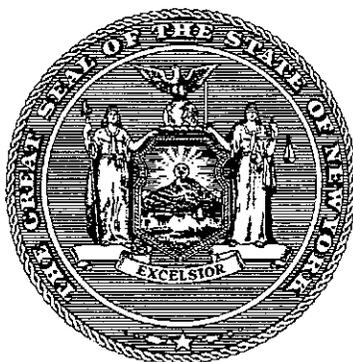


STATE OF NEW YORK



The Legislature

In Senate

In Assembly

SENATE RESOLUTION adopting a budget resolution proposing amendments to the 2010-2011 Executive Budget submission (Legislative Bills S. 6600-A, S. 6601, S. 6602, S. 6603-A, S. 6604-A, S. 6605-A, S. 6606-A, S. 6607-A, S. 6608-A, S. 6609-A, S. 6610-A, S. 6611-A, S. 6612-A, S. 6613-A, S. 6614-A and S. 6615-A)

Introduced by

Introduced by

Sen. _____

M of A _____

The Senators whose names are circled below wish to join me in the sponsorship of this resolution:

The Members of the Assembly whose names are circled below wish to join me in the sponsorship of this resolution:

- s20 Adams
- s15 Addabbo
- s55 Alasi
- s48 Aubertine
- s42 Bonacic
- s46 Breslin
- s50 DeFrancisco
- s32 Diaz
- s17 Dilan
- s29 Duane
- s33 Espada
- s44 Farley
- s02 Fianagan
- s03 Foley
- s08 Fuschillo
- s22 Golden
- s47 Griffo
- s06 Hannon
- s36 Hassell-Thompson
- s10 Huntley
- s07 Johnson C
- s04 Johnson O
- s34 Klein
- s26 Krueger
- s27 Kruger
- s24 Lanza
- s39 Larkin
- s01 LaValle
- s40 Leibell
- s52 Libous
- s45 Little
- s05 Marcellino
- s62 Maziarz
- s43 McDonald
- s18 Montgomery
- s38 Morahan
- s54 Nozzolio
- s12 Onorato
- s37 Oppenheimer
- s11 Padavan
- s21 Parker
- s13 Peralta
- s30 Perkins
- s61 Ranzenhofner
- s56 Robach
- s41 Saland
- s19 Sampson
- s23 Savino
- s31 Schneiderman
- s28 Serrano
- s51 Seward
- s09 Skelos
- s14 Smith
- s25 Squadron
- s58 Stachowski
- s16 Stavisky
- s35 Stewart-Cousins
- s60 Thompson
- s49 Valesky
- s59 Volker
- s53 Winner
- s57 Young

- a049 Abbate
- a001 Alessi
- a021 Alfano
- a105 Amedore
- a084 Arroyo
- a035 Aubry
- a136 Bacalles
- a099 Ball
- a124 Barclay
- a014 Barra
- a040 Barron
- a082 Benedetto
- a079 Benjamin
- a073 Bing
- a055 Boyland
- a008 Boyle
- a044 Brennan
- a092 Brodsky
- a046 Brook-Krasny
- a147 Burling
- a117 Butler
- a101 Cahill
- a096 Calhoun
- a043 Camara
- a106 Canestrari
- a026 Carrozza
- a089 Castelli
- a086 Castro
- a119 Christensen
- a033 Clark
- a047 Colton
- a010 Conte
- a032 Cook
- a142 Corwin
- a085 Crespo
- a107 Crouch
- a063 Cusick
- a045 Cymbrowitz
- a138 DelMonte
- a034 DenDekker
- a116 Destito
- a081 Dinowitz
- a114 Duprey
- a004 Englebright
- a130 Errigo
- a072 Espaillat
- a071 Farrell
- a005 Fields
- a123 Finch
- a007 Fitzpatrick
- a143 Gabryszak
- a090 Galef
- a133 Gantt
- a036 Gianaris
- a077 Gibson
- a149 Giglio
- a066 Glick
- a108 Gordon
- a075 Gottfried
- a098 Gunther
- a139 Hawley
- a148 Hayes
- a083 Heastie
- a028 Hevesi
- a048 Hikind
- a018 Hooper
- a144 Hoyt
- a060 Hyer-Spencer
- a042 Jacobs
- a095 Jaffee
- a057 Jeffries
- a131 John
- a112 Jordan
- a074 Kavanagh
- a065 Kellner
- a129 Kolb
- a135 Koon
- a025 Lancman
- a091 Latimer
- a013 Lavine
- a050 Lentol
- a125 Lifton
- a127 Lopez P
- a053 Lopez V
- a126 Lupardo
- a111 Magee
- a120 Magnarelli
- a059 Maisel
- a030 Markey
- a027 Mayersohn
- a019 McDonough
- a104 McEnery
- a017 McKeivitt
- a022 Meng
- a102 Miller, J
- a038 Miller, M.
- a052 Millman
- a103 Molinaro
- a015 Montesano
- a132 Morelle
- a003 Murray
- a037 Nolan
- a128 Oaks
- a069 O'Donnell
- a137 O Mara
- a051 Ortiz
- a150 Parment
- a088 Paulin
- a141 Peoples-Stokes
- a058 Perry
- a023 Pheffer
- a068 Powell
- a087 Pretlow
- a146 Quinn
- a097 Rabbitt
- a009 Raia
- a006 Ramos
- a134 Reilich
- a109 Reilly
- a078 Rivera J
- a080 Rivera N
- a076 Rivera P
- a056 Robinson
- a067 Rosenthal
- a118 Russell
- a012 Saladino
- a113 Sayward
- a029 Scarborough
- a016 Schimel
- a140 Schimminger
- a145 Schroeder
- a122 Scozzafava
- a064 Silver
- a100 Skartados
- a093 Spano
- a121 Stirpe
- a011 Sweeney
- a110 Tedisco
- a002 Thiele
- a061 Titone
- a031 Titus
- a062 Tobacco
- a054 Towns
- a115 Townsend
- a041 Weinstein
- a020 Weisenberg
- a024 Weprin, D
- a070 Wright
- a094 Zebrowski
- a039

Senate introducer's signature

Assembly introducer's signature

INTRODUCTION OF ALL RESOLUTIONS

To introduce this resolution:

Sign one copy circle co-sponsors and hand it up at the desk of the house with six other completed and signed copies

If the resolution is to be offered in the other house:

Sign the remaining copy and give that to the sponsoring member of the other house together with six other completed and signed copies

LBDC(P) 03-22-10

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

WHEREAS, It is the duty of the Senate to pass a fair and responsible State Budget; and

WHEREAS, It is the intent of the Senate to foster a bipartisan and open budget process to address the fiscal crisis through the use of Joint Budget Conference Committees; and

WHEREAS, Our economy works best when New Yorkers are working, and the most effective solution to address the economic crisis is to create and sustain good-paying jobs through economic development that attracts business and promotes entrepreneurship; and

WHEREAS, The taxpayers of the State of New York face the highest tax burden in the nation, and thus the Senate will provide tax relief to overburdened homeowners; and

WHEREAS, New Yorkers cannot afford any additional tax burdens, and therefore the Senate opposes the use of any new taxes to close the budget deficit; and

WHEREAS, For years, New York's government has spent more than it had, and now must slow the growth of spending, and therefore the Senate supports consolidation and government economy to reduce costs and make state government more efficient and effective; and

WHEREAS, New York State's unsustainable spending growth requires immediate action, and therefore the Senate recognizes the need to cut State spending in a responsible manner while prioritizing core programs which provide critical services and maintain essential functions of government for the people of New York; and

WHEREAS, In this economy, New York's most vulnerable residents are disproportionately affected, the Senate believes it is imperative to preserve a safety net for children, seniors, the disabled, and others most impacted by the fiscal crisis; and

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

WHEREAS, The Senate Finance Committee has conducted an extensive study and review of the Governor's 2010-2011 Executive Budget submission and has recommended proposed amendments to such Budget submission in the appended "Report of the Senate Finance Committee on the SFY 2010-2011 Executive Public Protection and General Government Budget", "Report of the Senate Finance Committee on the SFY 2010-2011 Executive Education, Labor and Family Assistance Budget", "Report of the Senate Finance Committee on the SFY 2010-2011 Executive Health and Mental Hygiene Budget", "Report of the Senate Finance Committee on the SFY 2010-2011 Executive Transportation, Economic Development and Environmental Conservation Budget", "Report of the Senate Finance Committee on the SFY 2010-2011 Executive Legislature and Judiciary Budget", "Report of the Senate Finance Committee on the SFY 2010-2011 State Debt Budget", and "Report of the Senate Finance Committee on the SFY 2010-2011 Executive Revenue Plan"; and

WHEREAS, It is the intent of the Legislature that the adoption thereof and the agreement of both houses as to the monies available from receipts and other sources for all government funds to be utilized for the operation of government and to be set aside for reserves for the current and ensuing fiscal year may provide a basis for both houses of the Legislature to convene Committees on Conference pursuant to Joint Rule III of the Senate and Assembly for

the purpose of reconciling any differences between the amendments to the Governor's budget as proposed by each house of the Legislature; now, therefore, be it

RESOLVED, (if the concur), That, the appended "Report of the Senate Finance Committee on the SFY 2010-2011 Executive Public Protection and General Government Budget", "Report of the Senate Finance Committee on the SFY 2010-2011 Executive Education, Labor and Family Assistance Budget", "Report of the Senate Finance Committee on the SFY 2010-2011 Executive Health and Mental Hygiene Budget", "Report of the Senate Finance Committee on the SFY 2010-2011 Executive Transportation, Economic Development and Environmental Conservation Budget", "Report of the Senate Finance Committee on the SFY 2010-2011 Executive Legislature and Judiciary Budget", "Report of the Senate Finance Committee on the SFY 2010-2011 State Debt Budget", and "Report of the Senate Finance Committee on the SFY 2010-2011 Executive Revenue Plan"; be and are incorporated as part of this resolution and are hereby adopted as the New York State Legislature's proposed amendments to the 2010-2011 Executive Budget Submission.

GENERAL GOVERNMENT

Alcoholic Beverage Control (ABC)

The Senate modifies the Executive's All Funds recommendation of \$22.3 million, an increase of \$3.8 million or 20% from SFY 2009-10 levels, with the following modification:

The Senate proposes a reduction of \$1.2 million due to the rejection of the Executive's proposal to allow the sale of wine in grocery stores. In addition, the Senate accepts the Executive's inclusion of \$2.4 million to modernize and improve the licensing processes of the Division but adds language to clarify the intent of this appropriation.

Department of Audit and Control

The Senate accepts the Executive's All Funds recommendation of \$188.7 million, a decrease of \$78 million or 29.2 percent from SFY 2009-10 levels.

Division of the Budget

The Senate modifies the Executive's All Funds recommendation of \$59 million, a decrease of \$2.3 million, or 3.8 percent from SFY 2009-10 levels, with the following modification:

The Senate proposes a reduction of \$304,000 in nonpersonal service appropriated for services and expenses related to membership dues in various public policy organizations.

Article VII Proposal:

The Senate accepts the Executive's proposal to establish joint appointing authority for the Statewide Financial System Project.

Consumer Protection Board

The Senate accepts the Executive's All Funds recommendation of \$3.2 million, a reduction of \$316,000 or 9 percent from SFY 2009-10 levels, with the following modification:

The Senate reduces the Executive's recommended appropriation to the Consumer Protection Board by \$893,000 and subsequently proposes to merge the Consumer Protection Board into the Department of Law. (See Department of Law for further detail.)

State Board of Elections

The Senate accepts the Executive's All Funds recommendation of \$14.1 million, a decrease of \$14.8 million or 51 percent from SFY 2009-10 levels.

Public Integrity Commission

The Senate accepts the Executive's All Funds recommendation of \$4.3 million, a decrease of \$854,000 or 16.5 percent from SFY 2009-10 levels.

Executive Chamber

The Senate accepts the Executive's All Funds recommendation of \$19.9 million, a decrease of \$559,000 or 2.7 percent from SFY 2009-10 levels.

Office of the Lieutenant Governor

The Senate accepts the Executive's All Funds recommendation of an increase of \$700,000, which represents the restoration of a SFY 2009-10 elimination of funding when the Office of Lieutenant Governor was vacant.

Office of the State Inspector General

The Senate accepts the Executive's All Funds recommendation of \$6.2 million, a decrease of \$687,000 or 9.9 percent from SFY 2009-10 levels.

Office of Technology

The Senate accepts the Executive's All Funds recommendation of \$427.2 million, a decrease of \$116.1 million or 21.0 percent from SFY 2009-10 levels.

The Senate rejects the Executive's recommendation to provide \$99.1 million in re-appropriated spending authority to the Office of Technology for the construction of a State Data Center, in order to delay implementation of such construction until further information is provided regarding the new plans for such Center that involve partnership with various institutes of higher education.

Collective Bargaining Agreements

The Senate accepts the Executive's All Funds recommendation of \$39.2 million, a decrease of \$719,000 or 1.9 percent from SFY 2009-10 levels.

Deferred Compensation Board

The Senate recommends to restore the \$30,000 reduction to the Deferred Compensation Board proposed by the Executive.

