

STATE OF NEW YORK

7224

2017-2018 Regular Sessions

IN ASSEMBLY

April 12, 2017

Introduced by M. of A. CRESPO, SEPULVEDA, PICHARDO, RAMOS, DE LA ROSA, ARROYO, RIVERA, DAVILA, DILAN -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the tax law, in relation to establishing the college debt freedom account program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 682 to
2 read as follows:

3 § 682. College debt freedom account program. 1. There is hereby estab-
4 lished the college debt freedom account program. Such program shall
5 permit employees to deposit a portion of their pre-tax income pursuant
6 to paragraph forty-two of subsection (c) of section six hundred twelve
7 of the tax law, into an account solely intended for undergraduate
8 student loan repayments. Employers may elect to participate in the
9 program and receive a tax credit by contributing matching funds to an
10 employee's student loan repayment account established pursuant to this
11 section. Such contribution shall be minimally fifty percent of the
12 employee's deposit and a maximum one hundred percent of the employee's
13 deposit, up to twenty-five hundred dollars annually, per employee
14 account. The annual maximum aggregate amount to be deposited per
15 account by the employee and employer shall be five thousand dollars.

16 2. For the purposes of this section, "student loan" shall mean the
17 cumulative total of the annual student loans covering the cost of
18 attendance at an undergraduate college or university, and any interest
19 thereon.

20 3. Employee student loan repayment accounts shall be established by an
21 employee for deposit of funds to be used solely for repayment of student
22 loans. Such accounts shall be managed by the higher education services
23 corporation. All enrollees and participating employers shall provide the

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

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1 corporation with all necessary information in order to implement the
2 provisions of this section.

3 4. Moneys in a student loan repayment account shall be available only
4 for repayments of student loans. Any withdrawal or distribution from a
5 student loan repayment account which violated the provisions of this
6 subdivision shall be subject to a penalty of ten percent on any such
7 withdrawal or distribution.

8 5. The commissioner and the commissioner of taxation and finance shall
9 jointly promulgate rules and regulations necessary to implement the
10 provisions of this section.

11 § 2. Subsection (c) of section 612 of the tax law is amended by adding
12 a new paragraph 42 to read as follows:

13 (42) Payment not in excess of twenty-five hundred dollars actually
14 paid by an eligible borrower for student loan repayment, to the extent
15 not deductible in determining federal adjusted gross income and not
16 reimbursed. For the purposes of this paragraph, the following terms
17 shall have the following meanings:

18 (i) "Student loans" shall mean any indebtedness incurred by the
19 taxpayer for an undergraduate education loan in accordance with section
20 221 of the internal revenue code.

21 (ii) "Eligible borrower" shall mean a taxpayer who has incurred
22 indebtedness on student loans as defined in subparagraph (i) of this
23 paragraph.

24 § 3. Section 210-B of the tax law is amended by adding a new subdivi-
25 sion 49 to read as follows:

26 49. College debt freedom account program tax credit. (a) General. An
27 employer who contributes matching funds towards an employee's undergrad-
28 uate student loan repayments, shall be allowed a credit, to be computed
29 as provided in this subdivision, against the tax imposed by this arti-
30 cle, for contributions the employer deposits annually, up to twenty-five
31 hundred dollars per employee per year.

32 (b) Amount of credit. The credit authorized by this subdivision shall
33 be equal to the amount of the employer's contribution; provided that
34 such contribution shall be a minimum of fifty percent and a maximum of
35 one hundred percent of the employee's deposit to a student loan repay-
36 ment account subject to the limits set forth in this subdivision.

37 § 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
38 of the tax law is amended by adding a new clause (xliii) to read as
39 follows:

40 <u>(xliii) College debt</u>	<u>Amount of credit</u>
41 <u>freedom account</u>	<u>under subdivision forty-nine</u>
42 <u>program tax credit under</u>	<u>of section two hundred ten-B</u>
43 <u>subsection (ccc)</u>	

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

46 (ccc) College debt freedom account program tax credit. (a) General. An
47 employer who contributes matching funds towards an employee's undergrad-
48 uate student loan repayments, shall be allowed a credit, to be computed
49 as provided in this subsection, against the tax imposed by this article,
50 for contributions the employer deposits annually, up to twenty-five
51 hundred dollars per employee per year.

52 (b) Amount of credit. The credit authorized by this subsection shall
53 be equal to the amount of the employer contribution; provided that such
54 contribution shall be a minimum of fifty percent and a maximum of one
55 hundred percent of the employee's deposit to a student loan repayment
56 account subject to the limits set forth in this subsection.

1 § 6. Section 1511 of the tax law is amended by adding a new subdivi-
2 sion (dd) to read as follows:

3 (dd) College debt freedom account program tax credit. (1) General. An
4 employer who contributes matching funds towards an employee's undergrad-
5 uate student loan repayments, shall be allowed a credit, to be computed
6 as provided in this subdivision, against the tax imposed by this arti-
7 cle, for contributions the employer deposits annually, up to twenty-five
8 hundred dollars per employee per year.

9 (2) Amount of credit. The credit authorized by this subdivision shall
10 be equal to the amount of the employer's contribution; provided that
11 such contribution shall be a minimum of fifty percent and a maximum of
12 one hundred percent of the employee's deposit to a student loan repay-
13 ment account subject to the limits set forth in this subdivision.

14 § 7. This act shall take effect on the sixtieth day after it shall
15 have become a law.