

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

9889--A

I N A S S E M B L Y

February 9, 2010

Introduced by M. of A. CROUCH, GIGLIO, MOLINARO, CALHOUN, TOBACCO, SCOZ-ZAFAVA, McDONOUGH, SALADINO, BACALLES, RAI, FINCH -- Multi-Sponsored by -- M. of A. BARCLAY, BURLING, CASTRO, CONTE, ERRIGO, FIELDS, GABRYSAK, HYER-SPENCER, P. LOPEZ, McKEVITT, O'MARA, SAYWARD, THIELE, TOWNSEND, WEISENBERG -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law and the education law, in relation to establishing the nursing education expansion program; to amend the state finance law, in relation to establishing the "nursing faculty development program fund", the "nursing capital facilities program fund", the "recruitment and promotion program fund", and the "county match awards for professional education in nursing fund"; making an appropriation therefor; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Legislative intent. New York is currently facing a nursing
2 shortage. This act addresses the shortcomings that have resulted in the
3 nursing shortage. This act will provide scholarships for those students
4 who wish to pursue a career in nursing as well as provide assistance to
5 current nursing programs to expand their capacity in order to educate
6 more nursing students. This act will also provide funding to attract
7 potential students to study the field of nursing, beginning with high
8 school aged students.
9 S 2. The executive law is amended by adding a new section 209-u to
10 read as follows:
11 S 209-U. NURSING EDUCATION EXPANSION PROGRAM. 1. THERE IS HEREBY
12 ESTABLISHED THE NURSING EDUCATION EXPANSION PROGRAM. THE PROGRAM SHALL
13 INCLUDE BUT NEED NOT BE LIMITED TO THE FACULTY DEVELOPMENT PROGRAM, THE
14 CAPITAL FACILITY PROGRAM AND THE RECRUITMENT AND PROMOTION PROGRAM.
15 2. THE COMMISSIONER OF EDUCATION SHALL PROVIDE NO LATER THAN ONE
16 HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS
17 OF TWO THOUSAND NINE THAT ADDED THIS SECTION, A STRATEGIC PLAN TO THE

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

LBD14537-03-0

GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE MINORITY LEADER OF THE ASSEMBLY WHICH SHALL:

(A) ESTABLISH CRITERIA FOR THE AWARDING OF FUNDS MADE AVAILABLE THROUGH THE NURSING EXPANSION PROGRAM; ALL AWARDS SHALL BE MADE ON A COMPETITIVE BASIS;

(B) PROVIDE A SCHEDULE FOR ISSUANCE OF REQUESTS FOR PROPOSALS FOR THE NURSING EXPANSION PROGRAM AWARDS;

(C) PROVIDE A SCHEDULE FOR COMPLETION OF REVIEW OF PROPOSALS SUBMITTED BY INSTITUTIONS OF HIGHER EDUCATION TO THE OFFICE;

(D) PROVIDE PROCEDURES FOR THE ISSUANCE OF AWARDS FROM THE NURSING EDUCATION EXPANSION PROGRAM.

3. THE FACULTY DEVELOPMENT PROGRAM IS HEREBY CREATED TO ASSIST INSTITUTIONS OF HIGHER EDUCATION WITH THE RETENTION AND RECRUITMENT OF NURSING FACULTY. FUNDS APPROPRIATED FOR THIS PROGRAM SHALL BE ADMINISTERED BY THE COMMISSIONER OF EDUCATION PURSUANT TO REQUEST FOR PROPOSALS. CONSIDERATION FOR THE ALLOCATION OF AWARDS SHALL BE GIVEN TO ALL INSTITUTIONS OF HIGHER EDUCATION WITHIN THE STATE PROVIDED SUCH INSTITUTIONS DEMONSTRATE TO THE SATISFACTION OF THE COMMISSIONER A SPECIFIC NEED FOR SUCH FUNDS AND THE MANNER IN WHICH SUCH AWARD FOR THE RECRUITMENT AND RETENTION OF NURSING FACULTY WOULD ENHANCE THE NURSING EDUCATION AND TRAINING CAPABILITIES AND REPUTATION OF THE INSTITUTION.

