

# STATE OF NEW YORK

1157

2021-2022 Regular Sessions

## IN SENATE

January 7, 2021

Introduced by Sen. RITCHIE -- 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 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:

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

3 § 26-a. First responder live training credit. (a) Allowance of credit.  
4 A taxpayer subject to tax under articles nine, nine-A, or twenty-two of  
5 this chapter shall be allowed a credit against such tax provided the  
6 taxpayer donates equipment or materials to first responder live training  
7 programs.

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

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

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

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

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

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

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

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

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

12 (1) article 9: section 187-n.

13 (2) article 9-A: section 210-B: subdivision 21.

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

15 § 2. This act shall take effect on the ninetieth day after it shall  
16 have become a law. Effective immediately, the commissioner of taxation  
17 and finance, in consultation with the commissioner of health, is author-  
18 ized to promulgate any rules or regulations necessary for the implemen-  
19 tation of this act on or before its effective date.