

# STATE OF NEW YORK

8905

## IN ASSEMBLY

January 26, 2024

Introduced by M. of A. BRONSON -- read once and referred to the Committee on Labor

AN ACT to amend the tax law, in relation to creating a work opportunity tax credit; and providing for the repeal of such provisions upon expiration thereof

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 49 to read  
2 as follows:

3 § 49. 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) Effect on other tax credits. Wages which are the basis of the  
15 credit under this section may not be used as the basis for any other  
16 credit allowed under this chapter.

17 (d) Limit on tax credits issued. Over the lifetime of the tax credit,  
18 the total amount of tax credits provided for under this section shall  
19 not exceed thirty million dollars.

20 (e) Cross-references. For application of the credit provided for in  
21 this section, see the following provisions of this chapter:

22 (1) article 9-A: section 210-B, subdivision 60;

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

24 (3) article 33: section 1511, subdivision (ff).

25 § 2. Section 210-B of the tax law is amended by adding a new subdivi-  
26 sion 60 to read as follows:

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

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1 60. Work opportunity tax credit. (a) Allowance of credit. A taxpayer  
2 shall be allowed a credit, to be computed as provided in section forty-  
3 nine of this chapter, against the tax imposed by this article. Such  
4 credit may not exceed five hundred dollars per eligible employee per  
5 year in any given tax year.

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

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

20 (bbb) Work opportunity tax credit. (1) Allowance of credit. A taxpayer  
21 shall be allowed a credit, to be computed as provided in section forty-  
22 nine of this chapter, against the tax imposed by this article. Such  
23 credit may not exceed five hundred dollars per eligible employee per  
24 year in any given tax year.

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

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

33 (ff) Work opportunity tax credit. (1) Allowance of credit. A taxpayer  
34 shall be allowed a credit, to be computed as provided in section forty-  
35 nine of this chapter, against the tax imposed by this article. Such  
36 credit may not exceed five hundred dollars per eligible employee per  
37 year in any given tax year.

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

49 § 5. This act shall take effect April 1, 2025 and shall apply to taxa-  
50 ble years beginning on and after January 1, 2025 and shall apply to  
51 wages paid to individuals hired on and after such effective date and  
52 shall expire and be deemed repealed December 31, 2027.