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I N   A S S E M B L Y

March 26, 2010

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Introduced by M. of A. COMMITTEE ON RULES -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT in relation to providing for the administration of certain funds and accounts related to the 2010-2011 budget; in relation to authorizing certain payments, deposits, and transfers; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending such provisions (Part B); to amend the public authorities law, in relation to including the New York city housing development corporation under the state bond issuance charge (Part C); to amend chapter 57 of the laws of 2006, relating to establishing a cost of living adjustment for designated human services programs, in relation to foregoing such adjustment during the 2010-2011 state fiscal year (Part D); and to amend the public health law, in relation to residential health care facilities; to amend chapter 58 of the laws of 2009, amending the public health law and other laws relating to Medicaid reimbursements to residential health care facilities, in relation to such reimbursements (Part E)

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

1     Section 1. This act enacts into law major components of legislation  
2     which are necessary to implement the state fiscal plan for the 2010-2011  
3     state fiscal year. Each component is wholly contained within a Part  
4     identified as Parts A through E. The effective date for each particular  
5     provision contained within such Part is set forth in the last section of  
6     such Part. Any provision in any section contained within a Part, includ-  
7     ing the effective date of the Part, which makes reference to a section  
8     "of this act", when used in connection with that particular component,  
9     shall be deemed to mean and refer to the corresponding section of the  
10    Part in which it is found. Section three of this act sets forth the  
11    general effective date of this act.

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

LBD12204-03-0

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## PART A

2 Section 1. Notwithstanding any law to the contrary, the state comp-  
3 troller is hereby authorized and directed to continue to loan money in  
4 accordance with the provisions set forth in subdivision 5 of section 4  
5 of the state finance law to the funds and accounts detailed in sections  
6 1 and 1-a of part PP of chapter 56 of the laws of 2009; provided, howev-  
7 er, that upon enactment of legislation constituting the 2010-2011 budg-  
8 et, this section shall cease to have force and effect and shall be  
9 deemed repealed.

10 S 2. Notwithstanding any law to the contrary, the state comptroller is  
11 hereby authorized and directed to continue to receive moneys for deposit  
12 to the credit of funds and accounts in the same manner in which such  
13 moneys were deposited during the 2009-2010 fiscal year, pursuant to the  
14 instructions filed by the director of the division of the budget with  
15 the chairs of the senate finance committee and the assembly ways and  
16 means committee and the state comptroller in the 2009-2010 fiscal year;  
17 provided, however, that upon enactment of legislation constituting the  
18 2010-2011 budget, this section shall cease to have force and effect and  
19 shall be deemed repealed.

20 S 3. Notwithstanding any law to the contrary, the state comptroller is  
21 hereby authorized and directed to continue to pay prior year liabilities  
22 in accordance with the provisions set forth in subdivision 4 of section  
23 40 of the state finance law; provided, however, that upon enactment of  
24 legislation constituting the 2010-2011 budget, this section shall cease  
25 to have force and effect and shall be deemed repealed.

26 S 4. The comptroller is authorized and directed to deposit to the  
27 general fund-state purposes account reimbursements from moneys appropri-  
28 ated or reappropriated to the correctional facilities capital improve-  
29 ment fund (399) by a chapter of the laws of 2009. Reimbursements shall  
30 be available for spending from appropriations made to the department of  
31 correctional services in the general fund-state purposes account by a  
32 chapter of the laws of 2009 for costs associated with the administration  
33 and security of capital projects and for other costs which are attribut-  
34 able, according to a plan, to such capital projects.

35 S 5. Notwithstanding any other law, rule, or regulation to the contra-  
36 ry, the comptroller is hereby authorized and directed to deposit, to the  
37 credit of the capital projects fund, reimbursement from the proceeds of  
38 notes or bonds issued by the environmental facilities corporation for a  
39 capital appropriation for \$43,383,000 authorized by chapter 55 of the  
40 laws of 2000 to the department of environmental conservation for payment  
41 of a portion of the state's match for federal capitalization grants for  
42 the water pollution control revolving loan fund, to reimburse spending  
43 from various appropriations for certain projects related to the New York  
44 city watershed, reimbursement from the proceeds of notes and bonds  
45 issued by the urban development corporation for capital appropriation  
46 for \$15,000,000 authorized by chapter 55 of the laws of 2000 to the  
47 urban development corporation for payment of costs related to a sports  
48 facility in the city of Rochester, reimbursement from the proceeds of  
49 notes and bonds issued by the urban development corporation of the state  
50 of New York for a capital appropriation for \$50,000,000 authorized by  
51 chapter 55 of the laws of 2000 to the urban development corporation for  
52 payment of costs related to economic development projects in the down-  
53 town Buffalo, the Buffalo inner harbor area, or surrounding environs,  
54 reimbursement from proceeds of notes and bonds issued by the dormitory  
55 authority of the state of New York for a capital appropriation for

1 \$225,000,000 authorized by chapter 55 of the laws of 2000 to all state  
2 agencies for payment of costs related to the strategic investment  
3 program, reimbursement from the proceeds of notes and bonds issued by  
4 the dormitory authority of the state of New York for a capital appropri-  
5 ation for \$50,000,000 authorized by chapter 53 of the laws of 2000 to  
6 the state education department for payment of capital construction  
7 grants to school districts pursuant to the rebuilding schools to uphold  
8 education program, for reimbursement from the proceeds of notes and  
9 bonds issued by the dormitory authority of the state of New York for a  
10 capital appropriation for \$15,000,000 authorized by chapter 53 of the  
11 laws of 2000 to the office of children and family services for payment  
12 of costs related to the child care facilities development program, and  
13 for reimbursement from the proceeds of notes and bonds issued by the  
14 dormitory authority of the state of New York for a capital appropriation  
15 for \$10,000,000 authorized by chapter 55 of the laws of 2000 to the  
16 office of science, technology and academic research for payment of costs  
17 related to biomedical research and/or manufacturing facilities.

18 S 6. Notwithstanding any other law, rule, or regulation to the contra-  
19 ry, the comptroller is hereby authorized and directed to deposit to the  
20 credit of the capital projects fund, reimbursement from the proceeds of  
21 notes or bonds issued by the environmental facilities corporation for a  
22 capital appropriation for \$29,772,000 authorized by chapter 54 of the  
23 laws of 2001 to the department of environmental conservation for payment  
24 of a portion of the state's match for federal capitalization grants for  
25 the water pollution control revolving loan fund.

