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

6754

2015-2016 Regular Sessions

I N A S S E M B L Y

April 1, 2015

Introduced by M. of A. KOLB, MALLIOTAKIS, BORELLI, LOPEZ -- 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 providing for taxpayer gifts for New York state natural disaster relief and establishing the New York state natural disaster relief 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 NATURAL DISASTER RELIEF. A TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE SUPPORT OF THE NEW YORK STATE NATURAL DISASTER RELIEF FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF THE 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 NEW YORK STATE NATURAL DISASTER RELIEF FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-SEVEN-LLLL OF THE STATE FINANCE LAW.

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

S 630-D. GIFT FOR NATURAL DISASTER RELIEF. AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE NEW YORK STATE NATURAL DISASTER RELIEF 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 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 NATURAL DISASTER RELIEF FUND AND USED

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

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ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-SEVEN-LLLL OF THE STATE FINANCE LAW.

S 3. The state finance law is amended by adding a new section 97-llll to read as follows:

S 97-LLLL. NEW YORK STATE NATURAL DISASTER RELIEF FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "NEW YORK STATE NATURAL DISASTER RELIEF FUND".

2. SUCH FUND SHALL CONSIST OF 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 AND ALL OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. 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 ACCORDING TO LAW.

3. MONEYS IN SUCH FUND SHALL BE EXPENDED ONLY TO PROVIDE GRANTS FOR THE PURPOSE OF PROVIDING IMMEDIATE RELIEF TO PERSONS AFFECTED BY A NATURAL DISASTER. SUCH PURPOSES MAY INCLUDE, BUT NEED NOT BE LIMITED TO: PROVIDING FOOD, CLOTHING, AND TEMPORARY SHELTER.

4. MONIES SHALL BE PAYABLE FROM THE FUND, ONLY UPON THE STATE DECLARATION OF DISASTER EMERGENCY, PURSUANT TO SECTION TWENTY-EIGHT OF THE EXECUTIVE LAW, FOR EMERGENCIES OCCURRING FROM NATURAL CAUSES; MONIES THAT MEET THIS REQUIREMENT SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY.

S 4. Subsection (d) of section 615 of the tax law is amended by adding a new subparagraph 5 to read as follows:

(5) THE AMOUNT CONTRIBUTED TO THE "NEW YORK STATE NATURAL DISASTER RELIEF FUND", PURSUANT TO SECTION NINETY-SEVEN-LLLL OF THE STATE FINANCE LAW; PROVIDED, HOWEVER, THAT IS NOT INCLUDED AS A CHARITABLE CONTRIBUTION DEDUCTION ALLOWED UNDER SECTION ONE HUNDRED SEVENTY OF THE INTERNAL REVENUE CODE.

S 5. This act shall take effect immediately and shall apply to the taxable year in which it becomes effective.