

3983

2009-2010 Regular Sessions

I N S E N A T E

April 7, 2009

Introduced by Sen. WINNER -- 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, the insurance law, the vehicle and traffic law and the education law, in relation to enacting the omnibus emergency services volunteer incentive act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "omnibus emergency services volunteer incentive act".

3 S 2. Paragraphs 1 and 3 of subsection (e-1) of section 606 of the tax
4 law, paragraph 1 as added by section 1 of part U of chapter 62 of the
5 laws of 2006 and paragraph 3 as added by section 4 of part N of chapter
6 61 of the laws of 2006, are amended to read as follows:

7 (1) For taxable years beginning on and after January first, two thou-
8 sand seven, a resident taxpayer who serves as an active volunteer fire-
9 fighter as defined in subdivision one of section two hundred fifteen of
10 the general municipal law or as a volunteer ambulance worker as defined
11 in subdivision fourteen of section two hundred nineteen-k of the general
12 municipal law shall be allowed a credit against the tax imposed by this
13 article equal to two hundred dollars. In order to receive this credit a
14 volunteer firefighter or volunteer ambulance worker must have been
15 active for the entire taxable year for which the credit is sought. FOR
16 TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN,
17 A VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE WORKER WHO HAS BEEN
18 ACTIVE FOR FOUR OR MORE CONSECUTIVE TAXABLE YEARS SHALL BE ALLOWED AN
19 ADDITIONAL CREDIT EQUAL TO FOUR HUNDRED DOLLARS.

20 (3) In the case of a husband and wife who file a joint return and who
21 both individually qualify for the credit under this subsection, the
22 amount of the credit allowed shall be four hundred dollars. FOR TAXABLE
23 YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, A

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

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HUSBAND AND WIFE WHO FILE A JOINT RETURN AND WHO BOTH INDIVIDUALLY QUALIFY FOR THE ADDITIONAL CREDIT UNDER THIS SUBSECTION, THE AMOUNT OF THE ADDITIONAL CREDIT SHALL BE EIGHT HUNDRED DOLLARS.

S 3. Section 606 of the tax law is amended by adding a new subsection (e-2) to read as follows:

(E-2) VOLUNTEER FIREFIGHTERS' AND AMBULANCE WORKERS' CREDIT FOR FOUR OR MORE YEARS OF SERVICE. (1) FOR TAXABLE YEARS COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, A RESIDENT TAXPAYER WHO HAS SERVED AS AN ACTIVE VOLUNTEER FIREFIGHTER AS DEFINED IN SUBDIVISION ONE OF SECTION TWO HUNDRED FIFTEEN OF THE GENERAL MUNICIPAL LAW OR AS A VOLUNTEER AMBULANCE WORKER AS DEFINED IN SUBDIVISION FOURTEEN OF SECTION TWO HUNDRED NINETEEN-K OF THE GENERAL MUNICIPAL LAW FOR FOUR OR MORE CONSECUTIVE YEARS SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE EQUAL TO FOUR HUNDRED DOLLARS. IN ORDER TO RECEIVE THIS CREDIT A VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE WORKER MUST HAVE BEEN ACTIVE FOR THE ENTIRE FOUR OR MORE CONSECUTIVE TAXABLE YEARS FOR WHICH THE CREDIT IS SOUGHT.

(2) IF A TAXPAYER RECEIVES A REAL PROPERTY TAX EXEMPTION RELATING TO SUCH SERVICE UNDER TITLE TWO OF ARTICLE FOUR OF THE REAL PROPERTY TAX LAW, SUCH TAXPAYER SHALL NOT BE ELIGIBLE FOR THIS CREDIT.

(3) IN THE CASE OF A HUSBAND AND WIFE WHO FILE A JOINT RETURN AND WHO BOTH INDIVIDUALLY QUALIFY FOR THE CREDIT UNDER THIS SUBSECTION, THE AMOUNT OF THE CREDIT SHALL BE EIGHT HUNDRED DOLLARS.

(4) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR 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.

S 4. Subsection (f) of section 9104 of the insurance law is amended by adding a new paragraph 3 to read as follows:

(3) THE FIRE COMPANY OR FIRE DEPARTMENT RECEIVING THE SAME, TO USE FOR RECRUITMENT AND RETENTION PURPOSES, INCLUDING, BUT NOT LIMITED TO, TOTAL OR PARTIAL CONTRIBUTION TO THE COST OF PARTICIPATION IN A PLAN FOR THE PROVISION OF MEDICAL, SURGICAL AND HOSPITAL SERVICES OR INSURANCE.

