

Senate Resolution No. 672

**BY:** Senator STEWART-COUSINS

SENATE RESOLUTION in response to the 2019-2020 Executive Budget submission (Legislative Bills S1500B, S1501, S1503B, S1504B, S1505B, S1506B, S1507B, S1508B, S1509B, and S1510B) to be adopted as legislation expressing the position of the New York State Senate relating to the 2019-2020 New York State Budget

**WHEREAS,** It is the intent of the Legislature to effectuate the timely passage of a State Budget; and

**WHEREAS,** It is the intent of the Legislature to engage in the Budget Conference Committee process, which promotes increased participation by the members of the Legislature and the public; and

**WHEREAS,** The Senate Finance Committee has conducted an extensive study and review of the Governor's 2019-2020 Executive Budget submission and has recommended proposed amendments to such Budget submission in the above referenced Legislative Bills and Report on the Executive Budget; and

**WHEREAS,** Article VII of the New York State Constitution provides the framework under which the New York State Budget is submitted, amended and enacted. The New York State Courts have limited the Legislature in how it may change the appropriations bills submitted by the Governor. The Legislature can delete or reduce items of appropriation contained in the several appropriation bills submitted by the Governor in conjunction with the Executive Budget, and it can add additional items of appropriation to those bills provided that such additions are stated separately and distinctly from the original items of the bill and refer each to a single object or purpose; and

**WHEREAS,** An extensive study and review of the Governor's 2019-2020 Executive Budget submission has revealed that the construction of the budget bills submitted to the Legislature by the Governor constrains the Legislature in its ability to fully effectuate its intent in amending the Governor's budget submission; and

**WHEREAS,** The Legislature has amended the Governor's 2019-2020 Executive Budget submission to the fullest extent possible within the authority provided to it pursuant to Section 4 of Article VII of the New York State Constitution; and

**WHEREAS,** The Senate, in addition to the Governor's 2019-2020 Executive Budget submission bills as amended by the Senate in the above referenced legislative bills, does hereby provide its recommendations as to provisions in the Governor's 2019-2020 Executive Budget submission which reflect those items the Senate is constrained from effectuating as amendments to the 2019-2020 Executive Budget appended hereto; and

**WHEREAS**, It is the intent of the Legislature that upon the passage of the Governor's 2019- 2020 Executive Budget submission as amended by the Senate, and the incorporated Report on the Amended Executive Budget may provide a basis for both houses of the Legislature to convene Committees on Conference pursuant to Joint Rule III of the Senate and Assembly for the purpose of reconciling any differences between the amendments to the Governor's budget as proposed by each house of the Legislature; now, therefore, be it

**RESOLVED**, That, the above referenced legislative bills

(Legislative Bills S1500B, S1501, S1503B, S1504B, S1505B, S1506B, S1507B, S1508B, S1509B, and S1510B) be and are incorporated as part of this resolution and are hereby adopted as the New York State Legislature's budget proposal for the 2019-2020 New York State Budget.

## **REPORT ON THE AMENDED EXECUTIVE BUDGET**

### **ALL STATE AGENCIES AND OPERATIONS**

The Senate denies with prejudice the following new language contained within the body of various appropriations:

- Language included in S.1503-A (Aid to Localities) authorizing the Budget Director to uniformly reduce certain Local Assistance appropriations and disbursements by up to 3 percent to maintain a balanced budget if projected tax receipts for SFY 2019-20 are reduced by more than \$500 million from the Executive Budget projection.
- Numerous State Operations appropriations (S.1500-A) that provide the Executive broad authority to shift resources among departments, agencies or public authorities. While existing State Finance Law authorizes some transfer, interchange and suballocation authority, the new proposal would significantly expand such flexibility to restructure the Budget after enactment, potentially moving resources from one area to completely different programs or purposes. Any transfer of funds from State agencies to public authorities could reduce oversight and control of such resources.
- Language that would link State Operations and Aid to Localities budgets for multiple purposes to the Legislature's enactment of the Aid to Localities bill in an amount deemed sufficient by the Director of Budget.
- Language that would propose a new process by which the Executive would examine any bills passed after the enactment of the State Budget, which impact state financial plan assumptions. This language would divert from the Executive's responsibility to approve or veto legislation and give additional powers to the Director of the Budget.
- Language that would make funding for State Operations and Capital Projects budgets contingent on the enactment of separate Article VII legislation as outlined by the Executive.

While the Senate understands the Governor's responsibility to ensure New York's budget is fiscally sound, it is equally important to ensure the constitutional limits on the Executive's powers are not exceeded. Failure to ensure reasonable limits on Executive authority would signal an irreversible abrogation of our constitutionally guaranteed legislative responsibility.

#### **Adirondack Park Agency**

##### State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$4.6 million.

#### **Aging, Office for the**

##### State Operations (S.1500-B)

- The Senate modifies the Executive's All Funds recommendation of \$12.3 million by rejecting the increase of \$250,000 for training and case management.

##### Aid to Localities (S.1503-B)

- The Senate modifies the Executive's All Funds recommendation of \$257.6 million by:
- Providing \$1.25 million to restore the Cost of Living Adjustment effective January 1, 2020;
- Restoring \$250,000 to the Association of Aging to provide training, education, and technical assistance to the area agencies on aging;
- Providing \$1 million for various not for profit senior services;
- Providing \$775,000 to naturally occurring retirement communities and neighborhood naturally occurring retirement communities;
- Providing \$750,000 to Community Services for the Elderly;
- Restoring \$250,000 to Lifespan of Greater Rochester for Statewide elder abuse initiatives;
- Restoring \$100,000 to Statewide Senior Action Council; and
- Restoring \$150,000 for LiveON NY.

##### Article VII Proposal (S.1507-B)

- PART U -- The Senate modifies the Executive proposal to place a per-unit premium cap of 20% above the wholesale price on services delivered pursuant to private pay protocols, and inserts language to ensure that low-income recipients remain the highest priority for service delivery from area agencies on aging and their contractors.
- NEW PART KK -- The Senate proposes language to increase the statutory cap on naturally occurring retirement communities (NORCs) from \$200,000 per NORC to \$300,000.
- New HMH PART NN -- The Senate inserts language to increase the income cap on the EPIC program from \$75,000 to \$101,250 for individuals, and from \$100,000 to \$135,000 for married couples. This language is in conjunction with the Senate's appropriation to use EPIC savings to reinvest in higher income bands and bolster public outreach.

## **Agriculture and Markets, Department of**

### State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$116.1 million.

### Aid to Localities (S.1503-B)

- The Senate modifies the Executive recommendation of \$49.5 million by providing an additional \$8.3 million for several agricultural initiatives.

### Capital Projects (S.1504-B)

- The Senate modifies the Executive All Funds recommendation of \$9.4 million as follows:
- Adds \$5 million for local County fair capital costs; and
- Adds \$5 million for a competitive grant program for animal shelters.

## **Alcoholic Beverage Control, Division of**

### State Operations (S.1500-B)

- The Senate modifies the Executive recommendation of \$48.7 million as follows:
- Provides \$500,000 for the licensing and wholesaler services program; and
- Rejects without prejudice the Cannabis Management Program resulting in a savings of \$35.4 million

## **Alcoholism and Substance Abuse Services, Office of**

### State Operations (S.1500-B)

- The Senate concurs with the Executive's All Funds recommendation of \$138.2 million.

### Aid to Localities (S.1503-B)

- The Senate modifies the Executive's All Funds recommendation of \$574.1 million by:
- Providing \$15 million for prevention, treatment, and recovery services;
- Providing \$3 million to restore the Cost of Living Adjustment effective January 1, 2020;
- Providing \$1 million for services and expenses of the New York City Department of Education related to the hiring of additional substance abuse prevention and intervention specialists;
- Providing an additional \$3.4 million for the Jail Based and Substance Use Disorder services;
- Providing \$750,000 to develop and implement a loan forgiveness and scholarship program to recruit and retain staff into the OASAS prevention, treatment and recovery service system; and
- Providing \$600,000 for Save the Michael's.

#### Capital Projects (S.1504-B)

- The Senate modifies the Executive's recommendation of \$90 million to provide an additional \$10 million for the expansion of heroin and opiate support and services.

#### Article VII Proposal (S.1507-B)

- PART BB, SUBPART A - The Senate supports mental health and substance use disorder health insurance parity. The Senate modifies the Executive proposal as follows:
- With respect to in-patient treatment for substance use disorder, to prohibit concurrent review for the first 28 days of in-patient treatment for substance use disorder;  
  
require periodic consultation with the insurer at or just prior to the 14th day of inpatient admission; and require the treatment facility to provide to the patient and insurer a written discharge plan prior to discharge; and
- With respect to outpatient treatment for substance use disorder, to prohibit concurrent review for the first four weeks (not to exceed 28 visits) of treatment, and require periodic consultation with the insurer at or just prior to the fourteenth day of treatment.

#### Audit and Control, Department of

#### State Operations (S.1500-B)

- The Senate modifies the Executive recommendation of \$330.7 million as follows:
- \$4 million increase to support additional investments and customer service staff for the Common Retirement Fund, which would be paid out of the resources of such Fiduciary Fund.
- The Senate rejects the Executive proposal to include new auditing authority within the appropriation language.

#### Aid to Localities (S.1503-B)

- The Senate concurs with the Executive recommendation of \$32 million.

#### Capital Projects (S.1504-B)

- The Senate modifies the Executive recommendation of \$8.19 million as follows:
- \$5 million increase for information technology infrastructure upgrades including the purchase of computing capacity, solid state storage and backup capability.

#### Article VII Proposal (S.1508-B)

- NEW PART TT -- The Senate advances language to expand the Comptroller's capability to pre-audit certain contracts let by SUNY, CUNY, SUNY Construction Fund, CUNY Construction and the SUNY Research Foundation.

#### Budget, Division of the

#### State Operations (S.1500-B)

- The Senate modifies the Executive All Funds recommendation

of \$49.2 million as follows:

- Restores \$469,000 for fees for the Council of State Governments;
- Restores \$48,000 for fees for the National Conference of State Legislatures; and
- Restores \$10,000 for fees for the National Conference of Insurance Legislators.

### **Children and Family Services, Office of**

#### **State Operations (S.1500-B)**

- The Senate concurs with the Executive All Funds recommendation of \$494.3 million, an increase of \$14.9 million or 3.1 percent from SFY 2018-19 levels.

#### **Aid to Localities (S.1503-B)**

- The Senate concurs with the Executive All Funds recommendation of \$3.2 billion, a decrease of \$201.6 million or 5.9 percent from SFY 2018-19 levels, with the following modifications:
- Provides \$20 million in additional funding for child care subsidies;
- Provides \$10 million for grants to local Social Services Districts for planning and establishment of Family Support Centers for youth at risk of being, alleged or adjudicated to be, juvenile delinquents or persons in need of supervision, and their families;
- Provides \$7.9 million for various non-profit human services organizations; and
- Provides \$3.8 million to restore the Human Services COLA in the last quarter of State Fiscal Year 2019-20.
- Provides funding for the following programs:
- \$2 million in additional funding for Child Advocacy Centers;
- \$1.3 million for 2-1-1;
- \$1.0 million for Runaway and homeless youth
- \$750,000 in additional funding for the Youth Development Program;
- \$750,000 for the New York State Alliance of Boys and Girls Clubs;
- \$600,000 for New Alternatives for Children;
- \$500,000 for the child care facilitated enrollment demonstration project in New York City, plus an additional \$600,000 for Richmond County for a total of \$1.1 million;
- \$500,000 for the child care facilitated enrollment demonstration project in Erie County, plus an additional \$200,000 for a total of \$700,000;
- \$500,000 for the child care facilitated enrollment demonstration project in Onondaga County, plus an additional \$200,000 for a total of \$700,000;
- \$500,000 for the child care facilitated enrollment demonstration in Suffolk County;
- \$400,000 for the New York State YMCA Foundation;
- \$150,000 for the American Legion Boys' State program; and
- \$50,000 for Helen Keller Services for the Blind.

#### Miscellaneous Aid to Localities (S.1503-B)

- The Senate concurs with the Executive All Funds recommendation of \$200 million for Raise the Age, an increase of \$100 million or 100 percent from SFY 2018-19 levels, with the following modification.
- The Senate strongly encourages the state to fully fund the implementation of Raise the Age in every local Social Services District.

#### Capital Projects (S.1504-B)

- The Senate concurs with the Executive All Funds recommendation of \$43.5 million, a decrease of \$50 million or 53.1 percent from SFY 2018-19 levels.

#### Article VII Proposal (S.1506-B)

- PART H -- The Senate rejects the Executive proposal to amend child care inspection, training and background requirements. The Senate recognizes the need for timely resolution of this matter, and is committed to reaching agreement.
- PART I -- The Senate concurs with the Executive proposal to authorize background checks for current and prospective employees of residential foster care programs.
- PART K -- The Senate believes that diversion services must remain intact for youth and their families, in an effort to avert interactions with the justice system and believes that the Executive should provide more resources and preventive services for the youth of New York State. The Senate modifies the Executive proposal regarding treatment of Persons in Need of Supervision (PINS) as follows:
  - Accepts the prohibition on detention for PINS;
  - Removes the proposed carve-out language regarding a "sexually-exploited child" and reverts back to the current definition; and
  - Provides discretion to the judge and local commissioner of social services to order placement in foster care, if deemed necessary.
- PART M, SUBPART A -- The Senate rejects the Executive proposal authorizing the appointment of a temporary operator for foster care agencies.

#### City University of New York (CUNY)

##### State Operations (S.1500-B)

- The Senate modifies the Executive recommendation of \$2.8 billion as follows:
- Restores \$4.68 million for the Search for Education, Elevation, and Knowledge (SEEK) opportunity program;
- Restores \$1.33 million for the CUNY School of Labor & Urban Studies; and
- Provides an additional \$5 million in operating support to assist with decreased revenue resulting from tuition credits applied toward tuition.

#### Aid to Localities (S.1503-B)

- The Senate modifies the Executive recommendation of \$1.6 billion as follows:
- Provides an additional \$3 million for community college base aid, a \$50 per FTE increase from \$2,847 to \$2,897;
- Restores \$451,000 for child care centers;
- Restores \$2.5 million for the Accelerated Study and Associate Program (ASAP);
- Restores \$225,400 for the College Discovery Program; and
- Rejects \$2 million for the Family Empowerment Pilot Program.

