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

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2009-2010 Regular Sessions

I N S E N A T E

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Introduced by Sens. PARKER, ONORATO -- 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 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:

Section 1. Part 2 of article 22 of the tax law is amended by adding a new section 630-b to read as follows:

S 630-B. GIFTS TO THE TUITION ASSISTANCE PROGRAM. EFFECTIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND TEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE GIFTS TO THE TUITION ASSISTANCE PROGRAM FUND ESTABLISHED IN SECTION EIGHTY-ONE OF THE STATE FINANCE LAW. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE GIFTS TO THE TUITION ASSISTANCE PROGRAM FUND; USED IN ADDITION TO, NOT TO SUPPLANT, EXISTING FUNDING UNDER THE TUITION ASSISTANCE PROGRAM; AND USED FOR ONLY THOSE PURPOSES ENUMERATED IN SECTION SIX HUNDRED SIXTY-SEVEN OF THE EDUCATION LAW.

S 2. The state finance law is amended by adding a new section 81 to read as follows:

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

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

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2. SUCH FUND SHALL CONSIST OF ALL MONEYS RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE FROM GIFTS TO THE TUITION ASSISTANCE PROGRAM PURSUANT TO SECTION SIX HUNDRED THIRTY-B OF THE TAX LAW.

3. MONEYS IN SUCH FUND SHALL BE KEPT SEPARATELY FROM AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE STATE COMPTROLLER.

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

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

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