

5266

2013-2014 Regular Sessions

I N A S S E M B L Y

February 21, 2013

Introduced by M. of A. KEARNS -- read once and referred to the Committee
on Ways and Means

AN ACT to amend the tax law, in relation to providing a credit for
general volunteer services performed and hours expended during a
federal disaster or emergency

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

1 Section 1. The tax law is amended by adding a new section 620-b to
2 read as follows:
3 S 620-B. CREDIT FOR GENERAL VOLUNTEER SERVICES PERFORMED FOR CHARITA-
4 BLE NOT-FOR-PROFIT CORPORATIONS. (A) DEFINITIONS. AS USED IN THIS
5 SECTION, THE FOLLOWING TERMS SHALL MEAN:
6 (1) "FEDERAL DISASTER OR EMERGENCY" SHALL MEAN THOSE EMERGENCIES WHICH
7 ARE DEFINED BY THE FEDERAL DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT
8 OF 1988. EMERGENCY SHALL INCLUDE ANY OCCASION OR INSTANCE FOR WHICH, IN
9 THE DETERMINATION OF THE PRESIDENT OF THE UNITED STATES, FEDERAL ASSIST-
10 ANCE IS NEEDED TO SUPPLEMENT STATE AND LOCAL EFFORTS AND CAPABILITIES TO
11 SAVE LIVES AND TO PROTECT PROPERTY AND PUBLIC HEALTH AND SAFETY, OR TO
12 LESSEN OR AVERT THE THREAT OF A CATASTROPHE IN ANY PART OF THE UNITED
13 STATES.
14 (2) "SENIOR CITIZEN" SHALL MEAN THOSE INDIVIDUALS WHO QUALIFY OR
15 BECOME ELIGIBLE FOR SOCIAL SECURITY BENEFITS OR ARE RECEIVING A FIXED
16 RETIREMENT INCOME AND NOT WORKING FULL-TIME.
17 (B) GENERAL. A RESIDENT SHALL BE ALLOWED THE FOLLOWING TAX CREDITS
18 AGAINST THE TAX OTHERWISE DUE UNDER THIS ARTICLE: UP TO THE AMOUNT OF
19 FIVE HUNDRED DOLLARS IN ANY TAXABLE YEAR FOR GENERAL VOLUNTEER SERVICES
20 PERFORMED FOR FEDERAL, STATE OR MUNICIPAL AGENCIES OR CHARITABLE
21 NOT-FOR-PROFIT CORPORATIONS OR ORGANIZATIONS, UP TO THE AMOUNT OF ONE
22 THOUSAND TWO HUNDRED FIFTY DOLLARS FOR BOTH GENERAL VOLUNTEER SERVICES
23 PERFORMED AND HOURS EXPENDED FOR FEDERAL DISASTER OR EMERGENCY RELIEF,

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

LBD09119-01-3

1 OR A ONE-TIME DEDUCTION OF TWO THOUSAND FIVE HUNDRED DOLLARS FOR YOUTH
2 VOLUNTEERS.

3 (C) LIMITATION. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF
4 THIS SECTION, SUCH CREDIT SHALL NOT EXCEED THE AMOUNT OF TAX OWED BY
5 SUCH RESIDENT FOR ANY TAXABLE YEAR; NOR SHALL ANY CREDIT BE GRANTED FOR
6 VOLUNTEER SERVICES PROVIDED BY A RESIDENT WHICH ARE NORMALLY AND CUSTOM-
7 ARILY PERFORMED BY A PAID EMPLOYEE OF THE FEDERAL, STATE OR MUNICIPAL
8 GOVERNMENT OR THE CHARITABLE NOT-FOR-PROFIT CORPORATION OR ORGANIZATION
9 FOR WHICH THE RESIDENT IS PROVIDING SERVICES.

