

S. 5491

AN ACT to amend the public health law, in relation to high cost drugs; to amend the tax law, in relation to surcharges on high priced drugs; to amend the tax law, in relation to secrecy provisions; to amend the state finance law, in relation to the high priced drug reimbursement fund; to amend the social services law, in relation to the drug utilization review board; to amend the social services law, in relation to Medicaid reimbursement of covered outpatient drugs; to authorize the suspension of a provider's Medicaid enrollment for inappropriate prescribing of opioids; to amend the social services law, in relation to refills of controlled substances; to amend the public health law and the social services law, in relation to eliminating prescriber prevails with the exception of mental health medications; to amend the public health law, in relation to authorizing for comprehensive medication management by pharmacists; to amend the social services law, in relation to reducing Medicaid coverage and increasing copayments for non-prescription drugs, to aligning pharmacy copayment requirements with federal regulations, and to adjusting consumer price index penalties for generic drugs; and to repeal subdivision 25-a of section 364-j of the social services law, relating to the coverage of certain medically necessary prescription drugs by managed care providers (Subpart A); to amend the social services law, in relation to fiscal intermediary certification under the consumer directed personal assistance program; and to amend the public health law, in relation to reserved bed days and establishing a prospective per diem adjustment for certain nursing homes (Subpart B); to amend part H of chapter 59 of the laws of 2011, amending the public health law and other laws relating to known and projected department of health state fund Medicaid expenditures, in relation to extending the Medicaid global cap (Subpart C); to amend the New York Health Care Reform Act of 1996, in relation to extending certain provisions relating thereto; to amend the New York Health Care Reform Act of 2000, in relation to extending the effectiveness of provisions thereof; to amend the public health law, in relation to the distribution of pool allocations and graduate medical education; to amend the public health law, in relation to health care initiative pool distributions; to amend the social services law, in relation to extending payment provisions for general hospitals; to amend the public health law, in relation to the assessments on covered lives; to amend chapter 600 of the laws of 1986 amending the public health law relating to the development of pilot reimbursement programs for ambulatory care services, in relation to the effectiveness thereof; to amend chapter 520 of the laws of 1978 relating to providing for a comprehensive survey of health care financing, education and illness prevention and creating councils for the conduct thereof, in relation to the effectiveness thereof; to amend the public health law and the social services law, in relation to rates of payment for personal care services workers; to amend the public health law, in relation to the comprehensive diagnostic and treatment centers indigent care program; to amend chapter 62 of the laws of 2003 amending the general business law and other laws relating to enacting major components necessary to implement the state fiscal plan for the 2003-04 state fiscal year, in relation to the deposit of certain funds; to amend chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, in relation to apportioning premium for certain policies; to amend part J of chapter 63 of the laws of 2001 amending chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical

conduct, in relation to extending certain provisions concerning the hospital excess liability pool; and to amend the public health law, in relation to tobacco control and insurance initiatives pool distributions (Subpart D); to amend chapter 884 of the laws of 1990, amending the public health law relating to authorizing bad debt and charity care allowances for certified home health agencies, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 2014 amending the social services law relating to eliminating prescriber prevails for brand name drugs with generic equivalents, in relation to the effectiveness thereof; to amend the public health law, in relation to extending the nursing home cash assessment; to amend chapter 474 of the laws of 1996, amending the education law and other laws relating to rates for residential health care facilities, in relation to the effectiveness thereof; to amend chapter 58 of the laws of 2007, amending the social services law and other laws relating to enacting the major components of legislation necessary to implement the health and mental hygiene budget for the 2007-2008 state fiscal year, in relation to delay of certain administrative cost; to amend chapter 81 of the laws of 1995, amending the public health law and other laws relating to medical reimbursement and welfare reform, in relation to the effectiveness thereof; to amend chapter 109 of the laws of 2010, amending the social services law relating to transportation costs, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2013 amending chapter 59 of the laws of 2011, amending the public health law and other laws relating to general hospital reimbursement for annual rates relating to the cap on local Medicaid expenditures, in relation to the effectiveness thereof; to amend chapter 2 of the laws of 1998, amending the public health law and other laws relating to expanding the child health insurance plan, in relation to the effectiveness thereof; to amend chapter 19 of the laws of 1998, amending the social services law relating to limiting the method of payment for prescription drugs under the medical assistance program, in relation to the effectiveness thereof; to amend the public health law, in relation to continuing nursing home upper payment limit payments; to amend chapter 904 of the laws of 1984, amending the public health law and the social services law relating to encouraging comprehensive health services, in relation to the effectiveness thereof; to amend chapter 62 of the laws of 2003, amending the public health law relating to allowing for the use of funds of the office of professional medical conduct for activities of the patient health information and quality improvement act of 2000, in relation to extending the provisions thereof; to amend chapter 59 of the laws of 2011, amending the public health law relating to the statewide health information network of New York and the statewide planning and research cooperative system and general powers and duties, in relation to the effectiveness thereof; to amend chapter 58 of the laws of 2008, amending the elder law and other laws relating to reimbursement to participating provider pharmacies and prescription drug coverage, in relation to extending the expiration of certain provisions thereof; and to amend the public health law, in relation to issuance of certificates of authority to accountable care organizations (Subpart E); to amend chapter 56 of the laws of 2013 amending chapter 59 of the laws of 2011 amending the public health law and other laws relating to general hospital reimbursement for annual rates relating to the cap on local Medicaid expenditures, in relation to extending government rates for behavioral services and adding an alternative payment methodology; and to amend chapter 111 of the laws of 2010 relating to increasing Medicaid payments to providers through managed care organizations

and providing equivalent fees through an ambulatory patient group methodology, in relation to extending government rates for behavioral services and adding a value based payment requirement (Subpart F); to amend chapter 57 of the laws of 2006, relating to establishing a cost of living adjustment for designated human services programs, in relation to forgoing such adjustment during the 2017-2018 state fiscal year and the effectiveness thereof (Subpart G); to amend the social services law, in relation to health homes; to amend the social services law, in relation to managed care programs; to amend the social services law, in relation to pasteurized donor human milk and ovulation enhancing drugs; to amend public health law, in relation to home care work wage parity; in relation to authorizing the commissioner of health to sell accounts receivables balances owed to the state by Medicaid providers to financial institutions; and providing for the expiration of certain provisions (Subpart H)(Part A); to provide for the administration of certain funds and accounts related to the 2017-18 budget and authorizing certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund and payments, transfers and deposits; to amend the state finance law, in relation to the dedicated infrastructure investment fund; to amend chapter 62 of the laws of 2003 amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, in relation to the deposit provisions of the tobacco settlement financing corporation act; to amend the state finance law, in relation to establishing the retiree health benefit trust fund; to amend chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, in relation to funding project costs undertaken by non-public schools; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority; to amend chapter 61 of the laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the issuance of bonds; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program; to amend chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of peace bridge and transportation capital projects; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the New York state medical care facilities finance agency act, in relation to

bonds and mental health facilities improvement notes; to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the public authorities law, in relation to authorization for issuance of bonds for the capital restructuring bond finance program and the health care facility transformation program to amend the state finance law and the public authorities law, in relation to funding certain capital projects and the issuance of bonds; to repeal sections 58, 59 and 60 of the state finance law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Subpart A); to amend the vehicle and traffic law and the state finance law, in relation to allocation of three million dollars of assessments from the city of New York to the general fund; and providing for the repeal of such provisions upon expiration thereof (Subpart B)(Part B); to amend chapter 62 of the laws of 2003 amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the disposition of revenues (Subpart A); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Subpart B); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Subpart C); to amend the infrastructure investment act, in relation to the definition of an authorized entity that may utilize design-build contracts, and in relation to the effectiveness thereof (Subpart D); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the expiration date thereof (Subpart E); to amend the navigation law, in relation to establishing the New York environmental protection and spill remediation account (Subpart F)(Part C); to amend the tax law and the administrative code of the city of New York, in relation to the school tax reduction credit for residents of a city with a population of one million or more; and to repeal section 54-f of the state financial law relating thereto (Subpart A); to amend chapter 59 of the laws of 2014, amending the tax law relating to serving an income execution with respect to individual tax debtors without filing a warrant, in relation to extending the provisions authorizing service of income executions on individual tax debtors without filing a warrant(Subpart B); to amend the tax law, in relation to clarifying the imposition of sales tax on gas service or electric service of whatever nature (Subpart C); to amend the tax law and administrative code of the city of New York, in relation to qualified financial instruments of RICS and REITS (Subpart D)(Part D)

1 **The People of the State of New York, represented in Senate and Assembly, do**
 2 **enact as follows:**

3 Section 1. This act enacts into law major components of legislation
 4 which are necessary to implement the state fiscal plan for the 2017-2018
 5 state fiscal year. Each component is wholly contained within a Part
 6 identified as Parts A through D. The effective date for each particular
 7 provision contained within such Part is set forth in the last section of such

1 Part. Any provision in any section contained within a Part, including the
 2 effective date of the Part, which makes a reference to a section "of this
 3 act", when used in connection with that particular component, shall be deemed
 4 to mean and refer to the corresponding section of the Part in which it is
 5 found. Section three of this act sets forth the general effective date of
 6 this act.

7 PART A

8 Section 1. This act enacts into law major components of legislation
 9 which are necessary to implement the state health and mental hygiene budget
 10 for the 2017-2018 state fiscal year. Each component is wholly contained
 11 within a Subpart identified as Subparts A through H. The effective date for
 12 each particular provision contained within such Subpart is set forth in the
 13 last section of such Subpart. Any provision in any section contained within a
 14 Subpart, including the effective date of the Subpart, which makes a reference
 15 to a section "of this act", when used in connection with that particular
 16 component, shall be deemed to mean and refer to the corresponding section of
 17 the Subpart in which it is found. Section three of this act sets forth the
 18 general effective date of this act.

19 SUBPART A

20 Section 1. The public health law is amended by adding a new section 280 to
 21 read as follows:

22 § 280. Medicaid drug cap. 1. The legislature hereby finds and declares
 23 that there is a significant public interest for the Medicaid program to
 24 manage drug costs in a manner that ensures patient access while providing
 25 financial stability for the state and participating providers. Since two
 26 thousand eleven, the state has taken significant steps to contain costs in
 27 the Medicaid program by imposing a statutory limit on annual growth. Drug
 28 expenditures, however, continually outpace other cost components causing
 29 significant pressure on the state, providers, and patient access operating
 30 under the Medicaid global cap. It is therefore intended that the department
 31 establish a Medicaid drug cap as a separate component within the Medicaid
 32 global cap as part of a focused and sustained effort to balance the growth of
 33 drug expenditures with the growth of total Medicaid expenditures.

34 2. The commissioner shall establish a year to year department of health
 35 state-funds Medicaid drug spending growth target as follows:

36 (a) for state fiscal year two thousand seventeen--two thousand eighteen,
 37 be limited to the ten-year rolling average of the medical component of the
 38 consumer price index plus five percent and minus a pharmacy savings target of
 39 fifty-five million dollars; and

40 (b) for state fiscal year two thousand eighteen--two thousand nineteen,
 41 be limited to the ten-year rolling average of the medical component of the
 42 consumer price index plus four percent and minus a pharmacy savings target of
 43 eighty-five million dollars.

44 3. The department and the division of the budget shall assess on a
 45 quarterly basis the projected total amount to be expended in the year on a
 46 cash basis by the Medicaid program for each drug, and the projected annual

1 amount of drug expenditures for all drugs, which shall be a component of the
2 projected department of health state funds Medicaid expenditures calculated
3 for purposes of sections ninety-one and ninety-two of part H of chapter
4 fifty-nine of the laws of two thousand eleven. For purposes of this section,
5 state funds Medicaid drug expenditures include amounts expended for drugs in
6 both the Medicaid fee-for-service and Medicaid managed care programs, minus
7 the amount of any drug rebates or supplemental drug rebates received by the
8 department, including rebates pursuant to subdivision five of this section
9 with respect to rebate targets.

10 (a) In the event the director of the budget determines, based on Medicaid
11 drug expenditures for the previous quarter or other relevant information,
12 that the total department of health state funds Medicaid drug expenditure is
13 projected to exceed the annual growth limitation imposed by subdivision two
14 of this section, the commissioner may identify and refer drugs to the drug
15 utilization review board established by section three hundred sixty-nine-bb
16 of the social services law for a recommendation as to whether a target
17 supplemental Medicaid rebate should be paid by the manufacturer of the drug
18 to the department and the target amount of the rebate.

19 (b) If the department intends to refer a drug to the drug utilization
20 review board pursuant to paragraph (a) of this subdivision, the department
21 shall notify the manufacturer of such drug and shall attempt to reach
22 agreement with the manufacturer on a rebate for the drug prior to referring
23 the drug to the drug utilization review board for review.

24 (c) In the event that the commissioner and the manufacturer have
25 previously agreed to a supplemental rebate for a drug pursuant to paragraph
26 (b) of this subdivision or paragraph (e) of subdivision seven of section
27 three hundred sixty-seven-a of the social services law, the drug shall not be
28 referred to the drug utilization review board for any further supplemental
29 rebate for the duration of the previous rebate agreement.

30 (d) The department shall consider a drug's actual cost to the state,
31 including current rebate amounts, prior to seeking an additional rebate
32 pursuant to paragraph (b) or (c) of this subdivision and shall take into
33 consideration whether the manufacturer of the drug is providing significant
34 discounts relative to other drugs covered by the Medicaid program.

35 (e) The commissioner shall be authorized to take the actions described in
36 this section only so long as total Medicaid drug expenditures are projected
37 to exceed the annual growth limitation imposed by subdivision two of this
38 section.

39 4. In determining whether to recommend a target supplemental rebate for a
40 drug, the drug utilization review board shall consider the actual cost of the
41 drug to the Medicaid program, including federal and state rebates, and may
42 consider, among other things:

43 (a) the drug's impact on the Medicaid drug spending growth target and the
44 adequacy of capitation rates of participating Medicaid managed care plans,
45 and the drug's affordability and value to the Medicaid program; or

46 (b) significant and unjustified increases in the price of the drug; or

1 (c) whether the drug may be priced disproportionately to its therapeutic
2 benefits.

3 5. (a) If the drug utilization review board recommends a target rebate
4 amount on a drug referred by the commissioner, the commissioner shall require
5 a supplemental rebate to be paid by the drug's manufacturer in an amount not
6 to exceed such target rebate amount. With respect to a rebate required in
7 state fiscal year two thousand seventeen--two thousand eighteen, the rebate
8 requirement shall apply beginning with the month of April, two thousand
9 seventeen, without regard to the date the department enters into the rebate
10 agreement with the manufacturer.

11 (b) The supplemental rebate required by paragraph (a) of this subdivision
12 shall apply to drugs dispensed to enrollees of managed care providers
13 pursuant to section three hundred sixty-four-j of the social services law and
14 to drugs dispensed to Medicaid recipients who are not enrollees of such
15 providers.

16 (c) If the drug utilization review board recommends a target rebate
17 amount for a drug and the department is unable to negotiate a rebate from the
18 manufacturer in an amount that is at least seventy-five percent of the target
19 rebate amount, the commissioner is authorized to waive the provisions of
20 paragraph (b) of subdivision three of section two hundred seventy-three of
21 this article and the provisions of subdivisions twenty-five and twenty-five-a
22 of section three hundred sixty-four-j of the social services law with respect
23 to such drug; however, this waiver shall not be implemented in situations
24 where it would prevent access by a Medicaid recipient to a drug which is the
25 only treatment for a particular disease or condition. Under no circumstances
26 shall the commissioner be authorized to waive such provisions with respect to
27 more than two drugs in a given time.

28 (d) Where the department and a manufacturer enter into a rebate agreement
29 pursuant to this section, which may be in addition to existing rebate
30 agreements entered into by the manufacturer with respect to the same drug, no
31 additional rebates shall be required to be paid by the manufacturer to a
32 managed care provider or any of a managed care provider's agents, including
33 but not limited to any pharmacy benefit manager, while the department is
34 collecting the rebate pursuant to this section.

35 (e) In formulating a recommendation concerning a target rebate amount for
36 a drug, the drug utilization review board may consider:

37 (i) publicly available information relevant to the pricing of the drug;

38 (ii) information supplied by the department relevant to the pricing of
39 the drug;

40 (iii) information relating to value-based pricing;

41 (iv) the seriousness and prevalence of the disease or condition that is
42 treated by the drug;

43 (v) the extent of utilization of the drug;

1 (vi) the effectiveness of the drug in treating the conditions for which
2 it is prescribed, or in improving a patient's health, quality of life, or
3 overall health outcomes;

4 (vii) the likelihood that use of the drug will reduce the need for other
5 medical care, including hospitalization;

6 (viii) the average wholesale price, wholesale acquisition cost, retail
7 price of the drug, and the cost of the drug to the Medicaid program minus
8 rebates received by the state;

9 (ix) in the case of generic drugs, the number of pharmaceutical
10 manufacturers that produce the drug;

11 (x) whether there are pharmaceutical equivalents to the drug; and

12 (xi) information supplied by the manufacturer, if any, explaining the
13 relationship between the pricing of the drug and the cost of development of
14 the drug and/or the therapeutic benefit of the drug, or that is otherwise
15 pertinent to the manufacturer's pricing decision; any such information
16 provided shall be considered confidential and shall not be disclosed by the
17 drug utilization review board in a form that identifies a specific
18 manufacturer or prices charged for drugs by such manufacturer.

19 6. (a) If the drug utilization review board recommends a target rebate
20 amount and the department is unsuccessful in entering into a rebate agreement
21 with the manufacturer of the drug satisfactory to the department, the drug
22 manufacturer shall in that event be required to provide to the department, on
23 a standard reporting form developed by the department, the following
24 information:

25 (i) the actual cost of developing, manufacturing, producing (including
26 the cost per dose of production), and distributing the drug;

27 (ii) research and development costs of the drug, including payments to
28 predecessor entities conducting research and development, such as
29 biotechnology companies, universities and medical schools, and private
30 research institutions;

31 (iii) administrative, marketing, and advertising costs for the drug,
32 apportioned by marketing activities that are directed to consumers, marketing
33 activities that are directed to prescribers, and the total cost of all
34 marketing and advertising that is directed primarily to consumers and
35 prescribers in New York, including but not limited to prescriber detailing,
36 copayment discount programs, and direct-to-consumer marketing;

37 (iv) the extent of utilization of the drug;

38 (v) prices for the drug that are charged to purchasers outside the United
39 States;

40 (vi) prices charged to typical purchasers in the state, including but not
41 limited to pharmacies, pharmacy chains, pharmacy wholesalers, or other direct
42 purchasers;

1 (vii) the average rebates and discounts provided per payer type in the
 2 State; and

3 (viii) the average profit margin of each drug over the prior five-year
 4 period and the projected profit margin anticipated for such drug.

5 (b) All information disclosed pursuant to paragraph (a) of this
 6 subdivision shall be considered confidential and shall not be disclosed by
 7 the department in a form that identifies a specific manufacturer or prices
 8 charged for drugs by such manufacturer.

9 7. (a) If, after taking into account all rebates and supplemental rebates
 10 received by the department, including rebates received to date pursuant to
 11 this section, total Medicaid drug expenditures are still projected to exceed
 12 the annual growth limitation imposed by subdivision two of this section, the
 13 commissioner of health may: subject drugs to prior approval in accordance
 14 with existing processes and procedures, which may include all drugs of a
 15 manufacturer that has not entered into a supplemental rebate agreement
 16 required by this section; directing managed care plans to remove from their
 17 Medicaid formularies those drugs with respect to which a manufacturer has
 18 failed to enter into a rebate agreement required by this section; promoting
 19 the use of cost effective and clinically appropriate drugs other than those
 20 of a manufacturer who has failed to enter into a rebate agreement required by
 21 this section; allowing manufacturers to accelerate rebate payments under
 22 existing rebate contracts; and such other actions as authorized by law. The
 23 commissioner shall provide written notice to the legislature thirty days
 24 prior to taking action pursuant to this paragraph, unless action is necessary
 25 in the fourth quarter of a fiscal year to prevent total Medicaid drug
 26 expenditures from exceeding the limitation imposed by subdivision two of this
 27 section, in which case such notice to the legislature may be less than thirty
 28 days.

29 (b) The commissioner shall be authorized to take the actions described in
 30 paragraph (a) of this subdivision only so long as total Medicaid drug
 31 expenditures are projected to exceed the annual growth limitation imposed by
 32 subdivision two of this section. In addition, no such actions shall be deemed
 33 to supersede the provisions of paragraph (b) of subdivision three of section
 34 two hundred seventy-three of this article or the provisions of subdivisions
 35 twenty-five and twenty-five-a of section three hundred sixty-four-j of the
 36 social services law, except as allowed by paragraph (c) of subdivision five
 37 of this section; provided further that nothing in this section shall prevent
 38 access by a Medicaid recipient to a drug which is the only treatment for a
 39 particular disease or condition.

40 § 2. Subdivisions 1 and 2 of section 369-bb of the social services law,
 41 as amended by section 20 of part A of chapter 56 of the laws of 2013, are
 42 amended to read as follows:

43 1. A [~~nineteen-member~~] twenty-three-member drug utilization review board
 44 is hereby created in the department. The board is responsible for the
 45 establishment and implementation of medical standards and criteria for the
 46 retrospective and prospective DUR program.

47 2. The members of the DUR board shall be appointed by the commissioner
 48 and shall serve a three-year term. Members may be reappointed upon the

1 completion of other terms. The membership shall be comprised of the
2 following:

3 (a) Six persons licensed and actively engaged in the practice of medicine
4 in the state, with expertise in the areas of mental health, HIV/AIDS,
5 geriatrics, pediatrics or internal medicine and who may be selected based on
6 input from professional associations and/or advocacy groups in New York
7 state.

8 (b) Six persons licensed and actively practicing in pharmacy in the state
9 who may be selected based on input from professional associations and/or
10 advocacy groups in New York state.

11 (c) Two persons with expertise in drug utilization review who are health
12 care professionals licensed under Title VIII of the education law at least
13 one of whom is a pharmacologist.

14 (d) Three persons that are consumers or consumer representatives of
15 organizations with a regional or statewide constituency and who have been
16 involved in activities related to health care consumer advocacy, including
17 issues affecting Medicaid or EPIC recipients.

18 (e) One person licensed and actively practicing as a nurse practitioner
19 or midwife.

20 (f) Two persons who are health care economists.

21 (g) One person who is an actuary.

22 (h) One person representing the department of financial services.

23 (i) The commissioner shall designate a person from the department to
24 serve as chairperson of the board.

25 § 3. Paragraphs (g), (h), and (i) of subdivision 8 of section 369-bb of
26 the social services law are relettered paragraphs (h), (i), and (j) and a new
27 paragraph (g) is added to read as follows:

28 (g) The evaluation of specific drugs submitted to the board for review
29 pursuant to section two hundred eighty of the public health law, and the
30 formulation of recommended target supplemental rebates, in accordance with
31 the standards established in such section.

32 § 4. Intentionally omitted.

33 § 5. Intentionally omitted.

34 § 6. Intentionally omitted.

35 § 7. The opening paragraph and subparagraphs (i) and (ii) of paragraph
36 (b) and paragraph (d) of subdivision 9 of section 367-a of the social
37 services law, the opening paragraph and paragraph (d) as amended by chapter
38 19 of the laws of 1998, subparagraphs (i) and (ii) of paragraph (b) as

1 amended by section 2 of part C of chapter 60 of the laws of 2014,
2 subparagraph (i) of paragraph (d) as amended by section 10-a of part H of
3 chapter 59 of the laws of 2011 and subparagraph (ii) of paragraph (d) as
4 amended by section 48 of part C of chapter 58 of the laws of 2009, are
5 amended to read as follows:

6 Notwithstanding any inconsistent provision of law or regulation to the
7 contrary, for those drugs which may not be dispensed without a prescription
8 as required by section sixty-eight hundred ten of the education law and for
9 which payment is authorized pursuant to paragraph (g) of subdivision two of
10 section three hundred sixty-five-a of this title, and for those drugs that
11 are available without a prescription as required by section sixty-eight
12 hundred ten of the education law but are reimbursed as items of medical
13 assistance pursuant to paragraph (a) of subdivision four of section three
14 hundred sixty-five-a of this title, payments under this title shall be made
15 at the following amounts:

16 (i) [if the drug dispensed is a multiple source prescription drug for
17 which an upper limit has been set by the federal centers for medicare and
18 medicaid services, the lower of: (A) an amount equal to the specific upper
19 limit set by such federal agency for the multiple source prescription drug;
20 (B) the estimated acquisition cost of such drug to pharmacies which, for
21 purposes of this subparagraph, shall mean the average wholesale price of a
22 prescription drug based on the package size dispensed from, as reported by
23 the prescription drug pricing service used by the department, less twenty-
24 five percent thereof; (C) the maximum acquisition cost, if any, established
25 pursuant to paragraph (e) of this subdivision, provided that the methodology
26 used by the department to establish a maximum acquisition cost shall not
27 include average acquisition cost as determined by department surveys; or (D)
28 the dispensing pharmacy's usual and customary price charged to the general
29 public; and] (A) if the drug dispensed is a generic prescription drug, the
30 lower of: (1) an amount equal to the national average drug acquisition cost
31 set by the federal centers for medicare and medicaid services for the drug,
32 if any, or if such amount is not available, the wholesale acquisition cost of
33 the drug based on the package size dispensed from, as reported by the
34 prescription drug pricing service used by the department, less seventeen and
35 one-half percent thereof; (2) the federal upper limit, if any, established by
36 the federal centers for medicare and medicaid services; (3) the state maximum
37 acquisition cost, if any, established pursuant to paragraph (e) of this
38 subdivision; or (4) the dispensing pharmacy's usual and customary price
39 charged to the general public; (B) if the drug dispensed is available without
40 a prescription as required by section sixty-eight hundred ten of the
41 education law but is reimbursed as an item of medical assistance pursuant to
42 paragraph (a) of subdivision four of section three hundred sixty-five-a of
43 this title, the lower of (1) an amount equal to the national average drug
44 acquisition cost set by the federal centers for medicare and medicaid
45 services for the drug, if any, or if such amount is not available, the
46 wholesale acquisition cost of the drug based on the package size dispensed
47 from, as reported by the prescription drug pricing service used by the
48 department, (2) the federal upper limit, if any, established by the federal
49 centers for medicare and medicaid services; (3) the state maximum acquisition
50 cost if any, established pursuant to paragraph (e) of this subdivision; or
51 (4) the dispensing pharmacy's usual and customary price charged to the
52 general public;

1 (ii) if the drug dispensed is [a multiple source prescription drug or] a
2 brand-name prescription drug [for which no specific upper limit has been set
3 by such federal agency], the lower of [the estimated acquisition cost of such
4 drug to pharmacies or the dispensing pharmacy's usual and customary price
5 charged to the general public. For sole and multiple source brand name drugs,
6 estimated acquisition cost means the average wholesale price of a
7 prescription drug based upon the package size dispensed from, as reported by
8 the prescription drug pricing service used by the department, less seventeen
9 percent thereof or the wholesale acquisition cost of a prescription drug
10 based upon package size dispensed from, as reported by the prescription drug
11 pricing service used by the department, minus zero and forty-one hundredths
12 percent thereof, and updated monthly by the department. For multiple source
13 generic drugs, estimated acquisition cost means the lower of the average
14 wholesale price of a prescription drug based on the package size dispensed
15 from, as reported by the prescription drug pricing service used by the
16 department, less twenty-five percent thereof, or the maximum acquisition
17 cost, if any, established pursuant to paragraph (e) of this subdivision,
18 provided that the methodology used by the department to establish a maximum
19 acquisition cost shall not include average acquisition cost as determined by
20 department surveys.]:

21 (A) an amount equal to the national average drug acquisition cost set by
22 the federal centers for medicare and medicaid services for the drug, if any,
23 or if such amount is not available, the wholesale acquisition cost of the
24 drug based on the package size dispensed from, as reported by the
25 prescription drug pricing service used by the department, less three and
26 three-tenths percent thereof; or (B) the dispensing pharmacy's usual and
27 customary price charged to the general public; and

28 (d) In addition to the amounts paid pursuant to paragraph (b) of this
29 subdivision [to pharmacies for those drugs which may not be dispensed without
30 a prescription, as required by section sixty-eight hundred ten of the
31 education law and for which payment is authorized pursuant to paragraph (g)
32 of subdivision two of section three hundred sixty-five-a of this title], the
33 department shall pay a professional pharmacy dispensing fee for each such
34 [prescription] drug dispensed[, which dispensing fee shall not be less than
35 the following amounts:

36 (i) for prescription drugs categorized as generic by the prescription
37 drug pricing service used by the department, three dollars and fifty cents
38 per prescription; and

39 (ii) for prescription drugs categorized as brand-name prescription drugs
40 by the prescription drug pricing service used by the department, three
41 dollars and fifty cents per prescription, provided, however, that for brand
42 name prescription drugs reimbursed pursuant to subparagraph (ii) of paragraph
43 (a-1) of subdivision four of section three hundred sixty-five-a of this
44 title, the dispensing fee shall be four dollars and fifty cents per
45 prescription] in the amount of ten dollars per prescription or written order
46 of a practitioner; provided, however that this professional dispensing fee
47 will not apply to drugs that are available without a prescription as required
48 by section sixty-eight hundred ten of the education law but do not meet the
49 definition of a covered outpatient drug pursuant to Section 1927K of the
50 Social Security Act.

1 § 8. It shall be an unacceptable practice in the Medicaid program
2 established pursuant to title 11 of article 5 of the social services law for
3 a provider to prescribe opioids in violation of the requirements of paragraph
4 (g-1) of subdivision 2 of section 365-a of such law, in violation of any
5 other applicable law limiting or restricting the prescribing of opioids,
6 and/or contrary to recommendations issued by the drug utilization review
7 board established by section 369-bb of the social services law, and such
8 practice may result in the provider being excluded from participation in the
9 Medicaid program. No exclusion or other sanction of a Medicaid provider
10 pursuant to this section shall be imposed except in accordance with the
11 requirements of parts 515, 517 and 519 of title 18 of the codes, rules and
12 regulations of the State of New York (NYCRR), and nothing herein shall be
13 construed as limiting the due process rights or legal remedies that would
14 otherwise be available to such a provider.

15 § 9. Paragraph (g-1) of subdivision 2 of section 365-a of the social
16 services law, as amended by section 5 of part C of chapter 60 of the laws of
17 2014, is amended to read as follows:

18 (g-1) drugs provided on an in-patient basis, those drugs contained on the
19 list established by regulation of the commissioner of health pursuant to
20 subdivision four of this section, and those drugs which may not be dispensed
21 without a prescription as required by section sixty-eight hundred ten of the
22 education law and which the commissioner of health shall determine to be
23 reimbursable based upon such factors as the availability of such drugs or
24 alternatives at low cost if purchased by a medicaid recipient, or the
25 essential nature of such drugs as described by such commissioner in
26 regulations, provided, however, that such drugs, exclusive of long-term
27 maintenance drugs, shall be dispensed in quantities no greater than a thirty
28 day supply or one hundred doses, whichever is greater; provided further that
29 the commissioner of health is authorized to require prior authorization for
30 any refill of a prescription when more than a ten day supply of the
31 previously dispensed amount should remain were the product used as normally
32 indicated, or in the case of a controlled substance, as defined in section
33 thirty-three hundred two of the public health law, when more than a seven day
34 supply of the previously dispensed amount should remain were the product used
35 as normally indicated; provided further that the commissioner of health is
36 authorized to require prior authorization of prescriptions of opioid
37 analgesics in excess of four prescriptions in a thirty-day period in
38 accordance with section two hundred seventy-three of the public health law;
39 medical assistance shall not include any drug provided on other than an in-
40 patient basis for which a recipient is charged or a claim is made in the case
41 of a prescription drug, in excess of the maximum reimbursable amounts to be
42 established by department regulations in accordance with standards
43 established by the secretary of the United States department of health and
44 human services, or, in the case of a drug not requiring a prescription, in
45 excess of the maximum reimbursable amount established by the commissioner of
46 health pursuant to paragraph (a) of subdivision four of this section;

47 § 10. Intentionally omitted.

48 § 11. Intentionally omitted.

49 § 12. Intentionally omitted.

1 § 13. Intentionally omitted.

2 § 14. Intentionally omitted.

3 § 15. Intentionally omitted.

4 § 16. Subparagraph (iii) of paragraph (c) of subdivision 6 of section
5 367-a of the social services law, as amended by section 9 of part C of
6 chapter 60 of the laws of 2014, is amended to read as follows:

7 (iii) Notwithstanding any other provision of this paragraph, co-payments
8 charged for each generic prescription drug dispensed shall be one dollar and
9 for each brand name prescription drug dispensed shall be [**three dollars**] **two**
10 **dollars and fifty cents**; provided, however, that the co-payments charged for
11 **[each brand name prescription drug on the preferred drug list established**
12 **pursuant to section two hundred seventy-two of the public health law or, for**
13 **managed care providers operating pursuant to section three hundred sixty-**
14 **four-j of this title, for each brand name prescription drug on a managed care**
15 **provider's formulary that such provider has designated as a preferred drug,**
16 **and the co-payments charged for]** each brand name prescription drug reimbursed
17 pursuant to subparagraph (ii) of paragraph (a-1) of subdivision four of
18 section three hundred sixty-five-a of this title shall be one dollar.

19 § 17. Subparagraphs 1 and 5 of paragraph (f) of subdivision 7 of section
20 367-a of the social services law, as added by section 11 of part B of chapter
21 59 of the laws of 2016, are amended to read as follows:

22 (1) The department may require manufacturers of drugs other than single
23 source drugs and innovator multiple source drugs, as such terms are defined
24 in 42 U.S.C. § 1396r-8(k), to provide rebates to the department for any drug
25 that has increased more than three hundred percent of its state maximum
26 acquisition cost (SMAC)[, on or after] **during the period** April 1, 2016
27 **through March thirty-first, two thousand seventeen, or that has increased**
28 **more than seventy-five percent of its SMAC on or after April first, two**
29 **thousand seventeen**, in comparison to its SMAC at any time during the course
30 of the preceding twelve months. The required rebate shall be limited to the
31 amount by which the current SMAC for the drug exceeds [**three hundred percent**]
32 **the applicable percentage** of the SMAC for the same drug at any time during
33 the course of the preceding twelve months. Such rebates shall be in addition
34 to any rebates payable to the department pursuant to any other provision of
35 federal or state law. Nothing herein shall affect the department's obligation
36 to reimburse for covered outpatient drugs pursuant to paragraph (d) of this
37 subdivision.

38 (5) Beginning in two thousand seventeen, the department shall provide an
39 annual report to the legislature no later than February first setting forth:

40 (i) The number of drugs that exceeded the ceiling price established in
41 this paragraph during the preceding year in comparison to the number of drugs
42 that experienced at least a three hundred percent price increase during two
43 thousand fourteen and two thousand fifteen, **or at least a seventy-five**
44 **percent price increase during two thousand fifteen and two thousand sixteen;**

45 (ii) The average percent amount above the ceiling price of drugs that
46 exceeded the ceiling price in the preceding year in comparison to the number

1 of drugs that experienced a price increase more than three hundred percent
 2 during two thousand fourteen and two thousand fifteen, or at least a seventy-
 3 five percent price increase during two thousand fifteen and two thousand
 4 sixteen;

5 (iii) The number of generic drugs available to enrollees in Medicaid fee
 6 for service or Medicaid managed care, by fiscal quarter, in the preceding
 7 year in comparison to the drugs available, by fiscal quarter, during two
 8 thousand fourteen [and], two thousand fifteen, and two thousand sixteen; and

9 (iv) The total drug spend on generic drugs for the preceding year in
 10 comparison to the total drug spend on generic drugs during two thousand
 11 fourteen [and], two thousand fifteen, and two thousand sixteen.

12 § 18. Severability. If any clause, sentence, paragraph, or subdivision of
 13 this section shall be adjudged by any court of competent jurisdiction to be
 14 invalid, such judgment shall not affect, impair, or invalidate the remainder
 15 thereof, but shall be confined in its operation to the clause, sentence,
 16 paragraph, or subdivision directly involved in the controversy in which such
 17 judgment shall have been rendered. It is hereby declared to be the intent of
 18 the legislature that this section would have been enacted even if such
 19 invalid provisions had not been included herein.

20 § 19. This act shall take effect immediately and shall be deemed to have
 21 been in full force and effect on and after April 1, 2017; provided, however,
 22 that sections nine, sixteen, and seventeen of this act shall take effect July
 23 1, 2017; provided, further, that the amendments to paragraph (c) of
 24 subdivision 6 of section 367-a of the social services law made by section
 25 sixteen of this act shall not affect the repeal of such paragraph and shall
 26 be deemed repealed therewith; provided, further, that the amendments to
 27 paragraph (f) of subdivision 7 of section 367-a of the social services law
 28 made by section seventeen of this act shall not affect the repeal of such
 29 paragraph and shall be deemed repealed therewith; and provided, further, that
 30 the amendments to subdivision 9 of section 367-a of the social services law
 31 made by section seven of this act shall not affect the expiration of such
 32 subdivision and shall be deemed to expire therewith.

33 SUBPART B

34 Section 1. Section 365-f of the social services law is amended by adding
 35 two new subdivisions 4-a and 4-b to read as follows:

36 4-a. Fiscal intermediary services. (a) For the purposes of this section:

37 (i) "Fiscal intermediary" means an entity that provides fiscal
 38 intermediary services and has a contract for providing such services with:

39 (A) a local department of social services;

40 (B) an organization licensed under article forty-four of the public
 41 health law; or

42 (C) an accountable care organization certified under article twenty-nine-
 43 E of the public health law or an integrated delivery system composed

1 primarily of health care providers recognized by the department as a
2 performing provider system under the delivery system reform incentive payment
3 program.

4 (ii) Fiscal intermediary services shall include the following services,
5 performed on behalf of the consumer to facilitate his or her role as the
6 employer:

7 (A) wage and benefit processing for consumer directed personal
8 assistants;

9 (B) processing all income tax and other required wage withholdings;

10 (C) complying with workers' compensation, disability and unemployment
11 requirements;

12 (D) maintaining personnel records for each consumer directed personal
13 assistant, including time sheets and other documentation needed for wages and
14 benefit processing and a copy of the medical documentation required pursuant
15 to regulations established by the commissioner;

16 (E) ensuring that the health status of each consumer directed personal
17 assistant is assessed prior to service delivery pursuant to regulations
18 issued by the commissioner;

19 (F) maintaining records of service authorizations or reauthorizations;

20 (G) monitoring the consumer's or, if applicable, the designated
21 representative's continuing ability to fulfill the consumer's
22 responsibilities under the program and promptly notifying the authorizing
23 entity of any circumstance that may affect the consumer's or, if applicable,
24 the designated representative's ability to fulfill such responsibilities;

25 (H) complying with regulations established by the commissioner specifying
26 the responsibilities of fiscal intermediaries providing services under this
27 title; and

28 (I) entering into a department approved memorandum of understanding with
29 the consumer that describes the parties' responsibilities under this program.

30 (iii) Fiscal intermediaries are not responsible for, and fiscal
31 intermediary services shall not include, fulfillment of the responsibilities
32 of the consumer or, if applicable, the consumer's designated representative
33 as established by the commissioner. A fiscal intermediary's responsibilities
34 shall not include, and a fiscal intermediary shall not engage in: managing
35 the plan of care including recruiting and hiring a sufficient number of
36 individuals who meet the definition of consumer directed personal assistant,
37 as such term is defined by the commissioner, to provide authorized services
38 that are included on the consumer's plan of care; training, supervising and
39 scheduling each consumer directed personal assistant; terminating the
40 consumer directed personal assistant's employment; or assuring that each
41 consumer directed personal assistant competently and safely performs the
42 personal care services, home health aide services and skilled nursing tasks
43 that are included on the consumer's plan of care. A fiscal intermediary shall

1 exercise reasonable care in properly carrying out its responsibilities under
2 the program.

3 (b) No entity shall provide, directly or through contract, fiscal
4 intermediary services without an authorization as a fiscal intermediary
5 issued by the commissioner in accordance with this subdivision.

6 (c) An application for authorization as a fiscal intermediary shall be
7 filed with the commissioner, together with such other forms and information
8 as shall be prescribed by, or acceptable to the commissioner. Such
9 information shall include, but not be limited to:

10 (i) the name and employer identification number, of the entity, including
11 any subsidiary corporations, if applicable, and any name under which the
12 entity does business;

13 (ii) all addresses at which the organization operates;

14 (iii) the names, titles and contact information of all officers and
15 directors in a not-for-profit company or business, or managers in a limited
16 liability company, as well as the name and employment history of the
17 individual ultimately accountable for operation of the fiscal intermediary;
18 and for a not-for-profit entity, the number of director positions set by the
19 company's by-laws, and how many are currently filled;

20 (iv) a history of the organization, along with an overview of the
21 organization and all services it offers, including any relationships with
22 outside agencies that may influence in any way the ability of the
23 organization to provide fiscal intermediary services consistent with the
24 manner described in its application;

25 (v) all policies and procedures of the fiscal intermediary, including any
26 contracts or other documents used in communications with consumers;

27 (vi) plans to solicit and consider input from the fiscal intermediary's
28 consumers, staff, personal assistants and other interested parties which may
29 be charged with roles including, but not limited to, quality assurance
30 review, referral, program monitoring or development or establishing and
31 responding to community needs; such input may be in the form of a board of
32 directors, committee, survey, or other mechanism, provided that the majority
33 of input obtained as part of this process must be from individual consumers
34 and consumer advocates of the fiscal intermediary;

35 (vii) the organization's plan to address the needs of consumers and their
36 personal assistants in a timely manner, regardless of where they live,
37 including, but not limited to, input from consumers, obtaining physicals and
38 other health information from personal assistants, obtaining time records for
39 payroll, and timely processing of payroll; and

40 (viii) a written sworn statement by an officer of the entity disclosing
41 any pending litigation, unsatisfied judgments or penalties, convictions for
42 fraud or sanctions imposed by government authorities.

1 (d) The entity shall reasonably promptly notify the department of any
2 change in the information submitted to the department for authorization under
3 this subdivision.

4 (e) The commissioner shall not approve an application for authorization
5 unless he or she is satisfied as to the character, competence and standing in
6 the community of the applicant's incorporators, directors, sponsors,
7 stockholders or operators and finds that the personnel, rules, consumer
8 contracts or agreements, and fiscal intermediary services are fit and
9 adequate, and that the fiscal intermediary services will be provided in the
10 manner required by this subdivision and the rules and regulations hereunder,
11 in a manner determined by the commissioner.

12 (f) The commissioner may contract with an entity with appropriate
13 knowledge, expertise and experience possessing extensive knowledge of
14 consumer directed personal assistance fiscal intermediary services and which
15 has a history of providing similar services in relation to a self-directed
16 program to develop and to assist the commissioner in evaluating applicants
17 for authorizations or readiness reviews to be a fiscal intermediary.

18 (g) Neither public need, tax status nor profit-making status shall be a
19 criterion for authorization under this subdivision. Status as a licensed home
20 care services agency or other health provider shall not positively or
21 negatively affect an application for authorization under this subdivision. An
22 organization authorized pursuant to article forty-four of the public health
23 law shall not be a fiscal intermediary.

24 (h) An authorization under this subdivision shall last for a period of
25 five years. Upon application for a renewal, the fiscal intermediary shall
26 submit up to date information to the commissioner.

27 4-b. Actions involving the authorization of a fiscal intermediary.

