STATE OF NEW YORK

10717

IN ASSEMBLY

September 9, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lawler) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law and the tax law, in relation to establishing the New York will never forget fund; and making an appropriation therefor

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 89-k to read as follows:

§ 89-k. New York will never forget 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 will never forget fund".

2. Such fund shall consist of all revenues received by the department of taxation and finance pursuant to the provisions of section two hundred nine-q and section six hundred thirty-l of the tax law and all other moneys appropriated, credited, or transferred thereto from any other fund or source pursuant to law. Nothing contained herein shall prevent the state from receiving grants, gifts, or bequests for the fund and depositing them into the fund according to law.

3. Monies of the fund shall be expended only for grants to museums located within the state that: (i) are specifically dedicated to educating the general public about the events that occurred during the terrorist attacks on September eleventh, two thousand one, the events leading up to such attacks and the aftermath of the attacks; memorializing those who lost their lives during the attacks; and/or paying tribute to survivors of the attacks; and (ii) are qualified organizations under section 501(c)(3) of the United States internal revenue code. The New York state board of regents shall establish criteria for determining which museums are eligible to receive grants pursuant to this fund.

4. Monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of taxation and finance.

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

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5. To the extent practicable, the New York state board of regents shall ensure that all monies received are expended within one calendar year from the date on which they are received.

6. On or before the first day of February each year, the comptroller shall certify to the governor, temporary president of the senate, speaker of the assembly, chair of the senate finance committee and chair of the assembly ways and means committee, the amount of money deposited in the New York will never forget fund during the preceding calendar year as the result of revenue derived pursuant to sections two hundred nine-q and six hundred thirty-l of the tax law.

7. On or before the first day of February each year, the New York state board of regents shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, the senate standing committee on education, the assembly standing committee on education, and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year and shall include:

(i) the amount of money dispersed from the fund;

(ii) the recipients of grants from the fund;

(iii) the amount granted to each recipient;

(iv) the purposes for which such funds were granted; and

(v) 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.

§ 2. The tax law is amended by adding a new section 209-q to read as follows:

§ 209-q. Gift for the New York will never forget fund. Effective for any tax year commencing on or after the effective date of this section, a taxpayer in any taxable year may elect to contribute to the support of the New York will never forget 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 will never forget fund and shall be used only for those purposes enumerated in section eighty-nine-k of the state finance law.

§ 3. The tax law is amended by adding a new section 630-l to read as follows:

§ 630-l. Gifts for the New York will never forget fund. Effective for any tax year commencing on or after the effective date of this section, a taxpayer in any taxable year may elect to contribute to the New York will never forget fund pursuant to section eighty-nine-k of the state finance law. Any contributions made to such fund pursuant to this section shall be deposited into a dedicated account managed by the fund, which shall solely be used for those purposes enumerated in section eighty-nine-k of the state finance law. 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 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 will never forget fund.

§ 4. The sum of fifty million dollars ($50,000,000), or so much thereof as may be necessary, is hereby appropriated to the department of education out of any moneys in the state treasury in the general fund to the credit of the general account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the New York state board of regents in the manner prescribed by law.

§ 5. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.