

# STATE OF NEW YORK

5866

2021-2022 Regular Sessions

## IN SENATE

March 19, 2021

Introduced by Sens. COONEY, BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the tax law, in relation to the calculation of the empire state child credit

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

1 Section 1. Paragraph 1 of subsection (c-1) of section 606 of the tax  
2 law, as amended by section 1 of part P of chapter 59 of the laws of  
3 2018, is amended to read as follows:

4 (1) A resident taxpayer with a New York state adjusted gross income of  
5 less than seventy-five thousand dollars in the case of an individual who  
6 is not married; one hundred ten thousand dollars in the case of a joint  
7 return; or fifty-five thousand dollars in the case of a married individ-  
8 ual filing a separate return shall be allowed a credit as provided here-  
9 in equal to the greater of [~~one~~]: (A) five hundred dollars times the  
10 number of qualifying children of the taxpayer who are four years of age  
11 or older and one thousand dollars times the number of qualifying chil-  
12 dren of the taxpayer who are less than four years of age; or (B) the  
13 applicable percentage of the child tax credit allowed the taxpayer under  
14 section twenty-four of the internal revenue code for the same taxable  
15 year for each qualifying child. Provided, however, in the case of a  
16 taxpayer whose federal adjusted gross income exceeds the applicable  
17 threshold amount set forth by section 24(b)(2) of the Internal Revenue  
18 Code, the credit shall only be equal to the applicable percentage of the  
19 child tax credit allowed the taxpayer under section 24 of the Internal  
20 Revenue Code for each qualifying child. For the purposes of this  
21 subsection, a qualifying child shall be a child who meets the definition  
22 of qualified child under section 24(c) (1) of the internal revenue code  
23 [~~and is at least four years of age~~]. The applicable percentage shall be  
24 thirty-three percent. For purposes of this subsection, any reference to  
25 section 24 of the Internal Revenue Code shall be a reference to such

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

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1 section as it existed immediately prior to the enactment of Public Law  
2 115-97.  
3 § 2. This act shall take effect immediately and shall apply to quali-  
4 fied children as defined prior to the enactment of Public Law 115-97 who  
5 do not receive the child tax credit under the American Rescue Plan Act  
6 of 2021; provided further, that this act shall apply to all other quali-  
7 fied children as defined prior to the enactment of Public Law 115-97 in  
8 the first tax year after the child tax credit under the American Rescue  
9 Plan Act of 2021 has ended or in taxable years commencing on or after  
10 January 1, 2022, whichever is later.