THE NURSING EDUCATION EXPANSION PROGRAM SHALL ISSUE AWARDS OF UP TO TWENTY THOUSAND DOLLARS PER FACULTY MEMBER ANNUALLY. INSTITUTIONS MAY APPLY FOR NO MORE THAN THREE AWARDS PER INSTITUTION PER AWARD LENGTH. THE COMMISSIONER OF EDUCATION SHALL PROMULGATE RULES AND REGULATIONS TO ESTABLISH:

(A) MATCHING FUNDS REQUIRED FROM THE ACADEMIC INSTITUTIONS;

(B) A SCHEDULE FOR AN ANNUAL REDUCTION OF THE FACULTY DEVELOPMENT AWARD, AND A CORRESPONDING INCREASE IN THE MATCHING FUNDS FROM THE ACADEMIC INSTITUTION; AND

(C) OTHER RULES AND REGULATIONS DEEMED NECESSARY BY THE COMMISSIONER OF EDUCATION FOR THE ADMINISTRATION OF THIS PROGRAM.

4. (A) THE CAPITAL FACILITY PROGRAM SHALL PROVIDE FINANCING FOR THE DESIGN, ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF NURSING FACILITIES, INCLUDING EQUIPMENT.

(B) ONLY AN INSTITUTION WITH A PROGRAM THAT PREPARES A STUDENT TO RECEIVE A LICENSE TO PRACTICE NURSING AS DEFINED IN SECTION SIXTY-NINE HUNDRED FIVE AND SECTION SIXTY-NINE HUNDRED SIX OF THE EDUCATION LAW, AND A PROGRAM THAT PREPARES A STUDENT TO RECEIVE A CERTIFICATE FOR NURSE PRACTITIONER PRACTICE AS DEFINED IN SECTION SIXTY-NINE HUNDRED TEN OF THE EDUCATION LAW SHALL BE ELIGIBLE TO ACT AS A PRIMARY HOST INSTITUTION FOR A CAPITAL FACILITIES AWARD AS DESCRIBED IN THIS SUBDIVISION.

(C) THE CAPITAL FACILITY PROGRAM SHALL ALSO PROVIDE FINANCING FOR THE RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF EXISTING LABORATORY FACILITIES. FUNDS AVAILABLE PURSUANT TO THIS SUBDIVISION SHALL BE AVAILABLE FOR NURSING FACILITIES AT ALL INSTITUTIONS OF HIGHER EDUCATION IN NEW YORK STATE.

(D) THE CAPITAL FACILITY PROGRAM SHALL ALSO PROVIDE FINANCING FOR EQUIPMENT, SUCH AS BUT NOT LIMITED TO SOFTWARE AND SIMULATION EQUIPMENT.

(E) THE STATE EDUCATION DEPARTMENT, THE CITY UNIVERSITY CONSTRUCTION FUND AND THE SUNY CONSTRUCTION FUND, MAY CONTRACT WITH THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK TO PROVIDE FINANCING FOR THE DESIGN, CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABILITATION AND GENERAL IMPROVEMENT OF NURSING FACILITIES FOR THOSE INSTITUTIONS RECEIVING AWARDS.

1 5. THE RECRUITMENT AND PROMOTION PROGRAM IS HEREBY CREATED TO PROVIDE
2 RESOURCES FOR, BUT NOT LIMITED TO, PROMOTIONAL MATERIAL, ADVERTISING AND
3 INTERNSHIPS TO ATTRACT STUDENTS TO THE FIELD OF NURSING. NO LESS THAN
4 FIFTY PERCENT OF THESE FUNDS MUST GO TO RECRUITMENT AND PROMOTION
5 EFFORTS AIMED AT HIGH SCHOOL STUDENTS.

