

S. 15

A. 15

Twentieth Extraordinary Session

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

November 25, 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 authorizing the commissioner of taxation and finance to administer an accounts receivable discount program with respect to certain overdue tax liabilities (Part A); to amend the education law, the general municipal law and chapter 57 of the laws of 2009 amending the education law and other laws relating to special apportionment for salary expenses, in relation to creating the gap elimination adjustment (Part B); to amend the education law, in relation to reducing tuition award amounts for the tuition assistance program (Part C); to amend the social services law, in relation to the standards of monthly need for the aged, blind, and disabled persons (Part D); 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 E); to amend the public authorities law, in relation to authorizing the battery park city authority to make contributions to the state treasury (Part F); to amend the public health law and chapter 109 of the laws of 2006, amending the social services law and other laws relating to Medicaid reimbursement rate settings, in relation to establishing a workgroup pertaining to Medicaid reimbursement rate-setting for residential health care facilities for future periods and providing for periodic reports by such group; and relating to the reduction of certain payments under the medical assistance program and notification timeframes (Part G); and 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 H)

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

LBD12146-03-9

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 2009-2010
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through H. 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 a 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.

12 PART A

13 Section 1. (a) Notwithstanding the provisions of any other law to the
14 contrary, there is hereby established an accounts receivable discount
15 program as described in this section, to be administered by the commis-
16 sioner of taxation and finance, and to be effective for the period
17 prescribed by such commissioner, for all eligible taxpayers as described
18 in this section owing any tax, fee, or surcharge imposed or formerly
19 imposed by, or authorized under, the tax law, and administered by the
20 commissioner of taxation and finance.

21 (b) For purposes of the accounts receivable discount program, an
22 eligible taxpayer is an individual, partnership, estate, trust, corpo-
23 ration, limited liability company, joint stock company, or any other
24 company, trustee, receiver, assignee, referee, society, association,
25 business or any other person as described in the tax law, who or which
26 has a tax liability with regard to one or more taxes, fees or surcharges
27 that meet the conditions described in this section. However, a taxpayer
28 who or that has been convicted of crime under the tax law or the penal
29 law, and who or that is subject to a court order to pay a tax liability
30 as a result of that conviction, is not eligible to participate in this
31 program.

32 (c) For purposes of the accounts receivable discount program, an
33 eligible tax liability is one that has become fixed and final, and for
34 which an assessment or final determination was issued on or before
35 December 31, 2006. An eligible tax liability shall not include an
36 assessment or final determination that includes any of the following:
37 (1) any fraud penalty imposed under the tax law; (2) a penalty imposed
38 under section 11 of part N of chapter 61 of the laws of 2005; (3) a
39 penalty imposed under subsection (e), (g), (p), (p-1), (r), (x), (y),
40 (z), (aa) or (bb) of section 685 of the tax law; or (4) a penalty
41 imposed under subsection (f), (k), (k-1), (l), (p), (q), (r), (s) or (t)
42 of section 1085 of the tax law.

43 (d) The amount due under the accounts receivable discount program for
44 an eligible tax liability for which an assessment or final determination
45 was issued after December 31, 2003 and on or before December 31, 2006
46 must include the underlying tax liability and fifty percent of the
47 accrued interest and penalty (including the additional rate of interest
48 prescribed under section 1145 of the tax law, referred to in this
49 section as "interest penalty"). The amount due under this program for an
50 eligible tax liability for which an assessment or final determination
51 was issued on or before December 31, 2003 must include the underlying

1 tax liability and twenty percent of the accrued interest and penalty
2 (including interest penalty).

3 (e) The commissioner of taxation and finance shall identify the
4 assessments and final determinations with tax liabilities eligible for
5 the accounts receivable discount program described in this section,
6 compute the total amount of tax, interest, and penalty due under the
7 accounts receivable discount program on each such assessment or final
8 determination, and notify eligible taxpayers of the amount due under
9 this program for each such assessment or final determination. The
10 discount of a percentage of interest and penalty described in this
11 section will not be granted to any taxpayer for any such assessment or
12 final determination unless the taxpayer pays in full the amount due
13 under this program for that assessment or final determination on or
14 before the date prescribed by the commissioner.

15 (f) Under the accounts receivable discount program, payment will be
16 made by eligible taxpayers with eligible tax liabilities in the form and
17 manner prescribed by the commissioner of taxation and finance. Upon
18 payment in full by the date prescribed by the commissioner of taxation
19 and finance of the amount due under the accounts receivable discount
20 program for an eligible tax liability, the taxpayer's liability for that
21 assessment or final determination will be deemed to be paid in full.
22 Failure to pay the full amount due under this program by the date
23 prescribed by the commissioner of taxation and finance will disqualify
24 an eligible tax liability from receiving the discount of interest and
25 penalty described in this section.

26 (g) No refund will be granted or credit allowed with respect to any
27 penalty or interest paid prior to the time the taxpayer participates in
28 the accounts receivable discount program.

29 (h) No refund will be granted or credit allowed with respect to any
30 tax liability, including any applicable interest or penalty, paid under
31 the accounts receivable discount program.

32 (i) If an eligible taxpayer has entered into an installment payment
33 agreement that applies to an eligible tax liability, the taxpayer may
34 participate in the accounts receivable discount program with respect to
35 that liability, if the taxpayer pays the amount due under the accounts
36 receivable discount program in full by the date prescribed by the
37 commissioner of taxation and finance.

38 S 2. This act shall take effect immediately.

39

PART B

40 Section 1. The education law is amended by adding a new section 308-a
41 to read as follows:

42 S 308-A. SPECIAL PROVISIONS; MANDATES. 1. AS USED IN THIS SECTION,
43 "MANDATE" MEANS (A) ANY STATE LAW, RULE OR REGULATION WHICH CREATES A
44 NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING
45 PROGRAM WHICH A SCHOOL DISTRICT, ORGANIZED EITHER BY SPECIAL LAWS OR
46 PURSUANT TO THE PROVISIONS OF A GENERAL LAW, IS REQUIRED TO PROVIDE, OR
47 (B) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR
48 INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH ANY SUCH SCHOOL
49 DISTRICT IS REQUIRED TO PROVIDE.

