

3327

2009-2010 Regular Sessions

I N A S S E M B L Y

January 26, 2009

Introduced by M. of A. PRETLOW -- Multi-Sponsored by -- M. of A. GORDON
-- read once and referred to the Committee on Mental Health, Mental
Retardation and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to retirement bene-
fits for certain direct care workers employed by not-for-profit office
of mental retardation and developmental disabilities providers

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

1 Section 1. The mental hygiene law is amended by adding a new section
2 41.60 to read as follows:
3 S 41.60 ADDITIONAL EXPENDITURES RELATED TO RETIREMENT BENEFITS.
4 THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES SHALL
5 ANNUALLY REIMBURSE LICENSED NOT-FOR-PROFIT CORPORATIONS, WHICH PROVIDE
6 DIRECT CARE TO CONSUMERS OF SERVICES APPROVED BY THE OFFICE OF MENTAL
7 RETARDATION AND DEVELOPMENTAL DISABILITIES, FOR THE COST OF EMPLOYER
8 CONTRIBUTIONS TO A RETIREMENT BENEFIT FUND GOVERNED BY THE PROVISIONS OF
9 THE FEDERAL EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974, AS AMENDED.
10 SUCH REIMBURSEMENT SHALL COMMENCE ON THE FIRST DAY OF APRIL OF THE
11 CALENDAR YEAR FOLLOWING THE SUBMISSION BY SUCH CORPORATION OF THE FEDER-
12 AL INTERNAL REVENUE SERVICE FORM 5500 WHICH DOCUMENTS THAT SUCH EMPLOYER
13 CONTRIBUTIONS WERE MADE. ANY SUCH CORPORATION MAY APPLY TO THE OFFICE OF
14 MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES FOR EXPEDITED
15 REIMBURSEMENT OF SUCH EMPLOYER CONTRIBUTIONS UPON DEMONSTRATING TO SUCH
16 OFFICE THAT SUCH PAYMENTS MUST BE MADE PROMPTLY, AND THAT THE CORPO-
17 RATION CANNOT REASONABLY MAKE PROMPT PAYMENT. THE OFFICE OF MENTAL
18 RETARDATION AND DEVELOPMENTAL DISABILITIES SHALL NOT REIMBURSE ANY
19 AMOUNT WHICH EXCEEDS TEN PERCENT OF THE EMPLOYER'S TOTAL PAYROLL ON
20 DECEMBER THIRTY-FIRST OF ANY YEAR IN WHICH CONTRIBUTIONS ARE MADE.
21 S 2. This act shall take effect on the first of April next succeeding
22 the date on which it shall have become a law.

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

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