

1050--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. PARKER, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law and the state finance law, in relation to allowing taxpayers to contribute to the tuition assistance program on personal income tax returns

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

1 Section 1. Part 2 of article 22 of the tax law is amended by adding a
2 new section 630-c to read as follows:
3 S 630-C. GIFTS TO THE TUITION ASSISTANCE PROGRAM. EFFECTIVE FOR ANY
4 TAXABLE YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND THIR-
5 TEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE
6 GIFTS TO THE TUITION ASSISTANCE PROGRAM FUND ESTABLISHED IN SECTION
7 EIGHTY-ONE OF THE STATE FINANCE LAW. SUCH CONTRIBUTION SHALL BE IN ANY
8 WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY
9 SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL
10 INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION.
11 NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL REVENUES COLLECTED PURSU-
12 ANT TO THIS SECTION SHALL BE CREDITED TO THE GIFTS TO THE TUITION
13 ASSISTANCE PROGRAM FUND; USED IN ADDITION TO, NOT TO SUPPLANT, EXISTING
14 FUNDING UNDER THE TUITION ASSISTANCE PROGRAM; AND USED FOR ONLY THOSE
15 PURPOSES ENUMERATED IN SECTION SIX HUNDRED SIXTY-SEVEN OF THE EDUCATION
16 LAW.
17 S 2. The state finance law is amended by adding a new section 81 to
18 read as follows:

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

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1 S 81. GIFTS TO THE TUITION ASSISTANCE PROGRAM FUND. 1. THERE IS HEREBY
2 ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE
3 COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE
4 GIFTS TO THE TUITION ASSISTANCE PROGRAM FUND.

5 2. SUCH FUND SHALL CONSIST OF ALL MONEYS RECEIVED BY THE DEPARTMENT OF
6 TAXATION AND FINANCE FROM GIFTS TO THE TUITION ASSISTANCE PROGRAM PURSU-
7 ANT TO SECTION SIX HUNDRED THIRTY-C OF THE TAX LAW.

8 3. MONEYS IN SUCH FUND SHALL BE KEPT SEPARATELY FROM AND SHALL NOT BE
9 COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE STATE COMP-
10 TROLLER.

11 4. SUCH MONEYS, AFTER APPROPRIATION BY THE LEGISLATURE, SHALL BE
12 AVAILABLE TO THE PRESIDENT OF THE NEW YORK STATE HIGHER EDUCATION
13 SERVICES CORPORATION FOR THE DISTRIBUTION OF TUITION ASSISTANCE PROGRAM
14 AWARDS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL REVENUES
15 COLLECTED PURSUANT TO SECTION SIX HUNDRED THIRTY-C OF THE TAX LAW SHALL
16 BE CREDITED TO THE GIFTS TO THE TUITION ASSISTANCE PROGRAM FUND, USED IN
17 ADDITION TO, NOT TO SUPPLANT, EXISTING FUNDING UNDER THE TUITION ASSIST-
18 ANCE PROGRAM AND USED FOR ONLY THOSE PURPOSES ENUMERATED IN SECTION SIX
19 HUNDRED SIXTY-SEVEN OF THE EDUCATION LAW.

20 5. THE MONEYS IN SUCH FUND SHALL BE APPROPRIATED AND PAID OUT ON AUDIT
21 AND WARRANT OF THE COMPTROLLER ON THE CERTIFICATION OF THE COMMISSIONER
22 OF EDUCATION OR SUCH OTHER OFFICER OR EMPLOYEE OR OFFICERS OR EMPLOYEES
23 AS SUCH COMPTROLLER AND SUCH COMMISSIONER SHALL AUTHORIZE TO MAKE SUCH
24 REQUISITIONS.

25 S 3. This act shall take effect on the first of January next succeed-
26 ing the date on which it shall have become a law and shall apply to
27 taxable years occurring on or after such date.