

STATE OF NEW YORK

8463

IN SENATE

March 3, 2022

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to establishing a work opportunity tax credit

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The tax law is amended by adding a new section 47 to read
2 as follows:

3 § 47. Work opportunity tax credit. (a) General. A taxpayer subject to
4 tax under article nine-A, twenty-two, or thirty-three of this chapter
5 shall be allowed a credit against tax in an amount equal to one hundred
6 percent of the credit allowed to the taxpayer under section 51 of the
7 internal revenue code that is attributable to qualified wages paid to a
8 New York resident who is a member of a targeted group and for whom a
9 certificate to that effect has been issued by the department of labor.

10 (b) Definitions. The terms "qualified wages" and "targeted group"
11 shall have the same meanings as in section 51 of the internal revenue
12 code.

13 (c) Cross-references. For application of the credit provided for in
14 this section, see the following provisions of this chapter:

15 (1) article 9-A: section 210-B, subdivision 58;

16 (2) article 22: section 606(i), subsections (i) and (nnn);

17 (3) article 33: section 1511, subdivision (ee).

18 § 2. Section 210-B of the tax law is amended by adding a new subdivi-
19 sion 58 to read as follows:

20 58. Work opportunity tax credit. (a) Allowance of credit. A taxpayer
21 shall be allowed a credit, to be computed as provided in section forty-
22 seven of this chapter, against the tax imposed by this article.

23 (b) Application of credit. The credit allowed under this subdivision
24 for any taxable year may not reduce the tax due for such year to less
25 than the amount prescribed in paragraph (d) of subdivision one of
26 section two hundred ten of this article. However, if the amount of the
27 credit allowed under this subdivision for any taxable year reduces the

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

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1 tax to such amount or if the taxpayer otherwise pays tax based on the
2 fixed dollar minimum amount, any amount of credit thus not deductible in
3 such taxable year will be treated as an overpayment of tax to be credit-
4 ed or refunded in accordance with the provisions of section one thousand
5 eighty-six of this chapter. Provided, however, the provisions of
6 subsection (c) of section one thousand eighty-eight of this chapter
7 notwithstanding, no interest shall be paid thereon.

8 § 3. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
9 of the tax law is amended by adding a new clause (xl ix) to read as
10 follows:

11 <u>(xl ix) Work opportunity tax</u>	<u>Amount of credit under subdivision</u>
12 <u>credit (nnn).</u>	<u>fifty-eight of section two hundred</u>
13	<u>ten-B</u>

14 § 4. Section 606 of the tax law is amended by adding a new subsection
15 (nnn) to read as follows:

16 (nnn) Work opportunity tax credit. (1) Allowance of credit. A taxpayer
17 shall be allowed a credit, to be computed as provided in section forty-
18 seven of this chapter, against the tax imposed by this article.

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

25 § 5. Section 1511 of the tax law is amended by adding a new subdivi-
26 sion (ee) to read as follows:

27 (ee) Work opportunity tax credit. (1) Allowance of credit. A taxpayer
28 shall be allowed a credit, to be computed as provided in section forty-
29 seven of this chapter, against the tax imposed by this article.

30 (2) Application of credit. The credit allowed under this subdivision
31 shall not reduce the tax due for such year to be less than the minimum
32 fixed by paragraph four of subdivision (a) of section fifteen hundred
33 two or section fifteen hundred two-a of this article, whichever is
34 applicable. However, if the amount of the credit allowed under this
35 subdivision for any taxable year reduces the taxpayer's tax to such
36 amount, any amount of credit thus not deductible will be treated as an
37 overpayment of tax to be credited or refunded in accordance with the
38 provisions of section one thousand eighty-six of this chapter. Provided,
39 however, the provisions of subsection (c) of one thousand eighty-eight
40 of this chapter notwithstanding, no interest shall be paid thereon.

41 § 6. This act shall take effect immediately and shall apply to taxable
42 years beginning on or after January 1, 2023.