50 2. IN THE EVENT THAT A MANDATE WHICH IMPOSES A COST UPON A SCHOOL
51 DISTRICT IS CREATED AFTER THE ADOPTION OF A SCHOOL BUDGET, SUCH MANDATE
52 SHALL BE IMPLEMENTED NO SOONER THAN THE FOLLOWING YEAR FOR WHICH SUCH
53 SCHOOL BUDGET WAS ADOPTED.

1 3. NOTWITHSTANDING SUBDIVISION TWO OF THIS SECTION, SUCH A MANDATE CAN
2 BE IMPOSED IF:

3 (A) THE MANDATE IS PROVIDED AT THE OPTION OF THE SCHOOL DISTRICT UNDER
4 A LAW, REGULATION, RULE OR ORDER THAT IS PERMISSIVE RATHER THAN MANDATO-
5 RY;

6 (B) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF
7 THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

8 (C) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLE-
9 MENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE
10 FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR
11 EXECUTIVE ORDER IMPOSES COSTS WHICH EXCEED THE COSTS MANDATED BY THE
12 FEDERAL GOVERNMENT.

13 S 2. Subdivision 1 of section 3609-a of the education law is amended
14 by adding a new paragraph d to read as follows:

15 D. GAP ELIMINATION ADJUSTMENT AND SUPPLEMENTAL DEFICIT REDUCTION
16 ASSESSMENT FOR TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR. (1)
17 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE STATE
18 COMPTROLLER SHALL REDUCE PAYMENTS DUE TO EACH DISTRICT FOR THE TWO THOU-
19 SAND NINE--TWO THOUSAND TEN SCHOOL YEAR PURSUANT TO THIS SECTION BY AN
20 AMOUNT EQUAL TO THE GAP ELIMINATION ADJUSTMENT AND SUPPLEMENTAL DEFICIT
21 REDUCTION ASSESSMENT COMPUTED FOR SUCH DISTRICT, AND SUCH AMOUNT SHALL
22 BE DEDUCTED FROM MONEYS APPORTIONED FOR THE PURPOSES OF PAYMENTS MADE
23 PURSUANT TO THIS SECTION AND IF THE REDUCTION IS GREATER THAN THE SUM OF
24 THE AMOUNTS AVAILABLE FOR SUCH DEDUCTIONS, THE REMAINDER OF THE
25 REDUCTION SHALL BE WITHHELD FROM PAYMENTS SCHEDULED TO BE MADE TO THE
26 DISTRICT PURSUANT TO THIS SECTION FOR THE TWO THOUSAND TEN--TWO THOUSAND
27 ELEVEN SCHOOL YEAR, AND PROVIDED FURTHER THAT AN AMOUNT EQUAL TO THE
28 AMOUNT OF SUCH DEDUCTION SHALL BE DEEMED TO HAVE BEEN PAID TO THE
29 DISTRICT PURSUANT TO THIS SECTION FOR THE SCHOOL YEAR IN WHICH SUCH
30 DEDUCTION IS MADE. THE COMMISSIONER SHALL COMPUTE SUCH GAP ELIMINATION
31 ADJUSTMENT AND SUPPLEMENTAL DEFICIT REDUCTION ASSESSMENT AND SHALL
32 PROVIDE A SCHEDULE OF SUCH REDUCTION IN PAYMENTS TO THE STATE COMP-
33 TROLLER, THE DIRECTOR OF THE BUDGET, THE CHAIR OF THE SENATE FINANCE
34 COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE.

35 (2) THE GAP ELIMINATION ADJUSTMENT FOR TWO THOUSAND NINE--TWO THOUSAND
36 TEN SCHOOL YEAR SHALL BE THE PRODUCT OF THE TOTAL AID FOR ADJUSTMENT,
37 MULTIPLIED BY ONE AND FIVE HUNDRED EIGHTY-TWO ONE-THOUSANDTHS OF A
38 PERCENT (0.01582). FOR THE PURPOSES OF SUCH COMPUTATION, "TOTAL AID FOR
39 ADJUSTMENT" SHALL MEAN THE SUM OF THE AMOUNTS SET FORTH FOR EACH SCHOOL
40 DISTRICT AS "2009-10 FORMULA TOTAL" UNDER THE HEADING "2009-10 BASE YEAR
41 AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN
42 SUPPORT OF A CHAPTER OF THE LAWS OF TWO THOUSAND NINE ENACTING SUCH GAP
43 ELIMINATION ADJUSTMENT.

44 (3) THE SUPPLEMENTAL DEFICIT REDUCTION ASSESSMENT SHALL BE COMPUTED AS
45 THE PRODUCT OF THIRTY-FIVE AND SIXTY-TWO ONE-HUNDREDTHS OF A PERCENT
46 (0.3562) MULTIPLIED BY THE ABSOLUTE VALUE OF THE DEFICIT REDUCTION
47 ASSESSMENT ESTABLISHED PURSUANT TO PARAGRAPH C OF THIS SUBDIVISION.

48 S 3. Supplemental deficit reduction assessment restoration. Notwith-
49 standing any other provision of law to the contrary, apportionments from
50 this section shall be supported from funds appropriated for such purpose
51 from the state fiscal stabilization fund-education fund as funded by the
52 American recovery and reinvestment act of 2009. For the purposes of this
53 section the term "fiscal year", followed by a reference to a year shall
54 mean the period from July first of the preceding year to June thirtieth
55 of the calendar year referenced.

