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

S. 23 A. 23

Twentieth Extraordinary Session

S E N A T E - A S S E M B L Y

December 2, 2009

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the insurance law, in relation to state funding of expenses associated with mental health parity coverage mandated for small business group health insurance plans (Part A); to amend the public authorities law, in relation to authorizing the battery park city authority to make contributions to the state treasury (Part B); in relation to prefill of medications and rates of health care payments (Part C); to amend the state finance law, in relation to aid and incentives for municipalities to certain cities (Part D); to amend chapter 56 of the laws of 2009 relating to providing for the administration of certain funds and accounts related to the 2009-10 budget, in relation to authorizing the state comptroller to transfer certain monies to the general fund (Part E); to amend the tax law, in relation to those persons excluded from the definition of tax return preparers (Part F); to amend the education law, in relation to creating the supplemental deficit reduction (Part G); in relation to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument; and providing for the repeal of such provisions upon expiration thereof (Part H)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2009-2010 state fiscal year. Each component is wholly contained within a Part identified as Parts A through H. The effective date for each particular

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

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provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Item (ii) of subparagraph (D) of paragraph 5 of subsection (l) of section 3221 of the insurance law, as amended by chapter 502 of the laws of 2007, is amended to read as follows:

(ii) The superintendent shall develop and implement a methodology to [fully] cover the cost to any such group purchaser for providing the coverage required in subparagraph (A) of this paragraph. Such methodology shall be financed from [funds] MONEYS APPROPRIATED from the General Fund that shall be made available to the superintendent for such [purpose] PURPOSES, TO THE EXTENT OF FUNDS AVAILABLE.

S 2. Subparagraph (B) of paragraph 4 of subsection (g) of section 4303 of the insurance law, as amended by chapter 502 of the laws of 2007, is amended to read as follows:

(B) The superintendent shall develop and implement a methodology to [fully] cover the cost to any such group contract holder for providing the coverage required in paragraph one of this subsection. Such methodology shall be financed from moneys APPROPRIATED from the General Fund that shall be made available to the superintendent for such [purpose] PURPOSES, TO THE EXTENT OF FUNDS AVAILABLE.

S 3. Subparagraph (B) of paragraph 4 of subsection (h) of section 4303 of the insurance law, as amended by chapter 502 of the laws of 2007, is amended to read as follows:

(B) The superintendent shall develop and implement a methodology to [fully] cover the cost to any such group remittance group and group contract holder for providing the coverage required in paragraph one of this subsection. Such methodology shall be financed from moneys APPROPRIATED from the General Fund that shall be made available to the superintendent for such [purpose] PURPOSES, TO THE EXTENT OF FUNDS AVAILABLE.

S 4. This act shall take effect immediately.

PART B

Section 1. Subdivision 2 of section 1975 of the public authorities law, as added by section 1 of part AA of chapter 59 of the laws of 2009, is amended to read as follows:

2. Notwithstanding any provision of law to the contrary, the authority is hereby authorized to contribute [twenty] TWO HUNDRED million dollars to the state treasury to the credit of the general fund.

S 2. This act shall take effect immediately.

PART C

Section 1. 1. Notwithstanding any provision of law or regulation to the contrary, the commissioner of education, in consultation with the state board for nursing and the state board of pharmacy, shall promulgate guidelines which allow for the prefill of up to a fifteen day supply of medication prescribed by a physician or other authorized prac-

titioner and provided to an individual by a registered professional nurse for individuals receiving home care services ordered by an authorized practitioner and provided under the supervision of a registered professional nurse. Such guidelines shall be promulgated within 30 days of the effective date of this section.

2. The commissioner of education, in consultation with such state boards, shall examine the experiences pursuant to the guidelines established pursuant to this section and, on or before April 1, 2011, recommend to the governor and the legislature any changes as may be necessary to this section.

S 2. 1. Notwithstanding paragraph (c) of subdivision 10 of section 2807-c of the public health law, subdivision 2-b of section 2808 of the public health law, section 21 of chapter 1 of the laws of 1999, and any other contrary provision of law, in determining rates of payments by state governmental agencies effective for services provided for the period January 1, 2010 through March 31, 2010, for inpatient and outpatient services provided by general hospitals, for inpatient services and adult day health care outpatient services provided by residential health care facilities pursuant to article 28 of the public health law, except for residential health care facilities that provide extensive nursing, medical, psychological and counseling support services to children, for home health care services provided pursuant to article 36 of the public health law by certified home health agencies, long term home health care programs and AIDS home care programs, and for personal care services provided pursuant to section 365-a of the social services law, the commissioner of health shall apply zero trend factor projections attributable to the 2010 calendar year in accordance with paragraph (c) of subdivision 10 of section 2807-c of the public health law, provided, however, that such zero trend factor projections for such 2010 calendar year shall also be applied to rates of payment for personal care services provided in those local social service districts, including New York city, whose rates of payment for such services are established by such local social service districts pursuant to a rate-setting exemption issued by the commissioner of health to such local social service districts in accordance with applicable regulations, and provided further, however, that for rates of payment for assisted living program services provided for the period January 1, 2010 through March 31, 2010, trend factor projections attributable to the 2010 calendar year shall be established at zero percent.

