

4275

2015-2016 Regular Sessions

I N   S E N A T E

March 11, 2015

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Introduced by Sens. YOUNG, RICHIE -- (at request of the Legislative Commission on Rural Resources) -- 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 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:

1     Section 1. Clause (ii) of subparagraph (B) of paragraph 2 of  
2     subsection (xx) of section 606 of the tax law, as added by section 4 of  
3     part R of chapter 59 of the laws of 2014, is amended to read as follows:  
4     (ii) In addition, the term real property tax includes taxes paid by  
5     the taxpayer upon real property principally used during the taxable year  
6     by the taxpayer in manufacturing where the taxpayer leases such real  
7     property from an unrelated third party if the following conditions are  
8     satisfied: (I) the tax must be paid by the taxpayer as lessee pursuant  
9     to explicit requirements in a written lease, and (II) the taxpayer as  
10    lessee has paid such taxes directly to the taxing authority and has  
11    received a written receipt for payment of taxes from the taxing authori-  
12    ty. In the case of a combined group that constitutes a qualified New  
13    York manufacturer, the conditions in the preceding sentence are satis-  
14    fied if one corporation in the combined group is the lessee and another  
15    corporation in the combined group makes the payments to the taxing  
16    authority. IN THE CASE OF A TAXPAYER WHO DURING THE TAXABLE YEAR IS  
17    PRINCIPALLY ENGAGED IN THE PRODUCTION OF GOODS BY FARMING, AGRICULTURE,  
18    HORTICULTURE, FLORICULTURE, VITICULTURE OR COMMERCIAL FISHING, THE LEASE  
19    OF LAND FROM A RELATED PARTY SHALL NOT PRECLUDE ELIGIBILITY FOR THE REAL  
20    PROPERTY TAX CREDIT FOR MANUFACTURERS.  
21    S 2. This act shall take effect immediately and shall apply to tax  
22    years commencing on or after January 1, 2015.

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

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