28 (a) A fiscal intermediary's authorization may be revoked, suspended,
29 limited or annulled upon thirty day's written notice to the fiscal
30 intermediary, if the commissioner finds that the fiscal intermediary has
31 failed to comply with the provisions of this subdivision or regulations
32 promulgated hereunder. Notwithstanding the foregoing, upon determining that
33 the public health or safety would be imminently endangered by the continued
34 authorization of the fiscal intermediary, the commissioner may revoke,
35 suspend, limit or annul the fiscal intermediary's authorization immediately.

36 (b) All orders or determinations under this subdivision shall be subject
37 to review as provided in article seventy-eight of the civil practice law and
38 rules.

39 § 2. Subdivision 25 of section 2808 of the public health law, as amended
40 by section 34 of part D of chapter 56 of the laws of 2012, is amended to read
41 as follows:

42 25. Reserved bed days. (a) For purposes of this subdivision, a "reserved
43 bed day" is a day for which a governmental agency pays a residential health
44 care facility to reserve a bed for a person eligible for medical assistance
45 pursuant to title eleven of article five of the social services law while he

1 or she is [**temporarily hospitalized or**] on **therapeutic** leave of absence from
2 the facility.

3 (b) Notwithstanding any other provisions of this section or any other law
4 or regulation to the contrary, for reserved bed days provided on behalf of
5 persons twenty-one years of age or older:

6 (i) payments for reserved bed days shall be made at ninety-five percent
7 of the Medicaid rate otherwise payable to the facility for services provided
8 on behalf of such person; **and**

9 (ii) [**payment to a facility for reserved bed days provided on behalf of**
10 **such person for temporary hospitalizations may not exceed fourteen days in**
11 **any twelve month period;**

12 (iii)] payment to a facility for reserved bed days provided on behalf of
13 such person for [**non-hospitalization**] **therapeutic** leaves of absence may not
14 exceed ten days in any twelve month period.

15 [(c)(i) Notwithstanding any contrary provision of this subdivision or any
16 other law and subject to the availability of federal financial participation,
17 with regard to services provided to residential health care facility
18 residents twenty-one years of age and older, the commissioner shall
19 promulgate regulations, and may promulgate emergency regulations, effective
20 for periods on and after July first, two thousand twelve, establishing
21 reimbursement rates for reserved bed days.

22 (ii) Such regulations shall, for each Medicaid patient for any twelve
23 month period, provide for reimbursement for reserved bed days for: (A) up to
24 an aggregate of fourteen days for hospitalizations and for other therapeutic
25 leave of absences consistent with a plan of care ordered by such patient's
26 treating health care professional; and (B) up to an aggregate of ten days of
27 other leaves of absence.

28 (iii) No later than thirty days after promulgation of such regulations,
29 the commissioner shall advise the chairs of the senate and assembly finance
30 and health committees of the projected reductions expected to be achieved
31 under the methodology set forth in such regulations.

32 (iv) In the event the commissioner determines, in consultation with the
33 director of the budget, that the regulations promulgated pursuant to
34 subparagraph (i) of this paragraph shall achieve projected aggregate Medicaid
35 savings, as determined by the commissioner, of less than forty million
36 dollars for the state fiscal year beginning April first, two thousand twelve,
37 and each state fiscal year thereafter, the commissioner shall establish a
38 prospective per diem rate adjustment for all nursing homes, other than
39 nursing homes providing services primarily to children under the age of
40 twenty-one, sufficient to achieve such forty million dollars in savings for
41 each such state fiscal year.]

42 § 3. Intentionally omitted.

43 § 4. Subdivision 2-c of section 2808 of the public health law is amended
44 by adding a new paragraph (f) to read as follows:

1 (f) The commissioner shall establish a prospective per diem adjustment
2 for all nursing homes, other than nursing homes providing services primarily
3 to children under the age of twenty-one, beginning April first, two thousand
4 seventeen and each year thereafter sufficient to achieve eighteen million
5 dollars in savings in each state fiscal year.

6 § 5. Intentionally omitted.

7 § 6. Intentionally omitted.

8 § 7. This act shall take effect immediately and shall be deemed to have
9 been in full force and effect on and after April 1, 2017.

10 SUBPART C

11 Section 1. Subdivision 1 of section 92 of part H of chapter 59 of the laws of
12 2011, amending the public health law and other laws relating to known and
13 projected department of health state fund medicaid expenditures, as
14 separately amended by section 1 of part JJ of chapter 54 and section 18 of
15 part B of chapter 59 of the laws of 2016, is amended to read as follows:

16 1. For state fiscal years 2011-12 through [~~2017-18~~] **2018-19**, the director
17 of the budget, in consultation with the commissioner of health referenced as
18 "commissioner" for purposes of this section, shall assess on a monthly basis,
19 as reflected in monthly reports pursuant to subdivision five of this section
20 known and projected department of health state funds medicaid expenditures by
21 category of service and by geographic regions, as defined by the
22 commissioner, and if the director of the budget determines that such
23 expenditures are expected to cause medicaid disbursements for such period to
24 exceed the projected department of health medicaid state funds disbursements
25 in the enacted budget financial plan pursuant to subdivision 3 of section 23
26 of the state finance law, the commissioner of health, in consultation with
27 the director of the budget, shall develop a medicaid savings allocation plan
28 to limit such spending to the aggregate limit level specified in the enacted
29 budget financial plan, provided, however, such projections may be adjusted by
30 the director of the budget to account for any changes in the New York state
31 federal medical assistance percentage amount established pursuant to the
32 federal social security act, changes in provider revenues, reductions to
33 local social services district medical assistance administration, minimum
34 wage increases, and beginning April 1, 2012 the operational costs of the New
35 York state medical indemnity fund and state costs or savings from the basic
36 health plan. Such projections may be adjusted by the director of the budget
37 to account for increased or expedited department of health state funds
38 medicaid expenditures as a result of a natural or other type of disaster,
39 including a governmental declaration of emergency.

40 § 2. Intentionally omitted.

41 § 3. Intentionally omitted.

42 § 4. This act shall take effect immediately and shall be deemed to have
43 been in full force and effect on and after April 1, 2017.

44 SUBPART D

1 Section 1. Subdivision 5 of section 168 of chapter 639 of the laws of 1996,
2 constituting the New York Health Care Reform Act of 1996, as amended by
3 section 1 of part B of chapter 60 of the laws of 2014, is amended to read as
4 follows:

5 5. sections 2807-c, 2807-j, 2807-s and 2807-t of the public health law,
6 as amended or as added by this act, shall expire on December 31, [2017] 2020,
7 and shall be thereafter effective only in respect to any act done on or
8 before such date or action or proceeding arising out of such act including
9 continued collections of funds from assessments and allowances and surcharges
10 established pursuant to sections 2807-c, 2807-j, 2807-s and 2807-t of the
11 public health law, and administration and distributions of funds from pools
12 established pursuant to sections 2807-c, 2807-j, 2807-k, 2807-l, 2807-m,
13 2807-s and 2807-t of the public health law related to patient services
14 provided before December 31, [2017] 2020, and continued expenditure of funds
15 authorized for programs and grants until the exhaustion of funds therefor;

16 § 2. Subdivision 1 of section 138 of chapter 1 of the laws of 1999,
17 constituting the New York Health Care Reform Act of 2000, as amended by
18 section 2 of part B of chapter 60 of the laws of 2014, is amended to read as
19 follows:

20 1. sections 2807-c, 2807-j, 2807-s, and 2807-t of the public health law,
21 as amended by this act, shall expire on December 31, [2017] 2020, and shall
22 be thereafter effective only in respect to any act done before such date or
23 action or proceeding arising out of such act including continued collections
24 of funds from assessments and allowances and surcharges established pursuant
25 to sections 2807-c, 2807-j, 2807-s and 2807-t of the public health law, and
26 administration and distributions of funds from pools established pursuant to
27 sections 2807-c, 2807-j, 2807-k, 2807-l, 2807-m, 2807-s, 2807-t, 2807-v and
28 2807-w of the public health law, as amended or added by this act, related to
29 patient services provided before December 31, [2017] 2020, and continued
30 expenditure of funds authorized for programs and grants until the exhaustion
31 of funds therefor;

32 § 3. Subparagraph (xv) of paragraph (a) of subdivision 6 of section 2807-
33 s of the public health law, as amended by section 3 of part B of chapter 60
34 of the laws of 2014, is amended to read as follows:

35 (xv) A gross annual statewide amount for the period January first, two
36 thousand fifteen through December thirty-first, two thousand [seventeen]
37 twenty, shall be one billion forty-five million dollars.

38 § 4. Subparagraph (xiii) of paragraph (a) of subdivision 7 of section
39 2807-s of the public health law, as amended by section 4 of part B of chapter
40 60 of the laws of 2014, is amended to read as follows:

41 (xiii) twenty-three million eight hundred thirty-six thousand dollars
42 each state fiscal year for the period April first, two thousand twelve
43 through March thirty-first, two thousand [seventeen] twenty;

44 § 5. Subparagraphs (iv) and (v) of paragraph (a) of subdivision 9 of
45 section 2807-j of the public health law, as amended by section 5 of part B of
46 chapter 60 of the laws of 2014, are amended to read as follows:

1 (iv) seven hundred sixty-five million dollars annually of the funds
2 accumulated for the periods January first, two thousand through December
3 thirty-first, two thousand [~~sixteen~~] nineteen, and

4 (v) one hundred ninety-one million two hundred fifty thousand dollars of
5 the funds accumulated for the period January first, two thousand [~~seventeen~~]
6 twenty through March thirty-first, two thousand [~~seventeen~~] twenty.

7 § 6. Subdivisions 5-a and 7 of section 2807-m of the public health law,
8 as amended by section 9 of part B of chapter 60 of the laws of 2014,
9 subparagraphs (iv), (v) and (vi) of paragraph (d) of subdivision 5-a as added
10 by section 4 of part W of chapter 57 of the laws of 2015, are amended to read
11 as follows:

12 5-a. Graduate medical education innovations pool. (a) Supplemental
13 distributions. (i) Thirty-one million dollars for the period January first,
14 two thousand eight through December thirty-first, two thousand eight, shall
15 be set aside and reserved by the commissioner from the regional pools
16 established pursuant to subdivision two of this section and shall be
17 available for distributions pursuant to subdivision five of this section and
18 in accordance with section 86-1.89 of title 10 of the codes, rules and
19 regulations of the state of New York as in effect on January first, two
20 thousand eight; provided, however, for purposes of funding the empire
21 clinical research investigation program (ECRIP) in accordance with paragraph
22 eight of subdivision (e) and paragraph two of subdivision (f) of section 86-
23 1.89 of title 10 of the codes, rules and regulations of the state of New
24 York, distributions shall be made using two regions defined as New York city
25 and the rest of the state and the dollar amount set forth in subparagraph (i)
26 of paragraph two of subdivision (f) of section 86-1.89 of title 10 of the
27 codes, rules and regulations of the state of New York shall be increased from
28 sixty thousand dollars to seventy-five thousand dollars.

29 (ii) For periods on and after January first, two thousand nine,
30 supplemental distributions pursuant to subdivision five of this section and
31 in accordance with section 86-1.89 of title 10 of the codes, rules and
32 regulations of the state of New York shall no longer be made and the
33 provisions of section 86-1.89 of title 10 of the codes, rules and regulations
34 of the state of New York shall be null and void.

35 (b) Empire clinical research investigator program (ECRIP). Nine million
36 one hundred twenty thousand dollars annually for the period January first,
37 two thousand nine through December thirty-first, two thousand ten, and two
38 million two hundred eighty thousand dollars for the period January first, two
39 thousand eleven, through March thirty-first, two thousand eleven, nine
40 million one hundred twenty thousand dollars each state fiscal year for the
41 period April first, two thousand eleven through March thirty-first, two
42 thousand fourteen, [~~and~~] up to eight million six hundred twelve thousand
43 dollars each state fiscal year for the period April first, two thousand
44 fourteen through March thirty-first, two thousand seventeen, and up to eight
45 million six hundred twelve thousand dollars each state fiscal year for the
46 period April first, two thousand seventeen through March thirty-first, two
47 thousand twenty, shall be set aside and reserved by the commissioner from the
48 regional pools established pursuant to subdivision two of this section to be
49 allocated regionally with two-thirds of the available funding going to New
50 York city and one-third of the available funding going to the rest of the
51 state and shall be available for distribution as follows:

1 Distributions shall first be made to consortia and teaching general
2 hospitals for the empire clinical research investigator program (ECRIP) to
3 help secure federal funding for biomedical research, train clinical
4 researchers, recruit national leaders as faculty to act as mentors, and train
5 residents and fellows in biomedical research skills based on hospital-
6 specific data submitted to the commissioner by consortia and teaching general
7 hospitals in accordance with clause (G) of this subparagraph. Such
8 distributions shall be made in accordance with the following methodology:

9 (A) The greatest number of clinical research positions for which a
10 consortium or teaching general hospital may be funded pursuant to this
11 subparagraph shall be one percent of the total number of residents training
12 at the consortium or teaching general hospital on July first, two thousand
13 eight for the period January first, two thousand nine through December
14 thirty-first, two thousand nine rounded up to the nearest one position.

15 (B) Distributions made to a consortium or teaching general hospital shall
16 equal the product of the total number of clinical research positions
17 submitted by a consortium or teaching general hospital and accepted by the
18 commissioner as meeting the criteria set forth in paragraph (b) of
19 subdivision one of this section, subject to the reduction calculation set
20 forth in clause (C) of this subparagraph, times one hundred ten thousand
21 dollars.

22 (C) If the dollar amount for the total number of clinical research
23 positions in the region calculated pursuant to clause (B) of this
24 subparagraph exceeds the total amount appropriated for purposes of this
25 paragraph, including clinical research positions that continue from and were
26 funded in prior distribution periods, the commissioner shall eliminate one-
27 half of the clinical research positions submitted by each consortium or
28 teaching general hospital rounded down to the nearest one position. Such
29 reduction shall be repeated until the dollar amount for the total number of
30 clinical research positions in the region does not exceed the total amount
31 appropriated for purposes of this paragraph. If the repeated reduction of the
32 total number of clinical research positions in the region by one-half does
33 not render a total funding amount that is equal to or less than the total
34 amount reserved for that region within the appropriation, the funding for
35 each clinical research position in that region shall be reduced
36 proportionally in one thousand dollar increments until the total dollar
37 amount for the total number of clinical research positions in that region
38 does not exceed the total amount reserved for that region within the
39 appropriation. Any reduction in funding will be effective for the duration of
40 the award. No clinical research positions that continue from and were funded
41 in prior distribution periods shall be eliminated or reduced by such
42 methodology.

43 (D) Each consortium or teaching general hospital shall receive its annual
44 distribution amount in accordance with the following:

45 (I) Each consortium or teaching general hospital with a one-year ECRIP
46 award shall receive its annual distribution amount in full upon completion of
47 the requirements set forth in items (I) and (II) of clause (G) of this
48 subparagraph. The requirements set forth in items (IV) and (V) of clause (G)
49 of this subparagraph must be completed by the consortium or teaching general
50 hospital in order for the consortium or teaching general hospital to be
51 eligible to apply for ECRIP funding in any subsequent funding cycle.

1 (II) Each consortium or teaching general hospital with a two-year ECRIP
2 award shall receive its first annual distribution amount in full upon
3 completion of the requirements set forth in items (I) and (II) of clause (G)
4 of this subparagraph. Each consortium or teaching general hospital will
5 receive its second annual distribution amount in full upon completion of the
6 requirements set forth in item (III) of clause (G) of this subparagraph. The
7 requirements set forth in items (IV) and (V) of clause (G) of this
8 subparagraph must be completed by the consortium or teaching general hospital
9 in order for the consortium or teaching general hospital to be eligible to
10 apply for ECRIP funding in any subsequent funding cycle.

11 (E) Each consortium or teaching general hospital receiving distributions
12 pursuant to this subparagraph shall reserve seventy-five thousand dollars to
13 primarily fund salary and fringe benefits of the clinical research position
14 with the remainder going to fund the development of faculty who are involved
15 in biomedical research, training and clinical care.

16 (F) Undistributed or returned funds available to fund clinical research
17 positions pursuant to this paragraph for a distribution period shall be
18 available to fund clinical research positions in a subsequent distribution
19 period.

20 (G) In order to be eligible for distributions pursuant to this
21 subparagraph, each consortium and teaching general hospital shall provide to
22 the commissioner by July first of each distribution period, the following
23 data and information on a hospital-specific basis. Such data and information
24 shall be certified as to accuracy and completeness by the chief executive
25 officer, chief financial officer or chair of the consortium governing body of
26 each consortium or teaching general hospital and shall be maintained by each
27 consortium and teaching general hospital for five years from the date of
28 submission:

29 (I) For each clinical research position, information on the type, scope,
30 training objectives, institutional support, clinical research experience of
31 the sponsor-mentor, plans for submitting research outcomes to peer reviewed
32 journals and at scientific meetings, including a meeting sponsored by the
33 department, the name of a principal contact person responsible for tracking
34 the career development of researchers placed in clinical research positions,
35 as defined in paragraph (c) of subdivision one of this section, and who is
36 authorized to certify to the commissioner that all the requirements of the
37 clinical research training objectives set forth in this subparagraph shall be
38 met. Such certification shall be provided by July first of each distribution
39 period;

40 (II) For each clinical research position, information on the name,
41 citizenship status, medical education and training, and medical license
42 number of the researcher, if applicable, shall be provided by December
43 thirty-first of the calendar year following the distribution period;

44 (III) Information on the status of the clinical research plan,
45 accomplishments, changes in research activities, progress, and performance of
46 the researcher shall be provided upon completion of one-half of the award
47 term;

1 (IV) A final report detailing training experiences, accomplishments,
2 activities and performance of the clinical researcher, and data, methods,
3 results and analyses of the clinical research plan shall be provided three
4 months after the clinical research position ends; and

5 (V) Tracking information concerning past researchers, including but not
6 limited to (A) background information, (B) employment history, (C) research
7 status, (D) current research activities, (E) publications and presentations,
8 (F) research support, and (G) any other information necessary to track the
9 researcher; and

10 (VI) Any other data or information required by the commissioner to
11 implement this subparagraph.

12 (H) Notwithstanding any inconsistent provision of this subdivision, for
13 periods on and after April first, two thousand thirteen, ECRIP grant awards
14 shall be made in accordance with rules and regulations promulgated by the
15 commissioner. Such regulations shall, at a minimum:

16 (1) provide that ECRIP grant awards shall be made with the objective of
17 securing federal funding for biomedical research, training clinical
18 researchers, recruiting national leaders as faculty to act as mentors, and
19 training residents and fellows in biomedical research skills;

20 (2) provide that ECRIP grant applicants may include interdisciplinary
21 research teams comprised of teaching general hospitals acting in
22 collaboration with entities including but not limited to medical centers,
23 hospitals, universities and local health departments;

24 (3) provide that applications for ECRIP grant awards shall be based on
25 such information requested by the commissioner, which shall include but not
26 be limited to hospital-specific data;

27 (4) establish the qualifications for investigators and other staff
28 required for grant projects eligible for ECRIP grant awards; and

29 (5) establish a methodology for the distribution of funds under ECRIP
30 grant awards.

31 (c) Ambulatory care training. Four million nine hundred thousand dollars
32 for the period January first, two thousand eight through December thirty-
33 first, two thousand eight, four million nine hundred thousand dollars for the
34 period January first, two thousand nine through December thirty-first, two
35 thousand nine, four million nine hundred thousand dollars for the period
36 January first, two thousand ten through December thirty-first, two thousand
37 ten, one million two hundred twenty-five thousand dollars for the period
38 January first, two thousand eleven through March thirty-first, two thousand
39 eleven, four million three hundred thousand dollars each state fiscal year
40 for the period April first, two thousand eleven through March thirty-first,
41 two thousand fourteen, [and] up to four million sixty thousand dollars each
42 state fiscal year for the period April first, two thousand fourteen through
43 March thirty-first, two thousand seventeen, **and up to four million sixty**
44 **thousand dollars each fiscal year for the period April first, two thousand**
45 **seventeen through March thirty-first, two thousand twenty**, shall be set aside
46 and reserved by the commissioner from the regional pools established pursuant

1 to subdivision two of this section and shall be available for distributions
2 to sponsoring institutions to be directed to support clinical training of
3 medical students and residents in free-standing ambulatory care settings,
4 including community health centers and private practices. Such funding shall
5 be allocated regionally with two-thirds of the available funding going to New
6 York city and one-third of the available funding going to the rest of the
7 state and shall be distributed to sponsoring institutions in each region
8 pursuant to a request for application or request for proposal process with
9 preference being given to sponsoring institutions which provide training in
10 sites located in underserved rural or inner-city areas and those that include
11 medical students in such training.

12 (d) Physician loan repayment program. One million nine hundred sixty
13 thousand dollars for the period January first, two thousand eight through
14 December thirty-first, two thousand eight, one million nine hundred sixty
15 thousand dollars for the period January first, two thousand nine through
16 December thirty-first, two thousand nine, one million nine hundred sixty
17 thousand dollars for the period January first, two thousand ten through
18 December thirty-first, two thousand ten, four hundred ninety thousand dollars
19 for the period January first, two thousand eleven through March thirty-first,
20 two thousand eleven, one million seven hundred thousand dollars each state
21 fiscal year for the period April first, two thousand eleven through March
22 thirty-first, two thousand fourteen, [and] up to one million seven hundred
23 five thousand dollars each state fiscal year for the period April first, two
24 thousand fourteen through March thirty-first, two thousand seventeen, and up
25 to one million seven hundred five thousand dollars each state fiscal year for
26 the period April first, two thousand seventeen through March thirty-first,
27 two thousand twenty, shall be set aside and reserved by the commissioner from
28 the regional pools established pursuant to subdivision two of this section
29 and shall be available for purposes of physician loan repayment in accordance
30 with subdivision ten of this section. Notwithstanding any contrary provision
31 of this section, sections one hundred twelve and one hundred sixty-three of
32 the state finance law, or any other contrary provision of law, such funding
33 shall be allocated regionally with one-third of available funds going to New
34 York city and two-thirds of available funds going to the rest of the state
35 and shall be distributed in a manner to be determined by the commissioner
36 without a competitive bid or request for proposal process as follows:

37 (i) Funding shall first be awarded to repay loans of up to twenty-five
38 physicians who train in primary care or specialty tracks in teaching general
39 hospitals, and who enter and remain in primary care or specialty practices in
40 underserved communities, as determined by the commissioner.

41 (ii) After distributions in accordance with subparagraph (i) of this
42 paragraph, all remaining funds shall be awarded to repay loans of physicians
43 who enter and remain in primary care or specialty practices in underserved
44 communities, as determined by the commissioner, including but not limited to
45 physicians working in general hospitals, or other health care facilities.

46 (iii) In no case shall less than fifty percent of the funds available
47 pursuant to this paragraph be distributed in accordance with subparagraphs
48 (i) and (ii) of this paragraph to physicians identified by general hospitals.

49 (iv) In addition to the funds allocated under this paragraph, for the
50 period April first, two thousand fifteen through March thirty-first, two

1 thousand sixteen, two million dollars shall be available for the purposes
2 described in subdivision ten of this section;

3 (v) In addition to the funds allocated under this paragraph, for the
4 period April first, two thousand sixteen through March thirty-first, two
5 thousand seventeen, two million dollars shall be available for the purposes
6 described in subdivision ten of this section;

7 (vi) Notwithstanding any provision of law to the contrary, and subject to
8 the extension of the Health Care Reform Act of 1996, sufficient funds shall
9 be available for the purposes described in subdivision ten of this section in
10 amounts necessary to fund the remaining year commitments for awards made
11 pursuant to subparagraphs (iv) and (v) of this paragraph.

12 (e) Physician practice support. Four million nine hundred thousand
13 dollars for the period January first, two thousand eight through December
14 thirty-first, two thousand eight, four million nine hundred thousand dollars
15 annually for the period January first, two thousand nine through December
16 thirty-first, two thousand ten, one million two hundred twenty-five thousand
17 dollars for the period January first, two thousand eleven through March
18 thirty-first, two thousand eleven, four million three hundred thousand
19 dollars each state fiscal year for the period April first, two thousand
20 eleven through March thirty-first, two thousand fourteen, [and] up to four
21 million three hundred sixty thousand dollars each state fiscal year for the
22 period April first, two thousand fourteen through March thirty-first, two
23 thousand seventeen, **and up to four million three hundred sixty thousand**
24 **dollars for each state fiscal year for the period April first, two thousand**
25 **seventeen through March thirty-first, two thousand twenty**, shall be set aside
26 and reserved by the commissioner from the regional pools established pursuant
27 to subdivision two of this section and shall be available for purposes of
28 physician practice support. Notwithstanding any contrary provision of this
29 section, sections one hundred twelve and one hundred sixty-three of the state
30 finance law, or any other contrary provision of law, such funding shall be
31 allocated regionally with one-third of available funds going to New York city
32 and two-thirds of available funds going to the rest of the state and shall be
33 distributed in a manner to be determined by the commissioner without a
34 competitive bid or request for proposal process as follows:

35 (i) Preference in funding shall first be accorded to teaching general
36 hospitals for up to twenty-five awards, to support costs incurred by
37 physicians trained in primary or specialty tracks who thereafter establish or
38 join practices in underserved communities, as determined by the commissioner.

39 (ii) After distributions in accordance with subparagraph (i) of this
40 paragraph, all remaining funds shall be awarded to physicians to support the
41 cost of establishing or joining practices in underserved communities, as
42 determined by the commissioner, and to hospitals and other health care
43 providers to recruit new physicians to provide services in underserved
44 communities, as determined by the commissioner.

45 (iii) In no case shall less than fifty percent of the funds available
46 pursuant to this paragraph be distributed to general hospitals in accordance
47 with subparagraphs (i) and (ii) of this paragraph.

1 (e-1) Work group. For funding available pursuant to paragraphs (d) and
2 (e) of this subdivision:

3 (i) The department shall appoint a work group from recommendations made
4 by associations representing physicians, general hospitals and other health
5 care facilities to develop a streamlined application process by June first,
6 two thousand twelve.

7 (ii) Subject to available funding, applications shall be accepted on a
8 continuous basis. The department shall provide technical assistance to
9 applicants to facilitate their completion of applications. An applicant shall
10 be notified in writing by the department within ten days of receipt of an
11 application as to whether the application is complete and if the application
12 is incomplete, what information is outstanding. The department shall act on
13 an application within thirty days of receipt of a complete application.

14 (f) Study on physician workforce. Five hundred ninety thousand dollars
15 annually for the period January first, two thousand eight through December
16 thirty-first, two thousand ten, one hundred forty-eight thousand dollars for
17 the period January first, two thousand eleven through March thirty-first, two
18 thousand eleven, five hundred sixteen thousand dollars each state fiscal year
19 for the period April first, two thousand eleven through March thirty-first,
20 two thousand fourteen, **[and]** up to four hundred eighty-seven thousand dollars
21 each state fiscal year for the period April first, two thousand fourteen
22 through March thirty-first, two thousand seventeen, **and up to four hundred**
23 **eighty-seven thousand dollars for each state fiscal year for the period April**
24 **first, two thousand seventeen through March thirty-first, two thousand**
25 **twenty**, shall be set aside and reserved by the commissioner from the regional
26 pools established pursuant to subdivision two of this section and shall be
27 available to fund a study of physician workforce needs and solutions
28 including, but not limited to, an analysis of residency programs and
29 projected physician workforce and community needs. The commissioner shall
30 enter into agreements with one or more organizations to conduct such study
31 based on a request for proposal process.

32 (g) Diversity in medicine/post-baccalaureate program. Notwithstanding any
33 inconsistent provision of section one hundred twelve or one hundred sixty-
34 three of the state finance law or any other law, one million nine hundred
35 sixty thousand dollars annually for the period January first, two thousand
36 eight through December thirty-first, two thousand ten, four hundred ninety
37 thousand dollars for the period January first, two thousand eleven through
38 March thirty-first, two thousand eleven, one million seven hundred thousand
39 dollars each state fiscal year for the period April first, two thousand
40 eleven through March thirty-first, two thousand fourteen, **[and]** up to one
41 million six hundred five thousand dollars each state fiscal year for the
42 period April first, two thousand fourteen through March thirty-first, two
43 thousand seventeen, **and up to one million six hundred five thousand dollars**
44 **each state fiscal year for the period April first, two thousand seventeen**
45 **through March thirty-first, two thousand twenty**, shall be set aside and
46 reserved by the commissioner from the regional pools established pursuant to
47 subdivision two of this section and shall be available for distributions to
48 the Associated Medical Schools of New York to fund its diversity program
49 including existing and new post-baccalaureate programs for minority and
50 economically disadvantaged students and encourage participation from all
51 medical schools in New York. The associated medical schools of New York shall

1 report to the commissioner on an annual basis regarding the use of funds for
2 such purpose in such form and manner as specified by the commissioner.

3 (h) In the event there are undistributed funds within amounts made
4 available for distributions pursuant to this subdivision, such funds may be
5 reallocated and distributed in current or subsequent distribution periods in
6 a manner determined by the commissioner for any purpose set forth in this
7 subdivision.

8 7. Notwithstanding any inconsistent provision of section one hundred
9 twelve or one hundred sixty-three of the state finance law or any other law,
10 up to one million dollars for the period January first, two thousand through
11 December thirty-first, two thousand, one million six hundred thousand dollars
12 annually for the periods January first, two thousand one through December
13 thirty-first, two thousand eight, one million five hundred thousand dollars
14 annually for the periods January first, two thousand nine through December
15 thirty-first, two thousand ten, three hundred seventy-five thousand dollars
16 for the period January first, two thousand eleven through March thirty-first,
17 two thousand eleven, one million three hundred twenty thousand dollars each
18 state fiscal year for the period April first, two thousand eleven through
19 March thirty-first, two thousand fourteen, [and] up to two million seventy-
20 seven thousand dollars each state fiscal year for the period April first, two
21 thousand fourteen through March thirty-first, two thousand seventeen, and up
22 to two million seventy-seven thousand dollars for each state fiscal year for
23 the period April first, two thousand seventeen through March thirty-first,
24 two thousand twenty, shall be set aside and reserved by the commissioner from
25 the regional pools established pursuant to subdivision two of this section
26 and shall be available for distributions to the New York state area health
27 education center program for the purpose of expanding community-based
28 training of medical students. In addition, one million dollars annually for
29 the period January first, two thousand eight through December thirty-first,
30 two thousand ten, two hundred fifty thousand dollars for the period January
31 first, two thousand eleven through March thirty-first, two thousand eleven,
32 and eight hundred eighty thousand dollars each state fiscal year for the
33 period April first, two thousand eleven through March thirty-first, two
34 thousand fourteen, shall be set aside and reserved by the commissioner from
35 the regional pools established pursuant to subdivision two of this section
36 and shall be available for distributions to the New York state area health
37 education center program for the purpose of post-secondary training of health
38 care professionals who will achieve specific program outcomes within the New
39 York state area health education center program. The New York state area
40 health education center program shall report to the commissioner on an annual
41 basis regarding the use of funds for each purpose in such form and manner as
42 specified by the commissioner.

43 § 7. Paragraph (a) of subdivision 12 of section 367-b of the social
44 services law, as amended by section 10 of part B of chapter 60 of the laws of
45 2014, is amended to read as follows:

46 (a) For the purpose of regulating cash flow for general hospitals, the
47 department shall develop and implement a payment methodology to provide for
48 timely payments for inpatient hospital services eligible for case based
49 payments per discharge based on diagnosis-related groups provided during the
50 period January first, nineteen hundred eighty-eight through March thirty-
51 first two thousand [seventeen] twenty, by such hospitals which elect to
52 participate in the system.

1 § 8. Subdivision 6 of section 2807-t of the public health law, as amended
2 by section 15 of part B of chapter 60 of the laws of 2014, is amended to read
3 as follows:

4 6. Prospective adjustments. (a) The commissioner shall annually reconcile
5 the sum of the actual payments made to the commissioner or the commissioner's
6 designee for each region pursuant to section twenty-eight hundred seven-s of
7 this article and pursuant to this section for the prior year with the
8 regional allocation of the gross annual statewide amount specified in
9 subdivision six of section twenty-eight hundred seven-s of this article for
10 such prior year. The difference between the actual amount raised for a region
11 and the regional allocation of the specified gross annual amount for such
12 prior year shall be applied as a prospective adjustment to the regional
13 allocation of the specified gross annual payment amount for such region for
14 the year next following the calculation of the reconciliation. The authorized
15 dollar value of the adjustments shall be the same as if calculated
16 retrospectively.

17 (b) Notwithstanding the provisions of paragraph (a) of this subdivision,
18 for covered lives assessment rate periods on and after January first, two
19 thousand fifteen through December thirty-first, two thousand [~~seventeen~~
20 **twenty**], for amounts collected in the aggregate in excess of one billion
21 forty-five million dollars on an annual basis, prospective adjustments shall
22 be suspended if the annual reconciliation calculation from the prior year
23 would otherwise result in a decrease to the regional allocation of the
24 specified gross annual payment amount for that region, provided, however,
25 that such suspension shall be lifted upon a determination by the
26 commissioner, in consultation with the director of the budget, that sixty-
27 five million dollars in aggregate collections on an annual basis over and
28 above one billion forty-five million dollars on an annual basis have been
29 reserved and set aside for deposit in the HCRA resources fund. Any amounts
30 collected in the aggregate at or below one billion forty-five million dollars
31 on an annual basis, shall be subject to regional adjustments reconciling any
32 decreases or increases to the regional allocation in accordance with
33 paragraph (a) of this subdivision.

34 § 9. Section 2 of chapter 600 of the laws of 1986 amending the public
35 health law relating to the development of pilot reimbursement programs for
36 ambulatory care services, as amended by section 11 of part B of chapter 60 of
37 the laws of 2014, is amended to read as follows:

38 § 2. This act shall take effect immediately, except that this act shall
39 expire and be of no further force and effect on and after April 1, [~~2017;~~
40 **provided, however, that the commissioner of health shall submit a report to**
41 **the governor and the legislature detailing the objective, impact, design and**
42 **computation of any pilot reimbursement program established pursuant to this**
43 **act, on or before March 31, 1994 and annually thereafter. Such report shall**
44 **include an assessment of the financial impact of such payment system on**
45 **providers, as well as the impact of such system on access to care] 2020.**

46 § 10. Paragraph (i) of subdivision (b) of section 1 of chapter 520 of the
47 laws of 1978 relating to providing for a comprehensive survey of health care
48 financing, education and illness prevention and creating councils for the
49 conduct thereof, as amended by section 12 of part B of chapter 60 of the laws
50 of 2014, is amended to read as follows:

1 (i) oversight and evaluation of the inpatient financing system in place
2 for 1988 through March 31, [2017] 2020, and the appropriateness and
3 effectiveness of the bad debt and charity care financing provisions;

4 § 11. Paragraph (l) of subdivision 9 of section 3614 of the public health
5 law, as added by section 13 of part B of chapter 60 of the laws of 2014, is
6 amended and three new paragraphs (m), (n) and (o) are added to read as
7 follows:

8 (l) for the period April first, two thousand sixteen through March
9 thirty-first, two thousand seventeen, up to one hundred million dollars[.];

10 (m) for the period April first, two thousand seventeen through March
11 thirty-first, two thousand eighteen, up to one hundred million dollars;

12 (n) for the period April first, two thousand eighteen through March
13 thirty-first, two thousand nineteen, up to one hundred million dollars;

14 (o) for the period April first, two thousand nineteen through March
15 thirty-first, two thousand twenty, up to one hundred million dollars.

16 § 12. Paragraph (p) of subdivision 1 of section 367-q of the social
17 services law, as added by section 14 of part B of chapter 60 of the laws of
18 2014, is amended and three new paragraphs (q), (r) and (s) are added to read
19 as follows:

20 (p) for the period April first, two thousand sixteen through March
21 thirty-first, two thousand seventeen, up to twenty-eight million five hundred
22 thousand dollars[.];

23 (q) for the period April first, two thousand seventeen through March
24 thirty-first, two thousand eighteen, up to twenty-eight million five hundred
25 thousand dollars;

26 (r) for the period April first, two thousand eighteen through March
27 thirty-first, two thousand nineteen, twenty-eight million five hundred
28 thousand dollars;

29 (s) for the period April first, two thousand nineteen through March
30 thirty-first, two thousand twenty, twenty-eight million five hundred thousand
31 dollars.

32 § 13. Subdivision 4-c of section 2807-p of the public health law, as
33 amended by section 16 of part B of chapter 60 of the laws of 2014, is amended
34 to read as follows:

35 4-c. Notwithstanding any provision of law to the contrary, the
36 commissioner shall make additional payments for uncompensated care to
37 voluntary non-profit diagnostic and treatment centers that are eligible for
38 distributions under subdivision four of this section in the following
39 amounts: for the period June first, two thousand six through December thirty-
40 first, two thousand six, in the amount of seven million five hundred thousand
41 dollars, for the period January first, two thousand seven through December
42 thirty-first, two thousand seven, seven million five hundred thousand

1 dollars, for the period January first, two thousand eight through December
2 thirty-first, two thousand eight, seven million five hundred thousand
3 dollars, for the period January first, two thousand nine through December
4 thirty-first, two thousand nine, fifteen million five hundred thousand
5 dollars, for the period January first, two thousand ten through December
6 thirty-first, two thousand ten, seven million five hundred thousand dollars,
7 for the period January first, two thousand eleven through December thirty-
8 first, two thousand eleven, seven million five hundred thousand dollars, for
9 the period January first, two thousand twelve through December thirty-first,
10 two thousand twelve, seven million five hundred thousand dollars, for the
11 period January first, two thousand thirteen through December thirty-first,
12 two thousand thirteen, seven million five hundred thousand dollars, for the
13 period January first, two thousand fourteen through December thirty-first,
14 two thousand fourteen, seven million five hundred thousand dollars, for the
15 period January first, two thousand fifteen through December thirty-first, two
16 thousand fifteen, seven million five hundred thousand dollars, for the period
17 January first two thousand sixteen through December thirty-first, two
18 thousand sixteen, seven million five hundred thousand dollars, for the period
19 January first, two thousand seventeen through December thirty-first, two
20 thousand seventeen, seven million five hundred thousand dollars, for the
21 period January first, two thousand eighteen through December thirty-first,
22 two thousand eighteen, seven million five hundred thousand dollars, for the
23 period January first, two thousand nineteen through December thirty-first,
24 two thousand nineteen, seven million five hundred thousand dollars, and for
25 the period January first, two thousand [~~seventeen~~] twenty through March
26 thirty-first, two thousand [~~seventeen~~] twenty, in the amount of one million
27 six hundred thousand dollars, provided, however, that for periods on and
28 after January first, two thousand eight, such additional payments shall be
29 distributed to voluntary, non-profit diagnostic and treatment centers and to
30 public diagnostic and treatment centers in accordance with paragraph (g) of
31 subdivision four of this section. In the event that federal financial
32 participation is available for rate adjustments pursuant to this section, the
33 commissioner shall make such payments as additional adjustments to rates of
34 payment for voluntary non-profit diagnostic and treatment centers that are
35 eligible for distributions under subdivision four-a of this section in the
36 following amounts: for the period June first, two thousand six through
37 December thirty-first, two thousand six, fifteen million dollars in the
38 aggregate, and for the period January first, two thousand seven through June
39 thirtieth, two thousand seven, seven million five hundred thousand dollars in
40 the aggregate. The amounts allocated pursuant to this paragraph shall be
41 aggregated with and distributed pursuant to the same methodology applicable
42 to the amounts allocated to such diagnostic and treatment centers for such
43 periods pursuant to subdivision four of this section if federal financial
44 participation is not available, or pursuant to subdivision four-a of this
45 section if federal financial participation is available. Notwithstanding
46 section three hundred sixty-eight-a of the social services law, there shall
47 be no local share in a medical assistance payment adjustment under this
48 subdivision.

49 § 14. Section 34 of part A3 of chapter 62 of the laws of 2003 amending
50 the general business law and other laws relating to enacting major components
51 necessary to implement the state fiscal plan for the 2003-04 state fiscal
52 year, as amended by section 6 of part B of chapter 60 of the laws of 2014, is
53 amended to read as follows:

1 § 34. (1) Notwithstanding any inconsistent provision of law, rule or
2 regulation and effective April 1, 2008 through March 31, [2017] 2020, the
3 commissioner of health is authorized to transfer and the state comptroller is
4 authorized and directed to receive for deposit to the credit of the
5 department of health's special revenue fund - other, health care reform act
6 (HCRA) resources fund - 061, provider collection monitoring account, within
7 amounts appropriated each year, those funds collected and accumulated
8 pursuant to section 2807-v of the public health law, including income from
9 invested funds, for the purpose of payment for administrative costs of the
10 department of health related to administration of statutory duties for the
11 collections and distributions authorized by section 2807-v of the public
12 health law.

13 (2) Notwithstanding any inconsistent provision of law, rule or regulation
14 and effective April 1, 2008 through March 31, [2017] 2020, the commissioner
15 of health is authorized to transfer and the state comptroller is authorized
16 and directed to receive for deposit to the credit of the department of
17 health's special revenue fund - other, health care reform act (HCRA)
18 resources fund - 061, provider collection monitoring account, within amounts
19 appropriated each year, those funds collected and accumulated and interest
20 earned through surcharges on payments for health care services pursuant to
21 section 2807-s of the public health law and from assessments pursuant to
22 section 2807-t of the public health law for the purpose of payment for
23 administrative costs of the department of health related to administration of
24 statutory duties for the collections and distributions authorized by sections
25 2807-s, 2807-t, and 2807-m of the public health law.

26 (3) Notwithstanding any inconsistent provision of law, rule or regulation
27 and effective April 1, 2008 through March 31, [2017] 2020, the commissioner
28 of health is authorized to transfer and the comptroller is authorized to
29 deposit, within amounts appropriated each year, those funds authorized for
30 distribution in accordance with the provisions of paragraph (a) of
31 subdivision 1 of section 2807-1 of the public health law for the purposes of
32 payment for administrative costs of the department of health related to the
33 child health insurance plan program authorized pursuant to title 1-A of
34 article 25 of the public health law into the special revenue funds - other,
35 health care reform act (HCRA) resources fund - 061, child health insurance
36 account, established within the department of health.

37 (4) Notwithstanding any inconsistent provision of law, rule or regulation
38 and effective April 1, 2008 through March 31, [2017] 2020, the commissioner
39 of health is authorized to transfer and the comptroller is authorized to
40 deposit, within amounts appropriated each year, those funds authorized for
41 distribution in accordance with the provisions of paragraph (e) of
42 subdivision 1 of section 2807-1 of the public health law for the purpose of
43 payment for administrative costs of the department of health related to the
44 health occupation development and workplace demonstration program established
45 pursuant to section 2807-h and the health workforce retraining program
46 established pursuant to section 2807-g of the public health law into the
47 special revenue funds - other, health care reform act (HCRA) resources fund -
48 061, health occupation development and workplace demonstration program
49 account, established within the department of health.

50 (5) Notwithstanding any inconsistent provision of law, rule or regulation
51 and effective April 1, 2008 through March 31, [2017] 2020, the commissioner
52 of health is authorized to transfer and the comptroller is authorized to

1 deposit, within amounts appropriated each year, those funds allocated
2 pursuant to paragraph (j) of subdivision 1 of section 2807-v of the public
3 health law for the purpose of payment for administrative costs of the
4 department of health related to administration of the state's tobacco control
5 programs and cancer services provided pursuant to sections 2807-r and 1399-ii
6 of the public health law into such accounts established within the department
7 of health for such purposes.

8 (6) Notwithstanding any inconsistent provision of law, rule or regulation
9 and effective April 1, 2008 through March 31, [2017] 2020, the commissioner
10 of health is authorized to transfer and the comptroller is authorized to
11 deposit, within amounts appropriated each year, the funds authorized for
12 distribution in accordance with the provisions of section 2807-1 of the
13 public health law for the purposes of payment for administrative costs of the
14 department of health related to the programs funded pursuant to section 2807-
15 1 of the public health law into the special revenue funds - other, health
16 care reform act (HCRA) resources fund - 061, pilot health insurance account,
17 established within the department of health.

