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

2439

2009-2010 Regular Sessions

I N S E N A T E

February 20, 2009

Introduced by Sen. YOUNG -- 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 establishing a grapevine replacement franchise tax on business corporations 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. GRAPEVINE REPLACEMENT TAX CREDIT. (A) ALLOWANCE OF CREDIT. A TAXPAYER THAT IS A BUSINESS PRINCIPALLY ENGAGED IN FARMING, AS SUCH TERM IS DEFINED IN PARAGRAPH NINETEEN OF SUBDIVISION (B) OF SECTION ONE THOUSAND ONE HUNDRED ONE OF THIS CHAPTER, SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR THE REPLACEMENT OF GRAPEVINES OF ANY CONCORD VARIETY FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND NINE. THE AMOUNT OF THE CREDIT SHALL BE EQUAL TO THE SUM OF THE COST OF GRAPEVINES THAT ARE PURCHASED AND PLANTED FOR THE PURPOSE OF REPLACING GRAPEVINES OF ANY CONCORD VARIETY. THIS CREDIT SHALL NOT APPLY TO GRAPEVINES OF ANY CONCORD VARIETY.

(B) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBDIVISION 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 ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THAT NO INTEREST SHOULD BE PAID ON SUCH REFUND, NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER.

S 2. This act shall take effect immediately.

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

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