

STATE OF NEW YORK

3783--A

2017-2018 Regular Sessions

IN SENATE

January 27, 2017

Introduced by Sens. RANZENHOFER, FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- 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 a jobs development incentive income tax credit available to employers who employ individuals previously receiving unemployment benefits

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

Section 1. Section 210-B of the tax law is amended by adding a new subdivision 53 to read as follows:

53. Jobs development incentive tax credit. (a) A taxpayer shall be allowed a credit, to be computed as hereinafter provided, against the tax imposed by this article in the amount prescribed by this subdivision where such taxpayer employs one or more creditable employee.

(b) The amount of the credit shall be two thousand four hundred dollars for each creditable employee.

(c) For the purposes of this subdivision, "creditable employee" shall mean a new employee of an employer who:

(i) is employed by the employer for the first time on or after the effective date of this subdivision;

(ii) has filed a claim for unemployment compensation in this state;

(iii) has received unemployment benefits in this state for at least two months;

(iv) is currently receiving unemployment compensation benefits as of the date of employment; and

(v) such benefits are chargeable to the experience rating account of an employer under this article; or

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

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1 (vi) has successfully completed a training program pursuant to section
2 five hundred ninety-nine of the labor law; and

3 (vii) performs services in accordance with subdivision one, two or
4 four of section five hundred eleven of the labor law;

5 (viii) remains employed by the employer for at least twenty-four
6 consecutive months; and

7 (ix) during the entire period such employment shall consist of at
8 least thirty hours per week.

9 (d) For the purposes of this section the following terms shall have
10 the following meanings:

11 (i) "new employee" shall mean any full time employee that causes the
12 total number of employees to increase above base employment or credit
13 employment, whichever is higher.

14 (ii) "base year" shall mean calendar year two thousand seventeen.

15 (iii) "base employment" shall mean the average number of full-time
16 employees or full-time equivalent employees during the base year. For a
17 new business, base employment shall begin at zero.

18 (iv) "credit employment" shall mean base employment plus the number of
19 new employees for which a credit is earned.

20 (e) An employer who has one or more creditable employees shall be
21 eligible to apply for and receive the credit established in this subdi-
22 vision. Eligibility for the credit shall be established as of the time
23 the creditable employee completes twenty-four consecutive months of
24 employment, and the credit shall be claimed for the taxable year in
25 which the twenty-fourth month of such employment is completed.

26 (f) In no event shall the total amount of any tax credit under this
27 subdivision for a taxable year exceed the taxpayer's income tax liabil-
28 ity. Any unused tax credit shall be allowed to be carried forward to
29 apply to the taxpayer's succeeding five years' tax liability. No such
30 tax credit shall be allowed the taxpayer against prior years' tax
31 liability.

32 (g) The credit shall be claimed and granted in such manner as shall be
33 specified by rules adopted by the commissioner.

34 § 2. Section 606 of the tax law is amended by adding a new subsection
35 (ccc) to read as follows:

36 (ccc) Jobs development incentive tax credit. (1) A taxpayer shall be
37 allowed a credit, to be computed as hereinafter provided, against the
38 tax imposed by this article in the amount prescribed by this subsection
39 where such taxpayer employs one or more creditable employee.

40 (2) The amount of the credit shall be two thousand four hundred
41 dollars for each creditable employee.

42 (3) For the purposes of this subsection, "creditable employee" shall
43 mean a new employee of an employer who:

44 (A) is employed by the employer for the first time on or after the
45 effective date of this subsection;

46 (B) has filed a claim for unemployment compensation in this state;

47 (C) has received unemployment benefits in this state for at least two
48 months;

49 (D) is currently receiving unemployment compensation benefits as of
50 the date of employment; and

51 (E) such benefits are chargeable to the experience rating account of
52 an employer under this article; or

53 (F) has successfully completed a training program pursuant to section
54 five hundred ninety-nine of the labor law; and

55 (G) performs services in accordance with subdivision one, two or four
56 of section five hundred eleven of the labor law;

1 (H) remains employed by the employer for at least twenty-four consec-
2 utive months; and

3 (I) during the entire period such employment shall consist of at least
4 thirty hours per week.

5 (4) For the purposes of this subsection the following terms shall have
6 the following meanings:

7 (A) "new employee" shall mean any full time employee that causes the
8 total number of employees to increase above base employment or credit
9 employment, whichever is higher.

10 (B) "base year" shall mean calendar year two thousand seventeen.

11 (C) "base employment" shall mean the average number of full time
12 employees or full time equivalent employees during the base year. For a
13 new business, base employment shall begin at zero.

14 (D) "credit employment" shall mean base employment plus the number of
15 new employees for which a credit is earned.

16 (5) An employer who has one or more creditable employees shall be
17 eligible to apply for and receive the credit established in this
18 subsection. Eligibility for the credit shall be established as of the
19 time the creditable employee completes twenty-four consecutive months of
20 employment, and the credit shall be claimed for the taxable year in
21 which the twenty-fourth month of such employment is completed.

22 (6) In no event shall the total amount of any tax credit under this
23 subsection for a taxable year exceed the taxpayer's income tax liabil-
24 ity. Any unused tax credit shall be allowed to be carried forward to
25 apply to the taxpayer's succeeding five years' tax liability. No such
26 tax credit shall be allowed the taxpayer against prior years' tax
27 liability.

28 (7) The credit shall be claimed and granted in such manner as shall be
29 specified by rules adopted by the commissioner.

30 § 3. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
31 of the tax law is amended by adding a new clause (xliv) to read as
32 follows:

33 <u>(xliv) Jobs development incentive</u>	<u>Amount of credit under</u>
34 <u>tax credit under subsection (ccc)</u>	<u>subdivision fifty-three of section</u>
35	<u>two hundred ten-B of this chapter</u>

36 § 4. This act shall take effect immediately.