STATE OF NEW YORK

4374

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

Introduced by Sen. MARTUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the tax law, in relation to an income tax credit for costs associated with implementing and complying with the farm laborers fair labor practices act

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

Section 1. Section 210-B of the tax law is amended by adding a new subdivision 55 to read as follows:

55. Farm labor fair labor practices tax credit. (a) General. A taxpayer who is an agricultural employer shall be allowed a credit, to be computed as provided in this subdivision, against the tax imposed by this article for the costs associated with implementing and complying with the provisions of the farm laborers fair labor practices act.

(b) Amount of credit. The amount of the credit authorized by this subdivision shall be equal to one hundred percent of the increased costs incurred by the agricultural employer including, but not limited to, compliance with farm labor wage and overtime mandates, collective bargaining provisions and workers' compensation requirements which result from the mandates of the farm laborers fair labor practices act.

(c) Carryovers. The credit allowed under this subdivision may be claimed and if not fully used in the initial year for which the credit is claimed may be carried over, in order, to each of the five succeeding taxable years. The credit authorized by this subdivision may not be used to reduce the tax liability of the credit claimant below zero.

§ 2. 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:

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

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(xlvi) Farm labor fair labor practices tax credit under subsection (kkk)	**Costs under subdivision fifty-five of section two hundred ten-B**

§ 3. Section 606 of the tax law is amended by adding a new subsection (kkk) to read as follows:

(kkk) Farm labor fair labor practices tax credit. (a) General. A taxpayer who is an agricultural employer shall be allowed a credit, to be computed as provided in this subsection, against the tax imposed by this article for the costs associated with implementing and complying with the provisions of the farm laborers fair labor practices act.

(b) Amount of credit. The amount of the credit authorized by this subsection shall be equal to one hundred percent of the increased costs incurred by the agricultural employer including, but not limited to, compliance with farm labor wage and overtime mandates, collective bargaining provisions and workers' compensation requirements which result from the mandates of the farm laborers fair labor practices act.

(c) Carryovers. The credit allowed under this subsection may be claimed and if not fully used in the initial year for which the credit is claimed may be carried over, in order, to each of the five succeeding taxable years. The credit authorized by this subsection may not be used to reduce the tax liability of the credit claimant below zero.

§ 4. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2021.