Department of Civil Service

The Senate accepts the Executive's All Funds recommendation of \$55.1 million, a decrease of \$2.8 million or 4.8 percent from SFY 2009-10 levels.

General State Charges/Workforce

The Senate modifies the Executive's All Funds recommendation of \$2.5 billion, an increase of \$144 million or 6.2 percent from SFY 2009-10 levels, as follows:

The Senate includes an additional \$80 million in savings through workforce actions.

Article VII Proposals:

The Senate accepts the Executive's proposal to provide the New York State Health Insurance Program (NYSHIP) the option to operate as a self-insured plan.

The Senate modifies the Executive proposals:

- * To tie the interest rate to be paid on judgments against the State to a market-based rate.
- * To allow State and local governments outside of New York City to amortize a portion of pension contribution costs over a six-year period to achieve significant financial relief, by amortizing a portion of pension contributions permanently.

The Senate rejects the Executive's proposal to require State employees and retirees to contribute to Medicare Part B Premiums.

Office of Employee Relations

The Senate accepts the Executive's All Funds recommendation of \$6.9 million, an increase of \$1.3 million or 23.2 percent from SFY 2009-10 levels.

Office of General Services (OGS)

The Senate modifies the Executive's All Funds recommendation of \$577.5 million, a decrease of \$329 million or 36.3 percent from SFY 2009-10 levels, with the following modifications:

The Senate proposes a \$4.3 million or five percent non-personal service reduction to the General Fund.

The Senate proposes capital projects totaling \$98 million for SFY 2010-11, the same as SFY 2009-10 levels to include the following:

* Design & Construction Management	\$12,766,000
* Health & Safety projects	\$22,000,000
* Preservation of Facilities	\$28,634,000
* Preventive Maintenance projects	\$16,000,000
* Energy Conservation projects	\$4,000,000
* State Capitol Building rehabilitation	\$3,650,000

- * Sustainability projects \$10,950,000

Article VII Proposals:

- * The Senate accepts the Executive's proposal to repeal the requirement that contractors collect a fee on sales from centralized contracts administered by the Office of General Services.

Public Employment Relations Board (PERB)

The Senate accepts the Executive's All Funds recommendation of \$4.5 million, a decrease of \$141,000 or 3.0 percent from SFY 2009-10 levels.

Article VII Proposals:

The Senate accepts the Executive's proposal to eliminate the State Employment Relations Board (SERB) and shift its functions to PERB.

Workers Compensation

The Senate modifies the Executive's All Funds recommendation of \$202.3 million, a decrease of \$15.1 million or 7.0 percent from SFY 2009-10 levels, with the following modifications:

The Senate proposes a \$916,160, or four percent, reduction to contractual services spending in the Systems Modernization Program for the initiative to replace stenographers with digital recorders.

Article VII Proposals:

- * The Senate accepts the Executive's proposal to collect surplus funds from Workers Compensation insurance carriers.
- * The Senate accepts the Executive's proposal to protect injured workers' benefits and ensure that employers who participate in self-insured groups and group administrators fully meet their future fiscal responsibilities.

Workers Compensation Reserve

The Senate accepts the Executive's All Funds recommendation of \$18 million, a decrease of \$1.8 million or 9.0 percent from SFY 2009-10 levels.

The Senate proposes to extend the voluntary severance option to those employees who requested it but did not get approved for such severance by their respective agencies.

The Senate proposes to achieve \$100 million in savings by reducing overtime expenses across State agencies.

Division of Veterans Affairs

The Senate accepts the Executives All Funds recommendation of \$16.9 million, a decrease of \$1.1 million or 6.3

percent from SFY 2009-10 levels.

PUBLIC PROTECTION

State Commission of Corrections

The Senate modifies the Executive's All Funds recommendation of \$3 million, a decrease of \$36,000 or one percent from SFY 2009-10 levels with the following modifications:

Article VII Proposals:

The Senate modifies the Executive's proposal to provide relief to county jails by eliminating mandates that restrict the flexibility of county jail administrations under the following provisions by:

- * rejecting the proposal to authorize the housing of inmates who are 19, 20 and 21 years of age with inmates 16, 17, and 18 years of age;
- * rejecting the provision to allow male and female inmates to share the same infirmaries;
- * modifying the provision to allow the defendant to appear electronically via videoconferencing statewide to include consent of the defendant; and
- * accepting the provision to allow inmates to voluntarily leave a facility under guard to perform work for a non-profit organization.

Department of Correctional Services

The Senate modifies the Executive's All Funds recommendation of \$3 billion, a decrease of \$283 million or 8.5 percent from SFY 2009-10 levels, with the following modifications:

The Senate proposes General Fund reductions totaling \$10 million, \$7 million in non-personal service spending and \$3 million associated with administrative personal service spending in the Department of Correctional Services.

The Senate accepts the Executive's recommendation to close three of the four correctional facilities proposed for closure for a savings of \$3 million. The Senate further accepts the Executive's proposal to consolidate dorms at several medium security correctional facilities for a savings of \$3.9 million. The following correctional facilities have been identified by the Executive for closure: Butler (portion) minimum security facility located in Wayne County (\$1.2 million); Lyon Mountain minimum correctional facility located in Clinton County (\$1.7 million); Ogdensburg medium correctional facility located in St. Lawrence County (\$0); and Moriah Shock located in Essex County (\$0).

The Senate opposes the closure of the Ogdensburg medium security correctional facility and provides language for the full and continued operation of the Ogdensburg facility.

Crime Victims Board

The Senate accepts the Executive's proposal to merge the Crime Victims Board into the Division of Criminal Justice Services (DCJS) (see DCJS for further details).

Division of Criminal Justice Services

The Senate modifies the Executive's All Funds recommendation of \$493.5 million a decrease of \$12.8 million or 2.5 percent from SFY 2009-10 levels, with the following modifications:

The Senate modifies the Executive's recommendation by striking, without prejudice, the Federal Edward Byrne Justice Assistance Grant (JAG) appropriation and the Federal Byrne JAG American Recovery and Reinvestment Act of 2009 funds. Alternatively the Senate requests that the JAG program now be split between the Executive, Senate and Assembly as it has been in previous years. In addition, the Federal American Recovery and Reinvestment Act of 2009 funding should be continued to be allocated to ensure that funds are used for Drug Law Reform. This funding allocation should be revisited to maximize the use of this Federal funding. Thereby, the Senate proposes that \$5 million be redirected for reentry supportive housing services.

The Senate modifies the Executive's proposed merger of the operations of the Crime Victims Board (CVB), the Office for the Prevention of Domestic Violence (OPDV) and the Division of Probation and Correctional Alternatives (DPCA) into the Division of Criminal Justice Services (DCJS), by striking, without prejudice, the merger of OPDV and subsequently restoring appropriations to allow for the continued operations of the Office for the Prevention of Domestic Violence as a separate agency.

The Senate rejects the Executive's proposal to transfer from the Department of Health (DOH) funding of \$1.8 million and responsibility for the administration of the Rape Crisis Programs to DCJS. Instead the Senate transfers the appropriation and responsibility of the Rape Crisis Program back to DOH. In addition, the Senate rejects the proposal to transfer \$6.8 million in funding for the medical examiners program from DOH to DCJS. Instead, the Senate transfers the funding for the medical examiners back to DOH.

The Senate rejects the Executive's proposal to change the method of distributing State Probation Aid, by striking, without prejudice, the Probation Block Grant for probation and alternative to incarceration programs. Instead the Senate proposes that the Probation Block Grant be undone and the following appropriations be restored as single appropriations: State Probation Aid; Intensive Supervision of Sex Offenders; and, the Juvenile Risk Intervention Service Coordination.

The Senate reduces funding by \$400,000 from the rejection of the Executive's Article VII proposal to expand the number of offenders that must submit a DNA sample.

The Senate reduces appropriations in DCJS by \$80 million from the rejection of the Executive's proposal to house the new proposed Office of Indigent Defense in DCJS and subsequently transfers all appropriations associated with the new Office of Indigent Defense and funding under the Indigent Legal Services Fund to the Department of State.

The Senate reduces funding in the following program:

- * Crimes Against Revenue Program (\$10 million)

The Senate restores funding for the following programs:

- * Operation SNUG \$2 million;
- * Aid to Defense \$985,000;

- * New York State Defenders Association \$315,000; and
- * The Domestic Violence Hotline \$210,000.

In addition, the Senate provides \$200,000 in funding for the Bard Prison Initiative.

The Senate proposes the use of the Criminal Justice Improvement Account to fund domestic violence programs at \$609,000 for SFY 2010-11.

Article VII Proposals:

The Senate accepts the following Executive Article VII proposals:

- * the proposal for technical corrections with regard to the District Attorney and Indigent Legal Services Attorney Loan Forgiveness Program;
- * the extension of the District Attorney Remittance program for one year;
- * the statutory authorization for counties to establish an Office of Conflict Defender as part of a plan to provide representation to indigent defendants; and
- * the proposal to provide additional flexibility for towns and villages to consolidate justice courts and their facilities.

The Senate modifies the Executive's proposal to increase various civil court fees to support indigent legal services for both criminal and civil matters and for the rising costs of court operations by providing language to ensure that the revenues generated are distributed for the intended purposes.

The Senate modifies the Executive's proposal to merge the operations of the Crime Victims Board, the Office for the Prevention of Domestic Violence, and the Division of Probation and Correctional Alternatives into the Division of Criminal Justice Services, by rejecting the merger of the Office for the Prevention of Domestic Violence.

The Senate modifies the Executive's proposal to relieve local probation departments of certain mandates. Instead the Senate proposes the following modifications:

Accepts the following provisions:

- * the requirement for the preparation of a pre-sentence report in misdemeanor cases where a term of imprisonment to be imposed is more than 180 days;
- * the authorization for electronic transmission of pre-sentence reports that are prepared for certain professional licensing agencies;
- * the extension of the Probation Detainer Warrant Pilot Program for two years, and expansion of the program statewide; and
- * the expansion of the definition of bench warrant to include probation warrants.

Rejects the following provisions:

- * the replacement of the reimbursement method of distributing probation aid to counties and the City of New York with a grant program;
- * the requirement that a pre-sentence report be prepared for only certain eligible youth convicted of a youthful offender (YO) offense;
- * the immediate extradition of persons who have signed a waiver of extradition and requirement that certain persons on probation to sign a waiver of extradition; and
- * the requirement that District Attorneys seek to set aside a sentence in certain cases involving orders of restitutions.

The Senate modifies the Executive's proposal to include under DCJS the creation of a State entity to oversee the delivery of indigent defense services statewide. Instead the Senate proposes that the Office of Indigent Defense be moved to the Department of State. Further, the Senate proposes language to ensure that the City of New York maintains a minimum level of local expenditures for providing indigent defense services.

The Senate rejects the Executive's proposal to require the Judiciary to provide a public accounting of the expected impact on governments of any new or expanded program mandated by its rules and regulations.

The Senate rejects the Executive's proposal to expand the number of offenders that must submit a DNA sample and make a new class A misdemeanor for failure to provide such sample.

Office of Homeland Security

The Senate modifies the Executive's All Funds recommendation of \$832 million, an increase of \$291 million or 53 percent from SFY 2009-10 levels with the following modifications:

The Senate accepts the Executive's proposal to allow the Office of Homeland Security, State Emergency Management Office, the State 911-Board, the Office of Cyber Security and Critical Infrastructure Coordination (CSCIC), and the Office of Fire Prevention and Control to merge into a single newly created State Agency named the Division of Homeland Security and Emergency Services (DHSES). However, the Senate provides technical modifications to the Executive's Article VII proposal tied to this merger.

The Senate accepts the Executive's new funding of \$50 million for counties to develop and purchase equipment for interoperable communication with the use of the Public Safety Communications Account. However, the Senate reduces the Executive's proposed new funding of \$30 million to \$15 million for interoperable communication equipment purchases for State Agencies with the use of the Public Safety Communications Account.

Article VII Proposals:

The Senate modifies the Executive's proposal to allow the Office of Homeland Security, State Emergency Management Office, the State 911-Board, the Office of Cyber Security and Critical Infrastructure Coordination (CSCIC), and the Office of Fire Prevention and Control to merge into a single newly created State Agency named the Division of Homeland Security and Emergency Services (DHSES), by including language to modify the provision granting an exemption from the State Freedom of Information Law for reports issued by the new DHSES, and language including an annual reporting requirement for two years with regard to the progress of the merger, and to include a report on outreach to the private sector and the general public.

The Senate rejects the Executive's proposal to allow local governments to finance costs associated with the development of public safety communications systems through the Municipal Bond Bank Agency.

The Senate proposes a transfer of \$17 million from the Public Safety Communications Account to the General Fund.

Interest on Lawyer Account

The Senate accepts the Executive's All Funds recommendation of \$46.8 million, a decrease of \$1.1 million or 2.4 percent from SFY 2009-10 levels.

In addition, the Senate accepts the Executive's proposal to allow for various court fee increases to provide \$15 million in funding under a supplemental appropriation in the Judiciary's budget.

Judicial Commission

The Senate accepts the Executive's All Funds recommendation of \$5.47 million, an increase of \$206,000 or 3.9 percent over SFY 2009-10 levels.

