S T A T E O F N E W Y O R K

3453--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 25, 2013

Introduced by M. of A. RABBITT, BARCLAY, DUPREY, BLANKENBUSH, McLAUGHLIN, CROUCH, HAWLEY, TITONE, GOODELL, PALMESANO -- Multi-Sponsored by -- M. of A. CERETTO, CORWIN, GABRYSZAK, JORDAN, McDONOUGH, RIVERA -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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THIRTY THOUSAND DOLLARS) OF THOSE ITEMS INCLUDED IN FEDERAL GROSS INCOME WHICH CONSIST OF (I) EARNED INCOME, (II) PENSION PAYMENTS, INCLUDING SOCIAL SECURITY PAYMENTS, (III) INTEREST, AND (IV) DIVIDENDS. FOR PURPOSES OF THIS PARAGRAPH, THE TERM "EARNED INCOME" SHALL MEAN WAGES, SALARIES, TIPS AND OTHER EMPLOYEE COMPENSATION, AND THOSE ITEMS OF GROSS INCOME WHICH ARE INCLUDIBLE IN THE COMPUTATION OF NET EARNINGS FROM SELF-EMPLOYMENT. FOR THE PURPOSES OF THIS PARAGRAPH, PAYMENTS FROM THE STATE'S FARMLAND PROTECTION PROGRAM, ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE AND MARKETS, SHALL BE INCLUDED AS FEDERAL GROSS INCOME FROM FARMING FOR OTHERWISE ELIGIBLE FARMERS.

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

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