

1492--A

2009-2010 Regular Sessions

I N   S E N A T E

February 2, 2009

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Introduced by Sens. DeFRANCISCO, FLANAGAN, GRIFFO, LANZA, LARKIN, MAZIARZ, SAMPSON, SEWARD, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law and the state finance law, in relation to providing for taxpayer gifts for diabetes research and education and establishing the diabetes research and education 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-h to  
2     read as follows:  
3     S 209-H. GIFT FOR DIABETES RESEARCH AND EDUCATION. EFFECTIVE FOR ANY  
4     TAX YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, A  
5     TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE SUPPORT OF  
6     THE DIABETES RESEARCH AND EDUCATION FUND. SUCH CONTRIBUTION SHALL BE IN  
7     ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF THE STATE TAX  
8     OWED BY SUCH TAXPAYER. THE COMMISSIONER SHALL INCLUDE SPACE ON THE  
9     CORPORATE INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIB-  
10    UTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL REVENUES  
11    COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE DIABETES  
12    RESEARCH AND EDUCATION FUND AND SHALL BE USED ONLY FOR THOSE PURPOSES  
13    ENUMERATED IN SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW.  
14    S 2. The tax law is amended by adding a new section 630-c to read as  
15    follows:  
16    S 630-C. GIFT FOR DIABETES RESEARCH AND EDUCATION. EFFECTIVE FOR ANY  
17    TAX YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, AN  
18    INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE DIABETES  
19    RESEARCH AND EDUCATION FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE

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

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1 DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH  
2 INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME  
3 TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITH-  
4 STANDING ANY OTHER PROVISION OF LAW ALL REVENUES COLLECTED PURSUANT TO  
5 THIS SECTION SHALL BE CREDITED TO THE DIABETES RESEARCH AND EDUCATION  
6 FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION  
7 EIGHTY-NINE-H OF THE STATE FINANCE LAW.

8 S 3. The state finance law is amended by adding a new section 89-h to  
9 read as follows:

10 S 89-H. DIABETES RESEARCH AND EDUCATION FUND. 1. THERE IS HEREBY  
11 ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND  
12 FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "DIABETES  
13 RESEARCH AND EDUCATION FUND".

14 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT  
15 OF TAXATION AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTION TWO  
16 HUNDRED NINE-H AND SECTION SIX HUNDRED THIRTY-C OF THE TAX LAW AND ALL  
17 OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY  
18 OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED HEREIN SHALL  
19 PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE  
20 PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO  
21 THE FUND ACCORDING TO LAW.

22 3. MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR DIABETES RESEARCH AND  
23 EDUCATIONAL PROJECTS. AS USED IN THIS SECTION, "DIABETES RESEARCH AND  
24 EDUCATION PROJECTS" MEANS SCIENTIFIC RESEARCH OR EDUCATIONAL PROJECTS,  
25 INCLUDING DEMONSTRATION AND EDUCATION GRANTS FOR DIABETES EDUCATION  
26 RESEARCH, WHICH, PURSUANT TO SECTION TWENTY-SEVEN HUNDRED NINETY-SIX OF  
27 THE PUBLIC HEALTH LAW, AS ADDED BY CHAPTER FIVE HUNDRED NINETY-SIX OF  
28 THE LAWS OF NINETEEN HUNDRED EIGHTY-FIVE, ARE APPROVED BY THE DEPARTMENT  
29 OF HEALTH.

30 4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF  
31 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER  
32 OF HEALTH.

33 5. TO THE EXTENT PRACTICABLE, THE COMMISSIONER OF HEALTH SHALL ENSURE  
34 THAT ALL MONIES RECEIVED DURING A FISCAL YEAR ARE EXPENDED PRIOR TO THE  
35 END OF THAT FISCAL YEAR.

36 S 4. This act shall take effect immediately.