

# STATE OF NEW YORK

7384

## IN SENATE

January 11, 2018

Introduced by Sen. LITTLE -- 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 a credit for employment of persons who are in recovery with an office of alcoholism and substance abuse services approved rehabilitation center

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 187-t to  
2 read as follows:

3 § 187-t. Credit for employment of persons who are in recovery with an  
4 office of alcoholism and substance abuse services approved rehabili-  
5 tation center. 1. Allowance of credit. A taxpayer shall be allowed a  
6 credit, to be computed as hereinafter provided, against the taxes  
7 imposed by this article, other than the taxes imposed by sections one  
8 hundred eighty-six-a and one hundred eighty-six-e of this article, for  
9 employing within the state a qualified employee. Provided, however, the  
10 amount of credit allowed by this section against the tax imposed by  
11 section one hundred eighty-four of this article shall be the excess of  
12 the credit computed under this section over the amount of credit allowed  
13 by this section against the tax imposed by section one hundred eighty-  
14 three of this article.

15 2. Qualified employee. A qualified employee is an individual who:

16 (a) is in recovery with an office of alcoholism and substance abuse  
17 services approved rehabilitation center; and

18 (b) has worked on a full-time basis for the employer who is claiming  
19 the credit for at least one hundred eighty days or four hundred hours.

20 3. Amount of credit. Except as provided in subdivision four of this  
21 section, the amount of credit under this section shall be thirty-five  
22 percent of the first six thousand dollars in qualified first-year wages  
23 earned by each qualified employee. "Qualified first-year wages" means  
24 wages paid or incurred by the taxpayer during the taxable year to quali-  
25 fied employees which are attributable, with respect to any such employ-

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

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1 ee, to services rendered during the one-year period beginning with the  
2 day the employee begins work for the taxpayer.

3 4. Credit where federal work opportunity tax credit applies. With  
4 respect to any qualified employee whose qualified first-year wages under  
5 subdivision three of this section also constitute qualified first-year  
6 wages for purposes of the work opportunity tax credit for vocational  
7 rehabilitation referrals under section fifty-one of the internal revenue  
8 code, the amount of credit under this section shall be thirty-five  
9 percent of the first six thousand dollars in qualified second-year wages  
10 earned by each such employee. "Qualified second-year wages" means wages  
11 paid or incurred by the taxpayer during the taxable year to qualified  
12 employees which are attributable, with respect to any such employee, to  
13 services rendered during the one-year period beginning one year after  
14 the employee begins work for the taxpayer.

15 5. Carryover. In no event shall the credit under this section be  
16 allowed in an amount which will reduce the tax payable to less than the  
17 applicable minimum tax fixed by section one hundred eighty-three or one  
18 hundred eighty-five of this article. If, however, the amount of credit  
19 allowable under this section for any taxable year reduces the tax to  
20 such amount, any amount of credit not deductible in such taxable year  
21 may be carried over to the following year or years and may be deducted  
22 from the taxpayer's tax for such year or years.

23 6. Coordination with federal work opportunity tax credit. The  
24 provisions of sections fifty-one and fifty-two of the internal revenue  
25 code, as such sections applied on October first, nineteen hundred nine-  
26 ty-six, that apply to the work opportunity tax credit for vocational  
27 rehabilitation referrals shall apply to the credit under this section to  
28 the extent that such sections are consistent with the specific  
29 provisions of this section, provided that in the event of a conflict the  
30 provisions of this section shall control.

31 § 2. This act shall take effect immediately, and shall apply to taxa-  
32 ble years beginning on and after January 1, 2018.