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

S. 2806 A. 4006

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

February 1, 2011

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 chapters 50, 54, 55 and 108 of the laws of 2010, making appropriations for the support of government

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

Section 1. Section 1 of chapter 50 of the laws of 2010, enacting the the public protection and general government budget, is amended by repeal the items hereinbelow set forth in brackets and by adding to such section the other items underscored in this section.

PUBLIC PROTECTION AND GENERAL GOVERNMENT BUDGET
DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES
STATE OPERATIONS AND AID TO LOCALITIES 2010-11

FIRE PREVENTION AND CONTROL PROGRAM 18,079,700

Special Revenue Funds - Other / Aid to Localities
Miscellaneous Special Revenue Fund - 339
[Local Wireless Public Safety Answering Point Account]
STATEWIDE PUBLIC SAFETY COMMUNICATIONS ACCOUNT

For expenses of local wireless public safety answering points associated with eligible wireless 911 service costs. Notwithstanding any other provision of law to the contrary, for state fiscal year 2010-2011 the liability of the state and the amount

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

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to be distributed or otherwise expended by the state pursuant to section 186-f of the tax law shall be determined by first calculating the amount of the expenditure or other liability pursuant to such law, and then reducing the amount so calculated by 12.5 percent of such amount 4,650,000
For expenses of local wireless public safety answering points associated with eligible wireless 911 service costs, including but not limited to financing and acquisition costs. Notwithstanding any other provision of law to the contrary, for state fiscal year 2010-2011 the liability of the state and the amount to be distributed or otherwise expended by the state pursuant to section 186-f of the tax law shall be determined by first calculating the amount of the expenditure or other liability pursuant to such law, and then reducing the amount so calculated by 12.5 percent of such amount 4,650,000
Program account subtotal 9,300,000

S 2. Section 1 of chapter 54 of the laws of 2010, enacting the health and mental hygiene budget, is amended by repealing the items hereinbelow set forth in brackets and by adding to such section the other items underscored in this section.

HEALTH AND MENTAL HYGIENE BUDGET
OFFICE FOR THE AGING
STATE OPERATIONS AND AID TO LOCALITIES 2010-11

COMMUNITY SERVICES PROGRAM ..... [225,259,000] 228,259,000

Special Revenue Funds - Federal / Aid to Localities
Federal Health and Human Services Fund - 265

For programs provided under the titles of the federal older Americans act and other health and human services programs.
Title III-b social services 26,000,000
Title III-c nutrition programs, including a suballocation to the department of health for nutrition program activities 41,000,000
Title III-e caregivers 12,000,000
Health and human services programs ..... [7,000,000] 8,000,000
Nutrition services incentive program 16,000,000
For purposes of Congregate Nutritional

Services funded by the American recovery and reinvestment act of 2009. Funds appropriated herein shall be subject to all applicable reporting and accountability requirements contained in such act 2,350,000

For purposes of Home-Delivered Nutritional Services funded by the American recovery and reinvestment act of 2009. Funds appropriated herein shall be subject to all applicable reporting and accountability requirements contained in such act 1,135,000

Program fund subtotal	[105,485,000]	106,485,000

Special Revenue Funds - Federal / Aid to Localities
Federal Operating Grants Fund - 290
Senior Community Service Employment Account

For the senior community service employment program provided under title V of the federal older Americans act ..	[7,000,000]	9,000,000
For the senior community service employment program provided under title V of the federal older Americans act funded by the American recovery and reinvestment act of 2009. Funds appropriated herein shall be subject to all applicable reporting and accountability requirements contained in such act 900,000		
Program account subtotal ...	[7,900,000]	9,900,000
Total new appropriations for state operations and aid to localities	[239,609,400]	242,609,400

S 3. Section 1 of chapter 55 of the laws of 2010, enacting the transportation, economic development and environmental conservation budget, is amended by repealing the items hereinbelow set forth in brackets and by adding to such section the other items underscored in this seciton.

TRANSPORTATION, ECONONMIC DEVELOPMENT AND ENVIRONMENTAL CONSERVATION BUDGET
DIVISION OF TAX APPEALS
STATE OPERATIONS AND AID TO LOCALITIES 2010-11

ADMINISTRATION PROGRAM	[3,053,000]	3,154,000

General Fund / State Operations
State Purposes Account - 003

PERSONAL SERVICE		
Personal service--regular	[2,676,000]	2,777,000
Temporary service	10,000	
Amount available for personal service	[2,686,000]	2,787,000
NONPERSONAL SERVICE		
Supplies and materials	27,100	
Travel	19,700	
Contractual services	257,000	
Equipment	63,200	
Amount available for nonpersonal service	367,000	
Total new appropriations for state operations and aid to localities	[3,053,000]	3,154,000

S 4. Section 11 of chapter 108 of the laws of 2010, making appropriations for the support of government, is amended by repealing the items herein below set forth in brackets and by adding to such section the other items underscored in this section.

