

New York State Senate

# SFY 2012-13 Enacted Budget Summary



**Senator Dean G. Skelos**

President Pro Tempore and Majority Leader

**Senator John A. DeFrancisco**

Chairman, Finance Committee

## Overall Financial Plan Impact

- All Funds spending for FY 2013 remains constant at \$132.6 billion.
- General Fund spending (including transfers) for FY 2013 is balanced at \$58.6 billion based on preliminary estimates subject to revision when the FY 2013 Enacted Budget Financial Plan is released in mid April. These amounts do not reflect the net effect of the FY 2012 close out.
- FY 2013 Legislative Budget reduces out year spending gaps from \$16.4 billion to \$7.4 billion.

| SUMMARY OF SFY 2012-13 ENACTED BUDGET SPENDING |               |                             |               |                |
|--|---------------|-----------------------------|---------------|----------------|
| <i>(millions of dollars)</i>                   |               |                             |               |                |
|  | General Fund  | State<br>Operating<br>Funds | State Funds   | All Funds      |
| Education                                      | 18,910        | 25,408                      | 26,936        | 29,317         |
| Economic Development / Government Oversight    | 229           | 869                         | 1,364         | 1,404          |
| Parks / Environment                            | 206           | 453                         | 960           | 1,157          |
| Transportation                                 | 100           | 4,525                       | 7,192         | 8,766          |
| Health / Mental Hygiene / Medicaid             | 13,350        | 26,347                      | 25,451        | 52,975         |
| Higher Education                               | 3,405         | 8,673                       | 9,849         | 10,099         |
| Human Services                                 | 3,653         | 4,018                       | 4,159         | 9,475          |
| Public Protection                              | 3,245         | 3,692                       | 4,006         | 4,580          |
| General Government                             | 618           | 944                         | 1,006         | 1,078          |
| Local Government Assistance                    | 776           | 776                         | 776           | 776            |
| General State Charges                          | 3,672         | 3,672                       | 3,672         | 3,672          |
| Debt Service                                   | -             | 6,195                       | 6,195         | 6,195          |
| Elected Officials / Other                      | 3,262         | 3,162                       | 3,228         | 3,017          |
| Net Effect of Legislative Budget Actions       | 88            | 88                          | 88            | 88             |
| <b>All Funds Spending By Function</b>          | <b>51,513</b> | <b>88,822</b>               | <b>94,884</b> | <b>132,600</b> |

\* spending in the category Elected Official / Other is lower in State Funds and All Funds because of negative adjustments in each category to reflect reduced overall cash disbursements, this adjustment is not included in General Fund spending

| SUMMARY OF STATE OPERATIONS SPENDING        |              |                             |               |               |
|---|--------------|-----------------------------|---------------|---------------|
| <i>(millions of dollars)</i>                |              |                             |               |               |
|   | General Fund | State<br>Operating<br>Funds | State Funds   | All Funds     |
| Education                                   | 46           | 132                         | 132           | 338           |
| Economic Development / Government Oversight | 54           | 368                         | 368           | 382           |
| Parks / Environment                         | 192          | 390                         | 390           | 432           |
| Transportation                              | 2            | 96                          | 96            | 107           |
| Health / Mental Hygiene / Medicaid          | 241          | 3,649                       | 3,649         | 3,922         |
| Higher Education                            | 578          | 5,488                       | 5,488         | 5,730         |
| Human Services                              | 526          | 802                         | 802           | 1,351         |
| Public Protection                           | 3,031        | 3,250                       | 3,250         | 3,351         |
| General Government                          | 596          | 873                         | 873           | 887           |
| Elected Officials / Other                   | 2,322        | 2,084                       | 2,084         | 2,119         |
| <b>Total Spending</b>                       | <b>7,588</b> | <b>17,132</b>               | <b>17,132</b> | <b>18,620</b> |

\* spending in the category Elected Official / Other is lower in State Operating Funds, State Funds and All Funds because of negative adjustments in each category to reflect reduced overall cash disbursements, this adjustment is not included in General Fund spending

| <b>SUMMARY OF AID TO LOCALITIES SPENDING</b>   |                     |                                      |                    |                  |
|--|---------------------|--------------------------------------|--------------------|------------------|
| <i>(millions of dollars)</i>                   |                     |                                      |                    |                  |
|  | <b>General Fund</b> | <b>State<br/>Operating<br/>Funds</b> | <b>State Funds</b> | <b>All Funds</b> |
| Education                                      | 18,863              | 25,246                               | 25,260             | 28,877           |
| Economic Development /<br>Government Oversight | 175                 | 402                                  | 741                | 766              |
| Parks / Environment                            | 14                  | 18                                   | 73                 | 203              |
| Transportation                                 | 98                  | 4,398                                | 4,649              | 5,238            |
| Health / Mental Hygiene / Medicaid             | 13,109              | 21,468                               | 21,911             | 47,638           |
| Higher Education                               | 2,630               | 2,662                                | 2,682              | 2,690            |
| Human Services                                 | 3,127               | 3,133                                | 3,253              | 7,822            |
| Public Protection                              | 214                 | 416                                  | 416                | 859              |
| General Government                             | 22                  | 22                                   | 22                 | 78               |
| Local Government Assistance                    | 776                 | 776                                  | 776                | 776              |
| Elected Officials / Other                      | 375                 | 519                                  | 519                | 238              |
| <b>Total Spending</b>                          | <b>39,403</b>       | <b>59,060</b>                        | <b>60,303</b>      | <b>95,185</b>    |

\* spending in the category Elected Official / Other is lower in All Funds because of negative adjustments in each category to reflect reduced overall cash disbursements, this adjustment is not included in General Fund spending

| <b>SUMMARY OF CAPITAL SPENDING</b>             |                    |                  |
|--|--------------------|------------------|
| <i>(millions of dollars)</i>                   |                    |                  |
|  | <b>State Funds</b> | <b>All Funds</b> |
| Education                                      | 29                 | 29               |
| Economic Development /<br>Government Oversight | 155                | 155              |
| Parks / Environment                            | 457                | 473              |
| Transportation                                 | 2,417              | 3,387            |
| Health / Mental Hygiene / Medicaid             | 146                | 146              |
| Higher Education                               | 1,155              | 1,155            |
| Human Services                                 | 21                 | 24               |
| Public Protection                              | 314                | 332              |
| General Government                             | 63                 | 63               |
| Judiciary                                      | -                  | -                |
| Other - Misc Adjustment                        | 66                 | 91               |
| <b>Total Spending</b>                          | <b>4,823</b>       | <b>5,854</b>     |

| <b>SFY 2012-13 Spending (billions of dollars)</b> |    |              |    |              |               |                |
|---|----|--------------|----|--------------|---------------|----------------|
|   |    | <b>11-12</b> |    | <b>12-13</b> | <b>Change</b> | <b>Percent</b> |
| All Funds   | \$ | 132.735      | \$ | 132.510      | \$ (0.225)    | -0.17%         |
| State Funds                                       | \$ | 93.288       | \$ | 94.795       | \$ 1.507      | 1.62%          |
| State Operating Funds                             | \$ | 87.048       | \$ | 88.734       | \$ 1.686      | 1.94%          |
| General Fund                                      | \$ | 56.915       | \$ | 58.592       | \$ 1.677      | 2.95%          |

| <b>SFY 2012-13 Spending - All Funds By Account (billions of dollars)</b> |                |                       |                          |  |   |  |
|--|----------------|-----------------------|--------------------------|--|---|--|
|  | <b>11-12</b>   | <b>Exec<br/>12-13</b> | <b>Enacted<br/>12-13</b> | <b>Enacted<br/>to 11-12<br/>Change</b> | <b>Enacted<br/>to 11-12<br/>Percent</b> |  |
| State Operations   | 18.689         | 18.620                | 18.620                   | \$ (0.069)                             | -0.37%                                  |  |
| Local Assistance   | 95.822         | 95.185                | 95.275                   | \$ (0.547)                             | -0.57%                                  |  |
| Capital  | 5.519          | 5.854                 | 5.854                    | \$ 0.335                               | 6.07%                                   |  |
| General State Charges  | 6.833          | 6.703                 | 6.703                    | \$ (0.130)                             | -1.90%                                  |  |
| Debt Service   | 5.872          | 6.148                 | 6.148                    | \$ 0.276                               | 4.70%                                   |  |
| <b>All Funds Spending</b>  | <b>132.735</b> | <b>132.510</b>        | <b>132.600</b>           | <b>\$ (0.135)</b>                      | <b>-0.10%</b>                           |  |

source: SFY 2011-12 Executive Budget Financial Plan, adjusted for 30 day amendments

| <b>SFY Projected Structural Deficit<br/>(millions of dollars)</b> |                         |                   |
|---|-------------------------|-------------------|
|   | <b>Current Services</b> | <b>Enacted</b>    |
| 2012-13   | \$ (3,500)              | \$ -              |
| 2013-14   | \$ (3,624)              | \$ (715)          |
| 2014-15   | \$ (5,044)              | \$ (2,974)        |
| 2015-16   | \$ (4,246)              | \$ (3,721)        |
| <b>Total</b>  | <b>\$ (16,414)</b>      | <b>\$ (7,410)</b> |

| <b>Reserves<br/>SFY 2012-13<br/>(millions of dollars)</b> |                  |                |
|---|------------------|----------------|
|   | <b>Executive</b> | <b>Enacted</b> |
| Tax Stabilization Reserve Fund                            | 1,031            | 1,031          |
| Statutory Rainy Day Reserve Fund                          | 175              | 175            |
| Contingency Reserve Fund                                  | 21               | 21             |
| Community Projects Fund                                   | -                | -              |
| Debt Reduction Reserve Fund                               | 13               | 13             |
| Collective Bargaining                                     | 458              | 458            |
| <b>Total Reserves</b>                                     | <b>1,698</b>     | <b>1,698</b>   |

**SFY 2012-13  
State Operations  
Appropriations  
S. 6250-D/A. 9050-D**

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### **Adirondack Park Agency**

The Legislature concurs with the Executive recommendation of \$5,202,000.

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

The Legislature concurs with the Executive recommendation of \$14.2 million.

### **Agriculture and Markets**

The Legislature concurs with the Executive recommendation of \$119,645,000.

### **Alcoholic Beverage Control Board**

The Legislature concurs with the Executive recommendation of \$17 million.

### **Audit and Control**

The Legislature concurs with the Executive recommendation of \$272,259,000.

### **Budget**

The Legislature amends the Executive recommendation of \$51,643,000 as follows:

- Restores \$479,000 for membership dues.

### **Children and Family Services**

The Legislature concurs with the Executive recommendation of \$529.1 million.

### **City University of New York**

The Legislature concurs with the Executive recommendation of \$2,230,909,900, with the following modification:

- Provides \$1 million in funding for the CUNY Leads Program.

### **Civil Service**

The Legislature concurs with the Executive recommendation of \$56,671,000.

### **Collective Bargaining Agreements**

The Legislature concurs with the Executive recommendation of \$25,038,000.

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

The Legislature concurs with the Executive recommendation of \$2.9 million.

### **Corrections and Community Supervision**

The Legislature concurs with the Executive recommendation of \$2.6 billion.

### **Council on the Arts**

The Legislature concurs with the Executive recommendation of \$4,219,000.

### **Criminal Justice Services**

The Legislature concurs with the Executive recommendation of \$94.5 million, with the following modification:

- \$700,000 in additional appropriation authority is provided for increased volume-related processing of samples related to the DNA databank expansion, a portion of these funds may be suballocated to the Division of State Police.

### **Deferred Compensation Board**

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

### **Developmental Disabilities Planning Council**

The Legislature concurs with the Executive's recommendation of \$4.76 million.

### **Economic Development**

- The Legislature concurs with the Executive recommendation of \$1,000,000 for administrative services related to the regional economic development councils.
- The Legislature concurs with the Executive recommendation of \$385,000 for the Clean Air Program.
- The Legislature concurs with the Executive recommendation of \$4,880,000 million for the Administration Program
- The Legislature concurs with the Executive recommendation of \$700,000 for the International Trade Program
- The Legislature concurs with the Executive recommendation of \$6,928,000 for the Marketing and Advertising Program with the following modification:
  - Restores \$330,000 for the I ♥ NY marketing program.

