

6577

I N   S E N A T E

January 27, 2016

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Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the tax law, in relation to establishing business franchise and personal income tax gifts for state veterans' homes; and to amend the state finance law, in relation to establishing the veterans' home assistance 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-J to  
2     read as follows:  
3     S 209-J. GIFT FOR NEW YORK STATE VETERANS' HOMES. EFFECTIVE FOR ANY  
4     TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN,  
5     ANY TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE VETER-  
6     ANS' HOME ASSISTANCE 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 VETERANS' HOME ASSISTANCE FUND AND  
12    USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION EIGHTY-ONE OF THE  
13    STATE FINANCE LAW.  
14    S 2. The tax law is amended by adding a new section 627-c to read as  
15    follows:  
16    S 627-C. GIFT FOR NEW YORK STATE VETERANS' HOMES. EFFECTIVE FOR ANY  
17    TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN,  
18    AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE VETER-  
19    ANS' HOME ASSISTANCE 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 A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTAND-  
23    ING ANY OTHER PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS  
24    SECTION SHALL BE CREDITED TO THE VETERANS' HOME ASSISTANCE FUND AND USED

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

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1 ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION EIGHTY-ONE OF THE STATE  
2 FINANCE LAW.

3 S 3. The state finance law is amended by adding a new section 81 to  
4 read as follows:

5 S 81. VETERANS' HOME ASSISTANCE FUND. 1. THERE IS HEREBY ESTABLISHED  
6 IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE  
7 COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "VETERANS' HOME ASSIST-  
8 ANCE FUND".

9 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT  
10 OF TAXATION AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTIONS TWO  
11 HUNDRED NINE-J AND SIX HUNDRED TWENTY-SEVEN-C OF THE TAX LAW, AND ALL  
12 OTHER MONEYS APPROPRIATED, CREDITED OR TRANSFERRED THERETO FROM ANY  
13 OTHER FUND OR SOURCE PURSUANT TO LAW. FOR EACH STATE FISCAL YEAR, THERE  
14 SHALL BE APPROPRIATED TO THE FUND BY THE STATE, IN ADDITION TO ALL OTHER  
15 MONEYS REQUIRED TO BE DEPOSITED INTO SUCH FUND, AN AMOUNT EQUAL TO THE  
16 AGGREGATE OF THE AMOUNTS OF MONEYS COLLECTED AND DEPOSITED INTO THE  
17 VETERANS' HOME ASSISTANCE FUND PURSUANT TO SECTIONS TWO HUNDRED NINE-J  
18 AND SIX HUNDRED TWENTY-SEVEN-C OF THE TAX LAW AND ALL OTHER MONEYS  
19 RECEIVED AND DEPOSITED INTO SUCH FUND FROM GRANTS, GIFTS AND BEQUESTS  
20 DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR. NOTHING IN THIS SECTION  
21 SHALL PREVENT THE STATE FROM SOLICITING AND RECEIVING GRANTS, GIFTS OR  
22 BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND  
23 DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

24 3. ON OR BEFORE THE FIRST OF FEBRUARY EACH YEAR, THE COMPTROLLER SHALL  
25 CERTIFY TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE  
26 SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE FINANCE COMMITTEE AND  
27 THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE AMOUNT OF MONIES  
28 DEPOSITED INTO THE VETERANS' HOME ASSISTANCE FUND DURING THE IMMEDIATELY  
29 PRECEDING CALENDAR YEAR AS THE RESULT OF REVENUES COLLECTED PURSUANT TO  
30 SECTIONS TWO HUNDRED NINE-J AND SIX HUNDRED TWENTY-SEVEN-C OF THE TAX  
31 LAW, AND FROM ALL GRANTS, GIFTS AND BEQUESTS TO SUCH FUND.

32 4. MONEYS OF THE FUND SHALL BE EXPENDED ONLY FOR THE CARE AND MAINTENANCE  
33 OF VETERANS' HOMES OPERATED BY AGENCIES OF THE STATE, AND SHALL BE  
34 DISBURSED EQUALLY EACH STATE FISCAL YEAR TO EACH OF THE FOLLOWING FIVE  
35 VETERANS' HOMES: THE STATE HOME FOR VETERANS AND THEIR DEPENDENTS AT  
36 OXFORD, THE STATE HOME FOR VETERANS IN THE CITY OF NEW YORK, THE STATE  
37 HOME FOR VETERANS AT BATAVIA, THE STATE HOME FOR VETERANS AT MONTROSE  
38 AND THE LONG ISLAND STATE VETERANS HOME AT STONY BROOK UNIVERSITY.

39 5. MONEYS SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF  
40 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER  
41 OF HEALTH, FOR VETERANS' HOMES OPERATED BY THE DEPARTMENT OF HEALTH, AND  
42 BY THE COMMISSIONER OF EDUCATION, FOR THE VETERANS' HOME OPERATED BY THE  
43 STATE UNIVERSITY OF NEW YORK.

44 6. MONEYS IN THE VETERANS' HOME ASSISTANCE FUND SHALL BE KEPT SEPARATE  
45 AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE  
46 COMMISSIONER OF TAXATION AND FINANCE AND/OR THE COMPTROLLER.

47 S 4. This act shall take effect immediately.