

4781--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 8, 2013

Introduced by M. of A. PALMESANO, LUPINACCI, ZEBROWSKI, KATZ -- Multi-Sponsored by -- M. of A. BLANKENBUSH, BORELLI, CERETTO, CROUCH, CURRAN, FINCH, FRIEND, GIGLIO, GOLDFEDER, GRAF, HAWLEY, McDONOUGH, McKEVITT, McLAUGHLIN, MONTESANO, OAKS, RAI, SALADINO, STEC, TENNEY -- read once and referred to the Committee on Ways and Means -- recommit- ted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 emer- gency services volunteer incentive act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM- BLY, 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 SIXTEEN,  
17 A VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE WORKER WHO HAS BEEN

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

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1 ACTIVE FOR FOUR OR MORE CONSECUTIVE TAXABLE YEARS SHALL BE ALLOWED AN  
2 ADDITIONAL CREDIT EQUAL TO FOUR HUNDRED DOLLARS.

3 (3) In the case of a husband and wife who file a joint return and who  
4 both individually qualify for the credit under this subsection, the  
5 amount of the credit allowed shall be four hundred dollars. FOR TAXABLE  
6 YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, A  
7 HUSBAND AND WIFE WHO FILE A JOINT RETURN AND WHO BOTH INDIVIDUALLY QUAL-  
8 IFY FOR THE ADDITIONAL CREDIT UNDER THIS SUBSECTION, THE AMOUNT OF THE  
9 ADDITIONAL CREDIT SHALL BE EIGHT HUNDRED DOLLARS.

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

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

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

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

30 (4) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY  
31 TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS  
32 SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN  
33 ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS  
34 ARTICLE; PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

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

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

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

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

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

49 F. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR ANY OTHER LAW TO  
50 THE CONTRARY, ANY MOTOR VEHICLE OWNED BY A VOLUNTEER FIREFIGHTER, AS  
51 DEFINED IN SECTION THREE OF THE VOLUNTEER FIREFIGHTERS' BENEFIT LAW, OR  
52 A VOLUNTEER AMBULANCE WORKER, AS DEFINED IN SECTION THREE OF THE VOLUN-  
53 TEER AMBULANCE WORKERS' BENEFIT LAW, AND USED BY SUCH VOLUNTEER IN THE  
54 PERFORMANCE OF HIS OR HER DUTIES AS A VOLUNTEER FIREFIGHTER OR VOLUNTEER  
55 AMBULANCE WORKER SHALL BE EXEMPT FROM ALL MOTOR VEHICLE REGISTRATION

1 FEES AND FROM ANY VEHICLE USE OR OTHER TAX BASED UPON THE WEIGHT OR  
2 VALUE OF SUCH MOTOR VEHICLE.

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

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

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

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

23 S 9. The education law is amended by adding a new section 669-e to  
24 read as follows:

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

29 2. ELIGIBILITY. THE CORPORATION MAY GRANT SUCH AWARDS WITHIN THE  
30 AMOUNTS APPROPRIATED FOR SUCH PURPOSE AND BASED ON AVAILABILITY OF FUNDS  
31 ACCORDING TO A SCHEDULE TO BE DETERMINED BY THE CORPORATION IN THE  
32 FOLLOWING MANNER:

33 A. VOLUNTEER ORGANIZATIONS, INCLUDING AN "AMBULANCE COMPANY" AS  
34 DEFINED IN SECTION THREE OF THE VOLUNTEER AMBULANCE WORKERS' BENEFIT LAW  
35 OR "FIRE COMPANY" AS DEFINED IN SECTION THREE OF THE VOLUNTEER FIRE-  
36 FIGHTERS' BENEFIT LAW, MAY ANNUALLY SUBMIT NO MORE THAN THREE APPLICA-  
37 TIONS TO THE CORPORATION;