S 5. Paragraph 3 of subsection (d) of section 9105 of the insurance law is amended by adding a new subparagraph (C) to read as follows:

(C) THE FIRE COMPANY OR FIRE DEPARTMENT RECEIVING THE SAME, TO USE FOR RECRUITMENT AND RETENTION PURPOSES, INCLUDING BUT NOT LIMITED TO, TOTAL OR PARTIAL CONTRIBUTION TO THE COST OF PARTICIPATION IN A PLAN FOR THE PROVISION OF MEDICAL, SURGICAL AND HOSPITAL SERVICES OR INSURANCE.

S 6. Subdivision 6 of section 401 of the vehicle and traffic law is amended by adding a new paragraph f to read as follows:

F. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR ANY OTHER LAW TO THE CONTRARY, ANY MOTOR VEHICLE OWNED BY A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION THREE OF THE VOLUNTEER FIREFIGHTERS' BENEFIT LAW, OR A VOLUNTEER AMBULANCE WORKER, AS DEFINED IN SECTION THREE OF THE VOLUNTEER AMBULANCE WORKERS' BENEFIT LAW, AND USED BY SUCH VOLUNTEER IN THE PERFORMANCE OF HIS OR HER DUTIES AS A VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE WORKER SHALL BE EXEMPT FROM ALL MOTOR VEHICLE REGISTRATION FEES AND FROM ANY VEHICLE USE OR OTHER TAX BASED UPON THE WEIGHT OR VALUE OF SUCH MOTOR VEHICLE.

S 7. Subdivision 3 of section 404-b of the vehicle and traffic law, as amended by chapter 277 of the laws of 1991, is amended to read as follows:

3. A distinctive plate issued pursuant to this section shall be issued in the same manner as other number plates upon payment of the regular

1 registration fee prescribed by section four hundred one of this [chap-
2 ter] ARTICLE and an initial one time service charge of fifteen dollars;
3 PROVIDED, HOWEVER, NO SUCH REGISTRATION FEE OR SERVICE CHARGE SHALL BE
4 IMPOSED FOR A MOTOR VEHICLE USED BY A VOLUNTEER FIREFIGHTER IN THE
5 PERFORMANCE OF HIS OR HER DUTIES.

6 S 8. Subdivision 3 of section 404-f of the vehicle and traffic law, as
7 amended by chapter 277 of the laws of 1991, is amended to read as
8 follows:

9 3. A distinctive plate issued pursuant to this section shall be issued
10 in the same manner as other number plates upon payment of the regular
11 registration fee prescribed by section four hundred one of this [chap-
12 ter] ARTICLE and an additional annual service charge of fifteen dollars;
13 PROVIDED, HOWEVER, NO SUCH REGISTRATION FEE OR SERVICE CHARGE SHALL BE
14 IMPOSED FOR A MOTOR VEHICLE USED BY A MEMBER OF A VOLUNTEER AMBULANCE
15 SERVICE IN THE PERFORMANCE OF HIS OR HER DUTIES.

16 S 9. Paragraphs a, b, d and e of subdivision 3 of section 669-c of the
17 education law, as added by section 1 of part G of chapter 83 of the laws
18 of 2002, are amended to read as follows:

19 a. Volunteer organizations may annually submit [one application] NOT
20 MORE THAN THREE APPLICATIONS to the [higher education services] corpo-
21 ration;

22 b. Volunteer organizations submitting [an application] APPLICATIONS
23 shall develop a policy for selecting the [candidate] CANDIDATES that
24 will be forwarded to the [higher education services] corporation. A
25 VOLUNTEER ORGANIZATION THAT SUBMITS MORE THAN ONE APPLICATION SHALL LIST
26 THE CANDIDATES IN THE ORDER OF PRIORITY;