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

5 Each district shall be eligible, pursuant to applicable federal rules,
6 regulations and guidelines, for a payment for the 2009-2010 school year
7 of up to seventy percent (0.7) of such funds on or after the effective
8 date of this act and up to an additional thirty percent (0.3) of such
9 funds on or after April 1, 2010.

10 S 4. Paragraph e of subdivision 1 of section 211-d of the education
11 law, as added by section 2-a of part A of chapter 57 of the laws of
12 2009, is amended to read as follows:

13 e. Notwithstanding paragraphs a and b of this subdivision, a school
14 district that submitted a contract for excellence for the two thousand
15 eight--two thousand nine school year shall submit a contract for excel-
16 lence for the two thousand nine--two thousand ten school year in
17 conformity with the requirements of subparagraph (vi) of paragraph a of
18 subdivision two of this section unless all schools in the district are
19 identified as in good standing. PROVIDED, HOWEVER, NOTWITHSTANDING ANY
20 OTHER PROVISION OF THIS SECTION TO THE CONTRARY, THE AMOUNT TO BE
21 EXPENDED ON APPROVED PROGRAMS AND ACTIVITIES IN SUCH CONTRACT FOR EXCEL-
22 LENCE FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR SHALL BE
23 NOT LESS THAN THE PRODUCT OF THE AMOUNT APPROVED BY THE COMMISSIONER IN
24 THE DISTRICT'S CONTRACT FOR EXCELLENCE FOR THE BASE YEAR, MULTIPLIED BY
25 THE DISTRICT'S "GAP ELIMINATION ADJUSTMENT PERCENTAGE". FOR PURPOSES OF
26 THIS PARAGRAPH, THE "GAP ELIMINATION ADJUSTMENT PERCENTAGE" SHALL BE
27 CALCULATED AS THE SUM OF ONE MINUS THE QUOTIENT OF THE SCHOOL DISTRICT'S
28 "GAP ELIMINATION ADJUSTMENT" AS COMPUTED PURSUANT TO PARAGRAPH D OF
29 SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED NINE-A OF THIS CHAPTER
30 DIVIDED BY THE TOTAL AID FOR ADJUSTMENT COMPUTED PURSUANT TO SUBPARA-
31 GRAPH TWO OF PARAGRAPH D OF SUBDIVISION ONE OF SECTION THIRTY-SIX
32 HUNDRED NINE-A OF THIS CHAPTER.

33 S 5. Section 6-p of the general municipal law is amended by adding a
34 new subdivision 10 to read as follows:

35 10. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE GOVERN-
36 ING BOARD OF A SCHOOL DISTRICT MAY, DURING THE TWO THOUSAND NINE--TWO
37 THOUSAND TEN SCHOOL YEAR, AUTHORIZE A WITHDRAWAL FROM THIS FUND IN AN
38 AMOUNT NOT TO EXCEED THE LESSER OF: (A) THE DOLLAR VALUE OF EXCESS FUND-
39 ING IN THE FUND AS DETERMINED BY THE COMPTROLLER PURSUANT TO SECTION
40 THIRTY-THREE OF THIS CHAPTER OR (B) THE AMOUNT OF THE SCHOOL DISTRICT'S
41 GAP ELIMINATION ADJUSTMENT AS CALCULATED BY THE COMMISSIONER OF EDUCA-
42 TION PURSUANT TO PARAGRAPH D OF SUBDIVISION ONE OF SECTION THIRTY-SIX
43 HUNDRED NINE-A OF THE EDUCATION LAW. FUNDS WITHDRAWN PURSUANT TO THIS
44 SUBDIVISION MAY ONLY BE USED FOR THE PURPOSE OF MAINTAINING EDUCATIONAL
45 PROGRAMMING DURING THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR
46 WHICH OTHERWISE WOULD HAVE BEEN REDUCED AS A RESULT OF SUCH GAP ELIMI-
47 NATION ADJUSTMENT. GOVERNING BOARDS WHICH MAKE SUCH A WITHDRAWAL SHALL
48 SUBMIT, IN A FORM PRESCRIBED BY THE COMMISSIONER OF EDUCATION, RELEVANT
49 INFORMATION ABOUT THE WITHDRAWAL, WHICH SHALL INCLUDE, BUT NOT BE LIMIT-
50 ED TO, THE AMOUNT OF SUCH WITHDRAWAL, THE DATE OF WITHDRAWAL, AND THE
51 USE OF SUCH WITHDRAWN FUNDS.

52 S 6. Subdivision 3 of section 33 of the general municipal law, as
53 added by section 40 of part A of chapter 57 of the laws of 2009, is
54 amended to read as follows:

55 3. Examinations and report. In addition to the inspection and examina-
56 tion of certain accounts pursuant to this section, the comptroller [by

1 the end of] DURING the [two thousand eleven--two thousand twelve] TWO
2 THOUSAND NINE--TWO THOUSAND TEN school year, shall also examine for the
3 most recent school year [as] practicable, the employee benefit accrued
4 liability reserve funds of school districts established pursuant to
5 section six-p of this chapter. Such examination shall be for the
6 purpose of determining the amount of funding in the reserve fund, the
7 amount of liabilities against such fund and if there exist funds in the
8 reserve fund which are in excess of the total liabilities of such fund.
9 The comptroller shall notify the school district if such excess funds
10 exist and the dollar value of the excess funding. The comptroller shall
11 also prepare a report on the school districts with excess funds in their
12 employee benefit accrued liability reserve fund and the amount of the
13 excess funding for each district. Such report shall be submitted by
14 July first, two thousand [twelve] TEN to the director of the budget, the
15 chair of the senate finance committee, the chair of the assembly ways
16 and means committee and the commissioner of education.

