

# STATE OF NEW YORK

6793

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

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. An eligible employee is an individual who is (i) employed  
7 by an eligible employer in New York state, (ii) paid [~~at~~] a maximum of  
8 \$0.5 over the minimum wage rate as defined in article nineteen of the  
9 labor law during the taxable year by the eligible employer, (iii)  
10 between the ages of sixteen and nineteen during the period in which he  
11 or she is paid at such minimum wage rate by the eligible employer, and  
12 (iv) a student during the period in which he or she is paid at such  
13 minimum wage rate by the taxpayer.

14 (c) For taxable years beginning on or after January first, two thou-  
15 sand fourteen and before January first, two thousand fifteen, the amount  
16 of the credit allowed under this section shall be equal to the product  
17 of the total number of hours worked during the taxable year by eligible  
18 employees for which they were paid at the minimum wage rate as defined  
19 in article nineteen of the labor law and [~~seventy-five~~] seventy-five  
20 cents. For taxable years beginning on or after January first, two thou-  
21 sand fifteen and before January first, two thousand sixteen, the amount  
22 of the credit allowed under this section shall be equal to the product  
23 of the total number of hours during the taxable year worked by eligible  
24 employees for which they were paid at such minimum wage rate and one  
25 dollar and thirty-one cents. For taxable years beginning on or after

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

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1 January first, two thousand sixteen and before January first, two thou-  
2 sand [~~nineteen~~ twenty, the amount of the credit allowed under this  
3 section shall be equal to the product of the total number of hours  
4 during the taxable year worked by eligible employees for which they were  
5 paid at [~~such~~ a maximum of \$0.5 over the minimum wage rate and one  
6 dollar and thirty-five cents. Provided, however, if the federal minimum  
7 wage established by federal law pursuant to 29 U.S.C. section 206 or its  
8 successors is increased above eighty-five percent of the minimum wage in  
9 article nineteen of the labor law, the dollar amounts in this subdivi-  
10 sion shall be reduced to the difference between the minimum wage in  
11 article nineteen of the labor law and the federal minimum wage. Such  
12 reduction would take effect on the date that employers are required to  
13 pay such federal minimum wage.

14 § 2. This act shall take effect September 1, 2017.