

# FY 2017 30-Day Amendments Summary

## APPROPRIATIONS

### State Operations S. 6400-A / A. 9000-A

#### *Aging, Division of*

- Makes a technical amendment to correct the General Fund schedule.

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

- Makes technical corrections under the New York State Commission for the Blind Program to change sub fund names for clarification purposes.
- Makes technical corrections to Chapter number references.

#### *Civil Service, Department of*

- Makes a technical correction to correct the general fund account number within the Personnel Benefit Services Program

#### *Commission on Judicial Conduct*

- Makes technical correction to correct punctuation in the All Funds appropriations total.

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

- Makes technical changes to account numbers for the Parole Officers' Memorial Fund and the Correctional Services Commissary Central Office.

#### *Criminal Justice Services, Division of*

- Makes technical change to correct the agency charged with the development of a plan under the Federal Equitable Sharing Agreement Justice Account from the Division of Military and Naval Affairs to the Division of Criminal Justice Services.
- Makes technical change to correct the agency charged with the development of a plan under the Federal Equitable Sharing Agreement Treasury Account from the Division of Military and Naval Affairs to the Division of Criminal Justice Services.

#### *Elections, State Board of*

- Makes technical correction to underline account number of fund for 2005 Help America Vote Act reappropriation.

#### *Environmental Conservation, Department of*

- Makes a technical correction to amend a drafting typographical error.

*General Services, Office of*

- Makes a technical correction adding the word “Account” to correct a typo

*General State Charges*

- Makes a technical correction related to a legal citation
- Increases Albany PILOT appropriation by \$12.5 million

*Health, Department of*

- Makes technical amendments to make minor word changes.

*Labor, Department of*

- Makes technical spelling corrections only

*Labor Management Committees*

- Makes a technical correction to a reappropriation to include the original amount of the appropriation

*Mental Health, Office of*

- Makes a technical correction to properly name an account.

*Parks, Recreation & Historic Preservation, Office of*

- Adds new appropriation language to the Miscellaneous Gifts Account in the Recreation Services Program to allow for unlimited transfer of funds to any other appropriation within Parks.

*Taxation and Finance, Department of*

- Adds new appropriation language and \$110,000 to the Revenue Analysis, Collection, Enforcement, and Processing program reflecting services and expenses related to the highway use tax and creates The Highway Use Tax Administration Account.

*Transportation, Department of*

- Makes technical amendments to correct a reappropriation amount and the reappropriation totals

## **Aid to Localities S. 6403-A / A. 9003-A**

### *Aging, Division of*

- Makes a technical amendment to the General Fund schedule

### *Agriculture & Markets*

- Makes various technical corrections

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

- Makes a technical correction to correctly provide a reference number.

### *Children & Family Services*

- Removes reference to capital detention appropriation and reappropriation to support Raise the Age costs. The Executive budget includes legislation as an Article VII bill.

### *City University – Senior College Program*

- Makes various technical corrections

### *Criminal Justice Services, Division of*

- Makes technical change to the reference code for the Operation S.N.U.G appropriation.
- Makes technical change to include a title for a 2014 reappropriation.

### *Economic Development, Department of*

- Makes technical corrections to a reappropriation funding code

### *Health, Department of*

- Makes technical amendments to correct the reappropriation total, to correct an account number and make minor word changes

### *Mental Health, Office of*

- Makes a technical correction to clarify a law citation.

### *New York State Gaming Commission*

- Increases the appropriation to the Gaming Program by \$4 million in the event that the Tioga VLT gets converted into the Tioga Commercial Casino during FY 2017.

*Parks, Recreation & Historic Preservation, Office of*

- Makes a technical correction to amend a numerical typographical error.

*People with Developmental Disabilities, Office for*

- Makes a technical correction to clarify a law citation.

