

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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Introduced by M. of A. LENTOL, MILLMAN -- Multi-Sponsored by -- M. of A. McENENY -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law and the state finance law, in relation to the rescued animals spay and neuter 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-H to  
2 read as follows:

3     S 209-H. GIFT FOR RESCUED ANIMALS PROTECTION. EFFECTIVE FOR ANY TAX  
4 YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND TWELVE, A  
5 TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE RESCUED  
6 ANIMALS SPAY AND NEUTER FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE  
7 DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF 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 RESCUED ANIMALS SPAY AND NEUTER  
12 FUND AND SHALL BE USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION  
13 NINETY-FIVE-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-c to read as follows:

16     S 630-C. GIFT FOR RESCUED ANIMALS PROTECTION. EFFECTIVE FOR ANY TAX  
17 YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND TWELVE, AN INDI-  
18 VIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE RESCUED  
19 ANIMALS SPAY AND NEUTER FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE  
20 DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH  
21 INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME  
22 TAX RETURN TO ENABLE AN INDIVIDUAL TO MAKE SUCH CONTRIBUTION. NOTWITH-  
23 STANDING ANY OTHER PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO  
24 THIS SECTION SHALL BE CREDITED TO THE RESCUED ANIMALS SPAY AND NEUTER

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

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1 FUND AND SHALL BE USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION  
2 NINETY-FIVE-H OF THE STATE FINANCE LAW.

3 S 3. The state finance law is amended by adding a new section 95-h to  
4 read as follows:

5 S 95-H. RESCUED ANIMALS SPAY AND NEUTER FUND. 1. THERE IS HEREBY  
6 ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF AGRICULTURE AND  
7 MARKETS AND THE COMPTROLLER A SPECIAL FUND TO BE KNOWN AS THE "RESCUED  
8 ANIMALS SPAY AND NEUTER FUND". THE COMMISSIONER OF AGRICULTURE AND  
9 MARKETS SHALL PROMULGATE ANY RULES AND REGULATIONS THE COMMISSIONER  
10 DEEMS NECESSARY TO IMPLEMENT AND REGULATE SUCH FUND.

11 2. SUCH FUND SHALL CONSIST OF:

12 A. ALL REVENUES RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE  
13 PURSUANT TO THE PROVISIONS OF SECTIONS TWO HUNDRED NINE-H AND SIX  
14 HUNDRED THIRTY-C OF THE TAX LAW;

15 B. ALL REVENUES RECEIVED PURSUANT TO APPROPRIATION BY THE LEGISLATURE;  
16 AND

17 C. ALL OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO  
18 FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

19 THE COMMISSIONER OF TAXATION AND FINANCE SHALL REPORT ANNUALLY TO THE  
20 STATE COMPTROLLER THE AMOUNTS DESIGNATED FOR THE FUND PURSUANT TO  
21 SECTIONS TWO HUNDRED NINE-H AND SIX HUNDRED THIRTY-C OF THE TAX LAW, WHO  
22 SHALL TRANSFER THAT AMOUNT TO THE FUND. NOTHING CONTAINED IN THIS  
23 SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS, OR  
24 REQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND  
25 DEPOSITING THEM INTO THE FUND.

26 3. MONEYS OF THE FUND SHALL BE EXPENDED FOR THE PURPOSES OF CARRYING  
27 OUT THE PROVISIONS OF SECTION ONE HUNDRED SEVENTEEN-A OF THE AGRICULTURE  
28 AND MARKETS LAW. MONEYS SHALL BE PAID OUT OF THE FUND ON THE AUDIT AND  
29 WARRANT OF THE STATE COMPTROLLER ON VOUCHERS APPROVED BY THE COMMISSION-  
30 ER OF AGRICULTURE AND MARKETS. ANY INTEREST RECEIVED BY THE COMPTROLLER  
31 ON MONEYS ON DEPOSIT IN THE ANIMAL POPULATION CONTROL FUND SHALL BE  
32 RETAINED IN AND BECOME PART OF SUCH FUND.

33 S 4. This act shall take effect immediately.