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

4728

2011-2012 Regular Sessions

I N A S S E M B L Y

February 7, 2011

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

AN ACT to amend the tax law, in relation to unclaimed and abandoned prize money

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

Section 1. Section 1614 of the tax law, as amended by chapter 166 of the laws of 1991, subdivision a as amended by chapter 170 of the laws of 1994, is amended to read as follows:

S 1614. Unclaimed and abandoned prize money. a. No prize claim shall be valid if submitted to the division following the expiration of a one-year time period from the date of the drawing or from the close of the game in which a prize was won, and the person otherwise entitled to such prize shall forfeit any claim or entitlement to such prize moneys. Unclaimed prize money, plus interest earned thereon, shall be [retained in the lottery prize account to be used for payment of special lotto or supplemental lotto prizes offered pursuant to the plan or plans specified in this article, or for promotional purposes to supplement other games on an occasional basis not to exceed sixteen weeks within any twelve month period pursuant to the plan or plans specified in this article.

In the event that the director proposes to change any plan for the use of unclaimed prize funds or in the event the director intends to use funds in a game other than the game from which such unclaimed prize funds were derived, the director of the budget, the chairperson of the senate finance committee, and the chairperson of the assembly ways and means committee shall be notified in writing separately detailing the proposed changes to any plan prior to the implementation of the changes] *PAID TO THE STATE COMPTROLLER. THE STATE COMPTROLLER IS DIRECTED TO CREDIT SUCH AMOUNT TO THE EDUCATION DEPARTMENT, GENERAL FUND/AID TO LOCALITIES, LOCAL ASSISTANCE ACCOUNT, FOR GENERAL SUPPORT FOR PUBLIC*

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

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SCHOOLS, PROVIDED THAT SUCH AMOUNT SHALL BE USED SOLELY FOR THE PURPOSES OF PROVIDING ADDITIONAL SUPPORT FOR THE PURPOSES SPECIFIED IN PARAGRAPH C OF SUBDIVISION FIVE OF SECTION THIRTY-SIX HUNDRED FOUR OF THE EDUCATION LAW, BEYOND MONEYS OTHERWISE APPROPRIATED FOR SUCH PURPOSES.

b. The division may determine that a prize has been abandoned whenever more than eighteen months have elapsed since a prize payment check was mailed to the last known address of the claimant and either such check has been returned undelivered by the United States postal service and the claimant cannot be located or such check has not been returned undelivered and has not been presented for payment. Any prize so determined to have been abandoned shall be paid to the state comptroller [pursuant to section thirteen hundred fifteen of the abandoned property law]. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, THE STATE COMPTROLLER IS DIRECTED TO CREDIT SUCH PRIZE AMOUNT THAT HAS BEEN DETERMINED TO HAVE BEEN ABANDONED, AND ANY SUCH PRIZE AMOUNTS DETERMINED TO HAVE BEEN ABANDONED WHICH HAVE BEEN PAID TO THE STATE COMPTROLLER PURSUANT TO SECTION THIRTEEN HUNDRED FIFTEEN OF THE ABANDONED PROPERTY LAW, TO THE EDUCATION DEPARTMENT, GENERAL FUND/AID TO LOCALITIES, LOCAL ASSISTANCE ACCOUNT, FOR GENERAL SUPPORT FOR PUBLIC SCHOOLS, PROVIDED THAT SUCH AMOUNT SHALL BE USED SOLELY FOR THE PURPOSES OF PROVIDING ADDITIONAL SUPPORT FOR THE PURPOSES SPECIFIED IN PARAGRAPH C OF SUBDIVISION FIVE OF SECTION THIRTY-SIX HUNDRED FOUR OF THE EDUCATION LAW, BEYOND MONEYS OTHERWISE APPROPRIATED FOR SUCH PURPOSES.

S 2. This act shall take effect immediately.