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

6422

2015-2016 Regular Sessions

I N A S S E M B L Y

March 24, 2015

Introduced by M. of A. RUSSELL -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to the personal income real property tax credit for manufacturers

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

Section 1. Clause (ii) of subparagraph (B) of paragraph 2 of subsection (xx) of section 606 of the tax law, as added by section 4 of part R of chapter 59 of the laws of 2014, is amended to read as follows:

(ii) In addition, the term real property tax includes taxes paid by the taxpayer upon real property principally used during the taxable year by the taxpayer in manufacturing where the taxpayer leases such real property from an unrelated third party if the following conditions are satisfied: (I) the tax must be paid by the taxpayer as lessee pursuant to explicit requirements in a written lease, and (II) the taxpayer as lessee has paid such taxes directly to the taxing authority and has received a written receipt for payment of taxes from the taxing authority. In the case of a combined group that constitutes a qualified New York manufacturer, the conditions in the preceding sentence are satisfied if one corporation in the combined group is the lessee and another corporation in the combined group makes the payments to the taxing authority. *IN THE CASE OF A TAXPAYER WHO DURING THE TAXABLE YEAR IS PRINCIPALLY ENGAGED IN THE PRODUCTION OF GOODS BY FARMING, AGRICULTURE, HORTICULTURE, FLORICULTURE, VITICULTURE OR COMMERCIAL FISHING, THE LEASE OF LAND FROM A RELATED PARTY SHALL NOT PRECLUDE ELIGIBILITY FOR THE REAL PROPERTY TAX CREDIT FOR MANUFACTURERS.*

S 2. This act shall take effect immediately and shall apply to tax years commencing on or after January 1, 2015.

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

LBD09748-02-5