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

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2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. THIELE, SALADINO -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, CONTE, FITZPATRICK, McDONOUGH, RAIA -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to credit for commercial fishing equipment

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

Section 1. The tax law is amended by adding a new section 30 to read as follows:

S 30. CREDIT FOR COMMERCIAL FISHING EQUIPMENT. (A) GENERAL. A COMMERCIAL FISHERMAN AS DEFINED BY SUBDIVISION (I) OF SECTION THREE HUNDRED OF THIS CHAPTER SHALL BE ALLOWED A CREDIT AGAINST PERSONAL INCOME TAX. THE CREDIT SHALL BE ALLOWED FOR QUALIFIED EXPENDITURES WHICH MEET THE ELIGIBILITY CRITERIA, IF ANY, PRESCRIBED BY THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DISBURSED IN THIS STATE.

(B) DEFINITIONS. (1) THE TERM "COMMERCIAL FISHING EQUIPMENT" SHALL REFER TO THE EQUIPMENT USED TO CATCH LARGE QUANTITIES OF FISH, INCLUDING:

(I) HOOKS, HARPOONS, AND GAFFS, ELECTRONIC LURES, LEAD WEIGHTS, BOTTOM REELS, NETS AND MONOFILAMENT.

(II) TRAPS, TRAP AND POT HAULERS, BLOCKS AND ROLLERS, CRAB AND SHRIMP GEAR, AND DAVITS.

(III) ANY ADDITIONAL EQUIPMENT AS DETERMINED BY THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

(2) THE TERM "TAXABLE YEAR" MEANS THE TAXABLE YEAR OF A BUSINESS TAXPAYER FILING A NEW YORK STATE TAX.

(3) QUALIFIED EXPENDITURES SHALL BE REMITTED COSTS FOR EQUIPMENT DIRECTLY RELATED TO COMMERCIAL FISHING OR INSTALLATION OF SUCH EQUIPMENT INTENDED FOR THE ORIGINAL USE OF SAID TAXPAYER, ON A VESSEL REGISTERED IN NEW YORK STATE. SUCH QUALIFIED EXPENDITURES SHALL NOT INCLUDE INTER-

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

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EST OR OTHER FINANCE CHARGES WHETHER SUCH CHARGES ACCRUE AS A RESULT OF LEASE OR OWNERSHIP OF SUCH EQUIPMENT. FOR PURPOSES OF DETERMINING THE EXPENSES SERVING AS QUALIFIED EXPENDITURES UNDER THIS SECTION, ANY AMOUNT OF FEDERAL, STATE OR LOCAL GRANT RECEIVED BY THE TAXPAYER USED FOR THE PURCHASE AND/OR INSTALLATION OF SUCH EQUIPMENT AND WHICH IS NOT INCLUDED IN THE FEDERAL GROSS INCOME OF THE TAXPAYER SHALL NOT SERVE AS A QUALIFYING EXPENDITURE.

(4) CREDIT FOR COMMERCIAL FISHING EQUIPMENT. THE AMOUNT OF CREDIT FOR THE PURCHASE AND INSTALLATION OF ELIGIBLE COMMERCIAL FISHING EQUIPMENT SHALL BE FIFTY PERCENT OF THE QUALIFIED EXPENSES FOR COMMERCIAL FISHERMEN, INCURRED IN PURCHASING AND INSTALLING ANY SUCH SYSTEM.

(C) CREDIT QUALIFICATION. REALIZATION OF CREDIT. CREDITS EARNED UNDER THIS SECTION SHALL BE QUALIFYING EXPENDITURES INCURRED AFTER JANUARY FIRST, TWO THOUSAND NINE, THAT ACCREDIT TO THE TAXPAYER'S CREDIT ALLOWANCE YEAR AND EACH SUBSEQUENT TAXABLE YEAR.

S 2. This act shall take effect immediately and shall apply to taxable years commencing on and after January 1, 2010.