

STATE OF NEW YORK

9678

IN ASSEMBLY

January 31, 2018

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, the state finance law and the real property tax law, in relation to authorizing personal income taxpayers to make a gift to the school district they reside in

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 627-d to
2 read as follows:

3 § 627-d. Gift to excellence in public school education. Effective for
4 any tax year commencing on or after January first, two thousand nine-
5 teen, an individual in any taxable year may elect to contribute to the
6 school district account, within the gift to excellence in public school
7 education fund, for the school district in which such individual
8 resides. Such contribution shall be in any whole dollar amount and shall
9 not reduce the amount of state tax owed by such individual. The commis-
10 sioner shall include space on the personal income tax return to enable a
11 taxpayer to make such a contribution. Notwithstanding any other
12 provision of law all revenues collected pursuant to this section shall
13 be credited to the appropriate account in the gift to excellence in
14 public school education fund and used only for those purposes enumerated
15 in section eighty-five of the state finance law.

16 § 2. The state finance law is amended by adding a new section 85 to
17 read as follows:

18 § 85. Gift to excellence in public school education fund. 1. There is
19 hereby established in the joint custody of the comptroller and the
20 commissioner of taxation and finance a special fund to be known as the
21 "gift to excellence in public school education fund".

22 2. The comptroller shall establish, within the gift to excellence in
23 public school education fund, a separate account for each school
24 district in the state.

25 3. Such fund shall consist of all revenues received by the department
26 of taxation and finance, pursuant to the provisions of section six
27 hundred twenty-seven-d of the tax law, and all other moneys appropri-

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

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1 ated, credited or transferred thereto from any other fund or source
2 pursuant to law. All such revenue received shall be allocated and depos-
3 ited into the school district account designated for each contribution
4 constituting such revenue. Nothing contained in this section shall
5 prevent the state from receiving grants, gifts or bequests for the
6 purposes of the fund and depositing them into the appropriate accounts
7 of the fund.

8 4. Moneys in each account of the fund received for a taxable year
9 shall be payable by the comptroller on July first to the school district
10 for which the account exists in the calendar year next succeeding the
11 taxable year in which such moneys were collected. In addition, the
12 comptroller shall provide, on or before April first, notice to each
13 school district and assessor for such district, of the amount of moneys
14 from the fund that the school district will receive.

15 § 3. The real property tax law is amended by adding a new section
16 1306-b to read as follows:

17 § 1306-b. Effect of gift to excellence in public school education upon
18 certain parcels. 1. The amount of taxes to be levied for any school year
19 shall be reduced by the amount of the revenue a school district receives
20 for the school year from the gift to excellence in public school educa-
21 tion. Furthermore, such revenue shall be used by the assessor of a
22 school district to reduce the school tax liability of a parcel owned by
23 each person residing in the school district who made a gift to excel-
24 lence in public school education pursuant to section six hundred twen-
25 ty-seven-d of the tax law in an amount equal to such gift.

26 2. Annually, on or before July first, the commissioner of taxation and
27 finance shall transmit to each assessor for a school district, the name,
28 address and amount of the gift made, of each person residing in such
29 district who made a gift to excellence in public school education pursu-
30 ant to section six hundred twenty-seven-d of the tax law.

31 § 4. This act shall take effect immediately.