

STATE OF NEW YORK

3473

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. KOLB, GIGLIO, RAIA, MONTESANO, RYAN, NORRIS --
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 Assembly, do enact as follows:

1 Section 1. Section 210-B of the tax law is amended by adding a new
2 subdivision 53 to read as follows:

3 53. (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 nineteen 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 subdivi-
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 § 2. Section 606 of the tax law is amended by adding a new subsection
22 (jjj) to read as follows:

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

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1 (jjj) (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 nineteen 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 ible 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 § 3. This act shall take effect immediately.