

STATE OF NEW YORK

5445

2019-2020 Regular Sessions

IN ASSEMBLY

February 12, 2019

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

AN ACT to amend the tax law, in relation to reducing farm-based taxes

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

Section 1. Subparagraphs (A) and (B) of paragraph 3 of subsection (c) of section 658 of the tax law, subparagraph (A) as amended by section 13 of part Q of chapter 60 of the laws of 2016 and subparagraph (B) as amended by section 1 of part H-1 of chapter 57 of the laws of 2009, are amended to read as follows:

(A) Every subchapter K limited liability company, every limited liability company that is a disregarded entity for federal income tax purposes, and every partnership which has any income derived from New York sources, determined in accordance with the applicable rules of section six hundred thirty-one of this article as in the case of a nonresident individual, shall on or before the fifteenth day of the third month following the close of each taxable year make a payment of a filing fee. Such deadline shall not apply to farms, commercial horse boarding operations or agricultural service providers subject to the fee, which shall, within one hundred twenty days after the last day of the taxable year, make payment of any required filing fee. The amount of the filing fee is the amount set forth in subparagraph (B) of this paragraph. The minimum filing fee is twenty-five dollars for taxable years beginning in two thousand eight and thereafter. Limited liability companies that are disregarded entities for federal income tax purposes must pay a filing fee of twenty-five dollars for taxable years beginning on or after January first, two thousand eight.

(B) The filing fee will be based on the New York source gross income of the limited liability company or partnership for the taxable year immediately preceding the taxable year for which the fee is due. If the limited liability company or partnership does not have any New York

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

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1 source gross income for the taxable year immediately preceding the tax-
2 ble year for which the fee is due, the limited liability company or
3 partnership shall pay the minimum filing fee. Partnerships, other than
4 limited liability partnerships under article eight-B of the partnership
5 law and foreign limited liability partnerships, with less than one
6 million dollars in New York source gross income are exempt from the
7 filing fee. New York source gross income is the sum of the partners' or
8 members' shares of federal gross income from the partnership or limited
9 liability company derived from or connected with New York sources,
10 determined in accordance with the provisions of section six hundred
11 thirty-one of this article as if those provisions and any related
12 provisions expressly referred to a computation of federal gross income
13 from New York sources. For this purpose, federal gross income is
14 computed without any allowance or deduction for cost of goods sold,
15 except that for companies engaged primarily in farming, commercial horse
16 boarding or agricultural service providers, the term federal gross
17 income shall mean net income as reported for federal tax purposes.

18 The amount of the filing fee for taxable years beginning on or after
19 January first, two thousand eight will be determined in accordance with
20 the following table:

21 If the New York source gross income is:	The fee is:
22 not more than \$100,000	\$25
23 more than \$100,000 but not over \$250,000	\$50
24 more than \$250,000 but not over \$500,000	\$175
25 more than \$500,000 but not over \$1,000,000	\$500
26 more than \$1,000,000 but not over \$5,000,000	\$1,500
27 more than \$5,000,000 but not over \$25,000,000	\$3,000
28 Over \$25,000,000	\$4,500

29 § 2. Clause (E) of subparagraph 1 of paragraph (d) of subdivision 1 of
30 section 210 of the tax law, as amended by section 19 of part T of chap-
31 ter 59 of the laws of 2015, is amended to read as follows:

32 (E) For purposes of this paragraph, New York receipts are the receipts
33 included in the numerator of the apportionment factor determined under
34 section two hundred ten-A of this article for the taxable year, except
35 that for corporations engaged primarily in farming, commercial horse
36 boarding, or providing agricultural services, the term New York receipts
37 shall refer to net farm income as reported for federal tax purposes.

38 § 3. This act shall take effect immediately.