

5583

2015-2016 Regular Sessions

I N A S S E M B L Y

February 27, 2015

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

AN ACT to amend the tax law, in relation to establishing business franchise and personal income tax credits for businesses that donate food inventory to charitable organizations

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 49 to read as follows:
3 49. CHARITABLE CONTRIBUTIONS OF FOOD INVENTORY CREDIT. (A) GENERAL. A
4 TAXPAYER WHO CLAIMS A DEDUCTION UNDER TITLE 26 OF THE UNITED STATES
5 CODE, SECTION 170, SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY
6 THIS ARTICLE, FOR CHARITABLE CONTRIBUTIONS OF APPARENTLY WHOLESOME FOOD
7 FROM SUCH TAXPAYER'S TRADE OR BUSINESSES.
8 (B) DEFINITIONS. FOR PURPOSES OF THIS SECTION, THE TERMS "CHARITABLE
9 CONTRIBUTION" AND "APPARENTLY WHOLESOME FOOD" SHALL HAVE THE SAME MEAN-
10 ING AS SUCH TERMS ARE DEFINED IN TITLE 26 OF THE UNITED STATES CODE,
11 SECTION 170.
12 (C) AMOUNT OF CREDIT. THE CREDIT AUTHORIZED BY THIS SECTION SHALL
13 EQUAL TEN PERCENT OF THE AMOUNT OF SUCH CONTRIBUTION OF APPARENTLY
14 WHOLESOME FOOD DEDUCTED BY SUCH TAXPAYER IN COMPUTING FEDERAL TAXABLE
15 INCOME FOR THE TAXABLE YEAR.
16 (D) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION
17 FOR ANY TAXABLE YEAR WILL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS
18 THAN THE MINIMUM TAX FIXED BY THIS ARTICLE. HOWEVER, IF THE AMOUNT OF
19 CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE
20 TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH
21 TAXABLE YEAR WILL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR
22 REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND
23 EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF

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

LBD02134-01-5

1 SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER
2 NOTWITHSTANDING, NO INTEREST WILL BE PAID THEREON.

3 S 2. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
4 of the tax law is amended by adding a new clause (xli) to read as
5 follows:

6 (XLI) CHARITABLE CONTRIBUTIONS OF	AMOUNT OF CREDIT UNDER
7 FOOD INVENTORY CREDIT UNDER	SUBDIVISION FOURTY-NINE
8 SUBSECTION (CCC)	OF SECTION TWO HUNDRED TEN-B

9 S 3. Section 606 of the tax law is amended by adding a new subsection
10 (ccc) to read as follows:

11 (CCC) CHARITABLE CONTRIBUTIONS OF FOOD INVENTORY CREDIT. (1) GENERAL.
12 A TAXPAYER WHO CLAIMS A DEDUCTION UNDER TITLE 26 OF THE UNITED STATES
13 CODE, SECTION 170, SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY
14 THIS ARTICLE, FOR CHARITABLE CONTRIBUTIONS OF APPARENTLY WHOLESOME FOOD
15 FROM SUCH TAXPAYER'S TRADE OR BUSINESSES.

16 (2) DEFINITIONS. FOR PURPOSES OF THIS SECTION, THE TERMS "CHARITABLE
17 CONTRIBUTION" AND "APPARENTLY WHOLESOME FOOD" SHALL HAVE THE SAME MEAN-
18 ING AS SUCH TERMS ARE DEFINED IN TITLE 26 OF THE UNITED STATES CODE,
19 SECTION 170.

20 (3) AMOUNT OF CREDIT. THE CREDIT AUTHORIZED BY THIS SECTION SHALL
21 EQUAL TEN PERCENT OF THE AMOUNT OF SUCH CONTRIBUTION OF APPARENTLY
22 WHOLESOME FOOD DEDUCTED BY SUCH TAXPAYER IN COMPUTING FEDERAL TAXABLE
23 INCOME FOR THE TAXABLE YEAR.

24 (4) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT ALLOWED UNDER
25 THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR
26 SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE
27 CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX
28 HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST
29 SHALL BE PAID THEREON.

30 S 4. This act shall take effect immediately and shall apply to taxable
31 years beginning on or after January 1, 2015.