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

1820

2009-2010 Regular Sessions

I N S E N A T E

February 9, 2009

Introduced by Sens. MORAHAN, DeFRANCISCO, DIAZ, FUSCHILLO, SEWARD -- read twice and ordered printed, and when printed to be committed 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:

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

ARTICLE 27-CCC

COLON CANCER RESEARCH PROGRAM

SECTION 2746. COLON CANCER RESEARCH.

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

1. TO PROMOTE RESEARCH 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.

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

S 209-G. GIFT FOR COLON CANCER RESEARCH. EFFECTIVE FOR ANY TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND TEN, A TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE SUPPORT OF THE COLON CANCER RESEARCH FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR

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

LBD02154-01-9

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 RESEARCH FUND AND SHALL BE USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-TWO-FF OF THE STATE FINANCE LAW.

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

S 629-A. GIFT FOR COLON CANCER RESEARCH. EFFECTIVE FOR ANY TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND TEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE COLON CANCER RESEARCH 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 RESEARCH FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-TWO-FF OF THE STATE FINANCE LAW.

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

S 92-FF. COLON CANCER RESEARCH 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 RESEARCH FUND".

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTION TWO HUNDRED NINE-G AND SECTION SIX HUNDRED TWENTY-NINE-A OF THE TAX LAW AND ALL OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED HEREIN 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 RESEARCH PROJECTS. AS USED IN THIS SECTION, "COLON CANCER RESEARCH PROJECTS" MEANS RESEARCH PROJECTS, INCLUDING GRANTS FOR COLON CANCER RESEARCH, 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 immediately.