

STATE OF NEW YORK

4301

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

Introduced by Sens. ASHBY, PALUMBO -- 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 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 59 to read as follows:

3 59. 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

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

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1 may be carried over to the following three years, and may be deducted
2 from the qualified employer's tax for such years.

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

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

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

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

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

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

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

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

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

38 (1) Small business tax credit; Amount of credit under
39 infectious disease mitigation subdivision fifty-nine of
40 under subsection (ooo) section two hundred
41 ten-B

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