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

5605

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. BOYLAND -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to providing for a personal income tax credit for resident taxpayers who invest in minority-owned or women owned businesses

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

Section 1. Section 606 of the tax law is amended by adding a new subsection (qq) to read as follows:

(QQ) TAX CREDIT FOR PERSONS INVESTING IN MINORITY-OWNED OR WOMEN OWNED BUSINESSES. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS HEREINAFTER PROVIDED, AGAINST THE TAX IMPOSED BY THIS ARTICLE, FOR INVESTING IN MINORITY-OWNED OR WOMEN OWNED BUSINESSES. THE AMOUNT OF THE CREDIT SHALL BE THIRTY PERCENT OF THE FIRST THIRTY THOUSAND DOLLARS INVESTED IN MINORITY-OWNED AND/OR WOMEN OWNED BUSINESSES.

(2) APPLICATION OF CREDIT. THE CREDIT UNDER THIS SUBSECTION SHALL BE ALLOWED AGAINST THE TAXES IMPOSED BY THIS ARTICLE FOR THE TAXABLE YEAR REDUCED BY THE CREDITS PERMITTED BY THIS ARTICLE. IF THE CREDIT EXCEEDS THE TAX AS SO REDUCED, THE TAXPAYER SHALL RECEIVE, AND THE COMPTROLLER, SUBJECT TO A CERTIFICATE OF THE COMMISSIONER, SHALL PAY AS AN OVERPAYMENT, WITHOUT INTEREST, THE AMOUNT OF SUCH EXCESS.

(3) DEFINITIONS. FOR PURPOSES OF THE CREDIT DESCRIBED IN THIS SUBSECTION:

(I) "MINORITY-OWNED OR WOMEN OWNED BUSINESS" SHALL MEAN A BUSINESS ENTERPRISE, INCLUDING A SOLE PROPRIETORSHIP, PARTNERSHIP OR CORPORATION THAT IS: (A) AT LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE MINORITY GROUP MEMBERS AND/OR WOMEN MEMBERS; (B) AN ENTERPRISE IN WHICH SUCH MINORITY OR WOMEN OWNERSHIP IS REAL, SUBSTANTIAL AND CONTINUING; (C) AN ENTERPRISE IN WHICH SUCH MINORITY OR WOMEN OWNERSHIP HAS AND EXERCISES THE AUTHORITY TO CONTROL INDEPENDENTLY THE DAY-TO-DAY BUSINESS DECISIONS

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

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OF THE ENTERPRISE; AND (D) AN ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE AND INDEPENDENTLY OWNED AND OPERATED;

(II) "MINORITY GROUP MEMBER" SHALL MEAN A UNITED STATES CITIZEN OR PERMANENT RESIDENT ALIEN WHO IS AND CAN DEMONSTRATE MEMBERSHIP IN ONE OF THE FOLLOWING GROUPS: (A) BLACK PERSONS HAVING ORIGINS IN ANY OF THE BLACK AFRICAN RACIAL GROUPS; (B) HISPANIC PERSONS OF MEXICAN, PUERTO RICAN, DOMINICAN, CUBAN, CENTRAL OR SOUTH AMERICAN OF EITHER INDIAN OR HISPANIC ORIGIN, REGARDLESS OF RACE; (C) NATIVE AMERICAN OR ALASKAN NATIVE PERSONS HAVING ORIGINS IN ANY OF THE ORIGINAL PEOPLES OF NORTH AMERICA; AND (D) ASIAN AND PACIFIC ISLANDER PERSONS HAVING ORIGINS IN ANY OF THE FAR EAST COUNTRIES, SOUTH EAST ASIA, THE INDIAN SUBCONTINENT OR THE PACIFIC ISLANDS; AND

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