#### Capital Projects (S.1504-B)

- The Senate concurs with the Executive recommendation of \$389.5 million.

#### **Civil Service, Department of**

#### State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$56.7 million.

#### Aid to Localities (S.1503-B)

- The Senate concurs with the Executive recommendation of \$2 million.

#### Article VII Proposal (S.1505-B)

- PART E: The Senate concurs with the Executive proposal to protect the personal privacy of union members.
- PART F: The Senate modifies the Executive proposal to extend for three years certain binding arbitration provisions.
- PART LL: The Senate rejects the Executive proposal relating to continuous recruitment exams.
- PART MM: The Senate rejects the Executive proposal relating to non-competitive and labor class promotional exams.
- PART NN: The Senate rejects the Executive proposal relating to salary protection for provisional employees.
- NEW PART VV -- The Senate advances language to increase the number of alternate physicians on the medical board of the New York City Employees' Retirement System.
- NEW PART WW -- The Senate advances language to clarify coverage for unlimited line-of-duty leave for 9/11 first responders who have developed a qualifying world trade center illness and to provide that public employers shall not take adverse employment actions against those individuals seeking to utilize such line-of duty sick leave.
- NEW PART XX -- The Senate advances language to require that state agencies conduct a cost-benefit analysis on contracts for consultant services to determine whether the contract can be performed at a lower cost by utilizing state employees.

#### **Commission of Correction, State**

#### State Operations (S.1500-B)

- The Senate concurs with the Executive All Funds



recommendation of \$3 million.

## **Corrections, and Community Supervision, Department of**

### **State Operations (S.1500-B)**

- The Senate modifies the Executive All Funds recommendation of \$2.83 billion as follows:
- The Senate denies, without prejudice, the \$21.5 million savings from the reduction in personal services and contractual services; and
- The Senate directs the Department to develop a plan that will limit the use of segregated confinement. The Senate concurs with the Executive's \$14.2 million increase in funding to support the development of new rehabilitative programs and additional staffing. The Senate directs the Department to use this funding to provide individuals that are incarcerated adequate daily programming and training for all employees to ensure they are safe and capable of fulfilling their duties.

### **Aid to Localities (S.1503-B)**

- The Senate modifies the Executive All Funds recommendation of \$29.5 million as follows:
- Provides \$1 million to support expansion of visitation programs.

### **Capital Projects (S.1504-B)**

- The Senate concurs with the Executive All Funds recommendation of \$497 million.

### **Article VII Proposal (S.1505-B)**

- PART JJ -- The Senate rejects the Executive proposal to reform the use of segregated confinement in correctional facilities. The Senate is committed to curtailing the use of segregated confinement of incarcerated individuals and providing meaningful rehabilitative programming in state and local correctional facilities.
- PART KK -- The Senate concurs with the Executive proposal to expand access to the shock incarceration program.
- PART TT -- The Senate rejects the Executive proposal authorizing the Governor to close three undisclosed state correctional facilities with limited notice to the Legislature. The Senate supports reducing New York's incarcerated population and does not oppose justifiable prison closures. However, the Senate believes that meaningful advance notice of and justification for specifically identified prison closures is essential to thoughtful planning of such closures and for constructive reuse of facilities.

## **Council on the Arts**

### **State Operations (S.1500-B)**

- The Senate concurs with the Executive recommendation of \$4.4

million.

Aid to Localities (S.1503-B)

- The Senate concurs with the Executive recommendation of \$42.5 million.

Article VII Proposal (S.1506-B)

- PART F -- The Senate concurs with the Executive proposal to restructure the arts capital revolving loan fund from a loan to a grant awarded to art organizations by the New York State Council on the Arts (NYSCA).

**Criminal Justice Services, Division of**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$84.3 million.

Aid to Localities (S.1503-B)

- The Senate concurs with the Executive recommendation of \$191.4 million with the following modifications:
- Modifies the Executive recommendation, without prejudice, related to the Federal Edward Byrne Justice Assistance Grant (JAG) appropriation. Alternatively the Senate requests that the Byrne/JAG program be allocated as it has been in previous years;
- Modifies the \$10 million for gang violence prevention to assure funding is allocated to Long Island and other municipalities with high needs;
- Modifies the S.N.U.G programs appropriation to clarify funding shall go to the continuation or expansion of

existing programs and expansion of new programs statewide, including in the City of Newburgh and Queens;

- Restores \$5.5 million for services and expenses of services and expenses of programs that provide civil legal services;
- Adds \$ 1.5 million for services and expenses of programs to prevent gun violence, reduce recidivism, and help at risk youth;
- Restores \$1.5 million related to the Legal Service Assistance Account for services and expenses or reimbursement of expenses incurred by local government agencies and/or not-for-profit providers or their employees providing civil or criminal legal services;
- Restores \$1.625 million to support programs and services, including counseling, to prevent domestic violence and support survivors of domestic violence and their families; and
- Restores \$2.5 million for payment of state aid for Westchester county policing program.

Article VII Proposals (S.1505-B)

- PART O -- The Senate modifies the Executive proposal relating to extending various provisions related to public protection by limiting all extensions to one year.

- PART P -- The Senate rejects the Executive proposal to enact the Child Victims Act. The Legislature passed, and the Executive signed, the Child Victims Act.
- PART Q -- The Senate rejects the Executive proposal to limit application of the extreme emotional disturbance defense to murder in the second degree, which should be addressed outside the budget.
- PART R -- The Senate rejects the Executive proposal to extend the provisions of the rape shield law, which should be addressed outside the budget.
- PART S -- The Senate rejects the Executive proposal to establish criminal penalties and civil remedies for disseminating an intimate image without the consent of the subject of the image. The Legislature has passed a similar proposal, which awaits action by the Executive.
- PART T -- The Senate rejects the Executive proposal to eliminate the statute of limitations for rape in the second degree and rape in the third degree, which should be addressed outside the budget.
- PART U -- The Senate rejects the Executive proposal to enact the Domestic Violence Survivors Justice Act. The Senate remains committed to ensuring access to justice for survivors of domestic violence, and this issue should be addressed outside the budget.
- PART V -- The Senate rejects the Executive proposal to increase criminal penalties for assaults on journalists.
- PART W -- The Senate rejects the Executive proposal to eliminate all references to the death penalty, which should be addressed outside the budget.
- PART X -- The Senate rejects the Executive proposal to prohibit rapid-fire modification devices. The Legislature has passed a measure to prohibit devices that accelerate the rate of fire of semi-automatic firearms, which awaits action by the Executive.
- PART Y -- The Senate rejects the Executive proposal to extend the time period during which a background check must pass the National Instant Criminal Background Check System before a firearm can be delivered to a purchaser. The Legislature has passed a similar proposal, which awaits action by the Executive.
- PART Z -- The Senate rejects the Executive proposal to establish extreme risk protection orders as a court-issued order of protection prohibiting a person from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun. The Legislature passed, and the Executive signed, legislation to establish extreme risk protection orders.
- PART AA -- The Senate rejects the Executive proposal to establish various pretrial criminal justice reforms. The Senate is strongly committed to passing a comprehensive package that includes cashless bail, discovery reform, and speedy trials into law.
- PART EE -- The Senate rejects the Executive proposal to enact certain reforms to grand jury procedure, which should

be addressed outside the budget.

- PART II -- The Senate concurs in part, and denies in part, the Executive proposal to consider past contact with the criminal justice system in occupational licensing, and the parole eligibility of certain individuals. The Senate concurs with the general proposals put forward by the Executive but rejects the Executive proposal to allow for parole consideration for certain incarcerated individuals.
- PART OO -- The Senate rejects the Executive proposal to reduce the maximum sentence for class A misdemeanors by one day.
- PART PP -- The Senate concurs with the Executive proposal to restrict forfeiture actions, create greater accountability for seized assets, and require reporting of certain demographic data.
- PART RR -- The Senate concurs with the Executive proposal to require reports on the discharge of a firearm and require the establishment of a model law enforcement use of force policy.
- PART UU -- The Senate rejects the Executive proposal to reorganize the statute granting peace officer powers to various groups and organizations throughout the state.

#### Article VII Proposal (S.1508-B)

- PART II -- The Senate modifies the Executive proposal to expand protections for additional transportation workers and protect against work zone intrusion to incorporate additional highway inspector and DMV examiner positions into the proposed protections.

#### **Deferred Compensation Board**

#### State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$892,000.

#### **Dormitory Authority of the State of New York**

#### Article VII Proposal (S.1508-B)

- PART A -- The Senate concurs with the Executive proposal to clarify the Dormitory Authority's (DASNY) ability to finance health care projects under the Health Care Financing Consolidation Act and DASNY's authorizing statute.
- PART B -- The Senate modifies the Executive proposal to make permanent the authorization for the Dormitory Authority of the State of New York to enter into certain design and construction management agreements by providing for a two-year extension of such authorization.
- PART C -- The Senate modifies the Executive proposal to authorize the Atlantic Avenue Healthcare Property Holding Corporation to sell, exchange, transfer, lease and convey real property located in Brooklyn, New York. The Senate advances language to treat any projects resulting from the sale, exchange, transfer, lease or conveyance of the real property as public works projects, and to require

legislative approval for the sale, exchange, transfer, lease or conveyance of said property.

## **Economic Development, Department of**

### **State Operations (S.1500-B)**

- The Senate concurs with the Executive recommendation of \$26.7 million.

### **Aid to Localities (S.1503-B)**

- The Senate modifies the Executive recommendation of \$61.7 million by providing an increase of \$18.3 million in funding, including the following restorations and additions --
- \$9.6 million for additional funding for Centers of Excellence (COE), to provide \$1.5 million for each COE; and
- \$8.7 million for additional funding for Centers for Advanced Technology (CAT), to provide \$1.5 million for each CAT.

## **Education Department, New York State**

### **State Operations (S.1500-B)**

- The Senate concurs with the Executive recommendation of \$610.9 million with the following modifications:
- Rejects language linking enactment of the Aid to Localities budget bill to the funding of State Operations;
- Maintains support for the oversight of proprietary and vocational schools; and
- Maintains support for state monitors in the East Ramapo Central School District.

### **Aid to Localities (S.1503-B)**

- The Senate concurs with the Executive recommendation of \$36.34 billion, with the following modifications:
- Increases School Aid by \$1.62 billion or 6.0% above the 2018-19 school year;
- Increases Foundation Aid by \$1.2 billion or 6.8%;
- Fully funds expense-based aids at the current law level of \$342 million;
- Provides flexibility for Community School Funding;
- Provides \$25 million in additional grants to school districts to support English Language Learner students; and
- Increases Supplemental Educational Improvement Grants by \$4.25 million above the 2018-19 school year.
- The Senate concurs with the Executive recommendation of:
- \$47 million for Empire State After-School programs, with a \$4 million set-aside dedicated to programs on Long Island;
- \$35 million for unrestricted aid to private not-for-profit institutions (Bundy Aid);
- \$24.9 million for support of students in New York City charter schools;
- \$24.3 million for extended day and school violence prevention programs;
- \$18 million for My Brother's Keeper grants;

- \$17.2 million to support minimum wage;
- \$14 million for Public Broadcasting Aid;
- \$10 million for increased reimbursement for in-state school meal procurement;
- \$6.7 million increase for nonpublic schools for mandated services;
- \$5.8 million to subsidize Advanced Placement and International Baccalaureate exam fees for low-income students;
- \$1.87 million for small government assistance grants;
- \$1.5 million to provide refugee and immigrant student welcome grants, with \$500,000 dedicated to high-need school districts on Long Island;
- \$1.5 million to increase access to mental health services;
- \$1 million to support the creation of additional Recovery High Schools;
- \$750,000 for Farm to School Programs;
- \$500,000 to increase access to advanced coursework; and
- \$500,000 for gang prevention grants.
- The Senate modifies the Executive recommendation by providing:
  - \$30 million for STEM teachers in nonpublic schools;
  - \$20 million in additional funding to support schools placed under receivership;
  - \$20 million for expanded pre-kindergarten grants, \$5 million above the Executive;
  - \$4.1 million to schools for the blind and deaf (4201 schools);
  - \$3 million in additional funding to independent living centers;
  - \$2 million for new Early College High School programs;
  - \$1.5 million in additional reimbursement to the East Ramapo Central School District;
  - \$996,000 in additional funding to non-public schools for student immunization record keeping; and
  - \$400,000 for BioBus mobile science lab.
- The Senate rejects the Executive recommendation of the following in favor of a larger Foundation Aid increase:
  - \$3 million for alternative discipline grants;
  - \$3 million for We Teach New York;
  - \$1.5 million for master teacher awards;
  - \$1.5 million for the expanded math access program;
  - \$1 million for the advanced courses access program; and
  - \$200,000 for the NYS Youth Council.
- The Senate includes the following modifications to the Executive recommendation by restoring:
  - \$9.98 million for Teacher Resource and Computer Training Centers;
  - \$5 million and adds \$1.0 million in aid to public libraries;
  - \$5.9 million and adds \$575,000 for the Higher Education Opportunity Program (HEOP);
  - \$4.5 million for the Foster Youth Initiative Program;
  - \$3.1 million for the Liberty Partnerships Program;
  - \$2.6 million for the Science and Technology Entry Program

- (STEP);
- \$2 million for the Collegiate Science and Technology Entry Program (C-STEP);
- \$1.5 million for Adult Literacy Education programs;
- \$1.5 million for the Consortium for Worker Education;
- \$903,000 for the Henry Viscardi School;
- \$903,000 for the New York School for the Deaf;
- \$500,000 for the Mill Neck Manor School for the Deaf;
- \$500,000 for the Consortium for Worker Education Enhanced Credentials Initiative;
- \$500,000 for the Center for Autism and Related Disabilities;
- \$500,000 for the New York City Community Learning Schools Initiative; and
- \$475,000 for professional development of school administrators.

#### Capital Projects (S.1504-B)

- The Senate concurs with the Executive recommendation of \$101.2 million, with the following modifications:
- Restores \$20 million for Library Construction;
- Concurs with \$7.2 million for E-Licensing at SED;
- Concurs with \$30 million to support projects at schools for the blind and deaf; and
- Concurs with \$25 million to support safety and security projects at nonpublic schools, community centers, and day care facilities at risk of hate crimes.

