

5422

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 23, 2015

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Introduced by M. of A. KOLB, GIGLIO, CORWIN, LOPEZ, RAIA, MONTESANO,  
RYAN -- Multi-Sponsored by -- M. of A. CERETTO, TENNEY -- read once  
and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to providing for a credit  
against the personal income tax and the franchise tax on corporations  
for certain bottling, packaging and labelling expenses of wineries,  
breweries and distilleries

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

1     Section 1. Section 210-B of the tax law is amended by adding a new  
2     subdivision 49 to read as follows:  
3     49. (A) A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED  
4     BY THIS ARTICLE EQUAL TO THE AMOUNT ACTUALLY EXPENDED ON AND AFTER JANU-  
5     ARY FIRST, TWO THOUSAND FIFTEEN FOR CASES, BOTTLES, CARAFES OR OTHER  
6     CONTAINERS IN WHICH WINE, LIQUOR, OR BEER PRODUCED FOR RESALE IS PACK-  
7     AGED AND FOR CORKS AND LABELS USED IN AND ON SUCH CONTAINERS; PROVIDED  
8     SUCH TAXPAYER IS LICENSED AS A WINERY, DISTILLERY, OR BREWERY PURSUANT  
9     TO THE PROVISIONS OF SECTION SEVENTY-SIX, SIXTY-ONE OR FIFTY-ONE OF THE  
10    ALCOHOLIC BEVERAGE CONTROL LAW; PROVIDED THAT THIS SUBDIVISION ONLY  
11    APPLIES TO BREWERS THAT PRODUCE SIXTY MILLION OR FEWER GALLONS OF BEER  
12    IN THIS STATE.  
13    (B) IN NO EVENT SHALL THE CREDIT HEREIN PROVIDED FOR BE ALLOWED IN AN  
14    AMOUNT WHICH WILL REDUCE THE TAX PAYABLE TO LESS THAN THE MINIMUM FIXED  
15    BY PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION TWO HUNDRED TEN OF THIS  
16    ARTICLE. IF, HOWEVER, THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBDI-  
17    VISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT  
18    OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE  
19    FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR  
20    SUCH YEAR OR YEARS.  
21    S 2. Section 606 of the tax law is amended by adding a new subsection  
22    (ccc) to read as follows:

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

LBD03600-01-5

1 (CCC) (1) A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED  
2 BY THIS ARTICLE EQUAL TO THE AMOUNT ACTUALLY EXPENDED ON AND AFTER JANU-  
3 ARY FIRST, TWO THOUSAND FIFTEEN FOR CASES, BOTTLES, CARAFES OR OTHER  
4 CONTAINERS IN WHICH WINE, LIQUOR OR BEER PRODUCED FOR RESALE IS PACKAGED  
5 AND FOR CORKS AND LABELS USED IN AND ON SUCH CONTAINERS; PROVIDED SUCH  
6 TAXPAYER IS LICENSED AS A WINERY, DISTILLERY OR BREWERY PURSUANT TO THE  
7 PROVISIONS OF SECTION SEVENTY-SIX, SIXTY-ONE OR FIFTY-ONE OF THE ALCO-  
8 HOLIC BEVERAGE CONTROL LAW; PROVIDED THAT THIS SUBSECTION SHALL ONLY  
9 APPLY TO BREWERIES THAT PRODUCE SIXTY MILLION GALLONS OF BEER OR FEWER  
10 IN THIS STATE.

11 (2) IN NO EVENT SHALL THE AMOUNT OF THE CREDIT HEREIN PROVIDED FOR BE  
12 ALLOWED IN EXCESS OF THE TAXPAYER'S TAX FOR SUCH YEAR. HOWEVER, IF THE  
13 AMOUNT OF CREDIT OTHERWISE ALLOWABLE UNDER THIS SUBSECTION FOR ANY TAXA-  
14 BLE YEAR RESULTS IN SUCH EXCESS AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCT-  
15 ILE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR  
16 YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR  
17 YEARS.

18 S 3. This act shall take effect immediately.