S T A T E O F N E W Y O R K

5101

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY, JOHN -- Multi-Sponsored by -- M. of A. BRENNAN, DINOWITZ -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, the state finance law, and the executive law, in relation to the creation of the gift for the hungry fund and an advisory board to administer such fund

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

Section 1. The tax law is amended by adding a new section 630-b to read as follows:

S 630-B. GIFTS TO THE GIFT FOR THE HUNGRY FUND. EFFECTIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER THE FIRST OF JANUARY NEXT SUCCEEDING THE EFFECTIVE DATE OF THIS SECTION, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE FIVE DOLLARS TO THE GIFT FOR THE HUNGRY FUND. SUCH CONTRIBUTION SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE GIFT FOR THE HUNGRY FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION EIGHTY-SIX OF THE STATE FINANCE LAW.

S 2. The state finance law is amended by adding a new section 86 to read as follows:

S 86. GIFT FOR THE HUNGRY FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "GIFT FOR THE HUNGRY FUND".

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE IMPLEMENTATION OF SECTION SIX HUNDRED THIRTY-B OF THE TAX LAW AND ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

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

LBD08589-01-9

3. MONEYS OF THE FUND, LESS ANY ADMINISTRATIVE EXPENSES PAID PURSUANT TO SUBDIVISION FOUR OF THIS SECTION AND FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY BE EXPENDED FOR GRANTS FOR DIRECTLY PROVIDING FOOD FOR THE HUNGRY, FOR OTHER PROJECTS TO ALLEVIATE HUNGER IN THE STATE, AND FOR ADMINISTRATIVE EXPENSES OF THE GIFT FOR THE HUNGRY FUND ADVISORY BOARD; PROVIDED, HOWEVER, THAT AT LEAST NINETY PERCENT OF SUCH EXPENDITURES SHALL BE FOR SUCH GRANTS. MONEYS SHALL BE PAID OUT OF THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE CHAIRPERSON OF THE GIFT FOR THE HUNGRY FUND ADVISORY BOARD.

4. AMOUNTS IN THE GIFT FOR THE HUNGRY FUND SHALL BE AVAILABLE TO PAY THE ADMINISTRATIVE EXPENSES OF THE DEPARTMENT OF TAXATION AND FINANCE AND THE DEPARTMENT OF AUDIT AND CONTROL DIRECTLY ALLOCABLE TO MODIFYING THE PERSONAL INCOME TAX RETURN FORMS NECESSARY TO IMPLEMENT SECTION SIX HUNDRED THIRTY-B OF THE TAX LAW, IMPLEMENTING THIS SECTION WITH RESPECT TO SUCH FUND, AND PROCESSING AMOUNTS RECEIVED UNDER SECTION SIX HUNDRED THIRTY-B OF THE TAX LAW AND TRANSFERRING SUCH AMOUNTS TO SUCH FUND.

S 3. The executive law is amended by adding a new article 26-A to read as follows:

ARTICLE 26-A

GIFT FOR THE HUNGRY FUND ADVISORY BOARD

SECTION 730. GIFT FOR THE HUNGRY FUND ADVISORY BOARD.

S 730. GIFT FOR THE HUNGRY FUND ADVISORY BOARD. 1. CREATION OF THE GIFT FOR THE HUNGRY FUND ADVISORY BOARD. THERE IS HEREBY CREATED WITHIN THE EXECUTIVE DEPARTMENT A SIX-MEMBER GIFT FOR THE HUNGRY FUND ADVISORY BOARD. SUCH BOARD SHALL BE APPOINTED BY THE GOVERNOR AS FOLLOWS: TWO MEMBERS UPON THE RECOMMENDATION OF THE GOVERNOR, TWO MEMBERS UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE, AND TWO MEMBERS UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. FOUR MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM, AND THE AFFIRMATIVE VOTE OF FOUR MEMBERS SHALL BE REQUIRED FOR THE ISSUANCE OF ANY FORMAL DECISION. THE MEMBERS OF THE BOARD SHALL ELECT A CHAIRPERSON FROM AMONG THEIR NUMBER.

