

10070

I N A S S E M B L Y

March 3, 2010

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

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 ELEVEN,
5 AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE GIFTS
6 TO THE TUITION ASSISTANCE PROGRAM FUND ESTABLISHED IN SECTION EIGHTY-ONE
7 OF THE STATE FINANCE LAW. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR
8 AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL.
9 THE COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX
10 RETURN TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING
11 ANY OTHER PROVISION OF LAW ALL REVENUES COLLECTED PURSUANT TO THIS
12 SECTION SHALL BE CREDITED TO THE GIFTS TO THE TUITION ASSISTANCE PROGRAM
13 FUND; USED IN ADDITION TO, NOT TO SUPPLANT, EXISTING FUNDING UNDER THE
14 TUITION ASSISTANCE PROGRAM; AND USED FOR ONLY THOSE PURPOSES ENUMERATED
15 IN SECTION SIX HUNDRED SIXTY-SEVEN OF THE EDUCATION LAW.
16 S 2. The state finance law is amended by adding a new section 81 to
17 read as follows:
18 S 81. GIFTS TO THE TUITION ASSISTANCE PROGRAM FUND. 1. THERE IS HEREBY
19 ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE
20 COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE
21 GIFTS TO THE TUITION ASSISTANCE PROGRAM FUND.
22 2. SUCH FUND SHALL CONSIST OF ALL MONEYS RECEIVED BY THE DEPARTMENT OF
23 TAXATION AND FINANCE FROM GIFTS TO THE TUITION ASSISTANCE PROGRAM PURSUANT
24 TO SECTION SIX HUNDRED THIRTY-C OF THE TAX LAW.
25 3. MONEYS IN SUCH FUND SHALL BE KEPT SEPARATELY FROM AND SHALL NOT BE
26 COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE STATE COMPTROLLER.
27

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

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1 4. SUCH MONEYS, AFTER APPROPRIATION BY THE LEGISLATURE, SHALL BE
2 AVAILABLE TO THE PRESIDENT OF THE NEW YORK STATE HIGHER EDUCATION
3 SERVICES CORPORATION FOR THE DISTRIBUTION OF TUITION ASSISTANCE PROGRAM
4 AWARDS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL REVENUES
5 COLLECTED PURSUANT TO SECTION SIX HUNDRED THIRTY-C OF THE TAX LAW SHALL
6 BE CREDITED TO THE GIFTS TO THE TUITION ASSISTANCE PROGRAM FUND, USED IN
7 ADDITION TO, NOT TO SUPPLANT, EXISTING FUNDING UNDER THE TUITION ASSIST-
8 ANCE PROGRAM AND USED FOR ONLY THOSE PURPOSES ENUMERATED IN SECTION SIX
9 HUNDRED SIXTY-SEVEN OF THE EDUCATION LAW.

10 5. THE MONEYS IN SUCH FUND SHALL BE APPROPRIATED AND PAID OUT ON AUDIT
11 AND WARRANT OF THE COMPTROLLER ON THE CERTIFICATION OF THE COMMISSIONER
12 OF EDUCATION OR SUCH OTHER OFFICER OR EMPLOYEE OR OFFICERS OR EMPLOYEES
13 AS SUCH COMPTROLLER AND SUCH COMMISSIONER SHALL AUTHORIZE TO MAKE SUCH
14 REQUISITIONS.

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