DEPARTMENT OF HEALTH		
CENTER FOR COMMUNITY HEALTH PROGRAM	[512,727,000]	518,977,000
General Fund / Aid to Localities Local Assistance Account - 001		
State aid to municipalities for the operation of local health departments and laboratories and for the provision of general public health services pursuant to article 6 of the public health law for activities under the jurisdiction of the commissioner of health. Notwithstanding any other provision of article 6 of the public health law, a county may obtain reimbursement pursuant to this act, only after the county chief financial officer certifies, in the municipal health services plan, that county tax levies used to fund services carried out by the county health department have not been added to or supplanted directly or indirectly by any funds obtained by the county pursuant to the Master Settlement Agreement entered into on November 23, 1998 by the state and		

leading United States tobacco product manufacturers, except in the case of a public health emergency, as determined by the commissioner of health.

Notwithstanding annual aggregate limits for bad debt and charity care allowances and any other provision of law, up to $1,700,000 shall be transferred to the medical assistance program general fund - local assistance account for eligible publicly sponsored certified home health agencies that demonstrate losses from a disproportionate share of bad debt and charity care, pursuant to chapter 884 of the laws of 1990. Within the maximum limits specified herein, the department shall transfer only those funds which are necessary to meet the state share requirements for disproportionate share adjustments expected to be paid for the period January 1, 2010 through December 31, 2010. The moneys hereby appropriated shall be available for payment of financial assistance heretofore accrued .... [284,763,000] 291,013,000

Program account subtotal ..... [481,235,000] 487,485,000

ELDERLY PHARMACEUTICAL INSURANCE COVERAGE PROGRAM ..... [328,350,000] 380,350,000

Special Revenue Funds - Other / Aid to Localities
Miscellaneous Special Revenue Fund - 339
EPIC Premium Account

For services and expenses of the program for elderly pharmaceutical insurance coverage, including reimbursement to pharmacies participating in such program. Notwithstanding any inconsistent provision of law, rule or regulation to the contrary, for the period October 1, 2010 through March 31, 2011, for a participant in the program for elderly pharmaceutical insurance coverage whose prescription drug expenses are paid or reimbursable under the provisions of the medicare program, assistance under the program for elderly pharmaceutical insurance coverage shall be limited to prescription drugs covered by the participant's medicare plan and to drugs excluded from medicare coverage in accordance with section 1860-D-2 of the federal social security act, and in such

cases the program for elderly pharmaceutical insurance coverage shall cover the amount that is the responsibility of the participant under the medicare plan benefit, subject to the participant's cost-sharing responsibility on such amount under section 247 or section 248 of the elder law; provided, however, that coverage under the elderly pharmaceutical insurance coverage program shall be available only after the participant has first exhausted the first two levels of appeal available under Part D of title XVIII of the federal social security act and the appeal has been denied; and provided further that during the medicare coverage determination and appeal period, the elderly pharmaceutical insurance coverage program shall provide up to a 90 day supply of the prescribed medication, or such lesser supply as specified on the prescription, if (i) the pharmacist notifies the prescriber that the participant's Medicare Part D plan and the elderly pharmaceutical insurance coverage program have denied payment for the prescribed medication and that if the prescriber does not choose to change the prescription to a drug that is covered by the participant's Medicare Part D plan, a Medicare Part D appeal must be pursued and (ii) the prescriber notifies the elderly pharmaceutical insurance coverage program of the prescriber's intent to provide necessary information and cooperation in the pursuit of the Medicare Part D appeal; and provided further that, in instances where the pharmacist is unable to immediately reach the prescriber, the elderly pharmaceutical insurance coverage program shall, upon the request of the pharmacist, authorize a three day emergency supply of the prescribed medication; and provided further that the elderly pharmaceutical insurance coverage program shall authorize such additional 90 day supplies of the prescribed medication, or such lesser supply as specified on the prescription, and such additional three day emergency supplies as required to ensure coverage of the prescribed medication during the pendency of the Medicare Part D appeal; provided however that, if this act appropriates sufficient additional funds to permit the elderly pharmaceutical insurance coverage program to provide coverage

for prescription drugs without regard to the limitations described in this section, then the provisions of this paragraph shall not apply and shall be considered null and void as of September 30, 2010. The moneys hereby appropriated shall be available for payment of financial assistance heretofore accrued	[125,800,000]	177,800,000
Program account subtotal	[125,800,000]	177,800,000

S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010.