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

1111--A

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CRESPO -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to providing an additional franchise tax on certain life insurance policies

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 182-b to read as follows:

S 182-B. ADDITIONAL FRANCHISE TAX ON CERTAIN LIFE INSURANCE POLICIES. 1. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, OR OF ANY OTHER LAW, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN, AN ANNUAL TAX IS HEREBY IMPOSED UPON EVERY COMPANY RECEIVING BENEFITS FROM LIFE INSURANCE POLICIES IT HAS OBTAINED ON ITS EMPLOYEES AND/OR RETIREES EQUAL TO FIFTY PER CENTUM OF ITS GROSS RECEIPTS FROM ALL PROCEEDS FROM SUCH LIFE INSURANCE POLICIES, FOR THE PRIVILEGE OF EXERCISING ITS CORPORATE FRANCHISE, OR OF DOING BUSINESS, OR OF EMPLOYING CAPITAL, OR OF OWNING OR LEASING PROPERTY IN THIS STATE IN A CORPORATE OR ORGANIZED CAPACITY, OR OF MAINTAINING AN OFFICE IN THIS STATE, FOR ALL OR ANY PART OF EACH OF ITS TAXABLE YEARS.

2. EVERY COMPANY SUBJECT TO TAX UNDER THIS SECTION SHALL KEEP SUCH RECORDS OF ITS BUSINESS IN SUCH FORM AS THE COMMISSIONER MAY REQUIRE, AND SUCH RECORDS SHALL BE PRESERVED FOR A PERIOD OF THREE YEARS, EXCEPT THAT THE COMMISSIONER MAY CONSENT TO THEIR DESTRUCTION WITHIN THAT PERIOD OR MAY REQUIRE THAT THEY BE KEPT LONGER.

S 2. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2014.

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

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