2. The commissioner of health shall adjust rates of payment to reflect the exclusion pursuant to this section of such specified trend factor projections or adjustments.

S 3. Notwithstanding section 179-f of the state finance law, section 2818 of the public health law, or any other contrary provision of law, upon a determination by the commissioner of health and the director of the budget that state fiscal constraints require a delay in payments made pursuant to contracts entered into pursuant to section 2818 of the public health law, the commissioner of health shall be authorized, with the approval of the state budget director, to delay such payments which are due prior to April 1, 2010, until the later of April 1, 2010 or the enactment of a budget for the 2010-2011 state fiscal year, and such delay shall not result in the payment of interest by the state pursuant to section 179-f of the state finance law or pursuant to any other otherwise applicable law. Such contracts shall otherwise remain in full force and effect.

S 4. Notwithstanding any inconsistent provision of law, rule or regulation, for purposes of implementing the provisions of the public health law and the social services law, references to titles XIX and XXI of the federal social security act in the public health law and the social services law shall be deemed to include and also to mean any successor titles thereto under the federal social security act.

S 5. Notwithstanding any inconsistent provision of law, rule or regulation, the effectiveness of the provisions of sections 2807 and 3614 of the public health law, section 18 of chapter 2 of the laws of 1988, and 18 NYCRR 505.14(h), as they relate to time frames for notice, approval or certification of rates of payment, are hereby suspended and without force or effect for purposes of implementing the provisions of this act.

S 6. This act shall take effect immediately, provided however that:

1. any rules or regulations necessary to implement the provisions of this act may be promulgated and any procedures, forms, or instructions necessary for such implementation may be adopted and issued on or after the date this act shall have become a law;

2. this act shall not be construed to alter, change, affect, impair or defeat any rights, obligations, duties or interests accrued, incurred or conferred prior to the effective date of this act;

3. the commissioner of health and the superintendent of insurance and any appropriate council may take any steps necessary to implement this act prior to its effective date;

4. notwithstanding any inconsistent provision of the state administrative procedure act or any other provision of law, rule or regulation, the commissioner of health and the superintendent of insurance and any appropriate council is authorized to adopt or amend or promulgate on an emergency basis any regulation he or she or such council determines necessary to implement any provision of this act on its effective date;

5. the provisions of this act shall become effective notwithstanding the failure of the commissioner of health or the superintendent of insurance or any council to adopt or amend or promulgate regulations implementing this act.

PART D

Section 1. Subdivision 10 of section 54 of the state finance law, is amended by adding a new paragraph e-1 to read as follows:

E-1. DEFICIT REDUCTION ADJUSTMENT. NOTWITHSTANDING PARAGRAPH B OF THIS SUBDIVISION, IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND NINE THE BASE LEVEL GRANT TO EACH CITY WITH A POPULATION OF LESS THAN ONE MILLION WHOSE FISCAL YEAR DOES NOT BEGIN ON JANUARY FIRST SHALL EQUAL SUCH CITY'S PRIOR YEAR AID MINUS A DEFICIT REDUCTION ADJUSTMENT CALCULATED IN ACCORDANCE WITH THE FOLLOWING:

(I) WHEN USED IN THIS PARAGRAPH, UNLESS OTHERWISE EXPRESSLY STATED:

(1) "2008-09 AIM FUNDING" SHALL MEAN THE SUM OF THE BASE LEVEL GRANT PURSUANT TO THIS PARAGRAPH, ADDITIONAL ANNUAL APPORTIONMENTS PURSUANT TO PARAGRAPH D OF THIS SUBDIVISION, PER CAPITA ADJUSTMENT PURSUANT TO PARAGRAPH E OF THIS SUBDIVISION AND SPECIAL AID AND INCENTIVES TO CERTAIN ELIGIBLE CITIES AS APPROPRIATED IN CHAPTER FIFTY OF THE LAWS OF TWO THOUSAND EIGHT, AS AMENDED BY CHAPTER ONE OF THE LAWS OF TWO THOUSAND NINE, APPORTIONED AND PAID TO SUCH CITY IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND EIGHT.