27 d. The [higher education services] corporation shall award [a] volun-
28 teer recruitment service [scholarship] SCHOLARSHIPS to all eligible
29 applicants unless the number of applications received are greater than
30 the funding available for the program, in which case the corporation
31 shall develop a random system for selecting the recipients. IF FUNDS
32 REMAIN AVAILABLE IN THE PROGRAM AFTER AN ELIGIBLE APPLICANT FROM EACH
33 VOLUNTEER ORGANIZATION THAT HAS SUBMITTED AN ELIGIBLE CANDIDATE HAS BEEN
34 AWARDED ONE SCHOLARSHIP, THEN THE CORPORATION MAY AWARD AN ADDITIONAL
35 SCHOLARSHIP OR SCHOLARSHIPS TO APPLICANTS FROM VOLUNTEER ORGANIZATIONS
36 THAT HAVE SUBMITTED MORE THAN ONE ELIGIBLE CANDIDATE. THE CORPORATION
37 SHALL DEVELOP A RANDOM SYSTEM FOR SELECTING THE RECIPIENTS OF ANY SUCH
38 ADDITIONAL SCHOLARSHIPS;

39 e. A recipient of the volunteer recruitment service scholarship shall
40 automatically continue to receive the scholarship once awarded provided
41 that the recipient remains compliant with the provisions of this
42 section, the recipient is continuously enrolled in a degree producing
43 curriculum at an institution of higher education, and funding is avail-
44 able. IF THERE IS A SHORTAGE IN THE FUNDING AVAILABLE, FUNDS SHALL BE
45 AWARDED BASED ON A ONE PER ORGANIZATION BASIS BEFORE ANY ADDITIONAL
46 SCHOLARSHIP IS AWARDED TO APPLICANTS FROM A VOLUNTEER ORGANIZATION WHERE
47 MORE THAN ONE MEMBER RECEIVED A SCHOLARSHIP; and

48 S 10. The education law is amended by adding a new section 669-e to
49 read as follows:

50 S 669-E. VOLUNTEER RECRUITMENT SERVICE LOAN FORGIVENESS PROGRAM. 1.
51 PURPOSE. THE CORPORATION IS AUTHORIZED, WITHIN AMOUNTS APPROPRIATED OR
52 OTHERWISE LAWFULLY AVAILABLE FROM ANY OTHER SOURCE, TO ESTABLISH A
53 RECRUITMENT LOAN FORGIVENESS PROGRAM FOR VOLUNTEER ORGANIZATIONS.

54 2. ELIGIBILITY. THE CORPORATION MAY GRANT SUCH AWARDS WITHIN THE
55 AMOUNTS APPROPRIATED FOR SUCH PURPOSE AND BASED ON AVAILABILITY OF FUNDS

1 ACCORDING TO A SCHEDULE TO BE DETERMINED BY THE CORPORATION IN THE
2 FOLLOWING MANNER:

3 A. VOLUNTEER ORGANIZATIONS, INCLUDING AN "AMBULANCE COMPANY" AS
4 DEFINED IN SECTION THREE OF THE VOLUNTEER AMBULANCE WORKERS' BENEFIT LAW
5 OR "FIRE COMPANY" AS DEFINED IN SECTION THREE OF THE VOLUNTEER FIRE-
6 FIGHTERS' BENEFIT LAW, MAY ANNUALLY SUBMIT NO MORE THAN THREE APPLICA-
7 TIONS TO THE CORPORATION;

8 B. VOLUNTEER ORGANIZATIONS SUBMITTING APPLICATIONS SHALL DEVELOP A
9 POLICY FOR ELECTING THE CANDIDATES THAT WILL BE FORWARDED TO THE CORPO-
10 RATION. A VOLUNTEER ORGANIZATION THAT SUBMITS MORE THAN ONE APPLICATION
11 SHALL LIST THE CANDIDATES IN ORDER OF PRIORITY;

12 C. THE CORPORATION SHALL DESIGNATE A DATE BY WHICH ALL APPLICATIONS
13 SHALL BE RECEIVED BY THE CORPORATION;

14 D. THE CORPORATION SHALL AWARD VOLUNTEER RECRUITMENT LOAN FORGIVENESS
15 BENEFITS TO ALL ELIGIBLE APPLICANTS UNLESS THE NUMBER OF APPLICATIONS
16 RECEIVED ARE GREATER THAN THE FUNDING AVAILABLE FOR THE PROGRAM, IN
17 WHICH CASE THE CORPORATION SHALL DEVELOP A RANDOM SYSTEM FOR SELECTING
18 THE RECIPIENTS. IF FUNDS REMAIN AVAILABLE IN THE PROGRAM AFTER AN ELIGI-
19 BLE APPLICANT FROM EACH VOLUNTEER ORGANIZATION THAT HAS SUBMITTED AN
20 ELIGIBLE CANDIDATE HAS BEEN AWARDED ONE LOAN FORGIVENESS AWARD, THEN THE
21 CORPORATION MAY AWARD AN ADDITIONAL LOAN FORGIVENESS AWARD TO APPLICANTS
22 FROM VOLUNTEER ORGANIZATIONS THAT HAVE SUBMITTED MORE THAN ONE ELIGIBLE
23 CANDIDATE. THE CORPORATION SHALL DEVELOP A RANDOM SYSTEM FOR SELECTING
24 THE RECIPIENTS OF ANY SUCH ADDITIONAL AWARDS;