18 (7) Notwithstanding any inconsistent provision of law, rule or regulation
19 and effective April 1, 2008 through March 31, [2017] 2020, the commissioner
20 of health is authorized to transfer and the comptroller is authorized to
21 deposit, within amounts appropriated each year, those funds authorized for
22 distribution in accordance with the provisions of subparagraph (ii) of
23 paragraph (f) of subdivision 19 of section 2807-c of the public health law
24 from monies accumulated and interest earned in the bad debt and charity care
25 and capital statewide pools through an assessment charged to general
26 hospitals pursuant to the provisions of subdivision 18 of section 2807-c of
27 the public health law and those funds authorized for distribution in
28 accordance with the provisions of section 2807-1 of the public health law for
29 the purposes of payment for administrative costs of the department of health
30 related to programs funded under section 2807-1 of the public health law into
31 the special revenue funds - other, health care reform act (HCRA) resources
32 fund - 061, primary care initiatives account, established within the
33 department of health.

34 (8) Notwithstanding any inconsistent provision of law, rule or regulation
35 and effective April 1, 2008 through March 31, [2017] 2020, the commissioner
36 of health is authorized to transfer and the comptroller is authorized to
37 deposit, within amounts appropriated each year, those funds authorized for
38 distribution in accordance with section 2807-1 of the public health law for
39 the purposes of payment for administrative costs of the department of health
40 related to programs funded under section 2807-1 of the public health law into
41 the special revenue funds - other, health care reform act (HCRA) resources
42 fund - 061, health care delivery administration account, established within
43 the department of health.

44 (9) Notwithstanding any inconsistent provision of law, rule or regulation
45 and effective April 1, 2008 through March 31, [2017] 2020, the commissioner
46 of health is authorized to transfer and the comptroller is authorized to
47 deposit, within amounts appropriated each year, those funds authorized
48 pursuant to sections 2807-d, 3614-a and 3614-b of the public health law and
49 section 367-i of the social services law and for distribution in accordance
50 with the provisions of subdivision 9 of section 2807-j of the public health
51 law for the purpose of payment for administration of statutory duties for the
52 collections and distributions authorized by sections 2807-c, 2807-d, 2807-j,

1 2807-k, 2807-l, 3614-a and 3614-b of the public health law and section 367-i
2 of the social services law into the special revenue funds - other, health
3 care reform act (HCRA) resources fund - 061, provider collection monitoring
4 account, established within the department of health.

5 § 15. Paragraph (a) of subdivision 1 of section 18 of chapter 266 of the
6 laws of 1986, amending the civil practice law and rules and other laws
7 relating to malpractice and professional medical conduct, as amended by
8 section 2 of part C of chapter 59 of the laws of 2016, is amended to read as
9 follows:

10 (a) The superintendent of financial services and the commissioner of
11 health or their designee shall, from funds available in the hospital excess
12 liability pool created pursuant to subdivision 5 of this section, purchase a
13 policy or policies for excess insurance coverage, as authorized by paragraph
14 1 of subsection (e) of section 5502 of the insurance law; or from an insurer,
15 other than an insurer described in section 5502 of the insurance law, duly
16 authorized to write such coverage and actually writing medical malpractice
17 insurance in this state; or shall purchase equivalent excess coverage in a
18 form previously approved by the superintendent of financial services for
19 purposes of providing equivalent excess coverage in accordance with section
20 19 of chapter 294 of the laws of 1985, for medical or dental malpractice
21 occurrences between July 1, 1986 and June 30, 1987, between July 1, 1987 and
22 June 30, 1988, between July 1, 1988 and June 30, 1989, between July 1, 1989
23 and June 30, 1990, between July 1, 1990 and June 30, 1991, between July 1,
24 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993, between July
25 1, 1993 and June 30, 1994, between July 1, 1994 and June 30, 1995, between
26 July 1, 1995 and June 30, 1996, between July 1, 1996 and June 30, 1997,
27 between July 1, 1997 and June 30, 1998, between July 1, 1998 and June 30,
28 1999, between July 1, 1999 and June 30, 2000, between July 1, 2000 and June
29 30, 2001, between July 1, 2001 and June 30, 2002, between July 1, 2002 and
30 June 30, 2003, between July 1, 2003 and June 30, 2004, between July 1, 2004
31 and June 30, 2005, between July 1, 2005 and June 30, 2006, between July 1,
32 2006 and June 30, 2007, between July 1, 2007 and June 30, 2008, between July
33 1, 2008 and June 30, 2009, between July 1, 2009 and June 30, 2010, between
34 July 1, 2010 and June 30, 2011, between July 1, 2011 and June 30, 2012,
35 between July 1, 2012 and June 30, 2013, between July 1, 2013 and June 30,
36 2014, between July 1, 2014 and June 30, 2015, between July 1, 2015 and June
37 30, 2016, **[and] between July 1, 2016 and June 30, 2017, and between July 1,**
38 **2017 and June 30, 2018** or reimburse the hospital where the hospital purchases
39 equivalent excess coverage as defined in subparagraph (i) of paragraph (a) of
40 subdivision 1-a of this section for medical or dental malpractice occurrences
41 between July 1, 1987 and June 30, 1988, between July 1, 1988 and June 30,
42 1989, between July 1, 1989 and June 30, 1990, between July 1, 1990 and June
43 30, 1991, between July 1, 1991 and June 30, 1992, between July 1, 1992 and
44 June 30, 1993, between July 1, 1993 and June 30, 1994, between July 1, 1994
45 and June 30, 1995, between July 1, 1995 and June 30, 1996, between July 1,
46 1996 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July
47 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000, between
48 July 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002,
49 between July 1, 2002 and June 30, 2003, between July 1, 2003 and June 30,
50 2004, between July 1, 2004 and June 30, 2005, between July 1, 2005 and June
51 30, 2006, between July 1, 2006 and June 30, 2007, between July 1, 2007 and
52 June 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009
53 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July 1,
54 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013, between July

1 1, 2013 and June 30, 2014, between July 1, 2014 and June 30, 2015, between
2 July 1, 2015 and June 30, 2016, [and] between July 1, 2016 and June 30, 2017,
3 and between July 1, 2017 and June 30, 2018 for physicians or dentists
4 certified as eligible for each such period or periods pursuant to subdivision
5 2 of this section by a general hospital licensed pursuant to article 28 of
6 the public health law; provided that no single insurer shall write more than
7 fifty percent of the total excess premium for a given policy year; and
8 provided, however, that such eligible physicians or dentists must have in
9 force an individual policy, from an insurer licensed in this state of primary
10 malpractice insurance coverage in amounts of no less than one million three
11 hundred thousand dollars for each claimant and three million nine hundred
12 thousand dollars for all claimants under that policy during the period of
13 such excess coverage for such occurrences or be endorsed as additional
14 insureds under a hospital professional liability policy which is offered
15 through a voluntary attending physician ("channeling") program previously
16 permitted by the superintendent of financial services during the period of
17 such excess coverage for such occurrences. During such period, such policy
18 for excess coverage or such equivalent excess coverage shall, when combined
19 with the physician's or dentist's primary malpractice insurance coverage or
20 coverage provided through a voluntary attending physician ("channeling")
21 program, total an aggregate level of two million three hundred thousand
22 dollars for each claimant and six million nine hundred thousand dollars for
23 all claimants from all such policies with respect to occurrences in each of
24 such years provided, however, if the cost of primary malpractice insurance
25 coverage in excess of one million dollars, but below the excess medical
26 malpractice insurance coverage provided pursuant to this act, exceeds the
27 rate of nine percent per annum, then the required level of primary
28 malpractice insurance coverage in excess of one million dollars for each
29 claimant shall be in an amount of not less than the dollar amount of such
30 coverage available at nine percent per annum; the required level of such
31 coverage for all claimants under that policy shall be in an amount not less
32 than three times the dollar amount of coverage for each claimant; and excess
33 coverage, when combined with such primary malpractice insurance coverage,
34 shall increase the aggregate level for each claimant by one million dollars
35 and three million dollars for all claimants; and provided further, that, with
36 respect to policies of primary medical malpractice coverage that include
37 occurrences between April 1, 2002 and June 30, 2002, such requirement that
38 coverage be in amounts no less than one million three hundred thousand
39 dollars for each claimant and three million nine hundred thousand dollars for
40 all claimants for such occurrences shall be effective April 1, 2002.

41 § 16. Subdivision 3 of section 18 of chapter 266 of the laws of 1986,
42 amending the civil practice law and rules and other laws relating to
43 malpractice and professional medical conduct, as amended by section 3 of part
44 C of chapter 59 of the laws of 2016, is amended to read as follows:

45 (3)(a) The superintendent of financial services shall determine and
46 certify to each general hospital and to the commissioner of health the cost
47 of excess malpractice insurance for medical or dental malpractice occurrences
48 between July 1, 1986 and June 30, 1987, between July 1, 1988 and June 30,
49 1989, between July 1, 1989 and June 30, 1990, between July 1, 1990 and June
50 30, 1991, between July 1, 1991 and June 30, 1992, between July 1, 1992 and
51 June 30, 1993, between July 1, 1993 and June 30, 1994, between July 1, 1994
52 and June 30, 1995, between July 1, 1995 and June 30, 1996, between July 1,
53 1996 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July
54 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000, between

1 July 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002,
2 between July 1, 2002 and June 30, 2003, between July 1, 2003 and June 30,
3 2004, between July 1, 2004 and June 30, 2005, between July 1, 2005 and June
4 30, 2006, between July 1, 2006 and June 30, 2007, between July 1, 2007 and
5 June 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009
6 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July 1,
7 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013, and between
8 July 1, 2013 and June 30, 2014, between July 1, 2014 and June 30, 2015,
9 between July 1, 2015 and June 30, 2016, and between July 1, 2016 and June 30,
10 **2017, and between July 1, 2017 and June 30, 2018** allocable to each general
11 hospital for physicians or dentists certified as eligible for purchase of a
12 policy for excess insurance coverage by such general hospital in accordance
13 with subdivision 2 of this section, and may amend such determination and
14 certification as necessary.

15 (b) The superintendent of financial services shall determine and certify
16 to each general hospital and to the commissioner of health the cost of excess
17 malpractice insurance or equivalent excess coverage for medical or dental
18 malpractice occurrences between July 1, 1987 and June 30, 1988, between July
19 1, 1988 and June 30, 1989, between July 1, 1989 and June 30, 1990, between
20 July 1, 1990 and June 30, 1991, between July 1, 1991 and June 30, 1992,
21 between July 1, 1992 and June 30, 1993, between July 1, 1993 and June 30,
22 1994, between July 1, 1994 and June 30, 1995, between July 1, 1995 and June
23 30, 1996, between July 1, 1996 and June 30, 1997, between July 1, 1997 and
24 June 30, 1998, between July 1, 1998 and June 30, 1999, between July 1, 1999
25 and June 30, 2000, between July 1, 2000 and June 30, 2001, between July 1,
26 2001 and June 30, 2002, between July 1, 2002 and June 30, 2003, between July
27 1, 2003 and June 30, 2004, between July 1, 2004 and June 30, 2005, between
28 July 1, 2005 and June 30, 2006, between July 1, 2006 and June 30, 2007,
29 between July 1, 2007 and June 30, 2008, between July 1, 2008 and June 30,
30 2009, between July 1, 2009 and June 30, 2010, between July 1, 2010 and June
31 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012 and
32 June 30, 2013, between July 1, 2013 and June 30, 2014, between July 1, 2014
33 and June 30, 2015, between July 1, 2015 and June 30, 2016, and between July
34 1, 2016 and June 30, 2017, **and between July 1, 2017 and June 30, 2018**
35 allocable to each general hospital for physicians or dentists certified as
36 eligible for purchase of a policy for excess insurance coverage or equivalent
37 excess coverage by such general hospital in accordance with subdivision 2 of
38 this section, and may amend such determination and certification as
39 necessary. The superintendent of financial services shall determine and
40 certify to each general hospital and to the commissioner of health the
41 ratable share of such cost allocable to the period July 1, 1987 to December
42 31, 1987, to the period January 1, 1988 to June 30, 1988, to the period July
43 1, 1988 to December 31, 1988, to the period January 1, 1989 to June 30, 1989,
44 to the period July 1, 1989 to December 31, 1989, to the period January 1,
45 1990 to June 30, 1990, to the period July 1, 1990 to December 31, 1990, to
46 the period January 1, 1991 to June 30, 1991, to the period July 1, 1991 to
47 December 31, 1991, to the period January 1, 1992 to June 30, 1992, to the
48 period July 1, 1992 to December 31, 1992, to the period January 1, 1993 to
49 June 30, 1993, to the period July 1, 1993 to December 31, 1993, to the period
50 January 1, 1994 to June 30, 1994, to the period July 1, 1994 to December 31,
51 1994, to the period January 1, 1995 to June 30, 1995, to the period July 1,
52 1995 to December 31, 1995, to the period January 1, 1996 to June 30, 1996, to
53 the period July 1, 1996 to December 31, 1996, to the period January 1, 1997
54 to June 30, 1997, to the period July 1, 1997 to December 31, 1997, to the
55 period January 1, 1998 to June 30, 1998, to the period July 1, 1998 to

1 December 31, 1998, to the period January 1, 1999 to June 30, 1999, to the
2 period July 1, 1999 to December 31, 1999, to the period January 1, 2000 to
3 June 30, 2000, to the period July 1, 2000 to December 31, 2000, to the period
4 January 1, 2001 to June 30, 2001, to the period July 1, 2001 to June 30,
5 2002, to the period July 1, 2002 to June 30, 2003, to the period July 1, 2003
6 to June 30, 2004, to the period July 1, 2004 to June 30, 2005, to the period
7 July 1, 2005 and June 30, 2006, to the period July 1, 2006 and June 30, 2007,
8 to the period July 1, 2007 and June 30, 2008, to the period July 1, 2008 and
9 June 30, 2009, to the period July 1, 2009 and June 30, 2010, to the period
10 July 1, 2010 and June 30, 2011, to the period July 1, 2011 and June 30, 2012,
11 to the period July 1, 2012 and June 30, 2013, to the period July 1, 2013 and
12 June 30, 2014, to the period July 1, 2014 and June 30, 2015, to the period
13 July 1, 2015 and June 30, 2016, and between July 1, 2016 and June 30, 2017,
14 and to the period July 1, 2017 and June 30, 2018.

15 § 17. Paragraphs (a), (b), (c), (d) and (e) of subdivision 8 of section
16 18 of chapter 266 of the laws of 1986, amending the civil practice law and
17 rules and other laws relating to malpractice and professional medical
18 conduct, as amended by section 4 of part C of chapter 59 of the laws of 2016,
19 are amended to read as follows:

20 (a) To the extent funds available to the hospital excess liability pool
21 pursuant to subdivision 5 of this section as amended, and pursuant to section
22 6 of part J of chapter 63 of the laws of 2001, as may from time to time be
23 amended, which amended this subdivision, are insufficient to meet the costs
24 of excess insurance coverage or equivalent excess coverage for coverage
25 periods during the period July 1, 1992 to June 30, 1993, during the period
26 July 1, 1993 to June 30, 1994, during the period July 1, 1994 to June 30,
27 1995, during the period July 1, 1995 to June 30, 1996, during the period July
28 1, 1996 to June 30, 1997, during the period July 1, 1997 to June 30, 1998,
29 during the period July 1, 1998 to June 30, 1999, during the period July 1,
30 1999 to June 30, 2000, during the period July 1, 2000 to June 30, 2001,
31 during the period July 1, 2001 to October 29, 2001, during the period April
32 1, 2002 to June 30, 2002, during the period July 1, 2002 to June 30, 2003,
33 during the period July 1, 2003 to June 30, 2004, during the period July 1,
34 2004 to June 30, 2005, during the period July 1, 2005 to June 30, 2006,
35 during the period July 1, 2006 to June 30, 2007, during the period July 1,
36 2007 to June 30, 2008, during the period July 1, 2008 to June 30, 2009,
37 during the period July 1, 2009 to June 30, 2010, during the period July 1,
38 2010 to June 30, 2011, during the period July 1, 2011 to June 30, 2012,
39 during the period July 1, 2012 to June 30, 2013, during the period July 1,
40 2013 to June 30, 2014, during the period July 1, 2014 to June 30, 2015,
41 during the period July 1, 2015 and June 30, 2016, [and between] during the
42 period July 1, 2016 and June 30, 2017, and during the period July 1, 2017 and
43 June 30, 2018 allocated or reallocated in accordance with paragraph (a) of
44 subdivision 4-a of this section to rates of payment applicable to state
45 governmental agencies, each physician or dentist for whom a policy for excess
46 insurance coverage or equivalent excess coverage is purchased for such period
47 shall be responsible for payment to the provider of excess insurance coverage
48 or equivalent excess coverage of an allocable share of such insufficiency,
49 based on the ratio of the total cost of such coverage for such physician to
50 the sum of the total cost of such coverage for all physicians applied to such
51 insufficiency.

52 (b) Each provider of excess insurance coverage or equivalent excess
53 coverage covering the period July 1, 1992 to June 30, 1993, or covering the

1 period July 1, 1993 to June 30, 1994, or covering the period July 1, 1994 to
2 June 30, 1995, or covering the period July 1, 1995 to June 30, 1996, or
3 covering the period July 1, 1996 to June 30, 1997, or covering the period
4 July 1, 1997 to June 30, 1998, or covering the period July 1, 1998 to June
5 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or covering
6 the period July 1, 2000 to June 30, 2001, or covering the period July 1, 2001
7 to October 29, 2001, or covering the period April 1, 2002 to June 30, 2002,
8 or covering the period July 1, 2002 to June 30, 2003, or covering the period
9 July 1, 2003 to June 30, 2004, or covering the period July 1, 2004 to June
10 30, 2005, or covering the period July 1, 2005 to June 30, 2006, or covering
11 the period July 1, 2006 to June 30, 2007, or covering the period July 1, 2007
12 to June 30, 2008, or covering the period July 1, 2008 to June 30, 2009, or
13 covering the period July 1, 2009 to June 30, 2010, or covering the period
14 July 1, 2010 to June 30, 2011, or covering the period July 1, 2011 to June
15 30, 2012, or covering the period July 1, 2012 to June 30, 2013, or covering
16 the period July 1, 2013 to June 30, 2014, or covering the period July 1, 2014
17 to June 30, 2015, or covering the period July 1, 2015 to June 30, 2016, or
18 covering the period July 1, 2016 to June 30, 2017, or covering the period
19 July 1, 2017 to June 30, 2018 shall notify a covered physician or dentist by
20 mail, mailed to the address shown on the last application for excess
21 insurance coverage or equivalent excess coverage, of the amount due to such
22 provider from such physician or dentist for such coverage period determined
23 in accordance with paragraph (a) of this subdivision. Such amount shall be
24 due from such physician or dentist to such provider of excess insurance
25 coverage or equivalent excess coverage in a time and manner determined by the
26 superintendent of financial services.

27 (c) If a physician or dentist liable for payment of a portion of the
28 costs of excess insurance coverage or equivalent excess coverage covering the
29 period July 1, 1992 to June 30, 1993, or covering the period July 1, 1993 to
30 June 30, 1994, or covering the period July 1, 1994 to June 30, 1995, or
31 covering the period July 1, 1995 to June 30, 1996, or covering the period
32 July 1, 1996 to June 30, 1997, or covering the period July 1, 1997 to June
33 30, 1998, or covering the period July 1, 1998 to June 30, 1999, or covering
34 the period July 1, 1999 to June 30, 2000, or covering the period July 1, 2000
35 to June 30, 2001, or covering the period July 1, 2001 to October 29, 2001, or
36 covering the period April 1, 2002 to June 30, 2002, or covering the period
37 July 1, 2002 to June 30, 2003, or covering the period July 1, 2003 to June
38 30, 2004, or covering the period July 1, 2004 to June 30, 2005, or covering
39 the period July 1, 2005 to June 30, 2006, or covering the period July 1, 2006
40 to June 30, 2007, or covering the period July 1, 2007 to June 30, 2008, or
41 covering the period July 1, 2008 to June 30, 2009, or covering the period
42 July 1, 2009 to June 30, 2010, or covering the period July 1, 2010 to June
43 30, 2011, or covering the period July 1, 2011 to June 30, 2012, or covering
44 the period July 1, 2012 to June 30, 2013, or covering the period July 1, 2013
45 to June 30, 2014, or covering the period July 1, 2014 to June 30, 2015, or
46 covering the period July 1, 2015 to June 30, 2016, or covering the period
47 July 1, 2016 to June 30, 2017, or covering the period July 1, 2017 to June
48 30, 2018 determined in accordance with paragraph (a) of this subdivision
49 fails, refuses or neglects to make payment to the provider of excess
50 insurance coverage or equivalent excess coverage in such time and manner as
51 determined by the superintendent of financial services pursuant to paragraph
52 (b) of this subdivision, excess insurance coverage or equivalent excess
53 coverage purchased for such physician or dentist in accordance with this
54 section for such coverage period shall be cancelled and shall be null and
55 void as of the first day on or after the commencement of a policy period

1 where the liability for payment pursuant to this subdivision has not been
2 met.

3 (d) Each provider of excess insurance coverage or equivalent excess
4 coverage shall notify the superintendent of financial services and the
5 commissioner of health or their designee of each physician and dentist
6 eligible for purchase of a policy for excess insurance coverage or equivalent
7 excess coverage covering the period July 1, 1992 to June 30, 1993, or
8 covering the period July 1, 1993 to June 30, 1994, or covering the period
9 July 1, 1994 to June 30, 1995, or covering the period July 1, 1995 to June
10 30, 1996, or covering the period July 1, 1996 to June 30, 1997, or covering
11 the period July 1, 1997 to June 30, 1998, or covering the period July 1, 1998
12 to June 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or
13 covering the period July 1, 2000 to June 30, 2001, or covering the period
14 July 1, 2001 to October 29, 2001, or covering the period April 1, 2002 to
15 June 30, 2002, or covering the period July 1, 2002 to June 30, 2003, or
16 covering the period July 1, 2003 to June 30, 2004, or covering the period
17 July 1, 2004 to June 30, 2005, or covering the period July 1, 2005 to June
18 30, 2006, or covering the period July 1, 2006 to June 30, 2007, or covering
19 the period July 1, 2007 to June 30, 2008, or covering the period July 1, 2008
20 to June 30, 2009, or covering the period July 1, 2009 to June 30, 2010, or
21 covering the period July 1, 2010 to June 30, 2011, or covering the period
22 July 1, 2011 to June 30, 2012, or covering the period July 1, 2012 to June
23 30, 2013, or covering the period July 1, 2013 to June 30, 2014, or covering
24 the period July 1, 2014 to June 30, 2015, or covering the period July 1, 2015
25 to June 30, 2016, or covering the period July 1, 2016 to June 30, 2017, or
26 covering the period July 1, 2017 to June 30, 2018 that has made payment to
27 such provider of excess insurance coverage or equivalent excess coverage in
28 accordance with paragraph (b) of this subdivision and of each physician and
29 dentist who has failed, refused or neglected to make such payment.

30 (e) A provider of excess insurance coverage or equivalent excess coverage
31 shall refund to the hospital excess liability pool any amount allocable to
32 the period July 1, 1992 to June 30, 1993, and to the period July 1, 1993 to
33 June 30, 1994, and to the period July 1, 1994 to June 30, 1995, and to the
34 period July 1, 1995 to June 30, 1996, and to the period July 1, 1996 to June
35 30, 1997, and to the period July 1, 1997 to June 30, 1998, and to the period
36 July 1, 1998 to June 30, 1999, and to the period July 1, 1999 to June 30,
37 2000, and to the period July 1, 2000 to June 30, 2001, and to the period July
38 1, 2001 to October 29, 2001, and to the period April 1, 2002 to June 30,
39 2002, and to the period July 1, 2002 to June 30, 2003, and to the period July
40 1, 2003 to June 30, 2004, and to the period July 1, 2004 to June 30, 2005,
41 and to the period July 1, 2005 to June 30, 2006, and to the period July 1,
42 2006 to June 30, 2007, and to the period July 1, 2007 to June 30, 2008, and
43 to the period July 1, 2008 to June 30, 2009, and to the period July 1, 2009
44 to June 30, 2010, and to the period July 1, 2010 to June 30, 2011, and to the
45 period July 1, 2011 to June 30, 2012, and to the period July 1, 2012 to June
46 30, 2013, and to the period July 1, 2013 to June 30, 2014, and to the period
47 July 1, 2014 to June 30, 2015, and to the period July 1, 2015 to June 30,
48 2016, [and] to the period July 1, 2016 to June 30, 2017, and to the period
49 July 1, 2017 to June 30, 2018 received from the hospital excess liability
50 pool for purchase of excess insurance coverage or equivalent excess coverage
51 covering the period July 1, 1992 to June 30, 1993, and covering the period
52 July 1, 1993 to June 30, 1994, and covering the period July 1, 1994 to June
53 30, 1995, and covering the period July 1, 1995 to June 30, 1996, and covering
54 the period July 1, 1996 to June 30, 1997, and covering the period July 1,

1 1997 to June 30, 1998, and covering the period July 1, 1998 to June 30, 1999,
2 and covering the period July 1, 1999 to June 30, 2000, and covering the
3 period July 1, 2000 to June 30, 2001, and covering the period July 1, 2001 to
4 October 29, 2001, and covering the period April 1, 2002 to June 30, 2002, and
5 covering the period July 1, 2002 to June 30, 2003, and covering the period
6 July 1, 2003 to June 30, 2004, and covering the period July 1, 2004 to June
7 30, 2005, and covering the period July 1, 2005 to June 30, 2006, and covering
8 the period July 1, 2006 to June 30, 2007, and covering the period July 1,
9 2007 to June 30, 2008, and covering the period July 1, 2008 to June 30, 2009,
10 and covering the period July 1, 2009 to June 30, 2010, and covering the
11 period July 1, 2010 to June 30, 2011, and covering the period July 1, 2011 to
12 June 30, 2012, and covering the period July 1, 2012 to June 30, 2013, and
13 covering the period July 1, 2013 to June 30, 2014, and covering the period
14 July 1, 2014 to June 30, 2015, and covering the period July 1, 2015 to June
15 30, 2016, and covering the period July 1, 2016 to June 30, 2017, **and covering**
16 **the period July 1, 2017 to June 30, 2018** for a physician or dentist where
17 such excess insurance coverage or equivalent excess coverage is cancelled in
18 accordance with paragraph (c) of this subdivision.

19 § 18. Section 40 of chapter 266 of the laws of 1986, amending the civil
20 practice law and rules and other laws relating to malpractice and
21 professional medical conduct, as amended by section 5 of part C of chapter 59
22 of the laws of 2016, is amended to read as follows:

23 § 40. The superintendent of financial services shall establish rates for
24 policies providing coverage for physicians and surgeons medical malpractice
25 for the periods commencing July 1, 1985 and ending June 30, [2017] **2018**;
26 provided, however, that notwithstanding any other provision of law, the
27 superintendent shall not establish or approve any increase in rates for the
28 period commencing July 1, 2009 and ending June 30, 2010. The superintendent
29 shall direct insurers to establish segregated accounts for premiums,
30 payments, reserves and investment income attributable to such premium periods
31 and shall require periodic reports by the insurers regarding claims and
32 expenses attributable to such periods to monitor whether such accounts will
33 be sufficient to meet incurred claims and expenses. On or after July 1, 1989,
34 the superintendent shall impose a surcharge on premiums to satisfy a
35 projected deficiency that is attributable to the premium levels established
36 pursuant to this section for such periods; provided, however, that such
37 annual surcharge shall not exceed eight percent of the established rate until
38 July 1, [2017] **2018**, at which time and thereafter such surcharge shall not
39 exceed twenty-five percent of the approved adequate rate, and that such
40 annual surcharges shall continue for such period of time as shall be
41 sufficient to satisfy such deficiency. The superintendent shall not impose
42 such surcharge during the period commencing July 1, 2009 and ending June 30,
43 2010. On and after July 1, 1989, the surcharge prescribed by this section
44 shall be retained by insurers to the extent that they insured physicians and
45 surgeons during the July 1, 1985 through June 30, [2017] **2018** policy periods;
46 in the event and to the extent physicians and surgeons were insured by
47 another insurer during such periods, all or a pro rata share of the
48 surcharge, as the case may be, shall be remitted to such other insurer in
49 accordance with rules and regulations to be promulgated by the
50 superintendent. Surcharges collected from physicians and surgeons who were
51 not insured during such policy periods shall be apportioned among all
52 insurers in proportion to the premium written by each insurer during such
53 policy periods; if a physician or surgeon was insured by an insurer subject
54 to rates established by the superintendent during such policy periods, and at

1 any time thereafter a hospital, health maintenance organization, employer or
 2 institution is responsible for responding in damages for liability arising
 3 out of such physician's or surgeon's practice of medicine, such responsible
 4 entity shall also remit to such prior insurer the equivalent amount that
 5 would then be collected as a surcharge if the physician or surgeon had
 6 continued to remain insured by such prior insurer. In the event any insurer
 7 that provided coverage during such policy periods is in liquidation, the
 8 property/casualty insurance security fund shall receive the portion of
 9 surcharges to which the insurer in liquidation would have been entitled. The
 10 surcharges authorized herein shall be deemed to be income earned for the
 11 purposes of section 2303 of the insurance law. The superintendent, in
 12 establishing adequate rates and in determining any projected deficiency
 13 pursuant to the requirements of this section and the insurance law, shall
 14 give substantial weight, determined in his discretion and judgment, to the
 15 prospective anticipated effect of any regulations promulgated and laws
 16 enacted and the public benefit of stabilizing malpractice rates and
 17 minimizing rate level fluctuation during the period of time necessary for the
 18 development of more reliable statistical experience as to the efficacy of
 19 such laws and regulations affecting medical, dental or podiatric malpractice
 20 enacted or promulgated in 1985, 1986, by this act and at any other time.
 21 Notwithstanding any provision of the insurance law, rates already established
 22 and to be established by the superintendent pursuant to this section are
 23 deemed adequate if such rates would be adequate when taken together with the
 24 maximum authorized annual surcharges to be imposed for a reasonable period of
 25 time whether or not any such annual surcharge has been actually imposed as of
 26 the establishment of such rates.

27 § 19. Section 5 and subdivisions (a) and (e) of section 6 of part J of
 28 chapter 63 of the laws of 2001, amending chapter 266 of the laws of 1986,
 29 amending the civil practice law and rules and other laws relating to
 30 malpractice and professional medical conduct, as amended by section 6 of part
 31 C of chapter 59 of the laws of 2016, are amended to read as follows:

32 § 5. The superintendent of financial services and the commissioner of
 33 health shall determine, no later than June 15, 2002, June 15, 2003, June 15,
 34 2004, June 15, 2005, June 15, 2006, June 15, 2007, June 15, 2008, June 15,
 35 2009, June 15, 2010, June 15, 2011, June 15, 2012, June 15, 2013, June 15,
 36 2014, June 15, 2015, June 15, 2016, **[and] June 15, 2017, and June 15, 2018**
 37 the amount of funds available in the hospital excess liability pool, created
 38 pursuant to section 18 of chapter 266 of the laws of 1986, and whether such
 39 funds are sufficient for purposes of purchasing excess insurance coverage for
 40 eligible participating physicians and dentists during the period July 1, 2001
 41 to June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1, 2003 to June
 42 30, 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005 to June 30, 2006,
 43 or July 1, 2006 to June 30, 2007, or July 1, 2007 to June 30, 2008, or July
 44 1, 2008 to June 30, 2009, or July 1, 2009 to June 30, 2010, or July 1, 2010
 45 to June 30, 2011, or July 1, 2011 to June 30, 2012, or July 1, 2012 to June
 46 30, 2013, or July 1, 2013 to June 30, 2014, or July 1, 2014 to June 30, 2015,
 47 or July 1, 2015 to June 30, 2016, or July 1, 2016 to June 30, 2017, **or to**
 48 **July 1, 2017 to June 30, 2018** as applicable.

49 (a) This section shall be effective only upon a determination, pursuant
 50 to section five of this act, by the superintendent of financial services and
 51 the commissioner of health, and a certification of such determination to the
 52 state director of the budget, the chair of the senate committee on finance
 53 and the chair of the assembly committee on ways and means, that the amount of

1 funds in the hospital excess liability pool, created pursuant to section 18
2 of chapter 266 of the laws of 1986, is insufficient for purposes of
3 purchasing excess insurance coverage for eligible participating physicians
4 and dentists during the period July 1, 2001 to June 30, 2002, or July 1, 2002
5 to June 30, 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June
6 30, 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30, 2007,
7 or July 1, 2007 to June 30, 2008, or July 1, 2008 to June 30, 2009, or July
8 1, 2009 to June 30, 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011
9 to June 30, 2012, or July 1, 2012 to June 30, 2013, or July 1, 2013 to June
10 30, 2014, or July 1, 2014 to June 30, 2015, or July 1, 2015 to June 30, 2016,
11 or July 1, 2016 to June 30, 2017, or July 1, 2017 to June 30, 2018 as
12 applicable.

13 (e) The commissioner of health shall transfer for deposit to the hospital
14 excess liability pool created pursuant to section 18 of chapter 266 of the
15 laws of 1986 such amounts as directed by the superintendent of financial
16 services for the purchase of excess liability insurance coverage for eligible
17 participating physicians and dentists for the policy year July 1, 2001 to
18 June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1, 2003 to June 30,
19 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005 to June 30, 2006, or
20 July 1, 2006 to June 30, 2007, as applicable, and the cost of administering
21 the hospital excess liability pool for such applicable policy year, pursuant
22 to the program established in chapter 266 of the laws of 1986, as amended, no
23 later than June 15, 2002, June 15, 2003, June 15, 2004, June 15, 2005, June
24 15, 2006, June 15, 2007, June 15, 2008, June 15, 2009, June 15, 2010, June
25 15, 2011, June 15, 2012, June 15, 2013, June 15, 2014, June 15, 2015, June
26 15, 2016, [and] June 15, 2017, and June 15, 2018 as applicable.

27 § 20. Notwithstanding any law, rule or regulation to the contrary, only
28 physicians or dentists who were eligible, and for whom the superintendent of
29 financial services and the commissioner of health, or their designee,
30 purchased, with funds available in the hospital excess liability pool, a full
31 or partial policy for excess coverage or equivalent excess coverage for the
32 coverage period ending the thirtieth of June, two thousand seventeen, shall
33 be eligible to apply for such coverage for the coverage period beginning the
34 first of July, two thousand seventeen; provided, however, if the total number
35 of physicians or dentists for whom such excess coverage or equivalent excess
36 coverage was purchased for the policy year ending the thirtieth of June, two
37 thousand seventeen exceeds the total number of physicians or dentists
38 certified as eligible for the coverage period beginning the first of July,
39 two thousand seventeen, then the general hospitals may certify additional
40 eligible physicians or dentists in a number equal to such general hospital's
41 proportional share of the total number of physicians or dentists for whom
42 excess coverage or equivalent excess coverage was purchased with funds
43 available in the hospital excess liability pool as of the thirtieth of June,
44 two thousand seventeen, as applied to the difference between the number of
45 eligible physicians or dentists for whom a policy for excess coverage or
46 equivalent excess coverage was purchased for the coverage period ending the
47 thirtieth of June, two thousand seventeen and the number of such eligible
48 physicians or dentists who have applied for excess coverage or equivalent
49 excess coverage for the coverage period beginning the first of July, two
50 thousand seventeen.

51 § 21. Section 2807-1 of the public health law, as amended by section 7 of
52 part B of chapter 60 of the laws of 2014, is amended to read as follows:

1 § 2807-1. Health care initiatives pool distributions. 1. Funds
2 accumulated in the health care initiatives pools pursuant to paragraph (b) of
3 subdivision nine of section twenty-eight hundred seven-j of this article, or
4 the health care reform act (HCRA) resources fund established pursuant to
5 section ninety-two-dd of the state finance law, whichever is applicable,
6 including income from invested funds, shall be distributed or retained by the
7 commissioner or by the state comptroller, as applicable, in accordance with
8 the following.

9 (a) Funds shall be reserved and accumulated from year to year and shall
10 be available, including income from invested funds, for purposes of
11 distributions to programs to provide health care coverage for uninsured or
12 underinsured children pursuant to sections twenty-five hundred ten and
13 twenty-five hundred eleven of this chapter from the respective health care
14 initiatives pools established for the following periods in the following
15 amounts:

16 (i) from the pool for the period January first, nineteen hundred ninety-
17 seven through December thirty-first, nineteen hundred ninety-seven, up to one
18 hundred twenty million six hundred thousand dollars;

19 (ii) from the pool for the period January first, nineteen hundred ninety-
20 eight through December thirty-first, nineteen hundred ninety-eight, up to one
21 hundred sixty-four million five hundred thousand dollars;

22 (iii) from the pool for the period January first, nineteen hundred
23 ninety-nine through December thirty-first, nineteen hundred ninety-nine, up
24 to one hundred eighty-one million dollars;

25 (iv) from the pool for the period January first, two thousand through
26 December thirty-first, two thousand, two hundred seven million dollars;

27 (v) from the pool for the period January first, two thousand one through
28 December thirty-first, two thousand one, two hundred thirty-five million
29 dollars;

30 (vi) from the pool for the period January first, two thousand two through
31 December thirty-first, two thousand two, three hundred twenty-four million
32 dollars;

33 (vii) from the pool for the period January first, two thousand three
34 through December thirty-first, two thousand three, up to four hundred fifty
35 million three hundred thousand dollars;

36 (viii) from the pool for the period January first, two thousand four
37 through December thirty-first, two thousand four, up to four hundred sixty
38 million nine hundred thousand dollars;

39 (ix) from the pool or the health care reform act (HCRA) resources fund,
40 whichever is applicable, for the period January first, two thousand five
41 through December thirty-first, two thousand five, up to one hundred fifty-
42 three million eight hundred thousand dollars;

1 (x) from the health care reform act (HCRA) resources fund for the period
2 January first, two thousand six through December thirty-first, two thousand
3 six, up to three hundred twenty-five million four hundred thousand dollars;

4 (xi) from the health care reform act (HCRA) resources fund for the period
5 January first, two thousand seven through December thirty-first, two thousand
6 seven, up to four hundred twenty-eight million fifty-nine thousand dollars;

7 (xii) from the health care reform act (HCRA) resources fund for the
8 period January first, two thousand eight through December thirty-first, two
9 thousand ten, up to four hundred fifty-three million six hundred seventy-four
10 thousand dollars annually;

11 (xiii) from the health care reform act (HCRA) resources fund for the
12 period January first, two thousand eleven, through March thirty-first, two
13 thousand eleven, up to one hundred thirteen million four hundred eighteen
14 thousand dollars;

15 (xiv) from the health care reform act (HCRA) resources fund for the
16 period April first, two thousand eleven, through March thirty-first, two
17 thousand twelve, up to three hundred twenty-four million seven hundred forty-
18 four thousand dollars;

19 (xv) from the health care reform act (HCRA) resources fund for the period
20 April first, two thousand twelve, through March thirty-first, two thousand
21 thirteen, up to three hundred forty-six million four hundred forty-four
22 thousand dollars;

23 (xvi) from the health care reform act (HCRA) resources fund for the
24 period April first, two thousand thirteen, through March thirty-first, two
25 thousand fourteen, up to three hundred seventy million six hundred ninety-
26 five thousand dollars; and

27 (xvii) from the health care reform act (HCRA) resources fund for each
28 state fiscal year for periods on and after April first, two thousand
29 fourteen, within amounts appropriated.

30 (b) Funds shall be reserved and accumulated from year to year and shall
31 be available, including income from invested funds, for purposes of
32 distributions for health insurance programs under the individual subsidy
33 programs established pursuant to the expanded health care coverage act of
34 nineteen hundred eighty-eight as amended, and for evaluation of such programs
35 from the respective health care initiatives pools or the health care reform
36 act (HCRA) resources fund, whichever is applicable, established for the
37 following periods in the following amounts:

38 (i) (A) an amount not to exceed six million dollars on an annualized
39 basis for the periods January first, nineteen hundred ninety-seven through
40 December thirty-first, nineteen hundred ninety-nine; up to six million
41 dollars for the period January first, two thousand through December thirty-
42 first, two thousand; up to five million dollars for the period January first,
43 two thousand one through December thirty-first, two thousand one; up to four
44 million dollars for the period January first, two thousand two through
45 December thirty-first, two thousand two; up to two million six hundred
46 thousand dollars for the period January first, two thousand three through

1 December thirty-first, two thousand three; up to one million three hundred
2 thousand dollars for the period January first, two thousand four through
3 December thirty-first, two thousand four; up to six hundred seventy thousand
4 dollars for the period January first, two thousand five through June
5 thirtieth, two thousand five; up to one million three hundred thousand
6 dollars for the period April first, two thousand six through March thirty-
7 first, two thousand seven; and up to one million three hundred thousand
8 dollars annually for the period April first, two thousand seven through March
9 thirty-first, two thousand nine, shall be allocated to individual subsidy
10 programs; and

11 (B) an amount not to exceed seven million dollars on an annualized basis
12 for the periods during the period January first, nineteen hundred ninety-
13 seven through December thirty-first, nineteen hundred ninety-nine and four
14 million dollars annually for the periods January first, two thousand through
15 December thirty-first, two thousand two, and three million dollars for the
16 period January first, two thousand three through December thirty-first, two
17 thousand three, and two million dollars for the period January first, two
18 thousand four through December thirty-first, two thousand four, and two
19 million dollars for the period January first, two thousand five through June
20 thirtieth, two thousand five shall be allocated to the catastrophic health
21 care expense program.

22 (ii) Notwithstanding any law to the contrary, the characterizations of
23 the New York state small business health insurance partnership program as in
24 effect prior to June thirtieth, two thousand three, voucher program as in
25 effect prior to December thirty-first, two thousand one, individual subsidy
26 program as in effect prior to June thirtieth, two thousand five, and
27 catastrophic health care expense program, as in effect prior to June
28 thirtieth, two thousand five, may, for the purposes of identifying matching
29 funds for the community health care conversion demonstration project
30 described in a waiver of the provisions of title XIX of the federal social
31 security act granted to the state of New York and dated July fifteenth,
32 nineteen hundred ninety-seven, may continue to be used to characterize the
33 insurance programs in sections four thousand three hundred twenty-one-a, four
34 thousand three hundred twenty-two-a, four thousand three hundred twenty-six
35 and four thousand three hundred twenty-seven of the insurance law, which are
36 successor programs to these programs.

