

STATE OF NEW YORK

3978

2021-2022 Regular Sessions

IN ASSEMBLY

January 29, 2021

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 creating a certified transitional tax credit; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. The tax law is amended by adding a new section 45 to read
2 as follows:

3 § 45. Certified transitional tax credit. (a) Allowance of credit. A
4 taxpayer, who is subject to tax under article nine, nine-A, or twenty-
5 two of this chapter shall be allowed a refundable credit against such
6 tax to be computed as provided in this section, for the tax imposed by
7 this article for taxable years after January first, two thousand twen-
8 ty-two.

9 (b) Value of credit. The amount of such credit shall be equal to twen-
10 ty-five percent of the total pounds of goods sold under an eligible
11 program under subdivision (c) of this section, multiplied by one-half.

12 (c) Eligible programs. Taxpayers that wish to claim this credit must
13 demonstrate their agricultural products were sold during a period of
14 transition in to USDA organic certification, under the Whole Foods
15 Market IP. L.P. "responsibly grown" labelling program, or under the QAI
16 and Hesco, Inc. "certified transitional" label.

17 (d) Application of credit. The credit allowed under this section for
18 any taxable year shall not reduce the tax due for such year to less than
19 the minimum tax fixed by this article. However, if the amount of credit
20 allowed under this section for any taxable year reduces the tax to such
21 amount, any amount of credit thus not deductible in such taxable year
22 shall be treated as an overpayment of tax to be credited or refunded in
23 accordance with the provisions of section one thousand eighty-six of

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

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this chapter. Except as provided in subsection (c) of section one thousand eighty-eight of this chapter, no interest shall be paid thereon.

§ 2. The tax law is amended by adding a new section 187-q to read as follows:

§ 187-q. Certified transitional tax credit. (a) Allowance of credit. A taxpayer, who is subject to tax under article nine, nine-A, or twenty-two of this chapter shall be allowed a refundable credit against such tax to be computed as provided in this section, for the tax imposed by this article for taxable years after January first, two thousand twenty-two.

(b) Value of credit. The amount of such credit shall be equal to twenty-five percent of the total pounds of goods sold under an eligible program under subdivision (c) of this section, multiplied by one-half.

(c) Eligible programs. Taxpayers that wish to claim this credit must demonstrate their agricultural products were sold during a period of transition in to USDA organic certification, under the Whole Foods Market IP. L.P. "responsibly grown" labelling program, or under the QAI and Hesco, Inc. "certified transitional" label.

(d) Application of credit. The credit allowed under this section for any taxable year shall not reduce the tax due for such year to less than the minimum tax fixed by this article. However, if the amount of credit allowed under this section for any taxable year reduces the tax to such amount, any amount of credit thus not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Except as provided in subsection (c) of section one thousand eighty-eight of this chapter, no interest shall be paid thereon.

§ 3. Section 210-B of the tax law is amended by adding a new subdivision 55 to read as follows:

55. Certified transitional tax credit. (a) Allowance of credit. A taxpayer, who is subject to tax under article nine, nine-A, or twenty-two of this chapter shall be allowed a refundable credit against such tax to be computed as provided in this subdivision, for the tax imposed by this article for taxable years after January first, two thousand twenty-two.

(b) Value of credit. The amount of such credit shall be equal to twenty-five percent of the total pounds of goods sold under an eligible program under paragraph (c) of this subdivision, multiplied by one-half.

(c) Eligible programs. Taxpayers that wish to claim this credit must demonstrate their agricultural products were sold during a period of transition in to USDA organic certification, under the Whole Foods Market IP. L.P. "responsibly grown" labelling program, or under the QAI and Hesco, Inc. "certified transitional" label.

(d) Application of credit. The credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the minimum tax fixed by this article. However, if the amount of credit allowed under this subdivision for any taxable year reduces the tax to such amount, any amount of credit thus not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Except as provided in subsection (c) of section one thousand eighty-eight of this chapter, no interest shall be paid thereon.

§ 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xlvi) to read as follows:

(xlvi) Certified transitional
tax credit under section
forty-five of this chapter

Amount of credit under
subdivision fifty-five of
section two hundred ten-B

§ 5. This act shall take effect January 1, 2022, and shall apply to taxable years beginning on or after such date, and shall expire January 1, 2028 when upon such date the provisions of this act shall be deemed repealed. Effective immediately, the addition, amendment and/or repeal of any rule or regulation by the department of agriculture and markets, in conjunction with the department of taxation and finance that is necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.