25 E. A RECIPIENT OF THE VOLUNTEER RECRUITMENT LOAN FORGIVENESS BENEFITS
26 SHALL AUTOMATICALLY CONTINUE TO RECEIVE THE BENEFIT ONCE AWARDED
27 PROVIDED THAT THE RECIPIENT REMAINS COMPLIANT WITH THE PROVISIONS OF
28 THIS SECTION, AND FUNDING IS AVAILABLE. IF THERE IS A SHORTAGE IN THE
29 FUNDING AVAILABLE, FUNDS SHALL BE AWARDED BASED ON A ONE PER ORGANIZA-
30 TION BASIS BEFORE ANY ADDITIONAL AWARDS ARE RECEIVED BY APPLICANTS FROM
31 A VOLUNTEER ORGANIZATION WHERE MORE THAN ONE MEMBER RECEIVED AN AWARD;

32 F. THE CORPORATION SHALL DEVELOP A SYSTEM FOR CERTIFYING ON AN ANNUAL
33 BASIS THAT THE RECIPIENT IS COMPLIANT WITH THE CONDITIONS ENUMERATED IN
34 THIS SECTION PRIOR TO RECEIVING THE VOLUNTEER RECRUITMENT LOAN FORGIVE-
35 NESS BENEFIT, INCLUDING BUT NOT LIMITED TO:

36 (I) MEMBERSHIP IN, AND MAINTENANCE OF AN ACTIVE VOLUNTEER STATUS IN A
37 VOLUNTEER ORGANIZATION FOR NOT LESS THAN ONE YEAR AT THE TIME OF THE
38 INITIAL AWARD;

39 (II) GRADUATION FROM A DEGREE PRODUCING CURRICULUM; AND

40 G. UPON THE RECIPIENT'S ATTAINMENT OF LOAN REPAYMENT OR CESSATION OF
41 STATUS AS A VOLUNTEER WITH THE VOLUNTEER ORGANIZATION, WHICHEVER COMES
42 FIRST, THE BENEFIT PROVIDED BY THIS SECTION SHALL BE DISCONTINUED. THE
43 BENEFIT PROVIDED BY THIS SECTION SHALL BE SUSPENDED AT THE DIRECTION OF
44 THE CORPORATION FOR A RECIPIENT'S FAILURE TO CONTINUE TO SERVE AS A
45 VOLUNTEER WITH THE VOLUNTEER ORGANIZATION, OR FOR THE FAILURE TO COMPLY
46 WITH ANY PROVISION OF THIS SECTION.

47 3. AMOUNT. UNLESS OTHERWISE PROVIDED FOR IN THIS SECTION, THE BENEFIT
48 FOR THE VOLUNTEER RECRUITMENT LOAN FORGIVENESS AWARD SHALL BE ON THE
49 TERMS AND CONDITIONS SET BY THE CORPORATION, PROVIDED THAT ANY SUCH
50 BENEFIT SHALL NOT EXCEED AN AMOUNT EQUAL TO THE ANNUAL LOAN AMOUNT OF
51 THE RECIPIENT, THE ANNUAL TUITION WHICH WAS CHARGED TO THE RECIPIENT OR
52 THE ANNUAL TUITION CHARGED BY THE STATE UNIVERSITY OF NEW YORK, WHICHEV-
53 ER IS LESS. IN NO CASE SHALL AN AWARD BE GRANTED FOR MORE THAN FIVE
54 YEARS.

1 4. RULES AND REGULATIONS. THE CORPORATION IS HEREBY AUTHORIZED TO
2 PROMULGATE ANY RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF
3 THE PROVISIONS OF THIS SECTION.

4 S 11. This act shall take effect immediately, except that:

5 a. sections six, seven and eight of this act shall apply to fees,
6 charges and taxes imposed on or after such date; and

7 b. the amendments to section 669-c of the education law, made by
8 section nine of this act, shall not affect the repeal of such section
9 and shall be deemed repealed therewith.