

STATE OF NEW YORK

2715

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

Introduced by M. of A. J. A. GIGLIO -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing a tipped employee minimum wage tax credit

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

1 Section 1. Section 606 of the tax law is amended by adding a new
2 subsection (ooo) to read as follows:

3 (ooo) Tipped employee minimum wage tax credit. (1) For taxable years
4 beginning on or after January first, two thousand twenty-four, a taxpay-
5 er who is an employer of miscellaneous industry workers, as defined in
6 part one hundred forty-two of title twelve of the official compilation
7 of codes, rules, and regulations of the state of New York, shall be
8 allowed a credit, to be computed in paragraph two of this section,
9 against the tax imposed by this article.

10 (2) For taxable years beginning on or after January first, two thou-
11 sand twenty-four, the amount of credit allowed under this section shall
12 be equal to the tip allowance for miscellaneous industry workers effec-
13 tive as of December thirty-first, two thousand nineteen under subpart
14 142-2.5 of title twelve of the official compilation of codes, rules, and
15 regulations of the state of New York for each miscellaneous industry
16 worker employee.

17 (3) If the amount of credit allowed under this subsection for any
18 taxable year exceeds the taxpayer's tax for the taxable year, the excess
19 shall be treated as an overpayment of tax to be credited or refunded in
20 accordance with the provisions of section six hundred eighty-six of this
21 article, provided, however, no interest will be paid thereon.

22 (4) The commissioner of taxation and finance, in consultation with the
23 commissioner of labor, shall have the authority to promulgate any rules
24 or regulations necessary for the implementation of this credit.

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

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

3 59. Tipped employee minimum wage tax credit. (a) For taxable years
4 beginning on or after January first, two thousand twenty-four, a taxpay-
5 er who is an employer of miscellaneous industry workers, as defined in
6 part one hundred forty-two of title twelve of the official compilation
7 of codes, rules, and regulations of the state of New York, shall be
8 allowed a credit, to be computed in paragraph (b) of this subdivision,
9 against the tax imposed by this article.

10 (b) For taxable years beginning on or after January first, two thou-
11 sand twenty-four, the amount of credit allowed under this section shall
12 be equal to the tip allowance for miscellaneous industry workers, effec-
13 tive as of December thirty-first, two thousand nineteen under subpart
14 142-2.5 of title twelve of the official compilation of codes, rules, and
15 regulations of the state of New York for each miscellaneous industry
16 worker employee.

17 (c) If the amount of credit allowed under this subdivision for any
18 taxable year exceeds the taxpayer's tax for the taxable year, the excess
19 shall be treated as an overpayment of tax to be credited or refunded in
20 accordance with the provisions of section six hundred eighty-six of this
21 article; provided, however, no interest will be paid thereon.

22 (d) The commissioner of taxation and finance, in consultation with the
23 commissioner of labor, shall have the authority to promulgate any rules
24 or regulations necessary for the implementation of this credit.

25 § 3. This act shall take effect immediately.