### **Education Department, State**

The Legislature concurs with the Executive proposal of \$17,400,000.

### **Elections**

The Legislature concurs with the Executive recommendation of \$5,305,000.

### **Employee Relations**

The Legislature concurs with the Executive recommendation of \$7,892,000.

### **Energy Research and Development Authority**

The Legislature concurs with the Executive's recommendation of \$8,090,000.

### **Environmental Conservation**

The Legislature concurs with the Executive recommendation of \$433,660,000 with the following modifications:

- Provides \$500,000 for fish hatcheries and bird game farms; and
- Provides \$775,000 for invasive species eradication.

### **Environmental Facilities Corporation**

The Legislature concurs with the Executive's proposal to eliminate the Environmental Facilities Corporation's personnel from inclusion in the State's fiscal plan.

### **Executive Chamber**

The Legislature concurs with the Executive recommendation of \$17,854,000.

### **Financial Services**

The Legislature concurs with the Executive recommendation of \$326.6 million

### **General Services**

The Legislature concurs with the Executive recommendation of \$984,286,000 subject to a cash reduction of \$1 million to reflect enhanced operating efficiencies.

### **General State Charges**

The Legislature concurs with the Executive recommendation of \$2,723,186,000 subject to a cash reduction of \$33 million to reflect management efficiencies related to dividends paid by health insurance providers to the New York State Health Insurance Program (NYSHIP).

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

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

### **Health, Department of**

The Legislature concurs with the Executive recommendation of \$2.2 billion with the following modification:

- The Legislature denies the Executive proposal to create a new Electronic Death Registry system.

### **Higher Education Services Corporation**

The Legislature concurs with the Executive recommendation of \$91,751,000.

- The Legislature denies the Executive proposal to transfer the HESC's debt collection functions to the Department of Taxation and Finance.

### **Homeland Security**

The Legislature concurs with the Executive recommendation of \$64.2 million.

### **Human Rights**

The Legislature concurs with the Executive recommendation of \$18.74 million.

### **Housing and Community Renewal**

The Legislature concurs with the Executive recommendation of \$92.89 M with the following modification:

- The Legislature denies the Executive proposal to create a new Tenant Protection Unit.

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

The Legislature concurs with the Executive's recommendation of \$185,000.

### **Indigent Legal Services**

The Legislature concurs with the Executive recommendation of \$1.5 million.

### **Inspector General**

The Legislature concurs with the Executive recommendation of \$6,760,000.

### **Insurance and Securities Funds Reserve Guarantee**

The Legislature concurs with the Executive recommendation of \$1.6 billion.

### **Interest on Lawyer Account**

The Legislature concurs with the Executive recommendation of \$1.8 million.

### **Judicial Commissions**

The Legislature concurs with the Executive recommendation of \$5,384,000.

### **Labor**

The Legislature concurs with the Executive recommendation of \$750,585,000.

### **Law**

The Legislature concurs with the Executive recommendation of \$215,278,000.

### **Lieutenant Governor**

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

### **Lottery**

The Legislature concurs with the Executive recommendation of \$102.7 million

- The Division of Lottery will merge with the Racing and Wagering Board into the newly created New York State Gaming Commission on October 1, 2012.

### **Gaming Commission**

The Legislature concurs with the Executive recommendation of \$125.4 million. In addition, the Legislature concurs with the Executive recommendation to merge the Division of Lottery and the Racing and Wagering Board into a newly created New York State Gaming Commission. This new Department will become effective on October 1, 2012.

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

The Legislature concurs with the Executive recommendation of \$75.7 million.

### **Mental Health, Office of**

The Legislature concurs with the Executive's recommendation of \$2.05 billion, with the following modifications:

- Provides \$1.1 million in funding associated with the modification of the Executive's proposal regarding the restoration of incapacitated defendants; and removes local jails from institutions that would provide this service.
- Provides \$3.9 million in funding associated with the modification of the Executive's proposal regarding changes to the Sex Offender Management and Treatment Program (SOMTA).

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

The Legislature concurs with the Executive's recommendation of \$117 million.

### **Miscellaneous Items**

- The Legislature concurs with the Executive recommendation of \$2,831,000 for the Green Thumb Program.
- The New York Works Task Force was added in the amount of \$1 million. This appropriation appears at the end of the Aid to Localities bill.
- The Legislature concurs with the Executive's recommendation for the Power Authority Asset Transfer.

### **Medicaid Inspector General**

The Legislature concurs with the Executive recommendation of \$75.9 million.

### **Mortgage Agency (SONYMA)**

The Legislature concurs with the Executive recommendation of \$76.8 million.

### **Motor Vehicles**

The Legislature concurs with the Executive recommendation of \$119.5 million.

### **New York State Financial Control Board**

The Legislature concurs with the Executive recommendation of \$3,131,700.

### **Olympic Regional Development Authority**

The Legislature concurs with the Executive recommendation of \$4,733,000.

### **Parks, Recreation and Historic Preservation**

The Legislature concurs with the Executive recommendation of \$211,298,500.

- Provides authorization for an additional \$200,000 in federal support.

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

The Legislature concurs with the Executive recommendation of \$2.14 billion.

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

The Legislature concurs with the Executive recommendation of \$3.6 million.

### **Public Employment Relations Board**

The Legislature concurs with the Executive recommendation of \$3,984,000.

### **Public Integrity**

The Legislature concurs with the Executive recommendation of \$4,100,000.

### **Public Service**

The Legislature concurs with the Executive's recommendation of \$78,892,000.

### **Quality of Care and Advocacy for People with Disabilities**

The Legislature concurs with the Executive's recommendation of \$18.9 million.

### **Racing and Wagering Board, State**

The Legislature concurs with the Executive recommendation of \$21.7 million.

- The Division of Lottery will merge with the Racing and Wagering Board into the newly created New York State Gaming Commission on October 1, 2012.

### **Racing Reform Program**

The Legislature concurs with the Executive's proposed reappropriation level of \$2 million.

### **State, Department of**

The Legislature concurs with the Executive's recommendation of \$69.7 million.

### **State Police**

The Legislature concurs with the Executive recommendation of \$687 million.

### **State University of New York**

The Legislature concurs with the Executive recommendation of \$8,612,840,400 with the following modifications:

- Provides \$27.8 million, distributed equally among the three teaching hospitals at SUNY.
- The Legislature denies the Executive recommendation to transfer \$884,000 from the Long Island Veterans Home to the General Fund.
- Provides \$2 million to the ATTAIN program within the Executive recommended spending level for the Educational Opportunity Centers appropriation.
- Provides \$250,000 for operating support for the Cornell Veterinary School within the Executive recommended spending level for SUNY's University-wide appropriations.

### **Statewide Financial System**

The Legislature concurs with the Executive recommendation of \$55 million subject to a cash reduction of \$2 million.

### **Tax Appeals**

The Legislature concurs with the Executive recommendation of \$3.1 million.

### **Taxation and Finance**

The Legislature concurs with the Executive recommendation of \$467.7 million.

- Provides \$250,000 within the Executive recommended spending level to create the New York State is Open for Business Office.

### **Technology**

The Legislature concurs with the Executive recommendation of \$434,112,000 subject to a cash reduction of \$2 million to the Central Technology Services Account.

### **Temporary and Disability Assistance**

The Legislature concurs with the Executive recommendation of \$469.2 million.

### **Transportation**

The Legislature concurs with the Executive recommendation of \$35.7 million.

### **Veterans' Affairs**

The Legislature concurs with the Executive recommendation of \$7.8 million with the following modification:

- Provides a \$500,000 reappropriation to establish a State operated veteran's cemetery.

### **Victim Services, Office of**

The Legislature concurs with the Executive recommendation of \$10.3 million.

### **Welfare Inspector General**

The Legislature concurs with the Executive recommendation of \$1.5 million.

### **Workers' Compensation Board**

The Legislature concurs with the Executive recommendation of \$196,801,000.

**SFY 2012-13 Aid to  
Localities  
Appropriations  
S. 6253-E/A. 9053-E**

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## **Aging**

The Legislature concurs with the Executive recommendation of \$228.3 million with the following modifications:

- The Legislature restores funding for the following programs:
  - \$229,000 - Naturally Occurring Retirement Community (NORC)
  - \$229,000 - Neighborhood NORC programs
- Provides \$1.135 million for the Expanded In-home Services for the Elderly Program (EISEP) and the Community Services to the Elderly program (CSE) to offset funding allocation reductions to counties associated with the 2010 Census adjustment.

## **Agriculture and Markets**

The Legislature concurs with the Executive recommendation of \$36.6 million with the following modifications:

The Legislature restores funding for Aid to Localities as follows:

- \$100,000 for the Cornell Long Island Rabies Program;
- \$100,000 for Tractor Rollover Prevention;
- \$100,000 for the Maple Producers Association;
- \$100,000 for the Cornell Rabies Program; and
- \$821,000 for the Farm Viability Institute.

Provides funding for the following:

- \$100,000 for Cornell Farm Family Assistance;
- \$500,000 for North Country Agricultural Development;
- \$150,000 for efforts to fight Eastern Equine Encephalitis; and
- \$3,000,000 for agricultural economic development.

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

The Legislature concurs with the Executive's recommendation of \$457.5 million, with the following exceptions:

- Denies the Executive recommendation to shift funding for community chemical dependence treatment and prevention programs from a dedicated funding stream.
- Modifies the Executive recommendation for problem gambling and chemical dependency school and community-based prevention, education, and recovery programs to direct \$14.9 million to the New York City Department of Education for programs provided by school district employees.
- Denies the Executive proposal to transfer oversight and responsibility of the Alcohol and Drug Rehabilitation program from the Department of Motor Vehicles to the Office of Alcoholism and Substance Abuse Services.

## **Arts, Council of the**

Amends the Executive recommendation of \$33,464,000 by providing an additional \$4 million for local grants.

## **Audit & Control**

The Legislature concurs with Executive recommendation of \$32,025,000.

### **Children and Family Services**

The Legislature concurs with the Executive recommendation of \$3.26 billion, a net decrease of \$14.9 million or 0.46 percent from the SFY 2011-12 levels and provides funding as follows:

- The Legislature restores funding for the following programs:
  - \$757,200 for the Caseload Ratio program; and
  - \$450,000 for Settlement Houses.
  
- Provides increased funding for the following programs:
  - \$1.8 million for the Community Reinvestment Program;
  - \$1.3 million for the Youth Development and Delinquency Prevention/Special Delinquency Prevention Program;
  - \$1 million for Safe Harbour;
  - \$750,000 for Child Advocacy Centers;
  - \$750,000 for 2-1-1 of Greater New York;
  - \$750,000 for the New York State Alliance of Boys & Girls Clubs; and
  - \$214,456 for the Runaway and Homeless Youth program.
  
- Provides funding for the following programs with Temporary Assistance for Needy Families (TANF) funds within the Office of Temporary and Disability Assistance:
  - \$2 million for Child Care Subsidies;
  - \$500,000 for Advantage After School;
  - \$51,000 for Kinship Caretaker Relative;
  - \$141,000 for Child Care CUNY;
  - \$1.3 million for Child Care Facilitated Enrollment Demonstration Projects;
  - \$193,000 for Child Care SUNY
  - \$1.2 million for Non-Residential Domestic Violence; and
  - \$1 million for Settlement Houses.

### **City University of New York**

The Legislature concurs with the Executive recommendation of \$1,295,976,990 with the following modifications:

- \$9.1 million in additional community college base operating aid, or \$150 per full time equivalent student.
- \$544,000 in restorations for child care centers.

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

The Legislature concurs with the Executive recommendation of \$31 million.

