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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. KELLNER, WEISENBERG, SCARBOROUGH, KAVANAGH --
Multi-Sponsored by -- M. of A. GALEF, GOTTFRIED, McDONOUGH, SALADINO
-- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to providing a deduction from
personal income taxes for un-reimbursed expenses paid for veterinary
care of companion animals

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

1 Section 1. Paragraphs 2, 3 and 4 of subsection (d) of section 615 of
2 the tax law, paragraph 2 as amended by chapter 406 of the laws of 1990,
3 paragraph 3 as amended by chapter 921 of the laws of 1963 and paragraph
4 4 as added by section 2 of part DD of chapter 63 of the laws of 2000,
5 are amended and a new paragraph 5 is added to read as follows:
6 (2) interest on indebtedness incurred or continued to purchase or
7 carry obligations or securities the interest on which is subject to tax
8 under this article but exempt from federal income tax, to the extent
9 that such interest on indebtedness is not deductible for federal income
10 tax purposes and is not subtracted from federal adjusted gross income
11 pursuant to paragraph (9) of subsection (c) of section six hundred
12 twelve; [and]
13 (3) ordinary and necessary expenses paid or incurred during the taxa-
14 ble year for (i) the production or collection of income which is subject
15 to tax under this article but exempt from federal income tax, or (ii)
16 the management, conservation or maintenance of property held for the
17 production of such income, and the amortizable bond premium for the
18 taxable year on any bond the interest on which is subject to tax under
19 this article but exempt from federal income tax, to the extent that such
20 expenses and premiums are not deductible in determining federal adjusted
21 gross income and are not subtracted from federal adjusted gross income

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

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1 pursuant to paragraph (10) of subsection (c) of section six hundred
2 twelve[.];

3 (4) allowable college tuition expenses, as defined in paragraph two of
4 subsection (t) of section six hundred six of this article, multiplied by
5 the applicable percentage. Such applicable percentage shall be twenty-
6 five percent for taxable years beginning in two thousand one, fifty
7 percent for taxable years beginning in two thousand two, seventy-five
8 percent for taxable years beginning in two thousand three and one
9 hundred percent for taxable years beginning after two thousand three.
10 Provided, however, no deduction shall be allowed under this paragraph to
11 a taxpayer who claims the credit provided under subsection (t) of
12 section six hundred six of this article[.]; AND

13 (5) EXPENSES, NOT COMPENSATED FOR BY INSURANCE OR OTHERWISE, PAID
14 DURING THE TAXABLE YEAR BY THE TAXPAYER OR HIS OR HER SPOUSE FOR VETERI-
15 NARY CARE OF AND MEDICATION FOR A COMPANION ANIMAL, AS DEFINED IN
16 SECTION THREE HUNDRED FIFTY OF THE AGRICULTURE AND MARKETS LAW, TO THE
17 EXTENT THAT SUCH EXPENSES EXCEED SEVEN AND ONE-HALF PERCENT OF THE
18 TAXPAYER'S ADJUSTED GROSS INCOME.

19 S 2. The commissioner of taxation and finance shall promulgate rules
20 and regulations to establish criteria for the veterinary care deduction
21 provided for in section one of this act, including determining expenses
22 eligible for the deduction, which shall include, but not be limited to,
23 amounts paid for the diagnosis, cure, mitigation, treatment, or
24 prevention of disease, to treat injury sustained as the result of an
25 accident, and to promote the proper structure and function of the
26 animal's body, and for necessary medications, and shall take such other
27 measures as he or she deems necessary to implement the provisions of
28 this section.

29 S 3. This act shall take effect on the first of January next succeed-
30 ing the date on which it shall have become a law and shall apply to all
31 taxable years commencing on or after such date; provided that, effective
32 immediately, the commissioner of taxation and finance is authorized to
33 and shall promulgate any and all rules and regulations and take any
34 other measures necessary to implement this act on its effective date on
35 or before such date.