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

126--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Aging in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law, the tax law, the abandoned property law and the civil practice law and rules, in relation to establishing the New York state seniors trust fund and directing certain moneys to be deposited into such fund

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

Section 1. The state finance law is amended by adding a new section 99-u to read as follows:

S 99-U. NEW YORK STATE SENIORS TRUST FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE NEW YORK STATE SENIORS TRUST FUND.

2. SUCH FUND SHALL CONSIST OF ALL MONEYS APPROPRIATED FOR THE PURPOSE OF SUCH FUND AND ALL MONEYS TRANSFERRED TO SUCH FUND PURSUANT TO SECTION SIX HUNDRED TWENTY-NINE-A OF THE TAX LAW.

3. MONEYS OF SUCH FUND SHALL BE AVAILABLE FOR APPROPRIATION AND ALLOCATION ONLY UPON APPROVAL OF THE DIRECTOR OF THE NEW YORK STATE OFFICE FOR THE AGING, FOR ALL COSTS ASSOCIATED WITH THE FUNDING OF THE HOME DELIVERED MEALS PROGRAM ADMINISTERED BY THE NEW YORK STATE OFFICE FOR THE AGING.

4. THE MONEYS OF THE FUND SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE DIRECTOR OF THE NEW YORK STATE OFFICE FOR THE AGING OR HIS OR HER DULY DESIGNATED REPRESENTATIVE.

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

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S 2. The tax law is amended by adding a new section 629-a to read as follows:

S 629-A. GIFT FOR NEW YORK STATE SENIORS TRUST FUND. EFFECTIVE FOR ANY TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE NEW YORK STATE SENIORS TRUST FUND FOR THE COST ASSOCIATED WITH THE FUNDING OF THE HOME DELIVERED MEALS PROGRAM ADMINISTERED BY THE NEW YORK STATE OFFICE FOR THE AGING. THE CONTRIBUTION SHALL BE ONE DOLLAR AND 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 ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK STATE SENIORS TRUST FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.

S 3. Subdivision 4 of section 1315 of the abandoned property law, as amended by section 19 of part U of chapter 61 of the laws of 2011, is amended to read as follows:

4. Any amount representing an unpaid check or draft issued by the state of New York which shall have remained unpaid after one year from the date of issuance or a debit card issued on behalf of the state of New York for the purpose of paying a tax refund which shall not have been activated for one year from the date of issuance in accordance with section one hundred two of the state finance law shall be deemed abandoned property and shall be paid to the state comptroller, PROVIDED, HOWEVER, ANY AMOUNT DEEMED TO BE ABANDONED PROPERTY PURSUANT TO THIS SUBDIVISION, WHICH HAD BEEN ISSUED TO A PERSON SIXTY-FIVE YEARS OF AGE OR OLDER, SHALL BE DEPOSITED INTO THE NEW YORK STATE SENIORS TRUST FUND ESTABLISHED PURSUANT TO SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.

S 4. Subdivision 1 of section 300 of the abandoned property law is amended by adding a new paragraph (a-1) to read as follows:

(A-1) ANY AMOUNTS DETERMINED TO BE ABANDONED PROPERTY PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, WHICH WERE ENTITLED TO A PERSON SIXTY-FIVE YEARS OF AGE OR OLDER, SHALL BE DEPOSITED INTO THE NEW YORK STATE SENIORS TRUST FUND ESTABLISHED PURSUANT TO SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.

S 5. Subdivision (c) of section 904 of the civil practice law and rules, as added by chapter 207 of the laws of 1975, is amended to read as follows:

(c) The content of the notice shall be subject to court approval, PROVIDED, HOWEVER, THAT IN ACTION SEEKING A MONETARY JUDGMENT, SUCH NOTICE SHALL INCLUDE A SPACE TO ENABLE THE MEMBER OF THE CLASS TO CONTRIBUTE THE PORTION OF THE MONETARY JUDGMENT TO WHICH THEY ARE ENTITLED TO THE NEW YORK STATE SENIORS TRUST FUND. In determining the method by which notice is to be given, the court shall consider

I. the cost of giving notice by each method considered

II. the resources of the parties and

III. the stake of each represented member of the class, and the likelihood that significant numbers of represented members would desire to exclude themselves from the class or to appear individually, which may be determined, in the court's discretion, by sending notice to a random sample of the class.

S 6. The civil practice law and rules is amended by adding a new section 905-a to read as follows:

S 905-A. CONTRIBUTIONS TO THE NEW YORK STATE SENIORS TRUST FUND. WHERE A MONETARY JUDGMENT HAS BEEN AWARDED TO A CLASS, AND A MEMBER OR MEMBERS OF SUCH CLASS CHOOSES TO CONTRIBUTE THE PORTION OF THE JUDGMENT

TO WHICH THEY ARE ENTITLED TO THE NEW YORK STATE SENIORS TRUST FUND PURSUANT TO SUBDIVISION (C) OF SECTION NINE HUNDRED FOUR OF THIS ARTICLE, ALL SUCH MONIES SHALL BE DEPOSITED INTO THE NEW YORK STATE SENIORS TRUST FUND ESTABLISHED IN SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.

S 7. This act shall take effect on the ninetieth day after it shall have become a law.