#### Article VII Proposals (S.1506-B)

- PART A -- The Senate modifies the Executive proposal to:
- Discontinue the Contract for Excellence program;
- Deny the Executive proposal to require districts to set aside a portion of their Foundation Aid increase to schools selected by the Division of Budget;
- Repeal current law that requires school districts to submit school level funding plans that are duplicative with requirements under the Federal Every Student Succeeds Act;
- Deny the Executive proposal to change the personal income growth index to a 10-year average;
- Provide a three-year phase-in of Foundation Aid;
- Accept the proposal to extend mayoral control and accountability of New York City schools for three years. The Senate is further committed to holding public hearings and other informational forums throughout the City of New York to assess the effectiveness of mayoral control of the New York City School District and hear stakeholders on the ways to address the inequalities in our schools, ensure the voices of parents are included and improve student performance and outcome. For each of the 3 years the

provisions of the mayoral control are extended. Until June 30, 2022, the Education Committee will prepare and make public a report of the findings and recommendations of such hearing;

- Deny the limitation on building aid reimbursement;
- Deny the consolidation of expense-based aids;

- Provide a five-year extension of the universal full-day pre-kindergarten program;
- Deny the freezing of school aid claims based on the November data;
- Deny the allowance of school districts, private school, or BOCES to apply for waivers from certain special education requirements;
- Deny the annual professional performance review reforms, and urges the enactment of these reforms as the Legislature has already passed this bill through both houses;
- Deny the requirement that school districts conduct duplicative reporting on their uses of federal McKinney Vento funding;
- Modify the Executive proposal to establish healthy relationships education instruction program, by limiting the opt out provisions;
- Deny the proposal to require districts to adopt a policy on sexual discrimination, as this is already current law;
- Increase the allocation for Consortium for Worker Education;
- Extend teacher certification provisions for the Statewide Universal Full Day Prekindergarten Program for one year; and
- Extend reimbursement to the East Ramapo Central School District to support students attending public schools in such district.
- NEW PART A-1 -- The Senate proposes language to:
- Modify the Executive Foundation Aid formula recommendation;
- Provide amnesty for building aid penalties;
- Provide amnesty for transportation aid penalties;
- Apply prior year adjustments toward state aid recoveries;
- Increase the funding rate for 853 schools, 4410 schools, and Special Act school districts by at least four percent;
- Increases the limit of certain funding by the dormitory authority for financing of capital facilities for state-supported schools for blind and deaf students;
- Increase the statutory cap on BOCES district superintendent salaries;
- Increase the aidable salaries for staff providing career and technical education services through BOCES;
- Phase-in reimbursement for ninth graders in Special Services Aid for non-component school districts;
- Ensure that employees of school bus contractors in New York City would be provided employee protection provisions under certain conditions;
- Accelerate reimbursement to school districts for supplemental charter tuition for the 2019-20 school year;
- Allow school districts to establish reserve funds for Teacher Retirement System expenses within their existing State and Local Employees' Retirement System reserve fund;
- Stagger building condition surveys over a five-year period; and
- Allow school districts that have tax certiorari judgments that exceed the amount of the district's annual budget to receive Building Aid for the bonded payment.
- PART B -- The Senate concurs with the Executive proposal



- related to ownership of accounting firms.
- PART C -- The Senate modifies the Executive proposal allowing school districts to purchase school bus stop arm cameras, to require such cameras be reimbursable through state aid.
  - PART E -- The Senate rejects the Executive proposal to require proprietary educational institutions to comply with additional regulations. The Senate supports the protection of students from predatory practices and plans to hold a hearing to further study this issue.
  - PART S -- The Senate concurs with the Executive proposal to extend anti-discrimination protections in the Human Rights Law to students who attend public educational institutions.
  - PART Y -- The Senate rejects the Executive proposal to prohibit sexual orientation change efforts by mental health care professionals as this proposal has already been enacted as Chapter 7 of the Laws of 2019.
  - NEW PART CC -- The Senate advances language requiring health care professionals to provide and the department to collect information during their registration about the practice of their professions.
  - NEW PART EE -- The Senate advances legislation to allow certain audiologists to sell hearing aids.
  - NEW PART GG -- The Senate advances legislation that would extend the exemption of the School Construction Authority from the Wicks Law for an additional five years.

## **Elections, State Board of**

### State Operations (S.1500-B)

- The Senate modifies the Executive All Funds recommendation of \$11.56 million as follows:
- Provides \$3 million in additional operating funds for the agency.

### Aid to Localities (S.1503-B)

- The Senate provides \$10 million in funding for early voting and other voting reforms.

## **Empire State Development Corporation**

### Aid to Localities (S.1503-B)

- The Senate modifies the Executive recommendation of \$89.6 million as follows:
- Provides \$840,000 in funding for the following restorations:
- \$365,000 in additional funding for the Minority and Women Owned Business Development and Lending Program;
- \$300,000 in additional funding for the Federal Community Development Financial Institutions Program. The Senate supports evaluating further programs that would steer state and local dollars to community banks and credit unions, which would help provide additional lending access to underserved communities; and
- \$175,000 in new funding for a design competition to replace

the Buffalo Skyway.

Capital Projects (S.1504-B)

- The Senate modifies the Executive recommendation of \$820 million to include appropriation language requiring that each Empire State Development Corporation capital project appropriation and reappropriation be subject to additional accountability and transparency measures such as independent comptroller review of contracts. The Senate further supports adding a component to economic development awards that would require the grantee to provide for internship programs as part of overall programs.

Article VII Proposal (S.1508-B)

- PART Y -- The Senate concurs with the Executive proposal to extend for one year the general loan powers of UDC.
- PART Z -- The Senate accepts the Executive proposal to extend the authorization of the NYS Urban Development Corporation to administer the Empire State Economic Development Fund.
- PART AA -- The Senate modifies the Executive proposal to update provisions of law relating to participation by minority and women-owned business enterprises (MWBE) in state contracts based upon the 2016 Disparity Study.
- NEW PART SS -- The Senate advances language to create a new Database of Deals to improve State economic development transparency and accountability.

**Employee Relations, Office of**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$8.7 million.

**Energy Research and Development Authority**

Capital Projects (S.1504-B)

- The Senate concurs with the Executive recommendation of \$17.7 million.

Article VII Proposal (S.1508-B)

- PART U -- The Senate rejects the Executive's proposed language committing \$10 million of utility assessments to the Electric Generation Facility Cessation Mitigation Fund, and would instead provide a \$24 million transfer from the General Fund. The Senate believes a comprehensive solution is needed to manage the needs of communities facing a significant loss of income from the closure of power plants and tax certiorari proceedings.
- PART W -- The Senate concurs with the Executive's recommendation to continue an assessment on gas and electric corporations to fund the New York State Research and Development Authority and certain programs administered by the Department of Environmental Conservation and the Department of Agriculture and Markets.

## **Environmental Conservation, Department of**

### State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$459.7 million.

### Aid to Localities (S.1503-B)

- The Senate modifies the Executive recommendation by adding \$2 million in local assistance for Senate environmental priorities.

### Capital Projects (S.1504-B)

- The Senate modifies the Executive All Funds recommendation of \$1.3 billion as follows:
- Rejects language authorizing amounts appropriated in the Environmental Protection Fund for the use of personal service expenses;
- Adds \$2 billion for a total of \$2.5 billion over a multi-year period for clean water infrastructure projects such as improvements to solid waste management facilities, intermunicipal infrastructure projects, projects to address emerging contaminants, water quality improvement projects, concentrated animal feeding operations, septic system replacement, and projects to address issues on Long Island; and
- Amends the Environmental Protection Fund to provide additional funds for a number of Senate environmental priorities including:
- \$1.5 million for a total of \$16.5 million for zoos, botanical gardens, and aquaria;
- \$2 million for a total of \$19 million for farmland protection;
- \$200,000 for a total of \$1.7 million for greenhouse gas management; and
- \$2.1 million for farmland conservation planning.

### Article VII Proposal (S.1508-B)

- PART E -- The Senate modifies the Executive proposal to eliminate the sunset on the Waste Tire Management Program. The Senate proposes to provide funds to the Department of Agriculture & Markets for the purpose of assisting farmers utilizing waste tires in agriculture practices, and further, to preclude recoupment of abatement costs at farms.
- PART F -- The Senate rejects the Executive proposal to expand the Bottle Bill. The Senate seeks a workable solution to support redemption, recycling, the reduction of material in the waste stream and to work towards consensus with the relevant stakeholders.
- PART G -- The Senate rejects the Executive proposal to allow the Department of Environmental Conservation to accept private gifts and partner with private entities.
- PART H -- The Senate modifies the Executive proposal to ban plastic bags. The Senate accepts the general ban on plastic bags but includes a fee on paper carryout bags and allocates

fees to alleviate the potential burden on disparately impacted communities. It is important that the final agreed-upon language ensure that reusable bags are distributed to those who cannot afford new fees on grocery bag purchases.

- PART I -- The Senate rejects the Executive proposal to ban offshore drilling. The Legislature has passed a bill to address this issue and the Governor should act on this bill as soon as possible.
- PART J -- The Senate concurs with the Executive proposal to allow the Department of Environmental Conservation to provide hearing notices for wetlands mapping updates by standard mail.
- PART K -- The Senate modifies the Executive proposal to require ingredient disclosure and product labelling for consumer products and personal care products to include an initial list of substances that will be subject to disclosure and labelling requirements.
- PART X -- The Senate rejects the Executive proposal referred to as the "Climate Leadership Act." The Senate understands the importance of comprehensively addressing climate change across all sectors of the economy, with an emphasis on environmental justice. The Senate will provide focused attention to this issue outside of the budget.
- NEW PART UU -- The Senate advances new language requiring food scraps generators of a certain size to separate, store, and transport food scraps to an organics recycler.

## **Executive Chamber**

### State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$17.85 million.

## **Financial Services, Department of**

### State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$379.64 million.

### Aid to Localities (S.1503-B)

- The Senate concurs with the Executive All Funds recommendation of \$58.91 million.

### Article VII Proposal (S.1508-B)

- PART L -- The Senate modifies the Executive Budget proposal to extend the licensing provision to include and apply to Federal Loan Servicers, who occupy almost 90% of the student loan market, as embodied by Senate Bill 1958.

## **Gaming Commission**

### State Operations (S.1500-B)

- The Senate concurs with the Executive appropriation

recommendation of \$113.5 million.

Aid to Localities (S.1503-B)

- The Senate concurs with the Executive appropriation recommendation of \$295 million.

**General Services, Office of**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$1.03 billion.

Capital Projects (S.1504-B)

- The Senate modifies the Executive recommendation of \$204 million as follows:
- Provides \$5 million for capital improvements and preservation at the State Capitol.

Article VII Proposal (S.1505-B)

- PART L -- The Senate concurs with the Executive proposal to extend for five years the provisions of the Service Disabled Veteran Owned Business Development Program.
- PART HH -- The Senate modifies the Executive proposal by extending current emergency construction authority for two years, adding provisions against pay to play, and strengthening insurance requirements for bidders.

**General State Charges**

State Operations (S.1500-B)

- The Senate modifies the Executive recommendation of \$6.02 billion as follows:
- Restores \$2.9 million to deny the elimination of the Income Related Monthly Adjustment Amount (IRMAA) for retired state employees; and
- Restores \$2.3 million to deny the cap on the State's reimbursement of the Medicare Part B Premiums for retired state employees.
- Rejects \$5.0 million for services and expenses relating to the costs of outside legal services.

Article VII Proposals (S.1505-B)

- PART A -- The Senate rejects the Executive proposal to implement differential health care premiums based on years of service.
- PART B -- The Senate rejects the Executive proposal to eliminate reimbursement for Income Related Monthly Adjustment Amounts (IRMAA).
- PART C -- The Senate rejects the Executive proposal to freeze the reimbursement of the Standard Medicare PART B premium paid to eligible NYSHIP retirees and their dependents at \$134 monthly.
- PART D -- The Senate rejects the Executive proposal to convert the current legal rate of interest, from nine

percent per annum to a market rate of the weekly average one-year constant maturity treasury yield.

- PART DD -- The Senate rejects the Executive proposal to increase the biennial attorney registration fee and the Office of Court Administration criminal history search fee.

### **Green Thumb**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$3.56 million.

### **Greenway Heritage Conservancy of the Hudson River Valley**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$166,000.

### **Health, Department of**

State Operations (S.1500-B)

- The Senate concurs with the Executive's All Funds recommendation of \$3.595 billion.

Aid to Localities (S.1503-B)

Public Health

- The Senate rejects the Executive's recommendation to reduce Department of Health's General Public Health Work Reimbursement to New York City from 36 percent to 20 percent and restores \$26.85 million.
- The Senate restores funding as follows:
  - \$1 million for the Comprehensive Care Centers for Eating Disorders (CCCED) for a total of \$1.18 million;
  - \$1.4 million for Community Health Advocates, and provides additional funding of \$600,000;
  - \$3.8 million for School Based Health Clinics;
  - \$525,000 for additional community service programs increased demands of HIV education, prevention, outreach, legal and supportive services;
  - \$500,000 for Family Planning Grants;
  - \$725,000 New York Alliance for Donation;
  - \$225,000 for Center for Liver Transplant;
  - \$450,000 for New York Center for Kidney Transplants;
  - \$3 million for Nurse Family Partnership Program;
  - \$1 million for Lyme and Tick Borne Diseases;
  - \$1 million for Women's Health Initiatives;
  - \$500,000 for Diversity in Medicine Program;
  - \$227,000 for the Maternity and Early Childhood Foundation, and provides additional funding of \$143,000;
  - \$225,000 for the Alzheimer's Disease Research Resource Center, Inc.;
  - \$2 million for the Rural Health Care services and programs; and
  - \$500,000 for Opioid Alternative Project.

- The Senate provides funding as follows:
- \$2.75 million for public health programs including Sickle Cell, Alzheimer's, Parkinson's, Lupus, ALS, and other community providers;
- \$1 million for Lead Risk Reduction Initiatives;
- \$16 million for grants to not-for-profit organizations that provide primary and preventative reproductive health care;
- \$5 million to increase the state share of Supplemental Security Income effective January 1, 2020. This represents the first year of a five year commitment to increase the state share for Supplemental Security Income in adult care facilities;
- \$1 million for LGBT Health and Human Services Network; and
- \$250,000 for the New York State Dental Association's charitable grant program.
- The Senate strongly opposes the Governor's reprogramming of the Healthcare Facility Transformation money that was meant

to provide much needed relief to hospitals and nursing homes. The Senate is committed to ensuring that funds deposited into the Healthcare Facility Transformation Fund are used to fund commitments made by the Executive to support health care delivery in the State.

