

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

3 (c) For taxable years beginning on or after January first, two thou-
4 sand fourteen and before January first, two thousand fifteen, the amount
5 of the credit allowed under this section shall be equal to the product
6 of the total number of hours worked during the taxable year by eligible
7 employees for which they were paid at the minimum wage rate as defined
8 in article nineteen of the labor law and [~~seventy-five~~] seventy-five

9 cents. For taxable years beginning on or after January first, two thou-
10 sand fifteen and before January first, two thousand sixteen, the amount
11 of the credit allowed under this section shall be equal to the product
12 of the total number of hours during the taxable year worked by eligible
13 employees for which they were paid at such minimum wage rate and one
14 dollar and thirty-one cents. For taxable years beginning on or after

15 January first, two thousand sixteen and before January first, two thou-
16 sand [~~nineteen~~] eighteen, the amount of the credit allowed under this
17 section shall be equal to the product of the total number of hours
18 during the taxable year worked by eligible employees for which they were
19 paid at such minimum wage rate and one dollar and thirty-five cents. For

20 taxable years beginning on or after January first, two thousand eighteen
21 and before January first, two thousand twenty-one, the amount of the
22 credit allowed under this section shall be equal to the product of the
23 total number of hours during the taxable year worked by eligible employ-
24 ees for which they were paid at a rate that does not exceed such minimum
25 wage rate plus fifty cents and one dollar and thirty-five cents.

26 Provided, however, if the federal minimum wage established by federal
27 law pursuant to 29 U.S.C. section 206 or its successors is increased
28 above eighty-five percent of the minimum wage in article nineteen of the
29 labor law, the dollar amounts in this subdivision shall be reduced to
30 the difference between the minimum wage in article nineteen of the labor
31 law and the federal minimum wage. Such reduction would take effect on
32 the date that employers are required to pay such federal minimum wage.

33 § 2. This act shall take effect immediately and shall apply to taxable
34 years beginning on and after January 1, 2018.