Department of Law

The Senate modifies the Executive's All Funds recommendation of \$210 million, a decrease of \$23.6 million, with the following modification:

The Senate proposes increasing appropriations by \$2.3 million under the Department of Law and includes language to allow the Department of Law to assume all powers and duties of the Consumer Protection Board.

Division of Military and Naval Affairs

The Senate modifies the Executive's All Funds recommendation of \$482 million, a decrease of \$482 million or 82 percent from SFY 2009-10 levels, with the following modification:

The Senate reduces funding by \$145,000 associated with the Military Museum and Veterans Research Center.

Division of Parole

The Senate modifies the Executive's All Funds recommendation of \$189 million, a decrease of \$4.5 million or 2 percent from SFY 2009-10 levels, with the following modification:

Article VII Proposals:

The Senate modifies the Executive's proposal to reduce the number of members on the Board of Parole from 19 to 13 and to reduce the term limits from six years to five years. Instead, the Senate proposes the reduction in the number of board members be from 19 to 14 to reflect the current composition of the Board.

Division of Probation and Correctional Alternatives

The Senate accepts the Executive's proposal to merge the Division of Probation and Correctional Alternatives into the Division of Criminal Justice Services (DCJS) (see DCJS for further detail).

Office for the Prevention of Domestic Violence

The Senate rejects the Executive's proposal to merge the Office for the Prevention of Domestic Violence into the Division of Criminal Justice Services (DCJS) and subsequently provides \$112,000 to allow for the continued operations of the Office for the Prevention of Domestic Violence as a separate agency.

Division of State Police

The Senate modifies the Executive's All Funds recommendation of \$730 million, a decrease of \$75 million or 9.4 percent from SFY 2009-10 levels, with the following modification:

The Senate includes \$750,000 in funding to enhance the State Police's arsenal.

Article VII Proposal:

The Senate modifies the Executive's proposal that would require photo-monitoring enforcement of speed limits in work zones and designated stretches of highways. Instead, the Senate provides language to include a reporting requirement and a sunset provision.

LEGISLATURE/JUDICIARY

Legislature

The Senate accepts the Executive's recommendation, with the following modification:

The Senate proposes an allocation of \$500,000 for the independent audit of the Metropolitan Transportation Authority to be initiated by the Legislature.

Judiciary

The Senate modifies the All Funds recommendation of \$2.7 billion, an increase of \$183.5 million, or 7.3 percent from SFY 2009-10 levels, with the following modification:

The Senate reduces appropriations by \$253,000 for the Administration and General Support for the Office of Court Administration.

Article VII Proposals:

The Senate includes language to enable the chief administrator of the courts, as part of the Judiciary's annual budget submission, to include a report on the civil legal needs of New Yorkers who cannot afford private counsel, where such inability to afford private counsel is determined pursuant to an existing applicable objective standard, and to propose funding, subject to legislative approval, for the provision of adequate resources for civil legal services.

EDUCATION, LABOR AND FAMILY ASSISTANCE

Council on the Arts

The Senate modifies the Executive's recommendation for the Council on the Arts by increasing appropriations by \$3.25 for a total All Funds appropriation of \$47.4 million, a 12.1 percent decrease from SFY 2009-10 levels. Modifications are as follows:

- * The Senate restores \$3.25 million to the Arts Grants, bringing the total appropriation to \$38.4 million, \$6.3 million less than the SFY 2009-2010 appropriation.

The Senate accepts the Executive's 21 day amendment recommendation to provide \$245,000 in carry out funds to The EGG in expectation of self-sufficiency in SFY 2011-12.

City University of New York (CUNY)

The Senate modifies the Executive's recommendation by providing an additional State Fiscal Year (SFY) funding of \$18.6 million for the CUNY system. The Senate further proposes reducing State support for certain programs by \$17.2 million, for a net funding increase of \$1.4 million from the level recommended by the Executive. The Senate proposes maintaining CUNY's Senior College tuition revenue in the State appropriation process. Consequently, the Senate includes a non-General Fund appropriation of \$792.4 million, which would be sufficient to accommodate CUNY's Senior College tuition revenues during the 2010-11 academic year.

The Senate accepts the Executive's recommendation to reduce General Fund Support on a state fiscal year basis as follows:

- * CUNY Senior Colleges' operating aid reduction of \$47.7 million.
- * CUNY State-operated colleges' work force reduction of \$16.4 million.

The Senate proposes additional state fiscal year funding for CUNY as follows:

- * \$285 in Base Aid restoration per full-time equivalent student (FTE), a total of \$16.4 million for CUNY Community Colleges.
- * \$1.5 million to support the Linking Employment, Academics and Disability Services (LEADS) program at CUNY.
- * \$400,000 funding for Medgar Evers College to support the CUNY Law and Social Justice Program.
- * \$300,000 to support of DuBois Bunche Center for Public Policy at Medgar Evers College.

The Senate proposes to reduce funding for the following programs:

- * \$14.5 million reduction in State support for the CUNY Senior Colleges' University-wide programs.
- * \$1.8 million reduction in State support for the CUNY's Central Administration.
- * \$813,000 funding reduction for CUNY Community College Rental Aid program.

The Senate accepts the executive's recommendation to utilize \$32.8 million from the American Recovery and Reinvestment Act (ARRA) funds to offset General Fund support for the CUNY Community college operating cost in SFY 2010-11.

Article VII Proposals:

The Senate takes following actions on the Executive's Article VII Proposals:

The Senate accepts the Executive's proposal to:

- * Require CUNY Board to provide 2 annual reports covering 6 months worth of activity to the Chairs of Finance, Ways and Means and the Division of Budget by March 1st and September 1st and the Senate accepts the recommended criteria to be included in the report.
- * Repeal the CUNY tuition split enacted last year and because it is now obsolete due to 100 percent of tuition revenue returning to campuses.
- * Allow CUNY to submit information to the Regents for their master plan every eight years instead of the current 4 year requirement.
- * Indemnify students enrolled in a credit bearing SUNY course that requires supervised clinical experience at an affiliate clinic.
- * Move the CUNY construction fund from pre-audit to post-audit.
- * Allow CUNY construction fund to use any delivery methods authorized by the CUNY construction fund or Dormitory Authority.

The Senate rejects the Executive's proposal to:

- * Require the CUNY Board of Trustees to establish a maximum percentage of out-of-state residents allowed.
- * Allow CUNY to spend tuition revenue and university wide revenue without state appropriation.

The Senate modifies the Executive's proposal to:

- * Allow CUNY to charge differential tuition rates by program or campus by allowing differential tuition for out-of-state residents and for professional or graduate degree programs but deny the proposal for differential tuition by campus and for New York state resident undergraduate students.
- * Require CUNY Board of Trustees to promulgate guidelines by June 15, 2010 outlining the criteria that a graduate or professional program must meet in order to qualify for differential tuition rates. Accept the Executive's proposal in regard to the required criteria.
- * Allow CUNY Board of Trustees to develop a rational tuition plan of annual general tuition rate increases limited to one and a half times the five year rolling average of the general Higher Education Price Index (HEPI) and reject the two and a half times HEPI rate proposed by the Executive.
- * Require an accounting mechanism for CUNY to provide need based aid to cover the TAP gap between tuition increases and the maximum TAP awards for those students receiving such awards.
- * Allow CUNY to move from a pre-audit system to a post-audit system by rejecting that proposal except as it relates to the procurement of goods.

The Senate recommends a statutory change that would:

- * Allow CUNY to receive all of their tuition revenue and to retain such revenue.

State Education Department

The Senate Majority accepts the Executive Budget Reduction to school aid in the amount of \$1.4 billion. At the same time the Senate majority proposes several actions that will provide school districts with flexibility to use available funds and the ability to generate savings through several proposals, including:

- * **Charter School Tuition:** The Senate Majority accepts the Executive's proposal to freeze charter school tuition payments to the 2008-09 levels.
- * **Mandate Relief:** The Senate Majority modifies the Executive's proposal to increase the State Education Department's obligation to perform local fiscal impact statements, to ensure that the necessary operations of the Board of Regents continue, while at the same time allowing making the Board more accountable to the districts it oversees. The Senate Majority also proposes a modification to prohibit the implementation of new statutory and regulatory mandates during the school year.
- * **EBLAR Reserves:** The Senate Majority modifies the Executive's proposal to allow school districts to expend excess funds up to the amount of the district's gap elimination adjustment from their employee benefit accrued liability reserve (EBLAR) funds to maintain educational programs. The Senate Majority would further allow the transfer of funds from EBLAR accounts into newly authorized teachers' retirement system reserve funds.

Foundation Aid:

The Senate accepts the Executive proposal to fund Foundation Aid at \$14.89 billion in School Year 2010-2011. However, the Senate rejects the Executive's proposal to freeze Foundation Aid for the 2011-2012 School Year. Instead the Senate proposes to restart Foundation Aid in the 2011-2012.

High Tax Aid

The Senate accepts the Executive proposal to fund High Tax Aid at \$204.7 million in School Year 2010-2011. However, the Senate rejects the Executive's proposal to freeze High Tax Aid for the 2011-2012 School Year. The Senate proposes to restart High Tax Aid. The Senate proposal takes into consideration the economic situation of the State as well as the needs of school districts with high tax effort issues throughout the State.

Universal Pre-Kindergarten

The Senate accepts the Executive proposal to fund Universal Pre-Kindergarten (UPK) at \$399.7 million for School Year 2010-2011. The Senate adds Article VII language to allow the use unexpended funds for transportation or full-day kindergarten slots as long as school districts do not reduce the amount of UPK slots available.

Reimbursement Aids:

Building Aid and Building Reorganization Aid:

The Senate provides present law funding in the amount of \$2.84 billion, an increase of \$218.5 million or 9.8 percent present law increase for Building Aid and Building Aid reorganization.

Transportation Aid:

The Senate provides present law funding in the amount of \$1.64 billion, an increase of \$99.6 million or 6.45 percent present law increase for Transportation Aid, representing an increase of 6.4 percent over SY 2009-2010.

Boards of Cooperative Educational Services (BOCES):

The Senate accepts the Executive's proposal that fully funds the \$33 million present law increase for BOCES Aid, providing an increase of 4.7 percent from SY 2009-2010.

Public Excess Cost-High Cost:

The Senate provides present law funding in the amount of \$454.1 million, an increase of \$10.2 million or 2.3 percent over SY 2009-2010.

Reorganization Incentive Aid:

The Senate provides \$2.86 million for Reorganization Incentive Aid for SY 2010-11, the same level of funding as SY 2009-10.

Special Services Aid:

The Senate provides \$199.70 million for SY 2010-11, a \$6.71 million decrease from SY 2009-10.

Other School Aid Categories:

Education Grants:

The Senate accepts the Executive's proposal to maintain funding for Education Grants at the prior year level. It is recommended that Yonkers City School District receive a \$17.5 million Supplemental Educational Improvement Grant and New York City a \$1.2 million Academic Achievement Grant, the same amount provided last year.

For 2011-2012, the Senate is evaluating a proposal that would increase the Supplemental Educational Improvement grant for the City of Yonkers in order to align Yonkers with the other Big Four City School Districts.

Special Education Cost Shifts:

Preschool Special Education:

The Senate rejects the Executive's proposal to cap the growth in the county share of costs for preschool special education to two percent beginning in SY 2010-11 and to assign growth above two percent to the school district of residence.

Summer School Special Education:

The Senate rejects the Executive proposal to change State reimbursement for summer school special education from a flat rate of 70 percent for all districts to the Foundation Aid State Sharing Ratio for each district starting in SY 2010-11. In addition, the Senate rejects the Executive proposal to limit the portion of the current year appropriations that is available to pay prior year claims.

Title I and Individuals with Disabilities Education Act Funds (IDEA):

The Senate supports the continuation of aid to school districts through the American Recovery and Reinvestment Act (ARRA) of 2009. The Senate accepts the use of \$454 million in Federal funding for SFY 2010-11 for Title I funding. The Senate supports the use of Individuals with Disabilities Education Act (IDEA) funds to schools to help ensure that students with disabilities have access to free quality education. The Senate supports the use of \$398 million in federal funding for SFY 2010-11 in IDEA funding. In SY 2010-2011, school districts would receive an additional increase in the amount of \$852 million.

Nonpublic School Aid:

The Senate modifies the Executive's proposal for nonpublic school aid by accepting the \$1.5 million decrease to the appropriation for comprehensive attendance and increasing that reduction by an additional \$3 million for a total reduction of \$4.5 million. The Senate would also include language eliminating the comprehensive attendance program (CAP).

The Senate eliminates funding in the amount of \$1.73 million for the Charter School Institute at SUNY.

Teacher Centers:

The Senate rejects the Executive's proposal to eliminate funding for Teacher Centers. Instead, the Senate majority provides a \$35 million restoration to the Teacher Center program.

The Senate provides funds for the following programs:

- * Say Yes to Education, \$1 million
- * New York Council on the Humanities, \$225,000
- * Bard High School Early College, \$300,000

State Education Department (Higher Education Programs)

The Senate modifies the Executive's recommendation by reducing support for the Direct Institutional Aid for the Independent colleges and universities (BUNDY Aid) by \$5.8 million or 15 percent, from the Executive recommended level of \$39 million to \$33 million.

