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I N   S E N A T E

June 11, 2010

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Introduced by Sen. VALESKY -- 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 eliminating the wholesaler's reporting requirement for farm and commercial wineries

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

1     Section 1. Subparagraph (C) of paragraph 1 of subdivision (i) of  
2     section 1136 of the tax law, as added by section 1 of subpart G of part  
3     V-1 of chapter 57 of the laws of 2009, is amended to read as follows:  
4     (C) Every wholesaler, as defined by section three of the alcoholic  
5     beverage control law, if it has made a sale of an alcoholic beverage, as  
6     defined by section four hundred twenty of this chapter, without collect-  
7     ing sales or use tax during the period covered by the return, except (i)  
8     a sale to a person that has furnished an exempt organization certificate  
9     to the wholesaler for that sale; or (ii) a sale to another wholesaler  
10    whose license under the alcoholic beverage control law does not allow it  
11    to make retail sales of the alcoholic beverage. For each vendor, opera-  
12    tor, or recipient to whom the wholesaler has made a sale without  
13    collecting sales or compensating use tax, the return must include the  
14    total value of those sales made during the period covered by the return  
15    (excepting the sales described in clauses (i) and (ii) of this subpara-  
16    graph) and the vendor's, operator's or recipient's state liquor authori-  
17    ty license number, along with the information required by paragraph two  
18    of this subdivision.     THE PROVISIONS OF THIS SUBPARAGRAPH SHALL NOT  
19    APPLY TO A FARM WINERY OR WINERY LICENSED PURSUANT TO SECTION  
20    SEVENTY-SIX, SEVENTY-SIX-A, SEVENTY-SIX-D, AND/OR SEVENTY-SIX-F OF THE  
21    ALCOHOLIC BEVERAGE CONTROL LAW.  
22    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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