

# STATE OF NEW YORK

9257

## IN ASSEMBLY

February 22, 2024

Introduced by M. of A. RA, JENSEN, GANDOLFO, MAHER, SLATER -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to increasing the applicable percentage of the child tax credit allowed in the empire state child tax credit to forty-five percent

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

1 Section 1. Paragraph 1 of subsection (c-1) of section 606 of the tax  
2 law, as amended by section 1 of part HH of chapter 56 of the laws of  
3 2023, is amended to read as follows:

4 (1) A resident taxpayer shall be allowed a credit as provided herein  
5 equal to the greater of one hundred dollars times the number of qualify-  
6 ing children of the taxpayer or the applicable percentage of the child  
7 tax credit allowed the taxpayer under section twenty-four of the inter-  
8 nal revenue code for the same taxable year for each qualifying child.  
9 Provided, however, in the case of a taxpayer whose federal adjusted  
10 gross income exceeds the applicable threshold amount set forth by  
11 section 24(b)(2) of the Internal Revenue Code, the credit shall only be  
12 equal to the applicable percentage of the child tax credit allowed the  
13 taxpayer under section [~~24~~] twenty-four of the Internal Revenue Code for  
14 each qualifying child. For the purposes of this subsection, a qualifying  
15 child shall be a child who meets the definition of qualified child under  
16 section 24(c) of the internal revenue code. The applicable percentage  
17 shall be [~~thirty-three~~] forty-five percent. For purposes of this  
18 subsection, any reference to section [~~24~~] twenty-four of the Internal  
19 Revenue Code shall be a reference to such section as it existed imme-  
20 diately prior to the enactment of Public Law 115-97.

21 § 2. Subsection (c-1) of section 606 of the tax law is amended by  
22 adding a new paragraph 5 to read as follows:

23 (5) For taxable years beginning on or after January first, two thou-  
24 sand twenty-four, an empire state child credit pursuant to this  
25 subsection may, at the election of the taxpayer in a form and manner to  
26 be prescribed by the commissioner, be paid to the taxpayer as follows:  
27 (i) for amounts equal to or less than two hundred dollars, the payment

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

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1 or refund shall be made in a lump sum; (ii) for amounts in excess of two  
2 hundred dollars and less than two thousand four hundred dollars, the  
3 payment or refund shall equal three quarterly checks each equal to twen-  
4 ty-five percent of the taxpayer's anticipated credit amount, and the  
5 remaining balance of such payment or refund shall be included in any  
6 final refund owed to the taxpayer following the completion of the  
7 taxpayer's tax return; and (iii) for amounts equal to or greater than  
8 two thousand four hundred dollars, the payment or refund shall be paid  
9 in equal monthly payments equal to the total amount thereof divided by  
10 twelve.

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