

# STATE OF NEW YORK

3566

2021-2022 Regular Sessions

## IN ASSEMBLY

January 27, 2021

Introduced by M. of A. ASHBY, PALMESANO, BRABENEC, BUTTENSCHON, BYRNES, DiPIETRO, DICKENS, FRONTUS, J. M. GIGLIO, HAWLEY, MANKTELOW, M. MILLER, B. MILLER, MORINELLO, McDONOUGH, NORRIS, REILLY, RAMOS, SCHMITT, SALKA, TAGUE -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing a small business tax credit for certain efforts taken to improve such small business's facility in an effort to reduce the spread of infectious diseases

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

1 Section 1. Section 210-B of the tax law is amended by adding a new  
2 subdivision 55 to read as follows:

3 55. Small business tax credit; infectious disease mitigation. (a)  
4 General. A taxpayer that is a small business shall be allowed a credit,  
5 to be computed as provided in this subdivision, against the tax imposed  
6 by this article for efforts taken to improve such taxpayer's facility in  
7 an effort to reduce the spread of infectious diseases.

8 (b) Amount of credit. A credit authorized by this section shall be  
9 equal to the amount of money spent by an eligible taxpayer to construct,  
10 install, build, and/or equip such taxpayer's facility with new amenities  
11 primarily intended to reduce the spread of infectious diseases, but  
12 shall not exceed five thousand dollars total for each location where  
13 such new amenities have been constructed, installed, built, and/or  
14 equipped.

15 (c) Carryover. The credit allowed under this subdivision for any taxa-  
16 ble year shall not reduce the tax due for such year to less than the  
17 amount prescribed in paragraph (d) of subdivision one of section two  
18 hundred ten of this article. However, if the amount of credit allowable  
19 under this subdivision for any taxable year reduces the tax to such  
20 amount or if the taxpayer otherwise pays tax based on the fixed dollar

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

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1 minimum amount, any amount of credit not deductible in such taxable year  
2 may be carried over to the following three years, and may be deducted  
3 from the qualified employer's tax for such years.

4 (d) Definitions. As used in this subdivision, the term "small busi-  
5 ness" shall mean any business having fifty or fewer employees.

6 (e) Claim of credit. A taxpayer shall not be allowed to claim this  
7 credit to the extent the basis of the calculation of this credit has  
8 been claimed for another tax credit under this chapter.

9 § 2. Section 606 of the tax law is amended by adding a new subsection  
10 (111) to read as follows:

11 (111) Small business tax credit; infectious disease mitigation. (1)  
12 General. A taxpayer that is a small business shall be allowed a credit,  
13 to be computed as provided in this subsection, against the tax imposed  
14 by this article for efforts taken to improve such taxpayer's facility in  
15 an effort to reduce the spread of infectious diseases.

16 (2) Amount of credit. A credit authorized by this section shall be  
17 equal to the amount of money spent by an eligible taxpayer to construct,  
18 install, build, and/or equip such taxpayer's facility with new amenities  
19 primarily intended to reduce the spread of infectious diseases, but  
20 shall not exceed five thousand dollars total for each location where  
21 such new amenities have been constructed, installed, built, and/or  
22 equipped.

23 (3) Carryover. The credit allowed under this subsection for any taxa-  
24 ble year shall not reduce the tax due for such year to less than the  
25 amount prescribed in paragraph (d) of subdivision one of section two  
26 hundred ten of this chapter. However, if the amount of credit allowable  
27 under this subsection for any taxable year reduces the tax to such  
28 amount or if the taxpayer otherwise pays tax based on the fixed dollar  
29 minimum amount, any amount of credit not deductible in such taxable year  
30 may be carried over to the following three years, and may be deducted  
31 from the qualified employer's tax for such years.

32 (4) Definitions. As used in this subsection, the term "small business"  
33 shall mean any business having fifty or fewer employees.

34 (5) Claim of credit. A taxpayer shall not be allowed to claim this  
35 credit to the extent the basis of the calculation of this credit has  
36 been claimed for another tax credit under this chapter.

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

40 (xlvi) Small business tax credit; Amount of credit under  
41 infectious disease mitigation subdivision fifty-five of  
42 under subsection (111) section two hundred  
43 ten-B

44 § 4. This act shall take effect on the first of January next succeed-  
45 ing the date on which it shall have become a law.