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

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 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 and subdivision 2 as amended by section 1 of part A of chapter 58 of the laws of 2004, is amended to read as follows:

[S 95-e.] 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 monies collected and deposited into the fund pursuant to sections [two hundred nine-e] TWO HUNDRED NINE-E and six hundred thirty of the tax law during the preceding calendar year, as certified by the comptroller. 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. Any interest received by the comptroller on moneys on deposit in such fund shall be retained in and become part of such fund.

3. [Moneys] TEN PERCENT of the fund shall be expended [only to provide grants to the New York State Coalition to Cure Prostate Cancer, a not-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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for the purpose of advancing and financing prostate cancer research, detection and education projects. To the extent practicable, the New York State Coalition to Cure Prostate Cancer shall cooperate and coordinate its efforts with the prostate and testicular cancer detection and education advisory council established pursuant to section twenty-four hundred sixteen of the public health law] TO CANCER CENTERS DESIGNATED AS COMPREHENSIVE BY THE NATIONAL INSTITUTES OF HEALTH OPERATING IN THE STATE FOR EDUCATION, ADVERTISING AND OUTREACH ON ISSUES RELATING TO PROSTATE AND TESTICULAR CANCER. NINETY PERCENT OF THE FUND SHALL BE ALLOCATED TO CANCER CENTERS DESIGNATED AS COMPREHENSIVE BY THE NATIONAL INSTITUTES OF HEALTH OPERATING IN THE STATE FOR PROSTATE AND TESTICULAR CANCER RESEARCH. FUNDS SHALL BE ALLOCATED EVENLY AMONG THE THREE NATIONAL CANCER INSTITUTES OPERATING IN THE STATE.

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

5. FIFTY PERCENT OF ACCUMULATED MONEY OF THE FUND THAT HAS NOT BEEN SPENT SHALL BE DISBURSED TO THE CANCER CENTERS DESIGNATED AS COMPREHENSIVE BY THE NATIONAL INSTITUTES OF HEALTH OPERATING IN THE STATE PURSUANT TO THIS SECTION IN THE FISCAL YEAR IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FOURTEEN THAT ADDED THIS SUBDIVISION. THE REMAINING FIFTY PERCENT SHALL BE DISTRIBUTED IN THE FOLLOWING FISCAL YEAR.

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

7. 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 by source in the New York state prostate cancer research, detection and education and treatment 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 all other sources.

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

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

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

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

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 paragraphs of paragraphs (c) and (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, are 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 funds - other, HCRA transfer fund, enhanced community services account, or any successor fund or account, for mental health services programs for case management services for adults and children; supported housing; home and community based waiver services; family based treatment; family support services; mobile mental health teams; transitional housing; and community oversight, established pursuant to articles seven and forty-one of the mental hygiene law and subdivision nine of section three hundred sixty-six of the social services law; and for 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 enhanced community services account, or any successor fund or account, and deposited into the fund established by section [ninety-five-e] NINETY-FIVE-H of the state finance

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

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 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.