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

_____

173--A

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013
_____

Introduced by Sens. SQUADRON, HASSELL-THOMPSON -- read twice and ordered
  printed, and when printed to be committed to the Committee on Investi-
  gations and Government Operations -- recommitted to the Committee on
  Investigations and Government Operations in accordance with Senate
  Rule 6, sec. 8 -- committee discharged, bill amended, ordered
  reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to providing a tax credit to
  individuals for up to two hundred dollars of expenses related to the
  development and posting of an open source or free license program

  THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

 1   Section 1. Subsections (yy) and (zz) of section 606 of the tax law, as
 2 relettered by section 5 of part H of chapter 1 of the laws of 2003, are
 3 relettered subsections (yyy) and (zzz) and a new subsection (yy) is
 4 added to read as follows:
 5   (YY) OPEN SOURCE OR FREE LICENSE CREDIT. (1) A TAXPAYER SHALL BE
 6 ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBSECTION, AGAINST
 7 THE TAX IMPOSED PURSUANT TO SECTION SIX HUNDRED ONE OF THIS PART. THE
 8 AMOUNT OF CREDIT SHALL EQUAL UP TO TWENTY PERCENT OF THE TOTAL
 9 OUT-OF-POCKET EXPENSES OF THE TAXPAYER USED IN THE DEVELOPMENT OF A
10 PROGRAM THAT IS PROVIDED TO THE PUBLIC UNDER AN OPEN SOURCE OR FREE
11 SOFTWARE LICENSE, UP TO A MAXIMUM OF TWO HUNDRED DOLLARS.
12   (2) FOR THE PURPOSES OF THIS SUBSECTION, A PROGRAM SHALL QUALIFY FOR
13 THE   CREDIT PROVIDED BY THIS SUBSECTION IF THE CODE FOR SUCH PROGRAM HAS
14 BEEN RELEASED UNDER AN OPEN SOURCE LICENSE RECOGNIZED BY THE OPEN SOURCE
15 INITIATIVE, OR HAS BEEN RELEASED UNDER A FREE SOFTWARE LICENSE RECOG-
16 NIZED BY THE FREE SOFTWARE FOUNDATION.
17   (3) THIS SUBSECTION SHALL APPLY TO ANY INDIVIDUAL FOR ANY TAXABLE YEAR
18 ONLY IF SUCH INDIVIDUAL ELECTS TO HAVE THIS SECTION APPLY FOR SUCH TAXA-
19 BLE YEAR. AN ELECTION TO HAVE THIS SECTION APPLY MAY NOT BE MADE FOR ANY

1 TAXABLE YEAR IF SUCH ELECTION IS IN EFFECT WITH RESPECT TO SUCH INDIVID-
2 UAL FOR ANY OTHER TAXABLE YEAR AND PERTAINING TO THE SAME PROGRAM OR ANY
3 PORTION THEREOF.
4   (4) IN NO EVENT SHALL THE AMOUNT OF THE CREDIT PROVIDED BY THIS
5 SUBSECTION EXCEED THE TAXPAYER'S TAX FOR THE TAXABLE YEAR. HOWEVER, IF
6 THE AMOUNT OF CREDIT OTHERWISE ALLOWABLE PURSUANT TO THIS SUBSECTION FOR
7 ANY TAXABLE YEAR RESULTS IN SUCH EXCESS AMOUNT, ANY AMOUNT OF CREDIT NOT
8 DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING
9 YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR
10 OR YEARS.
11   S 2. This act shall take effect immediately and shall apply to taxable
12 years beginning on and after the first of January next succeeding the
13 date on which it shall have become a law.