

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

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Introduced by Sens. MAZIARZ, DeFRANCISCO, DIAZ, LANZA, RANZENHOFER, SALAND, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to establishing an elder care tax credit

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 (ss) to read as follows:
3 (SS) ELDER CARE CREDIT. FOR TAXABLE YEARS COMMENCING ON AND AFTER
4 JANUARY ONE, TWO THOUSAND THIRTEEN, A QUALIFIED TAXPAYER SHALL BE
5 ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE IN AN AMOUNT
6 EQUAL TO ONE THOUSAND DOLLARS. FOR THE PURPOSES OF THIS SUBSECTION A
7 "QUALIFIED TAXPAYER" SHALL MEAN A SINGLE PERSON WITH AN INCOME OF FORTY
8 THOUSAND DOLLARS OR LESS OR MARRIED PERSONS FILING JOINTLY WITH AN
9 INCOME OF SEVENTY-FIVE THOUSAND DOLLARS OR LESS WHO CARES FOR AN ELDERLY
10 DEPENDENT WHO IS SIXTY-FIVE YEARS OF AGE OR OLDER, RELATED TO THE
11 TAXPAYER WITHIN THE THIRD DEGREE OF CONSANGUINITY, WHO RESIDED WITH THE
12 TAXPAYER FOR THE TWELVE MONTHS IMMEDIATELY PRECEDING THE TAXABLE YEAR
13 FOR WHICH THE CREDIT IS CLAIMED AND WHOSE INCOME IS THIRTEEN THOUSAND
14 DOLLARS OR LESS FOR A SINGLE ELDERLY DEPENDENT OR TWENTY THOUSAND
15 DOLLARS OR LESS FOR MARRIED ELDERLY DEPENDENTS.
16 S 2. Section 210 of the tax law is amended by adding a new subdivision
17 14 to read as follows:
18 14. (A) THERE SHALL BE ALLOWED AS A CREDIT AGAINST THE TAX IMPOSED BY
19 THIS ARTICLE FOR ANY TAXABLE YEAR AN AMOUNT EQUAL TO TWENTY-FIVE PERCENT
20 OF THE AMOUNT EXPENDED BY ANY EMPLOYER PROVIDING ELDER CARE FOR EMPLOY-
21 EES DURING THE EMPLOYEE'S WORK HOURS. CREDIT SHALL BE APPLIED TO THE
22 COST OF ANY CONTRACT EXECUTED BY THE EMPLOYER FOR OFF-SITE SERVICES TO

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

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1 PROVIDE ELDER CARE; OR, IF THE EMPLOYER ELECTS TO PROVIDE ELDER CARE
2 ON-SITE, TO EXPENSES OF ELDER CARE STAFF, LEARNING AND RECREATIONAL
3 MATERIALS AND EQUIPMENT, AND THE CONSTRUCTION AND MAINTENANCE OF A
4 FACILITY. A CREDIT PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION SHALL
5 NOT BE ALLOWED FOR ANY EXPENSES WHICH SERVE AS THE BASIS FOR A PERSONAL
6 INCOME TAX CREDIT PURSUANT TO THE PROVISIONS OF SUBSECTION (SS) OF
7 SECTION SIX HUNDRED SIX OF THIS CHAPTER. THE CREDIT ALLOWED UNDER THIS
8 SUBDIVISION SHALL NOT BE USED BY ANY EMPLOYER OTHER THAN AN ELIGIBLE
9 EMPLOYER WITH AN OFF-SITE OR ON-SITE ENROLLMENT FOR THE TAXABLE YEAR OF
10 NO LESS THAN SIX PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER RECEIVING
11 ELDER CARE. FOR THE PURPOSES OF THIS SUBDIVISION, AN "ELIGIBLE EMPLOYER"
12 SHALL MEAN AN EMPLOYER PROVIDING ELDER CARE IN ACCORDANCE WITH THE
13 PROVISIONS OF THIS SUBDIVISION WHICH HAS BEEN LICENSED OR CERTIFIED IN
14 ACCORDANCE WITH THE APPROPRIATE PROVISIONS OF THE PUBLIC HEALTH LAW AND
15 SOCIAL SERVICES LAW AND HAS BEEN CERTIFIED BY THE DEPARTMENT OF HEALTH
16 AS ELIGIBLE TO RECEIVE THE CREDIT PURSUANT TO THIS SUBDIVISION.

17 (B) CREDIT MAY BE CARRIED FORWARD FOR THREE SUCCESSIVE YEARS IF THE
18 AMOUNT ALLOWABLE AS CREDIT EXCEEDS INCOME TAX LIABILITY IN A TAXABLE
19 YEAR; HOWEVER, THEREAFTER, IF THE AMOUNT ALLOWABLE AS A CREDIT EXCEEDS
20 THE TAX LIABILITY, THE AMOUNT OF EXCESS SHALL NOT BE REFUNDABLE OR
21 CARRIED FORWARD TO ANY OTHER TAXABLE YEAR.

22 S 3. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
23 of the tax law is amended by adding a new clause (xxxii) to read as
24 follows:

25 (XXXII) ELDER CARE CREDIT UNDER	AMOUNT OF CREDIT UNDER
26 SUBSECTION (SS)	SUBDIVISION FOURTEEN OF
27	SECTION TWO HUNDRED TEN

28 S 4. The commissioner of taxation and finance, the commissioner of
29 health and the commissioner of the office of children and family
30 services shall promulgate any and all rules and regulations and take any
31 other measures necessary to implement this act on its effective date.

32 S 5. This act shall take effect immediately and shall apply to taxable
33 years beginning on and after January 1, 2013.