17 S 7. Subdivision a of section 50 of part A of chapter 57 of the laws
18 of 2009, amending the education law and other laws relating to special
19 apportionment for salary expenses, is amended to read as follows:

20 a. Notwithstanding any other provision of law, upon application to the
21 commissioner of education, not sooner than the first day of the second
22 full business week of June, 2010 and not later than the last day of the
23 third full business week of June, 2010, a school district eligible for
24 an apportionment pursuant to section 3602 of the education law shall be
25 eligible to receive an apportionment pursuant to this section, for the
26 school year ending June 30, 2010, for salary expenses incurred between
27 April 1 and June 30, 2010, and such apportionment shall not exceed THE
28 SUM OF (I) the deficit reduction assessment of 1990-91 as determined by
29 the commissioner of education, pursuant to paragraph f of subdivision 1
30 of section 3602 of the education law, as in effect through June 30,
31 1993, plus (II) 186 percent of such amount for a city school district in
32 a city with a population in excess of 1,000,000 inhabitants [and], plus
33 (III) 209 percent of such amount for a city school district in a city
34 with a population of more than 195,000 inhabitants and less than 219,000
35 inhabitants according to the latest federal census, PLUS (IV) THE GAP
36 ELIMINATION ADJUSTMENT OF TWO THOUSAND NINE--TWO THOUSAND TEN, AS DETER-
37 MINED BY THE COMMISSIONER OF EDUCATION PURSUANT TO PARAGRAPH D OF SUBDI-
38 VISION ONE OF SECTION THIRTY-SIX HUNDRED NINE-A OF THE EDUCATION LAW AS
39 IN EFFECT THROUGH JUNE THIRTIETH, TWO THOUSAND TEN, and PROVIDED FURTHER
40 THAT SUCH APPORTIONMENT shall not exceed such salary expenses. Such
41 application shall be made by a school district, after the board of
42 education or trustees have adopted a resolution to do so and in the case
43 of a city school district in a city with a population in excess of
44 125,000 inhabitants, with the approval of the mayor of such city.

45 S 8. Mitigation of educational services impact. Each school district
46 shall use, to the extent applicable, any unappropriated unreserved fund
47 balance to mitigate the impact of the gap elimination adjustment. In
48 addition, any programmatic reductions undertaken by school districts
49 after any unappropriated unreserved fund balance is fully allocated, as
50 a result of the enactment of the gap elimination adjustment shall, to
51 the extent possible, not impact educational services to children. School
52 districts shall report to the commissioner of the state education
53 department, in a manner and form as prescribed by the commissioner,
54 before July 1, 2010 to specify all the budgetary actions taken by each
55 school district due to the enactment of the gap elimination adjustment.

56 S 9. This act shall take effect immediately.

1

PART C

2 Section 1. Paragraph a of subdivision 3 of section 667 of the educa-
3 tion law is amended by adding a new subparagraph (vii) to read as
4 follows:

5 (VII) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPHS (I), (II), (III)
6 AND (VI) OF THIS PARAGRAPH, FOR ANY REMAINING SEMESTER, TRIMESTER, QUAR-
7 TER OR TERM OF ATTENDANCE DURING THE TWO THOUSAND NINE -- TWO THOUSAND
8 TEN ACADEMIC YEAR, AND FOR EACH ACADEMIC YEAR THEREAFTER, EACH AWARD
9 SHALL BE REDUCED BY A TOTAL OF ONE HUNDRED TWENTY DOLLARS OR BY THE
10 ACTUAL AWARD WHEN SUCH AWARD IS LESS THAN ONE HUNDRED TWENTY DOLLARS.
11 SUCH AWARD REDUCTION SHALL BE APPLIED PROPORTIONATELY TO REDUCE AWARDS
12 FOR EACH SEMESTER, TRIMESTER, QUARTER OR OTHER TERM OF ATTENDANCE DURING
13 WHICH A STUDENT RECEIVES AN AWARD IN THE ACADEMIC YEAR.

14 S 2. Paragraph b of subdivision 3 of section 667 of the education law
15 is amended by adding a new subparagraph (vi) to read as follows:

16 (VI) NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH, FOR ANY REMAIN-
17 ING SEMESTER, TRIMESTER, QUARTER OR TERM OF ATTENDANCE DURING THE TWO
18 THOUSAND NINE -- TWO THOUSAND TEN ACADEMIC YEAR, AND FOR EACH ACADEMIC
19 YEAR THEREAFTER, EACH AWARD SHALL BE REDUCED BY A TOTAL OF ONE HUNDRED
20 TWENTY DOLLARS OR BY THE ACTUAL AWARD WHEN SUCH AWARD IS LESS THAN ONE
21 HUNDRED TWENTY DOLLARS. SUCH AWARD REDUCTION SHALL BE APPLIED PROPOR-
22 TIONATELY TO REDUCE AWARDS FOR EACH SEMESTER, TRIMESTER, QUARTER OR
23 OTHER TERM OF ATTENDANCE DURING WHICH A STUDENT RECEIVES AN AWARD IN THE
24 ACADEMIC YEAR.

25 S 3. Paragraph c of subdivision 3 of section 667 of the education law
26 is amended by adding a new subparagraph (vi) to read as follows:

27 (VI) NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH, FOR ANY REMAIN-
28 ING SEMESTER, TRIMESTER, QUARTER OR TERM OF ATTENDANCE DURING THE TWO
29 THOUSAND NINE -- TWO THOUSAND TEN ACADEMIC YEAR, AND FOR EACH ACADEMIC
30 YEAR THEREAFTER, EACH AWARD SHALL BE REDUCED BY A TOTAL OF ONE HUNDRED
31 TWENTY DOLLARS OR BY THE ACTUAL AWARD WHEN SUCH AWARD IS LESS THAN ONE
32 HUNDRED TWENTY DOLLARS. SUCH AWARD REDUCTION SHALL BE APPLIED PROPOR-
33 TIONATELY TO REDUCE AWARDS FOR EACH SEMESTER, TRIMESTER, QUARTER OR
34 OTHER TERM OF ATTENDANCE DURING WHICH A STUDENT RECEIVES AN AWARD IN THE
35 ACADEMIC YEAR.