## **Division of Criminal Justice Services**

The Legislature concurs with the Executive recommendation of \$161.5 million with the following modifications:

- Includes \$1,560,000 for Federal Edward Byrne Justice Assistance Grant (JAG) program appropriation for targeted drug, violence, crime control, and treatment and prevention programs.
- The Legislature restores the following funding, with use of remaining fund balances:
  - \$2,650,000 for civil or criminal legal services;
  - \$1,218,000 for domestic violence programs; and
  - \$650,000 for civil or criminal legal services for domestic violence programs.
- Provides the following additional funding:
  - \$2,000,000 for costs related to the DNA databank expansion, with use of remaining fund balance;
  - \$1,200,000 for Alternative to Incarceration Programs;
  - \$1,000,000 for the New York State Defenders Association;
  - \$700,000 for District Attorney Salaries associated with Judicial salary increases;
  - \$600,000 for Family Court domestic violence services;
  - \$600,000 for the Indigent Parolee Program, with use of remaining fund balance;
  - \$500,000 for training of local law enforcement and judges in domestic violence;
  - \$500,000 for statewide indigent legal services for persons reentering communities from State facilities;
  - \$450,000 for Law Enforcement, Anti-Drug, Anti-Violence, Crime Control and Prevention Programs;
  - \$250,000 for New York City correction officers to purchase stab resistant gloves;
  - \$200,000 for Vera Institute of Justice: Common Justice;
  - \$150,000 for Greenpoint Outreach Domestic and Family Intervention Program;
  - \$150,000 for Legal Services of New York City – DREAM Clinics;
  - \$150,000 for New York for State Immigrant Action Fund;
  - \$150,000 for Make the Road New York;
  - \$100,000 for Consortium of the Niagara Frontier; and
  - \$100,000 for John Jay College: Prison to College Pipeline.
- In addition, the Legislature amends the existing distribution of funding for Re-entry Task Forces to providing greater flexibility in the use of the funds for programs aimed at reducing the risk of re-offending.

## **Economic Development**

- The Legislature concurs with the Executive recommendation of \$4,207,000 for the Marketing and Advertising Program with the following modifications:
  - Provides \$170,000 in All Funds spending for the Local Tourism Matching Grants Program and
  - Provides \$3,000,000 for regional tourism marketing.
- The Legislature concurs with the Executive Recommendation of \$30,594,000 for the High Technology program with the following modifications:
  - Provide \$500,000 for the inclusion of the Advanced Energy Research Center at Stony Brook in the Centers of Excellence Program;
  - Provide \$200,000 for the inclusion of the Materials Informatics Center at Buffalo to the Center of Excellence Program;

- Provide \$250,000 under the Centers of Excellence program for the Sustainable Manufacturing program at Rochester;
- Restore \$775,000 for the University at Albany Institute for Nanoelectronics Discovery and Exploration (INDEX); and
- Restore \$713,000 in All Funds spending for SUNY Albany Center for Advanced Interconnect Systems Technologies (CAIST).
- The Legislature concurs with \$343,000 for the Science and Technology Law Center Program.
- The Legislature concurs with \$7,470,000 for the Training and Business Assistance Program.

### **Education Department**

The Legislature concurs with the Executive recommendation of \$50,149,627,000 with the following modifications:

- Of the \$805 million in increased school aid the Legislature provides the following:
  - \$400 million to further reduce the Gap Elimination Adjustment;
  - Restarts the Foundation Aid formula, reprogramming \$111 million;
  - +\$50 M for Competitive Performance and Management grants;
  - +230 M for expense-based aids;
  - +\$3.6 M for Charter Transition Aid;
  - +\$3.2 M for miscellaneous categorical programs;
  - +\$1.65 for Full Day Kindergarten Aid; and
  - +\$4.2 M for Universal Pre-Kindergarten.
- Provides \$7 million in aid for nonpublic schools;
- Provides \$3.61 million for aid to public libraries;
- \$3 million for new costs in New York City transportation.
- \$1.3 million for the impact of the MTA pay roll tax on libraries.
- \$350,000 for Community Service projects
- \$100,000 for the North Country Council of the Arts.
- The Legislature restores funding for the following:
  - \$10.2 million for Teacher Centers.
  - \$1 M for the Missing Children Prevention program.
  - \$1 million for Adult Literacy Education.
  - \$450,000 for the Council for the Humanities.
  - \$250,000 for the Center for Autism and Related Disabilities Program.
  - \$235,000 for the Just for Kids Program.
  - \$100,000 for the New York State History Day.

### *Office of Higher Education*

- The Legislature restores the following:
  - \$3.5 million for the Higher Education Opportunity Program (HEOP)
  - \$1.7 million for the Liberty Partnerships Program
  - \$1 million for the Science and Technology Entry Program (STEP)
  - \$778,000 for the Collegiate Science and Technology Entry Program (CSTEP)

## **Elections**

The Legislature concurs with Executive recommendation of \$1,000,000.

## **Empire State Development Corporation:**

- The Legislature concurs with \$50,400,000 in All Funds spending for the Economic Development Fund.
- The Legislature concurs with \$16,200,000 in All Funds spending for the Jobs Now Program.
- The Legislature concurs with the Executive recommendation of \$76,838,000 for the Economic Development Program with the following modifications:
  - Provides \$5 million in All Funds spending for military base retention efforts;
  - Restores \$1,012,000 for the University at Albany Institute for Nanoelectronics Discovery and Exploration (INDEX);
  - Provides \$4,000,000 for the Urban and Community Development Program
  - Provides \$365,000 for the Minority and Women-owned Business Development Program;
  - Provides \$350,000 in funding for the Brooklyn Chamber of Commerce
  - Provides \$600,000 for military base reuse efforts;
  - Provides \$1,000,000 for CenterState Corporation for Economic Opportunity grants;
  - Provides \$100,000 for the Adirondack North Country Association;
  - Provides \$100,000 for the Canisius Women’s Business Center; and
  - Provides \$200,000 for the Rochester Technology and Manufacturing Association.
  
- The Legislature adds \$50,000 in All Funds spending for the completion of a comprehensive study for redevelopment at Belmont Park

## **Energy Research and Development Authority**

The Legislature concurs with the Executive’s proposed funding level of \$8,140,000.

## **Environmental Conservation**

The Legislature concurs with the Executive’s recommendation of \$1,676,000 with the following modifications.

- Provides \$200,000 in restored and \$200,000 in additional new funding for community based integrated pest management,
- Provides \$500,000 for General Fund support for invasive species.

## **Financial Services Department of**

- The Legislature concurs with the Executive recommendation of \$225.6 million.
- Provides a \$100,000 re-appropriation to create a website for statewide consumer viewing of automobile insurance rates.

## **Health**

The Legislature concurs with the Executive recommendation of \$106.7 billion with the following modifications:

- Provides \$34.3 million to reject the proposed elimination of Spousal Refusal.
- Provides \$30.6 million to restore Elderly Pharmaceutical Insurance Coverage Program (EPIC) co-payment coverage.
- The Legislature restores \$5 million to the Tobacco Control and Prevention Program.

- Provides \$3.1 million to maintain access to appropriately prescribed atypical anti-psychotic medications.
- Provides \$2.6 million to restore the definition of Medicaid Estates.
- Provides additional funding for the following programs:
  - \$10 M for Home Care Worker Benefits;
  - \$2 M for Infertility Services;
  - \$2 M for SUNY Hospitals;
  - \$750,000 for Family Planning Services;
  - \$557,000 for School Based Health Centers;
  - \$525,000 for Community Service Program (CSP);
  - \$525,000 for Multi Service Agencies (MAS);
  - \$500,000 for Women’s Health Initiatives;
  - \$500,000 for Nurse Family Partnership;
  - \$452,000 for Public Education for Pain Management;
  - \$372,000 for Niagara Health Quality Coalition;
  - \$300,000 for Maternity and Early Childhood Foundation;
  - \$226,000 for Pain Management for Continuing Education;
  - \$50,000 for Breast Cancer Network; and
  - \$50,000 for Telehealth Study.
- The Legislature denies the use of a “mini-bid” procurement process, thereby delaying the use of Medicaid facilitated enrollment assistors for the elderly and disabled, and achieves \$1.5 million in savings.

**Higher Education Services Corporation**

- The Legislature concurs with the Executive’s recommendation of \$1.026 billion.

**Homeland Security and Emergency Services**

The Legislature concurs with the Executive recommendation of \$1.4 billion.

**Housing and Community Renewal**

The Legislature amends the Executive’s All Funds recommendation of \$119 million as follows:

- The Legislature restores and increases funding for the following programs:
  - \$10.1 million for the Neighborhood Preservation; and
  - \$4.2 for Rural Preservation Programs.
- Provides funding for the following programs:
  - \$3 million for the Main Street Program;
  - \$4 million for the Rural Area Revitalization Program;
  - \$4 million for the Urban Initiatives Program; and
  - \$742,000 for the New York City Housing Authority (NYCHA) Tenant Pilot Program.

**Hudson River Valley Greenway Communities Council**

The Legislature concurs with the Executive’s proposed funding level of \$136,000.

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

The Legislature concurs with the Executive recommendation of \$77 million, with the following modification:

- Includes \$4 million in additional support for county indigent defense services, with use of remaining fund balance in the Indigent Legal Services Fund.

### **Interest on Lawyer Account**

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

### **Labor, Department of**

The Legislature concurs with the Executive recommendation of \$6,729,076,000 with the following modifications:

- Provides funding for the following workforce development initiatives:
  - \$350,000 - New York Committee on Occupational Safety and Health (NYCOSH)
  - \$750,000 - Chamber On-The-Job-Training Program
  - \$155,000 - NYCOSH, Long Island Office
  - \$200,000 – Building Trades Pre-Apprenticeship Program (BTPAP)
  - \$2,295,000 - Workforce Development Institute
  - \$50,000 – Rochester Tooling and Machining Institute Inc.
  - \$100,000 – Hillside Works
  - \$250,000 - Summer of Opportunity Youth Employment Program – Rochester
  - \$300,000 - Project Rise – Referral, Information, Services, Employment
- The Executive recommendation includes an additional \$2.25 billion added to the Unemployment Insurance Enterprise Fund to reflect an extension of the UI extended benefits program at the federal level. The \$2 billion will not impact the UI benefit trust or cause increases to the state unemployment tax (SUTA) or interest assessment.

### **Local Government Assistance**

The Legislature concurs with the Executive recommendation of \$852 million and provides the following modifications:

- \$20,000 in Miscellaneous Financial Assistance to Madison County.
- \$20,000 in Miscellaneous Financial Assistance to Oneida County.

### **Mental Health, Office of**

The Legislature concurs with the Executive's recommendation of \$1.3 billion and provides the following:

- \$500,000 for the Veteran's Mental Health Initiative;
- \$100,000 for the North Country Behavioral Health Care Network
- \$800,000 for veteran peer to peer pilot programs; and
- \$800,000 for demonstration programs for counties impacted during State Fiscal Year 2011-12 by the closure of stated operated mental health facilities.

### **Metropolitan Transportation Authority**

The Legislature concurs with the Executive's proposed \$2.19 billion spending level. This is a contingent appropriation that exists to provide funding to the MTA, in case the budget does not pass on time in SFY 2013-14.

### **Military and Naval Affairs**

The Legislature concurs with the Executive recommendation of \$900,000.

### **Mortgage Agency (SONYMA)**

The Legislature concurs with the Executive Budget request of \$91.67 million.

### **Motor Vehicles**

The Legislature concurs with the Executive's proposed \$20.8 million spending level.

### **National and Community Service**

The Legislature concurs with the Executive Budget request of \$350,000.

### **Parks, Recreation and Historic Preservation**

The Legislature concurs with Executive's recommendation of \$11,725,000 and includes the following modifications:

- Includes additional funding of \$100,000 for historic properties
- Includes \$3 million in support for various national heritage trust programs for a total authorized spending level of \$14,825,000.

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

The Legislature concurs with the Executive's recommendation of \$2.48 billion and provides the followings:

- \$250,000 for Statewide Regional Centers for Autism Spectrum Disorder; and
- \$50,000 for the Epilepsy Foundation of Northeastern New York.

