§ 409. Department of health income fund. 1. There is established in the custody of the comptroller a special account, to be known as the department of health income fund.

2. (a) The commissioner shall, after the first day of July, nineteen hundred seventy-one, pay over moneys received by the department including, subject to subdivision six of this section, moneys received from the Roswell Park Cancer Institute corporation for the care, maintenance and treatment of patients at state hospitals in the department as enumerated in section four hundred three of this chapter, together with money received from fees, including parking fees, refunds, reimbursements, payments received pursuant to leases, sales of property and miscellaneous receipts of such hospitals other than gifts, grants, bequests and moneys received under research contracts, and clinical practice income received pursuant to a clinical practice plan established pursuant to subdivision fourteen of section two hundred six of this chapter except for the amount of money required by the comptroller to be maintained on deposit in the department of health income fund pursuant to paragraph (c) of this subdivision less payments required to be made into pools created by this chapter and for assessments established pursuant to this chapter and less refunds made pursuant to law, to the comptroller to be deposited by the comptroller in the department of health income fund. Such moneys shall be kept separate and shall not be commingled with any other moneys in the hands of the comptroller. All deposits of such money shall, if required by the comptroller, be secured by obligations of the United States or of the state of market value equal at all times to the amount of the deposit and all banks and trust companies are authorized to give such securities for such deposits. The commissioner shall identify to the comptroller moneys received from Roswell Park Cancer Institute corporation or its subsidiaries.

(b) Subject to the terms of any agreement between the department and the dormitory authority, any such moneys in the department of health income fund not required for immediate use, may, in the discretion of the comptroller, be invested by the comptroller in obligations of the United States or the state or obligations the principal and interest of which are guaranteed by the United States or the state.

(c) The comptroller shall at all times maintain on deposit in the department of health income fund the aggregate amount of money needed by the department during the next succeeding six calendar months to comply in full with all obligations of the department under the terms of every lease, sublease or agreement of the department with the dormitory authority which is then in effect, including without limitation by the specification thereof, (i) the amount needed to make rental payments thereunder during such semiannual period, and (ii) the amount needed to establish and maintain reserves thereunder during such period.

(d) The comptroller shall from time to time but in no event later than the last day of March, June, September and December of each year pay over and deposit in the special revenue funds - other, miscellaneous special revenue fund - 339, Roswell Park cancer institute account, Helen Hayes hospital account, New York state home for veterans and their dependents at Oxford account, western New York veterans' home account and New York state home for veterans in the lower-Hudson Valley account, in accordance with directions from the commissioner of health concerning the distribution of revenues among the various accounts, all moneys in the department of health income fund in excess of the aggregate amount of money required to be maintained in the department of health income fund pursuant to paragraph (c) of this subdivision. Prior to making any such transfer, the comptroller shall make and deliver to the director of the budget and to the dormitory authority his certificate stating the aggregate amount to be maintained on deposit in the department of health income fund to comply in full with the provision of paragraph (c) of this subdivision. When further directed by the commissioner, the comptroller shall transfer revenues and/or appropriations between and among these accounts and the special revenue funds - other, miscellaneous special revenue fund - 339, New York city veteran's home account. For purposes of transferring appropriations it is intended that the following accounts be understood to be part of the same program and same fund for purposes of section fifty-one of the state finance law, thereby authorizing unlimited interchangeability of appropriated amounts between the following accounts in the special revenue funds - other, miscellaneous special revenue fund - 339: Roswell Park Cancer Institute Account, Helen Hayes Hospital Account, New York State Home for Veterans and Their Dependents at Oxford Account, Western New York

Veterans' Home Account, New York State Home for Veterans in the lower-Hudson Valley Account, and New York City Veterans' Home Account. The comptroller shall, as determined by the commissioner and consistent with any repayment agreement entered into between the director of the budget and the commissioner, transfer funds from the Roswell Park cancer institute account, Helen Hayes hospital account, New York state home for veterans and their dependents at Oxford account, western New York veterans' home account or New York state home for veterans in the lower-Hudson Valley account to the department of health services account to repay all or part of any outstanding liabilities in the health services account attributed to the respective hospitals for which such accounts were established.

3. To secure the payment of any money due or to become due in any year under any lease, sublease or agreement entered into between the department and the dormitory authority, the commissioner may pledge or assign to the dormitory authority all or any moneys in the department of health income fund established pursuant to this section, and any and all moneys which may be receivable by the department and credited to such department of health income fund in the future, and any right, title and interest of the department in and to the money in or to be deposited in such department of health income fund.

4. The moneys in the department of health income fund shall be paid out of such fund on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner, or by an officer or employee of the department designated by the commissioner, notwithstanding the provisions of any general or special law to the contrary.

5. Notwithstanding any inconsistent provision of this section or any other law to the contrary, including, but not limited to, section four of the state finance law, the comptroller shall no less than biweekly pay any moneys which the commissioner identifies as being attributed to the operation of the Roswell Park Cancer Institute corporation or the properties leased to it by the state or subsidiaries of such corporation, which are in excess of the amounts required to comply with the provisions of paragraph (c) of subdivision two of this section, into

a depositary account owned and controlled by the Roswell Park Cancer Institute corporation.

6. Notwithstanding the foregoing provisions of this section, upon the payment or provision for payment of all outstanding bonds issued on or before March thirty-first, two thousand twenty-five by the dormitory authority to make loans to the department to finance or refinance state hospital facilities in accordance with the terms of the bond resolution under which such bonds were issued, the provisions of subdivisions two and five of this section requiring (i) the payment and identification by the department to the comptroller of moneys received from the Roswell Park Cancer Institute corporation, (ii) the deposit and maintenance of such moneys from the Roswell Park Cancer Institute corporation by the comptroller in the department of health income fund, and (iii) the release of excess moneys in the department of health income fund attributed to the operation of the Roswell Park Cancer Institute corporation or its subsidiaries, shall no longer be applicable and, thereafter, all such moneys from the operation of the Roswell Park Cancer Institute corporation shall remain in the custody and/or control of the corporation and/or its subsidiaries.