

# STATE OF NEW YORK

2681

2019-2020 Regular Sessions

## IN ASSEMBLY

January 24, 2019

Introduced by M. of A. CROUCH, HAWLEY -- Multi-Sponsored by -- M. of A. BARCLAY, PALMESANO -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing a credit for developing a college to work program

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

1 Section 1. Section 210-B of the tax law is amended by adding a new  
2 subdivision 53 to read as follows:

3 53. Credit for college to work program. (a) Allowance of credit. A  
4 taxpayer shall be allowed a credit, to be computed as hereinafter  
5 provided, against the tax imposed by this article, based upon its  
6 payment of tuition to an institution of higher education on behalf of an  
7 individual in exchange for the individual agreeing to work for the  
8 taxpayer for a number of years, as set forth in a written agreement  
9 between the taxpayer and the individual.

10 (b) Tuition. For the purposes of this credit, the term "tuition" shall  
11 mean the tuition and fees paid for the enrollment and attendance of an  
12 individual at an institution of higher education, as well as monies paid  
13 for textbooks in connection with attendance at an institution of higher  
14 education. Provided, however, any amounts which have been paid for or  
15 reimbursed by any other scholarships or financial aid, or tuition  
16 required for enrollment or attendance in a course of study leading to  
17 the granting of a post baccalaureate or other graduate degree, shall be  
18 excluded from the definition of "tuition".

19 (c) Institution of higher education. For the purposes of this credit,  
20 the term "institution of higher education" shall mean any institution of  
21 higher education, recognized and approved by the regents, or any succes-  
22 sor organization, of the university of the state of New York or accred-  
23 ited by a nationally recognized accrediting agency or association  
24 accepted as such by the regents, or any successor organization, of the

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

LBD03050-01-9

1 university of the state of New York, which provides a course of study  
2 leading to the granting of a post-secondary degree, certificate or  
3 diploma.

4 (d) Qualified individual. For purposes of this credit, the term "qual-  
5 ified individual" shall mean any individual who is not a spouse, child  
6 or dependent of the taxpayer or any individual who is not a spouse,  
7 child or dependent of any officer or employee of the taxpayer.

8 (e) Written agreement. For purposes of this credit, the term "written  
9 agreement" shall mean a document signed and dated by both the taxpayer  
10 and the qualified individual which contains provisions including but not  
11 limited to the minimum salary which the taxpayer will pay to the quali-  
12 fied individual upon completion of the individual's degree; the required  
13 duration of employment upon completion of the individual's degree; and  
14 the parties' respective responsibilities in the event that the taxpayer  
15 ceases operations or later decides not to offer employment to the indi-  
16 vidual upon completion of his/her degree or in the event that the quali-  
17 fied individual fails to complete the degree or to work for the taxpayer  
18 for the agreed upon term.

19 (f) Amount of credit. Notwithstanding the provisions of any other law,  
20 a taxpayer which provides for the payment of an individual's tuition  
21 under the college to work program established by this subdivision, shall  
22 be allowed a credit against the tax imposed by this article, to the  
23 extent of twenty-five percent of monies paid for each individual's  
24 tuition, but such credit shall not exceed five thousand dollars for one  
25 year for each such qualified individual.

26 (g) Carryover. The credit allowed under this subdivision for any taxa-  
27 ble year shall not reduce the tax due for such year to less than the  
28 amount prescribed in paragraph (d) of subdivision one of section two  
29 hundred ten of this article. Provided, however, if the amount of credit  
30 allowable under this subdivision for any taxable year reduces the tax to  
31 such amount, any amount of credit not deductible in such taxable year  
32 may be carried over to the following year or years, and may be deducted  
33 from the taxpayer's tax for such year or years.

34 § 2. Subparagraph (B) of paragraph 1 of subsection (i) of section 606  
35 of the tax law is amended by adding a new clause (xliv) to read as  
36 follows:

|                                          |                                     |
|------------------------------------------|-------------------------------------|
| 37 <u>(xliv) College to work program</u> | <u>Amount of credit under</u>       |
| 38 <u>credit under subsection (s-1)</u>  | <u>subdivision fifty-three</u>      |
| 39                                       | <u>of section two hundred ten-B</u> |

40 § 3. Section 606 of the tax law is amended by adding a new subsection  
41 (s-1) to read as follows:

42 (s-1) Credit for college to work program. (1) Allowance of credit. A  
43 taxpayer shall be allowed a credit, to be computed as hereinafter  
44 provided, against the tax imposed by this article, based upon such  
45 taxpayer's payment of tuition to an institution of higher education on  
46 behalf of an individual in exchange for the individual agreeing to work  
47 for the taxpayer for a number of years, as set forth in a written agree-  
48 ment between the taxpayer and the individual.

49 (2) Tuition. For the purposes of this credit, the term "tuition" shall  
50 mean the tuition and fees paid for the enrollment and attendance of an  
51 individual at an institution of higher education, as well as monies paid  
52 for textbooks in connection with attendance at an institution of higher  
53 education. Provided, however, any amounts which have been paid for or  
54 reimbursed by any other scholarships or financial aid, or tuition

1 required for enrollment or attendance in a course of study leading to  
2 the granting of a post baccalaureate or other graduate degree, shall be  
3 excluded from the definition of "tuition".

4 (3) Institution of higher education. For the purposes of this credit,  
5 the term "institution of higher education" shall mean any institution of  
6 higher education, recognized and approved by the regents, or any succes-  
7 sor organization, of the university of the state of New York or accred-  
8 ited by a nationally recognized accrediting agency or association  
9 accepted as such by the regents, or any successor organization, of the  
10 university of the state of New York, which provides a course of study  
11 leading to the granting of a post-secondary degree, certificate or  
12 diploma.

13 (4) Qualified individual. For purposes of this credit, the term "qual-  
14 ified individual" shall mean any individual who is not a spouse, child  
15 or dependent of the taxpayer or any individual who is not a spouse,  
16 child or dependent of any officer or employee of the taxpayer.

17 (5) Written agreement. For purposes of this credit, the term "written  
18 agreement" shall mean a document signed and dated by both the taxpayer  
19 and the qualified individual which contains provisions including but not  
20 limited to the minimum salary which the taxpayer will pay to the quali-  
21 fied individual upon completion of the individual's degree; the required  
22 duration of employment upon completion of the individual's degree; and  
23 the parties' respective responsibilities in the event that the taxpayer  
24 ceases operations or later decides not to offer employment to the indi-  
25 vidual upon completion of his/her degree or in the event that the quali-  
26 fied individual fails to complete the degree or to work for the taxpayer  
27 for the agreed upon term.

28 (6) Amount of credit. Notwithstanding the provisions of any other law,  
29 a taxpayer who provides for the payment of an individual's tuition under  
30 the college to work program established by this subsection, shall be  
31 allowed a credit against the tax imposed by this article, to the extent  
32 of twenty-five percent of monies paid for each individual's tuition, but  
33 such credit shall not exceed five thousand dollars for one year for each  
34 such qualified individual.

35 (7) Carryover. If the amount of credit allowable under this subsection  
36 for any taxable year shall exceed the taxpayer's tax amount, any amount  
37 of the excess may be carried over to the following year or years, and  
38 may be deducted from the taxpayer's tax for such year or years.

39 § 4. This act shall take effect immediately and shall apply to all  
40 taxable years commencing after January 1, 2018.