

STATE OF NEW YORK

4389--A

2017-2018 Regular Sessions

IN ASSEMBLY

February 2, 2017

Introduced by M. of A. PALMESANO, BLANKENBUSH, DiPIETRO, GARBARINO, MONTESANO, ZEBROWSKI, NORRIS, BRABENEC, JOHNS -- Multi-Sponsored by -- M. of A. BARCLAY, CASTORINA, CROUCH, CURRAN, FINCH, FRIEND, GIGLIO, LAWRENCE, B. MILLER, M. L. MILLER, MORINELLO, WALSH, WALTER -- read once and referred to the Committee on Ways and Means -- 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, the insurance law, the vehicle and traffic law and the education law, in relation to enacting the omnibus emergency services volunteer incentive act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "omnibus emergency services volunteer incentive act".

3 § 2. Paragraphs 1 and 3 of subsection (e-2) of section 606 of the tax
4 law, paragraph 1 as added by section 1 of part U of chapter 62 of the
5 laws of 2006, paragraph 3 as added by section 4 of part N of chapter 61
6 of the laws of 2006 and such subsection as relettered by section 1 of
7 part K of chapter 59 of the laws of 2014, are amended to read as
8 follows:

9 (1) For taxable years beginning on and after January first, two thou-
10 sand seven, a resident taxpayer who serves as an active volunteer fire-
11 fighter as defined in subdivision one of section two hundred fifteen of
12 the general municipal law or as a volunteer ambulance worker as defined
13 in subdivision fourteen of section two hundred nineteen-k of the general
14 municipal law shall be allowed a credit against the tax imposed by this
15 article equal to two hundred dollars. In order to receive this credit a
16 volunteer firefighter or volunteer ambulance worker must have been
17 active for the entire taxable year for which the credit is sought. For
18 taxable years beginning on or after January first, two thousand twenty,

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

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1 a volunteer firefighter or volunteer ambulance worker who has been
2 active for four or more consecutive taxable years shall be allowed an
3 additional credit equal to four hundred dollars.

4 (3) In the case of a husband and wife who file a joint return and who
5 both individually qualify for the credit under this subsection, the
6 amount of the credit allowed shall be four hundred dollars. For taxable
7 years beginning on or after January first, two thousand twenty, a
8 husband and wife who file a joint return and who both individually qual-
9 ify for the additional credit under this subsection, the amount of the
10 additional credit shall be eight hundred dollars.

11 § 3. Section 606 of the tax law is amended by adding a new subsection
12 (e-3) to read as follows:

13 (e-3) Volunteer firefighters' and ambulance workers' credit for four
14 or more years of service. (1) For taxable years commencing on or after
15 January first, two thousand twenty, a resident taxpayer who has served
16 as an active volunteer firefighter as defined in subdivision one of
17 section two hundred fifteen of the general municipal law or as a volun-
18 teer ambulance worker as defined in subdivision fourteen of section two
19 hundred nineteen-k of the general municipal law for four or more consec-
20 utive years shall be allowed a credit against the tax imposed by this
21 article equal to four hundred dollars. In order to receive this credit a
22 volunteer firefighter or volunteer ambulance worker must have been
23 active for the entire four or more consecutive taxable years for which
24 the credit is sought.

25 (2) If a taxpayer receives a real property tax exemption relating to
26 such service under title two of article four of the real property tax
27 law, such taxpayer shall not be eligible for this credit.

28 (3) In the case of a husband and wife who file a joint return and who
29 both individually qualify for the credit under this subsection, the
30 amount of the credit shall be eight hundred dollars.

31 (4) If the amount of the credit allowed under this subsection for any
32 taxable year shall exceed the taxpayer's tax for such year, the excess
33 shall be treated as an overpayment of tax to be credited or refunded in
34 accordance with the provisions of section six hundred eighty-six of this
35 article; provided, however, that no interest shall be paid thereon.

36 § 4. Paragraph 2 of subsection (f) of section 9104 of the insurance
37 law, as amended by chapter 293 of the laws of 1988, is amended and a new
38 paragraph 3 is added to read as follows:

39 (2) the fire department when such tax is not required under paragraph
40 four of subsection (a) of this section to be distributed to fire compa-
41 nies[~~+~~], or

42 (3) the fire company or fire department receiving the same, to use for
43 recruitment and retention purposes, including, but not limited to, total
44 or partial contribution to the cost of participation in a plan for the
45 provision of medical, surgical and hospital services or insurance.

46 § 5. Subparagraph (B) of paragraph 3 of subsection (d) of section 9105
47 of the insurance law, as amended by chapter 293 of the laws of 1988, is
48 amended and a new subparagraph (C) is added to read as follows:

49 (B) the fire department when such tax is not required under subpara-
50 graph (E) of paragraph two of this subsection to be distributed to fire
51 companies[~~+~~], or

52 (C) the fire company or fire department receiving the same, to use for
53 recruitment and retention purposes, including but not limited to, total
54 or partial contribution to the cost of participation in a plan for the
55 provision of medical, surgical and hospital services or insurance.

