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

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I N A S S E M B L Y

April 2, 2010

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A. FITZPATRICK, OAKS, SCOZZAFAVA -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to authorizing a tax credit for individuals who purchase long term health insurance policies

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

Section 1. Legislative intent. The legislature has hitherto recognized the need to increase the availability of private health insurance for long term care services provided in residential health care facilities and community-based settings. It is the intent of this act to further encourage the development of such plans through the provision of tax credits for individuals who purchase state-sanctioned long term care health insurance plans.

S 2. Section 606 of the tax law is amended by adding a new subsection (h-1) to read as follows:

(H-1) CREDIT FOR PURCHASE OF LONG TERM CARE HEALTH INSURANCE. (1) A TAXPAYER WHO IS FIFTY-FIVE YEARS OF AGE OR OLDER SHALL BE ALLOWED A CREDIT TO BE CREDITED AGAINST THE TAX IMPOSED BY THIS ARTICLE IN AN AMOUNT EQUAL TO TEN PERCENT OF THE ANNUAL PREMIUM PAID ON AND AFTER JANUARY FIRST, TWO THOUSAND TEN FOR A CONTRACT ISSUED IN CONNECTION WITH A HEALTH INSURANCE PLAN FOR LONG TERM CARE AS PROVIDED FOR IN SECTION ONE THOUSAND ONE HUNDRED SEVENTEEN OF THE INSURANCE LAW.

(2) IN NO EVENT SHALL THE AMOUNT OF THE CREDIT PROVIDED FOR IN THIS SUBSECTION BE ALLOWED IN EXCESS OF THE TAXPAYER'S TAX FOR SUCH YEAR. HOWEVER, IF THE AMOUNT OF CREDIT OTHERWISE ALLOWABLE UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR RESULTS IN SUCH EXCESS AMOUNT, ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

S 3. 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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