

8986

I N A S S E M B L Y

March 6, 2014

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

AN ACT to amend the tax law, in relation to establishing a credit for farmers who donate to a food bank or other emergency food program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 606 of the tax law is amended by adding a new  
2 subsection (n-1) to read as follows:

3 (N-1) CREDIT FOR DONATIONS TO FOOD BANK OR EMERGENCY FOOD PROGRAM. (1)  
4 GENERAL. IN THE CASE OF A TAXPAYER WHO IS AN ELIGIBLE FARMER, THERE  
5 SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS HEREINAFTER PROVIDED  
6 AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR THE TAXABLE YEAR REDUCED BY  
7 THE CREDITS PERMITTED BY THIS ARTICLE. THE AMOUNT OF THE CREDIT SHALL BE  
8 TWENTY-FIVE PERCENT OF THE TAXPAYER'S QUALIFIED DONATIONS, AS DEFINED IN  
9 PARAGRAPH THREE OF THIS SUBSECTION, MADE TO ANY FOOD BANK OR OTHER  
10 PUBLIC, CHARITABLE OR NOT-FOR-PROFIT EMERGENCY FOOD PROGRAM OPERATING  
11 WITHIN THIS STATE UP TO A ONE THOUSAND DOLLAR LIMIT DURING THE TAXABLE  
12 YEAR. IF THE AMOUNT OF THE CREDIT UNDER THIS SUBSECTION FOR ANY TAXABLE  
13 YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE  
14 TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORD-  
15 ANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTI-  
16 CLE, PROVIDED, HOWEVER THAT NO INTEREST SHALL BE PAID THEREON.

17 (2) ELIGIBLE FARMER. FOR PURPOSES OF THIS SUBSECTION, THE TERM "ELIGI-  
18 BLE FARMER" MEANS A TAXPAYER WHOSE FEDERAL GROSS INCOME FROM FARMING FOR  
19 THE TAXABLE YEAR IS AT LEAST TWO-THIRDS OF EXCESS FEDERAL GROSS INCOME.  
20 EXCESS FEDERAL GROSS INCOME MEANS THE AMOUNT OF FEDERAL GROSS INCOME  
21 FROM ALL SOURCES FOR THE TAXABLE YEAR REDUCED BY THE SUM (NOT TO EXCEED  
22 THIRTY THOUSAND DOLLARS) OF THOSE ITEMS INCLUDED IN FEDERAL GROSS INCOME  
23 WHICH CONSIST OF (I) EARNED INCOME, (II) PENSION PAYMENTS, INCLUDING  
24 SOCIAL SECURITY PAYMENTS, (III) INTEREST, AND (IV) DIVIDENDS. FOR  
25 PURPOSES OF THIS PARAGRAPH, THE TERM "EARNED INCOME" SHALL MEAN WAGES,  
26 SALARIES, TIPS AND OTHER EMPLOYEE COMPENSATION, AND THOSE ITEMS OF GROSS  
27 INCOME WHICH ARE INCLUDIBLE IN THE COMPUTATION OF NET EARNINGS FROM  
28 SELF-EMPLOYMENT. FOR THE PURPOSES OF THIS PARAGRAPH, PAYMENTS FROM THE

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

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1 STATE'S FARMLAND PROTECTION PROGRAM, ADMINISTERED BY THE DEPARTMENT OF  
2 AGRICULTURE AND MARKETS, SHALL BE INCLUDED AS FEDERAL GROSS INCOME FROM  
3 FARMING FOR OTHERWISE ELIGIBLE FARMERS.

4 (3) QUALIFIED DONATION. FOR PURPOSES OF THIS SUBSECTION, THE TERM  
5 "QUALIFIED DONATION" MEANS A DONATION OF ANY EDIBLE FOOD ITEM TO A FOOD  
6 BANK OR OTHER EMERGENCY FOOD PROGRAM OPERATING WITHIN THIS STATE.

7 S 2. This act shall take effect on the first of January next succeed-  
8 ing the date on which it shall have become a law and shall apply to  
9 taxable years beginning on or after such date.