

S T A T E O F N E W Y O R K

7815--B

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted 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, 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)

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

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

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