6 S 3. Section 605 of the education law is amended by adding a new
7 subdivision 2-a to read as follows:

8 2-A. REGENTS NURSING SHORTAGE SCHOLARSHIPS. AT LEAST THIRTY PERCENT
9 OF THE REGENTS PROFESSIONAL EDUCATION IN NURSING SCHOLARSHIPS AWARDED
10 EACH YEAR SHALL BE AWARDED TO STUDENTS BEGINNING OR ENGAGED IN THE
11 PROFESSIONAL STUDY IN NURSING WHO AGREE TO PRACTICE NURSING UPON
12 COMPLETION OF THEIR PROFESSIONAL TRAINING IN AN AREA IN NEW YORK STATE
13 DESIGNATED AS HAVING A SHORTAGE OF NURSES, PROVIDED, HOWEVER, THAT TO
14 THE EXTENT THAT REGENTS NURSING SHORTAGE SCHOLARSHIPS ARE NOT AWARDED,
15 SUCH SCHOLARSHIPS SHALL BE AWARDED AS REGENTS PROFESSIONAL EDUCATION IN
16 NURSING SCHOLARSHIPS. THE PROVISIONS OF THIS SUBDIVISION SHALL ONLY
17 APPLY TO ANY RECIPIENT WHO RECEIVES HIS OR HER FIRST AWARD PAYMENT PRIOR
18 TO THE TWO THOUSAND NINE--TWO THOUSAND TEN ACADEMIC YEAR.

19 A. IN SELECTING AND CERTIFYING SCHOLARSHIP RECIPIENTS UNDER THIS
20 SECTION, PRIORITY SHALL BE ACCORDED TO APPLICANTS IN THE FOLLOWING
21 ORDER:

- 22 (I) FIRST, TO ANY APPLICANT WHO:
23 (1) HAS A FAMILY INCOME OF SIX THOUSAND DOLLARS OR LESS; AND
24 (2) RESIDES IN AN AREA DESIGNATED AS HAVING A SHORTAGE OF NURSES
25 PURSUANT TO PARAGRAPH C OF THIS SUBDIVISION;
26 (II) SECOND, TO ANY APPLICANT WHO HAS A FAMILY INCOME OF SIX THOUSAND
27 DOLLARS OR LESS;
28 (III) THIRD, TO ANY APPLICANT WHO:
29 (1) HAS A FAMILY INCOME OF TEN THOUSAND DOLLARS OR LESS; AND
30 (2) RESIDES IN AN AREA DESIGNATED AS HAVING A SHORTAGE OF NURSES
31 PURSUANT TO PARAGRAPH C OF THIS SUBDIVISION;
32 (IV) FOURTH, TO ANY APPLICANT WHO HAS A FAMILY INCOME OF TEN THOUSAND
33 DOLLARS OR LESS;
34 (V) FIFTH, TO ANY OTHER APPLICANT.

35 B. WITH RESPECT TO RECIPIENTS WHO HAVE RECEIVED AWARD PAYMENTS PRIOR
36 TO THE TWO THOUSAND NINE--TWO THOUSAND TEN ACADEMIC YEAR, WITH SUCH TIME
37 AS THE COMMISSIONER SHALL BY REGULATION PROVIDE, A RECIPIENT OF AN AWARD
38 SHALL HAVE PRACTICED NURSING IN AN AREA DESIGNATED AS HAVING A SHORTAGE
39 OF NURSES PURSUANT TO PARAGRAPH D OF THIS SUBDIVISION FOR THAT NUMBER OF
40 MONTHS CALCULATED BY MULTIPLYING BY NINE THE NUMBER OF ANNUAL AWARDS HE
41 OR SHE RECEIVED. IF A RECIPIENT FAILS TO COMPLY FULLY WITH SUCH CONDI-
42 TION, THE PRESIDENT SHALL BE ENTITLED TO RECOVER FROM SUCH RECIPIENT AN
43 AMOUNT WHICH BEARS THE SAME RATIO TO (I) THE AGGREGATE OF THE AMOUNT OF
44 THE AWARDS RECEIVED AS (II) THE NUMBER OF MONTHS THE RECIPIENT FAILED TO
45 COMPLY WITH THIS CONDITION BEARS TO THE NUMBER OF MONTHS HE OR SHE WAS
46 OBLIGATED TO COMPLY WITH THIS CONDITION, TOGETHER WITH INTEREST AT SEVEN
47 PERCENT PER ANNUM COMPUTED FROM THE DATE ON WHICH HE OR SHE COMPLETED
48 HIS OR HER PROFESSIONAL TRAINING AND/OR ACTIVE MILITARY SERVICE. A
49 RECIPIENT SHALL NOT BE REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS
50 PARAGRAPH UNLESS HE OR SHE SHALL HAVE RECEIVED A NURSING DEGREE AND ANY
51 OBLIGATION TO COMPLY WITH SUCH PROVISIONS SHALL BE CANCELLED UPON HIS OR
52 HER DEATH. THE REGENTS SHALL MAKE REGULATIONS TO PROVIDE FOR THE WAIVER
53 OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHERE COMPLIANCE WOULD INVOLVE
54 EXTREME HARDSHIP.