26 S 7. Notwithstanding any other law, rule, or regulation to the contra-  
27 ry, the comptroller is hereby authorized and directed to deposit, to the  
28 credit of the capital projects fund, reimbursement from the proceeds of  
29 notes or bonds issued by the environmental facilities corporation for a  
30 capital appropriation for \$29,365,000 authorized by chapter 54 of the  
31 laws of 2002 to the department of environmental conservation for payment  
32 of a portion of the state's match for federal capitalization grants for  
33 the water pollution control revolving loan fund, reimbursement from the  
34 proceeds of notes and bonds issued by the urban development corporation  
35 or other financing source for a capital appropriation for \$89,000,000  
36 authorized by chapter 50 of the laws of 2002 to the office of general  
37 services for payment of capital construction costs for the Alfred E.  
38 Smith office building located in the city of Albany, reimbursement from  
39 the proceeds of notes and bonds issued by the urban development corpo-  
40 ration or other financing source for capital appropriations for  
41 \$1,500,000 authorized by chapter 50 of the laws of 2002 to the office of  
42 general services for payment of capital construction costs for the Elk  
43 street parking garage building located in the city of Albany, reimburse-  
44 ment from the proceeds of notes or bonds issued by the urban development  
45 corporation for disbursements of up to \$12,000,000 from any capital  
46 appropriation or reappropriation authorized by chapter 50 of the laws of  
47 2002 to the office of general services for various purposes, reimburse-  
48 ment from the proceeds of notes or bonds issued by the urban development  
49 corporation for a capital appropriation of \$13,250,000 authorized by  
50 chapter 55 of the laws of 2002 to the energy research and development  
51 authority for the Western New York Nuclear Service Center at West  
52 Valley, reimbursement from the proceeds of notes or bonds issued by the  
53 urban development corporation for a capital appropriation of \$14,300,000  
54 authorized by chapter 55 of the laws of 2002 to the urban development  
55 corporation to finance a portion of the jobs now program, reimbursement  
56 from the proceeds of notes or bonds issued by the dormitory authority

1 for disbursements of up to \$20,800,000 from any capital appropriation or  
2 reappropriation authorized by chapter 51 of the laws of 2002 to the  
3 judiciary for courthouse improvements, reimbursement from the proceeds  
4 of notes or bonds issued by the urban development corporation for  
5 disbursements of up to \$15,000,000 from appropriations or reappropri-  
6 ations authorized by chapter 50 of the laws of 2002 to any agency for  
7 costs related to homeland security, and reimbursement from the proceeds  
8 of notes or bonds issued by the environmental facilities corporation for  
9 a capital appropriation of \$10,000,000 authorized by chapter 54 of the  
10 laws of 2002 to the department of environmental conservation for Ononda-  
11 ga lake.

12 S 8. Notwithstanding any other law, rule, or regulation to the contra-  
13 ry, the comptroller is hereby authorized and directed to deposit to the  
14 credit of the capital projects fund, reimbursement from the proceeds of  
15 notes or bonds issued by the environmental facilities corporation for a  
16 capital appropriation of \$30,174,000 authorized by chapter 55 of the  
17 laws of 2003 to the department of environmental conservation for payment  
18 of a portion of the state's match for federal capitalization grants for  
19 the water pollution control revolving loan fund, reimbursement from the  
20 proceeds of notes or bonds issued by the urban development corporation  
21 or other financing source for a capital appropriation of \$19,500,000  
22 authorized by chapter 50 of the laws of 2003 to the office of general  
23 services for payment of capital construction costs for the 51 Elk street  
24 parking garage building located in the city of Albany, reimbursement  
25 from the proceeds of notes or bonds issued by the urban development  
26 corporation for disbursements of up to \$10,000,000 from any capital  
27 appropriation or reappropriation authorized by chapter 50 of the laws of  
28 2003 to the office of general services for various purposes, reimburse-  
29 ment from the proceeds of notes or bonds issued by the environmental  
30 facilities corporation for a capital appropriation of \$13,250,000  
31 authorized by chapter 55 of the laws of 2003 to the energy research and  
32 development authority for the Western New York Nuclear Service Center at  
33 West Valley, reimbursement from the proceeds of notes or bonds issued by  
34 the dormitory authority for disbursements of up to \$16,400,000 from any  
35 capital appropriation or reappropriation authorized by chapter 51 of the  
36 laws of 2003 to the judiciary for courthouse improvements, reimbursement  
37 from the proceeds of notes or bonds issued by the urban development  
38 corporation for disbursements of up to \$10,000,000 from appropriations  
39 or reappropriations authorized by chapter 50 of the laws of 2003 to any  
40 agency for costs related to homeland security, reimbursement from the  
41 proceeds of notes or bonds issued by the environmental facilities corpo-  
42 ration for a capital appropriation of \$10,000,000 authorized by chapter  
43 55 of the laws of 2003 to the department of environmental conservation  
44 for Onondaga lake, reimbursement from the proceeds of notes or bonds  
45 issued by the environmental facilities corporation for disbursements of  
46 up to \$11,000,000 from any capital appropriations or reappropriations  
47 authorized by chapter 55 of the laws of 2003 to the department of envi-  
48 ronmental conservation for environmental purposes, and reimbursement  
49 from the proceeds of notes or bonds issued by the dormitory authority  
50 for disbursements of up to \$100,000,000 from a capital appropriation  
51 authorized by chapter 50 of the laws of 2003 to the department of state  
52 for enhanced 911 wireless service.

