

5451--B

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sens. CARLUCCI, KLEIN, SAVINO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to the personal income tax credit for certain household and dependent care services necessary for gainful employment

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

1 Section 1. Paragraph 1 of subsection (c) of section 606 of the tax
2 law, as amended by section 1 of part M of chapter 63 of the laws of
3 2000, is amended to read as follows:
4 (1) A taxpayer shall be allowed a credit as provided herein equal to
5 the applicable percentage of the credit allowable under section twenty-
6 one of the internal revenue code for the same taxable year (without
7 regard to whether the taxpayer in fact claimed the credit under such
8 section twenty-one for such taxable year). The applicable percentage
9 shall be the sum of (i) twenty percent and (ii) a multiplier multiplied
10 by a fraction. For taxable years beginning in nineteen hundred ninety-
11 six and nineteen hundred ninety-seven, the numerator of such fraction
12 shall be the lesser of (i) four thousand dollars or (ii) fourteen thou-
13 sand dollars less the New York adjusted gross income for the taxable
14 year, provided, however, the numerator shall not be less than zero. For
15 the taxable year beginning in nineteen hundred ninety-eight, the numera-
16 tor of such fraction shall be the lesser of (i) thirteen thousand
17 dollars or (ii) thirty thousand dollars less the New York adjusted gross
18 income for the taxable year, provided, however, the numerator shall not

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

LBD10853-05-4

1 be less than zero. For taxable years beginning in nineteen hundred nine-
2 ty-nine, the numerator of such fraction shall be the lesser of (i)
3 fifteen thousand dollars or (ii) fifty thousand dollars less the New
4 York adjusted gross income for the taxable year, provided, however, the
5 numerator shall not be less than zero. For taxable years beginning after
6 nineteen hundred ninety-nine, the numerator of such fraction shall be
7 the lesser of (i) fifteen thousand dollars or (ii) sixty-five thousand
8 dollars less the New York adjusted gross income for the taxable year,
9 provided, however, the numerator shall not be less than zero. The
10 denominator of such fraction shall be four thousand dollars for taxable
11 years beginning in nineteen hundred ninety-six and nineteen hundred
12 ninety-seven, thirteen thousand dollars for the taxable year beginning
13 in nineteen hundred ninety-eight, and fifteen thousand dollars for taxa-
14 ble years beginning after nineteen hundred ninety-eight. The multiplier
15 shall be ten percent for taxable years beginning in nineteen hundred
16 ninety-six, forty percent for taxable years beginning in nineteen
17 hundred ninety-seven, and eighty percent for taxable years beginning
18 after nineteen hundred ninety-seven. Provided, however, for taxable
19 years beginning after nineteen hundred ninety-nine, for a person whose
20 New York adjusted gross income is less than forty thousand dollars, such
21 applicable percentage shall be equal to (i) one hundred percent, plus
22 (ii) ten percent multiplied by a fraction whose numerator shall be the
23 lesser of [(i)] (A) fifteen thousand dollars or [(ii)] (B) forty thou-
24 sand dollars less the New York adjusted gross income for the taxable
25 year, provided such numerator shall not be less than zero, and whose
26 denominator shall be fifteen thousand dollars. Provided, further, that
27 [if] FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND
28 FOURTEEN, THE AMOUNT OF CREDIT CALCULATED PURSUANT TO THIS SUBSECTION
29 SHALL BE INCREASED BY AN ADDITIONAL FIFTY PERCENT; PROVIDED, HOWEVER,
30 THAT THE CREDIT PROVIDED FOR IN THIS SUBSECTION SHALL NOT BE AVAILABLE
31 TO TAXPAYERS WHO FILE JOINTLY WITH ADJUSTED GROSS INCOMES IN EXCESS OF
32 THREE HUNDRED FIFTY THOUSAND DOLLARS, TO TAXPAYERS WHO FILE AS HEADS OF
33 HOUSEHOLDS WITH ADJUSTED GROSS INCOMES IN EXCESS OF THREE HUNDRED THOU-
34 SAND DOLLARS, AND TO TAXPAYERS WHO FILE SINGLY WITH ADJUSTED GROSS
35 INCOMES IN EXCESS OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS. IF the
36 reversion event, as defined in this paragraph, occurs, the applicable
37 percentage shall, for taxable years ending on or after the date on which
38 the reversion event occurred, be determined using the rules specified in
39 this paragraph applicable to taxable years beginning in nineteen hundred
40 ninety-nine. The reversion event shall be deemed to have occurred on the
41 date on which federal action, including but not limited to, administra-
42 tive, statutory or regulatory changes, materially reduces or eliminates
43 New York state's allocation of the federal temporary assistance for
44 needy families block grant, or materially reduces the ability of the
45 state to spend federal temporary assistance for needy families block
46 grant funds for the credit for certain household and dependent care
47 services necessary for gainful employment or to apply state general fund
48 spending on the credit for certain household and dependent care services
49 necessary for gainful employment toward the temporary assistance for
50 needy families block grant maintenance of effort requirement, and the
51 commissioner of the office of temporary and disability assistance shall
52 certify the date of such event to the commissioner, the director of the
53 division of the budget, the speaker of the assembly and the temporary
54 president of the senate.

55 S 2. This act shall take effect immediately and shall apply to taxable
56 years beginning on or after January 1, 2014.