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

1078

2009-2010 Regular Sessions

I N  A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DINOWITZ, GOTTFRIED, JOHN, COOK, MILLMAN, ENGLEBRIGHT, PAULIN -- Multi-Sponsored by -- M. of A. ARROYO, AUBRY, BENJAMIN, BRADLEY, BRENNAN, CLARK, DIAZ, GALEF, GIANARIS, GLICK, GREENE, HEASTIE, HOOPER, JACOBS, MARKEY, PERRY, J. RIVERA, ROBINSON, SCARBOROUGH, WEISENBERG -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law and the state finance law, in relation to increasing beer excise taxes and creating the substance abuse services fund

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

Section 1. Legislative findings. The legislature finds that there is a great and largely unmet demand for substance abuse services due primarily to inadequate funding. The legislature further finds that for every increase in the price of alcohol, there is an associated decrease in consumption. Moreover, increases in alcohol excise taxes lower rates of traffic fatalities, the annual cost of treating alcohol-related diseases, the number of binge-drinking episodes, and the probability of alcohol-related violence.

Based on these findings, the legislature recommends increasing the alcohol excise tax and creating a substance abuse services fund with the additional revenue.

S 2. Paragraph (a) of subdivision 1 of section 424 of the tax law, as amended by section 1 of part V of chapter 63 of the laws of 2000, is amended to read as follows:

(a)[Eleven] 23.2 cents per gallon upon beers;

S 3. The state finance law is amended by adding a new section 73 to read as follows:

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

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S 73. SUBSTANCE ABUSE SERVICES FUND. 1. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMPTROLLER A SPECIAL FUND TO BE KNOWN AS THE SUBSTANCE ABUSE SERVICES FUND.

2. SUCH FUND SHALL CONSIST OF ONE HUNDRED PERCENT OF THE TAXES COLLECTED ON BEER UNDER ARTICLE EIGHTEEN OF THE TAX LAW. SUCH FUND SHALL ALSO CONSIST OF ALL OTHER MONEYS APPROPRIATED FOR THE PURPOSE OF SUCH FUND, ALL MONEYS TRANSFERRED TO SUCH FUND PURSUANT TO LAW AND ALL MONEYS REQUIRED BY THE PROVISIONS OF ANY OTHER LAW TO BE PAID INTO OR CREDITED TO THIS FUND.

3. MONEYS OF THE FUND, WHEN ALLOCATED, SHALL BE AVAILABLE TO THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND SHALL BE USED TO PROVIDE SUPPORT FOR FUNDED AGENCIES APPROVED BY THE NEW YORK STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES FOR ALCOHOLISM AND OTHER CHEMICAL DEPENDENCY SERVICES. SUCH PROGRAMS MAY INCLUDE, BUT SHALL NOT BE LIMITED TO: ACUTE CARE SERVICES, ALCOHOL CRISIS CENTERS, INPATIENT REHABILITATION, COMMUNITY RESIDENCES, AMBULATORY AND RESIDENTIAL SUBSTANCE ABUSE TREATMENT SERVICES, PREVENTION AND INTERVENTION SERVICES, EMPLOYEE ASSISTANCE PROGRAMS AND CHEMICAL DEPENDENCY PROGRAMS FOR YOUTH.

4. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL OR SPECIAL LAW, NO MONEYS SHALL BE AVAILABLE FROM SUCH SUBSTANCE ABUSE SERVICES FUND UNTIL A CERTIFICATE OF ALLOCATION AND A SCHEDULE OF AMOUNTS TO BE AVAILABLE THEREFOR SHALL HAVE BEEN ISSUED BY THE DIRECTOR OF THE BUDGET, UPON THE RECOMMENDATION OF THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, AND A COPY OF SUCH CERTIFICATE IS FILED WITH THE COMPTROLLER, THE CHAIRPERSON OF THE SENATE FINANCE COMMITTEE AND THE CHAIRPERSON OF THE ASSEMBLY WAYS AND MEANS COMMITTEE. SUCH CERTIFICATE MAY BE AMENDED FROM TIME TO TIME BY THE DIRECTOR OF THE BUDGET, UPON THE RECOMMENDATION OF THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, AND A COPY OF SUCH AMENDMENT SHALL BE FILED WITH THE COMPTROLLER, THE CHAIRPERSON OF THE SENATE FINANCE COMMITTEE AND THE CHAIRPERSON OF THE ASSEMBLY WAYS AND MEANS COMMITTEE.

5. THE MONEYS WHEN ALLOCATED, SHALL BE PAID OUT OF THE FUND ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OR BY AN OFFICER OR EMPLOYEE OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES DESIGNATED BY SUCH COMMISSIONER.

6. THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES SHALL PROMULGATE RULES AND REGULATIONS NECESSARY FOR THE ALLOCATION OF MONEYS FROM THE FUND ESTABLISHED PURSUANT TO THIS SECTION.

7. ANNUAL SUBSTANCE ABUSE SERVICES FUNDS SHALL NOT BE USED TO SUPPLANT OR REPLACE ANY EXPENDITURES IN ANY STATE FISCAL YEAR PROVIDED TO PERSONS IN NEED OF SUBSTANCE ABUSE SERVICES AND MADE PURSUANT TO TITLE D OF THE MENTAL HYGIENE LAW.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.