(2) "2008 TOTAL REVENUES" SHALL MEAN "TOTAL REVENUES" FOR SUCH CITY AS REPORTED IN THE STATE COMPTROLLER'S SPECIAL REPORT ON LOCAL GOVERNMENT

FINANCES FOR NEW YORK STATE FOR LOCAL FISCAL YEARS ENDED IN TWO THOUSAND EIGHT.

(3) "AIM RELIANCE" SHALL MEAN 2008-09 AIM FUNDING EXPRESSED AS A PERCENTAGE OF 2008 TOTAL REVENUES.

(II) THE DEFICIT REDUCTION ADJUSTMENT FOR EACH SUCH CITY SHALL EQUAL:

(1) ONE PERCENT OF PRIOR YEAR AID IF SUCH CITY'S AIM RELIANCE WAS AT LEAST TEN PERCENT,

(2) TWO PERCENT OF PRIOR YEAR AID IF SUCH CITY'S AIM RELIANCE WAS AT LEAST FIVE PERCENT BUT LESS THAN TEN PERCENT,

(3) THREE PERCENT OF PRIOR YEAR AID IF SUCH CITY'S AIM RELIANCE WAS AT LEAST ONE PERCENT BUT LESS THAN FIVE PERCENT, OR

(4) EIGHT PERCENT OF PRIOR YEAR AID IF SUCH CITY'S AIM RELIANCE WAS LESS THAN ONE PERCENT.

S 2. Paragraph i of subdivision 10 of section 54 of the state finance law, is amended by adding a new subparagraph (vi) to read as follows:

(VI) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND NINE THE DEFICIT REDUCTION ADJUSTMENT TO THE BASE LEVEL GRANTS OF CERTAIN CITIES PURSUANT TO PARAGRAPH E-ONE OF THIS SUBDIVISION SHALL BE MADE ON OR BEFORE MARCH FIFTEENTH, TWO THOUSAND TEN.

S 3. Paragraph j of subdivision 10 of section 54 of the state finance law, as amended by section 4 of part GG of chapter 56 of the laws of 2009, is amended to read as follows:

j. Special aid and incentives for municipalities to the city of New York. In the state fiscal year commencing April first, two thousand seven a city with a population of one million or more shall receive twenty million dollars on or before December fifteenth. In the state fiscal year commencing April first, two thousand eight, a city with a population of one million or more shall receive two hundred forty-five million nine hundred forty-four thousand eight hundred thirty-four dollars payable on or before December fifteenth. In the state fiscal year commencing April first, two thousand nine, and in each state fiscal year thereafter, a city with a population of one million or more shall receive [three hundred twenty-seven million eight hundred eighty-nine thousand six hundred sixty-eight dollars] THREE HUNDRED ONE MILLION SIX HUNDRED FIFTY-EIGHT THOUSAND FOUR HUNDRED NINETY-FIVE DOLLARS payable on or before December fifteenth. Special aid and incentives for municipalities to the city of New York shall be apportioned and paid as required as follows:

(i) Any amounts required to be paid to the city university construction fund pursuant to the city university construction fund act;

(ii) Any amounts required to be paid to the New York city housing development corporation pursuant to the New York city housing development corporation act;

(iii) Five hundred thousand dollars to the chief fiscal officer of the city of New York for payment to the trustees of the police pension fund of such city;

(iv) Eighty million dollars to the special account for the municipal assistance corporation for the city of New York in the municipal assistance tax fund created pursuant to section ninety-two-d of this chapter to the extent that such amount has been included by the municipal assistance corporation for the city of New York in any computation for the issuance of bonds on a parity with outstanding bonds pursuant to a contract with the holders of such bonds prior to the issuance of any other bonds secured by payments from the municipal assistance corpo-

ration for the city of New York in the municipal assistance state aid fund created pursuant to section ninety-two-e of this chapter;
(v) The balance of the special account for the municipal assistance corporation for the city of New York in the municipal assistance state aid fund created pursuant to section ninety-two-e of this chapter;
(vi) Any amounts to be refunded to the general fund of the state of New York pursuant to the annual appropriation enacted for the municipal assistance state aid fund;
(vii) To the state of New York municipal bond bank agency to the extent provided by section twenty-four hundred thirty-six of the public authorities law; and
(viii) To the transit construction fund to the extent provided by section twelve hundred twenty-five-i of the public authorities law, and thereafter to the city of New York.
Notwithstanding any other law to the contrary, the amount paid to any city with a population of one million or more on or before December fifteenth shall be for an entitlement period ending the immediately preceding June thirtieth.
S 4. This act shall take effect immediately.

