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

9224

I N A S S E M B L Y

February 4, 2016

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

AN ACT to amend the tax law, in relation to providing taxpayer gifts for gun violence research; and to amend the state finance law, in relation to establishing the gun violence research fund

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

Section 1. The tax law is amended by adding a new section 630-e to read as follows:

S 630-E. GIFT FOR THE GUN VIOLENCE RESEARCH FUND. EFFECTIVE FOR ANY TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, A TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE GUN VIOLENCE RESEARCH FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-SIX OF THE STATE FINANCE LAW. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH TAXPAYER. 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 GUN VIOLENCE RESEARCH FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION EIGHTY-SIX OF THE STATE FINANCE LAW.

S 2. The state finance law is amended by adding a new section 86 to read as follows:

S 86. GUN VIOLENCE RESEARCH FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "GUN VIOLENCE RESEARCH FUND".

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTION SIX HUNDRED THIRTY-E OF THE TAX LAW AND ALL OTHER MONIES APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. 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.

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

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3. (A) MONIES OF THE FUND SHALL BE EXPENDED TO THE DEPARTMENT OF HEALTH AND THE STATE UNIVERSITY OF NEW YORK FOR GUN VIOLENCE RESEARCH. THE DEPARTMENT OF HEALTH AND THE STATE UNIVERSITY OF NEW YORK SHALL PROVIDE GRANTS FOR THE PURPOSE OF ADVANCING AND FINANCING GUN VIOLENCE RESEARCH.

(B) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF SECTION ONE HUNDRED SIXTY-THREE OF THIS CHAPTER, THE COMMISSIONER OF HEALTH AND THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK ARE AUTHORIZED TO ENTER INTO A CONTRACT OR CONTRACTS UNDER PARAGRAPH (A) OF THIS SUBDIVISION WITHOUT A COMPETITIVE BID OR REQUEST FOR PROPOSAL PROCESS, PROVIDED, HOWEVER, THAT:

(I) THE DEPARTMENT OF HEALTH AND THE STATE UNIVERSITY OF NEW YORK SHALL POST ON THEIR WEBSITES, FOR A PERIOD OF NO LESS THAN THIRTY DAYS:

(1) A DESCRIPTION OF THE PROPOSED SERVICES TO BE PROVIDED PURSUANT TO THE CONTRACT OR CONTRACTS;

(2) THE CRITERIA FOR SELECTION OF A CONTRACTOR OR CONTRACTORS;

(3) THE PERIOD OF TIME DURING WHICH A PROSPECTIVE CONTRACTOR MAY SEEK SELECTION, WHICH SHALL BE NO LESS THAN THIRTY DAYS AFTER SUCH INFORMATION IS FIRST POSTED ON THE WEBSITES; AND

(4) THE MANNER BY WHICH A PROSPECTIVE CONTRACTOR MAY SEEK SUCH SELECTION, WHICH MAY INCLUDE SUBMISSION BY ELECTRONIC MEANS.

(II) ALL REASONABLE AND RESPONSIVE SUBMISSIONS THAT ARE RECEIVED FROM PROSPECTIVE CONTRACTORS IN A TIMELY FASHION SHALL BE REVIEWED BY THE COMMISSIONER OF HEALTH AND THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK; AND

(III) THE COMMISSIONER OF HEALTH AND THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK SHALL SELECT SUCH CONTRACTOR OR CONTRACTORS THAT, IN THEIR DISCRETION, ARE BEST SUITED TO SERVE THE PURPOSES OF THIS SECTION.

4. (A) 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 EACH SOURCE IN THE NEW YORK STATE GUN VIOLENCE RESEARCH FUND DURING THE PRECEDING CALENDAR YEAR AS THE RESULT OF REVENUE DERIVED PURSUANT TO SECTION SIX HUNDRED THIRTY-E OF THE TAX LAW AND FROM ALL OTHER SOURCES.

(B) ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE COMMISSIONER OF HEALTH IN COORDINATION WITH THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK SHALL PROVIDE A WRITTEN REPORT TO THE TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF THE SENATE FINANCE COMMITTEE, CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, CHAIR OF THE SENATE COMMITTEE ON HEALTH, CHAIR OF THE ASSEMBLY HEALTH COMMITTEE, THE STATE COMPTROLLER AND THE PUBLIC. SUCH REPORT SHALL INCLUDE HOW MONIES OF THE FUND WERE UTILIZED DURING THE PRECEDING CALENDAR YEAR AND SHALL INCLUDE:

(I) THE AMOUNT OF MONEY DISBURSED FROM THE FUND AND THE AWARD PROCESS USED FOR SUCH DISBURSEMENTS;

(II) RECIPIENTS OF AWARDS FROM THE FUND;

(III) THE AMOUNT AWARDED TO EACH;

(IV) THE PURPOSES FOR WHICH SUCH AWARDS WERE GRANTED; AND

(V) A SUMMARY FINANCIAL PLAN FOR SUCH MONIES WHICH SHALL INCLUDE ESTIMATES OF ALL RECEIPTS AND ALL DISBURSEMENTS FOR THE CURRENT AND SUCCEEDING FISCAL YEARS, ALONG WITH THE ACTUAL RESULTS FROM THE PRIOR FISCAL YEAR.

5. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED BY THE COMPTROLLER.

6. CONTRACTORS AWARDED GRANTS FROM FUNDS DISBURSED FROM THIS SECTION FOR THE PURPOSE OF GUN VIOLENCE RESEARCH SHALL, WHEN THEIR RESEARCH HAS CONCLUDED, PROVIDE A WRITTEN REPORT OF THEIR FINDINGS TO THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE FINANCE COMMITTEE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE CHAIR OF THE SENATE COMMITTEE ON HEALTH, THE CHAIR OF THE ASSEMBLY HEALTH COMMITTEE, THE STATE COMPTROLLER AND THE PUBLIC.

S 3. This act shall take effect immediately and shall apply to all tax years commencing on and after January 1, 2016.