

STATE OF NEW YORK

10543

IN ASSEMBLY

May 28, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Ashby) --
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
21 minimum amount, any amount of credit not deductible in such taxable year
22 may be carried over to the following three years, and may be deducted
23 from the qualified employer's tax for such years.

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

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

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

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

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

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

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

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

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

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

35 (xlvi) Small business tax credit; Amount of credit under
36 infectious disease mitigation subdivision fifty-five of
37 under subsection (111) section two hundred
38 ten-B

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