

3488--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 28, 2013

Introduced by M. of A. LENTOL, RIVERA -- Multi-Sponsored by -- M. of A. CAHILL, MARKEY, PEOPLES-STOKES, WEISENBERG -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means 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 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:

1 Section 1. The state finance law is amended by adding a new section  
2 97-m to read as follows:

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

6 2. SUCH FUND SHALL CONSIST OF ALL MONEYS RECEIVED PURSUANT TO SUBDIVI-  
7 SION THREE OF SECTION ONE HUNDRED SEVENTY-ONE-A OF THE TAX LAW, ALL  
8 MONEYS APPROPRIATED FOR THE PURPOSE OF SUCH FUND, ALL MONEYS TRANSFERRED  
9 TO SUCH FUND PURSUANT TO LAW, CONTRIBUTIONS CONSISTING OF PROMISES OR  
10 GRANTS OF ANY MONEY OR PROPERTY OF ANY KIND OR VALUE, OR ANY OTHER THING  
11 OF VALUE, INCLUDING GRANTS OR OTHER FINANCIAL ASSISTANCE FROM ANY AGENCY  
12 OF GOVERNMENT AND ALL MONEYS REQUIRED BY THE PROVISIONS OF THIS SECTION  
13 OR ANY OTHER LAW TO BE PAID INTO OR CREDITED TO THIS FUND.

14 3. MONEYS OF THE FUND, WHEN ALLOCATED, SHALL BE AVAILABLE TO THE  
15 COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES  
16 AND SHALL BE USED TO PROVIDE FINANCIAL SUPPORT FOR ORGANIZATIONS  
17 APPROVED BY THE NEW YORK STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE  
18 SERVICES, THAT PROVIDE SPACE AND EQUIPMENT TO VOLUNTARY ADDICTION RECOV-  
19 ERY PROGRAMS.

20 4. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL OR SPECIAL LAW, NO  
21 MONEYS SHALL BE AVAILABLE FROM THIS FUND UNTIL A CERTIFICATE OF ALLO-

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

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1 CATION AND A SCHEDULE OF AMOUNTS TO BE AVAILABLE THEREFOR SHALL HAVE  
2 BEEN ISSUED BY THE DIRECTOR OF THE BUDGET, UPON THE RECOMMENDATION OF  
3 THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE  
4 SERVICES, AND A COPY OF SUCH CERTIFICATE FILED WITH THE COMPTROLLER, THE  
5 CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN OF THE ASSEM-  
6 BLY WAYS AND MEANS COMMITTEE. SUCH CERTIFICATE MAY BE AMENDED FROM TIME  
7 TO TIME BY THE DIRECTOR OF THE BUDGET, UPON THE RECOMMENDATION OF THE  
8 COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES,  
9 AND A COPY OF SUCH AMENDMENT SHALL BE FILED WITH THE COMPTROLLER, THE  
10 CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN OF THE ASSEM-  
11 BLY WAYS AND MEANS COMMITTEE.

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

17 6. THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE  
18 SERVICES SHALL PROMULGATE RULES AND REGULATIONS PERTAINING TO THE ALLO-  
19 CATION OF MONEYS FROM THIS FUND.

20 S 2. Section 171-a of the tax law, as separately amended by chapters  
21 481 and 484 of the laws of 1981, is amended by adding a new subdivision  
22 3 to read as follows:

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

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