# STATE OF NEW YORK

5532--A

Cal. No. 177

2021-2022 Regular Sessions

# IN ASSEMBLY

February 19, 2021

Introduced by M. of A. ENGLEBRIGHT, GUNTHER, JOYNER, DAVILA, SAYEGH, JEAN-PIERRE, BRABENEC -- Multi-Sponsored by -- M. of A. THIELE -- read once and referred to the Committee on Ways and Means -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the tax law and the state finance law, in relation to providing for taxpayer gifts for diabetes research and education and establishing the diabetes research and education 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 209-P to read as follows:

**§ 209-P. Gift for diabetes research and education. Effective for any tax year commencing on or after the effective date of this section, a taxpayer in any taxable year may elect to contribute to the support of the diabetes research 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 diabetes research and education fund and shall be used only for those purposes enumerated in section eighty-nine-k of the state finance law.**

§ 2. The tax law is amended by adding a new section 630-k to read as follows:

**§ 630-k. Gift for diabetes research and education. Effective for any tax year commencing on or after the effective date of this section, an individual in any taxable year may elect to contribute to the diabetes research 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**

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

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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 diabetes research and education fund and used only for those purposes enumerated in section eighty-nine-k of the state finance law.

§ 3. The state finance law is amended by adding a new section 89-k to read as follows:

§ 89-k. Diabetes research 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 "diabetes research and education fund".

2. Such fund shall consist of all revenues received by the department of taxation and finance, pursuant to the provisions of section two hundred nine-P and section six hundred thirty-k of the tax law and all other moneys appropriated, credited or transferred thereto from any other fund or source pursuant to law. Nothing in this section 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.

3. Monies of the fund shall be expended only for diabetes research and educational projects. As used in this section, "diabetes research and education projects" means scientific research or educational projects, including demonstration and education grants for diabetes education research, which are approved by the department of health.

4. Monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of health.

5. To the extent practicable, the commissioner of health shall ensure that all monies received during a fiscal year are expended prior to the end of that fiscal year.

6. 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 in the diabetes research and education fund during the preceding calendar year as the result of revenue derived pursuant to sections two hundred nine-P and six hundred thirty-k of the tax law.

7. On or before the first day of February each year, the commissioner of health 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, and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year and shall include:

(i) the amount of money dispersed from the fund;

(ii) recipients of awards from the fund;

(iii) the amount awarded to each; and

(iv) the purposes for which such awards were granted.

§ 4. This act shall take effect immediately.