Article VII Proposals:

The Senate concurs with the Executive's recommendations with the following modifications:

The Senate accepts the Executive's recommendation to:

- * Extend the requirement that manufacturers of instructional materials for college students make those materials available in an alternate format for disabled students until August 14, 2013.
- * Extend the physical therapy assistants' authorization to provide services in home care settings until June 30, 2014.

- * Extend the law authorizing physical therapy assistants to provide therapy services in public and private primary and secondary schools, and for preschoolers until June 10, 2015.
- * Extend the law authorizing foreign trained dental faculty the limited privilege of licensure if they are employed full-time in an academic setting.
- * The Senate modifies the Executive's recommendation to extend the enactment date of the social worker licensure overhaul legislation approved in 2002 from June 1, 2010 to June 1, 2014 by recommending additional language to include in the temporary exemption any New York State or Federal Agency, political subdivision, municipal corporation or local government agency or unit pursuant to authority granted by law, and include provisions requiring that such entities report their progress toward compliance with the law to the Legislature on an annual basis on or before June 1 of each year.

Cultural Education

The Senate rejects the Executive's proposal to reduce library aid to \$84.5 million in funding and restores \$2.4 million, bringing funding to \$86.9 million.

The Senate accepts the Executive's proposal of maintaining support for the State's public televisions and radio stations at \$15 million through support from the General Fund and Federal American Recovery and Reinvestment Act Funding

VESID

The Senate accepts the Executive's proposal to increase funding for VESID by \$31.57 million.

The Senate accepts the Executive's proposal to maintain funding levels for the following programs:

- * \$294,000 for College Readers
- * \$54 million for Case Services
- * \$12.36 million for Independent Living Centers
- * \$15.16 million for Long Term Support Services

Article VII Proposals:

Contracts for Excellence:

The Senate Majority modifies the Executive's Contract for Excellence proposal. The Executive proposal would maintain all current contracts, unless all schools in the district are found to be in good standing. Districts would be authorized to reduce their spending on approved programs for SY 2010-11 by the same percentage as the district's gap elimination adjustment. The Senate Majority recommends modifying this proposal to allow all school districts, except those in cities with a population of one million or more, to further reduce these funding set asides by an additional 4%.

Mandate Relief

The Senate Majority modifies the Executive's proposal to increase the State Education Department's obligation to perform local fiscal impact statements, to ensure that the necessary operations of the Board of Regents continue, while at the same time allowing making the Board more accountable to the districts it oversees. The Senate Majority also proposes a modification to prohibit the implementation of new statutory and regulatory mandates during the school year.

Regional Transportation:

The Senate Majority accepts the Executive's proposal to allow school districts to engage in regional transportation and engage in shared transportation contracts.

The Senate Majority modifies the Executive's proposal to enact the Paperwork Reduction Act to include additional reports and to allow school district to post reports on their websites.

Contingency Budget Cap:

The Senate Majority modifies the Executive's proposal to adjust the calculation of the contingency budget cap to allow for the use of a five year rolling average of the consumer price index rather than holding the cap to zero.

Charter School Tuition:

The Senate Majority accepts the Executive's proposal to freeze charter school tuition payments to the 2008-09 levels.

Kindergarten Eligibility:

The Senate Majority modifies the Executive's proposal to define students as eligible for kindergarten as those students turning five by December 31 of the year in which the student starts school to ensure that the definition applies to all public schools.

Teacher Conference Days:

The Senate Majority rejects the Executive's proposal to limit the ability of school districts to hold teacher contract days during the instructional year.

Committees on Pre School Special Education Placement:

The Senate Majority accepts the Executive's proposal to require Committees' on Pre-School Special Education to provide a written explanation if they place a child in a program which is not the closest available placement.

Special Education Reporting:

The Senate Majority accepts the Executive's proposal to require the State Education Department to issue a report on school districts with high rates of special education identification and classification as well as districts with low incidence of declassification.

EBLAR Reserves:

The Senate Majority modifies the Executive's proposal to allow school districts to expend excess funds up to the amount of the district's gap elimination adjustment from their employee benefit accrued liability reserve (EBLAR) funds to maintain educational programs. The Senate Majority would further allow the transfer of funds from EBLAR accounts into newly authorized teachers' retirement system reserve funds.

The Senate Majority rejects the Executive's proposal to require the Comptroller to complete audits of the ELBAR accounts by the end of the 2010-11 school year.

Statutory Extenders:

The Senate Majority accepts the Executive's proposals to extend a number of provisions of expiring law, including the federal guns free school act, the ability of school districts to make conditional appointments and No Child Left Behind.

Regional Transportation Study:

The Senate Majority modifies the Executive's proposal to require the State Education Department to perform a study of regional transportation practices.

EXCEL Report:

The Senate Majority proposes the establishment of a report on the utilization of EXCEL funds by the City of New York.

Higher Education Services Corporation (HESC)

The Senate modifies the Executive's recommendation by providing an additional State Fiscal Year (SFY) funding of \$22.4 million. The Senate further decreases State support for the New York State Higher Education Loan Program (NYHELPS) by \$34.6 million for a net All Funds appropriation of \$1.053 billion, an increase of \$22 million from the Executive Budget proposal.

The Senate restores funding for the following programs:

- * Restore the proposed \$75 across the board reduction to the Tuition Assistance program (TAP) award, a total of \$16.5 million in SFY 2010-11.
- * Restore \$5.9 million to maintain the current academic eligibility requirement for non-remedial student recipients of TAP.

The Senate proposes to eliminate funding for the following program:

- * The New York Higher Education Loan Program (NYHELPS), a savings of \$34.6 million.

Article VII Proposals:

The Senate accepts the Executive's recommendations with the following modifications:

The Senate denies the Executive's proposals to:

- * Increase academic standards for TAP eligibility.
- * Reduce TAP for all recipients by \$75.

The Senate accepts the Executive's recommendations to:

- * Deny TAP to students in default on any government education loan.
- * Deny TAP awards to graduate students.
- * Increase TAP awards for financially independent students under the age of 22 and decrease TAP awards for married students under the age of 22 who do not have children.
- * Reduce the maximum TAP award from \$5,000 to \$4,000 for students enrolled in schools that do not award baccalaureate degrees.
- * Provide TAP to students attending schools eligible for Federal PELL awards but not under State Education Department's (SED) direct supervision.
- * Include all private pensions and annuities in the income calculation when determining TAP eligibility.
- * Extend the Patricia K. McGee Nursing Faculty Scholarship and the Nursing Faculty Loan Forgiveness Incentive Programs.
- * Extend the Regents Physician Loan Forgiveness Program until after the 2010-2011 academic year and allow for retroactive payments to those in the program to make up for the loss last year.
- * Sunset the scholarship for Academic Excellence program and the Math and Science Teaching Incentive Program after the 2010-2011 academic year.
- * Make technical corrections to the New York Higher Education Loan Program (NYHELPS).

Department of Labor

The Senate modifies the Executive's All Funds recommendation of \$8.1 billion, a decrease of \$4.1 billion or 33.8 percent from SFY 2009-10 levels, as follows:

The Senate proposes to restore \$5.4 million for the following workforce training initiatives:

- * CWE-Workplace Literacy \$ 225,000
- * Domestic Violence/ Cornell AFL-CIO \$ 90,000
- * Consortium for Worker Education (CWE)-Workforce Development \$ 455,000
- * Western NY Council on Occupational Safety & Health \$ 226,000
- * WYNCOSH Special Training and meetings for employers and employees \$ 181,000

- * Workforce Development Institute AFL-CIO for workforce training, education and program development initiatives \$ 4,200,000.

Article VII Proposals:

The Senate proposes legislation to eliminate the misclassification of workers by employers in the construction industry.

Office of Children and Family Services

The Senate modifies the Executive's All Funds recommendation of \$3.9 billion, a decrease of \$34.2 million or 3.4 percent from the SFY 2009-10 levels, as follows:

The Senate restores funding for following General Fund programs:

- * Community Optional Preventive Services, \$2,910,500;
- * Advantage Afterschool, \$2,397,000;
- * Settlement Houses, \$100,000;
- * Home Visiting, \$1,746,600;
- * Preventive Services, \$4,934,100;
- * Kinship/Care Taker Relative, \$99,000;
- * Caseload Reduction, \$168,200;
- * Child Advocacy Centers, \$581,000;
- * Youth Development and Delinquency Program / Special Delinquency Prevention Program (YDDP/SDPP), \$3,138,000;
- * Runaway Homeless and Youth Act, \$524,000;
- * Post Placement, \$299,936; and
- * Hoyt Children and Family Trust Fund, \$138,100.

The Senate restores federal funding for the following Temporary Assistance for Needy Families (TANF) programs:

- * Advantage Afterschool, \$6,390,000;
- * Settlement Houses, \$5,000,000;
- * Nurse Family Partnership, \$5,000,000;

- * Home Visiting, \$5,822,002;
- * Child Care Demonstration Projects, \$10,900,000;
- * Preventive Services, \$18,792,000;
- * Kinship/Care Taker Relative, \$1,998,000;
- * Non-Residential/Domestic Violence, \$3,000,000;
- * Child Care CUNY, \$1,440,000; and
- * Child Care SUNY, \$1,960,000.

The Senate includes reductions as follows:

- * Child Welfare Services, (\$77,160,000);
- * CONNECTIONS Modernization, (\$3,000,000);
- * Medical Assistance per Diems, (\$4,250,000);
- * Local District Training, (\$689,475); and
- * Detention Services, (\$4,000,000).

The Senate redirects \$2,215,000 from the SFY 2010-11 Executive Budget proposal and establishes enhanced funding for alternatives to detention and residential placement.

The Senate rejects the Executive's proposal to utilize additional Title XX funding to support the Adult Protective/Domestic Violence (AP/DV) program and restores \$18,008,000. The Senate provides language that would require New York City to utilize their discretionary Title XX to only fund senior centers.

Article VII Proposals:

- * Accepts the Executive's proposal to enable the use of electronic benefit transfer of foster care and adoption subsidy payments.
- * Rejects the Executive's proposal which would only allow court ordered child protective investigations in the instances of custody, guardianship, Person In Need of Supervision (PINS) or abuse or neglect proceedings for those instances where there is reasonable cause to suspect abuse or neglect.
- * Rejects the Executive's proposal to allow certain individuals to testify by telephonic or electronic means in Family Court proceedings. The Senate provides \$201,000.
- * Modifies the Executive's program to create a kinship guardianship assistance program and requires the program be funded outside of the foster care block grant. The Senate provides \$1,000,000.

- * Modifies the Executive's proposal for the Safe Harbour for Sexually Exploited Children's Act to clarify provisions relating to loitering for the purposes of prostitution.
- * Modifies the Executive proposal to authorize the deduction of union dues from certain non-unionized child care providers and requires notice be given to providers.
- * Modifies the Executive's proposal to streamline local county planning requirements and clarifies the process for public input.
- * Modifies the Executive's proposal to authorize the withholding of State payments to local social services districts to recover past due facility reimbursements by eliminating language which would authorize the Executive to make adjustments to past costs and rates. The Senate recovers \$42,000,000.
- * Proposes legislation to allow the Correctional Association to act as an independent oversight entity over the State's juvenile justice system. The Senate provides \$300,000.
- * Proposes legislation to provide that in dispositional hearings in juvenile delinquency proceedings the Family Court shall not place a youth in certain residential placements unless the Court determines that the youth poses a significant risk to public safety and that there are no available alternatives to placement that could adequately mitigate such risk.
- * Proposes legislation to provide that counties could receive 65% reimbursement from the State for alternatives to detention and alternatives to residential placement programs. The Senate provides \$11,815,000.
- * Proposes legislation to create a pilot program to provide job skills training for youth residing at three residential facilities operated by the Office of Children and Family Services. The Senate provides \$300,000.

Office of Temporary and Disability Assistance

The Senate modifies the Executive's All Funds recommendation of \$6.0 billion, an increase of \$342 million or 6.1 percent from SFY 2009-10 levels, as follows:

The Senate restores funding for the following General Fund programs:

- * Single Room Occupancy, \$1,861,000;
- * Homeless Intervention Program, \$892,000;
- * Health Care Jobs, \$2,000,000;
- * Green Jobs, \$2,000,000;
- * Citizenship Initiative, \$542,000; and
- * New York State Refugee Resettlement Assistance Program, \$511,000

The Senate restores federal funding for the following TANF programs:

- * Summer Youth Employment, \$35,000,000;

- * Wage Subsidy, \$6,000,000;
- * Supportive Housing for Families and Young Adults, \$5,000,000;
- * Welfare-to-Careers, \$500,000;
- * Supplemental Homeless Intervention Program, \$5,000,000;
- * Wheels for Work, \$5,000,000;
- * Emergency Homeless, \$2,000,000; and
- * New York State Refugee Resettlement Assistance Program, \$1,000,000.

The Senate accesses federal TANF Emergency Contingency Funds to partially restore or fund the following programs:

- * Wage Subsidy, \$8,000,000;
- * Wheels for Work, \$4,000,000;
- * Transitional Jobs, \$15,000,000;
- * Green Jobs, \$4,000,000;
- * Emergency Assistance for Families, \$5,600,000; and
- * Debt Consolidation Loan Program, \$1,900,000.

The Senate provides increased funding of \$458,000 for the Citizenship Initiative program.

