

5262

2013-2014 Regular Sessions

I N   S E N A T E

May 15, 2013

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Introduced by Sen. GRIFFO -- 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 creating a tax credit for New York state businesses that source materials and supplies manufactured by other New York state businesses

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 47 to read as follows:  
3     47. QUALIFIED PRODUCTS LOCAL SOURCING CREDIT. (A) BUSINESSES SUBJECT  
4     TO TAX LIABILITY UNDER ARTICLE NINE OR NINE-A OF THIS CHAPTER, PURCHAS-  
5     ING QUALIFIED PRODUCTS MAY CLAIM THE QUALIFIED PRODUCTS LOCAL SOURCING  
6     TAX CREDIT AGAINST ANY SUCH LIABILITY AT THE CLOSE OF THE TAX YEAR  
7     PROVIDED, HOWEVER, THAT THE UNUSED PORTION OF ANY TAX CREDIT CLAIMED  
8     SHALL NOT BE CARRIED FORWARD AND APPLIED IN ANOTHER TAX YEAR.  
9     (B) FOR THE PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE  
10    THE FOLLOWING MEANINGS:  
11    (1) "QUALIFIED PRODUCTS" SHALL MEAN ANY MATERIALS, COMPONENTS, OR  
12    SUPPLIES WHETHER USED IN THE MANUFACTURING PROCESS OR OTHERWISE THAT ARE  
13    PRODUCED IN NEW YORK STATE BY A NEW YORK STATE BUSINESS;  
14    (2) "PRODUCER" IS AN INDIVIDUAL (WHETHER ACTING INDIVIDUALLY OR  
15    THROUGH A COOPERATIVE, CORPORATION, PARTNERSHIP, BUSINESS ASSOCIATION,  
16    OR EDUCATIONAL INSTITUTION) WHO IS A BUSINESS OR MANUFACTURER OF GOODS  
17    IN NEW YORK STATE, IT SHALL NOT HOWEVER INCLUDE A WHOLESALE OR DISTRIBUTOR;  
18    (3) "PURCHASER" IS AN INDIVIDUAL (WHETHER ACTING INDIVIDUALLY OR  
19    THROUGH A COOPERATIVE, CORPORATION, PARTNERSHIP, BUSINESS ASSOCIATION,  
20    OR EDUCATIONAL INSTITUTION) WHO IS A BUSINESS OR MANUFACTURER OF GOODS  
21    IN NEW YORK STATE, IT SHALL NOT HOWEVER INCLUDE A WHOLESALE OR DISTRIBUTOR;  
22    (4) "QUALIFIED PRODUCTS" SHALL MEAN ANY MATERIALS, COMPONENTS, OR  
23    SUPPLIES WHETHER USED IN THE MANUFACTURING PROCESS OR OTHERWISE THAT ARE  
24    PRODUCED IN NEW YORK STATE BY A NEW YORK STATE BUSINESS;

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

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

2 (C) THE AMOUNT OF THE CREDIT SHALL BE PRESCRIBED ACCORDING TO THE  
3 FOLLOWING SCHEDULE:

4 (1) TWENTY PERCENT OF NET SALES ARE ATTRIBUTED TO QUALIFIED PRODUCTS  
5 THE CREDIT SHALL BE ONE THOUSAND FIVE HUNDRED DOLLARS.

6 (2) FORTY PERCENT OF NET SALES ARE ATTRIBUTED TO QUALIFIED PRODUCTS  
7 THE CREDIT SHALL BE THREE THOUSAND DOLLARS.

8 (3) SIXTY PERCENT OF NET SALES ARE ATTRIBUTED TO QUALIFIED PRODUCTS  
9 THE CREDIT SHALL BE SIX THOUSAND DOLLARS.

10 (4) EIGHTY PERCENT OF NET SALES ARE ATTRIBUTED TO QUALIFIED PRODUCTS  
11 THE CREDIT SHALL BE TWELVE THOUSAND DOLLARS.

12 (5) ONE HUNDRED PERCENT OF NET SALES ARE ATTRIBUTED TO QUALIFIED  
13 PRODUCTS THE CREDIT SHALL BE TWENTY-FIVE THOUSAND DOLLARS.

14 (D) (1) BUSINESSES CLAIMING THE QUALIFIED PRODUCTS LOCAL SOURCING  
15 CREDIT SOURCING TAX CREDIT SHALL SUBMIT A COMPUTER-GENERATED REPORT WITH  
16 TAX RETURNS THAT CLAIM A TAX CREDIT.

17 (2) SUCH REPORT SHALL INCLUDE THE NAME OF THE PRODUCER AND THE PHYS-  
18 ICAL PLACE OF THE BUSINESS WHERE THE PRODUCTS ARE PRODUCED.

19 (3) THE AMOUNT PAID BY THE PURCHASER TO THE PRODUCER AND THE AMOUNT OF  
20 UNITS PURCHASED.

21 S 2. This act shall take effect immediately.