PART E

Section 1. Section 2 of part PP of chapter 56 of the laws of 2009 entitled "Environmental Affairs", relating to providing for the administration of certain funds and accounts related to the 2009-10 budget, is amended by adding a new subdivision 15 to read as follows:
15. $10,000,000 FROM THE ENVIRONMENTAL PROTECTION FUND (078), ENVIRONMENTAL PROTECTION TRANSFER ACCOUNT (01), TO THE GENERAL FUND.
S 2. Section 2 of part PP of chapter 56 of the laws of 2009 entitled "Transportation", relating to providing for the administration of certain funds and accounts related to the 2009-10 budget, is amended by adding a new subdivision 8 to read as follows:
8. $120,000,000 FROM THE MASS TRANSPORTATION OPERATING ASSISTANCE FUND (313), METROPOLITAN MASS TRANSIT OPERATING ASSISTANCE ACCOUNT (02), TO THE GENERAL FUND.
S 3. Section 12 of part PP of chapter 56 of the laws of 2009 relating to providing for the administration of certain funds and accounts related to the 2009-10 budget, is amended to read as follows:
S 12. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to [$200] $575 million from the unencumbered balance of any special revenue fund or account, or combination of funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2009-10 budget. Transfers from federal funds, debt service funds, capital projects funds, or the community projects fund are not permitted pursuant to this authorization. The director of the budget shall notify both houses of the legislature in writing prior to initiating transfers pursuant to this authorization.
S 4. Notwithstanding any provision of law to the contrary, the dormitory authority of the state of New York is authorized and directed, upon the request of the director of the budget, to transfer $26,000,000 to the general fund on or before March 31, 2010.
S 5. Notwithstanding any law to the contrary, the insurance department shall finance the annual expenses related to its activities and oper-

ations through assessments upon those entities required to pay such assessments pursuant to section 332 of the insurance law. For state fiscal year 2009-10, the total value of the annual assessment will be equal to the total value of the department's enacted appropriations. In such instances where the total value of the annual industry assessment exceeds actual annual expenses of the department's operations and activities, in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $4,940,000 from the unencumbered balance of the special revenue fund (339), insurance department account (B6) to the general fund on or before March 31, 2010.

S 6. Notwithstanding any provision of law, rule or regulation to the contrary, the New York State energy research and development authority is authorized and directed to make a contribution to the state treasury to the credit of the general fund in the amount of $90,000,000 from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation under the Regional Greenhouse Gas Initiative on or before March 31, 2010.

If, in any fiscal year, such moneys retained by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation under the Regional Greenhouse Gas Initiative are deemed insufficient by the director of the division of the budget to meet actual and anticipated disbursements, the comptroller shall at the direction of the director of the division of the budget, transfer from the general fund to the New York State energy research and development authority moneys sufficient to meet such disbursements. Such transfers shall be made only upon certification of need by the director of the division of the budget, with copies of such certification filed with the chairperson of the senate finance committee, the chairperson of the assembly ways and means committee and the state comptroller. The aggregate amount of all transfers to the New York State energy research and development authority shall not exceed $90,000,000 in total.

S 7. Notwithstanding any other provision of the law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized to transfer upon request of the director of the budget, $29,000,000 on or before March 31, 2010, from the city university special revenue fund (377), city university stabilization account (A1), to the general fund.

S 8. This act shall take effect immediately; provided that the amendments to sections 2 and 12 of part PP of chapter 56 of the laws of 2009 made by sections one, two and three of this act shall not affect the repeal of such sections and shall be deemed repealed therewith.

PART F

Section 1. Paragraph 14 of subdivision (a) of section 32 of the tax law, as added by section 2 of part VV of chapter 59 of the laws of 2009, is amended to read as follows:

(14) "Tax return preparer" means an individual who prepares a substantial portion of any return for compensation. Enrolled agents or employees of a tax return preparer or a commercial tax return preparation business who prepare returns for clients of that preparer or preparation business, as applicable, and partners who prepare returns for clients of a partnership engaged in a commercial tax return preparation business,

are all "tax return preparers" for purposes of this section. Excluded from the definition of "tax return preparer" are attorneys, public accountants, and certified public accountants, [who are registered with or licensed by the state,] and employees OF AN ATTORNEY, PUBLIC ACCOUNTANT, CERTIFIED PUBLIC ACCOUNTANT, OR FIRM THEREOF preparing returns under the supervision of such attorneys, public accountants, [and] certified public accountants OR FIRMS THEREOF. Also excluded are volunteer tax preparers, employees of a business or partners in a partnership whose job responsibilities include preparation of only the business' or partnership's returns, and employees of a tax return preparer or a commercial tax return preparation business who provides only clerical or other comparable services.