*State, Department of*

- Makes a technical correction to include header language within the reappropriations

*State Education Department*

- Aligns the Lottery and video lottery receipts with the current estimates.
- SUNY Charter School Institute historically receives a carve out of \$1.7 million in funding from the \$4.3 million charter school stimulus fund. The amendment would allow the SUNY Charter Institute to submit a plan to the SUNY board of trustees and receive an amount sufficient to support the institute instead of the \$1.7 million carve out.

*Temporary and Disability Assistance, Office of*

- Makes a technical correction to a Chapter reference.

*Victim Services, Office of*

- Makes technical change to the reference code under the 2015 Payments to Victims Program - Criminal Justice Improvement Account reappropriation.
- Makes technical change to the reference code under the 2015 Victim and Witness Assistance Program – Criminal Justice Improvement Account reappropriation.

**Capital S. 6404-A / A. 9004-A**

*Corrections and Community Supervision, Department of*

- Makes technical change to the 2013 reappropriation total by adding an additional zero at the end of the figure.
- Makes technical change to the 2012 reappropriation total by adding an additional zero at the end of the figure.

*Environmental Conservation, Department of*

- Makes technical corrections to fix a typographical error.
- Carves out \$500,000 from the Agricultural Non-point Source Abatement and Control program to the Cornell Cooperative Extension of Suffolk County for farm nutrient management planning and implementation activities.
- Makes technical corrections to clarify the name relating to the Lake Erie Watershed Protection Alliance appropriation.

- Decreases the appropriation for Suffolk County sewer improvement projects by \$500,000, from \$2 million to \$1.5 million.
- Makes a technical correction to change the year on the Brownfield Cleanup Program.
- Makes a technical correction to add the title to reappropriations language.

*Homes and Community Renewal, Division of*

- Makes technical corrections to fix two typographical errors.

*Military and Naval Affairs, Division of*

- Makes technical change to reappropriation of 2008 to site the correct Chapter number.

*Parks, Recreation & Historic Preservation, Office of*

- Adds reappropriation authority for park maintenance programs omitted from the original proposal.

*State University of New York*

- Makes technical correction

*Special Infrastructure Account, New York State*

- Specifies that the \$25 million appropriation is for services and expenses related to the Empire State Poverty Reduction Initiative:
  - Allocates \$5 million to provide \$500,000 awards to Albany, Binghamton, Buffalo, Elmira, Jamestown, Oneonta, Oswego, Syracuse, Troy and Utica
  - Allocates \$20 million for grants that may be matched by private sector and foundation funding
- Strikes out the reference to the anti-poverty initiative included in the \$150 million reappropriation for municipal restructuring.

*Transportation, Department of*

- Makes technical amendments to reappropriations where the chapter and section reference is duplicative
- Makes a technical amendment to fix an incorrect project code number on a reappropriation

## ARTICLE VII

### **Public Protection General Government Bill - S. 6405-A / A. 9005-A**

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

- Makes technical corrections to the title of this part, and corrects punctuation.

*Part G* – Enacts Workers' Compensation Reform.

- Makes conforming amendments changing references from “medical care” to “health care.”
- Makes technical amendments to the definitions of “occupational therapist” and “physical therapist.”
- Removes the statutory list of providers and replaces with “provider overseeing treatment.”
- Provides that a health care provider authorized by a local medical society board may continue to provide treatment or perform independent medical examinations pending the execution of the new authorization agreement with the Workers' Compensation Board.
- Clarifies that the Workers' Compensation Board may suspend a provider for a “serious and recurring violation” of the authorization agreement.
- Amends the sections of law regarding payment of bills for medical care to include payment of bills for medical supplies. Includes conforming amendments to incorporate the broader definition of providers into the process for collecting payment for services or supplies.
- Removes the requirement the Workers' Compensation Board appoint a physician in good standing to determine the value of a disputed medical bill. The Board would unilaterally retain that authority.
- Removes the ability of county medical societies and the state medical society from designating members of arbitration committees.
- Deems the assumption of workers' compensation liability insurance policies, for the purposes of group self insurers, owned and enforced by the chair of the Workers Comp Board or his designee.
- Names the Commissioner of Tax and Finance the custodian of the individual self-insured pool security funds until the chair determines that the individual self insurer has neglected or failed to meet its workers' comp obligation. Empowers the Commissioner of Tax and Finance to pay out the unmet self insured's workers' compensation obligations from the pooled fund as well as any former pool member's obligations.
- Where default of individual self insurers jeopardizes the solvency of the pooled insured, the Chair may request the Dormitory Authority to issue bonds to cover the deficiency.
- Require disbursements from the pooled fund be made by the Commissioner of Tax and Finance, through vouchers approved by the chair. The Commissioner shall invest monies not being disbursed.