55 C. THE REQUIREMENTS OF THIS PARAGRAPH SHALL APPLY TO ANY RECIPIENT WHO
56 RECEIVES HIS OR HER FIRST AWARD PAYMENT COMMENCING WITH THE TWO THOUSAND

NINE--TWO THOUSAND TEN ACADEMIC YEAR OR SUBSEQUENTLY, AND THE REQUIREMENTS OF PARAGRAPH B OF THIS SUBDIVISION SHALL NOT APPLY TO SUCH RECIPIENTS. WITHIN SUCH TIME AS THE COMMISSIONER SHALL BY REGULATION PROVIDE, A RECIPIENT OF AN AWARD SHALL HAVE PRACTICED NURSING IN AN AREA DESIGNATED AS HAVING A SHORTAGE OF NURSES PURSUANT TO PARAGRAPH D OF THIS SUBDIVISION FOR THAT NUMBER OF MONTHS CALCULATED BY MULTIPLYING BY NINE THE NUMBER OF ANNUAL AWARDS RECEIVED BY THE RECIPIENT. IF A RECIPIENT FAILS TO COMPLY FULLY WITH SUCH CONDITION, THE PRESIDENT SHALL BE ENTITLED TO RECOVER FROM SUCH RECIPIENT AN AMOUNT DETERMINED BY THE FORMULA:

$$A = 2B (T-S)$$

T

IN WHICH "A" IS THE AMOUNT THE PRESIDENT IS ENTITLED TO RECOVER; "B" IS THE SUM OF ALL AWARDS PAID TO THE RECIPIENT AND THE INTEREST ON SUCH AMOUNT WHICH WOULD BE PAYABLE IF AT THE TIMES SUCH AWARDS WERE PAID THEY WERE LOANS BEARING INTEREST AT THE MAXIMUM PREVAILING RATE; "T" IS THE TOTAL NUMBER OF MONTHS IN THE RECIPIENT'S PERIOD OF OBLIGATED SERVICES; AND "S" IS THE NUMBER OF MONTHS OF SERVICE ACTUALLY RENDERED BY THE RECIPIENT. ANY AMOUNT WHICH THE PRESIDENT IS ENTITLED TO RECOVER UNDER THIS PARAGRAPH SHALL BE PAID WITHIN THE ONE YEAR PERIOD BEGINNING ON THE DATE THAT THE RECIPIENT FAILED TO COMPLY WITH THIS CONDITION. A RECIPIENT SHALL NOT BE REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH UNLESS HE OR SHE SHALL HAVE RECEIVED A NURSING DEGREE AND UNTIL HE OR SHE SHALL HAVE COMPLETED HIS OR HER PROFESSIONAL TRAINING, OR ACTIVE MILITARY SERVICE, OR BOTH. ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT. THE COMMISSIONER SHALL MAKE REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHERE COMPLIANCE WOULD INVOLVE EXTREME HARDSHIP.

D. THE REGENTS, AFTER CONSULTATION WITH THE COMMISSIONER OF HEALTH, SHALL DESIGNATE THOSE AREAS OF NEW YORK STATE WHICH HAVE A SHORTAGE OF NURSES FOR THE PURPOSES OF THIS SUBDIVISION AND, SHOULD IT BE NECESSARY IN SELECTING AMONG THE APPLICANTS, MAY ESTABLISH RELATIVE RANKINGS OF THOSE AREAS.

