

STATE OF NEW YORK

6685

2017-2018 Regular Sessions

IN ASSEMBLY

March 15, 2017

Introduced by M. of A. CRESPO -- Multi-Sponsored by -- M. of A. MOYA, RAMOS, RIVERA, RODRIGUEZ -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing a hire-now 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 43 to read
2 as follows:

3 § 43. Hire-Now tax credit. (a) Allowance of credit. A taxpayer, which
4 is subject to tax under article nine-A or twenty-two of this chapter and
5 which creates a new job, shall be allowed a credit against such tax. The
6 amount of the credit allowed under this section shall be equal to the
7 product of 6.85 percent and the gross wages paid for each new employee.
8 The credit shall not be more than five thousand dollars for any new
9 employee for one full year of employment; if a new employee has been
10 hired for less than a full tax year this amount shall be prorated and
11 apportioned to each tax year but shall in no way decrease the full three
12 consecutive years of credit eligibility. The taxpayer may claim this
13 credit for each new employee for a period of three consecutive years of
14 employment. The taxpayer may offset quarterly estimated tax returns
15 with the amount of this credit earned in any previous quarter.

16 (b) Unemployment enhancement. For calendar years two thousand seven-
17 teen and two thousand eighteen if a new employee was receiving unemploy-
18 ment insurance benefits at the time of hire, an additional three thou-
19 sand dollar credit will be allowed for the first full year of
20 employment.

21 (c) Definitions. As used in this section, the following terms shall
22 have the following meanings:

23 (1) "New employee" shall mean any full time employee that is hired by
24 the taxpayer after July first, two thousand seventeen and before April

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

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1 first, two thousand eighteen, that causes the total number of employees
2 to increase above base employment or credit employment, whichever is
3 higher.

4 (2) "Base year" shall mean calendar year two thousand fifteen.

5 (3) "Base employment" shall mean the average number of full time
6 employees or full time equivalent employees during the base year. For a
7 new business, base employment shall begin at zero.

8 (4) "Credit employment" shall mean base employment plus the number of
9 new employees for which a credit is earned for the prior tax years.

10 (d) Replacement employees. If a new employee for which a credit was
11 earned leaves the payroll and an employee is hired which brings total
12 employment above base employment but at or below credit employment
13 level, the credit eligibility period for such employee shall be three
14 years minus the amount of time (rounded to the next full month) the
15 employer received the credit for the departing employee.

16 (e) No credit shall be allowed under this section to a taxpayer for
17 any new employee if the taxpayer claims any other credit under this
18 article for such new employee where the basis of such other credit is an
19 increase in employment.

20 § 2. Section 210-B of the tax law is amended by adding a new subdivi-
21 sion 49 to read as follows:

22 49. Hire-Now tax credit. (a) Allowance of credit. A taxpayer will be
23 allowed a credit, to be computed as provided in section forty-two of
24 this chapter, against the tax imposed by this article.

25 (b) Application of credit. The credit allowed under this subdivision
26 for any taxable year may not reduce the tax due for such year to less
27 than the higher of the amounts prescribed in paragraph (d) of subdivi-
28 sion one of section two hundred ten of this article. However, if the
29 amount of credit allowed under this subdivision for any taxable year
30 reduces the tax to such amount, any amount of credit thus not deductible
31 in such taxable year will be treated as an overpayment of tax to be
32 credited or refunded in accordance with the provisions of section one
33 thousand eighty-six of this chapter. Provided, however, the provisions
34 of subsection (c) of section one thousand eighty-eight of this chapter
35 notwithstanding, no interest will be paid thereon.

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

38 (ccc) Hire-Now tax credit. (1) A taxpayer will be allowed a credit, to
39 the extent allowed under section forty-three of this chapter, against
40 the tax imposed by this article.

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

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

50 <u>(xliii) Hire-Now tax credit</u>	<u>Amount of credit under</u>
51 <u>under subsection (ccc)</u>	<u>subdivision forty-nine of section</u>
52	<u>two hundred ten-B</u>

53 § 5. This act shall take effect immediately.