

6233

I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and
when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, the tax law, and the public
health law, in relation to the approval of the disposition of the New
York state prostate cancer research, detection and education fund

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

1 Section 1. Section 95-e of the state finance law, as added by chapter
2 273 of the laws of 2004 and subdivision 2 as amended by section 1 of
3 part A of chapter 58 of the laws of 2004, is amended to read as follows:
4 [S 95-e.] S 95-H. New York state prostate cancer research, detection
5 and education fund. 1. There is hereby established in the joint custody
6 of the commissioner of taxation and finance and the comptroller, a
7 special fund to be known as the "New York state prostate cancer
8 research, detection and education fund".
9 2. Such fund shall consist of all revenues received pursuant to the
10 provisions of sections two hundred nine-E and six hundred thirty of the
11 tax law, all revenues received pursuant to appropriations by the legis-
12 lature, and all moneys appropriated, credited, or transferred thereto
13 from any other fund or source pursuant to law. For each state fiscal
14 year, there shall be appropriated to the fund by the state, in addition
15 to all other moneys required to be deposited into such fund, an amount
16 equal to the amounts of monies collected and deposited into the fund
17 pursuant to sections [two hundred nine-e] TWO HUNDRED NINE-E and six
18 hundred thirty of the tax law during the preceding calendar year, as
19 certified by the comptroller. Nothing contained herein shall prevent the
20 state from receiving grants, gifts or bequests for the purposes of the
21 fund as defined in this section and depositing them into the fund
22 according to law. Any interest received by the comptroller on moneys on
23 deposit in such fund shall be retained in and become part of such fund.
24 3. [Moneys] TEN PERCENT of the fund shall be expended [only to provide
25 grants to the New York State Coalition to Cure Prostate Cancer, a not-
26 for-profit corporation established in this state which is incorporated

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

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1 for the purpose of advancing and financing prostate cancer research,
2 detection and education projects. To the extent practicable, the New
3 York State Coalition to Cure Prostate Cancer shall cooperate and coordi-
4 nate its efforts with the prostate and testicular cancer detection and
5 education advisory council established pursuant to section twenty-four
6 hundred sixteen of the public health law] TO CANCER CENTERS DESIGNATED
7 AS COMPREHENSIVE BY THE NATIONAL INSTITUTES OF HEALTH OPERATING IN THE
8 STATE FOR EDUCATION, ADVERTISING AND OUTREACH ON ISSUES RELATING TO
9 PROSTATE AND TESTICULAR CANCER. NINETY PERCENT OF THE FUND SHALL BE
10 ALLOCATED TO CANCER CENTERS DESIGNATED AS COMPREHENSIVE BY THE NATIONAL
11 INSTITUTES OF HEALTH OPERATING IN THE STATE FOR PROSTATE AND TESTICULAR
12 CANCER RESEARCH. FUNDS SHALL BE ALLOCATED EVENLY AMONG THE THREE
13 NATIONAL CANCER INSTITUTES OPERATING IN THE STATE.

14 4. THERE SHALL BE A COMMITTEE CONSISTING OF ONE REPRESENTATIVE OF
15 EACH OF THE CANCER CENTERS DESIGNATED AS COMPREHENSIVE BY THE NATIONAL
16 INSTITUTES OF HEALTH OPERATING IN THE STATE AND THE COMMISSIONER OF
17 HEALTH, OR HIS OR HER DESIGNEE, TO MAKE RECOMMENDATIONS AND APPROVE
18 APPROPRIATE USE OF THE NEW YORK STATE PROSTATE CANCER RESEARCH,
19 DETECTION AND EDUCATION FUND AS ALLOCATED PURSUANT TO SUBDIVISION THREE
20 OF THIS SECTION.

21 5. FIFTY PERCENT OF ACCUMULATED MONEY OF THE FUND THAT HAS NOT BEEN
22 SPENT SHALL BE DISBURSED TO THE CANCER CENTERS DESIGNATED AS COMPREHEN-
23 SIVE BY THE NATIONAL INSTITUTES OF HEALTH OPERATING IN THE STATE PURSU-
24 ANT TO THIS SECTION IN THE FISCAL YEAR IMMEDIATELY FOLLOWING THE EFFEC-
25 TIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FOURTEEN THAT ADDED
26 THIS SUBDIVISION. THE REMAINING FIFTY PERCENT SHALL BE DISTRIBUTED IN
27 THE FOLLOWING FISCAL YEAR.

28 6. ALL FUNDS COLLECTED IN A FISCAL YEAR SHALL BE ALLOCATED TO THE
29 CANCER CENTERS DESIGNATED AS COMPREHENSIVE BY THE NATIONAL INSTITUTES OF
30 HEALTH IN THE FOLLOWING FISCAL YEAR.

31 7. On or before the first day of February each year, the comptroller
32 shall certify to the governor, temporary president of the senate, speak-
33 er of the assembly, chair of the senate finance committee and chair of
34 the assembly ways and means committee, the amount of money deposited by
35 source in the New York state prostate cancer research, detection and
36 education and treatment fund during the preceding calendar year as the
37 result of revenue derived pursuant to sections two hundred nine-E and
38 six hundred thirty of the tax law and from all other sources.

