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

5419

2013-2014 Regular Sessions

I N A S S E M B L Y

February 26, 2013

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

AN ACT to amend the tax law, in relation to providing a tax credit for certain donations to assist small businesses in severe weather recovery; and to amend the New York state urban development corporation act, in relation to creating the severe weather business recovery fund

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 (vv) to read as follows:

(VV) SMALL BUSINESS RECOVERY DONATION CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT AS HEREINAFTER PROVIDED, AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR DONATIONS OF AT LEAST ONE THOUSAND DOLLARS WHICH ARE MADE TO THE SEVERE WEATHER BUSINESS RECOVERY FUND ESTABLISHED UNDER SECTION SIXTEEN-V OF THE NEW YORK URBAN DEVELOPMENT CORPORATION ACT. THE AMOUNT OF THE CREDIT SHALL BE FIFTY PERCENT OF ANY DONATION OVER ONE THOUSAND DOLLARS.

(2) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

(3) PROOF OF CLAIM. THE COMMISSIONER MAY REQUIRE A QUALIFIED TAXPAYER TO FURNISH PROOF OF HIS OR HER DONATION TO THE SEVERE WEATHER BUSINESS RECOVERY FUND.

S 2. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 16-v to read as follows:

S 16-V. SEVERE WEATHER BUSINESS RECOVERY FUND. 1. THE CORPORATION SHALL ESTABLISH A FUND TO BE KNOWN AS THE "SEVERE WEATHER BUSINESS

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

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RECOVERY FUND" TO CONSIST OF MONIES DONATED THERETO AND ALL OTHER MONIES APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. THE MONIES HELD IN OR CREDITED TO THE FUND SHALL BE EXPENDED SOLELY FOR THE PURPOSES SET FORTH IN THIS SECTION. THE CORPORATION SHALL NOT COMMINGLE THE MONIES OF SUCH FUND WITH ANY OTHER MONIES OF THE CORPORATION OR ANY MONIES HELD IN TRUST BY THE CORPORATION.

2. THE CORPORATION IS AUTHORIZED, WITHIN AVAILABLE APPROPRIATIONS, TO PROVIDE FINANCIAL ASSISTANCE TO SMALL BUSINESSES IMPACTED BY A SEVERE WEATHER EVENT FOR THE PURPOSE OF SUPPORTING THE ECONOMIC RECOVERY OF SUCH BUSINESSES FROM THE FINANCIAL IMPACT OF SUCH WEATHER EVENT.

3. AN APPLICATION FOR ASSISTANCE UNDER THIS SECTION SHALL BE SUBMITTED IN SUCH FORM AND IN ACCORDANCE WITH SUCH PROCEDURES AS THE CORPORATION SHALL ESTABLISH.

4. THE CORPORATION SHALL DEVELOP CRITERIA TO BE USED IN EVALUATING GRANT APPLICATIONS. SUCH CRITERIA SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) THE EXTENT OF THE ECONOMIC IMPACT ON THE APPLICANT;

(B) THE ABILITY OF THE APPLICANT TO LEVERAGE OTHER FUNDS;

(C) FINANCIAL COMMITMENT AND VIABILITY OF THE APPLICANT; AND

(D) THE LIKELIHOOD THAT THE ECONOMIC BENEFITS WILL BE MANIFEST WITHIN A SIX- TO TWELVE-MONTH PERIOD.

S 3. This act shall take effect immediately and shall apply to taxable years beginning on and after January 1, 2013.