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

4854

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. ALESSI -- Multi-Sponsored by -- M. of A. REILLY -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to the amount of the unified credit applied to estates including a family owned farm for purposes of the estate tax

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

Section 1. Subsection (a) of section 951 of the tax law, as amended by section 1 of part A of chapter 407 of the laws of 1999, is amended to read as follows:

(a) Dates. For purposes of this article, any reference to the internal revenue code means the United States Internal Revenue Code of 1986, with all amendments enacted on or before July twenty-second, nineteen hundred ninety-eight, and, unless specifically provided otherwise in this article, any reference to December thirty-first, nineteen hundred seventy-six or January first, nineteen hundred seventy-seven contained in the provisions of such code which are applicable to the determination of the tax imposed by this article shall be read as a reference to June thirtieth, nineteen hundred seventy-eight or July first, nineteen hundred seventy-eight, respectively. Notwithstanding the foregoing, the unified credit against the estate tax provided in section two thousand ten of the internal revenue code shall, for purposes of this article, be the amount allowed by such section under the applicable federal law in effect on the decedent's date of death. Provided, however, the amount of such credit allowable for purposes of this article shall not exceed the amount allowable as if the federal unified credit did not exceed the tax due under section two thousand one of the internal revenue code on a federal taxable estate of one million dollars. NOTWITHSTANDING THE FOREGOING, FOR ESTATES INCLUDING A FAMILY OWNED FARM ENGAGED IN THE PRODUCTION OF FARM PRODUCTS AS DEFINED IN SECTION TWO OF THE AGRICULTURE AND MARKETS LAW, AN ADDITIONAL CREDIT ALLOWABLE FOR PURPOSES OF THIS

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

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ARTICLE SHALL BE EQUAL TO THE VALUE OF SUCH FARM PROVIDED SUCH FARM IS INHERITED BY DESCENDANTS OF THE DECEDENT AND SUCH HEIRS CONTINUE THE PRODUCTION OF FARM PRODUCTS ON SUCH FARM.

S 2. This act shall take effect immediately and shall apply to the estates of decedents dying on or after January 1, 2010.