- Excludes from the pool those self insured employers that self insure for Article 9 purposes.
- Makes technical corrections to reference the newly created public group self insured trusts.
- Allows school districts to participate in public group self-insured trusts.
- Provides that municipalities must be able to levy taxes or “otherwise generate revenue” to participate in a public group self insured trust.
- Provides that a public group self insurer does not have to deposit securities to participate.
- Allows an underfunded public group self-insurer to levy an assessment on its members.

*Part H – Establishes Paid Family Leave.*

- Adds midwives and mental health practitioners to the definition of “health care provider.”
- Requires an employer to maintain in force any existing health benefits of the employee while they receive paid family leave in accordance with the Family and Medical Leave Act.
- Increases the weekly benefit:
  - From 35 to 50 percent of the employee’s average weekly wage beginning 2018, not to exceed 50 percent of the New York state average weekly wage in effect;
  - From 40 to 55 percent of the employee’s average weekly wage beginning 2019, not to exceed 55 percent of the New York state average weekly wage in effect;
  - From 45 to 60 percent of the employee’s average weekly wage beginning 2020, not to exceed 60 percent of the New York state average weekly wage in effect; and
  - From 50 to 67 percent of the employee’s average weekly wage beginning 2021, not to exceed 67 percent of the New York state average weekly wage in effect.
- Clarifies that an employee may not receive family leave and disability benefits concurrently.
- Clarifies that an employee who has given birth may use not more than 12 weeks of combined leave for recovery from childbirth and for bonding with the child, during any 52 consecutive calendar weeks.
- Requires any insurer offering disability insurance coverage to also offer paid family leave insurance coverage.
- Allows the state, any political subdivision of the state or any other governmental agency to elect to become a covered employer solely for the purpose of family leave benefits.

- Allows a public employer to optionally offer family leave benefits to employees who are not represented by an employee organization. If the employer elects to offer such coverage, that employer must provide 12 months of notice to discontinue the coverage.
- Increases from two months to six months the time an employee has to contest a claim for disability or family leave benefits.

*Part N* – Authorization for transfers, temporary loans, and amendments to miscellaneous capital/debt provisions, including bond caps.

- Makes technical adjustments to transfer authorizations.
- Provides loan authorization to the highway use tax administration account and the tax contact center account and renumbers subsequent loan authorizations.

*New Part O* – Amends PILOT payments for the City of Albany.

- Amends statutory provisions dealing with the PILOT arrangement between the City of Albany and State of New York associated with tax exempt state owned lands within the city. Increases the 2016-2017 statutory PILOT payment to the city from \$15 million to \$27.5 million and decreases the statutory PILOT payment made by the state in 2031-2032 from \$7.15 million to \$1.8 million, and in 2032-2033 decreases the statutory PILOT payment from \$7.15 million to \$0. Effectively this change would spin-up \$12.5 million in future payments to the current year.

*New Part P* – Exempts anaerobic digestion facilities from real property taxes.

- Exempts bulk milk tanks and coolers for storage from taxation, removes exemption for anaerobic digestion from this section and creates a new exemption (still for full exempt status), and prohibits receiving anaerobic digestion exemption along with RPTL §487 exemption for waste energy systems which provides a 15 year exemption for increases in value to property for adding waste system.

