

# STATE OF NEW YORK

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1719--A

2015-2016 Regular Sessions

## IN ASSEMBLY

January 12, 2015

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Introduced by M. of A. LENTOL -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to establishing a credit for beer produced within the city of New York by a taxpayer that is registered as a distributor under article eighteen of the tax law

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

- 1 Section 1. Section 11-503 of the administrative code of the city of  
2 New York is amended by adding a new subdivision (p) to read as follows:  
3 (p) Beer production credit. (1) A taxpayer subject to tax under this  
4 chapter, that is registered as a distributor under article eighteen of  
5 the tax law, and that produces sixty million or fewer gallons of beer in  
6 this state in the taxable year, shall be allowed a credit against the  
7 tax imposed by this chapter in the amount specified in paragraph two of  
8 this subdivision. Provided, however, that no credit shall be allowed for  
9 any beer produced in excess of fifteen million five hundred thousand  
10 gallons in the taxable year.  
11 (2) The amount of the credit per taxpayer per taxable year for each  
12 gallon of beer produced in the city of New York on or after January  
13 first, two thousand seventeen shall be determined as follows:  
14 (i) for the first five hundred thousand gallons of beer produced in  
15 the city of New York in the taxable year, the credit shall equal twelve  
16 cents per gallon; and  
17 (ii) for each gallon of beer produced in the city of New York in the  
18 taxable year in excess of five hundred thousand gallons, the credit  
19 shall equal three and eighty-six one hundredths cents per gallon. The  
20 credit allowed under this subdivision for any taxable year shall be

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

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1 treated as an overpayment of tax to be credited or refunded in accord-  
2 ance with the provisions of section 11-526 of this chapter; provided,  
3 however, that notwithstanding the provisions of section 11-528 of this  
4 chapter, no interest shall be paid thereon.

5 § 2. Section 11-654 of the administrative code of the city of New York  
6 is amended by adding a new subdivision 22 to read as follows:

7 22. Beer production credit. (a) A taxpayer subject to tax under this  
8 subchapter, that is registered as a distributor under article eighteen  
9 of the tax law, and that produces sixty million or fewer gallons of beer  
10 in this state in the taxable year, shall be allowed a credit against the  
11 tax imposed by this subchapter in the amount specified in paragraph (b)  
12 of this subdivision. Provided, however, that no credit shall be allowed  
13 for any beer produced in excess of fifteen million five hundred thousand  
14 gallons in the taxable year.

15 (b) The amount of the credit per taxpayer per taxable year for each  
16 gallon of beer produced in the city of New York on or after January  
17 first, two thousand seventeen shall be determined as follows:

18 (1) for the first five hundred thousand gallons of beer produced in  
19 the city of New York in the taxable year, the credit shall equal twelve  
20 cents per gallon; and

21 (2) for each gallon of beer produced in the city of New York in the  
22 taxable year in excess of five hundred thousand gallons, the credit  
23 shall equal three and eighty-six one hundredths cents per gallon. In no  
24 event shall the credit allowed under this subdivision for any taxable  
25 year reduce the tax due for such year to less than the amount prescribed  
26 in clause four of subparagraph (a) of paragraph E of subdivision one of  
27 this section. However, if the amount of credit allowed under this subdivi-  
28 vision for any taxable year reduces the tax to such amount, any amount  
29 of credit thus not deductible in such taxable year shall be treated as  
30 an overpayment of tax to be credited or refunded in accordance with the  
31 provisions of section 11-677 of this chapter; provided, however, that  
32 notwithstanding the provisions of section 11-679 of this chapter, no  
33 interest shall be paid thereon.

34 § 3. This act shall take effect immediately, and shall apply to taxa-  
35 ble years beginning on or after January 1, 2017.