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:

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

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

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

(c) Carryover. The credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowable under this subdivision for any taxable year reduces the tax to such 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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minimum amount, any amount of credit not deductible in such taxable year may be carried over to the following three years, and may be deducted from the qualified employer's tax for such years.

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

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

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

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

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

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

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

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

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

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

§ 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.