E. A RECIPIENT OF AN AWARD SHALL REPORT ANNUALLY TO THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION, ON FORMS PRESCRIBED BY IT, AS TO THE PERFORMANCE OF THE REQUIRED SERVICES OR THE RECIPIENT'S CURRENT STATUS, COMMENCING THE CALENDAR YEAR FOLLOWING GRADUATION FROM NURSING SCHOOL AND CONTINUING UNTIL THE RECIPIENT SHALL HAVE COMPLETED, OR IT IS DETERMINED HE OR SHE SHALL NOT BE OBLIGATED TO COMPLETE, THE REQUIRED SERVICES. THE CORPORATION MAY ALSO REQUIRE THE RECIPIENT TO FILE A REPORT ON HIS OR HER CURRENT STATUS PRIOR TO GRADUATION DURING ANY CALENDAR YEAR IN WHICH AN APPLICATION FOR AN ADDITIONAL AWARD IS NOT FILED. IF THE RECIPIENT SHALL FAIL TO FILE ANY REPORT REQUIRED IN THIS SUBDIVISION WITHIN THIRTY DAYS OF WRITTEN NOTICE TO THE RECIPIENT, MAILED TO THE ADDRESS SHOWN ON THE LAST APPLICATION FOR AN AWARD OR LAST REPORT FILED, WHICHEVER IS LATER, THE PRESIDENT OF THE CORPORATION MAY IMPOSE A FINE OF UP TO ONE THOUSAND DOLLARS. THE PRESIDENT SHALL HAVE THE DISCRETION TO WAIVE THE FILING OF A REPORT, EXCUSE A DELAY IN FILING, OR A FAILURE TO FILE A REPORT, OR WAIVE OR REDUCE ANY FINE IMPOSED FOR GOOD CAUSE SHOWN.

S 4. The education law is amended by adding a new section 606-a to read as follows:

S 606-A. COUNTY MATCHING AWARDS FOR PROFESSIONAL EDUCATION IN NURSING. EACH COUNTY OF THE STATE IS HEREBY AUTHORIZED TO ESTABLISH AWARDS IN SUCH MANNER AS THE LOCAL LEGISLATIVE BODY OF SUCH COUNTY MAY DETERMINE, FOR ATTENDANCE BY LEGAL RESIDENTS OF THIS STATE, WHO MEET THE CITIZEN-

SHIP REQUIREMENTS ESTABLISHED BY ARTICLE FOURTEEN OF THIS CHAPTER FOR THE PROFESSIONAL STUDY OF NURSING AT APPROVED NURSING SCHOOLS WITHIN NEW YORK STATE, CONDITIONED UPON THE PROMISE OF THE SCHOLARSHIP HOLDER TO PRACTICE NURSING IN SUCH COUNTY FOR SUCH PERIOD AS SUCH BODY MAY FIX, FOLLOWING HIS OR HER LICENSING AS A NURSE. EACH SUCH AWARD SHALL ENTITLE THE RECIPIENT TO SUCH SUM OF MONEY AS MAY BE FIXED BY SUCH BODY WHILE IN ATTENDANCE AT APPROVED NURSING SCHOOLS IN NEW YORK STATE DURING A PERIOD OF NOT TO EXCEED FOUR YEARS OF PROFESSIONAL STUDY. FOR EACH DOLLAR PROVIDED BY THE COUNTY FOR SUCH AWARD, EQUAL STATE DOLLARS SHALL BE PROVIDED, UP TO BUT NOT EXCEEDING TWO THOUSAND FIVE HUNDRED DOLLARS. SUCH AWARDS MAY, AS AN ALTERNATIVE TO AWARDS HEREIN BEFORE AUTHORIZED, BE GRANTED BY ANY SUCH COUNTY TO THOSE ALREADY SO LICENSED TO PRACTICE NURSING UPON THE PROMISE OF SUCH GRANTEEES TO PRACTICE WITHIN THE COUNTY FOR A PERIOD OF TIME AND UPON SUCH TERMS AND CONDITIONS AS THE COUNTY MAY FIX, PROVIDED SUCH RECIPIENT DID NOT RECEIVE A SIMILAR AWARD WHILE A STUDENT. THE COUNTY SHALL APPROPRIATE ANNUALLY SUCH SUMS OF MONEY AS MAY BE NECESSARY TO DEFRAY THE COSTS OF SUCH AWARDS AND MONEYS SO APPROPRIATED SHALL BE DEEMED APPROPRIATED FOR A LAWFUL COUNTY PURPOSE AND SHALL BE RAISED BY THE SAME METHOD AS MONEYS REQUIRED FOR OTHER LAWFUL COUNTY PURPOSES. THE COUNTY MAY APPLY FOR NO MORE THAN FOUR AWARDS PER AWARD LENGTH.

