

5354

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

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

AN ACT to amend the state finance law, in relation to establishing the community mental hygiene services fund

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

1 Section 1. The state finance law is amended by adding a new section
2 95-h to read as follows:

3 S 95-H. COMMUNITY MENTAL HYGIENE SERVICES FUND. 1. THERE IS HEREBY
4 ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE
5 COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE "COMMUNI-
6 TY MENTAL HYGIENE SERVICES FUND".

7 2. (A) THE COMMUNITY MENTAL HYGIENE SERVICES FUND SHALL CONSIST OF ALL
8 REVENUE RECEIVED INTO THE MENTAL HEALTH SERVICES FUND - 304, DERIVED
9 FROM MENTAL HYGIENE ASSET SALES OR LEASES, INCLUDING THE SALE OF REAL
10 PROPERTY, IN EXCESS OF THE AMOUNTS NECESSARY TO COMPLY WITH THE STATUTO-
11 RY REQUIREMENTS AND BOND COVENANTS, AND ALL OTHER MONEY CREDITED OR
12 TRANSFERRED TO THE COMMUNITY MENTAL HYGIENE SERVICES FUND.

13 (B) IN ADDITION, SUCH FUND SHALL CONSIST OF ALL GENERAL FUND SAVINGS
14 RESULTING FROM DECREASES IN DEBT SERVICE OBLIGATIONS AND MAINTENANCE
15 COSTS.

16 3. (A) ON OR BEFORE APRIL THIRTIETH, TWO THOUSAND TEN AND ANNUALLY
17 THEREAFTER, THE COMPTROLLER SHALL PROVIDE TO THE GOVERNOR, THE TEMPORARY
18 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY A FULL ACCOUNT-
19 ING OF ALL MENTAL HYGIENE ASSET SALES OR LEASES, INCLUDING THE SALE OF
20 REAL PROPERTY. SUCH ACCOUNTING SHALL INCLUDE, BUT NOT BE LIMITED TO, A
21 LISTING OF THE OUTSTANDING BONDS ON EACH SUCH MENTAL HYGIENE ASSET TO BE
22 SOLD OR LEASED, THE SALE OR LEASE PRICE OF EACH SUCH MENTAL HYGIENE
23 ASSET SOLD OR LEASED, AND A LISTING OF ALL REVENUE RECEIVED INTO THE

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

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1 MENTAL HEALTH SERVICES FUND - 304, DERIVED FROM EACH SUCH MENTAL HYGIENE
2 ASSET SALE OR LEASE.

3 (B) ON OR BEFORE APRIL THIRTIETH, TWO THOUSAND TEN AND ANNUALLY THERE-
4 AFTER, THE COMPTROLLER SHALL PROVIDE TO THE GOVERNOR, THE TEMPORARY
5 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY THE ANNUAL DEBT
6 SERVICE SAVINGS, TO BE REALIZED THROUGH RETIRING BONDS RELATED TO THE
7 SALE OR CONVEYANCE OF MENTAL HYGIENE PROPERTIES, FOR EACH YEAR OF WHAT
8 WOULD HAVE BEEN THE LIFE OF THE BONDS. THE EXPECTED ANNUAL DEBT SERVICE
9 SAVINGS SHALL BE DETERMINED USING THE DEBT SERVICE SCHEDULE RELATED TO
10 EACH BOND SERIES. ANNUALLY THEREAFTER, THE COMPTROLLER SHALL CERTIFY TO
11 THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF
12 THE ASSEMBLY THE ADDITIONAL DEBT SERVICE SAVINGS RELATED TO ANY BONDS
13 RETIRED BETWEEN APRIL FIRST OF THE PRIOR YEAR AND MARCH THIRTY-FIRST OF
14 THE YEAR BEING REPORTED.

15 4. SUBJECT TO APPROPRIATION BY THE LEGISLATURE, MONEYS DEPOSITED IN
16 THE COMMUNITY MENTAL HYGIENE SERVICES FUND AS SURPLUS REVENUES FROM
17 ASSET SALES SHALL BE AVAILABLE FOR CAPITAL PROJECTS, MONEY DEPOSITED
18 RESULTING FROM ANNUAL DEBT SERVICE SAVINGS SHALL BE EXPENDED FOR THE
19 OPERATING COSTS OF COMMUNITY-BASED NOT-FOR-PROFIT AND STATE OPERATED
20 PROGRAMS THROUGH AN OFFICE OF THE DEPARTMENT OF MENTAL HYGIENE. THESE
21 FUNDS SHALL NOT SUPPLANT FUNDS ALREADY BEING RECEIVED BY THE PROGRAMS.
22 MONEY SHALL BE PAID OUT OF THE FUND ON THE AUDIT AND WARRANT OF THE
23 STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY AN OFFICE OF THE
24 DEPARTMENT OF MENTAL HYGIENE.

25 S 2. This act shall take effect immediately.