S T A T E O F N E W Y O R K

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2011-2012 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. CROUCH, BUTLER, FINCH, KOLB, P. LOPEZ, GIGLIO, HAWLEY, SALADINO -- Multi-Sponsored by -- M. of A. BARCLAY, BURLING, CONTE, GUNTHER, MAGEE, J. MILLER, MOLINARO, RAIA, REILICH, SAYWARD, SPANO, TEDISCO -- 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:

S 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

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

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ADDITIONAL QUALIFYING BUSINESSES AND TO CREATE A PROCESS BY WHICH A BUSINESS MAY BE EXEMPT FROM THE GRANT LIMITS IMPOSED BY THIS SUBDIVISION.

4. SUCH GRANTS SHALL NOT EXCEED TWENTY THOUSAND DOLLARS IF SUCH BUSINESS HAS ONE HUNDRED EMPLOYEES OR LESS AND SHALL NOT EXCEED FIFTY THOUSAND DOLLARS IF SUCH INDIVIDUAL AND/OR BUSINESS IS ENGAGED IN FARMING OR IF SUCH BUSINESS HAS MORE THAN ONE HUNDRED EMPLOYEES.

5. THE COMMISSIONER IS AUTHORIZED TO PROMULGATE ALL RULES AND REGULATIONS NECESSARY TO IMPLEMENT SUCH GRANT PROGRAM.

S 2. Section 210 of the tax law is amended by adding a new subdivision 43 to read as follows:

43. TAX CREDIT FOR BUSINESSES WHICH PURCHASE FLOOD INSURANCE. (A) A QUALIFIED TAXPAYER SHALL BE ALLOWED A ONE TIME CREDIT FOR THE PURCHASE OF FLOOD INSURANCE. THE CREDIT SHALL BE EQUAL TO SEVENTY-FIVE PERCENT OF THE COST OF FLOOD INSURANCE FOR THE BUSINESS.

(B) IN NO EVENT SHALL THE CREDIT UNDER THIS SUBDIVISION REDUCE THE TAX PAYABLE TO LESS THAN THE DOLLAR AMOUNT FIXED AS A MINIMUM TAX BY PARAGRAPH (D) OF SUBDIVISION ONE OF THIS SECTION. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR WOULD HAVE REDUCED THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS NOT USED IN SUCH TAXABLE YEAR MAY BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER.

(C) FOR PURPOSES OF THIS SUBDIVISION, "QUALIFIED TAXPAYER" SHALL MEAN A TAXPAYER UNDER THIS ARTICLE WHOSE BUSINESS IS LOCATED WITHIN A STATE DISASTER EMERGENCY DECLARATION AREA, WHICH HAS BEEN AFFECTED BY FLOODING, AND WHO CLAIMS THEIR PROPERTY AS DEPRECIABLE.

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

(S-1) CREDIT FOR BUSINESS PURCHASE OF FLOOD INSURANCE. (1) A TAXPAYER SHALL BE ALLOWED A ONE TIME CREDIT AS HEREINAFTER PROVIDED, AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR THE PURCHASE OF FLOOD INSURANCE. THE AMOUNT OF CREDIT SHALL BE SEVENTY-FIVE PERCENT OF THE COST TO THE TAXPAYER OF THE PURCHASE OF FLOOD INSURANCE FOR THE BUSINESS.

(2) FOR PURPOSES OF THIS SUBDIVISION, "QUALIFIED TAXPAYER" SHALL MEAN A TAXPAYER UNDER THIS ARTICLE WHOSE BUSINESS IS LOCATED WITHIN A STATE DISASTER EMERGENCY DECLARATION AREA, WHICH HAS BEEN AFFECTED BY FLOODING, AND WHO CLAIMS THEIR PROPERTY AS DEPRECIABLE.

(3) IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBSECTION SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS MAY BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

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

(XXXII) PURCHASE OF FLOOD INSURANCE BY BUSINESSES UNDER SUBSECTION (S-1)	AMOUNT OF CREDIT UNDER SUBDIVISION FORTY-THREE OF SECTION TWO HUNDRED TEN

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