- The Senate restores \$2 million in Elderly Pharmaceutical insurance coverage savings and directs the Department to reinvest to increase eligibility and increase awareness through public awareness.

## Medicaid

- The Senate rejects the Executive's pharmacy proposals to:
- Reduce coverage for over the counter drugs and increase the copay from \$.50 to \$1 and restores \$12.3 million; and
- Eliminate prescriber prevails for fee for service and managed care and restores \$18.7 million.
- The Senate rejects the Executive's long term care proposals to:
- Eliminate spousal refusal provisions and restores \$5.9 million; and
- Establish per member per month payment for fiscal intermediaries and restores \$75 million.
- The Senate rejects the Executive's managed care proposals to:
- Limit payments made for dual-eligible recipients of both Medicare and Medicaid and restores \$17.5 million; and
- Address additional Office of Medicaid Inspector General recoveries and restores \$4.1 million.
- The Senate rejects the Executive's transportation proposals to:
- Carve transportation out of managed long term care and into fee for service and restores \$6.4 million;
- Require Adult Day Home Care program transportation to be managed by the state's contracted transportation manager and restores \$4.1 million;
- Eliminate Rural Transit Assistance and restores \$4 million;
- Eliminate supplemental ambulance rebate payments and

- restores \$3 million; and
- Reduction of NYC Livery rate and restores \$6.1 million.
- The Senate rejects the Executive's proposals to:
- Eliminate population health improvement program and restores \$7.75 million;
- Redeploy healthcare transformation funding and restore \$222 million;
- Across the board cut to Medicaid and restores \$190.2 million; and
- Reduce Indigent Care payments to major voluntary hospitals and restores \$137.8 million.
- The Senate advances language to:
- Allow Medicaid to reimburse for medically tailored meals and medical nutrition therapy, generating a net savings of \$2.25 million;
- Implement expedited Medicaid review for applicants in need of hospice, generating a net savings of \$2.0 million;
- Provide for home care asthma management, generating net savings of \$13.0 million;
- Expedite the public needs analysis by which the demand for Assisted Living Program Beds is determined for a savings of \$6.3 million;
- Implement a supplemental payment program for public ambulance services for a savings of \$14 million; and
- Ensure third party health insurers may not deny claims based solely on lack of prior authorization for a savings of \$50 million.
- The Senate provides \$20 million for the Diagnostic and Treatment Center Safety Net Pool.

#### Capital Projects (S.1504-B)

- The Senate concurs with the Executive's All Funds recommendation of \$202.9 million with the following modification
- The Senate modifies the Executive proposal to award \$300 million made available under to applications already submitted under Statewide II Health Care Facility from the Statewide III Health Care Facility Transformation Program to preserve the carve-outs for specific providers. Additionally, the Senate modifies language to clarify that a minimum of \$20 million of the remaining \$225 million in capital funds from SFY 2018-19 available to previous health care facilities applicants must be attributed to Assisted Living Programs.

#### Article VII Proposal (S.1507-B)

- PART A -- The Senate modifies the Executive proposal in regards to transportation related Medicaid Redesign Team recommendations:
- The Senate modifies the Executive Proposal to allow managed long-term care plans and Adult Day Health Care programs the option to continue to arrange transportation directly and not utilize the State's transportation manager; and
- The Senate rejects the Executive recommendation to:



- Eliminate supplemental rate payments, and
- Eliminate transit assistance paid to rural counties.
- PART B -- The Senate modifies the Executive proposal in regards to pharmaceutical related Medicaid Redesign Team recommendations:
  - The Senate rejects the Executive recommendation to:
    - reduce coverage for over-the-counter drugs;
    - increase the co-payment for over-the-counter drugs from \$0.50 to \$1.00; and
    - eliminate "prescriber prevails" provisions from fee-for-service and managed care plans.
  - The Senate modifies the Executive proposal on the Medicaid Drug Cap to reject the elimination of quarterly reporting requirements, ensure transparency in any third-party information or cost-benefit analyses relied upon by the Drug Utilization Review Board, and eliminate retroactive requirements on negotiated rebates.
  - The Senate modifies the Executive proposal on Pharmacy Benefit Managers to ensure that required changes are applied only to contracts signed after the bill is signed into law, and any changes to rates as a result must be actuarially appropriate.
- PART C -- The Senate modifies the Executive proposal in regards to Medicaid managed care related Medicaid Redesign Team recommendations:
  - The Senate concurs with the Executive recommendation to allow Medicaid to reimburse for the National Diabetes Prevention Program when offered in community based organization;
  - The Senate rejects the Executive recommendation to limit payments made for dual-eligible recipients of both Medicare and Medicaid;
  - The Senate advances language to allow Medicaid to reimburse for medically tailored meals, medical nutrition therapy and applied behavioral analysis.
- PART D -- The Senate modifies the Executive proposal on the global Medicaid spending cap to include the legislature in the decision-making process as it relates to the cap.
- PART E -- The Senate modifies the Executive proposal to extend various provisions of the Public Health and Social Services Laws:
  - The Senate modifies the proposals to:
    - Extend for two years authorization for Department of Health hospitals to enter into contracts for goods and services under \$100,000 without prior approval of an OSA or office;
    - Extend for two years authorization for Medicaid coverage for children who are 19 or 20 years old, living with their parents, if the sum of the MAGI-based income of the child's MAGI household is between 133-150% of the Federal Poverty Level for the size of that family;
    - Extend for two years authorization for certified home health agencies which can demonstrate on forms provided by DOH losses from a disproportionate share of bad debt and charity care during the base year period to be eligible for bad debt

- and charity allowances;
- Extend for two years authorization to allow an agency to finance the acquisition of property using a local development corporation;
  - Extend for two years authorization for the Commissioner of Health to assume responsibility from a local social services official for the provision of and reimbursement of Medicaid transportation costs, and to contract with one or more transportation managers to manage Medicaid transportation services;
  - Extend for two years authorization to provide enhanced payments to certain clinicians and clinics certified by the Commissioner as health care homes that provide services to individuals enrolled in Medicaid fee-for-service, Medicaid managed care and Child Health Plus;
  - Extend for two years authorization for the Department to establish a Temporary Operator for an Adult Care Facility;
  - Extend for two years authorization for the Department to require certain recipients who are at least 21 days old and need more than 120 days of community-based long term care to enroll in a Managed Long-Term Care plan, and that Managed Long-Term Care plans may enroll participants into community-based long term care without an assessment at the same level of services;
  - Extend for two years authorization to impose a 6% cash assessment on the gross receipts of residential health care facilities;
  - Extend for two years authorization to eliminate the 1996-1997 residential health care facility trend factor;
  - Extend for two years authorization to continue a cost-saving measure which revised statutory trend factors to rates for general hospitals and residential health care facilities;
  - Extend for two years authorization to cap administrative and general costs for Certified Home Healthcare Agencies and Long Term Home Health Care Programs;
  - Extend for two years authorization to eliminate a trend factor for general hospital reimbursement;
  - Extend for two years authorization for the nursing home appeals cap;
  - Extend for two years authorization for episodic payments;
  - Extend for two years authorization for the Department to impose cost containment measures on hospitals' capital spend;
  - Extend for two years authorization to require that managed care organizations reimburse providers for behavioral health services using equivalent Ambulatory Patient Group;
  - Extends for two years authorization for the Commissioners of Health and Mental Health to certify Mental Health Special Needs Plans; and
  - Extends for two years authorization for the Department to make Disproportionate Share Hospital payments in certain regions of the state.
  - PART F -- The Senate concurs with the Executive proposal to extend the Physicians Excess Medical Malpractice program for

one year.

- PART G -- The Senate modifies the Executive proposal in regards to long-term care related Medicaid Redesign Team recommendations:
- The Senate rejects the Executive recommendation to eliminate spousal refusal protections.
- The Senate rejects, without prejudice, the Executive's proposal to change the statutory structure by which fiscal intermediaries are currently organized in the Consumer Directed Personal Assistance Program (CDPAP). The Senate seeks to prevent interruptions in consumer service and promote fiscal intermediaries with track records of successfully serving enrollees.
- The Senate advances language to:
- Ensure rate adequacy for Medicaid managed long-term care plans;
- Require that minimum wage funds added to the capitated rate paid for for home and community based care or fiscal intermediary services must be used to supplement rates and not be used to supplant payments for existing services;
- Ensure that managed long term care plans distribute recruitment and retention funds to providers using a reasonable methodology, which must be reported to the Department;
- Implement expedited Medicaid review for applicants in need of hospice;
- Expedite the public needs analysis by which the demand for Assisted Living Program Beds is determined;
- Establish a workgroup to review nursing home case mix data and offer recommendations on improved accuracy and the elimination of abuses, and allow for case mix adjustments only after the case mix adjustment workgroup has submitted its recommendations; and
- Require the establishment of regulations on cost reductions in personal care services before payment reductions occur.
- PART H -- The Senate modifies the Executive proposal in regards to hospital related Medicaid Redesign Team recommendations:
- The Senate concurs with the recommendation to:
- Eliminate non-medical grants to non-major public academic medical centers; and
- Allow waivers of regulatory requirements on providers to promote efficiency and scaling of Delivery System Reform Incentive Payment (DSRIP) practices.
- The Senate rejects the Executive recommendation to:
- Remove requirements that per diem inpatient psych service rates must incorporate case mix adjustment mechanisms and and length-of-stay based criteria for adjustments;
- Reduce rates to general hospitals with potentially avoidable inpatient services; and
- Limit coverage and reimbursement for telehealth services for dual-eligible individuals to a covered services list.
- The Senate rejects with prejudice the Executive proposal to cut funding for the Indigent Care Pool and reduce the

reimbursement amount for voluntary hospitals. The Senate supports changes to the Indigent Care Pool that will adequately reimburse hospitals that provide a higher percentage of uncompensated care.

- The Senate recognizes the burden of the future Disproportionate Share Hospital Payments cuts on the healthcare industry and strongly urges the engagement of stakeholders to develop a mechanism that will equitably distribute these cuts among hospitals.
- PART I -- The Senate modifies the Executive proposal requiring the registration and licensing of Pharmacy Benefit Managers by increasing penalties for violations of law by PBM's, imposing further fiduciary duties upon PBM's, increasing transparency of PBM contracts with regards to conflicts of interest, and prohibiting PBM's from requiring the substitution of a dispensed drug without the approval of the prescriber.
- The Senate further urges the Comptroller to conduct a full audit of the Medicaid Managed Care pharmacy program and release the results to the Legislature.
- PART J -- The Senate supports codifying the protections of the Affordable Care Act into state law.
- The Senate modifies the Executive proposal to allow employee welfare funds offering medical, surgical, or hospital care benefits as of February 1, 2019, to continue doing so.
- The Senate modifies the Executive proposal to exempt discretionary plans from the Executive's proposed model contract language requirement and provide the pediatric dental essential health benefit through a stand-alone dental plan that meets the requirements of the state's benchmark plan.
- The Senate rejects the Executive proposals to allow the Superintendent of the Department of Financial Services authority to set preventative care and screening requirements and give the Superintendent the highest level of deference in interpreting the Insurance Law.
- The Senate rejects the Executive proposals to prohibit the sale of stop-loss insurance outside the state and to impose New York law upon insurance coverage issued outside of New York.
- PART K -- The Senate modifies the Executive proposal to extend the enhanced rates for the Medical Indemnity Fund by maintaining the administration of the fund with the Department of Financial Services.
- PART L -- The Senate modifies the Executive proposal regarding fertility preservation and in vitro fertilization to broaden the required coverage for in vitro fertilization, not limiting the coverage to three cycles of in vitro fertilization or large groups.
- PART M -- The Senate rejects without prejudice the Executive proposal to enact the Comprehensive Contraceptive Care Act as this proposal has been addressed outside of the Budget process.
- PART N -- The Senate rejects the Executive proposal to

create a Universal Access to Health Care Commission. The Senate remains committed to exploring solutions that will facilitate vulnerable populations accessing quality, affordable healthcare.

- PART O -- The Senate rejects the Executive proposal to reduce New York City's reimbursement under the General Public Health Work Program and restores \$26.85 million.
- PART P -- The Senate modifies the Executive proposal related to lowering blood lead levels and establishing lead based paint standards in residential properties by advancing language to:
  - Require the Commissioner of Health to incorporate a lower threshold for elevated blood lead levels within six months of the issuance of federal guidance recommending a lower threshold;
  - Require annual water supply statements to include information on all lead pipes located within a water system;
  - Expand the requirement of lead testing in drinking water to day care facilities; and
  - Require municipalities to conduct testing of potable water supplies of parks within the jurisdiction for lead contamination and abate the lead contamination condition within 90 days; and
- The Senate also adds additional funding to assist municipalities in inspections and remediations of lead contamination.
- PART Q -- The Senate modifies the Executive proposal to award \$300 million made available to applications already submitted under Statewide II Health Care Facility Statewide Program from the Statewide III program to preserve the carve outs for specific types of providers in Statewide II. Additionally, the Senate modifies the Executive Proposal to clarify that a minimum of \$20 million of the remaining \$225 million in capital funds from Statewide III to be attributed to Assisted Living Programs.
- PART R -- The Senate modifies the Executive proposal to establish a Maternal Mortality Review Board by ensuring that New York City's Maternal Mortality Review Board is preserved as a separate entity.
- PART S -- The Senate rejects without prejudice the Executive proposal to enact the Reproductive Health Act as this proposal has been addressed outside of the Budget.
- PART T -- The Senate concurs with the Executive proposal to codify the NY State of Health, The Official Health Plan Marketplace into state law.
- PART BB, SUBPART B -- The Senate concurs with the Executive proposal to require hospital emergency departments to have policies and procedures in place for providing medication assisted-treatment to patients prior to their discharge.
- PART BB, SUBPART C -- The Senate modifies the Executive proposal to remove the exemption for Emergency Departments in Hospitals from checking the prescription monitoring program registry prior to dispensing a controlled substance to a patient.

