

## S. 5491

AN ACT to amend the public health law, in relation to high cost drugs; to amend the tax law, in relation to surcharges on high priced drugs; to amend the tax law, in relation to secrecy provisions; to amend the state finance law, in relation to the high priced drug reimbursement fund; to amend the social services law, in relation to the drug utilization review board; to amend the social services law, in relation to Medicaid reimbursement of covered outpatient drugs; to authorize the suspension of a provider's Medicaid enrollment for inappropriate prescribing of opioids; to amend the social services law, in relation to refills of controlled substances; to amend the public health law and the social services law, in relation to eliminating prescriber prevails with the exception of mental health medications; to amend the public health law, in relation to authorizing for comprehensive medication management by pharmacists; to amend the social services law, in relation to reducing Medicaid coverage and increasing copayments for non-prescription drugs, to aligning pharmacy copayment requirements with federal regulations, and to adjusting consumer price index penalties for generic drugs; and to repeal subdivision 25-a of section 364-j of the social services law, relating to the coverage of certain medically necessary prescription drugs by managed care providers (Subpart A); to amend the social services law, in relation to fiscal intermediary certification under the consumer directed personal assistance program; and to amend the public health law, in relation to reserved bed days and establishing a prospective per diem adjustment for certain nursing homes (Subpart B); to amend part H of chapter 59 of the laws of 2011, amending the public health law and other laws relating to known and projected department of health state fund Medicaid expenditures, in relation to extending the Medicaid global cap (Subpart C); to amend the New York Health Care Reform Act of 1996, in relation to extending certain provisions relating thereto; to amend the New York Health Care Reform Act of 2000, in relation to extending the effectiveness of provisions thereof; to amend the public health law, in relation to the distribution of pool allocations and graduate medical education; to amend the public health law, in relation to health care initiative pool distributions; to amend the social services law, in relation to extending payment provisions for general hospitals; to amend the public health law, in relation to the assessments on covered lives; to amend chapter 600 of the laws of 1986 amending the public health law relating to the development of pilot reimbursement programs for ambulatory care services, in relation to the effectiveness thereof; to amend chapter 520 of the laws of 1978 relating to providing for a comprehensive survey of health care financing, education and illness prevention and creating councils for the conduct thereof, in relation to the effectiveness thereof; to amend the public health law and the social services law, in relation to rates of payment for personal care services workers; to amend the public health law, in relation to the comprehensive diagnostic and treatment centers indigent care program; to amend chapter 62 of the laws of 2003 amending the general business law and other laws relating to enacting major components necessary to implement the state fiscal plan for the 2003-04 state fiscal year, in relation to the deposit of certain funds; to amend chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, in relation to apportioning premium for certain policies; to amend part J of chapter 63 of the laws of 2001 amending chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical

conduct, in relation to extending certain provisions concerning the hospital excess liability pool; and to amend the public health law, in relation to tobacco control and insurance initiatives pool distributions (Subpart D); to amend chapter 884 of the laws of 1990, amending the public health law relating to authorizing bad debt and charity care allowances for certified home health agencies, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 2014 amending the social services law relating to eliminating prescriber prevails for brand name drugs with generic equivalents, in relation to the effectiveness thereof; to amend the public health law, in relation to extending the nursing home cash assessment; to amend chapter 474 of the laws of 1996, amending the education law and other laws relating to rates for residential health care facilities, in relation to the effectiveness thereof; to amend chapter 58 of the laws of 2007, amending the social services law and other laws relating to enacting the major components of legislation necessary to implement the health and mental hygiene budget for the 2007-2008 state fiscal year, in relation to delay of certain administrative cost; to amend chapter 81 of the laws of 1995, amending the public health law and other laws relating to medical reimbursement and welfare reform, in relation to the effectiveness thereof; to amend chapter 109 of the laws of 2010, amending the social services law relating to transportation costs, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2013 amending chapter 59 of the laws of 2011, amending the public health law and other laws relating to general hospital reimbursement for annual rates relating to the cap on local Medicaid expenditures, in relation to the effectiveness thereof; to amend chapter 2 of the laws of 1998, amending the public health law and other laws relating to expanding the child health insurance plan, in relation to the effectiveness thereof; to amend chapter 19 of the laws of 1998, amending the social services law relating to limiting the method of payment for prescription drugs under the medical assistance program, in relation to the effectiveness thereof; to amend the public health law, in relation to continuing nursing home upper payment limit payments; to amend chapter 904 of the laws of 1984, amending the public health law and the social services law relating to encouraging comprehensive health services, in relation to the effectiveness thereof; to amend chapter 62 of the laws of 2003, amending the public health law relating to allowing for the use of funds of the office of professional medical conduct for activities of the patient health information and quality improvement act of 2000, in relation to extending the provisions thereof; to amend chapter 59 of the laws of 2011, amending the public health law relating to the statewide health information network of New York and the statewide planning and research cooperative system and general powers and duties, in relation to the effectiveness thereof; to amend chapter 58 of the laws of 2008, amending the elder law and other laws relating to reimbursement to participating provider pharmacies and prescription drug coverage, in relation to extending the expiration of certain provisions thereof; and to amend the public health law, in relation to issuance of certificates of authority to accountable care organizations (Subpart E); to amend chapter 56 of the laws of 2013 amending chapter 59 of the laws of 2011 amending the public health law and other laws relating to general hospital reimbursement for annual rates relating to the cap on local Medicaid expenditures, in relation to extending government rates for behavioral services and adding an alternative payment methodology; and to amend chapter 111 of the laws of 2010 relating to increasing Medicaid payments to providers through managed care organizations

and providing equivalent fees through an ambulatory patient group methodology, in relation to extending government rates for behavioral services and adding a value based payment requirement (Subpart F); to amend chapter 57 of the laws of 2006, relating to establishing a cost of living adjustment for designated human services programs, in relation to forgoing such adjustment during the 2017-2018 state fiscal year and the effectiveness thereof (Subpart G); to amend the social services law, in relation to health homes; to amend the social services law, in relation to managed care programs; to amend the social services law, in relation to pasteurized donor human milk and ovulation enhancing drugs; to amend public health law, in relation to home care work wage parity; in relation to authorizing the commissioner of health to sell accounts receivables balances owed to the state by Medicaid providers to financial institutions; and providing for the expiration of certain provisions (Subpart H)(Part A); to provide for the administration of certain funds and accounts related to the 2017-18 budget and authorizing certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund and payments, transfers and deposits; to amend the state finance law, in relation to the dedicated infrastructure investment fund; to amend chapter 62 of the laws of 2003 amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, in relation to the deposit provisions of the tobacco settlement financing corporation act; to amend the state finance law, in relation to establishing the retiree health benefit trust fund; to amend chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, in relation to funding project costs undertaken by non-public schools; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority; to amend chapter 61 of the laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the issuance of bonds; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program; to amend chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of peace bridge and transportation capital projects; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the New York state medical care facilities finance agency act, in relation to

bonds and mental health facilities improvement notes; to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the public authorities law, in relation to authorization for issuance of bonds for the capital restructuring bond finance program and the health care facility transformation program to amend the state finance law and the public authorities law, in relation to funding certain capital projects and the issuance of bonds; to repeal sections 58, 59 and 60 of the state finance law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Subpart A); to amend the vehicle and traffic law and the state finance law, in relation to allocation of three million dollars of assessments from the city of New York to the general fund; and providing for the repeal of such provisions upon expiration thereof (Subpart B)(Part B); to amend chapter 62 of the laws of 2003 amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the disposition of revenues (Subpart A); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Subpart B); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Subpart C); to amend the infrastructure investment act, in relation to the definition of an authorized entity that may utilize design-build contracts, and in relation to the effectiveness thereof (Subpart D); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the expiration date thereof (Subpart E); to amend the navigation law, in relation to establishing the New York environmental protection and spill remediation account (Subpart F)(Part C); to amend the tax law and the administrative code of the city of New York, in relation to the school tax reduction credit for residents of a city with a population of one million or more; and to repeal section 54-f of the state financial law relating thereto (Subpart A); to amend chapter 59 of the laws of 2014, amending the tax law relating to serving an income execution with respect to individual tax debtors without filing a warrant, in relation to extending the provisions authorizing service of income executions on individual tax debtors without filing a warrant(Subpart B); to amend the tax law, in relation to clarifying the imposition of sales tax on gas service or electric service of whatever nature (Subpart C); to amend the tax law and administrative code of the city of New York, in relation to qualified financial instruments of RICS and REITS (Subpart D)(Part D)

**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 2017-2018 state fiscal year. Each component is wholly contained within a Part identified as Parts A through D. The effective date for each particular 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. This act enacts into law major components of legislation which are necessary to implement the state health and mental hygiene budget for the 2017-2018 state fiscal year. Each component is wholly contained within a Subpart identified as Subparts A through H. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, 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 Subpart in which it is found. Section three of this act sets forth the general effective date of this act.

### SUBPART A

Section 1. The public health law is amended by adding a new section 280 to read as follows:

§ 280. Medicaid drug cap. 1. The legislature hereby finds and declares that there is a significant public interest for the Medicaid program to manage drug costs in a manner that ensures patient access while providing financial stability for the state and participating providers. Since two thousand eleven, the state has taken significant steps to contain costs in the Medicaid program by imposing a statutory limit on annual growth. Drug expenditures, however, continually outpace other cost components causing significant pressure on the state, providers, and patient access operating under the Medicaid global cap. It is therefore intended that the department establish a Medicaid drug cap as a separate component within the Medicaid global cap as part of a focused and sustained effort to balance the growth of drug expenditures with the growth of total Medicaid expenditures.

2. The commissioner shall establish a year to year department of health state-funds Medicaid drug spending growth target as follows:

(a) for state fiscal year two thousand seventeen--two thousand eighteen, be limited to the ten-year rolling average of the medical component of the consumer price index plus five percent and minus a pharmacy savings target of fifty-five million dollars; and

(b) for state fiscal year two thousand eighteen--two thousand nineteen, be limited to the ten-year rolling average of the medical component of the consumer price index plus four percent and minus a pharmacy savings target of eighty-five million dollars.

3. The department and the division of the budget shall assess on a quarterly basis the projected total amount to be expended in the year on a cash basis by the Medicaid program for each drug, and the projected annual

amount of drug expenditures for all drugs, which shall be a component of the projected department of health state funds Medicaid expenditures calculated for purposes of sections ninety-one and ninety-two of part H of chapter fifty-nine of the laws of two thousand eleven. For purposes of this section, state funds Medicaid drug expenditures include amounts expended for drugs in both the Medicaid fee-for-service and Medicaid managed care programs, minus the amount of any drug rebates or supplemental drug rebates received by the department, including rebates pursuant to subdivision five of this section with respect to rebate targets.

(a) In the event the director of the budget determines, based on Medicaid drug expenditures for the previous quarter or other relevant information, that the total department of health state funds Medicaid drug expenditure is projected to exceed the annual growth limitation imposed by subdivision two of this section, the commissioner may identify and refer drugs to the drug utilization review board established by section three hundred sixty-nine-bb of the social services law for a recommendation as to whether a target supplemental Medicaid rebate should be paid by the manufacturer of the drug to the department and the target amount of the rebate.

(b) If the department intends to refer a drug to the drug utilization review board pursuant to paragraph (a) of this subdivision, the department shall notify the manufacturer of such drug and shall attempt to reach agreement with the manufacturer on a rebate for the drug prior to referring the drug to the drug utilization review board for review.

(c) In the event that the commissioner and the manufacturer have previously agreed to a supplemental rebate for a drug pursuant to paragraph (b) of this subdivision or paragraph (e) of subdivision seven of section three hundred sixty-seven-a of the social services law, the drug shall not be referred to the drug utilization review board for any further supplemental rebate for the duration of the previous rebate agreement.

(d) The department shall consider a drug's actual cost to the state, including current rebate amounts, prior to seeking an additional rebate pursuant to paragraph (b) or (c) of this subdivision and shall take into consideration whether the manufacturer of the drug is providing significant discounts relative to other drugs covered by the Medicaid program.

(e) The commissioner shall be authorized to take the actions described in this section only so long as total Medicaid drug expenditures are projected to exceed the annual growth limitation imposed by subdivision two of this section.

4. In determining whether to recommend a target supplemental rebate for a drug, the drug utilization review board shall consider the actual cost of the drug to the Medicaid program, including federal and state rebates, and may consider, among other things:

(a) the drug's impact on the Medicaid drug spending growth target and the adequacy of capitation rates of participating Medicaid managed care plans, and the drug's affordability and value to the Medicaid program; or

(b) significant and unjustified increases in the price of the drug; or

1 (c) whether the drug may be priced disproportionately to its therapeutic  
2 benefits.

3 5. (a) If the drug utilization review board recommends a target rebate  
4 amount on a drug referred by the commissioner, the commissioner shall require  
5 a supplemental rebate to be paid by the drug's manufacturer in an amount not  
6 to exceed such target rebate amount. With respect to a rebate required in  
7 state fiscal year two thousand seventeen--two thousand eighteen, the rebate  
8 requirement shall apply beginning with the month of April, two thousand  
9 seventeen, without regard to the date the department enters into the rebate  
10 agreement with the manufacturer.

11 (b) The supplemental rebate required by paragraph (a) of this subdivision  
12 shall apply to drugs dispensed to enrollees of managed care providers  
13 pursuant to section three hundred sixty-four-j of the social services law and  
14 to drugs dispensed to Medicaid recipients who are not enrollees of such  
15 providers.

16 (c) If the drug utilization review board recommends a target rebate  
17 amount for a drug and the department is unable to negotiate a rebate from the  
18 manufacturer in an amount that is at least seventy-five percent of the target  
19 rebate amount, the commissioner is authorized to waive the provisions of  
20 paragraph (b) of subdivision three of section two hundred seventy-three of  
21 this article and the provisions of subdivisions twenty-five and twenty-five-a  
22 of section three hundred sixty-four-j of the social services law with respect  
23 to such drug; however, this waiver shall not be implemented in situations  
24 where it would prevent access by a Medicaid recipient to a drug which is the  
25 only treatment for a particular disease or condition. Under no circumstances  
26 shall the commissioner be authorized to waive such provisions with respect to  
27 more than two drugs in a given time.

28 (d) Where the department and a manufacturer enter into a rebate agreement  
29 pursuant to this section, which may be in addition to existing rebate  
30 agreements entered into by the manufacturer with respect to the same drug, no  
31 additional rebates shall be required to be paid by the manufacturer to a  
32 managed care provider or any of a managed care provider's agents, including  
33 but not limited to any pharmacy benefit manager, while the department is  
34 collecting the rebate pursuant to this section.

35 (e) In formulating a recommendation concerning a target rebate amount for  
36 a drug, the drug utilization review board may consider:

37 (i) publicly available information relevant to the pricing of the drug;

38 (ii) information supplied by the department relevant to the pricing of  
39 the drug;

40 (iii) information relating to value-based pricing;

41 (iv) the seriousness and prevalence of the disease or condition that is  
42 treated by the drug;

43 (v) the extent of utilization of the drug;

1        (vi) the effectiveness of the drug in treating the conditions for which  
2 it is prescribed, or in improving a patient's health, quality of life, or  
3 overall health outcomes;

4        (vii) the likelihood that use of the drug will reduce the need for other  
5 medical care, including hospitalization;

6        (viii) the average wholesale price, wholesale acquisition cost, retail  
7 price of the drug, and the cost of the drug to the Medicaid program minus  
8 rebates received by the state;

9        (ix) in the case of generic drugs, the number of pharmaceutical  
10 manufacturers that produce the drug;

11        (x) whether there are pharmaceutical equivalents to the drug; and

12        (xi) information supplied by the manufacturer, if any, explaining the  
13 relationship between the pricing of the drug and the cost of development of  
14 the drug and/or the therapeutic benefit of the drug, or that is otherwise  
15 pertinent to the manufacturer's pricing decision; any such information  
16 provided shall be considered confidential and shall not be disclosed by the  
17 drug utilization review board in a form that identifies a specific  
18 manufacturer or prices charged for drugs by such manufacturer.

19        6. (a) If the drug utilization review board recommends a target rebate  
20 amount and the department is unsuccessful in entering into a rebate agreement  
21 with the manufacturer of the drug satisfactory to the department, the drug  
22 manufacturer shall in that event be required to provide to the department, on  
23 a standard reporting form developed by the department, the following  
24 information:

25        (i) the actual cost of developing, manufacturing, producing (including  
26 the cost per dose of production), and distributing the drug;

27        (ii) research and development costs of the drug, including payments to  
28 predecessor entities conducting research and development, such as  
29 biotechnology companies, universities and medical schools, and private  
30 research institutions;

31        (iii) administrative, marketing, and advertising costs for the drug,  
32 apportioned by marketing activities that are directed to consumers, marketing  
33 activities that are directed to prescribers, and the total cost of all  
34 marketing and advertising that is directed primarily to consumers and  
35 prescribers in New York, including but not limited to prescriber detailing,  
36 copayment discount programs, and direct-to-consumer marketing;

37        (iv) the extent of utilization of the drug;

38        (v) prices for the drug that are charged to purchasers outside the United  
39 States;

40        (vi) prices charged to typical purchasers in the state, including but not  
41 limited to pharmacies, pharmacy chains, pharmacy wholesalers, or other direct  
42 purchasers;



(vii) the average rebates and discounts provided per payer type in the State; and

(viii) the average profit margin of each drug over the prior five-year period and the projected profit margin anticipated for such drug.

(b) All information disclosed pursuant to paragraph (a) of this subdivision shall be considered confidential and shall not be disclosed by the department in a form that identifies a specific manufacturer or prices charged for drugs by such manufacturer.

7. (a) If, after taking into account all rebates and supplemental rebates received by the department, including rebates received to date pursuant to this section, total Medicaid drug expenditures are still projected to exceed the annual growth limitation imposed by subdivision two of this section, the commissioner of health may: subject drugs to prior approval in accordance with existing processes and procedures, which may include all drugs of a manufacturer that has not entered into a supplemental rebate agreement required by this section; directing managed care plans to remove from their Medicaid formularies those drugs with respect to which a manufacturer has failed to enter into a rebate agreement required by this section; promoting the use of cost effective and clinically appropriate drugs other than those of a manufacturer who has failed to enter into a rebate agreement required by this section; allowing manufacturers to accelerate rebate payments under existing rebate contracts; and such other actions as authorized by law. The commissioner shall provide written notice to the legislature thirty days prior to taking action pursuant to this paragraph, unless action is necessary in the fourth quarter of a fiscal year to prevent total Medicaid drug expenditures from exceeding the limitation imposed by subdivision two of this section, in which case such notice to the legislature may be less than thirty days.

(b) The commissioner shall be authorized to take the actions described in paragraph (a) of this subdivision only so long as total Medicaid drug expenditures are projected to exceed the annual growth limitation imposed by subdivision two of this section. In addition, no such actions shall be deemed to supersede the provisions of paragraph (b) of subdivision three of section two hundred seventy-three of this article or the provisions of subdivisions twenty-five and twenty-five-a of section three hundred sixty-four-j of the social services law, except as allowed by paragraph (c) of subdivision five of this section; provided further that nothing in this section shall prevent access by a Medicaid recipient to a drug which is the only treatment for a particular disease or condition.

§ 2. Subdivisions 1 and 2 of section 369-bb of the social services law, as amended by section 20 of part A of chapter 56 of the laws of 2013, are amended to read as follows:

1. A ~~[nineteen-member]~~ **twenty-three-member** drug utilization review board is hereby created in the department. The board is responsible for the establishment and implementation of medical standards and criteria for the retrospective and prospective DUR program.

2. The members of the DUR board shall be appointed by the commissioner and shall serve a three-year term. Members may be reappointed upon the

1 completion of other terms. The membership shall be comprised of the  
2 following:

3 (a) Six persons licensed and actively engaged in the practice of medicine  
4 in the state, with expertise in the areas of mental health, HIV/AIDS,  
5 geriatrics, pediatrics or internal medicine and who may be selected based on  
6 input from professional associations and/or advocacy groups in New York  
7 state.

8 (b) Six persons licensed and actively practicing in pharmacy in the state  
9 who may be selected based on input from professional associations and/or  
10 advocacy groups in New York state.

11 (c) Two persons with expertise in drug utilization review who are health  
12 care professionals licensed under Title VIII of the education law at least  
13 one of whom is a pharmacologist.

14 (d) Three persons that are consumers or consumer representatives of  
15 organizations with a regional or statewide constituency and who have been  
16 involved in activities related to health care consumer advocacy, including  
17 issues affecting Medicaid or EPIC recipients.

18 (e) One person licensed and actively practicing as a nurse practitioner  
19 or midwife.

20 (f) Two persons who are health care economists.

21 (g) One person who is an actuary.

22 (h) One person representing the department of financial services.

23 (i) The commissioner shall designate a person from the department to  
24 serve as chairperson of the board.

25 § 3. Paragraphs (g), (h), and (i) of subdivision 8 of section 369-bb of  
26 the social services law are relettered paragraphs (h), (i), and (j) and a new  
27 paragraph (g) is added to read as follows:

28 (g) The evaluation of specific drugs submitted to the board for review  
29 pursuant to section two hundred eighty of the public health law, and the  
30 formulation of recommended target supplemental rebates, in accordance with  
31 the standards established in such section.

32 § 4. Intentionally omitted.

33 § 5. Intentionally omitted.

34 § 6. Intentionally omitted.

35 § 7. The opening paragraph and subparagraphs (i) and (ii) of paragraph  
36 (b) and paragraph (d) of subdivision 9 of section 367-a of the social  
37 services law, the opening paragraph and paragraph (d) as amended by chapter  
38 19 of the laws of 1998, subparagraphs (i) and (ii) of paragraph (b) as

1 amended by section 2 of part C of chapter 60 of the laws of 2014,  
 2 subparagraph (i) of paragraph (d) as amended by section 10-a of part H of  
 3 chapter 59 of the laws of 2011 and subparagraph (ii) of paragraph (d) as  
 4 amended by section 48 of part C of chapter 58 of the laws of 2009, are  
 5 amended to read as follows:

6 Notwithstanding any inconsistent provision of law or regulation to the  
 7 contrary, for those drugs which may not be dispensed without a prescription  
 8 as required by section sixty-eight hundred ten of the education law and for  
 9 which payment is authorized pursuant to paragraph (g) of subdivision two of  
 10 section three hundred sixty-five-a of this title, and for those drugs that  
 11 are available without a prescription as required by section sixty-eight  
 12 hundred ten of the education law but are reimbursed as items of medical  
 13 assistance pursuant to paragraph (a) of subdivision four of section three  
 14 hundred sixty-five-a of this title, payments under this title shall be made  
 15 at the following amounts:

16 (i) [if the drug dispensed is a multiple source prescription drug for  
 17 which an upper limit has been set by the federal centers for medicare and  
 18 medicaid services, the lower of: (A) an amount equal to the specific upper  
 19 limit set by such federal agency for the multiple source prescription drug;  
 20 (B) the estimated acquisition cost of such drug to pharmacies which, for  
 21 purposes of this subparagraph, shall mean the average wholesale price of a  
 22 prescription drug based on the package size dispensed from, as reported by  
 23 the prescription drug pricing service used by the department, less twenty-  
 24 five percent thereof; (C) the maximum acquisition cost, if any, established  
 25 pursuant to paragraph (e) of this subdivision, provided that the methodology  
 26 used by the department to establish a maximum acquisition cost shall not  
 27 include average acquisition cost as determined by department surveys; or (D)  
 28 the dispensing pharmacy's usual and customary price charged to the general  
 29 public; and] (A) if the drug dispensed is a generic prescription drug, the  
 30 lower of: (1) an amount equal to the national average drug acquisition cost  
 31 set by the federal centers for medicare and medicaid services for the drug,  
 32 if any, or if such amount is not available, the wholesale acquisition cost of  
 33 the drug based on the package size dispensed from, as reported by the  
 34 prescription drug pricing service used by the department, less seventeen and  
 35 one-half percent thereof; (2) the federal upper limit, if any, established by  
 36 the federal centers for medicare and medicaid services; (3) the state maximum  
 37 acquisition cost, if any, established pursuant to paragraph (e) of this  
 38 subdivision; or (4) the dispensing pharmacy's usual and customary price  
 39 charged to the general public; (B) if the drug dispensed is available without  
 40 a prescription as required by section sixty-eight hundred ten of the  
 41 education law but is reimbursed as an item of medical assistance pursuant to  
 42 paragraph (a) of subdivision four of section three hundred sixty-five-a of  
 43 this title, the lower of (1) an amount equal to the national average drug  
 44 acquisition cost set by the federal centers for medicare and medicaid  
 45 services for the drug, if any, or if such amount is not available, the  
 46 wholesale acquisition cost of the drug based on the package size dispensed  
 47 from, as reported by the prescription drug pricing service used by the  
 48 department, (2) the federal upper limit, if any, established by the federal  
 49 centers for medicare and medicaid services; (3) the state maximum acquisition  
 50 cost if any, established pursuant to paragraph (e) of this subdivision; or  
 51 (4) the dispensing pharmacy's usual and customary price charged to the  
 52 general public;

(ii) if the drug dispensed is [a multiple source prescription drug or] a brand-name prescription drug [for which no specific upper limit has been set by such federal agency], the lower of [the estimated acquisition cost of such drug to pharmacies or the dispensing pharmacy's usual and customary price charged to the general public. For sole and multiple source brand name drugs, estimated acquisition cost means the average wholesale price of a prescription drug based upon the package size dispensed from, as reported by the prescription drug pricing service used by the department, less seventeen percent thereof or the wholesale acquisition cost of a prescription drug based upon package size dispensed from, as reported by the prescription drug pricing service used by the department, minus zero and forty-one hundredths percent thereof, and updated monthly by the department. For multiple source generic drugs, estimated acquisition cost means the lower of the average wholesale price of a prescription drug based on the package size dispensed from, as reported by the prescription drug pricing service used by the department, less twenty-five percent thereof, or the maximum acquisition cost, if any, established pursuant to paragraph (e) of this subdivision, provided that the methodology used by the department to establish a maximum acquisition cost shall not include average acquisition cost as determined by department surveys.]:

(A) an amount equal to the national average drug acquisition cost set by the federal centers for medicare and medicaid services for the drug, if any, or if such amount is not available, the wholesale acquisition cost of the drug based on the package size dispensed from, as reported by the prescription drug pricing service used by the department, less three and three-tenths percent thereof; or (B) the dispensing pharmacy's usual and customary price charged to the general public; and

(d) In addition to the amounts paid pursuant to paragraph (b) of this subdivision [to pharmacies for those drugs which may not be dispensed without a prescription, as required by section sixty-eight hundred ten of the education law and for which payment is authorized pursuant to paragraph (g) of subdivision two of section three hundred sixty-five-a of this title], the department shall pay a professional pharmacy dispensing fee for each such [prescription] drug dispensed[, which dispensing fee shall not be less than the following amounts:

(i) for prescription drugs categorized as generic by the prescription drug pricing service used by the department, three dollars and fifty cents per prescription; and

(ii) for prescription drugs categorized as brand-name prescription drugs by the prescription drug pricing service used by the department, three dollars and fifty cents per prescription, provided, however, that for brand name prescription drugs reimbursed pursuant to subparagraph (ii) of paragraph (a-1) of subdivision four of section three hundred sixty-five-a of this title, the dispensing fee shall be four dollars and fifty cents per prescription] in the amount of ten dollars per prescription or written order of a practitioner; provided, however that this professional dispensing fee will not apply to drugs that are available without a prescription as required by section sixty-eight hundred ten of the education law but do not meet the definition of a covered outpatient drug pursuant to Section 1927K of the Social Security Act.

1       § 8. It shall be an unacceptable practice in the Medicaid program  
2 established pursuant to title 11 of article 5 of the social services law for  
3 a provider to prescribe opioids in violation of the requirements of paragraph  
4 (g-1) of subdivision 2 of section 365-a of such law, in violation of any  
5 other applicable law limiting or restricting the prescribing of opioids,  
6 and/or contrary to recommendations issued by the drug utilization review  
7 board established by section 369-bb of the social services law, and such  
8 practice may result in the provider being excluded from participation in the  
9 Medicaid program. No exclusion or other sanction of a Medicaid provider  
10 pursuant to this section shall be imposed except in accordance with the  
11 requirements of parts 515, 517 and 519 of title 18 of the codes, rules and  
12 regulations of the State of New York (NYCRR), and nothing herein shall be  
13 construed as limiting the due process rights or legal remedies that would  
14 otherwise be available to such a provider.

15       § 9. Paragraph (g-1) of subdivision 2 of section 365-a of the social  
16 services law, as amended by section 5 of part C of chapter 60 of the laws of  
17 2014, is amended to read as follows:

18       (g-1) drugs provided on an in-patient basis, those drugs contained on the  
19 list established by regulation of the commissioner of health pursuant to  
20 subdivision four of this section, and those drugs which may not be dispensed  
21 without a prescription as required by section sixty-eight hundred ten of the  
22 education law and which the commissioner of health shall determine to be  
23 reimbursable based upon such factors as the availability of such drugs or  
24 alternatives at low cost if purchased by a medicaid recipient, or the  
25 essential nature of such drugs as described by such commissioner in  
26 regulations, provided, however, that such drugs, exclusive of long-term  
27 maintenance drugs, shall be dispensed in quantities no greater than a thirty  
28 day supply or one hundred doses, whichever is greater; provided further that  
29 the commissioner of health is authorized to require prior authorization for  
30 any refill of a prescription when more than a ten day supply of the  
31 previously dispensed amount should remain were the product used as normally  
32 indicated, or in the case of a controlled substance, as defined in section  
33 thirty-three hundred two of the public health law, when more than a seven day  
34 supply of the previously dispensed amount should remain were the product used  
35 as normally indicated; provided further that the commissioner of health is  
36 authorized to require prior authorization of prescriptions of opioid  
37 analgesics in excess of four prescriptions in a thirty-day period in  
38 accordance with section two hundred seventy-three of the public health law;  
39 medical assistance shall not include any drug provided on other than an in-  
40 patient basis for which a recipient is charged or a claim is made in the case  
41 of a prescription drug, in excess of the maximum reimbursable amounts to be  
42 established by department regulations in accordance with standards  
43 established by the secretary of the United States department of health and  
44 human services, or, in the case of a drug not requiring a prescription, in  
45 excess of the maximum reimbursable amount established by the commissioner of  
46 health pursuant to paragraph (a) of subdivision four of this section;

47       § 10. Intentionally omitted.

48       § 11. Intentionally omitted.

49       § 12. Intentionally omitted.

1 § 13. Intentionally omitted.

2 § 14. Intentionally omitted.

3 § 15. Intentionally omitted.

4 § 16. Subparagraph (iii) of paragraph (c) of subdivision 6 of section  
5 367-a of the social services law, as amended by section 9 of part C of  
6 chapter 60 of the laws of 2014, is amended to read as follows:

7 (iii) Notwithstanding any other provision of this paragraph, co-payments  
8 charged for each generic prescription drug dispensed shall be one dollar and  
9 for each brand name prescription drug dispensed shall be **[three dollars] two**  
10 **dollars and fifty cents**; provided, however, that the co-payments charged for  
11 **[each brand name prescription drug on the preferred drug list established**  
12 **pursuant to section two hundred seventy-two of the public health law or, for**  
13 **managed care providers operating pursuant to section three hundred sixty-**  
14 **four-j of this title, for each brand name prescription drug on a managed care**  
15 **provider's formulary that such provider has designated as a preferred drug,**  
16 **and the co-payments charged for]** each brand name prescription drug reimbursed  
17 pursuant to subparagraph (ii) of paragraph (a-1) of subdivision four of  
18 section three hundred sixty-five-a of this title shall be one dollar.

19 § 17. Subparagraphs 1 and 5 of paragraph (f) of subdivision 7 of section  
20 367-a of the social services law, as added by section 11 of part B of chapter  
21 59 of the laws of 2016, are amended to read as follows:

22 (1) The department may require manufacturers of drugs other than single  
23 source drugs and innovator multiple source drugs, as such terms are defined  
24 in 42 U.S.C. § 1396r-8(k), to provide rebates to the department for any drug  
25 that has increased more than three hundred percent of its state maximum  
26 acquisition cost (SMAC)[, on or after] **during the period** April 1, 2016  
27 **through March thirty-first, two thousand seventeen, or that has increased**  
28 **more than seventy-five percent of its SMAC on or after April first, two**  
29 **thousand seventeen**, in comparison to its SMAC at any time during the course  
30 of the preceding twelve months. The required rebate shall be limited to the  
31 amount by which the current SMAC for the drug exceeds **[three hundred percent]**  
32 **the applicable percentage** of the SMAC for the same drug at any time during  
33 the course of the preceding twelve months. Such rebates shall be in addition  
34 to any rebates payable to the department pursuant to any other provision of  
35 federal or state law. Nothing herein shall affect the department's obligation  
36 to reimburse for covered outpatient drugs pursuant to paragraph (d) of this  
37 subdivision.

38 (5) Beginning in two thousand seventeen, the department shall provide an  
39 annual report to the legislature no later than February first setting forth:

40 (i) The number of drugs that exceeded the ceiling price established in  
41 this paragraph during the preceding year in comparison to the number of drugs  
42 that experienced at least a three hundred percent price increase during two  
43 thousand fourteen and two thousand fifteen, **or at least a seventy-five**  
44 **percent price increase during two thousand fifteen and two thousand sixteen;**

45 (ii) The average percent amount above the ceiling price of drugs that  
46 exceeded the ceiling price in the preceding year in comparison to the number

of drugs that experienced a price increase more than three hundred percent during two thousand fourteen and two thousand fifteen, or at least a seventy-five percent price increase during two thousand fifteen and two thousand sixteen;

(iii) The number of generic drugs available to enrollees in Medicaid fee for service or Medicaid managed care, by fiscal quarter, in the preceding year in comparison to the drugs available, by fiscal quarter, during two thousand fourteen [and], two thousand fifteen, and two thousand sixteen; and

(iv) The total drug spend on generic drugs for the preceding year in comparison to the total drug spend on generic drugs during two thousand fourteen [and], two thousand fifteen, and two thousand sixteen.

§ 18. Severability. If any clause, sentence, paragraph, or subdivision of this section 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, or subdivision 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 section would have been enacted even if such invalid provisions had not been included herein.

§ 19. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017; provided, however, that sections nine, sixteen, and seventeen of this act shall take effect July 1, 2017; provided, further, that the amendments to paragraph (c) of subdivision 6 of section 367-a of the social services law made by section sixteen of this act shall not affect the repeal of such paragraph and shall be deemed repealed therewith; provided, further, that the amendments to paragraph (f) of subdivision 7 of section 367-a of the social services law made by section seventeen of this act shall not affect the repeal of such paragraph and shall be deemed repealed therewith; and provided, further, that the amendments to subdivision 9 of section 367-a of the social services law made by section seven of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

#### SUBPART B

Section 1. Section 365-f of the social services law is amended by adding two new subdivisions 4-a and 4-b to read as follows:

#### 4-a. Fiscal intermediary services. (a) For the purposes of this section:

(i) "Fiscal intermediary" means an entity that provides fiscal intermediary services and has a contract for providing such services with:

(A) a local department of social services;

(B) an organization licensed under article forty-four of the public health law; or

(C) an accountable care organization certified under article twenty-nine-E of the public health law or an integrated delivery system composed

1 primarily of health care providers recognized by the department as a  
2 performing provider system under the delivery system reform incentive payment  
3 program.

4 (ii) Fiscal intermediary services shall include the following services,  
5 performed on behalf of the consumer to facilitate his or her role as the  
6 employer:

7 (A) wage and benefit processing for consumer directed personal  
8 assistants;

9 (B) processing all income tax and other required wage withholdings;

10 (C) complying with workers' compensation, disability and unemployment  
11 requirements;

12 (D) maintaining personnel records for each consumer directed personal  
13 assistant, including time sheets and other documentation needed for wages and  
14 benefit processing and a copy of the medical documentation required pursuant  
15 to regulations established by the commissioner;

16 (E) ensuring that the health status of each consumer directed personal  
17 assistant is assessed prior to service delivery pursuant to regulations  
18 issued by the commissioner;

19 (F) maintaining records of service authorizations or reauthorizations;

20 (G) monitoring the consumer's or, if applicable, the designated  
21 representative's continuing ability to fulfill the consumer's  
22 responsibilities under the program and promptly notifying the authorizing  
23 entity of any circumstance that may affect the consumer's or, if applicable,  
24 the designated representative's ability to fulfill such responsibilities;

25 (H) complying with regulations established by the commissioner specifying  
26 the responsibilities of fiscal intermediaries providing services under this  
27 title; and

28 (I) entering into a department approved memorandum of understanding with  
29 the consumer that describes the parties' responsibilities under this program.

30 (iii) Fiscal intermediaries are not responsible for, and fiscal  
31 intermediary services shall not include, fulfillment of the responsibilities  
32 of the consumer or, if applicable, the consumer's designated representative  
33 as established by the commissioner. A fiscal intermediary's responsibilities  
34 shall not include, and a fiscal intermediary shall not engage in: managing  
35 the plan of care including recruiting and hiring a sufficient number of  
36 individuals who meet the definition of consumer directed personal assistant,  
37 as such term is defined by the commissioner, to provide authorized services  
38 that are included on the consumer's plan of care; training, supervising and  
39 scheduling each consumer directed personal assistant; terminating the  
40 consumer directed personal assistant's employment; or assuring that each  
41 consumer directed personal assistant competently and safely performs the  
42 personal care services, home health aide services and skilled nursing tasks  
43 that are included on the consumer's plan of care. A fiscal intermediary shall



1 exercise reasonable care in properly carrying out its responsibilities under  
2 the program.

3 (b) No entity shall provide, directly or through contract, fiscal  
4 intermediary services without an authorization as a fiscal intermediary  
5 issued by the commissioner in accordance with this subdivision.

6 (c) An application for authorization as a fiscal intermediary shall be  
7 filed with the commissioner, together with such other forms and information  
8 as shall be prescribed by, or acceptable to the commissioner. Such  
9 information shall include, but not be limited to:

10 (i) the name and employer identification number, of the entity, including  
11 any subsidiary corporations, if applicable, and any name under which the  
12 entity does business;

13 (ii) all addresses at which the organization operates;

14 (iii) the names, titles and contact information of all officers and  
15 directors in a not-for-profit company or business, or managers in a limited  
16 liability company, as well as the name and employment history of the  
17 individual ultimately accountable for operation of the fiscal intermediary;  
18 and for a not-for-profit entity, the number of director positions set by the  
19 company's by-laws, and how many are currently filled;

20 (iv) a history of the organization, along with an overview of the  
21 organization and all services it offers, including any relationships with  
22 outside agencies that may influence in any way the ability of the  
23 organization to provide fiscal intermediary services consistent with the  
24 manner described in its application;

25 (v) all policies and procedures of the fiscal intermediary, including any  
26 contracts or other documents used in communications with consumers;

27 (vi) plans to solicit and consider input from the fiscal intermediary's  
28 consumers, staff, personal assistants and other interested parties which may  
29 be charged with roles including, but not limited to, quality assurance  
30 review, referral, program monitoring or development or establishing and  
31 responding to community needs; such input may be in the form of a board of  
32 directors, committee, survey, or other mechanism, provided that the majority  
33 of input obtained as part of this process must be from individual consumers  
34 and consumer advocates of the fiscal intermediary;

35 (vii) the organization's plan to address the needs of consumers and their  
36 personal assistants in a timely manner, regardless of where they live,  
37 including, but not limited to, input from consumers, obtaining physicals and  
38 other health information from personal assistants, obtaining time records for  
39 payroll, and timely processing of payroll; and

40 (viii) a written sworn statement by an officer of the entity disclosing  
41 any pending litigation, unsatisfied judgments or penalties, convictions for  
42 fraud or sanctions imposed by government authorities.

1       (d) The entity shall reasonably promptly notify the department of any  
 2 change in the information submitted to the department for authorization under  
 3 this subdivision.

4       (e) The commissioner shall not approve an application for authorization  
 5 unless he or she is satisfied as to the character, competence and standing in  
 6 the community of the applicant's incorporators, directors, sponsors,  
 7 stockholders or operators and finds that the personnel, rules, consumer  
 8 contracts or agreements, and fiscal intermediary services are fit and  
 9 adequate, and that the fiscal intermediary services will be provided in the  
 10 manner required by this subdivision and the rules and regulations hereunder,  
 11 in a manner determined by the commissioner.

12       (f) The commissioner may contract with an entity with appropriate  
 13 knowledge, expertise and experience possessing extensive knowledge of  
 14 consumer directed personal assistance fiscal intermediary services and which  
 15 has a history of providing similar services in relation to a self-directed  
 16 program to develop and to assist the commissioner in evaluating applicants  
 17 for authorizations or readiness reviews to be a fiscal intermediary.

18       (g) Neither public need, tax status nor profit-making status shall be a  
 19 criterion for authorization under this subdivision. Status as a licensed home  
 20 care services agency or other health provider shall not positively or  
 21 negatively affect an application for authorization under this subdivision. An  
 22 organization authorized pursuant to article forty-four of the public health  
 23 law shall not be a fiscal intermediary.

24       (h) An authorization under this subdivision shall last for a period of  
 25 five years. Upon application for a renewal, the fiscal intermediary shall  
 26 submit up to date information to the commissioner.

27       4-b. Actions involving the authorization of a fiscal intermediary.

28       (a) A fiscal intermediary's authorization may be revoked, suspended,  
 29 limited or annulled upon thirty day's written notice to the fiscal  
 30 intermediary, if the commissioner finds that the fiscal intermediary has  
 31 failed to comply with the provisions of this subdivision or regulations  
 32 promulgated hereunder. Notwithstanding the foregoing, upon determining that  
 33 the public health or safety would be imminently endangered by the continued  
 34 authorization of the fiscal intermediary, the commissioner may revoke,  
 35 suspend, limit or annul the fiscal intermediary's authorization immediately.

36       (b) All orders or determinations under this subdivision shall be subject  
 37 to review as provided in article seventy-eight of the civil practice law and  
 38 rules.

39       § 2. Subdivision 25 of section 2808 of the public health law, as amended  
 40 by section 34 of part D of chapter 56 of the laws of 2012, is amended to read  
 41 as follows:

42       25. Reserved bed days. (a) For purposes of this subdivision, a "reserved  
 43 bed day" is a day for which a governmental agency pays a residential health  
 44 care facility to reserve a bed for a person eligible for medical assistance  
 45 pursuant to title eleven of article five of the social services law while he

or she is [~~temporarily hospitalized or~~] on therapeutic leave of absence from the facility.

(b) Notwithstanding any other provisions of this section or any other law or regulation to the contrary, for reserved bed days provided on behalf of persons twenty-one years of age or older:

(i) payments for reserved bed days shall be made at ninety-five percent of the Medicaid rate otherwise payable to the facility for services provided on behalf of such person; and

(ii) [~~payment to a facility for reserved bed days provided on behalf of such person for temporary hospitalizations may not exceed fourteen days in any twelve month period;~~

(iii)] payment to a facility for reserved bed days provided on behalf of such person for [~~non-hospitalization~~] therapeutic leaves of absence may not exceed ten days in any twelve month period.

[(c)(i) Notwithstanding any contrary provision of this subdivision or any other law and subject to the availability of federal financial participation, with regard to services provided to residential health care facility residents twenty-one years of age and older, the commissioner shall promulgate regulations, and may promulgate emergency regulations, effective for periods on and after July first, two thousand twelve, establishing reimbursement rates for reserved bed days.

(ii) Such regulations shall, for each Medicaid patient for any twelve month period, provide for reimbursement for reserved bed days for: (A) up to an aggregate of fourteen days for hospitalizations and for other therapeutic leave of absences consistent with a plan of care ordered by such patient's treating health care professional; and (B) up to an aggregate of ten days of other leaves of absence.

(iii) No later than thirty days after promulgation of such regulations, the commissioner shall advise the chairs of the senate and assembly finance and health committees of the projected reductions expected to be achieved under the methodology set forth in such regulations.

(iv) In the event the commissioner determines, in consultation with the director of the budget, that the regulations promulgated pursuant to subparagraph (i) of this paragraph shall achieve projected aggregate Medicaid savings, as determined by the commissioner, of less than forty million dollars for the state fiscal year beginning April first, two thousand twelve, and each state fiscal year thereafter, the commissioner shall establish a prospective per diem rate adjustment for all nursing homes, other than nursing homes providing services primarily to children under the age of twenty-one, sufficient to achieve such forty million dollars in savings for each such state fiscal year.]

§ 3. Intentionally omitted.

§ 4. Subdivision 2-c of section 2808 of the public health law is amended by adding a new paragraph (f) to read as follows:

(f) The commissioner shall establish a prospective per diem adjustment for all nursing homes, other than nursing homes providing services primarily to children under the age of twenty-one, beginning April first, two thousand seventeen and each year thereafter sufficient to achieve eighteen million dollars in savings in each state fiscal year.

§ 5. Intentionally omitted.

§ 6. Intentionally omitted.

§ 7. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017.

#### SUBPART C

Section 1. Subdivision 1 of section 92 of part H of chapter 59 of the laws of 2011, amending the public health law and other laws relating to known and projected department of health state fund medicaid expenditures, as separately amended by section 1 of part JJ of chapter 54 and section 18 of part B of chapter 59 of the laws of 2016, is amended to read as follows:

1. For state fiscal years 2011-12 through [~~2017-18~~] **2018-19**, the director of the budget, in consultation with the commissioner of health referenced as "commissioner" for purposes of this section, shall assess on a monthly basis, as reflected in monthly reports pursuant to subdivision five of this section known and projected department of health state funds medicaid expenditures by category of service and by geographic regions, as defined by the commissioner, and if the director of the budget determines that such expenditures are expected to cause medicaid disbursements for such period to exceed the projected department of health medicaid state funds disbursements in the enacted budget financial plan pursuant to subdivision 3 of section 23 of the state finance law, the commissioner of health, in consultation with the director of the budget, shall develop a medicaid savings allocation plan to limit such spending to the aggregate limit level specified in the enacted budget financial plan, provided, however, such projections may be adjusted by the director of the budget to account for any changes in the New York state federal medical assistance percentage amount established pursuant to the federal social security act, changes in provider revenues, reductions to local social services district medical assistance administration, minimum wage increases, and beginning April 1, 2012 the operational costs of the New York state medical indemnity fund and state costs or savings from the basic health plan. Such projections may be adjusted by the director of the budget to account for increased or expedited department of health state funds medicaid expenditures as a result of a natural or other type of disaster, including a governmental declaration of emergency.

§ 2. Intentionally omitted.

§ 3. Intentionally omitted.

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017.

#### SUBPART D

1 Section 1. Subdivision 5 of section 168 of chapter 639 of the laws of 1996,  
 2 constituting the New York Health Care Reform Act of 1996, as amended by  
 3 section 1 of part B of chapter 60 of the laws of 2014, is amended to read as  
 4 follows:

5 5. sections 2807-c, 2807-j, 2807-s and 2807-t of the public health law,  
 6 as amended or as added by this act, shall expire on December 31, [2017] 2020,  
 7 and shall be thereafter effective only in respect to any act done on or  
 8 before such date or action or proceeding arising out of such act including  
 9 continued collections of funds from assessments and allowances and surcharges  
 10 established pursuant to sections 2807-c, 2807-j, 2807-s and 2807-t of the  
 11 public health law, and administration and distributions of funds from pools  
 12 established pursuant to sections 2807-c, 2807-j, 2807-k, 2807-l, 2807-m,  
 13 2807-s and 2807-t of the public health law related to patient services  
 14 provided before December 31, [2017] 2020, and continued expenditure of funds  
 15 authorized for programs and grants until the exhaustion of funds therefor;

16 § 2. Subdivision 1 of section 138 of chapter 1 of the laws of 1999,  
 17 constituting the New York Health Care Reform Act of 2000, as amended by  
 18 section 2 of part B of chapter 60 of the laws of 2014, is amended to read as  
 19 follows:

20 1. sections 2807-c, 2807-j, 2807-s, and 2807-t of the public health law,  
 21 as amended by this act, shall expire on December 31, [2017] 2020, and shall  
 22 be thereafter effective only in respect to any act done before such date or  
 23 action or proceeding arising out of such act including continued collections  
 24 of funds from assessments and allowances and surcharges established pursuant  
 25 to sections 2807-c, 2807-j, 2807-s and 2807-t of the public health law, and  
 26 administration and distributions of funds from pools established pursuant to  
 27 sections 2807-c, 2807-j, 2807-k, 2807-l, 2807-m, 2807-s, 2807-t, 2807-v and  
 28 2807-w of the public health law, as amended or added by this act, related to  
 29 patient services provided before December 31, [2017] 2020, and continued  
 30 expenditure of funds authorized for programs and grants until the exhaustion  
 31 of funds therefor;

32 § 3. Subparagraph (xv) of paragraph (a) of subdivision 6 of section 2807-  
 33 s of the public health law, as amended by section 3 of part B of chapter 60  
 34 of the laws of 2014, is amended to read as follows:

35 (xv) A gross annual statewide amount for the period January first, two  
 36 thousand fifteen through December thirty-first, two thousand [seventeen]  
 37 twenty, shall be one billion forty-five million dollars.

38 § 4. Subparagraph (xiii) of paragraph (a) of subdivision 7 of section  
 39 2807-s of the public health law, as amended by section 4 of part B of chapter  
 40 60 of the laws of 2014, is amended to read as follows:

41 (xiii) twenty-three million eight hundred thirty-six thousand dollars  
 42 each state fiscal year for the period April first, two thousand twelve  
 43 through March thirty-first, two thousand [seventeen] twenty;

44 § 5. Subparagraphs (iv) and (v) of paragraph (a) of subdivision 9 of  
 45 section 2807-j of the public health law, as amended by section 5 of part B of  
 46 chapter 60 of the laws of 2014, are amended to read as follows:

(iv) seven hundred sixty-five million dollars annually of the funds accumulated for the periods January first, two thousand through December thirty-first, two thousand [~~sixteen~~] nineteen, and

(v) one hundred ninety-one million two hundred fifty thousand dollars of the funds accumulated for the period January first, two thousand [~~seventeen~~] twenty through March thirty-first, two thousand [~~seventeen~~] twenty.

§ 6. Subdivisions 5-a and 7 of section 2807-m of the public health law, as amended by section 9 of part B of chapter 60 of the laws of 2014, subparagraphs (iv), (v) and (vi) of paragraph (d) of subdivision 5-a as added by section 4 of part W of chapter 57 of the laws of 2015, are amended to read as follows:

5-a. Graduate medical education innovations pool. (a) Supplemental distributions. (i) Thirty-one million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight, shall be set aside and reserved by the commissioner from the regional pools established pursuant to subdivision two of this section and shall be available for distributions pursuant to subdivision five of this section and in accordance with section 86-1.89 of title 10 of the codes, rules and regulations of the state of New York as in effect on January first, two thousand eight; provided, however, for purposes of funding the empire clinical research investigation program (ECRIP) in accordance with paragraph eight of subdivision (e) and paragraph two of subdivision (f) of section 86-1.89 of title 10 of the codes, rules and regulations of the state of New York, distributions shall be made using two regions defined as New York city and the rest of the state and the dollar amount set forth in subparagraph (i) of paragraph two of subdivision (f) of section 86-1.89 of title 10 of the codes, rules and regulations of the state of New York shall be increased from sixty thousand dollars to seventy-five thousand dollars.