53 S 9. Notwithstanding any other law, rule, or regulation to the contra-  
54 ry, the comptroller is hereby authorized and directed to deposit to the  
55 credit of the capital projects fund, reimbursement from the proceeds of  
56 notes or bonds issued by the environmental facilities corporation for a

1 capital appropriation for \$28,893,000 authorized by chapter 55 of the  
2 laws of 2004 to the department of environmental conservation for payment  
3 of a portion of the state's match for federal capitalization grants for  
4 the water pollution control revolving loan fund, reimbursement from the  
5 proceeds of notes or bonds issued by the urban development corporation  
6 for disbursements of up to \$10,000,000 from any capital appropriation or  
7 reappropriation authorized by chapter 50 of the laws of 2004 to the  
8 office of general services for various purposes, reimbursement from the  
9 proceeds of notes or bonds issued by the environmental facilities corpo-  
10 ration for a capital appropriation of \$11,350,000 authorized by chapter  
11 55 of the laws of 2004 to the energy research and development authority  
12 for the Western New York Nuclear Service Center at West Valley,  
13 reimbursement from the proceeds of notes or bonds issued by the environ-  
14 mental facilities corporation, for a capital appropriation of  
15 \$10,000,000 authorized by chapter 55 of the laws of 2004 to the depart-  
16 ment of environmental conservation for Onondaga lake, reimbursement from  
17 the proceeds of notes or bonds issued by the environmental facilities  
18 corporation for disbursements of up to \$11,000,000 from any capital  
19 appropriations or reappropriations authorized by chapter 55 of the laws  
20 of 2004 to the department of environmental conservation for environ-  
21 mental purposes, reimbursement from the proceeds of notes or bonds  
22 issued by the dormitory authority for a capital appropriation of  
23 \$80,000,000 authorized by chapter 53 of the laws of 2004 to the educa-  
24 tion department for capital transition grants for transportation,  
25 reimbursement from the proceeds of notes or bonds issued by the dormito-  
26 ry authority for a capital appropriation of \$250,000,000 authorized by  
27 chapter 55 of the laws of 2004 for payment of costs related to economic  
28 development projects, reimbursement from the proceeds of bonds or notes  
29 issued by the urban development corporation for a capital appropriation  
30 of \$83,500,000 authorized by chapter 53 of the laws of 2006, as amended  
31 by chapter 108 of the laws of 2006, for payment of costs related to the  
32 H. H. Richardson complex and the Darwin Martin House, and reimbursement  
33 from the proceeds of notes or bonds issued by the dormitory authority  
34 for a capital appropriation of \$350,000,000 authorized by chapter 3 of  
35 the laws of 2004 for the New York state economic development program.

36 S 10. Notwithstanding any other law, rule, or regulation to the  
37 contrary, the comptroller is hereby authorized and directed to deposit  
38 to the credit of the capital projects fund, reimbursement from the  
39 proceeds of notes or bonds issued by the environmental facilities corpo-  
40 ration for a capital appropriation of \$29,602,000 authorized by chapter  
41 55 of the laws of 2005 to the department of environmental conservation  
42 for payment of a portion of the state's match for federal capitalization  
43 grants for the water pollution control revolving loan fund, reimburse-  
44 ment from the proceeds of notes or bonds issued by the urban development  
45 corporation for disbursements of up to \$10,000,000 from any capital  
46 appropriation or reappropriation authorized by chapter 50 of the laws of  
47 2005 to the office of general services for various purposes, reimburse-  
48 ment from the proceeds of notes or bonds issued by the environmental  
49 facilities corporation for a capital appropriation of \$11,350,000  
50 authorized by chapter 55 of the laws of 2005 to the energy research and  
51 development authority for the Western New York Nuclear Service Center at  
52 West Valley, reimbursement from the proceeds of notes or bonds issued by  
53 the environmental facilities corporation for a capital appropriation of  
54 \$10,000,000 authorized by chapter 55 of the laws of 2005 to the depart-  
55 ment of environmental conservation for Onondaga lake, reimbursement from  
56 the proceeds of notes or bonds issued by the environmental facilities

1 corporation for disbursements of up to \$11,000,000 from any capital  
2 appropriations or reappropriations authorized by chapter 55 of the laws  
3 of 2005 to the department of environmental conservation for environ-  
4 mental purposes, reimbursement from the proceeds of notes or bonds  
5 issued by the urban development corporation for a capital appropriation  
6 of \$350,000,000 authorized by chapter 55 of the laws of 2005 for the  
7 Javits center, reimbursement from the proceeds of notes or bonds issued  
8 by the dormitory authority for a capital appropriation of \$90,000,000  
9 authorized by chapter 62 of the laws of 2005 for regional development,  
10 reimbursement from the proceeds of notes or bonds issued by the dormito-  
11 ry authority for a capital appropriation of \$250,000,000 authorized by  
12 chapter 62 of the laws of 2005 for technology and development,  
13 reimbursement from the proceeds of notes or bonds issued by the urban  
14 development corporation for a capital appropriation of \$75,000,000  
15 authorized by chapter 162 of the laws of 2005 for the New York state  
16 economic development program, reimbursement from the proceeds of notes  
17 or bonds issued by the urban development corporation for a capital  
18 appropriation of \$150,000,000 authorized by chapter 62 of the laws of  
19 2005 for the higher education facilities capital matching grants  
20 program, reimbursement from the proceeds of notes or bonds issued by the  
21 dormitory authority or other financing source for a capital appropri-  
22 ation of \$4,000,000 authorized by chapter 50 of the laws of 2005 to the  
23 office of general services for payment of capital construction costs for  
24 the Elk street parking garage building located in the city of Albany,  
25 reimbursement from the proceeds of notes or bonds issued by the urban  
26 development corporation for a capital appropriation of \$15,000,000  
27 authorized by chapter 53 of the laws of 2005 to the state education  
28 department for payment of capital construction costs for public broad-  
29 casting facilities, reimbursement from the proceeds of notes or bonds  
30 issued by the urban development corporation for a capital appropriation  
31 of \$15,700,000 authorized by chapter 50 of the laws of 2005 to the divi-  
32 sion of state police for public protection facilities, and reimbursement  
33 from the proceeds of notes or bonds issued by the urban development  
34 corporation for capital disbursements of up to \$3,000,000 from any capi-  
35 tal appropriation or reappropriation authorized by chapter 50 of the  
36 laws of 2005 to the division of military and naval affairs for various  
37 purposes.

