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

11270

I N A S S E M B L Y

May 25, 2010

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

AN ACT to amend the tax law, in relation to creating a local food and products sourcing tax credit

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

Section 1. Section 210 of the tax law is amended by adding a new subdivision 41 to read as follows:

41. LOCAL FOOD AND PRODUCTS SOURCING TAX CREDIT. 1. BUSINESSES SUBJECT TO TAX LIABILITY UNDER ARTICLE NINE OR NINE-A OF THIS CHAPTER MAY CLAIM THE LOCAL FOODS AND PRODUCTS SOURCING TAX CREDIT AGAINST ANY SUCH LIABILITY AT THE CLOSE OF THE TAX YEAR PROVIDED, HOWEVER, THAT THE UNUSED PORTION OF ANY TAX CREDIT CLAIMED SHALL NOT BE CARRIED FORWARD AND APPLIED IN ANOTHER TAX YEAR.

2. FOR THE PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "LOCAL PRODUCTS", ARE ANY PRODUCTS GROWN, RAISED, PRODUCED, OR MANUFACTURED BY A PRODUCER WITHIN THE STATE OF NEW YORK, FROM SEED OR CONCEPTION THROUGH FINAL PRODUCT;

(B) "PRODUCER", IS AN INDIVIDUAL (WHETHER ACTING INDIVIDUALLY OR THROUGH A COOPERATIVE, CORPORATION, PARTNERSHIP, BUSINESS ASSOCIATION, OR EDUCATIONAL INSTITUTION) WHO IS A FARMER, STUDENT FARMER, OR MANUFACTURER OF FOODS OR GOODS IN NEW YORK STATE IT SHALL NOT HOWEVER INCLUDE A WHOLESALER OR DISTRIBUTOR;

(C) "NET SALES" ARE THE TOTAL SALES OF THE BUSINESS SUBJECT TO TAX.

3. THE AMOUNT OF THE CREDIT SHALL BE PROSCRIBED ACCORDING TO THE FOLLOWING SCHEDULE:

(A) TWENTY PERCENT OF NET SALES ARE ATTRIBUTED TO LOCAL PRODUCTS THE CREDIT SHALL BE ONE THOUSAND FIVE HUNDRED DOLLARS.

(B) FORTY PERCENT OF NET SALES ARE ATTRIBUTED TO LOCAL PRODUCTS THE CREDIT SHALL BE THREE THOUSAND DOLLARS.

(C) SIXTY PERCENT OF NET SALES ARE ATTRIBUTED TO LOCAL PRODUCTS THE CREDIT SHALL BE SIX THOUSAND DOLLARS.

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

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(D) EIGHTY PERCENT OF NET SALES ARE ATTRIBUTED TO LOCAL PRODUCTS THE CREDIT SHALL BE TWELVE THOUSAND DOLLARS.

(E) ONE HUNDRED PERCENT OF NET SALES ARE ATTRIBUTED TO LOCAL PRODUCTS THE CREDIT SHALL BE TWENTY-FIVE THOUSAND DOLLARS.

4.(A) BUSINESS CLAIMING THE LOCAL FOOD AND PRODUCTS SOURCING TAX CREDIT SHALL SUBMIT A COMPUTER-GENERATED REPORT WITH TAX RETURNS THAT CLAIM A TAX CREDIT.

(B) SUCH REPORT SHALL INCLUDE THE NAME OF THE PRODUCER AND THE PHYSICAL PLACE OF THE BUSINESS WHERE THE PRODUCTS ARE PRODUCED.

(C) THE AMOUNT PAID BY GROCER OR BUSINESS TO THE PRODUCER AND THE AMOUNT OF UNITS PURCHASED.

S 2. This act shall take effect immediately.