37 (c) Up to seventy-eight million dollars shall be reserved and accumulated
38 from year to year from the pool for the period January first, nineteen
39 hundred ninety-seven through December thirty-first, nineteen hundred ninety-
40 seven, for purposes of public health programs, up to seventy-six million
41 dollars shall be reserved and accumulated from year to year from the pools
42 for the periods January first, nineteen hundred ninety-eight through December
43 thirty-first, nineteen hundred ninety-eight and January first, nineteen
44 hundred ninety-nine through December thirty-first, nineteen hundred ninety-
45 nine, up to eighty-four million dollars shall be reserved and accumulated
46 from year to year from the pools for the period January first, two thousand
47 through December thirty-first, two thousand, up to eighty-five million
48 dollars shall be reserved and accumulated from year to year from the pools
49 for the period January first, two thousand one through December thirty-first,
50 two thousand one, up to eighty-six million dollars shall be reserved and
51 accumulated from year to year from the pools for the period January first,
52 two thousand two through December thirty-first, two thousand two, up to
53 eighty-six million one hundred fifty thousand dollars shall be reserved and

1 accumulated from year to year from the pools for the period January first,
2 two thousand three through December thirty-first, two thousand three, up to
3 fifty-eight million seven hundred eighty thousand dollars shall be reserved
4 and accumulated from year to year from the pools for the period January
5 first, two thousand four through December thirty-first, two thousand four, up
6 to sixty-eight million seven hundred thirty thousand dollars shall be
7 reserved and accumulated from year to year from the pools or the health care
8 reform act (HCRA) resources fund, whichever is applicable, for the period
9 January first, two thousand five through December thirty-first, two thousand
10 five, up to ninety-four million three hundred fifty thousand dollars shall be
11 reserved and accumulated from year to year from the health care reform act
12 (HCRA) resources fund for the period January first, two thousand six through
13 December thirty-first, two thousand six, up to seventy million nine hundred
14 thirty-nine thousand dollars shall be reserved and accumulated from year to
15 year from the health care reform act (HCRA) resources fund for the period
16 January first, two thousand seven through December thirty-first, two thousand
17 seven, up to fifty-five million six hundred eighty-nine thousand dollars
18 annually shall be reserved and accumulated from year to year from the health
19 care reform act (HCRA) resources fund for the period January first, two
20 thousand eight through December thirty-first, two thousand ten, up to
21 thirteen million nine hundred twenty-two thousand dollars shall be reserved
22 and accumulated from year to year from the health care reform act (HCRA)
23 resources fund for the period January first, two thousand eleven through
24 March thirty-first, two thousand eleven, and for periods on and after April
25 first, two thousand eleven, up to funding amounts specified below and shall
26 be available, including income from invested funds, for:

27 (i) deposit by the commissioner, within amounts appropriated, and the
28 state comptroller is hereby authorized and directed to receive for deposit
29 to, to the credit of the department of health's special revenue fund - other,
30 hospital based grants program account or the health care reform act (HCRA)
31 resources fund, whichever is applicable, for purposes of services and
32 expenses related to general hospital based grant programs, up to twenty-two
33 million dollars annually from the nineteen hundred ninety-seven pool,
34 nineteen hundred ninety-eight pool, nineteen hundred ninety-nine pool, two
35 thousand pool, two thousand one pool and two thousand two pool, respectively,
36 up to twenty-two million dollars from the two thousand three pool, up to ten
37 million dollars for the period January first, two thousand four through
38 December thirty-first, two thousand four, up to eleven million dollars for
39 the period January first, two thousand five through December thirty-first,
40 two thousand five, up to twenty-two million dollars for the period January
41 first, two thousand six through December thirty-first, two thousand six, up
42 to twenty-two million ninety-seven thousand dollars annually for the period
43 January first, two thousand seven through December thirty-first, two thousand
44 ten, up to five million five hundred twenty-four thousand dollars for the
45 period January first, two thousand eleven through March thirty-first, two
46 thousand eleven, up to thirteen million four hundred forty-five thousand
47 dollars for the period April first, two thousand eleven through March thirty-
48 first, two thousand twelve, and up to thirteen million three hundred seventy-
49 five thousand dollars each state fiscal year for the period April first, two
50 thousand twelve through March thirty-first, two thousand fourteen;

51 (ii) deposit by the commissioner, within amounts appropriated, and the
52 state comptroller is hereby authorized and directed to receive for deposit
53 to, to the credit of the emergency medical services training account
54 established in section ninety-seven-q of the state finance law or the health

1 care reform act (HCRA) resources fund, whichever is applicable, up to sixteen
 2 million dollars on an annualized basis for the periods January first,
 3 nineteen hundred ninety-seven through December thirty-first, nineteen hundred
 4 ninety-nine, up to twenty million dollars for the period January first, two
 5 thousand through December thirty-first, two thousand, up to twenty-one
 6 million dollars for the period January first, two thousand one through
 7 December thirty-first, two thousand one, up to twenty-two million dollars for
 8 the period January first, two thousand two through December thirty-first, two
 9 thousand two, up to twenty-two million five hundred fifty thousand dollars
 10 for the period January first, two thousand three through December thirty-
 11 first, two thousand three, up to nine million six hundred eighty thousand
 12 dollars for the period January first, two thousand four through December
 13 thirty-first, two thousand four, up to twelve million one hundred thirty
 14 thousand dollars for the period January first, two thousand five through
 15 December thirty-first, two thousand five, up to twenty-four million two
 16 hundred fifty thousand dollars for the period January first, two thousand six
 17 through December thirty-first, two thousand six, up to twenty million four
 18 hundred ninety-two thousand dollars annually for the period January first,
 19 two thousand seven through December thirty-first, two thousand ten, up to
 20 five million one hundred twenty-three thousand dollars for the period January
 21 first, two thousand eleven through March thirty-first, two thousand eleven,
 22 up to eighteen million three hundred fifty thousand dollars for the period
 23 April first, two thousand eleven through March thirty-first, two thousand
 24 twelve, up to eighteen million nine hundred fifty thousand dollars for the
 25 period April first, two thousand twelve through March thirty-first, two
 26 thousand thirteen, up to nineteen million four hundred nineteen thousand
 27 dollars for the period April first, two thousand thirteen through March
 28 thirty-first, two thousand fourteen, and up to nineteen million six hundred
 29 fifty-nine thousand seven hundred dollars each state fiscal year for the
 30 period of April first, two thousand fourteen through March thirty-first, two
 31 thousand [~~seventeen~~] twenty;

32 (iii) priority distributions by the commissioner up to thirty-two million
 33 dollars on an annualized basis for the period January first, two thousand
 34 through December thirty-first, two thousand four, up to thirty-eight million
 35 dollars on an annualized basis for the period January first, two thousand
 36 five through December thirty-first, two thousand six, up to eighteen million
 37 two hundred fifty thousand dollars for the period January first, two thousand
 38 seven through December thirty-first, two thousand seven, up to three million
 39 dollars annually for the period January first, two thousand eight through
 40 December thirty-first, two thousand ten, up to seven hundred fifty thousand
 41 dollars for the period January first, two thousand eleven through March
 42 thirty-first, two thousand eleven, up to two million nine hundred thousand
 43 dollars each state fiscal year for the period April first, two thousand
 44 eleven through March thirty-first, two thousand fourteen, and up to two
 45 million nine hundred thousand dollars each state fiscal year for the period
 46 April first, two thousand fourteen through March thirty-first, two thousand
 47 [~~seventeen~~] twenty to be allocated (A) for the purposes established pursuant
 48 to subparagraph (ii) of paragraph (f) of subdivision nineteen of section
 49 twenty-eight hundred seven-c of this article as in effect on December thirty-
 50 first, nineteen hundred ninety-six and as may thereafter be amended, up to
 51 fifteen million dollars annually for the periods January first, two thousand
 52 through December thirty-first, two thousand four, up to twenty-one million
 53 dollars annually for the period January first, two thousand five through
 54 December thirty-first, two thousand six, and up to seven million five hundred

1 thousand dollars for the period January first, two thousand seven through
2 March thirty-first, two thousand seven;

3 (B) pursuant to a memorandum of understanding entered into by the
4 commissioner, the majority leader of the senate and the speaker of the
5 assembly, for the purposes outlined in such memorandum upon the
6 recommendation of the majority leader of the senate, up to eight million five
7 hundred thousand dollars annually for the period January first, two thousand
8 through December thirty-first, two thousand six, and up to four million two
9 hundred fifty thousand dollars for the period January first, two thousand
10 seven through June thirtieth, two thousand seven, and for the purposes
11 outlined in such memorandum upon the recommendation of the speaker of the
12 assembly, up to eight million five hundred thousand dollars annually for the
13 periods January first, two thousand through December thirty-first, two
14 thousand six, and up to four million two hundred fifty thousand dollars for
15 the period January first, two thousand seven through June thirtieth, two
16 thousand seven; and

17 (C) for services and expenses, including grants, related to emergency
18 assistance distributions as designated by the commissioner. Notwithstanding
19 section one hundred twelve or one hundred sixty-three of the state finance
20 law or any other contrary provision of law, such distributions shall be
21 limited to providers or programs where, as determined by the commissioner,
22 emergency assistance is vital to protect the life or safety of patients, to
23 ensure the retention of facility caregivers or other staff, or in instances
24 where health facility operations are jeopardized, or where the public health
25 is jeopardized or other emergency situations exist, up to three million
26 dollars annually for the period April first, two thousand seven through March
27 thirty-first, two thousand eleven, up to two million nine hundred thousand
28 dollars each state fiscal year for the period April first, two thousand
29 eleven through March thirty-first, two thousand fourteen, **[and]** up to two
30 million nine hundred thousand dollars each state fiscal year for the period
31 April first, two thousand fourteen through March thirty-first, two thousand
32 seventeen, **and up to two million nine hundred thousand dollars each state**
33 **fiscal year for the period April first, two thousand seventeen through March**
34 **thirty-first, two thousand twenty.** Upon any distribution of such funds, the
35 commissioner shall immediately notify the chair and ranking minority member
36 of the senate finance committee, the assembly ways and means committee, the
37 senate committee on health, and the assembly committee on health;

38 (iv) distributions by the commissioner related to poison control centers
39 pursuant to subdivision seven of section twenty-five hundred-d of this
40 chapter, up to five million dollars for the period January first, nineteen
41 hundred ninety-seven through December thirty-first, nineteen hundred ninety-
42 seven, up to three million dollars on an annualized basis for the periods
43 during the period January first, nineteen hundred ninety-eight through
44 December thirty-first, nineteen hundred ninety-nine, up to five million
45 dollars annually for the periods January first, two thousand through December
46 thirty-first, two thousand two, up to four million six hundred thousand
47 dollars annually for the periods January first, two thousand three through
48 December thirty-first, two thousand four, up to five million one hundred
49 thousand dollars for the period January first, two thousand five through
50 December thirty-first, two thousand six annually, up to five million one
51 hundred thousand dollars annually for the period January first, two thousand
52 seven through December thirty-first, two thousand nine, up to three million
53 six hundred thousand dollars for the period January first, two thousand ten

1 through December thirty-first, two thousand ten, up to seven hundred seventy-
2 five thousand dollars for the period January first, two thousand eleven
3 through March thirty-first, two thousand eleven, up to two million five
4 hundred thousand dollars each state fiscal year for the period April first,
5 two thousand eleven through March thirty-first, two thousand fourteen, [and]
6 up to three million dollars each state fiscal year for the period April
7 first, two thousand fourteen through March thirty-first, two thousand
8 seventeen, and up to three million dollars each state fiscal year for the
9 period April first, two thousand seventeen through March thirty-first, two
10 thousand twenty; and

11 (v) deposit by the commissioner, within amounts appropriated, and the
12 state comptroller is hereby authorized and directed to receive for deposit
13 to, to the credit of the department of health's special revenue fund - other,
14 miscellaneous special revenue fund - 339 maternal and child HIV services
15 account or the health care reform act (HCRA) resources fund, whichever is
16 applicable, for purposes of a special program for HIV services for women and
17 children, including adolescents pursuant to section twenty-five hundred-f-one
18 of this chapter, up to five million dollars annually for the periods January
19 first, two thousand through December thirty-first, two thousand two, up to
20 five million dollars for the period January first, two thousand three through
21 December thirty-first, two thousand three, up to two million five hundred
22 thousand dollars for the period January first, two thousand four through
23 December thirty-first, two thousand four, up to two million five hundred
24 thousand dollars for the period January first, two thousand five through
25 December thirty-first, two thousand five, up to five million dollars for the
26 period January first, two thousand six through December thirty-first, two
27 thousand six, up to five million dollars annually for the period January
28 first, two thousand seven through December thirty-first, two thousand ten, up
29 to one million two hundred fifty thousand dollars for the period January
30 first, two thousand eleven through March thirty-first, two thousand eleven,
31 and up to five million dollars each state fiscal year for the period April
32 first, two thousand eleven through March thirty-first, two thousand fourteen;

33 (d) (i) An amount of up to twenty million dollars annually for the period
34 January first, two thousand through December thirty-first, two thousand six,
35 up to ten million dollars for the period January first, two thousand seven
36 through June thirtieth, two thousand seven, up to twenty million dollars
37 annually for the period January first, two thousand eight through December
38 thirty-first, two thousand ten, up to five million dollars for the period
39 January first, two thousand eleven through March thirty-first, two thousand
40 eleven, up to nineteen million six hundred thousand dollars each state fiscal
41 year for the period April first, two thousand eleven through March thirty-
42 first, two thousand fourteen, [and] up to nineteen million six hundred
43 thousand dollars each state fiscal year for the period April first, two
44 thousand fourteen through March thirty-first, two thousand seventeen, and up
45 to nineteen million six hundred thousand dollars each state fiscal year for
46 the period of April first, two thousand seventeen through March thirty-first,
47 two thousand twenty, shall be transferred to the health facility
48 restructuring pool established pursuant to section twenty-eight hundred
49 fifteen of this article;

50 (ii) provided, however, amounts transferred pursuant to subparagraph (i)
51 of this paragraph may be reduced in an amount to be approved by the director
52 of the budget to reflect the amount received from the federal government

1 under the state's 1115 waiver which is directed under its terms and
2 conditions to the health facility restructuring program.

3 (e) Funds shall be reserved and accumulated from year to year and shall
4 be available, including income from invested funds, for purposes of
5 distributions to organizations to support the health workforce retraining
6 program established pursuant to section twenty-eight hundred seven-g of this
7 article from the respective health care initiatives pools established for the
8 following periods in the following amounts from the pools or the health care
9 reform act (HCRA) resources fund, whichever is applicable, during the period
10 January first, nineteen hundred ninety-seven through December thirty-first,
11 nineteen hundred ninety-nine, up to fifty million dollars on an annualized
12 basis, up to thirty million dollars for the period January first, two
13 thousand through December thirty-first, two thousand, up to forty million
14 dollars for the period January first, two thousand one through December
15 thirty-first, two thousand one, up to fifty million dollars for the period
16 January first, two thousand two through December thirty-first, two thousand
17 two, up to forty-one million one hundred fifty thousand dollars for the
18 period January first, two thousand three through December thirty-first, two
19 thousand three, up to forty-one million one hundred fifty thousand dollars
20 for the period January first, two thousand four through December thirty-
21 first, two thousand four, up to fifty-eight million three hundred sixty
22 thousand dollars for the period January first, two thousand five through
23 December thirty-first, two thousand five, up to fifty-two million three
24 hundred sixty thousand dollars for the period January first, two thousand six
25 through December thirty-first, two thousand six, up to thirty-five million
26 four hundred thousand dollars annually for the period January first, two
27 thousand seven through December thirty-first, two thousand ten, up to eight
28 million eight hundred fifty thousand dollars for the period January first,
29 two thousand eleven through March thirty-first, two thousand eleven, up to
30 twenty-eight million four hundred thousand dollars each state fiscal year for
31 the period April first, two thousand eleven through March thirty-first, two
32 thousand fourteen, [and] up to twenty-six million eight hundred seventeen
33 thousand dollars each state fiscal year for the period April first, two
34 thousand fourteen through March thirty-first, two thousand seventeen, **and up**
35 **to twenty-six million eight hundred seventeen thousand dollars each state**
36 **fiscal year for the period April first, two thousand seventeen through March**
37 **thirty-first, two thousand twenty**, less the amount of funds available for
38 allocations for rate adjustments for workforce training programs for payments
39 by state governmental agencies for inpatient hospital services.

40 (f) Funds shall be accumulated and transferred from as follows:

41 (i) from the pool for the period January first, nineteen hundred ninety-
42 seven through December thirty-first, nineteen hundred ninety-seven, (A)
43 thirty-four million six hundred thousand dollars shall be transferred to
44 funds reserved and accumulated pursuant to paragraph (b) of subdivision
45 nineteen of section twenty-eight hundred seven-c of this article, and (B)
46 eighty-two million dollars shall be transferred and deposited and credited to
47 the credit of the state general fund medical assistance local assistance
48 account;

49 (ii) from the pool for the period January first, nineteen hundred ninety-
50 eight through December thirty-first, nineteen hundred ninety-eight, eighty-
51 two million dollars shall be transferred and deposited and credited to the
52 credit of the state general fund medical assistance local assistance account;

1 (iii) from the pool for the period January first, nineteen hundred
2 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
3 eighty-two million dollars shall be transferred and deposited and credited to
4 the credit of the state general fund medical assistance local assistance
5 account;

6 (iv) from the pool or the health care reform act (HCRA) resources fund,
7 whichever is applicable, for the period January first, two thousand through
8 December thirty-first, two thousand four, eighty-two million dollars
9 annually, and for the period January first, two thousand five through
10 December thirty-first, two thousand five, eighty-two million dollars, and for
11 the period January first, two thousand six through December thirty-first, two
12 thousand six, eighty-two million dollars, and for the period January first,
13 two thousand seven through December thirty-first, two thousand seven, eighty-
14 two million dollars, and for the period January first, two thousand eight
15 through December thirty-first, two thousand eight, ninety million seven
16 hundred thousand dollars shall be deposited by the commissioner, and the
17 state comptroller is hereby authorized and directed to receive for deposit to
18 the credit of the state special revenue fund - other, HCRA transfer fund,
19 medical assistance account;

20 (v) from the health care reform act (HCRA) resources fund for the period
21 January first, two thousand nine through December thirty-first, two thousand
22 nine, one hundred eight million nine hundred seventy-five thousand dollars,
23 and for the period January first, two thousand ten through December thirty-
24 first, two thousand ten, one hundred twenty-six million one hundred thousand
25 dollars, for the period January first, two thousand eleven through March
26 thirty-first, two thousand eleven, twenty million five hundred thousand
27 dollars, and for each state fiscal year for the period April first, two
28 thousand eleven through March thirty-first, two thousand fourteen, one
29 hundred forty-six million four hundred thousand dollars, shall be deposited
30 by the commissioner, and the state comptroller is hereby authorized and
31 directed to receive for deposit, to the credit of the state special revenue
32 fund - other, HCRA transfer fund, medical assistance account.

33 (g) Funds shall be transferred to primary health care services pools
34 created by the commissioner, and shall be available, including income from
35 invested funds, for distributions in accordance with former section twenty-
36 eight hundred seven-bb of this article from the respective health care
37 initiatives pools for the following periods in the following percentage
38 amounts of funds remaining after allocations in accordance with paragraphs
39 (a) through (f) of this subdivision:

40 (i) from the pool for the period January first, nineteen hundred ninety-
41 seven through December thirty-first, nineteen hundred ninety-seven, fifteen
42 and eighty-seven-hundredths percent;

43 (ii) from the pool for the period January first, nineteen hundred ninety-
44 eight through December thirty-first, nineteen hundred ninety-eight, fifteen
45 and eighty-seven-hundredths percent; and

46 (iii) from the pool for the period January first, nineteen hundred
47 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
48 sixteen and thirteen-hundredths percent.

1 (h) Funds shall be reserved and accumulated from year to year by the
2 commissioner and shall be available, including income from invested funds,
3 for purposes of primary care education and training pursuant to article nine
4 of this chapter from the respective health care initiatives pools established
5 for the following periods in the following percentage amounts of funds
6 remaining after allocations in accordance with paragraphs (a) through (f) of
7 this subdivision and shall be available for distributions as follows:

8 (i) funds shall be reserved and accumulated:

9 (A) from the pool for the period January first, nineteen hundred ninety-
10 seven through December thirty-first, nineteen hundred ninety-seven, six and
11 thirty-five-hundredths percent;

12 (B) from the pool for the period January first, nineteen hundred ninety-
13 eight through December thirty-first, nineteen hundred ninety-eight, six and
14 thirty-five-hundredths percent; and

15 (C) from the pool for the period January first, nineteen hundred ninety-
16 nine through December thirty-first, nineteen hundred ninety-nine, six and
17 forty-five-hundredths percent;

18 (ii) funds shall be available for distributions including income from
19 invested funds as follows:

20 (A) for purposes of the primary care physician loan repayment program in
21 accordance with section nine hundred three of this chapter, up to five
22 million dollars on an annualized basis;

23 (B) for purposes of the primary care practitioner scholarship program in
24 accordance with section nine hundred four of this chapter, up to two million
25 dollars on an annualized basis;

26 (C) for purposes of minority participation in medical education grants in
27 accordance with section nine hundred six of this chapter, up to one million
28 dollars on an annualized basis; and

29 (D) provided, however, that the commissioner may reallocate any funds
30 remaining or unallocated for distributions for the primary care practitioner
31 scholarship program in accordance with section nine hundred four of this
32 chapter.

33 (i) Funds shall be reserved and accumulated from year to year and shall
34 be available, including income from invested funds, for distributions in
35 accordance with section twenty-nine hundred fifty-two and section twenty-nine
36 hundred fifty-eight of this chapter for rural health care delivery
37 development and rural health care access development, respectively, from the
38 respective health care initiatives pools or the health care reform act (HCRA)
39 resources fund, whichever is applicable, for the following periods in the
40 following percentage amounts of funds remaining after allocations in
41 accordance with paragraphs (a) through (f) of this subdivision, and for
42 periods on and after January first, two thousand, in the following amounts:

1 (i) from the pool for the period January first, nineteen hundred ninety-
2 seven through December thirty-first, nineteen hundred ninety-seven, thirteen
3 and forty-nine-hundredths percent;

4 (ii) from the pool for the period January first, nineteen hundred ninety-
5 eight through December thirty-first, nineteen hundred ninety-eight, thirteen
6 and forty-nine-hundredths percent;

7 (iii) from the pool for the period January first, nineteen hundred
8 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
9 thirteen and seventy-one-hundredths percent;

10 (iv) from the pool for the periods January first, two thousand through
11 December thirty-first, two thousand two, seventeen million dollars annually,
12 and for the period January first, two thousand three through December thirty-
13 first, two thousand three, up to fifteen million eight hundred fifty thousand
14 dollars;

15 (v) from the pool or the health care reform act (HCRA) resources fund,
16 whichever is applicable, for the period January first, two thousand four
17 through December thirty-first, two thousand four, up to fifteen million eight
18 hundred fifty thousand dollars, for the period January first, two thousand
19 five through December thirty-first, two thousand five, up to nineteen million
20 two hundred thousand dollars, for the period January first, two thousand six
21 through December thirty-first, two thousand six, up to nineteen million two
22 hundred thousand dollars, for the period January first, two thousand seven
23 through December thirty-first, two thousand ten, up to eighteen million one
24 hundred fifty thousand dollars annually, for the period January first, two
25 thousand eleven through March thirty-first, two thousand eleven, up to four
26 million five hundred thirty-eight thousand dollars, for each state fiscal
27 year for the period April first, two thousand eleven through March thirty-
28 first, two thousand fourteen, up to sixteen million two hundred thousand
29 dollars, **[and]** up to sixteen million two hundred thousand dollars each state
30 fiscal year for the period April first, two thousand fourteen through March
31 thirty-first, two thousand seventeen, **and up to sixteen million two hundred**
32 **thousand dollars each state fiscal year for the period April first, two**
33 **thousand seventeen through March thirty-first, two thousand twenty.**

34 (j) Funds shall be reserved and accumulated from year to year and shall
35 be available, including income from invested funds, for purposes of
36 distributions related to health information and health care quality
37 improvement pursuant to former section twenty-eight hundred seven-n of this
38 article from the respective health care initiatives pools established for the
39 following periods in the following percentage amounts of funds remaining
40 after allocations in accordance with paragraphs (a) through (f) of this
41 subdivision:

42 (i) from the pool for the period January first, nineteen hundred ninety-
43 seven through December thirty-first, nineteen hundred ninety-seven, six and
44 thirty-five-hundredths percent;

45 (ii) from the pool for the period January first, nineteen hundred ninety-
46 eight through December thirty-first, nineteen hundred ninety-eight, six and
47 thirty-five-hundredths percent; and

1 (iii) from the pool for the period January first, nineteen hundred
2 ninety-nine through December thirty-first, nineteen hundred ninety-nine, six
3 and forty-five-hundredths percent.

4 (k) Funds shall be reserved and accumulated from year to year and shall
5 be available, including income from invested funds, for allocations and
6 distributions in accordance with section twenty-eight hundred seven-p of this
7 article for diagnostic and treatment center uncompensated care from the
8 respective health care initiatives pools or the health care reform act (HCRA)
9 resources fund, whichever is applicable, for the following periods in the
10 following percentage amounts of funds remaining after allocations in
11 accordance with paragraphs (a) through (f) of this subdivision, and for
12 periods on and after January first, two thousand, in the following amounts:

13 (i) from the pool for the period January first, nineteen hundred ninety-
14 seven through December thirty-first, nineteen hundred ninety-seven, thirty-
15 eight and one-tenth percent;

16 (ii) from the pool for the period January first, nineteen hundred ninety-
17 eight through December thirty-first, nineteen hundred ninety-eight, thirty-
18 eight and one-tenth percent;

19 (iii) from the pool for the period January first, nineteen hundred
20 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
21 thirty-eight and seventy-one-hundredths percent;

22 (iv) from the pool for the periods January first, two thousand through
23 December thirty-first, two thousand two, forty-eight million dollars
24 annually, and for the period January first, two thousand three through June
25 thirtieth, two thousand three, twenty-four million dollars;

26 (v) (A) from the pool or the health care reform act (HCRA) resources
27 fund, whichever is applicable, for the period July first, two thousand three
28 through December thirty-first, two thousand three, up to six million dollars,
29 for the period January first, two thousand four through December thirty-
30 first, two thousand six, up to twelve million dollars annually, for the
31 period January first, two thousand seven through December thirty-first, two
32 thousand thirteen, up to forty-eight million dollars annually, for the period
33 January first, two thousand fourteen through March thirty-first, two thousand
34 fourteen, up to twelve million dollars [and] for the period April first, two
35 thousand fourteen through March thirty-first, two thousand seventeen, up to
36 forty-eight million dollars annually, and for the period April first, two
37 thousand seventeen through March thirty-first, two thousand twenty, up to
38 forty-eight million dollars annually;

39 (B) from the health care reform act (HCRA) resources fund for the period
40 January first, two thousand six through December thirty-first, two thousand
41 six, an additional seven million five hundred thousand dollars, for the
42 period January first, two thousand seven through December thirty-first, two
43 thousand thirteen, an additional seven million five hundred thousand dollars
44 annually, for the period January first, two thousand fourteen through March
45 thirty-first, two thousand fourteen, an additional one million eight hundred
46 seventy-five thousand dollars, [and] for the period April first, two thousand
47 fourteen through March thirty-first, two thousand seventeen, an additional
48 seven million five hundred thousand dollars annually, and for the period

1 April first, two thousand seventeen through March thirty-first, two thousand
2 twenty, an additional seven million five hundred thousand dollars annually
3 for voluntary non-profit diagnostic and treatment center uncompensated care
4 in accordance with subdivision four-c of section twenty-eight hundred seven-p
5 of this article; and

6 (vi) funds reserved and accumulated pursuant to this paragraph for
7 periods on and after July first, two thousand three, shall be deposited by
8 the commissioner, within amounts appropriated, and the state comptroller is
9 hereby authorized and directed to receive for deposit to the credit of the
10 state special revenue funds - other, HCRA transfer fund, medical assistance
11 account, for purposes of funding the state share of rate adjustments made
12 pursuant to section twenty-eight hundred seven-p of this article, provided,
13 however, that in the event federal financial participation is not available
14 for rate adjustments made pursuant to paragraph (b) of subdivision one of
15 section twenty-eight hundred seven-p of this article, funds shall be
16 distributed pursuant to paragraph (a) of subdivision one of section twenty-
17 eight hundred seven-p of this article from the respective health care
18 initiatives pools or the health care reform act (HCRA) resources fund,
19 whichever is applicable.

20 (1) Funds shall be reserved and accumulated from year to year by the
21 commissioner and shall be available, including income from invested funds,
22 for transfer to and allocation for services and expenses for the payment of
23 benefits to recipients of drugs under the AIDS drug assistance program (ADAP)
24 - HIV uninsured care program as administered by Health Research Incorporated
25 from the respective health care initiatives pools or the health care reform
26 act (HCRA) resources fund, whichever is applicable, established for the
27 following periods in the following percentage amounts of funds remaining
28 after allocations in accordance with paragraphs (a) through (f) of this
29 subdivision, and for periods on and after January first, two thousand, in the
30 following amounts:

31 (i) from the pool for the period January first, nineteen hundred ninety-
32 seven through December thirty-first, nineteen hundred ninety-seven, nine and
33 fifty-two-hundredths percent;

34 (ii) from the pool for the period January first, nineteen hundred ninety-
35 eight through December thirty-first, nineteen hundred ninety-eight, nine and
36 fifty-two-hundredths percent;

37 (iii) from the pool for the period January first, nineteen hundred
38 ninety-nine and December thirty-first, nineteen hundred ninety-nine, nine and
39 sixty-eight-hundredths percent;

40 (iv) from the pool for the periods January first, two thousand through
41 December thirty-first, two thousand two, up to twelve million dollars
42 annually, and for the period January first, two thousand three through
43 December thirty-first, two thousand three, up to forty million dollars; and

44 (v) from the pool or the health care reform act (HCRA) resources fund,
45 whichever is applicable, for the periods January first, two thousand four
46 through December thirty-first, two thousand four, up to fifty-six million
47 dollars, for the period January first, two thousand five through December
48 thirty-first, two thousand six, up to sixty million dollars annually, for the

1 period January first, two thousand seven through December thirty-first, two
 2 thousand ten, up to sixty million dollars annually, for the period January
 3 first, two thousand eleven through March thirty-first, two thousand eleven,
 4 up to fifteen million dollars, each state fiscal year for the period April
 5 first, two thousand eleven through March thirty-first, two thousand fourteen,
 6 up to forty-two million three hundred thousand dollars and up to forty-one
 7 million fifty thousand dollars each state fiscal year for the period April
 8 first, two thousand fourteen through March thirty-first, two thousand
 9 [~~seventeen~~] twenty.

10 (m) Funds shall be reserved and accumulated from year to year and shall
 11 be available, including income from invested funds, for purposes of
 12 distributions pursuant to section twenty-eight hundred seven-r of this
 13 article for cancer related services from the respective health care
 14 initiatives pools or the health care reform act (HCRA) resources fund,
 15 whichever is applicable, established for the following periods in the
 16 following percentage amounts of funds remaining after allocations in
 17 accordance with paragraphs (a) through (f) of this subdivision, and for
 18 periods on and after January first, two thousand, in the following amounts:

19 (i) from the pool for the period January first, nineteen hundred ninety-
 20 seven through December thirty-first, nineteen hundred ninety-seven, seven and
 21 ninety-four-hundredths percent;

22 (ii) from the pool for the period January first, nineteen hundred ninety-
 23 eight through December thirty-first, nineteen hundred ninety-eight, seven and
 24 ninety-four-hundredths percent;

25 (iii) from the pool for the period January first, nineteen hundred
 26 ninety-nine and December thirty-first, nineteen hundred ninety-nine, six and
 27 forty-five-hundredths percent;

28 (iv) from the pool for the period January first, two thousand through
 29 December thirty-first, two thousand two, up to ten million dollars on an
 30 annual basis;

31 (v) from the pool for the period January first, two thousand three
 32 through December thirty-first, two thousand four, up to eight million nine
 33 hundred fifty thousand dollars on an annual basis;

34 (vi) from the pool or the health care reform act (HCRA) resources fund,
 35 whichever is applicable, for the period January first, two thousand five
 36 through December thirty-first, two thousand six, up to ten million fifty
 37 thousand dollars on an annual basis, for the period January first, two
 38 thousand seven through December thirty-first, two thousand ten, up to
 39 nineteen million dollars annually, and for the period January first, two
 40 thousand eleven through March thirty-first, two thousand eleven, up to four
 41 million seven hundred fifty thousand dollars.

42 (n) Funds shall be accumulated and transferred from the health care
 43 reform act (HCRA) resources fund as follows: for the period April first, two
 44 thousand seven through March thirty-first, two thousand eight, and on an
 45 annual basis for the periods April first, two thousand eight through November
 46 thirtieth, two thousand nine, funds within amounts appropriated shall be
 47 transferred and deposited and credited to the credit of the state special

1 revenue funds - other, HCRA transfer fund, medical assistance account, for
2 purposes of funding the state share of rate adjustments made to public and
3 voluntary hospitals in accordance with paragraphs (i) and (j) of subdivision
4 one of section twenty-eight hundred seven-c of this article.

5 2. Notwithstanding any inconsistent provision of law, rule or regulation,
6 any funds accumulated in the health care initiatives pools pursuant to
7 paragraph (b) of subdivision nine of section twenty-eight hundred seven-j of
8 this article, as a result of surcharges, assessments or other obligations
9 during the periods January first, nineteen hundred ninety-seven through
10 December thirty-first, nineteen hundred ninety-nine, which are unused or
11 uncommitted for distributions pursuant to this section shall be reserved and
12 accumulated from year to year by the commissioner and, within amounts
13 appropriated, transferred and deposited into the special revenue funds -
14 other, miscellaneous special revenue fund - 339, child health insurance
15 account or any successor fund or account, for purposes of distributions to
16 implement the child health insurance program established pursuant to sections
17 twenty-five hundred ten and twenty-five hundred eleven of this chapter for
18 periods on and after January first, two thousand one; provided, however,
19 funds reserved and accumulated for priority distributions pursuant to
20 subparagraph (iii) of paragraph (c) of subdivision one of this section shall
21 not be transferred and deposited into such account pursuant to this
22 subdivision; and provided further, however, that any unused or uncommitted
23 pool funds accumulated and allocated pursuant to paragraph (j) of subdivision
24 one of this section shall be distributed for purposes of the health
25 information and quality improvement act of 2000.

26 3. Revenue from distributions pursuant to this section shall not be
27 included in gross revenue received for purposes of the assessments pursuant
28 to subdivision eighteen of section twenty-eight hundred seven-c of this
29 article, subject to the provisions of paragraph (e) of subdivision eighteen
30 of section twenty-eight hundred seven-c of this article, and shall not be
31 included in gross revenue received for purposes of the assessments pursuant
32 to section twenty-eight hundred seven-d of this article, subject to the
33 provisions of subdivision twelve of section twenty-eight hundred seven-d of
34 this article.

35 § 22. Section 2807-v of the public health law, as amended by section 8 of
36 part B of chapter 60 of the laws of 2014, is amended to read as follows:

37 § 2807-v. Tobacco control and insurance initiatives pool distributions.
38 1. Funds accumulated in the tobacco control and insurance initiatives pool or
39 in the health care reform act (HCRA) resources fund established pursuant to
40 section ninety-two-dd of the state finance law, whichever is applicable,
41 including income from invested funds, shall be distributed or retained by the
42 commissioner or by the state comptroller, as applicable, in accordance with
43 the following:

44 (a) Funds shall be deposited by the commissioner, within amounts
45 appropriated, and the state comptroller is hereby authorized and directed to
46 receive for deposit to the credit of the state special revenue funds - other,
47 HCRA transfer fund, medicaid fraud hotline and medicaid administration
48 account, or any successor fund or account, for purposes of services and
49 expenses related to the toll-free medicaid fraud hotline established pursuant
50 to section one hundred eight of chapter one of the laws of nineteen hundred
51 ninety-nine from the tobacco control and insurance initiatives pool

1 established for the following periods in the following amounts: four hundred
2 thousand dollars annually for the periods January first, two thousand through
3 December thirty-first, two thousand two, up to four hundred thousand dollars
4 for the period January first, two thousand three through December thirty-
5 first, two thousand three, up to four hundred thousand dollars for the period
6 January first, two thousand four through December thirty-first, two thousand
7 four, up to four hundred thousand dollars for the period January first, two
8 thousand five through December thirty-first, two thousand five, up to four
9 hundred thousand dollars for the period January first, two thousand six
10 through December thirty-first, two thousand six, up to four hundred thousand
11 dollars for the period January first, two thousand seven through December
12 thirty-first, two thousand seven, up to four hundred thousand dollars for the
13 period January first, two thousand eight through December thirty-first, two
14 thousand eight, up to four hundred thousand dollars for the period January
15 first, two thousand nine through December thirty-first, two thousand nine, up
16 to four hundred thousand dollars for the period January first, two thousand
17 ten through December thirty-first, two thousand ten, up to one hundred
18 thousand dollars for the period January first, two thousand eleven through
19 March thirty-first, two thousand eleven and within amounts appropriated on
20 and after April first, two thousand eleven.

21 (b) Funds shall be reserved and accumulated from year to year and shall
22 be available, including income from invested funds, for purposes of payment
23 of audits or audit contracts necessary to determine payor and provider
24 compliance with requirements set forth in sections twenty-eight hundred
25 seven-j, twenty-eight hundred seven-s and twenty-eight hundred seven-t of
26 this article from the tobacco control and insurance initiatives pool
27 established for the following periods in the following amounts: five million
28 six hundred thousand dollars annually for the periods January first, two
29 thousand through December thirty-first, two thousand two, up to five million
30 dollars for the period January first, two thousand three through December
31 thirty-first, two thousand three, up to five million dollars for the period
32 January first, two thousand four through December thirty-first, two thousand
33 four, up to five million dollars for the period January first, two thousand
34 five through December thirty first, two thousand five, up to five million
35 dollars for the period January first, two thousand six through December
36 thirty-first, two thousand six, up to seven million eight hundred thousand
37 dollars for the period January first, two thousand seven through December
38 thirty-first, two thousand seven, and up to eight million three hundred
39 twenty-five thousand dollars for the period January first, two thousand eight
40 through December thirty-first, two thousand eight, up to eight million five
41 hundred thousand dollars for the period January first, two thousand nine
42 through December thirty-first, two thousand nine, up to eight million five
43 hundred thousand dollars for the period January first, two thousand ten
44 through December thirty-first, two thousand ten, up to two million one
45 hundred twenty-five thousand dollars for the period January first, two
46 thousand eleven through March thirty-first, two thousand eleven, up to
47 fourteen million seven hundred thousand dollars each state fiscal year for
48 the period April first, two thousand eleven through March thirty-first, two
49 thousand fourteen, [and] up to eleven million one hundred thousand dollars
50 each state fiscal year for the period April first, two thousand fourteen
51 through March thirty-first, two thousand seventeen, and up to eleven million
52 one hundred thousand dollars each state fiscal year for the period April
53 first, two thousand seventeen through March thirty-first, two thousand
54 twenty.

1 (c) Funds shall be deposited by the commissioner, within amounts
2 appropriated, and the state comptroller is hereby authorized and directed to
3 receive for deposit to the credit of the state special revenue funds - other,
4 HCRA transfer fund, enhanced community services account, or any successor
5 fund or account, for mental health services programs for case management
6 services for adults and children; supported housing; home and community based
7 waiver services; family based treatment; family support services; mobile
8 mental health teams; transitional housing; and community oversight,
9 established pursuant to articles seven and forty-one of the mental hygiene
10 law and subdivision nine of section three hundred sixty-six of the social
11 services law; and for comprehensive care centers for eating disorders
12 pursuant to the former section twenty-seven hundred ninety-nine-1 of this
13 chapter, provided however that, for such centers, funds in the amount of five
14 hundred thousand dollars on an annualized basis shall be transferred from the
15 enhanced community services account, or any successor fund or account, and
16 deposited into the fund established by section ninety-five-e of the state
17 finance law; from the tobacco control and insurance initiatives pool
18 established for the following periods in the following amounts:

19 (i) forty-eight million dollars to be reserved, to be retained or for
20 distribution pursuant to a chapter of the laws of two thousand, for the
21 period January first, two thousand through December thirty-first, two
22 thousand;

23 (ii) eighty-seven million dollars to be reserved, to be retained or for
24 distribution pursuant to a chapter of the laws of two thousand one, for the
25 period January first, two thousand one through December thirty-first, two
26 thousand one;

27 (iii) eighty-seven million dollars to be reserved, to be retained or for
28 distribution pursuant to a chapter of the laws of two thousand two, for the
29 period January first, two thousand two through December thirty-first, two
30 thousand two;

31 (iv) eighty-eight million dollars to be reserved, to be retained or for
32 distribution pursuant to a chapter of the laws of two thousand three, for the
33 period January first, two thousand three through December thirty-first, two
34 thousand three;

35 (v) eighty-eight million dollars, plus five hundred thousand dollars, to
36 be reserved, to be retained or for distribution pursuant to a chapter of the
37 laws of two thousand four, and pursuant to the former section twenty-seven
38 hundred ninety-nine-1 of this chapter, for the period January first, two
39 thousand four through December thirty-first, two thousand four;

40 (vi) eighty-eight million dollars, plus five hundred thousand dollars, to
41 be reserved, to be retained or for distribution pursuant to a chapter of the
42 laws of two thousand five, and pursuant to the former section twenty-seven
43 hundred ninety-nine-1 of this chapter, for the period January first, two
44 thousand five through December thirty-first, two thousand five;

45 (vii) eighty-eight million dollars, plus five hundred thousand dollars,
46 to be reserved, to be retained or for distribution pursuant to a chapter of
47 the laws of two thousand six, and pursuant to former section twenty-seven

1 hundred ninety-nine-1 of this chapter, for the period January first, two
2 thousand six through December thirty-first, two thousand six;

3 (viii) eighty-six million four hundred thousand dollars, plus five
4 hundred thousand dollars, to be reserved, to be retained or for distribution
5 pursuant to a chapter of the laws of two thousand seven and pursuant to the
6 former section twenty-seven hundred ninety-nine-1 of this chapter, for the
7 period January first, two thousand seven through December thirty-first, two
8 thousand seven; and

9 (ix) twenty-two million nine hundred thirteen thousand dollars, plus one
10 hundred twenty-five thousand dollars, to be reserved, to be retained or for
11 distribution pursuant to a chapter of the laws of two thousand eight and
12 pursuant to the former section twenty-seven hundred ninety-nine-1 of this
13 chapter, for the period January first, two thousand eight through March
14 thirty-first, two thousand eight.

15 (d) Funds shall be deposited by the commissioner, within amounts
16 appropriated, and the state comptroller is hereby authorized and directed to
17 receive for deposit to the credit of the state special revenue funds - other,
18 HCRA transfer fund, medical assistance account, or any successor fund or
19 account, for purposes of funding the state share of services and expenses
20 related to the family health plus program including up to two and one-half
21 million dollars annually for the period January first, two thousand through
22 December thirty-first, two thousand two, for administration and marketing
23 costs associated with such program established pursuant to clause (A) of
24 subparagraph (v) of paragraph (a) of subdivision two of section three hundred
25 sixty-nine-ee of the social services law from the tobacco control and
26 insurance initiatives pool established for the following periods in the
27 following amounts:

28 (i) three million five hundred thousand dollars for the period January
29 first, two thousand through December thirty-first, two thousand;

30 (ii) twenty-seven million dollars for the period January first, two
31 thousand one through December thirty-first, two thousand one; and

32 (iii) fifty-seven million dollars for the period January first, two
33 thousand two through December thirty-first, two thousand two.

34 (e) Funds shall be deposited by the commissioner, within amounts
35 appropriated, and the state comptroller is hereby authorized and directed to
36 receive for deposit to the credit of the state special revenue funds - other,
37 HCRA transfer fund, medical assistance account, or any successor fund or
38 account, for purposes of funding the state share of services and expenses
39 related to the family health plus program including up to two and one-half
40 million dollars annually for the period January first, two thousand through
41 December thirty-first, two thousand two for administration and marketing
42 costs associated with such program established pursuant to clause (B) of
43 subparagraph (v) of paragraph (a) of subdivision two of section three hundred
44 sixty-nine-ee of the social services law from the tobacco control and
45 insurance initiatives pool established for the following periods in the
46 following amounts:

1 (i) two million five hundred thousand dollars for the period January
2 first, two thousand through December thirty-first, two thousand;

3 (ii) thirty million five hundred thousand dollars for the period January
4 first, two thousand one through December thirty-first, two thousand one; and

5 (iii) sixty-six million dollars for the period January first, two
6 thousand two through December thirty-first, two thousand two.

