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

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2015-2016 Regular Sessions

I N A S S E M B L Y

January 13, 2015

Introduced by M. of A. GUNTHER, ABINANTI, STECK, O'DONNELL, GIGLIO, GOODELL, DiPIETRO, NOJAY, RAIA -- Multi-Sponsored by -- M. of A. FRIEND, PALMESANO, SKARTADOS -- read once and referred to the Committee on Mental Health -- recommitted to the Committee on Mental Health 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 transportation law and the tax law, in relation to enacting the "integrated employment, economic development and safety net system for individuals with intellectual and developmental disabilities act"

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

Section 1. Short title. This act shall be known and may be cited as the "integrated employment, economic development and safety net system for individuals with intellectual and developmental disabilities act".

S 2. Legislative findings and intent. The legislature hereby finds and declares that many citizens with intellectual and developmental disabilities can be productive members of the general workforce in the state's counties and that with planning, funding realignment, employer tax credits, additional resources where necessary, and better coordination of existing state, federal and rural resources, employment for such individuals will increase significantly.

The legislature further finds and declares that because of age, severity of disability or other factors, many individuals offered the opportunity will be unable to participate in the general workforce. Therefore there must continue to be a safety net employment system to provide opportunities for such individuals to work alongside their peers with and without disabilities.

Finally, the legislature recognizes that economy and efficiency are best served by utilizing the existing and extensive infrastructure for

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

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purposes of providing appropriate integrated employment and spurring economic development.

S 3. Section 14 of the transportation law is amended by adding a new subdivision 36 to read as follows:

36. THE COMMISSIONER SHALL, IN COOPERATION WITH THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES, ESTABLISH A RURAL INTEGRATED TRANSPORTATION DEMONSTRATION PROGRAM, SIMILAR TO SUCH PROGRAM AS DESCRIBED IN SECTION SEVENTY-THREE-E OF THIS CHAPTER, IN SIX COUNTIES, EACH HAVING A POPULATION OF NOT MORE THAN TWO HUNDRED THOUSAND ACCORDING TO THE TWO THOUSAND TEN FEDERAL CENSUS. THE COMMISSIONER SHALL DIRECT A TRANSPORTATION PROVIDER IN EACH SUCH COUNTY TO STUDY HOW THE COORDINATION OF LOCAL HUMAN SERVICE AGENCIES PROVIDING TRANSPORTATION IN A RURAL COUNTY CAN INCREASE TRANSPORTATION OPPORTUNITIES FOR INTEGRATED SUPPORTED ENVIRONMENT EMPLOYMENT TO INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES IN ACCORDANCE WITH SECTION 13.41 OF THE MENTAL HYGIENE LAW. SUCH PILOT SHALL PROVIDE THAT WHERE A PARTICIPATING HUMAN SERVICE AGENCY OPERATES TRANSPORTATION SERVICES FOR TRANSPORTATION-DISABLED PERSONS, THE AGENCY SHALL BE AUTHORIZED TO PROVIDE COORDINATED TRANSPORTATION TO OTHER ENROLLED HUMAN SERVICE AGENCY RIDERS WHILE REMAINING EXEMPT FROM THE PROVISIONS OF ARTICLE SEVEN OF THIS CHAPTER, UNLESS SUCH TRANSPORTATION SERVICES ARE OPEN TO THE PUBLIC. THE COMMISSIONER, IN ESTABLISHING AND OPERATING THE PROGRAM, SHALL CONSIDER THE AVAILABILITY OF PUBLIC TRANSPORTATION, PUBLIC SAFETY CONCERNS AND THE DUPLICATION OF SERVICES. EACH TRANSPORTATION PROVIDER PARTICIPATING IN THE PROGRAM SHALL STUDY THE COST BENEFITS OF COORDINATING TRANSPORTATION, THE QUALITY OF TRANSPORTATION, ACCESS FOR CLIENT POPULATIONS AND THE OUTCOMES OF INDIVIDUALS RECEIVING THE SERVICES. EVERY TRANSPORTATION PROVIDER SHALL REPORT ITS FINDINGS TO THE COMMISSIONER AND THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES WHO SHALL JOINTLY EVALUATE THE FINDINGS OF THE STUDY, AND REPORT THEREON TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY.

S 4. The tax law is amended by adding a new section 43 to read as follows:

S 43. CREDIT FOR INTEGRATED BUSINESS ENTERPRISE INVESTMENTS. (A) ALLOWANCE OF CREDIT. A TAXPAYER, THAT IS AN INTEGRATED BUSINESS ENTERPRISE, SUBJECT TO TAX UNDER ARTICLE NINE, NINE-A, TWENTY-TWO OR THIRTY-THREE OF THIS CHAPTER SHALL BE ALLOWED A CREDIT AGAINST SUCH TAX, PURSUANT TO THE PROVISIONS REFERENCED IN SUBDIVISION (C) OF THIS SECTION. THE CREDIT SHALL BE ALLOWED DURING THE TAX YEAR AN INTEGRATED WORK ENVIRONMENT, IN WHICH A QUALIFIED INVESTMENT IS MADE BY THE TAXPAYER, IS PLACED IN SERVICE. THE CREDIT SHALL BE EQUAL TO FIVE PERCENT OF THE TAXPAYER'S QUALIFIED INVESTMENT.