### **Prevention of Domestic Violence**

The Legislature concurs with the Executive recommendation of \$1.2 million, with the following modification:

- The Legislature preserves the existing distribution of funding which supports services and expenses of the Capital District Domestic Violence Law Clinic and the Western New York Family Violence Clinic and Regional Resource Center.

### **Public Service**

The Legislature concurs with the Executive's proposed request of \$3,500,000.

### **Quality of Care and Advocacy for People with Disabilities**

The Legislature concurs with the Executive's recommendation of \$648,000.

### **State, Department of**

The Legislature concurs with the Executive recommendation of \$69.8 million, with the following modification:

- The Legislature restores \$505,000 for services and expenses for the Public Utility Law Project (PULP) to deliver civil legal services to the poor.
- Transfers the program and funds of \$102,000 for enhanced services to refugees, asylees and other immigrant populations into the Department of State.
- Transfers the program and funds of \$4 million for services and expenses of the local waterfront revitalization program into the Department of State.

### **State University of New York**

The Legislature concurs with the Executive recommendation of \$438,130,400, with the following modifications:

- \$22.1 million in additional community college base operating aid, or \$150 per full time equivalent student.
- \$653,000 in restorations for child care centers.
- \$300,000 in funding for a Cornell Cooperative Extension pilot program.

### **Taxation and Finance**

The Legislature concurs with the Executive recommendation of \$926,000

### **Temporary and Disability Assistance**

The Legislature amends the Executive's recommendation of \$5.2 billion as follows:

- Provides additional funding for the following programs:
  - \$1.5 million for the New York State Supportive Housing Program;
  - \$1.5 million for the New York State Solutions to End Homelessness Program;
  - \$250,000 for English as a Second Language/Adult Basic Education Classes;
  - \$250,000 for the Disability Advocacy Program; and
  - \$102,000 for the Refugee Resettlement Program to be transferred to the Office for New Americans within the Department of State.
- Provides \$15.3 million to restore the proposed delay of the remaining five percent of the public assistance grant increase. The entire remaining 10 percent increase will be implemented in two phases within SFY 2012-13.

### **Temporary Assistance for Needy Families (TANF)**

- The Legislature restores or adds funding for the following TANF initiatives or programs:
  - ATTAIN: \$3 million;
  - ACCESS – Welfare to Careers: \$800,000;
  - Bridge: \$102,000;
  - Career Pathways: \$750,000;
  - Centro of Oneida: \$25,000;
  - Community Solutions for Transportation: \$112,000;
  - Displaced Homemakers: \$546,000;
  - ESL/Adult Literacy: \$250,000;
  - Emergency Homeless Needs: \$500,000;
  - Food Pantry Initiative: \$250,000;
  - Nurse Family Partnership: \$2 million;
  - Preventive Services: \$610,000;
  - Rochester-Genesee Regional Transportation Authority: \$82,000;
  - Strengthening Families Through Fatherhood: \$200,000;
  - Wage Subsidy: \$950,000; and
  - Wheels for Work: \$144,000.

### **Transportation**

The Legislature concurs with the Executive's proposal of \$4.48 billion.

### **Tribal State Compact**

The Legislature concurs with the Executive recommendation of \$54 million.

### **Veterans' Affairs**

The Legislature amends the Executive's All Funds recommendation of \$8.9 million, an increase of \$250,000 or 2.8 percent from SFY 2011-12 levels, as follows:

- The Legislature restores funding for the following programs:
  - \$25,000 for the Vietnam Veterans of America;
  - \$50,000 for the Buffalo Veterans Service Organization; and
  - \$75,000 for the New York City Veterans Service Organization.

### **Office of Victim Services**

The Legislature concurs with the Executive recommendation of \$66 million.

### **Payment to the City of New York**

The Legislature concurs with the Executive's proposed payment of \$170,000,000.

**SFY 2012-13 Capital  
Projects Appropriations  
S. 6254-D/A. 9054-D**

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# Capital Projects S. 2804-D/A. 4004-D

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## **Adirondack Park Agency**

The Legislature concurs with the Executive's proposal for \$500,000 in funding.

## **Agriculture and Markets**

The Legislature concurs with the Executive recommendation of \$3,000,000.

## **Alcoholism and Substance Abuse Services**

The Legislature concurs with the Executive's recommendation proposal of \$97.6 million.

## **Children and Family Services**

The Legislature concurs with the Executive's All Funds Recommendation of \$37.7 million, consistent with SFY 2011-12 levels

## **City University of New York**

The Legislature concurs with the Executive's recommendation of \$347,909,000.

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

The Legislature concurs with the Executive recommendation of \$320 million.

## **Department of Transportation**

The Legislature concurs with the Executive's proposal of \$5.09 billion, with the following modifications:

- The Legislature restores \$665,000 to maintain the existing level of inspections, and provides \$335,000 to implement a performance-based inspection program.

## **Education**

The Legislature concurs with the Executive proposal of \$582,345,000 for Capital spending.

## **Empire State Development Corporation:**

The Legislature concurs with the following Executive recommendations:

- \$110 million for the SUNY 2020 Challenge Grant Program
- \$75 million for Buffalo Regional Innovation Cluster
- \$75 million for the New York Works Economic Development Fund
- \$250 million for the SUNY College for Nanoscale and Science Engineering
- \$25 million in remaining balance of state funding for the construction of video lottery terminals at Aqueduct
- \$130 million for the Regional Economic Development Projects with the following modification:
  - Provides \$20 million for the Regional Economic Development Projects.
- \$20 million for the Economic Development Fund

## **Energy Research and Development Authority**

The Legislature concurs with the Executive's proposal of \$14,000,000.

### **Environmental Conservation**

The Legislature concurs with the Executive's proposal of \$609,143,000 in spending authority.

- The Legislature concurs with the New York Works capital proposal to finance critical flood and storm related recoveries.
- The Environmental Protection Fund is funded at \$134,000,000, the same as SFY 2011-12. However, the Budget agreement amends the Executive's proposal to reflect Legislative priorities.

### **Environmental Facilities Corporation**

The Budget agreement eliminates the Environmental Facilities Corporation from the State Budget resulting in \$343,000 less capital spending in the State Fiscal Plan compared with SFY 2011-12.

### **General Services**

The Legislature amends the Executive recommendation of \$82,000,000 to include \$65,000 to fund the construction of a security portal on the State Street entrance of the third floor of the Legislative Office Building in Albany, New York.

### **Health**

The Legislature modifies the Executive proposal by requiring that \$25 million of existing Healthcare Efficiency and Affordability Law for New Yorkers (HEAL NY) funds be allocated specifically for the Roswell Park Cancer Institute.

### **Housing and Community Renewal**

The Legislature concurs with the Executive's All Funds recommendation of \$74.2 million, consistent with SFY 2011-12 levels

### **Hudson River Park Trust**

The Legislature concurs with the Executive's proposal to provide no funding for SFY 2012-13.

### **Mental Health**

The Legislature concurs with the Executive's recommendation of \$189.7 million.

### **Metropolitan Transportation Authority**

The Legislature concurs with the Executive proposal of \$770 million

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

The Legislature concurs with the Executive recommendation of \$102.4 million.

### **Motor Vehicles**

The Legislature concurs with the Executive's proposal of \$194.2 million.

### **Parks, Recreation and Historic Preservation**

The Legislature concurs with the Executive's proposal of \$156,071,000 including \$94,000,000 in New York Works capital.

### **People with Developmental Disabilities**

The Legislature concurs with the Executive's recommendation of \$163.5 million.

**State Police, Division of**

The Legislature concurs with the Executive recommendation of \$6 million.

**State University of New York**

The Legislature concurs with the Executive recommendation of \$1,106,067,000 including the following:

- \$53 million in repurposed capital reappropriations for the Stonybrook Medical and Research Translation Center.

**Temporary and Disability Assistance**

The Legislature concurs with the Executive's recommendation of \$30 million, consistent with SFY 2011-12 levels.

**Thruway Authority**

The Legislature concurs with the Executive's proposal of \$2 million.

SFY 2012-13 Public  
Protection / General  
Government Article VII  
S.6255-D / A.9055-D

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**Part A – Expand the list of offenses for which DNA samples will be collected and entered into the State DNA Databank**

The Legislature amends the Executive proposal to change the effective date of the DNA expansion from October 1, 2012 to August 1, 2012, and to provide necessary resources to DCJS and State laboratories to process the additional samples, conduct profile comparisons and conduct DNA testing ordered by the courts.

**Part B – Repeal the requirement for a pistol and revolver ballistic identification database, known as CoBIS and replace it with a nationally recognized alternative**

The Legislature concurs with the Executive proposal to repeal the requirement for a pistol and revolver ballistic identification database, known as CoBIS and replace it with a nationally recognized alternative.

**Part C – Require that the trial date for a traffic violation must be a date subsequent to the date of an initial appearance**

The Legislature concurs with the Executive proposal to require that the trial date for a traffic violation must be a date subsequent to the date of an initial appearance.

**Part D – Provide more flexible probation sentencing options for the courts**

The Legislature denies the Executive proposal related to persons sentenced to probation.

**Part E – Expand the forfeiture of proceeds**

The Legislature denies the Executive proposal to expand the authority of State judges to order the forfeiture of proceeds in a sentencing.

**Part F – Continue provisions relating to the disposition of certain monies recovered by county district attorneys**

The Legislature accepts the Executive proposal to continue to allow District Attorneys in New York City (City) to retain a portion of settlement recoveries they make before the filing of an accusatory instrument against a defendant. This provision is provided for one year.

**Part G – Clarifies Municipalities Responsibilities When They Receive or Offer Aid Through Intrastate Mutual Aid Program (IMAP)**

The Legislature amends the Executive proposal to clarify municipalities responsibilities when they receive or offer aid through Intrastate Mutual Aid Program (IMAP). Technical amendments are made including allowing the Commissioner to develop a plan or process allowing the inclusion of school districts' and Board of Cooperative Educational Services' participation in the Intrastate Mutual Aid Program.

**Part H – Establish a Tier VI retirement benefit for new employees of the State and local governments**

Intentionally Omitted. (Prior enactment outside of the budget process).

**Part I – Expand 2010 Medicare Part B reform to include employees and retirees of public authorities**

The Legislature accepts the Executive proposal to require employees and retirees of public authorities to share in the cost of Medicare Part B premiums in the same manner as active and retired state employees.

### **Part J – Lapse Aged State and Local Reappropriations**

The Legislature denies the Executive proposal to automatically lapse state and local reappropriations older than 5 years.

### **Part K – Modify the schedule of payments in lieu of taxes (PILOTs) made to the City of Albany**

The Legislature concurs with the Executive proposal authorizing an increase in the 2012-2013 South Mall Pilot payment of \$7.85 million to the City of Albany. The 2032-2033 Pilot payment for the City of Albany is decreased respectively by the same amount. This provision is included in Part K of the Education, Labor, and Family Assistance Article VII bill.

### **Part L – Modify outdated Statewide procurement procedures and printing practices**

The Legislature amends the Executive proposal related to centralized procurement as follows:

- Denies proposal to purchase commodities using “best value” and to purchase services using lowest price.
- Accepts modification of the definition of “best value” to permit agencies to add a quantitative factor for small businesses or certified minority- or women-owned business to be used in the evaluation of best value bids.
- Expands the use of State centralized contracts by allowing additional piggybacking rights to local governments, non-profit organizations and other authorized users.
- Amends several sections of the State Finance Law to increase centralized contracting, including establishing that centralized service are accorded second priority, and authorizing the Commissioner of Office of General Services (OGS), in his or her discretion, or at the request of an agency, to use a centralized contract to procure services.
- Exempts centralized contracts let by OGS from the Office of the State Comptroller pre-audit prior to contract finalization.
- Expands the Commissioner’s investigatory authority to acquire information from a state agency under the control of the Governor information he or she deems necessary to exercise his or her powers and duties related to the purchasing of services and commodities.
- Authorizes three-year pilot program to permit agencies to require electronic bidding, including the use of reverse auctions, for commodity and service contracts provided the agency first makes a determination that vendors will not be adversely impacted by use of electronic bidding.
- Increases from \$15,000 to \$50,000 the dollar amount of procurement at and above which public notice is required.
- Expands the definition of a commodity in the Education Law and State Finance Law to include electronic information resources.
- Enacts public disclosure requirements for sole source contracts.

