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

7030

I N S E N A T E

March 17, 2016

Introduced by Sen. AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to increasing the volunteer firefighters' and ambulance workers' credit

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

Section 1. Subsection (e-2) of section 606 of the tax law, as added by section 1 of part U of chapter 62 of the laws of 2006, paragraph 2 as amended by chapter 532 of the laws of 2007, paragraph 3 as added and paragraph 4 as renumbered by section 4 of part N of chapter 61 of the laws of 2006, and as relettered by section 1 of part K of chapter 59 of the laws of 2014, is amended to read as follows:

(e-2) Volunteer firefighters' and ambulance workers' credit. (1) For taxable years beginning on and after January first, two thousand seven, a resident taxpayer who serves as an active volunteer firefighter as defined in subdivision one of section two hundred fifteen of the general municipal law or as a volunteer ambulance worker as defined in subdivision fourteen of section two hundred nineteen-k of the general municipal law AND HAS BEEN IN GOOD STANDING FOR A PERIOD OF FOUR YEARS OR LESS shall be allowed a credit against the tax imposed by this article equal to [two] FIVE hundred dollars. FOR TAXABLE YEARS BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, A RESIDENT TAXPAYER WHO SERVES AS AN ACTIVE VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE WORKER AND HAS BEEN IN GOOD STANDING FOR A MINIMUM OF FIVE YEARS SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE EQUAL TO ONE THOUSAND DOLLARS. In order to receive this credit a volunteer firefighter or volunteer ambulance worker must have been active for the entire taxable year for which the credit is sought.

(2) If a taxpayer receives a real property tax exemption relating to such service under title two of article four of the real property tax law, such taxpayer shall not be eligible for this credit; provided, however (A) if the taxpayer receives such real property tax exemption in the two thousand seven taxable year as a result of making application

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

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therefor in a prior year or (B) if the taxpayer notifies his or her assessor in writing by December thirty-first, two thousand seven of the taxpayer's intent to discontinue such real property tax exemption by not re-applying for such real property tax exemption by the next taxable status date, such taxpayer shall be eligible for this credit for the two thousand seven taxable year.

(3) In the case of a husband and wife who file a joint return and who both individually qualify for the credit under this subsection, the amount of the credit allowed shall be [four hundred] ONE THOUSAND dollars WHERE AT LEAST ONE OF THE QUALIFYING SPOUSES HAS SERVED AS AN ACTIVE VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE WORKER FOR LESS THAN FIVE YEARS. IN THE CASE OF A HUSBAND AND WIFE WHO FILE A JOINT RETURN, WHO BOTH INDIVIDUALLY QUALIFY FOR THE CREDIT UNDER THIS SUBSECTION AND WHO HAVE EACH SERVED A MINIMUM OF FIVE YEARS, THE AMOUNT OF THE CREDIT ALLOWED SHALL BE TWO THOUSAND DOLLARS.

(4) 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 2. Subsection (e-1) of section 606 of the tax law, as added by section 1 of part U of chapter 62 of the laws of 2006, paragraph 2 as amended by chapter 532 of the laws of 2007, paragraph 3 as added and paragraph 4 as renumbered by section 4 of part N of chapter 61 of the laws of 2006, is amended to read as follows:

(e-1) Volunteer firefighters' and ambulance workers' credit. (1) For taxable years beginning on and after January first, two thousand seven, a resident taxpayer who serves as an active volunteer firefighter as defined in subdivision one of section two hundred fifteen of the general municipal law or as a volunteer ambulance worker as defined in subdivision fourteen of section two hundred nineteen-k of the general municipal law AND HAS BEEN IN GOOD STANDING FOR A PERIOD OF FOUR YEARS OR LESS shall be allowed a credit against the tax imposed by this article equal to [two] FIVE hundred dollars. FOR TAXABLE YEARS BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, A RESIDENT TAXPAYER WHO SERVES AS AN ACTIVE VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE WORKER AND HAS BEEN IN GOOD STANDING FOR A MINIMUM OF FIVE YEARS SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE EQUAL TO ONE THOUSAND DOLLARS. In order to receive this credit a volunteer firefighter or volunteer ambulance worker must have been active for the entire taxable year for which the credit is sought.

(2) If a taxpayer receives a real property tax exemption relating to such service under title two of article four of the real property tax law, such taxpayer shall not be eligible for this credit; provided, however (A) if the taxpayer receives such real property tax exemption in the two thousand seven taxable year as a result of making application therefor in a prior year or (B) if the taxpayer notifies his or her assessor in writing by December thirty-first, two thousand seven of the taxpayer's intent to discontinue such real property tax exemption by not re-applying for such real property tax exemption by the next taxable status date, such taxpayer shall be eligible for this credit for the two thousand seven taxable year.

(3) In the case of a husband and wife who file a joint return and who both individually qualify for the credit under this subsection, the amount of the credit allowed shall be [four hundred] ONE THOUSAND dollars WHERE AT LEAST ONE OF THE QUALIFYING SPOUSES HAS SERVED AS AN

ACTIVE VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE WORKER FOR LESS THAN FIVE YEARS. IN THE CASE OF A HUSBAND AND WIFE WHO FILE A JOINT RETURN, WHO BOTH INDIVIDUALLY QUALIFY FOR THE CREDIT UNDER THIS SUBSECTION AND WHO HAVE EACH SERVED A MINIMUM OF FIVE YEARS, THE AMOUNT OF THE CREDIT ALLOWED SHALL BE TWO THOUSAND DOLLARS.

(4) 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 3. This act shall take effect immediately; provided, however, the amendments to subsection (e-2) of section 606 of the tax law made by section one of this act shall be subject to the expiration and reversion of such subsection pursuant to section 1 of part K of chapter 59 of the laws of 2014, as amended, when upon such date the provisions of section two of this act shall take effect.