



NEW YORK STATE SENATOR

Carl L. Marcellino

Marcellino's Bill to Help Taxpayers Passes Senate

CARL L MARCELLINO April 12, 2011

| ISSUE: **INCOME TAX**

State Would Be Required to Pay Tax Refunds Within 30 Days of A Return Being Filed

The New York State Senate today passed legislation to help speed up the delivery of tax refunds owed to taxpayers by the state. The bill (S.2631), sponsored by Senator Carl L. Marcellino (R, Syosset), addresses excessive delays of up to two months from when taxpayers file their return to when they may actually see the refund from the state Department of Taxation and Finance.

"There is no legitimate reason for the state to hold on to New Yorkers' money," Senator Marcellino said. "If citizens do the right thing and file on time, the state has a responsibility to get the refunds out the door in a timely fashion. It shouldn't take up to eight weeks to get these checks in the mail. I think the state can do better and this legislation will make sure they do."

"Hard-working New Yorkers are already taxed at rates that are among the highest in the nation, so it is all the more unreasonable for the state to hold back taxpayers' money," Senate Majority Leader Dean Skelos said. "While we recognize that some time is needed to process refund requests, Senator Marcellino's bill would help expedite refunds due to taxpayers by requiring the state to issue the payments within 30 days of filing a tax return."

Traditionally, the state Department of Taxation and Finance has held returns requesting refunds until April, even if taxpayers filed returns in mid-February. This legislation requires the state to pay tax refunds within 30 days of the receipt of a taxpayer's return, unless there is a discrepancy in the return. In those cases, the department would provide written notice to the taxpayer and a date when the discrepancy would be resolved. If the state fails to take these steps, it would be liable to pay interest on the refund to the taxpayer.