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

42 C. THE CORPORATION SHALL DESIGNATE A DATE BY WHICH ALL APPLICATIONS  
43 SHALL BE RECEIVED BY THE CORPORATION;

44 D. THE CORPORATION SHALL AWARD VOLUNTEER RECRUITMENT LOAN FORGIVENESS  
45 BENEFITS TO ALL ELIGIBLE APPLICANTS UNLESS THE NUMBER OF APPLICATIONS  
46 RECEIVED ARE GREATER THAN THE FUNDING AVAILABLE FOR THE PROGRAM, IN  
47 WHICH CASE THE CORPORATION SHALL DEVELOP A RANDOM SYSTEM FOR SELECTING  
48 THE RECIPIENTS. IF FUNDS REMAIN AVAILABLE IN THE PROGRAM AFTER AN ELIGI-  
49 BLE APPLICANT FROM EACH VOLUNTEER ORGANIZATION THAT HAS SUBMITTED AN  
50 ELIGIBLE CANDIDATE HAS BEEN AWARDED ONE LOAN FORGIVENESS AWARD, THEN THE  
51 CORPORATION MAY AWARD AN ADDITIONAL LOAN FORGIVENESS AWARD TO APPLICANTS  
52 FROM VOLUNTEER ORGANIZATIONS THAT HAVE SUBMITTED MORE THAN ONE ELIGIBLE  
53 CANDIDATE. THE CORPORATION SHALL DEVELOP A RANDOM SYSTEM FOR SELECTING  
54 THE RECIPIENTS OF ANY SUCH ADDITIONAL AWARDS;

55 E. A RECIPIENT OF THE VOLUNTEER RECRUITMENT LOAN FORGIVENESS BENEFITS  
56 SHALL AUTOMATICALLY CONTINUE TO RECEIVE THE BENEFIT ONCE AWARDED

1 PROVIDED THAT THE RECIPIENT REMAINS COMPLIANT WITH THE PROVISIONS OF  
2 THIS SECTION, AND FUNDING IS AVAILABLE. IF THERE IS A SHORTAGE IN THE  
3 FUNDING AVAILABLE, FUNDS SHALL BE AWARDED BASED ON A ONE PER ORGANIZA-  
4 TION BASIS BEFORE ANY ADDITIONAL AWARDS ARE RECEIVED BY APPLICANTS FROM  
5 A VOLUNTEER ORGANIZATION WHERE MORE THAN ONE MEMBER RECEIVED AN AWARD;

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

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

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

14 G. UPON THE RECIPIENT'S ATTAINMENT OF LOAN REPAYMENT OR CESSATION OF  
15 STATUS AS A VOLUNTEER WITH THE VOLUNTEER ORGANIZATION, WHICHEVER COMES  
16 FIRST, THE BENEFIT PROVIDED BY THIS SECTION SHALL BE DISCONTINUED. THE  
17 BENEFIT PROVIDED BY THIS SECTION SHALL BE SUSPENDED AT THE DIRECTION OF  
18 THE CORPORATION FOR A RECIPIENT'S FAILURE TO CONTINUE TO SERVE AS A  
19 VOLUNTEER WITH THE VOLUNTEER ORGANIZATION, OR FOR THE FAILURE TO COMPLY  
20 WITH ANY PROVISION OF THIS SECTION.

21 3. AMOUNT. UNLESS OTHERWISE PROVIDED FOR IN THIS SECTION, THE BENEFIT  
22 FOR THE VOLUNTEER RECRUITMENT LOAN FORGIVENESS AWARD SHALL BE ON THE  
23 TERMS AND CONDITIONS SET BY THE CORPORATION, PROVIDED THAT ANY SUCH  
24 BENEFIT SHALL NOT EXCEED AN AMOUNT EQUAL TO THE ANNUAL LOAN AMOUNT OF  
25 THE RECIPIENT, THE ANNUAL TUITION WHICH WAS CHARGED TO THE RECIPIENT OR  
26 THE ANNUAL TUITION CHARGED BY THE STATE UNIVERSITY OF NEW YORK, WHICHEV-  
27 ER IS LESS. IN NO CASE SHALL AN AWARD BE GRANTED FOR MORE THAN FIVE  
28 YEARS.

29 4. RULES AND REGULATIONS. THE CORPORATION IS HEREBY AUTHORIZED TO  
30 PROMULGATE ANY RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF  
31 THE PROVISIONS OF THIS SECTION.

32 S 10. This act shall take effect immediately, except that sections  
33 six, seven and eight of this act shall apply to fees, charges and taxes  
34 imposed on or after such date.