The Senate includes General Fund reductions as follows:

- * Homeless Prevention program, (\$1,100,000);
- * Public Assistance Caseload re-estimate, (\$17,467,646).

The Senate includes federal TANF reductions as follows:

- * Intensive case services, (\$11,313,000); and
- * Local Family Support Fund, (\$32,187,000).

The Senate rejects the proposal to align the adult homeless shelter system financing with the family shelter system financing and restores \$35,800,000.

Article VII:

- * Accepts the Executive's proposal to authorize the Federal Supplemental Security Income (SSI) cost of living adjustment pass through.
- * Accepts the Executive's proposal to authorize the Office of Temporary and Disability Assistance (OTDA) to administer the Nutrition Outreach and Education Program (NOEP).
- * Accepts the Executive proposal to authorize OTDA to access wage reporting data on former public assistance recipients in order to evaluate the effectiveness of public assistance work programs and transitional benefits.
- * Rejects the Executive's proposal to delay implementation of the public assistance grant increase. The Senate provides \$13,970,000.
- * Modifies the Executive's proposal to authorize New York State to administer the SSI State supplement by providing definitions in statute instead of regulations and by including provisions regarding fair hearings and recertification.
- * Proposes legislation that would prohibit New York City from collecting shelter fees from residents in adult and family shelters.
- * Proposes legislation that would allow for baccalaureate programs to count towards work participation rates and the satisfaction of a public assistance participant's work activity requirements.
- * Proposes legislation that would remove a certain time period in which an adult receives cash assistance in the Safety Net Assistance (SNA) program from the maximum five year life time cap under the TANF program. The Senate estimates savings of \$5,850,000.
- * Proposes legislation that would require an independent evaluation of certain programs funded by TANF. The Senate provides \$500,000.
- * Proposes legislation that would require OTDA to provide a standard notification form to public assistance applicants.

Division of Human Rights

The Senate accepts the Executive's All Funds recommendation of \$22.7 million, a decrease of \$284,000 or 1.2 percent from SFY 2009-10 levels.

Office of the Welfare Inspector General

The Senate accepts the Executive's All Funds recommendation of \$1.6 million, consistent with SFY 2009-10 levels.

State University of New York (SUNY)

The Senate modifies the Executive's recommendation by providing an additional State Fiscal Year (SFY) funding of \$40.3 million for the SUNY system. The Senate further proposes reducing State support for certain programs by \$21.7 million, for a net funding increase of \$18.6 million from the level recommended by the Executive. The Senate proposes maintaining SUNY's State-operated campuses' tuition revenue in the State appropriation process. Con-

sequently, the Senate includes a non-General Fund appropriation of \$1.3 billion, which would be sufficient to accommodate projected tuition revenues during the 2010-11 academic year.

The Senate accepts the Executive's recommendation to reduce General Fund Support on a state fiscal year basis as follows:

- * SUNY State-operated and statutory colleges' operating aid reduction of \$109.8 million.
- * SUNY State-operated colleges' work force reduction of \$26.5 million.

The Senate proposes additional state fiscal year funding for SUNY as follows:

- * \$285 in Base Aid restoration per full-time equivalent student (FTE), a total of \$40.3 million for SUNY Community Colleges.

The Senate proposes to reduce/eliminate funding for the following programs:

- * \$15.4 million reduction in State support for SUNY's State-operated colleges' University-wide programs.
- * \$5.5 million reduction in State support for the SUNY's Central Administration.
- * \$838,000 funding reduction for SUNY Community College Rental Aid program.

The Senate accepts the Executive's recommendation to utilize \$62.4 million from the American Recovery and Reinvestment Act (ARRA) funds to offset General Fund support for the SUNY Community college operating cost in SFY 2010-11.

Article VII Proposals:

The Senate takes following actions on the Executive's Article VII Proposals:

The Senate accepts the Executive's proposal to:

- * Require SUNY Board to provide 2 annual reports covering 6 months worth of activity to the Chairs of Finance, Ways and Means and the Division of Budget by March 1st and September 1st and the Senate accepts the recommended criteria to be included in the report.
- * Repeal the SUNY tuition split enacted last year because it is now obsolete due to 100% of tuition revenue returning to the campuses.
- * Require the state to give SUNY their state support payments in four installments coming on or before the first week of July, October, January, and April.
- * Allow SUNY to submit information to the Regents for their master plan every eight years instead of the current 4 year requirement.
- * Indemnify students enrolled in a credit bearing SUNY course that requires supervised clinical experience at an affiliate clinic.

- * Grant SUNY affiliated organizations, community college affiliated organizations and community colleges access to Dormitory Authority services.
- * Allow SUNY health care system to enter into contracts outlining joint ventures to deliver services and move such arrangements from pre-audit to a post-audit. Require SUNY to produce an annual report on all contracts over \$250,000 entered into in the prior year.
- * Specify that any contractual disputes that arise from joint ventures be resolved by binding arbitration according to rules established by a nationally recognized arbitration association.

The Senate rejects the Executive's proposal to:

- * Require the SUNY Board of Trustees to establish a maximum percentage of out-of-state residents allowed.
- * Allow Medicaid recipients to receive services from SUNY optometric clinics and require SUNY to produce an annual report on the program because a bill providing for the provisions of this part has passed the Senate and the Assembly.
- * Prohibit community colleges from imposing a chargeback for programs of study above the associate degree level.
- * Allow SUNY to receive and disburse revenues from tuition, fees, user charges and sales of products and services without state appropriation.
- * Allow SUNY Board of Trustees to provide for the lease, transfer or conveyance of state owned property under SUNY's control upon approval of the newly created SUNY Asset Maximization Review Board.
- * Create the SUNY Asset Maximization Review Board.

The Senate modifies the Executive's proposal to:

- * Allow SUNY to charge differential tuition rates by program and campus by allowing differential tuition rates only for out-of-state residents and for professional or graduate degree programs, but deny the proposal for differential tuition by campus, provided however that the State University of New York at Buffalo and the State University of New York at Stony Brook may set differential tuition rates for their campuses.
- * Require SUNY Board of Trustees to promulgate guidelines by June 15, 2010 outlining the criteria that a graduate or professional program must meet in order to qualify for differential tuition rates. Accept the Executive's proposal in regard to the required criteria.
- * Allow SUNY Board of Trustees to develop a rational tuition plan of annual general tuition rate increases limited to one and a half times the five year rolling average of the general Higher Education Price Index (HEPI) and reject the two and a half times HEPI rate proposed by the Executive.
- * Require an accounting mechanism for SUNY to provide need based aid to cover the TAP gap between tuition increases and the maximum TAP awards for those students receiving such awards.
- * Allow SUNY to move from a pre-audit system to a post-audit system by rejecting that proposal except as it relates to the procurement of goods.

- * Authorize SUNY to engage in Public Private Partnerships, by accepting the provisions only in regard to the State University of New York at Buffalo and the State University of New York at Stony Brook.

In addition, the Senate recommends a statutory change that would:

- * Allow SUNY to receive all of their tuition revenue through state appropriation and to retain such revenue.

State University Construction Fund (SUCF)

The Senate accepts the Executive's funding recommendation that would discontinue State appropriation of the Fund's operating budget.

Article VII Proposals:

The Senate accepts the Executive's proposal to:

- * Authorize SUNY Construction Fund to use any method to deliver a project including but not limited to design build.
- * Authorize SUNY Construction Fund to bid projects using multiple delivery methods. Eliminate the requirement that all RFPs be posted in Albany County newspapers. Increase the dollar threshold required for the posting of performance bonds from \$50,000 to \$250,000.
- * Remove SUNY Construction Fund from the State budget.

Division of Housing and Community Renewal

The Senate modifies the Executive's recommendation for the Division of Housing and Community Renewal by increasing appropriations by \$1.8 million for a total All Funds appropriation of \$467.1 million, a 18.9 percent decrease from SFY 2009-10 levels. Modifications are as follows:

- * The Senate rejects the Executive's recommendation to consolidate the administration of the Division of Housing and Community Renewal and the public benefit corporations that constitute New York Homes under the umbrella of the Housing Finance Agency (HFA) and accepts the sweep from HFA of \$3.5 million that would normally be targeted to the preservation, restoration and development of affordable housing.
- * The Senate modifies the Executive's recommendation to reduce the funding to the Neighborhood and Rural Preservation Companies Programs to \$12.02 million. Therefore, the Senate recommends a restoration to the two programs in the amount of \$632,000.
- * The Senate modifies the Executive's recommendation to appropriate \$14.8 million to provide a rental subsidy to the Rural Rental Assistance Program. Therefore, the Senate recommends a General Fund increase of \$1.2 million to \$16 million, the sum needed to subsidize the 375 additional units for which the 515 Federal Rural Development subsidy has ended.
- * The Senate modifies the Executive's recommendation to appropriate \$12.8 million in capital projects for public housing modernization. Therefore, the Senate recommends a reduction of \$6.4 million to \$6.4 million, sums that would have been allocated to the pre-federalized New York City Housing Authority.

* The Senate modifies the Executive's recommendation to appropriate \$8.22 million for the Housing Development Loan Fund. Therefore, the Senate recommends an Aid to Localities decrease of \$2.5 million, reflective of uncommitted funds.

The Senate accepts the Executive's recommendation to reduce the periodic subsidies applied to the debt service payments for bonded public housing by \$839,000 to \$11.6 million commensurate with the decrease in debt service.

Article VII Proposals:

The Senate recommends adding new language to the Real Property Actions and Proceedings Law requiring that in any foreclosure action involving a multiple dwelling in New York City a receiver must be approved by the housing code enforcement agency, that such agency shall have the right to be added as a party in any such foreclosure action and that such agency shall have the right to approve a purchaser of a multiple dwelling sold pursuant to a judgment of foreclosure.

HEALTH AND MENTAL HYGIENE BUDGET

State Office for the Aging

The Senate modifies the Executive's All Funds recommendation of \$239.5 million, a decrease of \$7.8 million or 3.17 percent from SFY 2009-10 levels, as follows;

The Senate proposes to restore the following:

- * Patient Rights Advocacy Hotline, \$63,000;
- * Congregate Services Initiative, \$806,000;
- * Supplemental Nutrition Assistance Program, \$2,000,000;
- * Community Services for the Elderly, \$1,000,000; and
- * Expanded In-home Services for the Elderly Program, \$2,000,000.

The Senate proposes to reduce as follows:

- * Cost of Living Adjustments for service providers of Expanded In-home Services for Elderly Persons, Community Services for the Elderly, and Supplemental Nutrition Assistance Program (SNAP), (\$14,707,000); and

The Senate proposes additional funding for the following:

- * Health Insurance, Information, Counseling and Assistance Program, \$2,079,000; and
- * North Flushing Senior Center (Congregate Meals Program), \$225,000
- * Supplemental Nutrition Assistance Program, \$4,235,200

Article VII

The Senate rejects the Executive's proposal to eliminate the Congregate Services Initiative program.

The Senate proposes Article VII legislation that would eliminate the waiting lists for seniors eligible for the Supplemental Nutrition Assistance Program.

Developmental Disabilities Planning Council

The Senate accepts the Executive's All Funds recommendation \$4.7 million, an increase of \$200,000, or 4.3 percent from SFY 2009-10.

Department of Health

The Senate modifies the Executive's recommended All Funds appropriation of \$55.89 billion, a decrease of \$640.8 million or 1.13% from SFY 2009-10 levels, as follows:

The Senate rejects the following:

Medicaid:

- * Transportation Managers, \$8,300,000.
- * Potentially Preventable Readmissions, \$15,000,000.
- * Personal Care Cap for \$20,000,000.
- * The Medicaid Part D drug wrap, \$4,300,000.
- * The elimination of the financial exemption for Medicare Advantage members enrolling in Medicare Part D Drug Program, \$4,000,000.
- * Pharmaceutical Companies Business Practice Reform, \$300,000.

HCRA/Insurance:

- * Roswell Park Research Institute's "Anti-Tobacco" initiative, \$13,600,000.
- * School Based Health Centers, \$510,000.
- * Prior approval proposal for rate setting, \$70,000,000.

Public Health:

- * Early Intervention parental fees, \$0.
- * The modification of Early intervention speech standards, \$2,800,000.
- * Optional services under General Public Health Works (Article VI) program, \$6,700,000.
- * Elderly Pharmaceutical Insurance Coverage (EPIC) program wrap of Medicare Part D Drug program, \$34,600,000.

The Senate proposes reductions as follows:

- * Public Leaders of Tomorrow program, (\$554,000).
- * Medicaid Management Information System, (\$9,500,000).
- * Cost of Living Adjustments for Health Human Service Providers, (\$28,939,000).
- * Non-Personal Service Efficiencies, (\$3,422,819).
- * University at Albany Center for Workforce Studies, (\$536,181).
- * Uniform Assessment Tool, (\$431,000).
- * Office of Long Term Care - Contractual Services, (\$3,164,500).
- * Education and outreach for seniors enrolled in the Medicare Part D Drug Program, (\$1,500,000).

Other Senate proposals:

The Senate proposes re-estimates of the Executive's proposed SFY 2010-11 Medicaid spending and projects lower spending in various categories of spending for the Medicaid program. The Senate re-estimate would result in \$302,000,000 in General Fund savings.