S 2. This act shall take effect immediately.

PART G

Section 1. Subdivision 1 of section 3609-a of the education law is amended by adding a new paragraph d to read as follows:

D. SUPPLEMENTAL DEFICIT REDUCTION ASSESSMENT FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL REDUCE PAYMENTS DUE TO EACH DISTRICT FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR PURSUANT TO THIS SECTION BY AN AMOUNT EQUAL TO THE SUPPLEMENTAL DEFICIT REDUCTION ASSESSMENT COMPUTED FOR SUCH DISTRICT, AND SUCH AMOUNT SHALL BE DEDUCTED FROM MONEYS APPORTIONED FOR THE PURPOSES OF PAYMENTS MADE PURSUANT TO THIS SECTION AND IF THE REDUCTION IS GREATER THAN THE SUM OF THE AMOUNTS AVAILABLE FOR SUCH DEDUCTIONS, THE REMAINDER OF THE REDUCTION SHALL BE WITHHELD FROM PAYMENTS SCHEDULED TO BE MADE TO THE DISTRICT PURSUANT TO THIS SECTION FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR, AND PROVIDED FURTHER THAT AN AMOUNT EQUAL TO THE AMOUNT OF SUCH DEDUCTION SHALL BE DEEMED TO HAVE BEEN PAID TO THE DISTRICT PURSUANT TO THIS SECTION FOR THE SCHOOL YEAR IN WHICH SUCH DEDUCTION IS MADE. THE COMMISSIONER SHALL COMPUTE SUCH SUPPLEMENTAL DEFICIT REDUCTION ASSESSMENT AND SHALL PROVIDE A SCHEDULE OF SUCH REDUCTION IN PAYMENTS TO THE STATE COMPTROLLER, THE DIRECTOR OF THE BUDGET, THE CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE.

(2) THE SUPPLEMENTAL DEFICIT REDUCTION ASSESSMENT SHALL BE COMPUTED AS THE PRODUCT OF THIRTY-FIVE AND SIXTY-TWO ONE-HUNDREDTHS OF A PERCENT (0.3562) MULTIPLIED BY THE ABSOLUTE VALUE OF THE DEFICIT REDUCTION ASSESSMENT ESTABLISHED PURSUANT TO PARAGRAPH C OF THIS SUBDIVISION.

S 2. Supplemental deficit reduction assessment restoration. Notwithstanding any other provision of law to the contrary, apportionments from this section shall be supported from funds appropriated for such purpose from the state fiscal stabilization fund-education fund as funded by the American recovery and reinvestment act of 2009. For the purposes of this section the term "fiscal year", followed by a reference to a year shall mean the period from July first of the preceding year to June thirtieth of the calendar year referenced.

Funds shall be apportioned to each school district in an amount equal to the supplemental deficit reduction assessment computed pursuant to subparagraph 3 of paragraph d of subdivision 1 of section 3609-a of the education law.

Each district shall be eligible, pursuant to applicable federal rules, regulations and guidelines, for a payment for the 2009-2010 school year of up to seventy percent (0.7) of such funds on or after the effective

date of this act and up to an additional thirty percent (0.3) of such funds on or after April 1, 2010.

S 3. This act shall take effect immediately.

PART H

Section 1. When a county district attorney of a county located in a city of one million or more recovers monies before the filing of an accusatory instrument as defined in subdivision 1 of section 1.20 of the criminal procedure law, after injured parties have been appropriately compensated, the district attorney's office shall retain a percentage of the remaining such monies in recognition that such monies were recovered as a result of investigations undertaken by the district attorney's office. The total amount of such monies to be retained by the county district attorney's office shall equal ten percent of the first twenty-five million dollars received by such office during the state fiscal year, plus seven and one-half percent of such monies received by such office in excess of twenty-five million dollars but less than fifty million dollars, plus five percent of any such monies received by such office in excess of fifty million dollars but less than one hundred million dollars, plus one percent of such monies received by such office in excess of one hundred million dollars. The remainder of such monies shall be paid by the district attorney's office to the state and to the county in equal amounts within thirty days of receipt, where disposition of such monies is not otherwise prescribed by law.

S 2. This act shall take effect immediately and shall remain in full force and effect until the last day of March, 2010, when it shall expire and be deemed repealed.

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

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