36 S 4. This act shall take effect immediately.

37

PART D

38 Section 1. Paragraphs (a), (b) and (f) of subdivision 2 of section 209
39 of the social services law, paragraphs (a) and (b) as amended by section
40 3 of part U of chapter 57 of the laws of 2009 and paragraph (f) as added
41 by section 4 of part U of chapter 57 of the laws of 2009, are amended to
42 read as follows:

43 (a) (I) On and after January first, two thousand nine, for an eligible
44 individual living alone, \$761.00; and for an eligible couple living
45 alone, \$1115.00.

46 (II) ON AND AFTER FEBRUARY FIRST, TWO THOUSAND TEN, FOR AN ELIGIBLE
47 INDIVIDUAL LIVING ALONE, \$747.36; AND FOR AN ELIGIBLE COUPLE LIVING
48 ALONE, \$1099.03.

49 (b) (I) On and after January first, two thousand nine, for an eligible
50 individual living with others with or without in-kind income, \$697.00;
51 and for an eligible couple living with others with or without in-kind
52 income, \$1057.00.

(II) ON AND AFTER FEBRUARY FIRST, TWO THOUSAND TEN, FOR AN ELIGIBLE INDIVIDUAL LIVING WITH OTHERS WITH OR WITHOUT IN-KIND INCOME, \$687.90; AND FOR AN ELIGIBLE COUPLE LIVING WITH OTHERS WITH OR WITHOUT IN-KIND INCOME, \$1044.63.

(f) The amounts set forth in [paragraphs (a)] SUBPARAGRAPH (II) OF PARAGRAPH (A), SUBPARAGRAPH (II) OF PARAGRAPH (B) AND PARAGRAPHS (C) through (e) of this subdivision shall be increased to reflect any increases in federal supplemental security income benefits for individuals or couples which become effective on or after January first, two thousand ten but prior to June thirtieth, two thousand ten.

S 2. This act shall take effect immediately, provided however, that the amendments to paragraph (f) of subdivision 2 of section 209 of the social services law made by section one of this act, shall take effect on the same date and in the same manner as section 4 of part U of chapter 57 of the laws of 2009, takes effect.

PART E

Section 1. Item (ii) of subparagraph (D) of paragraph 5 of subsection (1) 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 F

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. Subdivision 1 of section 1977-a of the public authorities law is amended by adding a new paragraph (f) to read as follows:

(F) ADDITIONAL AUTHORIZATION FOR HOUSING. FOR THE PURPOSE OF FINANCING AFFORDABLE HOUSING PROGRAMS OF THE CITY, THE AUTHORITY MAY, IN ADDITION TO THE AUTHORIZATIONS CONTAINED ELSEWHERE IN THIS TITLE, BORROW MONEY BY ISSUING BONDS OR NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING ONE HUNDRED MILLION DOLLARS PLUS A PRINCIPAL AMOUNT OF BONDS AND NOTES ISSUED (I) TO FUND ANY RELATED DEBT SERVICE FUND, (II) TO PROVIDE CAPITALIZED INTEREST, AND (III) TO PROVIDE FOR FEES AND OTHER CHARGES AND EXPENSES INCLUDING ANY UNDERWRITERS' DISCOUNTS, RELATED TO THE ISSUANCE OF SUCH BONDS OR NOTES, ALL AS DETERMINED BY THE AUTHORITY, EXCLUDING BONDS AND NOTES ISSUED TO REFUND OUTSTANDING BONDS AND NOTES ISSUED PURSUANT TO THIS SECTION.

S 3. This act shall take effect immediately.

PART G

Section 1. Subparagraph (vi) of paragraph (a) of subdivision 2 of section 2807-d of the public health law, as added by section 49 of part B of chapter 58 of the laws of 2009, is amended to read as follows:

(vi) Notwithstanding any contrary provisions of this paragraph or any other provision of law or regulation, for general hospitals the assessment shall be thirty-five hundredths of one percent of each general hospital's gross receipts received from all patient care services and other operating income on a cash basis for periods on and after April first, two thousand nine, for hospital or health-related services, including, but not limited to inpatient services, outpatient services, emergency services, referred ambulatory services and ambulatory surgical services, but not including residential health care facilities services or home health care services, PROVIDED, HOWEVER, THAT FOR THE PERIOD DECEMBER FIRST, TWO THOUSAND NINE THROUGH MARCH THIRTY-FIRST TWO THOUSAND ELEVEN, SUCH ASSESSMENT FOR SUCH SERVICES SHALL BE SEVENTY-FIVE HUNDREDTHS OF ONE PERCENT OF EACH SUCH GENERAL HOSPITAL'S GROSS RECEIPTS, PROVIDED FURTHER, HOWEVER, THAT AMOUNTS IN EXCESS OF THIRTY-FIVE HUNDREDTHS OF ONE PERCENT SHALL BE ASSESSED ONLY WITH REGARD TO GROSS RECEIPTS FOR INPATIENT CARE SERVICES AND OTHER OPERATING INCOME ON A CASH BASIS AND SHALL NOT BE ASSESSED WITH REGARD TO GROSS RECEIPTS FOR OUTPATIENT SERVICES, AND PROVIDED FURTHER, HOWEVER, THAT ON AND AFTER APRIL FIRST, TWO THOUSAND ELEVEN, SUCH ASSESSMENT SHALL BE REDUCED TO THIRTY-FIVE HUNDREDTHS OF ONE PERCENT.

