

5357

2009-2010 Regular Sessions

I N   S E N A T E

April 27, 2009

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Introduced by Sen. LEIBELL -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law and the state finance law, in relation to providing for taxpayer gifts for military families and establishing the military relief fund

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-G to  
2     read as follows:  
3     S 209-G. GIFT FOR MILITARY FAMILIES. EFFECTIVE FOR ANY TAX YEAR  
4     COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND NINE, A TAXPAYER IN  
5     ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE SUPPORT OF THE MILITARY  
6     FAMILY RELIEF FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR  
7     AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF THE STATE TAX OWED BY SUCH  
8     TAXPAYER. THE COMMISSIONER SHALL INCLUDE SPACE ON THE CORPORATE INCOME  
9     TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITH-  
10    STANDING ANY OTHER PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO  
11    THIS SECTION SHALL BE CREDITED TO THE MILITARY FAMILY RELIEF FUND AND  
12    SHALL BE USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION  
13    EIGHTY-NINE-H OF THE STATE FINANCE LAW.  
14    S 2. Part 2 of article 22 of the tax law is amended by adding a new  
15    section 630-b to read as follows:  
16    S 630-B. GIFT FOR MILITARY FAMILIES. EFFECTIVE FOR ANY TAX YEAR  
17    COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND NINE, AN INDIVIDUAL  
18    IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE MILITARY FAMILY  
19    RELIEF FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND  
20    SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE  
21    COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO  
22    ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER  
23    PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL

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

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1 BE CREDITED TO THE MILITARY FAMILY RELIEF FUND AND USED ONLY FOR THOSE  
2 PURPOSES ENUMERATED IN SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW.

3 S 3. The state finance law is amended by adding a new section 89-h to  
4 read as follows:

5 S 89-H. MILITARY FAMILY RELIEF FUND. 1. THERE IS HEREBY ESTABLISHED IN  
6 THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE  
7 COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "MILITARY FAMILY RELIEF  
8 FUND".

9 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT  
10 OF TAXATION AND FINANCE PURSUANT TO THE PROVISIONS OF SECTION TWO  
11 HUNDRED NINE-G AND SECTION SIX HUNDRED THIRTY-B OF THE TAX LAW AND ALL  
12 OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY  
13 OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED HEREIN SHALL  
14 PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS, OR BEQUESTS FOR THE FUND  
15 AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

16 3. MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR THE AID OF MILITARY  
17 FAMILIES. SUCH MONIES MAY BE USED TO PROVIDE ASSISTANCE TO MILITARY  
18 FAMILIES FOR HOUSING, CLOTHING, FOOD, MEDICAL SERVICES, UTILITIES, OR  
19 ANY OTHER RELATED NECESSITY OF DAILY LIVING. THE COMMISSIONER OF TAXA-  
20 TION AND FINANCE SHALL ESTABLISH CRITERIA FOR DETERMINING WHO IS ELIGI-  
21 BLE TO RECEIVE ASSISTANCE PURSUANT TO THIS FUND.

22 4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF  
23 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER  
24 OF TAXATION AND FINANCE.

25 5. TO THE EXTENT PRACTICABLE, THE COMMISSIONER OF TAXATION AND FINANCE  
26 SHALL ENSURE THAT ALL MONIES RECEIVED ARE EXPENDED WITHIN ONE CALENDAR  
27 YEAR FROM THE DATE ON WHICH THEY ARE RECEIVED.

28 S 4. This act shall take effect immediately.