- PART BB, SUBPART D -- The Senate concurs with the Executive proposal to clarify that Medicaid must cover court ordered treatment provided at OASAS certified programs within New York State.
- PART BB, SUBPART E -- The Senate modifies the Executive proposal to add Fentanyl derivatives to the Schedule I list of controlled substances by concurring with the proposal to add 19 Fentanyl derivatives to the list of Schedule I controlled substances but denying the proposal to allow the Commissioner of Health to automatically classify any controlled substance listed as a federal Schedule I drug to the New York Schedule I of controlled substances.
- PART CC -- The Senate concurs with the Executive's proposal to allow for up to two pharmacy technicians to assist in the dispensing of drugs (four additional nationally certified pharmacy technicians) and to require pharmacy technicians employed in hospitals and nursing homes that assist in measuring, weighing, compounding or mixing of medications to be certified by a nationally accredited pharmacy technician certification program.
- PART DD -- The Senate rejects the Executive proposal to cut Medicaid payments for all providers by \$190.2 million.
- NEW PART EE -- The Senate advances language to ensure that a third party insurer may not deny claims based solely on a lack of prior authorization for a claim.
- NEW PART FF -- The Senate advances language to create a Home Care Asthma Management Program to target asthma management, promote and maintain health, prevent hospitalizations and emergent episodes, coordinate providers and encourage collaboration.
- NEW PART GG -- The Senate advances language to direct the Department of Health to request authorization to establish and administer a methodology to provide supplemental reimbursement to eligible ground emergency medical transportation providers.
- NEW PART HH -- The Senate advances language to establish a primary and preventative reproductive health program that will provide grants to not-for-profit organizations that provide primary and preventative reproductive health care.
- NEW PART II -- The Senate advances language to create an Early Intervention Services Pool to reimburse municipalities for the cost of Early Intervention Services.
- NEW PART JJ -- The Senate advances language to expand the Department of Health's oversight over health services in state and local correctional facilities.

The Senate urges the Department of Health to engage stakeholders to examine how staffing enhancements can improve patient safety and the quality of healthcare service delivery, including the fiscal impact of these staffing enhancements on healthcare providers, and release a report to the Legislature on its findings.

The Senate recommends that the Department of Health ensure that all healthcare providers who have engaged with Independence Care System be

made whole. The Senate encourages the Department of Health to commit to a transition between Independence Care System and VNSNY Choice that does not negatively impact the patient population or any healthcare providers.

The Senate supports creating a sickle cell demonstration program.

#### **Medicaid Inspector General, Office of the**

State Operations (S.1500-B)

- The Senate concurs with the Executive's recommendation of \$50.02 million.

Article VII Proposal (S.1507-B)

- PART V - The Senate rejects the Executive proposal to expand the collection powers of the Office of the Medicaid Inspector General and to require that all home care services workers obtain National Provider Identifier numbers.

#### **Higher Education Services Corporation (HESC)**

State Operations (S.1500-B)

- The Senate concurs with the Executive proposal of \$61 million.

Aid to Localities (S.1503-B)

- The Senate modifies the Executive recommendation of \$1.2 billion as follows:
- Provides an additional \$53 million for the 2019-20 Academic Year for reforms to Tuition Assistance Program awards by raising the maximum award from \$5,165 to \$5,310, raising the minimum award from \$500 to \$750, and raising the income eligibility threshold from \$80,000 to \$110,000; and
- Concurs with the \$27 million appropriated for enactment of the DREAM Act with language as passed by the Senate.

Article VII Proposals (S.1506-B)

- PART D -- The Senate rejects the Executive proposal to enact a modified version of the NYS Jose Peralta Dream Act. The Senate has already passed this legislation and urges the Governor to sign the bill into law.
- NEW PART BB -- The Senate proposes language to reform the Tuition Assistance Program by increasing the maximum TAP award, the minimum TAP award, and increasing eligibility by raising the TAP income threshold.

#### **Homeland Security and Emergency Services, Division of**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$81.6. million

Aid to Localities (S.1503-B)

- The Senate concurs with the Executive recommendation of \$1.4

billion, with the following modification:

- Adds \$ 650,000 for additional services and expenses associated with Red Cross emergency response preparedness.

#### Capital Projects (S.1504-B)

- The Senate concurs with the Executive appropriation of \$33 million.

#### Housing and Community Renewal

##### State Operations (S.1500-B)

- The Senate modifies the Executive All Funds recommendation of \$180.2 million as follows:
- Rejects Executive appropriation language requiring the Legislature to enact "the Rent Regulation Act of 2019;" and
- Rejects the conditional appropriation language relating to the \$8 million per year for two years that would fund 94 FTEs for the Office of Rent Administration and Tenant Protection Unit.
- The Senate seeks to expand tenant protection services outside the City of New York to counties such as Westchester.

##### Aid to Localities (S.1503-B)

- The Senate modifies the Executive All Funds recommendation of \$104.8 million as follows:
- Commits to \$20 million for Foreclosure Prevention Services Statewide;
- Adds \$4.9 million for the Neighborhood Preservation Program, including a \$150,000 set aside for the Neighborhood Preservation Coalition;
- Adds \$2.0 million for the Rural Preservation Program, including a \$150,000 set aside for the Rural Housing Coalition; and
- Adds \$1.0 million for additional housing programs.

#### Capital Projects (S.1504-B)

- The Senate modifies the Executive All Funds recommendation of \$174.2 million as follows:
- Adds \$250 million for the New York City Housing Authority and
- Adds \$100 million for Public Housing in the rest of the State;
- The Senate further implores the Executive to release the \$450 million in capital funding previously allocated for NYCHA in the near future.

#### Article VII Proposal (S.1506-B)

- PART G -- The Senate concurs with the Executive proposal for the utilization of the Mortgage Insurance Fund (MIF) excess reserves.
- PART T -- The Senate rejects the Executive recommendation to prohibit lawful source of income discrimination, as this issue should be addressed outside the budget.
- PART U -- The Senate rejects the Executive recommendation to



limit security deposits to two month's rent, including the first month's rent, and will address this issue outside the budget.

- PART Z -- The Senate rejects the Executive recommendation to make funding for rent regulation administration and enforcement contingent on the adopting of the Rent Regulation Act of 2019. The Senate will address rent regulations before the end of session and will work to advance a comprehensive proposal to protect tenants and secure critical reforms to the state's rent laws.

#### Article VII Proposal (S.1505-B)

- NEW PART ZZ -- The Senate advances language to make permanent policies requiring lenders to issue a 90-day pre-settlement conference notice before foreclosing on all home loans and requiring mandatory settlement conferences for residential foreclosure actions for all home loans.

#### **Hudson River Valley Greenway Communities Council**

##### State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$185,000.

##### Aid to Localities (S.1503-B)

- The Senate concurs with the Executive recommendation of \$136,000.

#### **Hudson River Park Trust**

##### Capital Projects (S.1504-B)

- The Senate concurs with the Executive recommendation of \$23 million.

#### **Human Rights, Division of**

##### State Operations (S.1500-B)

- The Senate concurs with the Executive All Funds recommendation of \$18.2 million.

#### Article VII Proposal (S.1506-B)

- PART Q -- The Senate modifies the Executive proposal to prohibit salary history inquiries and expand the equal pay law to provide technical clarifications and ensure that local laws that provide similarly comprehensive coverage are not preempted.
- PART R -- The Senate rejects the Executive proposal to enact the Gender Expression Non-Discrimination Act. The Legislature passed, and the Executive signed, the Gender Expression Non-Discrimination Act earlier this year.
- PART X -- The Senate concurs with the Executive proposal to add lactation to the definition of pregnancy-related conditions for which reasonable accommodations must be provided.

## **Indigent Legal Services, Office of**

### **State Operations (S.1500-B)**

- The Senate concurs with the Executive recommendation of \$6.1 million.

### **Aid to Localities (S.1503-B)**

- The Senate concurs with the Executive recommendation of \$204.8 million with the following modifications:
- Elimination of language preventing reimbursement payments for any expenditure submitted more than twelve months after the expenditure is incurred by a county or provider of defense services.
- The Senate has concerns regarding the use of fees included in part DD of the public protection and general government article VII to pay for the increased funding for public defense services because of the impact that the increase in the biennial registration fee for attorneys will have on public interest lawyers and because the increase in the criminal history search fee could increase the likelihood that background check companies will use less accurate information sources which will negatively impact the very individuals this funding is intended to assist. The Senate believe the Governor should identify other sources to support these needed services.
- The Senate supports increasing the hourly compensation of assigned counsel under Article 18-B of the County Law. These attorneys, who represent children and parents in family matters as well as indigent criminal defendants, have not received an increase in compensation for over a decade. These attorneys are essential to providing access to justice for those who cannot afford representation. Comparable compensation in the federal courts has risen to \$140 per hour while attorneys in our state courts receive \$60 per hour for misdemeanor cases and \$75 per hour for other cases. The Senate believes that the Executive should commit state funds to support the increase in the assigned counsel rate under Article 18-B of the County Law.

## **Information Technology Services, Office of**

### **State Operations (S.1500-B)**

- The Senate concurs with the Executive recommendation of \$768.84 million.

### **Capital Projects (S.1504-B)**

- The Senate concurs with the Executive recommendation of \$95.70 million.

## **Inspector General, Office of the State**

### **State Operations (S.1500-B)**

- The Senate concurs with the Executive recommendation of

\$7.24 million.

- The Senate rejects the Executive proposal to include new auditing authority within the appropriation language.

### **Interest on Lawyers Account**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$2 million.

Aid to Localities (S.1503-B)

- The Senate concurs with the Executive recommendation of \$45 million.

### **Judiciary**

Legislature and Judiciary (S.7501)

- The Senate concurs with the Judiciary request of \$2.3 billion with the following modification:
- \$1.7 million increase in funding to support infrastructure improvements in courtrooms in Queens County.

Article VII Proposal (S.1505-B)

- PART QQ -- The Senate rejects the Executive proposal to enact the Child-Parent Security Act.

### **Judicial Conduct, Commission on**

State Operations (S.1500-B)

- The Senate modifies the Executive recommendation of \$5.7 million to provide additional funding of \$359,000.

### **Judicial Nomination, Commission on**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$30,000.

### **Judicial Screening Committee**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$38,000.

### **Good Government and Ethics Reform**

The Senate and the Assembly have already passed a number of the proposals contained in the Executive's "Good Government & Ethics Reform" budget bill and remains committed to advancing additional reforms in these critical areas. The Senate believes many of these proposals require robust discussion, thoughtful consideration, and should be addressed outside of the budget in order to maximize public input and consideration.

Article VII Proposal (S.1510-B)

- PART A -- The Senate rejects the Executive proposal that would require the disclosure of tax returns by candidates for public office at this time, but acknowledges the importance of transparency in our elections and is open to revisiting this issue outside of the budget process.
- PART B -- The Senate supports establishing a publicly financed small donor matching system in order to curtail the influence of money in politics, in addition to other necessary campaign finance reforms.
- PART C -- The Senate modifies the Executive proposal to enact a system of online voter registration by advancing similar legislation with the same goal and intent.
- PART D -- The Senate rejects the Executive proposal implementing early voting in all special, primary, and general elections, as both houses have already passed, and the governor has signed, legislation to enact this proposal.
- PART E -- The Senate rejects the Executive proposal to consolidate primary elections, as both houses have already passed, and the governor has signed, legislation to enact this proposal.
- PART F -- The Senate omits the Executive proposal banning contributions to campaigns for corporations and LLCs at this time. Both houses have already passed, and the Governor has signed, legislation closing the "LLC" loophole which requires LLCs to be subject to the same contribution limits for corporations. The Senate will further review similar legislation which would ban corporate and LLC contributions, outside of the budget process.
- PART G -- The Senate rejects the Executive proposal to enact a system of Automatic Voter Registration. The Senate supports the concept of AVR and seeks to enact such a measure outside of the budget to further reform and modernize voter registration in the state.
- PART H -- The Senate rejects the Executive proposal that mandates employers give their employees three hours of paid time off to vote in all elections, since the proposal only grants employees one more hour of paid time off to vote than current law. Both houses have already passed, and the Governor has signed, legislation enacting early voting, which allows employees to vote when most convenient for them, including during the weekend before Election Day.
- PART I -- The Senate accepts the executive proposal to make all primary voting hours uniform in the state.
- PART J -- The Senate rejects the Executive proposal that allows 16 and 17-year-olds to pre-register to vote, as both houses have already passed, and the governor has signed, legislation to enact this proposal.
- PART K -- The Senate modifies the Executive proposal to place prohibitions on vendor contributions during procurement.
- PART L -- The Senate rejects the Executive proposal to expand the law allowing for the automatic update of voter registration information as both houses have already passed, and the governor has signed, legislation to enact this

proposal.

- PART M -- The Senate accepts the Executive proposal to prohibit lobbyists, labor unions, and independent expenditure committees from making loans to candidates.
- PART N -- The Senate modifies the Executive proposal authorizing the use of electronic poll books. The Senate has

already passed this proposal and believes it should be enacted into law.

- PART O -- The Senate rejects the Executive proposal to add new disclosure requirements on lobbyists.
- PART P -- The Senate omits the Executive proposal to ban political consultants from lobbying elected officials and emphasizes further consideration of the recommendations made by good government groups on this issue.
- PART Q -- The Senate rejects the Executive proposal that requires any 501(c)(3) corporation or entity to report to JCOPE the name and address of any individual, corporation, association or group that makes any monetary or in-kind donation in excess of \$2,500. The Senate is supportive of legislation that introduces greater transparency to our elections that is not unduly burdensome on communities seeking to make their voice heard.
- PART R -- The Senate rejects the Executive proposal to lower the lobbyist disclosure threshold to include certain advocacy organizations. Enactment of this proposal would have an adverse effect on grassroots advocacy which the Senate believes may stymie their speech.
- PART S -- The Senate rejects the Executive proposal to increase lobbyist penalties. While enhancing penalties may be justified in certain circumstances, the Senate believes additional consideration and thought must be given to this proposal.
- PART T -- The Senate rejects the Executive proposal to increase the post-employment lobby ban from two years to five years for legislative staff and members because banning former state officers, employees, legislators and legislative employees from registering as a lobbyist at all does not advance ethics.
- PART U -- The Senate rejects the Executive proposal that prohibits any employee of a statewide officeholder, state senator, or member of the assembly from volunteering for the campaign of that elected officeholder. The Senate believes such a proposal is overburdensome and a potential infringement on constitutionally protected speech.
- PART V -- The Senate accepts the Executive recommendation to require certain local elected officials to submit their financial disclosure forms to JCOPE for review and approval.
- PART W -- The Senate rejects the Executive proposal to establish a Lobbyist Code of Conduct, to be promulgated and enforced by JCOPE because it is too vague, general and contains no definitions.
- PART X -- The Senate rejects the Executive proposal to enact Automatic Voter Registration (AVR) through the Department of Motor Vehicles. The Senate supports the concept of AVR and

seeks to enact such a measure.