S 1-a. Subdivision 10 of section 2807-d of the public health law is amended by adding a new paragraph (f) to read as follows:

(F) PROVIDED, HOWEVER, THAT, SUBJECT TO THE AVAILABILITY OF FEDERAL FINANCIAL PARTICIPATION, FOR THE PURPOSES OF DETERMINING RATES OF PAYMENT PURSUANT TO THIS ARTICLE FOR GENERAL HOSPITALS, THE ASSESSMENT IMPOSED PURSUANT TO SUBPARAGRAPH (VI) OF PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION SHALL, INSOFAR AS SUCH ASSESSMENT IS IN EXCESS OF THIRTY-FIVE HUNDREDTHS OF ONE PERCENT OF EACH SUCH GENERAL HOSPITAL'S GROSS RECEIPTS, BE A REIMBURSABLE COST TO BE REFLECTED AS TIMELY AS PRACTICABLE, AND SUBSEQUENTLY RECONCILED TO ACTUAL COST, IN RATES OF PAYMENT APPLICABLE WITHIN THE ASSESSMENT PERIOD.

S 2. 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 practitioner

1 and provided to an individual by a registered professional nurse for
2 individuals receiving home care services ordered by an authorized prac-
3 titioner and provided under the supervision of a registered professional
4 nurse. Such guidelines shall be promulgated within 30 days of the effec-
5 tive date of this section.

6 2. The commissioner of education, in consultation with such state
7 boards, shall examine the experiences pursuant to the guidelines estab-
8 lished pursuant to this section and, on or before April 1, 2011, recom-
9 mend to the governor and the legislature any changes as may be necessary
10 to this section.

11 S 3. 1. Notwithstanding paragraph (c) of subdivision 10 of section
12 2807-c of the public health law, subdivision 2-b of section 2808 of the
13 public health law, section 21 of chapter 1 of the laws of 1999, and any
14 other contrary provision of law, in determining rates of payments by
15 state governmental agencies effective for services provided on and after
16 January 1, 2010, for inpatient and outpatient services provided by
17 general hospitals, for inpatient services and adult day health care
18 outpatient services provided by residential health care facilities
19 pursuant to article 28 of the public health law, except for residential
20 health care facilities that provide extensive nursing, medical, psycho-
21 logical and counseling support services to children, for home health
22 care services provided pursuant to article 36 of the public health law
23 by certified home health agencies, long term home health care programs
24 and AIDS home care programs, and for personal care services provided
25 pursuant to section 365-a of the social services law, the commissioner
26 of health shall apply zero trend factor projections attributable to the
27 2010 calendar year in accordance with paragraph (c) of subdivision 10 of
28 section 2807-c of the public health law, provided, however, that such
29 zero trend factor projections for such 2010 calendar year shall also be
30 applied to rates of payment for personal care services provided in those
31 local social service districts, including New York city, whose rates of
32 payment for such services are established by such local social service
33 districts pursuant to a rate-setting exemption issued by the commission-
34 er of health to such local social service districts in accordance with
35 applicable regulations, and provided further, however, that for rates of
36 payment for assisted living program services provided on and after Janu-
37 ary 1, 2010, trend factor projections attributable to the 2010 calendar
38 year shall be established at zero percent.

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

42 S 4. Notwithstanding paragraph (b) of subdivision 2-b and subdivision
43 2-c of section 2808 of the public health law, section 2 of part D of
44 chapter 58 of the laws of 2009, or any other contrary provision of law,
45 the commissioner of health, with the approval of the director of the
46 budget, shall make such proportional adjustments to rates of payments,
47 as computed pursuant to paragraph (b) of subdivision 2-b of section 2808
48 of the public health law and as modified by section 2 of part D of chap-
49 ter 58 of the laws of 2009, for the period December 1, 2009 through
50 March 31, 2010, such that the aggregate total increase in such rates of
51 payment for the period April 1, 2009 through March 31, 2010, shall be
52 reduced from two hundred ten million dollars (\$210,000,000) to an amount
53 no greater than fifty-two million five hundred thousand dollars
54 (\$52,500,000), provided, however, that the commissioner of health and
55 the director of the budget shall make such further proportional adjust-
56 ments to such rates of payment for the period April 1, 2010 through

1 March 31, 2011 as are necessary to ensure that such rates for such peri-
2 od do not, in aggregate, reflect any further net increase in excess of
3 one hundred fifty-seven million five hundred thousand dollars
4 (\$157,500,000) from the rates in effect for the preceding state fiscal
5 year, and provided further, however, that, notwithstanding any contrary
6 provision of section 2 of part D of chapter 58 of the laws of 2009, the
7 case mix adjustments authorized pursuant to subparagraph (ii) of para-
8 graph (b) of subdivision 2-b of section 2808 of the public health law
9 and scheduled pursuant to such subparagraph (ii) for January of 2010,
10 shall be implemented in accordance with the provisions of such subpara-
11 graph (ii).

12 S 5. Subparagraph (i) of paragraph (b) of subdivision 2-b of section
13 2808 of the public health law, as amended by section 3 of part D of
14 chapter 58 of the laws of 2009, is amended to read as follows:

15 (b) (i) Subject to the provisions of subparagraphs (ii) through (xiv)
16 of this paragraph, for periods on and after April first, two thousand
17 nine through [March thirty-first, two thousand ten] FEBRUARY
18 TWENTY-EIGHTH, TWO THOUSAND ELEVEN the operating cost component of rates
19 of payment shall reflect allowable operating costs as reported in each
20 facility's cost report for the two thousand two calendar year, as
21 adjusted for inflation on an annual basis in accordance with the method-
22 ology set forth in paragraph (c) of subdivision ten of section twenty-
23 eight hundred seven-c of this article, provided, however, that for those
24 facilities which do not receive a per diem add-on adjustment pursuant to
25 subparagraph (ii) of paragraph (a) of this subdivision, rates shall be
26 further adjusted to include the proportionate benefit, as determined by
27 the commissioner, of the expiration of the opening paragraph and para-
28 graph (a) of subdivision sixteen of this section and of paragraph (a) of
29 subdivision fourteen of this section, and provided further that the
30 operating cost component of rates of payment for those facilities which
31 did not receive a per diem adjustment in accordance with subparagraph
32 (ii) of paragraph (a) of this subdivision shall not be less than the
33 operating component such facilities received in the two thousand eight
34 rate period, as adjusted for inflation on an annual basis in accordance
35 with the methodology set forth in paragraph (c) of subdivision ten of
36 section twenty-eight hundred seven-c of this article and further
37 provided, however, that rates for facilities whose operating cost compo-
38 nent reflects base year costs subsequent to January first, two thousand
39 two shall have rates computed in accordance with this paragraph, utiliz-
40 ing allowable operating costs as reported in such subsequent base year
41 period, and trended forward to the rate year in accordance with applica-
42 ble inflation factors.