## **EDUCATION, LABOR & FAMILY ASSISTANCE - S6406A/A.9006A**

*Part A* - Amends the Education Law and makes other changes necessary to authorize school aid and implement education-related programs in the budget.

- Makes technical changes to correct spelling.

*Part B* - Amends the Education Law to implement school safety reforms in the budget.

- Makes technical corrections to spelling and punctuation.



*Part G* – Extends and makes conforming changes to various scholarship and loan forgiveness programs.

- Makes technical changes to correct the long title of this part so it accurately reflects content of the part.

*Part N* - Raises the age of juvenile jurisdiction.

- Provides that where a juvenile enters into a pre-disposition settlement with probation, that no statements made to the probation officer may be disclosed to either the district attorney or the youth part. However, the officer may make a recommendation as to completion of the terms of the settlement, and can include relevant information in that document. Further, no statements made during the risk and needs assessments may be admitted at any fact-finding prior to conviction.
- Provides that any youth who has not waived a hearing, may make a motion to remove a felony complaint to family court.
- Provides that the current sentences which provide a mandatory minimum sentence of life without parole for specified terrorism offenses would not apply if the crimes are committed by a 16 or 17 year old.
- Provides further reduced sentences in family court for violent crimes and phases in the juveniles to family court sentencing structures.

*New Part Q* – Extends provisions of law relating to SUNY and CUNY procurement flexibility.

- Extends until June 30, 2021 the following:
  - Authority of SUNY trustees to accept conditional gifts of real and personal property;
  - Authority of SUNY and CUNY to (1) purchase goods, (2) execute contracts for construction related services, and (3) execute printing contracts without prior approval of the Comptroller and Attorney General;
  - Authority of SUNY hospitals to purchase goods and enter into joint and group purchasing arrangements for goods without prior approval of the Comptroller and Attorney General;
  - Authority of the State University Construction Fund and City University Construction Fund to: purchase goods and execute contracts for services without prior approval of the Comptroller and Attorney General; and
  - Increases the threshold for State University Construction Fund projects that require a performance bond from \$50,000 to \$250,000.

## **HEALTH & MENTAL HYGIENE S.6407A/A.9007A**

*Part C* – Extends the Physicians Excess Medical Malpractice Program and amends its distribution methodology.

- Makes technical changes to correct punctuation in the title of the part.

*Part L* – Provides authority for the Office of Mental Health (OMH) and the Office for People with Developmental Disabilities (OPWDD) to appoint temporary operators for the continued operation of programs and the provision of services for persons with serious mental illness and/or developmental disabilities.

- Makes a technical correction in section 1 clarifying that “office” shall mean the Office for People with Developmental Disabilities.
- Authorizes the Commissioner of the Office of Temporary and Disability Assistance (OTDA) or a designee to undertake an investigation of the financial matters, the affairs and the management of any emergency shelter, or of the conduct of any officers or employers of such shelter.
- Authorizes the Commissioner of OTDA to require compliance for attendance of witnesses and the production of papers, to administer oaths and to examine persons under oath as part of the investigation.
- Authorizes the Commissioner or designee to appoint a temporary operator if it is determined that an emergency shelter has failed to comply with state or local laws or regulations. Such temporary operator shall be appointed for an initial term not to exceed ninety days. In certain cases, such authorization may be extended for an additional ninety days.
- Authorizes a temporary operator to direct the staff and to be granted access to the accounts and records in order to address any serious financial, health or safety deficiencies.
- Authorizes payment to the temporary operator for reasonable fees, subject to the approval of the director of the division of the budget, and necessary expenses incurred while serving.
- Provides that within fourteen days prior to the termination of each term of appointment, the temporary operator shall submit a report describing the actions taken during the appointment to address the identified building deficiencies; objectives for the continuation of the temporary operatorship if necessary and a schedule for such satisfaction; and if applicable, recommended actions for the ongoing provision of emergency shelter subsequent to the temporary operator.
- Requires the commissioner notify the current operator by registered or certified mail with a detailed description of the findings and stating the intention to appoint a temporary operator. Such notice shall include a date and time of a required meeting with the commissioner within

ten business days. At such meeting the Commissioner and established operator shall attempt to establish a plan of correction.

