

1812--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 13, 2015

Introduced by M. of A. MARKEY, BARRETT, STIRPE, MILLER, MOSLEY, OTIS, SKARTADOS, SKOUFIS, CRESPO, GUNTHER, TITONE, MAGNARELLI, PEOPLES-STOKES, FAHY, JAFFEE, RUSSELL, SIMANOWITZ, SEPULVEDA, ROSENTHAL, McDONALD, GOTTFRIED, PALMESANO, SALADINO, FRIEND, DUPREY, BRABENEK, BROOK-KRASNY, MAGEE, FINCH, COOK, STECK, DiPIETRO, ARROYO, CAHILL, PALUMBO, LINARES -- Multi-Sponsored by -- M. of A. ABBATE, BRAUNSTEIN, CERETTO, GLICK, LUPARDO, McLAUGHLIN, PERRY, RIVERA, ROBINSON, SCHIMEL, TENNEY, THIELE -- 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.

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

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1 (2) ELIGIBLE FARMER. FOR PURPOSES OF THIS SUBSECTION, THE TERM "ELIGI-
2 BLE FARMER" MEANS A TAXPAYER WHOSE FEDERAL GROSS INCOME FROM FARMING FOR
3 THE TAXABLE YEAR IS AT LEAST TWO-THIRDS OF EXCESS FEDERAL GROSS INCOME.
4 EXCESS FEDERAL GROSS INCOME MEANS THE AMOUNT OF FEDERAL GROSS INCOME
5 FROM ALL SOURCES FOR THE TAXABLE YEAR REDUCED BY THE SUM (NOT TO EXCEED
6 THIRTY THOUSAND DOLLARS) OF THOSE ITEMS INCLUDED IN FEDERAL GROSS INCOME
7 WHICH CONSIST OF (I) EARNED INCOME, (II) PENSION PAYMENTS, INCLUDING
8 SOCIAL SECURITY PAYMENTS, (III) INTEREST, AND (IV) DIVIDENDS. FOR
9 PURPOSES OF THIS PARAGRAPH, THE TERM "EARNED INCOME" SHALL MEAN WAGES,
10 SALARIES, TIPS AND OTHER EMPLOYEE COMPENSATION, AND THOSE ITEMS OF GROSS
11 INCOME WHICH ARE INCLUDIBLE IN THE COMPUTATION OF NET EARNINGS FROM
12 SELF-EMPLOYMENT. FOR THE PURPOSES OF THIS PARAGRAPH, PAYMENTS FROM THE
13 STATE'S FARMLAND PROTECTION PROGRAM, ADMINISTERED BY THE DEPARTMENT OF
14 AGRICULTURE AND MARKETS, SHALL BE INCLUDED AS FEDERAL GROSS INCOME FROM
15 FARMING FOR OTHERWISE ELIGIBLE FARMERS.

16 (3) QUALIFIED DONATION. FOR PURPOSES OF THIS SUBSECTION, THE TERM
17 "QUALIFIED DONATION" MEANS THE WHOLESALE VALUE OF A DONATION OF ANY
18 EDIBLE FOOD ITEM TO A FOOD BANK OR OTHER EMERGENCY FOOD PROGRAM OPERAT-
19 ING WITHIN THIS STATE.

20 S 2. Subsection (b) of section 612 of the tax law is amended by adding
21 a new paragraph 42 to read as follows:

22 (42) THE AMOUNT OF ALL QUALIFIED DONATIONS FOR WHICH A TAXPAYER CLAIMS
23 A CREDIT FOR DONATIONS TO A FOOD BANK OR EMERGENCY FOOD PROGRAM PURSUANT
24 TO SUBSECTION (N-1) OF SECTION SIX HUNDRED SIX OF THIS ARTICLE.

25 S 3. This act shall take effect on the first of January next succeed-
26 ing the date on which it shall have become a law and shall apply to
27 taxable years beginning on or after such date.