(ii) For periods on and after January first, two thousand nine, supplemental distributions pursuant to subdivision five of this section and in accordance with section 86-1.89 of title 10 of the codes, rules and regulations of the state of New York shall no longer be made and the provisions of section 86-1.89 of title 10 of the codes, rules and regulations of the state of New York shall be null and void.

(b) Empire clinical research investigator program (ECRIP). Nine million one hundred twenty thousand dollars annually for the period January first, two thousand nine through December thirty-first, two thousand ten, and two million two hundred eighty thousand dollars for the period January first, two thousand eleven, through March thirty-first, two thousand eleven, nine million one hundred twenty thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, [~~and~~] up to eight million six hundred twelve thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen, and up to eight million six hundred twelve thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty, shall be set aside and reserved by the commissioner from the regional pools established pursuant to subdivision two of this section to be allocated regionally with two-thirds of the available funding going to New York city and one-third of the available funding going to the rest of the state and shall be available for distribution as follows:

Distributions shall first be made to consortia and teaching general hospitals for the empire clinical research investigator program (ECRIP) to help secure federal funding for biomedical research, train clinical researchers, recruit national leaders as faculty to act as mentors, and train residents and fellows in biomedical research skills based on hospital-specific data submitted to the commissioner by consortia and teaching general hospitals in accordance with clause (G) of this subparagraph. Such distributions shall be made in accordance with the following methodology:

(A) The greatest number of clinical research positions for which a consortium or teaching general hospital may be funded pursuant to this subparagraph shall be one percent of the total number of residents training at the consortium or teaching general hospital on July first, two thousand eight for the period January first, two thousand nine through December thirty-first, two thousand nine rounded up to the nearest one position.

(B) Distributions made to a consortium or teaching general hospital shall equal the product of the total number of clinical research positions submitted by a consortium or teaching general hospital and accepted by the commissioner as meeting the criteria set forth in paragraph (b) of subdivision one of this section, subject to the reduction calculation set forth in clause (C) of this subparagraph, times one hundred ten thousand dollars.

(C) If the dollar amount for the total number of clinical research positions in the region calculated pursuant to clause (B) of this subparagraph exceeds the total amount appropriated for purposes of this paragraph, including clinical research positions that continue from and were funded in prior distribution periods, the commissioner shall eliminate one-half of the clinical research positions submitted by each consortium or teaching general hospital rounded down to the nearest one position. Such reduction shall be repeated until the dollar amount for the total number of clinical research positions in the region does not exceed the total amount appropriated for purposes of this paragraph. If the repeated reduction of the total number of clinical research positions in the region by one-half does not render a total funding amount that is equal to or less than the total amount reserved for that region within the appropriation, the funding for each clinical research position in that region shall be reduced proportionally in one thousand dollar increments until the total dollar amount for the total number of clinical research positions in that region does not exceed the total amount reserved for that region within the appropriation. Any reduction in funding will be effective for the duration of the award. No clinical research positions that continue from and were funded in prior distribution periods shall be eliminated or reduced by such methodology.

(D) Each consortium or teaching general hospital shall receive its annual distribution amount in accordance with the following:

(I) Each consortium or teaching general hospital with a one-year ECRIP award shall receive its annual distribution amount in full upon completion of the requirements set forth in items (I) and (II) of clause (G) of this subparagraph. The requirements set forth in items (IV) and (V) of clause (G) of this subparagraph must be completed by the consortium or teaching general hospital in order for the consortium or teaching general hospital to be eligible to apply for ECRIP funding in any subsequent funding cycle.

1 (II) Each consortium or teaching general hospital with a two-year ECRIP  
2 award shall receive its first annual distribution amount in full upon  
3 completion of the requirements set forth in items (I) and (II) of clause (G)  
4 of this subparagraph. Each consortium or teaching general hospital will  
5 receive its second annual distribution amount in full upon completion of the  
6 requirements set forth in item (III) of clause (G) of this subparagraph. The  
7 requirements set forth in items (IV) and (V) of clause (G) of this  
8 subparagraph must be completed by the consortium or teaching general hospital  
9 in order for the consortium or teaching general hospital to be eligible to  
10 apply for ECRIP funding in any subsequent funding cycle.

11 (E) Each consortium or teaching general hospital receiving distributions  
12 pursuant to this subparagraph shall reserve seventy-five thousand dollars to  
13 primarily fund salary and fringe benefits of the clinical research position  
14 with the remainder going to fund the development of faculty who are involved  
15 in biomedical research, training and clinical care.

16 (F) Undistributed or returned funds available to fund clinical research  
17 positions pursuant to this paragraph for a distribution period shall be  
18 available to fund clinical research positions in a subsequent distribution  
19 period.

20 (G) In order to be eligible for distributions pursuant to this  
21 subparagraph, each consortium and teaching general hospital shall provide to  
22 the commissioner by July first of each distribution period, the following  
23 data and information on a hospital-specific basis. Such data and information  
24 shall be certified as to accuracy and completeness by the chief executive  
25 officer, chief financial officer or chair of the consortium governing body of  
26 each consortium or teaching general hospital and shall be maintained by each  
27 consortium and teaching general hospital for five years from the date of  
28 submission:

29 (I) For each clinical research position, information on the type, scope,  
30 training objectives, institutional support, clinical research experience of  
31 the sponsor-mentor, plans for submitting research outcomes to peer reviewed  
32 journals and at scientific meetings, including a meeting sponsored by the  
33 department, the name of a principal contact person responsible for tracking  
34 the career development of researchers placed in clinical research positions,  
35 as defined in paragraph (c) of subdivision one of this section, and who is  
36 authorized to certify to the commissioner that all the requirements of the  
37 clinical research training objectives set forth in this subparagraph shall be  
38 met. Such certification shall be provided by July first of each distribution  
39 period;

40 (II) For each clinical research position, information on the name,  
41 citizenship status, medical education and training, and medical license  
42 number of the researcher, if applicable, shall be provided by December  
43 thirty-first of the calendar year following the distribution period;

44 (III) Information on the status of the clinical research plan,  
45 accomplishments, changes in research activities, progress, and performance of  
46 the researcher shall be provided upon completion of one-half of the award  
47 term;



(IV) A final report detailing training experiences, accomplishments, activities and performance of the clinical researcher, and data, methods, results and analyses of the clinical research plan shall be provided three months after the clinical research position ends; and

(V) Tracking information concerning past researchers, including but not limited to (A) background information, (B) employment history, (C) research status, (D) current research activities, (E) publications and presentations, (F) research support, and (G) any other information necessary to track the researcher; and

(VI) Any other data or information required by the commissioner to implement this subparagraph.

(H) Notwithstanding any inconsistent provision of this subdivision, for periods on and after April first, two thousand thirteen, ECRIP grant awards shall be made in accordance with rules and regulations promulgated by the commissioner. Such regulations shall, at a minimum:

(1) provide that ECRIP grant awards shall be made with the objective of securing federal funding for biomedical research, training clinical researchers, recruiting national leaders as faculty to act as mentors, and training residents and fellows in biomedical research skills;

(2) provide that ECRIP grant applicants may include interdisciplinary research teams comprised of teaching general hospitals acting in collaboration with entities including but not limited to medical centers, hospitals, universities and local health departments;

(3) provide that applications for ECRIP grant awards shall be based on such information requested by the commissioner, which shall include but not be limited to hospital-specific data;

(4) establish the qualifications for investigators and other staff required for grant projects eligible for ECRIP grant awards; and

(5) establish a methodology for the distribution of funds under ECRIP grant awards.

(c) Ambulatory care training. Four million nine hundred thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight, four million nine hundred thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine, four million nine hundred thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten, one million two hundred twenty-five thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven, four million three hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, [and] up to four million sixty thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen, and up to four million sixty thousand dollars each fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty, shall be set aside and reserved by the commissioner from the regional pools established pursuant

to subdivision two of this section and shall be available for distributions to sponsoring institutions to be directed to support clinical training of medical students and residents in free-standing ambulatory care settings, including community health centers and private practices. Such funding shall be allocated regionally with two-thirds of the available funding going to New York city and one-third of the available funding going to the rest of the state and shall be distributed to sponsoring institutions in each region pursuant to a request for application or request for proposal process with preference being given to sponsoring institutions which provide training in sites located in underserved rural or inner-city areas and those that include medical students in such training.

(d) Physician loan repayment program. One million nine hundred sixty thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight, one million nine hundred sixty thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine, one million nine hundred sixty thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten, four hundred ninety thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven, one million seven hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, **[and] up to one million seven hundred five thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty**, shall be set aside and reserved by the commissioner from the regional pools established pursuant to subdivision two of this section and shall be available for purposes of physician loan repayment in accordance with subdivision ten of this section. Notwithstanding any contrary provision of this section, sections one hundred twelve and one hundred sixty-three of the state finance law, or any other contrary provision of law, such funding shall be allocated regionally with one-third of available funds going to New York city and two-thirds of available funds going to the rest of the state and shall be distributed in a manner to be determined by the commissioner without a competitive bid or request for proposal process as follows:

(i) Funding shall first be awarded to repay loans of up to twenty-five physicians who train in primary care or specialty tracks in teaching general hospitals, and who enter and remain in primary care or specialty practices in underserved communities, as determined by the commissioner.

(ii) After distributions in accordance with subparagraph (i) of this paragraph, all remaining funds shall be awarded to repay loans of physicians who enter and remain in primary care or specialty practices in underserved communities, as determined by the commissioner, including but not limited to physicians working in general hospitals, or other health care facilities.

(iii) In no case shall less than fifty percent of the funds available pursuant to this paragraph be distributed in accordance with subparagraphs (i) and (ii) of this paragraph to physicians identified by general hospitals.

(iv) In addition to the funds allocated under this paragraph, for the period April first, two thousand fifteen through March thirty-first, two

1 thousand sixteen, two million dollars shall be available for the purposes  
2 described in subdivision ten of this section;

3 (v) In addition to the funds allocated under this paragraph, for the  
4 period April first, two thousand sixteen through March thirty-first, two  
5 thousand seventeen, two million dollars shall be available for the purposes  
6 described in subdivision ten of this section;

7 (vi) Notwithstanding any provision of law to the contrary, and subject to  
8 the extension of the Health Care Reform Act of 1996, sufficient funds shall  
9 be available for the purposes described in subdivision ten of this section in  
10 amounts necessary to fund the remaining year commitments for awards made  
11 pursuant to subparagraphs (iv) and (v) of this paragraph.

12 (e) Physician practice support. Four million nine hundred thousand  
13 dollars for the period January first, two thousand eight through December  
14 thirty-first, two thousand eight, four million nine hundred thousand dollars  
15 annually for the period January first, two thousand nine through December  
16 thirty-first, two thousand ten, one million two hundred twenty-five thousand  
17 dollars for the period January first, two thousand eleven through March  
18 thirty-first, two thousand eleven, four million three hundred thousand  
19 dollars each state fiscal year for the period April first, two thousand  
20 eleven through March thirty-first, two thousand fourteen, [and] up to four  
21 million three hundred sixty thousand dollars each state fiscal year for the  
22 period April first, two thousand fourteen through March thirty-first, two  
23 thousand seventeen, and up to four million three hundred sixty thousand  
24 dollars for each state fiscal year for the period April first, two thousand  
25 seventeen through March thirty-first, two thousand twenty, shall be set aside  
26 and reserved by the commissioner from the regional pools established pursuant  
27 to subdivision two of this section and shall be available for purposes of  
28 physician practice support. Notwithstanding any contrary provision of this  
29 section, sections one hundred twelve and one hundred sixty-three of the state  
30 finance law, or any other contrary provision of law, such funding shall be  
31 allocated regionally with one-third of available funds going to New York city  
32 and two-thirds of available funds going to the rest of the state and shall be  
33 distributed in a manner to be determined by the commissioner without a  
34 competitive bid or request for proposal process as follows:

35 (i) Preference in funding shall first be accorded to teaching general  
36 hospitals for up to twenty-five awards, to support costs incurred by  
37 physicians trained in primary or specialty tracks who thereafter establish or  
38 join practices in underserved communities, as determined by the commissioner.

39 (ii) After distributions in accordance with subparagraph (i) of this  
40 paragraph, all remaining funds shall be awarded to physicians to support the  
41 cost of establishing or joining practices in underserved communities, as  
42 determined by the commissioner, and to hospitals and other health care  
43 providers to recruit new physicians to provide services in underserved  
44 communities, as determined by the commissioner.

45 (iii) In no case shall less than fifty percent of the funds available  
46 pursuant to this paragraph be distributed to general hospitals in accordance  
47 with subparagraphs (i) and (ii) of this paragraph.

(e-1) Work group. For funding available pursuant to paragraphs (d) and (e) of this subdivision:

(i) The department shall appoint a work group from recommendations made by associations representing physicians, general hospitals and other health care facilities to develop a streamlined application process by June first, two thousand twelve.

(ii) Subject to available funding, applications shall be accepted on a continuous basis. The department shall provide technical assistance to applicants to facilitate their completion of applications. An applicant shall be notified in writing by the department within ten days of receipt of an application as to whether the application is complete and if the application is incomplete, what information is outstanding. The department shall act on an application within thirty days of receipt of a complete application.

(f) Study on physician workforce. Five hundred ninety thousand dollars annually for the period January first, two thousand eight through December thirty-first, two thousand ten, one hundred forty-eight thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven, five hundred sixteen thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, **[and] up to four hundred eighty-seven thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen, and up to four hundred eighty-seven thousand dollars for each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty**, shall be set aside and reserved by the commissioner from the regional pools established pursuant to subdivision two of this section and shall be available to fund a study of physician workforce needs and solutions including, but not limited to, an analysis of residency programs and projected physician workforce and community needs. The commissioner shall enter into agreements with one or more organizations to conduct such study based on a request for proposal process.

(g) Diversity in medicine/post-baccalaureate program. Notwithstanding any inconsistent provision of section one hundred twelve or one hundred sixty-three of the state finance law or any other law, one million nine hundred sixty thousand dollars annually for the period January first, two thousand eight through December thirty-first, two thousand ten, four hundred ninety thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven, one million seven hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, **[and] up to one million six hundred five thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty**, shall be set aside and reserved by the commissioner from the regional pools established pursuant to subdivision two of this section and shall be available for distributions to the Associated Medical Schools of New York to fund its diversity program including existing and new post-baccalaureate programs for minority and economically disadvantaged students and encourage participation from all medical schools in New York. The associated medical schools of New York shall

report to the commissioner on an annual basis regarding the use of funds for such purpose in such form and manner as specified by the commissioner.

(h) In the event there are undistributed funds within amounts made available for distributions pursuant to this subdivision, such funds may be reallocated and distributed in current or subsequent distribution periods in a manner determined by the commissioner for any purpose set forth in this subdivision.

7. Notwithstanding any inconsistent provision of section one hundred twelve or one hundred sixty-three of the state finance law or any other law, up to one million dollars for the period January first, two thousand through December thirty-first, two thousand, one million six hundred thousand dollars annually for the periods January first, two thousand one through December thirty-first, two thousand eight, one million five hundred thousand dollars annually for the periods January first, two thousand nine through December thirty-first, two thousand ten, three hundred seventy-five thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven, one million three hundred twenty thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, [and] up to two million seventy-seven thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen, and up to two million seventy-seven thousand dollars for each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty, shall be set aside and reserved by the commissioner from the regional pools established pursuant to subdivision two of this section and shall be available for distributions to the New York state area health education center program for the purpose of expanding community-based training of medical students. In addition, one million dollars annually for the period January first, two thousand eight through December thirty-first, two thousand ten, two hundred fifty thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven, and eight hundred eighty thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, shall be set aside and reserved by the commissioner from the regional pools established pursuant to subdivision two of this section and shall be available for distributions to the New York state area health education center program for the purpose of post-secondary training of health care professionals who will achieve specific program outcomes within the New York state area health education center program. The New York state area health education center program shall report to the commissioner on an annual basis regarding the use of funds for each purpose in such form and manner as specified by the commissioner.

§ 7. Paragraph (a) of subdivision 12 of section 367-b of the social services law, as amended by section 10 of part B of chapter 60 of the laws of 2014, is amended to read as follows:

(a) For the purpose of regulating cash flow for general hospitals, the department shall develop and implement a payment methodology to provide for timely payments for inpatient hospital services eligible for case based payments per discharge based on diagnosis-related groups provided during the period January first, nineteen hundred eighty-eight through March thirty-first two thousand [seventeen] twenty, by such hospitals which elect to participate in the system.

§ 8. Subdivision 6 of section 2807-t of the public health law, as amended by section 15 of part B of chapter 60 of the laws of 2014, is amended to read as follows:

6. Prospective adjustments. (a) The commissioner shall annually reconcile the sum of the actual payments made to the commissioner or the commissioner's designee for each region pursuant to section twenty-eight hundred seven-s of this article and pursuant to this section for the prior year with the regional allocation of the gross annual statewide amount specified in subdivision six of section twenty-eight hundred seven-s of this article for such prior year. The difference between the actual amount raised for a region and the regional allocation of the specified gross annual amount for such prior year shall be applied as a prospective adjustment to the regional allocation of the specified gross annual payment amount for such region for the year next following the calculation of the reconciliation. The authorized dollar value of the adjustments shall be the same as if calculated retrospectively.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, for covered lives assessment rate periods on and after January first, two thousand fifteen through December thirty-first, two thousand ~~seventeen~~ **twenty**, for amounts collected in the aggregate in excess of one billion forty-five million dollars on an annual basis, prospective adjustments shall be suspended if the annual reconciliation calculation from the prior year would otherwise result in a decrease to the regional allocation of the specified gross annual payment amount for that region, provided, however, that such suspension shall be lifted upon a determination by the commissioner, in consultation with the director of the budget, that sixty-five million dollars in aggregate collections on an annual basis over and above one billion forty-five million dollars on an annual basis have been reserved and set aside for deposit in the HCRA resources fund. Any amounts collected in the aggregate at or below one billion forty-five million dollars on an annual basis, shall be subject to regional adjustments reconciling any decreases or increases to the regional allocation in accordance with paragraph (a) of this subdivision.

§ 9. Section 2 of chapter 600 of the laws of 1986 amending the public health law relating to the development of pilot reimbursement programs for ambulatory care services, as amended by section 11 of part B of chapter 60 of the laws of 2014, is amended to read as follows:

§ 2. This act shall take effect immediately, except that this act shall expire and be of no further force and effect on and after April 1, ~~2017~~; **provided, however, that the commissioner of health shall submit a report to the governor and the legislature detailing the objective, impact, design and computation of any pilot reimbursement program established pursuant to this act, on or before March 31, 1994 and annually thereafter. Such report shall include an assessment of the financial impact of such payment system on providers, as well as the impact of such system on access to care] 2020.**

§ 10. Paragraph (i) of subdivision (b) of section 1 of chapter 520 of the laws of 1978 relating to providing for a comprehensive survey of health care financing, education and illness prevention and creating councils for the conduct thereof, as amended by section 12 of part B of chapter 60 of the laws of 2014, is amended to read as follows:

(i) oversight and evaluation of the inpatient financing system in place for 1988 through March 31, [2017] 2020, and the appropriateness and effectiveness of the bad debt and charity care financing provisions;

§ 11. Paragraph (l) of subdivision 9 of section 3614 of the public health law, as added by section 13 of part B of chapter 60 of the laws of 2014, is amended and three new paragraphs (m), (n) and (o) are added to read as follows:

(l) for the period April first, two thousand sixteen through March thirty-first, two thousand seventeen, up to one hundred million dollars[.];

(m) for the period April first, two thousand seventeen through March thirty-first, two thousand eighteen, up to one hundred million dollars;

(n) for the period April first, two thousand eighteen through March thirty-first, two thousand nineteen, up to one hundred million dollars;

(o) for the period April first, two thousand nineteen through March thirty-first, two thousand twenty, up to one hundred million dollars.

§ 12. Paragraph (p) of subdivision 1 of section 367-q of the social services law, as added by section 14 of part B of chapter 60 of the laws of 2014, is amended and three new paragraphs (q), (r) and (s) are added to read as follows:

(p) for the period April first, two thousand sixteen through March thirty-first, two thousand seventeen, up to twenty-eight million five hundred thousand dollars[.];

(q) for the period April first, two thousand seventeen through March thirty-first, two thousand eighteen, up to twenty-eight million five hundred thousand dollars;

(r) for the period April first, two thousand eighteen through March thirty-first, two thousand nineteen, twenty-eight million five hundred thousand dollars;

(s) for the period April first, two thousand nineteen through March thirty-first, two thousand twenty, twenty-eight million five hundred thousand dollars.

§ 13. Subdivision 4-c of section 2807-p of the public health law, as amended by section 16 of part B of chapter 60 of the laws of 2014, is amended to read as follows:

4-c. Notwithstanding any provision of law to the contrary, the commissioner shall make additional payments for uncompensated care to voluntary non-profit diagnostic and treatment centers that are eligible for distributions under subdivision four of this section in the following amounts: for the period June first, two thousand six through December thirty-first, two thousand six, in the amount of seven million five hundred thousand dollars, for the period January first, two thousand seven through December thirty-first, two thousand seven, seven million five hundred thousand

dollars, for the period January first, two thousand eight through December thirty-first, two thousand eight, seven million five hundred thousand dollars, for the period January first, two thousand nine through December thirty-first, two thousand nine, fifteen million five hundred thousand dollars, for the period January first, two thousand ten through December thirty-first, two thousand ten, seven million five hundred thousand dollars, for the period January first, two thousand eleven through December thirty-first, two thousand eleven, seven million five hundred thousand dollars, for the period January first, two thousand twelve through December thirty-first, two thousand twelve, seven million five hundred thousand dollars, for the period January first, two thousand thirteen through December thirty-first, two thousand thirteen, seven million five hundred thousand dollars, for the period January first, two thousand fourteen through December thirty-first, two thousand fourteen, seven million five hundred thousand dollars, for the period January first, two thousand fifteen through December thirty-first, two thousand fifteen, seven million five hundred thousand dollars, for the period January first two thousand sixteen through December thirty-first, two thousand sixteen, seven million five hundred thousand dollars, for the period January first, two thousand seventeen through December thirty-first, two thousand seventeen, seven million five hundred thousand dollars, for the period January first, two thousand eighteen through December thirty-first, two thousand eighteen, seven million five hundred thousand dollars, for the period January first, two thousand nineteen through December thirty-first, two thousand nineteen, seven million five hundred thousand dollars, and for the period January first, two thousand [seventeen] twenty through March thirty-first, two thousand [seventeen] twenty, in the amount of one million six hundred thousand dollars, provided, however, that for periods on and after January first, two thousand eight, such additional payments shall be distributed to voluntary, non-profit diagnostic and treatment centers and to public diagnostic and treatment centers in accordance with paragraph (g) of subdivision four of this section. In the event that federal financial participation is available for rate adjustments pursuant to this section, the commissioner shall make such payments as additional adjustments to rates of payment for voluntary non-profit diagnostic and treatment centers that are eligible for distributions under subdivision four-a of this section in the following amounts: for the period June first, two thousand six through December thirty-first, two thousand six, fifteen million dollars in the aggregate, and for the period January first, two thousand seven through June thirtieth, two thousand seven, seven million five hundred thousand dollars in the aggregate. The amounts allocated pursuant to this paragraph shall be aggregated with and distributed pursuant to the same methodology applicable to the amounts allocated to such diagnostic and treatment centers for such periods pursuant to subdivision four of this section if federal financial participation is not available, or pursuant to subdivision four-a of this section if federal financial participation is available. Notwithstanding section three hundred sixty-eight-a of the social services law, there shall be no local share in a medical assistance payment adjustment under this subdivision.

§ 14. Section 34 of part A3 of chapter 62 of the laws of 2003 amending the general business law and other laws relating to enacting major components necessary to implement the state fiscal plan for the 2003-04 state fiscal year, as amended by section 6 of part B of chapter 60 of the laws of 2014, is amended to read as follows:



§ 34. (1) Notwithstanding any inconsistent provision of law, rule or regulation and effective April 1, 2008 through March 31, [2017] 2020, the commissioner of health is authorized to transfer and the state comptroller is authorized and directed to receive for deposit to the credit of the department of health's special revenue fund - other, health care reform act (HCRA) resources fund - 061, provider collection monitoring account, within amounts appropriated each year, those funds collected and accumulated pursuant to section 2807-v of the public health law, including income from invested funds, for the purpose of payment for administrative costs of the department of health related to administration of statutory duties for the collections and distributions authorized by section 2807-v of the public health law.

(2) Notwithstanding any inconsistent provision of law, rule or regulation and effective April 1, 2008 through March 31, [2017] 2020, the commissioner of health is authorized to transfer and the state comptroller is authorized and directed to receive for deposit to the credit of the department of health's special revenue fund - other, health care reform act (HCRA) resources fund - 061, provider collection monitoring account, within amounts appropriated each year, those funds collected and accumulated and interest earned through surcharges on payments for health care services pursuant to section 2807-s of the public health law and from assessments pursuant to section 2807-t of the public health law for the purpose of payment for administrative costs of the department of health related to administration of statutory duties for the collections and distributions authorized by sections 2807-s, 2807-t, and 2807-m of the public health law.

(3) Notwithstanding any inconsistent provision of law, rule or regulation and effective April 1, 2008 through March 31, [2017] 2020, the commissioner of health is authorized to transfer and the comptroller is authorized to deposit, within amounts appropriated each year, those funds authorized for distribution in accordance with the provisions of paragraph (a) of subdivision 1 of section 2807-l of the public health law for the purposes of payment for administrative costs of the department of health related to the child health insurance plan program authorized pursuant to title 1-A of article 25 of the public health law into the special revenue funds - other, health care reform act (HCRA) resources fund - 061, child health insurance account, established within the department of health.

(4) Notwithstanding any inconsistent provision of law, rule or regulation and effective April 1, 2008 through March 31, [2017] 2020, the commissioner of health is authorized to transfer and the comptroller is authorized to deposit, within amounts appropriated each year, those funds authorized for distribution in accordance with the provisions of paragraph (e) of subdivision 1 of section 2807-l of the public health law for the purpose of payment for administrative costs of the department of health related to the health occupation development and workplace demonstration program established pursuant to section 2807-h and the health workforce retraining program established pursuant to section 2807-g of the public health law into the special revenue funds - other, health care reform act (HCRA) resources fund - 061, health occupation development and workplace demonstration program account, established within the department of health.

(5) Notwithstanding any inconsistent provision of law, rule or regulation and effective April 1, 2008 through March 31, [2017] 2020, the commissioner of health is authorized to transfer and the comptroller is authorized to

1 deposit, within amounts appropriated each year, those funds allocated  
 2 pursuant to paragraph (j) of subdivision 1 of section 2807-v of the public  
 3 health law for the purpose of payment for administrative costs of the  
 4 department of health related to administration of the state's tobacco control  
 5 programs and cancer services provided pursuant to sections 2807-r and 1399-ii  
 6 of the public health law into such accounts established within the department  
 7 of health for such purposes.

8 (6) Notwithstanding any inconsistent provision of law, rule or regulation  
 9 and effective April 1, 2008 through March 31, [2017] 2020, the commissioner  
 10 of health is authorized to transfer and the comptroller is authorized to  
 11 deposit, within amounts appropriated each year, the funds authorized for  
 12 distribution in accordance with the provisions of section 2807-1 of the  
 13 public health law for the purposes of payment for administrative costs of the  
 14 department of health related to the programs funded pursuant to section 2807-  
 15 1 of the public health law into the special revenue funds - other, health  
 16 care reform act (HCRA) resources fund - 061, pilot health insurance account,  
 17 established within the department of health.

18 (7) Notwithstanding any inconsistent provision of law, rule or regulation  
 19 and effective April 1, 2008 through March 31, [2017] 2020, the commissioner  
 20 of health is authorized to transfer and the comptroller is authorized to  
 21 deposit, within amounts appropriated each year, those funds authorized for  
 22 distribution in accordance with the provisions of subparagraph (ii) of  
 23 paragraph (f) of subdivision 19 of section 2807-c of the public health law  
 24 from monies accumulated and interest earned in the bad debt and charity care  
 25 and capital statewide pools through an assessment charged to general  
 26 hospitals pursuant to the provisions of subdivision 18 of section 2807-c of  
 27 the public health law and those funds authorized for distribution in  
 28 accordance with the provisions of section 2807-1 of the public health law for  
 29 the purposes of payment for administrative costs of the department of health  
 30 related to programs funded under section 2807-1 of the public health law into  
 31 the special revenue funds - other, health care reform act (HCRA) resources  
 32 fund - 061, primary care initiatives account, established within the  
 33 department of health.

34 (8) Notwithstanding any inconsistent provision of law, rule or regulation  
 35 and effective April 1, 2008 through March 31, [2017] 2020, the commissioner  
 36 of health is authorized to transfer and the comptroller is authorized to  
 37 deposit, within amounts appropriated each year, those funds authorized for  
 38 distribution in accordance with section 2807-1 of the public health law for  
 39 the purposes of payment for administrative costs of the department of health  
 40 related to programs funded under section 2807-1 of the public health law into  
 41 the special revenue funds - other, health care reform act (HCRA) resources  
 42 fund - 061, health care delivery administration account, established within  
 43 the department of health.

44 (9) Notwithstanding any inconsistent provision of law, rule or regulation  
 45 and effective April 1, 2008 through March 31, [2017] 2020, the commissioner  
 46 of health is authorized to transfer and the comptroller is authorized to  
 47 deposit, within amounts appropriated each year, those funds authorized  
 48 pursuant to sections 2807-d, 3614-a and 3614-b of the public health law and  
 49 section 367-i of the social services law and for distribution in accordance  
 50 with the provisions of subdivision 9 of section 2807-j of the public health  
 51 law for the purpose of payment for administration of statutory duties for the  
 52 collections and distributions authorized by sections 2807-c, 2807-d, 2807-j,

2807-k, 2807-l, 3614-a and 3614-b of the public health law and section 367-i of the social services law into the special revenue funds - other, health care reform act (HCRA) resources fund - 061, provider collection monitoring account, established within the department of health.

§ 15. Paragraph (a) of subdivision 1 of section 18 of chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, as amended by section 2 of part C of chapter 59 of the laws of 2016, is amended to read as follows:

(a) The superintendent of financial services and the commissioner of health or their designee shall, from funds available in the hospital excess liability pool created pursuant to subdivision 5 of this section, purchase a policy or policies for excess insurance coverage, as authorized by paragraph 1 of subsection (e) of section 5502 of the insurance law; or from an insurer, other than an insurer described in section 5502 of the insurance law, duly authorized to write such coverage and actually writing medical malpractice insurance in this state; or shall purchase equivalent excess coverage in a form previously approved by the superintendent of financial services for purposes of providing equivalent excess coverage in accordance with section 19 of chapter 294 of the laws of 1985, for medical or dental malpractice occurrences between July 1, 1986 and June 30, 1987, between July 1, 1987 and June 30, 1988, between July 1, 1988 and June 30, 1989, between July 1, 1989 and June 30, 1990, between July 1, 1990 and June 30, 1991, between July 1, 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993, between July 1, 1993 and June 30, 1994, between July 1, 1994 and June 30, 1995, between July 1, 1995 and June 30, 1996, between July 1, 1996 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000, between July 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002, between July 1, 2002 and June 30, 2003, between July 1, 2003 and June 30, 2004, between July 1, 2004 and June 30, 2005, between July 1, 2005 and June 30, 2006, between July 1, 2006 and June 30, 2007, between July 1, 2007 and June 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013, between July 1, 2013 and June 30, 2014, between July 1, 2014 and June 30, 2015, between July 1, 2015 and June 30, 2016, [and] between July 1, 2016 and June 30, 2017, and between July 1, 2017 and June 30, 2018 or reimburse the hospital where the hospital purchases equivalent excess coverage as defined in subparagraph (i) of paragraph (a) of subdivision 1-a of this section for medical or dental malpractice occurrences between July 1, 1987 and June 30, 1988, between July 1, 1988 and June 30, 1989, between July 1, 1989 and June 30, 1990, between July 1, 1990 and June 30, 1991, between July 1, 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993, between July 1, 1993 and June 30, 1994, between July 1, 1994 and June 30, 1995, between July 1, 1995 and June 30, 1996, between July 1, 1996 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000, between July 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002, between July 1, 2002 and June 30, 2003, between July 1, 2003 and June 30, 2004, between July 1, 2004 and June 30, 2005, between July 1, 2005 and June 30, 2006, between July 1, 2006 and June 30, 2007, between July 1, 2007 and June 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013, between July

1 1, 2013 and June 30, 2014, between July 1, 2014 and June 30, 2015, between  
 2 July 1, 2015 and June 30, 2016, [and] between July 1, 2016 and June 30, 2017,  
 3 and between July 1, 2017 and June 30, 2018 for physicians or dentists  
 4 certified as eligible for each such period or periods pursuant to subdivision  
 5 2 of this section by a general hospital licensed pursuant to article 28 of  
 6 the public health law; provided that no single insurer shall write more than  
 7 fifty percent of the total excess premium for a given policy year; and  
 8 provided, however, that such eligible physicians or dentists must have in  
 9 force an individual policy, from an insurer licensed in this state of primary  
 10 malpractice insurance coverage in amounts of no less than one million three  
 11 hundred thousand dollars for each claimant and three million nine hundred  
 12 thousand dollars for all claimants under that policy during the period of  
 13 such excess coverage for such occurrences or be endorsed as additional  
 14 insureds under a hospital professional liability policy which is offered  
 15 through a voluntary attending physician ("channeling") program previously  
 16 permitted by the superintendent of financial services during the period of  
 17 such excess coverage for such occurrences. During such period, such policy  
 18 for excess coverage or such equivalent excess coverage shall, when combined  
 19 with the physician's or dentist's primary malpractice insurance coverage or  
 20 coverage provided through a voluntary attending physician ("channeling")  
 21 program, total an aggregate level of two million three hundred thousand  
 22 dollars for each claimant and six million nine hundred thousand dollars for  
 23 all claimants from all such policies with respect to occurrences in each of  
 24 such years provided, however, if the cost of primary malpractice insurance  
 25 coverage in excess of one million dollars, but below the excess medical  
 26 malpractice insurance coverage provided pursuant to this act, exceeds the  
 27 rate of nine percent per annum, then the required level of primary  
 28 malpractice insurance coverage in excess of one million dollars for each  
 29 claimant shall be in an amount of not less than the dollar amount of such  
 30 coverage available at nine percent per annum; the required level of such  
 31 coverage for all claimants under that policy shall be in an amount not less  
 32 than three times the dollar amount of coverage for each claimant; and excess  
 33 coverage, when combined with such primary malpractice insurance coverage,  
 34 shall increase the aggregate level for each claimant by one million dollars  
 35 and three million dollars for all claimants; and provided further, that, with  
 36 respect to policies of primary medical malpractice coverage that include  
 37 occurrences between April 1, 2002 and June 30, 2002, such requirement that  
 38 coverage be in amounts no less than one million three hundred thousand  
 39 dollars for each claimant and three million nine hundred thousand dollars for  
 40 all claimants for such occurrences shall be effective April 1, 2002.

41 § 16. Subdivision 3 of section 18 of chapter 266 of the laws of 1986,  
 42 amending the civil practice law and rules and other laws relating to  
 43 malpractice and professional medical conduct, as amended by section 3 of part  
 44 C of chapter 59 of the laws of 2016, is amended to read as follows:

45 (3)(a) The superintendent of financial services shall determine and  
 46 certify to each general hospital and to the commissioner of health the cost  
 47 of excess malpractice insurance for medical or dental malpractice occurrences  
 48 between July 1, 1986 and June 30, 1987, between July 1, 1988 and June 30,  
 49 1989, between July 1, 1989 and June 30, 1990, between July 1, 1990 and June  
 50 30, 1991, between July 1, 1991 and June 30, 1992, between July 1, 1992 and  
 51 June 30, 1993, between July 1, 1993 and June 30, 1994, between July 1, 1994  
 52 and June 30, 1995, between July 1, 1995 and June 30, 1996, between July 1,  
 53 1996 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July  
 54 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000, between

July 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002, between July 1, 2002 and June 30, 2003, between July 1, 2003 and June 30, 2004, between July 1, 2004 and June 30, 2005, between July 1, 2005 and June 30, 2006, between July 1, 2006 and June 30, 2007, between July 1, 2007 and June 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013, and between July 1, 2013 and June 30, 2014, between July 1, 2014 and June 30, 2015, between July 1, 2015 and June 30, 2016, and between July 1, 2016 and June 30, 2017, and between July 1, 2017 and June 30, 2018 allocable to each general hospital for physicians or dentists certified as eligible for purchase of a policy for excess insurance coverage by such general hospital in accordance with subdivision 2 of this section, and may amend such determination and certification as necessary.

(b) The superintendent of financial services shall determine and certify to each general hospital and to the commissioner of health the cost of excess malpractice insurance or equivalent excess coverage for medical or dental malpractice occurrences between July 1, 1987 and June 30, 1988, between July 1, 1988 and June 30, 1989, between July 1, 1989 and June 30, 1990, between July 1, 1990 and June 30, 1991, between July 1, 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993, between July 1, 1993 and June 30, 1994, between July 1, 1994 and June 30, 1995, between July 1, 1995 and June 30, 1996, between July 1, 1996 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000, between July 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002, between July 1, 2002 and June 30, 2003, between July 1, 2003 and June 30, 2004, between July 1, 2004 and June 30, 2005, between July 1, 2005 and June 30, 2006, between July 1, 2006 and June 30, 2007, between July 1, 2007 and June 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013, between July 1, 2013 and June 30, 2014, between July 1, 2014 and June 30, 2015, between July 1, 2015 and June 30, 2016, and between July 1, 2016 and June 30, 2017, and between July 1, 2017 and June 30, 2018 allocable to each general hospital for physicians or dentists certified as eligible for purchase of a policy for excess insurance coverage or equivalent excess coverage by such general hospital in accordance with subdivision 2 of this section, and may amend such determination and certification as necessary. The superintendent of financial services shall determine and certify to each general hospital and to the commissioner of health the ratable share of such cost allocable to the period July 1, 1987 to December 31, 1987, to the period January 1, 1988 to June 30, 1988, to the period July 1, 1988 to December 31, 1988, to the period January 1, 1989 to June 30, 1989, to the period July 1, 1989 to December 31, 1989, to the period January 1, 1990 to June 30, 1990, to the period July 1, 1990 to December 31, 1990, to the period January 1, 1991 to June 30, 1991, to the period July 1, 1991 to December 31, 1991, to the period January 1, 1992 to June 30, 1992, to the period July 1, 1992 to December 31, 1992, to the period January 1, 1993 to June 30, 1993, to the period July 1, 1993 to December 31, 1993, to the period January 1, 1994 to June 30, 1994, to the period July 1, 1994 to December 31, 1994, to the period January 1, 1995 to June 30, 1995, to the period July 1, 1995 to December 31, 1995, to the period January 1, 1996 to June 30, 1996, to the period July 1, 1996 to December 31, 1996, to the period January 1, 1997 to June 30, 1997, to the period July 1, 1997 to December 31, 1997, to the period January 1, 1998 to June 30, 1998, to the period July 1, 1998 to

December 31, 1998, to the period January 1, 1999 to June 30, 1999, to the period July 1, 1999 to December 31, 1999, to the period January 1, 2000 to June 30, 2000, to the period July 1, 2000 to December 31, 2000, to the period January 1, 2001 to June 30, 2001, to the period July 1, 2001 to June 30, 2002, to the period July 1, 2002 to June 30, 2003, to the period July 1, 2003 to June 30, 2004, to the period July 1, 2004 to June 30, 2005, to the period July 1, 2005 and June 30, 2006, to the period July 1, 2006 and June 30, 2007, to the period July 1, 2007 and June 30, 2008, to the period July 1, 2008 and June 30, 2009, to the period July 1, 2009 and June 30, 2010, to the period July 1, 2010 and June 30, 2011, to the period July 1, 2011 and June 30, 2012, to the period July 1, 2012 and June 30, 2013, to the period July 1, 2013 and June 30, 2014, to the period July 1, 2014 and June 30, 2015, to the period July 1, 2015 and June 30, 2016, and between July 1, 2016 and June 30, 2017, and to the period July 1, 2017 and June 30, 2018.

§ 17. Paragraphs (a), (b), (c), (d) and (e) of subdivision 8 of section 18 of chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, as amended by section 4 of part C of chapter 59 of the laws of 2016, are amended to read as follows:

(a) To the extent funds available to the hospital excess liability pool pursuant to subdivision 5 of this section as amended, and pursuant to section 6 of part J of chapter 63 of the laws of 2001, as may from time to time be amended, which amended this subdivision, are insufficient to meet the costs of excess insurance coverage or equivalent excess coverage for coverage periods during the period July 1, 1992 to June 30, 1993, during the period July 1, 1993 to June 30, 1994, during the period July 1, 1994 to June 30, 1995, during the period July 1, 1995 to June 30, 1996, during the period July 1, 1996 to June 30, 1997, during the period July 1, 1997 to June 30, 1998, during the period July 1, 1998 to June 30, 1999, during the period July 1, 1999 to June 30, 2000, during the period July 1, 2000 to June 30, 2001, during the period July 1, 2001 to October 29, 2001, during the period April 1, 2002 to June 30, 2002, during the period July 1, 2002 to June 30, 2003, during the period July 1, 2003 to June 30, 2004, during the period July 1, 2004 to June 30, 2005, during the period July 1, 2005 to June 30, 2006, during the period July 1, 2006 to June 30, 2007, during the period July 1, 2007 to June 30, 2008, during the period July 1, 2008 to June 30, 2009, during the period July 1, 2009 to June 30, 2010, during the period July 1, 2010 to June 30, 2011, during the period July 1, 2011 to June 30, 2012, during the period July 1, 2012 to June 30, 2013, during the period July 1, 2013 to June 30, 2014, during the period July 1, 2014 to June 30, 2015, during the period July 1, 2015 and June 30, 2016, [and between] during the period July 1, 2016 and June 30, 2017, and during the period July 1, 2017 and June 30, 2018 allocated or reallocated in accordance with paragraph (a) of subdivision 4-a of this section to rates of payment applicable to state governmental agencies, each physician or dentist for whom a policy for excess insurance coverage or equivalent excess coverage is purchased for such period shall be responsible for payment to the provider of excess insurance coverage or equivalent excess coverage of an allocable share of such insufficiency, based on the ratio of the total cost of such coverage for such physician to the sum of the total cost of such coverage for all physicians applied to such insufficiency.

(b) Each provider of excess insurance coverage or equivalent excess coverage covering the period July 1, 1992 to June 30, 1993, or covering the

period July 1, 1993 to June 30, 1994, or covering the period July 1, 1994 to June 30, 1995, or covering the period July 1, 1995 to June 30, 1996, or covering the period July 1, 1996 to June 30, 1997, or covering the period July 1, 1997 to June 30, 1998, or covering the period July 1, 1998 to June 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or covering the period July 1, 2000 to June 30, 2001, or covering the period July 1, 2001 to October 29, 2001, or covering the period April 1, 2002 to June 30, 2002, or covering the period July 1, 2002 to June 30, 2003, or covering the period July 1, 2003 to June 30, 2004, or covering the period July 1, 2004 to June 30, 2005, or covering the period July 1, 2005 to June 30, 2006, or covering the period July 1, 2006 to June 30, 2007, or covering the period July 1, 2007 to June 30, 2008, or covering the period July 1, 2008 to June 30, 2009, or covering the period July 1, 2009 to June 30, 2010, or covering the period July 1, 2010 to June 30, 2011, or covering the period July 1, 2011 to June 30, 2012, or covering the period July 1, 2012 to June 30, 2013, or covering the period July 1, 2013 to June 30, 2014, or covering the period July 1, 2014 to June 30, 2015, or covering the period July 1, 2015 to June 30, 2016, or covering the period July 1, 2016 to June 30, 2017, or covering the period July 1, 2017 to June 30, 2018 shall notify a covered physician or dentist by mail, mailed to the address shown on the last application for excess insurance coverage or equivalent excess coverage, of the amount due to such provider from such physician or dentist for such coverage period determined in accordance with paragraph (a) of this subdivision. Such amount shall be due from such physician or dentist to such provider of excess insurance coverage or equivalent excess coverage in a time and manner determined by the superintendent of financial services.

(c) If a physician or dentist liable for payment of a portion of the costs of excess insurance coverage or equivalent excess coverage covering the period July 1, 1992 to June 30, 1993, or covering the period July 1, 1993 to June 30, 1994, or covering the period July 1, 1994 to June 30, 1995, or covering the period July 1, 1995 to June 30, 1996, or covering the period July 1, 1996 to June 30, 1997, or covering the period July 1, 1997 to June 30, 1998, or covering the period July 1, 1998 to June 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or covering the period July 1, 2000 to June 30, 2001, or covering the period July 1, 2001 to October 29, 2001, or covering the period April 1, 2002 to June 30, 2002, or covering the period July 1, 2002 to June 30, 2003, or covering the period July 1, 2003 to June 30, 2004, or covering the period July 1, 2004 to June 30, 2005, or covering the period July 1, 2005 to June 30, 2006, or covering the period July 1, 2006 to June 30, 2007, or covering the period July 1, 2007 to June 30, 2008, or covering the period July 1, 2008 to June 30, 2009, or covering the period July 1, 2009 to June 30, 2010, or covering the period July 1, 2010 to June 30, 2011, or covering the period July 1, 2011 to June 30, 2012, or covering the period July 1, 2012 to June 30, 2013, or covering the period July 1, 2013 to June 30, 2014, or covering the period July 1, 2014 to June 30, 2015, or covering the period July 1, 2015 to June 30, 2016, or covering the period July 1, 2016 to June 30, 2017, or covering the period July 1, 2017 to June 30, 2018 determined in accordance with paragraph (a) of this subdivision fails, refuses or neglects to make payment to the provider of excess insurance coverage or equivalent excess coverage in such time and manner as determined by the superintendent of financial services pursuant to paragraph (b) of this subdivision, excess insurance coverage or equivalent excess coverage purchased for such physician or dentist in accordance with this section for such coverage period shall be cancelled and shall be null and void as of the first day on or after the commencement of a policy period

1 where the liability for payment pursuant to this subdivision has not been  
2 met.

3 (d) Each provider of excess insurance coverage or equivalent excess  
4 coverage shall notify the superintendent of financial services and the  
5 commissioner of health or their designee of each physician and dentist  
6 eligible for purchase of a policy for excess insurance coverage or equivalent  
7 excess coverage covering the period July 1, 1992 to June 30, 1993, or  
8 covering the period July 1, 1993 to June 30, 1994, or covering the period  
9 July 1, 1994 to June 30, 1995, or covering the period July 1, 1995 to June  
10 30, 1996, or covering the period July 1, 1996 to June 30, 1997, or covering  
11 the period July 1, 1997 to June 30, 1998, or covering the period July 1, 1998  
12 to June 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or  
13 covering the period July 1, 2000 to June 30, 2001, or covering the period  
14 July 1, 2001 to October 29, 2001, or covering the period April 1, 2002 to  
15 June 30, 2002, or covering the period July 1, 2002 to June 30, 2003, or  
16 covering the period July 1, 2003 to June 30, 2004, or covering the period  
17 July 1, 2004 to June 30, 2005, or covering the period July 1, 2005 to June  
18 30, 2006, or covering the period July 1, 2006 to June 30, 2007, or covering  
19 the period July 1, 2007 to June 30, 2008, or covering the period July 1, 2008  
20 to June 30, 2009, or covering the period July 1, 2009 to June 30, 2010, or  
21 covering the period July 1, 2010 to June 30, 2011, or covering the period  
22 July 1, 2011 to June 30, 2012, or covering the period July 1, 2012 to June  
23 30, 2013, or covering the period July 1, 2013 to June 30, 2014, or covering  
24 the period July 1, 2014 to June 30, 2015, or covering the period July 1, 2015  
25 to June 30, 2016, or covering the period July 1, 2016 to June 30, 2017, or  
26 covering the period July 1, 2017 to June 30, 2018 that has made payment to  
27 such provider of excess insurance coverage or equivalent excess coverage in  
28 accordance with paragraph (b) of this subdivision and of each physician and  
29 dentist who has failed, refused or neglected to make such payment.

30 (e) A provider of excess insurance coverage or equivalent excess coverage  
31 shall refund to the hospital excess liability pool any amount allocable to  
32 the period July 1, 1992 to June 30, 1993, and to the period July 1, 1993 to  
33 June 30, 1994, and to the period July 1, 1994 to June 30, 1995, and to the  
34 period July 1, 1995 to June 30, 1996, and to the period July 1, 1996 to June  
35 30, 1997, and to the period July 1, 1997 to June 30, 1998, and to the period  
36 July 1, 1998 to June 30, 1999, and to the period July 1, 1999 to June 30,  
37 2000, and to the period July 1, 2000 to June 30, 2001, and to the period July  
38 1, 2001 to October 29, 2001, and to the period April 1, 2002 to June 30,  
39 2002, and to the period July 1, 2002 to June 30, 2003, and to the period July  
40 1, 2003 to June 30, 2004, and to the period July 1, 2004 to June 30, 2005,  
41 and to the period July 1, 2005 to June 30, 2006, and to the period July 1,  
42 2006 to June 30, 2007, and to the period July 1, 2007 to June 30, 2008, and  
43 to the period July 1, 2008 to June 30, 2009, and to the period July 1, 2009  
44 to June 30, 2010, and to the period July 1, 2010 to June 30, 2011, and to the  
45 period July 1, 2011 to June 30, 2012, and to the period July 1, 2012 to June  
46 30, 2013, and to the period July 1, 2013 to June 30, 2014, and to the period  
47 July 1, 2014 to June 30, 2015, and to the period July 1, 2015 to June 30,  
48 2016, [and] to the period July 1, 2016 to June 30, 2017, and to the period  
49 July 1, 2017 to June 30, 2018 received from the hospital excess liability  
50 pool for purchase of excess insurance coverage or equivalent excess coverage  
51 covering the period July 1, 1992 to June 30, 1993, and covering the period  
52 July 1, 1993 to June 30, 1994, and covering the period July 1, 1994 to June  
53 30, 1995, and covering the period July 1, 1995 to June 30, 1996, and covering  
54 the period July 1, 1996 to June 30, 1997, and covering the period July 1,



1997 to June 30, 1998, and covering the period July 1, 1998 to June 30, 1999, and covering the period July 1, 1999 to June 30, 2000, and covering the period July 1, 2000 to June 30, 2001, and covering the period July 1, 2001 to October 29, 2001, and covering the period April 1, 2002 to June 30, 2002, and covering the period July 1, 2002 to June 30, 2003, and covering the period July 1, 2003 to June 30, 2004, and covering the period July 1, 2004 to June 30, 2005, and covering the period July 1, 2005 to June 30, 2006, and covering the period July 1, 2006 to June 30, 2007, and covering the period July 1, 2007 to June 30, 2008, and covering the period July 1, 2008 to June 30, 2009, and covering the period July 1, 2009 to June 30, 2010, and covering the period July 1, 2010 to June 30, 2011, and covering the period July 1, 2011 to June 30, 2012, and covering the period July 1, 2012 to June 30, 2013, and covering the period July 1, 2013 to June 30, 2014, and covering the period July 1, 2014 to June 30, 2015, and covering the period July 1, 2015 to June 30, 2016, and covering the period July 1, 2016 to June 30, 2017, and covering the period July 1, 2017 to June 30, 2018 for a physician or dentist where such excess insurance coverage or equivalent excess coverage is cancelled in accordance with paragraph (c) of this subdivision.

