

3776

2011-2012 Regular Sessions

I N A S S E M B L Y

January 27, 2011

Introduced by M. of A. GIGLIO, RAIA, BURLING, HAWLEY, SAYWARD, KOLB --
Multi-Sponsored by -- M. of A. BARCLAY, CROUCH, HAYES, McDONOUGH,
McKEVITT, REILICH -- read once and referred to the Committee on Ways
and Means

AN ACT to amend the tax law, in relation to establishing business fran-
chise and personal income tax credits for certain small businesses in
a village or small city

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

1 Section 1. Section 210 of the tax law is amended by adding a new
2 subdivision 29 to read as follows:
3 29. SMALL BUSINESS CAPITAL TAX CREDIT. (A) A TAXPAYER SHALL BE ALLOWED
4 A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBDIVISION, AGAINST THE
5 TAX IMPOSED BY THIS ARTICLE. SUCH CREDIT SHALL BE GRANTED TO ANY TAXPAY-
6 ER WHICH IS A SMALL BUSINESS WHEN THE SMALL BUSINESS IS LOCATED IN A
7 VILLAGE OR IN A CITY WITH A POPULATION OF LESS THAN THIRTY-FIVE THOUSAND
8 AS DETERMINED BY THE MOST RECENT FEDERAL DECENNIAL CENSUS. THE AMOUNT OF
9 THE CREDIT SHALL BE EQUAL TO TWENTY-FIVE PERCENT OF THE SUM OF QUALIFIED
10 INVESTMENTS IN SUCH SMALL BUSINESS, AS DETERMINED BY THE COMMISSIONER.
11 (B) FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "SMALL BUSINESS"
12 MEANS A BUSINESS WHICH EMPLOYS LESS THAN FIFTEEN EMPLOYEES.
13 (C) THE CREDIT AND CARRYOVERS OF SUCH CREDIT ALLOWED UNDER THIS SUBDI-
14 VISION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE TAX
15 DUE FOR SUCH YEAR TO LESS THAN THE HIGHER OF THE AMOUNTS PRESCRIBED IN
16 PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF THIS SECTION. HOWEVER, IF
17 THE AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT, OR BOTH, ALLOWED
18 UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH
19 AMOUNT, ANY AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT THUS NOT
20 DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING
21 YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAX FOR SUCH YEAR OR YEARS.

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

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1 S 2. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
2 of the tax law is amended by adding a new clause (xxxii) to read as
3 follows:

4 (XXXII) SMALL BUSINESS	AMOUNT OF CREDIT UNDER
5 CAPITAL TAX CREDIT	SUBDIVISION TWENTY-NINE OF
6 UNDER SUBSECTION (SS)	SECTION TWO HUNDRED TEN

7 S 3. Section 606 of the tax law is amended by adding a new subsection
8 (ss) to read as follows:

9 (SS) SMALL BUSINESS CAPITAL TAX CREDIT. (1) A TAXPAYER SHALL BE
10 ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBSECTION, AGAINST
11 THE TAX IMPOSED BY THIS ARTICLE. SUCH CREDIT SHALL BE GRANTED TO ANY
12 TAXPAYER WHICH IS A SMALL BUSINESS WHEN THE SMALL BUSINESS IS LOCATED IN
13 A VILLAGE OR IN A CITY WITH A POPULATION OF LESS THAN THIRTY-FIVE THOU-
14 SAND AS DETERMINED BY THE MOST RECENT FEDERAL DECENNIAL CENSUS. THE
15 AMOUNT OF THE CREDIT SHALL BE EQUAL TO TWENTY-FIVE PERCENT OF THE SUM OF
16 QUALIFIED INVESTMENTS IN SUCH SMALL BUSINESS, AS DETERMINED BY THE
17 COMMISSIONER.

18 (2) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM "SMALL BUSINESS"
19 MEANS A BUSINESS WHICH EMPLOYS LESS THAN FIFTEEN EMPLOYEES.

20 (3) THE CREDIT AND CARRYOVERS OF SUCH CREDIT ALLOWED UNDER THIS
21 SUBSECTION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE
22 TAX DUE FOR SUCH YEAR TO BE LESS THAN THE HIGHER OF THE AMOUNTS
23 PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF SECTION TWO
24 HUNDRED TEN OF THIS CHAPTER. HOWEVER, IF THE AMOUNT OF CREDIT OR CARRY-
25 OVERS OF SUCH CREDIT, OR BOTH, ALLOWED UNDER THIS SUBSECTION FOR ANY
26 TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT OR
27 CARRYOVERS OF SUCH CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY
28 BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM
29 THE TAX FOR SUCH YEAR OR YEARS.

30 S 4. This act shall take effect on the first of January next succeed-
31 ing the date on which it shall have become a law and shall apply to
32 taxable years commencing on or after such date.