

5399

2011-2012 Regular Sessions

I N A S S E M B L Y

February 18, 2011

Introduced by M. of A. BRONSON, SCHROEDER -- Multi-Sponsored by -- M. of
A. BOYLAND -- read once and referred to the Committee on Ways and
Means

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 ASSEM-
BLY, 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 TAXPAYER
4 DESCRIBED IN PARAGRAPH TWO OF THIS SUBSECTION SHALL BE ALLOWED A CREDIT
5 EQUAL TO THE PRODUCT OF ONE AND THREE-TENTHS AND THE AMOUNT OF THE
6 EARNED INCOME TAX CREDIT THAT WOULD HAVE BEEN ALLOWED TO THE TAXPAYER
7 UNDER SECTION 32 OF THE INTERNAL REVENUE CODE, IF THE TAXPAYER HAD
8 ATTAINED THE MINIMUM AGE OF ELIGIBILITY FOR SUCH EARNED INCOME TAX CRED-
9 IT SET FORTH IN SECTION 32(C)(1)(A)(II)(II) OF THE INTERNAL REVENUE
10 CODE.
11 (2) TO BE ALLOWED A CREDIT UNDER THIS SUBSECTION, A TAXPAYER MUST
12 SATISFY ALL OF THE FOLLOWING QUALIFICATIONS:
13 (A) THE TAXPAYER MUST BE A RESIDENT TAXPAYER WHO IS NOT CLAIMED AS A
14 DEPENDENT OF ANOTHER TAXPAYER.
15 (B) THE TAXPAYER MUST HAVE ATTAINED THE AGE OF SEVENTEEN AND MUST NOT
16 HAVE ATTAINED THE MINIMUM AGE AT WHICH A TAXPAYER IS QUALIFIED FOR THE
17 EARNED INCOME TAX CREDIT AS SUCH AGE IS SET FORTH IN SECTION
18 32(C)(1)(A)(II)(II) OF THE INTERNAL REVENUE CODE.
19 (C) THE TAXPAYER MUST NOT BE THE CUSTODIAL OR NON-CUSTODIAL PARENT OF
20 A MINOR CHILD OR CHILDREN.
21 (3) NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT THE QUALIFICA-
22 TIONS OF A TAXPAYER WHO IS OTHERWISE ELIGIBLE FOR THE EARNED INCOME TAX

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

LBD07917-01-1

1 CREDIT AND WHO IS ENROLLED IN A FULL-TIME OR PART-TIME ACADEMIC PROGRAM
2 LEADING TO COMPLETION OF A HIGH SCHOOL DIPLOMA, GENERAL EQUIVALENCY
3 DIPLOMA, POST-SECONDARY CERTIFICATE OR WORK READINESS CREDENTIAL, ASSO-
4 CIATE DEGREE OR BACCALAUREATE DEGREE.

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

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

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

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

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

47 S 4. This act shall take effect immediately and shall apply to taxable
48 years beginning on or after January 1, 2014 and shall expire and be
49 deemed repealed December 31, 2019.