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

3641

2009-2010 Regular Sessions

I N S E N A T E

March 25, 2009

Introduced by Sen. C. JOHNSON -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT authorizing the state comptroller to distribute certain funds from the indigent legal services fund to certain counties

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

Section 1. Notwithstanding any other provision of law to the contrary, for the March 31, 2009 distribution of funds from the indigent legal services fund established pursuant to section 98-b of the state finance law, the state comptroller shall distribute funds to counties that, as of March 24, 2009, have failed to comply with the requirements of paragraph (c) of subdivision 4 of such section in accordance with the provisions of this act.

a. The state comptroller shall determine the average annual amount of local funds expended by each such county for services and expenses pursuant to article 18-B of the county law during the three calendar years beginning January 1, 2005 and ending December 31, 2007, based on the amounts of local funds reported to the state comptroller by such counties pursuant to section 722-f of the county law. Any such county that, pursuant to section 722-f of the county law, reported to the state comptroller that it expended such local funds during the calendar year beginning January 1, 2008 and ending December 31, 2008 in an amount equal to or greater than such three year annual average amount shall receive a distribution of state funds from the indigent legal services fund as if such county had complied with the requirements of paragraph (c) of subdivision 4 of section 98-b of the state finance law.

b. Any such county that does not qualify for a distribution of state funds from the indigent legal services fund pursuant to subdivision a of this section shall receive a distribution of funds from the indigent legal services fund in the amount such county would have received had

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

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such county complied with the requirements of paragraph (c) of subdivision 4 of section 98-b of the state finance law less the product of the amount such county would have received had such county complied with the requirements of paragraph (c) of subdivision 4 of section 98-b of the state finance law multiplied by the percentage decrease in local funds, expended by each such county in the calendar year beginning January 1, 2008 and ending December 31, 2008 as compared to the calendar year beginning January 1, 2007 and ending December 31, 2007 as calculated by the state comptroller based on the amount of local funds reported to the comptroller by such counties pursuant to section 722-f of the county law.

c. Funds remaining in the indigent legal services fund for distribution by March 31, 2009 that result from the calculation required by subdivision b of this section shall be distributed to all counties and, in the case of a county wholly contained within a city, a city that as of March 24, 2009, demonstrated compliance with paragraph (c) of subdivision 4 of section 98-b of the state finance law, according to the percentage share of the statewide sum of local funds expended by each such county and city.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 31, 2009.