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2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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Introduced by M. of A. JACOBS, CYMBROWITZ, ALFANO, McENENY -- Multi-Sponsored by -- M. of A. BARRA, GLICK, SWEENEY, WEINSTEIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, the tax law and the state finance law, in relation to providing for taxpayer gifts for colon cancer research and establishing the colon cancer research fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The public health law is amended by adding a new article  
2 27-CCC to read as follows:

3                                 ARTICLE 27-CCC

4                                 COLON CANCER RESEARCH PROGRAM

5 SECTION 2746. COLON CANCER RESEARCH.

6     S 2746. COLON CANCER RESEARCH. THE COMMISSIONER SHALL ESTABLISH WITH-  
7 IN THE DEPARTMENT A PROGRAM TO PROMOTE RESEARCH REGARDING COLON CANCER.  
8 TO CARRY OUT THE PURPOSES OF THIS SECTION, THE COMMISSIONER SHALL HAVE  
9 THE FOLLOWING POWERS AND DUTIES:

10    1. TO PROMOTE RESEARCH PROGRAMS DESIGNED TO REDUCE OR PREVENT THE  
11 INCIDENCE AND SEVERITY OF COLON CANCER;

12    2. TO ACCEPT AND EXPEND ANY GRANTS, AWARDS OR OTHER FUNDS OR APPROPRI-  
13 ATIONS AS MAY BE AVAILABLE FOR THESE PURPOSES SUBJECT TO LIMITATIONS AS  
14 TO THE APPROVAL OF EXPENDITURES AND AUDIT AS PRESCRIBED FOR STATE FUNDS  
15 BY THE STATE FINANCE LAW; AND

16    3. TO ENTER INTO CONTRACTS WITHIN THE AMOUNTS AVAILABLE THEREFOR AS  
17 MAY BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

18     S 2. The tax law is amended by adding a new section 209-G to read as  
19 follows:

20     S 209-G. GIFT FOR COLON CANCER RESEARCH. EFFECTIVE FOR ANY TAX YEAR  
21 COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND TEN, A TAXPAYER IN  
22 ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE SUPPORT OF THE COLON

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

LBD02154-01-9

1 CANCER RESEARCH FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR  
2 AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF THE STATE TAX OWED BY SUCH  
3 TAXPAYER. THE COMMISSIONER SHALL INCLUDE SPACE ON THE CORPORATE INCOME  
4 TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTAND-  
5 ING ANY OTHER PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS  
6 SECTION SHALL BE CREDITED TO THE COLON CANCER RESEARCH FUND AND SHALL BE  
7 USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-TWO-FF OF THE  
8 STATE FINANCE LAW.

9 S 3. The tax law is amended by adding a new section 629-a to read as  
10 follows:

11 S 629-A. GIFT FOR COLON CANCER RESEARCH. EFFECTIVE FOR ANY TAX YEAR  
12 COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND TEN, AN INDIVIDUAL IN  
13 ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE COLON CANCER RESEARCH  
14 FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL  
15 NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMIS-  
16 SIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A  
17 TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION  
18 OF LAW ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED  
19 TO THE COLON CANCER RESEARCH FUND AND USED ONLY FOR THOSE PURPOSES  
20 ENUMERATED IN SECTION NINETY-TWO-FF OF THE STATE FINANCE LAW.

21 S 4. The state finance law is amended by adding a new section 92-ff to  
22 read as follows:

23 S 92-FF. COLON CANCER RESEARCH FUND. 1. THERE IS HEREBY ESTABLISHED IN  
24 THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE  
25 COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "COLON CANCER RESEARCH  
26 FUND".

27 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT  
28 OF TAXATION AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTION TWO  
29 HUNDRED NINE-G AND SECTION SIX HUNDRED TWENTY-NINE-A OF THE TAX LAW AND  
30 ALL OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY  
31 OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED HEREIN SHALL  
32 PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE  
33 PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO  
34 THE FUND ACCORDING TO LAW.

35 3. MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR COLON CANCER RESEARCH  
36 PROJECTS. AS USED IN THIS SECTION, "COLON CANCER RESEARCH PROJECTS"  
37 MEANS RESEARCH PROJECTS, INCLUDING GRANTS FOR COLON CANCER RESEARCH,  
38 WHICH, PURSUANT TO SECTION TWENTY-SEVEN HUNDRED FORTY-SIX OF THE PUBLIC  
39 HEALTH LAW, ARE APPROVED BY THE DEPARTMENT OF HEALTH.

40 4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF  
41 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER  
42 OF HEALTH.

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

46 S 5. This act shall take effect immediately.