STATE OF NEW YORK

3707

2019-2020 Regular Sessions

IN ASSEMBLY

January 30, 2019

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to creating a tax credit for taxpayers who donate equipment or materials to first responder live training programs

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

Section 1. The tax law is amended by adding a new section 26-a to read as follows:

§ 26-a. First responder live training credit. (a) Allowance of credit. A taxpayer subject to tax under articles nine, nine-a, or twenty-two of this chapter shall be allowed a credit against such tax provided the taxpayer donates equipment or materials to first responder live training programs.

(b) Value of credit. The credit shall be equal to the residual value of the items as determined by generally accepted accounting principles, not to exceed three thousand dollars per tax year.

(c) Definitions. As used in this section, the following terms shall have the following meanings:

(1) "first responder" shall mean local police, fire, emergency services, and hospital or clinical staff; and

(2) "live training program" shall mean any training program or session at least half of which is scenario based and takes place outside of a classroom setting.

(d) Required documentation. The taxpayer must submit sufficient documentation to allow residual value of the donation to be determined to the satisfaction of the commissioner. The taxpayer must also submit proof that the donated items were desired by the organization sponsoring the relevant training program, and that such training programs did actually occur.

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

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(e) When credit allowed. The credit provided for in subdivision (a) shall be allowed for any taxable year in which costs relating to donating or transporting equipment or materials are paid are incurred.

(f) Destruction of donated materials. Nothing in this section shall be interpreted to preclude donated items or materials from, with agreement of the relevant sponsoring organization, being moved to a wrecking yard after the training program has concluded; however, this must be done at the expense of the original owner or at the expense of the wrecking yard.

(g) Cross-references. For application of the credit provided for in this section, see the following provisions of this chapter:

(1) article 9: section 187-n.

(2) article 9-a: section 210-b: subdivision 21.

(3) article 22: section 606: subsection (ii).

§ 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the commissioner of taxation and finance, in consultation with the commissioner of health, is authorized and directed to promulgate any rules or regulations necessary for the implementation of this act on its effective date.