43 S 6. The opening paragraph and subparagraph (vi) of paragraph (a) of
44 subdivision 2-c of section 2808 of the public health law, as added by
45 section 5 of part D of chapter 58 of the laws of 2009, are amended to
46 read as follows:

47 Notwithstanding any inconsistent provision of this section or any
48 other contrary provision of law and subject to the availability of
49 federal financial participation, the operating costs of rates of payment
50 by governmental agencies for inpatient services provided by residential
51 health care facilities on and after [April first, two thousand ten]
52 MARCH FIRST, TWO THOUSAND ELEVEN shall be determined in accordance with
53 the following:

54 (vi) Notwithstanding subparagraph (i) of this paragraph, the operating
55 cost component of the rates, effective [April first, two thousand ten]
56 MARCH FIRST, TWO THOUSAND ELEVEN for the following categories of facili-

1 ties, as established pursuant to applicable regulations, shall reflect
2 the rates in effect for such facilities on [March thirty-first, two
3 thousand ten,] FEBRUARY TWENTY-EIGHTH, TWO THOUSAND ELEVEN, as adjusted
4 for inflation in accordance with applicable statutes: (A) AIDS facili-
5 ties or discrete AIDS units within facilities, (B) discrete units for
6 residents receiving care in a long-term inpatient rehabilitation program
7 for traumatic brain injured persons, (C) discrete units providing
8 specialized programs for residents requiring behavioral interventions,
9 (D) discrete units for long-term ventilator dependent residents, and (E)
10 facilities or discrete units within facilities that provide extensive
11 nursing, medical, psychological and counseling support services solely
12 to children. Such rate shall remain in effect until the department, in
13 consultation with representatives of the nursing home industry, as
14 selected by the commissioner, develops a regional pricing or alternative
15 methodology for determining such rates.

16 S 7. Section 48 of part C of chapter 109 of the laws of 2006, amending
17 the social services law and other laws relating to Medicaid reimburse-
18 ment rate settings, as amended by section 6 of part D of chapter 58 of
19 the laws of 2009, is amended to read as follows:

20 S 48. Notwithstanding any contrary provision of law, the commissioner
21 of health shall, by no later than May 15, 2007, establish a workgroup
22 pertaining to Medicaid reimbursement rate-setting for residential health
23 care facilities for future periods, including, but not limited to, the
24 following areas:

25 (a) operating costs that should be considered allowable in the devel-
26 opment of regional prices;

27 (b) identification of appropriate cost differentials among facilities
28 based on factors including, but not limited to, size, affiliation,
29 location, public versus non-public, facility layout, culture exchange
30 initiatives and labor costs, including the most appropriate mechanism to
31 adjust rates of payment to reflect appropriate cost differentials
32 related to direct care staffing, including adjustments to the direct
33 component of the operating cost component of such rate, establishment of
34 a quality care incentive pool pursuant to subdivision (2-c) of section
35 2808 of the public health law or other mechanisms;

36 (c) reimbursement for facilities providing care to specialized popu-
37 lations with specialized care needs;

38 (d) the relationship between facility spending on various costs and
39 quality of care and patient outcomes;

40 (e) appropriate regions to be utilized;

41 (f) the reasons underlying the existing proportion of Medicaid
42 patients to non-Medicaid patients in New York facilities;

43 (g) issues related to Medicare;

44 (h) impact of planned rightsizing of the acute care system;

45 (i) impact of planned rightsizing of nursing home system;

46 (j) impact of using Medicaid only case mix; and

47 (k) other issues as determined by the commissioner.

48 The members of the workgroup shall include department of health staff
49 and representatives of statewide associations representing the residen-
50 tial health care facility industry in New York, organizations represent-
51 ing employees, and, by May thirty-first, two thousand nine, advocates
52 for residential health care facility residents and representatives of
53 regional associations representing the residential health care facility
54 industry in New York. The workgroup shall work in consultation with the
55 assembly and the senate. The commissioner of health shall appoint the
56 chair of the workgroup and designate such employees of the department of

1 health as are reasonably necessary to provide necessary data and support
2 services to the workgroup. The commissioner of health shall submit [an
3 interim] A report summarizing the workgroup's deliberations and the
4 commissioner of health's recommendations to the governor, the temporary
5 president of the senate, the speaker of the assembly, and the minority
6 leaders of the senate and the assembly by [December fifteenth, two thou-
7 sand nine, and a subsequent report shall be submitted to these individ-
8 uals no later than February fifteenth, two thousand ten] OCTOBER FIRST,
9 TWO THOUSAND TEN. The workgroup shall continue until December thirty-
10 first, two thousand [ten] ELEVEN to evaluate the implementation of the
11 new system.

12 S 8. Notwithstanding section 179-f of the state finance law, section
13 2818 of the public health law, or any other contrary provision of law,
14 upon a determination by the commissioner of health and the director of
15 the budget that state fiscal constraints require a delay in payments
16 made pursuant to contracts entered into pursuant to section 2818 of the
17 public health law, the commissioner of health shall be authorized, with
18 the approval of the state budget director, to delay such payments which
19 are due prior to April 1, 2010, until the later of April 1, 2010 or the
20 enactment of a budget for the 2010-2011 state fiscal year, and such
21 delay shall not result in the payment of interest by the state pursuant
22 to section 179-f of the state finance law or pursuant to any other
23 otherwise applicable law. Such contracts shall otherwise remain in full
24 force and effect.