7 (f) Funds shall be deposited by the commissioner, within amounts
8 appropriated, and the state comptroller is hereby authorized and directed to
9 receive for deposit to the credit of the state special revenue funds - other,
10 HCRA transfer fund, medicaid fraud hotline and medicaid administration
11 account, or any successor fund or account, for purposes of payment of
12 administrative expenses of the department related to the family health plus
13 program established pursuant to section three hundred sixty-nine-ee of the
14 social services law from the tobacco control and insurance initiatives pool
15 established for the following periods in the following amounts: five hundred
16 thousand dollars on an annual basis for the periods January first, two
17 thousand through December thirty-first, two thousand six, five hundred
18 thousand dollars for the period January first, two thousand seven through
19 December thirty-first, two thousand seven, and five hundred thousand dollars
20 for the period January first, two thousand eight through December thirty-
21 first, two thousand eight, five hundred thousand dollars for the period
22 January first, two thousand nine through December thirty-first, two thousand
23 nine, five hundred thousand dollars for the period January first, two
24 thousand ten through December thirty-first, two thousand ten, one hundred
25 twenty-five thousand dollars for the period January first, two thousand
26 eleven through March thirty-first, two thousand eleven and within amounts
27 appropriated on and after April first, two thousand eleven.

28 (g) Funds shall be reserved and accumulated from year to year and shall
29 be available, including income from invested funds, for purposes of services
30 and expenses related to the health maintenance organization direct pay market
31 program established pursuant to sections forty-three hundred twenty-one-a and
32 forty-three hundred twenty-two-a of the insurance law from the tobacco
33 control and insurance initiatives pool established for the following periods
34 in the following amounts:

35 (i) up to thirty-five million dollars for the period January first, two
36 thousand through December thirty-first, two thousand of which fifty percentum
37 shall be allocated to the program pursuant to section four thousand three
38 hundred twenty-one-a of the insurance law and fifty percentum to the program
39 pursuant to section four thousand three hundred twenty-two-a of the insurance
40 law;

41 (ii) up to thirty-six million dollars for the period January first, two
42 thousand one through December thirty-first, two thousand one of which fifty
43 percentum shall be allocated to the program pursuant to section four thousand
44 three hundred twenty-one-a of the insurance law and fifty percentum to the
45 program pursuant to section four thousand three hundred twenty-two-a of the
46 insurance law;

47 (iii) up to thirty-nine million dollars for the period January first, two
48 thousand two through December thirty-first, two thousand two of which fifty

1 percentum shall be allocated to the program pursuant to section four thousand
2 three hundred twenty-one-a of the insurance law and fifty percentum to the
3 program pursuant to section four thousand three hundred twenty-two-a of the
4 insurance law;

5 (iv) up to forty million dollars for the period January first, two
6 thousand three through December thirty-first, two thousand three of which
7 fifty percentum shall be allocated to the program pursuant to section four
8 thousand three hundred twenty-one-a of the insurance law and fifty percentum
9 to the program pursuant to section four thousand three hundred twenty-two-a
10 of the insurance law;

11 (v) up to forty million dollars for the period January first, two
12 thousand four through December thirty-first, two thousand four of which fifty
13 percentum shall be allocated to the program pursuant to section four thousand
14 three hundred twenty-one-a of the insurance law and fifty percentum to the
15 program pursuant to section four thousand three hundred twenty-two-a of the
16 insurance law;

17 (vi) up to forty million dollars for the period January first, two
18 thousand five through December thirty-first, two thousand five of which fifty
19 percentum shall be allocated to the program pursuant to section four thousand
20 three hundred twenty-one-a of the insurance law and fifty percentum to the
21 program pursuant to section four thousand three hundred twenty-two-a of the
22 insurance law;

23 (vii) up to forty million dollars for the period January first, two
24 thousand six through December thirty-first, two thousand six of which fifty
25 percentum shall be allocated to the program pursuant to section four thousand
26 three hundred twenty-one-a of the insurance law and fifty percentum shall be
27 allocated to the program pursuant to section four thousand three hundred
28 twenty-two-a of the insurance law;

29 (viii) up to forty million dollars for the period January first, two
30 thousand seven through December thirty-first, two thousand seven of which
31 fifty percentum shall be allocated to the program pursuant to section four
32 thousand three hundred twenty-one-a of the insurance law and fifty percentum
33 shall be allocated to the program pursuant to section four thousand three
34 hundred twenty-two-a of the insurance law; and

35 (ix) up to forty million dollars for the period January first, two
36 thousand eight through December thirty-first, two thousand eight of which
37 fifty per centum shall be allocated to the program pursuant to section four
38 thousand three hundred twenty-one-a of the insurance law and fifty per centum
39 shall be allocated to the program pursuant to section four thousand three
40 hundred twenty-two-a of the insurance law.

41 (h) Funds shall be reserved and accumulated from year to year and shall
42 be available, including income from invested funds, for purposes of services
43 and expenses related to the healthy New York individual program established
44 pursuant to sections four thousand three hundred twenty-six and four thousand
45 three hundred twenty-seven of the insurance law from the tobacco control and
46 insurance initiatives pool established for the following periods in the
47 following amounts:

1 (i) up to six million dollars for the period January first, two thousand
2 one through December thirty-first, two thousand one;

3 (ii) up to twenty-nine million dollars for the period January first, two
4 thousand two through December thirty-first, two thousand two;

5 (iii) up to five million one hundred thousand dollars for the period
6 January first, two thousand three through December thirty-first, two thousand
7 three;

8 (iv) up to twenty-four million six hundred thousand dollars for the
9 period January first, two thousand four through December thirty-first, two
10 thousand four;

11 (v) up to thirty-four million six hundred thousand dollars for the period
12 January first, two thousand five through December thirty-first, two thousand
13 five;

14 (vi) up to fifty-four million eight hundred thousand dollars for the
15 period January first, two thousand six through December thirty-first, two
16 thousand six;

17 (vii) up to sixty-one million seven hundred thousand dollars for the
18 period January first, two thousand seven through December thirty-first, two
19 thousand seven; and

20 (viii) up to one hundred three million seven hundred fifty thousand
21 dollars for the period January first, two thousand eight through December
22 thirty-first, two thousand eight.

23 (i) Funds shall be reserved and accumulated from year to year and shall
24 be available, including income from invested funds, for purposes of services
25 and expenses related to the healthy New York group program established
26 pursuant to sections four thousand three hundred twenty-six and four thousand
27 three hundred twenty-seven of the insurance law from the tobacco control and
28 insurance initiatives pool established for the following periods in the
29 following amounts:

30 (i) up to thirty-four million dollars for the period January first, two
31 thousand one through December thirty-first, two thousand one;

32 (ii) up to seventy-seven million dollars for the period January first,
33 two thousand two through December thirty-first, two thousand two;

34 (iii) up to ten million five hundred thousand dollars for the period
35 January first, two thousand three through December thirty-first, two thousand
36 three;

37 (iv) up to twenty-four million six hundred thousand dollars for the
38 period January first, two thousand four through December thirty-first, two
39 thousand four;

1 (v) up to thirty-four million six hundred thousand dollars for the period
2 January first, two thousand five through December thirty-first, two thousand
3 five;

4 (vi) up to fifty-four million eight hundred thousand dollars for the
5 period January first, two thousand six through December thirty-first, two
6 thousand six;

7 (vii) up to sixty-one million seven hundred thousand dollars for the
8 period January first, two thousand seven through December thirty-first, two
9 thousand seven; and

10 (viii) up to one hundred three million seven hundred fifty thousand
11 dollars for the period January first, two thousand eight through December
12 thirty-first, two thousand eight.

13 (i-1) Notwithstanding the provisions of paragraphs (h) and (i) of this
14 subdivision, the commissioner shall reserve and accumulate up to two million
15 five hundred thousand dollars annually for the periods January first, two
16 thousand four through December thirty-first, two thousand six, one million
17 four hundred thousand dollars for the period January first, two thousand
18 seven through December thirty-first, two thousand seven, two million dollars
19 for the period January first, two thousand eight through December thirty-
20 first, two thousand eight, from funds otherwise available for distribution
21 under such paragraphs for the services and expenses related to the pilot
22 program for entertainment industry employees included in subsection (b) of
23 section one thousand one hundred twenty-two of the insurance law, and an
24 additional seven hundred thousand dollars annually for the periods January
25 first, two thousand four through December thirty-first, two thousand six, an
26 additional three hundred thousand dollars for the period January first, two
27 thousand seven through June thirtieth, two thousand seven for services and
28 expenses related to the pilot program for displaced workers included in
29 subsection (c) of section one thousand one hundred twenty-two of the
30 insurance law.

31 (j) Funds shall be reserved and accumulated from year to year and shall
32 be available, including income from invested funds, for purposes of services
33 and expenses related to the tobacco use prevention and control program
34 established pursuant to sections thirteen hundred ninety-nine-ii and thirteen
35 hundred ninety-nine-jj of this chapter, from the tobacco control and
36 insurance initiatives pool established for the following periods in the
37 following amounts:

38 (i) up to thirty million dollars for the period January first, two
39 thousand through December thirty-first, two thousand;

40 (ii) up to forty million dollars for the period January first, two
41 thousand one through December thirty-first, two thousand one;

42 (iii) up to forty million dollars for the period January first, two
43 thousand two through December thirty-first, two thousand two;

44 (iv) up to thirty-six million nine hundred fifty thousand dollars for the
45 period January first, two thousand three through December thirty-first, two
46 thousand three;

1 (v) up to thirty-six million nine hundred fifty thousand dollars for the
2 period January first, two thousand four through December thirty-first, two
3 thousand four;

4 (vi) up to forty million six hundred thousand dollars for the period
5 January first, two thousand five through December thirty-first, two thousand
6 five;

7 (vii) up to eighty-one million nine hundred thousand dollars for the
8 period January first, two thousand six through December thirty-first, two
9 thousand six, provided, however, that within amounts appropriated, a portion
10 of such funds may be transferred to the Roswell Park Cancer Institute
11 Corporation to support costs associated with cancer research;

12 (viii) up to ninety-four million one hundred fifty thousand dollars for
13 the period January first, two thousand seven through December thirty-first,
14 two thousand seven, provided, however, that within amounts appropriated, a
15 portion of such funds may be transferred to the Roswell Park Cancer Institute
16 Corporation to support costs associated with cancer research;

17 (ix) up to ninety-four million one hundred fifty thousand dollars for the
18 period January first, two thousand eight through December thirty-first, two
19 thousand eight;

20 (x) up to ninety-four million one hundred fifty thousand dollars for the
21 period January first, two thousand nine through December thirty-first, two
22 thousand nine;

23 (xi) up to eighty-seven million seven hundred seventy-five thousand
24 dollars for the period January first, two thousand ten through December
25 thirty-first, two thousand ten;

26 (xii) up to twenty-one million four hundred twelve thousand dollars for
27 the period January first, two thousand eleven through March thirty-first, two
28 thousand eleven;

29 (xiii) up to fifty-two million one hundred thousand dollars each state
30 fiscal year for the period April first, two thousand eleven through March
31 thirty-first, two thousand fourteen; **[and]**

32 (xiv) up to six million dollars each state fiscal year for the period
33 April first, two thousand fourteen through March thirty-first, two thousand
34 seventeen[.]; **and**

35 **(xv) up to six million dollars each state fiscal year for the period**
36 **April first, two thousand seventeen through March thirty-first, two thousand**
37 **twenty.**

38 (k) Funds shall be deposited by the commissioner, within amounts
39 appropriated, and the state comptroller is hereby authorized and directed to
40 receive for deposit to the credit of the state special revenue fund - other,
41 HCRA transfer fund, health care services account, or any successor fund or
42 account, for purposes of services and expenses related to public health
43 programs, including comprehensive care centers for eating disorders pursuant

1 to the former section twenty-seven hundred ninety-nine-1 of this chapter,
2 provided however that, for such centers, funds in the amount of five hundred
3 thousand dollars on an annualized basis shall be transferred from the health
4 care services account, or any successor fund or account, and deposited into
5 the fund established by section ninety-five-e of the state finance law for
6 periods prior to March thirty-first, two thousand eleven, from the tobacco
7 control and insurance initiatives pool established for the following periods
8 in the following amounts:

9 (i) up to thirty-one million dollars for the period January first, two
10 thousand through December thirty-first, two thousand;

11 (ii) up to forty-one million dollars for the period January first, two
12 thousand one through December thirty-first, two thousand one;

13 (iii) up to eighty-one million dollars for the period January first, two
14 thousand two through December thirty-first, two thousand two;

15 (iv) one hundred twenty-two million five hundred thousand dollars for the
16 period January first, two thousand three through December thirty-first, two
17 thousand three;

18 (v) one hundred eight million five hundred seventy-five thousand dollars,
19 plus an additional five hundred thousand dollars, for the period January
20 first, two thousand four through December thirty-first, two thousand four;

21 (vi) ninety-one million eight hundred thousand dollars, plus an
22 additional five hundred thousand dollars, for the period January first, two
23 thousand five through December thirty-first, two thousand five;

24 (vii) one hundred fifty-six million six hundred thousand dollars, plus an
25 additional five hundred thousand dollars, for the period January first, two
26 thousand six through December thirty-first, two thousand six;

27 (viii) one hundred fifty-one million four hundred thousand dollars, plus
28 an additional five hundred thousand dollars, for the period January first,
29 two thousand seven through December thirty-first, two thousand seven;

30 (ix) one hundred sixteen million nine hundred forty-nine thousand
31 dollars, plus an additional five hundred thousand dollars, for the period
32 January first, two thousand eight through December thirty-first, two thousand
33 eight;

34 (x) one hundred sixteen million nine hundred forty-nine thousand dollars,
35 plus an additional five hundred thousand dollars, for the period January
36 first, two thousand nine through December thirty-first, two thousand nine;

37 (xi) one hundred sixteen million nine hundred forty-nine thousand
38 dollars, plus an additional five hundred thousand dollars, for the period
39 January first, two thousand ten through December thirty-first, two thousand
40 ten;

41 (xii) twenty-nine million two hundred thirty-seven thousand two hundred
42 fifty dollars, plus an additional one hundred twenty-five thousand dollars,

1 for the period January first, two thousand eleven through March thirty-first,
2 two thousand eleven;

3 (xiii) one hundred twenty million thirty-eight thousand dollars for the
4 period April first, two thousand eleven through March thirty-first, two
5 thousand twelve; and

6 (xiv) one hundred nineteen million four hundred seven thousand dollars
7 each state fiscal year for the period April first, two thousand twelve
8 through March thirty-first, two thousand fourteen.

9 (1) Funds shall be deposited by the commissioner, within amounts
10 appropriated, and the state comptroller is hereby authorized and directed to
11 receive for deposit to the credit of the state special revenue funds - other,
12 HCRA transfer fund, medical assistance account, or any successor fund or
13 account, for purposes of funding the state share of the personal care and
14 certified home health agency rate or fee increases established pursuant to
15 subdivision three of section three hundred sixty-seven-o of the social
16 services law from the tobacco control and insurance initiatives pool
17 established for the following periods in the following amounts:

18 (i) twenty-three million two hundred thousand dollars for the period
19 January first, two thousand through December thirty-first, two thousand;

20 (ii) twenty-three million two hundred thousand dollars for the period
21 January first, two thousand one through December thirty-first, two thousand
22 one;

23 (iii) twenty-three million two hundred thousand dollars for the period
24 January first, two thousand two through December thirty-first, two thousand
25 two;

26 (iv) up to sixty-five million two hundred thousand dollars for the period
27 January first, two thousand three through December thirty-first, two thousand
28 three;

29 (v) up to sixty-five million two hundred thousand dollars for the period
30 January first, two thousand four through December thirty-first, two thousand
31 four;

32 (vi) up to sixty-five million two hundred thousand dollars for the period
33 January first, two thousand five through December thirty-first, two thousand
34 five;

35 (vii) up to sixty-five million two hundred thousand dollars for the
36 period January first, two thousand six through December thirty-first, two
37 thousand six;

38 (viii) up to sixty-five million two hundred thousand dollars for the
39 period January first, two thousand seven through December thirty-first, two
40 thousand seven; and

1 (ix) up to sixteen million three hundred thousand dollars for the period
2 January first, two thousand eight through March thirty-first, two thousand
3 eight.

4 (m) Funds shall be deposited by the commissioner, within amounts
5 appropriated, and the state comptroller is hereby authorized and directed to
6 receive for deposit to the credit of the state special revenue funds - other,
7 HCRA transfer fund, medical assistance account, or any successor fund or
8 account, for purposes of funding the state share of services and expenses
9 related to home care workers insurance pilot demonstration programs
10 established pursuant to subdivision two of section three hundred sixty-seven-
11 o of the social services law from the tobacco control and insurance
12 initiatives pool established for the following periods in the following
13 amounts:

14 (i) three million eight hundred thousand dollars for the period January
15 first, two thousand through December thirty-first, two thousand;

16 (ii) three million eight hundred thousand dollars for the period January
17 first, two thousand one through December thirty-first, two thousand one;

18 (iii) three million eight hundred thousand dollars for the period January
19 first, two thousand two through December thirty-first, two thousand two;

20 (iv) up to three million eight hundred thousand dollars for the period
21 January first, two thousand three through December thirty-first, two thousand
22 three;

23 (v) up to three million eight hundred thousand dollars for the period
24 January first, two thousand four through December thirty-first, two thousand
25 four;

26 (vi) up to three million eight hundred thousand dollars for the period
27 January first, two thousand five through December thirty-first, two thousand
28 five;

29 (vii) up to three million eight hundred thousand dollars for the period
30 January first, two thousand six through December thirty-first, two thousand
31 six;

32 (viii) up to three million eight hundred thousand dollars for the period
33 January first, two thousand seven through December thirty-first, two thousand
34 seven; and

35 (ix) up to nine hundred fifty thousand dollars for the period January
36 first, two thousand eight through March thirty-first, two thousand eight.

37 (n) Funds shall be transferred by the commissioner and shall be deposited
38 to the credit of the special revenue funds - other, miscellaneous special
39 revenue fund - 339, elderly pharmaceutical insurance coverage program premium
40 account authorized pursuant to the provisions of title three of article two
41 of the elder law, or any successor fund or account, for funding state
42 expenses relating to the program from the tobacco control and insurance

1 initiatives pool established for the following periods in the following
2 amounts:

3 (i) one hundred seven million dollars for the period January first, two
4 thousand through December thirty-first, two thousand;

5 (ii) one hundred sixty-four million dollars for the period January first,
6 two thousand one through December thirty-first, two thousand one;

7 (iii) three hundred twenty-two million seven hundred thousand dollars for
8 the period January first, two thousand two through December thirty-first, two
9 thousand two;

10 (iv) four hundred thirty-three million three hundred thousand dollars for
11 the period January first, two thousand three through December thirty-first,
12 two thousand three;

13 (v) five hundred four million one hundred fifty thousand dollars for the
14 period January first, two thousand four through December thirty-first, two
15 thousand four;

16 (vi) five hundred sixty-six million eight hundred thousand dollars for
17 the period January first, two thousand five through December thirty-first,
18 two thousand five;

19 (vii) six hundred three million one hundred fifty thousand dollars for
20 the period January first, two thousand six through December thirty-first, two
21 thousand six;

22 (viii) six hundred sixty million eight hundred thousand dollars for the
23 period January first, two thousand seven through December thirty-first, two
24 thousand seven;

25 (ix) three hundred sixty-seven million four hundred sixty-three thousand
26 dollars for the period January first, two thousand eight through December
27 thirty-first, two thousand eight;

28 (x) three hundred thirty-four million eight hundred twenty-five thousand
29 dollars for the period January first, two thousand nine through December
30 thirty-first, two thousand nine;

31 (xi) three hundred forty-four million nine hundred thousand dollars for
32 the period January first, two thousand ten through December thirty-first, two
33 thousand ten;

34 (xii) eighty-seven million seven hundred eighty-eight thousand dollars
35 for the period January first, two thousand eleven through March thirty-first,
36 two thousand eleven;

37 (xiii) one hundred forty-three million one hundred fifty thousand dollars
38 for the period April first, two thousand eleven through March thirty-first,
39 two thousand twelve;

1 (xiv) one hundred twenty million nine hundred fifty thousand dollars for
2 the period April first, two thousand twelve through March thirty-first, two
3 thousand thirteen;

4 (xv) one hundred twenty-eight million eight hundred fifty thousand
5 dollars for the period April first, two thousand thirteen through March
6 thirty-first, two thousand fourteen; [**and**]

7 (xvi) one hundred twenty-seven million four hundred sixteen thousand
8 dollars each state fiscal year for the period April first, two thousand
9 fourteen through March thirty-first, two thousand seventeen[.]; **and**

10 **(xvii) one hundred twenty-seven million four hundred sixteen thousand**
11 **dollars each state fiscal year for the period April first, two thousand**
12 **seventeen through March thirty-first, two thousand twenty.**

13 (o) Funds shall be reserved and accumulated and shall be transferred to
14 the Roswell Park Cancer Institute Corporation, from the tobacco control and
15 insurance initiatives pool established for the following periods in the
16 following amounts:

17 (i) up to ninety million dollars for the period January first, two
18 thousand through December thirty-first, two thousand;

19 (ii) up to sixty million dollars for the period January first, two
20 thousand one through December thirty-first, two thousand one;

21 (iii) up to eighty-five million dollars for the period January first, two
22 thousand two through December thirty-first, two thousand two;

23 (iv) eighty-five million two hundred fifty thousand dollars for the
24 period January first, two thousand three through December thirty-first, two
25 thousand three;

26 (v) seventy-eight million dollars for the period January first, two
27 thousand four through December thirty-first, two thousand four;

28 (vi) seventy-eight million dollars for the period January first, two
29 thousand five through December thirty-first, two thousand five;

30 (vii) ninety-one million dollars for the period January first, two
31 thousand six through December thirty-first, two thousand six;

32 (viii) seventy-eight million dollars for the period January first, two
33 thousand seven through December thirty-first, two thousand seven;

34 (ix) seventy-eight million dollars for the period January first, two
35 thousand eight through December thirty-first, two thousand eight;

36 (x) seventy-eight million dollars for the period January first, two
37 thousand nine through December thirty-first, two thousand nine;

1 (xi) seventy-eight million dollars for the period January first, two
2 thousand ten through December thirty-first, two thousand ten;

3 (xii) nineteen million five hundred thousand dollars for the period
4 January first, two thousand eleven through March thirty-first, two thousand
5 eleven;

6 (xiii) sixty-nine million eight hundred forty thousand dollars each state
7 fiscal year for the period April first, two thousand eleven through March
8 thirty-first, two thousand fourteen; [**and**]

9 (xiv) up to ninety-six million six hundred thousand dollars each state
10 fiscal year for the period April first, two thousand fourteen through March
11 thirty-first, two thousand seventeen[.]; **and**

12 **(xv) up to ninety-six million six hundred thousand dollars each state**
13 **fiscal year for the period April first, two thousand seventeen through March**
14 **thirty-first, two thousand twenty.**

15 (p) Funds shall be deposited by the commissioner, within amounts
16 appropriated, and the state comptroller is hereby authorized and directed to
17 receive for deposit to the credit of the state special revenue funds - other,
18 indigent care fund - 068, indigent care account, or any successor fund or
19 account, for purposes of providing a medicaid disproportionate share payment
20 from the high need indigent care adjustment pool established pursuant to
21 section twenty-eight hundred seven-w of this article, from the tobacco
22 control and insurance initiatives pool established for the following periods
23 in the following amounts:

24 (i) eighty-two million dollars annually for the periods January first,
25 two thousand through December thirty-first, two thousand two;

26 (ii) up to eighty-two million dollars for the period January first, two
27 thousand three through December thirty-first, two thousand three;

28 (iii) up to eighty-two million dollars for the period January first, two
29 thousand four through December thirty-first, two thousand four;

30 (iv) up to eighty-two million dollars for the period January first, two
31 thousand five through December thirty-first, two thousand five;

32 (v) up to eighty-two million dollars for the period January first, two
33 thousand six through December thirty-first, two thousand six;

34 (vi) up to eighty-two million dollars for the period January first, two
35 thousand seven through December thirty-first, two thousand seven;

36 (vii) up to eighty-two million dollars for the period January first, two
37 thousand eight through December thirty-first, two thousand eight;

38 (viii) up to eighty-two million dollars for the period January first, two
39 thousand nine through December thirty-first, two thousand nine;

1 (ix) up to eighty-two million dollars for the period January first, two
2 thousand ten through December thirty-first, two thousand ten;

3 (x) up to twenty million five hundred thousand dollars for the period
4 January first, two thousand eleven through March thirty-first, two thousand
5 eleven; and

6 (xi) up to eighty-two million dollars each state fiscal year for the
7 period April first, two thousand eleven through March thirty-first, two
8 thousand fourteen.

9 (q) Funds shall be reserved and accumulated from year to year and shall
10 be available, including income from invested funds, for purposes of providing
11 distributions to eligible school based health centers established pursuant to
12 section eighty-eight of chapter one of the laws of nineteen hundred ninety-
13 nine, from the tobacco control and insurance initiatives pool established for
14 the following periods in the following amounts:

15 (i) seven million dollars annually for the period January first, two
16 thousand through December thirty-first, two thousand two;

17 (ii) up to seven million dollars for the period January first, two
18 thousand three through December thirty-first, two thousand three;

19 (iii) up to seven million dollars for the period January first, two
20 thousand four through December thirty-first, two thousand four;

21 (iv) up to seven million dollars for the period January first, two
22 thousand five through December thirty-first, two thousand five;

23 (v) up to seven million dollars for the period January first, two
24 thousand six through December thirty-first, two thousand six;

25 (vi) up to seven million dollars for the period January first, two
26 thousand seven through December thirty-first, two thousand seven;

27 (vii) up to seven million dollars for the period January first, two
28 thousand eight through December thirty-first, two thousand eight;

29 (viii) up to seven million dollars for the period January first, two
30 thousand nine through December thirty-first, two thousand nine;

31 (ix) up to seven million dollars for the period January first, two
32 thousand ten through December thirty-first, two thousand ten;

33 (x) up to one million seven hundred fifty thousand dollars for the period
34 January first, two thousand eleven through March thirty-first, two thousand
35 eleven;

36 (xi) up to five million six hundred thousand dollars each state fiscal
37 year for the period April first, two thousand eleven through March thirty-
38 first, two thousand fourteen; **[and]**

1 (xii) up to five million two hundred eighty-eight thousand dollars each
2 state fiscal year for the period April first, two thousand fourteen through
3 March thirty-first, two thousand seventeen[.]; **and**

4 **(xiii) up to five million two hundred eighty-eight thousand dollars each**
5 **state fiscal year for the period April first, two thousand seventeen through**
6 **March thirty-first, two thousand twenty.**

7 (r) Funds shall be deposited by the commissioner within amounts
8 appropriated, and the state comptroller is hereby authorized and directed to
9 receive for deposit to the credit of the state special revenue funds - other,
10 HCRA transfer fund, medical assistance account, or any successor fund or
11 account, for purposes of providing distributions for supplementary medical
12 insurance for Medicare part B premiums, physicians services, outpatient
13 services, medical equipment, supplies and other health services, from the
14 tobacco control and insurance initiatives pool established for the following
15 periods in the following amounts:

16 (i) forty-three million dollars for the period January first, two
17 thousand through December thirty-first, two thousand;

18 (ii) sixty-one million dollars for the period January first, two thousand
19 one through December thirty-first, two thousand one;

20 (iii) sixty-five million dollars for the period January first, two
21 thousand two through December thirty-first, two thousand two;

22 (iv) sixty-seven million five hundred thousand dollars for the period
23 January first, two thousand three through December thirty-first, two thousand
24 three;

25 (v) sixty-eight million dollars for the period January first, two
26 thousand four through December thirty-first, two thousand four;

27 (vi) sixty-eight million dollars for the period January first, two
28 thousand five through December thirty-first, two thousand five;

29 (vii) sixty-eight million dollars for the period January first, two
30 thousand six through December thirty-first, two thousand six;

31 (viii) seventeen million five hundred thousand dollars for the period
32 January first, two thousand seven through December thirty-first, two thousand
33 seven;

34 (ix) sixty-eight million dollars for the period January first, two
35 thousand eight through December thirty-first, two thousand eight;

36 (x) sixty-eight million dollars for the period January first, two
37 thousand nine through December thirty-first, two thousand nine;

38 (xi) sixty-eight million dollars for the period January first, two
39 thousand ten through December thirty-first, two thousand ten;

1 (xii) seventeen million dollars for the period January first, two
2 thousand eleven through March thirty-first, two thousand eleven; and

3 (xiii) sixty-eight million dollars each state fiscal year for the period
4 April first, two thousand eleven through March thirty-first, two thousand
5 fourteen.

6 (s) Funds shall be deposited by the commissioner within amounts
7 appropriated, and the state comptroller is hereby authorized and directed to
8 receive for deposit to the credit of the state special revenue funds - other,
9 HCRA transfer fund, medical assistance account, or any successor fund or
10 account, for purposes of providing distributions pursuant to paragraphs (s-
11 5), (s-6), (s-7) and (s-8) of subdivision eleven of section twenty-eight
12 hundred seven-c of this article from the tobacco control and insurance
13 initiatives pool established for the following periods in the following
14 amounts:

15 (i) eighteen million dollars for the period January first, two thousand
16 through December thirty-first, two thousand;

17 (ii) twenty-four million dollars annually for the periods January first,
18 two thousand one through December thirty-first, two thousand two;

19 (iii) up to twenty-four million dollars for the period January first, two
20 thousand three through December thirty-first, two thousand three;

21 (iv) up to twenty-four million dollars for the period January first, two
22 thousand four through December thirty-first, two thousand four;

23 (v) up to twenty-four million dollars for the period January first, two
24 thousand five through December thirty-first, two thousand five;

25 (vi) up to twenty-four million dollars for the period January first, two
26 thousand six through December thirty-first, two thousand six;

27 (vii) up to twenty-four million dollars for the period January first, two
28 thousand seven through December thirty-first, two thousand seven;

29 (viii) up to twenty-four million dollars for the period January first,
30 two thousand eight through December thirty-first, two thousand eight; and

31 (ix) up to twenty-two million dollars for the period January first, two
32 thousand nine through November thirtieth, two thousand nine.

33 (t) Funds shall be reserved and accumulated from year to year by the
34 commissioner and shall be made available, including income from invested
35 funds:

36 (i) For the purpose of making grants to a state owned and operated
37 medical school which does not have a state owned and operated hospital on
38 site and available for teaching purposes. Notwithstanding sections one
39 hundred twelve and one hundred sixty-three of the state finance law, such
40 grants shall be made in the amount of up to five hundred thousand dollars for

1 the period January first, two thousand through December thirty-first, two
2 thousand;

3 (ii) For the purpose of making grants to medical schools pursuant to
4 section eighty-six-a of chapter one of the laws of nineteen hundred ninety-
5 nine in the sum of up to four million dollars for the period January first,
6 two thousand through December thirty-first, two thousand; and

7 (iii) The funds disbursed pursuant to subparagraphs (i) and (ii) of this
8 paragraph from the tobacco control and insurance initiatives pool are
9 contingent upon meeting all funding amounts established pursuant to
10 paragraphs (a), (b), (c), (d), (e), (f), (l), (m), (n), (p), (q), (r) and (s)
11 of this subdivision, paragraph (a) of subdivision nine of section twenty-
12 eight hundred seven-j of this article, and paragraphs (a), (i) and (k) of
13 subdivision one of section twenty-eight hundred seven-l of this article.

14 (u) Funds shall be deposited by the commissioner, within amounts
15 appropriated, and the state comptroller is hereby authorized and directed to
16 receive for deposit to the credit of the state special revenue funds - other,
17 HCRA transfer fund, medical assistance account, or any successor fund or
18 account, for purposes of funding the state share of services and expenses
19 related to the nursing home quality improvement demonstration program
20 established pursuant to section twenty-eight hundred eight-d of this article
21 from the tobacco control and insurance initiatives pool established for the
22 following periods in the following amounts:

23 (i) up to twenty-five million dollars for the period beginning April
24 first, two thousand two and ending December thirty-first, two thousand two,
25 and on an annualized basis, for each annual period thereafter beginning
26 January first, two thousand three and ending December thirty-first, two
27 thousand four;

28 (ii) up to eighteen million seven hundred fifty thousand dollars for the
29 period January first, two thousand five through December thirty-first, two
30 thousand five; and

31 (iii) up to fifty-six million five hundred thousand dollars for the
32 period January first, two thousand six through December thirty-first, two
33 thousand six.

34 (v) Funds shall be transferred by the commissioner and shall be deposited
35 to the credit of the hospital excess liability pool created pursuant to
36 section eighteen of chapter two hundred sixty-six of the laws of nineteen
37 hundred eighty-six, or any successor fund or account, for purposes of
38 expenses related to the purchase of excess medical malpractice insurance and
39 the cost of administrating the pool, including costs associated with the risk
40 management program established pursuant to section forty-two of part A of
41 chapter one of the laws of two thousand two required by paragraph (a) of
42 subdivision one of section eighteen of chapter two hundred sixty-six of the
43 laws of nineteen hundred eighty-six as may be amended from time to time, from
44 the tobacco control and insurance initiatives pool established for the
45 following periods in the following amounts:

1 (i) up to fifty million dollars or so much as is needed for the period
2 January first, two thousand two through December thirty-first, two thousand
3 two;

4 (ii) up to seventy-six million seven hundred thousand dollars for the
5 period January first, two thousand three through December thirty-first, two
6 thousand three;

7 (iii) up to sixty-five million dollars for the period January first, two
8 thousand four through December thirty-first, two thousand four;

9 (iv) up to sixty-five million dollars for the period January first, two
10 thousand five through December thirty-first, two thousand five;

11 (v) up to one hundred thirteen million eight hundred thousand dollars for
12 the period January first, two thousand six through December thirty-first, two
13 thousand six;

14 (vi) up to one hundred thirty million dollars for the period January
15 first, two thousand seven through December thirty-first, two thousand seven;

16 (vii) up to one hundred thirty million dollars for the period January
17 first, two thousand eight through December thirty-first, two thousand eight;

18 (viii) up to one hundred thirty million dollars for the period January
19 first, two thousand nine through December thirty-first, two thousand nine;

20 (ix) up to one hundred thirty million dollars for the period January
21 first, two thousand ten through December thirty-first, two thousand ten;

22 (x) up to thirty-two million five hundred thousand dollars for the period
23 January first, two thousand eleven through March thirty-first, two thousand
24 eleven;

25 (xi) up to one hundred twenty-seven million four hundred thousand dollars
26 each state fiscal year for the period April first, two thousand eleven
27 through March thirty-first, two thousand fourteen; **[and]**

28 (xii) up to one hundred twenty-seven million four hundred thousand
29 dollars each state fiscal year for the period April first, two thousand
30 fourteen through March thirty-first, two thousand seventeen[.]; **and**

31 **(xiii) up to one hundred twenty-seven million four hundred thousand**
32 **dollars each state fiscal year for the period April first, two thousand**
33 **seventeen through March thirty-first, two thousand twenty.**

34 (w) Funds shall be deposited by the commissioner, within amounts
35 appropriated, and the state comptroller is hereby authorized and directed to
36 receive for deposit to the credit of the state special revenue funds - other,
37 HCRA transfer fund, medical assistance account, or any successor fund or
38 account, for purposes of funding the state share of the treatment of breast
39 and cervical cancer pursuant to paragraph (v) of subdivision four of section
40 three hundred sixty-six of the social services law, from the tobacco control

1 and insurance initiatives pool established for the following periods in the
2 following amounts:

3 (i) up to four hundred fifty thousand dollars for the period January
4 first, two thousand two through December thirty-first, two thousand two;

5 (ii) up to two million one hundred thousand dollars for the period
6 January first, two thousand three through December thirty-first, two thousand
7 three;

8 (iii) up to two million one hundred thousand dollars for the period
9 January first, two thousand four through December thirty-first, two thousand
10 four;

11 (iv) up to two million one hundred thousand dollars for the period
12 January first, two thousand five through December thirty-first, two thousand
13 five;

14 (v) up to two million one hundred thousand dollars for the period January
15 first, two thousand six through December thirty-first, two thousand six;

16 (vi) up to two million one hundred thousand dollars for the period
17 January first, two thousand seven through December thirty-first, two thousand
18 seven;

19 (vii) up to two million one hundred thousand dollars for the period
20 January first, two thousand eight through December thirty-first, two thousand
21 eight;

22 (viii) up to two million one hundred thousand dollars for the period
23 January first, two thousand nine through December thirty-first, two thousand
24 nine;

25 (ix) up to two million one hundred thousand dollars for the period
26 January first, two thousand ten through December thirty-first, two thousand
27 ten;

28 (x) up to five hundred twenty-five thousand dollars for the period
29 January first, two thousand eleven through March thirty-first, two thousand
30 eleven;

31 (xi) up to two million one hundred thousand dollars each state fiscal
32 year for the period April first, two thousand eleven through March thirty-
33 first, two thousand fourteen; **[and]**

34 (xii) up to two million one hundred thousand dollars each state fiscal
35 year for the period April first, two thousand fourteen through March thirty-
36 first, two thousand seventeen[.]; **and**

37 **(xiii) up to two million one hundred thousand dollars each state fiscal**
38 **year for the period April first, two thousand seventeen through March thirty-**
39 **first, two thousand twenty.**

1 (x) Funds shall be deposited by the commissioner, within amounts
2 appropriated, and the state comptroller is hereby authorized and directed to
3 receive for deposit to the credit of the state special revenue funds - other,
4 HCRA transfer fund, medical assistance account, or any successor fund or
5 account, for purposes of funding the state share of the non-public general
6 hospital rates increases for recruitment and retention of health care workers
7 from the tobacco control and insurance initiatives pool established for the
8 following periods in the following amounts:

9 (i) twenty-seven million one hundred thousand dollars on an annualized
10 basis for the period January first, two thousand two through December thirty-
11 first, two thousand two;

12 (ii) fifty million eight hundred thousand dollars on an annualized basis
13 for the period January first, two thousand three through December thirty-
14 first, two thousand three;

15 (iii) sixty-nine million three hundred thousand dollars on an annualized
16 basis for the period January first, two thousand four through December
17 thirty-first, two thousand four;

18 (iv) sixty-nine million three hundred thousand dollars for the period
19 January first, two thousand five through December thirty-first, two thousand
20 five;

21 (v) sixty-nine million three hundred thousand dollars for the period
22 January first, two thousand six through December thirty-first, two thousand
23 six;

24 (vi) sixty-five million three hundred thousand dollars for the period
25 January first, two thousand seven through December thirty-first, two thousand
26 seven;

27 (vii) sixty-one million one hundred fifty thousand dollars for the period
28 January first, two thousand eight through December thirty-first, two thousand
29 eight; and

30 (viii) forty-eight million seven hundred twenty-one thousand dollars for
31 the period January first, two thousand nine through November thirtieth, two
32 thousand nine.

33 (y) Funds shall be reserved and accumulated from year to year and shall
34 be available, including income from invested funds, for purposes of grants to
35 public general hospitals for recruitment and retention of health care workers
36 pursuant to paragraph (b) of subdivision thirty of section twenty-eight
37 hundred seven-c of this article from the tobacco control and insurance
38 initiatives pool established for the following periods in the following
39 amounts:

40 (i) eighteen million five hundred thousand dollars on an annualized basis
41 for the period January first, two thousand two through December thirty-first,
42 two thousand two;

1 (ii) thirty-seven million four hundred thousand dollars on an annualized
2 basis for the period January first, two thousand three through December
3 thirty-first, two thousand three;

4 (iii) fifty-two million two hundred thousand dollars on an annualized
5 basis for the period January first, two thousand four through December
6 thirty-first, two thousand four;

7 (iv) fifty-two million two hundred thousand dollars for the period
8 January first, two thousand five through December thirty-first, two thousand
9 five;

10 (v) fifty-two million two hundred thousand dollars for the period January
11 first, two thousand six through December thirty-first, two thousand six;

12 (vi) forty-nine million dollars for the period January first, two
13 thousand seven through December thirty-first, two thousand seven;

14 (vii) forty-nine million dollars for the period January first, two
15 thousand eight through December thirty-first, two thousand eight; and

16 (viii) twelve million two hundred fifty thousand dollars for the period
17 January first, two thousand nine through March thirty-first, two thousand
18 nine.

19 Provided, however, amounts pursuant to this paragraph may be reduced in
20 an amount to be approved by the director of the budget to reflect amounts
21 received from the federal government under the state's 1115 waiver which are
22 directed under its terms and conditions to the health workforce recruitment
23 and retention program.

24 (z) Funds shall be deposited by the commissioner, within amounts
25 appropriated, and the state comptroller is hereby authorized and directed to
26 receive for deposit to the credit of the state special revenue funds - other,
27 HCRA transfer fund, medical assistance account, or any successor fund or
28 account, for purposes of funding the state share of the non-public
29 residential health care facility rate increases for recruitment and retention
30 of health care workers pursuant to paragraph (a) of subdivision eighteen of
31 section twenty-eight hundred eight of this article from the tobacco control
32 and insurance initiatives pool established for the following periods in the
33 following amounts:

34 (i) twenty-one million five hundred thousand dollars on an annualized
35 basis for the period January first, two thousand two through December thirty-
36 first, two thousand two;

37 (ii) thirty-three million three hundred thousand dollars on an annualized
38 basis for the period January first, two thousand three through December
39 thirty-first, two thousand three;

40 (iii) forty-six million three hundred thousand dollars on an annualized
41 basis for the period January first, two thousand four through December
42 thirty-first, two thousand four;

1 (iv) forty-six million three hundred thousand dollars for the period
2 January first, two thousand five through December thirty-first, two thousand
3 five;

4 (v) forty-six million three hundred thousand dollars for the period
5 January first, two thousand six through December thirty-first, two thousand
6 six;

7 (vi) thirty million nine hundred thousand dollars for the period January
8 first, two thousand seven through December thirty-first, two thousand seven;

9 (vii) twenty-four million seven hundred thousand dollars for the period
10 January first, two thousand eight through December thirty-first, two thousand
11 eight;

12 (viii) twelve million three hundred seventy-five thousand dollars for the
13 period January first, two thousand nine through December thirty-first, two
14 thousand nine;

15 (ix) nine million three hundred thousand dollars for the period January
16 first, two thousand ten through December thirty-first, two thousand ten; and

17 (x) two million three hundred twenty-five thousand dollars for the period
18 January first, two thousand eleven through March thirty-first, two thousand
19 eleven.

20 (aa) Funds shall be reserved and accumulated from year to year and shall
21 be available, including income from invested funds, for purposes of grants to
22 public residential health care facilities for recruitment and retention of
23 health care workers pursuant to paragraph (b) of subdivision eighteen of
24 section twenty-eight hundred eight of this article from the tobacco control
25 and insurance initiatives pool established for the following periods in the
26 following amounts:

27 (i) seven million five hundred thousand dollars on an annualized basis
28 for the period January first, two thousand two through December thirty-first,
29 two thousand two;

30 (ii) eleven million seven hundred thousand dollars on an annualized basis
31 for the period January first, two thousand three through December thirty-
32 first, two thousand three;

33 (iii) sixteen million two hundred thousand dollars on an annualized basis
34 for the period January first, two thousand four through December thirty-
35 first, two thousand four;

36 (iv) sixteen million two hundred thousand dollars for the period January
37 first, two thousand five through December thirty-first, two thousand five;

38 (v) sixteen million two hundred thousand dollars for the period January
39 first, two thousand six through December thirty-first, two thousand six;

40 (vi) ten million eight hundred thousand dollars for the period January
41 first, two thousand seven through December thirty-first, two thousand seven;

1 (vii) six million seven hundred fifty thousand dollars for the period
2 January first, two thousand eight through December thirty-first, two thousand
3 eight; and

4 (viii) one million three hundred fifty thousand dollars for the period
5 January first, two thousand nine through December thirty-first, two thousand
6 nine.

