

# STATE OF NEW YORK

4810

2019-2020 Regular Sessions

## IN SENATE

March 26, 2019

Introduced by Sen. GALLIVAN -- 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 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 the minimum wage  
8 rate as defined in article nineteen of the labor law during the taxable  
9 year by the eligible employer, (iii) between the ages of sixteen and  
10 nineteen during the period in which he or she is paid at such minimum  
11 wage rate by the eligible employer, and (iv) a student during the period  
12 in which he or she is paid at such minimum wage rate by the taxpayer.

13 For taxable years beginning on and after January first, two thousand  
14 nineteen, an eligible employee is an individual who is (i) employed by  
15 an eligible employer in New York state, (ii) paid at a rate that does  
16 not exceed the minimum wage rate as defined in article nineteen of the  
17 labor law plus fifty cents during the taxable year by the eligible  
18 employer, (iii) between the ages of sixteen and nineteen during the  
19 period in which he or she is paid at such rate that does not exceed such  
20 minimum wage rate plus fifty cents by the eligible employer, and (iv) a  
21 student during the period in which he or she is paid at such rate that  
22 does not exceed such minimum wage rate plus fifty cents by the taxpayer.

23 (c) For taxable years beginning on or after January first, two thou-  
24 sand fourteen and before January first, two thousand fifteen, the amount

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

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1 of the credit allowed under this section shall be equal to the product  
2 of the total number of hours worked during the taxable year by eligible  
3 employees for which they were paid at the minimum wage rate as defined  
4 in article nineteen of the labor law and [~~seventy-five~~] seventy-five  
5 cents. For taxable years beginning on or after January first, two thou-  
6 sand fifteen and before January first, two thousand sixteen, the amount  
7 of the credit allowed under this section shall be equal to the product  
8 of the total number of hours during the taxable year worked by eligible  
9 employees for which they were paid at such minimum wage rate and one  
10 dollar and thirty-one cents. For taxable years beginning on or after  
11 January first, two thousand sixteen and before January first, two thou-  
12 sand nineteen, the amount of the credit allowed under this section shall  
13 be equal to the product of the total number of hours during the taxable  
14 year worked by eligible employees for which they were paid at such mini-  
15 mum wage rate and one dollar and thirty-five cents. For taxable years  
16 beginning on or after January first, two thousand nineteen and before  
17 January first, two thousand twenty-two, the amount of the credit allowed  
18 under this section shall be equal to the product of the total number of  
19 hours during the taxable year worked by eligible employees for which  
20 they were paid at a rate that does not exceed such minimum wage rate  
21 plus fifty cents and one dollar and thirty-five cents. Provided, howev-  
22 er, if the federal minimum wage established by federal law pursuant to  
23 29 U.S.C. section 206 or its successors is increased above eighty-five  
24 percent of the minimum wage in article nineteen of the labor law, the  
25 dollar amounts in this subdivision shall be reduced to the difference  
26 between the minimum wage in article nineteen of the labor law and the  
27 federal minimum wage. Such reduction would take effect on the date that  
28 employers are required to pay such federal minimum wage.  
29 § 2. This act shall take effect immediately and shall apply to taxable  
30 years beginning on and after January 1, 2019.