(B) DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(1) INTEGRATED BUSINESS ENTERPRISE. THE TERM "INTEGRATED BUSINESS ENTERPRISE" MEANS A BUSINESS WHICH IS OWNED, OPERATED OR CONTROLLED BY A HOME AND COMMUNITY BASED SERVICES WAIVER PROVIDER THAT EMPLOYS INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND NON-DISABLED INDIVIDUALS, AND WHICH IS DETERMINED BY THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES TO PROVIDE COMPETITIVE EMPLOYMENT TO PERSONS WITH DEVELOPMENTAL DISABILITIES.

(2) QUALIFIED INVESTMENT. THE TERM "QUALIFIED INVESTMENT" MEANS MONEYS SPENT FOR THE PURCHASE OF BUILDINGS AND TANGIBLE PERSONAL PROPERTY WITH A USEFUL LIFE OF FOUR OR MORE YEARS, WHICH ARE USED IN THE PRODUCTION OF AN INTEGRATED WORK ENVIRONMENT.

(C) CROSS-REFERENCES. FOR APPLICATION OF THE CREDIT PROVIDED FOR IN THIS SECTION, SEE THE FOLLOWING PROVISIONS OF THIS CHAPTER:
(1) ARTICLE 9: SECTION 187-T,
(2) ARTICLE 9-A: SECTION 210-B: SUBDIVISION 49,
(3) ARTICLE 22: SECTION 606: SUBSECTIONS (I) AND (CCC),
(4) ARTICLE 33: SECTION 1511: SUBDIVISION (DD).

S 5. Subdivision 2 of section 187-a of the tax law, as added by chapter 142 of the laws of 1997, is amended to read as follows:

2. Qualified employee. A qualified employee is an individual:

(a) who is certified by the education department OR THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, or in the case of an individual who is blind or visually handicapped, by the state agency responsible for provision of vocational rehabilitation services to the blind and visually handicapped: (i) as a person with a disability which constitutes or results in a substantial handicap to employment and (ii) as having completed or as receiving services under EITHER an individualized written rehabilitation plan approved by the education department OR AN INDIVIDUALIZED SERVICE PLAN APPROVED PURSUANT TO THE REGULATIONS OF THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES, or other state agency responsible for providing vocational rehabilitation services to such individual; and

(b) who has worked on a full-time basis for the employer who is claiming the credit for at least one hundred eighty days or four hundred hours, OR, FOR AN INDIVIDUAL CERTIFIED BY THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, HAS WORKED ON A FULL-TIME OR PART-TIME BASIS FOR THE EMPLOYER WHO IS CLAIMING THE CREDIT FOR AT LEAST ONE HUNDRED DAYS OR FOUR HUNDRED HOURS.

S 6. The tax law is amended by adding a new section 187-t to read as follows:

S 187-T. CREDIT FOR INTEGRATED BUSINESS ENTERPRISE INVESTMENTS. 1. ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION FORTY-THREE OF THIS CHAPTER, AGAINST THE TAXES IMPOSED BY THIS ARTICLE. PROVIDED, HOWEVER THAT THE AMOUNT OF SUCH CREDIT ALLOWABLE AGAINST THE TAX IMPOSED BY SECTION ONE HUNDRED EIGHT-FOUR OF THIS ARTICLE SHALL BE THE EXCESS OF THE AMOUNT OF SUCH CREDIT OVER THE AMOUNT OF ANY CREDIT ALLOWED BY THIS SECTION AGAINST THE TAX IMPOSED BY SECTION ONE HUNDRED EIGHTY-THREE OF THIS ARTICLE.

2. CARRYOVER. IN NO EVENT SHALL THE CREDIT UNDER THIS SECTION BE ALLOWED IN AN AMOUNT WHICH WILL REDUCE THE TAX PAYABLE TO LESS THAN THE APPLICABLE MINIMUM TAX FIXED BY SECTION ONE HUNDRED EIGHTY-THREE, OR ONE HUNDRED EIGHTY-FIVE OF THIS ARTICLE. IF, HOWEVER, THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SECTION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS, FOR UP TO FIFTEEN YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

S 7. Paragraph (b) of subdivision 12 of section 210-B of the tax law, as added by section 17 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(b) Qualified employee. A qualified employee is an individual:

(1) who is certified by the education department OR THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, or in the case of an individual who is blind or visually handicapped, by the state agency responsible for provision of vocational rehabilitation services to the blind and visually handicapped: (i) as a person with a disability which constitutes or results in a substantial handicap to employment and (ii) as

having completed or as receiving services under EITHER an individualized written rehabilitation plan approved by the education department OR AN INDIVIDUALIZED SERVICE PLAN APPROVED PURSUANT TO THE REGULATIONS OF THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES, or other state agency responsible for providing vocational rehabilitation services to such individual; and

(2) who has worked on a full-time basis for the employer who is claiming the credit for at least one hundred eighty days or four hundred hours, OR, FOR AN INDIVIDUAL CERTIFIED BY THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, HAS WORKED ON A FULL-TIME OR PART-TIME BASIS FOR THE EMPLOYER WHO IS CLAIMING THE CREDIT FOR AT LEAST ONE HUNDRED DAYS OR FOUR HUNDRED HOURS.