2. MEETINGS OF THE BOARD. THE BOARD SHALL MEET AT LEAST QUARTERLY, AT THE CALL OF THE CHAIRPERSON.

3. DUTIES OF THE BOARD. THE BOARD SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(A) TO CREATE CRITERIA FOR THE AWARDING OF NOT LESS THAN NINETY PERCENT OF THE MONEYS OF THE FUND AS GRANTS DIRECTLY TO PROVIDE FOOD TO THOSE IN NEED;

(B) TO PROVIDE A PROCESS FOR SOLICITING GRANT APPLICATIONS, PROCESSING SUCH APPLICATIONS, AND AWARDING SUCH GRANTS;

(C) TO ALLOCATE UP TO TEN PERCENT OF THE REMAINING MONEYS IN THE FUND IN ANY MANNER THE BOARD SEES FIT FOR THE PURPOSE OF ALLEVIATING HUNGER IN THE STATE;

(D) TO HIRE SUCH STAFF AS ARE NECESSARY TO THE FUNCTIONING OF THE BOARD;

(E) TO REPORT BY JANUARY FIRST OF EACH YEAR TO THE GOVERNOR AND THE LEGISLATURE REGARDING THE EXPENDITURES AND APPROPRIATIONS MADE PURSUANT TO SECTION EIGHTY-SIX OF THE STATE FINANCE LAW; AND

(F) TO ADOPT, PROMULGATE, AMEND, OR RESCIND SUITABLE PROCEDURAL RULES WITH RESPECT TO THE COMPOSITION, INTERNAL ORGANIZATION, AND FUNCTIONING OF THE BOARD; AND OTHER SUCH RULES, REGULATIONS, AND PROCEDURES AS MAY BE NECESSARY OR DESIRABLE TO EFFECTUATE THE PURPOSES OF THIS ARTICLE.

4. BOARD MEMBERS; STATUS. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF LAW, NO OFFICER OR EMPLOYEE OF THE STATE, OF ANY POLITICAL SUBDIVISION OF THE STATE, OF ANY GOVERNMENTAL ENTITY OPERATING ANY PUBLIC

SCHOOL OR COLLEGE, OR OF ANY OTHER PUBLIC AGENCY OR INSTRUMENTALITY OR UNIT OF GOVERNMENT WHICH EXERCISES GOVERNMENTAL POWERS UNDER THE LAWS OF THE STATE SHALL FORFEIT SUCH OFFICE OR EMPLOYMENT BY REASON OF ACCEPTANCE OF APPOINTMENT AS A MEMBER OF THE BOARD, NOR SHALL SERVICE AS SUCH MEMBER OF THE BOARD BE DEEMED INCOMPATIBLE OR IN CONFLICT WITH SUCH OFFICE OR EMPLOYMENT. THE MEMBERS OF THE BOARD SHALL BE DEEMED EMPLOYEES WITHIN THE MEANING OF SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW.

5. BOARD MEMBERS; EXPENSES. THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT SALARY OR PER DIEM ALLOWANCE, BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES PURSUANT TO THIS SECTION OR OTHER PROVISION OF LAW; PROVIDED, HOWEVER, THAT SUCH MEMBERS ARE NOT, AT THE TIME SUCH EXPENSES ARE INCURRED, PUBLIC EMPLOYEES OTHERWISE ENTITLED TO SUCH REIMBURSEMENT.

6. TERM OF OFFICE. ALL MEMBERS OF THE BOARD SHALL SERVE TERMS OF SIX YEARS; PROVIDED, HOWEVER, THAT OF THE MEMBERS FIRST APPOINTED, THE TWO MEMBERS APPOINTED UPON THE RECOMMENDATION OF THE GOVERNOR SHALL SERVE TWO AND SIX YEARS, RESPECTIVELY; THE TWO MEMBERS APPOINTED UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE SHALL SERVE FOUR AND SEVEN YEARS, RESPECTIVELY; AND THE TWO MEMBERS APPOINTED UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY SHALL SERVE THREE AND SIX YEARS, RESPECTIVELY. VACANCIES IN THE MEMBERSHIP OF THE BOARD SHALL BE FILLED IN THE MANNER PROVIDED FOR ORIGINAL APPOINTMENTS. SUCH APPOINTMENT SHALL BE MADE WITHIN SIXTY DAYS OF THE DATE ON WHICH THE POSITION BECOMES VACANT.

S 4. This act shall take effect immediately.