§ 6. Subdivision 6 of section 401 of the vehicle and traffic law is amended by adding a new paragraph f to read as follows:

f. Notwithstanding any provision of this chapter or any other law to the contrary, any motor vehicle owned by a volunteer firefighter, as defined in section three of the volunteer firefighters' benefit law, or a volunteer ambulance worker, as defined in section three of the volunteer ambulance workers' benefit law, and used by such volunteer in the performance of his or her duties as a volunteer firefighter or volunteer ambulance worker shall be exempt from all motor vehicle registration fees and from any vehicle use or other tax based upon the weight or value of such motor vehicle.

§ 7. Subdivision 3 of section 404-b of the vehicle and traffic law, as amended by chapter 277 of the laws of 1991, is amended to read as follows:

3. A distinctive plate issued pursuant to this section shall be issued in the same manner as other number plates upon payment of the regular registration fee prescribed by section four hundred one of this [~~chap-~~
~~ter~~] article and an initial one time service charge of fifteen dollars; provided, however, no such registration fee or service charge shall be imposed for a motor vehicle used by a volunteer firefighter in the performance of his or her duties.

§ 8. Subdivision 3 of section 404-f of the vehicle and traffic law, as amended by chapter 277 of the laws of 1991, is amended to read as follows:

3. A distinctive plate issued pursuant to this section shall be issued in the same manner as other number plates upon payment of the regular registration fee prescribed by section four hundred one of this [~~chap-~~
~~ter~~] article and an additional annual service charge of fifteen dollars; provided, however, no such registration fee or service charge shall be imposed for a motor vehicle used by a member of a volunteer ambulance service in the performance of his or her duties.

§ 9. The education law is amended by adding a new section 669-i to read as follows:

§ 669-i. Volunteer recruitment service loan forgiveness program. 1. Purpose. The corporation is authorized, within amounts appropriated or otherwise lawfully available from any other source, to establish a recruitment loan forgiveness program for volunteer organizations.

2. Eligibility. The corporation may grant such awards within the amounts appropriated for such purpose and based on availability of funds according to a schedule to be determined by the corporation in the following manner:

a. Volunteer organizations, including an "ambulance company" as defined in section three of the volunteer ambulance workers' benefit law or "fire company" as defined in section three of the volunteer firefighters' benefit law, may annually submit no more than three applications to the corporation;

b. Volunteer organizations submitting applications shall develop a policy for electing the candidates that will be forwarded to the corporation. A volunteer organization that submits more than one application shall list the candidates in order of priority;

c. The corporation shall designate a date by which all applications shall be received by the corporation;

d. The corporation shall award volunteer recruitment loan forgiveness benefits to all eligible applicants unless the number of applications received are greater than the funding available for the program, in which case the corporation shall develop a random system for selecting

1 the recipients. If funds remain available in the program after an eligi-
2 ble applicant from each volunteer organization that has submitted an
3 eligible candidate has been awarded one loan forgiveness award, then the
4 corporation may award an additional loan forgiveness award to applicants
5 from volunteer organizations that have submitted more than one eligible
6 candidate. The corporation shall develop a random system for selecting
7 the recipients of any such additional awards;

8 e. A recipient of the volunteer recruitment loan forgiveness benefits
9 shall automatically continue to receive the benefit once awarded
10 provided that the recipient remains compliant with the provisions of
11 this section, and funding is available. If there is a shortage in the
12 funding available, funds shall be awarded based on a one per organiza-
13 tion basis before any additional awards are received by applicants from
14 a volunteer organization where more than one member received an award;

15 f. The corporation shall develop a system for certifying on an annual
16 basis that the recipient is compliant with the conditions enumerated in
17 this section prior to receiving the volunteer recruitment loan forgive-
18 ness benefit, including but not limited to:

19 (i) membership in, and maintenance of an active volunteer status in a
20 volunteer organization for not less than one year at the time of the
21 initial award;

22 (ii) graduation from a degree producing curriculum; and

23 g. Upon the recipient's attainment of loan repayment or cessation of
24 status as a volunteer with the volunteer organization, whichever comes
25 first, the benefit provided by this section shall be discontinued. The
26 benefit provided by this section shall be suspended at the direction of
27 the corporation for a recipient's failure to continue to serve as a
28 volunteer with the volunteer organization, or for the failure to comply
29 with any provision of this section.

30 3. Amount. Unless otherwise provided for in this section, the benefit
31 for the volunteer recruitment loan forgiveness award shall be on the
32 terms and conditions set by the corporation, provided that any such
33 benefit shall not exceed an amount equal to the annual loan amount of
34 the recipient, the annual tuition which was charged to the recipient or
35 the annual tuition charged by the state university of New York, whichev-
36 er is less. In no case shall an award be granted for more than five
37 years.

38 4. Rules and regulations. The corporation is hereby authorized to
39 promulgate any rules and regulations necessary for the implementation of
40 the provisions of this section.

41 § 10. This act shall take effect immediately, provided however that:

42 a. the amendments to subsection (e-2) of section 606 of the tax law
43 made by section two of this act shall survive the relettering of such
44 subsection as provided in section 1 of part K of chapter 59 of the laws
45 of 2014, as amended; and

46 b. sections six, seven and eight of this act shall apply to fees,
47 charges and taxes imposed on or after such date.