§ 18. Section 40 of chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, as amended by section 5 of part C of chapter 59 of the laws of 2016, is amended to read as follows:

§ 40. The superintendent of financial services shall establish rates for policies providing coverage for physicians and surgeons medical malpractice for the periods commencing July 1, 1985 and ending June 30, [2017] 2018; provided, however, that notwithstanding any other provision of law, the superintendent shall not establish or approve any increase in rates for the period commencing July 1, 2009 and ending June 30, 2010. The superintendent shall direct insurers to establish segregated accounts for premiums, payments, reserves and investment income attributable to such premium periods and shall require periodic reports by the insurers regarding claims and expenses attributable to such periods to monitor whether such accounts will be sufficient to meet incurred claims and expenses. On or after July 1, 1989, the superintendent shall impose a surcharge on premiums to satisfy a projected deficiency that is attributable to the premium levels established pursuant to this section for such periods; provided, however, that such annual surcharge shall not exceed eight percent of the established rate until July 1, [2017] 2018, at which time and thereafter such surcharge shall not exceed twenty-five percent of the approved adequate rate, and that such annual surcharges shall continue for such period of time as shall be sufficient to satisfy such deficiency. The superintendent shall not impose such surcharge during the period commencing July 1, 2009 and ending June 30, 2010. On and after July 1, 1989, the surcharge prescribed by this section shall be retained by insurers to the extent that they insured physicians and surgeons during the July 1, 1985 through June 30, [2017] 2018 policy periods; in the event and to the extent physicians and surgeons were insured by another insurer during such periods, all or a pro rata share of the surcharge, as the case may be, shall be remitted to such other insurer in accordance with rules and regulations to be promulgated by the superintendent. Surcharges collected from physicians and surgeons who were not insured during such policy periods shall be apportioned among all insurers in proportion to the premium written by each insurer during such policy periods; if a physician or surgeon was insured by an insurer subject to rates established by the superintendent during such policy periods, and at

any time thereafter a hospital, health maintenance organization, employer or institution is responsible for responding in damages for liability arising out of such physician's or surgeon's practice of medicine, such responsible entity shall also remit to such prior insurer the equivalent amount that would then be collected as a surcharge if the physician or surgeon had continued to remain insured by such prior insurer. In the event any insurer that provided coverage during such policy periods is in liquidation, the property/casualty insurance security fund shall receive the portion of surcharges to which the insurer in liquidation would have been entitled. The surcharges authorized herein shall be deemed to be income earned for the purposes of section 2303 of the insurance law. The superintendent, in establishing adequate rates and in determining any projected deficiency pursuant to the requirements of this section and the insurance law, shall give substantial weight, determined in his discretion and judgment, to the prospective anticipated effect of any regulations promulgated and laws enacted and the public benefit of stabilizing malpractice rates and minimizing rate level fluctuation during the period of time necessary for the development of more reliable statistical experience as to the efficacy of such laws and regulations affecting medical, dental or podiatric malpractice enacted or promulgated in 1985, 1986, by this act and at any other time. Notwithstanding any provision of the insurance law, rates already established and to be established by the superintendent pursuant to this section are deemed adequate if such rates would be adequate when taken together with the maximum authorized annual surcharges to be imposed for a reasonable period of time whether or not any such annual surcharge has been actually imposed as of the establishment of such rates.

§ 19. Section 5 and subdivisions (a) and (e) of section 6 of part J of chapter 63 of the laws of 2001, amending chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, as amended by section 6 of part C of chapter 59 of the laws of 2016, are amended to read as follows:

§ 5. The superintendent of financial services and the commissioner of health shall determine, no later than June 15, 2002, June 15, 2003, June 15, 2004, June 15, 2005, June 15, 2006, June 15, 2007, June 15, 2008, June 15, 2009, June 15, 2010, June 15, 2011, June 15, 2012, June 15, 2013, June 15, 2014, June 15, 2015, June 15, 2016, **[and] June 15, 2017, and June 15, 2018** the amount of funds available in the hospital excess liability pool, created pursuant to section 18 of chapter 266 of the laws of 1986, and whether such funds are sufficient for purposes of purchasing excess insurance coverage for eligible participating physicians and dentists during the period July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30, 2007, or July 1, 2007 to June 30, 2008, or July 1, 2008 to June 30, 2009, or July 1, 2009 to June 30, 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011 to June 30, 2012, or July 1, 2012 to June 30, 2013, or July 1, 2013 to June 30, 2014, or July 1, 2014 to June 30, 2015, or July 1, 2015 to June 30, 2016, or July 1, 2016 to June 30, 2017, **or to July 1, 2017 to June 30, 2018** as applicable.

(a) This section shall be effective only upon a determination, pursuant to section five of this act, by the superintendent of financial services and the commissioner of health, and a certification of such determination to the state director of the budget, the chair of the senate committee on finance and the chair of the assembly committee on ways and means, that the amount of

funds in the hospital excess liability pool, created pursuant to section 18 of chapter 266 of the laws of 1986, is insufficient for purposes of purchasing excess insurance coverage for eligible participating physicians and dentists during the period July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30, 2007, or July 1, 2007 to June 30, 2008, or July 1, 2008 to June 30, 2009, or July 1, 2009 to June 30, 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011 to June 30, 2012, or July 1, 2012 to June 30, 2013, or July 1, 2013 to June 30, 2014, or July 1, 2014 to June 30, 2015, or July 1, 2015 to June 30, 2016, or July 1, 2016 to June 30, 2017, or July 1, 2017 to June 30, 2018 as applicable.

(e) The commissioner of health shall transfer for deposit to the hospital excess liability pool created pursuant to section 18 of chapter 266 of the laws of 1986 such amounts as directed by the superintendent of financial services for the purchase of excess liability insurance coverage for eligible participating physicians and dentists for the policy year July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30, 2007, as applicable, and the cost of administering the hospital excess liability pool for such applicable policy year, pursuant to the program established in chapter 266 of the laws of 1986, as amended, no later than June 15, 2002, June 15, 2003, June 15, 2004, June 15, 2005, June 15, 2006, June 15, 2007, June 15, 2008, June 15, 2009, June 15, 2010, June 15, 2011, June 15, 2012, June 15, 2013, June 15, 2014, June 15, 2015, June 15, 2016, [and] June 15, 2017, and June 15, 2018 as applicable.

§ 20. Notwithstanding any law, rule or regulation to the contrary, only physicians or dentists who were eligible, and for whom the superintendent of financial services and the commissioner of health, or their designee, purchased, with funds available in the hospital excess liability pool, a full or partial policy for excess coverage or equivalent excess coverage for the coverage period ending the thirtieth of June, two thousand seventeen, shall be eligible to apply for such coverage for the coverage period beginning the first of July, two thousand seventeen; provided, however, if the total number of physicians or dentists for whom such excess coverage or equivalent excess coverage was purchased for the policy year ending the thirtieth of June, two thousand seventeen exceeds the total number of physicians or dentists certified as eligible for the coverage period beginning the first of July, two thousand seventeen, then the general hospitals may certify additional eligible physicians or dentists in a number equal to such general hospital's proportional share of the total number of physicians or dentists for whom excess coverage or equivalent excess coverage was purchased with funds available in the hospital excess liability pool as of the thirtieth of June, two thousand seventeen, as applied to the difference between the number of eligible physicians or dentists for whom a policy for excess coverage or equivalent excess coverage was purchased for the coverage period ending the thirtieth of June, two thousand seventeen and the number of such eligible physicians or dentists who have applied for excess coverage or equivalent excess coverage for the coverage period beginning the first of July, two thousand seventeen.

§ 21. Section 2807-1 of the public health law, as amended by section 7 of part B of chapter 60 of the laws of 2014, is amended to read as follows:

§ 2807-1. Health care initiatives pool distributions. 1. Funds accumulated in the health care initiatives pools pursuant to paragraph (b) of subdivision nine of section twenty-eight hundred seven-j of this article, or the health care reform act (HCRA) resources fund established pursuant to section ninety-two-dd of the state finance law, whichever is applicable, including income from invested funds, shall be distributed or retained by the commissioner or by the state comptroller, as applicable, in accordance with the following.

(a) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of distributions to programs to provide health care coverage for uninsured or underinsured children pursuant to sections twenty-five hundred ten and twenty-five hundred eleven of this chapter from the respective health care initiatives pools established for the following periods in the following amounts:

(i) from the pool for the period January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-seven, up to one hundred twenty million six hundred thousand dollars;

(ii) from the pool for the period January first, nineteen hundred ninety-eight through December thirty-first, nineteen hundred ninety-eight, up to one hundred sixty-four million five hundred thousand dollars;

(iii) from the pool for the period January first, nineteen hundred ninety-nine through December thirty-first, nineteen hundred ninety-nine, up to one hundred eighty-one million dollars;

(iv) from the pool for the period January first, two thousand through December thirty-first, two thousand, two hundred seven million dollars;

(v) from the pool for the period January first, two thousand one through December thirty-first, two thousand one, two hundred thirty-five million dollars;

(vi) from the pool for the period January first, two thousand two through December thirty-first, two thousand two, three hundred twenty-four million dollars;

(vii) from the pool for the period January first, two thousand three through December thirty-first, two thousand three, up to four hundred fifty million three hundred thousand dollars;

(viii) from the pool for the period January first, two thousand four through December thirty-first, two thousand four, up to four hundred sixty million nine hundred thousand dollars;

(ix) from the pool or the health care reform act (HCRA) resources fund, whichever is applicable, for the period January first, two thousand five through December thirty-first, two thousand five, up to one hundred fifty-three million eight hundred thousand dollars;

(x) from the health care reform act (HCRA) resources fund for the period January first, two thousand six through December thirty-first, two thousand six, up to three hundred twenty-five million four hundred thousand dollars;

(xi) from the health care reform act (HCRA) resources fund for the period January first, two thousand seven through December thirty-first, two thousand seven, up to four hundred twenty-eight million fifty-nine thousand dollars;

(xii) from the health care reform act (HCRA) resources fund for the period January first, two thousand eight through December thirty-first, two thousand ten, up to four hundred fifty-three million six hundred seventy-four thousand dollars annually;

(xiii) from the health care reform act (HCRA) resources fund for the period January first, two thousand eleven, through March thirty-first, two thousand eleven, up to one hundred thirteen million four hundred eighteen thousand dollars;

(xiv) from the health care reform act (HCRA) resources fund for the period April first, two thousand eleven, through March thirty-first, two thousand twelve, up to three hundred twenty-four million seven hundred forty-four thousand dollars;

(xv) from the health care reform act (HCRA) resources fund for the period April first, two thousand twelve, through March thirty-first, two thousand thirteen, up to three hundred forty-six million four hundred forty-four thousand dollars;

(xvi) from the health care reform act (HCRA) resources fund for the period April first, two thousand thirteen, through March thirty-first, two thousand fourteen, up to three hundred seventy million six hundred ninety-five thousand dollars; and

(xvii) from the health care reform act (HCRA) resources fund for each state fiscal year for periods on and after April first, two thousand fourteen, within amounts appropriated.

(b) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of distributions for health insurance programs under the individual subsidy programs established pursuant to the expanded health care coverage act of nineteen hundred eighty-eight as amended, and for evaluation of such programs from the respective health care initiatives pools or the health care reform act (HCRA) resources fund, whichever is applicable, established for the following periods in the following amounts:

(i) (A) an amount not to exceed six million dollars on an annualized basis for the periods January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-nine; up to six million dollars for the period January first, two thousand through December thirty-first, two thousand; up to five million dollars for the period January first, two thousand one through December thirty-first, two thousand one; up to four million dollars for the period January first, two thousand two through December thirty-first, two thousand two; up to two million six hundred thousand dollars for the period January first, two thousand three through

1 December thirty-first, two thousand three; up to one million three hundred  
 2 thousand dollars for the period January first, two thousand four through  
 3 December thirty-first, two thousand four; up to six hundred seventy thousand  
 4 dollars for the period January first, two thousand five through June  
 5 thirtieth, two thousand five; up to one million three hundred thousand  
 6 dollars for the period April first, two thousand six through March thirty-  
 7 first, two thousand seven; and up to one million three hundred thousand  
 8 dollars annually for the period April first, two thousand seven through March  
 9 thirty-first, two thousand nine, shall be allocated to individual subsidy  
 10 programs; and

11 (B) an amount not to exceed seven million dollars on an annualized basis  
 12 for the periods during the period January first, nineteen hundred ninety-  
 13 seven through December thirty-first, nineteen hundred ninety-nine and four  
 14 million dollars annually for the periods January first, two thousand through  
 15 December thirty-first, two thousand two, and three million dollars for the  
 16 period January first, two thousand three through December thirty-first, two  
 17 thousand three, and two million dollars for the period January first, two  
 18 thousand four through December thirty-first, two thousand four, and two  
 19 million dollars for the period January first, two thousand five through June  
 20 thirtieth, two thousand five shall be allocated to the catastrophic health  
 21 care expense program.

22 (ii) Notwithstanding any law to the contrary, the characterizations of  
 23 the New York state small business health insurance partnership program as in  
 24 effect prior to June thirtieth, two thousand three, voucher program as in  
 25 effect prior to December thirty-first, two thousand one, individual subsidy  
 26 program as in effect prior to June thirtieth, two thousand five, and  
 27 catastrophic health care expense program, as in effect prior to June  
 28 thirtieth, two thousand five, may, for the purposes of identifying matching  
 29 funds for the community health care conversion demonstration project  
 30 described in a waiver of the provisions of title XIX of the federal social  
 31 security act granted to the state of New York and dated July fifteenth,  
 32 nineteen hundred ninety-seven, may continue to be used to characterize the  
 33 insurance programs in sections four thousand three hundred twenty-one-a, four  
 34 thousand three hundred twenty-two-a, four thousand three hundred twenty-six  
 35 and four thousand three hundred twenty-seven of the insurance law, which are  
 36 successor programs to these programs.

37 (c) Up to seventy-eight million dollars shall be reserved and accumulated  
 38 from year to year from the pool for the period January first, nineteen  
 39 hundred ninety-seven through December thirty-first, nineteen hundred ninety-  
 40 seven, for purposes of public health programs, up to seventy-six million  
 41 dollars shall be reserved and accumulated from year to year from the pools  
 42 for the periods January first, nineteen hundred ninety-eight through December  
 43 thirty-first, nineteen hundred ninety-eight and January first, nineteen  
 44 hundred ninety-nine through December thirty-first, nineteen hundred ninety-  
 45 nine, up to eighty-four million dollars shall be reserved and accumulated  
 46 from year to year from the pools for the period January first, two thousand  
 47 through December thirty-first, two thousand, up to eighty-five million  
 48 dollars shall be reserved and accumulated from year to year from the pools  
 49 for the period January first, two thousand one through December thirty-first,  
 50 two thousand one, up to eighty-six million dollars shall be reserved and  
 51 accumulated from year to year from the pools for the period January first,  
 52 two thousand two through December thirty-first, two thousand two, up to  
 53 eighty-six million one hundred fifty thousand dollars shall be reserved and

accumulated from year to year from the pools for the period January first, two thousand three through December thirty-first, two thousand three, up to fifty-eight million seven hundred eighty thousand dollars shall be reserved and accumulated from year to year from the pools for the period January first, two thousand four through December thirty-first, two thousand four, up to sixty-eight million seven hundred thirty thousand dollars shall be reserved and accumulated from year to year from the pools or the health care reform act (HCRA) resources fund, whichever is applicable, for the period January first, two thousand five through December thirty-first, two thousand five, up to ninety-four million three hundred fifty thousand dollars shall be reserved and accumulated from year to year from the health care reform act (HCRA) resources fund for the period January first, two thousand six through December thirty-first, two thousand six, up to seventy million nine hundred thirty-nine thousand dollars shall be reserved and accumulated from year to year from the health care reform act (HCRA) resources fund for the period January first, two thousand seven through December thirty-first, two thousand seven, up to fifty-five million six hundred eighty-nine thousand dollars annually shall be reserved and accumulated from year to year from the health care reform act (HCRA) resources fund for the period January first, two thousand eight through December thirty-first, two thousand ten, up to thirteen million nine hundred twenty-two thousand dollars shall be reserved and accumulated from year to year from the health care reform act (HCRA) resources fund for the period January first, two thousand eleven through March thirty-first, two thousand eleven, and for periods on and after April first, two thousand eleven, up to funding amounts specified below and shall be available, including income from invested funds, for:

(i) deposit by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to, to the credit of the department of health's special revenue fund - other, hospital based grants program account or the health care reform act (HCRA) resources fund, whichever is applicable, for purposes of services and expenses related to general hospital based grant programs, up to twenty-two million dollars annually from the nineteen hundred ninety-seven pool, nineteen hundred ninety-eight pool, nineteen hundred ninety-nine pool, two thousand pool, two thousand one pool and two thousand two pool, respectively, up to twenty-two million dollars from the two thousand three pool, up to ten million dollars for the period January first, two thousand four through December thirty-first, two thousand four, up to eleven million dollars for the period January first, two thousand five through December thirty-first, two thousand five, up to twenty-two million dollars for the period January first, two thousand six through December thirty-first, two thousand six, up to twenty-two million ninety-seven thousand dollars annually for the period January first, two thousand seven through December thirty-first, two thousand ten, up to five million five hundred twenty-four thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven, up to thirteen million four hundred forty-five thousand dollars for the period April first, two thousand eleven through March thirty-first, two thousand twelve, and up to thirteen million three hundred seventy-five thousand dollars each state fiscal year for the period April first, two thousand twelve through March thirty-first, two thousand fourteen;

(ii) deposit by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to, to the credit of the emergency medical services training account established in section ninety-seven-q of the state finance law or the health

1 care reform act (HCRA) resources fund, whichever is applicable, up to sixteen  
 2 million dollars on an annualized basis for the periods January first,  
 3 nineteen hundred ninety-seven through December thirty-first, nineteen hundred  
 4 ninety-nine, up to twenty million dollars for the period January first, two  
 5 thousand through December thirty-first, two thousand, up to twenty-one  
 6 million dollars for the period January first, two thousand one through  
 7 December thirty-first, two thousand one, up to twenty-two million dollars for  
 8 the period January first, two thousand two through December thirty-first, two  
 9 thousand two, up to twenty-two million five hundred fifty thousand dollars  
 10 for the period January first, two thousand three through December thirty-  
 11 first, two thousand three, up to nine million six hundred eighty thousand  
 12 dollars for the period January first, two thousand four through December  
 13 thirty-first, two thousand four, up to twelve million one hundred thirty  
 14 thousand dollars for the period January first, two thousand five through  
 15 December thirty-first, two thousand five, up to twenty-four million two  
 16 hundred fifty thousand dollars for the period January first, two thousand six  
 17 through December thirty-first, two thousand six, up to twenty million four  
 18 hundred ninety-two thousand dollars annually for the period January first,  
 19 two thousand seven through December thirty-first, two thousand ten, up to  
 20 five million one hundred twenty-three thousand dollars for the period January  
 21 first, two thousand eleven through March thirty-first, two thousand eleven,  
 22 up to eighteen million three hundred fifty thousand dollars for the period  
 23 April first, two thousand eleven through March thirty-first, two thousand  
 24 twelve, up to eighteen million nine hundred fifty thousand dollars for the  
 25 period April first, two thousand twelve through March thirty-first, two  
 26 thousand thirteen, up to nineteen million four hundred nineteen thousand  
 27 dollars for the period April first, two thousand thirteen through March  
 28 thirty-first, two thousand fourteen, and up to nineteen million six hundred  
 29 fifty-nine thousand seven hundred dollars each state fiscal year for the  
 30 period of April first, two thousand fourteen through March thirty-first, two  
 31 thousand [~~seventeen~~] twenty;

32 (iii) priority distributions by the commissioner up to thirty-two million  
 33 dollars on an annualized basis for the period January first, two thousand  
 34 through December thirty-first, two thousand four, up to thirty-eight million  
 35 dollars on an annualized basis for the period January first, two thousand  
 36 five through December thirty-first, two thousand six, up to eighteen million  
 37 two hundred fifty thousand dollars for the period January first, two thousand  
 38 seven through December thirty-first, two thousand seven, up to three million  
 39 dollars annually for the period January first, two thousand eight through  
 40 December thirty-first, two thousand ten, up to seven hundred fifty thousand  
 41 dollars for the period January first, two thousand eleven through March  
 42 thirty-first, two thousand eleven, up to two million nine hundred thousand  
 43 dollars each state fiscal year for the period April first, two thousand  
 44 eleven through March thirty-first, two thousand fourteen, and up to two  
 45 million nine hundred thousand dollars each state fiscal year for the period  
 46 April first, two thousand fourteen through March thirty-first, two thousand  
 47 [~~seventeen~~] twenty to be allocated (A) for the purposes established pursuant  
 48 to subparagraph (ii) of paragraph (f) of subdivision nineteen of section  
 49 twenty-eight hundred seven-c of this article as in effect on December thirty-  
 50 first, nineteen hundred ninety-six and as may thereafter be amended, up to  
 51 fifteen million dollars annually for the periods January first, two thousand  
 52 through December thirty-first, two thousand four, up to twenty-one million  
 53 dollars annually for the period January first, two thousand five through  
 54 December thirty-first, two thousand six, and up to seven million five hundred



1 thousand dollars for the period January first, two thousand seven through  
 2 March thirty-first, two thousand seven;

3 (B) pursuant to a memorandum of understanding entered into by the  
 4 commissioner, the majority leader of the senate and the speaker of the  
 5 assembly, for the purposes outlined in such memorandum upon the  
 6 recommendation of the majority leader of the senate, up to eight million five  
 7 hundred thousand dollars annually for the period January first, two thousand  
 8 through December thirty-first, two thousand six, and up to four million two  
 9 hundred fifty thousand dollars for the period January first, two thousand  
 10 seven through June thirtieth, two thousand seven, and for the purposes  
 11 outlined in such memorandum upon the recommendation of the speaker of the  
 12 assembly, up to eight million five hundred thousand dollars annually for the  
 13 periods January first, two thousand through December thirty-first, two  
 14 thousand six, and up to four million two hundred fifty thousand dollars for  
 15 the period January first, two thousand seven through June thirtieth, two  
 16 thousand seven; and

17 (C) for services and expenses, including grants, related to emergency  
 18 assistance distributions as designated by the commissioner. Notwithstanding  
 19 section one hundred twelve or one hundred sixty-three of the state finance  
 20 law or any other contrary provision of law, such distributions shall be  
 21 limited to providers or programs where, as determined by the commissioner,  
 22 emergency assistance is vital to protect the life or safety of patients, to  
 23 ensure the retention of facility caregivers or other staff, or in instances  
 24 where health facility operations are jeopardized, or where the public health  
 25 is jeopardized or other emergency situations exist, up to three million  
 26 dollars annually for the period April first, two thousand seven through March  
 27 thirty-first, two thousand eleven, up to two million nine hundred thousand  
 28 dollars each state fiscal year for the period April first, two thousand  
 29 eleven through March thirty-first, two thousand fourteen, [and] up to two  
 30 million nine hundred thousand dollars each state fiscal year for the period  
 31 April first, two thousand fourteen through March thirty-first, two thousand  
 32 seventeen, and up to two million nine hundred thousand dollars each state  
 33 fiscal year for the period April first, two thousand seventeen through March  
 34 thirty-first, two thousand twenty. Upon any distribution of such funds, the  
 35 commissioner shall immediately notify the chair and ranking minority member  
 36 of the senate finance committee, the assembly ways and means committee, the  
 37 senate committee on health, and the assembly committee on health;

38 (iv) distributions by the commissioner related to poison control centers  
 39 pursuant to subdivision seven of section twenty-five hundred-d of this  
 40 chapter, up to five million dollars for the period January first, nineteen  
 41 hundred ninety-seven through December thirty-first, nineteen hundred ninety-  
 42 seven, up to three million dollars on an annualized basis for the periods  
 43 during the period January first, nineteen hundred ninety-eight through  
 44 December thirty-first, nineteen hundred ninety-nine, up to five million  
 45 dollars annually for the periods January first, two thousand through December  
 46 thirty-first, two thousand two, up to four million six hundred thousand  
 47 dollars annually for the periods January first, two thousand three through  
 48 December thirty-first, two thousand four, up to five million one hundred  
 49 thousand dollars for the period January first, two thousand five through  
 50 December thirty-first, two thousand six annually, up to five million one  
 51 hundred thousand dollars annually for the period January first, two thousand  
 52 seven through December thirty-first, two thousand nine, up to three million  
 53 six hundred thousand dollars for the period January first, two thousand ten

through December thirty-first, two thousand ten, up to seven hundred seventy-five thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven, up to two million five hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, [and] up to three million dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen, and up to three million dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty; and

(v) deposit by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to, to the credit of the department of health's special revenue fund - other, miscellaneous special revenue fund - 339 maternal and child HIV services account or the health care reform act (HCRA) resources fund, whichever is applicable, for purposes of a special program for HIV services for women and children, including adolescents pursuant to section twenty-five hundred-f-one of this chapter, up to five million dollars annually for the periods January first, two thousand through December thirty-first, two thousand two, up to five million dollars for the period January first, two thousand three through December thirty-first, two thousand three, up to two million five hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four, up to two million five hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five, up to five million dollars for the period January first, two thousand six through December thirty-first, two thousand six, up to five million dollars annually for the period January first, two thousand seven through December thirty-first, two thousand ten, up to one million two hundred fifty thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven, and up to five million dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen;

(d) (i) An amount of up to twenty million dollars annually for the period January first, two thousand through December thirty-first, two thousand six, up to ten million dollars for the period January first, two thousand seven through June thirtieth, two thousand seven, up to twenty million dollars annually for the period January first, two thousand eight through December thirty-first, two thousand ten, up to five million dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven, up to nineteen million six hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, [and] up to nineteen million six hundred thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen, and up to nineteen million six hundred thousand dollars each state fiscal year for the period of April first, two thousand seventeen through March thirty-first, two thousand twenty, shall be transferred to the health facility restructuring pool established pursuant to section twenty-eight hundred fifteen of this article;

(ii) provided, however, amounts transferred pursuant to subparagraph (i) of this paragraph may be reduced in an amount to be approved by the director of the budget to reflect the amount received from the federal government

1 under the state's 1115 waiver which is directed under its terms and  
 2 conditions to the health facility restructuring program.

3 (e) Funds shall be reserved and accumulated from year to year and shall  
 4 be available, including income from invested funds, for purposes of  
 5 distributions to organizations to support the health workforce retraining  
 6 program established pursuant to section twenty-eight hundred seven-g of this  
 7 article from the respective health care initiatives pools established for the  
 8 following periods in the following amounts from the pools or the health care  
 9 reform act (HCRA) resources fund, whichever is applicable, during the period  
 10 January first, nineteen hundred ninety-seven through December thirty-first,  
 11 nineteen hundred ninety-nine, up to fifty million dollars on an annualized  
 12 basis, up to thirty million dollars for the period January first, two  
 13 thousand through December thirty-first, two thousand, up to forty million  
 14 dollars for the period January first, two thousand one through December  
 15 thirty-first, two thousand one, up to fifty million dollars for the period  
 16 January first, two thousand two through December thirty-first, two thousand  
 17 two, up to forty-one million one hundred fifty thousand dollars for the  
 18 period January first, two thousand three through December thirty-first, two  
 19 thousand three, up to forty-one million one hundred fifty thousand dollars  
 20 for the period January first, two thousand four through December thirty-  
 21 first, two thousand four, up to fifty-eight million three hundred sixty  
 22 thousand dollars for the period January first, two thousand five through  
 23 December thirty-first, two thousand five, up to fifty-two million three  
 24 hundred sixty thousand dollars for the period January first, two thousand six  
 25 through December thirty-first, two thousand six, up to thirty-five million  
 26 four hundred thousand dollars annually for the period January first, two  
 27 thousand seven through December thirty-first, two thousand ten, up to eight  
 28 million eight hundred fifty thousand dollars for the period January first,  
 29 two thousand eleven through March thirty-first, two thousand eleven, up to  
 30 twenty-eight million four hundred thousand dollars each state fiscal year for  
 31 the period April first, two thousand eleven through March thirty-first, two  
 32 thousand fourteen, [and] up to twenty-six million eight hundred seventeen  
 33 thousand dollars each state fiscal year for the period April first, two  
 34 thousand fourteen through March thirty-first, two thousand seventeen, and up  
 35 to twenty-six million eight hundred seventeen thousand dollars each state  
 36 fiscal year for the period April first, two thousand seventeen through March  
 37 thirty-first, two thousand twenty, less the amount of funds available for  
 38 allocations for rate adjustments for workforce training programs for payments  
 39 by state governmental agencies for inpatient hospital services.

40 (f) Funds shall be accumulated and transferred from as follows:

41 (i) from the pool for the period January first, nineteen hundred ninety-  
 42 seven through December thirty-first, nineteen hundred ninety-seven, (A)  
 43 thirty-four million six hundred thousand dollars shall be transferred to  
 44 funds reserved and accumulated pursuant to paragraph (b) of subdivision  
 45 nineteen of section twenty-eight hundred seven-c of this article, and (B)  
 46 eighty-two million dollars shall be transferred and deposited and credited to  
 47 the credit of the state general fund medical assistance local assistance  
 48 account;

49 (ii) from the pool for the period January first, nineteen hundred ninety-  
 50 eight through December thirty-first, nineteen hundred ninety-eight, eighty-  
 51 two million dollars shall be transferred and deposited and credited to the  
 52 credit of the state general fund medical assistance local assistance account;

(iii) from the pool for the period January first, nineteen hundred ninety-nine through December thirty-first, nineteen hundred ninety-nine, eighty-two million dollars shall be transferred and deposited and credited to the credit of the state general fund medical assistance local assistance account;

(iv) from the pool or the health care reform act (HCRA) resources fund, whichever is applicable, for the period January first, two thousand through December thirty-first, two thousand four, eighty-two million dollars annually, and for the period January first, two thousand five through December thirty-first, two thousand five, eighty-two million dollars, and for the period January first, two thousand six through December thirty-first, two thousand six, eighty-two million dollars, and for the period January first, two thousand seven through December thirty-first, two thousand seven, eighty-two million dollars, and for the period January first, two thousand eight through December thirty-first, two thousand eight, ninety million seven hundred thousand dollars shall be deposited by the commissioner, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue fund - other, HCRA transfer fund, medical assistance account;

(v) from the health care reform act (HCRA) resources fund for the period January first, two thousand nine through December thirty-first, two thousand nine, one hundred eight million nine hundred seventy-five thousand dollars, and for the period January first, two thousand ten through December thirty-first, two thousand ten, one hundred twenty-six million one hundred thousand dollars, for the period January first, two thousand eleven through March thirty-first, two thousand eleven, twenty million five hundred thousand dollars, and for each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, one hundred forty-six million four hundred thousand dollars, shall be deposited by the commissioner, and the state comptroller is hereby authorized and directed to receive for deposit, to the credit of the state special revenue fund - other, HCRA transfer fund, medical assistance account.

(g) Funds shall be transferred to primary health care services pools created by the commissioner, and shall be available, including income from invested funds, for distributions in accordance with former section twenty-eight hundred seven-bb of this article from the respective health care initiatives pools for the following periods in the following percentage amounts of funds remaining after allocations in accordance with paragraphs (a) through (f) of this subdivision:

(i) from the pool for the period January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-seven, fifteen and eighty-seven-hundredths percent;

(ii) from the pool for the period January first, nineteen hundred ninety-eight through December thirty-first, nineteen hundred ninety-eight, fifteen and eighty-seven-hundredths percent; and

(iii) from the pool for the period January first, nineteen hundred ninety-nine through December thirty-first, nineteen hundred ninety-nine, sixteen and thirteen-hundredths percent.

(h) Funds shall be reserved and accumulated from year to year by the commissioner and shall be available, including income from invested funds, for purposes of primary care education and training pursuant to article nine of this chapter from the respective health care initiatives pools established for the following periods in the following percentage amounts of funds remaining after allocations in accordance with paragraphs (a) through (f) of this subdivision and shall be available for distributions as follows:

(i) funds shall be reserved and accumulated:

(A) from the pool for the period January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-seven, six and thirty-five-hundredths percent;

(B) from the pool for the period January first, nineteen hundred ninety-eight through December thirty-first, nineteen hundred ninety-eight, six and thirty-five-hundredths percent; and

(C) from the pool for the period January first, nineteen hundred ninety-nine through December thirty-first, nineteen hundred ninety-nine, six and forty-five-hundredths percent;

(ii) funds shall be available for distributions including income from invested funds as follows:

(A) for purposes of the primary care physician loan repayment program in accordance with section nine hundred three of this chapter, up to five million dollars on an annualized basis;

(B) for purposes of the primary care practitioner scholarship program in accordance with section nine hundred four of this chapter, up to two million dollars on an annualized basis;

(C) for purposes of minority participation in medical education grants in accordance with section nine hundred six of this chapter, up to one million dollars on an annualized basis; and

(D) provided, however, that the commissioner may reallocate any funds remaining or unallocated for distributions for the primary care practitioner scholarship program in accordance with section nine hundred four of this chapter.

(i) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for distributions in accordance with section twenty-nine hundred fifty-two and section twenty-nine hundred fifty-eight of this chapter for rural health care delivery development and rural health care access development, respectively, from the respective health care initiatives pools or the health care reform act (HCRA) resources fund, whichever is applicable, for the following periods in the following percentage amounts of funds remaining after allocations in accordance with paragraphs (a) through (f) of this subdivision, and for periods on and after January first, two thousand, in the following amounts:

(i) from the pool for the period January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-seven, thirteen and forty-nine-hundredths percent;

(ii) from the pool for the period January first, nineteen hundred ninety-eight through December thirty-first, nineteen hundred ninety-eight, thirteen and forty-nine-hundredths percent;

(iii) from the pool for the period January first, nineteen hundred ninety-nine through December thirty-first, nineteen hundred ninety-nine, thirteen and seventy-one-hundredths percent;

(iv) from the pool for the periods January first, two thousand through December thirty-first, two thousand two, seventeen million dollars annually, and for the period January first, two thousand three through December thirty-first, two thousand three, up to fifteen million eight hundred fifty thousand dollars;

(v) from the pool or the health care reform act (HCRA) resources fund, whichever is applicable, for the period January first, two thousand four through December thirty-first, two thousand four, up to fifteen million eight hundred fifty thousand dollars, for the period January first, two thousand five through December thirty-first, two thousand five, up to nineteen million two hundred thousand dollars, for the period January first, two thousand six through December thirty-first, two thousand six, up to nineteen million two hundred thousand dollars, for the period January first, two thousand seven through December thirty-first, two thousand ten, up to eighteen million one hundred fifty thousand dollars annually, for the period January first, two thousand eleven through March thirty-first, two thousand eleven, up to four million five hundred thirty-eight thousand dollars, for each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, up to sixteen million two hundred thousand dollars, [and] up to sixteen million two hundred thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen, and up to sixteen million two hundred thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty.

(j) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of distributions related to health information and health care quality improvement pursuant to former section twenty-eight hundred seven-n of this article from the respective health care initiatives pools established for the following periods in the following percentage amounts of funds remaining after allocations in accordance with paragraphs (a) through (f) of this subdivision:

(i) from the pool for the period January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-seven, six and thirty-five-hundredths percent;

(ii) from the pool for the period January first, nineteen hundred ninety-eight through December thirty-first, nineteen hundred ninety-eight, six and thirty-five-hundredths percent; and

(iii) from the pool for the period January first, nineteen hundred ninety-nine through December thirty-first, nineteen hundred ninety-nine, six and forty-five-hundredths percent.

(k) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for allocations and distributions in accordance with section twenty-eight hundred seven-p of this article for diagnostic and treatment center uncompensated care from the respective health care initiatives pools or the health care reform act (HCRA) resources fund, whichever is applicable, for the following periods in the following percentage amounts of funds remaining after allocations in accordance with paragraphs (a) through (f) of this subdivision, and for periods on and after January first, two thousand, in the following amounts:

(i) from the pool for the period January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-seven, thirty-eight and one-tenth percent;

(ii) from the pool for the period January first, nineteen hundred ninety-eight through December thirty-first, nineteen hundred ninety-eight, thirty-eight and one-tenth percent;

(iii) from the pool for the period January first, nineteen hundred ninety-nine through December thirty-first, nineteen hundred ninety-nine, thirty-eight and seventy-one-hundredths percent;

(iv) from the pool for the periods January first, two thousand through December thirty-first, two thousand two, forty-eight million dollars annually, and for the period January first, two thousand three through June thirtieth, two thousand three, twenty-four million dollars;

(v) (A) from the pool or the health care reform act (HCRA) resources fund, whichever is applicable, for the period July first, two thousand three through December thirty-first, two thousand three, up to six million dollars, for the period January first, two thousand four through December thirty-first, two thousand six, up to twelve million dollars annually, for the period January first, two thousand seven through December thirty-first, two thousand thirteen, up to forty-eight million dollars annually, for the period January first, two thousand fourteen through March thirty-first, two thousand fourteen, up to twelve million dollars [and] for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen, up to forty-eight million dollars annually, and for the period April first, two thousand seventeen through March thirty-first, two thousand twenty, up to forty-eight million dollars annually;

(B) from the health care reform act (HCRA) resources fund for the period January first, two thousand six through December thirty-first, two thousand six, an additional seven million five hundred thousand dollars, for the period January first, two thousand seven through December thirty-first, two thousand thirteen, an additional seven million five hundred thousand dollars annually, for the period January first, two thousand fourteen through March thirty-first, two thousand fourteen, an additional one million eight hundred seventy-five thousand dollars, [and] for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen, an additional seven million five hundred thousand dollars annually, and for the period

April first, two thousand seventeen through March thirty-first, two thousand twenty, an additional seven million five hundred thousand dollars annually for voluntary non-profit diagnostic and treatment center uncompensated care in accordance with subdivision four-c of section twenty-eight hundred seven-p of this article; and

(vi) funds reserved and accumulated pursuant to this paragraph for periods on and after July first, two thousand three, shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, for purposes of funding the state share of rate adjustments made pursuant to section twenty-eight hundred seven-p of this article, provided, however, that in the event federal financial participation is not available for rate adjustments made pursuant to paragraph (b) of subdivision one of section twenty-eight hundred seven-p of this article, funds shall be distributed pursuant to paragraph (a) of subdivision one of section twenty-eight hundred seven-p of this article from the respective health care initiatives pools or the health care reform act (HCRA) resources fund, whichever is applicable.

(1) Funds shall be reserved and accumulated from year to year by the commissioner and shall be available, including income from invested funds, for transfer to and allocation for services and expenses for the payment of benefits to recipients of drugs under the AIDS drug assistance program (ADAP) - HIV uninsured care program as administered by Health Research Incorporated from the respective health care initiatives pools or the health care reform act (HCRA) resources fund, whichever is applicable, established for the following periods in the following percentage amounts of funds remaining after allocations in accordance with paragraphs (a) through (f) of this subdivision, and for periods on and after January first, two thousand, in the following amounts:

(i) from the pool for the period January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-seven, nine and fifty-two-hundredths percent;

(ii) from the pool for the period January first, nineteen hundred ninety-eight through December thirty-first, nineteen hundred ninety-eight, nine and fifty-two-hundredths percent;

(iii) from the pool for the period January first, nineteen hundred ninety-nine and December thirty-first, nineteen hundred ninety-nine, nine and sixty-eight-hundredths percent;

(iv) from the pool for the periods January first, two thousand through December thirty-first, two thousand two, up to twelve million dollars annually, and for the period January first, two thousand three through December thirty-first, two thousand three, up to forty million dollars; and

(v) from the pool or the health care reform act (HCRA) resources fund, whichever is applicable, for the periods January first, two thousand four through December thirty-first, two thousand four, up to fifty-six million dollars, for the period January first, two thousand five through December thirty-first, two thousand six, up to sixty million dollars annually, for the



period January first, two thousand seven through December thirty-first, two thousand ten, up to sixty million dollars annually, for the period January first, two thousand eleven through March thirty-first, two thousand eleven, up to fifteen million dollars, each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, up to forty-two million three hundred thousand dollars and up to forty-one million fifty thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand [seventeen] twenty.

(m) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of distributions pursuant to section twenty-eight hundred seven-r of this article for cancer related services from the respective health care initiatives pools or the health care reform act (HCRA) resources fund, whichever is applicable, established for the following periods in the following percentage amounts of funds remaining after allocations in accordance with paragraphs (a) through (f) of this subdivision, and for periods on and after January first, two thousand, in the following amounts:

(i) from the pool for the period January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-seven, seven and ninety-four-hundredths percent;

(ii) from the pool for the period January first, nineteen hundred ninety-eight through December thirty-first, nineteen hundred ninety-eight, seven and ninety-four-hundredths percent;

(iii) from the pool for the period January first, nineteen hundred ninety-nine and December thirty-first, nineteen hundred ninety-nine, six and forty-five-hundredths percent;

(iv) from the pool for the period January first, two thousand through December thirty-first, two thousand two, up to ten million dollars on an annual basis;

(v) from the pool for the period January first, two thousand three through December thirty-first, two thousand four, up to eight million nine hundred fifty thousand dollars on an annual basis;

(vi) from the pool or the health care reform act (HCRA) resources fund, whichever is applicable, for the period January first, two thousand five through December thirty-first, two thousand six, up to ten million fifty thousand dollars on an annual basis, for the period January first, two thousand seven through December thirty-first, two thousand ten, up to nineteen million dollars annually, and for the period January first, two thousand eleven through March thirty-first, two thousand eleven, up to four million seven hundred fifty thousand dollars.

(n) Funds shall be accumulated and transferred from the health care reform act (HCRA) resources fund as follows: for the period April first, two thousand seven through March thirty-first, two thousand eight, and on an annual basis for the periods April first, two thousand eight through November thirtieth, two thousand nine, funds within amounts appropriated shall be transferred and deposited and credited to the credit of the state special

revenue funds - other, HCRA transfer fund, medical assistance account, for purposes of funding the state share of rate adjustments made to public and voluntary hospitals in accordance with paragraphs (i) and (j) of subdivision one of section twenty-eight hundred seven-c of this article.

2. Notwithstanding any inconsistent provision of law, rule or regulation, any funds accumulated in the health care initiatives pools pursuant to paragraph (b) of subdivision nine of section twenty-eight hundred seven-j of this article, as a result of surcharges, assessments or other obligations during the periods January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-nine, which are unused or uncommitted for distributions pursuant to this section shall be reserved and accumulated from year to year by the commissioner and, within amounts appropriated, transferred and deposited into the special revenue funds - other, miscellaneous special revenue fund - 339, child health insurance account or any successor fund or account, for purposes of distributions to implement the child health insurance program established pursuant to sections twenty-five hundred ten and twenty-five hundred eleven of this chapter for periods on and after January first, two thousand one; provided, however, funds reserved and accumulated for priority distributions pursuant to subparagraph (iii) of paragraph (c) of subdivision one of this section shall not be transferred and deposited into such account pursuant to this subdivision; and provided further, however, that any unused or uncommitted pool funds accumulated and allocated pursuant to paragraph (j) of subdivision one of this section shall be distributed for purposes of the health information and quality improvement act of 2000.

3. Revenue from distributions pursuant to this section shall not be included in gross revenue received for purposes of the assessments pursuant to subdivision eighteen of section twenty-eight hundred seven-c of this article, subject to the provisions of paragraph (e) of subdivision eighteen of section twenty-eight hundred seven-c of this article, and shall not be included in gross revenue received for purposes of the assessments pursuant to section twenty-eight hundred seven-d of this article, subject to the provisions of subdivision twelve of section twenty-eight hundred seven-d of this article.

§ 22. Section 2807-v of the public health law, as amended by section 8 of part B of chapter 60 of the laws of 2014, is amended to read as follows:

§ 2807-v. Tobacco control and insurance initiatives pool distributions.  
1. Funds accumulated in the tobacco control and insurance initiatives pool or in the health care reform act (HCRA) resources fund established pursuant to section ninety-two-dd of the state finance law, whichever is applicable, including income from invested funds, shall be distributed or retained by the commissioner or by the state comptroller, as applicable, in accordance with the following:

(a) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medicaid fraud hotline and medicaid administration account, or any successor fund or account, for purposes of services and expenses related to the toll-free medicaid fraud hotline established pursuant to section one hundred eight of chapter one of the laws of nineteen hundred ninety-nine from the tobacco control and insurance initiatives pool

established for the following periods in the following amounts: four hundred thousand dollars annually for the periods January first, two thousand through December thirty-first, two thousand two, up to four hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three, up to four hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four, up to four hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five, up to four hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six, up to four hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven, up to four hundred thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight, up to four hundred thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine, up to four hundred thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten, up to one hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven and within amounts appropriated on and after April first, two thousand eleven.

(b) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of payment of audits or audit contracts necessary to determine payor and provider compliance with requirements set forth in sections twenty-eight hundred seven-j, twenty-eight hundred seven-s and twenty-eight hundred seven-t of this article from the tobacco control and insurance initiatives pool established for the following periods in the following amounts: five million six hundred thousand dollars annually for the periods January first, two thousand through December thirty-first, two thousand two, up to five million dollars for the period January first, two thousand three through December thirty-first, two thousand three, up to five million dollars for the period January first, two thousand four through December thirty-first, two thousand four, up to five million dollars for the period January first, two thousand five through December thirty-first, two thousand five, up to five million dollars for the period January first, two thousand six through December thirty-first, two thousand six, up to seven million eight hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven, and up to eight million three hundred twenty-five thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight, up to eight million five hundred thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine, up to eight million five hundred thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten, up to two million one hundred twenty-five thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven, up to fourteen million seven hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, **[and]** up to eleven million one hundred thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen, **and up to eleven million one hundred thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty.**

(c) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, enhanced community services account, or any successor fund or account, for mental health services programs for case management services for adults and children; supported housing; home and community based waiver services; family based treatment; family support services; mobile mental health teams; transitional housing; and community oversight, established pursuant to articles seven and forty-one of the mental hygiene law and subdivision nine of section three hundred sixty-six of the social services law; and for comprehensive care centers for eating disorders pursuant to the former section twenty-seven hundred ninety-nine-1 of this chapter, provided however that, for such centers, funds in the amount of five hundred thousand dollars on an annualized basis shall be transferred from the enhanced community services account, or any successor fund or account, and deposited into the fund established by section ninety-five-e of the state finance law; from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) forty-eight million dollars to be reserved, to be retained or for distribution pursuant to a chapter of the laws of two thousand, for the period January first, two thousand through December thirty-first, two thousand;

(ii) eighty-seven million dollars to be reserved, to be retained or for distribution pursuant to a chapter of the laws of two thousand one, for the period January first, two thousand one through December thirty-first, two thousand one;

(iii) eighty-seven million dollars to be reserved, to be retained or for distribution pursuant to a chapter of the laws of two thousand two, for the period January first, two thousand two through December thirty-first, two thousand two;

(iv) eighty-eight million dollars to be reserved, to be retained or for distribution pursuant to a chapter of the laws of two thousand three, for the period January first, two thousand three through December thirty-first, two thousand three;

(v) eighty-eight million dollars, plus five hundred thousand dollars, to be reserved, to be retained or for distribution pursuant to a chapter of the laws of two thousand four, and pursuant to the former section twenty-seven hundred ninety-nine-1 of this chapter, for the period January first, two thousand four through December thirty-first, two thousand four;

(vi) eighty-eight million dollars, plus five hundred thousand dollars, to be reserved, to be retained or for distribution pursuant to a chapter of the laws of two thousand five, and pursuant to the former section twenty-seven hundred ninety-nine-1 of this chapter, for the period January first, two thousand five through December thirty-first, two thousand five;

(vii) eighty-eight million dollars, plus five hundred thousand dollars, to be reserved, to be retained or for distribution pursuant to a chapter of the laws of two thousand six, and pursuant to former section twenty-seven

1 hundred ninety-nine-1 of this chapter, for the period January first, two  
2 thousand six through December thirty-first, two thousand six;

3 (viii) eighty-six million four hundred thousand dollars, plus five  
4 hundred thousand dollars, to be reserved, to be retained or for distribution  
5 pursuant to a chapter of the laws of two thousand seven and pursuant to the  
6 former section twenty-seven hundred ninety-nine-1 of this chapter, for the  
7 period January first, two thousand seven through December thirty-first, two  
8 thousand seven; and

9 (ix) twenty-two million nine hundred thirteen thousand dollars, plus one  
10 hundred twenty-five thousand dollars, to be reserved, to be retained or for  
11 distribution pursuant to a chapter of the laws of two thousand eight and  
12 pursuant to the former section twenty-seven hundred ninety-nine-1 of this  
13 chapter, for the period January first, two thousand eight through March  
14 thirty-first, two thousand eight.

15 (d) Funds shall be deposited by the commissioner, within amounts  
16 appropriated, and the state comptroller is hereby authorized and directed to  
17 receive for deposit to the credit of the state special revenue funds - other,  
18 HCRA transfer fund, medical assistance account, or any successor fund or  
19 account, for purposes of funding the state share of services and expenses  
20 related to the family health plus program including up to two and one-half  
21 million dollars annually for the period January first, two thousand through  
22 December thirty-first, two thousand two, for administration and marketing  
23 costs associated with such program established pursuant to clause (A) of  
24 subparagraph (v) of paragraph (a) of subdivision two of section three hundred  
25 sixty-nine-ee of the social services law from the tobacco control and  
26 insurance initiatives pool established for the following periods in the  
27 following amounts:

28 (i) three million five hundred thousand dollars for the period January  
29 first, two thousand through December thirty-first, two thousand;

30 (ii) twenty-seven million dollars for the period January first, two  
31 thousand one through December thirty-first, two thousand one; and

32 (iii) fifty-seven million dollars for the period January first, two  
33 thousand two through December thirty-first, two thousand two.

