

# STATE OF NEW YORK

4498

2023-2024 Regular Sessions

## IN ASSEMBLY

February 16, 2023

Introduced by M. of A. BENEDETTO -- read once and referred to the  
Committee on Ways and Means

AN ACT to amend the state finance law, in relation to establishing the  
New York baby opportunity fund

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. The state finance law is amended by adding a new section  
2 78-c to read as follows:

3 § 78-c. New York baby opportunity fund. 1. There is hereby established  
4 in the joint custody of the state comptroller, the commissioner of taxa-  
5 tion and finance and the commissioner of health the New York baby oppor-  
6 tunity fund.

7 2. The New York baby opportunity fund shall consist of moneys trans-  
8 ferred to the fund by the state comptroller from the general fund and  
9 all other moneys appropriated, credited, or transferred thereto from any  
10 other fund or source pursuant to law. Nothing contained herein shall  
11 prevent the state from receiving grants, gifts or bequests for the  
12 purposes of the fund as defined in this section and depositing them into  
13 the fund according to law.

14 3. The department of health shall promulgate application forms to be  
15 submitted to the comptroller upon the birth of an eligible child. The  
16 fund shall provide for the deposit of one thousand dollars into an indi-  
17 vidual account for each eligible child within six months of receipt of  
18 an application to the fund for such child. Monies within each account  
19 shall be invested in a manner that generates a rate of return at least  
20 equal to the rate of return earned on a thirty-year treasury bond.

21 4. Monies in each account shall be identified by a unique identifica-  
22 tion number and may only be accessed by the eligible child for which the  
23 account was originally created. In order to access such funds, the  
24 eligible child shall be at least eighteen years old and a current resi-

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

LBD05567-01-3

1 dent of the state at the time of withdrawal. Such monies shall only be  
2 utilized for qualified expenses.

3 5. Monies of the fund shall be expended by the state comptroller sole-  
4 ly for the purpose of administering the provisions of this section.

5 6. For the purposes of this section, the following terms shall have  
6 the following meanings:

7 (a) "eligible child" shall mean any child born after the effective  
8 date of this section to parents who are residents of the state and who  
9 have an annual household income of less than five hundred percent of the  
10 federal poverty level;

11 (b) "household income" shall mean the sum of the adjusted gross  
12 incomes of the eligible child's birth parents. Such gross income amounts  
13 shall be calculated based on information from the most recent taxable  
14 year available as provided and certified by the department of taxation  
15 and finance;

16 (c) "qualified expenses" shall mean expenses for the education of the  
17 account holder, ownership of a home by the account holder, and costs  
18 associated with establishing or otherwise building a business.

19 § 2. This act shall take effect on the one hundred twentieth day after  
20 it shall have become a law. Effective immediately, the addition, amend-  
21 ment and/or repeal of any rule or regulation necessary for the implemen-  
22 tation of this act on its effective date are authorized to be made and  
23 completed on or before such effective date.