STATE OF NEW YORK

8476

IN SENATE

February 2, 2024

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the tax law, in relation to establishing the fresh air jobs tax credit

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

Section 1. Short title. This act shall be known and may be cited as the "fresh air jobs act".

§ 2. Section 210-b of the tax law is amended by adding a new subdivision 60 to read as follows:

60. Fresh air jobs tax credit. (a) Allowance of credit. For taxable years beginning on or after January first, two thousand twenty-five, an eligible taxpayer shall be allowed a credit, to be computed as provided in this subdivision, against the tax imposed by this article, for hiring and employing, for not less than twenty-four months, a qualified employee. The taxpayer may claim the credit in the year in which the qualified employee completes twenty-four months of employment by the taxpayer. If the taxpayer claims the credit allowed under this section, the taxpayer may not use the hiring of a qualified employee that is the basis for this credit in the basis of any other credit allowed under this article.

(b) Definitions. (i) The term "qualified employee" shall mean an individual who is a resident of New York state.

(ii) The term "eligible taxpayer" shall mean a business participating in the development or production of clean wind energy buildout programs in this state.

(c) Employer prohibition. An employer shall not discharge an employee and hire a qualifying employee solely for the purpose of qualifying for this credit.

(d) Amount of credit. The amount of credit shall be ten percent of the total amount of wages paid to the qualified employee during the employee's second full year of employment. Provided, however, that, if the qualified employee was receiving unemployment insurance benefits at the time of hire for a minimum of thirteen weeks, the amount of the credit shall be fifteen percent of the total amount of wages paid to the quali-

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

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fied employee during the employee's second full year of employment. The credit allowed pursuant to this subdivision shall not exceed in any taxable year, five thousand dollars for any qualified employee and ten thousand dollars for any qualified employee who was receiving unemployment insurance benefits at the time of hire for a minimum of thirteen weeks.

(e) Carryovers. The credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowable under this subdivision for any taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit not deductible in such taxable year may be carried over to the following three years and may be deducted from the taxpayer's tax for such year or years.

(f) If an eligible taxpayer provides continuing education or job training to a qualified employee under this subsection, such taxpayer shall be eligible to receive the tax credit provided under this subdivision in the following tax year.

§ 3. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (li) to read as follows:

(li) Fresh air jobs tax credit under subsection (www)	Amount of credit under subdivision sixty of section two hundred ten-B

§ 4. Section 606 of the tax law is amended by adding a new subsection (www) to read as follows:

(www) Fresh air jobs tax credit. (1) Allowance of credit. For taxable years beginning on or after January first, two thousand twenty-five, an eligible taxpayer shall be allowed a credit, to be computed as provided in this subsection, against the tax imposed by this article, for hiring and employing, for not less than twenty-four months, a qualified employee. The taxpayer may claim the credit in the year in which the qualified employee completes twenty-four months of employment by the taxpayer. If the taxpayer claims the credit allowed under this section, the taxpayer may not use the hiring of a qualified employee that is the basis for this credit in the basis of any other credit allowed under this article.

(2) Definitions. (A) The term "qualified employee" shall mean an individual who is a resident of New York state.

(B) The term "eligible taxpayer" shall mean a business participating in the development or production of clean wind energy buildout programs in this state.

(3) Employer prohibition. An employer shall not discharge an employee and hire a qualifying employee solely for the purpose of qualifying for this credit.

(4) Amount of credit. The amount of credit shall be ten percent of the total amount of wages paid to the qualified employee during the employee's second full year of employment. Provided, however, that, if the qualified employee was receiving unemployment insurance benefits at the time of hire for a minimum of thirteen weeks, the amount of the credit shall be fifteen percent of the total amount of wages paid to the qualified employee during the employee's second full year of employment. The credit allowed pursuant to this subsection shall not exceed in any taxable year, five thousand dollars for any qualified employee and ten thou-

sand dollars for any qualified employee who was receiving unemployment insurance benefits at the time of hire for a minimum of thirteen weeks.

(5) Application of credit. If the amount of the credit allowable under this subsection for any taxable year exceeds the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded as provided in section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon.

(6) If an eligible taxpayer provides continuing education or job training to a qualified employee under this subsection, such taxpayer shall be eligible to receive the tax credit provided under this subsection in the following tax year.

§ 5. Beginning no later than 6 months after the effective date of this act, the department of taxation and finance shall contract with an independently owned entity to compile data on the hiring practices of entities participating in the development or production of clean wind energy buildout programs in this state who are awarded the fresh air jobs tax credit established by this act, including but not limited to the number of employees hired who are New York state residents. No later than 12 months after the effective date of this act, the commissioner of taxation and finance shall publish such data on the department of taxation and finance's website.

§ 6. This act shall take effect immediately.