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

5934--A

2013-2014 Regular Sessions

I N S E N A T E

September 16, 2013

Introduced by Sens. DeFRANCISCO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Education 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 creating an urban science, technology, engineering and math (U-STEM) mentor volunteer program for youth and providing for the repeal of such provisions upon expiration thereof

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

Section 1. This act shall be known and may be cited as the "urban science, technology, engineering and math (U-STEM) mentor volunteer program for youth act".

S 2. Legislative findings and intent. The legislature hereby finds that there is a need to develop, promote and facilitate a mentor volunteer program specifically designed to foster greater student participation for pupils living in high concentrations of poverty in large urban areas who are in grades seven to twelve in the study of science, technology, engineering and mathematics herein referred to as STEM programs. The legislature further finds that the STEM programmatic areas are under-served and under-represented by pupils living in poverty in the large urban school districts of the state due in part to the financial circumstances of the school districts as well as the competing programmatic requirements for high school graduation.

Furthermore, the legislature finds that STEM businesses in the large urban areas are in need of greater numbers of qualified students to pursue careers in the STEM fields and that there is a state interest in fostering a programmatic connection between these businesses and their school districts to mentor, develop and train students interested in STEM careers.

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

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Therefore be it resolved that the legislature creates the urban science, technology, engineering and mathematics (U-STEM) mentor volunteer program for pupils in the large city school districts of the state.

S 3. Section 210 of the tax law is amended by adding a new subdivision 48 to read as follows:

48. URBAN SCIENCE, TECHNOLOGY, ENGINEERING AND MATH (U-STEM) MENTOR VOLUNTEER PROGRAM FOR YOUTH ACT CREDIT. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, BUSINESSES IDENTIFIED AS STEM EMPLOYERS SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE EQUAL TO FIVE PERCENT OF THE COMBINED ANNUAL SALARIES OF INDIVIDUALS PARTICIPATING IN THE U-STEM MENTOR VOLUNTEER PROGRAM UP TO A MAXIMUM OF FOUR HUNDRED THOUSAND DOLLARS ANNUALLY FOR EACH QUALIFYING BUSINESS.

(B) INDIVIDUALS OF ELIGIBLE EMPLOYERS WHO ELECT TO PARTICIPATE IN THE U-STEM MENTOR VOLUNTEER PROGRAM SHALL PARTICIPATE THROUGH A PARTNERSHIP BETWEEN THE EMPLOYER AND A SCHOOL DISTRICT OF A CITY WITH A POPULATION OF AT LEAST ONE HUNDRED TWENTY-FIVE THOUSAND BUT LESS THAN ONE MILLION INHABITANTS ACCORDING TO THE LATEST FEDERAL CENSUS AND COMMIT TO AT LEAST ONE HUNDRED EIGHTY HOURS ANNUALLY OF MENTOR VOLUNTEER ACTIVITIES.

(C) QUALIFYING EMPLOYERS SHALL MAINTAIN WRITTEN DOCUMENTATION OF THEIR EMPLOYEE'S PARTICIPATION IN THE U-STEM MENTOR VOLUNTEER PROGRAM INCLUDING THE NUMBER OF HOURS OF MENTOR VOLUNTEERING PER MONTH, WHICH MUST INCLUDE MENTOR VOLUNTEERING IN A SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS CLASS FIVE DAYS PER WEEK FOR A MINIMUM OF ONE SCHOOL YEAR. SUCH INFORMATION SHALL BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

(D) SCHOOL DISTRICTS PARTICIPATING IN THE U-STEM MENTOR VOLUNTEER PROGRAM SHALL DO SO ON A VOLUNTARY BASIS AND COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS PERTAINING TO MENTOR VOLUNTEER PROGRAMS AND ACTIVITIES.

(E) THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR MAY NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF THIS SECTION. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR WILL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST WILL BE PAID THEREON.

S 4. Subsections (yy) and (zz) of section 606 of the tax law, as relettered by section 5 of part H of chapter 1 of the laws of 2003, are relettered subsections (yyy) and (zzz) and a new subsection (yy) is added to read as follows:

(YY) URBAN SCIENCE, TECHNOLOGY, ENGINEERING AND MATH (U-STEM) MENTOR VOLUNTEER PROGRAM FOR YOUTH ACT CREDIT. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW RULE OR REGULATION TO THE CONTRARY, PARTICIPATING EMPLOYEES OF BUSINESSES IDENTIFIED AS STEM EMPLOYERS WITH TAX EXEMPT STATUS UNDER SECTION 501(C)(3) OF THE UNITED STATES INTERNAL REVENUE CODE SHALL BE ALLOWED A CREDIT EQUAL TO FIVE HUNDRED DOLLARS ANNUALLY FOR EACH EMPLOYEE.

(2) INDIVIDUALS OF ELIGIBLE EMPLOYERS WHO ELECT TO PARTICIPATE IN THE U-STEM MENTOR VOLUNTEER PROGRAM SHALL PARTICIPATE THROUGH A PARTNERSHIP BETWEEN THE EMPLOYER AND A SCHOOL DISTRICT OF A CITY WITH A POPULATION OF AT LEAST ONE HUNDRED TWENTY-FIVE THOUSAND BUT LESS THAN ONE MILLION INHABITANTS ACCORDING TO THE LATEST FEDERAL CENSUS AND COMMIT TO AT LEAST ONE HUNDRED EIGHTY HOURS ANNUALLY OF MENTOR VOLUNTEER ACTIVITIES.

(3) QUALIFYING EMPLOYERS SHALL MAINTAIN WRITTEN DOCUMENTATION OF THEIR EMPLOYEE'S PARTICIPATION IN THE U-STEM MENTOR VOLUNTEER PROGRAM INCLUDING THE NUMBER OF HOURS OF MENTOR VOLUNTEERING PER MONTH, WHICH MUST INCLUDE MENTOR VOLUNTEERING IN A SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS CLASS FIVE DAYS PER WEEK FOR A MINIMUM OF ONE SCHOOL YEAR. SUCH INFORMATION SHALL BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

(4) SCHOOL DISTRICTS PARTICIPATING IN THE U-STEM MENTOR VOLUNTEER PROGRAM SHALL DO SO ON A VOLUNTARY BASIS AND COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS PERTAINING TO MENTOR VOLUNTEER PROGRAMS AND ACTIVITIES.

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

S 5. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2015 and shall expire and be deemed repealed January 1, 2018.