

S T A T E   O F   N E W   Y O R K

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I N   A S S E M B L Y

January 17, 2014

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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:

1     Section 1. Section 95-e of the state finance law, as added by chapter  
2     273 of the laws of 2004 is REPEALED, and a new section 95-h is added to  
3     read as follows:  
4     S 95-H. NEW YORK STATE PROSTATE CANCER RESEARCH, DETECTION AND EDUCA-  
5     TION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE  
6     COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND  
7     TO BE KNOWN AS THE "NEW YORK STATE PROSTATE CANCER RESEARCH, DETECTION  
8     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 MONEYS COLLECTED AND DEPOSITED INTO THE FUND  
17    PURSUANT TO SECTIONS TWO HUNDRED NINE-E AND SIX HUNDRED THIRTY OF THE  
18    TAX LAW DURING THE PRECEDING CALENDAR YEAR, AS CERTIFIED BY THE COMP-  
19    TROLLER. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM  
20    RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS  
21    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.

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

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

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

15 (B) AS USED IN THIS SECTION:

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

19 (II) "PROSTATE CANCER RESEARCH, DETECTION AND EDUCATION PROJECTS"  
20 MEANS PROJECTS APPROVED BY THE DEPARTMENT OF HEALTH AIMED TOWARD EDUCAT-  
21 ING THE GENERAL PUBLIC ABOUT THE DETECTION, CAUSES, SYMPTOMS AND TREAT-  
22 MENTS OF PROSTATE CANCER.

23 5. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF  
24 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER  
25 OF HEALTH.

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

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

31 S 209-E. Gift for prostate cancer research, detection and education.  
32 Effective for any tax year commencing on or after January first, two  
33 thousand four, a taxpayer in any taxable year may elect to contribute to  
34 the support of the New York state prostate cancer research, detection  
35 and education fund. Such contribution shall be in any whole dollar  
36 amount and shall not reduce the amount of the state tax owed by such  
37 taxpayer. The commissioner shall include space on the corporate income  
38 tax return to enable a taxpayer to make such contribution. Notwith-  
39 standing any other provision of law, all revenues collected pursuant to  
40 this section shall be credited to the New York state prostate cancer  
41 research, detection and education fund and shall be used only for those  
42 purposes enumerated in section [ninety-five-e] NINETY-FIVE-H of the  
43 state finance law.

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

46 S 630. Gift for prostate cancer research, detection and education.  
47 Effective for any tax year commencing on or after January first, two  
48 thousand four, an individual in any taxable year may elect to contribute  
49 to the New York state prostate cancer research, detection and education  
50 fund. Such contribution shall be in any whole dollar amount and shall  
51 not reduce the amount of state tax owed by such individual. The commis-  
52 sioner shall include space on the personal income tax return to enable a  
53 taxpayer to make such contribution. Notwithstanding any other provision  
54 of law all revenues collected pursuant to this section shall be credited  
55 to the New York state prostate cancer research, detection and education

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

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

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

22 S 5. This act shall take effect immediately.