### **Part M – Make various reforms to the Civil Service Law to provide increased flexibility with respect to hiring and transferring State Employees**

The Legislature denies the Executive proposal to reenact provisions of law related to term appointments and allowing increased flexibility in the hiring and promotion of state employees.

**Part N – Authorize transfers, temporary loans, repeal of the Community Projects Fund and amendments to miscellaneous capital/debt provisions, including bond caps**

Intentionally Omitted from this bill and included in S.6259

**Part O – Rename the Office for Technology as the Office of Information Technology Services**

The Legislature concurs with the Executive proposal to rename the Office For Technology the “Office Of Information Technology Services.”

**Part P –Accelerate Aid and Incentives for municipalities funding for the City of Rochester**

The Legislature amends and accepts the Executive proposal and includes the proposal in Part S of the Education, Labor, and Family Assistance Article VII bill. This provision authorizes advanced AIM payments for the following cities:

- City of Amsterdam -- \$2,100,000
- City of Aubur -- \$3,400,000
- City of Buffalo -- \$30,000,000
- City of Corning -- \$900,000
- City of Lackawana -- \$3,600,000
- City of Long Beach -- \$1,400,000
- City of Olean -- \$1,900,000
- City of Rensselaer -- \$400,000
- City of Rochester -- \$28,000,000
- City of Syracuse -- \$30,000,000
- City of Watertown -- \$3,100,000
- City of White Plains -- \$2,200,000
- City of Yonkers -- \$11,900,000

These advanced AIM payments would be authorized upon written request and only in amounts necessary to close a budget gap for the ensuing 2012-13 city fiscal year. This provision is included in Part S of the Education, Labor, and Family Assistance Article VII bill.

**Part Q – Pay the MTA for costs associated with promoting access to employment through reimbursements for E-ZPass tolls paid by residents of Broad Channel and the Rockaway Peninsula that travel over the Cross Bay Veterans Memorial Bridge**

The Legislature concurs with the Executive’s proposal to provide an MTA E-ZPass toll rebate program relating to the Cross Bay Veterans Memorial Bridge.

**Part R – Delays Implementation of Assessment of Fee for Worker’s Compensation Group Self-Insured Fund**

The Legislature amends the Executive’s Proposal to delay the implementation of an assessment on self-insurers and group self-insured trusts to 2015 instead of the proposed 2016.

**Part S – Leg. Law sec. 5-A**

Provides language for the annual extension of Legislative Law §5-a.

### **Part T – Facility Parole**

Provides language that would provide employees previously in the facility parole officer title to be transferred to an open parole officer or senior parole officer position before that position is filled by a newly hired employee.

### **Part U – Department of Corrections and Community Supervision ( DOCCS) Study**

The Legislature amends current reporting requirements for the Department of Corrections and Community Supervision by requiring information on the total number of correctional facilities in operation which are maintained by the department, the security level of each facility, the number of beds at each facility as of December thirty-first of the prior year, as classified by the department, and the number of empty beds, if any, by such classification as of such date. In addition, the information would be posted on the Department’s website annually by February 1<sup>st</sup>.

### **Part V – Cyberbullying Chapter Amendment**

The Legislature amends cyberbullying language to provide clarification for diversion programs which were created in the original bill for youth involved in cyberbullying and/or sexting conduct.

### **Part W – NYSDA/DA’s Sunset**

The Legislature provides language to amend the Indigent Legal Services Fund to make backup center support for public defense services an allowable purpose and provides language for the State to reimburse counties for the statutory increase to District Attorney salaries mandated by the Judicial salary increase. Both of these provisions are effective for only one year.

### **Part X – PSAPS**

The Legislature amends the Executive proposal to allow \$2 million of \$9 million included in SFY 2011-12 be provided to counties not eligible for grants. These funds would be reimbursed for expenses relating to local Public Safety Answering Points (PSAP) operations. The Commissioner of the Division of Homeland Security and Emergency Services would develop a plan for the distribution of such reimbursement, in consultation with the New York State Interoperable and Emergency Communication Board.

### **Part V – Cyberbullying Chapter Amendment**

The Legislature amends cyberbullying language to provide clarification for diversion programs which were created in the original bill for youth involved in cyberbullying and/or sexting conduct.

**SFY 2012-13 Education  
Labor and Family  
Assistance Article VII  
S.6257-E / A.9057-D**

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## **Part A**

- The Legislature modifies the Executive’s proposal to limit school district eligibility for school aid increases to the implementation of new standards for conducting Annual Professional Performance Reviews for teachers and principals to the 2012-13 school year only.
- The Legislature authorizes an increase of \$805 million in new school aid spending by using \$400 million to further reduce the Gap Elimination Adjustment reprogramming \$111 million through Foundation Aid, increasing \$230 million in expense based aids, \$50 million in competitive grants, and \$3 million in miscellaneous categorical programs.
- The Legislature concurs with the Executive’s proposal to require districts participating in the Contract for Excellence program to continue operating approved academic intervention programs consistent with Contract for excellence requirements. The required investment in these programs would be permitted to decline by the same percentage as the districts formula based aid reduction under the Gap Elimination Adjustment. This approach would ensure the continued participation of 23 school districts, including all “Big Five” city school districts (New York City, Buffalo, Rochester, Syracuse and Yonkers).
- The Legislature authorizes requirement of the Office of Temporary and Disability Assistance to work in conjunction with the State Education Department to make data available to school districts of students available for the Free and Reduced Price Lunch (FRPL) Program. Eligibility will result in automatic enrollment in FRPL.
- The Legislature authorizes the State Education Department to fund districts who incorrectly filed data with the State Education Department for Universal Prekindergarten, providing the correction of data submission.
- The Legislature concurs with the Executive to extend the date of awarding competitive performance grants to one hundred and twenty days after the 2011-12 school year. This will allow bonus points to be considered for early submission and approval of an Annual Teacher Performance Review.
- The Legislature authorizes \$125 million in competitive grants for the 2013-14 school year. A \$50 million portion will be included in school aid as in 2012-13. The remaining \$75 million will be funded through prior year appropriations.
- The Legislature authorizes shifting responsibility of payment for students attending Schools for the Blind and Deaf from the district of admission to the district of residence in the 2013-14 school year.
- The Legislature authorizes requirement of New York City to transport students attending grades Kindergarten through Six who attend public and nonpublic schools after five pm.
- The Legislature concurs with the Executive’s proposal to allow districts that failed to file final cost report data with the State education Department to only be penalized for the length of time the report was delinquent.
- The Legislature authorizes the State Education Department to validate transportation contracts beginning in the 2004-05 school year which were denied as a result of inadvertent or clerical errors, upon approval of the Commissioner of Education.
- The Legislature authorizes the Commissioner of Education to provide transition aid to districts with Annual Professional Performance reviews when the submitted plan does not meet the required standards as set forth by the Commissioner and the cost of developing a new plan would be greater than that of the original.
- The Legislature denies the Executive’s proposal to require school districts to purchase buses and bus equipment from the state contract.

**Part A-1 – Annual Teacher Performance Reviews** -- Intentionally Omitted

**Part A-2 – Annual Teacher Performance Review-NYC Appeal Process** -- Intentionally Omitted

**Part B – Teacher Hearings**

- The Legislature denies the Executive’s proposal to shift the cost of teacher hearings to the employee or employee bargaining unit.
- The Legislature modifies the Executive’s proposal to reform teacher hearings, authorizing the Commissioner of Education to appoint an arbitrator if neither party to the hearing has done so after fifteen days.
- The State Education Department will also be able to set maximum rates for the payment of arbitrators and limit allowable study hours.
- SED is authorized to monitor and investigate hearing officer compliance with the statutory guidelines any deficiencies in the commencement or completion of hearings within the statutory time periods will result in the hearing officer no longer being on the eligible list of arbitrators.
- SED is authorized to use new technology to transcribe or record 3020-A hearings.
- All evidence shall be submitted by all parties within 125 days of filing charges with exceptions made for extraordinary circumstances.

**Part C – Authorize the Pass-Through of the 2013 Federal SSI Cost of Living Adjustment**

The Legislature concurs with the Executive proposal to implement a Social Security Income (SSI) Cost of Living Adjustment (COLA) beginning January 1, 2013.

**Part D – Phase in the Scheduled Public Assistance Grant Increase**

The Legislature amends the Executive proposal that would phase-in the final 10% increase to the public assistance grant. Instead, the Legislature provides for a 5% increase on July 1, 2012 and the remaining 5% increase on October 1, 2012 to achieve full implementation of the final 10 percent public assistance grant increase in this fiscal year.

**Part E – Authorize State Administration of the State Supplemental Security Income**

The Legislature concurs with the Executive proposal that would authorize the State to administer the State Supplementation Program for SSI recipients.

**Part F – Reauthorize Child Welfare Financing provisions**

The Legislature amends the Executive’s proposal to extend the current reimbursement structure for child welfare financing for an additional five years as follows:

- Denies the proposal to reduce State reimbursement for Child Welfare Services in statute from 65 percent to 62 percent;
- Denies the proposal to add Subsidized Kinship Guardianship Assistance in statute as an allowable expense of the Foster Care Block Grant;
- Denies the proposal to reduce State reimbursement for Adoption Subsidies in statute from 65 percent to 62 percent; and
- Continues to notwithstand statute in appropriation language, for the above changes, to reflect current reimbursement practice.

### **Part G – Enact Juvenile Justice Reform**

The Legislature amends the Executive proposed “Close to Home Initiative” to include the following:

- Require additional public hearings to examine the plan for NYC to operate limited-secure facilities;
- Prohibit approval of a plan to operate limited-secure facilities prior to April 1, 2013;
- Require notice of any transfers be provided to the attorney for the respondent and the parent;
- Retain judicial authority to order specific services upon placing a youth in NYC, and the authority to order specific placements in voluntary agencies outside of NYC;
- Retain judicial authority to order minimum placements of up to six months for youth placed in non-secure facilities who have committed a felony offense;
- Limit the time period under which a youth may be placed in a local detention facility pending his or her court proceeding;
- Require consultation of independent experts in the validation of the risk assessment instrument as well any disparate impact on certain populations; and,
- Require specific criteria be considered in determining the closure of facilities, and sunset such authorization to close facilities upon sixty days notice on April 1, 2014.

### **Part H – HECap Extender**

The Legislature accepts the Executive proposal to extend the Higher Education Capital Matching Grant Program through March 31, 2013.

### **Part I – Cornell University MOU**

The Legislature amends the Executive proposal to provide for the development of a Master Agreement with general terms and conditions and the use of Memoranda of Understanding between state agencies and Cornell University, to facilitate the provision of services and technical assistance to the State.

### **Part J – Pre-school Special Education**

- The Legislature denies the Executive’s proposal to shift a portion of growth in Preschool Special Education Costs from counties to school districts and the State.
- The Legislature denies the Executive’s proposal to require an arms-length relationship between evaluators and providers of Special Education Preschool services.
- The Legislature denies the Executive’s proposal to require evaluators to take proximity into consideration when placing student.

### **Part K – Authorizes OCFS to enter into contracts with BOCES**

The Legislature amends the Executive’s proposal to allow OCFS to contract with BOCES to provide services in juvenile justice facilities. Changes include specifying that such contracts may only provide for special education services, and requiring a report detailing the cost effectiveness and programmatic impact of such contracts.

### **Part L – Annual Report on the Youth Center Facility Program**

The Legislature accepts the Executive’s proposal to repeal the requirement that OCFS issue an annual report on the Youth Center Facility program. This report was associated with Youth Opportunity Centers, which no longer exist and have not received State funding since 1994.