S 5. The state finance law is amended by adding four new sections 99-t, 99-u, 99-v and 99-w to read as follows:

S 99-T. NURSING FACULTY DEVELOPMENT PROGRAM FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND COMMISSIONER OF EDUCATION A SPECIAL FUND TO BE KNOWN AS THE "NURSING FACULTY DEVELOPMENT PROGRAM FUND".

2. SUCH FUND SHALL CONSIST OF ALL MONIES APPROPRIATED FOR THE PURPOSE OF SUCH FUND.

3. MONIES OF THE FUND SHALL BE AVAILABLE TO THE NURSING FACULTY DEVELOPMENT PROGRAM FUND FOR THE PURPOSES OF ASSISTING INSTITUTIONS OF HIGHER EDUCATION WITH THE RETENTION AND RECRUITMENT OF NURSING FACULTY PURSUANT TO SUBDIVISION THREE OF SECTION TWO HUNDRED NINE-U OF THE EXECUTIVE LAW.

4. THE MONIES OF THE FUND SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF EDUCATION, OR BY AN OFFICER OR EMPLOYEE OF THE DEPARTMENT OF EDUCATION DESIGNATED BY SUCH COMMISSIONER.

S 99-U. NURSING CAPITAL FACILITIES PROGRAM FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND COMMISSIONER OF EDUCATION A SPECIAL FUND TO BE KNOWN AS THE "NURSING CAPITAL FACILITIES PROGRAM FUND".

2. SUCH FUND SHALL CONSIST OF ALL MONIES APPROPRIATED FOR THE PURPOSE OF SUCH FUND.

3. MONIES OF THE FUND SHALL BE AVAILABLE TO THE NURSING CAPITAL FACILITIES PROGRAM FUND FOR THE PURPOSES OF PROVIDING FINANCING FOR THE DESIGN, ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF NURSING FACILITIES PURSUANT TO SUBDIVISION FOUR OF SECTION TWO HUNDRED NINE-U OF THE EXECUTIVE LAW.

4. THE MONIES OF THE FUND SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF EDUCATION, OR BY AN OFFICER OR EMPLOYEE OF THE DEPARTMENT OF EDUCATION DESIGNATED BY SUCH COMMISSIONER.

S 99-V. RECRUITMENT AND PROMOTION PROGRAM FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND COMMISSIONER

SIONER OF EDUCATION A SPECIAL FUND TO BE KNOWN AS THE "RECRUITMENT AND PROMOTION PROGRAM FUND".

2. SUCH FUND SHALL CONSIST OF ALL MONIES APPROPRIATED FOR THE PURPOSE OF SUCH FUND.

3. MONIES OF THE FUND SHALL BE AVAILABLE TO THE RECRUITMENT AND PROMOTION PROGRAM FUND FOR THE PURPOSES OF PROVIDING RESOURCES FOR ATTRACTING STUDENTS TO THE FIELD OF NURSING PURSUANT TO SUBDIVISION FIVE OF SECTION TWO HUNDRED NINE-U OF THE EXECUTIVE LAW.

4. THE MONIES OF THE FUND SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF EDUCATION, OR BY AN OFFICER OR EMPLOYEE OF THE DEPARTMENT OF EDUCATION DESIGNATED BY SUCH COMMISSIONER.

