

7840--B

Cal. No. 266

2011-2012 Regular Sessions

I N A S S E M B L Y

May 19, 2011

Introduced by M. of A. GUNTHER, ROSENTHAL -- read once and referred to the Committee on Ways and Means -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, 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 ALS (Amyotrophic Lateral Sclerosis) research and education

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 ALS RESEARCH AND EDUCATION. EFFECTIVE FOR ANY TAX
4 YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, A
5 TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE SUPPORT OF
6 THE NEW YORK STATE ALS (AMYOTROPHIC LATERAL SCLEROSIS) RESEARCH AND
7 EDUCATION FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT
8 AND SHALL NOT REDUCE THE AMOUNT OF THE STATE TAX OWED BY SUCH TAXPAYER.
9 THE COMMISSIONER SHALL INCLUDE SPACE ON THE CORPORATE INCOME TAX RETURN
10 TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY
11 OTHER PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION
12 SHALL BE CREDITED TO THE NEW YORK STATE ALS RESEARCH AND EDUCATION FUND
13 AND SHALL BE USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-
14 FIVE-H OF THE STATE FINANCE LAW.

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

17 S 630-C. GIFT FOR ALS RESEARCH AND EDUCATION. EFFECTIVE FOR ANY TAX
18 YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, AN
19 INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE NEW YORK
20 STATE ALS (AMYOTROPHIC LATERAL SCLEROSIS) RESEARCH AND EDUCATION FUND.
21 SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT
22 REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER

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

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1 SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A
2 TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION
3 OF LAW ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED
4 TO THE NEW YORK STATE ALS RESEARCH AND EDUCATION FUND AND USED ONLY FOR
5 THOSE PURPOSES ENUMERATED IN SECTION NINETY-FIVE-H OF THE STATE FINANCE
6 LAW.

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

9 S 95-H. NEW YORK STATE ALS RESEARCH AND EDUCATION FUND. 1. THERE IS
10 HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION
11 AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE NEW
12 YORK STATE ALS (AMYOTROPHIC LATERAL SCLEROSIS) RESEARCH AND EDUCATION
13 FUND.

14 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED PURSUANT TO THE
15 PROVISIONS OF SECTIONS TWO HUNDRED NINE-H AND SIX HUNDRED THIRTY-C OF
16 THE TAX LAW, ALL REVENUES RECEIVED PURSUANT TO APPROPRIATIONS BY THE
17 LEGISLATURE, AND ALL MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THER-
18 ETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN
19 THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR
20 BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND
21 DEPOSITING THEM INTO THE FUND ACCORDING TO LAW. ANY INTEREST RECEIVED BY
22 THE COMPTROLLER ON MONEYS ON DEPOSIT IN SUCH FUND SHALL BE RETAINED IN
23 AND BECOME PART OF SUCH FUND.

24 3. MONEYS OF THE FUND SHALL BE EXPENDED ONLY TO PROVIDE GRANTS TO THE
25 GREATER NEW YORK ALS ASSOCIATION, A NOT-FOR-PROFIT CORPORATION ESTAB-
26 LISHED IN THIS STATE WHICH IS INCORPORATED FOR THE PURPOSE OF ADVANCING
27 AND FINANCING ALS RESEARCH AND EDUCATION PROJECTS.

28 4. ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE COMPTROLLER
29 SHALL CERTIFY TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAK-
30 ER OF THE ASSEMBLY, CHAIR OF THE SENATE FINANCE COMMITTEE AND CHAIR OF
31 THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE AMOUNT OF MONEY DEPOSITED BY
32 SOURCE IN THE NEW YORK STATE ALS RESEARCH AND EDUCATION FUND DURING THE
33 PRECEDING CALENDAR YEAR AS THE RESULT OF REVENUE DERIVED PURSUANT TO
34 SECTIONS TWO HUNDRED NINE-H AND SIX HUNDRED THIRTY-C OF THE TAX LAW AND
35 FROM ALL OTHER SOURCES.

36 5. AS A CONDITION OF RECEIVING GRANTS FROM THE FUND, THE GREATER NEW
37 YORK ALS ASSOCIATION SHALL AGREE TO ISSUE AND SHALL ISSUE, ON OR BEFORE
38 THE FIRST DAY OF FEBRUARY EACH YEAR, A REPORT INCLUDING, BUT NOT LIMITED
39 TO, FINANCIAL STATEMENTS, FINANCIAL REPORTS AND REPORTS ON THE ISSUANCE
40 OF GRANTS. SUCH REPORTS SHALL BE DELIVERED TO THE GOVERNOR AND THE
41 CHAIRS OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS
42 COMMITTEE AND SHALL ALSO BE MADE AVAILABLE TO THE PUBLIC. SUCH FINANCIAL
43 STATEMENTS AND REPORTS SHALL BE AUDITED BY A NATIONALLY RECOGNIZED
44 ACCOUNTING FIRM.

45 6. MONEYS SHALL BE PAYABLE FROM THE FUND TO THE GREATER NEW YORK ALS
46 ASSOCIATION ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS
47 APPROVED BY THE COMPTROLLER.

48 S 4. This act shall take effect immediately.