The Senate proposes \$203,500,000 in one-time Medicaid savings as a result of the Federal government authorizing lower State spending for the Medicare Part D Drug program.

The Senate proposes to increase the Medicaid Fraud Audit target by an additional \$200 million.

The Senate restores funding to the Adelphi University Breast Cancer Initiatives, \$294, 000.

The Senate proposes \$5 million in funding and restores community service programs for various AIDS/HIV services and public health initiatives.

The Senate accepts the Executive's proposal to consolidate five poison control centers into two locations but restores \$500,000 which would be distributed amongst the two poison control centers.

The Senate proposes to establish a Nursing Home Rebasing Disadvantaged Pool to be distributed to those nursing homes that have been financially disadvantaged by the implementation of the new Medicaid reimbursement rates. The Senate includes \$20 million in funding for this pool.

The Senate proposes \$8 million in funding for Community Health Centers Indigent Care Pool.

Article VII:

- * Rejects the Executive's proposal to consolidate the QUIP and EnABLE programs.
- * Proposes legislation and requires commercial insurance companies to cover evidence based practices and services for children diagnosed with autism.

- * Extends the implementation of the nursing home rebasing methodology until June 30, 2011 and delays the implementation of nursing home regional pricing methodology until July 1, 2011.
- * Rejects the Executive proposal to create a Cardiac Services Information Program using state records to facilitate cardiac research.
- * Accepts the Executive proposal to improve enrollment simplification procedures for the Medicaid and Child Health Plus programs.
- * Accept the Executive proposal to establish penalty up to \$5,000 for failure of home care providers to file required forms.
- * Accepts the Executive's proposal to shift rates setting authority for Managed Long Term Care Services to the Commissioner of Health.
- * Rejects the Executive's proposal to establish prior approval for setting of insurance rates.
- * Proposes language to separate worker's compensation, no-fault and other insurance rates from the implementation of new Medicaid rates. The effective dates of this separation would be effective December 1, 2009.
- * Proposes language to ensure that providers of personal care services adhere to all rule and regulations of the Department of Health when prescribing services for clients.

Office of Medicaid Inspector General

Article VII Proposals:

The Senate proposes legislation to extend due process rights to providers being audited by the Office of the Medicaid Inspector General, with a particular focus on extrapolation methods and withholding of Medicaid funds. In addition, the Senate would require the Medicaid Inspector General to obtain and utilize available software to reduce Medicaid spending errors.

DEPARTMENT OF MENTAL HYGIENE

Office of Alcoholism and Substance Abuse Services (OASAS)

The Senate modifies the Executive's All Funds recommendation of \$720 million, an increase of \$29 million or 4.3 percent from SFY 2009-10 levels, as follows:

The Senate proposes to restore the following:

- * Gambling prevention program, \$300,000;

The Senate proposes reductions as follows:

- * 2009 Deficit Reduction Plan related increases (\$12,000,000)
- * Proposed inflationary adjustments, (\$500,000)

Article VII:

The Senate:

- * Accepts the Executive's proposal to transfer the alcohol and drug rehabilitation program from the Department of Motor Vehicles to the Office of Alcoholism and Substance Abuse Services
- * Rejects the Executive's proposal to require hospitals that provide detoxification services to be certified by OASAS.

Office of Mental Health (OMH)

The Senate modifies the Executive's All Funds recommendation of \$3.6 billion, a decrease of \$131 million or 3.5 percent from SFY 2009-10 levels, as follows:

The Senate proposes additional funding as follows:

- * Psychiatric Disabilities Legal Advocacy Project, \$300,000;
- * Health Care Enhancement Regional Resource Center, \$200,000

The Senate proposes reductions as follows:

- * NY/NY III Bed development, (\$1,000,000);
- * COPS rate appeals, (\$2,000,000);
- * Miscellaneous adjustments, (\$14,500,000);
- * Personalized Services Recovery Oriented Services, (\$4,500,000);
- * Managed care demonstration, (\$750,000);

Article VII:

- * Rejects the Executive's proposal to allow facility directors to act as representative payee for individual's federal benefits.
- * Rejects the Executive's proposal to eliminate the requirement for OMH to submit a report on unmet mental health needs.
- * Rejects the Executive's proposal to permit the use of video-teleconferencing of certain judicial proceedings for purposes of any civil management court proceeding.
- * Modifies the Executive's proposal to extend the community mental health support and workforce reinvestment program, the membership of subcommittees for mental health of community services boards.
- * Rejects the Executive's proposal to recover exempt funds from community residences and family based treatment providers.

- * Accepts the Executive's proposal to increase substitute caretaker's day for family care providers from 10 to 14 days.
- * Accepts the Executive's proposal to defer the human services COLA for one year.
- * Accepts the Executive's proposal to update the disproportionate share base payments to 2008.
- * Accepts the Executive's proposal to transfer funds from the Office of Mental Health to Department of Health for Medicaid managed care.

Office of Mental Retardation and Developmental Disabilities

The Senate modifies the Executive's All Funds recommendation of \$4.7 billion, an increase of \$277 million or 6 percent from SFY 2009-10 levels, as follows:

The Senate proposes to restore the following:

- * Day Habilitation program \$10,000,000
- * Individualized Residential Alternative \$12,500,000

The Senate accepts the \$7.5 million reduction to the Medicaid Service Coordination (MSC) but proposes language to restructure the program.

The Senate proposes reductions as follows:

- * NYS-CARES (\$1,500,000)
- * Day Service Opportunities (\$2,500,000)
- * 2009 Deficit Reduction Plan related increases (\$6,500,000)
- * Inflationary adjustments (\$5,000,000)
- * Institute for Basic Research (\$1,000,000)

Article VII:

- * Accepts the Executive's proposal to defer the human services COLA for one year.
- * Rejects the Executive's proposal to allow facility directors to act as representative payee for individual's federal benefits.

Commission on Quality of Care and Advocacy for Persons with Disabilities

The Senate accepts the Executive's All Funds recommendation \$18.6 million, an increase of \$1 million, or 6 percent from SFY 2009-10 levels.

Developmental Disabilities Planning Council

The Senate accepts the Executive's All Funds recommendation \$4.7 million, an increase of \$200,000, or 4.3 percent from SFY 2009-10.

Adirondack Park Agency

The Senate accepts the Executive's All Funds recommendation of \$6.3 million, an increase of \$162,000 or 2.6 percent from SFY 2009-2010.

Department of Agriculture and Markets

The Senate modifies the Executive's recommendation for the Department of Agriculture and Markets by increasing local assistance appropriations by approximately \$5.8 million for a total All Funds appropriation of \$171.5 million, a 6.2 percent decrease from SFY 2009-10 levels.

The Senate increases by \$5.6 million Aid-to-Localities appropriations in the Department of Agriculture and Markets attributable to the following local assistance restorations:

- * Farm Viability Institute -- \$3,000,000
- * Wine and Grape Foundation -- \$950,000
- * Integrated Pest Management Program -- \$800,000
- * Local fairs -- \$453,000
- * Northern NY Agriculture Development Program -- \$300,000
- * Center for Dairy Excellence -- \$200,000
- * Maple Producers Program -- \$141,000
- * NYS Apple Growers Program -- \$100,000
- * Agriculture in the Classroom -- \$112,000
- * Agriculture Educators Program -- \$96,000
- * Tractor Roll-over Program -- \$94,000

The Senate also rejects the Executive's proposal to reduce by approximately \$5.7 million the reappropriations for the Farm Viability Institute from prior years.

The Senate proposes additional reductions to State Operations spending of \$894,000 to achieve savings in SFY 2010-11.

Article VII Proposals:

The Senate accepts the Executive's proposal which authorizes equine drug testing to be conducted by a State college with an Equine Sciences Program.

The Senate accepts the Executive's proposal to dissolve the Genesee Valley Regional Market Authority.

The Senate modifies the Executive's proposal to eliminate the State's role in dog licensing by requiring that counties continue to allocate a portion of the license fee for animal population control.

Banking Department

The Senate accepts the Executive's recommendation of \$107.0 million, a decrease of \$166,000 or 0.15 percent from SFY 2009-10 enacted funding levels.

Energy Research and Development Authority

The Senate accepts the Executive's All Funds recommendation of \$35.5 million, an increase of \$6.3 million or 21.7 percent from SFY 2009-10 levels.

Article VII Proposals:

The Senate accepts the Executive's proposal authorizing the comptroller to receive from NYSERDA for deposit to the General Fund a payment of \$913,000 to help offset the State's debt service related to the on-going remediation at Western New York Nuclear Service Center (West Valley).

The Senate accepts the Executive's proposal to authorize NYSERDA to finance a portion of its research, development and demonstration, and policy and planning programs from the Section 18-a assessments on gas and electric corporations. This proposal would also allow the Department of Environmental Conservation's climate change program to be funded from such assessments.

Department of Environmental Conservation

The Senate modifies the Executive's All Funds recommendation of \$1.01 billion to \$1.23 billion which is an increase of \$219.5 million over the Executive budget proposal. Overall, the change in funding would still represent a decrease of approximately \$330 million or 21.2 percent from SFY 2009-10 funding levels.

The Senate rejects the Executive's proposal to increase the State Operations appropriations of the Department of Environmental Conservation (DEC) by \$2.95 million for the provision of additional oversight and regulatory staff associated with the Marcellus Shale at DEC, the Department of Public Service, and the Department of Health.

The Senate provides a new local assistance appropriation in the amount of \$396,280 to the Interstate Environmental Commission.

Environmental Protection Fund

The Senate restores the Environmental Protection Fund (EPF) appropriations to \$222 million, by providing for additional appropriations totaling \$79 million.

Article VII Proposals:

The Senate accepts the Executive's proposal to reduce fiscal and administrative burdens on the Department of Environmental Conservation regarding public notice requirements and annual report requirements, and provide for mutual aid and assistance between other states in the forest fire protection compact.

The Senate modifies the Executive's proposal to reduce the amount of real estate transfer tax revenue deposited into the Environmental Protection Fund by providing for a repayment schedule that would direct General Fund reimbursements to the EPF beginning in 2013.

The Senate modifies the Executive's proposal relating to the waste tire management and recycling fee by extending such fee until March 31, 2013, rather than permanently. The Senate further modifies the Executive's proposal by limiting the authorization for expanded uses of revenues from the fund to only provide grants to certain eligible groups for the purchase of New York State recycled tire products. The Senate rejects the renaming of the Waste Management and Cleanup Fund.

The Senate recommends adding new Article VII legislation which would:

- * Transfer \$10 million from the Waste Tire Management and Recycling Fund to the General Fund for the support of Department of Environmental Conservation staff.
- * Clarify the Department of Environmental Conservation's existing authority to implement the Regional Greenhouse Gas Initiative (RGGI).

Environmental Facilities Corporation

The Senate accepts the Executive's All Funds recommendation of \$13.4 million, a decrease of \$721,000 or 5.4 percent from SFY 2009-2010.

Hudson River Park Trust

The Senate accepts the Executive's proposal to provide no new capital appropriations for the Hudson River Park Trust.

Insurance Department

The Senate accepts the Executive's All Funds recommendation of \$509.4 million, a \$32.7 million or 6.0 percent decrease from SFY 2009-10 levels.

Article VII Proposals:

The Senate rejects the Executive's proposal to reinstitute prior approval of small and individual market rates.

The Senate accepts the Executive's proposal to authorize superintendent discretion in relation to Healthy NY enrollment.

Job Development Corporation

The Senate rejects the Executive's proposal to eliminate two economic development agencies, the Urban Development Corporation (UDC) and the Department of Economic Development (DED) and move the associated statutory programs and supporting funding to the Job Development Authority, which will be renamed the Job Development Corporation.

The Senate proposes streamlining and improving the delivery of economic development services by restructuring programs and functions within the existing entity's, and eliminating or spinning-off functions not critical to the enti-

ty's core mission such that each is lean, efficient, and operates with distinct missions that are focused on their customer: current businesses, people that may wish to start businesses, and those that may wish to relocate businesses to the State of New York.

Department of Economic Development

The Senate makes the following recommendations with respect to the Department of Economic Development's SFY 2010-11 Budget:

- * Accepts the Executive's proposal to provide \$25 million in funding for the Small Business Revolving Loan Fund;
- * Accepts the Executive's request for a total of \$3.9 million in funding for minority and women owned business development and lending programs; however moves the funding to the Department, which houses the Minority and Women Business Division;
- * Provides \$500,000 in additional funding for the Entrepreneurial Assistance Program;
- * Provides \$1 million in funding for the Metropolitan Development Association's Grants for Growth program which supports entrepreneurs;
- * Provides \$1.5 million for the Business Outreach Centers (BOC);
- * Modifies the Executive's funding for the International Trade Program by a \$1.5 million reduction of the increased request of from \$2.7 million to a level of \$1.2 million;
- * Accepts the Executive's proposal to eliminate \$1.2 million for Pollution Prevention Program;
- * Reject \$2.2 million for contractual services spending from revenue earned from licensing the State's iconic I LOVE NY brand. The Senate proposes using these funds to restore funding to tourism programs;
- * The Senate accepts the Executive's proposed total reduction of \$3.5 million for tourism. The Senate recommends a line out of the funding for the I love NY, explore NY and the 5-A matching grant programs.
- * Accepts elimination of \$392,000 in contractual funding for operation of welcome centers at Beekmantown and Binghamton;
- * Provides \$15 million for the North Country Revolving Loan Fund;
- * Provides \$15 million for the Community Development Financial Institutions (CDFI) Revolving Loan Fund;
- * Provides \$15 million for Biofuels Incentive Loan Fund.

