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

6444

2013-2014 Regular Sessions

I N A S S E M B L Y

March 27, 2013

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

AN ACT to amend the tax law, in relation to extending certain provisions of law relating to temporary deferral of certain tax credits and temporary deferral payout credits; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Paragraph (a) of subdivision 1 of section 33 to the tax law, as added by section 1 of part Y of chapter 57 of the laws of 2010, is amended to read as follows:

(a) For taxable years beginning on or after January first, two thousand ten and before January first, two thousand [thirteen] EIGHTEEN, the excess over two million dollars of the total amount of the tax credits specified in subdivision three of this section that in each of those taxable years would otherwise be used to reduce the taxpayer's tax liability to the amount otherwise specified in this chapter or be refunded or credited as an overpayment will be deferred to and used or refunded in taxable years beginning on or after January first, two thousand [thirteen] EIGHTEEN in accordance with the provisions of section thirty-four of this article. Interest shall not be paid on the amounts of credit deferred.

S 2. Subdivisions 1 and 2 of section 34 of the tax law, as added by section 2 of part Y of chapter 57 of the laws of 2010, is amended to read as follows:

1. The amounts of nonrefundable credits that are deferred pursuant to section thirty-three of this article in taxable years beginning on or after January first, two thousand ten and before January first, two thousand [thirteen] EIGHTEEN shall be accumulated and constitute the taxpayer's temporary deferral nonrefundable payout credit. The taxpayer may first claim this credit in the taxable year beginning on or after

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

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January first, two thousand [thirteen] EIGHTEEN and before January first, two thousand [fourteen] NINETEEN. The taxpayer shall be allowed to claim this credit until the accumulated amounts are exhausted. The credit shall be allowed against the taxpayer's tax as provided in the provisions referenced in paragraph (a) of subdivision three of this section.

2. The amounts of refundable credits that are deferred pursuant to section thirty-three of this article in taxable years beginning on or after January first, two thousand ten and before January first, two thousand [thirteen] EIGHTEEN shall be accumulated and constitute the taxpayer's temporary deferral refundable payout credit. In the taxable year beginning on or after January first, two thousand [thirteen] EIGHTEEN and before January first, two thousand [fourteen] NINETEEN, the taxpayer shall be allowed to claim a credit equal to fifty percent of the amount accumulated. In the taxable year beginning on or after January first, two thousand [fourteen] NINETEEN and before January first, two thousand [fifteen] TWENTY, the taxpayer shall be allowed to claim a credit equal to seventy-five percent of the balance of the amount accumulated. In the taxable year beginning on or after January first, two thousand [fifteen] TWENTY and before January first, two thousand [sixteen] TWENTY-ONE, the taxpayer shall be allowed to claim a credit equal to the remaining balance of the amount accumulated. The credit shall be allowed against the taxpayer's tax as provided in the provisions referenced in paragraph (b) of subdivision three of this section.

S 3. Clause (A) of subparagraph (ii) of paragraph (c) of subdivision 1 of section 210 of the tax law, as amended by section 2 of part C of chapter 56 of the laws of 2011, is amended to read as follows:

(A) For taxable years beginning on or after January first, two thousand seven, the amount prescribed by this paragraph shall be computed at the rate of one and one-half percent of the taxpayer's minimum taxable income base. FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, THE AMOUNT PRESCRIBED BY THIS PARAGRAPH SHALL BE COMPUTED AT THE RATE OF THREE AND ONE-HALF PERCENT OF THE TAXPAYER'S MINIMUM TAXABLE INCOME BASE. The "taxpayer's minimum taxable income base" shall mean the portion of the taxpayer's minimum taxable income allocated within the state as hereinafter provided, subject to any modifications required by paragraphs (d) and (e) of subdivision three of this section.

S 4. This act shall take effect immediately; and provided that section three of this act shall expire and be deemed repealed January 1, 2017.