7 (bb)(i) Funds shall be deposited by the commissioner, within amounts
8 appropriated, and subject to the availability of federal financial
9 participation, and the state comptroller is hereby authorized and directed to
10 receive for deposit to the credit of the state special revenue funds - other,
11 HCRA transfer fund, medical assistance account, or any successor fund or
12 account, for the purpose of supporting the state share of adjustments to
13 Medicaid rates of payment for personal care services provided pursuant to
14 paragraph (e) of subdivision two of section three hundred sixty-five-a of the
15 social services law, for local social service districts which include a city
16 with a population of over one million persons and computed and distributed in
17 accordance with memorandums of understanding to be entered into between the
18 state of New York and such local social service districts for the purpose of
19 supporting the recruitment and retention of personal care service workers or
20 any worker with direct patient care responsibility, from the tobacco control
21 and insurance initiatives pool established for the following periods and the
22 following amounts:

23 (A) forty-four million dollars, on an annualized basis, for the period
24 April first, two thousand two through December thirty-first, two thousand
25 two;

26 (B) seventy-four million dollars, on an annualized basis, for the period
27 January first, two thousand three through December thirty-first, two thousand
28 three;

29 (C) one hundred four million dollars, on an annualized basis, for the
30 period January first, two thousand four through December thirty-first, two
31 thousand four;

32 (D) one hundred thirty-six million dollars, on an annualized basis, for
33 the period January first, two thousand five through December thirty-first,
34 two thousand five;

35 (E) one hundred thirty-six million dollars, on an annualized basis, for
36 the period January first, two thousand six through December thirty-first, two
37 thousand six;

38 (F) one hundred thirty-six million dollars for the period January first,
39 two thousand seven through December thirty-first, two thousand seven;

40 (G) one hundred thirty-six million dollars for the period January first,
41 two thousand eight through December thirty-first, two thousand eight;

42 (H) one hundred thirty-six million dollars for the period January first,
43 two thousand nine through December thirty-first, two thousand nine;

1 (I) one hundred thirty-six million dollars for the period January first,
2 two thousand ten through December thirty-first, two thousand ten;

3 (J) thirty-four million dollars for the period January first, two
4 thousand eleven through March thirty-first, two thousand eleven;

5 (K) up to one hundred thirty-six million dollars each state fiscal year
6 for the period April first, two thousand eleven through March thirty-first,
7 two thousand fourteen; **[and]**

8 (L) up to one hundred thirty-six million dollars each state fiscal year
9 for the period March thirty-first, two thousand fourteen through April first,
10 two thousand seventeen[.]; **and**

11 **(M) up to one hundred thirty-six million dollars each state fiscal year**
12 **for the period April first, two thousand seventeen through March thirty-**
13 **first, two thousand twenty.**

14 (ii) Adjustments to Medicaid rates made pursuant to this paragraph shall
15 not, in aggregate, exceed the following amounts for the following periods:

16 (A) for the period April first, two thousand two through December thirty-
17 first, two thousand two, one hundred ten million dollars;

18 (B) for the period January first, two thousand three through December
19 thirty-first, two thousand three, one hundred eighty-five million dollars;

20 (C) for the period January first, two thousand four through December
21 thirty-first, two thousand four, two hundred sixty million dollars;

22 (D) for the period January first, two thousand five through December
23 thirty-first, two thousand five, three hundred forty million dollars;

24 (E) for the period January first, two thousand six through December
25 thirty-first, two thousand six, three hundred forty million dollars;

26 (F) for the period January first, two thousand seven through December
27 thirty-first, two thousand seven, three hundred forty million dollars;

28 (G) for the period January first, two thousand eight through December
29 thirty-first, two thousand eight, three hundred forty million dollars;

30 (H) for the period January first, two thousand nine through December
31 thirty-first, two thousand nine, three hundred forty million dollars;

32 (I) for the period January first, two thousand ten through December
33 thirty-first, two thousand ten, three hundred forty million dollars;

34 (J) for the period January first, two thousand eleven through March
35 thirty-first, two thousand eleven, eighty-five million dollars;

1 (K) for each state fiscal year within the period April first, two
 2 thousand eleven through March thirty-first, two thousand fourteen, three
 3 hundred forty million dollars; **[and]**

4 (L) for each state fiscal year within the period April first, two
 5 thousand fourteen through March thirty-first, two thousand seventeen, three
 6 hundred forty million dollars[.]; **and**

7 **(M) for each state fiscal year within the period April first, two**
 8 **thousand seventeen through March thirty-first, two thousand twenty, three**
 9 **hundred forty million dollars.**

10 (iii) Personal care service providers which have their rates adjusted
 11 pursuant to this paragraph shall use such funds for the purpose of
 12 recruitment and retention of non-supervisory personal care services workers
 13 or any worker with direct patient care responsibility only and are prohibited
 14 from using such funds for any other purpose. Each such personal care services
 15 provider shall submit, at a time and in a manner to be determined by the
 16 commissioner, a written certification attesting that such funds will be used
 17 solely for the purpose of recruitment and retention of non-supervisory
 18 personal care services workers or any worker with direct patient care
 19 responsibility. The commissioner is authorized to audit each such provider to
 20 ensure compliance with the written certification required by this subdivision
 21 and shall recoup any funds determined to have been used for purposes other
 22 than recruitment and retention of non-supervisory personal care services
 23 workers or any worker with direct patient care responsibility. Such
 24 recoupment shall be in addition to any other penalties provided by law.

25 (cc) Funds shall be deposited by the commissioner, within amounts
 26 appropriated, and the state comptroller is hereby authorized and directed to
 27 receive for deposit to the credit of the state special revenue funds - other,
 28 HCRA transfer fund, medical assistance account, or any successor fund or
 29 account, for the purpose of supporting the state share of adjustments to
 30 Medicaid rates of payment for personal care services provided pursuant to
 31 paragraph (e) of subdivision two of section three hundred sixty-five-a of the
 32 social services law, for local social service districts which shall not
 33 include a city with a population of over one million persons for the purpose
 34 of supporting the personal care services worker recruitment and retention
 35 program as established pursuant to section three hundred sixty-seven-q of the
 36 social services law, from the tobacco control and insurance initiatives pool
 37 established for the following periods and the following amounts:

38 (i) two million eight hundred thousand dollars for the period April
 39 first, two thousand two through December thirty-first, two thousand two;

40 (ii) five million six hundred thousand dollars, on an annualized basis,
 41 for the period January first, two thousand three through December thirty-
 42 first, two thousand three;

43 (iii) eight million four hundred thousand dollars, on an annualized
 44 basis, for the period January first, two thousand four through December
 45 thirty-first, two thousand four;

1 (iv) ten million eight hundred thousand dollars, on an annualized basis,
2 for the period January first, two thousand five through December thirty-
3 first, two thousand five;

4 (v) ten million eight hundred thousand dollars, on an annualized basis,
5 for the period January first, two thousand six through December thirty-first,
6 two thousand six;

7 (vi) eleven million two hundred thousand dollars for the period January
8 first, two thousand seven through December thirty-first, two thousand seven;

9 (vii) eleven million two hundred thousand dollars for the period January
10 first, two thousand eight through December thirty-first, two thousand eight;

11 (viii) eleven million two hundred thousand dollars for the period January
12 first, two thousand nine through December thirty-first, two thousand nine;

13 (ix) eleven million two hundred thousand dollars for the period January
14 first, two thousand ten through December thirty-first, two thousand ten;

15 (x) two million eight hundred thousand dollars for the period January
16 first, two thousand eleven through March thirty-first, two thousand eleven;

17 (xi) up to eleven million two hundred thousand dollars each state fiscal
18 year for the period April first, two thousand eleven through March thirty-
19 first, two thousand fourteen; **[and]**

20 (xii) up to eleven million two hundred thousand dollars each state fiscal
21 year for the period April first, two thousand fourteen through March thirty-
22 first, two thousand seventeen[.]; **and**

23 **(xiii) up to eleven million two hundred thousand dollars each state**
24 **fiscal year for the period April first, two thousand seventeen through March**
25 **thirty-first, two thousand twenty.**

26 (dd) Funds shall be deposited by the commissioner, within amounts
27 appropriated, and the state comptroller is hereby authorized and directed to
28 receive for deposit to the credit of the state special revenue fund - other,
29 HCRA transfer fund, medical assistance account, or any successor fund or
30 account, for purposes of funding the state share of Medicaid expenditures for
31 physician services from the tobacco control and insurance initiatives pool
32 established for the following periods in the following amounts:

33 (i) up to fifty-two million dollars for the period January first, two
34 thousand two through December thirty-first, two thousand two;

35 (ii) eighty-one million two hundred thousand dollars for the period
36 January first, two thousand three through December thirty-first, two thousand
37 three;

38 (iii) eighty-five million two hundred thousand dollars for the period
39 January first, two thousand four through December thirty-first, two thousand
40 four;

1 (iv) eighty-five million two hundred thousand dollars for the period
2 January first, two thousand five through December thirty-first, two thousand
3 five;

4 (v) eighty-five million two hundred thousand dollars for the period
5 January first, two thousand six through December thirty-first, two thousand
6 six;

7 (vi) eighty-five million two hundred thousand dollars for the period
8 January first, two thousand seven through December thirty-first, two thousand
9 seven;

10 (vii) eighty-five million two hundred thousand dollars for the period
11 January first, two thousand eight through December thirty-first, two thousand
12 eight;

13 (viii) eighty-five million two hundred thousand dollars for the period
14 January first, two thousand nine through December thirty-first, two thousand
15 nine;

16 (ix) eighty-five million two hundred thousand dollars for the period
17 January first, two thousand ten through December thirty-first, two thousand
18 ten;

19 (x) twenty-one million three hundred thousand dollars for the period
20 January first, two thousand eleven through March thirty-first, two thousand
21 eleven; and

22 (xi) eighty-five million two hundred thousand dollars each state fiscal
23 year for the period April first, two thousand eleven through March thirty-
24 first, two thousand fourteen.

25 (ee) Funds shall be deposited by the commissioner, within amounts
26 appropriated, and the state comptroller is hereby authorized and directed to
27 receive for deposit to the credit of the state special revenue fund - other,
28 HCRA transfer fund, medical assistance account, or any successor fund or
29 account, for purposes of funding the state share of the free-standing
30 diagnostic and treatment center rate increases for recruitment and retention
31 of health care workers pursuant to subdivision seventeen of section twenty-
32 eight hundred seven of this article from the tobacco control and insurance
33 initiatives pool established for the following periods in the following
34 amounts:

35 (i) three million two hundred fifty thousand dollars for the period April
36 first, two thousand two through December thirty-first, two thousand two;

37 (ii) three million two hundred fifty thousand dollars on an annualized
38 basis for the period January first, two thousand three through December
39 thirty-first, two thousand three;

40 (iii) three million two hundred fifty thousand dollars on an annualized
41 basis for the period January first, two thousand four through December
42 thirty-first, two thousand four;

1 (iv) three million two hundred fifty thousand dollars for the period
2 January first, two thousand five through December thirty-first, two thousand
3 five;

4 (v) three million two hundred fifty thousand dollars for the period
5 January first, two thousand six through December thirty-first, two thousand
6 six;

7 (vi) three million two hundred fifty thousand dollars for the period
8 January first, two thousand seven through December thirty-first, two thousand
9 seven;

10 (vii) three million four hundred thirty-eight thousand dollars for the
11 period January first, two thousand eight through December thirty-first, two
12 thousand eight;

13 (viii) two million four hundred fifty thousand dollars for the period
14 January first, two thousand nine through December thirty-first, two thousand
15 nine;

16 (ix) one million five hundred thousand dollars for the period January
17 first, two thousand ten through December thirty-first, two thousand ten; and

18 (x) three hundred twenty-five thousand dollars for the period January
19 first, two thousand eleven through March thirty-first, two thousand eleven.

20 (ff) Funds shall be deposited by the commissioner, within amounts
21 appropriated, and the state comptroller is hereby authorized and directed to
22 receive for deposit to the credit of the state special revenue fund - other,
23 HCRA transfer fund, medical assistance account, or any successor fund or
24 account, for purposes of funding the state share of Medicaid expenditures for
25 disabled persons as authorized pursuant to former subparagraphs twelve and
26 thirteen of paragraph (a) of subdivision one of section three hundred sixty-
27 six of the social services law from the tobacco control and insurance
28 initiatives pool established for the following periods in the following
29 amounts:

30 (i) one million eight hundred thousand dollars for the period April
31 first, two thousand two through December thirty-first, two thousand two;

32 (ii) sixteen million four hundred thousand dollars on an annualized basis
33 for the period January first, two thousand three through December thirty-
34 first, two thousand three;

35 (iii) eighteen million seven hundred thousand dollars on an annualized
36 basis for the period January first, two thousand four through December
37 thirty-first, two thousand four;

38 (iv) thirty million six hundred thousand dollars for the period January
39 first, two thousand five through December thirty-first, two thousand five;

40 (v) thirty million six hundred thousand dollars for the period January
41 first, two thousand six through December thirty-first, two thousand six;

1 (vi) thirty million six hundred thousand dollars for the period January
2 first, two thousand seven through December thirty-first, two thousand seven;

3 (vii) fifteen million dollars for the period January first, two thousand
4 eight through December thirty-first, two thousand eight;

5 (viii) fifteen million dollars for the period January first, two thousand
6 nine through December thirty-first, two thousand nine;

7 (ix) fifteen million dollars for the period January first, two thousand
8 ten through December thirty-first, two thousand ten;

9 (x) three million seven hundred fifty thousand dollars for the period
10 January first, two thousand eleven through March thirty-first, two thousand
11 eleven;

12 (xi) fifteen million dollars each state fiscal year for the period April
13 first, two thousand eleven through March thirty-first, two thousand fourteen;
14 **[and]**

15 (xii) fifteen million dollars each state fiscal year for the period April
16 first, two thousand fourteen through March thirty-first, two thousand
17 seventeen[.]; **and**

18 **(xiii) fifteen million dollars each state fiscal year for the period**
19 **April first, two thousand seventeen through March thirty-first, two thousand**
20 **twenty.**

21 (gg) Funds shall be reserved and accumulated from year to year and shall
22 be available, including income from invested funds, for purposes of grants to
23 non-public general hospitals pursuant to paragraph (c) of subdivision thirty
24 of section twenty-eight hundred seven-c of this article from the tobacco
25 control and insurance initiatives pool established for the following periods
26 in the following amounts:

27 (i) up to one million three hundred thousand dollars on an annualized
28 basis for the period January first, two thousand two through December thirty-
29 first, two thousand two;

30 (ii) up to three million two hundred thousand dollars on an annualized
31 basis for the period January first, two thousand three through December
32 thirty-first, two thousand three;

33 (iii) up to five million six hundred thousand dollars on an annualized
34 basis for the period January first, two thousand four through December
35 thirty-first, two thousand four;

36 (iv) up to eight million six hundred thousand dollars for the period
37 January first, two thousand five through December thirty-first, two thousand
38 five;

39 (v) up to eight million six hundred thousand dollars on an annualized
40 basis for the period January first, two thousand six through December thirty-
41 first, two thousand six;

1 (vi) up to two million six hundred thousand dollars for the period
2 January first, two thousand seven through December thirty-first, two thousand
3 seven;

4 (vii) up to two million six hundred thousand dollars for the period
5 January first, two thousand eight through December thirty-first, two thousand
6 eight;

7 (viii) up to two million six hundred thousand dollars for the period
8 January first, two thousand nine through December thirty-first, two thousand
9 nine;

10 (ix) up to two million six hundred thousand dollars for the period
11 January first, two thousand ten through December thirty-first, two thousand
12 ten; and

13 (x) up to six hundred fifty thousand dollars for the period January
14 first, two thousand eleven through March thirty-first, two thousand eleven.

15 (hh) Funds shall be deposited by the commissioner, within amounts
16 appropriated, and the state comptroller is hereby authorized and directed to
17 receive for deposit to the credit of the special revenue fund - other, HCRA
18 transfer fund, medical assistance account for purposes of providing financial
19 assistance to residential health care facilities pursuant to subdivisions
20 nineteen and twenty-one of section twenty-eight hundred eight of this
21 article, from the tobacco control and insurance initiatives pool established
22 for the following periods in the following amounts:

23 (i) for the period April first, two thousand two through December thirty-
24 first, two thousand two, ten million dollars;

25 (ii) for the period January first, two thousand three through December
26 thirty-first, two thousand three, nine million four hundred fifty thousand
27 dollars;

28 (iii) for the period January first, two thousand four through December
29 thirty-first, two thousand four, nine million three hundred fifty thousand
30 dollars;

31 (iv) up to fifteen million dollars for the period January first, two
32 thousand five through December thirty-first, two thousand five;

33 (v) up to fifteen million dollars for the period January first, two
34 thousand six through December thirty-first, two thousand six;

35 (vi) up to fifteen million dollars for the period January first, two
36 thousand seven through December thirty-first, two thousand seven;

37 (vii) up to fifteen million dollars for the period January first, two
38 thousand eight through December thirty-first, two thousand eight;

39 (viii) up to fifteen million dollars for the period January first, two
40 thousand nine through December thirty-first, two thousand nine;

1 (ix) up to fifteen million dollars for the period January first, two
2 thousand ten through December thirty-first, two thousand ten;

3 (x) up to three million seven hundred fifty thousand dollars for the
4 period January first, two thousand eleven through March thirty-first, two
5 thousand eleven; and

6 (xi) fifteen million dollars each state fiscal year for the period April
7 first, two thousand eleven through March thirty-first, two thousand fourteen.

8 (ii) Funds shall be deposited by the commissioner, within amounts
9 appropriated, and the state comptroller is hereby authorized and directed to
10 receive for deposit to the credit of the state special revenue funds - other,
11 HCRA transfer fund, medical assistance account, or any successor fund or
12 account, for the purpose of supporting the state share of Medicaid
13 expenditures for disabled persons as authorized by sections 1619 (a) and (b)
14 of the federal social security act pursuant to the tobacco control and
15 insurance initiatives pool established for the following periods in the
16 following amounts:

17 (i) six million four hundred thousand dollars for the period April first,
18 two thousand two through December thirty-first, two thousand two;

19 (ii) eight million five hundred thousand dollars, for the period January
20 first, two thousand three through December thirty-first, two thousand three;

21 (iii) eight million five hundred thousand dollars for the period January
22 first, two thousand four through December thirty-first, two thousand four;

23 (iv) eight million five hundred thousand dollars for the period January
24 first, two thousand five through December thirty-first, two thousand five;

25 (v) eight million five hundred thousand dollars for the period January
26 first, two thousand six through December thirty-first, two thousand six;

27 (vi) eight million six hundred thousand dollars for the period January
28 first, two thousand seven through December thirty-first, two thousand seven;

29 (vii) eight million five hundred thousand dollars for the period January
30 first, two thousand eight through December thirty-first, two thousand eight;

31 (viii) eight million five hundred thousand dollars for the period January
32 first, two thousand nine through December thirty-first, two thousand nine;

33 (ix) eight million five hundred thousand dollars for the period January
34 first, two thousand ten through December thirty-first, two thousand ten;

35 (x) two million one hundred twenty-five thousand dollars for the period
36 January first, two thousand eleven through March thirty-first, two thousand
37 eleven;

1 (xi) eight million five hundred thousand dollars each state fiscal year
 2 for the period April first, two thousand eleven through March thirty-first,
 3 two thousand fourteen; **[and]**

4 (xii) eight million five hundred thousand dollars each state fiscal year
 5 for the period April first, two thousand fourteen through March thirty-first,
 6 two thousand seventeen[.]; **and**

7 **(xiii) eight million five hundred thousand dollars each state fiscal year**
 8 **for the period April first, two thousand seventeen through March thirty-**
 9 **first, two thousand twenty.**

10 (jj) Funds shall be reserved and accumulated from year to year and shall
 11 be available, including income from invested funds, for the purposes of a
 12 grant program to improve access to infertility services, treatments and
 13 procedures, from the tobacco control and insurance initiatives pool
 14 established for the period January first, two thousand two through December
 15 thirty-first, two thousand two in the amount of nine million one hundred
 16 seventy-five thousand dollars, for the period April first, two thousand six
 17 through March thirty-first, two thousand seven in the amount of five million
 18 dollars, for the period April first, two thousand seven through March thirty-
 19 first, two thousand eight in the amount of five million dollars, for the
 20 period April first, two thousand eight through March thirty-first, two
 21 thousand nine in the amount of five million dollars, and for the period April
 22 first, two thousand nine through March thirty-first, two thousand ten in the
 23 amount of five million dollars, for the period April first, two thousand ten
 24 through March thirty-first, two thousand eleven in the amount of two million
 25 two hundred thousand dollars, and for the period April first, two thousand
 26 eleven through March thirty-first, two thousand twelve up to one million one
 27 hundred thousand dollars.

28 (kk) Funds shall be deposited by the commissioner, within amounts
 29 appropriated, and the state comptroller is hereby authorized and directed to
 30 receive for deposit to the credit of the state special revenue funds --
 31 other, HCRA transfer fund, medical assistance account, or any successor fund
 32 or account, for purposes of funding the state share of Medical Assistance
 33 Program expenditures from the tobacco control and insurance initiatives pool
 34 established for the following periods in the following amounts:

35 (i) thirty-eight million eight hundred thousand dollars for the period
 36 January first, two thousand two through December thirty-first, two thousand
 37 two;

38 (ii) up to two hundred ninety-five million dollars for the period January
 39 first, two thousand three through December thirty-first, two thousand three;

40 (iii) up to four hundred seventy-two million dollars for the period
 41 January first, two thousand four through December thirty-first, two thousand
 42 four;

43 (iv) up to nine hundred million dollars for the period January first, two
 44 thousand five through December thirty-first, two thousand five;

1 (v) up to eight hundred sixty-six million three hundred thousand dollars
2 for the period January first, two thousand six through December thirty-first,
3 two thousand six;

4 (vi) up to six hundred sixteen million seven hundred thousand dollars for
5 the period January first, two thousand seven through December thirty-first,
6 two thousand seven;

7 (vii) up to five hundred seventy-eight million nine hundred twenty-five
8 thousand dollars for the period January first, two thousand eight through
9 December thirty-first, two thousand eight; and

10 (viii) within amounts appropriated on and after January first, two
11 thousand nine.

12 (11) Funds shall be deposited by the commissioner, within amounts
13 appropriated, and the state comptroller is hereby authorized and directed to
14 receive for deposit to the credit of the state special revenue funds --
15 other, HCRA transfer fund, medical assistance account, or any successor fund
16 or account, for purposes of funding the state share of Medicaid expenditures
17 related to the city of New York from the tobacco control and insurance
18 initiatives pool established for the following periods in the following
19 amounts:

20 (i) eighty-two million seven hundred thousand dollars for the period
21 January first, two thousand two through December thirty-first, two thousand
22 two;

23 (ii) one hundred twenty-four million six hundred thousand dollars for the
24 period January first, two thousand three through December thirty-first, two
25 thousand three;

26 (iii) one hundred twenty-four million seven hundred thousand dollars for
27 the period January first, two thousand four through December thirty-first,
28 two thousand four;

29 (iv) one hundred twenty-four million seven hundred thousand dollars for
30 the period January first, two thousand five through December thirty-first,
31 two thousand five;

32 (v) one hundred twenty-four million seven hundred thousand dollars for
33 the period January first, two thousand six through December thirty-first, two
34 thousand six;

35 (vi) one hundred twenty-four million seven hundred thousand dollars for
36 the period January first, two thousand seven through December thirty-first,
37 two thousand seven;

38 (vii) one hundred twenty-four million seven hundred thousand dollars for
39 the period January first, two thousand eight through December thirty-first,
40 two thousand eight;

1 (viii) one hundred twenty-four million seven hundred thousand dollars for
2 the period January first, two thousand nine through December thirty-first,
3 two thousand nine;

4 (ix) one hundred twenty-four million seven hundred thousand dollars for
5 the period January first, two thousand ten through December thirty-first, two
6 thousand ten;

7 (x) thirty-one million one hundred seventy-five thousand dollars for the
8 period January first, two thousand eleven through March thirty-first, two
9 thousand eleven; and

10 (xi) one hundred twenty-four million seven hundred thousand dollars each
11 state fiscal year for the period April first, two thousand eleven through
12 March thirty-first, two thousand fourteen.

13 (mm) Funds shall be deposited by the commissioner, within amounts
14 appropriated, and the state comptroller is hereby authorized and directed to
15 receive for deposit to the credit of the state special revenue funds - other,
16 HCRA transfer fund, medical assistance account, or any successor fund or
17 account, for purposes of funding specified percentages of the state share of
18 services and expenses related to the family health plus program in accordance
19 with the following schedule:

20 (i) (A) for the period January first, two thousand three through December
21 thirty-first, two thousand four, one hundred percent of the state share;

22 (B) for the period January first, two thousand five through December
23 thirty-first, two thousand five, seventy-five percent of the state share;
24 and[,]

25 (C) for periods beginning on and after January first, two thousand six,
26 fifty percent of the state share.

27 (ii) Funding for the family health plus program will include up to five
28 million dollars annually for the period January first, two thousand three
29 through December thirty-first, two thousand six, up to five million dollars
30 for the period January first, two thousand seven through December thirty-
31 first, two thousand seven, up to seven million two hundred thousand dollars
32 for the period January first, two thousand eight through December thirty-
33 first, two thousand eight, up to seven million two hundred thousand dollars
34 for the period January first, two thousand nine through December thirty-
35 first, two thousand nine, up to seven million two hundred thousand dollars
36 for the period January first, two thousand ten through December thirty-first,
37 two thousand ten, up to one million eight hundred thousand dollars for the
38 period January first, two thousand eleven through March thirty-first, two
39 thousand eleven, up to six million forty-nine thousand dollars for the period
40 April first, two thousand eleven through March thirty-first, two thousand
41 twelve, up to six million two hundred eighty-nine thousand dollars for the
42 period April first, two thousand twelve through March thirty-first, two
43 thousand thirteen, and up to six million four hundred sixty-one thousand
44 dollars for the period April first, two thousand thirteen through March
45 thirty-first, two thousand fourteen, for administration and marketing costs
46 associated with such program established pursuant to clauses (A) and (B) of
47 subparagraph (v) of paragraph (a) of subdivision two of section three hundred

1 sixty-nine-ee of the social services law from the tobacco control and
2 insurance initiatives pool established for the following periods in the
3 following amounts:

4 (A) one hundred ninety million six hundred thousand dollars for the
5 period January first, two thousand three through December thirty-first, two
6 thousand three;

7 (B) three hundred seventy-four million dollars for the period January
8 first, two thousand four through December thirty-first, two thousand four;

9 (C) five hundred thirty-eight million four hundred thousand dollars for
10 the period January first, two thousand five through December thirty-first,
11 two thousand five;

12 (D) three hundred eighteen million seven hundred seventy-five thousand
13 dollars for the period January first, two thousand six through December
14 thirty-first, two thousand six;

15 (E) four hundred eighty-two million eight hundred thousand dollars for
16 the period January first, two thousand seven through December thirty-first,
17 two thousand seven;

18 (F) five hundred seventy million twenty-five thousand dollars for the
19 period January first, two thousand eight through December thirty-first, two
20 thousand eight;

21 (G) six hundred ten million seven hundred twenty-five thousand dollars
22 for the period January first, two thousand nine through December thirty-
23 first, two thousand nine;

24 (H) six hundred twenty-seven million two hundred seventy-five thousand
25 dollars for the period January first, two thousand ten through December
26 thirty-first, two thousand ten;

27 (I) one hundred fifty-seven million eight hundred seventy-five thousand
28 dollars for the period January first, two thousand eleven through March
29 thirty-first, two thousand eleven;

30 (J) six hundred twenty-eight million four hundred thousand dollars for
31 the period April first, two thousand eleven through March thirty-first, two
32 thousand twelve;

33 (K) six hundred fifty million four hundred thousand dollars for the
34 period April first, two thousand twelve through March thirty-first, two
35 thousand thirteen;

36 (L) six hundred fifty million four hundred thousand dollars for the
37 period April first, two thousand thirteen through March thirty-first, two
38 thousand fourteen; and

39 (M) up to three hundred ten million five hundred ninety-five thousand
40 dollars for the period April first, two thousand fourteen through March
41 thirty-first, two thousand fifteen.

1 (nn) Funds shall be deposited by the commissioner, within amounts
2 appropriated, and the state comptroller is hereby authorized and directed to
3 receive for deposit to the credit of the state special revenue fund - other,
4 HCRA transfer fund, health care services account, or any successor fund or
5 account, for purposes related to adult home initiatives for medicaid eligible
6 residents of residential facilities licensed pursuant to section four hundred
7 sixty-b of the social services law from the tobacco control and insurance
8 initiatives pool established for the following periods in the following
9 amounts:

10 (i) up to four million dollars for the period January first, two thousand
11 three through December thirty-first, two thousand three;

12 (ii) up to six million dollars for the period January first, two thousand
13 four through December thirty-first, two thousand four;

14 (iii) up to eight million dollars for the period January first, two
15 thousand five through December thirty-first, two thousand five, provided,
16 however, that up to five million two hundred fifty thousand dollars of such
17 funds shall be received by the comptroller and deposited to the credit of the
18 special revenue fund - other / aid to localities, HCRA transfer fund - 061,
19 enhanced community services account - 05, or any successor fund or account,
20 for the purposes set forth in this paragraph;

21 (iv) up to eight million dollars for the period January first, two
22 thousand six through December thirty-first, two thousand six, provided,
23 however, that up to five million two hundred fifty thousand dollars of such
24 funds shall be received by the comptroller and deposited to the credit of the
25 special revenue fund - other / aid to localities, HCRA transfer fund - 061,
26 enhanced community services account - 05, or any successor fund or account,
27 for the purposes set forth in this paragraph;

28 (v) up to eight million dollars for the period January first, two
29 thousand seven through December thirty-first, two thousand seven, provided,
30 however, that up to five million two hundred fifty thousand dollars of such
31 funds shall be received by the comptroller and deposited to the credit of the
32 special revenue fund - other / aid to localities, HCRA transfer fund - 061,
33 enhanced community services account - 05, or any successor fund or account,
34 for the purposes set forth in this paragraph;

35 (vi) up to two million seven hundred fifty thousand dollars for the
36 period January first, two thousand eight through December thirty-first, two
37 thousand eight;

38 (vii) up to two million seven hundred fifty thousand dollars for the
39 period January first, two thousand nine through December thirty-first, two
40 thousand nine;

41 (viii) up to two million seven hundred fifty thousand dollars for the
42 period January first, two thousand ten through December thirty-first, two
43 thousand ten; and

44 (ix) up to six hundred eighty-eight thousand dollars for the period
45 January first, two thousand eleven through March thirty-first, two thousand
46 eleven.

1 (oo) Funds shall be reserved and accumulated from year to year and shall
2 be available, including income from invested funds, for purposes of grants to
3 non-public general hospitals pursuant to paragraph (e) of subdivision twenty-
4 five of section twenty-eight hundred seven-c of this article from the tobacco
5 control and insurance initiatives pool established for the following periods
6 in the following amounts:

7 (i) up to five million dollars on an annualized basis for the period
8 January first, two thousand four through December thirty-first, two thousand
9 four;

10 (ii) up to five million dollars for the period January first, two
11 thousand five through December thirty-first, two thousand five;

12 (iii) up to five million dollars for the period January first, two
13 thousand six through December thirty-first, two thousand six;

14 (iv) up to five million dollars for the period January first, two
15 thousand seven through December thirty-first, two thousand seven;

16 (v) up to five million dollars for the period January first, two thousand
17 eight through December thirty-first, two thousand eight;

18 (vi) up to five million dollars for the period January first, two
19 thousand nine through December thirty-first, two thousand nine;

20 (vii) up to five million dollars for the period January first, two
21 thousand ten through December thirty-first, two thousand ten; and

22 (viii) up to one million two hundred fifty thousand dollars for the
23 period January first, two thousand eleven through March thirty-first, two
24 thousand eleven.

25 (pp) Funds shall be reserved and accumulated from year to year and shall
26 be available, including income from invested funds, for the purpose of
27 supporting the provision of tax credits for long term care insurance pursuant
28 to subdivision one of section one hundred ninety of the tax law, paragraph
29 (a) of subdivision twenty-five-a of section two hundred ten of such law,
30 subsection (aa) of section six hundred six of such law, paragraph one of
31 subsection (k) of section fourteen hundred fifty-six of such law and
32 paragraph one of subdivision (m) of section fifteen hundred eleven of such
33 law, in the following amounts:

34 (i) ten million dollars for the period January first, two thousand four
35 through December thirty-first, two thousand four;

36 (ii) ten million dollars for the period January first, two thousand five
37 through December thirty-first, two thousand five;

38 (iii) ten million dollars for the period January first, two thousand six
39 through December thirty-first, two thousand six; and

40 (iv) five million dollars for the period January first, two thousand
41 seven through June thirtieth, two thousand seven.

1 (qq) Funds shall be reserved and accumulated from year to year and shall
2 be available, including income from invested funds, for the purpose of
3 supporting the long-term care insurance education and outreach program
4 established pursuant to section two hundred seventeen-a of the elder law for
5 the following periods in the following amounts:

6 (i) up to five million dollars for the period January first, two thousand
7 four through December thirty-first, two thousand four; of such funds one
8 million nine hundred fifty thousand dollars shall be made available to the
9 department for the purpose of developing, implementing and administering the
10 long-term care insurance education and outreach program and three million
11 fifty thousand dollars shall be deposited by the commissioner, within amounts
12 appropriated, and the comptroller is hereby authorized and directed to
13 receive for deposit to the credit of the special revenue funds - other, HCRA
14 transfer fund, long term care insurance resource center account of the state
15 office for the aging or any future account designated for the purpose of
16 implementing the long term care insurance education and outreach program and
17 providing the long term care insurance resource centers with the necessary
18 resources to carry out their operations;

19 (ii) up to five million dollars for the period January first, two
20 thousand five through December thirty-first, two thousand five; of such funds
21 one million nine hundred fifty thousand dollars shall be made available to
22 the department for the purpose of developing, implementing and administering
23 the long-term care insurance education and outreach program and three million
24 fifty thousand dollars shall be deposited by the commissioner, within amounts
25 appropriated, and the comptroller is hereby authorized and directed to
26 receive for deposit to the credit of the special revenue funds - other, HCRA
27 transfer fund, long term care insurance resource center account of the state
28 office for the aging or any future account designated for the purpose of
29 implementing the long term care insurance education and outreach program and
30 providing the long term care insurance resource centers with the necessary
31 resources to carry out their operations;

32 (iii) up to five million dollars for the period January first, two
33 thousand six through December thirty-first, two thousand six; of such funds
34 one million nine hundred fifty thousand dollars shall be made available to
35 the department for the purpose of developing, implementing and administering
36 the long-term care insurance education and outreach program and three million
37 fifty thousand dollars shall be made available to the office for the aging
38 for the purpose of providing the long term care insurance resource centers
39 with the necessary resources to carry out their operations;

40 (iv) up to five million dollars for the period January first, two
41 thousand seven through December thirty-first, two thousand seven; of such
42 funds one million nine hundred fifty thousand dollars shall be made available
43 to the department for the purpose of developing, implementing and
44 administering the long-term care insurance education and outreach program and
45 three million fifty thousand dollars shall be made available to the office
46 for the aging for the purpose of providing the long term care insurance
47 resource centers with the necessary resources to carry out their operations;

48 (v) up to five million dollars for the period January first, two thousand
49 eight through December thirty-first, two thousand eight; of such funds one
50 million nine hundred fifty thousand dollars shall be made available to the
51 department for the purpose of developing, implementing and administering the

1 long term care insurance education and outreach program and three million
2 fifty thousand dollars shall be made available to the office for the aging
3 for the purpose of providing the long term care insurance resource centers
4 with the necessary resources to carry out their operations;

5 (vi) up to five million dollars for the period January first, two
6 thousand nine through December thirty-first, two thousand nine; of such funds
7 one million nine hundred fifty thousand dollars shall be made available to
8 the department for the purpose of developing, implementing and administering
9 the long-term care insurance education and outreach program and three million
10 fifty thousand dollars shall be made available to the office for the aging
11 for the purpose of providing the long-term care insurance resource centers
12 with the necessary resources to carry out their operations;

13 (vii) up to four hundred eighty-eight thousand dollars for the period
14 January first, two thousand ten through March thirty-first, two thousand ten;
15 of such funds four hundred eighty-eight thousand dollars shall be made
16 available to the department for the purpose of developing, implementing and
17 administering the long-term care insurance education and outreach program.

18 (rr) Funds shall be reserved and accumulated from the tobacco control and
19 insurance initiatives pool and shall be available, including income from
20 invested funds, for the purpose of supporting expenses related to
21 implementation of the provisions of title III of article twenty-nine-D of
22 this chapter, for the following periods and in the following amounts:

23 (i) up to ten million dollars for the period January first, two thousand
24 six through December thirty-first, two thousand six;

25 (ii) up to ten million dollars for the period January first, two thousand
26 seven through December thirty-first, two thousand seven;

27 (iii) up to ten million dollars for the period January first, two
28 thousand eight through December thirty-first, two thousand eight;

29 (iv) up to ten million dollars for the period January first, two thousand
30 nine through December thirty-first, two thousand nine;

31 (v) up to ten million dollars for the period January first, two thousand
32 ten through December thirty-first, two thousand ten; and

33 (vi) up to two million five hundred thousand dollars for the period
34 January first, two thousand eleven through March thirty-first, two thousand
35 eleven.

36 (ss) Funds shall be reserved and accumulated from the tobacco control and
37 insurance initiatives pool and used for a health care stabilization program
38 established by the commissioner for the purposes of stabilizing critical
39 health care providers and health care programs whose ability to continue to
40 provide appropriate services are threatened by financial or other challenges,
41 in the amount of up to twenty-eight million dollars for the period July
42 first, two thousand four through June thirtieth, two thousand five.
43 Notwithstanding the provisions of section one hundred twelve of the state
44 finance law or any other inconsistent provision of the state finance law or

1 any other law, funds available for distribution pursuant to this paragraph
2 may be allocated and distributed by the commissioner, or the state
3 comptroller as applicable without a competitive bid or request for proposal
4 process. Considerations relied upon by the commissioner in determining the
5 allocation and distribution of these funds shall include, but not be limited
6 to, the following: (i) the importance of the provider or program in meeting
7 critical health care needs in the community in which it operates; (ii) the
8 provider or program provision of care to under-served populations; (iii) the
9 quality of the care or services the provider or program delivers; (iv) the
10 ability of the provider or program to continue to deliver an appropriate
11 level of care or services if additional funding is made available; (v) the
12 ability of the provider or program to access, in a timely manner, alternative
13 sources of funding, including other sources of government funding; (vi) the
14 ability of other providers or programs in the community to meet the community
15 health care needs; (vii) whether the provider or program has an appropriate
16 plan to improve its financial condition; and (viii) whether additional
17 funding would permit the provider or program to consolidate, relocate, or
18 close programs or services where such actions would result in greater
19 stability and efficiency in the delivery of needed health care services or
20 programs.

21 (tt) Funds shall be reserved and accumulated from year to year and shall
22 be available, including income from invested funds, for purposes of providing
23 grants for two long term care demonstration projects designed to test new
24 models for the delivery of long term care services established pursuant to
25 section twenty-eight hundred seven-x of this chapter, for the following
26 periods and in the following amounts:

27 (i) up to five hundred thousand dollars for the period January first, two
28 thousand four through December thirty-first, two thousand four;

29 (ii) up to five hundred thousand dollars for the period January first,
30 two thousand five through December thirty-first, two thousand five;

31 (iii) up to five hundred thousand dollars for the period January first,
32 two thousand six through December thirty-first, two thousand six;

33 (iv) up to one million dollars for the period January first, two thousand
34 seven through December thirty-first, two thousand seven; and

35 (v) up to two hundred fifty thousand dollars for the period January
36 first, two thousand eight through March thirty-first, two thousand eight.

37 (uu) Funds shall be reserved and accumulated from year to year and shall
38 be available, including income from invested funds, for the purpose of
39 supporting disease management and telemedicine demonstration programs
40 authorized pursuant to section twenty-one hundred eleven of this chapter for
41 the following periods in the following amounts:

42 (i) five million dollars for the period January first, two thousand four
43 through December thirty-first, two thousand four, of which three million
44 dollars shall be available for disease management demonstration programs and
45 two million dollars shall be available for telemedicine demonstration
46 programs;

1 (ii) five million dollars for the period January first, two thousand five
2 through December thirty-first, two thousand five, of which three million
3 dollars shall be available for disease management demonstration programs and
4 two million dollars shall be available for telemedicine demonstration
5 programs;

6 (iii) nine million five hundred thousand dollars for the period January
7 first, two thousand six through December thirty-first, two thousand six, of
8 which seven million five hundred thousand dollars shall be available for
9 disease management demonstration programs and two million dollars shall be
10 available for telemedicine demonstration programs;

11 (iv) nine million five hundred thousand dollars for the period January
12 first, two thousand seven through December thirty-first, two thousand seven,
13 of which seven million five hundred thousand dollars shall be available for
14 disease management demonstration programs and one million dollars shall be
15 available for telemedicine demonstration programs;

16 (v) nine million five hundred thousand dollars for the period January
17 first, two thousand eight through December thirty-first, two thousand eight,
18 of which seven million five hundred thousand dollars shall be available for
19 disease management demonstration programs and two million dollars shall be
20 available for telemedicine demonstration programs;

21 (vi) seven million eight hundred thirty-three thousand three hundred
22 thirty-three dollars for the period January first, two thousand nine through
23 December thirty-first, two thousand nine, of which seven million five hundred
24 thousand dollars shall be available for disease management demonstration
25 programs and three hundred thirty-three thousand three hundred thirty-three
26 dollars shall be available for telemedicine demonstration programs for the
27 period January first, two thousand nine through March first, two thousand
28 nine;

29 (vii) one million eight hundred seventy-five thousand dollars for the
30 period January first, two thousand ten through March thirty-first, two
31 thousand ten shall be available for disease management demonstration
32 programs.

33 (ww) Funds shall be deposited by the commissioner, within amounts
34 appropriated, and the state comptroller is hereby authorized and directed to
35 receive for the deposit to the credit of the state special revenue funds -
36 other, HCRA transfer fund, medical assistance account, or any successor fund
37 or account, for purposes of funding the state share of the general hospital
38 rates increases for recruitment and retention of health care workers pursuant
39 to paragraph (e) of subdivision thirty of section twenty-eight hundred seven-
40 c of this article from the tobacco control and insurance initiatives pool
41 established for the following periods in the following amounts:

42 (i) sixty million five hundred thousand dollars for the period January
43 first, two thousand five through December thirty-first, two thousand five;
44 and

45 (ii) sixty million five hundred thousand dollars for the period January
46 first, two thousand six through December thirty-first, two thousand six.

