

2004--B

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. CARLUCCI, LARKIN, MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Investigations and Government Operations 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 tax law and the state finance law, in relation to ALS (Amyotrophic Lateral Sclerosis) research and education

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

1 Section 1. The tax law is amended by adding a new section 209-I to
2 read as follows:
3 S 209-I. GIFT FOR ALS RESEARCH AND EDUCATION. EFFECTIVE FOR ANY TAX
4 YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, A
5 TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE SUPPORT OF
6 THE NEW YORK STATE ALS (AMYOTROPHIC LATERAL SCLEROSIS) RESEARCH AND
7 EDUCATION FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT
8 AND SHALL NOT REDUCE THE AMOUNT OF THE STATE TAX OWED BY SUCH TAXPAYER.
9 THE COMMISSIONER SHALL INCLUDE SPACE ON THE CORPORATE INCOME TAX RETURN
10 TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY
11 OTHER PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION
12 SHALL BE CREDITED TO THE NEW YORK STATE ALS RESEARCH AND EDUCATION FUND
13 AND SHALL BE USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-
14 FIVE-H OF THE STATE FINANCE LAW.
15 S 2. The tax law is amended by adding a new section 630-d to read as
16 follows:

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

LBD02984-04-4

1 S 630-D. GIFT FOR ALS RESEARCH AND EDUCATION. EFFECTIVE FOR ANY TAX
2 YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, AN
3 INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE NEW YORK
4 STATE ALS (AMYOTROPHIC LATERAL SCLEROSIS) RESEARCH AND EDUCATION FUND.
5 SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT
6 REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER
7 SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A
8 TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION
9 OF LAW ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED
10 TO THE NEW YORK STATE ALS RESEARCH AND EDUCATION FUND AND USED ONLY FOR
11 THOSE PURPOSES ENUMERATED IN SECTION NINETY-FIVE-H OF THE STATE FINANCE
12 LAW.

13 S 3. The state finance law is amended by adding a new section 95-h to
14 read as follows:

15 S 95-H. NEW YORK STATE ALS RESEARCH AND EDUCATION FUND. 1. THERE IS
16 HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION
17 AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE NEW
18 YORK STATE ALS (AMYOTROPHIC LATERAL SCLEROSIS) RESEARCH AND EDUCATION
19 FUND.

20 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED PURSUANT TO THE
21 PROVISIONS OF SECTIONS TWO HUNDRED NINE-I AND SIX HUNDRED THIRTY-D OF
22 THE TAX LAW, ALL REVENUES RECEIVED PURSUANT TO APPROPRIATIONS BY THE
23 LEGISLATURE, AND ALL MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THER-
24 ETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN
25 THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR
26 REQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND
27 DEPOSITING THEM INTO THE FUND ACCORDING TO LAW. ANY INTEREST RECEIVED BY
28 THE COMPTROLLER ON MONEYS ON DEPOSIT IN SUCH FUND SHALL BE RETAINED IN
29 AND BECOME PART OF SUCH FUND.

30 3. MONEYS OF THE FUND SHALL BE EXPENDED ONLY TO PROVIDE GRANTS TO THE
31 GREATER NEW YORK ALS ASSOCIATION, A NOT-FOR-PROFIT CORPORATION ESTAB-
32 LISHED IN THIS STATE WHICH IS INCORPORATED FOR THE PURPOSE OF ADVANCING
33 AND FINANCING ALS RESEARCH AND EDUCATION PROJECTS.

34 4. ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE COMPTROLLER
35 SHALL CERTIFY TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAK-
36 ER OF THE ASSEMBLY, CHAIR OF THE SENATE FINANCE COMMITTEE AND CHAIR OF
37 THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE AMOUNT OF MONEY DEPOSITED BY
38 SOURCE IN THE NEW YORK STATE ALS RESEARCH AND EDUCATION FUND DURING THE
39 PRECEDING CALENDAR YEAR AS THE RESULT OF REVENUE DERIVED PURSUANT TO
40 SECTIONS TWO HUNDRED NINE-I AND SIX HUNDRED THIRTY-D OF THE TAX LAW AND
41 FROM ALL OTHER SOURCES.

42 5. AS A CONDITION OF RECEIVING GRANTS FROM THE FUND, THE GREATER NEW
43 YORK ALS ASSOCIATION SHALL AGREE TO ISSUE AND SHALL ISSUE, ON OR BEFORE
44 THE FIRST DAY OF FEBRUARY EACH YEAR, A REPORT INCLUDING, BUT NOT LIMITED
45 TO, FINANCIAL STATEMENTS, FINANCIAL REPORTS AND REPORTS ON THE ISSUANCE
46 OF GRANTS. SUCH REPORTS SHALL BE DELIVERED TO THE GOVERNOR AND THE
47 CHAIRS OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS
48 COMMITTEE AND SHALL ALSO BE MADE AVAILABLE TO THE PUBLIC. SUCH FINANCIAL
49 STATEMENTS AND REPORTS SHALL BE AUDITED BY A NATIONALLY RECOGNIZED
50 ACCOUNTING FIRM.

51 6. MONEYS SHALL BE PAYABLE FROM THE FUND TO THE GREATER NEW YORK ALS
52 ASSOCIATION ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS
53 APPROVED BY THE COMPTROLLER.

54 S 4. This act shall take effect immediately.