S 8. Section 210-B of the tax law is amended by adding a new subdivision 49 to read as follows:

49. CREDIT FOR INTEGRATED BUSINESS ENTERPRISE INVESTMENTS. (A) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION FORTY-THREE OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

(B) CARRYOVER. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION TWO HUNDRED TEN OF THIS ARTICLE. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS, FOR UP TO FIFTEEN YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

S 9. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xliii) to read as follows:

(XLIII) CREDIT FOR INTEGRATED BUSINESS ENTERPRISE INVESTMENTS UNDER SUBSECTION (CCC)	AMOUNT OF CREDIT UNDER SUBDIVISION FORTY-NINE OF SECTION TWO HUNDRED TEN-B

S 10. Paragraph 2 of subsection (o) of section 606 of the tax law, as added by chapter 142 of the laws of 1997, is amended to read as follows:

(2) Qualified employee. A qualified employee is an individual:

(A) who is certified by the education department OR THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, or in the case of an individual who is blind or visually handicapped, by the state agency responsible for provision of vocation rehabilitation services to the blind and visually handicapped: (i) as a person with a disability which constitutes or results in a substantial handicap to employment and (ii) as having completed or as receiving services under EITHER an individualized written rehabilitation plan approved by the education department OR AN INDIVIDUALIZED SERVICE PLAN APPROVED PURSUANT TO THE REGULATIONS OF THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES, or other state agency responsible for providing vocational rehabilitation services to such individual; and

(B) who has worked on a full-time basis for the employer who is claiming the credit for at least one hundred eighty days or four hundred hours, OR, FOR AN INDIVIDUAL CERTIFIED BY THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, HAS WORKED ON A FULL-TIME OR PART-TIME BASIS FOR THE EMPLOYER WHO IS CLAIMING THE CREDIT FOR AT LEAST ONE HUNDRED DAYS OR FOUR HUNDRED HOURS.

S 11. Section 606 of the tax law is amended by adding a new subsection (ccc) to read as follows:

(CCC) CREDIT FOR INTEGRATED BUSINESS ENTERPRISE INVESTMENTS. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION FORTY-THREE OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

(2) CARRYOVER. IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS, FOR UP TO FIFTEEN YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

S 12. Paragraph 2 of subdivision (j) of section 1511 of the tax law, as added by chapter 142 of the laws of 1997, is amended to read as follows:

(2) Qualified employee. A qualified employee is an individual:

(A) who is certified by the education department OR THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, or in the case of an individual who is blind or visually handicapped, by the state agency responsible for provision of vocational rehabilitation services to the blind and visually handicapped: (i) as a person with a disability which constitutes or results in a substantial handicap to employment and (ii) as having completed or as receiving services under EITHER an individualized written rehabilitation plan approved by the education department OR AN INDIVIDUALIZED SERVICE PLAN APPROVED PURSUANT TO THE REGULATIONS OF THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES, or other state agency responsible for providing vocational rehabilitation services to such individual; and

(B) who has worked on a full-time basis for the employer who is claiming the credit for at least one hundred eighty days or four hundred hours, OR, FOR AN INDIVIDUAL CERTIFIED BY THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, HAS WORKED ON A FULL-TIME OR PART-TIME BASIS FOR THE EMPLOYER WHO IS CLAIMING THE CREDIT FOR AT LEAST ONE HUNDRED DAYS OR FOUR HUNDRED HOURS.

S 13. Section 1511 of the tax law is amended by adding a new subdivision (dd) to read as follows:

(DD) CREDIT FOR INTEGRATED BUSINESS ENTERPRISE INVESTMENTS. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION FORTY-THREE OF THIS CHAPTER, AGAINST THE TAXES IMPOSED BY THIS ARTICLE.

(2) CARRYOVER. THE CREDIT AND CARRYOVERS OF SUCH CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE MINIMUM TAX FIXED BY PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION FIFTEEN HUNDRED TWO OF THIS ARTICLE OR BY SECTION FIFTEEN HUNDRED TWO-A OF THIS ARTICLE, WHICHEVER IS APPLICABLE. HOWEVER, IF THE AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT, OR BOTH, ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, THEN ANY AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS, FOR UP TO FIFTEEN YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

S 14. This act shall take effect immediately, except that sections four, five, six, seven, eight, nine, ten and eleven of this act shall take effect on the first of January next succeeding the date on which it shall have become a law.