10 (D) CALCULATION OF TAX CREDITS. (1) VOLUNTEER TAX CREDIT FOR GENERAL
11 SERVICES. EACH INDIVIDUAL TAXPAYER WHO FILES AN INDIVIDUAL INCOME TAX
12 RETURN FOR A TAXABLE YEAR MAY CLAIM A NONREFUNDABLE VOLUNTEER TAX CREDIT
13 FOR GENERAL SERVICES. THE VALUATION OF THE NONREFUNDABLE VOLUNTEER TAX
14 CREDIT IS FOR THOSE HOURS IN EXCESS OF THE FIRST TEN HOURS OF SERVICE.
15 THE VOLUNTEER TAX CREDIT FOR GENERAL SERVICES IS CALCULATED BY MULTIPLY-
16 ING THE NUMBER OF VOLUNTEER HOURS IN EXCESS OF THE FIRST TEN HOURS BY
17 THE CURRENT MINIMUM WAGE RATE. THE TOTAL YEARLY TAX CREDIT CANNOT EXCEED
18 FIVE HUNDRED DOLLARS FOR ANY TAXABLE YEAR. IF THE TAX CREDIT UNDER THIS
19 SECTION EXCEEDS THE INDIVIDUAL'S TAX LIABILITY, THE EXCESS OF CREDITS
20 OVER LIABILITY SHALL NOT BE REFUNDED TO THE TAXPAYER.

21 (2) VOLUNTEER TAX CREDIT FOR FEDERAL DISASTER OR EMERGENCY RELIEF.
22 RESIDENTS MAY CLAIM A TAX CREDIT OF UP TO SEVEN HUNDRED FIFTY DOLLARS
23 FOR GENERAL VOLUNTEER SERVICES PERFORMED DURING NATIONAL DISASTERS OR
24 EMERGENCIES FOR THOSE HOURS WORKED IN EXCESS OF TWENTY HOURS. THE HOURS
25 ACCUMULATED ON FEDERAL EMERGENCIES CAN ONLY BE ACCUMULATED ON THOSE
26 ACTIVITIES SPECIFICALLY DEALING WITH DISASTER OR EMERGENCY RELIEF. THE
27 CREDIT EXPIRES WHEN THE FEDERAL DISASTER IS NO LONGER DECLARED AN EMER-
28 GENCY OR THE EMERGENCY DESIGNATION EXPIRES. THE VOLUNTEER TAX CREDIT
29 AVAILABLE PURSUANT TO THIS PARAGRAPH IS CALCULATED BY MULTIPLYING THE
30 NUMBER OF VOLUNTEER HOURS IN EXCESS OF THE FIRST TWENTY HOURS BY THE
31 CURRENT MINIMUM WAGE RATE. THE TOTAL YEARLY TAX CREDIT CANNOT EXCEED
32 SEVEN HUNDRED FIFTY DOLLARS FOR ANY TAXABLE YEAR. IF THE TAX CREDIT
33 UNDER THIS SECTION EXCEEDS THE INDIVIDUAL'S TAX LIABILITY, THE EXCESS OF
34 CREDITS OVER LIABILITY SHALL NOT BE REFUNDED TO THE TAXPAYER. THE VOLUN-
35 TEER HOURS FOR A FEDERAL DISASTER OR EMERGENCY MAY BE ADDED TO THE
36 VOLUNTEER TAX CREDIT FOR GENERAL SERVICES AVAILABLE UNDER PARAGRAPH ONE
37 OF THIS SUBSECTION IF THERE IS ITEMIZED PROOF OF THE HOURS EXPENDED FOR
38 THE FEDERAL DISASTER OR EMERGENCY RELIEF AND ITEMIZED PROOF OF SEPARATE
39 VOLUNTEER HOURS FOR GENERAL SERVICES. UNLESS AS OTHERWISE PROVIDED IN
40 SUBSECTION (E) OF THIS SECTION, THE TOTAL YEARLY COMBINED TAX CREDIT FOR
41 GENERAL SERVICES AND FEDERAL DISASTER OR EMERGENCY RELIEF SERVICES MAY
42 NOT EXCEED ONE THOUSAND TWO HUNDRED FIFTY DOLLARS.