38 S 11. Notwithstanding any other law, rule, or regulation to the  
39 contrary, the comptroller is hereby authorized and directed to deposit  
40 to the credit of the capital projects fund, reimbursement from the  
41 proceeds of notes or bonds issued by the environmental facilities corpo-  
42 ration for a capital appropriation for \$29,600,000 authorized by chapter  
43 55 of the laws of 2006 to the department of environmental conservation  
44 for payment of a portion of the state's match for federal capitalization  
45 grants for the water pollution control revolving loan fund, reimburse-  
46 ment from the proceeds of notes or bonds issued by the urban development  
47 corporation for disbursements of up to \$20,000,000 from any capital  
48 appropriation or reappropriation authorized by chapter 50 of the laws of  
49 2006 to the office of general services for various purposes, reimburse-  
50 ment from the proceeds of notes or bonds issued by the environmental  
51 facilities corporation for a capital appropriation of \$14,000,000  
52 authorized by chapter 55 of the laws of 2006 to the energy research and  
53 development authority for the Western New York Nuclear Service Center at  
54 West Valley, reimbursement from the proceeds of notes or bonds issued by  
55 the environmental facilities corporation for a capital appropriation of  
56 \$10,000,000 authorized by chapter 55 of the laws of 2006 to the depart-

1 ment of environmental conservation for Onondaga lake, reimbursement from  
2 the proceeds of notes or bonds issued by the environmental facilities  
3 corporation for disbursements of up to \$12,000,000 from any capital  
4 appropriations or reappropriations authorized by chapter 55 of the laws  
5 of 2006 to the department of environmental conservation for environ-  
6 mental purposes, reimbursement from the proceeds of notes or bonds  
7 issued by the urban development corporation for capital disbursements of  
8 up to \$3,000,000 from any capital appropriation or reappropriation  
9 authorized by chapter 50 of the laws of 2006 to the division of military  
10 and naval affairs for various purposes, reimbursement from the proceeds  
11 of notes or bonds issued by the urban development corporation for  
12 disbursements of up to \$12,400,000 from any capital appropriation or  
13 reappropriation authorized by chapter 50 of the laws of 2006 to the  
14 division of state police for public protection facilities, reimbursement  
15 from the proceeds of notes or bonds issued by the urban development  
16 corporation for a capital appropriation of \$117,000,000 authorized by  
17 chapter 50 of the laws of 2006 to all state departments and agencies for  
18 the purchase of equipment, reimbursement from the proceeds of notes or  
19 bonds issued by the dormitory authority or the urban development corpo-  
20 ration for all or a portion of capital appropriations of \$603,050,000  
21 authorized by chapter 108 of the laws of 2006 to the urban development  
22 corporation for economic development/other projects, reimbursement from  
23 the proceeds of notes or bonds issued by the urban development corpo-  
24 ration for a capital appropriation of \$269,500,000 authorized by chapter  
25 108 of the laws of 2006 to the dormitory authority or the urban develop-  
26 ment corporation for economic development projects, reimbursement from  
27 the proceeds of notes or bonds issued by the dormitory authority or the  
28 urban development corporation for a capital appropriation of  
29 \$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban  
30 development corporation for university development projects, reimburse-  
31 ment from the proceeds of notes or bonds issued by the dormitory author-  
32 ity or for a capital appropriation of \$143,000,000 authorized by chapter  
33 108 of the laws of 2006 to the urban development corporation for  
34 cultural facilities projects, reimbursement from the proceeds of notes  
35 or bonds issued by the dormitory authority or the urban development  
36 corporation for capital appropriations totaling \$60,000,000 authorized  
37 by chapter 108 of the laws of 2006 to the urban development corporation  
38 for energy/environmental projects, reimbursement from the proceeds of  
39 notes or bonds issued by the dormitory authority or the urban develop-  
40 ment corporation for a capital appropriation of \$20,000,000 authorized  
41 by chapter 108 of the laws of 2006 to the urban development corporation  
42 for a competitive solicitation for construction of a pilot cellulosic  
43 ethanol refinery, reimbursement from the proceeds of notes or bonds  
44 issued by the urban development corporation for a capital appropriation  
45 of \$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban  
46 development corporation for services and expenses related to infrastruc-  
47 ture for a new stadium in Queens county, and reimbursement from the  
48 proceeds of notes or bonds issued by the urban development corporation  
49 for a capital appropriation of \$74,700,000 authorized by chapter 55 of  
50 the laws of 2006 to the urban development corporation for services and  
51 expenses related to infrastructure improvements to construct a new park-  
52 ing facility at a new stadium in Bronx county, reimbursement from the  
53 proceeds of notes and bonds issued by the environmental facilities  
54 corporation for a capital appropriation of \$5,000,000 authorized by  
55 chapter 55 of the laws of 2006 to the environmental facilities corpo-  
56 ration for payment for the pipeline for jobs program, reimbursement from

1 the proceeds of notes or bonds issued by the dormitory authority for  
2 capital disbursements of up to \$14,000,000 from any capital appropri-  
3 ation or reappropriation authorized by chapter 53 of the laws of 2006  
4 for the library construction purpose, reimbursement from the proceeds of  
5 notes or bonds issued by the urban development corporation or the dormi-  
6 tory authority for an appropriation of \$2,000,000 authorized by chapter  
7 53 of the laws of 2006 for a Cornell equine drug testing laboratory,  
8 reimbursement from the proceeds of notes or bonds issued by the urban  
9 development corporation or the dormitory authority for an appropriation  
10 of \$1,200,000 authorized by chapter 53 of the laws of 2006 for the towns  
11 of Bristol and Canandaigua public water systems, reimbursement from the  
12 proceeds of notes or bonds issued by the urban development corporation  
13 or the dormitory authority for an appropriation of \$5,500,000 authorized  
14 by chapter 53 of the laws of 2006 for Belleayre mountain ski center,  
15 reimbursement from the proceeds of notes or bonds issued by the urban  
16 development corporation or the dormitory authority for an appropriation  
17 of \$25,000,000 authorized by chapter 53 of the laws of 2006 for the town  
18 of Smithtown/Kings Park psychiatric center rehabilitation, reimbursement  
19 from the proceeds of notes or bonds issued by the urban development  
20 corporation or the dormitory authority for an appropriation of  
21 \$5,000,000 authorized by chapter 108 of the laws of 2006 for a state of  
22 New York umbilical cord bank, reimbursement from the proceeds of notes  
23 or bonds issued by the urban development corporation or the dormitory  
24 authority for an appropriation of \$5,500,000 authorized by chapter 53 of  
25 the laws of 2006 for an Old Gore mountain ski bowl connection,  
26 reimbursement from the proceeds of notes or bonds issued by the urban  
27 development corporation or the dormitory authority for an appropriation  
28 of \$2,000,000 authorized by chapter 53 of the laws of 2006 for a Fredo-  
29 nia vineyard laboratory, reimbursement from the proceeds of notes or  
30 bonds issued by the urban development corporation or the dormitory  
31 authority for an appropriation of \$99,500,000 authorized by chapter 108  
32 of the laws of 2006 to the office for technology for payment of capital  
33 construction costs for a consolidated data center, reimbursement from  
34 the proceeds of notes or bonds issued by the dormitory authority or the  
35 urban development corporation for an appropriation of \$40,000,000  
36 authorized by chapter 108 of the laws of 2006 for a food testing labora-  
37 tory, reimbursement from the proceeds of notes or bonds issued by the  
38 New York state thruway authority for an appropriation of \$22,000,000  
39 authorized by chapter 108 of the laws of 2006 to the department of  
40 transportation for high speed rail, reimbursement from the proceeds of  
41 notes or bonds issued by the urban development corporation for capital  
42 disbursements of up to \$500,000,000 from an appropriation authorized by  
43 chapter 108 of the laws of 2006 to the urban development corporation for  
44 development of a semiconductor manufacturing facility, reimbursement  
45 from the proceeds of notes or bonds issued by the urban development  
46 corporation of up to \$150,000,000 from an appropriation authorized by  
47 chapter 108 of the laws of 2006 to the urban development corporation for  
48 research and development activities of a semiconductor manufacturer, and  
49 reimbursement from the proceeds of notes or bonds issued by the urban  
50 development corporation for capital disbursements of up to \$300,000,000  
51 from an appropriation to the urban development corporation authorized by  
52 chapter 108 of the laws of 2006 for community revitalization projects.

