

# STATE OF NEW YORK

6793--A

2017-2018 Regular Sessions

## IN SENATE

June 18, 2017

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- 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

AN ACT to amend the tax law, in relation to minimum wage reimbursement credit

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

1 Section 1. Section 38 of the tax law, as added by section 1 of part EE  
2 of chapter 59 of the laws of 2013, is renumbered section 44 and subdivi-  
3 sions (b) and (c) are amended to read as follows:

4 (b) An eligible employer is a corporation (including a New York S  
5 corporation), a sole proprietorship, a limited liability company or a  
6 partnership. [~~Am~~] For taxable years beginning on and after January  
7 first, two thousand fourteen and before January first, two thousand  
8 eighteen, an eligible employee is an individual who is (i) employed by  
9 an eligible employer in New York state, (ii) paid at the minimum wage  
10 rate as defined in article nineteen of the labor law during the taxable  
11 year by the eligible employer, (iii) between the ages of sixteen and  
12 nineteen during the period in which he or she is paid at such minimum  
13 wage rate by the eligible employer, and (iv) a student during the period  
14 in which he or she is paid at such minimum wage rate by the taxpayer.  
15 For taxable years beginning on and after January first, two thousand  
16 eighteen, an eligible employee is an individual who is (i) employed by  
17 an eligible employer in New York state, (ii) paid at a rate that does  
18 not exceed the minimum wage rate as defined in article nineteen of the  
19 labor law plus fifty cents during the taxable year by the eligible  
20 employer, (iii) between the ages of sixteen and nineteen during the  
21 period in which he or she is paid at such rate that does not exceed such  
22 minimum wage rate plus fifty cents by the eligible employer, and (iv) a

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

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student during the period in which he or she is paid at such rate that does not exceed such minimum wage rate plus fifty cents by the taxpayer.

(c) For taxable years beginning on or after January first, two thousand fourteen and before January first, two thousand fifteen, the amount of the credit allowed under this section shall be equal to the product of the total number of hours worked during the taxable year by eligible employees for which they were paid at the minimum wage rate as defined

in article nineteen of the labor law and [~~seventy-five~~] seventy-five

cents. For taxable years beginning on or after January first, two thousand

fifteen and before January first, two thousand sixteen, the amount

of the credit allowed under this section shall be equal to the product

of the total number of hours during the taxable year worked by eligible

employees for which they were paid at such minimum wage rate and one

dollar and thirty-one cents. For taxable years beginning on or after

January first, two thousand sixteen and before January first, two thousand

sand [~~nineteen~~] eighteen, the amount of the credit allowed under this

section shall be equal to the product of the total number of hours

during the taxable year worked by eligible employees for which they were

paid at such minimum wage rate and one dollar and thirty-five cents. For

taxable years beginning on or after January first, two thousand eighteen

and before January first, two thousand twenty-one, the amount of the

credit allowed under this section shall be equal to the product of the

total number of hours during the taxable year worked by eligible employ-

ees for which they were paid at a rate that does not exceed such minimum

wage rate plus fifty cents and one dollar and thirty-five cents.

Provided, however, if the federal minimum wage established by federal

law pursuant to 29 U.S.C. section 206 or its successors is increased

above eighty-five percent of the minimum wage in article nineteen of the

labor law, the dollar amounts in this subdivision shall be reduced to

the difference between the minimum wage in article nineteen of the labor

law and the federal minimum wage. Such reduction would take effect on

the date that employers are required to pay such federal minimum wage.

§ 2. This act shall take effect immediately and shall apply to taxable

years beginning on and after January 1, 2018.