# STATE OF NEW YORK

7769

# IN SENATE

February 18, 2020

Introduced by Sen. BENJAMIN -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the tax law and the state finance law, in relation to the creation of the emergency financial 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 630-h to read as follows:

**§ 630-h. Gift for emergency financial relief. Effective for any tax year commencing on or after January first, two thousand tewnty, an individual and/or business in any taxable year may elect to contribute to the emergency financial relief fund. Such contribution shall be in any whole dollar amount and shall not include or reduce the amount of state tax owed by such individual or business. The commissioner shall include space on the personal income and business income tax returns 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 emergency financial relief fund and used only for the purposes enumerated in section eighty-nine-j of the state finance law.**

§ 2. The state finance law is amended by adding a new section 89-j to read as follows:

**§ 89-j. Emergency financial relief fund. 1. There is hereby established in joint custody of the state comptroller, the commissioner of taxation and finance, and the commissioner of labor a special fund to be known as the emergency financial relief fund.**

**2. The emergency financial relief fund shall consist of revenues received by the department of taxation and finance, pursuant to the provisions of section six hundred thirty-h of the tax law, and all other monies appropriated, credited, or transferred thereto from any other fund or source pursuant to law. For each state fiscal year, there shall be appropriated to the fund by the state, in addition to all other monies required to be deposited into such fund, an amount equal to the amounts of monies collected and deposited into the fund pursuant to section six hundred thirty-h of the tax law, and the amounts of monies**

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

LBD09744-03-0

received and deposited into the fund from grants, gifts and bequests during the preceding calendar year, as certified by the comptroller. Nothing in this section shall prevent the state from soliciting and receiving grants, gifts or bequests for the purposes of the fund as set forth in this section and depositing them into the fund in accordance with applicable law.

3. The New York state department of labor shall administer the fund, and shall develop and implement rules and procedures, including rules relating to eligibility for and disbursement of awards, for providing emergency financial relief to any qualified person from the fund. For purposes of this section, the following terms shall have the following meanings: (a) a "qualified person" shall mean (i) a federal employee or an employee of a contractor of the federal government, who is a resident of this state, and required to work without compensation or placed on unpaid leave as a result of a covered lapse in appropriations, or (ii) a non-profit organization licensed to do business in this state, with a contract to provide services to the federal government, and that is not providing such services as a result of a covered lapse in appropriations, and (b) a "covered lapse in appropriations" shall mean any lapse in appropriations by the United States government that begins on or after December twenty-second, two thousand eighteen.

4. On or before the first day of February each year, the New York state department of labor shall provide a written report to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate committee on labor, and the chair of the assembly committee on labor. Such report shall be made available to the public on the New York state department of labor's website. Such report shall include how the monies of the fund were utilized during the preceding calendar year and shall include:

(a) the amount of money disbursed from the fund;

(b) the recipients of awards from the fund;

(c) the amount awarded to each recipient;

(d) the purposes for which such awards were granted; and

(e) a summary financial plan for such monies which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.

5. On or before the first day of February of each calendar year, the comptroller shall certify to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate committee on labor, and the chair of the assembly committee on labor, the amount of money deposited in the emergency financial relief fund during the preceding calendar year as a result of the revenue derived pursuant to section six hundred thirty-h of the tax law, and from all grants, gifts and bequests.

6. Monies of the fund shall be expended only for purposes of compensating a qualified person as determined by the New York state department of labor.

7. Monies shall be paid out of the fund on the audit and warrant of the comptroller on vouchers approved and certified by the New York state department of labor. Any interest received by the comptroller on deposit in the emergency financial relief fund shall be retained in and become part of such fund.

§ 3. This act shall take effect immediately.