53 S 12. Notwithstanding any other law, rule, or regulation to the  
54 contrary, the comptroller is hereby authorized and directed to deposit  
55 to the credit of the capital projects fund, reimbursement from the  
56 proceeds of notes or bonds issued by the environmental facilities corpo-



1 ration for a capital appropriation of \$29,600,000 authorized by chapter  
2 55 of the laws of 2007 to the department of environmental conservation  
3 for payment of a portion of the state's match for federal capitalization  
4 grants for the water pollution control revolving loan fund, reimburse-  
5 ment from the proceeds of notes or bonds issued by the urban development  
6 corporation for disbursements of up to \$20,000,000 from any capital  
7 appropriation or reappropriation authorized by chapter 50 of the laws of  
8 2007 to the office of general services for various purposes, reimburse-  
9 ment from the proceeds of notes or bonds issued by the environmental  
10 facilities corporation for a capital appropriation of \$13,500,000  
11 authorized by chapter 55 of the laws of 2007 to the energy research and  
12 development authority for the Western New York Nuclear Service Center at  
13 West Valley, reimbursement from the proceeds of notes or bonds issued by  
14 the environmental facilities corporation for a capital appropriation of  
15 \$10,000,000 authorized by chapter 55 of the laws of 2007 to the depart-  
16 ment of environmental conservation for Onondaga lake, reimbursement from  
17 the proceeds of notes or bonds issued by the environmental facilities  
18 corporation for disbursements of up to \$12,000,000 from any capital  
19 appropriations or reappropriations authorized by chapter 55 of the laws  
20 of 2007 to the department of environmental conservation for environ-  
21 mental purposes, reimbursement from the proceeds of notes or bonds  
22 issued by the urban development corporation for capital disbursements of  
23 up to \$3,000,000 from any capital appropriation or reappropriation  
24 authorized by chapter 50 of the laws of 2007 to the division of military  
25 and naval affairs for various purposes, reimbursement from the proceeds  
26 of notes or bonds issued by the urban development corporation for  
27 disbursements from a capital appropriation of \$50,000,000 authorized by  
28 chapter 50 of the laws of 2007 to the division of state police for  
29 construction of a Troop G facility, reimbursement from the proceeds of  
30 notes or bonds issued by the urban development corporation for disburse-  
31 ments from a capital appropriation of \$6,000,000 authorized by chapter  
32 50 of the laws of 2007 to the division of state police for construction  
33 of evidence storage facilities, reimbursement from the proceeds of notes  
34 or bonds issued by the urban development corporation for capital appro-  
35 priations totaling \$77,900,000 authorized by chapter 51 of the laws of  
36 2007 to the judiciary for court training facilities and courthouse  
37 improvement projects, reimbursement from the proceeds of notes or bonds  
38 issued by the urban development corporation for a capital appropriation  
39 of \$20,000,000 authorized by chapter 50 of the laws of 2007 to all state  
40 departments and agencies for the purchase of equipment, reimbursement  
41 from the proceeds of notes or bonds issued by the dormitory authority  
42 for capital disbursements of up to \$14,000,000 from any capital appro-  
43 priation or reappropriation authorized by chapter 53 of the laws of 2007  
44 for library construction, reimbursement from the proceeds of notes or  
45 bonds issued by the dormitory authority for capital disbursements of up  
46 to \$60,000,000 from any capital appropriation or reappropriation author-  
47 ized by chapter 53 of the laws of 2007 for cultural education storage  
48 facilities, reimbursement from the proceeds of notes or bonds issued by  
49 the urban development corporation for capital disbursements of up to  
50 \$15,000,000 from any capital appropriation or reappropriation authorized  
51 by chapter 55 of the laws of 2007 for the Roosevelt Island Operating  
52 Corporation aerial tramway, reimbursement from the proceeds of notes or  
53 bonds issued by the urban development corporation for capital disburse-  
54 ments of up to \$20,000,000 from any capital appropriation or reappropri-  
55 ation authorized by chapter 55 of the laws of 2007 for Governor's  
56 Island, reimbursement from the proceeds of notes or bonds issued by the

1 urban development corporation for capital disbursements of up to  
2 \$7,500,000 from any capital appropriation or reappropriation authorized  
3 by chapter 55 of the laws of 2007 for Harriman research and technology  
4 park, reimbursement from the proceeds of notes or bonds issued by the  
5 urban development corporation for capital disbursements of up to  
6 \$7,950,000 from any capital appropriation or reappropriation authorized  
7 by chapter 55 of the laws of 2007 for USA Niagara, and reimbursement  
8 from the proceeds of notes or bonds issued by the urban development  
9 corporation for capital disbursements of up to \$1,300,000 from appropri-  
10 ations authorized by chapter 50 of the laws of 2007 made to the office  
11 of general services for legislative office building hearing rooms.