1 (xx) Funds shall be deposited by the commissioner, within amounts
2 appropriated, and the state comptroller is hereby authorized and directed to
3 receive for the deposit to the credit of the state special revenue funds -
4 other, HCRA transfer fund, medical assistance account, or any successor fund
5 or account, for purposes of funding the state share of the general hospital
6 rates increases for rural hospitals pursuant to subdivision thirty-two of
7 section twenty-eight hundred seven-c of this article from the tobacco control
8 and insurance initiatives pool established for the following periods in the
9 following amounts:

10 (i) three million five hundred thousand dollars for the period January
11 first, two thousand five through December thirty-first, two thousand five;

12 (ii) three million five hundred thousand dollars for the period January
13 first, two thousand six through December thirty-first, two thousand six;

14 (iii) three million five hundred thousand dollars for the period January
15 first, two thousand seven through December thirty-first, two thousand seven;

16 (iv) three million five hundred thousand dollars for the period January
17 first, two thousand eight through December thirty-first, two thousand eight;
18 and

19 (v) three million two hundred eight thousand dollars for the period
20 January first, two thousand nine through November thirtieth, two thousand
21 nine.

22 (yy) Funds shall be reserved and accumulated from year to year and shall
23 be available, within amounts appropriated and notwithstanding section one
24 hundred twelve of the state finance law and any other contrary provision of
25 law, for the purpose of supporting grants not to exceed five million dollars
26 to be made by the commissioner without a competitive bid or request for
27 proposal process, in support of the delivery of critically needed health care
28 services, to health care providers located in the counties of Erie and
29 Niagara which executed a memorandum of closing and conducted a merger closing
30 in escrow on November twenty-fourth, nineteen hundred ninety-seven and which
31 entered into a settlement dated December thirtieth, two thousand four for a
32 loss on disposal of assets under the provisions of title XVIII of the federal
33 social security act applicable to mergers occurring prior to December first,
34 nineteen hundred ninety-seven.

35 (zz) Funds shall be reserved and accumulated from year to year and shall
36 be available, within amounts appropriated, for the purpose of supporting
37 expenditures authorized pursuant to section twenty-eight hundred eighteen of
38 this article from the tobacco control and insurance initiatives pool
39 established for the following periods in the following amounts:

40 (i) six million five hundred thousand dollars for the period January
41 first, two thousand five through December thirty-first, two thousand five;

42 (ii) one hundred eight million three hundred thousand dollars for the
43 period January first, two thousand six through December thirty-first, two
44 thousand six, provided, however, that within amounts appropriated in the two
45 thousand six through two thousand seven state fiscal year, a portion of such

1 funds may be transferred to the Roswell Park Cancer Institute Corporation to
2 fund capital costs;

3 (iii) one hundred seventy-one million dollars for the period January
4 first, two thousand seven through December thirty-first, two thousand seven,
5 provided, however, that within amounts appropriated in the two thousand six
6 through two thousand seven state fiscal year, a portion of such funds may be
7 transferred to the Roswell Park Cancer Institute Corporation to fund capital
8 costs;

9 (iv) one hundred seventy-one million five hundred thousand dollars for
10 the period January first, two thousand eight through December thirty-first,
11 two thousand eight;

12 (v) one hundred twenty-eight million seven hundred fifty thousand dollars
13 for the period January first, two thousand nine through December thirty-
14 first, two thousand nine;

15 (vi) one hundred thirty-one million three hundred seventy-five thousand
16 dollars for the period January first, two thousand ten through December
17 thirty-first, two thousand ten;

18 (vii) thirty-four million two hundred fifty thousand dollars for the
19 period January first, two thousand eleven through March thirty-first, two
20 thousand eleven;

21 (viii) four hundred thirty-three million three hundred sixty-six thousand
22 dollars for the period April first, two thousand eleven through March thirty-
23 first, two thousand twelve;

24 (ix) one hundred fifty million eight hundred six thousand dollars for the
25 period April first, two thousand twelve through March thirty-first, two
26 thousand thirteen;

27 (x) seventy-eight million seventy-one thousand dollars for the period
28 April first, two thousand thirteen through March thirty-first, two thousand
29 fourteen.

30 (aaa) Funds shall be reserved and accumulated from year to year and shall
31 be available, including income from invested funds, for services and expenses
32 related to school based health centers, in an amount up to three million five
33 hundred thousand dollars for the period April first, two thousand six through
34 March thirty-first, two thousand seven, up to three million five hundred
35 thousand dollars for the period April first, two thousand seven through March
36 thirty-first, two thousand eight, up to three million five hundred thousand
37 dollars for the period April first, two thousand eight through March thirty-
38 first, two thousand nine, up to three million five hundred thousand dollars
39 for the period April first, two thousand nine through March thirty-first, two
40 thousand ten, up to three million five hundred thousand dollars for the
41 period April first, two thousand ten through March thirty-first, two thousand
42 eleven, up to two million eight hundred thousand dollars each state fiscal
43 year for the period April first, two thousand eleven through March thirty-
44 first, two thousand fourteen, [and] up to two million six hundred forty-four
45 thousand dollars each state fiscal year for the period April first, two
46 thousand fourteen through March thirty-first, two thousand seventeen, and up

1 to two million six hundred forty-four thousand dollars each state fiscal year
 2 for the period April first, two thousand seventeen through March thirty-
 3 first, two thousand twenty. The total amount of funds provided herein shall
 4 be distributed as grants based on the ratio of each provider's total
 5 enrollment for all sites to the total enrollment of all providers. This
 6 formula shall be applied to the total amount provided herein.

7 (bbb) Funds shall be reserved and accumulated from year to year and shall
 8 be available, including income from invested funds, for purposes of awarding
 9 grants to operators of adult homes, enriched housing programs and residences
 10 through the enhancing abilities and life experience (EnAbLe) program to
 11 provide for the installation, operation and maintenance of air conditioning
 12 in resident rooms, consistent with this paragraph, in an amount up to two
 13 million dollars for the period April first, two thousand six through March
 14 thirty-first, two thousand seven, up to three million eight hundred thousand
 15 dollars for the period April first, two thousand seven through March thirty-
 16 first, two thousand eight, up to three million eight hundred thousand dollars
 17 for the period April first, two thousand eight through March thirty-first,
 18 two thousand nine, up to three million eight hundred thousand dollars for the
 19 period April first, two thousand nine through March thirty-first, two
 20 thousand ten, and up to three million eight hundred thousand dollars for the
 21 period April first, two thousand ten through March thirty-first, two thousand
 22 eleven. Residents shall not be charged utility cost for the use of air
 23 conditioners supplied under the EnAbLe program. All such air conditioners
 24 must be operated in occupied resident rooms consistent with requirements
 25 applicable to common areas.

26 (ccc) Funds shall be deposited by the commissioner, within amounts
 27 appropriated, and the state comptroller is hereby authorized and directed to
 28 receive for the deposit to the credit of the state special revenue funds -
 29 other, HCRA transfer fund, medical assistance account, or any successor fund
 30 or account, for purposes of funding the state share of increases in the rates
 31 for certified home health agencies, long term home health care programs, AIDS
 32 home care programs, hospice programs and managed long term care plans and
 33 approved managed long term care operating demonstrations as defined in
 34 section forty-four hundred three-f of this chapter for recruitment and
 35 retention of health care workers pursuant to subdivisions nine and ten of
 36 section thirty-six hundred fourteen of this chapter from the tobacco control
 37 and insurance initiatives pool established for the following periods in the
 38 following amounts:

39 (i) twenty-five million dollars for the period June first, two thousand
 40 six through December thirty-first, two thousand six;

41 (ii) fifty million dollars for the period January first, two thousand
 42 seven through December thirty-first, two thousand seven;

43 (iii) fifty million dollars for the period January first, two thousand
 44 eight through December thirty-first, two thousand eight;

45 (iv) fifty million dollars for the period January first, two thousand
 46 nine through December thirty-first, two thousand nine;

47 (v) fifty million dollars for the period January first, two thousand ten
 48 through December thirty-first, two thousand ten;

1 (vi) twelve million five hundred thousand dollars for the period January
2 first, two thousand eleven through March thirty-first, two thousand eleven;

3 (vii) up to fifty million dollars each state fiscal year for the period
4 April first, two thousand eleven through March thirty-first, two thousand
5 fourteen; **[and]**

6 (viii) up to fifty million dollars each state fiscal year for the period
7 April first, two thousand fourteen through March thirty-first, two thousand
8 seventeen[.]; **and**

9 **(ix) up to fifty million dollars each state fiscal year for the period**
10 **April first, two thousand seventeen through March thirty-first, two thousand**
11 **twenty.**

12 (ddd) Funds shall be deposited by the commissioner, within amounts
13 appropriated, and the state comptroller is hereby authorized and directed to
14 receive for the deposit to the credit of the state special revenue funds -
15 other, HCRA transfer fund, medical assistance account, or any successor fund
16 or account, for purposes of funding the state share of increases in the
17 medical assistance rates for providers for purposes of enhancing the
18 provision, quality and/or efficiency of home care services pursuant to
19 subdivision eleven of section thirty-six hundred fourteen of this chapter
20 from the tobacco control and insurance initiatives pool established for the
21 following period in the amount of eight million dollars for the period April
22 first, two thousand six through December thirty-first, two thousand six.

23 (eee) Funds shall be reserved and accumulated from year to year and shall
24 be available, including income from invested funds, to the Center for
25 Functional Genomics at the State University of New York at Albany, for the
26 purposes of the Adirondack network for cancer education and research in rural
27 communities grant program to improve access to health care and shall be made
28 available from the tobacco control and insurance initiatives pool established
29 for the following period in the amount of up to five million dollars for the
30 period January first, two thousand six through December thirty-first, two
31 thousand six.

32 (fff) Funds shall be made available to the empire state stem cell fund
33 established by section ninety-nine-p of the state finance law within amounts
34 appropriated up to fifty million dollars annually and shall not exceed five
35 hundred million dollars in total.

36 (ggg) Funds shall be deposited by the commissioner, within amounts
37 appropriated, and the state comptroller is hereby authorized and directed to
38 receive for deposit to the credit of the state special revenue fund - other,
39 HCRA transfer fund, medical assistance account, or any successor fund or
40 account, for the purpose of supporting the state share of Medicaid
41 expenditures for hospital translation services as authorized pursuant to
42 paragraph (k) of subdivision one of section twenty-eight hundred seven-c of
43 this article from the tobacco control and initiatives pool established for
44 the following periods in the following amounts:

45 (i) sixteen million dollars for the period July first, two thousand eight
46 through December thirty-first, two thousand eight; and

1 (ii) fourteen million seven hundred thousand dollars for the period
2 January first, two thousand nine through November thirtieth, two thousand
3 nine.

4 (hhh) Funds shall be deposited by the commissioner, within amounts
5 appropriated, and the state comptroller is hereby authorized and directed to
6 receive for deposit to the credit of the state special revenue fund - other,
7 HCRA transfer fund, medical assistance account, or any successor fund or
8 account, for the purpose of supporting the state share of Medicaid
9 expenditures for adjustments to inpatient rates of payment for general
10 hospitals located in the counties of Nassau and Suffolk as authorized
11 pursuant to paragraph (l) of subdivision one of section twenty-eight hundred
12 seven-c of this article from the tobacco control and initiatives pool
13 established for the following periods in the following amounts:

14 (i) two million five hundred thousand dollars for the period April first,
15 two thousand eight through December thirty-first, two thousand eight; and

16 (ii) two million two hundred ninety-two thousand dollars for the period
17 January first, two thousand nine through November thirtieth, two thousand
18 nine.

19 (iii) Funds shall be reserved and set aside and accumulated from year to
20 year and shall be made available, including income from investment funds, for
21 the purpose of supporting the New York state medical indemnity fund as
22 authorized pursuant to title four of article twenty-nine-D of this chapter,
23 for the following periods and in the following amounts, provided, however,
24 that the commissioner is authorized to seek waiver authority from the federal
25 centers for medicare and Medicaid for the purpose of securing Medicaid
26 federal financial participation for such program, in which case the funding
27 authorized pursuant to this paragraph shall be utilized as the non-federal
28 share for such payments:

29 Thirty million dollars for the period April first, two thousand eleven
30 through March thirty-first, two thousand twelve.

31 2. (a) For periods prior to January first, two thousand five, the
32 commissioner is authorized to contract with the article forty-three insurance
33 law plans, or such other contractors as the commissioner shall designate, to
34 receive and distribute funds from the tobacco control and insurance
35 initiatives pool established pursuant to this section. In the event contracts
36 with the article forty-three insurance law plans or other commissioner's
37 designees are effectuated, the commissioner shall conduct annual audits of
38 the receipt and distribution of such funds. The reasonable costs and expenses
39 of an administrator as approved by the commissioner, not to exceed for
40 personnel services on an annual basis five hundred thousand dollars, for
41 collection and distribution of funds pursuant to this section shall be paid
42 from such funds.

43 (b) Notwithstanding any inconsistent provision of section one hundred
44 twelve or one hundred sixty-three of the state finance law or any other law,
45 at the discretion of the commissioner without a competitive bid or request
46 for proposal process, contracts in effect for administration of pools
47 established pursuant to sections twenty-eight hundred seven-k, twenty-eight
48 hundred seven-l and twenty-eight hundred seven-m of this article for the

1 period January first, nineteen hundred ninety-nine through December thirty-
 2 first, nineteen hundred ninety-nine may be extended to provide for
 3 administration pursuant to this section and may be amended as may be
 4 necessary.

5 § 23. This act shall take effect immediately; provided, however, that:

6 (a) the amendments made to sections 2807-s and 2807-j of the public
 7 health law made by sections three, four and five of this act shall not affect
 8 the expiration of such sections and shall expire therewith; and

9 (b) the amendments to subdivision 6 of section 2807-t of the public
 10 health law made by section eight of this act shall not affect the expiration
 11 of such section and shall be deemed to expire therewith; and

12 (c) the amendments to paragraph (i-1) of subdivision 1 of section 2807-v
 13 of the public health law made by section twenty-two of this act shall not
 14 affect the repeal of such paragraph and shall be deemed repealed therewith.

15 SUBPART E

16 Section 1. Section 11 of chapter 884 of the laws of 1990, amending the
 17 public health law relating to authorizing bad debt and charity care
 18 allowances for certified home health agencies, as amended by section 1 of
 19 part D of chapter 57 of the laws of 2015, is amended to read as follows:

20 § 11. This act shall take effect immediately and:

21 (a) sections one and three shall expire on December 31, 1996,

22 (b) sections four through ten shall expire on June 30, [~~2017~~] 2019, and

23 (c) provided that the amendment to section 2807-b of the public health
 24 law by section two of this act shall not affect the expiration of such
 25 section 2807-b as otherwise provided by law and shall be deemed to expire
 26 therewith.

27 § 2. Subdivision 4-a of section 71 of part C of chapter 60 of the laws of
 28 2014 amending the social services law relating to eliminating prescriber
 29 prevails for brand name drugs with generic equivalent, as amended by section
 30 6 of part D of chapter 59 of the laws of 2016, is amended to read as follows:

31 4-a. section twenty-two of this act shall take effect April 1, 2014, and
 32 shall be deemed expired January 1, [~~2018~~] 2019;

33 § 3. Subparagraph (vi) of paragraph (b) of subdivision 2 of section 2807-
 34 d of the public health law, as amended by section 3 of part D of chapter 57
 35 of the laws of 2015, is amended to read as follows:

36 (vi) Notwithstanding any contrary provision of this paragraph or any
 37 other provision of law or regulation to the contrary, for residential health
 38 care facilities the assessment shall be six percent of each residential
 39 health care facility's gross receipts received from all patient care services

1 and other operating income on a cash basis for the period April first, two
2 thousand two through March thirty-first, two thousand three for hospital or
3 health-related services, including adult day services; provided, however,
4 that residential health care facilities' gross receipts attributable to
5 payments received pursuant to title XVIII of the federal social security act
6 (medicare) shall be excluded from the assessment; provided, however, that for
7 all such gross receipts received on or after April first, two thousand three
8 through March thirty-first, two thousand five, such assessment shall be five
9 percent, and further provided that for all such gross receipts received on or
10 after April first, two thousand five through March thirty-first, two thousand
11 nine, and on or after April first, two thousand nine through March thirty-
12 first, two thousand eleven such assessment shall be six percent, and further
13 provided that for all such gross receipts received on or after April first,
14 two thousand eleven through March thirty-first, two thousand thirteen such
15 assessment shall be six percent, and further provided that for all such gross
16 receipts received on or after April first, two thousand thirteen through
17 March thirty-first, two thousand fifteen such assessment shall be six
18 percent, and further provided that for all such gross receipts received on or
19 after April first, two thousand fifteen through March thirty-first, two
20 thousand seventeen such assessment shall be six percent, **and further provided**
21 **that for all such gross receipts received on or after April first, two**
22 **thousand seventeen through March thirty-first, two thousand** **nineteen such**
23 **assessment shall be six percent.**

24 § 4. Subdivision 1 of section 194 of chapter 474 of the laws of 1996,
25 amending the education law and other laws relating to rates for residential
26 health care facilities, as amended by section 5 of part D of chapter 57 of
27 the laws of 2015, is amended to read as follows:

28 1. Notwithstanding any inconsistent provision of law or regulation, the
29 trend factors used to project reimbursable operating costs to the rate period
30 for purposes of determining rates of payment pursuant to article 28 of the
31 public health law for residential health care facilities for reimbursement of
32 inpatient services provided to patients eligible for payments made by state
33 governmental agencies on and after April 1, 1996 through March 31, 1999 and
34 for payments made on and after July 1, 1999 through March 31, 2000 and on and
35 after April 1, 2000 through March 31, 2003 and on and after April 1, 2003
36 through March 31, 2007 and on and after April 1, 2007 through March 31, 2009
37 and on and after April 1, 2009 through March 31, 2011 and on and after April
38 1, 2011 through March 31, 2013 and on and after April 1, 2013 through March
39 31, 2015, and on and after April 1, 2015 through March 31, 2017, **and on and**
40 **after April 1, 2017 through March 31, 2019** shall reflect no trend factor
41 projections or adjustments for the period April 1, 1996, through March 31,
42 1997.

43 § 5. Subdivision 1 of section 89-a of part C of chapter 58 of the laws of
44 2007, amending the social services law and other laws relating to enacting
45 the major components of legislation necessary to implement the health and
46 mental hygiene budget for the 2007-2008 state fiscal year, as amended by
47 section 6 of part D of chapter 57 of the laws of 2015, is amended to read as
48 follows:

49 1. Notwithstanding paragraph (c) of subdivision 10 of section 2807-c of
50 the public health law and section 21 of chapter 1 of the laws of 1999, as
51 amended, and any other inconsistent provision of law or regulation to the
52 contrary, in determining rates of payments by state governmental agencies

1 effective for services provided beginning April 1, 2006, through March 31,
2 2009, and on and after April 1, 2009 through March 31, 2011, and on and after
3 April 1, 2011 through March 31, 2013, and on and after April 1, 2013 through
4 March 31, 2015, and on and after April 1, 2015 through March 31, 2017, and on
5 and after April 1, 2017 through March 31, 2019 for inpatient and outpatient
6 services provided by general hospitals and for inpatient services and
7 outpatient adult day health care services provided by residential health care
8 facilities pursuant to article 28 of the public health law, the commissioner
9 of health shall apply a trend factor projection of two and twenty-five
10 hundredths percent attributable to the period January 1, 2006 through
11 December 31, 2006, and on and after January 1, 2007, provided, however, that
12 on reconciliation of such trend factor for the period January 1, 2006 through
13 December 31, 2006 pursuant to paragraph (c) of subdivision 10 of section
14 2807-c of the public health law, such trend factor shall be the final US
15 Consumer Price Index (CPI) for all urban consumers, as published by the US
16 Department of Labor, Bureau of Labor Statistics less twenty-five hundredths
17 of a percentage point.

18 § 6. Subdivision 5-a of section 246 of chapter 81 of the laws of 1995,
19 amending the public health law and other laws relating to medical
20 reimbursement and welfare reform, as amended by section 11 of part D of
21 chapter 57 of the laws of 2015, is amended to read as follows:

22 5-a. Section sixty-four-a of this act shall be deemed to have been in
23 full force and effect on and after April 1, 1995 through March 31, 1999 and
24 on and after July 1, 1999 through March 31, 2000 and on and after April 1,
25 2000 through March 31, 2003 and on and after April 1, 2003 through March 31,
26 2007, and on and after April 1, 2007 through March 31, 2009, and on and after
27 April 1, 2009 through March 31, 2011, and on and after April 1, 2011 through
28 March 31, 2013, and on and after April 1, 2013 through March 31, 2015, and on
29 and after April 1, 2015 through March 31, 2017 and on and after April 1, 2017
30 through March 31, 2019;

31 § 7. Section 64-b of chapter 81 of the laws of 1995, amending the public
32 health law and other laws relating to medical reimbursement and welfare
33 reform, as amended by section 12 of part D of chapter 57 of the laws of 2015,
34 is amended to read as follows:

35 § 64-b. Notwithstanding any inconsistent provision of law, the provisions
36 of subdivision 7 of section 3614 of the public health law, as amended, shall
37 remain and be in full force and effect on April 1, 1995 through March 31,
38 1999 and on July 1, 1999 through March 31, 2000 and on and after April 1,
39 2000 through March 31, 2003 and on and after April 1, 2003 through March 31,
40 2007, and on and after April 1, 2007 through March 31, 2009, and on and after
41 April 1, 2009 through March 31, 2011, and on and after April 1, 2011 through
42 March 31, 2013, and on and after April 1, 2013 through March 31, 2015, and on
43 and after April 1, 2015 through March 31, 2017 and on and after April 1, 2017
44 through March 31, 2019.

45 § 8. Subdivision (a) of section 40 of part B of chapter 109 of the laws
46 of 2010, amending the social services law relating to transportation costs,
47 as amended by section 23 of part D of chapter 57 of the laws of 2015, is
48 amended to read as follows:

1 (a) sections two, three, three-a, three-b, three-c, three-d, three-e and
2 twenty-one of this act shall take effect July 1, 2010; sections fifteen,
3 sixteen, seventeen, eighteen and nineteen of this act shall take effect
4 January 1, 2011; and provided further that section twenty of this act shall
5 be deemed repealed [~~six~~] eight years after the date the contract entered into
6 pursuant to section 365-h of the social services law, as amended by section
7 twenty of this act, is executed; provided that the commissioner of health
8 shall notify the legislative bill drafting commission upon the execution of
9 the contract entered into pursuant to section 367-h of the social services
10 law in order that the commission may maintain an accurate and timely
11 effective data base of the official text of the laws of the state of New York
12 in furtherance of effectuating the provisions of section 44 of the
13 legislative law and section 70-b of the public officers law;

14 § 9. Section 4-a of part A of chapter 56 of the laws of 2013 amending
15 chapter 59 of the laws of 2011 amending the public health law and other laws
16 relating to general hospital reimbursement for annual rates relating to the
17 cap on local Medicaid expenditures, as amended by section 29 of part D of
18 chapter 57 of the laws of 2015, is amended to read as follows:

19 § 4-a. Notwithstanding paragraph (c) of subdivision 10 of section 2807-c
20 of the public health law, section 21 of chapter 1 of the laws of 1999, or any
21 other contrary provision of law, in determining rates of payments by state
22 governmental agencies effective for services provided on and after January 1,
23 [~~2017~~] 2019 through March 31, [~~2017~~] 2019, for inpatient and outpatient
24 services provided by general hospitals, for inpatient services and adult day
25 health care outpatient services provided by residential health care
26 facilities pursuant to article 28 of the public health law, except for
27 residential health care facilities or units of such facilities providing
28 services primarily to children under twenty-one years of age, for home health
29 care services provided pursuant to article 36 of the public health law by
30 certified home health agencies, long term home health care programs and AIDS
31 home care programs, and for personal care services provided pursuant to
32 section 365-a of the social services law, the commissioner of health shall
33 apply no greater than zero trend factors attributable to the [~~2017~~] 2019
34 calendar year in accordance with paragraph (c) of subdivision 10 of section
35 2807-c of the public health law, provided, however, that such no greater than
36 zero trend factors attributable to such [~~2017~~] 2019 calendar year shall also
37 be applied to rates of payment provided on and after January 1, [~~2017~~] 2019
38 through March 31, [~~2017~~] 2019 for personal care services provided in those
39 local social services districts, including New York city, whose rates of
40 payment for such services are established by such local social services
41 districts pursuant to a rate-setting exemption issued by the commissioner of
42 health to such local social services districts in accordance with applicable
43 regulations, and provided further, however, that for rates of payment for
44 assisted living program services provided on and after January 1, [~~2017~~] 2019
45 through March 31, [~~2017~~] 2019, such trend factors attributable to the [~~2017~~]
46 2019 calendar year shall be established at no greater than zero percent.

47 § 10. Subdivisions 3 and 5 of section 47 of chapter 2 of the laws of
48 1998, amending the public health law and other laws relating to expanding the
49 child health insurance plan, as amended by section 61 of part C of chapter 60
50 of the laws of 2014, are amended to read as follows:

51 3. section six of this act shall take effect January 1, 1999; provided,
52 however, that subparagraph (iii) of paragraph (c) of subdivision 9 of section

1 2510 of the public health law, as added by this act, shall expire on July 1,
2 ~~[2017]~~ 2019;

3 5. section twelve of this act shall take effect January 1, 1999;
4 provided, however, paragraphs (g) and (h) of subdivision 2 of section 2511 of
5 the public health law, as added by such section, shall expire on July 1,
6 ~~[2017]~~ 2019;

7 § 11. Section 4 of chapter 19 of the laws of 1998, amending the social
8 services law relating to limiting the method of payment for prescription
9 drugs under the medical assistance program, as amended by section 65 of part
10 C of chapter 60 of the laws of 2014, is amended to read as follows:

11 § 4. This act shall take effect 120 days after it shall have become a law
12 and shall expire and be deemed repealed March 31, ~~[2017]~~ 2020.

13 § 12. Paragraph (e-1) of subdivision 12 of section 2808 of the public
14 health law, as amended by section 66 of part C of chapter 60 of the laws of
15 2014, is amended to read as follows:

16 (e-1) Notwithstanding any inconsistent provision of law or regulation,
17 the commissioner shall provide, in addition to payments established pursuant
18 to this article prior to application of this section, additional payments
19 under the medical assistance program pursuant to title eleven of article five
20 of the social services law for non-state operated public residential health
21 care facilities, including public residential health care facilities located
22 in the county of Nassau, the county of Westchester and the county of Erie,
23 but excluding public residential health care facilities operated by a town or
24 city within a county, in aggregate annual amounts of up to one hundred fifty
25 million dollars in additional payments for the state fiscal year beginning
26 April first, two thousand six and for the state fiscal year beginning April
27 first, two thousand seven and for the state fiscal year beginning April
28 first, two thousand eight and of up to three hundred million dollars in such
29 aggregate annual additional payments for the state fiscal year beginning
30 April first, two thousand nine, and for the state fiscal year beginning April
31 first, two thousand ten and for the state fiscal year beginning April first,
32 two thousand eleven, and for the state fiscal years beginning April first,
33 two thousand twelve and April first, two thousand thirteen, and of up to five
34 hundred million dollars in such aggregate annual additional payments for the
35 state fiscal years beginning April first, two thousand fourteen, April first,
36 two thousand fifteen and April first, two thousand sixteen and of up to five
37 hundred million dollars in such aggregate annual additional payments for the
38 state fiscal years beginning April first, two thousand seventeen, April
39 first, two thousand eighteen, and April first, two thousand nineteen. The
40 amount allocated to each eligible public residential health care facility for
41 this period shall be computed in accordance with the provisions of paragraph
42 (f) of this subdivision, provided, however, that patient days shall be
43 utilized for such computation reflecting actual reported data for two
44 thousand three and each representative succeeding year as applicable, and
45 provided further, however, that, in consultation with impacted providers, of
46 the funds allocated for distribution in the state fiscal year beginning April
47 first, two thousand thirteen, up to thirty-two million dollars may be
48 allocated in accordance with paragraph (f-1) of this subdivision.

1 § 13. Section 18 of chapter 904 of the laws of 1984, amending the public
2 health law and the social services law relating to encouraging comprehensive
3 health services, as amended by section 67-c of part C of chapter 60 of the
4 laws of 2014, is amended to read as follows:

5 § 18. This act shall take effect immediately, except that sections six,
6 nine, ten and eleven of this act shall take effect on the sixtieth day after
7 it shall have become a law, sections two, three, four and nine of this act
8 shall expire and be of no further force or effect on or after March 31,
9 [2017] 2020, section two of this act shall take effect on April 1, 1985 or
10 seventy-five days following the submission of the report required by section
11 one of this act, whichever is later, and sections eleven and thirteen of this
12 act shall expire and be of no further force or effect on or after March 31,
13 1988.

14 § 14. Section 4 of part X2 of chapter 62 of the laws of 2003, amending
15 the public health law relating to allowing for the use of funds of the office
16 of professional medical conduct for activities of the patient health
17 information and quality improvement act of 2000, as amended by section 4-b of
18 part A of chapter 57 of the laws of 2015, is amended to read as follows:

19 § 4. This act shall take effect immediately; provided that the provisions
20 of section one of this act shall be deemed to have been in full force and
21 effect on and after April 1, 2003, and shall expire March 31, [2017] 2020
22 when upon such date the provisions of such section shall be deemed repealed.

23 § 15. Subdivision (o) of section 111 of part H of chapter 59 of the laws
24 of 2011, amending the public health law relating to the statewide health
25 information network of New York and the statewide planning and research
26 cooperative system and general powers and duties, as amended by section 28 of
27 part D of chapter 57 of the laws of 2015, is amended to read as follows:

28 (o) sections thirty-eight and thirty-eight-a of this act shall expire and
29 be deemed repealed March 31, [2017] 2020;

30 § 16. Section 32 of part A of chapter 58 of the laws of 2008, amending
31 the elder law and other laws relating to reimbursement to participating
32 provider pharmacies and prescription drug coverage, as amended by section 13
33 of part A of chapter 57 of the laws of 2015, is amended to read as follows:

34 § 32. This act shall take effect immediately and shall be deemed to have
35 been in full force and effect on and after April 1, 2008; provided however,
36 that sections one, six-a, nineteen, twenty, twenty-four, and twenty-five of
37 this act shall take effect July 1, 2008; provided however that sections
38 sixteen, seventeen and eighteen of this act shall expire April 1, [2017]
39 2020; provided, however, that the amendments made by section twenty-eight of
40 this act shall take effect on the same date as section 1 of chapter 281 of
41 the laws of 2007 takes effect; provided further, that sections twenty-nine,
42 thirty, and thirty-one of this act shall take effect October 1, 2008;
43 provided further, that section twenty-seven of this act shall take effect
44 January 1, 2009; and provided further, that section twenty-seven of this act
45 shall expire and be deemed repealed March 31, [2017] 2020; and provided,
46 further, however, that the amendments to subdivision 1 of section 241 of the
47 education law made by section twenty-nine of this act shall not affect the
48 expiration of such subdivision and shall be deemed to expire therewith and

1 provided that the amendments to section 272 of the public health law made by
2 section thirty of this act shall not affect the repeal of such section and
3 shall be deemed repealed therewith.

4 § 17. Subdivision 3 of section 2999-p of the public health law, as
5 amended by chapter 461 of the laws of 2012, is amended to read as follows:

6 3. The commissioner may issue a certificate of authority to an entity
7 that meets conditions for ACO certification as set forth in regulations made
8 by the commissioner pursuant to section twenty-nine hundred ninety-nine-q of
9 this article. The commissioner shall not issue any new certificate under this
10 article after December thirty-first, two thousand [~~sixteen~~] twenty.

11 § 18. Subdivision 2 of section 246 of chapter 81 of the laws of 1995,
12 amending the public health law and other laws relating to medical
13 reimbursement and welfare reform, as amended by section 2 of part D of
14 chapter 57 of the laws of 2015, is amended to read as follows:

15 2. Sections five, seven through nine, twelve through fourteen, and
16 eighteen of this act shall be deemed to have been in full force and effect on
17 and after April 1, 1995 through March 31, 1999 and on and after July 1, 1999
18 through March 31, 2000 and on and after April 1, 2000 through March 31, 2003
19 and on and after April 1, 2003 through March 31, 2006 and on and after April
20 1, 2006 through March 31, 2007 and on and after April 1, 2007 through March
21 31, 2009 and on and after April 1, 2009 through March 31, 2011 and sections
22 twelve, thirteen and fourteen of this act shall be deemed to be in full force
23 and effect on and after April 1, 2011 through March 31, 2015 and on and after
24 April 1, 2015 through March 31, 2017 and on and after April 1, 2017 through
25 March 31, 2019;

26 § 19. This act shall take effect immediately and shall be deemed to have
27 been in full force and effect on and after April 1, 2017.

28 SUBPART F

29 Section 1. Section 48-a of part A of chapter 56 of the laws of 2013
30 amending chapter 59 of the laws of 2011 amending the public health law and
31 other laws relating to general hospital reimbursement for annual rates
32 relating to the cap on local Medicaid expenditures, as amended by section 29
33 of part B of chapter 59 of the laws of 2016, is amended to read as follows:

34 § 48-a. 1. Notwithstanding any contrary provision of law, the
35 commissioners of the office of alcoholism and substance abuse services and
36 the office of mental health are authorized, subject to the approval of the
37 director of the budget, to transfer to the commissioner of health state funds
38 to be utilized as the state share for the purpose of increasing payments
39 under the medicaid program to managed care organizations licensed under
40 article 44 of the public health law or under article 43 of the insurance law.
41 Such managed care organizations shall utilize such funds for the purpose of
42 reimbursing providers licensed pursuant to article 28 of the public health
43 law or article 31 or 32 of the mental hygiene law for ambulatory behavioral
44 health services, as determined by the commissioner of health, in consultation
45 with the commissioner of alcoholism and substance abuse services and the
46 commissioner of the office of mental health, provided to medicaid [~~eligible~~]
47 enrolled outpatients and for all other behavioral health services except

1 inpatient included in New York state's Medicaid redesign waiver approved by
2 the centers for medicare and Medicaid services (CMS). Such reimbursement
3 shall be in the form of fees for such services which are equivalent to the
4 payments established for such services under the ambulatory patient group
5 (APG) rate-setting methodology as utilized by the department of health, the
6 office of alcoholism and substance abuse services, or the office of mental
7 health for rate-setting purposes or any such other fees pursuant to the
8 Medicaid state plan or otherwise approved by CMS in the Medicaid redesign
9 waiver; provided, however, that the increase to such fees that shall result
10 from the provisions of this section shall not, in the aggregate and as
11 determined by the commissioner of health, in consultation with the
12 commissioner of alcoholism and substance abuse services and the commissioner
13 of the office of mental health, be greater than the increased funds made
14 available pursuant to this section. The increase of such ambulatory
15 behavioral health fees to providers available under this section shall be for
16 all rate periods on and after the effective date of section [1] 29 of part
17 [C] B of chapter [57] 59 of the laws of [2015] 2016 through March 31, [2018]
18 2020 for patients in the city of New York, for all rate periods on and after
19 the effective date of section [1] 29 of part [C] B of chapter [57] 59 of the
20 laws of [2015] 2016 through [June 30, 2018] March 31, 2020 for patients
21 outside the city of New York, and for all rate periods on and after the
22 effective date of such chapter through [June 30, 2018] March 31, 2020 for all
23 services provided to persons under the age of twenty-one; provided, however,
24 [eligible providers may work with managed care plans to achieve quality and
25 efficiency objectives and engage in shared savings] the commissioner of
26 health, in consultation with the commissioner of alcoholism and substance
27 abuse services and the commissioner of mental health, may require, as a
28 condition of approval of such ambulatory behavioral health fees, that
29 aggregate managed care expenditures to eligible providers meet the
30 alternative payment methodology requirements as set forth in attachment I of
31 the New York state medicaid section one thousand one hundred fifteen medicaid
32 redesign team waiver as approved by the centers for medicare and medicaid
33 services. The commissioner of health shall, in consultation with the
34 commissioner of alcoholism and substance abuse services and the commissioner
35 of mental health, waive such conditions if a sufficient number of providers,
36 as determined by the commissioner, suffer a financial hardship as a
37 consequence of such alternative payment methodology requirements, or if he or
38 she shall determine that such alternative payment methodologies significantly
39 threaten individuals access to ambulatory behavioral health services. Such
40 waiver may be applied on a provider specific or industry wide basis. Further,
41 such conditions may be waived, as the commissioner determines necessary, to
42 comply with federal rules or regulations governing these payment
43 methodologies. Nothing in this section shall prohibit managed care
44 organizations and providers from negotiating different rates and methods of
45 payment during such periods described above, subject to the approval of the
46 department of health. The department of health shall consult with the office
47 of alcoholism and substance abuse services and the office of mental health in
48 determining whether such alternative rates shall be approved. The
49 commissioner of health may, in consultation with the commissioner of
50 alcoholism and substance abuse services and the commissioner of the office of
51 mental health, promulgate regulations, including emergency regulations
52 promulgated prior to October 1, 2015 to establish rates for ambulatory
53 behavioral health services, as are necessary to implement the provisions of
54 this section. Rates promulgated under this section shall be included in the
55 report required under section 45-c of part A of this chapter.

1 2. Notwithstanding any contrary provision of law, the fees paid by
 2 managed care organizations licensed under article 44 of the public health law
 3 or under article 43 of the insurance law, to providers licensed pursuant to
 4 article 28 of the public health law or article 31 or 32 of the mental hygiene
 5 law, for ambulatory behavioral health services provided to patients enrolled
 6 in the child health insurance program pursuant to title one-A of article 25
 7 of the public health law, shall be in the form of fees for such services
 8 which are equivalent to the payments established for such services under the
 9 ambulatory patient group (APG) rate-setting methodology or any such other
 10 fees established pursuant to the Medicaid state plan. The commissioner of
 11 health shall consult with the commissioner of alcoholism and substance abuse
 12 services and the commissioner of the office of mental health in determining
 13 such services and establishing such fees. Such ambulatory behavioral health
 14 fees to providers available under this section shall be for all rate periods
 15 on and after the effective date of this chapter through [June 30, 2018] March
 16 31, 2020, provided, however, that managed care organizations and providers
 17 may negotiate different rates and methods of payment during such periods
 18 described above, subject to the approval of the department of health. The
 19 department of health shall consult with the office of alcoholism and
 20 substance abuse services and the office of mental health in determining
 21 whether such alternative rates shall be approved. The report required under
 22 section 16-a of part C of chapter 60 of the laws of 2014 shall also include
 23 the population of patients enrolled in the child health insurance program
 24 pursuant to title one-A of article 25 of the public health law in its
 25 examination on the transition of behavioral health services into managed
 26 care.

27 § 2. Section 1 of part H of chapter 111 of the laws of 2010 relating to
 28 increasing Medicaid payments to providers through managed care organizations
 29 and providing equivalent fees through an ambulatory patient group
 30 methodology, as amended by section 30 of part B of chapter 59 of the laws of
 31 2016, is amended to read as follows:

32 Section 1. a. Notwithstanding any contrary provision of law, the
 33 commissioners of mental health and alcoholism and substance abuse services
 34 are authorized, subject to the approval of the director of the budget, to
 35 transfer to the commissioner of health state funds to be utilized as the
 36 state share for the purpose of increasing payments under the Medicaid program
 37 to managed care organizations licensed under article 44 of the public health
 38 law or under article 43 of the insurance law. Such managed care organizations
 39 shall utilize such funds for the purpose of reimbursing providers licensed
 40 pursuant to article 28 of the public health law, or pursuant to article 31 or
 41 article 32 of the mental hygiene law for ambulatory behavioral health
 42 services, as determined by the commissioner of health in consultation with
 43 the commissioner of mental health and commissioner of alcoholism and
 44 substance abuse services, provided to Medicaid [eligible] enrolled
 45 outpatients and for all other behavioral health services except inpatient
 46 included in New York state's Medicaid redesign waiver approved by the centers
 47 for Medicare and Medicaid services (CMS). Such reimbursement shall be in the
 48 form of fees for such services which are equivalent to the payments
 49 established for such services under the ambulatory patient group (APG) rate-
 50 setting methodology as utilized by the department of health or by the office
 51 of mental health or office of alcoholism and substance abuse services for
 52 rate-setting purposes or any such other fees pursuant to the Medicaid state
 53 plan or otherwise approved by CMS in the Medicaid redesign waiver; provided,
 54 however, that the increase to such fees that shall result from the provisions

1 of this section shall not, in the aggregate and as determined by the
2 commissioner of health in consultation with the commissioners of mental
3 health and alcoholism and substance abuse services, be greater than the
4 increased funds made available pursuant to this section. The increase of such
5 behavioral health fees to providers available under this section shall be for
6 all rate periods on and after the effective date of section [2] 30 of part
7 [C] B of chapter [57] 59 of the laws of [2015] 2016 through March 31, [2018]
8 2020 for patients in the city of New York, for all rate periods on and after
9 the effective date of section [2] 30 of part [C] B of chapter [57] 59 of the
10 laws of [2015] 2016 through [June 30, 2018] March 31, 2020 for patients
11 outside the city of New York, and for all rate periods on and after the
12 effective date of section [2] 30 of part [C] B of chapter [57] 59 of the laws
13 of [2015] 2016 through [June 30, 2018] March 31, 2020 for all services
14 provided to persons under the age of twenty-one; provided, however, [eligible
15 providers may work with managed care plans to achieve quality and efficiency
16 objectives and engage in shared savings] the commissioner of health, in
17 consultation with the commissioner of alcoholism and substance abuse services
18 and the commissioner of mental health, may require, as a condition of
19 approval of such ambulatory behavioral health fees, that aggregate managed
20 care expenditures to eligible providers meet the alternative payment
21 methodology requirements as set forth in attachment I of the New York state
22 medicaid section one thousand one hundred fifteen medicaid redesign team
23 waiver as approved by the centers for medicare and medicaid services. The
24 commissioner of health shall, in consultation with the commissioner of
25 alcoholism and substance abuse services and the commissioner of mental
26 health, waive such conditions if a sufficient number of providers, as
27 determined by the commissioner, suffer a financial hardship as a consequence
28 of such alternative payment methodology requirements, or if he or she shall
29 determine that such alternative payment methodologies significantly threaten
30 individuals access to ambulatory behavioral health services. Such waiver may
31 be applied on a provider specific or industry wide basis. Further, such
32 conditions may be waived, as the commissioner determines necessary, to comply
33 with federal rules or regulations governing these payment methodologies.
34 Nothing in this section shall prohibit managed care organizations and
35 providers from negotiating different rates and methods of payment during such
36 periods described, subject to the approval of the department of health. The
37 department of health shall consult with the office of alcoholism and
38 substance abuse services and the office of mental health in determining
39 whether such alternative rates shall be approved. The commissioner of health
40 may, in consultation with the commissioners of mental health and alcoholism
41 and substance abuse services, promulgate regulations, including emergency
42 regulations promulgated prior to October 1, 2013 that establish rates for
43 behavioral health services, as are necessary to implement the provisions of
44 this section. Rates promulgated under this section shall be included in the
45 report required under section 45-c of part A of chapter 56 of the laws of
46 2013.

47 b. Notwithstanding any contrary provision of law, the fees paid by
48 managed care organizations licensed under article 44 of the public health law
49 or under article 43 of the insurance law, to providers licensed pursuant to
50 article 28 of the public health law or article 31 or 32 of the mental hygiene
51 law, for ambulatory behavioral health services provided to patients enrolled
52 in the child health insurance program pursuant to title one-A of article 25
53 of the public health law, shall be in the form of fees for such services
54 which are equivalent to the payments established for such services under the
55 ambulatory patient group (APG) rate-setting methodology. The commissioner of

1 health shall consult with the commissioner of alcoholism and substance abuse
 2 services and the commissioner of the office of mental health in determining
 3 such services and establishing such fees. Such ambulatory behavioral health
 4 fees to providers available under this section shall be for all rate periods
 5 on and after the effective date of this chapter through [**June 30, 2018**] **March**
 6 **31, 2020**, provided, however, that managed care organizations and providers
 7 may negotiate different rates and methods of payment during such periods
 8 described above, subject to the approval of the department of health. The
 9 department of health shall consult with the office of alcoholism and
 10 substance abuse services and the office of mental health in determining
 11 whether such alternative rates shall be approved. The report required under
 12 section 16-a of part C of chapter 60 of the laws of 2014 shall also include
 13 the population of patients enrolled in the child health insurance program
 14 pursuant to title one-A of article 25 of the public health law in its
 15 examination on the transition of behavioral health services into managed
 16 care.

