

954--A

Cal. No. 88

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. BING, HOYT, MORELLE, DINOWITZ, ORTIZ, ESPAILLAT, BENEDETTO, JAFFEE, SCHIMEL, FIELDS, ROSENTHAL, GABRYSZAK, TITONE, DenDEKKER -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, BENJAMIN, BOYLAND, BROOK-KRASNY, CLARK, COLTON, COOK, CUSICK, CYMBROWITZ, DelMONTE, GALEF, GLICK, GUNTHER, HIKIND, HOOPER, JOHN, KOON, LATIMER, LAVINE, V. LOPEZ, MAYERSOHN, MCENENY, MILLMAN, PEOPLES-STOKES, PHEFFER, J. RIVERA, ROBINSON, SCARBOROUGH, SWEENEY, TOWNS, WEINSTEIN, WEISENBERG, WRIGHT -- read once and referred to the Committee on Ways and Means -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the tax law and the state finance law, in relation to gifts for the support of the New York state council on the arts

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

1 Section 1. The legislature hereby finds and determines that, due to
2 severe budgetary constraints, the amount of state funds available for
3 the support of the New York state council on the arts has been sharply
4 diminished over the past few years. This decrease in support has had a
5 devastating effect upon many of New York's cultural institutions, as
6 well as many related or dependent businesses and employees. Accordingly,
7 the legislature hereby finds and determines that taxpayers of the state
8 of New York should have the opportunity to use the New York state
9 personal income tax form as a mechanism for making voluntary contribu-
10 tions for the support of the New York state council on the arts. It is
11 the intent of the legislature that any funds so contributed shall
12 supplement and not offset or diminish in any way the amount of funds
13 made available to the New York state council on the arts pursuant to
14 annual budget appropriations.

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

LBD02933-02-0

1 S 2. The tax law is amended by adding a new section 630-c to read as
2 follows:

3 S 630-C. GIFT TO THE ARTS FUND. EFFECTIVE FOR ANY TAX YEAR COMMENCING
4 ON OR AFTER JANUARY FIRST, TWO THOUSAND TEN, AN INDIVIDUAL MAY ELECT TO
5 CONTRIBUTE TO THE ARTS FUND CREATED PURSUANT TO SECTION
6 NINETY-SEVEN-JJJJ OF THE STATE FINANCE LAW FOR THE SUPPORT OF THE NEW
7 YORK STATE COUNCIL ON THE ARTS. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE
8 DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX
9 RETURN TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING
10 ANY OTHER PROVISION OF LAW, ALL REVENUE COLLECTED PURSUANT TO THIS
11 SECTION SHALL BE CREDITED TO THE ARTS FUND AND USED ONLY FOR THE
12 PURPOSES OF THE NEW YORK STATE COUNCIL ON THE ARTS.
13

14 S 3. The state finance law is amended by adding a new section 97-jjjj
15 to read as follows:

16 S 97-JJJJ. ARTS FUND. 1. THERE IS HEREBY CREATED IN THE JOINT CUSTODY
17 OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A
18 FUND TO BE KNOWN AS THE "ARTS FUND".

19 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT
20 OF TAXATION AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTION SIX
21 HUNDRED THIRTY-C OF THE TAX LAW AND ALL OTHER MONEYS APPROPRIATED, CRED-
22 ITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO
23 LAW. FOR EACH STATE FISCAL YEAR, THERE SHALL BE APPROPRIATED TO THE
24 FUND BY THE STATE, IN ADDITION TO ALL OTHER MONEYS REQUIRED TO BE DEPOS-
25 ITED INTO SUCH FUND, AN AMOUNT EQUAL TO THE AMOUNTS OF MONIES COLLECTED
26 AND DEPOSITED INTO THE FUND PURSUANT TO SECTION SIX HUNDRED THIRTY-C OF
27 THE TAX LAW DURING THE PRECEDING CALENDAR YEAR, AS CERTIFIED BY THE
28 COMPTROLLER. NOTHING CONTAINED HEREIN SHALL PREVENT THE STATE FROM
29 RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS
30 DEFINED IN THIS SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO
31 LAW.

32 3. MONEYS OF THE FUND MAY BE INVESTED BY THE STATE COMPTROLLER, AND
33 INCOME FROM THE INVESTMENTS OF MONEYS DEPOSITED TO THIS FUND PURSUANT TO
34 SECTION SIX HUNDRED THIRTY-C OF THE TAX LAW SHALL BE CREDITED SOLELY TO
35 THIS FUND.

36 S 4. This act shall take effect immediately.