### **Part M – Sharing of Information Between OCFS and Local Probation Departments**

The Legislature amends the Executive’s proposal to allow sharing of information related to the detention risk assessment instrument. Changes include enhancing confidentiality of such information, and requiring consultation with experts on the effectiveness of the instrument any disparate impact on certain populations.

### **Part N – Remediation Study**

The Legislature includes provisions to direct the State University of New York and the City University of New York to conduct a joint study regarding the issue of student remediation by November 1, 2012

### **Part O – NY-SUNY 2020 Challenge Grant Program Definition**

The Legislature agrees to define the new SUNY 2020 Challenge Grant Program as long-term economic and academic plans submitted by non-university centers, which would be subject to the approval of the Governor and Chancellor.

### **Part P – NY-SUNY 2020 Non-resident Undergraduate Tuition**

The Legislature agrees to a technical amendment to NY-SUNY 2020 (Chapter 260 of the Laws of 2011) to allow the tuition rates for non-resident undergraduate students at University Centers to increase. The rate increase will become effective beginning with the semester following the approval of the University Center’s master plan.

### **Part Q – Charge back Study**

The Legislature agrees to direct the State University of New York and the City University of New York to conduct a joint study examining the laws, regulations, and policies regarding community college charges for non-resident students and chargeback fees by September 1, 2012.

### **Part R – Red Light Cameras in Nassau and Suffolk Counties**

The Legislature provides the authority for Nassau and Suffolk Counties to increase the number of red light cameras from 50 to 100 for each of their counties. There is no authority to increase fees or surcharges.

### **Part S - Aid Incentives to Municipalities**

The Legislature amends the Executive proposal to authorize advanced AIM payments up to the respective amounts for the following cities:

City of Amsterdam -- \$1,667,846  
City of Auburn -- \$2,689,127  
City of Buffalo -- \$11,746,781  
City of Corning -- \$678,774  
City of Lackawanna --\$2,616,181  
City of Long Beach -- \$952,955  
City of Olean - \$1,900,000  
City of Rensselaer -- \$218,663  
City of Rochester -- \$15,187,454  
City of Syracuse - \$20,885,777  
City of Watertown -- \$2,419,172  
City of White Plains -- \$1,292,569  
City of Yonkers -- \$1,438,537

These advanced AIM payments would be authorized upon written request to the Director of the Budget and only in the amounts necessary to close a budget gap for the ensuing 2012-13 City Fiscal Year. This Part was proposed as Part P of the Public Protection and General Government Article VII budget bill.

**Part T - Albany Pilot Payment**

This provision was originally proposed as Part K of the Public Protection General Government bill authorizing an increase in the 2012-2013 South Mall Pilot payment to the City of Albany of \$7.85 M. The 2032-2033 Pilot payment for Albany is decreased by the same amount.

**Part U – Tax Increment Financing**

The Legislature authorizes the pledge of increased school property taxes under the tax increment financing program for bonds issued for municipal redevelopment.

**Part V – Limited English Proficiency**

Provides that the commissioner of education, in conjunction with the commissioner of health, shall promulgate regulations requiring mail order pharmacies, and pharmacies belonging to a chain consisting of ten or more locations in the state, to provide oral interpretation and written translation. Further, these provisions provide pharmacies with immunity from liability for injuries caused by third-party contractors, and requires the establishment of a waiver process through which pharmacies may seek exemptions if provisions prove unnecessarily burdensome.

**Part W – State Veterans’ Cemetery**

The Legislature agrees to authorize the Division of Veterans’ Affairs to pursue a federal grant for the construction of a state veterans cemetery and to contract with the County of Putnam to maintain such cemetery.

SFY 2012-13 Health and  
Mental Hygiene Article  
VII  
S.6256-D / A.9056-D

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**Health and Mental Hygiene Article VII Budget Bill  
S.2809-D /A.4009-D**

**Part A: Enacts Early Intervention Reform**

The Legislature modifies the Executive proposal to enact Early Intervention reforms by rejecting all proposed insurance network requirements for providers and insurers, and by rejecting all “arms-length” relationship provisions.

**Part B: Roswell Park Cancer Institute (RPCI)**

The Legislature modifies the Executive proposal to require the Roswell Park Cancer Institute to become financially and operationally independent in 2014. The Legislature requires RPCI to develop a plan by January 1, 2014 that specifies how the Institute will promote the health of patients, conduct innovative research, secure financial viability, and achieve operational and fiscal independence, however does not require effectuation of the plan by a certain date.

**Part C: Establish System to Electronically Report Deaths**

The Legislature denies the Executive proposal to require a contribution from funeral directors and undertakers to establish a system to electronically report deaths to the Department of Health.

**Part D: Enact Medicaid Redesign Phase II Recommendations**

The Legislature modifies the Executive proposal as follows:

- Require the Commissioner to allocate Supportive Housing funds based on efficiency and effectiveness of funding, and requires a report on the distribution of funds;
- Allow Assisted Living Programs (ALPs) to contract with more than one long-term home health care program, certified home health agency and/or other qualified provider and by clarifying the reimbursement of ALPs for pre-admission assessments;
- Repeal the social service law requiring establishment of ALP beds following the decertification of an equal or greater number of nursing home beds. The amendment allows the ALP program to continue to expand the number of beds without the requirement that a nursing home bed must be eliminated in order for an ALP bed to become available;
- Expand enteral formula therapy further to include individuals with other diseases and conditions;
- Modifies the Executive proposal to allow HIV special needs plans to enroll related children up to age 21 and other high needs populations, as determined by the Commissioner, by requiring the Department to clarify who “other high needs populations” are, and to clarify a methodology for reimbursement;
- Deny the proposal to require 120-days notice to the public health and health planning council if a not-for-profit hospital corporation wants to make a change in the board of directors;
- Deny the proposal to authorize the Commissioner to temporarily appoint members of the board, and to suspend or limit an operating certificate of a not-for-profit corporation without a hearing under certain conditions;
- Deny the proposal to require that board members subject to indictment or action for removal shall immediately and completely cease and withdraw from participation in the management, governance or operation of the hospital;
- Deny the proposal to authorize the Commissioner to appoint a temporary operator of a facility in the event of severe management failures that endanger the life, health or safety of residents or patients;

- Extend the authority of the Dormitory Authority of the State of New York to establish one or more subsidiaries to reduce potential liability by limiting the extension to Article 28 regulated entities only;
- Deny the proposal to eliminate the requirements of DOH to post certain information on their website related to meetings of the Pharmacy and Therapeutic Committee;
- Deny the proposal to extend funding under the Health Care Efficiency and Affordability Law for New York (HEAL-NY) to Diagnostic and Treatment Centers;
- Modify the proposal to extend the Commissioner’s authority to issue regulations limiting reimbursement for potentially preventable conditions and complications to the outpatient setting by mirroring existing Medicaid provisions;
- Deny the proposal to require counties that have implemented a mandatory managed care program to use the Statewide enrollment broker;
- Deny the proposal to eliminate the requirement for applicants that operate managed long term care plans be a hospital, certified or licensed home care agency, health maintenance organization or not-for-profit organization with a history of providing or coordinating health care and long-term care services to the elderly and disabled persons;
- Deny the proposal to prohibit a spouse or parent from refusing to contribute any available income or assets towards the cost of health care services being provided to a spouse or family member; and
- Modify the proposal to authorize the Commissioner to promulgate rules and regulations to award the Empire Clinical Research Investigation Program (ECRIP) by adding clarification language.

The Legislature advances new legislation to:

- Establish a workgroup on Medicaid reimbursement for medically fragile children;
- Stipulate that Health care Efficiency and Affordability Law of New Yorkers (HEAL NY) funds be distributed equitably across health planning regions;
- Require managed care providers to cover medically necessary prescription drugs in the atypical antipsychotic therapeutic class;
- Require DOH to consult with stakeholders about effectively extending Managed Long Term Care to the nursing home population in a manner that reasonably addresses concerns regarding capital financing and its impact on payment rates;
- Repeal the expanded definition of estates under Medicaid;
- Establish a rural home tele-health delivery demonstration;
- Require DOH to develop transition and continuity of care policies for participants in home and community based long term care, including the Long Term Home Health Care Program, as they move into managed long term care plans;
- Authorize DOH to issue an expedited Certificate of Need (CON) review for existing Long Term Home Health Plans applying to become Certified Home Health Agencies by authorizing the commissioner to waive certain elements of the review;
- Establish a prescription pain medication awareness program to educate the public and health care practitioners about the risks associated with prescribing and taking controlled substance pain medication;
- Streamline the application process for distribution of the funds from the Doctor’s Across New York program;
- Establish a process for limited or administrative review for any eligible capital projects under Federally Qualified Health Centers;

- Direct the Commissioner of Health to develop regulations regarding facilitating and regulating the use of a triage system of care and require the commissioner to submit a report to the Legislature in one year;
- Codify the Enhancing the Quality of Adult Living (EQUAL) program;
- Limit the use of specialty drug lists that require consumers to use mail order for certain prescriptions to those defined as specialty drugs by the Commissioner of Health; and
- Require the Office of the Medicaid Inspector General to publish on its website all final decisions and determinations resulting from the appeal of an action by the Office.

**Part E: Establish a Health Care Benefit Exchange**

The Legislature denies the Executive proposal to establish a Health Care Benefit Exchange in New York State.

**Part F: Medicaid Local Takeover and Medicaid Administration Takeover**

- The Legislature concurs with the Executive proposal to phase in the takeover of the growth of local Medicaid Expenditures.
- The Legislature modifies the Executive proposal to take over the local administration of the Medicaid program as follows:
  - Require the Department of Health (DOH), within 120 days of the effective date of this part, to develop and implement a Local Social Services District (LDSS) Statement of Interest to solicit their interests and capacities to contract with DOH;
  - Require DOH to submit an annual progress report to the Legislature beginning December 31, 2012 until the final implementation of the takeover; and
  - Establish a redistribution pool that would redistribute funds to LDSSs that exceed, or are projected to exceed, the administrative cap. DOH will be required to proportionally allocate any aggregate Medicaid administrative savings to counties that exceed their Medicaid administrative expenditures cap.

**Part G: Medicaid Extenders**

The Legislature concurs with the Executive proposal to extend certain Medicaid provisions.

**Part H – Human Services Cost of Living Adjustment (COLA); Annual Adjustments to Established Provider Payments; and Caps on Administrative Reimbursement and Executive Compensation**

The Legislature denies the Executive’s proposal to repeal the Human Services COLA, and instead extends the suspension for one additional year. The Legislature denies the Executive’s proposals to create a new system for provider adjustments, and to establish caps on executive compensation and administrative costs.

**Part I – 1115 Waiver Pilot Programs**

The Legislature denies the Executive’s proposal to allow the Commissioner of the Office for People with Developmental Disabilities (OPWDD) to enter into contracts for the purposes of the People First 1115 Waiver Demonstration Program without a competitive bid process.

### **Part J – Office for People with Developmental Disabilities Organizational Restructuring**

The Legislature modifies the Executive’s proposal, retaining statutory language regarding existing developmental disabilities services centers and the Institute for Basic Research. Pursuant to this proposal, the Commissioner may administratively restructure OPWDD, but would be required to report to the Legislature 60 days prior to any significant service reductions.

### **Part K – Comprehensive Psychiatric Emergency Program**

The Legislature concurs with the Executive’s proposal to extend this program for four years.

### **Park L – Streamlining Regulatory Requirements for Office within the Department of Mental Hygiene and Department of Health**

The Legislature modifies the Executive’s recommendation to allow the Commissioners of the Office of Mental Health (OMH), the Office of Alcoholism and Substance Abuse Services (OASAS), the Office for People with Developmental Disabilities (OPWDD), and the Department of Health (DOH) to establish joint operating, reporting and construction requirements by including provisions prohibiting the circumvention of statutory requirements, and by requiring that such actions increase efficiencies and reduce administrative burdens.