- The Senate rejects the Executive proposal that amends the New York State Constitution to establish that citizens are entitled to apply for registration to vote on any day prior to and including Election Day and shall be entitled to vote at such election. Earlier this session the legislature passed a similar proposal.
- The Senate rejects the Executive proposal that amends the New York State Constitution by removing the excuses required for absentee voting as both houses have already passed this proposal.

#### Article VII Proposal (S.1505-B)

- PART BB -- The Senate rejects the Executive proposal to subject the legislature to the same freedom of information law provisions to which Executive agencies are subject. Much of the work of the legislature is already open to the public for input, scrutiny and review at each step of the legislative process.

#### **Labor, Department of**

##### State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$595.8 million.

##### Aid to Localities (S.1503-B)

- The Senate modifies the Executive All Funds recommendation of \$3.02 billion, with the following changes:
- The Senate provides restorations for the following programs:
- \$4 million for the Workforce Development Institute (WDI);
- \$3 million for the WDI Manufacturing Initiative;
- \$805,000 for Displaced Homemaker Services;
- \$750,000 for the Manufacturers Association of Central New York;
- \$500,000 for The Solar Energy Consortium (TSEC);
- \$300,000 for the Cornell ILR Worker Institute;
- \$200,000 for the New York Committee for Occupational Safety and Health (NYCOSH), located on Long Island;
- \$200,000 for the Building Trades Pre-Apprenticeship Program (BTPAP) in Nassau County;
- \$200,000 for the Building Trades Pre-Apprenticeship Program (BTPAP) in Western New York;
- \$200,000 for the Western New York Council on Safety and Health (WNYCOSH);
- \$150,000 for the Domestic Violence Program at the Cornell University Institute of Industrial and Labor Relations (ILR);
- \$150,000 for the Cornell ILR Leadership Institute; and
- \$140,000 for the New York State Pipe Trades Labor Management Cooperation Committee for a Solar Thermal training grant program.

The Senate provides new funding for the following programs:

- \$3.7 million lump sum appropriation of Senate labor initiatives; and
- \$3.1 million for YouthBuild programs across the state.

#### Article VII Proposal (S.1506-B)

- PART O -- The Senate modifies the Executive proposal to increase penalties for employers committing wage theft in the Labor Law. The Senate proposes legislation that increases the likelihood that victims of wage theft are able to secure payment of unpaid wages for work already performed, as embodied in Senate Bill 2844. The Senate further proposes language establishing a new penalty scheme for employers committing wage theft in the Penal Law.
- PART P -- The Senate modifies the Executive proposal to reduce the penalties of unemployment insurance recipients working part-time to further strengthen the Executive proposal without unduly burdening program beneficiaries.
- PART V -- The Senate rejects the Executive proposal to clarify the legal interpretation of sexual harassment in the workplace, create additional requirements for non-disclosure agreements, and require the Department of Labor to distribute workplace sexual harassment. The Senate acknowledges that combating sexual harassment in the workplace is vital and is strongly committed to combating sexual harassment in the workplace and working with advocates to pass a comprehensive, deliberative and focused legislative solution outside of the budget process.
- NEW PART FF -- The Senate advances legislation that would restore the definition of public works as embodied in Senate Bill 1947. The Senate believes prevailing wage should be paid on projects supported by public dollars. However, the Senate acknowledges legitimate concerns by various stakeholders and supports all stakeholders coming together to negotiate a mutually agreeable outcome. The final proposal should recognize regional cost differentials among the state, recognize the unique nature of Industrial Development Agency and Local Development Corporation incentives, ensure development in all regions of the state continues, preserving opportunities for MWBEs, and preserve the development of affordable housing.
- NEW PART HH -- The Senate advances legislation to enact the New York State YouthBuild Act, as embodied by Senate Bill S839, and authorizes the Commissioner of Labor to make grants to eligible YouthBuild programs, establishes program requirements, and expands the number of YouthBuild programs in New York State.
- NEW PART II -- The Senate advances legislation that would require projects that receive over \$1 million in certain tax incentives to pay prevailing wage to building service workers upon completion of the project. The Senate believes prevailing wage should be paid to building service workers in these situations. However the Senate acknowledges similar legitimate concerns by various stakeholders as in the case of Part FF of the Education, Labor and Family Assistance

bill and supports all stakeholders on the building service worker wage component coming together to negotiate a mutually agreeable outcome.

#### Stand-Alone Constitutional Amendment

- The Senate modifies the Executive Proposal that amends the equal protection clause of the New York State Constitution by adding sex as a protected class in addition to the existing protections for race, color, creed, or religion. The Senate advances language as embodied in Senate Bill 517, to extend the equal protection clause of the New York State Constitution to national origin, citizenship, marital status, age, gender, sex, pregnancy, sexual orientation, gender identity or expression, military status, disability, or other immutable or ascriptive characteristics.

#### Law, Department of

##### State Operations (S.1500-B)

- The Senate concurs with the Executive All Funds recommendation of \$249 million.

##### Capital Projects (S.1504-B)

- The Senate concurs with the Executive All Funds recommendation of \$2 million.

##### Article VII Proposal (S.1505-B)

- PART RR -- The Senate modifies the Executive proposal to create an Office of Special Investigation by:
- Granting jurisdiction where there is a significant question of whether the civilian was armed or dangerous;
- Granting jurisdiction where there is a significant question of whether the police officer caused the civilian's death or whether the officer was engaged in law enforcement activity;
- Ensuring the Attorney General obtains jurisdiction immediately upon the civilian's death;
- Clarifying the extent of the Attorney General's investigative authority and criminal jurisdiction;
- Granting jurisdiction to prosecute acts and omissions to obstruct, hinder or interfere with an investigation or trial arising from an incident under the Office's jurisdiction; and
- Requiring the Office to issue a public report whenever the Office declines to present evidence to a grand jury or a grand jury declines to return an indictment.

#### Labor Management Committees

##### State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$38.3 million.

#### Lieutenant Governor, Office of the

##### State Operations (S.1500-B)



- The Senate concurs with the Executive recommendation of \$630,000.

## **Local Government Assistance**

### State Operations (S. 1500-B)

- The Senate concurs with the Executive recommendation of \$2.5 million for the Financial Restructuring Board.
- The Senate concurs with the Executive recommendation of \$3.5 million for the New York State Financial Control Board.

### Aid to Localities (S. 1503-B)

- The Senate modifies the Executive All Funds recommendation of \$695.1 million by:
- Restoring \$60.0 million of Aid and Incentives to Municipalities (AIM) funding to certain Towns and Villages within the AIM program;
- Adding \$27,000 for payments to the Village of Woodbury;
- Adding \$19,000 for payments to the Village of South Blooming Grove; and
- The Senate provides \$70 million for a new local government financial stability program for distressed local governments including, but not limited to, the City of Yonkers, the City of Albany, school districts, jurisdictions impacted by tax certiorari related to electric generation and other jurisdictions facing significant fiscal distress.
- The Senate concurs with the Executive All Funds recommendation for the following State programs:
- \$28.9 million to Aid to Municipalities with Video Lottery Gaming Facilities;
- \$2.3 million to Miscellaneous Financial Assistance Program;
- \$40 million to the County-Wide Shared Services Initiatives;
- \$5 million to the Citizens Empowerment Tax Credit and Grants;
- \$5.1 million to the Local Government Efficient Grants;
- \$217,300 to Small Government Assistance; and
- \$14.3 million to the Local Government Performance and Efficiency Program.

### Miscellaneous Appropriations (S.1503-B)

- The Senate modifies the Executive proposal by adding the following:
- \$200,000 for Village of Delhi; and
- \$200,000 for Village of New Paltz.

### Article VII Proposal (S.1505-B)

- PART G- The Senate concurs with the Executive's proposal to make the property tax cap permanent.
- PART H- The Senate modifies the Executive's proposal to reauthorize the eight municipalities currently operating a red light camera program by reducing the term of reauthorization from five (5) to two (2) years. The Senate advances language that would enhance the annual reporting criteria relative to those municipalities with current red

light camera programs, including mechanisms for non-compliance.

- PART I- The Senate rejects the Executive proposal to adjust AIM to certain Towns and Villages Based on Reliance.
- PART J- The Senate concurs with the Executive proposal to authorize Nassau County Class One Reassessment Exemption. The Senate is committed to providing additional assistance to taxpayers in places such as Nassau County being negatively affected by substantial reassessments.
- PART FF- The Senate concurs with the Executive proposal to allow the Town of Hastings to alienate a parcel of parkland for the purpose of constructing a new State Police Station.
- PART GG- The Senate concurs with the Executive's proposal to make permanent the ability of state agencies and municipal corporations to procure wholesale electricity, and expand such authority to state authorities and public benefit corporations.
- PART SS - The Senate modifies the Executive Proposal to authorize the Suffolk County Clerk to charge recording and filing fees allowed by the Suffolk County Administrative Code to instead authorize tax map number verification fees as set out in the Suffolk County Administrative Code.
- Direction to transfer \$24 million from the General Fund to the Electric Generation Facility Cessation Mitigation Fund.
  
- NEW PART YY - The Senate advances language to add the Villages of Woodbury and South Blooming Grove permanently to the AIM program.

## **Mental Health, Office of**

### **State Operations (S.1500-B)**

- The Senate concurs with the Executive's All funds recommendation of \$2.28 billion.

### **Aid to Localities (S.1503-B)**

- The Senate modifies the Executive's All Funds recommendation of \$1.576 billion by:
- Providing \$9.25 million to restore the Cost of Living Adjustment effective January 1, 2020;
- Restoring \$3.735 million for the Joseph Dwyer Peer to Peer program;
- Providing an additional \$1 million to expand the Dwyer Program to additional counties, including NYC;
- Providing \$3 million for additional supports and services for office of mental health housing programs;
- Providing \$1.5 million for Crisis Intervention Teams;
- Providing \$2 million for not for profits providing mental health services, including suicide prevention;
- Restores \$400,000 and adds \$100,000 for FarmNet;
- Restores \$175,000 for the North Fork mental health initiative - Family Services League; and
- Restores \$100,000 for the Mental Health Association of New York State to provide statewide first aid mental health training.

#### Capital Projects (S.1504-B)

- The Senate concurs with the Executive's All Funds recommendation of \$534.4 million.

#### Article VII Proposal (S.1507-B)

- PART W - The Senate concurs with the Executive proposal to extend the authority of the Office of Mental Health to recover Medicaid exempt income from community residences licensed by the Office of Mental Health until December 31, 2022.
- PART X - The Senate concurs with the Executive proposal to establish a voluntary jail-based restoration to competency pilot program within local correctional facilities.

#### **Mental Hygiene, Department of**

#### State Operations (S.1500-B)

- The Senate concurs with the Executives All Funds recommendation of \$600 million.

#### Article VII Proposal (S.1507-B)

- PART Y -- The Senate modifies the Executive proposal to defer the Human Services COLA for another year to grant the COLA beginning January 1, 2020. The Senate is also committed to continuing the agreed-upon 3.25% raises for direct care workers.

#### **People with Developmental Disabilities, Office for**

#### State Operations (S.1500-B)

- The Senate concurs with the Executive's All Funds recommendation of \$2.24 billion.

#### Aid to Localities (S.1503-B)

- The Senate modifies the Executive's All Funds recommendation of \$2.478 billion by:
- Providing \$18 million to restore the Cost of Living Adjustment effect January 1, 2020;
- Providing \$3,000,000 for a credentialing pilot program for direct service providers;
- Providing \$1,000,000 for organizations providing services to people with developmental disabilities; and
- Restores and adds \$150,000 for a total of \$250,000 for Best Buddies International.

#### Capital Projects (S.1504-B)

- The Senate concurs with the Executive's All Funds recommendation of \$99.4 million.0

#### Article VII Proposal (S.1507-B)

- PART Z -- The Senate concurs with the Executive proposal to eliminate duplicative license requirements for OPWDD providers rendering integrated services under DOH, OMH, and OASAS oversight.

- NEW PART LL -- The Senate advances language to establish a pilot program to allow for voluntary credentialing of direct support professionals serving individuals with intellectual or developmental disabilities in the community.

### **Developmental Disabilities Planning Council**

#### State Operations (S.1500-B)

- The Senate concurs with the Executive's All Funds Recommendation of \$4.76 million.

### **Justice Center for the Protection of People with Special Needs**

#### State Operations (S.1500-B)

- The Senate modifies the Executive's All Funds recommendation of \$55.76 million by restoring \$507,000 for rejecting transferring jurisdiction to Office of Mental Health and Department of Health for certain programs.

#### Article VII Proposal (S.1507-B)

- PART AA - The Senate rejects the Executive proposal to remove the Justice Center's jurisdiction over inpatient psychiatric units within Article 28 hospitals and children camps for children with developmental disabilities.

### **Metropolitan Transportation Authority**

#### Aid to Localities (S.1503-B)

- The Senate concurs with the Executive All Funds recommendation of \$969.9 million.

#### Capital Projects (S.1504-B)

- The Senate concurs with the Executive All Funds recommendation of \$1.5 billion.

#### Article VII Proposal (S.1508-B)

- PART BB -- The Senate supports a congestion mitigation plan that treats drivers fairly, reduces peak-hour congestion, incentivizes efficient commercial vehicle and business travel, dedicates revenues equitably, and is properly and transparently implemented. It is critically important that a congestion mitigation plan ensures fairness in treatment for transportation deserts, suburban residents, and residents who live in the congestion zone. The Senate awaits additional information on the Executive's proposed MTA Reorganization Plan and transit expert panel.
- PART CC -- The Senate rejects the Executive proposal to expand and extend the New York City school zone speed camera program to address outside the context of the budget. In addition, the Senate supports authorizing the City of Buffalo to create a school zone speed camera pilot program.
- PART EE -- The Senate rejects the Executive proposal permitting the MTA to assign, transfer, share, or consolidate any of its powers, duties, functions or activities, require design-build on unidentified major

projects, and amend MTA Board appointees' terms. In its place, the Senate advances the MTA RAIL Act. The MTA RAIL Act introduces much needed reforms to the way the MTA operates, including an independent forensic audit of the MTA's procurements, improving long-term capital planning, providing MTA riders a voting voice, ensuring that MTA revenues are more likely to go to New York businesses, and overhauling the way the MTA analyzes itself. Simply put, transformative change to the MTA and how it does business and delivers services must occur as part of any congestion pricing proposal. The Senate awaits additional information regarding the Executive's proposal.