12 S 13. Notwithstanding any other law, rule, or regulation to the  
13 contrary, the comptroller is hereby authorized and directed to deposit  
14 to the credit of the capital projects fund, reimbursement from the  
15 proceeds of notes or bonds issued by the environmental facilities corpo-  
16 ration for a capital appropriation of \$29,600,000 authorized by chapter  
17 55 of the laws of 2008 to the department of environmental conservation  
18 for payment of a portion of the state's match for federal capitalization  
19 grants for the water pollution control revolving loan fund, reimburse-  
20 ment from the proceeds of notes or bonds issued by the urban development  
21 corporation for a capital appropriation of \$141,000,000 authorized by  
22 chapter 50 of the laws of 2008 to all state departments and agencies for  
23 the purchase of equipment or systems development, reimbursement from the  
24 proceeds of notes or bonds issued by the urban development corporation  
25 for disbursements of up to \$45,500,000 from any capital appropriation or  
26 reappropriation authorized by chapter 50 of the laws of 2008 to the  
27 office of general services for various purposes, reimbursement from the  
28 proceeds of notes or bonds issued by the environmental facilities corpo-  
29 ration for a capital appropriation of \$13,500,000 authorized by chapter  
30 55 of the laws of 2008 to the energy research and development authority  
31 for the Western New York Nuclear Service Center at West Valley,  
32 reimbursement from the proceeds of notes or bonds issued by the environ-  
33 mental facilities corporation for a capital appropriation of \$10,000,000  
34 authorized by chapter 55 of the laws of 2008 to the department of envi-  
35 ronmental conservation for Onondaga lake, reimbursement from the  
36 proceeds of notes or bonds issued by the environmental facilities corpo-  
37 ration for disbursements of up to \$12,000,000 from any capital appropri-  
38 ations or reappropriations authorized by chapter 55 of the laws of 2008  
39 to the department of environmental conservation for environmental  
40 purposes, reimbursement from the proceeds of notes or bonds issued by  
41 the urban development corporation for capital disbursements of up to  
42 \$3,000,000 from any capital appropriation or reappropriation authorized  
43 by chapter 50 of the laws of 2008 to the division of military and naval  
44 affairs for various purposes, reimbursement from the proceeds of notes  
45 or bonds issued by the urban development corporation for a capital  
46 appropriation of \$11,000,000 authorized by chapter 50 of the laws of  
47 2008 to the office for technology for the costs of development of inter-  
48 im data center facilities, reimbursement from the proceeds of notes or  
49 bonds issued by the urban development corporation for a capital appro-  
50 priation of \$10,000,000 authorized by chapter 50 of the laws of 2008 to  
51 the office for technology for activities related to broadband service,  
52 reimbursement from the proceeds of notes or bonds issued by the urban  
53 development corporation for a capital appropriation of \$6,000,000  
54 authorized by chapter 50 of the laws of 2008 to the division of state  
55 police for rehabilitation of facilities, reimbursement from the proceeds  
56 of notes or bonds issued by the Dormitory Authority of the State of New

1 York or other financing source for a capital appropriation authorized by  
2 chapter 53 of the laws of 2008 of \$14,000,000 to the education depart-  
3 ment for library construction, reimbursement from the proceeds of notes  
4 or bonds issued by the Dormitory Authority of the State of New York or  
5 other financing source for a capital appropriation authorized by chapter  
6 53 of the laws of 2008 of \$15,000,000 to the education department for  
7 museum renewal projects, reimbursement from the proceeds of notes or  
8 bonds issued by the urban development corporation for capital appropri-  
9 ation of \$50,000,000 authorized by chapter 53 of the laws of 2008 to the  
10 urban development corporation for services and expenses related to the  
11 investment opportunity fund, reimbursement from the proceeds of notes or  
12 bonds issued by the urban development corporation for capital appropri-  
13 ation of \$30,000,000 authorized by chapter 53 of the laws of 2008 to the  
14 urban development corporation for services and expenses related to arts  
15 and cultural projects, reimbursement from the proceeds of bonds or notes  
16 issued by the urban development corporation for a capital appropriation  
17 of \$35,000,000 authorized by chapter 53 of the laws of 2008 for economic  
18 and community development projects, reimbursement from the proceeds of  
19 bonds or notes issued by the urban development corporation for a capital  
20 appropriation of \$30,000,000 authorized by chapter 53 of the laws of  
21 2008 for New York city waterfront development projects, reimbursement  
22 from the proceeds of bonds or notes issued by the urban development  
23 corporation for a capital appropriation of \$45,000,000 authorized by  
24 chapter 53 of the laws of 2008 for Luther Forest infrastructure  
25 projects, reimbursement from the proceeds of notes or bonds issued by  
26 the urban development corporation for capital appropriation of  
27 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban  
28 development corporation for services and expenses related to downstate  
29 regional projects, reimbursement from the proceeds of notes or bonds  
30 issued by the urban development corporation for capital appropriation of  
31 \$145,000,000 authorized by chapter 53 of the laws of 2008 to the urban  
32 development corporation for services and expenses related to upstate  
33 city-by-city projects, reimbursement from the proceeds of notes or bonds  
34 issued by the urban development corporation for capital appropriation of  
35 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban  
36 development corporation for services and expenses related to the down-  
37 state revitalization projects, reimbursement from the proceeds of notes  
38 or bonds issued by the urban development corporation for capital appro-  
39 priation of \$120,000,000 authorized by chapter 53 of the laws of 2008 to  
40 the urban development corporation for services and expenses related to  
41 the upstate regional blueprint fund, reimbursement from the proceeds of  
42 notes or bonds issued by the urban development corporation for capital  
43 appropriation of \$40,000,000 authorized by chapter 53 of the laws of  
44 2008 to the urban development corporation for services and expenses  
45 related to the upstate agricultural economic development fund,  
46 reimbursement from the proceeds of notes or bonds issued by the urban  
47 development corporation for capital appropriation of \$350,000,000  
48 authorized by chapter 53 of the laws of 2008 to the urban development  
49 corporation for services and expenses related to the New York state  
50 capital assistance program, reimbursement from the proceeds of notes or  
51 bonds issued by the urban development corporation for capital appropri-  
52 ation of \$350,000,000 authorized by chapter 53 of the laws of 2008 to  
53 the urban development corporation for services and expenses related to  
54 the New York state economic development assistance program, and  
55 reimbursement from the proceeds of notes or bonds issued by the urban  
56 development corporation for capital appropriation of \$20,000,000 author-

1 ized by chapter 55 of the laws of 2008 to the urban development corpo-  
2 ration for services and expenses related to the empire state economic  
3 development fund.

