

7815

2013-2014 Regular Sessions

I N A S S E M B L Y

June 5, 2013

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

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
19 be less than zero. For taxable years beginning in nineteen hundred nine-
20 ty-nine, the numerator of such fraction shall be the lesser of (i)
21 fifteen thousand dollars or (ii) fifty thousand dollars less the New
22 York adjusted gross income for the taxable year, provided, however, the
23 numerator shall not be less than zero. For taxable years beginning after
24 nineteen hundred ninety-nine, the numerator of such fraction shall be

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

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1 the lesser of (i) fifteen thousand dollars or (ii) sixty-five thousand
2 dollars less the New York adjusted gross income for the taxable year,
3 provided, however, the numerator shall not be less than zero. The
4 denominator of such fraction shall be four thousand dollars for taxable
5 years beginning in nineteen hundred ninety-six and nineteen hundred
6 ninety-seven, thirteen thousand dollars for the taxable year beginning
7 in nineteen hundred ninety-eight, and fifteen thousand dollars for taxa-
8 ble years beginning after nineteen hundred ninety-eight. The multiplier
9 shall be ten percent for taxable years beginning in nineteen hundred
10 ninety-six, forty percent for taxable years beginning in nineteen
11 hundred ninety-seven, and eighty percent for taxable years beginning
12 after nineteen hundred ninety-seven. Provided, however, for taxable
13 years beginning after nineteen hundred ninety-nine, for a person whose
14 New York adjusted gross income is less than forty thousand dollars, such
15 applicable percentage shall be equal to (i) one hundred percent, plus
16 (ii) ten percent multiplied by a fraction whose numerator shall be the
17 lesser of [(i)] (A) fifteen thousand dollars or [(ii)] (B) forty thou-
18 sand dollars less the New York adjusted gross income for the taxable
19 year, provided such numerator shall not be less than zero, and whose
20 denominator shall be fifteen thousand dollars. Provided, further, that
21 [if] FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND THIRTEEN, THE AMOUNT OF
22 CREDIT CALCULATED PURSUANT TO THIS SUBSECTION SHALL BE INCREASED BY
23 FIFTY PERCENT. IF the reversion event, as defined in this paragraph,
24 occurs, the applicable percentage shall, for taxable years ending on or
25 after the date on which the reversion event occurred, be determined
26 using the rules specified in this paragraph applicable to taxable years
27 beginning in nineteen hundred ninety-nine. The reversion event shall be
28 deemed to have occurred on the date on which federal action, including
29 but not limited to, administrative, statutory or regulatory changes,
30 materially reduces or eliminates New York state's allocation of the
31 federal temporary assistance for needy families block grant, or mate-
32 rially reduces the ability of the state to spend federal temporary
33 assistance for needy families block grant funds for the credit for
34 certain household and dependent care services necessary for gainful
35 employment or to apply state general fund spending on the credit for
36 certain household and dependent care services necessary for gainful
37 employment toward the temporary assistance for needy families block
38 grant maintenance of effort requirement, and the commissioner of the
39 office of temporary and disability assistance shall certify the date of
40 such event to the commissioner, the director of the division of the
41 budget, the speaker of the assembly and the temporary president of the
42 senate.

43 S 2. This act shall take effect immediately and shall apply to taxable
44 years beginning on or after January 1, 2013.