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

8481--A

I N A S S E M B L Y

January 17, 2014

Introduced by M. of A. DINOWITZ, JACOBS, JAFFEE, OTIS, MILLMAN, SEPULVEDA, COOK, DenDEKKER, GALEF, CROUCH, RAIA, BORELLI, ROBINSON, CAHILL, CRESPO -- Multi-Sponsored by -- M. of A. ARROYO, BUCHWALD, CERETTO, LUPARDO, MAGEE, MAYER, MOSLEY, PEOPLES-STOKES, RIVERA, SCHIMEL, SWEENEY, THIELE, WEISENBERG -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law, the tax law and the public health law, in relation to establishing the New York state prostate cancer research, detection and education fund; and to repeal section 95-e of the state finance law relating thereto

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

Section 1. Section 95-e of the state finance law, as added by chapter 273 of the laws of 2004 is REPEALED, and a new section 95-h is added to read as follows:

S 95-H. NEW YORK STATE PROSTATE CANCER RESEARCH, DETECTION AND 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 "NEW YORK STATE PROSTATE CANCER RESEARCH, DETECTION AND EDUCATION FUND".

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED PURSUANT TO THE PROVISIONS OF SECTIONS TWO HUNDRED NINE-E AND SIX HUNDRED THIRTY OF THE TAX LAW, ALL REVENUES RECEIVED PURSUANT TO APPROPRIATIONS BY THE LEGISLATURE, AND ALL MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. FOR EACH STATE FISCAL YEAR, THERE SHALL BE APPROPRIATED TO THE FUND BY THE STATE, IN ADDITION TO ALL OTHER MONEYS REQUIRED TO BE DEPOSITED INTO SUCH FUND, AN AMOUNT EQUAL TO THE AMOUNTS OF MONEYS COLLECTED AND DEPOSITED INTO THE FUND PURSUANT TO SECTIONS TWO HUNDRED NINE-E AND SIX HUNDRED THIRTY OF THE TAX LAW DURING THE PRECEDING CALENDAR YEAR, AS CERTIFIED BY THE COMPTROLLER. 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 IN TO THE FUND ACCORDING TO

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

LBD13115-04-4

LAW. ANY INTEREST RECEIVED BY THE COMPTROLLER ON MONEYS ON DEPOSIT IN SUCH FUND SHALL BE RETAINED IN AND BECOME PART OF SUCH FUND.

3. ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE COMPTROLLER SHALL CERTIFY TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF THE SENATE FINANCE COMMITTEE AND CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE AMOUNT OF MONEY DEPOSITED IN THE NEW YORK STATE PROSTATE CANCER RESEARCH, DETECTION AND EDUCATION FUND DURING THE PRECEDING CALENDAR YEAR AS THE RESULT OF REVENUE DERIVED PURSUANT TO SECTIONS TWO HUNDRED NINE-E AND SIX HUNDRED THIRTY OF THE TAX LAW, AND FROM GRANTS, GIFTS AND BEQUESTS.

4. (A) MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR PROSTATE CANCER RESEARCH, DETECTION AND EDUCATION PROJECTS OR PROSTATE CANCER RESEARCH, DETECTION AND EDUCATION RESEARCH PROJECTS IN THE STATE APPROVED BY THE DEPARTMENT OF HEALTH.

(B) AS USED IN THIS SECTION:

(I) "PROSTATE CANCER RESEARCH, DETECTION AND EDUCATION RESEARCH PROJECTS" MEANS SCIENTIFIC RESEARCH APPROVED BY THE DEPARTMENT OF HEALTH INTO THE CAUSES AND/OR TREATMENT OF PROSTATE CANCER.

(II) "PROSTATE CANCER RESEARCH, DETECTION AND EDUCATION PROJECTS" MEANS PROJECTS APPROVED BY THE DEPARTMENT OF HEALTH AIMED TOWARD EDUCATING THE GENERAL PUBLIC ABOUT THE DETECTION, CAUSES, SYMPTOMS AND TREATMENTS OF PROSTATE CANCER.

5. 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.

6. 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 2. Section 209-E of the tax law, as added by chapter 273 of the laws of 2004, is amended to read as follows:

S 209-E. Gift for prostate cancer research, detection and education. Effective for any tax year commencing on or after January first, two thousand four, a taxpayer in any taxable year may elect to contribute to the support of the New York state prostate cancer research, detection and 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 New York state prostate cancer research, detection and education fund and shall be used only for those purposes enumerated in section [ninety-five-e] NINETY-FIVE-H of the state finance law.

S 3. Section 630 of the tax law, as added by chapter 273 of the laws of 2004, is amended to read as follows:

S 630. Gift for prostate cancer research, detection and education. Effective for any tax year commencing on or after January first, two thousand four, an individual in any taxable year may elect to contribute to the New York state prostate cancer research, detection and 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 New York state prostate cancer research, detection and education

fund and used only for those purposes enumerated in section [ninety-five-e] NINETY-FIVE-H of the state finance law.

S 4. The opening paragraph of paragraph (k) of subdivision 1 of section 2807-v of the public health law, as amended by section 8 of part C of chapter 59 of the laws of 2011, is amended to read as follows:

Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue fund - other, HCRA transfer fund, health care services account, or any successor fund or account, for purposes of services and expenses related to public health programs, including comprehensive care centers for eating disorders pursuant to the former section twenty-seven hundred ninety-nine-l of this chapter, provided however that, for such centers, funds in the amount of five hundred thousand dollars on an annualized basis shall be transferred from the health care services account, or any successor fund or account, and deposited into the NEW YORK STATE PROSTATE CANCER RESEARCH, DETECTION AND EDUCATION fund established by section [ninety-five-e] NINETY-FIVE-H of the state finance law for periods prior to March thirty-first, two thousand eleven, from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

S 5. This act shall take effect immediately.