

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

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Introduced by Sens. YOUNG, RANZENHOFER -- 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:

1 Section 1. Section 210 of the tax law is amended by adding a new
2 subdivision 43 to read as follows:
3 43. GRAPEVINE REPLACEMENT TAX CREDIT. (A) ALLOWANCE OF CREDIT. A
4 TAXPAYER THAT IS A BUSINESS PRINCIPALLY ENGAGED IN FARMING, AS SUCH TERM
5 IS DEFINED IN PARAGRAPH NINETEEN OF SUBDIVISION (B) OF SECTION ONE THOU-
6 SAND ONE HUNDRED ONE OF THIS CHAPTER, SHALL BE ALLOWED A CREDIT AGAINST
7 THE TAX IMPOSED BY THIS ARTICLE FOR THE REPLACEMENT OF GRAPEVINES OF ANY
8 CONCORD VARIETY FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST,
9 TWO THOUSAND ELEVEN. THE AMOUNT OF THE CREDIT SHALL BE EQUAL TO THE SUM
10 OF THE COST OF GRAPEVINES THAT ARE PURCHASED AND PLANTED FOR THE PURPOSE
11 OF REPLACING GRAPEVINES OF ANY CONCORD VARIETY. THIS CREDIT SHALL NOT
12 APPLY TO GRAPEVINES OF ANY CONCORD VARIETY.
13 (B) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT ALLOWED UNDER
14 THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX
15 FOR SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO
16 BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE
17 THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THAT NO INTEREST
18 SHOULD BE PAID ON SUCH REFUND, NOTWITHSTANDING THE PROVISIONS OF
19 SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER.
20 S 2. This act shall take effect immediately.

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