OF A NORMAL BODILY
3 FUNCTION OR IS DEMONSTRABLE BY MEDICALLY ACCEPTED CLINICAL OR LABORATORY
4 DIAGNOSTIC TECHNIQUES.

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

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

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

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

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

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

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

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

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

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