

STATE OF NEW YORK

952

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. CROUCH, FINCH, GIGLIO, HAWLEY, KOLB -- Multi-Sponsored by -- M. of A. BARCLAY, GUNTHER, RAIA -- read once and referred to the Committee on Labor

AN ACT to amend the labor law and the tax law, in relation to a grant program and a tax credit for businesses that purchase flood insurance

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

Section 1. The labor law is amended by adding a new section 44 to read as follows:

§ 44. Grant program, disaster relief. 1. There shall be established a program to provide grants to businesses operating in an area declared by the governor to be a state disaster emergency declaration area.

2. The commissioner shall determine the amount of each grant provided to each qualifying business. A qualifying business may receive up to one grant per declared disaster. Qualifying businesses may apply for such grant to be used to replace or mitigate losses as a result of damage resulting from a disaster in a state disaster emergency declaration area. Such losses may include repair or replacement of damaged or destroyed real property and other tangible assets including equipment, furniture and fixtures, supplies and inventory; and debris removal and related clean-up costs. Reimbursement is limited to items used in the normal course of business operations. Compensation may not include losses covered by insurance, grants or other governmental sources.

3. Qualifying businesses shall include, but not be limited to, residential facilities, agricultural businesses, farm businesses, and businesses operating out of a residence. Casinos and other gambling facilities shall not be eligible for such grants. If a business receives such a grant, they are only eligible to receive additional state grants in the amount of fifty thousand dollars or less. Additionally, the commissioner is authorized to promulgate rules and regulations to designate additional qualifying businesses and to create a process by which a

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

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1 business may be exempt from the grant limits imposed by this subdivi-
2 sion.

3 4. Such grants shall not exceed twenty thousand dollars if such busi-
4 ness has one hundred employees or less and shall not exceed fifty thou-
5 sand dollars if such individual and/or business is engaged in farming or
6 if such business has more than one hundred employees.

7 5. The commissioner is authorized to promulgate all rules and regu-
8 lations necessary to implement such grant program.

9 § 2. Section 210-B of the tax law is amended by adding a new subdivi-
10 sion 53 to read as follows:

11 53. Tax credit for businesses which purchase flood insurance. (a) A
12 qualified taxpayer shall be allowed a one time credit for the purchase
13 of flood insurance. The credit shall be equal to seventy-five percent
14 of the cost of flood insurance for the business.

15 (b) In no event shall the credit under this subdivision reduce the tax
16 payable to less than the dollar amount fixed as a minimum tax by para-
17 graph (d) of subdivision one of section two hundred ten of this article.
18 However, if the amount of credit allowed under this subdivision for any
19 taxable year would have reduced the tax to such amount, any amount of
20 credit thus not used in such taxable year may be treated as an overpay-
21 ment of tax to be credited or refunded in accordance with the provisions
22 of section one thousand eighty-six of this chapter.

23 (c) For purposes of this subdivision, "qualified taxpayer" shall mean
24 a taxpayer under this article whose business is located within a state
25 disaster emergency declaration area, which has been affected by flood-
26 ing, and who claims their property as depreciable.

27 § 3. Section 606 of the tax law is amended by adding a new subsection
28 (s-1) to read as follows:

29 (s-1) Credit for business purchase of flood insurance. (1) A qualified
30 taxpayer shall be allowed a one time credit as hereinafter provided,
31 against the tax imposed by this article for the purchase of flood insur-
32 ance. The amount of credit shall be seventy-five percent of the cost to
33 the taxpayer of the purchase of flood insurance for the business.

34 (2) For purposes of this subsection, "qualified taxpayer" shall mean a
35 taxpayer under this article whose business is located within a state
36 disaster emergency declaration area, which has been affected by flood-
37 ing, and who claims their property as depreciable.

38 (3) If the amount of credit allowable under this subsection shall
39 exceed the taxpayer's tax for such year, the excess may be treated as an
40 overpayment of tax to be credited or refunded in accordance with the
41 provisions of section six hundred eighty-six of this article, provided,
42 however, that no interest shall be paid thereon.

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

46 <u>(xlili) Purchase of flood insurance</u>	<u>Amount of credit under</u>
47 <u>by businesses under subsection</u>	<u>subdivision fifty-three of</u>
48 <u>(s-1)</u>	<u>section two hundred ten-B</u>

49 § 5. This act shall take effect on the one hundred eightieth day after
50 it shall have become a law.