STATE OF NEW YORK

9150

IN ASSEMBLY

February 8, 2024

Introduced by M. of A. CLARK -- 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 and funding the close the waitlist fund

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

Section 1. Legislative intent. The Older Americans Act was signed into law by President Lyndon B. Johnson in 1965 as part of "The Great Society." The primary purpose of the Older Americans Act was to support the local provision of quality services to seniors, including home care, meals, preventative medical services, transportation and caregiver assistance. The basic structure of the Older Americans Act and its implementation at the state, city and municipal level has remained largely unchanged for six decades, despite the composition, preponderance and needs of Older New Yorkers changing in dynamic fashion. Significant changes are warranted as the senior population in our state is the fastest growing of all segments; in particular those age 80 and above are growing at the swiftest rate of all subgroups. Efforts are underway in the United States congress to modernize the Older Americans Act and provide additional funding to meet historical demand. New York State has undertaken a State Master Plan On Aging Process in recognition of the fact that the system needs to change to ensure that our seniors are empowered, supported and put in a position to thrive. However, irrespective of all these grand designs, there are still tens of thousands of individuals who, for decades, have been waitlisted for senior services and thousands more who when they hear they will be put on a waitlist, decline to be added for fear they will die before services are rendered. The purpose of this bill is to close the waitlist forever, by providing necessary, modest funding from specific sources. This investment will actually save money as senior services allow people to stay at home, age in place, avoid institutionalization and/or spending down to Medicare.

§ 2. The state finance law is amended by adding a new section 99-rr to read as follows:

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

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§ 99-rr. Close the waitlist fund. 1. A special fund to be known as the "close the waitlist fund" is hereby established in the custody of the state comptroller and the commissioner of taxation and finance.

2. The fund shall consist of all monies appropriated, credited, or transferred to such fund pursuant to law, all monies required by any provision of law to be paid into or credited to the fund and any interest earnings which may accrue from the investment of monies in the fund. 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 in the fund according to law.

3. Monies of the fund, when allocated, shall be available to the department of social services to provide senior services to individuals who have been waitlisted to receive such senior services.

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 social services.

§ 3. The tax law is amended by adding a new section 602 to read as follows:

§ 602. Tax surcharge for senior services. (a) In addition to the taxes authorized by this part for all taxable years beginning on or after January first, two thousand twenty-five, a tax surcharge on the taxable income of every resident married individuals filing joint returns, resident married individuals filing separate returns, resident surviving spouses, resident heads of households, resident unmarried individuals, and resident estates and trusts, there is hereby imposed an additional tax surcharge at a rate of up to:

If the taxable income is:	the tax surcharge is:
Not over $10,000,000	0
Over $10,000,000	.5% of taxable income

(b) The tax surcharge imposed pursuant to the authority of this section shall be administered, collected, and distributed by the commissioner in the same manner as the other taxes imposed pursuant to the authority of this article, and all of the provisions of this article, shall apply to the tax surcharge authorized by this section; provided, however, that the provisions of section six hundred ninety-eight of this article and one hundred seventy-one-a of this chapter directing the deposit and disposition of all taxes, interest and penalties collected shall not apply to any such surcharge.

(c) Notwithstanding any provision of this section or of section six hundred ninety-eight of this article and one hundred seventy-one-a of this chapter to the contrary, the total revenue from the tax surcharge imposed pursuant to the authority of this section, including interest and penalties, shall be credited to the close the waitlist fund established pursuant to section ninety-nine-rr of the state finance law and shall be applied exclusively to or in aid or support of providing senior services to individuals who have been waitlisted to receive such senior services.

§ 4. This act shall take effect immediately and shall apply to all tax years commencing on and after January 1, 2025.