

# 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:

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

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

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

15 (b) Definitions. (i) The term "qualified employee" shall mean an indi-  
16 vidual who is a resident of New York state.

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

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

23 (d) Amount of credit. The amount of credit shall be ten percent of the  
24 total amount of wages paid to the qualified employee during the employ-  
25 ee's second full year of employment. Provided, however, that, if the  
26 qualified employee was receiving unemployment insurance benefits at the  
27 time of hire for a minimum of thirteen weeks, the amount of the credit  
28 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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1 fied employee during the employee's second full year of employment. The  
 2 credit allowed pursuant to this subdivision shall not exceed in any  
 3 taxable year, five thousand dollars for any qualified employee and ten  
 4 thousand dollars for any qualified employee who was receiving unemploy-  
 5 ment insurance benefits at the time of hire for a minimum of thirteen  
 6 weeks.

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

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

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

23	<u>(li) Fresh air jobs tax credit</u>	<u>Amount of credit under subdivision</u>
24	<u>under subsection (www)</u>	<u>sixty of section two hundred ten-B</u>

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

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

37 (2) Definitions. (A) The term "qualified employee" shall mean an indi-  
 38 vidual who is a resident of New York state.

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

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

45 (4) Amount of credit. The amount of credit shall be ten percent of the  
 46 total amount of wages paid to the qualified employee during the employ-  
 47 ee's second full year of employment. Provided, however, that, if the  
 48 qualified employee was receiving unemployment insurance benefits at the  
 49 time of hire for a minimum of thirteen weeks, the amount of the credit  
 50 shall be fifteen percent of the total amount of wages paid to the quali-  
 51 fied employee during the employee's second full year of employment. The  
 52 credit allowed pursuant to this subsection shall not exceed in any taxa-  
 53 ble year, five thousand dollars for any qualified employee and ten thou-

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

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

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

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

22 § 6. This act shall take effect immediately.