34 (e) Funds shall be deposited by the commissioner, within amounts  
35 appropriated, and the state comptroller is hereby authorized and directed to  
36 receive for deposit to the credit of the state special revenue funds - other,  
37 HCRA transfer fund, medical assistance account, or any successor fund or  
38 account, for purposes of funding the state share of services and expenses  
39 related to the family health plus program including up to two and one-half  
40 million dollars annually for the period January first, two thousand through  
41 December thirty-first, two thousand two for administration and marketing  
42 costs associated with such program established pursuant to clause (B) of  
43 subparagraph (v) of paragraph (a) of subdivision two of section three hundred  
44 sixty-nine-ee of the social services law from the tobacco control and  
45 insurance initiatives pool established for the following periods in the  
46 following amounts:

1 (i) two million five hundred thousand dollars for the period January  
2 first, two thousand through December thirty-first, two thousand;

3 (ii) thirty million five hundred thousand dollars for the period January  
4 first, two thousand one through December thirty-first, two thousand one; and

5 (iii) sixty-six million dollars for the period January first, two  
6 thousand two through December thirty-first, two thousand two.

7 (f) Funds shall be deposited by the commissioner, within amounts  
8 appropriated, and the state comptroller is hereby authorized and directed to  
9 receive for deposit to the credit of the state special revenue funds - other,  
10 HCRA transfer fund, medicaid fraud hotline and medicaid administration  
11 account, or any successor fund or account, for purposes of payment of  
12 administrative expenses of the department related to the family health plus  
13 program established pursuant to section three hundred sixty-nine-ee of the  
14 social services law from the tobacco control and insurance initiatives pool  
15 established for the following periods in the following amounts: five hundred  
16 thousand dollars on an annual basis for the periods January first, two  
17 thousand through December thirty-first, two thousand six, five hundred  
18 thousand dollars for the period January first, two thousand seven through  
19 December thirty-first, two thousand seven, and five hundred thousand dollars  
20 for the period January first, two thousand eight through December thirty-  
21 first, two thousand eight, five hundred thousand dollars for the period  
22 January first, two thousand nine through December thirty-first, two thousand  
23 nine, five hundred thousand dollars for the period January first, two  
24 thousand ten through December thirty-first, two thousand ten, one hundred  
25 twenty-five thousand dollars for the period January first, two thousand  
26 eleven through March thirty-first, two thousand eleven and within amounts  
27 appropriated on and after April first, two thousand eleven.

28 (g) Funds shall be reserved and accumulated from year to year and shall  
29 be available, including income from invested funds, for purposes of services  
30 and expenses related to the health maintenance organization direct pay market  
31 program established pursuant to sections forty-three hundred twenty-one-a and  
32 forty-three hundred twenty-two-a of the insurance law from the tobacco  
33 control and insurance initiatives pool established for the following periods  
34 in the following amounts:

35 (i) up to thirty-five million dollars for the period January first, two  
36 thousand through December thirty-first, two thousand of which fifty percentum  
37 shall be allocated to the program pursuant to section four thousand three  
38 hundred twenty-one-a of the insurance law and fifty percentum to the program  
39 pursuant to section four thousand three hundred twenty-two-a of the insurance  
40 law;

41 (ii) up to thirty-six million dollars for the period January first, two  
42 thousand one through December thirty-first, two thousand one of which fifty  
43 percentum shall be allocated to the program pursuant to section four thousand  
44 three hundred twenty-one-a of the insurance law and fifty percentum to the  
45 program pursuant to section four thousand three hundred twenty-two-a of the  
46 insurance law;

47 (iii) up to thirty-nine million dollars for the period January first, two  
48 thousand two through December thirty-first, two thousand two of which fifty

1 percentum shall be allocated to the program pursuant to section four thousand  
2 three hundred twenty-one-a of the insurance law and fifty percentum to the  
3 program pursuant to section four thousand three hundred twenty-two-a of the  
4 insurance law;

5 (iv) up to forty million dollars for the period January first, two  
6 thousand three through December thirty-first, two thousand three of which  
7 fifty percentum shall be allocated to the program pursuant to section four  
8 thousand three hundred twenty-one-a of the insurance law and fifty percentum  
9 to the program pursuant to section four thousand three hundred twenty-two-a  
10 of the insurance law;

11 (v) up to forty million dollars for the period January first, two  
12 thousand four through December thirty-first, two thousand four of which fifty  
13 percentum shall be allocated to the program pursuant to section four thousand  
14 three hundred twenty-one-a of the insurance law and fifty percentum to the  
15 program pursuant to section four thousand three hundred twenty-two-a of the  
16 insurance law;

17 (vi) up to forty million dollars for the period January first, two  
18 thousand five through December thirty-first, two thousand five of which fifty  
19 percentum shall be allocated to the program pursuant to section four thousand  
20 three hundred twenty-one-a of the insurance law and fifty percentum to the  
21 program pursuant to section four thousand three hundred twenty-two-a of the  
22 insurance law;

23 (vii) up to forty million dollars for the period January first, two  
24 thousand six through December thirty-first, two thousand six of which fifty  
25 percentum shall be allocated to the program pursuant to section four thousand  
26 three hundred twenty-one-a of the insurance law and fifty percentum shall be  
27 allocated to the program pursuant to section four thousand three hundred  
28 twenty-two-a of the insurance law;

29 (viii) up to forty million dollars for the period January first, two  
30 thousand seven through December thirty-first, two thousand seven of which  
31 fifty percentum shall be allocated to the program pursuant to section four  
32 thousand three hundred twenty-one-a of the insurance law and fifty percentum  
33 shall be allocated to the program pursuant to section four thousand three  
34 hundred twenty-two-a of the insurance law; and

35 (ix) up to forty million dollars for the period January first, two  
36 thousand eight through December thirty-first, two thousand eight of which  
37 fifty per centum shall be allocated to the program pursuant to section four  
38 thousand three hundred twenty-one-a of the insurance law and fifty per centum  
39 shall be allocated to the program pursuant to section four thousand three  
40 hundred twenty-two-a of the insurance law.

41 (h) Funds shall be reserved and accumulated from year to year and shall  
42 be available, including income from invested funds, for purposes of services  
43 and expenses related to the healthy New York individual program established  
44 pursuant to sections four thousand three hundred twenty-six and four thousand  
45 three hundred twenty-seven of the insurance law from the tobacco control and  
46 insurance initiatives pool established for the following periods in the  
47 following amounts:

1 (i) up to six million dollars for the period January first, two thousand  
2 one through December thirty-first, two thousand one;

3 (ii) up to twenty-nine million dollars for the period January first, two  
4 thousand two through December thirty-first, two thousand two;

5 (iii) up to five million one hundred thousand dollars for the period  
6 January first, two thousand three through December thirty-first, two thousand  
7 three;

8 (iv) up to twenty-four million six hundred thousand dollars for the  
9 period January first, two thousand four through December thirty-first, two  
10 thousand four;

11 (v) up to thirty-four million six hundred thousand dollars for the period  
12 January first, two thousand five through December thirty-first, two thousand  
13 five;

14 (vi) up to fifty-four million eight hundred thousand dollars for the  
15 period January first, two thousand six through December thirty-first, two  
16 thousand six;

17 (vii) up to sixty-one million seven hundred thousand dollars for the  
18 period January first, two thousand seven through December thirty-first, two  
19 thousand seven; and

20 (viii) up to one hundred three million seven hundred fifty thousand  
21 dollars for the period January first, two thousand eight through December  
22 thirty-first, two thousand eight.

23 (i) Funds shall be reserved and accumulated from year to year and shall  
24 be available, including income from invested funds, for purposes of services  
25 and expenses related to the healthy New York group program established  
26 pursuant to sections four thousand three hundred twenty-six and four thousand  
27 three hundred twenty-seven of the insurance law from the tobacco control and  
28 insurance initiatives pool established for the following periods in the  
29 following amounts:

30 (i) up to thirty-four million dollars for the period January first, two  
31 thousand one through December thirty-first, two thousand one;

32 (ii) up to seventy-seven million dollars for the period January first,  
33 two thousand two through December thirty-first, two thousand two;

34 (iii) up to ten million five hundred thousand dollars for the period  
35 January first, two thousand three through December thirty-first, two thousand  
36 three;

37 (iv) up to twenty-four million six hundred thousand dollars for the  
38 period January first, two thousand four through December thirty-first, two  
39 thousand four;



1 (v) up to thirty-four million six hundred thousand dollars for the period  
2 January first, two thousand five through December thirty-first, two thousand  
3 five;

4 (vi) up to fifty-four million eight hundred thousand dollars for the  
5 period January first, two thousand six through December thirty-first, two  
6 thousand six;

7 (vii) up to sixty-one million seven hundred thousand dollars for the  
8 period January first, two thousand seven through December thirty-first, two  
9 thousand seven; and

10 (viii) up to one hundred three million seven hundred fifty thousand  
11 dollars for the period January first, two thousand eight through December  
12 thirty-first, two thousand eight.

13 (i-1) Notwithstanding the provisions of paragraphs (h) and (i) of this  
14 subdivision, the commissioner shall reserve and accumulate up to two million  
15 five hundred thousand dollars annually for the periods January first, two  
16 thousand four through December thirty-first, two thousand six, one million  
17 four hundred thousand dollars for the period January first, two thousand  
18 seven through December thirty-first, two thousand seven, two million dollars  
19 for the period January first, two thousand eight through December thirty-  
20 first, two thousand eight, from funds otherwise available for distribution  
21 under such paragraphs for the services and expenses related to the pilot  
22 program for entertainment industry employees included in subsection (b) of  
23 section one thousand one hundred twenty-two of the insurance law, and an  
24 additional seven hundred thousand dollars annually for the periods January  
25 first, two thousand four through December thirty-first, two thousand six, an  
26 additional three hundred thousand dollars for the period January first, two  
27 thousand seven through June thirtieth, two thousand seven for services and  
28 expenses related to the pilot program for displaced workers included in  
29 subsection (c) of section one thousand one hundred twenty-two of the  
30 insurance law.

31 (j) Funds shall be reserved and accumulated from year to year and shall  
32 be available, including income from invested funds, for purposes of services  
33 and expenses related to the tobacco use prevention and control program  
34 established pursuant to sections thirteen hundred ninety-nine-ii and thirteen  
35 hundred ninety-nine-jj of this chapter, from the tobacco control and  
36 insurance initiatives pool established for the following periods in the  
37 following amounts:

38 (i) up to thirty million dollars for the period January first, two  
39 thousand through December thirty-first, two thousand;

40 (ii) up to forty million dollars for the period January first, two  
41 thousand one through December thirty-first, two thousand one;

42 (iii) up to forty million dollars for the period January first, two  
43 thousand two through December thirty-first, two thousand two;

44 (iv) up to thirty-six million nine hundred fifty thousand dollars for the  
45 period January first, two thousand three through December thirty-first, two  
46 thousand three;

(v) up to thirty-six million nine hundred fifty thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four;

(vi) up to forty million six hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;

(vii) up to eighty-one million nine hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six, provided, however, that within amounts appropriated, a portion of such funds may be transferred to the Roswell Park Cancer Institute Corporation to support costs associated with cancer research;

(viii) up to ninety-four million one hundred fifty thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven, provided, however, that within amounts appropriated, a portion of such funds may be transferred to the Roswell Park Cancer Institute Corporation to support costs associated with cancer research;

(ix) up to ninety-four million one hundred fifty thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;

(x) up to ninety-four million one hundred fifty thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;

(xi) up to eighty-seven million seven hundred seventy-five thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;

(xii) up to twenty-one million four hundred twelve thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;

(xiii) up to fifty-two million one hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen; **[and]**

(xiv) up to six million dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen[.]; **and**

**(xv) up to six million dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty.**

(k) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue fund - other, HCRA transfer fund, health care services account, or any successor fund or account, for purposes of services and expenses related to public health programs, including comprehensive care centers for eating disorders pursuant

1 to the former section twenty-seven hundred ninety-nine-1 of this chapter,  
2 provided however that, for such centers, funds in the amount of five hundred  
3 thousand dollars on an annualized basis shall be transferred from the health  
4 care services account, or any successor fund or account, and deposited into  
5 the fund established by section ninety-five-e of the state finance law for  
6 periods prior to March thirty-first, two thousand eleven, from the tobacco  
7 control and insurance initiatives pool established for the following periods  
8 in the following amounts:

9 (i) up to thirty-one million dollars for the period January first, two  
10 thousand through December thirty-first, two thousand;

11 (ii) up to forty-one million dollars for the period January first, two  
12 thousand one through December thirty-first, two thousand one;

13 (iii) up to eighty-one million dollars for the period January first, two  
14 thousand two through December thirty-first, two thousand two;

15 (iv) one hundred twenty-two million five hundred thousand dollars for the  
16 period January first, two thousand three through December thirty-first, two  
17 thousand three;

18 (v) one hundred eight million five hundred seventy-five thousand dollars,  
19 plus an additional five hundred thousand dollars, for the period January  
20 first, two thousand four through December thirty-first, two thousand four;

21 (vi) ninety-one million eight hundred thousand dollars, plus an  
22 additional five hundred thousand dollars, for the period January first, two  
23 thousand five through December thirty-first, two thousand five;

24 (vii) one hundred fifty-six million six hundred thousand dollars, plus an  
25 additional five hundred thousand dollars, for the period January first, two  
26 thousand six through December thirty-first, two thousand six;

27 (viii) one hundred fifty-one million four hundred thousand dollars, plus  
28 an additional five hundred thousand dollars, for the period January first,  
29 two thousand seven through December thirty-first, two thousand seven;

30 (ix) one hundred sixteen million nine hundred forty-nine thousand  
31 dollars, plus an additional five hundred thousand dollars, for the period  
32 January first, two thousand eight through December thirty-first, two thousand  
33 eight;

34 (x) one hundred sixteen million nine hundred forty-nine thousand dollars,  
35 plus an additional five hundred thousand dollars, for the period January  
36 first, two thousand nine through December thirty-first, two thousand nine;

37 (xi) one hundred sixteen million nine hundred forty-nine thousand  
38 dollars, plus an additional five hundred thousand dollars, for the period  
39 January first, two thousand ten through December thirty-first, two thousand  
40 ten;

41 (xii) twenty-nine million two hundred thirty-seven thousand two hundred  
42 fifty dollars, plus an additional one hundred twenty-five thousand dollars,

1 for the period January first, two thousand eleven through March thirty-first,  
2 two thousand eleven;

3 (xiii) one hundred twenty million thirty-eight thousand dollars for the  
4 period April first, two thousand eleven through March thirty-first, two  
5 thousand twelve; and

6 (xiv) one hundred nineteen million four hundred seven thousand dollars  
7 each state fiscal year for the period April first, two thousand twelve  
8 through March thirty-first, two thousand fourteen.

9 (1) Funds shall be deposited by the commissioner, within amounts  
10 appropriated, and the state comptroller is hereby authorized and directed to  
11 receive for deposit to the credit of the state special revenue funds - other,  
12 HCRA transfer fund, medical assistance account, or any successor fund or  
13 account, for purposes of funding the state share of the personal care and  
14 certified home health agency rate or fee increases established pursuant to  
15 subdivision three of section three hundred sixty-seven-o of the social  
16 services law from the tobacco control and insurance initiatives pool  
17 established for the following periods in the following amounts:

18 (i) twenty-three million two hundred thousand dollars for the period  
19 January first, two thousand through December thirty-first, two thousand;

20 (ii) twenty-three million two hundred thousand dollars for the period  
21 January first, two thousand one through December thirty-first, two thousand  
22 one;

23 (iii) twenty-three million two hundred thousand dollars for the period  
24 January first, two thousand two through December thirty-first, two thousand  
25 two;

26 (iv) up to sixty-five million two hundred thousand dollars for the period  
27 January first, two thousand three through December thirty-first, two thousand  
28 three;

29 (v) up to sixty-five million two hundred thousand dollars for the period  
30 January first, two thousand four through December thirty-first, two thousand  
31 four;

32 (vi) up to sixty-five million two hundred thousand dollars for the period  
33 January first, two thousand five through December thirty-first, two thousand  
34 five;

35 (vii) up to sixty-five million two hundred thousand dollars for the  
36 period January first, two thousand six through December thirty-first, two  
37 thousand six;

38 (viii) up to sixty-five million two hundred thousand dollars for the  
39 period January first, two thousand seven through December thirty-first, two  
40 thousand seven; and

(ix) up to sixteen million three hundred thousand dollars for the period January first, two thousand eight through March thirty-first, two thousand eight.

(m) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of services and expenses related to home care workers insurance pilot demonstration programs established pursuant to subdivision two of section three hundred sixty-seven-o of the social services law from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) three million eight hundred thousand dollars for the period January first, two thousand through December thirty-first, two thousand;

(ii) three million eight hundred thousand dollars for the period January first, two thousand one through December thirty-first, two thousand one;

(iii) three million eight hundred thousand dollars for the period January first, two thousand two through December thirty-first, two thousand two;

(iv) up to three million eight hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;

(v) up to three million eight hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four;

(vi) up to three million eight hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;

(vii) up to three million eight hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;

(viii) up to three million eight hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven; and

(ix) up to nine hundred fifty thousand dollars for the period January first, two thousand eight through March thirty-first, two thousand eight.

(n) Funds shall be transferred by the commissioner and shall be deposited to the credit of the special revenue funds - other, miscellaneous special revenue fund - 339, elderly pharmaceutical insurance coverage program premium account authorized pursuant to the provisions of title three of article two of the elder law, or any successor fund or account, for funding state expenses relating to the program from the tobacco control and insurance

1 initiatives pool established for the following periods in the following  
2 amounts:

3 (i) one hundred seven million dollars for the period January first, two  
4 thousand through December thirty-first, two thousand;

5 (ii) one hundred sixty-four million dollars for the period January first,  
6 two thousand one through December thirty-first, two thousand one;

7 (iii) three hundred twenty-two million seven hundred thousand dollars for  
8 the period January first, two thousand two through December thirty-first, two  
9 thousand two;

10 (iv) four hundred thirty-three million three hundred thousand dollars for  
11 the period January first, two thousand three through December thirty-first,  
12 two thousand three;

13 (v) five hundred four million one hundred fifty thousand dollars for the  
14 period January first, two thousand four through December thirty-first, two  
15 thousand four;

16 (vi) five hundred sixty-six million eight hundred thousand dollars for  
17 the period January first, two thousand five through December thirty-first,  
18 two thousand five;

19 (vii) six hundred three million one hundred fifty thousand dollars for  
20 the period January first, two thousand six through December thirty-first, two  
21 thousand six;

22 (viii) six hundred sixty million eight hundred thousand dollars for the  
23 period January first, two thousand seven through December thirty-first, two  
24 thousand seven;

25 (ix) three hundred sixty-seven million four hundred sixty-three thousand  
26 dollars for the period January first, two thousand eight through December  
27 thirty-first, two thousand eight;

28 (x) three hundred thirty-four million eight hundred twenty-five thousand  
29 dollars for the period January first, two thousand nine through December  
30 thirty-first, two thousand nine;

31 (xi) three hundred forty-four million nine hundred thousand dollars for  
32 the period January first, two thousand ten through December thirty-first, two  
33 thousand ten;

34 (xii) eighty-seven million seven hundred eighty-eight thousand dollars  
35 for the period January first, two thousand eleven through March thirty-first,  
36 two thousand eleven;

37 (xiii) one hundred forty-three million one hundred fifty thousand dollars  
38 for the period April first, two thousand eleven through March thirty-first,  
39 two thousand twelve;

(xiv) one hundred twenty million nine hundred fifty thousand dollars for the period April first, two thousand twelve through March thirty-first, two thousand thirteen;

(xv) one hundred twenty-eight million eight hundred fifty thousand dollars for the period April first, two thousand thirteen through March thirty-first, two thousand fourteen; [and]

(xvi) one hundred twenty-seven million four hundred sixteen thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen[.]; and

(xvii) one hundred twenty-seven million four hundred sixteen thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty.

(o) Funds shall be reserved and accumulated and shall be transferred to the Roswell Park Cancer Institute Corporation, from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) up to ninety million dollars for the period January first, two thousand through December thirty-first, two thousand;

(ii) up to sixty million dollars for the period January first, two thousand one through December thirty-first, two thousand one;

(iii) up to eighty-five million dollars for the period January first, two thousand two through December thirty-first, two thousand two;

(iv) eighty-five million two hundred fifty thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;

(v) seventy-eight million dollars for the period January first, two thousand four through December thirty-first, two thousand four;

(vi) seventy-eight million dollars for the period January first, two thousand five through December thirty-first, two thousand five;

(vii) ninety-one million dollars for the period January first, two thousand six through December thirty-first, two thousand six;

(viii) seventy-eight million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;

(ix) seventy-eight million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;

(x) seventy-eight million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;

(xi) seventy-eight million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;

(xii) nineteen million five hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;

(xiii) sixty-nine million eight hundred forty thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen; [and]

(xiv) up to ninety-six million six hundred thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen[.]; and

(xv) up to ninety-six million six hundred thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty.

(p) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, indigent care fund - 068, indigent care account, or any successor fund or account, for purposes of providing a medicaid disproportionate share payment from the high need indigent care adjustment pool established pursuant to section twenty-eight hundred seven-w of this article, from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) eighty-two million dollars annually for the periods January first, two thousand through December thirty-first, two thousand two;

(ii) up to eighty-two million dollars for the period January first, two thousand three through December thirty-first, two thousand three;

(iii) up to eighty-two million dollars for the period January first, two thousand four through December thirty-first, two thousand four;

(iv) up to eighty-two million dollars for the period January first, two thousand five through December thirty-first, two thousand five;

(v) up to eighty-two million dollars for the period January first, two thousand six through December thirty-first, two thousand six;

(vi) up to eighty-two million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;

(vii) up to eighty-two million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;

(viii) up to eighty-two million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;



(ix) up to eighty-two million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;

(x) up to twenty million five hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven; and

(xi) up to eighty-two million dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen.

(q) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of providing distributions to eligible school based health centers established pursuant to section eighty-eight of chapter one of the laws of nineteen hundred ninety-nine, from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) seven million dollars annually for the period January first, two thousand through December thirty-first, two thousand two;

(ii) up to seven million dollars for the period January first, two thousand three through December thirty-first, two thousand three;

(iii) up to seven million dollars for the period January first, two thousand four through December thirty-first, two thousand four;

(iv) up to seven million dollars for the period January first, two thousand five through December thirty-first, two thousand five;

(v) up to seven million dollars for the period January first, two thousand six through December thirty-first, two thousand six;

(vi) up to seven million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;

(vii) up to seven million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;

(viii) up to seven million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;

(ix) up to seven million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;

(x) up to one million seven hundred fifty thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;

(xi) up to five million six hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen; **[and]**

(xii) up to five million two hundred eighty-eight thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen[.]; and

(xiii) up to five million two hundred eighty-eight thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty.

(r) Funds shall be deposited by the commissioner within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of providing distributions for supplementary medical insurance for Medicare part B premiums, physicians services, outpatient services, medical equipment, supplies and other health services, from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) forty-three million dollars for the period January first, two thousand through December thirty-first, two thousand;

(ii) sixty-one million dollars for the period January first, two thousand one through December thirty-first, two thousand one;

(iii) sixty-five million dollars for the period January first, two thousand two through December thirty-first, two thousand two;

(iv) sixty-seven million five hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;

(v) sixty-eight million dollars for the period January first, two thousand four through December thirty-first, two thousand four;

(vi) sixty-eight million dollars for the period January first, two thousand five through December thirty-first, two thousand five;

(vii) sixty-eight million dollars for the period January first, two thousand six through December thirty-first, two thousand six;

(viii) seventeen million five hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;

(ix) sixty-eight million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;

(x) sixty-eight million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;

(xi) sixty-eight million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;

1 (xii) seventeen million dollars for the period January first, two  
2 thousand eleven through March thirty-first, two thousand eleven; and

3 (xiii) sixty-eight million dollars each state fiscal year for the period  
4 April first, two thousand eleven through March thirty-first, two thousand  
5 fourteen.

6 (s) Funds shall be deposited by the commissioner within amounts  
7 appropriated, and the state comptroller is hereby authorized and directed to  
8 receive for deposit to the credit of the state special revenue funds - other,  
9 HCRA transfer fund, medical assistance account, or any successor fund or  
10 account, for purposes of providing distributions pursuant to paragraphs (s-  
11 5), (s-6), (s-7) and (s-8) of subdivision eleven of section twenty-eight  
12 hundred seven-c of this article from the tobacco control and insurance  
13 initiatives pool established for the following periods in the following  
14 amounts:

15 (i) eighteen million dollars for the period January first, two thousand  
16 through December thirty-first, two thousand;

17 (ii) twenty-four million dollars annually for the periods January first,  
18 two thousand one through December thirty-first, two thousand two;

19 (iii) up to twenty-four million dollars for the period January first, two  
20 thousand three through December thirty-first, two thousand three;

21 (iv) up to twenty-four million dollars for the period January first, two  
22 thousand four through December thirty-first, two thousand four;

23 (v) up to twenty-four million dollars for the period January first, two  
24 thousand five through December thirty-first, two thousand five;

25 (vi) up to twenty-four million dollars for the period January first, two  
26 thousand six through December thirty-first, two thousand six;

27 (vii) up to twenty-four million dollars for the period January first, two  
28 thousand seven through December thirty-first, two thousand seven;

29 (viii) up to twenty-four million dollars for the period January first,  
30 two thousand eight through December thirty-first, two thousand eight; and

31 (ix) up to twenty-two million dollars for the period January first, two  
32 thousand nine through November thirtieth, two thousand nine.

33 (t) Funds shall be reserved and accumulated from year to year by the  
34 commissioner and shall be made available, including income from invested  
35 funds:

36 (i) For the purpose of making grants to a state owned and operated  
37 medical school which does not have a state owned and operated hospital on  
38 site and available for teaching purposes. Notwithstanding sections one  
39 hundred twelve and one hundred sixty-three of the state finance law, such  
40 grants shall be made in the amount of up to five hundred thousand dollars for

1 the period January first, two thousand through December thirty-first, two  
2 thousand;

3 (ii) For the purpose of making grants to medical schools pursuant to  
4 section eighty-six-a of chapter one of the laws of nineteen hundred ninety-  
5 nine in the sum of up to four million dollars for the period January first,  
6 two thousand through December thirty-first, two thousand; and

7 (iii) The funds disbursed pursuant to subparagraphs (i) and (ii) of this  
8 paragraph from the tobacco control and insurance initiatives pool are  
9 contingent upon meeting all funding amounts established pursuant to  
10 paragraphs (a), (b), (c), (d), (e), (f), (l), (m), (n), (p), (q), (r) and (s)  
11 of this subdivision, paragraph (a) of subdivision nine of section twenty-  
12 eight hundred seven-j of this article, and paragraphs (a), (i) and (k) of  
13 subdivision one of section twenty-eight hundred seven-l of this article.

14 (u) Funds shall be deposited by the commissioner, within amounts  
15 appropriated, and the state comptroller is hereby authorized and directed to  
16 receive for deposit to the credit of the state special revenue funds - other,  
17 HCRA transfer fund, medical assistance account, or any successor fund or  
18 account, for purposes of funding the state share of services and expenses  
19 related to the nursing home quality improvement demonstration program  
20 established pursuant to section twenty-eight hundred eight-d of this article  
21 from the tobacco control and insurance initiatives pool established for the  
22 following periods in the following amounts:

23 (i) up to twenty-five million dollars for the period beginning April  
24 first, two thousand two and ending December thirty-first, two thousand two,  
25 and on an annualized basis, for each annual period thereafter beginning  
26 January first, two thousand three and ending December thirty-first, two  
27 thousand four;

28 (ii) up to eighteen million seven hundred fifty thousand dollars for the  
29 period January first, two thousand five through December thirty-first, two  
30 thousand five; and

31 (iii) up to fifty-six million five hundred thousand dollars for the  
32 period January first, two thousand six through December thirty-first, two  
33 thousand six.

34 (v) Funds shall be transferred by the commissioner and shall be deposited  
35 to the credit of the hospital excess liability pool created pursuant to  
36 section eighteen of chapter two hundred sixty-six of the laws of nineteen  
37 hundred eighty-six, or any successor fund or account, for purposes of  
38 expenses related to the purchase of excess medical malpractice insurance and  
39 the cost of administering the pool, including costs associated with the risk  
40 management program established pursuant to section forty-two of part A of  
41 chapter one of the laws of two thousand two required by paragraph (a) of  
42 subdivision one of section eighteen of chapter two hundred sixty-six of the  
43 laws of nineteen hundred eighty-six as may be amended from time to time, from  
44 the tobacco control and insurance initiatives pool established for the  
45 following periods in the following amounts:

(i) up to fifty million dollars or so much as is needed for the period January first, two thousand two through December thirty-first, two thousand two;

(ii) up to seventy-six million seven hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;

(iii) up to sixty-five million dollars for the period January first, two thousand four through December thirty-first, two thousand four;

(iv) up to sixty-five million dollars for the period January first, two thousand five through December thirty-first, two thousand five;

(v) up to one hundred thirteen million eight hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;

(vi) up to one hundred thirty million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;

(vii) up to one hundred thirty million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;

(viii) up to one hundred thirty million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;

(ix) up to one hundred thirty million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;

(x) up to thirty-two million five hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;

(xi) up to one hundred twenty-seven million four hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen; **[and]**

(xii) up to one hundred twenty-seven million four hundred thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen[.]; **and**

**(xiii) up to one hundred twenty-seven million four hundred thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty.**

(w) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of the treatment of breast and cervical cancer pursuant to paragraph (v) of subdivision four of section three hundred sixty-six of the social services law, from the tobacco control

1 and insurance initiatives pool established for the following periods in the  
2 following amounts:

3 (i) up to four hundred fifty thousand dollars for the period January  
4 first, two thousand two through December thirty-first, two thousand two;

5 (ii) up to two million one hundred thousand dollars for the period  
6 January first, two thousand three through December thirty-first, two thousand  
7 three;

8 (iii) up to two million one hundred thousand dollars for the period  
9 January first, two thousand four through December thirty-first, two thousand  
10 four;

11 (iv) up to two million one hundred thousand dollars for the period  
12 January first, two thousand five through December thirty-first, two thousand  
13 five;

14 (v) up to two million one hundred thousand dollars for the period January  
15 first, two thousand six through December thirty-first, two thousand six;

16 (vi) up to two million one hundred thousand dollars for the period  
17 January first, two thousand seven through December thirty-first, two thousand  
18 seven;

19 (vii) up to two million one hundred thousand dollars for the period  
20 January first, two thousand eight through December thirty-first, two thousand  
21 eight;

22 (viii) up to two million one hundred thousand dollars for the period  
23 January first, two thousand nine through December thirty-first, two thousand  
24 nine;

25 (ix) up to two million one hundred thousand dollars for the period  
26 January first, two thousand ten through December thirty-first, two thousand  
27 ten;

28 (x) up to five hundred twenty-five thousand dollars for the period  
29 January first, two thousand eleven through March thirty-first, two thousand  
30 eleven;

31 (xi) up to two million one hundred thousand dollars each state fiscal  
32 year for the period April first, two thousand eleven through March thirty-  
33 first, two thousand fourteen; **[and]**

34 (xii) up to two million one hundred thousand dollars each state fiscal  
35 year for the period April first, two thousand fourteen through March thirty-  
36 first, two thousand seventeen[.]; **and**

37 **(xiii) up to two million one hundred thousand dollars each state fiscal**  
38 **year for the period April first, two thousand seventeen through March thirty-**  
39 **first, two thousand twenty.**

(x) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of the non-public general hospital rates increases for recruitment and retention of health care workers from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) twenty-seven million one hundred thousand dollars on an annualized basis for the period January first, two thousand two through December thirty-first, two thousand two;

(ii) fifty million eight hundred thousand dollars on an annualized basis for the period January first, two thousand three through December thirty-first, two thousand three;

(iii) sixty-nine million three hundred thousand dollars on an annualized basis for the period January first, two thousand four through December thirty-first, two thousand four;

(iv) sixty-nine million three hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;

(v) sixty-nine million three hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;

(vi) sixty-five million three hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;

(vii) sixty-one million one hundred fifty thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight; and

(viii) forty-eight million seven hundred twenty-one thousand dollars for the period January first, two thousand nine through November thirtieth, two thousand nine.

(y) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of grants to public general hospitals for recruitment and retention of health care workers pursuant to paragraph (b) of subdivision thirty of section twenty-eight hundred seven-c of this article from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) eighteen million five hundred thousand dollars on an annualized basis for the period January first, two thousand two through December thirty-first, two thousand two;

1 (ii) thirty-seven million four hundred thousand dollars on an annualized  
2 basis for the period January first, two thousand three through December  
3 thirty-first, two thousand three;

4 (iii) fifty-two million two hundred thousand dollars on an annualized  
5 basis for the period January first, two thousand four through December  
6 thirty-first, two thousand four;

7 (iv) fifty-two million two hundred thousand dollars for the period  
8 January first, two thousand five through December thirty-first, two thousand  
9 five;

10 (v) fifty-two million two hundred thousand dollars for the period January  
11 first, two thousand six through December thirty-first, two thousand six;

12 (vi) forty-nine million dollars for the period January first, two  
13 thousand seven through December thirty-first, two thousand seven;

14 (vii) forty-nine million dollars for the period January first, two  
15 thousand eight through December thirty-first, two thousand eight; and

16 (viii) twelve million two hundred fifty thousand dollars for the period  
17 January first, two thousand nine through March thirty-first, two thousand  
18 nine.

19 Provided, however, amounts pursuant to this paragraph may be reduced in  
20 an amount to be approved by the director of the budget to reflect amounts  
21 received from the federal government under the state's 1115 waiver which are  
22 directed under its terms and conditions to the health workforce recruitment  
23 and retention program.

24 (z) Funds shall be deposited by the commissioner, within amounts  
25 appropriated, and the state comptroller is hereby authorized and directed to  
26 receive for deposit to the credit of the state special revenue funds - other,  
27 HCRA transfer fund, medical assistance account, or any successor fund or  
28 account, for purposes of funding the state share of the non-public  
29 residential health care facility rate increases for recruitment and retention  
30 of health care workers pursuant to paragraph (a) of subdivision eighteen of  
31 section twenty-eight hundred eight of this article from the tobacco control  
32 and insurance initiatives pool established for the following periods in the  
33 following amounts:

34 (i) twenty-one million five hundred thousand dollars on an annualized  
35 basis for the period January first, two thousand two through December thirty-  
36 first, two thousand two;

37 (ii) thirty-three million three hundred thousand dollars on an annualized  
38 basis for the period January first, two thousand three through December  
39 thirty-first, two thousand three;

40 (iii) forty-six million three hundred thousand dollars on an annualized  
41 basis for the period January first, two thousand four through December  
42 thirty-first, two thousand four;



1 (iv) forty-six million three hundred thousand dollars for the period  
2 January first, two thousand five through December thirty-first, two thousand  
3 five;

4 (v) forty-six million three hundred thousand dollars for the period  
5 January first, two thousand six through December thirty-first, two thousand  
6 six;

7 (vi) thirty million nine hundred thousand dollars for the period January  
8 first, two thousand seven through December thirty-first, two thousand seven;

9 (vii) twenty-four million seven hundred thousand dollars for the period  
10 January first, two thousand eight through December thirty-first, two thousand  
11 eight;

12 (viii) twelve million three hundred seventy-five thousand dollars for the  
13 period January first, two thousand nine through December thirty-first, two  
14 thousand nine;

15 (ix) nine million three hundred thousand dollars for the period January  
16 first, two thousand ten through December thirty-first, two thousand ten; and

17 (x) two million three hundred twenty-five thousand dollars for the period  
18 January first, two thousand eleven through March thirty-first, two thousand  
19 eleven.

20 (aa) Funds shall be reserved and accumulated from year to year and shall  
21 be available, including income from invested funds, for purposes of grants to  
22 public residential health care facilities for recruitment and retention of  
23 health care workers pursuant to paragraph (b) of subdivision eighteen of  
24 section twenty-eight hundred eight of this article from the tobacco control  
25 and insurance initiatives pool established for the following periods in the  
26 following amounts:

27 (i) seven million five hundred thousand dollars on an annualized basis  
28 for the period January first, two thousand two through December thirty-first,  
29 two thousand two;

30 (ii) eleven million seven hundred thousand dollars on an annualized basis  
31 for the period January first, two thousand three through December thirty-  
32 first, two thousand three;

33 (iii) sixteen million two hundred thousand dollars on an annualized basis  
34 for the period January first, two thousand four through December thirty-  
35 first, two thousand four;

36 (iv) sixteen million two hundred thousand dollars for the period January  
37 first, two thousand five through December thirty-first, two thousand five;

38 (v) sixteen million two hundred thousand dollars for the period January  
39 first, two thousand six through December thirty-first, two thousand six;

40 (vi) ten million eight hundred thousand dollars for the period January  
41 first, two thousand seven through December thirty-first, two thousand seven;

1 (vii) six million seven hundred fifty thousand dollars for the period  
2 January first, two thousand eight through December thirty-first, two thousand  
3 eight; and

4 (viii) one million three hundred fifty thousand dollars for the period  
5 January first, two thousand nine through December thirty-first, two thousand  
6 nine.

7 (bb)(i) Funds shall be deposited by the commissioner, within amounts  
8 appropriated, and subject to the availability of federal financial  
9 participation, and the state comptroller is hereby authorized and directed to  
10 receive for deposit to the credit of the state special revenue funds - other,  
11 HCRA transfer fund, medical assistance account, or any successor fund or  
12 account, for the purpose of supporting the state share of adjustments to  
13 Medicaid rates of payment for personal care services provided pursuant to  
14 paragraph (e) of subdivision two of section three hundred sixty-five-a of the  
15 social services law, for local social service districts which include a city  
16 with a population of over one million persons and computed and distributed in  
17 accordance with memorandums of understanding to be entered into between the  
18 state of New York and such local social service districts for the purpose of  
19 supporting the recruitment and retention of personal care service workers or  
20 any worker with direct patient care responsibility, from the tobacco control  
21 and insurance initiatives pool established for the following periods and the  
22 following amounts:

23 (A) forty-four million dollars, on an annualized basis, for the period  
24 April first, two thousand two through December thirty-first, two thousand  
25 two;

26 (B) seventy-four million dollars, on an annualized basis, for the period  
27 January first, two thousand three through December thirty-first, two thousand  
28 three;

29 (C) one hundred four million dollars, on an annualized basis, for the  
30 period January first, two thousand four through December thirty-first, two  
31 thousand four;

32 (D) one hundred thirty-six million dollars, on an annualized basis, for  
33 the period January first, two thousand five through December thirty-first,  
34 two thousand five;

35 (E) one hundred thirty-six million dollars, on an annualized basis, for  
36 the period January first, two thousand six through December thirty-first, two  
37 thousand six;

38 (F) one hundred thirty-six million dollars for the period January first,  
39 two thousand seven through December thirty-first, two thousand seven;

40 (G) one hundred thirty-six million dollars for the period January first,  
41 two thousand eight through December thirty-first, two thousand eight;

42 (H) one hundred thirty-six million dollars for the period January first,  
43 two thousand nine through December thirty-first, two thousand nine;

(I) one hundred thirty-six million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;

(J) thirty-four million dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;

(K) up to one hundred thirty-six million dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen; **[and]**

(L) up to one hundred thirty-six million dollars each state fiscal year for the period March thirty-first, two thousand fourteen through April first, two thousand seventeen[.]; **and**

**(M) up to one hundred thirty-six million dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty.**

(ii) Adjustments to Medicaid rates made pursuant to this paragraph shall not, in aggregate, exceed the following amounts for the following periods:

(A) for the period April first, two thousand two through December thirty-first, two thousand two, one hundred ten million dollars;

(B) for the period January first, two thousand three through December thirty-first, two thousand three, one hundred eighty-five million dollars;

(C) for the period January first, two thousand four through December thirty-first, two thousand four, two hundred sixty million dollars;

(D) for the period January first, two thousand five through December thirty-first, two thousand five, three hundred forty million dollars;

(E) for the period January first, two thousand six through December thirty-first, two thousand six, three hundred forty million dollars;

(F) for the period January first, two thousand seven through December thirty-first, two thousand seven, three hundred forty million dollars;

(G) for the period January first, two thousand eight through December thirty-first, two thousand eight, three hundred forty million dollars;

(H) for the period January first, two thousand nine through December thirty-first, two thousand nine, three hundred forty million dollars;

(I) for the period January first, two thousand ten through December thirty-first, two thousand ten, three hundred forty million dollars;

(J) for the period January first, two thousand eleven through March thirty-first, two thousand eleven, eighty-five million dollars;

(K) for each state fiscal year within the period April first, two thousand eleven through March thirty-first, two thousand fourteen, three hundred forty million dollars; **[and]**

(L) for each state fiscal year within the period April first, two thousand fourteen through March thirty-first, two thousand seventeen, three hundred forty million dollars[.]; **and**

**(M) for each state fiscal year within the period April first, two thousand seventeen through March thirty-first, two thousand twenty, three hundred forty million dollars.**

(iii) Personal care service providers which have their rates adjusted pursuant to this paragraph shall use such funds for the purpose of recruitment and retention of non-supervisory personal care services workers or any worker with direct patient care responsibility only and are prohibited from using such funds for any other purpose. Each such personal care services provider shall submit, at a time and in a manner to be determined by the commissioner, a written certification attesting that such funds will be used solely for the purpose of recruitment and retention of non-supervisory personal care services workers or any worker with direct patient care responsibility. The commissioner is authorized to audit each such provider to ensure compliance with the written certification required by this subdivision and shall recoup any funds determined to have been used for purposes other than recruitment and retention of non-supervisory personal care services workers or any worker with direct patient care responsibility. Such recoupment shall be in addition to any other penalties provided by law.

(cc) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for the purpose of supporting the state share of adjustments to Medicaid rates of payment for personal care services provided pursuant to paragraph (e) of subdivision two of section three hundred sixty-five-a of the social services law, for local social service districts which shall not include a city with a population of over one million persons for the purpose of supporting the personal care services worker recruitment and retention program as established pursuant to section three hundred sixty-seven-q of the social services law, from the tobacco control and insurance initiatives pool established for the following periods and the following amounts:

(i) two million eight hundred thousand dollars for the period April first, two thousand two through December thirty-first, two thousand two;

(ii) five million six hundred thousand dollars, on an annualized basis, for the period January first, two thousand three through December thirty-first, two thousand three;

(iii) eight million four hundred thousand dollars, on an annualized basis, for the period January first, two thousand four through December thirty-first, two thousand four;

(iv) ten million eight hundred thousand dollars, on an annualized basis, for the period January first, two thousand five through December thirty-first, two thousand five;

(v) ten million eight hundred thousand dollars, on an annualized basis, for the period January first, two thousand six through December thirty-first, two thousand six;

(vi) eleven million two hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;

(vii) eleven million two hundred thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;

(viii) eleven million two hundred thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;

(ix) eleven million two hundred thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;

(x) two million eight hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;

(xi) up to eleven million two hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen; **[and]**

(xii) up to eleven million two hundred thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen[.]; **and**

**(xiii) up to eleven million two hundred thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty.**

(dd) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue fund - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of Medicaid expenditures for physician services from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) up to fifty-two million dollars for the period January first, two thousand two through December thirty-first, two thousand two;

(ii) eighty-one million two hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;

(iii) eighty-five million two hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four;

1 (iv) eighty-five million two hundred thousand dollars for the period  
2 January first, two thousand five through December thirty-first, two thousand  
3 five;

4 (v) eighty-five million two hundred thousand dollars for the period  
5 January first, two thousand six through December thirty-first, two thousand  
6 six;

7 (vi) eighty-five million two hundred thousand dollars for the period  
8 January first, two thousand seven through December thirty-first, two thousand  
9 seven;

10 (vii) eighty-five million two hundred thousand dollars for the period  
11 January first, two thousand eight through December thirty-first, two thousand  
12 eight;

13 (viii) eighty-five million two hundred thousand dollars for the period  
14 January first, two thousand nine through December thirty-first, two thousand  
15 nine;

16 (ix) eighty-five million two hundred thousand dollars for the period  
17 January first, two thousand ten through December thirty-first, two thousand  
18 ten;

19 (x) twenty-one million three hundred thousand dollars for the period  
20 January first, two thousand eleven through March thirty-first, two thousand  
21 eleven; and

22 (xi) eighty-five million two hundred thousand dollars each state fiscal  
23 year for the period April first, two thousand eleven through March thirty-  
24 first, two thousand fourteen.

25 (ee) Funds shall be deposited by the commissioner, within amounts  
26 appropriated, and the state comptroller is hereby authorized and directed to  
27 receive for deposit to the credit of the state special revenue fund - other,  
28 HCRA transfer fund, medical assistance account, or any successor fund or  
29 account, for purposes of funding the state share of the free-standing  
30 diagnostic and treatment center rate increases for recruitment and retention  
31 of health care workers pursuant to subdivision seventeen of section twenty-  
32 eight hundred seven of this article from the tobacco control and insurance  
33 initiatives pool established for the following periods in the following  
34 amounts:

35 (i) three million two hundred fifty thousand dollars for the period April  
36 first, two thousand two through December thirty-first, two thousand two;

37 (ii) three million two hundred fifty thousand dollars on an annualized  
38 basis for the period January first, two thousand three through December  
39 thirty-first, two thousand three;

40 (iii) three million two hundred fifty thousand dollars on an annualized  
41 basis for the period January first, two thousand four through December  
42 thirty-first, two thousand four;

1 (iv) three million two hundred fifty thousand dollars for the period  
2 January first, two thousand five through December thirty-first, two thousand  
3 five;

4 (v) three million two hundred fifty thousand dollars for the period  
5 January first, two thousand six through December thirty-first, two thousand  
6 six;

7 (vi) three million two hundred fifty thousand dollars for the period  
8 January first, two thousand seven through December thirty-first, two thousand  
9 seven;

10 (vii) three million four hundred thirty-eight thousand dollars for the  
11 period January first, two thousand eight through December thirty-first, two  
12 thousand eight;

13 (viii) two million four hundred fifty thousand dollars for the period  
14 January first, two thousand nine through December thirty-first, two thousand  
15 nine;

16 (ix) one million five hundred thousand dollars for the period January  
17 first, two thousand ten through December thirty-first, two thousand ten; and

18 (x) three hundred twenty-five thousand dollars for the period January  
19 first, two thousand eleven through March thirty-first, two thousand eleven.

20 (ff) Funds shall be deposited by the commissioner, within amounts  
21 appropriated, and the state comptroller is hereby authorized and directed to  
22 receive for deposit to the credit of the state special revenue fund - other,  
23 HCRA transfer fund, medical assistance account, or any successor fund or  
24 account, for purposes of funding the state share of Medicaid expenditures for  
25 disabled persons as authorized pursuant to former subparagraphs twelve and  
26 thirteen of paragraph (a) of subdivision one of section three hundred sixty-  
27 six of the social services law from the tobacco control and insurance  
28 initiatives pool established for the following periods in the following  
29 amounts:

30 (i) one million eight hundred thousand dollars for the period April  
31 first, two thousand two through December thirty-first, two thousand two;

32 (ii) sixteen million four hundred thousand dollars on an annualized basis  
33 for the period January first, two thousand three through December thirty-  
34 first, two thousand three;

35 (iii) eighteen million seven hundred thousand dollars on an annualized  
36 basis for the period January first, two thousand four through December  
37 thirty-first, two thousand four;

38 (iv) thirty million six hundred thousand dollars for the period January  
39 first, two thousand five through December thirty-first, two thousand five;

40 (v) thirty million six hundred thousand dollars for the period January  
41 first, two thousand six through December thirty-first, two thousand six;

(vi) thirty million six hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;

(vii) fifteen million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;

(viii) fifteen million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;

(ix) fifteen million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;

(x) three million seven hundred fifty thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;

(xi) fifteen million dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen; [and]

(xii) fifteen million dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen[.]; and

(xiii) fifteen million dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty.

(gg) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of grants to non-public general hospitals pursuant to paragraph (c) of subdivision thirty of section twenty-eight hundred seven-c of this article from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) up to one million three hundred thousand dollars on an annualized basis for the period January first, two thousand two through December thirty-first, two thousand two;

(ii) up to three million two hundred thousand dollars on an annualized basis for the period January first, two thousand three through December thirty-first, two thousand three;

(iii) up to five million six hundred thousand dollars on an annualized basis for the period January first, two thousand four through December thirty-first, two thousand four;

(iv) up to eight million six hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;

(v) up to eight million six hundred thousand dollars on an annualized basis for the period January first, two thousand six through December thirty-first, two thousand six;



1 (vi) up to two million six hundred thousand dollars for the period  
2 January first, two thousand seven through December thirty-first, two thousand  
3 seven;

4 (vii) up to two million six hundred thousand dollars for the period  
5 January first, two thousand eight through December thirty-first, two thousand  
6 eight;

7 (viii) up to two million six hundred thousand dollars for the period  
8 January first, two thousand nine through December thirty-first, two thousand  
9 nine;

10 (ix) up to two million six hundred thousand dollars for the period  
11 January first, two thousand ten through December thirty-first, two thousand  
12 ten; and

13 (x) up to six hundred fifty thousand dollars for the period January  
14 first, two thousand eleven through March thirty-first, two thousand eleven.

15 (hh) Funds shall be deposited by the commissioner, within amounts  
16 appropriated, and the state comptroller is hereby authorized and directed to  
17 receive for deposit to the credit of the special revenue fund - other, HCRA  
18 transfer fund, medical assistance account for purposes of providing financial  
19 assistance to residential health care facilities pursuant to subdivisions  
20 nineteen and twenty-one of section twenty-eight hundred eight of this  
21 article, from the tobacco control and insurance initiatives pool established  
22 for the following periods in the following amounts:

23 (i) for the period April first, two thousand two through December thirty-  
24 first, two thousand two, ten million dollars;

25 (ii) for the period January first, two thousand three through December  
26 thirty-first, two thousand three, nine million four hundred fifty thousand  
27 dollars;

28 (iii) for the period January first, two thousand four through December  
29 thirty-first, two thousand four, nine million three hundred fifty thousand  
30 dollars;

31 (iv) up to fifteen million dollars for the period January first, two  
32 thousand five through December thirty-first, two thousand five;

33 (v) up to fifteen million dollars for the period January first, two  
34 thousand six through December thirty-first, two thousand six;

35 (vi) up to fifteen million dollars for the period January first, two  
36 thousand seven through December thirty-first, two thousand seven;

37 (vii) up to fifteen million dollars for the period January first, two  
38 thousand eight through December thirty-first, two thousand eight;

39 (viii) up to fifteen million dollars for the period January first, two  
40 thousand nine through December thirty-first, two thousand nine;

1 (ix) up to fifteen million dollars for the period January first, two  
2 thousand ten through December thirty-first, two thousand ten;

3 (x) up to three million seven hundred fifty thousand dollars for the  
4 period January first, two thousand eleven through March thirty-first, two  
5 thousand eleven; and

6 (xi) fifteen million dollars each state fiscal year for the period April  
7 first, two thousand eleven through March thirty-first, two thousand fourteen.

