

STATE OF NEW YORK

1438

2017-2018 Regular Sessions

IN SENATE

January 9, 2017

Introduced by Sens. RITCHIE, BONACIC, DeFRANCISCO, GALLIVAN, GRIFFO, LARKIN, MARCHIONE, O'MARA, ORTT, RANZENHOFER, SEWARD, YOUNG -- 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 providing a tax credit to farmers who sell or rent their agricultural land to a young farmer

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 210-B of the tax law is amended by adding a new
2 subdivision 52 to read as follows:

3 52. Credit for farmers who sell or rent their agricultural land to a
4 young farmer. (a) Allowance of credit. A taxpayer that is an agricul-
5 tural business principally engaged in farming, as such term is defined
6 in paragraph nineteen of subdivision (b) of section eleven hundred one
7 of this chapter shall be allowed a credit against the tax imposed by
8 this article for the sale or rent of their agricultural lands to a young
9 farmer, as defined in this section. Such credit shall be ten percent of
10 the purchase price or rental amount of the agricultural lands.

11 (b) For purposes of this subdivision, "young farmer" shall mean a
12 farmer who has not produced an agricultural product for more than ten
13 consecutive years, where agricultural product means any agricultural or
14 aquacultural product of the soil or water, including but not limited to
15 fruits, vegetables, eggs, dairy products, meat and meat products, poul-
16 try and poultry products, fish and fish products, grain and grain
17 products, honey, nuts, preserves, maple sap products, apple cider, fruit
18 juice, horticultural specialties, and Christmas trees and who will mate-
19 rially and substantially participate in the production of an agricul-
20 tural project.

21 (c) Prior to sale, the seller shall convey to the department of agri-
22 culture and markets, an easement, the terms of which limit development
23 of the land to agricultural business, principally farming, as such term

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

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1 is defined in paragraph nineteen of subdivision (b) of section eleven
2 hundred one of this chapter. The easement shall expire not less than ten
3 years from the date of sale.

4 § 2. Section 606 of the tax law is amended by adding a new subsection
5 (ccc) to read as follows:

6 (ccc) Credit for the sale or rent of agricultural land to a young
7 farmer. (1) Allowance of credit. A taxpayer whose federal gross income
8 from farming for the taxable year is at least two-thirds of excess
9 federal gross income shall be allowed a credit against the tax imposed
10 by this article for the sale or rent of agricultural land or equipment
11 to a young farmer, as defined by section two hundred ten-B of this chap-
12 ter. Such credit shall be ten percent of the purchase price of rental
13 amount of the agricultural land, and shall be allowed notwithstanding
14 subsection (kk) of this section.

15 (2) Definitions. For purposes of this subsection, the following defi-
16 nitions shall apply:

17 (A) "Excess federal gross income" means the amount of federal gross
18 income from all sources for the taxable year reduced by the sum, not to
19 exceed thirty thousand dollars, of those items included in federal gross
20 income which consist of:

21 (i) earned income,

22 (ii) pension payments, including social security payments,

23 (iii) interest, and

24 (iv) dividends.

25 (B) For purposes of this paragraph, the term "earned income" shall
26 mean wages, salaries, tips and other employee compensation, and those
27 items of gross income which are includible in the computation of net
28 earnings from self-employment. For the purposes of this paragraph,
29 payments from the state's farmland protection program, administered by
30 the department of agriculture and markets, shall be included as federal
31 gross income from farming.

32 (3) Application of credit. If the amount of the credit allowed under
33 this subsection for any taxable year shall exceed the taxpayer's tax for
34 such year, the excess shall be treated as an overpayment of tax to be
35 credited or refunded in accordance with the provisions of section six
36 hundred eighty-six of this article, provided, however, that no interest
37 shall be paid thereon.

38 § 3. This act shall take effect immediately and shall apply to taxable
39 years beginning on and after January 1, 2018.