Article VII for the Department of Economic Development's SFY 2010-11 Budget:

The Senate modifies the Executive's proposed legislation creating a \$25 million Small Business Revolving Loan Fund to ensure that participation by minority and women-owned business enterprises is maximized.

The Senate proposes legislation to establish the Biomass Incentive Fund to fund costs associated with the conversion of fallow or underutilized agricultural land to production of crops suitable for bio-energy production.

The Senate proposes legislation creating a Community Development Financial Institutions (CDFI) Revolving Loan Fund. CDFIs currently have significant opportunity to leverage federal matching funds.

The Senate proposes legislation creating a North Country Revolving Loan Fund.

Urban Development Corporation d.b.a Empire State Development

The Senate makes the following recommendations with respect to the Urban Development Corporation's SFY 2010-11 Budget:

- * Accepts the Executive's proposal to provide \$31.2 million for the Empire State Economic Development Fund, of which \$25 million is capital funds;
- * Accepts the Executive's proposal to continue \$4.9 million in funding for contractual obligations to the University of Buffalo's Krabbe Disease Research Center, Albany Institute for nano-electronics INDEX Center and retention of professional football in Western New York;
- * Accepts the Executive's proposal to provide \$3.4 million for the Urban and Community Development Program (UCDP);
- * Accepts the Executive's proposed elimination of \$2.5 million in funding to support operating costs;
- * Proposes \$50 million in capital funding for Restore NY II.

Article VII for the Urban Development Corporation's SFY 2010-11 Budget:

The Senate modifies the Executive's proposed legislation establishing a new \$25 million New Technology Seed Fund to provide for regional distribution.

The Senate modifies the proposal to make the Urban Development Corporations' power to grant loans permanent by providing a one year extension.

The Senate modifies the Executive's proposed legislation authorizing spending of up to \$46.4 million in funds received from Port Authority of New Jersey and New York (PANYNJ).

The Senate rejects the Executive's proposed consolidation legislation that eliminates both the Urban Development Corporation (d/b/a Empire State Development Corporation) and Department of Economic Development and adds the statutory authority of both entities to the powers of a third entity, the Job Development Authority, a public benefit corporation, renamed the New York State Job Development Corporation (JDC).

The Senate proposes capital funding for a RestoreNY II program to build on the roots of a recognized and successful program. The new program will focus on smaller community projects that can lead to immediate job creation and skill-building opportunities in local economies through construction, rehabilitation, demolition.

Division of Lottery

The Senate accepts the Executive's All Funds recommendation of \$95.3 million, a decrease of \$22.2 million or 18.9 percent from SFY 2009-10 levels.

Article VII Proposals:

The Senate accepts the Executive's proposal to extend the hours of video lottery terminals (VLT) operation.

The Senate accepts the Executive's proposal to eliminate various restrictions on Quick Draw.

The Senate proposes to establish electronic table games at current VLT locations.

Metropolitan Transportation Authority

The Senate accepts the Executive's recommendation to provide no new capital appropriations for the Metropolitan Transportation Authority (MTA). The only capital funding made available to the MTA in SFY 2010-11 would be authorized through re-appropriation of spending authority from previous State fiscal years.

Article VII Proposals:

The Senate accepts the Executive's proposal to eliminate the ability of MTA employees to receive double the amount of workers' compensation benefits when injuries occur on property leased from the City of New York.

The Senate accepts the proposal to authorize the MTA to extend owner-controlled insurance to all capital projects undertaken by the Authority.

The Senate modifies the Executive's proposal to authorize the MTA to establish a pilot program to test the use of electronic bidding by limiting the scope of the pilot program.

The Senate modifies the Executive's proposal to authorize the City of New York and the MTA to install bus lane cameras to improve traffic enforcement of bus lanes by providing that such cameras may only be used on the network of bus lanes existing as of April 1, 2010.

The Senate rejects the Executive's proposal to eliminate the ability of individuals to bring a suit against the MTA when injuries result from reckless or deliberate conduct.

Department of Motor Vehicles

The Senate accepts the Executive's recommended All Funds appropriation of \$355.9 million, a 1.0 percent reduction from SFY 2009-10 enacted levels.

Article VII Proposals:

The Senate accepts the Executive's proposal to allow the Department of Motor Vehicles (DMV) to take advantage of bulk mailing rates for notices of suspension and revocation by utilizing the addresses on file with the United States Postal Service.

The Senate rejects the Executive's proposal to increase the law enforcement motor vehicle accident report threshold from \$1,000 to \$3,000, as well as eliminate the requirement that motorists also file accident reports, by rejecting the proposed increase to the reporting threshold.

Olympic Regional Development Authority

The Senate eliminates the Executive's All Funds recommendation of \$6.6 million for the Olympic Regional Development Authority.

Office of Parks, Recreation, and Historic Preservation

The Senate modifies the Executive's All Funds recommendation of \$271.2 million to \$303.2 million which is an increase of \$32 million over the Executive's proposal, but an overall decrease of \$28.4 million or 8.6 percent from SFY 2009-10 enacted levels of funding.

The additional increase of \$32 million over the Executive's proposal is attributed to the following actions:

- * The Senate rejects the Executive's proposal to close 57 State parks and historic sites and reduce service at another 22 parks and historic sites by providing additional appropriations totaling \$6 million for Parks operations.
- * The Senate rejects the Executive's proposal to transfer \$5 million in Parks operating costs to the Environmental Protection Fund by providing an additional \$5 million in appropriations for Parks operations.
- * The Senate rejects the Executive's proposal to transfer \$15 million in capital funding for Parks infrastructure to the Environmental Protection Fund by providing for additional bonded capital to be appropriated from the State Parks Infrastructure Fund.
- * The Senate provides an additional appropriation of \$1 million to institute the New York State Conservation Corps, established in the Office of Parks, Recreation and Historic Preservation in 1983.
- * The Senate provides an additional local assistance appropriation of \$5 million for the payment of State taxes on forest preserve lands to reflect the Senate's rejection of the Executive's proposal to use monies from the Environmental Protection Fund to pay for these expenses.

Article VII Proposals:

The Senate accepts the Executive's proposal to reduce the authorized reimbursement rate paid to governmental entities that voluntarily enforce the provisions of the Navigation Law.

The Senate rejects the Executive's proposal to expand the authorized use of funds in the Snowmobile Trail Development and Maintenance Fund.

Department of Public Service

The Senate accepts the Executive's All Funds recommendation of \$76.4 million, a decrease of \$4.7 million or 5.8 percent from SFY 2009-10 levels.

State Racing and Wagering Board

The Senate accepts the Executive's All Funds recommendation of \$22.5 million, a decrease of \$2.7 million or 10.8 percent.

Article VII Proposal:

The Senate accepts the Executive's proposal to make technical corrections to the distribution formula associated with the Niagara Falls Casino.

Governor's Office of Regulatory Reform

The Senate accepts the Executive's recommendation of \$2.35 million, a decrease of \$722,521 or 23.5 percent from SFY 2009-10 levels

Foundation for Science, Technology and Innovation

The Senate modifies the Executive's recommendation as follows:

- * Eliminates \$751,000 in funding for the Faculty Development Program and \$870,000 for the Technology Transfer Incentive Program;
- * Eliminates \$100 million in funding for the Executive's Innovation Economy Matching Grants Program;
- * Provides \$1 million in funding for the New York Incubator Network;
- * Provides \$4.2 million funding for the Training-On-the-Go initiative of which \$3 million is for capital;
- * Provides \$800,000 in additional funding for NYSTAR's ten Regional Technology Development Centers (RTDCs);

Therefore, the Senate recommends All Funds appropriations of \$46.6 million for NYSTAR, a increase of \$3.3 million from SFY 2009-10 levels.

Article VII Proposals:

The Senate proposes legislation establishing the New York Incubator Network that will provide operating funds to a Statewide network of ten university affiliated incubators designated by NYSTAR for a five year term using a competitive selection process.

The Senate proposes legislation creating the Training-On-the-Go initiative for portable training facilities that can be shared between institutions. NYSTAR will provide competitively awarded grants to educational or qualified not-for-profit institutions for design, development, outfit of portable laboratory and/or training facilities that complement certificate, degree or other recognized credentialing programs leading to employment in high value and technology or advanced manufacturing, green energy or other high demand occupations.

Department of State

The Senate accepts the Executive's All Funds recommendation of \$183 million, a decrease of \$18.4 million or 9.1 percent from SFY 2009-10 levels, with the following modifications:

The Senate proposes to reduce by \$1 million the non-personal service appropriations for the Business and Licensing Program.

The Senate restores \$4.4 million in funding for civil or criminal legal services.

The Senate rejects the Executive's proposal to house the new Office of Indigent Defense in the Division of Criminal Justice Services and subsequently transfers all appropriations totaling \$80 million associated with the new Office of Indigent Defense and funding under the Indigent Legal Services Fund to the Department of State.

The Senate accepts the transfer of some of the functions of the Office of Fire Prevention and Control into the newly created Division of Homeland Security and Emergency Services.

Article VII Proposals:

The Senate modifies the Executive's budget proposal to authorize the Department of State to regulate the conduct of professional mixed martial arts by providing for stricter controls and regulations of the sport.

The Senate accepts the Executive's proposal to extend for one year the funding distribution formula for the Community Services Block Grant.

The Senate accepts the Executive's proposal to extend for one year the Secretary of State's authority to charge increased fees for expediting the handling of documents.

The Senate accepts the Executive's proposal to streamline the classification of Not-For-Profit Corporations.

Department of Taxation and Finance

The Senate modifies the Executive's All Funds recommendation of \$540.3 million, an increase of \$7.125 million or 1.3 percent from SFY 2009-10 levels, as follows:

- * The Senate reduces personal service funding for the Audit, Collection, and Enforcement program by \$8.9 million.

Article VII proposals:

- * The Senate accepts the Executive's recommendation to authorize electronic reporting of property assessment information and e-filing of real property transfer forms.
- * The Senate accepts the Executive's recommendation to restructure State Aid for Local Governments to assess real property at full value.
- * The Senate modifies the Executive's recommendation to merge the Office of Real Property Tax Services with the Department of Taxation and Finance to retain the State Board of Real Property Services.

Division of Tax Appeals

The Senate accepts the Executive's All Funds recommendation of \$2.9 million, a decrease of \$440,000 or 13.1 percent from SFY 2009-10 levels.

Thruway Authority

The Senate accepts the Executive's proposal to maintain capital funding for the Canal Development Program at \$2 million, representing no change from SFY 2009-10 levels.

Department of Transportation

The Senate modifies the Executive's recommendation for the Department of Transportation (DOT) by increasing appropriations by \$1.6 billion for a total All Funds appropriation of \$10.3 billion, a 15.6 percent decrease from SFY 2009-10 levels. Modifications are as follows:

- * The Senate increases overall appropriations for transit operating assistance by \$61.5 million to reflect the following:
 - * An addition of \$20.5 million to reflect a full restoration of transit operating assistance to SFY 2009-10 levels, and
 - * An addition of \$41 million for the MTA Reduced Fare for School Children line appropriation to reflect the State's share of the State and Local contribution toward that program.
- * The Senate proposes to increase the DOT capital program for SFY 2010-11 by an additional \$1.5 billion to reflect the position that the new two-year DOT Capital Program should be increased by approximately \$3 billion over two years - to a total of \$10 billion - to make such plan commensurate with the original proposal submitted by DOT in October of 2009 that reflected the actual level of capital infrastructure need that must be addressed by the State.

The Senate also rejects the Executive's proposal to reduce Multi-Modal Program reappropriations by \$101 million in SFY 2010-11, a 50 percent reduction to the current remaining balance of the allocations for the Executive and Legislature.

The Senate recommends continued support of high speed passenger rail, and the use of existing State reappropriations to fund the expenses of a Legislative Commission to examine and study the feasibility of high speed rail in New York State and make a recommendation regarding the best instrument for the governance and operation of a high speed rail network in the State.

Article VII Proposals:

The Senate accepts the following Executive proposals:

- * The Senate accepts the Executive's proposal to authorize funding for the Marchiselli Program at the level of \$39.7 million. The Senate also accepts the Executive's proposal to authorize funding for the Consolidated Local Highway Improvement Program at \$363.1 million. Both programs would be maintained at the SFY 2009-10 authorization levels.
- * The Senate accepts the proposal to consolidate DOT's Accident Damage Account into the Dedicated Highway and Bridge Trust Fund.

The Senate accepts the Executive's proposal to eliminate the ability of an industrial development authority to grant an exemption on the additional portion of the mortgage recording tax to raise additional funding for transit systems.

- * The Senate accepts the proposal to extend for one year the provisions of the DOT Single Audit Program.

- * The Senate also accepts the Executive's proposal to transfer \$763.1 million from the General Fund to the Dedicated Highway and Bridge Trust Fund to fill the projected cash shortfall in the Dedicated Highway and Bridge Trust Fund in SFY 2010-11.

