

1321--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law, the tax law, the abandoned property law and the civil practice law and rules, in relation to establishing the New York state seniors trust fund and directing certain moneys to be deposited into such fund

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

1 Section 1. The state finance law is amended by adding a new section
2 99-v to read as follows:
3 S 99-V. NEW YORK STATE SENIORS TRUST FUND. 1. THERE IS HEREBY ESTAB-
4 LISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSION-
5 ER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE NEW YORK STATE
6 SENIORS TRUST FUND.
7 2. SUCH FUND SHALL CONSIST OF ALL MONEYS APPROPRIATED FOR THE PURPOSE
8 OF SUCH FUND AND ALL MONEYS TRANSFERRED TO SUCH FUND PURSUANT TO SECTION
9 SIX HUNDRED TWENTY-NINE-A OF THE TAX LAW.
10 3. MONEYS OF SUCH FUND SHALL BE AVAILABLE FOR APPROPRIATION AND ALLO-
11 CATION ONLY UPON APPROVAL OF THE DIRECTOR OF THE NEW YORK STATE OFFICE
12 FOR THE AGING, FOR ALL COSTS ASSOCIATED WITH THE FUNDING OF THE HOME
13 DELIVERED MEALS PROGRAM ADMINISTERED BY THE NEW YORK STATE OFFICE FOR
14 THE AGING.
15 4. THE MONEYS OF THE FUND SHALL BE PAID OUT ON THE AUDIT AND WARRANT
16 OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE DIRECTOR OF
17 THE NEW YORK STATE OFFICE FOR THE AGING OR HIS OR HER DULY DESIGNATED
18 REPRESENTATIVE.

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

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1 S 2. The tax law is amended by adding a new section 629-a to read as
2 follows:

3 S 629-A. GIFT FOR NEW YORK STATE SENIORS TRUST FUND. EFFECTIVE FOR ANY
4 TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, AN
5 INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE NEW YORK
6 STATE SENIORS TRUST FUND FOR THE COST ASSOCIATED WITH THE FUNDING OF THE
7 HOME DELIVERED MEALS PROGRAM ADMINISTERED BY THE NEW YORK STATE OFFICE
8 FOR THE AGING. THE CONTRIBUTION SHALL BE ONE DOLLAR AND SHALL NOT REDUCE
9 THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL
10 INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO
11 MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL
12 REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW
13 YORK STATE SENIORS TRUST FUND AND USED ONLY FOR THOSE PURPOSES ENUMER-
14 ATED IN SECTION NINETY-NINE-V OF THE STATE FINANCE LAW.

15 S 3. Subdivision 4 of section 1315 of the abandoned property law, as
16 amended by section 19 of part U of chapter 61 of the laws of 2011, is
17 amended to read as follows:

18 4. Any amount representing an unpaid check or draft issued by the
19 state of New York which shall have remained unpaid after one year from
20 the date of issuance or a debit card issued on behalf of the state of
21 New York for the purpose of paying a tax refund which shall not have
22 been activated for one year from the date of issuance in accordance with
23 section one hundred two of the state finance law shall be deemed aban-
24 doned property and shall be paid to the state comptroller, PROVIDED,
25 HOWEVER, ANY AMOUNT DEEMED TO BE ABANDONED PROPERTY PURSUANT TO THIS
26 SUBDIVISION, WHICH HAD BEEN ISSUED TO A PERSON SIXTY-FIVE YEARS OF AGE
27 OR OLDER, SHALL BE DEPOSITED INTO THE NEW YORK STATE SENIORS TRUST FUND
28 ESTABLISHED PURSUANT TO SECTION NINETY-NINE-V OF THE STATE FINANCE LAW.

29 S 4. Subdivision 1 of section 300 of the abandoned property law is
30 amended by adding a new paragraph (a-1) to read as follows:

31 (A-1) ANY AMOUNTS DETERMINED TO BE ABANDONED PROPERTY PURSUANT TO
32 PARAGRAPH (A) OF THIS SUBDIVISION, WHICH WERE ENTITLED TO A PERSON
33 SIXTY-FIVE YEARS OF AGE OR OLDER, SHALL BE DEPOSITED INTO THE NEW YORK
34 STATE SENIORS TRUST FUND ESTABLISHED PURSUANT TO SECTION NINETY-NINE-V
35 OF THE STATE FINANCE LAW.

36 S 5. Subdivision (c) of section 904 of the civil practice law and
37 rules, as added by chapter 207 of the laws of 1975, is amended to read
38 as follows:

39 (c) The content of the notice shall be subject to court approval,
40 PROVIDED, HOWEVER, THAT IN ACTION SEEKING A MONETARY JUDGMENT, SUCH
41 NOTICE SHALL INCLUDE A SPACE TO ENABLE THE MEMBER OF THE CLASS TO
42 CONTRIBUTE THE PORTION OF THE MONETARY JUDGMENT TO WHICH THEY ARE ENTI-
43 TLED TO THE NEW YORK STATE SENIORS TRUST FUND. In determining the method
44 by which notice is to be given, the court shall consider

45 I. the cost of giving notice by each method considered

46 II. the resources of the parties and

47 III. the stake of each represented member of the class, and the like-
48 lihood that significant numbers of represented members would desire to
49 exclude themselves from the class or to appear individually, which may
50 be determined, in the court's discretion, by sending notice to a random
51 sample of the class.

52 S 6. The civil practice law and rules is amended by adding a new
53 section 905-a to read as follows:

54 S 905-A. CONTRIBUTIONS TO THE NEW YORK STATE SENIORS TRUST FUND.
55 WHERE A MONETARY JUDGMENT HAS BEEN AWARDED TO A CLASS, AND A MEMBER OR
56 MEMBERS OF SUCH CLASS CHOOSES TO CONTRIBUTE THE PORTION OF THE JUDGMENT

1 TO WHICH THEY ARE ENTITLED TO THE NEW YORK STATE SENIORS TRUST FUND
2 PURSUANT TO SUBDIVISION (C) OF SECTION NINE HUNDRED FOUR OF THIS ARTI-
3 CLE, ALL SUCH MONIES SHALL BE DEPOSITED INTO THE NEW YORK STATE SENIORS
4 TRUST FUND ESTABLISHED IN SECTION NINETY-NINE-V OF THE STATE FINANCE
5 LAW.

6 S 7. This act shall take effect on the ninetieth day after it shall
7 have become a law.