

STATE OF NEW YORK

5586

2025-2026 Regular Sessions

IN ASSEMBLY

February 18, 2025

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

AN ACT to amend the tax law, in relation to advance payments of a portion of the farm employer overtime tax credit

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

1 Section 1. Paragraphs 1 and 2 of subdivision (h) of section 42-a of
2 the tax law, as added by section 2 of subpart C of part B of chapter 59
3 of the laws of 2022, are amended to read as follows:

4 (1) (i) Taxpayers shall have the option to request an advance payment
5 of the portion of the amount of tax credit they are allowed under this
6 section for the amount of eligible overtime that the farm employer paid
7 from January first through [~~July~~] March thirty-first. To be eligible for
8 the advance payment, the farm employer must submit by [~~September thirti-~~
9 ~~eth~~] May thirty-first a properly completed application to the department
10 of agriculture and markets, in a form prescribed by the commissioner of
11 agriculture and markets, that demonstrates how much the farm employer
12 paid in eligible overtime during that period.

13 (ii) Taxpayers shall have the option to request an advance payment of
14 the portion of the amount of tax credit they are allowed under this
15 section for the amount of eligible overtime that the farm employer paid
16 from April first through June thirtieth. To be eligible for the advance
17 payment, the farm employer must submit by August thirty-first a properly
18 completed application to the department of agriculture and markets, in a
19 form prescribed by the commissioner of agriculture and markets, that
20 demonstrates how much the farm employer paid in eligible overtime during
21 that period.

22 (iii) Taxpayers shall have the option to request an advance payment of
23 the portion of the amount of tax credit they are allowed under this
24 section for the amount of eligible overtime that the farm employer paid
25 from July first through September thirtieth. To be eligible for the

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

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1 advance payment, the farm employer must submit by November thirtieth a
2 properly completed application to the department of agriculture and
3 markets, in a form prescribed by the commissioner of agriculture and
4 markets, that demonstrates how much the farm employer paid in eligible
5 overtime during that period.

6 (iv) After reviewing a farm employer's completed application for the
7 advance payment of a portion of the amount of tax credit allowed under
8 this section, the department of agriculture and markets may issue to
9 that farm employer a certificate of tax credit that specifies the exact
10 amount of the tax credit under this article that a taxpayer may claim as
11 an advance payment pursuant to this subdivision.

12 (2) (i) A taxpayer must submit a request to the department in the
13 manner prescribed by the commissioner after it has been issued a certif-
14 icate of tax credit by the department of agriculture and markets pursu-
15 ant to subparagraph (i) of paragraph one of this subdivision (or such
16 certificate has been issued to a partnership, limited liability company
17 or subchapter S corporation in which it is a partner, member or share-
18 holder, respectively, that is a farm employer), but such request must be
19 submitted no later than [~~November~~] July first of the taxable year for
20 which the credit is being claimed.

21 (ii) A taxpayer must submit a request to the department in the manner
22 prescribed by the commissioner after it has been issued a certificate of
23 tax credit by the department of agriculture and markets pursuant to
24 subparagraph (ii) of paragraph one of this subdivision (or such certif-
25 icate has been issued to a partnership, limited liability company or
26 subchapter S corporation in which it is a partner, member or sharehold-
27 er, respectively, that is a farm employer), but such request must be
28 submitted no later than October first of the taxable year for which the
29 credit is being claimed.

30 (iii) A taxpayer must submit a request to the department in the manner
31 prescribed by the commissioner after it has been issued a certificate of
32 tax credit by the department of agriculture and markets pursuant to
33 subparagraph (iii) of paragraph one of this subdivision (or such certif-
34 icate has been issued to a partnership, limited liability company or
35 subchapter S corporation in which it is a partner, member or sharehold-
36 er, respectively, that is a farm employer), but such request must be
37 submitted no later than January first of the calendar year following the
38 taxable year for which the credit is being claimed.

39 (iv) For those taxpayers who have requested an advance payment pursu-
40 ant to subparagraphs (i), (ii), or (iii) of this paragraph and for whom
41 the commissioner has determined to be eligible for this credit, the
42 commissioner shall advance a payment of the portion of the amount of tax
43 credit allowed to the taxpayer. The taxpayer will claim on the taxpay-
44 ers' return for the taxable year the portion of the amount of tax credit
45 allowed for eligible overtime paid by the farm employer from [~~August~~]
46 October first through December thirty-first. The taxpayer must properly
47 reconcile the advance payment of tax credit allowed under this subdivi-
48 sion on the taxpayer's return.

49 § 2. This act shall take effect January 1, 2027.