8 (ii) Funds shall be deposited by the commissioner, within amounts  
9 appropriated, and the state comptroller is hereby authorized and directed to  
10 receive for deposit to the credit of the state special revenue funds - other,  
11 HCRA transfer fund, medical assistance account, or any successor fund or  
12 account, for the purpose of supporting the state share of Medicaid  
13 expenditures for disabled persons as authorized by sections 1619 (a) and (b)  
14 of the federal social security act pursuant to the tobacco control and  
15 insurance initiatives pool established for the following periods in the  
16 following amounts:

17 (i) six million four hundred thousand dollars for the period April first,  
18 two thousand two through December thirty-first, two thousand two;

19 (ii) eight million five hundred thousand dollars, for the period January  
20 first, two thousand three through December thirty-first, two thousand three;

21 (iii) eight million five hundred thousand dollars for the period January  
22 first, two thousand four through December thirty-first, two thousand four;

23 (iv) eight million five hundred thousand dollars for the period January  
24 first, two thousand five through December thirty-first, two thousand five;

25 (v) eight million five hundred thousand dollars for the period January  
26 first, two thousand six through December thirty-first, two thousand six;

27 (vi) eight million six hundred thousand dollars for the period January  
28 first, two thousand seven through December thirty-first, two thousand seven;

29 (vii) eight million five hundred thousand dollars for the period January  
30 first, two thousand eight through December thirty-first, two thousand eight;

31 (viii) eight million five hundred thousand dollars for the period January  
32 first, two thousand nine through December thirty-first, two thousand nine;

33 (ix) eight million five hundred thousand dollars for the period January  
34 first, two thousand ten through December thirty-first, two thousand ten;

35 (x) two million one hundred twenty-five thousand dollars for the period  
36 January first, two thousand eleven through March thirty-first, two thousand  
37 eleven;

(xi) eight million five hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen; **[and]**

(xii) eight million five hundred thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen[.]; **and**

**(xiii) eight million five hundred thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty.**

(jj) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for the purposes of a grant program to improve access to infertility services, treatments and procedures, from the tobacco control and insurance initiatives pool established for the period January first, two thousand two through December thirty-first, two thousand two in the amount of nine million one hundred seventy-five thousand dollars, for the period April first, two thousand six through March thirty-first, two thousand seven in the amount of five million dollars, for the period April first, two thousand seven through March thirty-first, two thousand eight in the amount of five million dollars, for the period April first, two thousand eight through March thirty-first, two thousand nine in the amount of five million dollars, and for the period April first, two thousand nine through March thirty-first, two thousand ten in the amount of five million dollars, for the period April first, two thousand ten through March thirty-first, two thousand eleven in the amount of two million two hundred thousand dollars, and for the period April first, two thousand eleven through March thirty-first, two thousand twelve up to one million one hundred thousand dollars.

(kk) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds -- other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of Medical Assistance Program expenditures from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) thirty-eight million eight hundred thousand dollars for the period January first, two thousand two through December thirty-first, two thousand two;

(ii) up to two hundred ninety-five million dollars for the period January first, two thousand three through December thirty-first, two thousand three;

(iii) up to four hundred seventy-two million dollars for the period January first, two thousand four through December thirty-first, two thousand four;

(iv) up to nine hundred million dollars for the period January first, two thousand five through December thirty-first, two thousand five;

1 (v) up to eight hundred sixty-six million three hundred thousand dollars  
2 for the period January first, two thousand six through December thirty-first,  
3 two thousand six;

4 (vi) up to six hundred sixteen million seven hundred thousand dollars for  
5 the period January first, two thousand seven through December thirty-first,  
6 two thousand seven;

7 (vii) up to five hundred seventy-eight million nine hundred twenty-five  
8 thousand dollars for the period January first, two thousand eight through  
9 December thirty-first, two thousand eight; and

10 (viii) within amounts appropriated on and after January first, two  
11 thousand nine.

12 (11) Funds shall be deposited by the commissioner, within amounts  
13 appropriated, and the state comptroller is hereby authorized and directed to  
14 receive for deposit to the credit of the state special revenue funds --  
15 other, HCRA transfer fund, medical assistance account, or any successor fund  
16 or account, for purposes of funding the state share of Medicaid expenditures  
17 related to the city of New York from the tobacco control and insurance  
18 initiatives pool established for the following periods in the following  
19 amounts:

20 (i) eighty-two million seven hundred thousand dollars for the period  
21 January first, two thousand two through December thirty-first, two thousand  
22 two;

23 (ii) one hundred twenty-four million six hundred thousand dollars for the  
24 period January first, two thousand three through December thirty-first, two  
25 thousand three;

26 (iii) one hundred twenty-four million seven hundred thousand dollars for  
27 the period January first, two thousand four through December thirty-first,  
28 two thousand four;

29 (iv) one hundred twenty-four million seven hundred thousand dollars for  
30 the period January first, two thousand five through December thirty-first,  
31 two thousand five;

32 (v) one hundred twenty-four million seven hundred thousand dollars for  
33 the period January first, two thousand six through December thirty-first, two  
34 thousand six;

35 (vi) one hundred twenty-four million seven hundred thousand dollars for  
36 the period January first, two thousand seven through December thirty-first,  
37 two thousand seven;

38 (vii) one hundred twenty-four million seven hundred thousand dollars for  
39 the period January first, two thousand eight through December thirty-first,  
40 two thousand eight;

1 (viii) one hundred twenty-four million seven hundred thousand dollars for  
2 the period January first, two thousand nine through December thirty-first,  
3 two thousand nine;

4 (ix) one hundred twenty-four million seven hundred thousand dollars for  
5 the period January first, two thousand ten through December thirty-first, two  
6 thousand ten;

7 (x) thirty-one million one hundred seventy-five thousand dollars for the  
8 period January first, two thousand eleven through March thirty-first, two  
9 thousand eleven; and

10 (xi) one hundred twenty-four million seven hundred thousand dollars each  
11 state fiscal year for the period April first, two thousand eleven through  
12 March thirty-first, two thousand fourteen.

13 (mm) Funds shall be deposited by the commissioner, within amounts  
14 appropriated, and the state comptroller is hereby authorized and directed to  
15 receive for deposit to the credit of the state special revenue funds - other,  
16 HCRA transfer fund, medical assistance account, or any successor fund or  
17 account, for purposes of funding specified percentages of the state share of  
18 services and expenses related to the family health plus program in accordance  
19 with the following schedule:

20 (i) (A) for the period January first, two thousand three through December  
21 thirty-first, two thousand four, one hundred percent of the state share;

22 (B) for the period January first, two thousand five through December  
23 thirty-first, two thousand five, seventy-five percent of the state share;  
24 and[,]

25 (C) for periods beginning on and after January first, two thousand six,  
26 fifty percent of the state share.

27 (ii) Funding for the family health plus program will include up to five  
28 million dollars annually for the period January first, two thousand three  
29 through December thirty-first, two thousand six, up to five million dollars  
30 for the period January first, two thousand seven through December thirty-  
31 first, two thousand seven, up to seven million two hundred thousand dollars  
32 for the period January first, two thousand eight through December thirty-  
33 first, two thousand eight, up to seven million two hundred thousand dollars  
34 for the period January first, two thousand nine through December thirty-  
35 first, two thousand nine, up to seven million two hundred thousand dollars  
36 for the period January first, two thousand ten through December thirty-first,  
37 two thousand ten, up to one million eight hundred thousand dollars for the  
38 period January first, two thousand eleven through March thirty-first, two  
39 thousand eleven, up to six million forty-nine thousand dollars for the period  
40 April first, two thousand eleven through March thirty-first, two thousand  
41 twelve, up to six million two hundred eighty-nine thousand dollars for the  
42 period April first, two thousand twelve through March thirty-first, two  
43 thousand thirteen, and up to six million four hundred sixty-one thousand  
44 dollars for the period April first, two thousand thirteen through March  
45 thirty-first, two thousand fourteen, for administration and marketing costs  
46 associated with such program established pursuant to clauses (A) and (B) of  
47 subparagraph (v) of paragraph (a) of subdivision two of section three hundred

1 sixty-nine-ee of the social services law from the tobacco control and  
2 insurance initiatives pool established for the following periods in the  
3 following amounts:

4 (A) one hundred ninety million six hundred thousand dollars for the  
5 period January first, two thousand three through December thirty-first, two  
6 thousand three;

7 (B) three hundred seventy-four million dollars for the period January  
8 first, two thousand four through December thirty-first, two thousand four;

9 (C) five hundred thirty-eight million four hundred thousand dollars for  
10 the period January first, two thousand five through December thirty-first,  
11 two thousand five;

12 (D) three hundred eighteen million seven hundred seventy-five thousand  
13 dollars for the period January first, two thousand six through December  
14 thirty-first, two thousand six;

15 (E) four hundred eighty-two million eight hundred thousand dollars for  
16 the period January first, two thousand seven through December thirty-first,  
17 two thousand seven;

18 (F) five hundred seventy million twenty-five thousand dollars for the  
19 period January first, two thousand eight through December thirty-first, two  
20 thousand eight;

21 (G) six hundred ten million seven hundred twenty-five thousand dollars  
22 for the period January first, two thousand nine through December thirty-  
23 first, two thousand nine;

24 (H) six hundred twenty-seven million two hundred seventy-five thousand  
25 dollars for the period January first, two thousand ten through December  
26 thirty-first, two thousand ten;

27 (I) one hundred fifty-seven million eight hundred seventy-five thousand  
28 dollars for the period January first, two thousand eleven through March  
29 thirty-first, two thousand eleven;

30 (J) six hundred twenty-eight million four hundred thousand dollars for  
31 the period April first, two thousand eleven through March thirty-first, two  
32 thousand twelve;

33 (K) six hundred fifty million four hundred thousand dollars for the  
34 period April first, two thousand twelve through March thirty-first, two  
35 thousand thirteen;

36 (L) six hundred fifty million four hundred thousand dollars for the  
37 period April first, two thousand thirteen through March thirty-first, two  
38 thousand fourteen; and

39 (M) up to three hundred ten million five hundred ninety-five thousand  
40 dollars for the period April first, two thousand fourteen through March  
41 thirty-first, two thousand fifteen.

(nn) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue fund - other, HCRA transfer fund, health care services account, or any successor fund or account, for purposes related to adult home initiatives for medicaid eligible residents of residential facilities licensed pursuant to section four hundred sixty-b of the social services law from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) up to four million dollars for the period January first, two thousand three through December thirty-first, two thousand three;

(ii) up to six million dollars for the period January first, two thousand four through December thirty-first, two thousand four;

(iii) up to eight million dollars for the period January first, two thousand five through December thirty-first, two thousand five, provided, however, that up to five million two hundred fifty thousand dollars of such funds shall be received by the comptroller and deposited to the credit of the special revenue fund - other / aid to localities, HCRA transfer fund - 061, enhanced community services account - 05, or any successor fund or account, for the purposes set forth in this paragraph;

(iv) up to eight million dollars for the period January first, two thousand six through December thirty-first, two thousand six, provided, however, that up to five million two hundred fifty thousand dollars of such funds shall be received by the comptroller and deposited to the credit of the special revenue fund - other / aid to localities, HCRA transfer fund - 061, enhanced community services account - 05, or any successor fund or account, for the purposes set forth in this paragraph;

(v) up to eight million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven, provided, however, that up to five million two hundred fifty thousand dollars of such funds shall be received by the comptroller and deposited to the credit of the special revenue fund - other / aid to localities, HCRA transfer fund - 061, enhanced community services account - 05, or any successor fund or account, for the purposes set forth in this paragraph;

(vi) up to two million seven hundred fifty thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;

(vii) up to two million seven hundred fifty thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;

(viii) up to two million seven hundred fifty thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten; and

(ix) up to six hundred eighty-eight thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven.

(oo) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of grants to non-public general hospitals pursuant to paragraph (e) of subdivision twenty-five of section twenty-eight hundred seven-c of this article from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) up to five million dollars on an annualized basis for the period January first, two thousand four through December thirty-first, two thousand four;

(ii) up to five million dollars for the period January first, two thousand five through December thirty-first, two thousand five;

(iii) up to five million dollars for the period January first, two thousand six through December thirty-first, two thousand six;

(iv) up to five million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;

(v) up to five million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;

(vi) up to five million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;

(vii) up to five million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten; and

(viii) up to one million two hundred fifty thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven.

(pp) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for the purpose of supporting the provision of tax credits for long term care insurance pursuant to subdivision one of section one hundred ninety of the tax law, paragraph (a) of subdivision twenty-five-a of section two hundred ten of such law, subsection (aa) of section six hundred six of such law, paragraph one of subsection (k) of section fourteen hundred fifty-six of such law and paragraph one of subdivision (m) of section fifteen hundred eleven of such law, in the following amounts:

(i) ten million dollars for the period January first, two thousand four through December thirty-first, two thousand four;

(ii) ten million dollars for the period January first, two thousand five through December thirty-first, two thousand five;

(iii) ten million dollars for the period January first, two thousand six through December thirty-first, two thousand six; and

(iv) five million dollars for the period January first, two thousand seven through June thirtieth, two thousand seven.



1 (qq) Funds shall be reserved and accumulated from year to year and shall  
2 be available, including income from invested funds, for the purpose of  
3 supporting the long-term care insurance education and outreach program  
4 established pursuant to section two hundred seventeen-a of the elder law for  
5 the following periods in the following amounts:

6 (i) up to five million dollars for the period January first, two thousand  
7 four through December thirty-first, two thousand four; of such funds one  
8 million nine hundred fifty thousand dollars shall be made available to the  
9 department for the purpose of developing, implementing and administering the  
10 long-term care insurance education and outreach program and three million  
11 fifty thousand dollars shall be deposited by the commissioner, within amounts  
12 appropriated, and the comptroller is hereby authorized and directed to  
13 receive for deposit to the credit of the special revenue funds - other, HCRA  
14 transfer fund, long term care insurance resource center account of the state  
15 office for the aging or any future account designated for the purpose of  
16 implementing the long term care insurance education and outreach program and  
17 providing the long term care insurance resource centers with the necessary  
18 resources to carry out their operations;

19 (ii) up to five million dollars for the period January first, two  
20 thousand five through December thirty-first, two thousand five; of such funds  
21 one million nine hundred fifty thousand dollars shall be made available to  
22 the department for the purpose of developing, implementing and administering  
23 the long-term care insurance education and outreach program and three million  
24 fifty thousand dollars shall be deposited by the commissioner, within amounts  
25 appropriated, and the comptroller is hereby authorized and directed to  
26 receive for deposit to the credit of the special revenue funds - other, HCRA  
27 transfer fund, long term care insurance resource center account of the state  
28 office for the aging or any future account designated for the purpose of  
29 implementing the long term care insurance education and outreach program and  
30 providing the long term care insurance resource centers with the necessary  
31 resources to carry out their operations;

32 (iii) up to five million dollars for the period January first, two  
33 thousand six through December thirty-first, two thousand six; of such funds  
34 one million nine hundred fifty thousand dollars shall be made available to  
35 the department for the purpose of developing, implementing and administering  
36 the long-term care insurance education and outreach program and three million  
37 fifty thousand dollars shall be made available to the office for the aging  
38 for the purpose of providing the long term care insurance resource centers  
39 with the necessary resources to carry out their operations;

40 (iv) up to five million dollars for the period January first, two  
41 thousand seven through December thirty-first, two thousand seven; of such  
42 funds one million nine hundred fifty thousand dollars shall be made available  
43 to the department for the purpose of developing, implementing and  
44 administering the long-term care insurance education and outreach program and  
45 three million fifty thousand dollars shall be made available to the office  
46 for the aging for the purpose of providing the long term care insurance  
47 resource centers with the necessary resources to carry out their operations;

48 (v) up to five million dollars for the period January first, two thousand  
49 eight through December thirty-first, two thousand eight; of such funds one  
50 million nine hundred fifty thousand dollars shall be made available to the  
51 department for the purpose of developing, implementing and administering the

1 long term care insurance education and outreach program and three million  
 2 fifty thousand dollars shall be made available to the office for the aging  
 3 for the purpose of providing the long term care insurance resource centers  
 4 with the necessary resources to carry out their operations;

5 (vi) up to five million dollars for the period January first, two  
 6 thousand nine through December thirty-first, two thousand nine; of such funds  
 7 one million nine hundred fifty thousand dollars shall be made available to  
 8 the department for the purpose of developing, implementing and administering  
 9 the long-term care insurance education and outreach program and three million  
 10 fifty thousand dollars shall be made available to the office for the aging  
 11 for the purpose of providing the long-term care insurance resource centers  
 12 with the necessary resources to carry out their operations;

13 (vii) up to four hundred eighty-eight thousand dollars for the period  
 14 January first, two thousand ten through March thirty-first, two thousand ten;  
 15 of such funds four hundred eighty-eight thousand dollars shall be made  
 16 available to the department for the purpose of developing, implementing and  
 17 administering the long-term care insurance education and outreach program.

18 (rr) Funds shall be reserved and accumulated from the tobacco control and  
 19 insurance initiatives pool and shall be available, including income from  
 20 invested funds, for the purpose of supporting expenses related to  
 21 implementation of the provisions of title III of article twenty-nine-D of  
 22 this chapter, for the following periods and in the following amounts:

23 (i) up to ten million dollars for the period January first, two thousand  
 24 six through December thirty-first, two thousand six;

25 (ii) up to ten million dollars for the period January first, two thousand  
 26 seven through December thirty-first, two thousand seven;

27 (iii) up to ten million dollars for the period January first, two  
 28 thousand eight through December thirty-first, two thousand eight;

29 (iv) up to ten million dollars for the period January first, two thousand  
 30 nine through December thirty-first, two thousand nine;

31 (v) up to ten million dollars for the period January first, two thousand  
 32 ten through December thirty-first, two thousand ten; and

33 (vi) up to two million five hundred thousand dollars for the period  
 34 January first, two thousand eleven through March thirty-first, two thousand  
 35 eleven.

36 (ss) Funds shall be reserved and accumulated from the tobacco control and  
 37 insurance initiatives pool and used for a health care stabilization program  
 38 established by the commissioner for the purposes of stabilizing critical  
 39 health care providers and health care programs whose ability to continue to  
 40 provide appropriate services are threatened by financial or other challenges,  
 41 in the amount of up to twenty-eight million dollars for the period July  
 42 first, two thousand four through June thirtieth, two thousand five.  
 43 Notwithstanding the provisions of section one hundred twelve of the state  
 44 finance law or any other inconsistent provision of the state finance law or

any other law, funds available for distribution pursuant to this paragraph may be allocated and distributed by the commissioner, or the state comptroller as applicable without a competitive bid or request for proposal process. Considerations relied upon by the commissioner in determining the allocation and distribution of these funds shall include, but not be limited to, the following: (i) the importance of the provider or program in meeting critical health care needs in the community in which it operates; (ii) the provider or program provision of care to under-served populations; (iii) the quality of the care or services the provider or program delivers; (iv) the ability of the provider or program to continue to deliver an appropriate level of care or services if additional funding is made available; (v) the ability of the provider or program to access, in a timely manner, alternative sources of funding, including other sources of government funding; (vi) the ability of other providers or programs in the community to meet the community health care needs; (vii) whether the provider or program has an appropriate plan to improve its financial condition; and (viii) whether additional funding would permit the provider or program to consolidate, relocate, or close programs or services where such actions would result in greater stability and efficiency in the delivery of needed health care services or programs.

(tt) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of providing grants for two long term care demonstration projects designed to test new models for the delivery of long term care services established pursuant to section twenty-eight hundred seven-x of this chapter, for the following periods and in the following amounts:

(i) up to five hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four;

(ii) up to five hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;

(iii) up to five hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;

(iv) up to one million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven; and

(v) up to two hundred fifty thousand dollars for the period January first, two thousand eight through March thirty-first, two thousand eight.

(uu) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for the purpose of supporting disease management and telemedicine demonstration programs authorized pursuant to section twenty-one hundred eleven of this chapter for the following periods in the following amounts:

(i) five million dollars for the period January first, two thousand four through December thirty-first, two thousand four, of which three million dollars shall be available for disease management demonstration programs and two million dollars shall be available for telemedicine demonstration programs;

1 (ii) five million dollars for the period January first, two thousand five  
2 through December thirty-first, two thousand five, of which three million  
3 dollars shall be available for disease management demonstration programs and  
4 two million dollars shall be available for telemedicine demonstration  
5 programs;

6 (iii) nine million five hundred thousand dollars for the period January  
7 first, two thousand six through December thirty-first, two thousand six, of  
8 which seven million five hundred thousand dollars shall be available for  
9 disease management demonstration programs and two million dollars shall be  
10 available for telemedicine demonstration programs;

11 (iv) nine million five hundred thousand dollars for the period January  
12 first, two thousand seven through December thirty-first, two thousand seven,  
13 of which seven million five hundred thousand dollars shall be available for  
14 disease management demonstration programs and one million dollars shall be  
15 available for telemedicine demonstration programs;

16 (v) nine million five hundred thousand dollars for the period January  
17 first, two thousand eight through December thirty-first, two thousand eight,  
18 of which seven million five hundred thousand dollars shall be available for  
19 disease management demonstration programs and two million dollars shall be  
20 available for telemedicine demonstration programs;

21 (vi) seven million eight hundred thirty-three thousand three hundred  
22 thirty-three dollars for the period January first, two thousand nine through  
23 December thirty-first, two thousand nine, of which seven million five hundred  
24 thousand dollars shall be available for disease management demonstration  
25 programs and three hundred thirty-three thousand three hundred thirty-three  
26 dollars shall be available for telemedicine demonstration programs for the  
27 period January first, two thousand nine through March first, two thousand  
28 nine;

29 (vii) one million eight hundred seventy-five thousand dollars for the  
30 period January first, two thousand ten through March thirty-first, two  
31 thousand ten shall be available for disease management demonstration  
32 programs.

33 (ww) Funds shall be deposited by the commissioner, within amounts  
34 appropriated, and the state comptroller is hereby authorized and directed to  
35 receive for the deposit to the credit of the state special revenue funds -  
36 other, HCRA transfer fund, medical assistance account, or any successor fund  
37 or account, for purposes of funding the state share of the general hospital  
38 rates increases for recruitment and retention of health care workers pursuant  
39 to paragraph (e) of subdivision thirty of section twenty-eight hundred seven-  
40 c of this article from the tobacco control and insurance initiatives pool  
41 established for the following periods in the following amounts:

42 (i) sixty million five hundred thousand dollars for the period January  
43 first, two thousand five through December thirty-first, two thousand five;  
44 and

45 (ii) sixty million five hundred thousand dollars for the period January  
46 first, two thousand six through December thirty-first, two thousand six.

1 (xx) Funds shall be deposited by the commissioner, within amounts  
2 appropriated, and the state comptroller is hereby authorized and directed to  
3 receive for the deposit to the credit of the state special revenue funds -  
4 other, HCRA transfer fund, medical assistance account, or any successor fund  
5 or account, for purposes of funding the state share of the general hospital  
6 rates increases for rural hospitals pursuant to subdivision thirty-two of  
7 section twenty-eight hundred seven-c of this article from the tobacco control  
8 and insurance initiatives pool established for the following periods in the  
9 following amounts:

10 (i) three million five hundred thousand dollars for the period January  
11 first, two thousand five through December thirty-first, two thousand five;

12 (ii) three million five hundred thousand dollars for the period January  
13 first, two thousand six through December thirty-first, two thousand six;

14 (iii) three million five hundred thousand dollars for the period January  
15 first, two thousand seven through December thirty-first, two thousand seven;

16 (iv) three million five hundred thousand dollars for the period January  
17 first, two thousand eight through December thirty-first, two thousand eight;  
18 and

19 (v) three million two hundred eight thousand dollars for the period  
20 January first, two thousand nine through November thirtieth, two thousand  
21 nine.

22 (yy) Funds shall be reserved and accumulated from year to year and shall  
23 be available, within amounts appropriated and notwithstanding section one  
24 hundred twelve of the state finance law and any other contrary provision of  
25 law, for the purpose of supporting grants not to exceed five million dollars  
26 to be made by the commissioner without a competitive bid or request for  
27 proposal process, in support of the delivery of critically needed health care  
28 services, to health care providers located in the counties of Erie and  
29 Niagara which executed a memorandum of closing and conducted a merger closing  
30 in escrow on November twenty-fourth, nineteen hundred ninety-seven and which  
31 entered into a settlement dated December thirtieth, two thousand four for a  
32 loss on disposal of assets under the provisions of title XVIII of the federal  
33 social security act applicable to mergers occurring prior to December first,  
34 nineteen hundred ninety-seven.

35 (zz) Funds shall be reserved and accumulated from year to year and shall  
36 be available, within amounts appropriated, for the purpose of supporting  
37 expenditures authorized pursuant to section twenty-eight hundred eighteen of  
38 this article from the tobacco control and insurance initiatives pool  
39 established for the following periods in the following amounts:

40 (i) six million five hundred thousand dollars for the period January  
41 first, two thousand five through December thirty-first, two thousand five;

42 (ii) one hundred eight million three hundred thousand dollars for the  
43 period January first, two thousand six through December thirty-first, two  
44 thousand six, provided, however, that within amounts appropriated in the two  
45 thousand six through two thousand seven state fiscal year, a portion of such

1 funds may be transferred to the Roswell Park Cancer Institute Corporation to  
2 fund capital costs;

3 (iii) one hundred seventy-one million dollars for the period January  
4 first, two thousand seven through December thirty-first, two thousand seven,  
5 provided, however, that within amounts appropriated in the two thousand six  
6 through two thousand seven state fiscal year, a portion of such funds may be  
7 transferred to the Roswell Park Cancer Institute Corporation to fund capital  
8 costs;

9 (iv) one hundred seventy-one million five hundred thousand dollars for  
10 the period January first, two thousand eight through December thirty-first,  
11 two thousand eight;

12 (v) one hundred twenty-eight million seven hundred fifty thousand dollars  
13 for the period January first, two thousand nine through December thirty-  
14 first, two thousand nine;

15 (vi) one hundred thirty-one million three hundred seventy-five thousand  
16 dollars for the period January first, two thousand ten through December  
17 thirty-first, two thousand ten;

18 (vii) thirty-four million two hundred fifty thousand dollars for the  
19 period January first, two thousand eleven through March thirty-first, two  
20 thousand eleven;

21 (viii) four hundred thirty-three million three hundred sixty-six thousand  
22 dollars for the period April first, two thousand eleven through March thirty-  
23 first, two thousand twelve;

24 (ix) one hundred fifty million eight hundred six thousand dollars for the  
25 period April first, two thousand twelve through March thirty-first, two  
26 thousand thirteen;

27 (x) seventy-eight million seventy-one thousand dollars for the period  
28 April first, two thousand thirteen through March thirty-first, two thousand  
29 fourteen.

30 (aaa) Funds shall be reserved and accumulated from year to year and shall  
31 be available, including income from invested funds, for services and expenses  
32 related to school based health centers, in an amount up to three million five  
33 hundred thousand dollars for the period April first, two thousand six through  
34 March thirty-first, two thousand seven, up to three million five hundred  
35 thousand dollars for the period April first, two thousand seven through March  
36 thirty-first, two thousand eight, up to three million five hundred thousand  
37 dollars for the period April first, two thousand eight through March thirty-  
38 first, two thousand nine, up to three million five hundred thousand dollars  
39 for the period April first, two thousand nine through March thirty-first, two  
40 thousand ten, up to three million five hundred thousand dollars for the  
41 period April first, two thousand ten through March thirty-first, two thousand  
42 eleven, up to two million eight hundred thousand dollars each state fiscal  
43 year for the period April first, two thousand eleven through March thirty-  
44 first, two thousand fourteen, [and] up to two million six hundred forty-four  
45 thousand dollars each state fiscal year for the period April first, two  
46 thousand fourteen through March thirty-first, two thousand seventeen, and up

1 to two million six hundred forty-four thousand dollars each state fiscal year  
 2 for the period April first, two thousand seventeen through March thirty-  
 3 first, two thousand twenty. The total amount of funds provided herein shall  
 4 be distributed as grants based on the ratio of each provider's total  
 5 enrollment for all sites to the total enrollment of all providers. This  
 6 formula shall be applied to the total amount provided herein.

7 (bbb) Funds shall be reserved and accumulated from year to year and shall  
 8 be available, including income from invested funds, for purposes of awarding  
 9 grants to operators of adult homes, enriched housing programs and residences  
 10 through the enhancing abilities and life experience (EnAbLe) program to  
 11 provide for the installation, operation and maintenance of air conditioning  
 12 in resident rooms, consistent with this paragraph, in an amount up to two  
 13 million dollars for the period April first, two thousand six through March  
 14 thirty-first, two thousand seven, up to three million eight hundred thousand  
 15 dollars for the period April first, two thousand seven through March thirty-  
 16 first, two thousand eight, up to three million eight hundred thousand dollars  
 17 for the period April first, two thousand eight through March thirty-first,  
 18 two thousand nine, up to three million eight hundred thousand dollars for the  
 19 period April first, two thousand nine through March thirty-first, two  
 20 thousand ten, and up to three million eight hundred thousand dollars for the  
 21 period April first, two thousand ten through March thirty-first, two thousand  
 22 eleven. Residents shall not be charged utility cost for the use of air  
 23 conditioners supplied under the EnAbLe program. All such air conditioners  
 24 must be operated in occupied resident rooms consistent with requirements  
 25 applicable to common areas.

26 (ccc) Funds shall be deposited by the commissioner, within amounts  
 27 appropriated, and the state comptroller is hereby authorized and directed to  
 28 receive for the deposit to the credit of the state special revenue funds -  
 29 other, HCRA transfer fund, medical assistance account, or any successor fund  
 30 or account, for purposes of funding the state share of increases in the rates  
 31 for certified home health agencies, long term home health care programs, AIDS  
 32 home care programs, hospice programs and managed long term care plans and  
 33 approved managed long term care operating demonstrations as defined in  
 34 section forty-four hundred three-f of this chapter for recruitment and  
 35 retention of health care workers pursuant to subdivisions nine and ten of  
 36 section thirty-six hundred fourteen of this chapter from the tobacco control  
 37 and insurance initiatives pool established for the following periods in the  
 38 following amounts:

39 (i) twenty-five million dollars for the period June first, two thousand  
 40 six through December thirty-first, two thousand six;

41 (ii) fifty million dollars for the period January first, two thousand  
 42 seven through December thirty-first, two thousand seven;

43 (iii) fifty million dollars for the period January first, two thousand  
 44 eight through December thirty-first, two thousand eight;

45 (iv) fifty million dollars for the period January first, two thousand  
 46 nine through December thirty-first, two thousand nine;

47 (v) fifty million dollars for the period January first, two thousand ten  
 48 through December thirty-first, two thousand ten;

(vi) twelve million five hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;

(vii) up to fifty million dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen; **[and]**

(viii) up to fifty million dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen[.]; **and**

**(ix) up to fifty million dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty.**

(ddd) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for the deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of increases in the medical assistance rates for providers for purposes of enhancing the provision, quality and/or efficiency of home care services pursuant to subdivision eleven of section thirty-six hundred fourteen of this chapter from the tobacco control and insurance initiatives pool established for the following period in the amount of eight million dollars for the period April first, two thousand six through December thirty-first, two thousand six.

(eee) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, to the Center for Functional Genomics at the State University of New York at Albany, for the purposes of the Adirondack network for cancer education and research in rural communities grant program to improve access to health care and shall be made available from the tobacco control and insurance initiatives pool established for the following period in the amount of up to five million dollars for the period January first, two thousand six through December thirty-first, two thousand six.

(fff) Funds shall be made available to the empire state stem cell fund established by section ninety-nine-p of the state finance law within amounts appropriated up to fifty million dollars annually and shall not exceed five hundred million dollars in total.

(ggg) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue fund - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for the purpose of supporting the state share of Medicaid expenditures for hospital translation services as authorized pursuant to paragraph (k) of subdivision one of section twenty-eight hundred seven-c of this article from the tobacco control and initiatives pool established for the following periods in the following amounts:

(i) sixteen million dollars for the period July first, two thousand eight through December thirty-first, two thousand eight; and



(ii) fourteen million seven hundred thousand dollars for the period January first, two thousand nine through November thirtieth, two thousand nine.

(hhh) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue fund - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for the purpose of supporting the state share of Medicaid expenditures for adjustments to inpatient rates of payment for general hospitals located in the counties of Nassau and Suffolk as authorized pursuant to paragraph (l) of subdivision one of section twenty-eight hundred seven-c of this article from the tobacco control and initiatives pool established for the following periods in the following amounts:

(i) two million five hundred thousand dollars for the period April first, two thousand eight through December thirty-first, two thousand eight; and

(ii) two million two hundred ninety-two thousand dollars for the period January first, two thousand nine through November thirtieth, two thousand nine.

(iii) Funds shall be reserved and set aside and accumulated from year to year and shall be made available, including income from investment funds, for the purpose of supporting the New York state medical indemnity fund as authorized pursuant to title four of article twenty-nine-D of this chapter, for the following periods and in the following amounts, provided, however, that the commissioner is authorized to seek waiver authority from the federal centers for medicare and Medicaid for the purpose of securing Medicaid federal financial participation for such program, in which case the funding authorized pursuant to this paragraph shall be utilized as the non-federal share for such payments:

Thirty million dollars for the period April first, two thousand eleven through March thirty-first, two thousand twelve.

2. (a) For periods prior to January first, two thousand five, the commissioner is authorized to contract with the article forty-three insurance law plans, or such other contractors as the commissioner shall designate, to receive and distribute funds from the tobacco control and insurance initiatives pool established pursuant to this section. In the event contracts with the article forty-three insurance law plans or other commissioner's designees are effectuated, the commissioner shall conduct annual audits of the receipt and distribution of such funds. The reasonable costs and expenses of an administrator as approved by the commissioner, not to exceed for personnel services on an annual basis five hundred thousand dollars, for collection and distribution of funds pursuant to this section shall be paid from such funds.

(b) Notwithstanding any inconsistent provision of section one hundred twelve or one hundred sixty-three of the state finance law or any other law, at the discretion of the commissioner without a competitive bid or request for proposal process, contracts in effect for administration of pools established pursuant to sections twenty-eight hundred seven-k, twenty-eight hundred seven-l and twenty-eight hundred seven-m of this article for the

1 period January first, nineteen hundred ninety-nine through December thirty-  
 2 first, nineteen hundred ninety-nine may be extended to provide for  
 3 administration pursuant to this section and may be amended as may be  
 4 necessary.

5 § 23. This act shall take effect immediately; provided, however, that:

6 (a) the amendments made to sections 2807-s and 2807-j of the public  
 7 health law made by sections three, four and five of this act shall not affect  
 8 the expiration of such sections and shall expire therewith; and

9 (b) the amendments to subdivision 6 of section 2807-t of the public  
 10 health law made by section eight of this act shall not affect the expiration  
 11 of such section and shall be deemed to expire therewith; and

12 (c) the amendments to paragraph (i-1) of subdivision 1 of section 2807-v  
 13 of the public health law made by section twenty-two of this act shall not  
 14 affect the repeal of such paragraph and shall be deemed repealed therewith.

#### 15 SUBPART E

16 Section 1. Section 11 of chapter 884 of the laws of 1990, amending the  
 17 public health law relating to authorizing bad debt and charity care  
 18 allowances for certified home health agencies, as amended by section 1 of  
 19 part D of chapter 57 of the laws of 2015, is amended to read as follows:

20 § 11. This act shall take effect immediately and:

21 (a) sections one and three shall expire on December 31, 1996,

22 (b) sections four through ten shall expire on June 30, [2017] 2019, and

23 (c) provided that the amendment to section 2807-b of the public health  
 24 law by section two of this act shall not affect the expiration of such  
 25 section 2807-b as otherwise provided by law and shall be deemed to expire  
 26 therewith.

27 § 2. Subdivision 4-a of section 71 of part C of chapter 60 of the laws of  
 28 2014 amending the social services law relating to eliminating prescriber  
 29 prevails for brand name drugs with generic equivalent, as amended by section  
 30 6 of part D of chapter 59 of the laws of 2016, is amended to read as follows:

31 4-a. section twenty-two of this act shall take effect April 1, 2014, and  
 32 shall be deemed expired January 1, [2018] 2019;

33 § 3. Subparagraph (vi) of paragraph (b) of subdivision 2 of section 2807-  
 34 d of the public health law, as amended by section 3 of part D of chapter 57  
 35 of the laws of 2015, is amended to read as follows:

36 (vi) Notwithstanding any contrary provision of this paragraph or any  
 37 other provision of law or regulation to the contrary, for residential health  
 38 care facilities the assessment shall be six percent of each residential  
 39 health care facility's gross receipts received from all patient care services

1 and other operating income on a cash basis for the period April first, two  
 2 thousand two through March thirty-first, two thousand three for hospital or  
 3 health-related services, including adult day services; provided, however,  
 4 that residential health care facilities' gross receipts attributable to  
 5 payments received pursuant to title XVIII of the federal social security act  
 6 (medicare) shall be excluded from the assessment; provided, however, that for  
 7 all such gross receipts received on or after April first, two thousand three  
 8 through March thirty-first, two thousand five, such assessment shall be five  
 9 percent, and further provided that for all such gross receipts received on or  
 10 after April first, two thousand five through March thirty-first, two thousand  
 11 nine, and on or after April first, two thousand nine through March thirty-  
 12 first, two thousand eleven such assessment shall be six percent, and further  
 13 provided that for all such gross receipts received on or after April first,  
 14 two thousand eleven through March thirty-first, two thousand thirteen such  
 15 assessment shall be six percent, and further provided that for all such gross  
 16 receipts received on or after April first, two thousand thirteen through  
 17 March thirty-first, two thousand fifteen such assessment shall be six  
 18 percent, and further provided that for all such gross receipts received on or  
 19 after April first, two thousand fifteen through March thirty-first, two  
 20 thousand seventeen such assessment shall be six percent, and further provided  
 21 that for all such gross receipts received on or after April first, two  
 22 thousand seventeen through March thirty-first, two thousand nineteen such  
 23 assessment shall be six percent.

24 § 4. Subdivision 1 of section 194 of chapter 474 of the laws of 1996,  
 25 amending the education law and other laws relating to rates for residential  
 26 health care facilities, as amended by section 5 of part D of chapter 57 of  
 27 the laws of 2015, is amended to read as follows:

28 1. Notwithstanding any inconsistent provision of law or regulation, the  
 29 trend factors used to project reimbursable operating costs to the rate period  
 30 for purposes of determining rates of payment pursuant to article 28 of the  
 31 public health law for residential health care facilities for reimbursement of  
 32 inpatient services provided to patients eligible for payments made by state  
 33 governmental agencies on and after April 1, 1996 through March 31, 1999 and  
 34 for payments made on and after July 1, 1999 through March 31, 2000 and on and  
 35 after April 1, 2000 through March 31, 2003 and on and after April 1, 2003  
 36 through March 31, 2007 and on and after April 1, 2007 through March 31, 2009  
 37 and on and after April 1, 2009 through March 31, 2011 and on and after April  
 38 1, 2011 through March 31, 2013 and on and after April 1, 2013 through March  
 39 31, 2015, and on and after April 1, 2015 through March 31, 2017, and on and  
 40 after April 1, 2017 through March 31, 2019 shall reflect no trend factor  
 41 projections or adjustments for the period April 1, 1996, through March 31,  
 42 1997.

43 § 5. Subdivision 1 of section 89-a of part C of chapter 58 of the laws of  
 44 2007, amending the social services law and other laws relating to enacting  
 45 the major components of legislation necessary to implement the health and  
 46 mental hygiene budget for the 2007-2008 state fiscal year, as amended by  
 47 section 6 of part D of chapter 57 of the laws of 2015, is amended to read as  
 48 follows:

49 1. Notwithstanding paragraph (c) of subdivision 10 of section 2807-c of  
 50 the public health law and section 21 of chapter 1 of the laws of 1999, as  
 51 amended, and any other inconsistent provision of law or regulation to the  
 52 contrary, in determining rates of payments by state governmental agencies

effective for services provided beginning April 1, 2006, through March 31, 2009, and on and after April 1, 2009 through March 31, 2011, and on and after April 1, 2011 through March 31, 2013, and on and after April 1, 2013 through March 31, 2015, and on and after April 1, 2015 through March 31, 2017, and on and after April 1, 2017 through March 31, 2019 for inpatient and outpatient services provided by general hospitals and for inpatient services and outpatient adult day health care services provided by residential health care facilities pursuant to article 28 of the public health law, the commissioner of health shall apply a trend factor projection of two and twenty-five hundredths percent attributable to the period January 1, 2006 through December 31, 2006, and on and after January 1, 2007, provided, however, that on reconciliation of such trend factor for the period January 1, 2006 through December 31, 2006 pursuant to paragraph (c) of subdivision 10 of section 2807-c of the public health law, such trend factor shall be the final US Consumer Price Index (CPI) for all urban consumers, as published by the US Department of Labor, Bureau of Labor Statistics less twenty-five hundredths of a percentage point.

§ 6. Subdivision 5-a of section 246 of chapter 81 of the laws of 1995, amending the public health law and other laws relating to medical reimbursement and welfare reform, as amended by section 11 of part D of chapter 57 of the laws of 2015, is amended to read as follows:

5-a. Section sixty-four-a of this act shall be deemed to have been in full force and effect on and after April 1, 1995 through March 31, 1999 and on and after July 1, 1999 through March 31, 2000 and on and after April 1, 2000 through March 31, 2003 and on and after April 1, 2003 through March 31, 2007, and on and after April 1, 2007 through March 31, 2009, and on and after April 1, 2009 through March 31, 2011, and on and after April 1, 2011 through March 31, 2013, and on and after April 1, 2013 through March 31, 2015, and on and after April 1, 2015 through March 31, 2017 and on and after April 1, 2017 through March 31, 2019;

§ 7. Section 64-b of chapter 81 of the laws of 1995, amending the public health law and other laws relating to medical reimbursement and welfare reform, as amended by section 12 of part D of chapter 57 of the laws of 2015, is amended to read as follows:

§ 64-b. Notwithstanding any inconsistent provision of law, the provisions of subdivision 7 of section 3614 of the public health law, as amended, shall remain and be in full force and effect on April 1, 1995 through March 31, 1999 and on July 1, 1999 through March 31, 2000 and on and after April 1, 2000 through March 31, 2003 and on and after April 1, 2003 through March 31, 2007, and on and after April 1, 2007 through March 31, 2009, and on and after April 1, 2009 through March 31, 2011, and on and after April 1, 2011 through March 31, 2013, and on and after April 1, 2013 through March 31, 2015, and on and after April 1, 2015 through March 31, 2017 and on and after April 1, 2017 through March 31, 2019.

§ 8. Subdivision (a) of section 40 of part B of chapter 109 of the laws of 2010, amending the social services law relating to transportation costs, as amended by section 23 of part D of chapter 57 of the laws of 2015, is amended to read as follows:

(a) sections two, three, three-a, three-b, three-c, three-d, three-e and twenty-one of this act shall take effect July 1, 2010; sections fifteen, sixteen, seventeen, eighteen and nineteen of this act shall take effect January 1, 2011; and provided further that section twenty of this act shall be deemed repealed [~~six~~] eight years after the date the contract entered into pursuant to section 365-h of the social services law, as amended by section twenty of this act, is executed; provided that the commissioner of health shall notify the legislative bill drafting commission upon the execution of the contract entered into pursuant to section 367-h of the social services law in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law;

§ 9. Section 4-a of part A of chapter 56 of the laws of 2013 amending chapter 59 of the laws of 2011 amending the public health law and other laws relating to general hospital reimbursement for annual rates relating to the cap on local Medicaid expenditures, as amended by section 29 of part D of chapter 57 of the laws of 2015, is amended to read as follows:

§ 4-a. Notwithstanding paragraph (c) of subdivision 10 of section 2807-c of the public health law, section 21 of chapter 1 of the laws of 1999, or any other contrary provision of law, in determining rates of payments by state governmental agencies effective for services provided on and after January 1, [2017] 2019 through March 31, [2017] 2019, 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 or units of such facilities providing services primarily to children under twenty-one years of age, 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 no greater than zero trend factors attributable to the [2017] 2019 calendar year in accordance with paragraph (c) of subdivision 10 of section 2807-c of the public health law, provided, however, that such no greater than zero trend factors attributable to such [2017] 2019 calendar year shall also be applied to rates of payment provided on and after January 1, [2017] 2019 through March 31, [2017] 2019 for personal care services provided in those local social services districts, including New York city, whose rates of payment for such services are established by such local social services districts pursuant to a rate-setting exemption issued by the commissioner of health to such local social services districts in accordance with applicable regulations, and provided further, however, that for rates of payment for assisted living program services provided on and after January 1, [2017] 2019 through March 31, [2017] 2019, such trend factors attributable to the [2017] 2019 calendar year shall be established at no greater than zero percent.

§ 10. Subdivisions 3 and 5 of section 47 of chapter 2 of the laws of 1998, amending the public health law and other laws relating to expanding the child health insurance plan, as amended by section 61 of part C of chapter 60 of the laws of 2014, are amended to read as follows:

3. section six of this act shall take effect January 1, 1999; provided, however, that subparagraph (iii) of paragraph (c) of subdivision 9 of section

1 2510 of the public health law, as added by this act, shall expire on July 1,  
2 ~~[2017]~~ 2019;

3 5. section twelve of this act shall take effect January 1, 1999;  
4 provided, however, paragraphs (g) and (h) of subdivision 2 of section 2511 of  
5 the public health law, as added by such section, shall expire on July 1,  
6 ~~[2017]~~ 2019;

7 § 11. Section 4 of chapter 19 of the laws of 1998, amending the social  
8 services law relating to limiting the method of payment for prescription  
9 drugs under the medical assistance program, as amended by section 65 of part  
10 C of chapter 60 of the laws of 2014, is amended to read as follows:

11 § 4. This act shall take effect 120 days after it shall have become a law  
12 and shall expire and be deemed repealed March 31, ~~[2017]~~ 2020.

13 § 12. Paragraph (e-1) of subdivision 12 of section 2808 of the public  
14 health law, as amended by section 66 of part C of chapter 60 of the laws of  
15 2014, is amended to read as follows:

16 (e-1) Notwithstanding any inconsistent provision of law or regulation,  
17 the commissioner shall provide, in addition to payments established pursuant  
18 to this article prior to application of this section, additional payments  
19 under the medical assistance program pursuant to title eleven of article five  
20 of the social services law for non-state operated public residential health  
21 care facilities, including public residential health care facilities located  
22 in the county of Nassau, the county of Westchester and the county of Erie,  
23 but excluding public residential health care facilities operated by a town or  
24 city within a county, in aggregate annual amounts of up to one hundred fifty  
25 million dollars in additional payments for the state fiscal year beginning  
26 April first, two thousand six and for the state fiscal year beginning April  
27 first, two thousand seven and for the state fiscal year beginning April  
28 first, two thousand eight and of up to three hundred million dollars in such  
29 aggregate annual additional payments for the state fiscal year beginning  
30 April first, two thousand nine, and for the state fiscal year beginning April  
31 first, two thousand ten and for the state fiscal year beginning April first,  
32 two thousand eleven, and for the state fiscal years beginning April first,  
33 two thousand twelve and April first, two thousand thirteen, and of up to five  
34 hundred million dollars in such aggregate annual additional payments for the  
35 state fiscal years beginning April first, two thousand fourteen, April first,  
36 two thousand fifteen and April first, two thousand sixteen and of up to five  
37 hundred million dollars in such aggregate annual additional payments for the  
38 state fiscal years beginning April first, two thousand seventeen, April  
39 first, two thousand eighteen, and April first, two thousand nineteen. The  
40 amount allocated to each eligible public residential health care facility for  
41 this period shall be computed in accordance with the provisions of paragraph  
42 (f) of this subdivision, provided, however, that patient days shall be  
43 utilized for such computation reflecting actual reported data for two  
44 thousand three and each representative succeeding year as applicable, and  
45 provided further, however, that, in consultation with impacted providers, of  
46 the funds allocated for distribution in the state fiscal year beginning April  
47 first, two thousand thirteen, up to thirty-two million dollars may be  
48 allocated in accordance with paragraph (f-1) of this subdivision.

§ 13. Section 18 of chapter 904 of the laws of 1984, amending the public health law and the social services law relating to encouraging comprehensive health services, as amended by section 67-c of part C of chapter 60 of the laws of 2014, is amended to read as follows:

§ 18. This act shall take effect immediately, except that sections six, nine, ten and eleven of this act shall take effect on the sixtieth day after it shall have become a law, sections two, three, four and nine of this act shall expire and be of no further force or effect on or after March 31, [2017] 2020, section two of this act shall take effect on April 1, 1985 or seventy-five days following the submission of the report required by section one of this act, whichever is later, and sections eleven and thirteen of this act shall expire and be of no further force or effect on or after March 31, 1988.

§ 14. Section 4 of part X2 of chapter 62 of the laws of 2003, amending the public health law relating to allowing for the use of funds of the office of professional medical conduct for activities of the patient health information and quality improvement act of 2000, as amended by section 4-b of part A of chapter 57 of the laws of 2015, is amended to read as follows:

§ 4. This act shall take effect immediately; provided that the provisions of section one of this act shall be deemed to have been in full force and effect on and after April 1, 2003, and shall expire March 31, [2017] 2020 when upon such date the provisions of such section shall be deemed repealed.

§ 15. Subdivision (o) of section 111 of part H of chapter 59 of the laws of 2011, amending the public health law relating to the statewide health information network of New York and the statewide planning and research cooperative system and general powers and duties, as amended by section 28 of part D of chapter 57 of the laws of 2015, is amended to read as follows:

(o) sections thirty-eight and thirty-eight-a of this act shall expire and be deemed repealed March 31, [2017] 2020;

§ 16. Section 32 of part A of chapter 58 of the laws of 2008, amending the elder law and other laws relating to reimbursement to participating provider pharmacies and prescription drug coverage, as amended by section 13 of part A of chapter 57 of the laws of 2015, is amended to read as follows:

§ 32. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2008; provided however, that sections one, six-a, nineteen, twenty, twenty-four, and twenty-five of this act shall take effect July 1, 2008; provided however that sections sixteen, seventeen and eighteen of this act shall expire April 1, [2017] 2020; provided, however, that the amendments made by section twenty-eight of this act shall take effect on the same date as section 1 of chapter 281 of the laws of 2007 takes effect; provided further, that sections twenty-nine, thirty, and thirty-one of this act shall take effect October 1, 2008; provided further, that section twenty-seven of this act shall take effect January 1, 2009; and provided further, that section twenty-seven of this act shall expire and be deemed repealed March 31, [2017] 2020; and provided, further, however, that the amendments to subdivision 1 of section 241 of the education law made by section twenty-nine of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith and

provided that the amendments to section 272 of the public health law made by section thirty of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

§ 17. Subdivision 3 of section 2999-p of the public health law, as amended by chapter 461 of the laws of 2012, is amended to read as follows:

3. The commissioner may issue a certificate of authority to an entity that meets conditions for ACO certification as set forth in regulations made by the commissioner pursuant to section twenty-nine hundred ninety-nine-q of this article. The commissioner shall not issue any new certificate under this article after December thirty-first, two thousand [~~sixteen~~] twenty.