43 (E) CARRY OVER OR CARRY FORWARD VOLUNTEER TAX CREDIT FOR YOUTH VOLUN-
44 TEERS AGED SIXTEEN TO TWENTY-ONE. FOR HOURS IN EXCESS OF HIGH SCHOOL
45 COMMUNITY SERVICE OR VOLUNTEER REQUIREMENTS FOR GRADUATING HIGH SCHOOL,
46 A VOLUNTEER MAY AGGREGATE HIS OR HER YEARLY CREDITS FOR UP TO FIVE YEARS
47 IN WHICH HE OR SHE WAS NOT A SALARIED EMPLOYEE. THE YOUTH VOLUNTEER MAY
48 CARRY FORWARD OR CARRYOVER AND APPLY UP TO TWO THOUSAND FIVE HUNDRED
49 DOLLARS AS A ONE TIME DEDUCTION TO THE SALARY OF HIS OR HER FIRST FULL-
50 TIME SALARIED JOB. THE ONE TIME AGGREGATE DEDUCTION CAN BE CARRIED OVER
51 OR CARRIED FORWARD FOR FIVE YEARS OR UNTIL THE YOUTH VOLUNTEER OBTAINS
52 HIS OR HER FIRST FULL-TIME SALARIED JOB, WHICHEVER IS SHORTER.

53 (F) TRANSFER OF YEARLY DEDUCTIONS BY SENIOR CITIZENS OR RETIRED
54 PERSONS. SENIOR CITIZENS OR RETIRED PERSONS MAY TRANSFER YEARLY
55 DEDUCTIONS TO THEIR GRANDCHILDREN, EXCEPT IN THE TAX YEAR IN WHICH THE
56 GRANDCHILD HAS AGGREGATED HIS OR HER DEDUCTION TO APPLY TO HIS OR HER

1 FIRST FULL-TIME SALARIED JOB. IN YEARS AFTER THE GRANDCHILD HAS OBTAINED
2 HIS OR HER FIRST FULL-TIME SALARIED JOB, THE TOTAL YEARLY DEDUCTION FOR
3 THE GRANDCHILD MAY NOT EXCEED A TOTAL OF ONE THOUSAND DOLLARS, WHICH
4 INCLUDES THE GRANDCHILD'S FIVE HUNDRED DOLLAR CREDIT ADDED TO THE TRANS-
5 FERABLE CREDIT OF BOTH GRANDPARENTS, WHICH SHALL NOT EXCEED FIVE HUNDRED
6 DOLLARS. THE TRANSFERABLE CREDIT MAY BE AGGREGATED UNTIL THE GRANDCHILD
7 REACHES THE AGE OF THIRTY YEARS OLD.

8 (G) REGULATIONS OF THE COMMISSIONER. THE COMMISSIONER SHALL DEVELOP
9 RULES AND REGULATIONS REGARDING A METHOD FOR DOCUMENTING THE ACTUAL
10 PERFORMANCE BY A RESIDENT OF THE HOURS OF GENERAL VOLUNTEER SERVICE AND
11 HOURS EXPENDED FOR FEDERAL DISASTER OR EMERGENCY RELIEF REQUIRED TO
12 ESTABLISH ELIGIBILITY FOR THE TAX CREDIT AUTHORIZED BY THIS SECTION.
13 THE COMMISSIONER SHALL ALSO ISSUE CERTIFICATES OF ELIGIBILITY TO
14 NOT-FOR-PROFIT CORPORATIONS OR ORGANIZATIONS WHICH ARE ORGANIZED FOR
15 CHARITABLE PURPOSES IF THE COMMISSIONER IS SATISFIED, UPON APPLICATION
16 OF SUCH CORPORATION OR ORGANIZATION, THAT SUCH CORPORATION OR ORGANIZA-
17 TION IS REGULARLY AND EFFECTIVELY PERFORMING CHARITABLE WORKS CONSISTENT
18 WITH THE PURPOSES FOR WHICH THE SAME WERE INCORPORATED OR ORGANIZED.
19 ONLY GENERAL VOLUNTEER SERVICES PERFORMED OR HOURS EXPENDED FOR FEDERAL
20 DISASTER OR EMERGENCY RELIEF FOR A FEDERAL, STATE OR MUNICIPAL AGENCY OR
21 A CERTIFIED NOT-FOR-PROFIT CORPORATION OR ORGANIZATION SHALL QUALIFY FOR
22 THE CREDIT AUTHORIZED BY THIS SECTION.

23 S 2. This act shall take effect immediately and shall apply to all
24 taxable years commencing after December thirty-first of the year preced-
25 ing such effective date.