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 12, 2016

Introduced by M. of A. ARROYO -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to providing a tax credit for certain newly hired individuals who teach foreign languages in grades kindergarten through twelve

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

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

(CCC) NEWLY HIRED OR RELOCATED EMPLOYEE; FOREIGN LANGUAGE TEACHER TAX CREDIT. (1) FOR TAXABLE YEARS BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, A RESIDENT TAXPAYER WHO TEACHES A LANGUAGE OTHER THAN ENGLISH FOR GRADES KINDERGARTEN THROUGH TWELVE IN A PUBLIC SCHOOL WHO IS (A) A NEWLY HIRED INDIVIDUAL OR (B) AN INDIVIDUAL WHO RELOCATES TO A "HIGH NEED SCHOOL", SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE EQUAL TO FIVE PERCENT OF HIS OR HER GROSS INCOME, CAPPED AT FIVE THOUSAND DOLLARS. SUCH INDIVIDUAL SHALL HAVE BEEN HIRED TO WORK AT ANY PUBLIC SCHOOL WITHIN THE STATE. FOR PURPOSES OF THIS SECTION, THE TERM "NEWLY HIRED INDIVIDUAL" SHALL MEAN AN INDIVIDUAL WHO HAS NOT BEEN EMPLOYED AS A TEACHER BY ANY SCHOOL DISTRICT PRIOR TO ACCEPTING SUCH POSITION. FOR PURPOSES OF THIS SECTION, THE TERM "HIGH NEED SCHOOL" SHALL MEAN A SCHOOL WITH AN ABOVE AVERAGE NEED FOR INDIVIDUALS WHO TEACH A LANGUAGE OTHER THAN ENGLISH. ANY DETERMINATION OF A HIGH NEED SCHOOL SHALL BE MADE BY THE COMMISSIONER.

(2) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

S 2. 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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