

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

1492--A

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

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.