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

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I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. CYMBROWITZ, CANESTRARI, WEISENBERG, HOYT, MILLMAN, CLARK, COLTON, SCHIMMINGER, V. LOPEZ, CAHILL -- Multi-Sponsored by -- M. of A. COOK, DelMONTE, DESTITO, ESPAILLAT, GLICK, HOOPER, JACOBS, KOON, MAGEE, MAYERSOHN, McENENY, ORTIZ, PHEFFER, SWEENEY, TOWNS -- read once and referred to the Committee on Health -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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 education and establishing the colon cancer education fund

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

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

ARTICLE 27-CCC
COLON CANCER EDUCATION PROGRAM

SECTION 2746. COLON CANCER EDUCATION.

S 2746. COLON CANCER EDUCATION. THE COMMISSIONER SHALL ESTABLISH WITHIN THE DEPARTMENT A PROGRAM TO PROMOTE PATIENT EDUCATION REGARDING COLON CANCER. TO CARRY OUT THE PURPOSES OF THIS SECTION, THE COMMISSIONER SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

1. TO PROMOTE PATIENT EDUCATION PROGRAMS DESIGNED TO REDUCE OR PREVENT THE INCIDENCE AND SEVERITY OF COLON CANCER;

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

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

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

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

S 209-H. GIFT FOR COLON CANCER EDUCATION. A TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE SUPPORT OF THE COLON CANCER EDUCATION FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF THE STATE TAX OWED BY SUCH TAXPAYER. THE COMMISSIONER SHALL INCLUDE SPACE ON THE CORPORATE INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE COLON CANCER EDUCATION FUND AND SHALL BE USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-SEVEN-JJJJ OF THE STATE FINANCE LAW.

S 3. The tax law is amended by adding a new section 630-c to read as follows:

S 630-C. GIFT FOR COLON CANCER EDUCATION. AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE COLON CANCER EDUCATION 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 TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE COLON CANCER EDUCATION FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-SEVEN-JJJJ OF THE STATE FINANCE LAW.

S 4. The state finance law is amended by adding a new section 97-jjjj to read as follows:

S 97-JJJJ. COLON CANCER EDUCATION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "COLON CANCER EDUCATION FUND".

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTIONS TWO HUNDRED NINE-H AND SIX HUNDRED THIRTY-C OF THE TAX LAW AND ALL OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. 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 INTO THE FUND ACCORDING TO LAW.

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

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 HEALTH.

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

S 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to taxable years beginning on and after such effective date.