- Directs that if the established operator and the commissioner are unable to establish a plan of correction, there shall be an administrative hearing no later than thirty days from the date of notice. Such hearing shall be limited to whether the determination of the commissioner to appoint a temporary operator is supported by substantial evidence.
- Continues the obligations of the established operator to provide emergency shelter, repair and maintenance of the building, provision of utility services, payment of taxes or other operating and maintenance expenses for the building, and payment of mortgages and liens.

#### **TRANSPORTATION, ECONOMIC DEVELOPMENT & ENVIRONMENTAL CONSERVATION S.6408A/A.9008A**

*Part B* – MTA procurement reforms to generate savings for their 2015-2019 Capital Plan.

- Removes the requirement of a second board approval of contracts awarded for the purchase or rehabilitation of rapid transit cars and omnibuses (subway cars and buses) if the contract is awarded to the lowest cost proposal. The MTA Board would still be required to approve of the initial use of a competitive request for proposals.

*Part C* - Enacts project delivery reforms to generate savings throughout the MTA' s 2015-2019 Capital Plan period.

- Clarifies the special powers of the MTA. Allows the MTA to utilize the existing powers of an entity with the authority to establish, levy and collect taxes and assessments (such as a local government) for the benefit of the joint agreement with that entity. This authority can be utilized wherever in the joint agreement it is deemed necessary, convenient or desirable for the use and operation of any transportation facility, related services or any activities operated by the MTA.

*Part S* – Transfers authority for agricultural and dairy product marketing orders from Department of Agriculture and Markets to the Empire State Development Corporation.

- Makes technical corrections to accurately reflect the application of other sections of law.

*Part T* – Eliminate sunset of the waste tire management and recycling fee.

- Makes technical corrections to accurately reflect references to other sections of law

## **REVENUE S.6409A/A.9009A**

*Part C* – Make Income Verification Procedure (IVP) mandatory.

- Extends mandatory enrollment in the income verification procedure (IVP) to exemptions granted to senior citizens under RTPL §467, in addition to enhanced STAR.

*Part R* – Provide a corporate and personal income tax small business tax cut.

- The original Executive Budget increased the NYS personal income tax small business exemption from five to fifteen percent and expanded the enhanced exemption to non-farm LLCs, partnerships, and S-corporation shareholders. This amendment makes conforming changes to the NYC Administrative code to clarify that the benefit will be taken against the NYC personal income tax. In addition, the amendments exempt farmers from the requirement that the total of all sources of business income must be less than \$250,000.

*Part S* – Establish education tax credits.

- Makes technical changes to correct typographical errors.

*New Part II* – Reporting of medical marihuana excise tax receipts.

- Provides that the secrecy provisions contained in section 491 of the Tax Law, which relate to returns related to the excise tax on medical marihuana, shall not be construed to prevent the Department of Taxation and Finance from (1) providing aggregate information from the returns to the Division of Budget or the Office of the State Comptroller for tax administration purposes or (2) providing information to county officials as may be necessary to distribute 45 percent of medical marihuana excise tax receipts to eligible counties.

*New Part JJ* – Provides a timeframe for administration of the STAR recoupment program.

- Addresses recoupment of STAR benefits when they are improperly awarded. Provides for notice of recoupment and applicable time to make a claim based on school year, rather than by assessment roll for three years prior. The rationale is that school years are uniform, whereas assessment roll finalization can vary.

*New Part KK* – Reduces the highway use tax registration/decal fee.

- Reduces the highway use tax registration/decal fee from \$19 to \$1.50, effective April 1, 2016 and directs the revenues received from such a fee to be used to offset the administrative costs of the program. This move is made necessary by a class action lawsuit that found the existing system violated the Commerce Clause.