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

2221

2013-2014 Regular Sessions

I N S E N A T E

January 14, 2013

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to credits for certain rehabilitation projects; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Subsection (oo) of section 606 of the tax law is amended by adding a new paragraph 6 to read as follows:

(6) TAX CREDITS ALLOWED PURSUANT TO THIS SUBSECTION SHALL BE ALLOWED TO A PARTNERSHIP, LIMITED LIABILITY COMPANY, "SUBCHAPTER S" CORPORATION OR OTHER BUSINESS ENTITY AND SHALL BE PASSED THROUGH TO THE PARTNERS, MEMBERS, OR SHAREHOLDERS RESPECTIVELY. CREDITS ALLOWED TO THESE ENTITIES SHALL BE ALLOCATED AMONG ALL PARTNERS, MEMBERS, OR SHAREHOLDERS RESPECTIVELY, EITHER IN PROPORTION TO THEIR OWNERSHIP INTEREST IN THE ENTITY, OR AS THE PARTNERS, MEMBERS, OR SHAREHOLDERS MUTUALLY AGREE AS PROVIDED IN AN EXECUTED DOCUMENT WITHOUT REGARD TO THEIR SHARING OF OTHER TAX OR ECONOMIC ATTRIBUTES OF THE ENTITY.

S 2. Subdivision 40 of section 210 of the tax law is amended by adding a new paragraph 6 to read as follows:

(6) TAX CREDITS ALLOWED PURSUANT TO THIS SUBDIVISION SHALL BE ALLOWED TO A PARTNERSHIP, LIMITED LIABILITY COMPANY, "SUBCHAPTER S" CORPORATION OR OTHER BUSINESS ENTITY AND SHALL BE PASSED THROUGH TO THE PARTNERS, MEMBERS, OR SHAREHOLDERS RESPECTIVELY. CREDITS ALLOWED TO THESE ENTITIES SHALL BE ALLOCATED AMONG ALL PARTNERS, MEMBERS, OR SHAREHOLDERS RESPECTIVELY, EITHER IN PROPORTION TO THEIR OWNERSHIP INTEREST IN THE ENTITY, OR AS THE PARTNERS, MEMBERS, OR SHAREHOLDERS MUTUALLY AGREE AS PROVIDED IN AN EXECUTED DOCUMENT WITHOUT REGARD TO THEIR SHARING OF OTHER TAX OR ECONOMIC ATTRIBUTES OF THE ENTITY.

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

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S 3. Subsection (u) of section 1456 of the tax law, as added by chapter 472 of the laws of 2010, is amended by adding a new paragraph 6 to read as follows:

(6) TAX CREDITS ALLOWED PURSUANT TO THIS SUBSECTION SHALL BE ALLOWED TO A PARTNERSHIP, LIMITED LIABILITY COMPANY, "SUBCHAPTER S" CORPORATION OR OTHER BUSINESS ENTITY SHALL BE PASSED THROUGH TO THE PARTNERS, MEMBERS, OR SHAREHOLDERS RESPECTIVELY. CREDITS ALLOWED TO THESE ENTITIES SHALL BE ALLOCATED AMONG ALL PARTNERS, MEMBERS, OR SHAREHOLDERS RESPECTIVELY, EITHER IN PROPORTION TO THEIR OWNERSHIP INTEREST IN THE ENTITY, OR AS THE PARTNERS, MEMBERS, OR SHAREHOLDERS MUTUALLY AGREE AS PROVIDED IN AN EXECUTED DOCUMENT WITHOUT REGARD TO THEIR SHARING OF OTHER TAX OR ECONOMIC ATTRIBUTES OF THE ENTITY.

S 4. Subdivision (y) of section 1511 of the tax law, as added by chapter 472 of the laws of 2010, is amended by adding a new paragraph 6 to read as follows:

(6) TAX CREDITS ALLOWED PURSUANT TO THIS SUBDIVISION SHALL BE ALLOWED TO A PARTNERSHIP, LIMITED LIABILITY COMPANY, "SUBCHAPTER S" CORPORATION OR OTHER BUSINESS ENTITY AND SHALL BE PASSED THROUGH TO THE PARTNERS, MEMBERS, OR SHAREHOLDERS RESPECTIVELY. CREDITS ALLOWED TO THESE ENTITIES SHALL BE ALLOCATED AMONG ALL PARTNERS, MEMBERS, OR SHAREHOLDERS RESPECTIVELY, EITHER IN PROPORTION TO THEIR OWNERSHIP INTEREST IN THE ENTITY, OR AS THE PARTNERS, MEMBERS, OR SHAREHOLDERS MUTUALLY AGREE AS PROVIDED IN AN EXECUTED DOCUMENT WITHOUT REGARD TO THEIR SHARING OF OTHER TAX OR ECONOMIC ATTRIBUTES OF THE ENTITY.

S 5. This act shall take effect immediately and shall apply to taxable years beginning on and after January 1, 2014; provided, however, this act shall expire and be deemed repealed December 31, 2019; and provided, further however, that the credit shall be applied to any rehabilitation project commenced on or before December 31, 2019.