4 S 14. Notwithstanding any other law, rule, or regulation to the  
5 contrary, the comptroller is hereby authorized and directed to deposit  
6 to the credit of the capital projects fund, reimbursement from the  
7 proceeds of notes or bonds issued by the environmental facilities corpo-  
8 ration for a capital appropriation of \$29,600,000 authorized by chapter  
9 55 of the laws of 2009 to the department of environmental conservation  
10 for payment of a portion of the state's match for federal capitalization  
11 grants for the water pollution control revolving loan fund, reimburse-  
12 ment from the proceeds of notes or bonds issued by the urban development  
13 corporation for a capital appropriation of \$129,800,000 authorized by  
14 chapter 50 of the laws of 2009 to all state departments and agencies for  
15 the purchase of equipment or systems development, reimbursement from the  
16 proceeds of notes or bonds issued by the urban development corporation  
17 for disbursements of up to \$24,000,000 from any capital appropriation or  
18 reappropriation authorized by chapter 50 of the laws of 2009 to the  
19 office of general services for various purposes, reimbursement from the  
20 proceeds of notes or bonds issued by the environmental facilities corpo-  
21 ration for a capital appropriation of \$13,500,000 authorized by chapter  
22 55 of the laws of 2009 to the energy research and development authority  
23 for the Western New York Nuclear Service Center at West Valley,  
24 reimbursement from the proceeds of notes or bonds issued by the environ-  
25 mental facilities corporation for a capital appropriation of \$10,000,000  
26 authorized by chapter 55 of the laws of 2009 to the department of envi-  
27 ronmental conservation for Onondaga lake, reimbursement from the  
28 proceeds of notes or bonds issued by the environmental facilities corpo-  
29 ration for disbursements of up to \$12,000,000 from any capital appropri-  
30 ations or reappropriations authorized by chapter 55 of the laws of 2009  
31 to the department of environmental conservation for environmental  
32 purposes, reimbursement from the proceeds of notes or bonds issued by  
33 the urban development corporation for capital disbursements of up to  
34 \$3,000,000 from any capital appropriation or reappropriation authorized  
35 by chapter 50 of the laws of 2009 to the division of military and naval  
36 affairs for various purposes, reimbursement from the proceeds of notes  
37 or bonds issued by the urban development corporation for a capital  
38 appropriation of \$6,000,000 authorized by chapter 50 of the laws of 2009  
39 to the division of state police for rehabilitation of facilities,  
40 reimbursement from the proceeds of notes or bonds issued by the Dormito-  
41 ry Authority of the State of New York or other financing source for a  
42 capital appropriation authorized by chapter 53 of the laws of 2009 of  
43 \$14,000,000 to the State Education Department for library construction,  
44 reimbursement from the proceeds of notes or bonds issued by the Dormito-  
45 ry Authority of the State of New York or other financing source for a  
46 capital appropriation of \$4,000,000 to the State Education Department  
47 for rehabilitation associated with the St. Regis Mohawk elementary  
48 school authorized by chapter 53 of the laws of 2009 and reimbursement  
49 from the proceeds of notes or bonds issued by the urban development  
50 corporation for capital appropriation of \$25,000,000 authorized by chap-  
51 ter 55 of the laws of 2009 to the urban development corporation for  
52 services and expenses related to the empire state economic development  
53 fund.

54 S 15. Notwithstanding any other law, rule, or regulation to the  
55 contrary, the comptroller is hereby authorized and directed to deposit  
56 to the credit of the capital projects fund, reimbursement from the

proceeds of notes or bonds issued by the dormitory authority and urban development corporation for disbursements of up to \$8,000,000 from an appropriation authorized by chapter 50 of the laws of 2009 for drug courts.

S 16. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the city university special revenue fund (377), reimbursement from the proceeds of notes or bonds issued by the Dormitory Authority of the State of New York for capital disbursements of up to \$20,000,000 from any appropriation or reappropriation authorized by chapter 53 of the laws of 2009 to the city university of New York for various purposes.

S 17. This act shall take effect immediately; provided, however, that upon enactment of legislation constituting the 2010-11 budget, sections four through sixteen of this act shall cease to have force and effect and shall be deemed repealed.

#### PART B

Section 1. Section 2 of chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, as amended by section 1 of part RR of chapter 59 of the laws of 2009, is amended to read as follows:

S 2. This act shall take effect immediately, provided however, that section one of this act shall be deemed to have been in full force and effect on and after April 1, 2003 and shall expire March 31, [2010] 2011.

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, 2010.

#### PART C

Section 1. Subdivision 1 of section 2976 of the public authorities law, as amended by section 1 of part X of chapter 85 of the laws of 2002, is amended to read as follows:

1. Notwithstanding any other law to the contrary, public benefit corporations (which for purposes of this section shall include industrial development agencies created pursuant to title one of article eighteen-A of the general municipal law or any other provision of law AND THE NEW YORK CITY HOUSING DEVELOPMENT CORPORATION CREATED PURSUANT TO ARTICLE TWELVE OF THE PRIVATE HOUSING FINANCE LAW) which issue bonds, notes or other obligations shall pay to the state a bond issuance charge upon the issuance of such bonds in an amount determined pursuant to subdivision two of this section. Such charge shall be paid to the state department of taxation and finance, upon forms prescribed therefor, no later than fifteen days from the end of the month within which such bonds are issued.

S 2. This act shall take effect immediately.

#### PART D

Section 1. Subdivision 3-b of section 1 of part C of chapter 57 of the laws of 2006, relating to establishing a cost of living adjustment for

designated human services programs, as added by section 1 of part L of chapter 58 of the laws of 2009, is amended to read as follows:

3-b. Notwithstanding any inconsistent provision of law, beginning April 1, 2009 and ending [March 31, 2010] UPON ENACTMENT OF LEGISLATION CONSTITUTING THE 2010-2011 BUDGET, the commissioners shall not include a COLA for the purpose of establishing rates of payments, contracts or any other form of reimbursement.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010; provided, however, that the amendments to section 1 of part C of chapter 57 of the laws of 2006 made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

#### PART E

Section 1. Subparagraph (i) of paragraph (b) of subdivision 2-b of section 2808 of the public health law, as amended by section 3 of part D of chapter 58 of the laws of 2009, is amended to read as follows:

