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

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I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. LENTOL, J. RIVERA -- Multi-Sponsored by -- M. of A. CAHILL, V. LOPEZ, MARKEY, MAYERSOHN, McENENY, PEOPLES-STOKES, PHEFFER, TOWNS, WEISENBERG -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law and the tax law, in relation to establishing the voluntary recovery 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 97-m to read as follows:

S 97-M. VOLUNTARY RECOVERY FUND. 1. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMPTROLLER A SPECIAL FUND TO BE KNOWN AS THE VOLUNTARY RECOVERY FUND.

2. SUCH FUND SHALL CONSIST OF ALL MONEYS RECEIVED PURSUANT TO SUBDIVISION THREE OF SECTION ONE HUNDRED SEVENTY-ONE-A OF THE TAX LAW, AS ADDED BY THE CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN THAT ADDED THIS SECTION, ALL MONEYS APPROPRIATED FOR THE PURPOSE OF SUCH FUND, ALL MONEYS TRANSFERRED TO SUCH FUND PURSUANT TO LAW, CONTRIBUTIONS CONSISTING OF PROMISES OR GRANTS OF ANY MONEY OR PROPERTY OF ANY KIND OR VALUE, OR ANY OTHER THING OF VALUE, INCLUDING GRANTS OR OTHER FINANCIAL ASSISTANCE FROM ANY AGENCY OF GOVERNMENT AND ALL MONEYS REQUIRED BY THE PROVISIONS OF THIS SECTION OR 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 FINANCIAL SUPPORT FOR ORGANIZATIONS APPROVED BY THE NEW YORK STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, THAT PROVIDE SPACE AND EQUIPMENT TO VOLUNTARY ADDICTION RECOVERY PROGRAMS.

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

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4. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL OR SPECIAL LAW, NO MONEYS SHALL BE AVAILABLE FROM THIS 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 FILED WITH THE COMPTROLLER, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN 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 THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, AND A COPY OF SUCH AMENDMENT SHALL BE FILED WITH THE COMPTROLLER, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN 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 THE COMMISSIONER.

6. THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES SHALL PROMULGATE RULES AND REGULATIONS PERTAINING TO THE ALLOCATION OF MONEYS FROM THIS FUND.

S 2. Section 171-a of the tax law, as separately amended by chapters 481 and 484 of the laws of 1981, is amended by adding a new subdivision 3 to read as follows:

3. BEFORE ANY TAXES, INTEREST, PENALTIES, OR FEES COLLECTED OR RECEIVED BY THE COMMISSIONER PURSUANT TO ARTICLE EIGHTEEN OF THIS CHAPTER ARE DEPOSITED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE COMMISSIONER SHALL DEPOSIT ONE PERCENT OF SUCH MONEYS COLLECTED INTO THE VOLUNTARY RECOVERY FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-M OF THE STATE FINANCE LAW.

S 3. This act shall take effect on the thirtieth day after it shall have become a law, provided, however, that no money shall be expended from the voluntary recovery fund pursuant to section 97-m of the state finance law, as added by section one of this act, until the commissioner of the office of alcoholism and substance abuse services has promulgated rules and regulations pertaining to the allocation of moneys of such fund.