

2720

2009-2010 Regular Sessions

I N S E N A T E

February 27, 2009

Introduced by Sen. VALESKY -- 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 providing an earned income tax credit to youth workers, increasing the standard deduction and providing for the deduction of student loan interest; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Section 606 of the tax law is amended by adding a new
2 subsection (d-2) to read as follows:
3 (D-2) EARNED INCOME TAX CREDIT FOR YOUTH WORKERS. (1) A TAX DESCRIBED
4 IN PARAGRAPH TWO OF THIS SUBSECTION SHALL BE ALLOWED A CREDIT EQUAL TO
5 THE PRODUCT OF ONE AND THREE-TENTHS AND THE AMOUNT OF THE EARNED INCOME
6 TAX CREDIT THAT WOULD HAVE BEEN ALLOWED TO THE TAXPAYER UNDER SECTION 32
7 OF THE INTERNAL REVENUE CODE, IF THE TAXPAYER HAD ATTAINED THE MINIMUM
8 AGE OF ELIGIBILITY FOR SUCH EARNED INCOME TAX CREDIT SET FORTH IN
9 SECTION 32(C)(1)(A)(II)(II) OF THE INTERNAL REVENUE CODE.
10 (2) TO BE ALLOWED A CREDIT UNDER THIS SUBSECTION, A TAXPAYER MUST
11 SATISFY ALL OF THE FOLLOWING QUALIFICATIONS:
12 (A) THE TAXPAYER MUST BE A RESIDENT TAXPAYER WHO IS NOT CLAIMED AS A
13 DEPENDENT OF ANOTHER TAXPAYER.
14 (B) THE TAXPAYER MUST HAVE ATTAINED THE AGE OF SEVENTEEN AND MUST NOT
15 HAVE ATTAINED THE MINIMUM AGE AT WHICH A TAXPAYER IS QUALIFIED FOR THE
16 EARNED INCOME TAX CREDIT AS SUCH AGE IS SET FORTH IN SECTION
17 32(C)(1)(A)(II)(II) OF THE INTERNAL REVENUE CODE.
18 (C) THE TAXPAYER MUST NOT BE THE CUSTODIAL OR NON-CUSTODIAL PARENT OF
19 A MINOR CHILD OR CHILDREN.
20 (3) NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT THE QUALIFICA-
21 TIONS OF A TAXPAYER WHO IS OTHERWISE ELIGIBLE FOR THE EARNED INCOME TAX
22 CREDIT AND WHO IS ENROLLED IN A FULL-TIME OR PART-TIME ACADEMIC PROGRAM

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

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1 LEADING TO COMPLETION OF A HIGH SCHOOL DIPLOMA, GENERAL EQUIVALENCY
2 DIPLOMA, POST-SECONDARY CERTIFICATE OR WORK READINESS CREDENTIAL, ASSO-
3 CIATE DEGREE OR BACCALAUREATE DEGREE.

4 (4) REPORTS. THE COMMISSIONER SHALL PREPARE A PRELIMINARY WRITTEN
5 REPORT AFTER JULY THIRTY-FIRST AND A FINAL WRITTEN REPORT AFTER DECEMBER
6 THIRTY-FIRST OF EACH CALENDAR YEAR, WHICH SHALL CONTAIN STATISTICAL
7 INFORMATION REGARDING THE CREDITS GRANTED ON OR BEFORE SUCH DATES UNDER
8 THIS SUBSECTION DURING SUCH CALENDAR YEAR. COPIES OF THESE REPORTS SHALL
9 BE SUBMITTED BY SUCH COMMISSIONER TO THE GOVERNOR, THE TEMPORARY PRESI-
10 DENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIRMAN OF THE
11 SENATE FINANCE COMMITTEE AND THE CHAIRMAN OF THE ASSEMBLY WAYS AND MEANS
12 COMMITTEE WITHIN SIXTY DAYS OF JULY THIRTY-FIRST WITH RESPECT TO THE
13 PRELIMINARY REPORT, AND WITHIN FORTY-FIVE DAYS OF DECEMBER THIRTY-FIRST
14 WITH RESPECT TO THE FINAL REPORT. SUCH REPORTS SHALL CONTAIN, BUT NEED
15 NOT BE LIMITED TO, THE NUMBER OF CREDITS AND THE AVERAGE AMOUNT OF SUCH
16 CREDITS ALLOWED. SUCH INFORMATION SHALL INCLUDE THE NUMBER OF CREDITS
17 AND THE AVERAGE AMOUNT OF SUCH CREDITS ALLOWED; AND OF THOSE, THE NUMBER
18 OF CREDITS AND THE AVERAGE AMOUNTS OF SUCH CREDITS ALLOWED TO TAXPAYERS
19 IN EACH COUNTY.

20 S 2. Subsection (a) of section 614 of the tax law, as amended by chap-
21 ter 170 of the laws of 1994, is amended to read as follows:

22 (a) Unmarried individual. For taxable years beginning after nineteen
23 hundred ninety-six, the New York standard deduction of a resident indi-
24 vidual who is not married nor the head of a household nor a surviving
25 spouse nor an individual whose federal exemption amount is zero shall be
26 seven thousand five hundred dollars; for taxable years beginning in
27 nineteen hundred ninety-six, such standard deduction shall be seven
28 thousand four hundred dollars; for taxable years beginning in nineteen
29 hundred ninety-five, such standard deduction shall be six thousand six
30 hundred dollars; and for taxable years beginning after nineteen hundred
31 eighty-nine and before nineteen hundred ninety-five, such standard
32 deduction shall be six thousand dollars. FOR TAXABLE YEARS BEGINNING
33 AFTER TWO THOUSAND TEN, THE NEW YORK STANDARD DEDUCTION OF A RESIDENT
34 INDIVIDUAL WHO IS BETWEEN THE AGES OF EIGHTEEN AND TWENTY-FOUR AND WHO
35 IS NOT MARRIED NOR THE HEAD OF A HOUSEHOLD NOR A SURVIVING SPOUSE NOR AN
36 INDIVIDUAL WHOSE FEDERAL EXEMPTION AMOUNT IS ZERO SHALL BE TEN THOUSAND
37 DOLLARS.

38 S 3. Section 615 of the tax law is amended by adding a new subsection
39 (g) to read as follows:

40 (G) FOR TAXABLE YEARS BEGINNING ON AND AFTER JANUARY FIRST, TWO THOU-
41 SAND TEN, IN THE CASE OF A RESIDENT INDIVIDUAL, THERE SHALL BE ALLOWED
42 AS A DEDUCTION FOR THE TAXABLE YEAR AN AMOUNT EQUAL TO THE INTEREST PAID
43 BY THE TAXPAYER DURING THE TAXABLE YEAR ON ANY QUALIFIED EDUCATION LOAN
44 TO THE EXTENT AND AS PROVIDED IN SECTION 221 OF THE INTERNAL REVENUE
45 CODE.

46 S 4. This act shall take effect immediately and shall apply to taxable
47 years beginning on or after January 1, 2012 and shall expire and be
48 deemed repealed December 31, 2017.