- PART FF -- The Senate accepts the Executive proposal to move MTA Aid Trust Fund revenues off-budget and better dedicate MTA revenues to the Authority.
- PART GG -- The Senate modifies the Executive proposal to expand the bus rapid transit lane camera enforcement program and authorize camera enforcement for additional violations in the congestion zone to dedicate revenues generated by mobile cameras to transit deserts, state of good repair and accessibility needs and restores the five-year sunset.
- PART HH -- The Senate concurs with the Executive proposal to extend for two years the binding arbitration by the Public Employment Relations Board for disputes between the MTA and its labor representatives.
- PART RR -- The Senate modifies the Executive proposal to extend various procurement authorizations for the MTA for four years, and rejects extending the provision which has two years remaining on its authorization.

## **Military and Naval Affairs, Division of**

### State Operations (S.1500-B)

- The Senate concurs with the Executive All Funds recommendation of \$81.4 million.

### Aid to Localities (S.1503-B)

- The Senate concurs with the Executive All Funds recommendation of \$1 million.

### Capital Projects (S.1504-B)

- The Senate concurs with the Executive All Funds recommendation of \$75.2 million.

## **Mortgage Agency (SONYMA)**

### State Operations (S.1500-B)

- The Senate concurs with the Executive All Funds recommendation of \$76.8 million.

### Aid to Localities (S.1503-B)

- The Senate concurs with the Executive All Funds recommendation of \$138.4 million.

## **Motor Vehicles, Department of**

### State Operations (S.1500-B)

- The Senate concurs with the Executive All Funds recommendation of \$105.8 million.

### Aid to Localities (S.1503-B)

- The Senate concurs with the Executive All Funds recommendation of \$22.6 million.

### Capital Projects (S.1504-B)

- The Senate modifies the Executive All Funds recommendation of \$267.5 million, as follows:
- Provides \$16.5 million to support the first year of funding for license renewals and compliance with federal REAL ID requirements.

### Article VII Proposal (S.1508-B)

- PART M -- The Senate modifies the Executive proposal to extend the State's autonomous motor vehicle testing pilot to increase reporting for purposes of obtaining additional information on the program's usage and successes and conforms the law with federal manufacturing requirements. The Senate supports facilitating increased autonomous motor vehicle testing and implementation, and supports providing improved notice to municipalities when autonomous vehicle testing will be conducted within their jurisdictions.
- PART N -- The Senate concurs with the Executive proposal to extend the Ignition Interlock Program until September 1, 2021.
- PART O -- The Senate concurs with the Executive proposal to extend the State surcharge on motor vehicle infractions until September 1, 2021.
- PART P -- The Senate rejects the Executive proposal to authorize local governments to allow certain scooters and limited use motorcycles to operate, and further plans to

address this issue outside of the budget by holding a hearing to consider potential legislation more fully.

- PART T -- The Senate modifies the Executive proposal to increase penalties and administrative powers with respect to certain passenger motor carriers, to preserve the funding stream for bus and limousine inspections and expand application of existing seatbelt laws. The Senate rejects the provisions regulating modified limousines pending a hearing to incorporate stakeholders' input to ensure that passenger motor carrier safety is properly regulated while enabling the industry to function.
- PART II -- The Senate modifies the Executive proposal to expand protections for additional transportation workers and protect against work zone intrusion to incorporate additional highway inspector and DMV examiner positions into the proposed protections.

## **National And Community Service**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$30.4 million, an increase of \$82,000 or 0.3 percent from SFY 2018-19 levels.

Aid to Localities (S.1503-B)

- The Senate concurs with the Executive recommendation of \$350,000.

**Olympic Regional Development Authority**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$27.1 million.

Capital Projects (S.1504-B)

- The Senate concurs with the Executive recommendation of \$80 million.

Article VII Proposal (S.1508-B)

- PART NN -- The Senate concurs with the Executive proposal to extend the authority of the New York State Olympic Regional Development Authority to enter into contracts or agreements containing indemnity provisions in order to host Olympic or other national or international games or events.

**Parks, Recreation and Historic Preservation**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$249.5 million.

Aid to Localities (S.1503-B)

- The Senate modifies the Executive All Funds recommendation of \$9.3 million as follows:
- Adds \$1 million in local assistance for Senate priorities related to parks, recreation, and historic preservation.

Capital Projects (S.1504-B)

- The Senate concurs with the Executive All Funds recommendation of \$222.7 million.

Article VII Proposal (S.1508-B)

- PART MM -- The Senate concurs with the Executive proposal to create a parks retail stores enterprise fund and a golf enterprise fund.

**Power Authority, New York**

State Operations (S.1500-B)

- The Senate concurs with the Executive's recommendation of \$172 million.

Article VII Proposal (S.1508-B)

- PART KK -- The Senate rejects the Executive's proposal to authorize the New York Power Authority to provide energy related projects and programs to any authority customers, and to take actions necessary to develop electric vehicle charging stations, and believes the issue should be addressed outside the budget. The Senate supports efforts to provide renewable energy and fight climate change. The Senate remains open to discussing proposals to expand NYPA's authority in this area.
- PART LL -- The Senate rejects the Executive's proposal to authorize the New York Power Authority to finance, construct, and maintain transmission projects, which should be addressed outside the budget. The Senate supports efforts to provide renewable energy and fight climate change. The Senate remains open to discussing proposals to expand NYPA's authority in this area.

**Prevention of Domestic Violence, Office for the**

State Operations (S.1500-B)

- The Senate concurs with the Executive All Funds recommendation of \$3.8 million.

Aid to Localities (S.1503-B)

- The Senate concurs the Executive All Funds recommendation of \$1.8 million.

**Public Employment Relations Board**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$4.1 million.

**Public Ethics, Joint Commission on**

State Operations (S.1500-B)

- The Senate concurs with the Executive's recommendation of \$5.58 million.

**Public Service Commission**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$98.9 million.

Aid to Localities (S.1503-B)

- The Senate concurs with the Executive recommendation of \$5.75 million.

Article VII Proposal

- PART V - The Senate modifies the Executive recommendation to incorporate internet neutrality principles into the State's procurement process to:



- Add enforcement mechanisms and annual certification requirements through the Public Service Commission;
- Restrict awards by the Broadband program to Internet Service Providers that comply with net neutrality requirements; and
- Allow exemptions for emergency communications and law enforcement networks.

## **State, Department of**

### **State Operations (S.1500-B)**

- The Senate modifies the Executive recommendation of \$73.93 million, and provides additional funding as follows:
- \$450,000 for the Authorities Budget Office;
- \$600,000 for the Business and Licensing program to reflect the rejection of Article VII legislation amending the procedure for service of process upon corporations; and
- \$250,000 for the creation of the Office of the Advocate for People with Disabilities.

### **Aid to Localities (S.1503-B)**

- The Senate modifies the Executive All Funds recommendation of \$76.34 million as follows:
- Restores \$600,000 Public Utility Law Project;
- Restores \$150,000 for New York Immigration Coalition;
- Restores \$100,000 for Doe Fund, Inc.;
- Provides \$4 million for immigrant legal services; and
- Provides \$40 million for the Community Based Census 2020 Outreach.

### **Capital Projects (S.1504-B)**

- The Senate concurs with the Executive recommendation of \$102 million.

### **Article VII Proposal (S.1508-B)**

- PART Q -- The Senate rejects the Executive proposal to amend the procedure for service of process upon corporations by requiring plaintiffs to serve a copy upon the defendant corporation rather than serving the Secretary of State.
- PART R --- The Senate concurs with the Executive proposal to extend the expiration date that permits 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 services to March 31, 2020.
- PART PP -- The Senate rejects the Executive proposal to repeal biennial filing requirements and five-year statements  
  
for corporations and partnerships, and to eliminate fees associated with such filings.

### **Article VII Proposal (S.1507-B)**

- NEW PART MM -- The Senate advances language to create a new Office of the Advocate for People with Disabilities, housed under the Department of State.

## **State Police, Division of**

### **State Operations (S.1500-B)**

- The Senate concurs with the Executive recommendation of \$829 million.

### **Capital Projects (S.1504-B)**

- The Senate modifies the Executive recommendation of \$127.5 million as follows:
- Restores the requirement that legislative leaders approve funding for a records management system and eliminates language giving the Director of the Budget sole authority for such approval.

## **State University of New York (SUNY)**

### **State Operations (S.1500-B)**

- The Senate modifies the Executive recommendation of \$9.7 billion as follows:
- Restores \$5.36 million for Educational Opportunity Programs (EOP);
- Restores \$5 million for Educational Opportunity Centers (EOC) and \$2 million for ATTAIN Labs;
- Restores \$600,000 for the SUNY telecounseling initiative for mental health services;
- Provides an additional \$5 million in operating support to assist with decreased revenue resulting from tuition credits applied toward tuition; and
- Provides \$1 million for the establishment of the New York State Gun Violence Research Institute and the Gun Violence Research Fund.

### **Aid to Localities (S.1503-B)**

- The Senate is committed to providing \$1 million per year over the next five years in financial support for this critical initiative.
- The Senate modifies the Executive recommendation of \$468 million as follows:
- Provides an additional \$5.8 million for community college base aid, a \$50 per FTE increase from \$2,847 to \$2,897;
- Rejects \$3 million for the Family Empowerment Pilot Program;
- Provides \$549,000 for child care centers; and
- Restores \$100,000 for the SUNY Orange Community College BRIDGES Program.

### **Capital Projects (S.1504-B)**

- The Senate concurs with the Executive recommendation of \$926 million.

### **Article VII Proposal (S.1505-B)**

- New PART AAA -- The Senate advances language that establishes a Gun Violence Research Institute.

### **Article VII Proposal (S.1506-B)**

- NEW PART DD -- The Senate advances language authorizing the State University of New York at Albany to lease or contract up to 15,000 square feet of space in the University's Emerging Technology and Entrepreneurship Complex.

The Senate supports improving outcomes, reducing costs, and growing the economy through an integrated and collaborative system of health care, delivery, medical education, innovation and research at the University of Buffalo Jacobs School of Medicine.

### **Statewide Financial System**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$30.51 million.

### **Tax Appeals**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$3 million.

### **Taxation and Finance, Department of**

State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$463.6 million.

Aid to Localities (S.1503-B)

- The Senate concurs with the Executive recommendation of \$4.9 million.

### **Temporary and Disability Assistance, Office of**

State Operations (S.1500-B)

- The Senate concurs with the Executive All Funds recommendation of \$455.1 million, an increase of \$21.9 million or 5.1 percent from SFY 2018-19 levels

Aid to Localities (S.1503-B)

- The Senate concurs with the Executive All Funds recommendation of \$5.3 billion, an increase of \$67.9 million or 1.3 percent, with the following modifications:
- Provides \$20 million to establish the Home Stability Support program, a new statewide rent supplement for families and individuals who are eligible for public assistance benefits and who are also facing eviction, homelessness, or loss of housing due to domestic violence or hazardous living conditions; and
- Restores \$750,000 in funding for the Disability Advocacy Program.
- The Senate denies, with prejudice, the Executive's proposed imposition of a 10 percent local share requirement, applicable to New York City only, for Family Assistance TANF

expenditures. The Senate expresses concern over the impact this action would have on New York City's ability to provide assistance to families in need.

- The Senate restores funding for the following TANF programs:
- \$3 million for the child care facilitated enrollment demonstration projects in New York City and Monroe County;
- \$1.3 million for the child care facilitated enrollment demonstration project in the Capital District and Oneida County; and
- \$400,000 for the Welfare to Careers program.

#### Capital Projects (S.1504-B)

- The Senate concurs with the Executive All Funds recommendation of \$64 million

#### Article VII Proposal (S.1506-B)

- PART J -- The Senate concurs with the Executive proposal to remove certain statutory requirements, as it pertains to domestic violence victims, to comply with federal law.
- PART L -- The Senate concurs with the Executive proposal to authorize the pass-through of any federal SSI COLA that becomes effective in 2020. The Senate also provides \$5 million dollars in funding to increase the state Supplemental Security Income (SSI) state share for adult care facilities beginning January 1, 2020. This represents the first year of a five year commitment to increase the state share for Supplemental Security Income in adult care facilities.
- PART M, SUBPART B -- The Senate concurs with the Executive proposal to extend the authority to appoint a temporary operator for an emergency homeless shelter.
- PART N -- The Senate rejects the Executive proposal to authorize local social services districts to offer time-limited job try-outs as an eligible work activity for Public Assistance recipients.

#### Thruway Authority

#### Article VII Proposal (S.1508-B)

- PART JJ -- The Senate modifies the Executive proposal requiring all authorities with cashless tolling to have a website, toll-free hotline, and public awareness campaign, to incorporate additional due process and consumer protections for tollpayers based off of the 2018 Tollpayer Protection Act. The Senate also requires the Thruway Toll Advisory Task Force to convene no later than June 1, 2019, and incorporates an eight-week amnesty program for MTA bridges and tunnels. Additionally, the Senate intends to hold a hearing on the Thruway Authority to assess its operations, receive a status update on the Toll Advisory Task Force, and discuss the cashless tolling program in additional detail. Finally, the Senate is further committed to working with the Executive and Assembly to find solutions to reduce the burdens for residents of Rockland, Westchester, and Orange counties from the substantial toll

increases on the Governor Mario M. Cuomo Bridge anticipated to take effect on January 1, 2020.

- PART QQ -- The Senate rejects allowing the Thruway Authority to dispose of its fiber optic property without public auction.

## **Transportation, Department of**

### **State Operations (S.1500-B)**

- The Senate concurs with the Executive All Funds recommendation of \$429.2 million, with the following modifications:
- The Senate adds \$250,000 to conduct a study analyzing the feasibility and benefits of restoring service on the West Shore Railroad.

### **Aid to Localities (S.1503-B)**

- The Senate concurs with the Executive recommendation of \$3 billion in State operating assistance for the Metropolitan Transportation Authority (MTA), with the following modifications:
- The Senate adds: \$250,000 to study the costs, benefits, and efficacy of the Atlantic Ticket Pilot Program. Such study shall contain a review of ridership, utilization, and fare box data as well as projections for expansion of the pilot into permanency with full integration into Penn Station.
- The Senate concurs with the Executive recommendation of \$573.9 million for non-MTA Downstate and Upstate transit systems, with the following modification:
- Provide an additional \$28.6 million in State operating assistance for non - MTA transit systems (\$602.5 million total), a five percent increase over the Executive Budget and a twelve percent increase over last year.
- The Senate proposes to allocate \$422 million of Dedicated Mass Transportation Trust Fund revenues directly to the MTA.

