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

5354--A

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 -- recommitted to the Committee on Mental Health, Mental Retardation and Developmental Disabilities in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

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

3. (A) ON OR BEFORE APRIL THIRTIETH, TWO THOUSAND TWELVE AND ANNUALLY THEREAFTER, THE COMPTROLLER SHALL PROVIDE TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY A FULL ACCOUNTING OF ALL MENTAL HYGIENE ASSET SALES OR LEASES, INCLUDING THE SALE OF REAL PROPERTY. SUCH ACCOUNTING SHALL INCLUDE, BUT NOT BE LIMITED TO, A

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

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LISTING OF THE OUTSTANDING BONDS ON EACH SUCH MENTAL HYGIENE ASSET TO BE SOLD OR LEASED, THE SALE OR LEASE PRICE OF EACH SUCH MENTAL HYGIENE ASSET SOLD OR LEASED, AND A LISTING OF ALL REVENUE RECEIVED INTO THE MENTAL HEALTH SERVICES FUND - 304, DERIVED FROM EACH SUCH MENTAL HYGIENE ASSET SALE OR LEASE.

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

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

S 2. This act shall take effect immediately.