

10070

I N   A S S E M B L Y

March 3, 2010

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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.