25 S 9. Notwithstanding any inconsistent provision of law, rule or regu-
26 lation, for purposes of implementing the provisions of the public health
27 law and the social services law, references to titles XIX and XXI of the
28 federal social security act in the public health law and the social
29 services law shall be deemed to include and also to mean any successor
30 titles thereto under the federal social security act.

31 S 10. Notwithstanding any inconsistent provision of law, rule or regu-
32 lation, the effectiveness of the provisions of sections 2807 and 3614 of
33 the public health law, section 18 of chapter 2 of the laws of 1988, and
34 18 NYCRR 505.14(h), as they relate to time frames for notice, approval
35 or certification of rates of payment, are hereby suspended and without
36 force or effect for purposes of implementing the provisions of this act.

37 S 11. This act shall take effect immediately, provided however that:

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

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

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

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

54 5. the provisions of this act shall become effective notwithstanding
55 the failure of the commissioner of health or the superintendent of

1 insurance or any council to adopt or amend or promulgate regulations
2 implementing this act.

3 PART H

4 Section 1. Section 2 of part PP of chapter 56 of the laws of 2009
5 entitled "Environmental Affairs", relating to providing for the adminis-
6 tration of certain funds and accounts related to the 2009-10 budget, is
7 amended by adding a new subdivision 15 to read as follows:

8 15. \$10,000,000 FROM THE ENVIRONMENTAL PROTECTION FUND (078), ENVIRON-
9 MENTAL PROTECTION TRANSFER ACCOUNT (01), TO THE GENERAL FUND.

10 S 2. Section 2 of part PP of chapter 56 of the laws of 2009 entitled
11 "Transportation", relating to providing for the administration of
12 certain funds and accounts related to the 2009-10 budget, is amended by
13 adding two new subdivisions 8 and 9 to read as follows:

14 8. \$90,000,000 FROM THE MASS TRANSPORTATION OPERATING ASSISTANCE FUND
15 (313), METROPOLITAN MASS TRANSIT OPERATING ASSISTANCE ACCOUNT (02), TO
16 THE GENERAL FUND.

17 9. \$5,000,000 FROM THE DEDICATED MASS TRANSPORTATION TRUST FUND (073),
18 NON-MTA CAPITAL PURPOSE ACCOUNT (03), TO THE GENERAL FUND.

19 S 3. Section 12 of part PP of chapter 56 of the laws of 2009 relating
20 to providing for the administration of certain funds and accounts
21 related to the 2009-10 budget, is amended to read as follows:

22 S 12. Notwithstanding any law to the contrary, and in accordance with
23 section 4 of the state finance law, the comptroller is hereby authorized
24 and directed to transfer, at the request of the director of the budget,
25 up to [\$200] \$575 million from the unencumbered balance of any special
26 revenue fund or account, or combination of funds and accounts, to the
27 general fund. The amounts transferred pursuant to this authorization
28 shall be in addition to any other transfers expressly authorized in the
29 2009-10 budget. Transfers from federal funds, debt service funds, capi-
30 tal projects funds, or the community projects fund are not permitted
31 pursuant to this authorization. The director of the budget shall notify
32 both houses of the legislature in writing prior to initiating transfers
33 pursuant to this authorization.

34 S 4. Notwithstanding any provision of law to the contrary, the dormi-
35 tory authority of the state of New York is authorized and directed, upon
36 the request of the director of the budget, to transfer \$26,000,000 to
37 the general fund on or before March 31, 2010.

38 S 5. Notwithstanding any law to the contrary, the insurance department
39 shall finance the annual expenses related to its activities and oper-
40 ations through assessments upon those entities required to pay such
41 assessments pursuant to section 332 of the insurance law. For state
42 fiscal year 2009-10, the total value of the annual assessment will be
43 equal to the total value of the department's enacted appropriations. In
44 such instances where the total value of the annual industry assessment
45 exceeds actual annual expenses of the department's operations and activ-
46 ities, in accordance with section 4 of the state finance law, the comp-
47 troller is hereby authorized and directed to transfer, at the request of
48 the director of the budget, up to \$2,800,000 from the unencumbered
49 balance of the special revenue fund (339), insurance department account
50 (B6) to the general fund on or before March 31, 2010.

51 S 6. Notwithstanding any provision of law, rule or regulation to the
52 contrary, the New York State energy research and development authority
53 is authorized and directed to make a contribution to the state treasury
54 to the credit of the general fund in the amount of \$90,000,000 from

1 proceeds collected by the authority from the auction or sale of carbon
2 dioxide emission allowances allocated by the department of environmental
3 conservation under the Regional Greenhouse Gas Initiative on or before
4 March 31, 2010.

5 If, in any fiscal year, such moneys retained by the authority from the
6 auction or sale of carbon dioxide emission allowances allocated by the
7 department of environmental conservation under the Regional Greenhouse
8 Gas Initiative are deemed insufficient by the director of the division
9 of the budget to meet actual and anticipated disbursements, the comp-
10 troller shall at the direction of the director of the division of the
11 budget, transfer from the general fund to the New York State energy
12 research and development authority moneys sufficient to meet such
13 disbursements. Such transfers shall be made only upon certification of
14 need by the director of the division of the budget, with copies of such
15 certification filed with the chairperson of the senate finance commit-
16 tee, the chairperson of the assembly ways and means committee and the
17 state comptroller. The aggregate amount of all transfers to the New York
18 State energy research and development authority shall not exceed
19 \$90,000,000 in total.

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

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

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

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