### **Part M – Education for Children in Mental Health Facilities**

The Legislature modifies the Executive’s proposal to create pilot programs intended to improve the quality of education received by children in residential facilities by clarifying that that the participation of local school districts and Boards of Cooperative Educational Services (BOCES) can participate at their option as well as being held financially harmless.

### **Part N – Creation of the Behavioral Health Services Council**

The Legislature modifies the Executive’s proposal to replace the Mental Health Services Council and the Advisory Council on Alcoholism and Substance Abuse Services with a new Behavioral Health Services Council to ensure the continuation of current representation on the council, as well as continuing current reporting requirements to the Legislature.

### **Part O –Office of Mental Health Facilities**

The Legislature modifies the Executive’s proposal by raising the notification requirements for significant service reductions from 30 to 45 days in the event of closure of wards or the conversion of beds to transitional placement programs, and raising the notification requirements to 75 days from 60 days in the event of closure, merger or consolidation of facilities. Further, bed reductions are capped at 400 for the SFY — a decrease of 33 percent from SFY 2011-12.

### **Part P – Sex Offender Management and Treatment Act (SOMTA)**

The Legislature concurs with the Executive’s proposal to provide that defendants awaiting adjudication of a civil commitment proceeding, who have been referred to a treatment program and are significantly disruptive of such program, may be sanctioned by a return to DOCCS for a period of six months. The Legislature also agreed to allow psychiatrist examiners who are called as witnesses at a civil commitment proceeding to testify via electronic appearance. The Legislature also agreed to provisions clarifying that annual reports regarding the status of the defendant shall be due one year from the last determination or waiver of examination, whichever is later. The Legislature denies the Executive proposal to allow for the privatization of the care, treatment and security services for the SOMTA population.

### **Part Q - Options for 730 Defendants**

The Legislature concurs with the Executive's proposal to broaden the definition of appropriate institution to allow hospitals with OMH-licensed psychiatric units to provide restorative care to defendants who have been deemed incapacitated. The Legislature also concurs, in certain circumstances and with approval by the District Attorney, allowing such defendants to receive outpatient restorative care; provided that such care shall be limited to a period of 90 days, and granted only with a continuation of any orders regarding bail. The Legislature denies the Executive proposal allowing local jails to provide restorative care.

### **Part R – Exempt Income Recoveries**

The Legislature concurs with the Executive's recommendation to continue the fiscal periods for which the OMH is authorized to recover exempt income for community residences and family based treatment programs.

### **Part S: Excess Medical Malpractice Coverage Pool**

The Legislature modifies the Executive proposal as follows:

- Limit access to the pool to physicians or dentists who had a full or partial policy for coverage period ending June 30, 2010, June 30, 2011, and June 30, 2012;
- Authorize hospitals to certify physicians and dentists on a proportional basis if the number of physicians or dentists eligible under this methodology is less than the number of physicians or dentists who had coverage on June 30, 2010; and
- Require the Superintendent of the Department of Financial Services and the Commissioner of Health to review and issue a report to the Legislature by November 1, 2012 on the coverage pool.

### **Part T: Elderly Pharmaceutical Insurance Coverage (EPIC)**

The Legislature advances legislation that restores the fee and deductible plan for co-payment assistance under EPIC. Under the new plan, prescriptions will continue to be paid by Medicare Part D, but EPIC will pay the Medicare Part D co-payment. Co-payments for seniors in EPIC will range from \$3 and \$20.

SFY 2012-13  
Transportation  
Economic Development  
and Environmental  
Conservation Article VII  
S.6258-D / A.9058-D

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### **Part A – Marchiselli and CHIPS Annual Authorization**

The Legislature concurs with the Executive proposal to provide \$39.7 million in Marchiselli funding and \$363.1 million for the CHIPS program. The Legislature also includes a provision to authorize the use of CHIPS funds on specified pavement resurfacing work types. A one year authorization for this type of work was given in the SFY 2011-12 Enacted Budget.

### **Part B – Consolidation of the Accident Damage Recovery Account into the Dedicated Highway and Bridge Trust Fund (DHBTF)**

The Legislature concurs with the Executive proposal to consolidate the Accident Damage Recovery account into the Dedicated Highway and Bridge Trust Fund (DHBTF) and transfer all Funds for the repair of damaged infrastructure. These payments will now be made out of the DHBTF.

### **Part C – Bus Inspections**

The Legislature modifies the Executive proposal to require the DOT to perform bus inspections every six months and authorizes the Department to establish an additional risk-based inspection program.

### **Part D – Commercial Motor Vehicle Federal Compliance**

The Legislature modifies the Executive proposal relating to commercial vehicle operators to ensure the continued receipt of \$36 million in federal highway aid this year.

### **Part E – Metropolitan Transportation Authority**

The Legislature modifies the Executive proposal of a \$7 billion increase to the MTA's bond limit ceiling by providing the increase evenly over three years. This would increase the bond limit to \$41.88 billion by 2014.

### **Part F – County Clerks Retention Rate for DMV Services Online**

The Legislature concurs with the Executive proposal to establish additional retention rates, based on internet transactions for County Clerks acting as an agent of the Department of Motor Vehicles.

### **Part G – Federal Motor Carrier Compliance**

The Legislature modifies the Executive proposal to amend provisions of law relating to safety, hours of service and hazardous material transportation requirements for commercial motor vehicles and carriers. These modifications include preserving the State exemption for farm vehicles, utility service vehicles and tow trucks, in order to ensure the continued receipt of \$4 million in federal grants.

### **Part H – Eliminate tagging requirements and streamline fish and wildlife licenses and permits.**

The Legislature amends the Executive proposal that authorizes the classification of muskrats, the elimination of certain tagging requirements for carcasses and the extension of licenses and permit periods. The Legislature denies the proposal to re-impose the ten cent per bushel quahog and surf-clam fee that expired on April 1, 2010.

### **Part I – VOIP Deregulation**

The Legislature denies the Executive's attempt to reaffirm in statute that there is no intent by the Executive to impose additional regulatory burdens on the expansion of broadband and the utilization of voice over internet protocol technology in underserved areas of New York State.

**Part J - Exemption of hazardous waste and wastewater fees for recycled materials**

The Legislature concurs with the Executive proposal to exempt producers of hazardous wastes and wastewaters from the fees and surcharges currently imposed on the production of these by-products, if these by-products are recycled and introduced back into the fabrication stream as part of the manufacturing process.

**Part K–Terminates State operating support of the Environmental Facilities Corporation (EFC)**

The Legislature concurs with the Executive’s proposal to eliminate State Operating Fund support for the Environmental Facilities Corporation (EFC), effectively taking EFC “off-budget”.

**Part L – Eliminate the mandate that the New York State Agricultural Experiment Station be the exclusive seed testing entity in the State, and allow testing to be conducted by the Department of Agriculture and Markets or a qualified laboratory**

The Legislature concurs with the Executive proposal that would eliminate the requirement that the New York State Agricultural Experiment Station at Cornell be the exclusive seed testing laboratory in New York.

**Part M – Out-of-State Cost Recovery.**

The Legislature amends the Executive proposal to authorize the Department of Agriculture and Markets to enter into agreements with governmental and educational entities and be reimbursed for its services by limiting the scope to contracts with out-of-state entities.

**Part N – Food Account Shifts.**

The Legislature concurs with the Executive proposal to eliminate special revenue funds that support the Consumer Food and the Commercial Feed Licensing Account, shifting these appropriations to the General Fund.

**Part O – Transfer \$913,000 from New York State Energy Research and Development Authority to the General Fund**

The Legislature concurs with the Executive’s proposal to transfer \$913,000 from the Unrestricted Corporate Funds of the Authority to the General Fund in order to offset New York State’s debt service requirements related to the Western New York Nuclear Service Center. This authorization is provided annually.

**Part P - Finance the New York State Energy Research and Development Authority and the Department of Environmental Conservation’s climate change program with assessments on gas and electric corporations**

The Legislature accepts the Executive’s proposal to finance a portion of the Authority’s research, development and demonstration, and policy and planning programs, and to finance the Department of Environmental Conservation’s Climate Change Program, through an annual assessment on gas and electric corporations.

**Part Q – Sale of Property of the Jacob Javits Convention Center**

The Legislature denies the Executive proposal to deposit the proceeds from the sale of any property of the New York Convention Center Corporation (Javits) to the General Fund.

**Part R – UDC Loan Authorization**

The Legislature amends the Executive proposal to provide permanent authorization for the Empire State Development Corporation, and instead authorizes the provision for one year.

**Part S – Empire State Economic Development Fund**

The Legislature amends the Executive proposal to extend the Economic Development Fund for one year.

**Part T – UDC Grant Making Authority**

The Legislature denies the Executive proposal to provide ESDC with general grant making powers

**Part U – Expansion of Linked Deposit Program**

The Legislature concurs with the Executive proposal to expand the Linked Deposit program to agri-businesses.

**Part V -. Authorize the Department of Health to finance certain activities with revenues generated from an assessment on cable television companies**

The Legislature concurs with the Executive’s proposal to make the Department of Health’s public service education expenses eligible for funding from the Department of Public Service’s assessment on cable television companies.

**Part W -. Extends the renewal period for certain disciplines licensed by the Department of State**

Intentionally omitted.

**Part X: Escheatment of Un-cashed Vouchers**

The Legislature denies the Executive proposal to make un-cashed pari-mutuel vouchers subject to escheatment to the Regulation of Racing Account. This is part is intentionally omitted from the Executive’s TED Article VII bill.

**Part Y: Transfer Racing and Wagering Employees to Harness Tracks**

The Legislature modifies the Executive proposal to transfer the responsibility of providing one starter and one judge from the Racing and Wagering Board to each licensed Harness Track by requiring each licensed harness track to reimburse the Racing and Wagering Board for the cost associated with providing one starter and one judge at each licensed harness track.

**Part Z - Dairy Market Order.**

The Legislature denies the Executive proposal to authorize dairy market orders to fund activities for assisting dairy farmers through an assessment on milk production.

**Part AA – Cost Recovery Assessment**

The Legislature amends the Executive proposal to increase the cap on cost recovery assessments on public authorities from \$60 million to \$62 million, increasing the cap to \$65 million.

**Part BB – Provision of Construction Services by the Dormitory Authority**

The Legislature amends the Executive proposal to authorize the Dormitory Authority to provide construction services and financing to all state agencies and public corporations and instead authorizes the Dormitory Authority to provide construction services only to the Office of Parks, Recreation, and Historic Preservation and the Department of Environmental Conservation.

**Part CC – Categorize Not-for-Profits and Service of Process Requirements.**

Intentionally Omitted

**Part DD – Amend the Green Jobs-Green New York on-bill program to allow the recording of a declaration rather than a mortgage**

The Legislature concurs with the Executive’s proposal to require that, for Green Jobs-Green New York loans that are to be repaid through an on-bill recovery mechanism, NYSERDA must record a declaration with the local recording officer indicating the existence of such loan, and to remove the current requirement that NYSERDA record a non-enforceable mortgage for on-bill recovery financing.

**Part EE – Extends period of compliance for retrofitting heavy-duty diesel vehicles pursuant to the Diesel Emissions Reduction Act**

Extends the start date of compliance for retrofitting heavy-duty diesel vehicles owned by State agencies or public authorities, as well as contractors who work on public job sites, with best available retrofit technology pursuant to the Diesel Emissions Reduction Act (DERA) of 2006 from December 31, 2012 to December 31, 2013.

**Part FF – Gift Cards for hunting and fishing licenses**

Authorizes the Commissioner of the Department of Environmental Conservation to establish procedures for the sale and redemption of gift cards for procuring required licenses and related stamps for fishing and hunting activities in New York State.

**Part GG – Establishes the Western New York Power Proceeds Allocation Act**

Authorizes the funding of an expanded array of economic development activities from unallocated reserved hydropower dedicated to and reserved for the Niagara / Erie Corridor to stimulate Western New York’s economic and employment opportunities.

**Part HH – New York Works Task Force**

This provision authorizes the establishment of the New York Works Task Force for the purpose of coordinating the capital plans of New York State Agencies and authorities.

