

1299

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sen. DUANE -- 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 the reporting of tax information by certain corporations

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

1 Section 1. The tax law is amended by adding a new section 8-a to read
2 as follows:
3 S 8-A. REPORTING OF TAX INFORMATION BY CORPORATIONS. 1. EACH CORPO-
4 RATION OBLIGATED TO FILE A CORPORATE FRANCHISE TAX RETURN PURSUANT TO
5 ARTICLE NINE-A OF THIS CHAPTER (OR, IN THE CASE OF A CORPORATION
6 EXEMPTED FROM THE ARTICLE NINE-A TAX PURSUANT TO SUBDIVISION FOUR OF
7 SECTION TWO HUNDRED NINE OF SUCH ARTICLE, SUBJECT TO ANY OTHER TAX
8 REFERRED TO IN SUCH SUBDIVISION) SHALL, WITHIN SEVEN MONTHS AFTER THE
9 CLOSE OF ITS FISCAL YEAR, SUBMIT TO THE SECRETARY OF STATE CERTAIN
10 INFORMATION FROM SUCH CORPORATION'S TAX RETURN ON A FORM PREPARED BY THE
11 SECRETARY OF STATE.
12 2. THE FORM SHALL CONTAIN: THE NAME OF THE CORPORATION AND THE STREET
13 ADDRESS OF ITS PRINCIPAL OFFICE; ITS TOTAL GROSS PROFIT; ANY DEDUCTION
14 OR OTHER OFFSET WHICH REDUCES INCOME SUBJECT TO TAXATION OR ANY CREDIT
15 WHICH REDUCES THE TAX LIABILITY BY GREATER THAN FIVE PERCENT; ITS TOTAL
16 NET TAXABLE INCOME; THE PERCENTAGE USED TO ESTABLISH WHAT PORTION OF
17 TOTAL NET TAXABLE INCOME IS APPORTIONED TO NEW YORK STATE; ITS INCOME
18 TAXABLE IN NEW YORK STATE; THE VALUE OF THE TANGIBLE PROPERTY OF THE
19 CORPORATION TAXABLE IN NEW YORK STATE OR TAXABLE NET WORTH, WHICHEVER IS
20 APPLICABLE; THE TOTAL FRANCHISE TAX (OR OTHER TAX SPECIFIED IN SUBDIVI-
21 SION FOUR OF SECTION TWO HUNDRED NINE OF THIS CHAPTER) DUE TO NEW YORK
22 STATE FOR THE TAX YEAR IN QUESTION; ITS NET INCOME ACCORDING TO ITS
23 BOOKS REPORTED ON ITS FEDERAL TAX RETURN.

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

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1 3. ANY CORPORATION COVERED BY THIS SECTION WHICH CHOOSES TO SUPPLEMENT
2 THE FOREGOING INFORMATION WITH ADDITIONAL INFORMATION FROM ITS CORPORATE
3 FRANCHISE TAX RETURN MAY REQUEST, IN WRITING, OF THE SECRETARY OF STATE
4 THAT SUCH CORPORATION BE ALLOWED TO INCLUDE ON THE FORM SUCH ADDITIONAL
5 INFORMATION.

6 BY JANUARY FIFTEENTH OF EACH YEAR, THE COMMISSIONER SHALL FORWARD TO
7 THE SECRETARY OF STATE A LIST OF ALL CORPORATIONS OBLIGATED TO FILE
8 UNDER THIS SECTION. THE SECRETARY OF STATE MAY ASK THE COMMISSIONER
9 WHETHER THE FORMS SUBMITTED PURSUANT TO THIS SECTION BY CERTAIN CORPO-
10 RATIONS DESIGNATED BY THE SECRETARY OF STATE CONTAIN ACCURATE INFORMA-
11 TION. SHOULD THE COMMISSIONER DISCOVER THAT SUCH FORMS ARE INACCURATE,
12 HE SHALL CORRECT SUCH INACCURACIES AND REPORT SUCH CORRECTIONS TO THE
13 SECRETARY OF STATE; PROVIDED, HOWEVER, THAT THE COMMISSIONER IN MAKING
14 SUCH REPORT SHALL COMMUNICATE ONLY THE INFORMATION FROM THE CORPORATE
15 FRANCHISE TAX RETURN THAT IS NECESSARY TO FULLY INFORM THE SECRETARY OF
16 STATE OF SUCH CORRECTIONS.

17 4. BY MARCH FIRST OF EACH YEAR, THE SECRETARY OF STATE SHALL PUBLISH
18 (A) ALL FORMS FILED PURSUANT TO THIS SECTION WITH THE SECRETARY OF STATE
19 BY DECEMBER THIRTY-FIRST OF THE PREVIOUS YEAR; AND (B) A LIST OF THOSE
20 CORPORATIONS REQUIRED TO FILE PURSUANT TO THIS SECTION BUT WHICH FOR THE
21 MOST RECENT TAX YEAR HAVE NOT DONE SO WITHIN THE TIME LIMITS PRESCRIBED
22 BY THIS SECTION.

23 S 2. This act shall take effect on the one hundred eightieth day after
24 it shall have become a law; provided that the commissioner of taxation
25 and finance and the secretary of state are authorized jointly and
26 severally to promulgate any and all rules and regulations and take any
27 other measures necessary to implement this act on its effective date on
28 or before such date.