STATE OF NEW YORK

2669

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

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

AN ACT to amend the tax law, in relation to creating a wage tax credit for employers who employ New York national guard men and women and reservists

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 55 to read as follows:

55. Employment of New York national guard and reserve members wage tax credit. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in paragraph (b) of this subdivision, against the tax imposed by this article, if it employs members of the New York national guard and reserves. Provided, however, such taxpayer shall comply with the Uniformed Services Employment and Reemployment Rights Act, as found in section 4301 et seq. of title 18 of the United States Code.

(b) Amount of credit. The credit allowed pursuant to paragraph (a) of this subdivision shall be in an amount equal to fifteen hundred dollars for each national guard or reserve member employed by such employer and twenty-five hundred dollars for each national guard or reserve member employed by such employer who has completed or returned from a deployment or activation. Provided, however, that no such credit allowed under this subdivision shall exceed two thousand five hundred dollars for each national guard or reserve member employed by such employer.

(c) Application of credit. The credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. If, however, the amount of credits allowed under this subdivision for any taxable year reduces the tax to such amount, any amount of credit thus not deductible in such

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

LBD04566-01-1

taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Provided, however, the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest shall be paid thereon.

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

(xlvi) Employment of New York national guard and reserve members credit under subsection (jjj)	Amount of credit under subdivision fifty-five of section two hundred ten-B

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

(kkk) Employment of New York national guard and reserve members wage tax credit. (1) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in paragraph two of this subsection, against the tax imposed by this article if they employ members of the New York national guard and reserve. Provided, however, they shall comply with the Uniformed Services Employment and Reemployment Rights Act, as found in section 4301 et seq. of title 18 of the United States Code.

(2) Amount of credit. The credit allowed pursuant to paragraph one of this subsection shall be in an amount equal to one thousand five hundred dollars for each national guard or reserve member employed by such employer and two thousand five hundred dollars for each national guard or reserve member employed by such employer who has completed or returned from a deployment or activation. Provided, however, that no such credit allowed under this subsection shall exceed two thousand five hundred dollars for each national guard or reserve member employed by such employer.

(3) Application of credit. If the amount of the credit allowed under this subsection for any taxable year shall exceed the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon.

§ 4. This act shall take effect immediately and apply to taxable years beginning on and after January 1, 2024.