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I N A S S E M B L Y

January 15, 2014

Introduced by M. of A. FARRELL -- read once and referred to the Committee on Ways and Means

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 ASSEMBLY, 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
27 for the purpose of advancing and financing prostate cancer research,

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

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

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

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

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

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

38 [5.] 8. As a condition of receiving grants from the fund, the [New
39 York State Coalition To Cure Prostate Cancer shall agree to issue and]
40 CANCER CENTERS DESIGNATED AS COMPREHENSIVE BY THE NATIONAL INSTITUTES OF
41 HEALTH OPERATING IN THE STATE RECEIVING FUNDS PURSUANT TO THIS SECTION
42 shall issue, on or before the first day of February each year, a report
43 including, but not limited to, financial statements, financial reports
44 and reports on the issuance of grants. SUCH REPORTS SHALL SET FORTH AN
45 ACCOUNTING OF HOW SUCH FUNDS WERE UTILIZED AND THE RESULTS OF ANY
46 RESEARCH UNDERTAKEN WITH FUNDS RECEIVED PURSUANT TO THIS SECTION. Such
47 reports shall be delivered to the governor and the chairs of the senate
48 finance committee and the assembly ways and means committee AND THE
49 COMMISSIONER OF THE DEPARTMENT OF HEALTH and shall also be made avail-
50 able to the public. Such financial statements and reports shall be
51 audited by a nationally recognized accounting firm.

52 [6.] 9. THE COMMITTEE REQUIRED BY SUBDIVISION FOUR OF THIS SECTION
53 SHALL REPORT TO THE GOVERNOR AND THE CHAIRS OF THE SENATE FINANCE
54 COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE COMMISSIONER
55 OF THE DEPARTMENT OF HEALTH ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH
56 YEAR ON THE ALLOCATION OF THE FUND.

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

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

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

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

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

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

37 Funds shall be deposited by the commissioner, within amounts appropri-
38 ated, and the state comptroller is hereby authorized and directed to
39 receive for deposit to the credit of the state special revenue funds -
40 other, HCRA transfer fund, enhanced community services account, or any
41 successor fund or account, for mental health services programs for case
42 management services for adults and children; supported housing; home and
43 community based waiver services; family based treatment; family support
44 services; mobile mental health teams; transitional housing; and communi-
45 ty oversight, established pursuant to articles seven and forty-one of
46 the mental hygiene law and subdivision nine of section three hundred
47 sixty-six of the social services law; and for comprehensive care centers
48 for eating disorders pursuant to the former section twenty-seven hundred
49 ninety-nine-1 of this chapter, provided however that, for such centers,
50 funds in the amount of five hundred thousand dollars on an annualized
51 basis shall be transferred from the enhanced community services account,
52 or any successor fund or account, and deposited into the fund estab-
53 lished by section [ninety-five-e] NINETY-FIVE-H of the state finance
54 law; from the tobacco control and insurance initiatives pool established
55 for the following periods in the following amounts:

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