§ 18. Subdivision 2 of section 246 of chapter 81 of the laws of 1995, amending the public health law and other laws relating to medical reimbursement and welfare reform, as amended by section 2 of part D of chapter 57 of the laws of 2015, is amended to read as follows:

2. Sections five, seven through nine, twelve through fourteen, and eighteen of this act shall be deemed to have been in full force and effect on and after April 1, 1995 through March 31, 1999 and on and after July 1, 1999 through March 31, 2000 and on and after April 1, 2000 through March 31, 2003 and on and after April 1, 2003 through March 31, 2006 and on and after April 1, 2006 through March 31, 2007 and on and after April 1, 2007 through March 31, 2009 and on and after April 1, 2009 through March 31, 2011 and sections twelve, thirteen and fourteen of this act shall be deemed to be in full force and effect on and after April 1, 2011 through March 31, 2015 and on and after April 1, 2015 through March 31, 2017 and on and after April 1, 2017 through March 31, 2019;

§ 19. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017.

#### SUBPART F

Section 1. Section 48-a of part A of chapter 56 of the laws of 2013 amending chapter 59 of the laws of 2011 amending the public health law and other laws relating to general hospital reimbursement for annual rates relating to the cap on local Medicaid expenditures, as amended by section 29 of part B of chapter 59 of the laws of 2016, is amended to read as follows:

§ 48-a. 1. Notwithstanding any contrary provision of law, the commissioners of the office of alcoholism and substance abuse services and the office of mental health are authorized, subject to the approval of the director of the budget, to transfer to the commissioner of health state funds to be utilized as the state share for the purpose of increasing payments under the medicaid program to managed care organizations licensed under article 44 of the public health law or under article 43 of the insurance law. Such managed care organizations shall utilize such funds for the purpose of reimbursing providers licensed pursuant to article 28 of the public health law or article 31 or 32 of the mental hygiene law for ambulatory behavioral health services, as determined by the commissioner of health, in consultation with the commissioner of alcoholism and substance abuse services and the commissioner of the office of mental health, provided to medicaid [~~eligible~~] enrolled outpatients and for all other behavioral health services except



1 inpatient included in New York state's Medicaid redesign waiver approved by  
 2 the centers for medicare and Medicaid services (CMS). Such reimbursement  
 3 shall be in the form of fees for such services which are equivalent to the  
 4 payments established for such services under the ambulatory patient group  
 5 (APG) rate-setting methodology as utilized by the department of health, the  
 6 office of alcoholism and substance abuse services, or the office of mental  
 7 health for rate-setting purposes or any such other fees pursuant to the  
 8 Medicaid state plan or otherwise approved by CMS in the Medicaid redesign  
 9 waiver; provided, however, that the increase to such fees that shall result  
 10 from the provisions of this section shall not, in the aggregate and as  
 11 determined by the commissioner of health, in consultation with the  
 12 commissioner of alcoholism and substance abuse services and the commissioner  
 13 of the office of mental health, be greater than the increased funds made  
 14 available pursuant to this section. The increase of such ambulatory  
 15 behavioral health fees to providers available under this section shall be for  
 16 all rate periods on and after the effective date of section [1] 29 of part  
 17 [C] B of chapter [57] 59 of the laws of [2015] 2016 through March 31, [2018]  
 18 2020 for patients in the city of New York, for all rate periods on and after  
 19 the effective date of section [1] 29 of part [C] B of chapter [57] 59 of the  
 20 laws of [2015] 2016 through [June 30, 2018] March 31, 2020 for patients  
 21 outside the city of New York, and for all rate periods on and after the  
 22 effective date of such chapter through [June 30, 2018] March 31, 2020 for all  
 23 services provided to persons under the age of twenty-one; provided, however,  
 24 [eligible providers may work with managed care plans to achieve quality and  
 25 efficiency objectives and engage in shared savings] the commissioner of  
 26 health, in consultation with the commissioner of alcoholism and substance  
 27 abuse services and the commissioner of mental health, may require, as a  
 28 condition of approval of such ambulatory behavioral health fees, that  
 29 aggregate managed care expenditures to eligible providers meet the  
 30 alternative payment methodology requirements as set forth in attachment I of  
 31 the New York state medicaid section one thousand one hundred fifteen medicaid  
 32 redesign team waiver as approved by the centers for medicare and medicaid  
 33 services. The commissioner of health shall, in consultation with the  
 34 commissioner of alcoholism and substance abuse services and the commissioner  
 35 of mental health, waive such conditions if a sufficient number of providers,  
 36 as determined by the commissioner, suffer a financial hardship as a  
 37 consequence of such alternative payment methodology requirements, or if he or  
 38 she shall determine that such alternative payment methodologies significantly  
 39 threaten individuals access to ambulatory behavioral health services. Such  
 40 waiver may be applied on a provider specific or industry wide basis. Further,  
 41 such conditions may be waived, as the commissioner determines necessary, to  
 42 comply with federal rules or regulations governing these payment  
 43 methodologies. Nothing in this section shall prohibit managed care  
 44 organizations and providers from negotiating different rates and methods of  
 45 payment during such periods described above, subject to the approval of the  
 46 department of health. The department of health shall consult with the office  
 47 of alcoholism and substance abuse services and the office of mental health in  
 48 determining whether such alternative rates shall be approved. The  
 49 commissioner of health may, in consultation with the commissioner of  
 50 alcoholism and substance abuse services and the commissioner of the office of  
 51 mental health, promulgate regulations, including emergency regulations  
 52 promulgated prior to October 1, 2015 to establish rates for ambulatory  
 53 behavioral health services, as are necessary to implement the provisions of  
 54 this section. Rates promulgated under this section shall be included in the  
 55 report required under section 45-c of part A of this chapter.

2. Notwithstanding any contrary provision of law, the fees paid by managed care organizations licensed under article 44 of the public health law or under article 43 of the insurance law, to providers licensed pursuant to article 28 of the public health law or article 31 or 32 of the mental hygiene law, for ambulatory behavioral health services provided to patients enrolled in the child health insurance program pursuant to title one-A of article 25 of the public health law, shall be in the form of fees for such services which are equivalent to the payments established for such services under the ambulatory patient group (APG) rate-setting methodology or any such other fees established pursuant to the Medicaid state plan. The commissioner of health shall consult with the commissioner of alcoholism and substance abuse services and the commissioner of the office of mental health in determining such services and establishing such fees. Such ambulatory behavioral health fees to providers available under this section shall be for all rate periods on and after the effective date of this chapter through [June 30, 2018] March 31, 2020, provided, however, that managed care organizations and providers may negotiate different rates and methods of payment during such periods described above, subject to the approval of the department of health. The department of health shall consult with the office of alcoholism and substance abuse services and the office of mental health in determining whether such alternative rates shall be approved. The report required under section 16-a of part C of chapter 60 of the laws of 2014 shall also include the population of patients enrolled in the child health insurance program pursuant to title one-A of article 25 of the public health law in its examination on the transition of behavioral health services into managed care.

§ 2. Section 1 of part H of chapter 111 of the laws of 2010 relating to increasing Medicaid payments to providers through managed care organizations and providing equivalent fees through an ambulatory patient group methodology, as amended by section 30 of part B of chapter 59 of the laws of 2016, is amended to read as follows:

Section 1. a. Notwithstanding any contrary provision of law, the commissioners of mental health and alcoholism and substance abuse services are authorized, subject to the approval of the director of the budget, to transfer to the commissioner of health state funds to be utilized as the state share for the purpose of increasing payments under the Medicaid program to managed care organizations licensed under article 44 of the public health law or under article 43 of the insurance law. Such managed care organizations shall utilize such funds for the purpose of reimbursing providers licensed pursuant to article 28 of the public health law, or pursuant to article 31 or article 32 of the mental hygiene law for ambulatory behavioral health services, as determined by the commissioner of health in consultation with the commissioner of mental health and commissioner of alcoholism and substance abuse services, provided to Medicaid [~~eligible~~] enrolled outpatients and for all other behavioral health services except inpatient included in New York state's Medicaid redesign waiver approved by the centers for Medicare and Medicaid services (CMS). Such reimbursement shall be in the form of fees for such services which are equivalent to the payments established for such services under the ambulatory patient group (APG) rate-setting methodology as utilized by the department of health or by the office of mental health or office of alcoholism and substance abuse services for rate-setting purposes or any such other fees pursuant to the Medicaid state plan or otherwise approved by CMS in the Medicaid redesign waiver; provided, however, that the increase to such fees that shall result from the provisions

of this section shall not, in the aggregate and as determined by the commissioner of health in consultation with the commissioners of mental health and alcoholism and substance abuse services, be greater than the increased funds made available pursuant to this section. The increase of such behavioral health fees to providers available under this section shall be for all rate periods on and after the effective date of section [2] 30 of part [C] B of chapter [57] 59 of the laws of [2015] 2016 through March 31, [2018] 2020 for patients in the city of New York, for all rate periods on and after the effective date of section [2] 30 of part [C] B of chapter [57] 59 of the laws of [2015] 2016 through [June 30, 2018] March 31, 2020 for patients outside the city of New York, and for all rate periods on and after the effective date of section [2] 30 of part [C] B of chapter [57] 59 of the laws of [2015] 2016 through [June 30, 2018] March 31, 2020 for all services provided to persons under the age of twenty-one; provided, however, [eligible providers may work with managed care plans to achieve quality and efficiency objectives and engage in shared savings] the commissioner of health, in consultation with the commissioner of alcoholism and substance abuse services and the commissioner of mental health, may require, as a condition of approval of such ambulatory behavioral health fees, that aggregate managed care expenditures to eligible providers meet the alternative payment methodology requirements as set forth in attachment I of the New York state medicaid section one thousand one hundred fifteen medicaid redesign team waiver as approved by the centers for medicare and medicaid services. The commissioner of health shall, in consultation with the commissioner of alcoholism and substance abuse services and the commissioner of mental health, waive such conditions if a sufficient number of providers, as determined by the commissioner, suffer a financial hardship as a consequence of such alternative payment methodology requirements, or if he or she shall determine that such alternative payment methodologies significantly threaten individuals access to ambulatory behavioral health services. Such waiver may be applied on a provider specific or industry wide basis. Further, such conditions may be waived, as the commissioner determines necessary, to comply with federal rules or regulations governing these payment methodologies.

Nothing in this section shall prohibit managed care organizations and providers from negotiating different rates and methods of payment during such periods described, subject to the approval of the department of health. The department of health shall consult with the office of alcoholism and substance abuse services and the office of mental health in determining whether such alternative rates shall be approved. The commissioner of health may, in consultation with the commissioners of mental health and alcoholism and substance abuse services, promulgate regulations, including emergency regulations promulgated prior to October 1, 2013 that establish rates for behavioral health services, as are necessary to implement the provisions of this section. Rates promulgated under this section shall be included in the report required under section 45-c of part A of chapter 56 of the laws of 2013.

b. Notwithstanding any contrary provision of law, the fees paid by managed care organizations licensed under article 44 of the public health law or under article 43 of the insurance law, to providers licensed pursuant to article 28 of the public health law or article 31 or 32 of the mental hygiene law, for ambulatory behavioral health services provided to patients enrolled in the child health insurance program pursuant to title one-A of article 25 of the public health law, shall be in the form of fees for such services which are equivalent to the payments established for such services under the ambulatory patient group (APG) rate-setting methodology. The commissioner of

health shall consult with the commissioner of alcoholism and substance abuse services and the commissioner of the office of mental health in determining such services and establishing such fees. Such ambulatory behavioral health fees to providers available under this section shall be for all rate periods on and after the effective date of this chapter through **[June 30, 2018] March 31, 2020**, provided, however, that managed care organizations and providers may negotiate different rates and methods of payment during such periods described above, subject to the approval of the department of health. The department of health shall consult with the office of alcoholism and substance abuse services and the office of mental health in determining whether such alternative rates shall be approved. The report required under section 16-a of part C of chapter 60 of the laws of 2014 shall also include the population of patients enrolled in the child health insurance program pursuant to title one-A of article 25 of the public health law in its examination on the transition of behavioral health services into managed care.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017; provided, however, that the amendments to section 48-a of part A of chapter 56 of the laws of 2013 made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith; provided further, that the amendments to section 1 of part H of chapter 111 of the laws of 2010 made by section two of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

#### SUBPART G

Section 1. Subdivisions 3-b and 3-c of section 1 of part C of chapter 57 of the laws of 2006, relating to establishing a cost of living adjustment for designated human services programs, as amended by section 1 of part I of chapter 60 of the laws of 2014, are amended to read as follows:

3-b. Notwithstanding any inconsistent provision of law, beginning April 1, 2009 and ending March 31, 2016 **and beginning April 1, 2017 and ending March 31, 2018**, the commissioners shall not include a COLA for the purpose of establishing rates of payments, contracts or any other form of reimbursement, **provided that the commissioners of the office for people with developmental disabilities, the office of mental health, and the office of alcoholism and substance abuse services shall not include a COLA beginning April 1, 2017 and ending March 31, 2019.**

3-c. Notwithstanding any inconsistent provision of law, beginning April 1, **[2016] 2018** and ending March 31, **[2019] 2021**, the commissioners shall develop the COLA under this section using the actual U.S. consumer price index for all urban consumers (CPI-U) published by the United States department of labor, bureau of labor statistics for the twelve month period ending in July of the budget year prior to such state fiscal year, for the purpose of establishing rates of payments, contracts or any other form of reimbursement.

§ 2. Section 1 of part C of chapter 57 of the laws of 2006, relating to establishing a cost of living adjustment for designated human service programs, is amended by adding a new subdivision 3-e to read as follows:

3-e. (i) Notwithstanding the provisions of subdivision 3-b of this section or any other inconsistent provision of law, and subject to the availability of the appropriation therefor, for the programs listed in paragraphs (i), (ii), and (iii) of subdivision 4 of this section, the commissioners shall provide funding to support (1) an overall average three and one-quarter percent (3.25%) increase to total salaries for direct care staff, direct support professionals for each eligible state-funded program beginning January 1, 2018; and (2) an overall average three and one-quarter percent (3.25%) increase to total salaries for direct care staff and direct support professionals, and clinical staff for each eligible state-funded program beginning April 1, 2018. For the purpose of this funding increase, direct support professionals are individuals employed in consolidated fiscal reporting position title codes ranging from 100 to 199; direct care staff are individuals employed in consolidated fiscal reporting position title codes ranging from 200 to 299; and clinical staff are individuals employed in consolidated fiscal reporting position title codes ranging from 300 to 399.

(ii) The funding made available pursuant to paragraph (i) of this subdivision shall be used: (1) to help alleviate the recruitment and retention challenges of direct care staff, direct support professionals and clinical staff employed in eligible programs; and (2) to continue and to expand efforts to support the professionalism of the direct care workforce. Each local government unit or direct contract provider receiving such funding shall have flexibility in allocating such funding to support salary increases to particular job titles to best address the needs of its direct care staff, direct support professionals and clinical staff. Each local government unit or direct contract provider receiving such funding shall also submit a written certification, in such form and at such time as each commissioner shall prescribe, attesting to how such funding will be or was used for purposes eligible under this section. Further, providers shall submit a resolution from their governing body to the appropriate commissioner, attesting that the funding received will be used solely to support salary and salary-related fringe benefit increases for direct care staff, direct support professionals and clinical staff, pursuant to paragraph (i) of this subdivision. Salary increases that take effect on and after April 1, 2017 may be used to demonstrate compliance with the January 1, 2018 funding increase authorized by this section, except for salary increases necessary to comply with state minimum wage requirements. Such commissioners shall be authorized to recoup any funds as appropriated herein determined to have been used in a manner inconsistent with such standards or inconsistent with the provisions of this subdivision, and such commissioners shall be authorized to employ any legal mechanism to recoup such funds, including an offset of other funds that are owed to such local governmental unit or provider.

(iii) Where appropriate, transfers to the department of health shall be made as reimbursement for the state share of medical assistance.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017; provided, however, that the amendments to section 1 of part C of chapter 57 of the laws of 2006 made by sections one and two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

Section 1. Subdivision 2 of section 365-1 of the social services law, as added by section 37 of part H of chapter 59 of the laws of 2011, is amended to read as follows:

2. In addition to payments made for health home services pursuant to subdivision one of this section, the commissioner is authorized to pay additional amounts to providers of health home services that meet process or outcome standards specified by the commissioner. Such additional amounts may be paid with state funds only if federal financial participation for such payments is unavailable.

§ 2. Section 364-j of the social services law is amended by adding a new subdivision 33 to read as follows:

33. For services under this title provided by residential health care facilities under article twenty-eight of the public health law, the commissioner shall direct managed care organizations licensed under article forty-four of the public health law, article forty-three of the insurance law, and this section, to continue to reimburse at a benchmark rate which is to be the fee-for-service rate calculated pursuant to section twenty-eight hundred eight of the public health law. The benchmark fee-for-service rate shall continue to be paid by such managed care organizations for all services provided by residential healthcare facilities from the effective date of this subdivision at least until December thirty-first, two thousand twenty. The commissioner may require, as a condition of continuing to require payment at such benchmark rate that aggregate managed care expenditures to residential health care facilities meet the alternative payment methodology requirements set forth in attachment I of the New York State section 1115 medicaid redesign team waiver as approved by the centers for medicare and medicaid services. The commissioner of health shall waive such requirements if a sufficient number of providers, as determined by the commissioner, suffer a financial hardship as a consequence of such alternative payment methodology requirements, or if the commissioner determines that such alternative payment methodologies significantly threaten individuals' access to residential health care facility services; such waiver may be applied on a provider-specific or industry-wide basis. Further, such requirements may be waived, as the commissioner determines necessary, to comply with federal rules or regulations governing these payment methodologies.

§ 3. Subdivision 2 of section 365-a of the social services law is amended by adding a new paragraph (dd) to read as follows:

(dd) pasteurized donor human milk (PDHM), which may include fortifiers as medically indicated, for inpatient use, for which a licensed medical practitioner has issued an order for an infant who is medically or physically unable to receive maternal breast milk or participate in breast feeding or whose mother is medically or physically unable to produce maternal breast milk at all or in sufficient quantities or participate in breast feeding despite optimal lactation support. Such infant shall: (i) have a documented birth weight of less than one thousand five hundred grams; or (ii) have a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis; or (iii) have a congenital or acquired condition that may benefit from the use of donor breast milk as determined by the commissioner of health or his or her designee.

§ 4. Subdivision 2 of section 365-a of the social services law is amended by adding a new paragraph (ee) to read as follows:

(ee) Medical assistance shall include the coverage of a set of services to ensure improved outcomes of women who are in the process of ovulation enhancing drugs, limited to the provision of such treatment, office visits, hysterosalpingogram services, pelvic ultrasounds, and blood testing; services shall be limited to those necessary to monitor such treatment. In the event that ninety percent federal financial participation for such services is not available, the state share of appropriations related to these services may be used for a grant program intended to accomplish the purpose of this section.

§ 5. Section 3614-c of the public health law, as amended by chapter 56 of the laws of 2016, subparagraph (iv) of paragraph (a) of subdivision 3 as amended by section 1 and subparagraph (iv) of paragraph (b) of subdivision 3 as amended by section 2 of part E of chapter 73 of the laws of 2016, is amended to read as follows:

§ 3614-c. Home care worker wage parity. 1. As used in this section, the following terms shall have the following meaning:

(a) "Living wage law" means any law enacted by Nassau, Suffolk or Westchester county or a city with a population of one million or more which establishes a minimum wage for some or all employees who perform work on contracts with such county or city.

(b) "Total compensation" means all wages and other direct compensation paid to or provided on behalf of the employee including, but not limited to, wages, health, education or pension benefits, supplements in lieu of benefits and compensated time off, except that it does not include employer taxes or employer portion of payments for statutory benefits, including but not limited to FICA, disability insurance, unemployment insurance and workers' compensation.

(c) "Prevailing rate of total compensation" means the average hourly amount of total compensation paid to all home care aides covered by whatever collectively bargained agreement covers the greatest number of home care aides in a city with a population of one million or more. For purposes of this definition, any set of collectively bargained agreements in such city with substantially the same terms and conditions relating to total compensation shall be considered as a single collectively bargained agreement.

(d) "Home care aide" means a home health aide, personal care aide, home attendant, personal assistant performing consumer directed personal assistance services pursuant to section three hundred sixty-five-f of the social services law, or other licensed or unlicensed person whose primary responsibility includes the provision of in-home assistance with activities of daily living, instrumental activities of daily living or health-related tasks; provided, however, that home care aide does not include any individual (i) working on a casual basis, or (ii) (except for a person employed under the consumer directed personal assistance program under section three hundred sixty-five-f of the social services law) who is a relative through blood, marriage or adoption of: (1) the employer; or (2) the person for whom the

1 worker is delivering services, under a program funded or administered by  
2 federal, state or local government.

3 (e) "Managed care plan" means any managed care program, organization or  
4 demonstration covering personal care or home health aide services, and which  
5 receives premiums funded, in whole or in part, by the New York state medical  
6 assistance program, including but not limited to all Medicaid managed care,  
7 Medicaid managed long term care, Medicaid advantage, and Medicaid advantage  
8 plus plans and all programs of all-inclusive care for the elderly.

9 (f) "Episode of care" means any service unit reimbursed, in whole or in  
10 part, by the New York state medical assistance program, whether through  
11 direct reimbursement or covered by a premium payment, and which covers, in  
12 whole or in part, any service provided by a home care aide, including but not  
13 limited to all service units defined as visits, hours, days, months or  
14 episodes.

15 (g) "Cash portion of the minimum rate of home care [aid] aide total  
16 compensation" means the minimum amount of home care aide total compensation  
17 that may be paid in cash wages, as determined by the department in  
18 consultation with the department of labor.

19 (h) "Benefit portion of the minimum rate of home care aide total  
20 compensation" means the portion of home care aide total compensation that may  
21 be paid in cash or health, education or pension benefits, wage differentials,  
22 supplements in lieu of benefits and compensated time off, as determined by  
23 the department in consultation with the department of labor. Cash wages paid  
24 pursuant to increases in the state or federal minimum wage cannot be used to  
25 satisfy the benefit portion of the minimum rate of home care aide total  
26 compensation.

27 2. Notwithstanding any inconsistent provision of law, rule or regulation,  
28 no payments by government agencies shall be made to certified home health  
29 agencies, long term home health care programs [or], managed care plans, or  
30 the consumer directed personal assistance program under section three hundred  
31 sixty-five-f of the social services law, for any episode of care furnished,  
32 in whole or in part, by any home care aide who is compensated at amounts less  
33 than the applicable minimum rate of home care aide total compensation  
34 established pursuant to this section.

35 3. (a) The minimum rate of home care aide total compensation in a city  
36 with a population of one million or more shall be:

37 (i) for the period March first, two thousand twelve through February  
38 twenty-eighth, two thousand thirteen, ninety percent of the total  
39 compensation mandated by the living wage law of such city;

40 (ii) for the period March first, two thousand thirteen through February  
41 twenty-eighth, two thousand fourteen, ninety-five percent of the total  
42 compensation mandated by the living wage law of such city;

43 (iii) for the period March first, two thousand fourteen through March  
44 thirty-first two thousand sixteen, no less than the prevailing rate of total  
45 compensation as of January first, two thousand eleven, or the total



1 compensation mandated by the living wage law of such city, whichever is  
2 greater;

3 (iv) for all periods on or after April first, two thousand sixteen, the  
4 cash portion of the minimum rate of home care aide total compensation shall  
5 be ten dollars or the minimum wage as laid out in paragraph (a) of  
6 subdivision one of section six hundred fifty-two of the labor law, whichever  
7 is higher. The benefit portion of the minimum rate of home care aide total  
8 compensation shall be four dollars and nine cents.

9 (b) The minimum rate of home care aide total compensation in the counties  
10 of Nassau, Suffolk and Westchester shall be:

11 (i) for the period March first, two thousand thirteen through February  
12 twenty-eighth, two thousand fourteen, ninety percent of the total  
13 compensation mandated by the living wage law as set on March first, two  
14 thousand thirteen of a city with a population of a million or more;

15 (ii) for the period March first, two thousand fourteen through February  
16 twenty-eighth, two thousand fifteen, ninety-five percent of the total  
17 compensation mandated by the living wage law as set on March first, two  
18 thousand fourteen of a city with a population of a million or more;

19 (iii) for the period March first, two thousand fifteen, through February  
20 twenty-eighth, two thousand sixteen, one hundred percent of the total  
21 compensation mandated by the living wage law as set on March first, two  
22 thousand fifteen of a city with a population of a million or more;

23 (iv) for all periods on or after March first, two thousand sixteen, the  
24 cash portion of the minimum rate of home care aide total compensation shall  
25 be ten dollars or the minimum wage as laid out in paragraph (b) of  
26 subdivision one of section six hundred fifty-two of the labor law, whichever  
27 is higher. The benefit portion of the minimum rate of home care aide total  
28 compensation shall be three dollars and twenty-two cents.

29 4. The terms of this section shall apply equally to services provided by  
30 home care aides who work on episodes of care as direct employees of certified  
31 home health agencies, long term home health care programs, or managed care  
32 plans, or as employees of licensed home care services agencies, limited  
33 licensed home care services agencies, or the consumer directed personal  
34 assistance program under section three hundred sixty-five-f of the social  
35 services law, or under any other arrangement.

36 5. No payments by government agencies shall be made to certified home  
37 health agencies, long term home health care programs, [or] managed care  
38 plans, or the consumer directed personal assistance program under section  
39 three hundred sixty-five-f of the social services law, for any episode of  
40 care without the certified home health agency, long term home health care  
41 program, [or] managed care plan or the consumer directed personal assistance  
42 program having delivered prior written certification to the commissioner, on  
43 forms prepared by the department in consultation with the department of  
44 labor, that all services provided under each episode of care are in full  
45 compliance with the terms of this section and any regulations promulgated  
46 pursuant to this section.

6. If a certified home health agency or long term home health care program elects to provide home care aide services through contracts with licensed home care services agencies or through other third parties, provided that the episode of care on which the home care aide works is covered under the terms of this section, the certified home health agency, long term home health care program, or managed care plan must obtain a written certification from the licensed home care services agency or other third party, on forms prepared by the department in consultation with the department of labor, which attests to the licensed home care services agency's or other third party's compliance with the terms of this section. Such certifications shall also obligate the certified home health agency, long term home health care program, or managed care plan to obtain, on no less than a quarterly basis, all information from the licensed home care services agency, fiscal intermediary or other third parties necessary to verify compliance with the terms of this section. Such certifications and the information exchanged pursuant to them shall be retained by all certified home health agencies, long term home health care programs, or managed care plans, and all licensed home care services agencies, or other third parties for a period of no less than ten years, and made available to the department upon request.

7. The commissioner shall distribute to all certified home health agencies, long term home health care programs, [and] managed care plans, and fiscal intermediaries in the consumer directed personal assistance program under section three hundred sixty-five-f of the social services law, official notice of the minimum rates of home care aide compensation at least one hundred twenty days prior to the effective date of each minimum rate for each social services district covered by the terms of this section.

8. The commissioner is authorized to promulgate regulations, and may promulgate emergency regulations, to implement the provisions of this section.

9. Nothing in this section should be construed as applicable to any service provided by certified home health agencies, long term home health care programs, [or] managed care plans, or consumer directed personal assistance program under section three hundred sixty-five-f of the social services law except for all episodes of care reimbursed in whole or in part by the New York Medicaid program.

10. No certified home health agency, managed care plan [or], long term home health care program, or fiscal intermediary in the consumer directed personal assistance program under section three hundred sixty-five-f of the social services law shall be liable for recoupment of payments for services provided through a licensed home care services agency or other third party with which the certified home health agency, long term home health care program, or managed care plan has a contract because the licensed agency or other third party failed to comply with the provisions of this section if the certified home health agency, long term home health care program, [or] managed care plan, or fiscal intermediary has reasonably and in good faith collected certifications and all information required pursuant to subdivisions five and six of this section.

§ 6. Notwithstanding any other provision of law, the commissioner of health is authorized to sell accounts receivable balances owed to the state by Medicaid provider to financial institutions; provided that no such sale of accounts receivable balances shall include any state support, including a

guarantee or contingent obligation of state funds to mitigate the risk of nonpayment by providers owing on these account receivable balances. The commissioner in consultation with the director of the budget is authorized to determine the sale prices of any such accounts receivable balances and shall include sale terms governing the reasonable collection of such balances by the financial institution. Following any such sale, providers owing on these accounts receivable balances shall not include any additional cost, interest, or financing charges solely as a result of such sale but shall be fully responsible for paying the accounts receivable balances. Proceeds from the sale of the accounts receivable balances shall be deposited to the Medicaid escrow fund and be used to offset Medicaid costs under the Medicaid global spending cap. The commissioner shall provide the legislature with a description of the terms of any such sale, including a list of the impacted Medicaid providers, at least thirty days prior to the sale.

§ 7. This act shall take effect immediately; provided, however that:

a. the amendments to section 364-j of the social services law made by section two of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith;

b. sections three and five of this act shall take effect July 1, 2017; and

c. section six of this act shall expire April 1, 2019; however, such expiration shall not invalidate or otherwise impact any sale of accounts receivable effected pursuant to such section prior to its expiration.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section, part or subpart 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, part or subpart 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.

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

## PART B

Section 1. This act enacts into law major components of legislation which are necessary to implement the state public protection and general

1 government budget for the 2017-2018 state fiscal year. Each component is  
2 wholly contained within a Subpart identified as Subparts A through B. The  
3 effective date for each particular provision contained within such Subpart is  
4 set forth in the last section of such Subpart. Any provision in any section  
5 contained within a Subpart, including the effective date of the Subpart,  
6 which makes a reference to a section "of this act", when used in connection  
7 with that particular component, shall be deemed to mean and refer to the  
8 corresponding section of the Subpart in which it is found. Section three of  
9 this act sets forth the general effective date of this act.

10 SUBPART A

11 Section 1. The state comptroller is hereby authorized and directed to  
12 loan money in accordance with the provisions set forth in subdivision 5 of  
13 section 4 of the state finance law to the following funds and/or accounts:

- 14 1. Proprietary vocational school supervision account (20452).
- 15 2. Local government records management account (20501).
- 16 3. Child health plus program account (20810).
- 17 4. EPIC premium account (20818).
- 18 5. Education - New (20901).
- 19 6. VLT - Sound basic education fund (20904).
- 20 7. Sewage treatment program management and administration fund (21000).
- 21 8. Hazardous bulk storage account (21061).
- 22 9. Federal grants indirect cost recovery account (21065).
- 23 10. Low level radioactive waste account (21066).
- 24 11. Recreation account (21067).
- 25 12. Public safety recovery account (21077).
- 26 13. Environmental regulatory account (21081).
- 27 14. Natural resource account (21082).
- 28 15. Mined land reclamation program account (21084).
- 29 16. Great lakes restoration initiative account (21087).
- 30 17. Environmental protection and oil spill compensation fund (21200).
- 31 18. Public transportation systems account (21401).

- 1 19. Metropolitan mass transportation (21402).
- 2 20. Operating permit program account (21451).
- 3 21. Mobile source account (21452).
- 4 22. Statewide planning and research cooperative system account (21902).
- 5 23. New York state thruway authority account (21905).
- 6 24. Mental hygiene program fund account (21907).
- 7 25. Mental hygiene patient income account (21909).
- 8 26. Financial control board account (21911).
- 9 27. Regulation of racing account (21912).
- 10 28. New York Metropolitan Transportation Council account (21913).
- 11 29. State university dormitory income reimbursable account (21937).
- 12 30. Criminal justice improvement account (21945).
- 13 31. Environmental laboratory reference fee account (21959).
- 14 32. Clinical laboratory reference system assessment account (21962).
- 15 33. Indirect cost recovery account (21978).
- 16 34. High school equivalency program account (21979).
- 17 35. Multi-agency training account (21989).
- 18 36. Interstate reciprocity for post-secondary distance education account  
19 (23800).
- 20 37. Bell jar collection account (22003).
- 21 38. Industry and utility service account (22004).
- 22 39. Real property disposition account (22006).
- 23 40. Parking account (22007).
- 24 41. Asbestos safety training program account (22009).
- 25 42. Batavia school for the blind account (22032).
- 26 43. Investment services account (22034).

- 1 44. Surplus property account (22036).
- 2 45. Financial oversight account (22039).
- 3 46. Regulation of Indian gaming account (22046).
- 4 47. Rome school for the deaf account (22053).
- 5 48. Seized assets account (22054).
- 6 49. Administrative adjudication account (22055).
- 7 50. Federal salary sharing account (22056).
- 8 51. New York City assessment account (22062).
- 9 52. Cultural education account (22063).
- 10 53. Local services account (22078).
- 11 54. DHCR mortgage servicing account (22085).
- 12 55. Department of motor vehicles compulsory insurance account (22087).
- 13 56. Housing indirect cost recovery account (22090).
- 14 57. DHCR-HCA application fee account (22100).
- 15 58. Low income housing monitoring account (22130).
- 16 59. Corporation administration account (22135).
- 17 60. Montrose veteran's home account (22144).
- 18 61. Deferred compensation administration account (22151).
- 19 62. Rent revenue other New York City account (22156).
- 20 63. Rent revenue account (22158).
- 21 64. Tax revenue arrearage account (22168).
- 22 65. State university general income offset account (22654).
- 23 66. Lake George park trust fund account (22751).
- 24 67. State police motor vehicle law enforcement account (22802).
- 25 68. Highway safety program account (23001).
- 26 69. DOH drinking water program account (23102).

- 1 70. NYCCC operating offset account (23151).
- 2 71. Commercial gaming revenue account (23701).
- 3 72. Commercial gaming regulation account (23702).
- 4 73. Highway use tax administration account (23801).
- 5 74. Highway and bridge capital account (30051).
- 6 75. Aviation purpose account (30053).
- 7 76. State university residence hall rehabilitation fund (30100).
- 8 77. State parks infrastructure account (30351).
- 9 78. Clean water/clean air implementation fund (30500).
- 10 79. Hazardous waste remedial cleanup account (31506).
- 11 80. Youth facilities improvement account (31701).
- 12 81. Housing assistance fund (31800).
- 13 82. Housing program fund (31850).
- 14 83. Highway facility purpose account (31951).
- 15 84. Information technology capital financing account (32215).
- 16 85. New York racing account (32213).
- 17 86. Capital miscellaneous gifts account (32214).
- 18 87. New York environmental protection and spill remediation account.
- 19 88. Mental hygiene facilities capital improvement fund (32300).
- 20 89. Correctional facilities capital improvement fund (32350).
- 21 90. New York State Storm Recovery Capital Fund (33000).
- 22 91. OGS convention center account (50318).
- 23 92. Empire Plaza Gift Shop (50327).
- 24 93. Centralized services fund (55000).
- 25 94. Archives records management account (55052).
- 26 95. Federal single audit account (55053).

- 1 96. Civil service EHS occupational health program account (55056).
- 2 97. Banking services account (55057).
- 3 98. Cultural resources survey account (55058).
- 4 99. Neighborhood work project account (55059).
- 5 100. Automation & printing chargeback account (55060).
- 6 101. OFT NYT account (55061).
- 7 102. Data center account (55062).
- 8 103. Intrusion detection account (55066).
- 9 104. Domestic violence grant account (55067).
- 10 105. Centralized technology services account (55069).
- 11 106. Labor contact center account (55071).
- 12 107. Human services contact center account (55072).
- 13 108. Tax contact center account (55073).
- 14 109. Executive direction internal audit account (55251).
- 15 110. CIO Information technology centralized services account (55252).
- 16 111. Health insurance internal service account (55300).
- 17 112. Civil service employee benefits division administrative account  
18 (55301).
- 19 113. Correctional industries revolving fund (55350).
- 20 114. Employees health insurance account (60201).
- 21 115. Medicaid management information system escrow fund (60900).
- 22 116. Department of law civil recoveries account

23 § 1-a. The state comptroller is hereby authorized and directed to loan  
24 money in accordance with the provisions set forth in subdivision 5 of section  
25 4 of the state finance law to any account within the following federal funds,  
26 provided the comptroller has made a determination that sufficient federal  
27 grant award authority is available to reimburse such loans:

- 28 1. Federal USDA-food and nutrition services fund (25000).



2. Federal health and human services fund (25100).

3. Federal education fund (25200).

4. Federal block grant fund (25250).

5. Federal miscellaneous operating grants fund (25300).

6. Federal unemployment insurance administration fund (25900).

7. Federal unemployment insurance occupational training fund (25950).

8. Federal emergency employment act fund (26000).

9. Federal capital projects fund (31350).

§ 2. 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, upon request of the director of the budget, on or before March 31, 2018, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:

1. \$175,000 from the miscellaneous special revenue fund, underground facilities safety training account (22172), to the general fund.

2. An amount up to the unencumbered balance from the miscellaneous special revenue fund, business and licensing services account (21977), to the general fund.

3. \$14,810,000 from the miscellaneous special revenue fund, code enforcement account (21904), to the general fund.

4. \$3,000,000 from the general fund to the miscellaneous special revenue fund, tax revenue arrearage account (22168).

Education:

1. \$2,394,714,000 from the general fund to the state lottery fund, education account (20901), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

2. \$966,634,000 from the general fund to the state lottery fund, VLT education account (20904), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

3. Moneys from the state lottery fund (20900) up to an amount deposited in such fund pursuant to section 1612 of the tax law in excess of the current

1 year appropriation for supplemental aid to education pursuant to section 92-c  
2 of the state finance law.

3 4. \$300,000 from the New York state local government records management  
4 improvement fund, local government records management account (20501), to the  
5 New York state archives partnership trust fund, archives partnership trust  
6 maintenance account (20351).

7 5. \$900,000 from the general fund to the miscellaneous special revenue  
8 fund, Batavia school for the blind account (22032).

9 6. \$900,000 from the general fund to the miscellaneous special revenue  
10 fund, Rome school for the deaf account (22053).

11 7. \$343,400,000 from the state university dormitory income fund (40350)  
12 to the miscellaneous special revenue fund, state university dormitory income  
13 reimbursable account (21937).

14 8. \$20,000,000 from any of the state education department special revenue  
15 and internal service funds to the miscellaneous special revenue fund,  
16 indirect cost recovery account (21978).

17 9. \$8,318,000 from the general fund to the state university income fund,  
18 state university income offset account (22654), for the state's share of  
19 repayment of the STIP loan.

20 10. \$40,000,000 from the state university income fund, state university  
21 hospitals income reimbursable account (22656) to the general fund for  
22 hospital debt service for the period April 1, 2017 through March 31, 2018.

23 11. An amount up to \$13,540,000 from the general fund to the state  
24 university income fund, state university general revenue account (22653).

25 Environmental Affairs:

26 1. \$16,000,000 from any of the department of environmental conservation's  
27 special revenue federal funds to the environmental conservation special  
28 revenue fund, federal indirect recovery account (21065).

29 2. \$5,000,000 from any of the department of environmental conservation's  
30 special revenue federal funds to the conservation fund (21150) as necessary  
31 to avoid diversion of conservation funds.

32 3. \$3,000,000 from any of the office of parks, recreation and historic  
33 preservation capital projects federal funds and special revenue federal funds  
34 to the miscellaneous special revenue fund, federal grant indirect cost  
35 recovery account (22188).

36 4. \$1,000,000 from any of the office of parks, recreation and historic  
37 preservation special revenue federal funds to the miscellaneous special  
38 revenue fund, I love NY water account (21930).

1        5. \$28,000,000 from the general fund to the environmental protection  
2 fund, environmental protection fund transfer account (30451).

3        6. \$1,800,000 from the general fund to the hazardous waste remedial fund,  
4 hazardous waste oversight and assistance account (31505).

5        Family Assistance:

6        1. \$7,000,000 from any of the office of children and family services,  
7 office of temporary and disability assistance, or department of health  
8 special revenue federal funds and the general fund, in accordance with  
9 agreements with social services districts, to the miscellaneous special  
10 revenue fund, office of human resources development state match account  
11 (21967).

12       2. \$4,000,000 from any of the office of children and family services or  
13 office of temporary and disability assistance special revenue federal funds  
14 to the miscellaneous special revenue fund, family preservation and support  
15 services and family violence services account (22082).

16       3. \$18,670,000 from any of the office of children and family services,  
17 office of temporary and disability assistance, or department of health  
18 special revenue federal funds and any other miscellaneous revenues generated  
19 from the operation of office of children and family services programs to the  
20 general fund.

21       4. \$140,000,000 from any of the office of temporary and disability  
22 assistance or department of health special revenue funds to the general fund.

23       5. \$2,500,000 from any of the office of temporary and disability  
24 assistance special revenue funds to the miscellaneous special revenue fund,  
25 office of temporary and disability assistance program account (21980).

26       6. \$7,400,000 from any of the office of children and family services,  
27 office of temporary and disability assistance, department of labor, and  
28 department of health special revenue federal funds to the office of children  
29 and family services miscellaneous special revenue fund, multi-agency training  
30 contract account (21989).

31       7. \$65,000,000 from the miscellaneous special revenue fund, youth  
32 facility per diem account (22186), to the general fund.

33       8. \$621,850 from the general fund to the combined gifts, grants, and  
34 bequests fund, WB Hoyt Memorial account (20128).

35       9. \$3,100,000 from the miscellaneous special revenue fund, state central  
36 registry (22028), to the general fund.

37       General Government:

38       1. \$1,566,000 from the miscellaneous special revenue fund, examination  
39 and miscellaneous revenue account (22065) to the general fund.

1        2. \$8,083,000 from the general fund to the health insurance revolving  
2 fund (55300).

3        3. \$192,400,000 from the health insurance reserve receipts fund (60550)  
4 to the general fund.

5        4. \$150,000 from the general fund to the not-for-profit revolving loan  
6 fund (20650).

7        5. \$150,000 from the not-for-profit revolving loan fund (20650) to the  
8 general fund.

9        6. \$3,000,000 from the miscellaneous special revenue fund, surplus  
10 property account (22036), to the general fund.

11       7. \$19,000,000 from the miscellaneous special revenue fund, revenue  
12 arrearage account (22024), to the general fund.

13       8. \$1,826,000 from the miscellaneous special revenue fund, revenue  
14 arrearage account (22024), to the miscellaneous special revenue fund,  
15 authority budget office account (22138).

16       9. \$1,000,000 from the miscellaneous special revenue fund, parking  
17 services account (22007), to the general fund, for the purpose of reimbursing  
18 the costs of debt service related to state parking facilities.

19       10. \$21,783,000 from the general fund to the centralized services fund,  
20 COPS account (55013).

21       11. \$8,960,000 from the general fund to the agencies internal service  
22 fund, central technology services account (55069), for the purpose of  
23 enterprise technology projects.

24       12. \$15,000,000 from the miscellaneous special revenue fund, workers'  
25 compensation account (21995), to the miscellaneous capital projects fund,  
26 workers' compensation board IT business process design fund, (32218).

27       Health:

28       1. A transfer from the general fund to the combined gifts, grants and  
29 bequests fund, breast cancer research and education account (20155), up to an  
30 amount equal to the monies collected and deposited into that account in the  
31 previous fiscal year.

32       2. A transfer from the general fund to the combined gifts, grants and  
33 bequests fund, prostate cancer research, detection, and education account  
34 (20183), up to an amount equal to the moneys collected and deposited into  
35 that account in the previous fiscal year.

36       3. A transfer from the general fund to the combined gifts, grants and  
37 bequests fund, Alzheimer's disease research and assistance account (20143),  
38 up to an amount equal to the moneys collected and deposited into that account  
39 in the previous fiscal year.

1        4. \$30,555,000 from the HCRA resources fund (20800) to the miscellaneous  
2 special revenue fund, empire state stem cell trust fund account (22161).

3        5. \$6,000,000 from the miscellaneous special revenue fund, certificate of  
4 need account (21920), to the miscellaneous capital projects fund, healthcare  
5 IT capital subfund (32216).

6        6. \$2,000,000 from the miscellaneous special revenue fund, vital health  
7 records account (22103), to the miscellaneous capital projects fund,  
8 healthcare IT capital subfund (32216)

9        7. \$2,000,000 from the miscellaneous special revenue fund, professional  
10 medical conduct account (22088), to the miscellaneous capital projects fund,  
11 healthcare IT capital subfund (32216).

12       8. \$76,021,000 from the HCRA resources fund (20800) to the capital  
13 projects fund (30000).

14       9. \$4,540,000 from the general fund to the medical marihuana trust fund,  
15 health operation and oversight account (23755).

16       10. \$1,086,000 from the miscellaneous special revenue fund, certificate  
17 of need account (21920), to the general fund.

18       Labor:

19       1. \$400,000 from the miscellaneous special revenue fund, DOL fee and  
20 penalty account (21923), to the child performer's protection fund, child  
21 performer protection account (20401).

22       2. \$8,400,000 from the miscellaneous special revenue fund, DOL fee and  
23 penalty account (21923), to the general fund.

24       3. \$3,300,000 from the unemployment insurance interest and penalty fund,  
25 unemployment insurance special interest and penalty account (23601), to the  
26 general fund.

27       Mental Hygiene:

28       1. \$10,000,000 from the miscellaneous special revenue fund, mental  
29 hygiene patient income account (21909), to the miscellaneous special revenue  
30 fund, federal salary sharing account (22056).

31       2. \$1,800,000,000 from the general fund to the miscellaneous special  
32 revenue fund, mental hygiene patient income account (21909).

33       3. \$1,700,000,000 from the general fund to the miscellaneous special  
34 revenue fund, mental hygiene program fund account (21907).

35       4. \$100,000,000 from the miscellaneous special revenue fund, mental  
36 hygiene program fund account (21907), to the general fund.

1        5. \$100,000,000 from the miscellaneous special revenue fund, mental  
2 hygiene patient income account (21909), to the general fund.

3        6. \$3,800,000 from the miscellaneous special revenue fund, mental hygiene  
4 patient income account (21909), to the agencies internal service fund, civil  
5 service EHS occupational health program account (55056).

6        7. \$11,500,000 from the chemical dependence service fund, substance abuse  
7 services fund account (22700), to the capital projects fund (30000).

8        8. \$3,500,000 from the chemical dependence service fund, substance abuse  
9 services fund account (22700), to the mental hygiene capital improvement fund  
10 (32305).

11       9. \$15,000,000 from the chemical dependence service fund, substance abuse  
12 services fund account (22700), to the miscellaneous special revenue fund,  
13 mental hygiene program fund account (21907)

14       Public Protection:

15       1. \$1,350,000 from the miscellaneous special revenue fund, emergency  
16 management account (21944), to the general fund.

17       2. \$2,087,000 from the general fund to the miscellaneous special revenue  
18 fund, recruitment incentive account (22171).

19       3. \$12,000,000 from the general fund to the correctional industries  
20 revolving fund, correctional industries internal service account (55350).

21       4. \$3,000,000 from the federal miscellaneous operating grants fund, DMNA  
22 damage account (25324), to the general fund.

23       5. \$8,600,000 from the miscellaneous special revenue fund, criminal  
24 justice improvement account (21945), to the general fund.

25       6. \$112,420,000 from the state police motor vehicle law enforcement and  
26 motor vehicle theft and insurance fraud prevention fund, state police motor  
27 vehicle enforcement account (22802), to the general fund for state operation  
28 expenses of the division of state police.

29       7. A transfer of the unencumbered balance from the miscellaneous special  
30 revenue fund, seized assets account (22061), to the miscellaneous special  
31 revenue fund, seized assets account (22054).

32       8. \$117,500,000 from the general fund to the correctional facilities  
33 capital improvement fund (32350).

34       9. \$5,000,000 from the general fund to the dedicated highway and bridge  
35 trust fund (30050) for the purpose of work zone safety activities provided by  
36 the division of state police for the department of transportation.

10. \$5,238,000 from the miscellaneous special revenue fund, statewide public safety communications account (22123), to the capital projects fund (30000).

11. \$9,545,000 from the miscellaneous special revenue fund, legal services assistance account (22096), to the general fund.

12. \$1,000,000 from the general fund to the agencies internal service fund, neighborhood work project account (55059).

13. \$5,940,556 from the miscellaneous special revenue fund, fingerprint identification & technology account (21950), to the general fund.

14. \$4,300,000 from the state police motor vehicle law enforcement and motor vehicle theft and insurance fraud prevention fund, motor vehicle theft and insurance fraud account (22801), to the general fund.

15. \$50,000,000 from the miscellaneous special revenue fund, public safety communications account (22123), to the general fund.

16. \$2,000,000 from the general fund to the miscellaneous special revenue fund, crimes against revenue program account (22015).

Transportation:

1. \$17,672,000 from the federal miscellaneous operating grants fund to the miscellaneous special revenue fund, New York Metropolitan Transportation Council account (21913).

2. \$20,147,000 from the federal capital projects fund to the miscellaneous special revenue fund, New York Metropolitan Transportation Council account (21913).

3. \$15,058,017 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assistance account (21401), of which \$12,000,000 constitutes the base need for operations.

4. \$720,000,000 from the general fund to the dedicated highway and bridge trust fund (30050).

5. \$3,662,000 from the miscellaneous special revenue fund, accident prevention course program account (22094), to the dedicated highway and bridge trust fund (30050).

6. \$3,065,000 from the miscellaneous special revenue fund, motorcycle safety account (21976), to the dedicated highway and bridge trust fund (30050).

7. \$244,250,000 from the general fund to the MTA financial assistance fund, mobility tax trust account (23651).

8. \$5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the dedicated highway and bridge trust fund

(30050), for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the dedicated highway and bridge trust fund (30050) for such purpose pursuant to section 94 of the transportation law.

9. \$114,000 from the miscellaneous special revenue fund, seized assets account (21906), to the dedicated highway and bridge trust fund (30050).

10. \$500,000 from the clean air fund, mobile source account (21452), to the general fund.

11. \$3,000,000 from the miscellaneous special revenue fund, traffic adjudication account (22055), to the general fund.

12. \$121,548,000 from the mass transportation operating assistance fund, metropolitan mass transportation operating assistance account (21402), to the capital projects fund (30000).

#### Miscellaneous:

1. \$250,000,000 from the general fund to any funds or accounts for the purpose of reimbursing certain outstanding accounts receivable balances.

2. \$500,000,000 from the general fund to the debt reduction reserve fund (40000).