### **Capital Projects (S.1504-B)**

- The Senate concurs with the Executive All Funds recommendation of \$5.4 billion, with the following modifications:
- The Senate adds:
- \$150 million to be added to the base CHIPS funding, for a total of \$588 million in CHIPS funding;
- \$65 million for Extreme Winter Recovery; and
- \$6 million for the Niagara Frontier Transportation Authority (NFTA) to begin funding preliminary engineering for the Amherst-Buffalo Metro Rail Expansion project as part of a commitment to meet twenty percent of a federal match.
- \$100 million for improvements to light rail systems outside of the MTA service area.
- The Senate restores \$20 million for non-MTA capital, for a total of \$105 million.
- The Senate provides \$140 million for the New York State Capital Assistance Program for Transportation, Environment,

and Economic Development.

Article VII Proposal (S.1508-B)

- PART D -- The Senate modifies the Executive proposal to extend design-build procurement for existing agencies for an additional two years, clarifies project labor agreement usage and civil service protections, and provides similar authorization for New York City's infrastructure agencies. The Senate rejects expanding design-build to additional agencies and expanding alternative procurement methodologies, and seeks additional information regarding MWBE participation on current or completed design-build contracts.
- PART S -- The Senate rejects the Executive proposal permitting DOT to assess fees for fiber optic utilities occupying State highway rights of way.
- NEW PART VV -- The Senate advances language requiring DOT to establish a pilot program enabling road users to report road defects, similar to what many of the State's municipalities already do.

**Veterans' Affairs, Division of**

State Operations (S.1500-B)

- The Senate concurs with the Executive All Funds recommendation of \$8.7 million.

Aid to Localities (S.1503-B)

- The Senate concurs with the Executive All Funds recommendation of \$10.9 million, with the following modifications:
- \$470,000 for the New York State Defenders' Association Veterans' Defense Program;
- \$125,000 for Veterans of Foreign Wars Department of New York;
- \$50,000 for SAGE Veterans' Project; and
- Provides \$500,000 for various initiatives in support of veterans.

Article VII Proposal (S.1506-B)

- PART W -- The Senate modifies the Executive proposal to eliminate the definition of "veteran" as part of the legislation.
- PART AA --- The Senate accepts the Executive proposal to change the name of the "Division of Veterans' Affairs" to the "Division of Veterans' Services."

**Victim Services, Office of**

State Operations (S.1500-B)

- The Senate concurs with the Executive All Funds recommendation of \$15.1 million.

Aid to Localities (S.1503-B)

- The Senate concurs with the Executive All Funds recommendation of \$156.7 million.

### **Workers' Compensation Board**

#### State Operations (S.1500-B)

- The Senate concurs with the Executive recommendation of \$196.4 million.

#### Article VII Proposal (S.1505-B)

- PART M -- The Senate rejects the Executive proposal to allow the State Insurance Fund to invest in an expanded pool of higher risk equities.
- PART N -- The Senate rejects the Executive proposal to allow the State Insurance Fund to cancel a workers' compensation policy when the policyholder fails to cooperate with a payroll audit.
- PART CC -- The Senate concurs with the Executive proposal to expand the types of healthcare providers that are authorized to render care to injured workers.

### **Welfare Inspector General, Office of**

#### State Operations (S.1500-B)

- The Senate concurs with the Executive All Funds recommendation of \$1.3 million.

### **Miscellaneous Items**

#### State Operations (S.1500-B)

- The Senate concurs with the Executive All Funds recommendation for the following reserves:
- \$9.6 million Workers' Compensation Reserve; and
- \$1.61 billion for Insurance and Securities Funds Reserve Guarantee.
- The Senate concurs with the Executive recommendation of \$25 million in reappropriation authority in data analytics.
- \$773.8 million for Health insurance contingency fund
- \$292.4 million for Health insurance receipts fund
- \$675,000 for College Choice Tuition Savings Program
- \$200 million for Public Safety and Emergency Response
- \$500 million for Reserve Federal Audit Disallowance
- \$1 billion for Federal Audit Disallowance
- \$1 billion for Special Emergency Appropriations
- \$2 billion for Special Federal Emergency Appropriation

#### Aid to Localities (S.1503-B)

- The Senate concurs with the Executive All Funds recommendation of \$69 million for the Pay for Success Contingency Reserve

#### Capital Projects (S.1504-B)

- The Senate restores \$30 million to the Higher Education Capital Matching Grants Program (HeCap).

#### Article VII Proposal (S.1508-B)

- PART DD -- The Senate modifies the Executive's proposal to establish a Gateway Development Commission for purposes of facilitating construction of the Gateway Tunnel to make various technical amendments and improve the Commissioner selection process.
- PART OO -- The Senate rejects the Executive's proposal to modify the coordinates for the property acquisition path for the proposed LaGuardia AirTrain. The Senate seeks additional information as to how existing authorization is being used.

#### Revenue

The Senate rejects the Executive proposal that would cap STAR benefits for taxpayers enrolled in the STAR Exemption Program as an attempt to incentivize enrollment into the STAR Credit Program. The Senate rejects the Executive proposal that lowers the income limit for the Basic STAR exemption to \$250,000, while maintaining the existing \$500,000 income limit for the STAR Credit Program. These proposals do not address the high property tax burden that New York taxpayers face, while forcing taxpayers into a program that has historically faced public scrutiny for checks delivered to taxpayers late and other administrative issues.

The Senate supports the imposition of an additional surcharge on certain high-value non-primary residences in New York City, with revenues derived from such surcharge being dedicated to critical needs such as preventing homelessness and mass transit.

The Senate is also committed to extending and streamlining the functioning of the current Empire State Commercial Productive Tax Credit program and the Empire State Film Tax Credit program.

#### Article VII Proposal (S.1509-B)

- PART A -- The Senate modifies the Executive proposal by extending the current electronic filing and payment mandates for three years.
- PART B -- The Senate concurs with the Executive proposal to expand the Employee Training Incentive Program (ETIP).
- PART C -- The Senate concurs with the Executive proposal to codify a receipts factor rule for the net amount of global intangible low-taxed income (GILTI) included in business income.
- PART D -- The Senate concurs with the Executive proposal to decouple from the Internal Revenue Code Federal basis for the New York State manufacturing test.
- PART E -- The Senate concurs with the Executive proposal to extend the Workers with Disabilities Tax Credit for three years.
- PART F -- The Senate concurs with the Executive proposal to extend the three-year gift addback rule and require binding New York State qualified terminable interest property (QTIP) election.
- PART G -- The Senate concurs with the Executive proposal to amend the Tax Law to require marketplace providers to



collect sales tax on taxable sales of tangible personal property they facilitate.

- PART H -- The Senate concurs with the Executive proposal to discontinue the energy services (ESCO) sales tax exemption.
- PART I -- The Senate concurs with the Executive Proposal to continue efforts to avoid large, unexpected tax shifts due to equalization rate changes.
- PART J -- The Senate concurs with the Executive proposal to make real property tax administration more efficient.
- PART K -- The Senate concurs with the Executive proposal to provide technical cleanups for the Tax Freeze Credit Program.
- PART L -- The Senate concurs with the Executive proposal to create a New York State Employer-Provided Child Care Credit.
- PART M -- The Senate concurs with the Executive proposal to include New York State gambling winnings in non-resident New York State income.
- PART N -- The Senate concurs with the Executive proposal to make technical corrections to the Farm Workforce Retention Credit.
- PART O -- The Senate modifies the Executive proposal to extend tax shelter provisions and tax preparer penalties for five years.
- PART P -- The Senate concurs with the Executive proposal to extend the top personal income tax bracket for five years.
- PART Q -- The Senate concurs with the Executive proposal to extend the personal income tax limitation on charitable contributions for five years.
- PART R -- The Senate concurs with the Executive proposal to extend the Clean Heating Fuel Credit for three years.
- PART S -- The Senate modifies the Executive proposal to extend the authorization to manage delinquent sales tax vendors to three years.
- PART T -- The Senate concurs with the Executive proposal to repeal license fees on certain co-ops.
- PART U -- The Senate modifies the Executive proposal to expand the Historic Rehabilitation Credit to lower the state cap on credits allowed to entities undertaking rehabilitation of historical properties on state-owned land located in non-distressed census tracts to \$3 million unless the entity is MWBE certified.
- PART V -- The Senate concurs with the Executive proposal to extend the Dodd-Frank Protection Act sales tax exemption.
- PART W -- The Senate concurs with the Executive proposal to create the Employer Recovery Hiring Tax Credit.
- PART X -- The Senate concurs with the Executive proposal to exclude certain contributions to the capital of a corporation from entire net income.
- PART Y -- The Senate rejects the Executive proposal. The Senate will continue to evaluate the implications of this proposal, particularly with respect to composition of the interstate compact.
- PART Z -- The Senate concurs with the Executive proposal to make technical corrections to the Tax Law and New York City

Administrative Code.

- PART AA -- The Senate concurs with the Executive proposal to exempt qualified energy systems from real property tax.
- PART BB -- The Senate modifies the Executive proposal allowing the Gaming Commission to waive pre-employment restrictions of a prospective employee by requiring adoption of a resolution at a properly noticed public meeting. The Senate proposes to define the term "good cause", require public disclosure of the adopted resolution, and waive pre-employment restrictions by unanimous consent.
- PART CC -- The Senate modifies the Executive proposal authorizing the Thoroughbred and Standardbred Breeding Funds to contribute for the ongoing care of retired racehorses, specifying that up to one percent from each fund may be utilized for such purposes.
- PART DD -- The Senate modifies the Executive proposal making technical changes to gaming provisions by removing subparts B, C, and D of the part.
- PART EE -- The Senate rejects without prejudice the Executive proposal simplifying video lottery gaming rates and eliminating additional commission provisions.
- PART FF -- The Senate concurs with the Executive proposal imposing a statutory cap on casino free play allowance.
- PART GG -- The Senate modifies the Executive proposal to accept subparts A and C and reject subpart B.
- PART HH -- The Senate concurs with the Executive proposal to extend certain tax rates and certain simulcasting provisions for five years.
- PART II -- The Senate rejects the Executive proposal to authorize entry into the Mid-Atlantic Drug Compact, to enhance and standardize equine drug testing, and maintain the integrity of the racing industry.
- PART JJ -- The Senate modifies the Executive proposal to extend the Advisory Committee on Equine Drug Testing and ensure that a suitable lab for equine drug testing remains in the State of New York.
- PART KK -- The Senate rejects the Executive proposal to streamline occupational licensing for casino employees.
- PART LL -- The Senate rejects the Executive proposal to cap the annual growth of STAR Exemption benefits.
- PART MM -- The Senate concurs with the Executive proposal to allow the disclosure of certain information on cooperative housing corporation information returns.
- PART NN -- The Senate concurs with the Executive proposal to make technical amendments to clarify the New York City Enhanced Real Property Tax Circuit Break Credit Calculation.
- PART OO -- The Senate concurs with the Executive proposal to require information about manufactured home parks be reported to the Department of Taxation and Finance.
- PART PP -- The Senate concurs with the Executive proposal to prevent STAR program fraud and abuse.
- PART QQ -- The Senate concurs with the Executive proposal to authorize the Commissioner of Taxation and Finance to disclose STAR-related information to assessors.

- PART RR -- The Senate rejects the Executive proposal to lower the Basic STAR exemption income limit to \$250,000.
- PART SS -- The Senate concurs with the Executive proposal to clarify STAR check tax bill notices.
- PART TT -- The Senate concurs with the Executive proposal to improve the STAR program administrative process.
- PART UU -- The Senate accepts the Executive proposal to impose new regulations, restrictions, and protections with regard to the use of tobacco and electronic cigarettes.
- PART VV -- The Senate modifies the Executive proposal to provide for the regulation of hemp derived products, to expand the medical marijuana program and to provide for the regulation of marijuana and marijuana products for adult-use. The Senate generally supports the provision but presents modifications to maintain Department of Health involvement in the medical marijuana program, to provide for Senate approval of Executive appointees to the regulating body of any adult-use program, to reduce criminal penalties attributed to future marijuana related activity, to expand sealing of past marijuana convictions, to reduce taxes attributed to the sale of marijuana for adult-use, and to increase the local share of taxes to be collected. The Senate will work to make sure that the good-paying jobs in the medical marijuana field will continue to be protected and will flourish as the adult use program is established

and expanded. The Senate further modifies the proposal to direct revenue to fund public education, job training, reentry services, drug treatment and prevention programs, community-based supportive services, improvements to the Metropolitan Transportation Authority, and to expand training for state and local law enforcement to maintain road safety. The Senate supports establishing a pilot program to further develop saliva testing that will allow for the enforcement of road safety. The Senate believes that it is critically important that revenue generated from legalization support communities that have been disproportionately impacted by enforcement of prior marijuana policies.

- PART WW -- The Senate modifies the Executive proposal to expand the special supplemental auto rental surcharge from the Metropolitan Commuter Transportation District to the rest of the state to move the effective date from September 1, 2019 to May 1, 2019.
- PART XX -- The Senate accepts the Executive proposal to impose an excise tax on the first sale of any opioid in the state. The Senate will support modifications to promote consumer fairness and ensure hospitals and treatment facilities are not unduly burdened by new charges. In addition, the Senate will work to ensure a portion of revenues derived from this tax are reinvested into treatment and addiction recovery programs.
- NEW PART ZZ -- The Senate advances language expanding current law as it relates to sports betting and authorizes mobile wagering under limited circumstances and subject to

licensure.

- NEW PART AAA -- The Senate advances language to authorize the county of Westchester to impose an additional rate of sales and compensating use tax pursuant to a home rule request received from the county.
- NEW PART BBB -- The Senate advances language to add a surcharge for high-end non-primary residences sold in New York City.
- NEW PART CCC -- The Senate advances language to bring parity to the tax rates for all combative sports.
- NEW PART DDD -- The Senate advances language making technical changes to the cemetery monument sales and use tax exemption.
- NEW PART EEE -- The Senate advances language to repurpose unclaimed lottery winnings to education.