S T A T E O F N E W Y O R K

2794

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

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

AN ACT to amend the tax law, in relation to establishing a college student expense personal income tax credit

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

Section 1. Section 606 of the tax law is amended by adding a new subsection (qq) to read as follows:

(QQ) COLLEGE STUDENT EXPENSE. (1) GENERAL. A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE, WHERE THE TAXPAYER IS A NEW YORK STATE RESIDENT AND HE OR SHE, OR HIS OR HER DEPENDENTS, ARE ENROLLED FULL-TIME IN AN UNDERGRADUATE COLLEGE.

(2) AMOUNT OF CREDIT. THE AMOUNT OF THE CREDIT AUTHORIZED BY THIS SUBSECTION SHALL BE THE TAXPAYER'S EXPENSES FOR NEW AND USED REQUIRED TEXTBOOKS AND LAPTOP COMPUTERS, IN AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS.

(3) REFUNDABILITY. IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

(4) DEFINITION. "DEPENDENTS" SHALL HAVE THE SAME MEANING AS DEFINED IN SECTION ONE HUNDRED FIFTY-TWO OF THE UNITED STATES INTERNAL REVENUE CODE.

S 2. This act shall take effect immediately.

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

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