(i) Subject to the provisions of subparagraphs (ii) through (xiv) of this paragraph, for periods on and after April first, two thousand nine [through March thirty-first, two thousand ten] the operating cost component of rates of payment shall reflect allowable operating costs as reported in each facility's cost report for the two thousand two calendar year, as adjusted for inflation on an annual basis in accordance with the methodology set forth in paragraph (c) of subdivision ten of section twenty-eight hundred seven-c of this article, provided, however, that for those facilities which do not receive a per diem add-on adjustment pursuant to subparagraph (ii) of paragraph (a) of this subdivision, rates shall be further adjusted to include the proportionate benefit, as determined by the commissioner, of the expiration of the opening paragraph and paragraph (a) of subdivision sixteen of this section and of paragraph (a) of subdivision fourteen of this section, and provided further that the operating cost component of rates of payment for those facilities which did not receive a per diem adjustment in accordance with subparagraph (ii) of paragraph (a) of this subdivision shall not be less than the operating component such facilities received in the two thousand eight rate period, as adjusted for inflation on an annual basis in accordance with the methodology set forth in paragraph (c) of subdivision ten of section twenty-eight hundred seven-c of this article and further provided, however, that rates for facilities whose operating cost component reflects base year costs subsequent to January first, two thousand two shall have rates computed in accordance with this paragraph, utilizing allowable operating costs as reported in such subsequent base year period, and trended forward to the rate year in accordance with applicable inflation factors.

S 2. The opening paragraph and subparagraph (vi) of paragraph (a) of subdivision 2-c of section 2808 of the public health law, as added by section 5 of part D of chapter 58 of the laws of 2009, are amended to read as follows:

Notwithstanding PARAGRAPH (B) OF SUBDIVISION TWO-B OF THIS SECTION AND any OTHER inconsistent provision of this section or any other contrary provision of law and subject to the availability of federal financial participation, the operating costs of rates of payment by governmental agencies for inpatient services provided by residential health care facilities on and after April first, two thousand ten, OR ON AND AFTER THE DATE THE STATE BUDGET FOR THE STATE FISCAL YEAR BEGINNING APRIL

1 FIRST, TWO THOUSAND TEN IS ENACTED INTO LAW, WHICHEVER IS LATER, shall  
2 be determined in accordance with the following:

3 (vi) Notwithstanding subparagraph (i) of this paragraph, the operating  
4 cost component of the rates, effective [April first, two thousand ten]  
5 FOR THE PERIODS ON AND AFTER THE DATE RATES PURSUANT TO SUBPARAGRAPH (I)  
6 OF THIS PARAGRAPH TAKE EFFECT for the following categories of facili-  
7 ties, as established pursuant to applicable regulations, shall reflect  
8 the rates in effect for such facilities on [March thirty-first, two  
9 thousand ten] THE DAY IMMEDIATELY PRECEDING THE DATE RATES PURSUANT TO  
10 SUBPARAGRAPH (I) OF THIS PARAGRAPH TAKE EFFECT, as adjusted for  
11 inflation in accordance with applicable statutes: (A) AIDS facilities or  
12 discrete AIDS units within facilities, (B) discrete units for residents  
13 receiving care in a long-term inpatient rehabilitation program for trau-  
14 matic brain injured persons, (C) discrete units providing specialized  
15 programs for residents requiring behavioral interventions, (D) discrete  
16 units for long-term ventilator dependent residents, and (E) facilities  
17 or discrete units within facilities that provide extensive nursing,  
18 medical, psychological and counseling support services solely to chil-  
19 dren. Such rate shall remain in effect until the department, in consul-  
20 tation with representatives of the nursing home industry, as selected by  
21 the commissioner, develops a regional pricing or alternative methodology  
22 for determining such rates.

23 S 3. Section 2 of part D of chapter 58 of the laws of 2009, amending  
24 the public health law and other laws relating to Medicaid reimbursements  
25 to residential health care facilities, is amended to read as follows:

26 S 2. Notwithstanding paragraph (b) of subdivision 2-b of section 2808  
27 of the public health law or any other contrary provision of law, with  
28 regard to adjustments to medicaid rates of payment for inpatient  
29 services provided by residential health care facilities for the period  
30 April 1, 2009 through March 31, 2010, made pursuant to paragraph (b) of  
31 subdivision 2-b of section 2808 of the public health law, the commis-  
32 sioner of health and the director of the budget shall, upon a determi-  
33 nation that such adjustments, including the application of adjustments  
34 authorized by the provisions of paragraph (g) of subdivision 2-b of  
35 section 2808 of the public health law, shall result in an aggregate  
36 increase in total Medicaid rates of payment for such services for such  
37 period that is less than or more than two hundred ten million dollars  
38 (\$210,000,000), make such proportional adjustments to such rates as are  
39 necessary to result in an increase of such aggregate expenditures of two  
40 hundred ten million dollars (\$210,000,000), and provided further, howev-  
41 er, that the operating component of such rates for the period April 1,  
42 2009 through March 31, 2010 shall not be subject to case mix adjustments  
43 pursuant to subparagraph (ii) of paragraph (b) of subdivision 2-b of  
44 section 2808 of the public health law, as otherwise scheduled pursuant  
45 to such subparagraph for January of 2010, and provided further, however,  
46 that notwithstanding [subdivision 2-c of] section 2808 of the public  
47 health law or any other contrary provision of law, with regard to  
48 adjustments to inpatient rates of payment made pursuant to [subdivision  
49 2-c of] section 2808 of the public health law for inpatient services  
50 provided by residential health care facilities for the period April 1,  
51 2010 through March 31, 2011, the commissioner of health and the director  
52 of the budget shall, upon a determination by such commissioner and such  
53 director that such rate adjustments shall, prior to the application of  
54 any applicable adjustment for inflation, result in an aggregate increase  
55 in total Medicaid rates of payment for such services, make such propor-  
56 tional adjustments to such rates as are necessary to reduce such total

1 aggregate rate adjustments such that the aggregate total reflects no  
2 such increase OR DECREASE. Adjustments made pursuant to this section  
3 shall not be subject to subsequent correction or reconciliation.

4 S 4. This act shall take effect immediately.

5 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
6 sion, section or part of this act shall be adjudged by any court of  
7 competent jurisdiction to be invalid, such judgment shall not affect,  
8 impair, or invalidate the remainder thereof, but shall be confined in  
9 its operation to the clause, sentence, paragraph, subdivision, section  
10 or part thereof directly involved in the controversy in which such judg-  
11 ment shall have been rendered. It is hereby declared to be the intent of  
12 the legislature that this act would have been enacted even if such  
13 invalid provisions had not been included herein.

14 S 3. This act shall take effect immediately provided, however, that  
15 the applicable effective date of Parts A through E of this act shall be  
16 as specifically set forth in the last section of such Parts.