39 [5.] 8. As a condition of receiving grants from the fund, the [New
40 York State Coalition To Cure Prostate Cancer shall agree to issue and]
41 CANCER CENTERS DESIGNATED AS COMPREHENSIVE BY THE NATIONAL INSTITUTES OF
42 HEALTH OPERATING IN THE STATE RECEIVING FUNDS PURSUANT TO THIS SECTION
43 shall issue, on or before the first day of February each year, a report
44 including, but not limited to, financial statements, financial reports
45 and reports on the issuance of grants. SUCH REPORTS SHALL SET FORTH AN
46 ACCOUNTING OF HOW SUCH FUNDS WERE UTILIZED AND THE RESULTS OF ANY
47 RESEARCH UNDERTAKEN WITH FUNDS RECEIVED PURSUANT TO THIS SECTION. Such
48 reports shall be delivered to the governor and the chairs of the senate
49 finance committee and the assembly ways and means committee AND THE
50 COMMISSIONER OF THE DEPARTMENT OF HEALTH and shall also be made avail-
51 able to the public. Such financial statements and reports shall be
52 audited by a nationally recognized accounting firm.

53 [6.] 9. THE COMMITTEE REQUIRED BY SUBDIVISION FOUR OF THIS SECTION
54 SHALL REPORT TO THE GOVERNOR AND THE CHAIRS OF THE SENATE FINANCE
55 COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE COMMISSIONER

1 OF THE DEPARTMENT OF HEALTH ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH
2 YEAR ON THE ALLOCATION OF THE FUND.

3 10. Moneys shall be payable from the fund [to the New York State
4 Coalition to Cure Prostate Cancer] on the audit and warrant of the comp-
5 troller on vouchers approved by the comptroller.

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

8 S 209-E. Gift for prostate cancer research, detection and education.
9 Effective for any tax year commencing on or after January first, two
10 thousand four, a taxpayer in any taxable year may elect to contribute to
11 the support of the New York state prostate cancer research, detection
12 and education fund. Such contribution shall be in any whole dollar
13 amount and shall not reduce the amount of the state tax owed by such
14 taxpayer. The commissioner shall include space on the corporate income
15 tax return to enable a taxpayer to make such contribution. Notwith-
16 standing any other provision of law, all revenues collected pursuant to
17 this section shall be credited to the New York state prostate cancer
18 research, detection and education fund and shall be used only for those
19 purposes enumerated in section [ninety-five-e] NINETY-FIVE-H of the
20 state finance law.

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

23 S 630. Gift for prostate cancer research, detection and education.
24 Effective for any tax year commencing on or after January first, two
25 thousand four, an individual in any taxable year may elect to contribute
26 to the New York state prostate cancer research, detection and education
27 fund. Such contribution shall be in any whole dollar amount and shall
28 not reduce the amount of state tax owed by such individual. The commis-
29 sioner shall include space on the personal income tax return to enable a
30 taxpayer to make such contribution. Notwithstanding any other provision
31 of law all revenues collected pursuant to this section shall be credited
32 to the New York state prostate cancer research, detection and education
33 fund and used only for those purposes enumerated in section [ninety-
34 five-e] NINETY-FIVE-H of the state finance law.

35 S 4. The opening paragraphs of paragraphs (c) and (k) of subdivision 1
36 of section 2807-v of the public health law, as amended by section 8 of
37 part C of chapter 59 of the laws of 2011, are amended to read as
38 follows:

39 Funds shall be deposited by the commissioner, within amounts appropri-
40 ated, and the state comptroller is hereby authorized and directed to
41 receive for deposit to the credit of the state special revenue funds -
42 other, HCRA transfer fund, enhanced community services account, or any
43 successor fund or account, for mental health services programs for case
44 management services for adults and children; supported housing; home and
45 community based waiver services; family based treatment; family support
46 services; mobile mental health teams; transitional housing; and communi-
47 ty oversight, established pursuant to articles seven and forty-one of
48 the mental hygiene law and subdivision nine of section three hundred
49 sixty-six of the social services law; and for comprehensive care centers
50 for eating disorders pursuant to the former section twenty-seven hundred
51 ninety-nine-l of this chapter, provided however that, for such centers,
52 funds in the amount of five hundred thousand dollars on an annualized
53 basis shall be transferred from the enhanced community services account,
54 or any successor fund or account, and deposited into the fund estab-
55 lished by section [ninety-five-e] NINETY-FIVE-H of the state finance

1 law; from the tobacco control and insurance initiatives pool established
2 for the following periods in the following amounts:

3 Funds shall be deposited by the commissioner, within amounts appropri-
4 ated, and the state comptroller is hereby authorized and directed to
5 receive for deposit to the credit of the state special revenue fund -
6 other, HCRA transfer fund, health care services account, or any succes-
7 sor fund or account, for purposes of services and expenses related to
8 public health programs, including comprehensive care centers for eating
9 disorders pursuant to the former section twenty-seven hundred ninety-
10 nine-1 of this chapter, provided however that, for such centers, funds
11 in the amount of five hundred thousand dollars on an annualized basis
12 shall be transferred from the health care services account, or any
13 successor fund or account, and deposited into the fund established by
14 section [ninety-five-e] NINETY-FIVE-H of the state finance law for peri-
15 ods prior to March thirty-first, two thousand eleven, from the tobacco
16 control and insurance initiatives pool established for the following
17 periods in the following amounts:

18 S 5. This act shall take effect immediately.