STATE OF NEW YORK

497

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. WOERNER, RIVERA, THIELE, SCHIMMINGER, GARBARINO, FRIEND, SALADINO, CROUCH, RAIA, LOPEZ, ARROYO, SKOUFIS, BARRETT, LUPINACCI, RA, DiPIETRO, PALUMBO, PALMESANO, HAWLEY -- Multi-Sponsored by -- M. of A. BLAKE, COOK, McDONOUGH, McLAUGHLIN, SIMON -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing the venison donation tax credit

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

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

(ccc) Venison donation tax credit. (1) Allowance of credit. A taxpayer who provides deer to a nonprofit organization for the purposes of venison donation shall be allowed a credit, to be computed as provided in paragraph two of this subsection, against the tax imposed by this article. To qualify for the credit provided in this section, a taxpayer must donate a deer to a nonprofit organization in its entirety provided, however, that such taxpayer may retain the head, neck, antlers, hides and/or hooves of such deer.

(2) Amount of credit. The amount of credit shall equal the number of adult deer donated, multiplied by the weight of such deer which in all cases shall be deemed forty-five pounds, multiplied further by the donated venison price. The department of environmental conservation shall annually determine the donated venison price on or before the first day of August. The donated venison price shall be within fifty percent of the total determined by subtracting the average processing cost per pound charged by meat processing facilities from the market price for ground beef provided, however, that in no case shall the donated venison price be less than one dollar and fifty cents per pound.

(3) Application of credit. If the amount of the credit allowed under this subsection for any taxable year shall exceed the taxpayer's tax for

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

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such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon.

§ 2. Paragraph (a) of subdivision 1 of section 210 of the tax law is amended by adding a new subparagraph (x) to read as follows:

(x) In computing the business income base, a taxpayer which is a meat processing facility shall be allowed a deduction equal to the amount of any income received from a nonprofit organization in exchange for processing venison.

§ 3. Subsection (c) of section 612 of the tax law is amended by adding a new paragraph 42 to read as follows:

(42) The amount of any income received from a nonprofit organization in exchange for processing venison.

§ 4. This act shall take effect immediately and shall apply to all taxable years beginning on and after January 1, 2018.