



Sen. Terri Bryant

Filed: 3/24/2021

10200SB0279sam001

LRB102 04423 HLH 23953 a

1 AMENDMENT TO SENATE BILL 279

2 AMENDMENT NO. _____. Amend Senate Bill 279 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Income Tax Act is amended by
5 adding Section 232 as follows:

6 (35 ILCS 5/232 new)

7 Sec. 232. Credit for food donations.

8 (a) For taxable years beginning on or after January 1,
9 2022, there shall be allowed a credit against the tax imposed
10 by subsections (a) and (b) of Section 201 of this Act to
11 qualifying taxpayers that own and operate a qualifying small
12 farm and make a qualifying food commodity donation to a food
13 bank or emergency feeding organization. The credit shall be in
14 an amount equal to the lesser of \$5,000 or 15% of the value of
15 the food commodity donated. The food bank or emergency feeding
16 organization shall provide documentation to the taxpayer that

1 (i) sets forth the value of the food commodity donated and (ii)
2 verifies that the donation meets the requirements of this
3 Section; that documentation shall be attached to the
4 taxpayer's State income tax return in the form and manner
5 provided by the Department by rule.

6 (b) For the purposes of this Section:

7 "Emergency feeding organization" means a food pantry,
8 soup kitchen, hunger relief center, or other food or
9 feeding center that, as an integral part of its normal
10 activities, provides meals or food to feed needy persons
11 on a regular basis.

12 "Food bank" means a public or charitable institution
13 that maintains an established operation involving the
14 provision of food or edible commodities, or the products
15 of food or edible commodities, to emergency feeding
16 organizations.

17 "Qualifying food commodity" means food that meets all
18 quality and labeling standards imposed by federal, State,
19 and local laws and regulations, even though the food may
20 not be readily marketable due to the appearance, age,
21 freshness, grade, size, surplus, or other conditions.
22 Qualifying food commodity does not mean food that is
23 damaged, out of condition, or unfit for human consumption.

24 "Qualifying small farm" means a small family farm,
25 rural-residence family farm, or intermediate family farms,
26 as defined by the United States Department of

1 Agriculture's Economic Research Service, that has gross
2 sales of less than \$250,000 per year and is located in the
3 State.

4 "Qualifying taxpayer" means an Illinois resident who:
5 (i) owns and operates a qualifying small farm in the
6 State; (ii) produces the donated food commodity; and (iii)
7 transfers ownership of the donated food commodity to an
8 Illinois food bank or emergency feeding organization.

9 (c) In no event shall a credit under this Section reduce a
10 taxpayer's liability to less than zero. If the amount of the
11 credit exceeds the tax liability for the year, the excess may
12 be carried forward and applied to the tax liability for the 5
13 taxable years following the excess credit year. The tax credit
14 shall be applied to the earliest year for which there is a tax
15 liability. If there are credits for more than one year that are
16 available to offset liability, the earliest credit shall be
17 applied first.

18 (d) For partners, shareholders of subchapter S
19 corporations, and owners of limited liability companies, if
20 the liability company is treated as a partnership for purposes
21 of federal and State income taxation, there shall be allowed a
22 credit under this Section to be determined in accordance with
23 the determination of income and distributive share of income
24 under Sections 702 and 704 and subchapter S of the Internal
25 Revenue Code.

26 (e) The Department shall adopt rules to implement the

1 provisions of this Section and may work with the United States
2 Department of Agriculture or any other relevant agency to
3 implement the provisions of this Section.

4 (f) This Section is exempt from the provisions of Section
5 250.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".