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

1333--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. LENTOL, MILLMAN -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. The tax law is amended by adding a new section 209-I to read as follows:

S 209-I. GIFT FOR RESCUED ANIMALS PROTECTION. EFFECTIVE FOR ANY TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN, A TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE RESCUED ANIMALS SPAY AND NEUTER FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH TAXPAYER. THE COMMISSIONER SHALL INCLUDE SPACE ON THE CORPORATE 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 RESCUED ANIMALS SPAY AND NEUTER FUND AND SHALL BE USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-FIVE-H OF THE STATE FINANCE LAW.

S 2. Part 2 of article 22 of the tax law is amended by adding a new section 630-d to read as follows:

S 630-D. GIFT FOR RESCUED ANIMALS PROTECTION. EFFECTIVE FOR ANY TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE RESCUED ANIMALS SPAY AND NEUTER FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME

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

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TAX RETURN TO ENABLE AN INDIVIDUAL TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE RESCUED ANIMALS SPAY AND NEUTER FUND AND SHALL BE USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-FIVE-H OF THE STATE FINANCE LAW.

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

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

2. SUCH FUND SHALL CONSIST OF:

A. ALL REVENUES RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE PURSUANT TO THE PROVISIONS OF SECTIONS TWO HUNDRED NINE-I AND SIX HUNDRED THIRTY-D OF THE TAX LAW;

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

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

THE COMMISSIONER OF TAXATION AND FINANCE SHALL REPORT ANNUALLY TO THE STATE COMPTROLLER THE AMOUNTS DESIGNATED FOR THE FUND PURSUANT TO SECTIONS TWO HUNDRED NINE-I AND SIX HUNDRED THIRTY-D OF THE TAX LAW, WHO SHALL TRANSFER THAT AMOUNT TO THE FUND. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS, OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO THE FUND.

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

S 4. This act shall take effect immediately.