**Part II: Advanced Deposit Wagering Study, OTB Bankruptcy and Capital Acquisition Fund Relief**

The Legislature authorizes all municipal OTBs to enter into bankruptcy if the Racing and Wagering Board determines a municipal OTB is financially insolvent and the county or majority of participating counties with a municipal OTB region provides a resolution authorizing the municipal OTB to enter into bankruptcy.

The Legislature authorizes municipal OTBs to use their capital acquisition funds for general operating purposes if the fund balance is \$2.5 million or less. A municipal OTB that chooses to use its capital acquisition funds for general operating purposes will have the one percent surcharge on bets used to fund capital acquisition, suspended for either one year after the fund is depleted or the OTB notifies the Racing and Wagering that it is no longer using those funds for general operating purposes. This part also mandates the board conduct a study on out of state advanced deposit wagering and report its recommendations to the Governor and Legislature by September 15, 2012

SFY 2012-13 Revenue  
Article VII  
S.6259 -D/A.9059-D

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## **Revenue S.6259-D/A.9059-D**

### **Part A – Oil and Gas Unit Production Values Fee Extender**

The Legislature concurs with the Executive proposal to extend for three years until March 31, 2015, fees for the establishment of oil and gas unit of production values for purposes of calculating real property tax assessments.

### **Part B - STAR Tax Offset for Unpaid Liabilities**

The Legislature amends the Executive proposal to allow the Commissioner of the Department of Taxation and Finance to develop a STAR benefit Recovery Program which seeks to suspend a taxpayers basic or enhanced STAR exemption if the taxpayer owed any past due state tax liability over \$4,500. The amount of the STAR benefit suspension will be used to reduce the taxpayer's liability. The liability must be fixed and final with no ability left for administrative or judicial review of such liability. The Tax Department must notify the taxpayer at least 45 days prior to the school year for which the STAR suspension will apply. This provision will only be in affect for the 2013-2014 through 2015-2016 school years.

### **Part C – Tobacco Products Excise Tax Changes – Intentionally Omitted**

### **Part D – Alternative Fuels Exemption Extension**

The Legislature amends the Executive proposal to extend the alternative fuels tax exemptions for two years. Extends the sunset date of the exemption for alternative fuels from September 1, 2012 to September 1, 2014, to allow E85, compressed natural gas, and hydrogen a full exemption and B20 a partial exemption from the motor fuel tax, the petroleum business tax, the fuel use tax, and state and local sales taxes. Expected to save taxpayers \$1.6 M in 2012-13 and \$3.2 M for 2013-14.

### **Part E – Diesel Motor Fuel Amendment**

The Legislature concurs with the Executive proposal to make technical amendments to the tax classification of diesel motor fuel. Addresses unintended consequences of the amendments to the motor fuel definitions enacted as part of the SFY 2011-12 Enacted Budget, to give an upfront exemption for Crude Oil and Biodiesel where no liability was intended to be triggered.

### **Part F – Refusal of Sales Tax Certificates of Authority– Intentionally Omitted**

### **Part G – Extend Tax Modernization Provisions**

The Legislature amends the Executive's proposal to extend for one year, until December 31, 2013, the Tax Modernization provisions enacted in the SFY 2011-12 Enacted Budget as follows:

- Amends the efile mandate on tax preparers to raise the threshold for mandatory efilings to the federal standard of more than 10 returns in the prior year; clarifies the language so that if a return contains a form that does not have the ability to be efiled then the entire return will not have to be efiled; and clarifies that the threshold of number of returns is counted per taxpayer, and not per form.
- Extends the requirement for e-filing and e-pay for all personal income taxpayers who use tax software to prepare their return but removes the \$25 penalty.
- Extends the Department of Tax and Finance's authorization to require sales tax vendors that have been delinquent in payments, to set up a segregated bank account in which the taxpayer will be required to make weekly deposits of sales tax collections. The Department would then sweep these accounts after the deposit.

### **Part H – Solar Installations Sales Tax Exemption and Solar Energy Systems Lease Credit – Intentionally Omitted**

### **Part I – Commercial Production Credit**

The Legislature amends the Executive proposal to extend the Empire State Commercial Production Tax Credit for three years. Also amends the credit structure to more equitably disperse the regional pools, but allows the statewide pool to absorb unallocated credits for redistribution.

### **Part J – Low-Income Housing Credit**

The Legislature amends the Executive proposal to authorize an additional \$8 million in low-income housing credits for the current fiscal year and an additional \$8 million next year. The credits can be claimed for a ten year period. This would allow the Commissioner of Housing and Community Renewal to allocate an annual total of \$48 million in credits in 2013.

### **Part K – Bio-Fuel Production Credit**

The Legislature concurs with the Executive proposal to extend the bio-fuel production credit that is scheduled to expire at the end of 2012. The credit of 15 cents per gallon produced would be extended until the end of 2019. The maximum any facility could earn is capped at \$2.5 million annually. This proposal will provide \$10 million in benefits beginning in SFY 2014-15.

### **Part L – Enhanced Earned Income Tax Credit for Non-Custodial Parents**

The Legislature amends the Executive proposal to extend the enhanced Earned Income Tax Credit for two years. This credit was authorized in 2006 as an incentive for non-custodial parents to be responsible for the economic well being of their children. However, this tax credit is due to sunset on December 31, 2012. The tax credit is equal to the greater of twenty percent of the Federal EITC for a taxpayer with one child or 2.5 times the Federal EITC for a taxpayer with no children. In order to qualify for this credit, the non-custodial parent must be older than 18 and current on his child support payments. This proposal would decrease revenues by \$4 million beginning in SFY 2014-15.

### **Part M – Prohibiting Bank Fees on Tax Levy Transfers – Intentionally Omitted**

### **Part N – Payroll Mobility Tax Payments by Professional Employer Organizations**

The Legislature concurs with the Executive proposal to include professional employer organizations as employers subject to the lower payroll mobility tax rates. Professional employer organizations are companies that provide services to small businesses (e.g. payroll services). These services reduce the cost of doing business for the small business. The payroll tax would be calculated separately upon the payroll expense of the organization itself and the payroll expenses of each of its member businesses. Currently, these organizations must calculate the tax on the aggregate amount of all the payroll expenses of their member businesses. This proposal would have no fiscal impact.

### **Part O – Pari-Mutuel Tax**

The Legislature concurs with the Executive proposal extending lower pari-mutuel tax rates and rules governing simulcasting of out-of-state races for one year.

### **Part P – Utility Tax Allocation for Transportation**

The Legislature amends the Executive proposal to include an expiration date of March 31, 2013 related to sub-allocating the current 80 percent of Section 183 and 184 receipts that are deposited into the Mass Transportation Operating Assistance Fund (MTOA) so that 26 percent of these receipts would be deposited into the Public Transportation Systems Operating Assistance Account (PTOA) and 54 percent would be deposited in the MTOA Account. The remaining 20 percent of receipts would continue to be deposited in the Dedicated Highway and Bridge Trust Fund. At present, only receipts from the Petroleum Business Tax are allocated to the PTOA Account. PTOA has had an annual shortfall requiring a recurring transfer from the MTOA account. The sub-allocation is estimated to be worth \$21.45 million in SFY 2012-13.

### **Part Q – Hotel Room Remarketers Amendments**

The Legislature concurs with the Executive proposal to facilitate the compliance of room remarketers with the duty to collect sales tax and New York City hotel room occupancy tax on hotel occupancies. Adds new subdivision (r) to section 1111 of the Tax Law and the accompanying reference change, which would provide the following relief to room remarketers:

- With regard to transactions in which a customer obtains occupancy together with other items, for one price, provides room remarketers with a way of computing the portion of the bill taxable as rent; the room remarketers may compute such amount based on the consideration payable to the hotel for the occupancy relative to the consideration payable for the other items, or may use any other method authorized by the commissioner
- Would permit room remarketers to not specify the amount of the sales tax due on occupancy at the time the customer makes the reservation and instead to provide the information on any invoice given to the customer prior to the completion of the occupancy.
- Room remarketers would report occupancy transactions in the sales tax filing period in which the occupancy ended, rather than in the sales tax period during which they collected the consideration for the occupancy.
- Amends Tax Law section 1119(e) to relieve a room remarketer of the burden of obtaining the certificate of authority number of the hotel that sold the occupancy in order to qualify for a credit or refund of the sales tax the room remarketer paid to the hotel for the occupancy.
- Allows room remarketers to supply certain identifying information about the hotel, including its address and telephone number, instead of the certificate of authority number when the hotel refuses to supply the latter number.
- Amends the New York City Administrative Code to make some similar changes to provisions regarding room remarketers' obligation to collect the City's hotel room occupancy tax and to change some internal cross-references to other sections of the Administrative Code.

### **Part R – Gramm-Leech-Bliley Extender**

The Legislature adds a two year extension of the Gramm-Leech-Bliley provisions and adds a technical fix to allow a corporation that is taxed as a bank due to the extension of the Gramm-Leach-Bliley transitional provisions to make a one-time designation to correct the unintended negative consequences.

### **Part S – Quick Draw**

The Legislature adds provisions to eliminate the Quick Draw food percentage restrictions. Establishments holding an alcohol beverage license for on premise consumption, whose sales from food make up less than 25 percent of gross sales will now be able to operate the game of quick draw on their premise.

### **Part T – Youth Jobs Tax Credit Extension**

The Legislature adds an extension to the end of the period for application to the Youth Jobs Tax Credit program from June 1 to November 1, 2012 and an extension of the hiring period end from July 1 to December 31, 2012.

### **Part U – Administration of Certain Funds and Accounts and Debt Management Provisions**

The Legislature amends various transfers to and from the General Fund and amends bond caps in relation to the authorization of bond issuances for capital programs of the State.

# SFY 2012-13 Merger of State Entities Article VII S.6260-C / A.9060-C

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**Part A – Merger of the Division of Lottery and the Racing and Wagering Board into the Newly Created New York State Gaming Commission**

The Legislature modifies the Executive’s Article VII Legislation to merge the Division of Lottery and the Racing and Wagering Board into a newly created Gaming Commission. The Commission will be governed by a seven member board, five appointed by the Governor, one member appointed by the Senate Majority Leader and one by the Speaker of the Assembly. The Governor will pick the chairman of the board and appoint an executive director to run the day to day operations of the commission. The seven board members and the executive director will be subject to Senate confirmation. The Executive Director will oversee four divisions including The Lottery, Charitable Gaming, Gaming; and Horse Racing and Pari-Mutuel Wagering Division. Lottery revenues will continue to fund education. The merger will take place on October 1, 2012.

**Part B – Merge the Department of Civil Service and the Governor’s Office of Employee Relations**

The Legislature denies the Executive’s proposal to merge the Department of Civil Service and the Governor’s Office of Employee Relations.

**Part C – Transfers Belleayre Mountain Ski Center from the Department of Environmental Conservation to the New York State Olympic Regional Development Authority**

The Legislature amends the Executive’s proposal to transfer the operation, maintenance, and management of the Belleayre Mountain Ski Center (Belleayre), from the Department of Environmental Conservation (DEC) to the Olympic Regional Development Authority (ORDA) by providing greater local representation on the ORDA board through two new seats dedicated to residents of Ulster and Delaware County. This Part ensures that all current full time and part time employees shall be transferred and retain their respective civil service classifications, status, salary, wages and negotiating unit for their total length of employment at Belleayre.

**Part D – Merges Various Boards and Commissions**

The Legislature amends the Executive’s proposal to eliminate or repeal various Councils, Boards, Commissions, and Committees, and denies the Executive’s proposal to eliminate the following entities:

- The Minority and Women-Owned Business Enterprise (MWBE) Advisory Board
- The Temporary Advisory Committee on the Restoration and Display of New York State’s Military Battle Flags
- The Manufactured Housing Advisory Council
- The Child Performer Advisory Board to Prevent Eating Disorders

The Legislature denies the Executive’s proposal to merge several Emergency Medical Services (EMS) Councils into one State Advisory Board.