The Senate modifies the following Executive proposal:

- * The Senate modifies the Executive's proposal to establish a waiver process allowing transit systems to temporarily defer compliance with diesel retrofit requirements by eliminating the waiver process and providing for a two to three year extension.

The Senate recommends that the following new Article VII proposals be included in the SFY 2010-11 Budget:

- * The Senate proposes to restrict the Department of Transportation from obligating any new capital projects (not presently lined out in the 2005-2010 DOT Capital Program project book) from SFY 2010-11 capital appropriations until the proposed project book for the new two-year capital program has been provided to the Executive and Legislature for review and a memorandum of understanding outlining the details of the new two-year capital program has been signed.

The Senate further proposes the establishment of a commission to examine alternative revenue sources for the financing for both DOT and MTA capital infrastructure to reflect the Senate's position that the new capital programs of both DOT and MTA should be multi-year programs that adequately address the transportation capital infrastructure needs of New York State.

Green Thumb Program

The Senate accepts with the Executive's All Funds recommendation of \$2.8 million, a decrease of \$49,000 or 1.7 percent from SFY 2009-2010.

Hudson River Valley Greenway Heritage Conservancy

The Senate accepts with the Executive's All Funds recommendation of \$184,000, which represents the same level of funding as that provided in SFY 2009-2010.

Hudson River Valley Greenway Communities Council

The Senate accepts with the Executive's All Funds recommendation of \$339,000, a decrease of \$119,000 or 25.9 percent from SFY 2009-2010.

Tribal State Compact

The Senate accepts the Executive's All Funds recommendation of \$39.1 million, a decrease of \$8.5 million or 17.9 percent.

New York Power Authority

The Senate accepts the Executive's proposal to transfer \$65 million from the New York Power Authority to the General Fund; \$40 million would be transferred in June of 2010 and the remaining \$25 million would be swept in January of 2011.

REVENUE BILL ARTICLE VII

The Senate rejects the Executive's proposal to impose a severance tax on the extraction of natural gas from the Marcellus and Utica Shale formations.

The Senate rejects the Executive's proposal to increase the Excise Tax on cigarettes.

The Senate rejects the Executive's proposal to impose an excise tax on syrups, simple syrups, bottled soft drinks, or powders or base productions.

The Senate accepts the Executive's proposal to equalize the tax treatment of corporations and unincorporated businesses with respect to the calculation of the maximum allowable Biofuel and QETC Tax credits.

The Senate accepts the Executive's proposal to subject income received by nonresidents as a result of termination agreements or non-competition agreements to the Personal Income Tax.

The Senate accepts the Executive's proposal to clarify that gains from the sale of property located in New York that are received by nonresident shareholders of S corporations are considered New York source income under the Personal Income Tax.

The Senate rejects the Executive's proposal to amend the tax treatment of resident nontestamentary trusts.

The Senate accepts the Executive's proposal to require certain financial institutions to file informational returns.

The Senate accepts the Executive's proposal to authorize the use of statistical sampling for sales tax purposes.

The Senate accepts the Executive's proposal to improve the administration of the Department of Taxation and Finance Electronic Filing Program.

The Senate rejects the Executive's proposal to replace the use of certified and registered mail as a means of providing tax bill and notices.

The Senate accepts the Executive's proposal to Reform the Offer In Compromise program of the Department of Taxation and Finance.

The Senate accepts the Executive's proposal to require the Department of Taxation and Finance to provide recommendations to reform State and local taxes on telecommunications services.

The Senate accepts the Executive's proposal to eliminate the sunset of Quick Draw and to eliminate certain restrictions on the game.

The Senate accepts the Executive's proposal to extend the hours of operations of video lottery terminals and to repeal the sunset date of the VLT program.

The Senate rejects the Executive's recommendation to expand the base of the mortgage recording tax to include sales of cooperatives.

The Senate rejects the Executive's proposal to provide a school property tax circuit breaker credit and fund such credit with a budget surplus.

The Senate accepts the Executive's proposal to clarify the tax treatment of same sex marriages.

The Senate accepts the Executive's proposal to amend the definition of affiliate nexus to exclude those companies whose only affiliation with the seller is as a parent company.

The Senate rejects the Executive's proposal to allow the sale of wine in grocery and drug stores.

The Senate accepts the Executive's proposal to increase the annual aggregate allocation of the Low-Income Housing Credit by \$4 million.

The Senate accepts the Executive's proposal to extend the Film Production Tax Credit Program.

The Senate modifies the Executive's proposal to establish the Excelsior Jobs Program.

The Senate accepts the Executive's proposal to make technical corrections to the Empire Zones reforms of 2009.

The Senate accepts the Executive's proposal to extend the bank tax reforms of 1985 and 1987, and the Gramm-Leach-Bliley transitional provisions.

The Senate accepts the Executive's proposal to make technical corrections to the tax enforcement provisions enacted in SFY 2009-10.

The Senate accepts the Executive's proposal to extend the lower Pari-mutuel Tax rates and simulcasting rules for one year.

The Senate accepts the Executive's proposal to retain the unified credit under the Estate Tax at \$1 million.

The Senate accepts the Executive's proposal to make technical corrections to the Brownfields Program.

The Senate accepts with the Executive's proposal to make technical corrections to the MTA Taxicab Ride Tax.

The Senate modifies the Executive's proposal to amend the rates of the MTA Mobility Tax by rejecting the Executive's increase to New York City businesses and instead proposing to authorize a business tax credit for a portion of the MTA mobility tax which would be graduated based upon usage of the MTA's system by county.

The Senate proposes the creation of an Empire State Film Post Production Credit.

The Senate proposes to exempt liveries from the sales tax on transportation services.

The Senate proposes to improve the mechanism by which the state recovers illegally obtained funds and property.

The Senate proposes the restructuring of the tobacco settlement payment bonds.

The Senate proposes to impose the excise tax on little cigars at the same rate as cigarettes.

The Senate proposes the legalization of medical marijuana.

The Senate proposes the imposition of the sales tax on hotel rooms booked over the Internet.

The Senate proposes to strengthen the publication requirements regarding the formation of Limited Liability Companies (LLC's).

The Senate rejects all Medicaid Provider Assessments proposed by the Executive totaling \$216 million.

The Senate proposes that wholesale dealers shall sell only tax stamped cigarettes to all purchasers, including qualified reservation sellers, but that the tax shall not be collected on any purchase for which the purchaser presents a valid Indian tax exemption coupon.

The Senate proposes that the State participate in the Workers' Compensation Board's plan, pursuant to the Workers' Compensation Reform legislation of 2007, to purchase the rights of insurers to further reimbursement for compensation claims from the Second Injury Fund.

The Senate proposes to establish electronic table games at current VLT locations.

LOCAL GOVERNMENT ASSISTANCE

The Senate partially restores \$150 million to New York City under the Aid and Incentives for Municipalities (AIM) Program over the Executive's recommendation, which is to eliminate the total AIM funding to New York City of \$301.7 million.

The Senate partially restores \$3.57 million to municipalities (Buffalo, \$1.7 million; Yonkers, \$1.1 million; Syracuse, \$751,000) outside of New York City under the Aid and Incentives for Municipalities (AIM) Program over the Executive's recommendation, which is to reduce AIM funding to municipalities outside New York City by \$15.1 million from SFY 2009-10 levels.

The Senate accepts the Executive's recommendation to eliminate approximately \$668,000 to Erie County under the Aid and Incentives for Municipalities (AIM) Program.

The Senate accepts the Executive's recommendation to reduce funding for the Local Government Efficiency Grant Program by \$3.4 million from SFY 2009-10 levels.

The Senate accepts the Executive's recommendation to reduce State aid provided to municipalities in which a video lottery gaming facility is located (except for the City of Yonkers, which is held harmless) by approximately \$690,000 from SFY 2009-10 levels.

The Senate proposes to add a miscellaneous payment of \$6.1 million to the City of Yonkers.

The Senate proposes to add a miscellaneous payment to the City of Mount Vernon totalling \$338,000.

Article VII Proposals:

The Senate modifies the Executive's recommendation to eliminate funding to New York City under the Aid and Incentives for Municipalities (AIM) Program by restoring \$150 million to New York City.

The Senate modifies the Executive's recommendation to reduce funding to municipalities outside of New York City by either 2 percent or 5 percent depending on a municipalities AIM reliance under the Aid and Incentives for

Municipalities (AIM) Program. The Senate reduces a municipality's AIM funding by 1 percent if its AIM reliance is at least 25 percent. The Senate accepts the Executive's recommendation that if a municipality's AIM reliance is less than 10 percent then it should receive a AIM reduction of 5 percent. The Senate modifies the Executive proposal by reducing AIM funding by 2 per cent to a municipality if its AIM reliance is at least 10 percent but less than 25 percent.

The Senate accepts the Executive's recommendation to reduce State aid provided to municipalities in which a video lottery gaming facility is located (except for the City of Yonkers, which is held harmless) by 10 percent from SFY 2009-10 levels.

The Senate modifies the Executive's recommendation to place a four-year moratorium on new significant unfunded legislative mandates on local governments and school districts by making the moratorium permanent.

The Senate accepts the Executive's recommendation to provide local governments with additional flexibility to restructure and share services.

The Senate modifies Part FF of the PPGG Article VII of the Executive's recommendation to increase procurement flexibility for local governments and the State as follows: The Senate rejects providing local governments with the option of advertising for bids in the Contract Reporter in addition to their official newspaper. The Senate maintains the current law to require local governments to advertise bids in their official newspaper. The Senate accepts the Executive's following proposals: increase the competitive bidding thresholds for public works contracts from \$35,000 to \$50,000 and commodities contracts from \$10,000 to \$20,000, while clarifying the existing rule against artificially dividing a contract to avoid the competitive bidding requirements; allow local governments to require that bids be submitted in an electronic format; provide for submitting the statement of non-collusion electronically; allow local governments to hold reverse auctions; allow local governments to award contracts based on "best value"; allow local governments to "piggyback" on certain federal GSA contracts as well as the contracts let by other states and local governments; and to increase from \$50,000 to \$100,000 the threshold under which short form construction contracts (using abbreviated advertising and not requiring a performance bond) may be issued.

The Senate modifies Part GG of the PPGG Article VII of the Executive's recommendation to provide additional oversight and accountability for commissioner-run special districts. The Senate rejects the Executive's recommendation to prohibit special district commissioners ("district commissioners") from receiving compensation for their services. The Senate modifies the Executive's proposal to transfer to town boards most of management responsibilities for town special districts providing sanitary, refuse, or garbage services by having this provision only apply to towns with a population over 500,000. The Senate accepts the Executive's recommendation to re-establish a process for a town board or citizens to abolish the offices of town improvement district commissioners.

The Senate modifies Part HH of PPGG Article VII the Executive's recommendation to provide local governments with additional revenue options as follows: The Senate accepts the Executive's recommendation to permit local governments to make deposits in credit unions, savings banks, and savings and loan associations. The Senate rejects the following Executive revenue option proposals to permit local governments to: charge fees for accident reports at rates not to exceed those authorized by the State Police; charge fees for ambulance services provided by their fire departments outside of New York City; charge for the provision of additional police protection to paid-admission events; and, to increase the maximum rate at which cities and villages are authorized to impose local gross receipts taxes on utilities from one percent to three percent.

The Senate proposes to add language to spin-up \$15 million in Aid and Incentives for Municipalities (AIM) funding for the City of Yonkers.

The Senate proposes to add new language to clarify that the wage freeze is not authority assistance for determining the end of a control period and the beginning of an advisory period by the Buffalo Fiscal Stability Authority.

The Senate modifies the Executive's recommendation to reduce reappropriations for Efficiency Incentive Grants (EIG) to the City of Buffalo and Erie County. The Senate restores \$4.6 million in reappropriations (\$1.6 million restoration on a cash basis for SFY 2010-11) for EIG to the City of Buffalo. The Senate accepts the Executive's proposal to reduce reappropriations by \$7.4 million (\$2.5 million reduction on a cash basis for SFY 2010-11) for EIG to Erie County.

The Senate proposes to add language clarifying and reaffirming the intent of existing law regarding reimbursement of the Brooklyn Navy Yard Cogeneration Partners Plant by Con Edison.

School Property Tax Relief (STAR) Program

The Senate proposes to add \$291 million to restore the Middle Class School Property Tax Relief (STAR) Rebate check program for senior citizens using the SFY 2008-09 eligibility formula.

Article VII Proposals:

The Senate proposes to add language to restore the Middle Class School Property Tax Relief (STAR) Rebate check program for senior citizens using the SFY 2008-09 eligibility formula.

The Senate rejects the Executive's recommendation to eliminate the STAR exemption benefit for properties having an equalized value of \$1.5 million or more.

The Senate rejects the Executive's recommendation to lower the STAR "floor" from 89% to 82%.

The Senate rejects the Executive's recommendation to restructure the New York City STAR Personal Income Tax Credit by limiting the tax reduction benefit to the first \$250,000 of income.

RESOSE

SHORT TITLE: Expresses the position of the Senate relating to the 2010-2011 New York state budget

BLURB: ResoSen budget position;2010-2011