3. \$450,000,000 from the New York state storm recovery capital fund (33000) to the revenue bond tax fund (40152).

4. \$15,500,000 from the general fund, community projects account GG (10256), to the general fund, state purposes account (10050).

§ 3. 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, on or before March 31, 2018:

1. Upon request of the commissioner of environmental conservation, up to \$12,234,600 from revenues credited to any of the department of environmental conservation special revenue funds, including \$4,000,000 from the environmental protection and oil spill compensation fund (21200), and \$1,793,600 from the conservation fund (21150), to the environmental conservation special revenue fund, indirect charges account (21060).

2. Upon request of the commissioner of agriculture and markets, up to \$3,000,000 from any special revenue fund or enterprise fund within the department of agriculture and markets to the general fund, to pay appropriate administrative expenses.

3. Upon request of the commissioner of agriculture and markets, up to \$2,000,000 from the state exposition special fund, state fair receipts account (50051) to the miscellaneous capital projects fund, state fair capital improvement account (32208).



1       4. Upon request of the commissioner of the division of housing and  
2 community renewal, up to \$6,221,000 from revenues credited to any division of  
3 housing and community renewal federal or miscellaneous special revenue fund  
4 to the miscellaneous special revenue fund, housing indirect cost recovery  
5 account (22090).

6       5. Upon request of the commissioner of the division of housing and  
7 community renewal, up to \$5,500,000 may be transferred from any miscellaneous  
8 special revenue fund account, to any miscellaneous special revenue fund.

9       6. Upon request of the commissioner of health up to \$8,500,000 from  
10 revenues credited to any of the department of health's special revenue funds,  
11 to the miscellaneous special revenue fund, administration account (21982).

12       § 4. On or before March 31, 2018, the comptroller is hereby authorized  
13 and directed to deposit earnings that would otherwise accrue to the general  
14 fund that are attributable to the operation of section 98-a of the state  
15 finance law, to the agencies internal service fund, banking services account  
16 (55057), for the purpose of meeting direct payments from such account.

17       § 5. Notwithstanding any law to the contrary, upon the direction of the  
18 director of the budget and upon requisition by the state university of New  
19 York, the dormitory authority of the state of New York is directed to  
20 transfer, up to \$22,000,000 in revenues generated from the sale of notes or  
21 bonds, the state university income fund general revenue account (22653) for  
22 reimbursement of bondable equipment for further transfer to the state's  
23 general fund.

24       § 6. Notwithstanding any law to the contrary, and in accordance with  
25 section 4 of the state finance law, the comptroller is hereby authorized and  
26 directed to transfer, upon request of the director of the budget and upon  
27 consultation with the state university chancellor or his or her designee, on  
28 or before March 31, 2018, up to \$16,000,000 from the state university income  
29 fund general revenue account (22653) to the state general fund for debt  
30 service costs related to campus supported capital project costs for the NY-  
31 SUNY 2020 challenge grant program at the University at Buffalo.

32       § 7. Notwithstanding any law to the contrary, and in accordance with  
33 section 4 of the state finance law, the comptroller is hereby authorized and  
34 directed to transfer, upon request of the director of the budget and upon  
35 consultation with the state university chancellor or his or her designee, on  
36 or before March 31, 2018, up to \$6,500,000 from the state university income  
37 fund general revenue account (22653) to the state general fund for debt  
38 service costs related to campus supported capital project costs for the NY-  
39 SUNY 2020 challenge grant program at the University at Albany.

40       § 8. Notwithstanding any law to the contrary, the state university  
41 chancellor or his or her designee is authorized and directed to transfer  
42 estimated tuition revenue balances from the state university collection fund  
43 (61000) to the state university income fund, state university general revenue  
44 offset account (22655) on or before March 31, 2018.

45       § 9. Notwithstanding any law to the contrary, and in accordance with  
46 section 4 of the state finance law, the comptroller is hereby authorized and  
47 directed to transfer, upon request of the director of the budget, up to

1 \$69,264,000 from the general fund to the state university income fund, state  
2 university hospitals income reimbursable account (22656) during the period  
3 July 1, 2017 through June 30, 2018 to reflect ongoing state subsidy of SUNY  
4 hospitals and to pay costs attributable to the SUNY hospitals' state agency  
5 status.

6 § 10. Notwithstanding any law to the contrary, and in accordance with  
7 section 4 of the state finance law, the comptroller is hereby authorized and  
8 directed to transfer, upon request of the director of the budget, up to  
9 \$996,778,300 from the general fund to the state university income fund, state  
10 university general revenue offset account (22655) during the period of July  
11 1, 2017 through June 30, 2018 to support operations at the state university.

12 § 11. Notwithstanding any law to the contrary, and in accordance with  
13 section 4 of the state financial law, the comptroller is hereby authorized  
14 and directed to transfer, upon request of the director of the budget, up to  
15 \$100,000 from the general fund to the state university income fund, state  
16 university general revenue offset account (22655) during the period of April  
17 1, 2017 through June 30, 2017 to support operations at the state university.

18 § 12. Notwithstanding any law to the contrary, and in accordance with  
19 section 4 of the state finance law, the comptroller is hereby authorized and  
20 directed to transfer, upon request of the state university chancellor or his  
21 or her designee, up to \$55,000,000 from the state university income fund,  
22 state university hospitals income reimbursable account (22656), for services  
23 and expenses of hospital operations and capital expenditures at the state  
24 university hospitals; and the state university income fund, Long Island  
25 veterans' home account (22652) to the state university capital projects fund  
26 (32400) on or before June 30, 2018.

27 § 13. Notwithstanding any law to the contrary, and in accordance with  
28 section 4 of the state finance law, the comptroller, after consultation with  
29 the state university chancellor or his or her designee, is hereby authorized  
30 and directed to transfer moneys, in the first instance, from the state  
31 university collection fund, Stony Brook hospital collection account (61006),  
32 Brooklyn hospital collection account (61007), and Syracuse hospital  
33 collection account (61008) to the state university income fund, state  
34 university hospitals income reimbursable account (22656) in the event  
35 insufficient funds are available in the state university income fund, state  
36 university hospitals income reimbursable account (22656) to permit the full  
37 transfer of moneys authorized for transfer, to the general fund for payment  
38 of debt service related to the SUNY hospitals. Notwithstanding any law to the  
39 contrary, the comptroller is also hereby authorized and directed, after  
40 consultation with the state university chancellor or his or her designee, to  
41 transfer moneys from the state university income fund to the state university  
42 income fund, state university hospitals income reimbursable account (22656)  
43 in the event insufficient funds are available in the state university income  
44 fund, state university hospitals income reimbursable account (22656) to pay  
45 hospital operating costs or to permit the full transfer of moneys authorized  
46 for transfer, to the general fund for payment of debt service related to the  
47 SUNY hospitals on or before March 31, 2018.

48 § 14. Notwithstanding any law to the contrary, upon the direction of the  
49 director of the budget and the chancellor of the state university of New York  
50 or his or her designee, and in accordance with section 4 of the state finance  
51 law, the comptroller is hereby authorized and directed to transfer monies

1 from the state university dormitory income fund (40350) to the state  
 2 university residence hall rehabilitation fund (30100), and from the state  
 3 university residence hall rehabilitation fund (30100) to the state university  
 4 dormitory income fund (40350), in an amount not to exceed \$80 million from  
 5 each fund.

6 § 15. Notwithstanding any law to the contrary, and in accordance with  
 7 section 4 of the state finance law, the comptroller is hereby authorized and  
 8 directed to transfer monies, upon request of the director of the budget, on  
 9 or before March 31, 2018, from and to any of the following accounts: the  
 10 miscellaneous special revenue fund, patient income account (21909), the  
 11 miscellaneous special revenue fund, mental hygiene program fund account  
 12 (21907), the miscellaneous special revenue fund, federal salary sharing  
 13 account (22056), or the general fund in any combination, the aggregate of  
 14 which shall not exceed \$350 million.

15 § 16. Notwithstanding any law to the contrary, and in accordance with  
 16 section 4 of the state finance law, the comptroller is hereby authorized and  
 17 directed to transfer, at the request of the director of the budget, up to  
 18 \$500 million from the unencumbered balance of any special revenue fund or  
 19 account, agency fund or account, internal service fund or account, enterprise  
 20 fund or account, or any combination of such funds and accounts, to the  
 21 general fund. The amounts transferred pursuant to this authorization shall be  
 22 in addition to any other transfers expressly authorized in the 2017-18  
 23 budget. Transfers from federal funds, debt service funds, capital projects  
 24 funds, the community projects fund, or funds that would result in the loss of  
 25 eligibility for federal benefits or federal funds pursuant to federal law,  
 26 rule, or regulation as assented to in chapter 683 of the laws of 1938 and  
 27 chapter 700 of the laws of 1951 are not permitted pursuant to this  
 28 authorization.

29 § 17. Notwithstanding any law to the contrary, and in accordance with  
 30 section 4 of the state finance law, the comptroller is hereby authorized and  
 31 directed to transfer, at the request of the director of the budget, up to  
 32 \$100 million from any non-general fund or account, or combination of funds  
 33 and accounts, to the miscellaneous special revenue fund, technology financing  
 34 account (22207), the miscellaneous capital projects fund, information  
 35 technology capital financing account (32215), or the centralized technology  
 36 services account (55069), for the purpose of consolidating technology  
 37 procurement and services. The amounts transferred to the miscellaneous  
 38 special revenue fund, technology financing account (22207) pursuant to this  
 39 authorization shall be equal to or less than the amount of such monies  
 40 intended to support information technology costs which are attributable,  
 41 according to a plan, to such account made in pursuance to an appropriation by  
 42 law. Transfers to the technology financing account shall be completed from  
 43 amounts collected by non-general funds or accounts pursuant to a fund deposit  
 44 schedule or permanent statute, and shall be transferred to the technology  
 45 financing account pursuant to a schedule agreed upon by the affected agency  
 46 commissioner. Transfers from funds that would result in the loss of  
 47 eligibility for federal benefits or federal funds pursuant to federal law,  
 48 rule, or regulation as assented to in chapter 683 of the laws of 1938 and  
 49 chapter 700 of the laws of 1951 are not permitted pursuant to this  
 50 authorization.

51 § 18. Notwithstanding any other law to the contrary, up to \$245 million  
 52 of the assessment reserves remitted to the chair of the workers' compensation

board pursuant to subdivision 6 of section 151 of the workers' compensation law shall, at the request of the director of the budget, be transferred to the state insurance fund, for partial payment and partial satisfaction of the state's obligations to the state insurance fund under section 88-c of the workers' compensation law.

§ 19. 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 \$400 million from any non-general fund or account, or combination of funds and accounts, to the general fund for the purpose of consolidating technology procurement and services. The amounts transferred pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account made in pursuance to an appropriation by law. Transfers to the general fund shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule. Transfers from funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

§ 20. 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 the following contributions to the state treasury to the credit of the general fund on or before March 31, 2018: (a) \$913,000; and (b) \$23,000,000 from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation.

§ 21. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 21 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

5. Notwithstanding the provisions of section one hundred seventy-one-a of the tax law, as separately amended by chapters four hundred eighty-one and four hundred eighty-four of the laws of nineteen hundred eighty-one, and notwithstanding the provisions of chapter ninety-four of the laws of two thousand eleven, or any other provisions of law to the contrary, during the fiscal year beginning April first, two thousand [~~sixteen~~ seventeen], the state comptroller is hereby authorized and directed to deposit to the fund created pursuant to this section from amounts collected pursuant to article twenty-two of the tax law and pursuant to a schedule submitted by the director of the budget, up to [~~\$3,283,844,000~~ \$2,605,997,000], as may be certified in such schedule as necessary to meet the purposes of such fund for the fiscal year beginning April first, two thousand [~~sixteen~~ seventeen].

§ 22. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2018, the following amounts from the following special revenue accounts to the capital projects fund (30000), for the purposes of reimbursement to such fund for expenses related to the maintenance and preservation of state assets:

1        1. \$43,000 from the miscellaneous special revenue fund, administrative  
2 program account (21982).

3        2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes  
4 hospital account (22140).

5        3. \$366,000 from the miscellaneous special revenue fund, New York city  
6 veterans' home account (22141).

7        4. \$513,000 from the miscellaneous special revenue fund, New York state  
8 home for veterans' and their dependents at oxford account (22142).

9        5. \$159,000 from the miscellaneous special revenue fund, western New York  
10 veterans' home account (22143).

11       6. \$323,000 from the miscellaneous special revenue fund, New York state  
12 for veterans in the lower-hudson valley account (22144).

13       7. \$2,550,000 from the miscellaneous special revenue fund, patron  
14 services account (22163).

15       8. \$41,930,000 from the miscellaneous special revenue fund, state  
16 university dormitory income reimbursable account (21937).

17       9. \$830,000 from the miscellaneous special revenue fund, long island  
18 veterans' home account (22652).

19       10. \$5,379,000 from the miscellaneous special revenue fund, state  
20 university general income reimbursable account (22653).

21       11. \$112,556,000 from the miscellaneous special revenue fund, state  
22 university revenue offset account (22655).

23       12. \$557,000 from the miscellaneous special revenue fund, state  
24 university of New York tuition reimbursement account (22659).

25       § 22-a. Intentionally Omitted.

26       § 22-b. Intentionally Omitted.

27       § 22-c. Subdivision 1 of section 4 of section 1 of part D3 of chapter 62  
28 of the laws of 2003 amending the general business law and other laws relating  
29 to implementing the state fiscal plan for the 2003-2004 state fiscal year, is  
30 amended to read as follows:

31       1. The state representative, upon the execution of a sale agreement on  
32 behalf of the state may sell to the corporation, and the corporation may  
33 purchase, for cash or other consideration and in one or more installments,  
34 all or a portion of the state's share. Any such agreement shall provide,  
35 among other matters, that the purchase price payable by the corporation to  
36 the state for such state's share or portion thereof shall consist of the net  
37 proceeds of the bonds issued to finance such purchase price and the residual  
38 interests, if any. Notwithstanding section 121 of State Finance Law or any

other law to the contrary tThe residual interests shall be deposited into  
~~[the tobacco settlement fund pursuant to section 92-x of the state finance~~  
~~law, unless otherwise directed by statute]~~ the Medicaid management  
information system (MMIS) statewide escrow fund within thirty days upon the  
availability of such residual interests to fund a portion of the cumulative  
non-federal share of expenses related to the state takeover of the local  
share of Medicaid growth pursuant to part F of chapter 56 of the laws of  
2012. Such deposit shall be in an amount equal to (a) the amount of  
residual interests scheduled for deposit into the MMIS statewide escrow fund  
in the applicable year's enacted budget financial plan as updated or (b) the  
total amount of residual interests available if the total amount of such  
residual interests is less than the total amount of residual interests  
scheduled for deposit into the MMIS statewide escrow fund in the applicable  
year's enacted budget financial plan as updated. At the discretion of the  
state representative, any residual interests which exceed the amount  
scheduled for deposit into the MMIS statewide escrow fund in the applicable  
year's enacted budget financial plan as updated may either be deposited into  
the (i) MMIS statewide escrow fund to fund a portion, as determined by the  
state representative, of the cumulative non-Federal share of expenses related  
to the State takeover of the local share of Medicaid growth, pursuant to part  
F of chapter 56 of the laws of 2012, or (ii) the state general fund;  
provided, however that any residual interest derived from other assets shall  
be applied as directed by statute. Notwithstanding any other law to the  
contrary, the amount used from such deposit to fund a portion of the  
cumulative non-Federal share of expenses related to the State takeover of the  
local share of Medicaid growth shall be paid without appropriation. Any such  
sale shall be pursuant to one or more sale agreements which may contain such  
terms and conditions deemed necessary by the state representative to carry  
out and effectuate the purposes of this section, including covenants binding  
the state in favor of the corporation and its assignees, including the owners  
of its bonds such as covenants with respect to the enforcement at the expense  
of the state of the payment provisions of the master settlement agreement,  
the diligent enforcement at the expense of the state of the qualifying  
statute, the application and use of the proceeds of the sale of the state's  
share to preserve the tax-exemption on the bonds, the interest on which is  
intended to be exempt from federal income tax, issued to finance the purchase  
thereof and otherwise as provided in this act. Notwithstanding the foregoing,  
neither the state representative nor the corporation shall be authorized to  
make any covenant, pledge, promise or agreement purporting to bind the state  
with respect to pledged tobacco revenues, except as otherwise specifically  
authorized by this act.

§ 22-d. Intentionally Omitted.

§ 23. Notwithstanding any other law, rule, or regulation to the contrary,  
the state comptroller is hereby authorized and directed to use any balance  
remaining in the mental health services fund debt service appropriation,  
after payment by the state comptroller of all obligations required pursuant  
to any lease, sublease, or other financing arrangement between the dormitory  
authority of the state of New York as successor to the New York state medical  
care facilities finance agency, and the facilities development corporation  
pursuant to chapter 83 of the laws of 1995 and the department of mental  
hygiene for the purpose of making payments to the dormitory authority of the  
state of New York for the amount of the earnings for the investment of monies  
deposited in the mental health services fund that such agency determines will  
or may have to be rebated to the federal government pursuant to the

provisions of the internal revenue code of 1986, as amended, in order to enable such agency to maintain the exemption from federal income taxation on the interest paid to the holders of such agency's mental services facilities improvement revenue bonds. Annually on or before each June 30th, such agency shall certify to the state comptroller its determination of the amounts received in the mental health services fund as a result of the investment of monies deposited therein that will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended.

§ 24. Subdivision 1 of section 47 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 29 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the office of information technology services, department of law, and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~three~~] four hundred [~~sixty-four~~] fifty million [~~eight~~] five hundred forty thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 25. Subdivision 1 of section 16 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 30 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed seven billion [~~four~~] seven hundred [~~twenty-four~~] forty-one million [~~nine~~] one hundred ninety-nine thousand dollars [~~\$7,424,999,000~~] \$7,741,199,000, and shall include all bonds, notes and other obligations issued pursuant to chapter 56 of the laws of 1983, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the correctional facilities capital improvement fund to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the department of corrections and community supervision from the correctional facilities capital improvement fund for capital projects. The aggregate amount of bonds, notes or other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise

1 repay bonds, notes or other obligations theretofore issued, the proceeds of  
 2 which were paid to the state for all or a portion of the amounts expended by  
 3 the state from appropriations or reappropriations made to the department of  
 4 corrections and community supervision; provided, however, that upon any such  
 5 refunding or repayment the total aggregate principal amount of outstanding  
 6 bonds, notes or other obligations may be greater than seven billion  
 7 [~~four~~ seven hundred [~~twenty-four~~ forty-one million [~~nine~~ one hundred  
 8 ninety-nine thousand dollars [~~\$7,424,999,000~~ \$7,741,199,000, only if the  
 9 present value of the aggregate debt service of the refunding or repayment  
 10 bonds, notes or other obligations to be issued shall not exceed the present  
 11 value of the aggregate debt service of the bonds, notes or other obligations  
 12 so to be refunded or repaid. For the purposes hereof, the present value of  
 13 the aggregate debt service of the refunding or repayment bonds, notes or  
 14 other obligations and of the aggregate debt service of the bonds, notes or  
 15 other obligations so refunded or repaid, shall be calculated by utilizing the  
 16 effective interest rate of the refunding or repayment bonds, notes or other  
 17 obligations, which shall be that rate arrived at by doubling the semi-annual  
 18 interest rate (compounded semi-annually) necessary to discount the debt  
 19 service payments on the refunding or repayment bonds, notes or other  
 20 obligations from the payment dates thereof to the date of issue of the  
 21 refunding or repayment bonds, notes or other obligations and to the price bid  
 22 including estimated accrued interest or proceeds received by the corporation  
 23 including estimated accrued interest from the sale thereof.

24 § 26. Paragraph (a) of subdivision 2 of section 47-e of the private  
 25 housing finance law, as amended by section 31 of part UU of chapter 54 of the  
 26 laws of 2016, is amended to read as follows:

27 (a) Subject to the provisions of chapter fifty-nine of the laws of two  
 28 thousand, in order to enhance and encourage the promotion of housing programs  
 29 and thereby achieve the stated purposes and objectives of such housing  
 30 programs, the agency shall have the power and is hereby authorized from time  
 31 to time to issue negotiable housing program bonds and notes in such principal  
 32 amount as shall be necessary to provide sufficient funds for the repayment of  
 33 amounts disbursed (and not previously reimbursed) pursuant to law or any  
 34 prior year making capital appropriations or reappropriations for the purposes  
 35 of the housing program; provided, however, that the agency may issue such  
 36 bonds and notes in an aggregate principal amount not exceeding  
 37 [~~four~~ five billion [~~six~~ three hundred [~~ninety-seven~~ eighty-four million  
 38 [~~four~~ one hundred [~~seventy-four~~ ninety-nine thousand dollars, plus a  
 39 principal amount of bonds issued to fund the debt service reserve fund in  
 40 accordance with the debt service reserve fund requirement established by the  
 41 agency and to fund any other reserves that the agency reasonably deems  
 42 necessary for the security or marketability of such bonds and to provide for  
 43 the payment of fees and other charges and expenses, including underwriters'  
 44 discount, trustee and rating agency fees, bond insurance, credit enhancement  
 45 and liquidity enhancement related to the issuance of such bonds and notes. No  
 46 reserve fund securing the housing program bonds shall be entitled or eligible  
 47 to receive state funds apportioned or appropriated to maintain or restore  
 48 such reserve fund at or to a particular level, except to the extent of any  
 49 deficiency resulting directly or indirectly from a failure of the state to  
 50 appropriate or pay the agreed amount under any of the contracts provided for  
 51 in subdivision four of this section.

52 § 27. Subdivision (b) of section 11 of chapter 329 of the laws of 1991,  
 53 amending the state finance law and other laws relating to the establishment



1 of the dedicated highway and bridge trust fund, as amended by section 32 of  
2 part UU of chapter 54 of the laws of 2016, is amended to read as follows:

3 (b) Any service contract or contracts for projects authorized pursuant to  
4 sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the  
5 transportation law, and entered into pursuant to subdivision (a) of this  
6 section, shall provide for state commitments to provide annually to the  
7 thruway authority a sum or sums, upon such terms and conditions as shall be  
8 deemed appropriate by the director of the budget, to fund, or fund the debt  
9 service requirements of any bonds or any obligations of the thruway authority  
10 issued to fund or to reimburse the state for funding such projects having a  
11 cost not in excess of [~~\$9,147,234,000~~] \$9,634,586,000 cumulatively by the end  
12 of fiscal year [~~2016-17~~] 2017-18.

13 § 28. Subdivision 1 of section 1689-i of the public authorities law, as  
14 amended by section 33 of part UU of chapter 54 of the laws of 2016, is  
15 amended to read as follows:

16 1. The dormitory authority is authorized to issue bonds, at the request  
17 of the commissioner of education, to finance eligible library construction  
18 projects pursuant to section two hundred seventy-three-a of the education  
19 law, in amounts certified by such commissioner not to exceed a total  
20 principal amount of one hundred [~~fifty-nine~~] seventy-three million dollars.

21 § 29. Subdivision (a) of section 27 of part Y of chapter 61 of the laws  
22 of 2005, relating to providing for the administration of certain funds and  
23 accounts related to the 2005-2006 budget, as amended by section 34 of part UU  
24 of chapter 54 of the laws of 2016, is amended to read as follows:

25 (a) Subject to the provisions of chapter 59 of the laws of 2000, but  
26 notwithstanding any provisions of law to the contrary, the urban development  
27 corporation is hereby authorized to issue bonds or notes in one or more  
28 series in an aggregate principal amount not to exceed  
29 [~~\$167,600,000~~] \$173,600,000, excluding bonds issued to finance one or more  
30 debt service reserve funds, to pay costs of issuance of such bonds, and bonds  
31 or notes issued to refund or otherwise repay such bonds or notes previously  
32 issued, for the purpose of financing capital projects including IT  
33 initiatives for the division of state police, debt service and leases; and to  
34 reimburse the state general fund for disbursements made therefor. Such bonds  
35 and notes of such authorized issuer shall not be a debt of the state, and the  
36 state shall not be liable thereon, nor shall they be payable out of any funds  
37 other than those appropriated by the state to such authorized issuer for debt  
38 service and related expenses pursuant to any service contract executed  
39 pursuant to subdivision (b) of this section and such bonds and notes shall  
40 contain on the face thereof a statement to such effect. Except for purposes  
41 of complying with the internal revenue code, any interest income earned on  
42 bond proceeds shall only be used to pay debt service on such bonds.

43 § 30. Section 44 of section 1 of chapter 174 of the laws of 1968,  
44 constituting the New York state urban development corporation act, as amended  
45 by section 35 of part UU of chapter 54 of the laws of 2016, is amended to  
46 read as follows:

47 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the  
48 provisions of any other law to the contrary, the dormitory authority and the

corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, market New York projects, fairground buildings or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, an LGBT memorial, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, and other state costs associated with such projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~four~~] six billion [~~six~~] five hundred [~~seventy-one~~] thirty-three million [~~seven~~] two hundred fifty-seven thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, market New York projects, fairground buildings or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, an LGBT memorial, water infrastructure in the city of Auburn and town of Owasco,

a life sciences laboratory public health initiative, and other state costs associated with such projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation agree, so as to annually provide to the dormitory authority and the corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the corporation as security for its bonds and notes, as authorized by this section.

§ 31. Subdivisions 1 and 3 of section 1285-p of the public authorities law, subdivision 1 as amended by section 33 of part I of chapter 60 of the laws of 2015 and subdivision 3 as amended by section 36 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

1. Subject to chapter fifty-nine of the laws of two thousand, but notwithstanding any other provisions of law to the contrary, in order to assist the corporation in undertaking the administration and the financing of the design, acquisition, construction, improvement, installation, and related work for all or any portion of any of the following environmental infrastructure projects and for the provision of funds to the state for any amounts disbursed therefor: (a) projects authorized under the environmental protection fund, or for which appropriations are made to the environmental protection fund including, but not limited to municipal parks and historic preservation, stewardship, farmland protection, non-point source, pollution control, Hudson River Park, land acquisition, and waterfront revitalization; (b) department of environmental conservation capital appropriations for Onondaga Lake for certain water quality improvement projects in the same manner as set forth in paragraph (d) of subdivision one of section 56-0303 of the environmental conservation law; (c) for the purpose of the administration, management, maintenance, and use of the real property at the western New York nuclear service center; (d) department of environmental conservation capital appropriations for the administration, design, acquisition, construction, improvement, installation, and related work on department of environmental conservation environmental infrastructure projects; (e) office of parks, recreation and historic preservation appropriations or reappropriations from the state parks infrastructure fund; (f) capital grants for the cleaner, greener communities program ~~and~~; (g) capital costs of water quality infrastructure projects and (h) capital costs of clean water infrastructure projects the director of the division of budget and the corporation are each authorized to enter into one or more service contracts, none of which shall exceed twenty years in duration, upon such terms and conditions as the director and the corporation may agree, so as to annually provide to the corporation in the aggregate, a sum not to exceed the annual debt service payments and related expenses required for any bonds and notes authorized pursuant to section twelve hundred ninety of this title. Any service contract entered into pursuant to this section shall provide that the

obligation of the state to fund or to pay the amounts therein provided for shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of moneys available for such purposes, subject to annual appropriation by the legislature. Any such service contract or any payments made or to be made thereunder may be assigned and pledged by the corporation as security for its bonds and notes, as authorized pursuant to section twelve hundred ninety of this title.

3. The maximum amount of bonds that may be issued for the purpose of financing environmental infrastructure projects authorized by this section shall be [~~two~~] four billion [~~one~~] four hundred [~~eight~~] fifty-one million [~~two~~] seven hundred sixty thousand dollars, exclusive of bonds issued to fund any debt service reserve funds, pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision one of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 32. Subdivision 1 of section 45 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 37 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the urban development corporation of the state of New York is hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the implementation of a NY-SUNY and NY-CUNY 2020 challenge grant program subject to the approval of a NY-SUNY and NY-CUNY 2020 plan or plans by the governor and either the chancellor of the state university of New York or the chancellor of the city university of New York, as applicable. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~\$550,000,000~~] \$660,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 33. Subdivision (a) of section 48 of part K of chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, as amended by section 38 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000 but notwithstanding the provisions of section 18 of the urban development corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed

1 ~~[\$197,000,000]~~ \$250,000,000 excluding bonds issued to fund one or more debt  
 2 service reserve funds, to pay costs of issuance of such bonds, and bonds or  
 3 notes issued to refund or otherwise repay such bonds or notes previously  
 4 issued, for the purpose of financing capital costs related to homeland  
 5 security and training facilities for the division of state police, the  
 6 division of military and naval affairs, and any other state agency, including  
 7 the reimbursement of any disbursements made from the state capital projects  
 8 fund, and is hereby authorized to issue bonds or notes in one or more series  
 9 in an aggregate principal amount not to exceed ~~[\$509,600,000]~~ \$654,800,000,  
 10 excluding bonds issued to fund one or more debt service reserve funds, to pay  
 11 costs of issuance of such bonds, and bonds or notes issued to refund or  
 12 otherwise repay such bonds or notes previously issued, for the purpose of  
 13 financing improvements to State office buildings and other facilities located  
 14 statewide, including the reimbursement of any disbursements made from the  
 15 state capital projects fund. Such bonds and notes of the corporation shall  
 16 not be a debt of the state, and the state shall not be liable thereon, nor  
 17 shall they be payable out of any funds other than those appropriated by the  
 18 state to the corporation for debt service and related expenses pursuant to  
 19 any service contracts executed pursuant to subdivision (b) of this section,  
 20 and such bonds and notes shall contain on the face thereof a statement to  
 21 such effect.

22 § 34. Subdivision 1 of section 386-b of the public authorities law, as  
 23 amended by section 39 of part UU of chapter 54 of the laws of 2016, is  
 24 amended to read as follows:

25 1. Notwithstanding any other provision of law to the contrary, the  
 26 authority, the dormitory authority and the urban development corporation are  
 27 hereby authorized to issue bonds or notes in one or more series for the  
 28 purpose of financing peace bridge projects and capital costs of state and  
 29 local highways, parkways, bridges, the New York state thruway, Indian  
 30 reservation roads, and facilities, and transportation infrastructure projects  
 31 including aviation projects, non-MTA mass transit projects, and rail service  
 32 preservation projects, including work appurtenant and ancillary thereto. The  
 33 aggregate principal amount of bonds authorized to be issued pursuant to this  
 34 section shall not exceed three billion ~~[sixty-five million dollars~~  
 35 ~~\$3,065,000,000]~~ nine hundred fifty-four million dollars \$3,954,000,000,  
 36 excluding bonds issued to fund one or more debt service reserve funds, to pay  
 37 costs of issuance of such bonds, and to refund or otherwise repay such bonds  
 38 or notes previously issued. Such bonds and notes of the authority, the  
 39 dormitory authority and the urban development corporation shall not be a debt  
 40 of the state, and the state shall not be liable thereon, nor shall they be  
 41 payable out of any funds other than those appropriated by the state to the  
 42 authority, the dormitory authority and the urban development corporation for  
 43 principal, interest, and related expenses pursuant to a service contract and  
 44 such bonds and notes shall contain on the face thereof a statement to such  
 45 effect. Except for purposes of complying with the internal revenue code, any  
 46 interest income earned on bond proceeds shall only be used to pay debt  
 47 service on such bonds.

48 § 35. Paragraph (c) of subdivision 19 of section 1680 of the public  
 49 authorities law, as amended by section 40 of part UU of chapter 54 of the  
 50 laws of 2016, is amended to read as follows:

51 (c) Subject to the provisions of chapter fifty-nine of the laws of two  
 52 thousand, the dormitory authority shall not issue any bonds for state

1 university educational facilities purposes if the principal amount of bonds  
 2 to be issued when added to the aggregate principal amount of bonds issued by  
 3 the dormitory authority on and after July first, nineteen hundred eighty-  
 4 eight for state university educational facilities will exceed  
 5 [~~eleven~~] twelve billion [~~six~~] three hundred [~~sixty-three~~] forty-three million  
 6 dollars; provided, however, that bonds issued or to be issued shall be  
 7 excluded from such limitation if: (1) such bonds are issued to refund state  
 8 university construction bonds and state university construction notes  
 9 previously issued by the housing finance agency; or (2) such bonds are issued  
 10 to refund bonds of the authority or other obligations issued for state  
 11 university educational facilities purposes and the present value of the  
 12 aggregate debt service on the refunding bonds does not exceed the present  
 13 value of the aggregate debt service on the bonds refunded thereby; provided,  
 14 further that upon certification by the director of the budget that the  
 15 issuance of refunding bonds or other obligations issued between April first,  
 16 nineteen hundred ninety-two and March thirty-first, nineteen hundred ninety-  
 17 three will generate long term economic benefits to the state, as assessed on  
 18 a present value basis, such issuance will be deemed to have met the present  
 19 value test noted above. For purposes of this subdivision, the present value  
 20 of the aggregate debt service of the refunding bonds and the aggregate debt  
 21 service of the bonds refunded, shall be calculated by utilizing the true  
 22 interest cost of the refunding bonds, which shall be that rate arrived at by  
 23 doubling the semi-annual interest rate (compounded semi-annually) necessary  
 24 to discount the debt service payments on the refunding bonds from the payment  
 25 dates thereof to the date of issue of the refunding bonds to the purchase  
 26 price of the refunding bonds, including interest accrued thereon prior to the  
 27 issuance thereof. The maturity of such bonds, other than bonds issued to  
 28 refund outstanding bonds, shall not exceed the weighted average economic  
 29 life, as certified by the state university construction fund, of the  
 30 facilities in connection with which the bonds are issued, and in any case not  
 31 later than the earlier of thirty years or the expiration of the term of any  
 32 lease, sublease or other agreement relating thereto; provided that no note,  
 33 including renewals thereof, shall mature later than five years after the date  
 34 of issuance of such note. The legislature reserves the right to amend or  
 35 repeal such limit, and the state of New York, the dormitory authority, the  
 36 state university of New York, and the state university construction fund are  
 37 prohibited from covenanting or making any other agreements with or for the  
 38 benefit of bondholders which might in any way affect such right.

39 § 36. Paragraph (c) of subdivision 14 of section 1680 of the public  
 40 authorities law, as amended by section 41 of part UU of chapter 54 of the  
 41 laws of 2016, is amended to read as follows:

42 (c) Subject to the provisions of chapter fifty-nine of the laws of two  
 43 thousand, (i) the dormitory authority shall not deliver a series of bonds for  
 44 city university community college facilities, except to refund or to be  
 45 substituted for or in lieu of other bonds in relation to city university  
 46 community college facilities pursuant to a resolution of the dormitory  
 47 authority adopted before July first, nineteen hundred eighty-five or any  
 48 resolution supplemental thereto, if the principal amount of bonds so to be  
 49 issued when added to all principal amounts of bonds previously issued by the  
 50 dormitory authority for city university community college facilities, except  
 51 to refund or to be substituted in lieu of other bonds in relation to city  
 52 university community college facilities will exceed the sum of four hundred  
 53 twenty-five million dollars and (ii) the dormitory authority shall not  
 54 deliver a series of bonds issued for city university facilities, including

community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so to be issued when added to the principal amount of bonds previously issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to city university facilities, will exceed seven billion [~~five~~ nine hundred [~~eighty-eight~~ eighty-one million [~~four~~ nine hundred [~~eleven~~ sixty-eight thousand dollars. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 37. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 42 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

10-a. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provision of the law to the contrary, the maximum amount of bonds and notes to be issued after March thirty-first, two thousand two, on behalf of the state, in relation to any locally sponsored community college, shall be [~~eight~~ nine hundred [~~sixty-one~~ fourteen million [~~four~~ five hundred [~~fifty-four~~ ninety thousand dollars. Such amount shall be exclusive of bonds and notes issued to fund any reserve fund or funds, costs of issuance and to refund any outstanding bonds and notes, issued on behalf of the state, relating to a locally sponsored community college.

§ 38. Subdivision 1 of section 17 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 43 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed six hundred [~~forty-seven~~ eighty-two million [~~sixty-five~~ nine hundred fifteen thousand dollars [~~(\$647,065,000)~~ (\$682,915,000), which authorization increases the aggregate principal amount of bonds, notes and other obligations authorized by section 40 of chapter 309 of the laws of 1996, and shall include all bonds, notes and other obligations issued pursuant to chapter 211 of the laws of 1990, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the youth facilities improvement fund, to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the office of children and family services from the youth facilities improvement fund for capital projects. The aggregate amount of bonds, notes and other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from

1 appropriations or reappropriations made to the office of children and family  
 2 services; provided, however, that upon any such refunding or repayment the  
 3 total aggregate principal amount of outstanding bonds, notes or other  
 4 obligations may be greater than six hundred [~~forty-seven~~] eighty-two million  
 5 [~~sixty-five~~] nine hundred fifteen thousand dollars  
 6 [~~(\$647,065,000)~~] (\$682,915,000), only if the present value of the aggregate  
 7 debt service of the refunding or repayment bonds, notes or other obligations  
 8 to be issued shall not exceed the present value of the aggregate debt service  
 9 of the bonds, notes or other obligations so to be refunded or repaid. For the  
 10 purposes hereof, the present value of the aggregate debt service of the  
 11 refunding or repayment bonds, notes or other obligations and of the aggregate  
 12 debt service of the bonds, notes or other obligations so refunded or repaid,  
 13 shall be calculated by utilizing the effective interest rate of the refunding  
 14 or repayment bonds, notes or other obligations, which shall be that rate  
 15 arrived at by doubling the semi-annual interest rate (compounded semi-  
 16 annually) necessary to discount the debt service payments on the refunding or  
 17 repayment bonds, notes or other obligations from the payment dates thereof to  
 18 the date of issue of the refunding or repayment bonds, notes or other  
 19 obligations and to the price bid including estimated accrued interest or  
 20 proceeds received by the corporation including estimated accrued interest  
 21 from the sale thereof.

22 § 39. Paragraph b of subdivision 2 of section 9-a of section 1 of chapter  
 23 392 of the laws of 1973, constituting the New York state medical care  
 24 facilities finance agency act, as amended by section 44 of part UU of chapter  
 25 54 of the laws of 2016, is amended to read as follows:

26 b. The agency shall have power and is hereby authorized from time to time  
 27 to issue negotiable bonds and notes in conformity with applicable provisions  
 28 of the uniform commercial code in such principal amount as, in the opinion of  
 29 the agency, shall be necessary, after taking into account other moneys which  
 30 may be available for the purpose, to provide sufficient funds to the  
 31 facilities development corporation, or any successor agency, for the  
 32 financing or refinancing of or for the design, construction, acquisition,  
 33 reconstruction, rehabilitation or improvement of mental health services  
 34 facilities pursuant to paragraph a of this subdivision, the payment of  
 35 interest on mental health services improvement bonds and mental health  
 36 services improvement notes issued for such purposes, the establishment of  
 37 reserves to secure such bonds and notes, the cost or premium of bond  
 38 insurance or the costs of any financial mechanisms which may be used to  
 39 reduce the debt service that would be payable by the agency on its mental  
 40 health services facilities improvement bonds and notes and all other  
 41 expenditures of the agency incident to and necessary or convenient to  
 42 providing the facilities development corporation, or any successor agency,  
 43 with funds for the financing or refinancing of or for any such design,  
 44 construction, acquisition, reconstruction, rehabilitation or improvement and  
 45 for the refunding of mental hygiene improvement bonds issued pursuant to  
 46 section 47-b of the private housing finance law; provided, however, that the  
 47 agency shall not issue mental health services facilities improvement bonds  
 48 and mental health services facilities improvement notes in an aggregate  
 49 principal amount exceeding eight billion [~~twenty-one~~] three hundred seventy-  
 50 two million eight hundred fifteen thousand dollars, excluding mental health  
 51 services facilities improvement bonds and mental health services facilities  
 52 improvement notes issued to refund outstanding mental health services  
 53 facilities improvement bonds and mental health services facilities  
 54 improvement notes; provided, however, that upon any such refunding or



1 repayment of mental health services facilities improvement bonds and/or  
 2 mental health services facilities improvement notes the total aggregate  
 3 principal amount of outstanding mental health services facilities improvement  
 4 bonds and mental health facilities improvement notes may be greater than  
 5 eight billion [~~twenty-one~~] three hundred seventy-two million eight hundred  
 6 fifteen thousand dollars only if, except as hereinafter provided with respect  
 7 to mental health services facilities bonds and mental health services  
 8 facilities notes issued to refund mental hygiene improvement bonds authorized  
 9 to be issued pursuant to the provisions of section 47-b of the private  
 10 housing finance law, the present value of the aggregate debt service of the  
 11 refunding or repayment bonds to be issued shall not exceed the present value  
 12 of the aggregate debt service of the bonds to be refunded or repaid. For  
 13 purposes hereof, the present values of the aggregate debt service of the  
 14 refunding or repayment bonds, notes or other obligations and of the aggregate  
 15 debt service of the bonds, notes or other obligations so refunded or repaid,  
 16 shall be calculated by utilizing the effective interest rate of the refunding  
 17 or repayment bonds, notes or other obligations, which shall be that rate  
 18 arrived at by doubling the semi-annual interest rate (compounded semi-  
 19 annually) necessary to discount the debt service payments on the refunding or  
 20 repayment bonds, notes or other obligations from the payment dates thereof to  
 21 the date of issue of the refunding or repayment bonds, notes or other  
 22 obligations and to the price bid including estimated accrued interest or  
 23 proceeds received by the authority including estimated accrued interest from  
 24 the sale thereof. Such bonds, other than bonds issued to refund outstanding  
 25 bonds, shall be scheduled to mature over a term not to exceed the average  
 26 useful life, as certified by the facilities development corporation, of the  
 27 projects for which the bonds are issued, and in any case shall not exceed  
 28 thirty years and the maximum maturity of notes or any renewals thereof shall  
 29 not exceed five years from the date of the original issue of such notes.  
 30 Notwithstanding the provisions of this section, the agency shall have the  
 31 power and is hereby authorized to issue mental health services facilities  
 32 improvement bonds and/or mental health services facilities improvement notes  
 33 to refund outstanding mental hygiene improvement bonds authorized to be  
 34 issued pursuant to the provisions of section 47-b of the private housing  
 35 finance law and the amount of bonds issued or outstanding for such purposes  
 36 shall not be included for purposes of determining the amount of bonds issued  
 37 pursuant to this section. The director of the budget shall allocate the  
 38 aggregate principal authorized to be issued by the agency among the office of  
 39 mental health, office for people with developmental disabilities, and the  
 40 office of alcoholism and substance abuse services, in consultation with their  
 41 respective commissioners to finance bondable appropriations previously  
 42 approved by the legislature.

43 § 40. Paragraph (b) of subdivision 3 and clause (B) of subparagraph (iii)  
 44 of paragraph (j) of subdivision 4 of section 1 of part D of chapter 63 of the  
 45 laws of 2005, relating to the composition and responsibilities of the New  
 46 York state higher education capital matching grant board, as amended by  
 47 section 45 of part UU of chapter 54 of the laws of 2016, are amended to read  
 48 as follows:

49 (b) Within amounts appropriated therefor, the board is hereby authorized  
 50 and directed to award matching capital grants totaling [~~240~~] 270 million  
 51 dollars. Each college shall be eligible for a grant award amount as  
 52 determined by the calculations pursuant to subdivision five of this section.  
 53 In addition, such colleges shall be eligible to compete for additional funds  
 54 pursuant to paragraph (h) of subdivision four of this section.

(B) The dormitory authority shall not issue any bonds or notes in an amount in excess of [~~240~~] 270 million dollars for the purposes of this section; excluding bonds or notes issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Except for purposes of complying with the internal revenue code, any interest on bond proceeds shall only be used to pay debt service on such bonds.

§ 41. Section 1680-r of the public authorities law, as amended by section 40 of part I of chapter 60 of the laws of 2015, subdivision 1 as amended by section 48 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

§ 1680-r. Authorization for the issuance of bonds for the capital restructuring financing program [~~and~~], the health care facility transformation [~~program~~] programs, and the essential health care provider program. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the capital restructuring financing program for health care and related facilities licensed pursuant to the public health law or the mental hygiene law and other state costs associated with such capital projects [~~and~~], the health care facility transformation [~~program~~] programs, and the essential health care provider program. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed two billion [~~four~~] seven hundred million dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the urban development corporation in undertaking the financing for project costs for the capital restructuring financing program for health care and related facilities licensed pursuant to the public health law or the mental hygiene law and other state costs associated with such capital projects [~~and~~], the health care facility transformation [~~program~~] programs, and the essential health care provider program, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the urban development corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the urban development corporation agree, so as to annually provide to the dormitory authority and the urban development corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state

1 within the meaning of any constitutional or statutory provision and shall be  
 2 deemed executory only to the extent of monies available and that no liability  
 3 shall be incurred by the state beyond the monies available for such purpose,  
 4 subject to annual appropriation by the legislature. Any such contract or any  
 5 payments made or to be made thereunder may be assigned and pledged by the  
 6 dormitory authority and the urban development corporation as security for its  
 7 bonds and notes, as authorized by this section.

8 § 42. Section 50 of section 1 of chapter 174 of the laws of 1968  
 9 constituting the New York state urban development corporation act, as added  
 10 by section 46-b of part I of chapter 55 of the laws of 2014, is amended to  
 11 read as follows:

12 § 50. 1. Notwithstanding the provisions of any other law to the contrary,  
 13 the dormitory authority and the urban development corporation are hereby  
 14 authorized to issue bonds or notes in one or more series for the purpose of  
 15 funding project costs undertaken by or on behalf of special act school  
 16 districts, state-supported schools for the blind and deaf [~~and~~], approved  
 17 private special education schools, non-public schools and other state costs  
 18 associated with such capital projects. The aggregate principal amount of  
 19 bonds authorized to be issued pursuant to this section shall not exceed  
 20 [~~five~~] thirty million dollars, excluding bonds issued to fund one or more  
 21 debt service reserve funds, to pay costs of issuance of such bonds, and bonds  
 22 or notes issued to refund or otherwise repay such bonds or notes previously  
 23 issued. Such bonds and notes of the dormitory authority and the urban  
 24 development corporation shall not be a debt of the state, and the state shall  
 25 not be liable thereon, nor shall they be payable out of any funds other than  
 26 those appropriated by the state to the dormitory authority and the urban  
 27 development corporation for principal, interest, and related expenses  
 28 pursuant to a service contract and such bonds and notes shall contain on the  
 29 face thereof a statement to such effect. Except for purposes of complying  
 30 with the internal revenue code, any interest income earned on bond proceeds  
 31 shall only be used to pay debt service on such bonds.

32 2. Notwithstanding any other provision of law to the contrary, in order  
 33 to assist the dormitory authority and the urban development corporation in  
 34 undertaking the financing for project costs undertaken by or on behalf of  
 35 special act school districts, state-supported schools for the blind and deaf  
 36 and approved private special education schools, non-public schools, and other  
 37 state costs associated with such capital projects, the director of the budget  
 38 is hereby authorized to enter into one or more service contracts with the  
 39 dormitory authority and the urban development corporation, none of which  
 40 shall exceed thirty years in duration, upon such terms and conditions as the  
 41 director of the budget and the dormitory authority and the urban development  
 42 corporation agree, so as to annually provide to the dormitory authority and  
 43 the urban development corporation, in the aggregate, a sum not to exceed the  
 44 principal, interest, and related expenses required for such bonds and notes.  
 45 Any service contract entered into pursuant to this section shall provide that  
 46 the obligation of the state to pay the amount therein provided shall not  
 47 constitute a debt of the state within the meaning of any constitutional or  
 48 statutory provision and shall be deemed executory only to the extent of  
 49 monies available and that no liability shall be incurred by the state beyond  
 50 the monies available for such purpose, subject to annual appropriation by the  
 51 legislature. Any such contract or any payments made or to be made thereunder  
 52 may be assigned and pledged by the dormitory authority and the urban

development corporation as security for its bonds and notes, as authorized by this section.

~~[3. Subdivisions 1 and 2 of this section shall take effect only in the event that a chapter of the laws of 2014, enacting the "smart schools bond act of 2014", is submitted to the people at the general election to be held in November 2014 and is approved by a majority of all votes cast for and against it at such election. Upon such approval, subdivisions 1 and 2 of this section shall take effect immediately. If such approval is not obtained, subdivisions 1 and 2 of this section shall expire and be deemed repealed.]~~

§ 43. Paragraph (b) of subdivision 4 of section 72 of the state finance law, as amended by section 27 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

(b) On or before the beginning of each quarter, the director of the budget may certify to the state comptroller the estimated amount of monies that shall be reserved in the general debt service fund for the payment of debt service and related expenses payable by such fund during each month of the state fiscal year, excluding payments due from the revenue bond tax fund. Such certificate may be periodically updated, as necessary. Notwithstanding any provision of law to the contrary, the state comptroller shall reserve in the general debt service fund the amount of monies identified on such certificate as necessary for the payment of debt service and related expenses during the current or next succeeding quarter of the state fiscal year. Such monies reserved shall not be available for any other purpose. Such certificate shall be reported to the chairpersons of the Senate Finance Committee and the Assembly Ways and Means Committee. ~~[The provisions of this paragraph shall expire June thirtieth, two thousand seventeen.]~~

§ 44. Intentionally Omitted

§ 45. Intentionally Omitted

§ 46. Intentionally Omitted

§ 47. Intentionally Omitted

§ 48. Paragraphs (a) and (g) of subdivision 2 of section 56 of the state finance law, as amended by chapter 11 of the laws of 1994, are amended to read as follows:

(a) Refunding bonds shall be issued only when the comptroller shall have certified that, as a result of the refunding, there will be a debt service savings to the state on a present value basis as a result of the refunding transaction and that either (i) the refunding will benefit state taxpayers over the life of the refunding bonds by achieving an actual debt service savings each year or state fiscal year during the term to maturity of the refunding bonds when debt service on the refunding bonds is expected to be paid from legislative appropriations or (ii) debt service on the refunding bonds shall be payable in annual installments of principal and interest which result in substantially level or declining debt service payments pursuant to paragraph (b) of subdivision two of section fifty-seven of this

1 ~~[chapter]~~ article. Such certification by the comptroller shall be conclusive  
2 as to matters contained therein after the refunding bonds have been issued.

3 (g) Any refunding bonds issued pursuant to this section shall be paid in  
4 annual installments which shall, so long as any refunding bonds are  
5 outstanding, be made in each year or state fiscal year in which installments  
6 were due on the bonds to be refunded and shall be in an amount which shall  
7 result in annual debt service payments which shall be less in each year or  
8 state fiscal year than the annual debt service payments on the bonds to be  
9 refunded unless debt service on the refunding bonds is payable in annual  
10 installments of principal and interest which will result in substantially  
11 level or declining debt service payments pursuant to paragraph (b) of  
12 subdivision two of section fifty-seven of this ~~[chapter]~~ article.

