S T A T E O F N E W Y O R K

3174

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

Introduced by M. of A. BRADLEY, ALFANO -- Multi-Sponsored by -- M. of A. BARRA, PHEFFER -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, the state finance law, the public health law, the public officers law and chapter 338 of the laws of 1998 amending the public health law and other laws relating to establishing a spinal cord injury research board, in relation to the renaming of the spinal cord injury research trust fund as the Christopher Reeve spinal cord injury research trust fund and providing an income tax check off box therefor

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 629-a to read as follows:

S 629-A. GIFT FOR CHRISTOPHER REEVE SPINAL CORD INJURY RESEARCH TRUST FUND. AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE CHRISTOPHER REEVE SPINAL CORD INJURY RESEARCH TRUST FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN FORM TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE PAID TO THE CHRISTOPHER REEVE SPINAL CORD INJURY RESEARCH TRUST FUND ESTABLISHED PURSUANT TO AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-NINE-F OF THE STATE FINANCE LAW.

S 2. Section 99-f of the state finance law, as added by chapter 338 of the laws of 1998, subdivision 1 as amended by chapter 524 of the laws of 2008 and subdivision 2 as amended by chapter 612 of the laws of 1999, is amended to read as follows:

S 99-f. [Spinal] CHRISTOPHER REEVE SPINAL cord injury research trust fund. 1. There is hereby established in the joint custody of the state

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

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comptroller and the commissioner of taxation and finance a fund to be known as the "CHRISTOPHER REEVE spinal cord injury research trust fund".

2. The fund shall consist of all monies appropriated for its purpose, all monies required by this section or any other provision of law to be paid into or credited to such fund, ALL MONIES FROM GIFTS PURSUANT TO SECTION SIX HUNDRED TWENTY-NINE-A OF THE TAX LAW, and monies in an amount not to exceed eight million five hundred thousand dollars collected by the mandatory surcharges imposed pursuant to subdivision one of section eighteen hundred nine of the vehicle and traffic law. Nothing contained herein shall prevent the department of health from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

3. Monies of the fund, when allocated, shall be available for administrative costs of the CHRISTOPHER REEVE spinal cord injury research board established pursuant to title four of article two of the public health law and for funding spinal cord injury research projects administered by such board.

4. Monies shall be payable from the CHRISTOPHER REEVE SPINAL CORD INJURY RESEARCH TRUST fund on the audit and warrant of the state comptroller on vouchers approved and certified by the commissioner of health.

S 3. The title heading of title IV of article 2 of the public health law, as added by chapter 338 of the laws of 1998, is amended to read as follows:

CHRISTOPHER REEVE SPINAL CORD INJURY RESEARCH BOARD

S 4. Sections 250 and 251 of the public health law, as added by chapter 338 of the laws of 1998, are amended to read as follows:

S 250. [Spinal] CHRISTOPHER REEVE SPINAL cord injury research board. 1. A spinal cord injury research board, NAMED FOR CHRISTOPHER REEVE, THE NEW YORK ACTOR WHO HEROICALLY DEDICATED THE LAST YEARS OF HIS LIFE TO THE ADVANCEMENT OF CURE AND TREATMENT OF SPINAL CORD INJURIES, is hereby created within the department for the purpose of administering spinal cord injury research projects and administering the CHRISTOPHER REEVE spinal cord injury research trust fund created pursuant to section ninety-nine-f of the state finance law. The purpose of research projects administered by the board shall be neurological research towards a cure for such injuries and their effects. The members of the CHRISTOPHER REEVE spinal cord injury research board shall include but not be limited to representatives of the following fields: neuroscience, neurology, neuro-surgery, neuro-pharmacology, and spinal cord rehabilitative medicine. The board shall be composed of thirteen members, seven of whom shall be appointed by the governor, two of whom shall be appointed by the temporary president of the senate, two of whom shall be appointed by the speaker of the assembly, one of whom shall be appointed by the minority leader of the senate, and one of whom shall be appointed by the minority leader of the assembly.

2. Board members shall be reimbursed for ordinary travel expenses, including meals and lodging, incurred in the performance of duties pursuant to section two hundred fifty-one of this title.

3. The terms of board members shall be four years commencing January first, nineteen hundred ninety-nine.

4. At the end of a term, a member shall continue to serve until a successor is appointed. A member who is appointed after a term has begun shall serve the rest of the term and until a successor is appointed. A member who serves two consecutive full four year terms shall not be

eligible for reappointment for four years after completion of those terms.

5. A majority of the full authorized membership of the board shall constitute a quorum.

6. One member of the board shall be chosen by the governor to serve as chairperson.

7. Meetings of the board shall be held at least twice a year but may be held more frequently as deemed necessary, subject to call by the chairman or by request of a majority of the board members. Board meetings shall concern, among other things, policy matters relating to spinal cord injury research projects and programs, research progress reports, and other matters necessary to carry out the intent of this title.

8. Members of the board shall be indemnified pursuant to section seventeen of the public officers law.

S 251. Powers and duties. The CHRISTOPHER REEVE spinal cord injury research board created pursuant to section two hundred fifty of this title shall:

1. Formulate policies and procedures necessary to carry out the provisions of this title;

2. Solicit, receive, and review applications from public and private agencies and organizations and qualified research institutions for grants from the CHRISTOPHER REEVE spinal cord injury research trust fund, created pursuant to section ninety-nine-f of the state finance law, to conduct research programs which focus on the treatment and cure of spinal cord injury. The board shall make recommendations to the commissioner, and the commissioner shall, in his or her discretion, grant approval of applications for grants from those applications recommended by the board.

3. Ensure that state funds, appropriated for spinal cord injury research are not diverted to any other use; and

4. Provide the governor and the legislature an annual report by January thirty-first of each year succeeding the year in which this title shall take effect setting forth the status of funds appropriated for spinal cord injury research and the progress of the board in terms of the results of its spinal cord injury research efforts.

S 5. Paragraph (m) of subdivision 1 of section 17 of the public officers law, as added by chapter 338 of the laws of 1998, is amended to read as follows:

(m) For the purposes of this section, the term "employee" shall include the members of the CHRISTOPHER REEVE spinal cord injury research board within the department of health.

S 6. Section 4 of chapter 338 of the laws of 1998 amending the public health law and other laws relating to establishing a spinal cord injury research board, as amended by chapter 612 of the laws of 1999, is amended to read as follows:

S 4. Notwithstanding any inconsistent provisions of law to the contrary, effective April 1, 1999, an amount not to exceed $8,500,000 shall be annually transferred from the general fund out of the mandatory surcharges collected pursuant to subdivision 1 of section 1809 of the vehicle and traffic law to the CHRISTOPHER REEVE spinal cord injury research trust fund held by the state comptroller pursuant to section 99-f of the state finance law which monies shall then be deposited to the credit of the CHRISTOPHER REEVE spinal cord injury research trust fund pursuant to section 99-f of the state finance law. Each such payment shall be accompanied by a true and complete report in such form

and detail as the comptroller shall prescribe. Nothing contained in this section shall be construed to authorize the transfer to the CHRISTOPHER REEVE spinal cord injury research trust fund of any monies collected under section 1809 of the vehicle and traffic law that are otherwise authorized to be deposited to the credit of the criminal justice improvement account established pursuant to section 97-bb of the state finance law.

S 7. This act shall take effect immediately and shall apply to taxable years beginning on or after the first of January of the year next succeeding the year in which it shall have become a law.