

# STATE OF NEW YORK

32

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. KAPLAN -- 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 a small business tax credit for salary and wages paid to employees for time spent at sexual harassment prevention training

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; sexual harassment prevention training.  
4 (a) General. A taxpayer who has fifty employees or less, shall be  
5 allowed a credit, to be computed as provided in this subdivision,  
6 against the tax imposed by this article for salary and wages paid by  
7 such taxpayer to its employees for time spent at sexual harassment  
8 prevention training required pursuant to section two hundred one-g of  
9 the labor law. Such credit shall be available on an annual basis and  
10 shall only be made available on one sexual harassment training course  
11 per year for each employee.

12 (b) Amount of credit. The amount of the credit authorized by this  
13 subdivision shall be equal to fifty percent of the wages and salary  
14 actually paid by the employer to each employee or fifty dollars per  
15 employee, whichever is less.

16 (c) Carryovers. The credit allowed under this subdivision may be  
17 claimed and if not fully used in the initial year for which the credit  
18 is claimed may be carried over, in order, to each of the five succeeding  
19 taxable years. The credit authorized by this subdivision may not be used  
20 to reduce the tax liability of the credit claimant below zero.

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

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

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1	<u>(xlvi) Small business tax credit;</u>	<u>Costs under subdivision</u>
2	<u>sexual harassment prevention</u>	<u>fifty-five of section</u>
3	<u>training under subsection (kkk)</u>	<u>two hundred ten-B</u>

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

6     (kkk) (a) General. A taxpayer who has fifty employees or less, shall  
7 be allowed a credit, to be computed as provided in this subsection,  
8 against the tax imposed by this article for salary and wages paid by  
9 such taxpayer to its employees for time spent at sexual harassment  
10 prevention training required pursuant to section two hundred one-g of  
11 the labor law. Such credit shall be available on an annual basis and  
12 shall only be made available on one sexual harassment training course  
13 per year for each employee.

14     (b) Amount of credit. The amount of the credit authorized by this  
15 subsection shall be equal to fifty percent of the wages and salary actu-  
16 ally paid by the employer to each employee or fifty dollars per employ-  
17 ee, whichever is less.

18     (c) Carryovers. The credit allowed under this subsection may be  
19 claimed and if not fully used in the initial year for which the credit  
20 is claimed may be carried over, in order, to each of the five succeeding  
21 taxable years. The credit authorized by this subsection may not be used  
22 to reduce the tax liability of the credit claimant below zero.

23     § 4. This act shall take effect immediately and shall apply to taxable  
24 years beginning on or after January 1, 2022.