

STATE OF NEW YORK

9171--A

IN ASSEMBLY

February 3, 2022

Introduced by M. of A. JOYNER, JACOBSON, ZINERMAN -- read once and referred to the Committee on Labor -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to creating a work opportunity tax credit

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 48 to read
2 as follows:

3 § 48. Work opportunity tax credit. (a) General. A taxpayer subject to
4 tax under article nine-A, twenty-two, or thirty-three of this chapter
5 shall be allowed a credit against such tax in an amount equal to one
6 hundred percent of the credit that is allowed to the taxpayer under
7 section 51 of the internal revenue code that is attributable to quali-
8 fied wages paid to a New York resident who is a member of a targeted
9 group and for whom a certificate to that effect has been issued by the
10 department of labor.

11 (b) Definitions. The terms "qualified wages" and "targeted group"
12 shall have the same meanings as in section 51 of the internal revenue
13 code.

14 (c) Wages which are the basis of the credit under this section may not
15 be used as the basis for any other credit allowed under this chapter.

16 (d) Cross-references. For application of the credit provided for in
17 this section, see the following provisions of this chapter:

18 (1) article 9-A: section 210-B, subdivision 59;

19 (2) article 22: section 606, subsection (bbb);

20 (3) article 33: section 1511, subdivision (ee).

21 § 2. Section 210-B of the tax law is amended by adding a new subdivi-
22 sion 59 to read as follows:

23 59. Work opportunity tax credit. (a) Allowance of credit. A taxpayer
24 shall be allowed a credit, to be computed as provided in section forty-
25 eight of this chapter, against the tax imposed by this article. Such
26 credit may not exceed one thousand dollars in any given tax year.

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

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1 (b) Application of credit. The credit allowed under this subdivision
2 for any taxable year may not reduce the tax due for such year to less
3 than the amount prescribed in paragraph (d) of subdivision one of
4 section two hundred ten of this article. However, if the amount of the
5 credit allowed under this subdivision for any taxable year reduces the
6 tax to such amount or if the taxpayer otherwise pays tax based on the
7 fixed dollar minimum amount, any amount of credit thus not deductible in
8 such taxable year will be treated as an overpayment of tax to be credit-
9 ed in accordance with the provisions of section one thousand eighty-six
10 of this chapter. Provided, however, the provisions of subsection (c) of
11 section one thousand eighty-eight of this chapter notwithstanding, no
12 interest shall be paid thereon.

13 § 3. Section 606 of the tax law is amended by adding a new subsection
14 (bbb) to read as follows:

15 (bbb) Work opportunity tax credit. (1) Allowance of credit. A taxpayer
16 shall be allowed a credit, to be computed as provided in section forty-
17 eight of this chapter, against the tax imposed by this article. Such
18 credit may not exceed one thousand dollars in any given tax year.

19 (2) Application of credit. If the amount of the credit allowed under
20 this subsection for any taxable year shall exceed the taxpayer's tax for
21 such year, the excess shall be treated as an overpayment of tax to be
22 credited or refunded in accordance with the provisions of section six
23 hundred eighty-six of this article, provided, however, that no interest
24 shall be paid thereon.

25 § 4. Section 1511 of the tax law is amended by adding a new subdivi-
26 sion (ee) to read as follows:

27 (ee) Work opportunity tax credit. (1) A taxpayer shall be allowed a
28 credit, to be computed as provided in section forty-eight of this chap-
29 ter, against the tax imposed by this article. Such credit may not
30 exceed one thousand dollars in any given tax year.

31 (2) Application of credit. The credit allowed under this subdivision
32 shall not reduce the tax due for such year to be less than the minimum
33 fixed by paragraph four of subdivision (a) of section fifteen hundred
34 two or section fifteen hundred two-a of this article, whichever is
35 applicable. However, if the amount of the credit allowed under this
36 subdivision for any taxable year reduces the taxpayer's tax to such
37 amount, any amount of credit thus not deductible will be treated as an
38 overpayment of tax to be credited in accordance with the provisions of
39 section one thousand eighty-six of this chapter. Provided, however, the
40 provisions of subsection (c) of section one thousand eighty-eight of
41 this chapter notwithstanding, no interest shall be paid thereon.

42 § 5. This act shall take effect April 1, 2023 and shall apply to taxa-
43 ble years beginning on and after January 1, 2023 and shall apply to
44 wages paid to individuals hired on and after such effective date.