13 § 49. Subdivisions 1, 2 and 6 of section 57 of the state finance law, as  
14 amended by chapter 11 of the laws of 1994, are amended to read as follows:

15 1. Whenever the legislature, after authorization of a bond issue by the  
16 people at a general election, as provided by section eleven of article seven  
17 of the state constitution, or as provided by section three of article  
18 eighteen of the state constitution, shall have authorized, by one or more  
19 laws, the creation of a state debt or debts, bonds of the state, to the  
20 amount of the debt or debts so authorized, shall be issued and sold by the  
21 state comptroller. Any appropriation from the proceeds of the sale of bonds,  
22 pursuant to this section, shall be deemed to be an authorization for the  
23 creation of a state debt or debts to the extent of such appropriation. The  
24 state comptroller may issue and sell a single series of bonds pursuant to one  
25 or more such authorizations and for one or more duly authorized works or  
26 purposes. As part of the proceedings for each such issuance and sale of  
27 bonds, the state comptroller shall designate the works or purposes for which  
28 they are issued. It shall not be necessary for him to designate the works or  
29 purposes for which the bonds are issued on the face of the bonds. The  
30 proceeds from the sale of bonds for more than one work or purpose shall be  
31 separately accounted for according to the works or purposes designated for  
32 such sale by the comptroller and the proceeds received for each work or  
33 purpose shall be expended only for such work or purpose. The bonds shall bear  
34 interest at such rate or rates as in the judgment of the state comptroller  
35 may be sufficient or necessary to effect a sale of the bonds, and such  
36 interest shall be payable at least semi-annually, in the case of bonds with a  
37 fixed interest rate, and at least annually, in the case of bonds with an  
38 interest rate that varies periodically, in the city of New York unless annual  
39 payments of principal and interest result in substantially level or declining  
40 debt service payments over the life of an issue of bonds pursuant to  
41 paragraph (b) of subdivision two of this section or unless accrued interest  
42 is contributed to a sinking fund in accordance with subdivision three of  
43 section twelve of article seven of the state constitution, in which case  
44 interest shall be paid at such times and at such places as shall be  
45 determined by the state comptroller prior to issuance of the bonds.

46 2. Such bonds, or the portion thereof at any time issued, shall be made  
47 payable (a) in equal annual principal installments or (b) in annual  
48 installments of principal and interest which result in substantially level or  
49 declining debt service payments, over the life of the bonds, the first of  
50 which annual installments shall be payable not more than one year from the  
51 date of issue and the last of which shall be payable at such time as the  
52 comptroller may determine but not more than forty years or state fiscal

years after the date of issue, not more than fifty years after the date of  
issue in the case of housing bonds, and not more than twenty-five years in  
the case of urban renewal bonds. Where bonds are payable pursuant to  
 paragraph (b) of this subdivision, except for the year or state fiscal  
year of initial issuance if less than a full year of debt service is to  
 become due in that year or state fiscal year, either (i) the greatest  
 aggregate amount of debt service payable in any year or state fiscal year  
 shall not differ from the lowest aggregate amount of debt service payable in  
 any other year or state fiscal year by more than five percent or (ii) the  
 aggregate amount of debt service in each year or state fiscal year shall be  
 less than the aggregate amount of debt service in the immediately  
 preceding year or state fiscal year. For purposes of this subdivision, debt  
 service shall include all principal, redemption price, sinking fund  
 installments or contributions, and interest scheduled to become due. For  
 purposes of determining whether debt service is level or declining on bonds  
 issued with a variable rate of interest pursuant to paragraph b of  
 subdivision four of this section, the comptroller shall assume a market rate  
 of interest as of the date of issuance. Where the comptroller determines that  
 interest on any bonds shall be compounded and payable at maturity, such bonds  
 shall be payable only in accordance with paragraph (b) of this subdivision  
 unless accrued interest is contributed to a sinking fund in accordance with  
 subdivision three of section twelve of article seven of the state  
 constitution. In no case shall any bonds or portion thereof be issued for a  
 period longer than the probable life of the work or purpose, or part thereof,  
 to which the proceeds of the bonds are to be applied, or in the alternative,  
 the weighted average period of the probable life of the works or purposes to  
 which the proceeds of the bonds are to be applied taking into consideration  
 the respective amounts of bonds issued for each work or purpose, as may be  
 determined under section sixty-one of this [~~chapter~~] article and in  
 accordance with the certificate of the commissioner of general services,  
 and/or the commissioner of transportation, state architect, state  
commissioner of housing and urban renewal, or other authority, as the case  
 may be, having charge by law of the acquisition, construction, work or  
 improvement for which the debt was authorized. Such certificate shall be  
 filed in the office of the state comptroller and shall state the group, or,  
 where the probable lives of two or more separable parts of the work or  
 purposes are different, the groups, specified in such section, for which the  
 amount or amounts, shall be provided by the issuance and sale of bonds.  
 Weighted average period of probable life shall be determined by computing the  
 sum of the products derived from multiplying the dollar value of the portion  
 of the debt contracted for each work or purpose (or class of works or  
 purposes) by the probable life of such work or purpose (or class of works or  
 purposes) and dividing the resulting sum by the dollar value of the entire  
 debt after taking into consideration any original issue discount. Any costs  
 of issuance financed with bond proceeds shall be prorated among the various  
 works or purposes. Such bonds, or the portion thereof at any time sold, shall  
 be of such denominations, subject to the foregoing provisions, as the state  
 comptroller may determine. Notwithstanding the foregoing provisions of this  
 subdivision, the comptroller may issue all or a portion of such bonds as  
 serial debt, term debt or a combination thereof, maturing as required by this  
 subdivision, provided that the comptroller shall have provided for the  
 retirement each year or state fiscal year, or otherwise have provided for the  
 payment of, through sinking fund installment payments or otherwise, a portion  
 of such term bonds in an amount meeting the requirements of paragraph (a) or  
 (b) of this subdivision or shall have established a sinking fund and provided  
 for contributions thereto as provided in subdivision eight of this section  
 and section twelve of article seven of the state constitution.

6. Except with respect to bonds issued in the manner provided in paragraph (c) of subdivision seven of this section, all bonds of the state of New York which the comptroller of the state of New York is authorized to issue and sell, shall be executed in the name of the state of New York by the manual or facsimile signature of the state comptroller and his seal (or a facsimile thereof) shall be thereunto affixed, imprinted, engraved or otherwise reproduced. In case the state comptroller who shall have signed and sealed any of the bonds shall cease to hold the office of state comptroller before the bonds so signed and sealed shall have been actually countersigned and delivered by the fiscal agent or trustee, such bonds may, nevertheless, be countersigned and delivered as herein provided, and may be issued as if the state comptroller who signed and sealed such bonds had not ceased to hold such office. Any bond of a series may be signed and sealed on behalf of the state of New York by such person as at the actual time of the execution of such bond shall hold the office of comptroller of the state of New York, although at the date of the bonds of such series such person may not have held such office. The coupons to be attached to the coupon bonds of each series shall be signed by the facsimile signature of the state comptroller of the state of New York or by any person who shall have held the office of state comptroller of the state of New York on or after the date of the bonds of such series, notwithstanding that such person may not have been such state comptroller at the date of any such bond or may have ceased to be such state comptroller at the date when any such bond shall be actually countersigned and delivered. The bonds of each series shall be countersigned with the manual signature of an authorized employee of the fiscal agent or trustee of the state of New York. No bond and no coupon thereunto appertaining shall be valid or obligatory for any purpose until such manual countersignature of an authorized employee of the fiscal agent or trustee of the state of New York shall have been duly affixed to such bond.

§ 50. Sections 58, 59 and 60 of the state finance law are REPEALED.

§ 51. Section 62 of the state finance law, as amended by chapter 219 of the laws of 1999, is amended to read as follows:

§ 62. Replacement of lost certificates. The comptroller, who may act through his duly authorized fiscal agent or trustee appointed pursuant to section sixty-five of this article, may issue to the lawful owner of any certificate or bond issued by him in behalf of this state, which he or such duly authorized fiscal agent or trustee is satisfied, by due proof filed in his office or with such duly authorized fiscal agent or trustee, has been lost or casually destroyed, a new certificate or bond, corresponding in date, number and amount with the certificate or bond so lost or destroyed, and expressing on its face that it is a renewed certificate or bond. No such renewed certificate or bond shall be issued unless sufficient security is given to satisfy the lawful claim of any person to the original certificate or bond, or to any interest therein. The comptroller shall report annually to the legislature the number and amount of all renewed certificates or bonds so issued. If the renewed certificate is issued by the state's duly authorized fiscal agent or trustee and such agent or trustee agrees to be responsible for any loss suffered as a result of unauthorized payment, the security shall be provided to and approved by the fiscal agent or trustee and no additional approval by the comptroller or the attorney general shall be required.

§ 52. Section 65 of the state finance law, as amended by chapter 459 of the laws of 1948, subdivision 1 as amended by chapter 219 of the laws of 1999, is amended to read as follows:

§ 65. Appointment of fiscal agent or trustee; powers and duties. 1. Notwithstanding any other provisions of this chapter, the comptroller, on behalf of the state, may contract from time to time for a period or periods not exceeding ten years each, except in the case of a bank or trust company agreeing to act as issuing, paying and/or tender agent with respect to a particular issue of variable interest rate bonds in which case the comptroller, on behalf of the state, may contract for a period not to exceed the term of such particular issue of bonds, with one or more banks or trust companies located in the city of New York, to act as fiscal agent, trustee, or agents of the state, and for the maintenance of an office for the registration, conversion, reconversion and transfer of the bonds and notes of the state, including the preparation and substitution of new bonds and notes, for the payment of the principal thereof and interest thereon, [~~and~~] for related services, and to otherwise effectuate the powers and duties of a fiscal agent or trustee on behalf of the state in all such respects as may be determined by the comptroller for such bonds and notes, and for the payment by the state of such compensation therefor as the comptroller may determine. Any such fiscal agent or trustee may, where authorized pursuant to the terms of its contract, accept delivery of obligations purchased by the state and of securities deposited with the state pursuant to sections one hundred five and one hundred six of this chapter and hold the same in safekeeping, make delivery to purchasers of obligations sold by the state, and accept deposit of such proceeds of sale without securing the same. Any such contract may also provide that such fiscal agent or trustee may, upon the written instruction of the comptroller, deposit any obligations or securities which it receives pursuant to such contract, in an account with a federal reserve bank, to be held in such account in the form of entries on the books of the federal reserve bank, and to be transferred in the event of any assignment, sale, redemption, maturity or other disposition of such obligations or securities, by entries on the books of the federal reserve bank. Any such bank or trust company shall be responsible to the people of this state for the faithful and safe conduct of the business of said office, for the fidelity and integrity of its officers and agents employed in such office, and for all loss or damage which may result from any failure to discharge their duties, and for any improper and incorrect discharge of those duties, and shall save the state free and harmless from any and all loss or damage occasioned by or incurred in the performance of such services. Any such contract may be terminated by the comptroller at any time. In the event of any change in any office maintained pursuant to any such contract, the comptroller shall give public notice thereof in such form as he may determine appropriate.

2. The comptroller shall prescribe rules and regulations for the registration, conversion, reconversion and transfer of the bonds and notes of the state, including the preparation and substitution of new bonds, for the payment of the principal thereof and interest thereon, and for other authorized services to be performed by such fiscal agent or trustee. Such rules and regulations, and all amendments thereof, shall be prepared in duplicate, one copy of which shall be filed in the office of the department of audit and control and the other in the office of the department of state. A copy thereof may be filed as a public record in such other offices as the comptroller may determine. Such rules and regulations shall be obligatory on



all persons having any interests in bonds and notes of the state heretofore or hereafter issued.

§ 53. Intentionally Omitted.

§ 54. Subdivision 2 of section 365 of the public authorities law, as separately amended by sections 349 and 381 of chapter 190 of the laws of 1990, is amended to read as follows:

2. The notes and bonds shall be authorized by resolution of the board, shall bear such date or dates and mature at such time or times, in the case of notes and any renewals thereof within five years after their respective dates and in the case of bonds not exceeding forty years from their respective dates, as such resolution or resolutions may provide. The notes and bonds shall bear interest at such rate or rates, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption as such resolution or resolutions may provide. Bonds and notes shall be sold by the authority, at public or private sale, at such price or prices as the authority may determine. Bonds and notes of the authority shall not be sold by the authority at private sale unless such sale and the terms thereof have been approved in writing by the comptroller, where such sale is not to the comptroller, or by the director of the budget, where such sale is to the comptroller. ~~[Bonds and notes sold at public sale shall be sold by the comptroller, as agent of the authority, in such manner as the authority, with the approval of the comptroller, shall determine.]~~

§ 55. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017; provided, however, that the provisions of sections one, two, three, four, five, six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, and twenty-two of this act shall expire March 31, 2018 when upon such date the provisions of such sections shall be deemed repealed.

#### SUBPART B

Section 1. Subdivision 5 of section 227 of the vehicle and traffic law, as amended by section 3 of part CC of chapter 58 of the laws of 2015, is amended to read as follows:

5. All penalties and forfeited security collected pursuant to the provisions of this article shall be paid to the department of audit and control to the credit of the justice court fund and shall be subject to the applicable provisions of section eighteen hundred three of this chapter. After such audit as shall reasonably be required by the comptroller, such penalties and forfeited security shall be paid quarterly or, in the discretion of the comptroller, monthly, to the appropriate jurisdiction in which the violation occurred in accordance with the provisions of section ninety-nine-a of the state finance law, except that the sum of four dollars for each violation occurring in such jurisdiction for which a complaint has been filed with the administrative tribunal established pursuant to this article shall be retained by the state. Notwithstanding any law to the contrary an additional annual sum of three million dollars collected from fines and assessed to the city of New York, shall be deposited into the

1 general fund in accordance with the provisions of section ninety-nine-a of  
 2 the state finance law. The amount distributed during the first three quarters  
 3 to the city of Rochester in any given fiscal year shall not exceed seventy  
 4 percent of the amount which will be otherwise payable. Provided, however,  
 5 that if the full costs of administering this article shall exceed the amounts  
 6 received and retained by the state for any period specified by the  
 7 commissioner, then such additional sums as shall be required to offset such  
 8 costs shall be retained by the state out of the penalties and forfeited  
 9 security collected pursuant to this article.

10 § 2. Paragraph c of subdivision 1 of section 1803 of the vehicle and  
 11 traffic law, as amended by chapter 385 of the laws of 1999, is amended to  
 12 read as follows:

13 c. for compliance with or violations of subdivision nineteen of section  
 14 three hundred eighty-five of this chapter, notwithstanding any inconsistent  
 15 provision of law, except as provided in section ninety of the state finance  
 16 law, the fees and fines collected by the state pursuant to sections two  
 17 hundred twenty-seven, three hundred eighty-five and eighteen hundred three of  
 18 this chapter and section ninety-nine-a of the state finance law, shall be  
 19 made available to the state comptroller for deposit in the general fund  
 20 except that fines collected within a city not wholly included within one  
 21 county shall be paid to such city in accordance with the procedures set forth  
 22 in subdivision four of section two hundred twenty-seven of this chapter for  
 23 deposit into the general fund of such city, and except that an annual amount  
 24 of three million dollars of fines collected within the city of New York  
 25 pursuant to article two-A of this chapter be deposited by the comptroller to  
 26 the general fund.

27 § 3. Subdivision 3 of section 99-a of the state finance law, as amended  
 28 by section 10 of part CC of chapter 58 of the laws of 2015, is amended to  
 29 read as follows:

30 3. The comptroller is hereby authorized to implement alternative  
 31 procedures, including guidelines in conjunction therewith, relating to the  
 32 remittance of fines, penalties, forfeitures and other moneys by town and  
 33 village justice courts, and by the Nassau and Suffolk counties traffic and  
 34 parking violations agencies, and by the city of Buffalo traffic violations  
 35 agency, and by the city of New York pursuant to article two-A of the vehicle  
 36 and traffic law, to the justice court fund and for the distribution of such  
 37 moneys by the justice court fund. Notwithstanding any law to the contrary,  
 38 the alternative procedures utilized may include:

39 a. electronic funds transfer;

40 b. remittance of funds by the justice court to the chief fiscal office of  
 41 the town or village, or, in the case of the Nassau and Suffolk counties  
 42 traffic and parking violations agencies, to the county treasurer, or, in the  
 43 case of the Buffalo traffic violations agency, to the city of Buffalo  
 44 comptroller, for distribution in accordance with instructions by the  
 45 comptroller or, in the case of the city of New York, pursuant to article two-  
 46 A of the vehicle and traffic law to the city comptroller; and/or

47 c. monthly, rather than quarterly, distribution of funds.

1 The comptroller may require such reporting and record keeping as he or  
 2 she deems necessary to ensure the proper distribution of moneys in accordance  
 3 with applicable laws. A justice court or the Nassau and Suffolk counties  
 4 traffic and parking violations agencies or the city of Buffalo traffic  
 5 violations agency or the city of New York pursuant to article two-A of the  
 6 vehicle and traffic law may utilize these procedures only when permitted by  
 7 the comptroller, and such permission, once given, may subsequently be  
 8 withdrawn by the comptroller on due notice.

9 § 4. This act shall take effect immediately; and shall expire and be  
 10 deemed repealed April 1, 2019.

11  
 12  
 13 § 2. Severability clause. If any clause, sentence, paragraph,  
 14 subdivision, section, part or subpart of this act shall be adjudged by any  
 15 court of competent jurisdiction to be invalid, such judgment shall not  
 16 affect, impair, or invalidate the remainder thereof, but shall be confined in  
 17 its operation to the clause, sentence, paragraph, subdivision, section, part  
 18 or subpart thereof directly involved in the controversy in which such  
 19 judgment shall have been rendered. It is hereby declared to be the intent of  
 20 the legislature that this act would have been enacted even if such invalid  
 21 provisions had not been included herein.

22 § 3. This act shall take effect immediately provided, however, that the  
 23 applicable effective date of Subparts A through B of this act shall be as  
 24 specifically set forth in the last section of such Subparts.

## 25 26 PART C

27 Section 1. This act enacts into law major components of legislation  
 28 which are necessary to implement the state transportation, economic  
 29 development and environmental conservation budget for the 2017-2018 state  
 30 fiscal year. Each component is wholly contained within a Subpart identified  
 31 as Subparts A through E. The effective date for each particular provision  
 32 contained within such Subpart is set forth in the last section of such  
 33 Subpart. Any provision in any section contained within a Subpart, including  
 34 the effective date of the Subpart, which makes a reference to a section "of  
 35 this act", when used in connection with that particular component, shall be  
 36 deemed to mean and refer to the corresponding section of the Subpart in which  
 37 it is found. Section three of this act sets forth the general effective date  
 38 of this act.

## 39 SUBPART A

40 Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003  
 41 amending the vehicle and traffic law and other laws relating to increasing  
 42 certain motor vehicle transaction fees, as amended by section 1 of part A of  
 43 chapter 58 of the laws of 2015, is amended to read as follows:

§ 13. This act shall take effect immediately; provided however that sections one through seven of this act, the amendments to subdivision 2 of section 205 of the tax law made by section eight of this act, and section nine of this act shall expire and be deemed repealed on April 1, 2020; ~~[provided further, however, that the amendments to subdivision 3 of section 205 of the tax law made by section eight of this act shall expire and be deemed repealed on March 31, 2018,]~~ provided further, however, that the provisions of section eleven of this act shall take effect April 1, 2004 and shall expire and be deemed repealed on April 1, 2020.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017.

#### SUBPART B

Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 1 of part F of chapter 58 of the laws of 2016, is amended to read as follows:

3. The provisions of this section shall expire, notwithstanding any inconsistent provision of subdivision 4 of section 469 of chapter 309 of the laws of 1996 or of any other law, on July 1, ~~2017~~ 2018.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2017.

#### SUBPART C

Section 1. Section 2 of chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, as amended by section 1 of part G of chapter 58 of the laws of 2016, is amended to read as follows:

§ 2. This act shall take effect immediately provided, however, that section one of this act shall expire on July 1, ~~2017~~ 2018, at which time the provisions of subdivision 26 of section 5 of the New York state urban development corporation act shall be deemed repealed; provided, however, that neither the expiration nor the repeal of such subdivision as provided for herein shall be deemed to affect or impair in any manner any loan made pursuant to the authority of such subdivision prior to such expiration and repeal.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017.

#### SUBPART D

Section 1. Section 2 of chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, as

1 amended by section 1 of part M of chapter 58 of the laws of 2016, is amended  
2 to read as follows:

3 § 2. This act shall take effect immediately, provided however, that  
4 section one of this act shall be deemed to have been in full force and effect  
5 on and after April 1, 2003 and shall expire March 31, [~~2017~~] 2018.

6 § 2. This act shall take effect immediately and shall be deemed to have  
7 been in full force and effect on and after March 31, 2017.

8 SUBPART E

9 Section 1. Paragraph (a) of subdivision 2 of section 179 of the navigation  
10 law, as amended by section 2 of part X of chapter 58 of the laws of 2015, is  
11 amended to read as follows:

12 (a) An account which shall be credited with all license fees and  
13 penalties collected pursuant to paragraph (b) of subdivision one and  
14 paragraph (a) of subdivision four of section one hundred seventy-four of this  
15 article except as provided in section one hundred seventy-nine-a of this  
16 article, the portion of the surcharge collected pursuant to paragraph (d) of  
17 subdivision four of section one hundred seventy-four of this article,  
18 penalties collected pursuant to paragraph (b) of subdivision four of section  
19 one hundred seventy-four-a of this article, money collected pursuant to  
20 section one hundred eighty-seven of this article, all penalties collected  
21 pursuant to section one hundred ninety-two of this article, and registration  
22 fees collected pursuant to subdivision two of section 17-1009 of the  
23 environmental conservation law.

24 § 2. The navigation law is amended by adding a new section 179-a to read  
25 as follows:

26 § 179-a. New York environmental protection and spill remediation account.

27 1. There is hereby created an account within the miscellaneous capital  
28 projects fund, the New York environmental protection and spill remediation  
29 account. The New York environmental protection and spill remediation account  
30 shall consist of license fees received by the state pursuant to section one  
31 hundred seventy-four of this article, in an amount equal to expenditures made  
32 from this account.

33 2. These moneys, after appropriation by the legislature, and within the  
34 amounts set forth and for the several purposes specified, shall be available  
35 to reimburse the department of environmental conservation for expenditures  
36 associated with the purposes of costs incurred under this article, including  
37 cleanup and removal of petroleum spills, and other capital, investigation,  
38 maintenance and remediation costs.

39 3. All payments made from the New York environmental protection and spill  
40 remediation account shall be made by the administrator upon certification by  
41 the commissioner.

42 4. Spending pursuant to this section shall be included in the annual  
43 report required by section one hundred ninety-six of this article.

§ 3. Subdivision 3 of section 176 of the navigation law, as added by chapter 845 of the laws of 1977, is amended to read as follows:

3. Any unexplained discharge of petroleum within state jurisdiction or discharge of petroleum occurring in waters beyond state jurisdiction that for any reason penetrates within state jurisdiction shall be removed by or under the direction of the department. Except for those expenses incurred by the party causing such discharge, any expenses incurred in the removal of discharges shall be paid promptly from the New York environmental protection and spill compensation fund pursuant to ~~[section]~~ sections one hundred and eighty-six and one hundred seventy-nine-a of this article and any reimbursements due such fund shall be collected in accordance with the provisions of section one hundred and eighty-seven of this article.

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section, part or subpart 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, part or subpart 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.

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

#### PART D

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2017-2018 state fiscal year. Each component is wholly contained within a Subpart identified as Subparts A through D. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, 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 Subpart in which it is found. Section three of this act sets forth the general effective date of this act.

## SUBPART A

Section 1. Section 54-f of the state finance law is REPEALED.

§ 2. Subsection (ggg) of section 606 of the tax law, as added by section 1 of part E of chapter 60 of the laws of 2016, and as relettered by section 1 of part A of chapter 73 of the laws of 2016, is amended to read as follows:

(ggg) School tax reduction credit for residents of a city with a population over one million. (1) For taxable years beginning after two thousand fifteen, a school tax reduction credit shall be allowed to a resident individual of the state who is a resident of a city with a population over one million, as provided below. The credit shall be allowed against the taxes authorized by this article reduced by the credits permitted by this article. If the credit exceeds the tax as so reduced, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided however, that no interest will be paid thereon. For purposes of this subsection, no credit shall be granted to an individual with respect to whom a deduction under subsection (c) of section one hundred fifty-one of the internal revenue code is allowable to another taxpayer for the taxable year.

(2) The amount of the credit under this ~~paragraph~~ subsection shall be determined based upon the taxpayer's income as defined in subparagraph (ii) of paragraph (b) of subdivision four of section four hundred twenty-five of the real property tax law.

(3) For taxable years beginning in two thousand sixteen, the credit shall be determined as provided in this paragraph, provided that for the purposes of this paragraph, any taxpayer under subparagraphs (A) and (B) of this paragraph with income of more than two hundred fifty thousand dollars shall not receive a credit.

(A) Married individuals filing joint returns and surviving spouses. In the case of married individuals who make a single return jointly and of a surviving spouse, the credit shall be one hundred twenty-five dollars.

(B) All others. In the case of an unmarried individual, a head of a household or a married individual filing a separate return, the credit shall be sixty-two dollars and fifty cents.

(4) For taxable years beginning after two thousand sixteen, the credit shall equal the "fixed" amount provided by paragraph (4-a) of this subsection plus the "rate reduction" amount provided by paragraph (4-b) of this subsection.

(4-a) The "fixed" amount of the credit shall be determined as provided in this paragraph, provided that any taxpayer with income of more than two hundred fifty thousand dollars shall not receive such amount.

(A) Married individuals filing joint returns and surviving spouses. In the case of married individuals who make a single return jointly and of a

surviving spouse, the "fixed" amount of the credit shall be one hundred twenty-five dollars.

(B) All others. In the case of an unmarried individual, a head of a household or a married individual filing a separate return, the "fixed" amount of the credit shall be sixty-two dollars and fifty cents.

(4-b) The "rate reduction" amount of the credit shall be determined as provided in this paragraph, provided that any taxpayer with income of more than five hundred thousand dollars shall not receive such amount.

(A) For married individuals who make a single return jointly and for a surviving spouse: If the city taxable income is: The "rate reduction" amount is: Not over \$21,600 0.171% of the city taxable income Over \$21,600 but not over \$500,000 \$37 plus 0.228% of excess over \$21,600 Over \$500,000 Not applicable

(B) For a head of household: If the city taxable income is: The "rate reduction" amount is: Not over \$14,400 0.171% of the city taxable income Over \$14,400 but not over \$500,000 \$25 plus 0.228% of excess over \$14,400 Over \$500,000 Not applicable

(C) For an unmarried individual or a married individual filing a separate return: If the city taxable income is: The "rate reduction" amount is: Not over \$12,000 0.171% of the city taxable income Over \$12,000 but not over \$500,000 \$21 plus 0.228% of excess over

\$12,000 Over \$500,000 Not applicable

[~~(3)~~] (5) Part-year residents. If a taxpayer changes status during the taxable year from resident to nonresident, or from nonresident to resident, the school tax reduction credit authorized by this subsection shall be prorated according to the number of months in the period of residence.

§ 3. Paragraphs 1, 2 and 3 of subsection (a) of section 1304 of the tax law, as amended by section 2 of part B of chapter 59 of the laws of 2015, are amended to read as follows:

(1) Resident married individuals filing joint returns and resident surviving spouses. The tax under this section for each taxable year on the city taxable income of every city resident married individual who makes a single return jointly with his or her spouse under subsection (b) of section thirteen hundred six of this article and on the city taxable income of every city resident surviving spouse shall be determined in accordance with the following tables:

(A) For taxable years beginning after two thousand [~~fourteen~~] sixteen: If the city taxable income is: The tax is: Not over \$21,600 2.7% of the city taxable income Over \$21,600 but not \$583 plus 3.3% of excess over \$45,000 over \$21,600 Over \$45,000 but not \$1,355 plus 3.35% of excess over \$90,000 over \$45,000 Over \$90,000 \$2,863 plus 3.4% of excess over \$90,000

(B) For taxable year beginning after two thousand fourteen and before two thousand seventeen: If the city taxable income is: The tax is: Not over



\$21,600 2.55% of the city taxable income Over \$21,600 but not \$551 plus 3.1% of excess over \$45,000 over \$21,600 Over \$45,000 but not \$1,276 plus 3.15% of excess over \$90,000 over \$45,000 Over \$90,000 but not \$2,694 plus 3.2% of excess over \$500,000 over \$90,000 Over \$500,000 \$16,803 plus 3.4% of excess over \$500,000

~~[(B)]~~ (C) For taxable years beginning after two thousand nine and before two thousand fifteen: If the city taxable income is: The tax is: Not over \$21,600 2.55% of the city taxable income Over \$21,600 but not \$551 plus 3.1% of excess over \$45,000 over \$21,600 Over \$45,000 but not \$1,276 plus 3.15% of excess over \$90,000 over \$45,000 Over \$90,000 but not \$2,694 plus 3.2% of excess over \$500,000 over \$90,000 Over \$500,000 \$15,814 plus 3.4% of excess over \$500,000

(2) Resident heads of households. The tax under this section for each taxable year on the city taxable income of every city resident head of a household shall be determined in accordance with the following tables:

(A) For taxable years beginning after two thousand ~~fourteen~~ sixteen:

If the city taxable income is: The tax is: Not over \$14,400 2.7% of the city taxable income Over \$14,400 but not \$389 plus 3.3% of excess over \$30,000 over \$14,400 Over \$30,000 but not \$904 plus 3.35% of excess over \$60,000 over \$30,000 Over \$60,000 \$1,909 plus 3.4% of excess over \$60,000

(B) For taxable years beginning after two thousand fourteen and before two thousand sixteen:

If the city taxable income is: The tax is: Not over \$14,400 2.55% of the city taxable income Over \$14,400 but not \$367 plus 3.1% of excess over \$30,000 over \$14,400 Over \$30,000 but not \$851 plus 3.15% of excess over \$60,000 over \$30,000 Over \$60,000 but not \$1,796 plus 3.2% of excess over \$500,000 over \$60,000 Over \$500,000 \$16,869 plus 3.4% of excess over \$500,000

~~[(B)]~~ (C) For taxable years beginning after two thousand nine and before two thousand fifteen:

If the city taxable income is: The tax is: Not over \$14,400 2.55% of the city taxable income Over \$14,400 but not \$367 plus 3.1% of excess over \$30,000 over \$14,400 Over \$30,000 but not \$851 plus 3.15% of excess over \$60,000 over \$30,000 Over \$60,000 but not \$1,796 plus 3.2% of excess over \$500,000 over \$60,000 Over \$500,000 \$15,876 plus 3.4% of excess Over \$500,000

(3) Resident unmarried individuals, resident married individuals filing separate returns and resident estates and trusts. The tax under this section for each taxable year on the city taxable income of every city resident individual who is not a city resident married individual who makes a single return jointly with his or her spouse under subsection (b) of section thirteen hundred six of this article or a city resident head of household or a city resident surviving spouse, and on the city taxable income of every city resident estate and trust shall be determined in accordance with the following tables:

(A) For taxable years beginning after two thousand ~~fourteen~~ sixteen:

If the city taxable income is: The tax is: Not over \$12,000 2.7% of the city taxable income Over \$12,000 but not \$324 plus 3.3% of excess over \$25,000 over \$12,000 Over \$25,000 but not \$753 plus 3.35% of excess over \$50,000 over \$25,000 Over \$50,000 \$1,591 plus 3.4% of excess over \$50,000

(B) For taxable years beginning after two thousand fourteen and before two thousand seventeen:

If the city taxable income is: The tax is: Not over \$12,000 2.55% of the city taxable income Over \$12,000 but not \$306 plus 3.1% of excess over \$25,000 over \$12,000 Over \$25,000 but not \$709 plus 3.15% of excess over \$50,000 over \$25,000 Over \$50,000 but not \$1,497 plus 3.2% of excess over \$500,000 over \$50,000 Over \$500,000 \$16,891 plus 3.4% of excess over \$500,000

~~(B)~~ (C) For taxable years beginning after two thousand nine and before two thousand fifteen:

If the city taxable income is: The tax is: Not over \$12,000 2.55% of the city taxable income Over \$12,000 but not \$306 plus 3.1% of excess over \$25,000 over \$12,000 Over \$25,000 but not \$709 plus 3.15% of excess over \$50,000 over \$25,000 Over \$50,000 but not \$1,497 plus 3.2% of excess over \$500,000 over \$50,000 Over \$500,000 \$15,897 plus 3.4% of excess over \$500,000

§ 4. Paragraphs 1, 2 and 3 of subsection (a) of section 11-1701 of the administrative code of the city of New York, as amended by section 3 of part B of chapter 59 of the laws of 2015, are amended to read as follows:

(1) Resident married individuals filing joint returns and resident surviving spouses. The tax under this section for each taxable year on the city taxable income of every city resident married individual who makes a single return jointly with his or her spouse under subdivision (b) of section 11-1751 of this chapter and on the city taxable income of every city resident surviving spouse shall be determined in accordance with the following tables:

(A) For taxable years beginning after two thousand ~~fourteen~~ sixteen:

If the city taxable income is: The tax is: Not over \$21,600 2.7% of the city taxable income Over \$21,600 but not \$583 plus 3.3% of excess over \$45,000 over \$21,600 Over \$45,000 but not \$1,355 plus 3.35% of excess over \$90,000 over \$45,000 Over \$90,000 \$2,863 plus 3.4% of excess over \$90,000

(B) For taxable years beginning after two thousand fourteen and before two thousand seventeen:

If the city taxable income is: The tax is: Not over \$21,600 2.55% of the city taxable income Over \$21,600 but not \$551 plus 3.1% of excess over \$45,000 over \$21,600 Over \$45,000 but not \$1,276 plus 3.15% of excess over \$90,000 over \$45,000 Over \$90,000 but not \$2,694 plus 3.2% of excess over \$500,000 over \$90,000 Over \$500,000 \$16,803 plus 3.4% of excess over \$500,000

~~(B)~~ (C) For taxable years beginning after two thousand nine and before two thousand fifteen:

If the city taxable income is: The tax is: Not over \$21,600 2.55% of the city taxable income Over \$21,600 but not \$551 plus 3.1% of excess over \$45,000 over \$21,600 Over \$45,000 but not \$1,276 plus 3.15% of excess over \$90,000 over \$45,000 Over \$90,000 but not \$2,694 plus 3.2% of excess over \$500,000 over \$90,000 Over \$500,000 \$15,814 plus 3.4% of excess over \$500,000

(2) Resident heads of households. The tax under this section for each taxable year on the city taxable income of every city resident head of a household shall be determined in accordance with the following tables:

(A) For taxable years beginning after two thousand ~~fourteen~~ sixteen:

If the city taxable income is: The tax is: Not over \$14,400 2.7% of the city taxable income Over \$14,400 but not \$389 plus 3.3% of excess over \$30,000 over \$14,400 Over \$30,000 but not \$904 plus 3.35% of excess over \$60,000 over \$30,000 Over \$60,000 \$1,909 plus 3.4% of excess over \$60,000

(B) For taxable years beginning after two thousand fourteen and before two thousand sixteen:

If the city taxable income is: The tax is: Not over \$14,400 2.55% of the city taxable income Over \$14,400 but not \$367 plus 3.1% of excess over \$30,000 over \$14,400 Over \$30,000 but not \$851 plus 3.15% of excess over \$60,000 over \$30,000 Over \$60,000 but not \$1,796 plus 3.2% of excess over \$500,000 over \$60,000 Over \$500,000 \$16,869 plus 3.4% of excess over \$500,000

~~[(B)]~~ (C) For taxable years beginning after two thousand nine and before two thousand fifteen:

If the city taxable income is: The tax is: Not over \$14,400 2.55% of the city taxable income Over \$14,400 but not \$367 plus 3.1% of excess over \$30,000 over \$14,400 Over \$30,000 but not \$851 plus 3.15% of excess over \$60,000 over \$30,000 Over \$60,000 but not \$1,796 plus 3.2% of excess over \$500,000 over \$60,000 Over \$500,000 \$15,876 plus 3.4% of excess over \$500,000

(3) Resident unmarried individuals, resident married individuals filing separate returns and resident estates and trusts. The tax under this section for each taxable year on the city taxable income of every city resident individual who is not a married individual who makes a single return jointly with his or her spouse under subdivision (b) of section 11-1751 of this chapter or a city resident head of a household or a city resident surviving spouse, and on the city taxable income of every city resident estate and trust shall be determined in accordance with the following tables:

(A) For taxable years beginning after two thousand ~~fourteen~~ sixteen:

If the city taxable income is: The tax is: Not over \$12,000 2.7% of the city taxable income Over \$12,000 but not \$324 plus 3.3% of excess over \$25,000 over \$12,000 Over \$25,000 but not \$753 plus 3.35% of excess over \$50,000 over \$25,000 Over \$50,000 \$1,591 plus 3.4% of excess over \$50,000

(B) For taxable years beginning after two thousand fourteen and before two thousand sixteen: If the city taxable income is: The tax is: Not over \$12,000 2.55% of the city taxable income Over \$12,000 but not \$306 plus

3.1% of excess over \$25,000 over \$12,000 Over \$25,000 but not \$709 plus 3.15%  
of excess over \$50,000 over \$25,000 Over \$50,000 but not \$1,497 plus 3.2% of  
excess over \$500,000 over \$50,000 Over \$500,000 \$16,891 plus 3.4% of  
excess over \$500,000

~~(B)~~ (C) For taxable years beginning after two thousand nine and before two  
thousand fifteen:

If the city taxable income is: The tax is: Not over \$12,000 2.55% of the city  
taxable income Over \$12,000 but not \$306 plus 3.1% of excess over \$25,000  
over \$12,000 Over \$25,000 but not \$709 plus 3.15% of excess over \$50,000 over  
\$25,000 Over \$50,000 but not \$1,497 plus 3.2% of excess over \$500,000 over  
\$50,000 Over \$500,000 \$15,897 plus 3.4% of excess over \$500,000

§ 5. Notwithstanding any provision of law to the contrary, the method of  
determining the amount to be deducted and withheld from wages on account of  
taxes imposed by or pursuant to the authority of article 30 of the tax law in  
connection with the implementation of the provisions of this act shall be  
prescribed by the commissioner of taxation and finance with due consideration  
to the effect such withholding tables and methods would have on the receipt  
and amount of revenue. The commissioner of taxation and finance shall adjust  
such withholding tables and methods in regard to taxable years beginning in  
2017 and after in such manner as to result, so far as practicable, in  
withholding from an employee's wages an amount substantially equivalent to  
the tax reasonably estimated to be due for such taxable years as a result of  
the provisions of this act. Provided, however, for tax year 2017 the  
withholding tables shall reflect as accurately as practicable the full amount  
of tax year 2017 liability so that such amount is withheld by December 31,  
2017. In carrying out his or her duties and responsibilities under this  
section, the commissioner of taxation and finance may prescribe a similar  
procedure with respect to the taxes required to be deducted and withheld by  
local laws imposing taxes pursuant to the authority of articles 30, 30-A and  
30-B of the tax law, the provisions of any other law in relation to such a  
procedure to the contrary notwithstanding.

§ 6. 1. Notwithstanding any provision of law to the contrary, no addition  
to tax shall be imposed for failure to pay the estimated tax in subsection  
(c) of section 685 of the tax law and subdivision (c) of section 11-1785 of  
the administrative code of the city of New York with respect to any  
underpayment of a required installment due prior to, or within thirty days  
of, the effective date of this act to the extent that such underpayment was  
created or increased by the amendments made by this act, provided, however,  
that the taxpayer remits the amount of any underpayment prior to or with his  
or her next quarterly estimated tax payment.

2. The commissioner of taxation and finance shall take steps to publicize  
the necessary adjustments to estimated tax and, to the extent reasonably  
possible, to inform the taxpayer of the tax liability changes made by this  
act.

§ 7. This act shall take effect immediately and shall apply to taxable  
years beginning on and after January 1, 2017.

1 Section 1. Section 2 of part Q of chapter 59 of the laws of 2013,  
 2 amending the tax law, relating to serving an income execution with respect to  
 3 individual tax debtors without filing a warrant, as amended by section 1 of  
 4 part DD of chapter 59 of the laws of 2015, is amended to read as follows:

5 § 2. This act shall take effect immediately and shall expire and be  
 6 deemed repealed on and after April 1, [2017] 2020.

7 § 2. This act shall take effect immediately and shall be deemed to have  
 8 been in full force and effect on and after April 1, 2017.

9  
 10 SUBPART C

11 Section 1. Section 1105-C of the tax law, as added by section 24-a of  
 12 part Y of chapter 63 of the laws of 2000, and subdivision (d) as added by  
 13 section 1 of part B of chapter 85 of the laws of 2002, is amended to read as  
 14 follows:

15 § 1105-C. Reduced tax rates with respect to certain gas service and  
 16 electric service. Notwithstanding any other provisions of this article or  
 17 article twenty-nine of this chapter:

18 (a) The rates of taxes imposed by this article and pursuant to the  
 19 authority of article twenty-nine of this chapter on receipts from every sale  
 20 of gas service or electric service of whatever nature (including the  
 21 transportation, transmission or distribution of gas or electricity, but not  
 22 including gas or electricity) shall be [~~reduced each year on September first,~~  
 23 ~~beginning in the year two thousand, and each year thereafter, at the rate per~~  
 24 ~~year of twenty-five percent of the rates in effect on September first, two~~  
 25 ~~thousand, so that the rates of such taxes on such receipts shall be~~] zero  
 26 percent [~~on and after September first, two thousand three~~] unless the charge  
 27 is by the vendor for transportation, transmission or distribution, regardless  
 28 of whether such charges are separately stated in the written contract, if  
 29 any, or on the bill rendered to such purchaser and regardless of whether  
 30 such transportation, transmission, or distribution is provided by such  
 31 vendor or a third party.

32 (b) [~~The provisions of subdivision (b) of section eleven hundred six of~~  
 33 ~~this article shall apply to the reduced rates described in subdivision (a) of~~  
 34 ~~this section, as if such section referred to this section, provided that any~~  
 35 ~~reference in subdivision (b) of such section eleven hundred six to the date~~  
 36 ~~August first, nineteen hundred sixty-five, shall be deemed to refer,~~  
 37 ~~respectively, to September first of the applicable years described in~~  
 38 ~~subdivision (a) of this section, and any reference in subdivision (b) of such~~  
 39 ~~section eleven hundred six to July thirty-first, nineteen hundred sixty-five,~~  
 40 ~~shall be deemed to refer to the day immediately preceding each such September~~  
 41 ~~first, respectively.~~

42 (c) ~~Nothing in this section shall be deemed to exempt from the~~  
 43 ~~taxes imposed under this article or pursuant to the authority of~~  
 44 ~~article twenty-nine of this chapter any transaction which may not be subject~~  
 45 ~~to the reduced rates of such taxes, each year, as set forth in subdivision (a)~~  
 46 ~~of this section in effect on the respective September first.~~

(d)] For [~~the purpose~~] purposes of [~~the reduced rate of tax provided by~~] subdivision (a) of this section, [~~the following shall apply to a sale, other than a sale for resale, of the~~] where the transportation, transmission or distribution of gas or electricity [~~by a vendor not subject to the supervision of the public service commission where such transportation, transmission or distribution service being~~] is sold [~~is~~] wholly within a service area of the state wherein the public service commission [~~shall have~~] has approved by formal order a single retailer model for the regulated utility which has the responsibility to serve that area[~~. Where such a vendor makes a sale, other than a sale for resale, of gas or electricity to be delivered to a customer within such service area and, for the purpose of transporting, transmitting or distributing such gas or electricity, also makes a sale of transportation, transmission or distribution service to such customer~~], the charge for [~~the~~] such transportation, transmission or distribution [~~of gas or electricity wholly within such service area made by such vendor, notwithstanding paragraph three of subdivision (b) of section eleven hundred one of this article, shall not be included in the receipt for such gas or electricity, and, therefore,~~] when made by the provider who also sells, other than as a sale for resale, the gas or electricity, shall qualify for such reduced rate. § 2. This act shall take effect immediately.

#### SUBPART D

Section 1. The opening paragraph of paragraph (a) of subdivision 5 of section 210-A of the tax law, as amended by section 4 of part P of chapter 60 of the laws of 2016, is amended to read as follows:

A financial instrument is a "nonqualified financial instrument" if it is not a qualified financial instrument. A qualified financial instrument means a financial instrument that is of a type described in any of clauses (A), (B), (C), (D), (G), (H) or (I) of subparagraph two of this paragraph and that has been marked to market in the taxable year by the taxpayer under section 475 or section 1256 of the internal revenue code. Further, if the taxpayer has in the taxable year marked to market a financial instrument of the type described in any of the clauses (A), (B), (C), (D), (G), (H) or (I) of subparagraph two of this paragraph, then any financial instrument within that type described in the above specified clause or clauses that has not been marked to market by the taxpayer under section 475 or section 1256 of the internal revenue code is a qualified financial instrument in the taxable year. Notwithstanding the two preceding sentences, (i) a loan secured by real property shall not be a qualified financial instrument, (ii) if the only loans that are marked to market by the taxpayer under section 475 or section 1256 of the internal revenue code are loans secured by real property, then no loans shall be qualified financial instruments, (iii) stock that is investment capital as defined in paragraph (a) of subdivision five of section two hundred eight of this article shall not be a qualified financial instrument, and (iv) stock that generates other exempt income as defined in subdivision six-a of section two hundred eight of this article and that is not marked to market under section 475 or section 1256 of the internal revenue code shall not constitute a qualified financial instrument with respect to the income from that stock that is described in such subdivision six-a. If a corporation is included in a combined report, the definition of qualified financial instrument shall be determined on a combined basis. In the case of a RIC or a REIT that is not a captive RIC or a captive REIT, a

qualified financial instrument means a financial instrument that is of a type described in any of clauses (A), (B), (C), (D), (G), (H) or (I) of subparagraph two of this paragraph, other than (i) a loan secured by real property, (ii) stock that is investment capital as defined in paragraph (a) of subdivision five of section two hundred eight of this article, and (iii) stock that generates other exempt income as defined in subdivision six-a of section two hundred eight of this article with respect to the income from that stock that is described in such subdivision six-a.

§ 2. Clause (D) of subparagraph 1 of paragraph (d) of subdivision 1 of section 210 of the tax law, as amended by section 19 of part T of chapter 59 of the laws of 2015, is amended to read as follows:

(D) Otherwise, for all other taxpayers not covered by clauses (A), (B) [and], (C) and (D-1) of this subparagraph, the amount prescribed by this paragraph will be determined in accordance with the following table: If New York receipts are: The fixed dollar minimum tax is:

not more than \$100,000	\$ 25
more than \$100,000 but not over \$250,000	\$ 75
more than \$250,000 but not over \$500,000	\$ 175
more than \$500,000 but not over \$1,000,000	\$ 500
more than \$1,000,000 but not over \$5,000,000	\$1,500
more than \$5,000,000 but not over \$25,000,000	\$3,500
more than \$25,000,000 but not over \$50,000,000	\$5,000
more than \$50,000,000 but not over \$100,000,000	\$10,000
more than \$100,000,000 but not over \$250,000,000	\$20,000
more than \$250,000,000 but not over \$500,000,000	\$50,000
more than \$500,000,000 but not over \$1,000,000,000	\$100,000
Over \$1,000,000,000	\$200,000

§ 3. Subparagraph 1 of paragraph (d) of subdivision 1 of section 210 of the tax law is amended by adding a new clause (D-1) to read as follows:

(D-1) In the case of a REIT or a RIC that is not a captive REIT or captive RIC, the amount prescribed by this paragraph will be determined in accordance with the following table: If New York receipts are: The fixed dollar minimum tax is:

not more than \$100,000 \$ 25

1 more than \$100,000 but not over \$250,000 \$ 75

2 more than \$250,000 but not over \$500,000 \$ 175

3 more than \$500,000 \$ 500

4 § 4. The opening paragraph of paragraph (a) of subdivision 5 of section  
5 11-654.2 of the administrative code of the city of New York, as amended by  
6 section 16 of part P of chapter 60 of the laws of 2016, is amended to read as  
7 follows:

8 A financial instrument is a "nonqualified financial instrument" if it is  
9 not a qualified financial instrument. A qualified financial instrument means  
10 a financial instrument that is of a type described in any of [clause] **clauses**  
11 (i), (ii), (iii), (iv), (vii), (viii) or (ix) of subparagraph two of this  
12 paragraph and that has been marked to market in the taxable year by the  
13 taxpayer under section 475 or section 1256 of the internal revenue code.  
14 Further, if the taxpayer has in the taxable year marked to market a financial  
15 instrument of the type described in any of [clause] **clauses** (i), (ii), (iii),  
16 (iv), (vii), (viii) or (ix) of subparagraph two of this paragraph, then any  
17 financial instrument within that type described in the above specified clause  
18 or clauses that has not been marked to market by the taxpayer under section  
19 475 or section 1256 of the internal revenue code is a qualified financial  
20 instrument in the taxable year. Notwithstanding the two preceding sentences,  
21 (i) a loan secured by real property shall not be a qualified financial  
22 instrument, (ii) if the only loans that are marked to market by the taxpayer  
23 under section 475 or section 1256 of the internal revenue code are loans  
24 secured by real property, then no loans shall be qualified financial  
25 instruments, (iii) stock that is investment capital as defined in paragraph  
26 (a) of subdivision four of section 11-652 of this subchapter shall not be a  
27 qualified financial instrument, and (iv) stock that generates other exempt  
28 income as defined in subdivision five-a of section 11-652 of this subchapter  
29 and that is not marked to market under section 475 or section 1256 of the  
30 internal revenue code shall not constitute a qualified financial instrument  
31 with respect to the income from that stock that is described in such  
32 subdivision five-a. If a corporation is included in a combined report, the  
33 definition of qualified financial instrument shall be determined on a  
34 combined basis. In the case of a RIC or a REIT that is not a captive RIC or a  
35 captive REIT, a qualified financial instrument means a financial instrument  
36 that is of a type described in any of clauses (i), (ii), (iii), (iv), (vii),  
37 (viii) or (ix) of subparagraph two of this paragraph, other than (i) a loan  
38 secured by real property, (ii) stock that is investment capital as defined in  
39 paragraph (a) of subdivision four of section 11-652 of this subchapter, and  
40 (iii) stock that generates other exempt income as defined in subdivision  
41 five-a of section 11-652 of this subchapter with respect to the income from  
42 that stock that is described in such subdivision five-a.

43 § 5. This act shall take effect immediately and shall apply to taxable  
44 years beginning on or after January 1, 2016.

45

46



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

10       § 3. This act shall take effect immediately provided, however, that the  
11 applicable effective date of Subparts A through D of this act shall be as  
12 specifically set forth in the last section of such Subparts.

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

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

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