S 99-W. COUNTY MATCH AWARDS FOR PROFESSIONAL EDUCATION IN NURSING FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND COMMISSIONER OF EDUCATION A SPECIAL FUND TO BE KNOWN AS THE "COUNTY MATCH AWARDS FOR PROFESSIONAL EDUCATION IN NURSING FUND".

2. SUCH FUND SHALL CONSIST OF ALL MONIES APPROPRIATED FOR THE PURPOSE OF SUCH FUND.

3. MONIES OF THE FUND SHALL BE AVAILABLE TO THE COUNTY MATCH AWARDS FOR PROFESSIONAL EDUCATION IN NURSING FUND FOR THE PURPOSES OF PROVIDING AWARDS TO PERSONS ATTENDING APPROVED NURSING SCHOOLS IN NEW YORK STATE PURSUANT TO SECTION SIX HUNDRED SIX-A OF THE EDUCATION LAW.

4. THE MONIES OF THE FUND SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF EDUCATION, OR BY AN OFFICER OR EMPLOYEE OF THE DEPARTMENT OF EDUCATION DESIGNATED BY SUCH COMMISSIONER.

S 6. The sum of twenty-five million six hundred twenty thousand dollars (\$25,620,000), or so much thereof as may be necessary, is hereby appropriated to the department of education out of any moneys in the state treasury in the general fund to the credit of the nursing education expansion program fund not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law. Such sum shall be distributed as follows:

1. Three million dollars (\$3,000,000) for the nursing faculty development program, or so much thereof as may be necessary, is hereby appropriated to the department of education from any moneys in the state treasury in the general fund to the credit of the nursing education expansion program fund not otherwise appropriated for services and expenses of the department of education for the purposes of carrying out the provisions of this act. Fifty-five nursing programs will receive twenty thousand dollars (\$20,000) per year, for each year of a three year award length.

2. Twenty million dollars (\$20,000,000) for the nursing capital facilities program, or so much thereof as may be necessary, is hereby appropriated to the department of education from any moneys in the state treasury in the general fund to the credit of the nursing education expansion program fund not otherwise appropriated for services and expenses of the department of education for the purposes of carrying out the provisions of this act.

3. Two million dollars (\$2,000,000) for the nursing recruitment and promotion program, or so much thereof as may be necessary, is hereby appropriated to the department of education from any moneys in the state treasury in the general fund to the credit of the nursing education

1 expansion program fund not otherwise appropriated for services and
2 expenses of the department of education for the purposes of carrying out
3 the provisions of this act. One million dollars will be designated
4 towards promotion of nursing for high school students.

5 4. Six hundred twenty thousand dollars (\$620,000) for the county match
6 awards for professional education in nursing, or so much thereof as may
7 be necessary, is hereby appropriated to the department of education from
8 any moneys in the state treasury in the general fund to the credit of
9 the nursing education expansion program fund not otherwise appropriated
10 for services and expenses of the department of education for the
11 purposes of carrying out the provisions of this act. Four students per
12 county will receive two thousand dollars per year for four years.

13 5. No expenditure shall be made from this appropriation until a
14 certificate of approval of availability shall have been issued by the
15 director of the budget and filed with the state comptroller and a copy
16 filed with the chair of the senate finance committee and the chair of
17 the assembly ways and means committee.

18 6. Such certificate may be amended from time to time by the director
19 of the budget and a copy of each such amendment shall be filed with the
20 state comptroller, the chair of the senate finance committee and the
21 chair of the assembly ways and means committee.

22 S 7. Notwithstanding the provisions of section 40 of the state finance
23 law, the monies appropriated by this act shall first be made available
24 on the first day of April next succeeding the date on which this act
25 shall have become a law. Notwithstanding the provisions of section 40 of
26 the state finance law, the monies appropriated by this act shall lapse
27 on the thirtieth day of September next succeeding the close of the
28 fiscal year in which the monies were first made available.

29 S 8. This act shall take effect immediately; provided, however, that
30 the provisions of paragraph (b) of subdivision 4 of section 209-u of the
31 executive law as added by section two of this act shall expire and be
32 deemed repealed 5 years after such date.