

3075--A

Cal. No. 252

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. CUSICK, PHEFFER, ORTIZ, ABBATE, SCHIMMINGER, V. LOPEZ, WEISENBERG, BOYLAND, SCHROEDER, MILLMAN, SWEENEY, CLARK, TITONE -- Multi-Sponsored by -- M. of A. AUBRY, COLTON, DESTITO, GABRYSZAK, GUNTHER, HOOPER, LUPARDO, MCENENY, PEOPLES-STOKES, J. RIVERA -- 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 leukemia, lymphoma and myeloma research, education and treatment and establishing the leukemia research, education and treatment 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 LEUKEMIA, LYMPHOMA AND MYELOMA RESEARCH, EDUCATION AND TREATMENT PROGRAM
5 SECTION 2747. LEUKEMIA, LYMPHOMA AND MYELOMA RESEARCH, EDUCATION AND
6 TREATMENT.
7 S 2747. LEUKEMIA, LYMPHOMA AND MYELOMA RESEARCH, EDUCATION AND TREAT-
8 MENT. THE COMMISSIONER SHALL ESTABLISH WITHIN THE DEPARTMENT A PROGRAM
9 TO PROMOTE RESEARCH, EDUCATION AND TREATMENT REGARDING LEUKEMIA, LYMPHO-
10 MA AND MYELOMA. TO CARRY OUT THE PURPOSES OF THIS SECTION, THE COMMIS-
11 SIONER SHALL HAVE THE FOLLOWING POWERS AND DUTIES:
12 1. TO PROMOTE RESEARCH, EDUCATION AND TREATMENT PROGRAMS DESIGNED TO
13 REDUCE OR PREVENT THE INCIDENCE AND SEVERITY OF LEUKEMIA, LYMPHOMA AND
14 MYELOMA;
15 2. TO ACCEPT AND EXPEND ANY GRANTS, AWARDS OR OTHER FUNDS OR APPROPRI-
16 ATIONS AS MAY BE AVAILABLE FOR THESE PURPOSES SUBJECT TO LIMITATIONS AS
17 TO THE APPROVAL OF EXPENDITURES AND AUDIT AS PRESCRIBED FOR STATE FUNDS
18 BY THE STATE FINANCE LAW; AND

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

LBD01796-02-0

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

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

5 S 209-H. GIFT FOR LEUKEMIA, LYMPHOMA AND MYELOMA RESEARCH, EDUCATION
6 AND TREATMENT. EFFECTIVE FOR ANY TAX YEAR COMMENCING ON OR AFTER JANU-
7 ARY FIRST, TWO THOUSAND ELEVEN, A TAXPAYER IN ANY TAXABLE YEAR MAY ELECT
8 TO CONTRIBUTE TO THE SUPPORT OF THE LEUKEMIA, LYMPHOMA AND MYELOMA
9 RESEARCH, EDUCATION AND TREATMENT FUND. SUCH CONTRIBUTION SHALL BE IN
10 ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF THE STATE TAX
11 OWED BY SUCH TAXPAYER. THE COMMISSIONER SHALL INCLUDE SPACE ON THE
12 CORPORATE INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIB-
13 UTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL REVENUES
14 COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE LEUKEMIA,
15 LYMPHOMA AND MYELOMA RESEARCH, EDUCATION AND TREATMENT FUND AND SHALL BE
16 USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-SEVEN-JJJJ OF
17 THE STATE FINANCE LAW.

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

20 S 630-C. GIFT FOR LEUKEMIA, LYMPHOMA AND MYELOMA RESEARCH, EDUCATION
21 AND TREATMENT. EFFECTIVE FOR ANY TAX YEAR COMMENCING ON OR AFTER JANU-
22 ARY FIRST, TWO THOUSAND ELEVEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY
23 ELECT TO CONTRIBUTE TO THE LEUKEMIA, LYMPHOMA AND MYELOMA RESEARCH,
24 EDUCATION AND TREATMENT FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE
25 DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH
26 INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME
27 TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITH-
28 STANDING ANY OTHER PROVISION OF LAW ALL REVENUES COLLECTED PURSUANT TO
29 THIS SECTION SHALL BE CREDITED TO THE LEUKEMIA, LYMPHOMA AND MYELOMA
30 RESEARCH, EDUCATION AND TREATMENT FUND AND USED ONLY FOR THOSE PURPOSES
31 ENUMERATED IN SECTION NINETY-SEVEN-JJJJ OF THE STATE FINANCE LAW.

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

34 S 97-JJJJ. LEUKEMIA, LYMPHOMA AND MYELOMA RESEARCH, EDUCATION AND
35 TREATMENT FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF
36 THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL
37 FUND TO BE KNOWN AS THE "LEUKEMIA, LYMPHOMA AND MYELOMA RESEARCH, EDUCA-
38 TION AND TREATMENT FUND".

39 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT
40 OF TAXATION AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTION TWO
41 HUNDRED NINE-H AND SECTION SIX HUNDRED THIRTY-C OF THE TAX LAW AND ALL
42 OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY
43 OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION
44 SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE
45 PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO
46 THE FUND ACCORDING TO LAW.

47 3. MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR LEUKEMIA, LYMPHOMA
48 AND MYELOMA RESEARCH, EDUCATION AND TREATMENT PROJECTS. AS USED IN THIS
49 SECTION, "LEUKEMIA, LYMPHOMA AND MYELOMA RESEARCH, EDUCATION AND TREAT-
50 MENT PROJECTS" MEANS RESEARCH, EDUCATION AND TREATMENT PROJECTS, INCLUD-
51 ING GRANTS FOR LEUKEMIA, LYMPHOMA AND MYELOMA RESEARCH, EDUCATION AND
52 TREATMENT, WHICH, PURSUANT TO SECTION TWO THOUSAND SEVEN HUNDRED FORTY-
53 SEVEN OF THE PUBLIC HEALTH LAW, ARE APPROVED BY THE DEPARTMENT OF
54 HEALTH. SUCH GRANTS MAY INCLUDE, AMONG OTHERS, GRANTS TO PUBLIC AND
55 PRIVATE HOSPITALS, MEDICAL CENTERS, MEDICAL SCHOOLS AND OTHER ORGANIZA-
56 TIONS.

1 4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF
2 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER
3 OF HEALTH.

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

7 S 5. This act shall take effect immediately and shall apply to taxable
8 years commencing on or after January 1, 2011.