17 § 3. This act shall take effect immediately and shall be deemed to have
 18 been in full force and effect on and after April 1, 2017; provided, however,
 19 that the amendments to section 48-a of part A of chapter 56 of the laws of
 20 2013 made by section one of this act shall not affect the repeal of such
 21 section and shall be deemed repealed therewith; provided further, that the
 22 amendments to section 1 of part H of chapter 111 of the laws of 2010 made by
 23 section two of this act shall not affect the expiration of such section and
 24 shall be deemed to expire therewith.

25 SUBPART G

26 Section 1. Subdivisions 3-b and 3-c of section 1 of part C of chapter 57 of
 27 the laws of 2006, relating to establishing a cost of living adjustment for
 28 designated human services programs, as amended by section 1 of part I of
 29 chapter 60 of the laws of 2014, are amended to read as follows:

30 3-b. Notwithstanding any inconsistent provision of law, beginning April
 31 1, 2009 and ending March 31, 2016 **and beginning April 1, 2017 and ending**
 32 **March 31, 2018**, the commissioners shall not include a COLA for the purpose of
 33 establishing rates of payments, contracts or any other form of reimbursement,
 34 **provided that the commissioners of the office for people with developmental**
 35 **disabilities, the office of mental health, and the office of alcoholism and**
 36 **substance abuse services shall not include a COLA beginning April 1, 2017 and**
 37 **ending March 31, 2019.**

38 3-c. Notwithstanding any inconsistent provision of law, beginning April
 39 1, [**2016**] **2018** and ending March 31, [**2019**] **2021**, the commissioners shall
 40 develop the COLA under this section using the actual U.S. consumer price
 41 index for all urban consumers (CPI-U) published by the United States
 42 department of labor, bureau of labor statistics for the twelve month period
 43 ending in July of the budget year prior to such state fiscal year, for the
 44 purpose of establishing rates of payments, contracts or any other form of
 45 reimbursement.

46 § 2. Section 1 of part C of chapter 57 of the laws of 2006, relating to
 47 establishing a cost of living adjustment for designated human service
 48 programs, is amended by adding a new subdivision 3-e to read as follows:

1 3-e. (i) Notwithstanding the provisions of subdivision 3-b of this
2 section or any other inconsistent provision of law, and subject to the
3 availability of the appropriation therefor, for the programs listed in
4 paragraphs (i), (ii), and (iii) of subdivision 4 of this section, the
5 commissioners shall provide funding to support (1) an overall average three
6 and one-quarter percent (3.25%) increase to total salaries for direct care
7 staff, direct support professionals for each eligible state-funded program
8 beginning January 1, 2018; and (2) an overall average three and one-quarter
9 percent (3.25%) increase to total salaries for direct care staff and direct
10 support professionals, and clinical staff for each eligible state-funded
11 program beginning April 1, 2018. For the purpose of this funding increase,
12 direct support professionals are individuals employed in consolidated fiscal
13 reporting position title codes ranging from 100 to 199; direct care staff are
14 individuals employed in consolidated fiscal reporting position title codes
15 ranging from 200 to 299; and clinical staff are individuals employed in
16 consolidated fiscal reporting position title codes ranging from 300 to 399.

17 (ii) The funding made available pursuant to paragraph (i) of this
18 subdivision shall be used: (1) to help alleviate the recruitment and
19 retention challenges of direct care staff, direct support professionals and
20 clinical staff employed in eligible programs; and (2) to continue and to
21 expand efforts to support the professionalism of the direct care workforce.
22 Each local government unit or direct contract provider receiving such funding
23 shall have flexibility in allocating such funding to support salary increases
24 to particular job titles to best address the needs of its direct care staff,
25 direct support professionals and clinical staff. Each local government unit
26 or direct contract provider receiving such funding shall also submit a
27 written certification, in such form and at such time as each commissioner
28 shall prescribe, attesting to how such funding will be or was used for
29 purposes eligible under this section. Further, providers shall submit a
30 resolution from their governing body to the appropriate commissioner,
31 attesting that the funding received will be used solely to support salary and
32 salary-related fringe benefit increases for direct care staff, direct support
33 professionals and clinical staff, pursuant to paragraph (i) of this
34 subdivision. Salary increases that take effect on and after April 1, 2017 may
35 be used to demonstrate compliance with the January 1, 2018 funding increase
36 authorized by this section, except for salary increases necessary to comply
37 with state minimum wage requirements. Such commissioners shall be authorized
38 to recoup any funds as appropriated herein determined to have been used in a
39 manner inconsistent with such standards or inconsistent with the provisions
40 of this subdivision, and such commissioners shall be authorized to employ any
41 legal mechanism to recoup such funds, including an offset of other funds that
42 are owed to such local governmental unit or provider.

43 (iii) Where appropriate, transfers to the department of health shall be
44 made as reimbursement for the state share of medical assistance.

45 § 3. This act shall take effect immediately and shall be deemed to have
46 been in full force and effect on and after April 1, 2017; provided, however,
47 that the amendments to section 1 of part C of chapter 57 of the laws of 2006
48 made by sections one and two of this act shall not affect the repeal of such
49 section and shall be deemed repealed therewith.

1 Section 1. Subdivision 2 of section 365-1 of the social services law, as
2 added by section 37 of part H of chapter 59 of the laws of 2011, is amended
3 to read as follows:

4 2. In addition to payments made for health home services pursuant to
5 subdivision one of this section, the commissioner is authorized to pay
6 additional amounts to providers of health home services that meet process or
7 outcome standards specified by the commissioner. Such additional amounts may
8 be paid with state funds only if federal financial participation for such
9 payments is unavailable.

10 § 2. Section 364-j of the social services law is amended by adding a new
11 subdivision 33 to read as follows:

12 33. For services under this title provided by residential health care
13 facilities under article twenty-eight of the public health law, the
14 commissioner shall direct managed care organizations licensed under article
15 forty-four of the public health law, article forty-three of the insurance
16 law, and this section, to continue to reimburse at a benchmark rate which is
17 to be the fee-for-service rate calculated pursuant to section twenty-eight
18 hundred eight of the public health law. The benchmark fee-for-service rate
19 shall continue to be paid by such managed care organizations for all services
20 provided by residential healthcare facilities from the effective date of this
21 subdivision at least until December thirty-first, two thousand twenty. The
22 commissioner may require, as a condition of continuing to require payment at
23 such benchmark rate that aggregate managed care expenditures to residential
24 health care facilities meet the alternative payment methodology requirements
25 set forth in attachment I of the New York State section 1115 medicaid
26 redesign team waiver as approved by the centers for medicare and medicaid
27 services. The commissioner of health shall waive such requirements if a
28 sufficient number of providers, as determined by the commissioner, suffer a
29 financial hardship as a consequence of such alternative payment methodology
30 requirements, or if the commissioner determines that such alternative payment
31 methodologies significantly threaten individuals' access to residential
32 health care facility services; such waiver may be applied on a provider-
33 specific or industry-wide basis. Further, such requirements may be waived, as
34 the commissioner determines necessary, to comply with federal rules or
35 regulations governing these payment methodologies.

36 § 3. Subdivision 2 of section 365-a of the social services law is amended
37 by adding a new paragraph (dd) to read as follows:

38 (dd) pasteurized donor human milk (PDHM), which may include fortifiers as
39 medically indicated, for inpatient use, for which a licensed medical
40 practitioner has issued an order for an infant who is medically or physically
41 unable to receive maternal breast milk or participate in breast feeding or
42 whose mother is medically or physically unable to produce maternal breast
43 milk at all or in sufficient quantities or participate in breast feeding
44 despite optimal lactation support. Such infant shall: (i) have a documented
45 birth weight of less than one thousand five hundred grams; or (ii) have a
46 congenital or acquired condition that places the infant at a high risk for
47 development of necrotizing enterocolitis; or (iii) have a congenital or
48 acquired condition that may benefit from the use of donor breast milk as
49 determined by the commissioner of health or his or her designee.

1 § 4. Subdivision 2 of section 365-a of the social services law is amended
2 by adding a new paragraph (ee) to read as follows:

3 (ee) Medical assistance shall include the coverage of a set of services
4 to ensure improved outcomes of women who are in the process of ovulation
5 enhancing drugs, limited to the provision of such treatment, office visits,
6 hysterosalpingogram services, pelvic ultrasounds, and blood testing; services
7 shall be limited to those necessary to monitor such treatment. In the event
8 that ninety percent federal financial participation for such services is not
9 available, the state share of appropriations related to these services may be
10 used for a grant program intended to accomplish the purpose of this section.

11 § 5. Section 3614-c of the public health law, as amended by chapter 56 of
12 the laws of 2016, subparagraph (iv) of paragraph (a) of subdivision 3 as
13 amended by section 1 and subparagraph (iv) of paragraph (b) of subdivision 3
14 as amended by section 2 of part E of chapter 73 of the laws of 2016, is
15 amended to read as follows:

16 § 3614-c. Home care worker wage parity. 1. As used in this section, the
17 following terms shall have the following meaning:

18 (a) "Living wage law" means any law enacted by Nassau, Suffolk or
19 Westchester county or a city with a population of one million or more which
20 establishes a minimum wage for some or all employees who perform work on
21 contracts with such county or city.

22 (b) "Total compensation" means all wages and other direct compensation
23 paid to or provided on behalf of the employee including, but not limited to,
24 wages, health, education or pension benefits, supplements in lieu of benefits
25 and compensated time off, except that it does not include employer taxes or
26 employer portion of payments for statutory benefits, including but not
27 limited to FICA, disability insurance, unemployment insurance and workers'
28 compensation.

29 (c) "Prevailing rate of total compensation" means the average hourly
30 amount of total compensation paid to all home care aides covered by whatever
31 collectively bargained agreement covers the greatest number of home care
32 aides in a city with a population of one million or more. For purposes of
33 this definition, any set of collectively bargained agreements in such city
34 with substantially the same terms and conditions relating to total
35 compensation shall be considered as a single collectively bargained
36 agreement.

37 (d) "Home care aide" means a home health aide, personal care aide, home
38 attendant, personal assistant performing consumer directed personal
39 assistance services pursuant to section three hundred sixty-five-f of the
40 social services law, or other licensed or unlicensed person whose primary
41 responsibility includes the provision of in-home assistance with activities
42 of daily living, instrumental activities of daily living or health-related
43 tasks; provided, however, that home care aide does not include any individual
44 (i) working on a casual basis, or (ii) (except for a person employed under
45 the consumer directed personal assistance program under section three hundred
46 sixty-five-f of the social services law) who is a relative through blood,
47 marriage or adoption of: (1) the employer; or (2) the person for whom the

1 worker is delivering services, under a program funded or administered by
2 federal, state or local government.

3 (e) "Managed care plan" means any managed care program, organization or
4 demonstration covering personal care or home health aide services, and which
5 receives premiums funded, in whole or in part, by the New York state medical
6 assistance program, including but not limited to all Medicaid managed care,
7 Medicaid managed long term care, Medicaid advantage, and Medicaid advantage
8 plus plans and all programs of all-inclusive care for the elderly.

9 (f) "Episode of care" means any service unit reimbursed, in whole or in
10 part, by the New York state medical assistance program, whether through
11 direct reimbursement or covered by a premium payment, and which covers, in
12 whole or in part, any service provided by a home care aide, including but not
13 limited to all service units defined as visits, hours, days, months or
14 episodes.

15 (g) "Cash portion of the minimum rate of home care [aid] aide total
16 compensation" means the minimum amount of home care aide total compensation
17 that may be paid in cash wages, as determined by the department in
18 consultation with the department of labor.

19 (h) "Benefit portion of the minimum rate of home care aide total
20 compensation" means the portion of home care aide total compensation that may
21 be paid in cash or health, education or pension benefits, wage differentials,
22 supplements in lieu of benefits and compensated time off, as determined by
23 the department in consultation with the department of labor. Cash wages paid
24 pursuant to increases in the state or federal minimum wage cannot be used to
25 satisfy the benefit portion of the minimum rate of home care aide total
26 compensation.

27 2. Notwithstanding any inconsistent provision of law, rule or regulation,
28 no payments by government agencies shall be made to certified home health
29 agencies, long term home health care programs [or], managed care plans, or
30 the consumer directed personal assistance program under section three hundred
31 sixty-five-f of the social services law, for any episode of care furnished,
32 in whole or in part, by any home care aide who is compensated at amounts less
33 than the applicable minimum rate of home care aide total compensation
34 established pursuant to this section.

35 3. (a) The minimum rate of home care aide total compensation in a city
36 with a population of one million or more shall be:

37 (i) for the period March first, two thousand twelve through February
38 twenty-eighth, two thousand thirteen, ninety percent of the total
39 compensation mandated by the living wage law of such city;

40 (ii) for the period March first, two thousand thirteen through February
41 twenty-eighth, two thousand fourteen, ninety-five percent of the total
42 compensation mandated by the living wage law of such city;

43 (iii) for the period March first, two thousand fourteen through March
44 thirty-first two thousand sixteen, no less than the prevailing rate of total
45 compensation as of January first, two thousand eleven, or the total

1 compensation mandated by the living wage law of such city, whichever is
2 greater;

3 (iv) for all periods on or after April first, two thousand sixteen, the
4 cash portion of the minimum rate of home care aide total compensation shall
5 be ten dollars or the minimum wage as laid out in paragraph (a) of
6 subdivision one of section six hundred fifty-two of the labor law, whichever
7 is higher. The benefit portion of the minimum rate of home care aide total
8 compensation shall be four dollars and nine cents.

9 (b) The minimum rate of home care aide total compensation in the counties
10 of Nassau, Suffolk and Westchester shall be:

11 (i) for the period March first, two thousand thirteen through February
12 twenty-eighth, two thousand fourteen, ninety percent of the total
13 compensation mandated by the living wage law as set on March first, two
14 thousand thirteen of a city with a population of a million or more;

15 (ii) for the period March first, two thousand fourteen through February
16 twenty-eighth, two thousand fifteen, ninety-five percent of the total
17 compensation mandated by the living wage law as set on March first, two
18 thousand fourteen of a city with a population of a million or more;

19 (iii) for the period March first, two thousand fifteen, through February
20 twenty-eighth, two thousand sixteen, one hundred percent of the total
21 compensation mandated by the living wage law as set on March first, two
22 thousand fifteen of a city with a population of a million or more;

23 (iv) for all periods on or after March first, two thousand sixteen, the
24 cash portion of the minimum rate of home care aide total compensation shall
25 be ten dollars or the minimum wage as laid out in paragraph (b) of
26 subdivision one of section six hundred fifty-two of the labor law, whichever
27 is higher. The benefit portion of the minimum rate of home care aide total
28 compensation shall be three dollars and twenty-two cents.

29 4. The terms of this section shall apply equally to services provided by
30 home care aides who work on episodes of care as direct employees of certified
31 home health agencies, long term home health care programs, or managed care
32 plans, or as employees of licensed home care services agencies, limited
33 licensed home care services agencies, or the consumer directed personal
34 assistance program under section three hundred sixty-five-f of the social
35 services law, or under any other arrangement.

36 5. No payments by government agencies shall be made to certified home
37 health agencies, long term home health care programs, [or] managed care
38 plans, or the consumer directed personal assistance program under section
39 three hundred sixty-five-f of the social services law, for any episode of
40 care without the certified home health agency, long term home health care
41 program, [or] managed care plan or the consumer directed personal assistance
42 program having delivered prior written certification to the commissioner, on
43 forms prepared by the department in consultation with the department of
44 labor, that all services provided under each episode of care are in full
45 compliance with the terms of this section and any regulations promulgated
46 pursuant to this section.

1 6. If a certified home health agency or long term home health care
2 program elects to provide home care aide services through contracts with
3 licensed home care services agencies or through other third parties, provided
4 that the episode of care on which the home care aide works is covered under
5 the terms of this section, the certified home health agency, long term home
6 health care program, or managed care plan must obtain a written certification
7 from the licensed home care services agency or other third party, on forms
8 prepared by the department in consultation with the department of labor,
9 which attests to the licensed home care services agency's or other third
10 party's compliance with the terms of this section. Such certifications shall
11 also obligate the certified home health agency, long term home health care
12 program, or managed care plan to obtain, on no less than a quarterly basis,
13 all information from the licensed home care services agency, **fiscal**
14 **intermediary** or other third parties necessary to verify compliance with the
15 terms of this section. Such certifications and the information exchanged
16 pursuant to them shall be retained by all certified home health agencies,
17 long term home health care programs, or managed care plans, and all licensed
18 home care services agencies, or other third parties for a period of no less
19 than ten years, and made available to the department upon request.

20 7. The commissioner shall distribute to all certified home health
21 agencies, long term home health care programs, [**and**] managed care plans, **and**
22 **fiscal intermediaries in the consumer directed personal assistance program**
23 **under section three hundred sixty-five-f of the social services law,** official
24 notice of the minimum rates of home care aide compensation at least one
25 hundred twenty days prior to the effective date of each minimum rate for each
26 social services district covered by the terms of this section.

27 8. The commissioner is authorized to promulgate regulations, and may
28 promulgate emergency regulations, to implement the provisions of this
29 section.

30 9. Nothing in this section should be construed as applicable to any
31 service provided by certified home health agencies, long term home health
32 care programs, [**or**] managed care plans, **or consumer directed personal**
33 **assistance program under section three hundred sixty-five-f of the social**
34 **services law** except for all episodes of care reimbursed in whole or in part
35 by the New York Medicaid program.

36 10. No certified home health agency, managed care plan [**or**], long term
37 home health care program, **or fiscal intermediary in the consumer directed**
38 **personal assistance program under section three hundred sixty-five-f of the**
39 **social services law** shall be liable for recoupment of payments for services
40 provided through a licensed home care services agency or other third party
41 with which the certified home health agency, long term home health care
42 program, or managed care plan has a contract because the licensed agency or
43 other third party failed to comply with the provisions of this section if the
44 certified home health agency, long term home health care program, [**or**]
45 managed care plan, **or fiscal intermediary** has reasonably and in good faith
46 collected certifications and all information required pursuant to
47 subdivisions five and six of this section.

48 § 6. Notwithstanding any other provision of law, the commissioner of
49 health is authorized to sell accounts receivable balances owed to the state
50 by Medicaid provider to financial institutions; provided that no such sale of
51 accounts receivable balances shall include any state support, including a

1 guarantee or contingent obligation of state funds to mitigate the risk of
2 nonpayment by providers owing on these account receivable balances. The
3 commissioner in consultation with the director of the budget is authorized to
4 determine the sale prices of any such accounts receivable balances and shall
5 include sale terms governing the reasonable collection of such balances by
6 the financial institution. Following any such sale, providers owing on these
7 accounts receivable balances shall not include any additional cost, interest,
8 or financing charges solely as a result of such sale but shall be fully
9 responsible for paying the accounts receivable balances. Proceeds from the
10 sale of the accounts receivable balances shall be deposited to the Medicaid
11 escrow fund and be used to offset Medicaid costs under the Medicaid global
12 spending cap. The commissioner shall provide the legislature with a
13 description of the terms of any such sale, including a list of the impacted
14 Medicaid providers, at least thirty days prior to the sale.

15 § 7. This act shall take effect immediately; provided, however that:

16 a. the amendments to section 364-j of the social services law made by
17 section two of this act shall not affect the repeal of such section and shall
18 be deemed to be repealed therewith;

19 b. sections three and five of this act shall take effect July 1, 2017;
20 and

21 c. section six of this act shall expire April 1, 2019; however, such
22 expiration shall not invalidate or otherwise impact any sale of accounts
23 receivable effected pursuant to such section prior to its expiration.

24

25

26

27 § 2. Severability clause. If any clause, sentence, paragraph,
28 subdivision, section, part or subpart of this act shall be adjudged by any
29 court of competent jurisdiction to be invalid, such judgment shall not
30 affect, impair, or invalidate the remainder thereof, but shall be confined in
31 its operation to the clause, sentence, paragraph, subdivision, section, part
32 or subpart thereof directly involved in the controversy in which such
33 judgment shall have been rendered. It is hereby declared to be the intent of
34 the legislature that this act would have been enacted even if such invalid
35 provisions had not been included herein.

36 § 3. This act shall take effect immediately provided, however, that the
37 applicable effective date of Subparts A through H of this act shall be as
38 specifically set forth in the last section of such Subparts.

39

40

PART B

41 Section 1. This act enacts into law major components of legislation
42 which are necessary to implement the state public protection and general

1 government budget for the 2017-2018 state fiscal year. Each component is
2 wholly contained within a Subpart identified as Subparts A through B. The
3 effective date for each particular provision contained within such Subpart is
4 set forth in the last section of such Subpart. Any provision in any section
5 contained within a Subpart, including the effective date of the Subpart,
6 which makes a reference to a section "of this act", when used in connection
7 with that particular component, shall be deemed to mean and refer to the
8 corresponding section of the Subpart in which it is found. Section three of
9 this act sets forth the general effective date of this act.

10 SUBPART A

11 Section 1. The state comptroller is hereby authorized and directed to
12 loan money in accordance with the provisions set forth in subdivision 5 of
13 section 4 of the state finance law to the following funds and/or accounts:

- 14 1. Proprietary vocational school supervision account (20452).
- 15 2. Local government records management account (20501).
- 16 3. Child health plus program account (20810).
- 17 4. EPIC premium account (20818).
- 18 5. Education - New (20901).
- 19 6. VLT - Sound basic education fund (20904).
- 20 7. Sewage treatment program management and administration fund (21000).
- 21 8. Hazardous bulk storage account (21061).
- 22 9. Federal grants indirect cost recovery account (21065).
- 23 10. Low level radioactive waste account (21066).
- 24 11. Recreation account (21067).
- 25 12. Public safety recovery account (21077).
- 26 13. Environmental regulatory account (21081).
- 27 14. Natural resource account (21082).
- 28 15. Mined land reclamation program account (21084).
- 29 16. Great lakes restoration initiative account (21087).
- 30 17. Environmental protection and oil spill compensation fund (21200).
- 31 18. Public transportation systems account (21401).

- 1 19. Metropolitan mass transportation (21402).
- 2 20. Operating permit program account (21451).
- 3 21. Mobile source account (21452).
- 4 22. Statewide planning and research cooperative system account (21902).
- 5 23. New York state thruway authority account (21905).
- 6 24. Mental hygiene program fund account (21907).
- 7 25. Mental hygiene patient income account (21909).
- 8 26. Financial control board account (21911).
- 9 27. Regulation of racing account (21912).
- 10 28. New York Metropolitan Transportation Council account (21913).
- 11 29. State university dormitory income reimbursable account (21937).
- 12 30. Criminal justice improvement account (21945).
- 13 31. Environmental laboratory reference fee account (21959).
- 14 32. Clinical laboratory reference system assessment account (21962).
- 15 33. Indirect cost recovery account (21978).
- 16 34. High school equivalency program account (21979).
- 17 35. Multi-agency training account (21989).
- 18 36. Interstate reciprocity for post-secondary distance education account
19 (23800).
- 20 37. Bell jar collection account (22003).
- 21 38. Industry and utility service account (22004).
- 22 39. Real property disposition account (22006).
- 23 40. Parking account (22007).
- 24 41. Asbestos safety training program account (22009).
- 25 42. Batavia school for the blind account (22032).
- 26 43. Investment services account (22034).

- 1 44. Surplus property account (22036).
- 2 45. Financial oversight account (22039).
- 3 46. Regulation of Indian gaming account (22046).
- 4 47. Rome school for the deaf account (22053).
- 5 48. Seized assets account (22054).
- 6 49. Administrative adjudication account (22055).
- 7 50. Federal salary sharing account (22056).
- 8 51. New York City assessment account (22062).
- 9 52. Cultural education account (22063).
- 10 53. Local services account (22078).
- 11 54. DHCR mortgage servicing account (22085).
- 12 55. Department of motor vehicles compulsory insurance account (22087).
- 13 56. Housing indirect cost recovery account (22090).
- 14 57. DHCR-HCA application fee account (22100).
- 15 58. Low income housing monitoring account (22130).
- 16 59. Corporation administration account (22135).
- 17 60. Montrose veteran's home account (22144).
- 18 61. Deferred compensation administration account (22151).
- 19 62. Rent revenue other New York City account (22156).
- 20 63. Rent revenue account (22158).
- 21 64. Tax revenue arrearage account (22168).
- 22 65. State university general income offset account (22654).
- 23 66. Lake George park trust fund account (22751).
- 24 67. State police motor vehicle law enforcement account (22802).
- 25 68. Highway safety program account (23001).
- 26 69. DOH drinking water program account (23102).

- 1 70. NYCCC operating offset account (23151).
- 2 71. Commercial gaming revenue account (23701).
- 3 72. Commercial gaming regulation account (23702).
- 4 73. Highway use tax administration account (23801).
- 5 74. Highway and bridge capital account (30051).
- 6 75. Aviation purpose account (30053).
- 7 76. State university residence hall rehabilitation fund (30100).
- 8 77. State parks infrastructure account (30351).
- 9 78. Clean water/clean air implementation fund (30500).
- 10 79. Hazardous waste remedial cleanup account (31506).
- 11 80. Youth facilities improvement account (31701).
- 12 81. Housing assistance fund (31800).
- 13 82. Housing program fund (31850).
- 14 83. Highway facility purpose account (31951).
- 15 84. Information technology capital financing account (32215).
- 16 85. New York racing account (32213).
- 17 86. Capital miscellaneous gifts account (32214).
- 18 87. New York environmental protection and spill remediation account.
- 19 88. Mental hygiene facilities capital improvement fund (32300).
- 20 89. Correctional facilities capital improvement fund (32350).
- 21 90. New York State Storm Recovery Capital Fund (33000).
- 22 91. OGS convention center account (50318).
- 23 92. Empire Plaza Gift Shop (50327).
- 24 93. Centralized services fund (55000).
- 25 94. Archives records management account (55052).
- 26 95. Federal single audit account (55053).

- 1 96. Civil service EHS occupational health program account (55056).
- 2 97. Banking services account (55057).
- 3 98. Cultural resources survey account (55058).
- 4 99. Neighborhood work project account (55059).
- 5 100. Automation & printing chargeback account (55060).
- 6 101. OFT NYT account (55061).
- 7 102. Data center account (55062).
- 8 103. Intrusion detection account (55066).
- 9 104. Domestic violence grant account (55067).
- 10 105. Centralized technology services account (55069).
- 11 106. Labor contact center account (55071).
- 12 107. Human services contact center account (55072).
- 13 108. Tax contact center account (55073).
- 14 109. Executive direction internal audit account (55251).
- 15 110. CIO Information technology centralized services account (55252).
- 16 111. Health insurance internal service account (55300).
- 17 112. Civil service employee benefits division administrative account
18 (55301).
- 19 113. Correctional industries revolving fund (55350).
- 20 114. Employees health insurance account (60201).
- 21 115. Medicaid management information system escrow fund (60900).
- 22 116. Department of law civil recoveries account

23 § 1-a. The state comptroller is hereby authorized and directed to loan
24 money in accordance with the provisions set forth in subdivision 5 of section
25 4 of the state finance law to any account within the following federal funds,
26 provided the comptroller has made a determination that sufficient federal
27 grant award authority is available to reimburse such loans:

- 28 1. Federal USDA-food and nutrition services fund (25000).

- 1 2. Federal health and human services fund (25100).
- 2 3. Federal education fund (25200).
- 3 4. Federal block grant fund (25250).
- 4 5. Federal miscellaneous operating grants fund (25300).
- 5 6. Federal unemployment insurance administration fund (25900).
- 6 7. Federal unemployment insurance occupational training fund (25950).
- 7 8. Federal emergency employment act fund (26000).
- 8 9. Federal capital projects fund (31350).

9 § 2. Notwithstanding any law to the contrary, and in accordance with
10 section 4 of the state finance law, the comptroller is hereby authorized and
11 directed to transfer, upon request of the director of the budget, on or
12 before March 31, 2018, up to the unencumbered balance or the following
13 amounts:

14 Economic Development and Public Authorities:

- 15 1. \$175,000 from the miscellaneous special revenue fund, underground
16 facilities safety training account (22172), to the general fund.
- 17 2. An amount up to the unencumbered balance from the miscellaneous
18 special revenue fund, business and licensing services account (21977), to the
19 general fund.
- 20 3. \$14,810,000 from the miscellaneous special revenue fund, code
21 enforcement account (21904), to the general fund.
- 22 4. \$3,000,000 from the general fund to the miscellaneous special revenue
23 fund, tax revenue arrearage account (22168).

24 Education:

- 25 1. \$2,394,714,000 from the general fund to the state lottery fund,
26 education account (20901), as reimbursement for disbursements made from such
27 fund for supplemental aid to education pursuant to section 92-c of the state
28 finance law that are in excess of the amounts deposited in such fund for such
29 purposes pursuant to section 1612 of the tax law.
- 30 2. \$966,634,000 from the general fund to the state lottery fund, VLT
31 education account (20904), as reimbursement for disbursements made from such
32 fund for supplemental aid to education pursuant to section 92-c of the state
33 finance law that are in excess of the amounts deposited in such fund for such
34 purposes pursuant to section 1612 of the tax law.
- 35 3. Moneys from the state lottery fund (20900) up to an amount deposited
36 in such fund pursuant to section 1612 of the tax law in excess of the current

1 year appropriation for supplemental aid to education pursuant to section 92-c
2 of the state finance law.

3 4. \$300,000 from the New York state local government records management
4 improvement fund, local government records management account (20501), to the
5 New York state archives partnership trust fund, archives partnership trust
6 maintenance account (20351).

7 5. \$900,000 from the general fund to the miscellaneous special revenue
8 fund, Batavia school for the blind account (22032).

9 6. \$900,000 from the general fund to the miscellaneous special revenue
10 fund, Rome school for the deaf account (22053).

11 7. \$343,400,000 from the state university dormitory income fund (40350)
12 to the miscellaneous special revenue fund, state university dormitory income
13 reimbursable account (21937).

14 8. \$20,000,000 from any of the state education department special revenue
15 and internal service funds to the miscellaneous special revenue fund,
16 indirect cost recovery account (21978).

17 9. \$8,318,000 from the general fund to the state university income fund,
18 state university income offset account (22654), for the state's share of
19 repayment of the STIP loan.

20 10. \$40,000,000 from the state university income fund, state university
21 hospitals income reimbursable account (22656) to the general fund for
22 hospital debt service for the period April 1, 2017 through March 31, 2018.

23 11. An amount up to \$13,540,000 from the general fund to the state
24 university income fund, state university general revenue account (22653).

25 Environmental Affairs:

26 1. \$16,000,000 from any of the department of environmental conservation's
27 special revenue federal funds to the environmental conservation special
28 revenue fund, federal indirect recovery account (21065).

29 2. \$5,000,000 from any of the department of environmental conservation's
30 special revenue federal funds to the conservation fund (21150) as necessary
31 to avoid diversion of conservation funds.

32 3. \$3,000,000 from any of the office of parks, recreation and historic
33 preservation capital projects federal funds and special revenue federal funds
34 to the miscellaneous special revenue fund, federal grant indirect cost
35 recovery account (22188).

36 4. \$1,000,000 from any of the office of parks, recreation and historic
37 preservation special revenue federal funds to the miscellaneous special
38 revenue fund, I love NY water account (21930).

1 5. \$28,000,000 from the general fund to the environmental protection
2 fund, environmental protection fund transfer account (30451).

3 6. \$1,800,000 from the general fund to the hazardous waste remedial fund,
4 hazardous waste oversight and assistance account (31505).

5 Family Assistance:

6 1. \$7,000,000 from any of the office of children and family services,
7 office of temporary and disability assistance, or department of health
8 special revenue federal funds and the general fund, in accordance with
9 agreements with social services districts, to the miscellaneous special
10 revenue fund, office of human resources development state match account
11 (21967).

12 2. \$4,000,000 from any of the office of children and family services or
13 office of temporary and disability assistance special revenue federal funds
14 to the miscellaneous special revenue fund, family preservation and support
15 services and family violence services account (22082).

16 3. \$18,670,000 from any of the office of children and family services,
17 office of temporary and disability assistance, or department of health
18 special revenue federal funds and any other miscellaneous revenues generated
19 from the operation of office of children and family services programs to the
20 general fund.

21 4. \$140,000,000 from any of the office of temporary and disability
22 assistance or department of health special revenue funds to the general fund.

23 5. \$2,500,000 from any of the office of temporary and disability
24 assistance special revenue funds to the miscellaneous special revenue fund,
25 office of temporary and disability assistance program account (21980).

26 6. \$7,400,000 from any of the office of children and family services,
27 office of temporary and disability assistance, department of labor, and
28 department of health special revenue federal funds to the office of children
29 and family services miscellaneous special revenue fund, multi-agency training
30 contract account (21989).

31 7. \$65,000,000 from the miscellaneous special revenue fund, youth
32 facility per diem account (22186), to the general fund.

33 8. \$621,850 from the general fund to the combined gifts, grants, and
34 bequests fund, WB Hoyt Memorial account (20128).

35 9. \$3,100,000 from the miscellaneous special revenue fund, state central
36 registry (22028), to the general fund.

37 General Government:

38 1. \$1,566,000 from the miscellaneous special revenue fund, examination
39 and miscellaneous revenue account (22065) to the general fund.

1 2. \$8,083,000 from the general fund to the health insurance revolving
2 fund (55300).

3 3. \$192,400,000 from the health insurance reserve receipts fund (60550)
4 to the general fund.

5 4. \$150,000 from the general fund to the not-for-profit revolving loan
6 fund (20650).

7 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
8 general fund.

9 6. \$3,000,000 from the miscellaneous special revenue fund, surplus
10 property account (22036), to the general fund.

11 7. \$19,000,000 from the miscellaneous special revenue fund, revenue
12 arrearage account (22024), to the general fund.

13 8. \$1,826,000 from the miscellaneous special revenue fund, revenue
14 arrearage account (22024), to the miscellaneous special revenue fund,
15 authority budget office account (22138).

16 9. \$1,000,000 from the miscellaneous special revenue fund, parking
17 services account (22007), to the general fund, for the purpose of reimbursing
18 the costs of debt service related to state parking facilities.

19 10. \$21,783,000 from the general fund to the centralized services fund,
20 COPS account (55013).

21 11. \$8,960,000 from the general fund to the agencies internal service
22 fund, central technology services account (55069), for the purpose of
23 enterprise technology projects.

24 12. \$15,000,000 from the miscellaneous special revenue fund, workers'
25 compensation account (21995), to the miscellaneous capital projects fund,
26 workers' compensation board IT business process design fund, (32218).

27 Health:

28 1. A transfer from the general fund to the combined gifts, grants and
29 bequests fund, breast cancer research and education account (20155), up to an
30 amount equal to the monies collected and deposited into that account in the
31 previous fiscal year.

32 2. A transfer from the general fund to the combined gifts, grants and
33 bequests fund, prostate cancer research, detection, and education account
34 (20183), up to an amount equal to the moneys collected and deposited into
35 that account in the previous fiscal year.

36 3. A transfer from the general fund to the combined gifts, grants and
37 bequests fund, Alzheimer's disease research and assistance account (20143),
38 up to an amount equal to the moneys collected and deposited into that account
39 in the previous fiscal year.

1 4. \$30,555,000 from the HCRA resources fund (20800) to the miscellaneous
2 special revenue fund, empire state stem cell trust fund account (22161).

3 5. \$6,000,000 from the miscellaneous special revenue fund, certificate of
4 need account (21920), to the miscellaneous capital projects fund, healthcare
5 IT capital subfund (32216).

6 6. \$2,000,000 from the miscellaneous special revenue fund, vital health
7 records account (22103), to the miscellaneous capital projects fund,
8 healthcare IT capital subfund (32216)

9 7. \$2,000,000 from the miscellaneous special revenue fund, professional
10 medical conduct account (22088), to the miscellaneous capital projects fund,
11 healthcare IT capital subfund (32216).

12 8. \$76,021,000 from the HCRA resources fund (20800) to the capital
13 projects fund (30000).

14 9. \$4,540,000 from the general fund to the medical marihuana trust fund,
15 health operation and oversight account (23755).

16 10. \$1,086,000 from the miscellaneous special revenue fund, certificate
17 of need account (21920), to the general fund.

18 Labor:

19 1. \$400,000 from the miscellaneous special revenue fund, DOL fee and
20 penalty account (21923), to the child performer's protection fund, child
21 performer protection account (20401).

22 2. \$8,400,000 from the miscellaneous special revenue fund, DOL fee and
23 penalty account (21923), to the general fund.

24 3. \$3,300,000 from the unemployment insurance interest and penalty fund,
25 unemployment insurance special interest and penalty account (23601), to the
26 general fund.

27 Mental Hygiene:

28 1. \$10,000,000 from the miscellaneous special revenue fund, mental
29 hygiene patient income account (21909), to the miscellaneous special revenue
30 fund, federal salary sharing account (22056).

31 2. \$1,800,000,000 from the general fund to the miscellaneous special
32 revenue fund, mental hygiene patient income account (21909).

33 3. \$1,700,000,000 from the general fund to the miscellaneous special
34 revenue fund, mental hygiene program fund account (21907).

35 4. \$100,000,000 from the miscellaneous special revenue fund, mental
36 hygiene program fund account (21907), to the general fund.

1 5. \$100,000,000 from the miscellaneous special revenue fund, mental
2 hygiene patient income account (21909), to the general fund.

3 6. \$3,800,000 from the miscellaneous special revenue fund, mental hygiene
4 patient income account (21909), to the agencies internal service fund, civil
5 service EHS occupational health program account (55056).

6 7. \$11,500,000 from the chemical dependence service fund, substance abuse
7 services fund account (22700), to the capital projects fund (30000).

8 8. \$3,500,000 from the chemical dependence service fund, substance abuse
9 services fund account (22700), to the mental hygiene capital improvement fund
10 (32305).

11 9. \$15,000,000 from the chemical dependence service fund, substance abuse
12 services fund account (22700), to the miscellaneous special revenue fund,
13 mental hygiene program fund account (21907)

14 Public Protection:

15 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
16 management account (21944), to the general fund.

17 2. \$2,087,000 from the general fund to the miscellaneous special revenue
18 fund, recruitment incentive account (22171).

19 3. \$12,000,000 from the general fund to the correctional industries
20 revolving fund, correctional industries internal service account (55350).

21 4. \$3,000,000 from the federal miscellaneous operating grants fund, DMNA
22 damage account (25324), to the general fund.

23 5. \$8,600,000 from the miscellaneous special revenue fund, criminal
24 justice improvement account (21945), to the general fund.

25 6. \$112,420,000 from the state police motor vehicle law enforcement and
26 motor vehicle theft and insurance fraud prevention fund, state police motor
27 vehicle enforcement account (22802), to the general fund for state operation
28 expenses of the division of state police.

29 7. A transfer of the unencumbered balance from the miscellaneous special
30 revenue fund, seized assets account (22061), to the miscellaneous special
31 revenue fund, seized assets account (22054).

32 8. \$117,500,000 from the general fund to the correctional facilities
33 capital improvement fund (32350).

34 9. \$5,000,000 from the general fund to the dedicated highway and bridge
35 trust fund (30050) for the purpose of work zone safety activities provided by
36 the division of state police for the department of transportation.

1 10. \$5,238,000 from the miscellaneous special revenue fund, statewide
2 public safety communications account (22123), to the capital projects fund
3 (30000).

4 11. \$9,545,000 from the miscellaneous special revenue fund, legal
5 services assistance account (22096), to the general fund.

6 12. \$1,000,000 from the general fund to the agencies internal service
7 fund, neighborhood work project account (55059).

8 13. \$5,940,556 from the miscellaneous special revenue fund, fingerprint
9 identification & technology account (21950), to the general fund.

10 14. \$4,300,000 from the state police motor vehicle law enforcement and
11 motor vehicle theft and insurance fraud prevention fund, motor vehicle theft
12 and insurance fraud account (22801), to the general fund.

13 15. \$50,000,000 from the miscellaneous special revenue fund, public
14 safety communications account (22123), to the general fund.

15 16. \$2,000,000 from the general fund to the miscellaneous special revenue
16 fund, crimes against revenue program account (22015).

17 Transportation:

18 1. \$17,672,000 from the federal miscellaneous operating grants fund to
19 the miscellaneous special revenue fund, New York Metropolitan Transportation
20 Council account (21913).

21 2. \$20,147,000 from the federal capital projects fund to the
22 miscellaneous special revenue fund, New York Metropolitan Transportation
23 Council account (21913).

24 3. \$15,058,017 from the general fund to the mass transportation operating
25 assistance fund, public transportation systems operating assistance account
26 (21401), of which \$12,000,000 constitutes the base need for operations.

27 4. \$720,000,000 from the general fund to the dedicated highway and bridge
28 trust fund (30050).

29 5. \$3,662,000 from the miscellaneous special revenue fund, accident
30 prevention course program account (22094), to the dedicated highway and
31 bridge trust fund (30050).

32 6. \$3,065,000 from the miscellaneous special revenue fund, motorcycle
33 safety account (21976), to the dedicated highway and bridge trust fund
34 (30050).

35 7. \$244,250,000 from the general fund to the MTA financial assistance
36 fund, mobility tax trust account (23651).

37 8. \$5,000,000 from the miscellaneous special revenue fund, transportation
38 regulation account (22067) to the dedicated highway and bridge trust fund

1 (30050), for disbursements made from such fund for motor carrier safety that
2 are in excess of the amounts deposited in the dedicated highway and bridge
3 trust fund (30050) for such purpose pursuant to section 94 of the
4 transportation law.

5 9. \$114,000 from the miscellaneous special revenue fund, seized assets
6 account (21906), to the dedicated highway and bridge trust fund (30050).

7 10. \$500,000 from the clean air fund, mobile source account (21452), to
8 the general fund.

9 11. \$3,000,000 from the miscellaneous special revenue fund, traffic
10 adjudication account (22055), to the general fund.

11 12. \$121,548,000 from the mass transportation operating assistance fund,
12 metropolitan mass transportation operating assistance account (21402), to the
13 capital projects fund (30000).

14 Miscellaneous:

15 1. \$250,000,000 from the general fund to any funds or accounts for the
16 purpose of reimbursing certain outstanding accounts receivable balances.

17 2. \$500,000,000 from the general fund to the debt reduction reserve fund
18 (40000).

19 3. \$450,000,000 from the New York state storm recovery capital fund
20 (33000) to the revenue bond tax fund (40152).

21 4. \$15,500,000 from the general fund, community projects account GG
22 (10256), to the general fund, state purposes account (10050).

23 § 3. Notwithstanding any law to the contrary, and in accordance with
24 section 4 of the state finance law, the comptroller is hereby authorized and
25 directed to transfer, on or before March 31, 2018:

26 1. Upon request of the commissioner of environmental conservation, up to
27 \$12,234,600 from revenues credited to any of the department of environmental
28 conservation special revenue funds, including \$4,000,000 from the
29 environmental protection and oil spill compensation fund (21200), and
30 \$1,793,600 from the conservation fund (21150), to the environmental
31 conservation special revenue fund, indirect charges account (21060).

32 2. Upon request of the commissioner of agriculture and markets, up to
33 \$3,000,000 from any special revenue fund or enterprise fund within the
34 department of agriculture and markets to the general fund, to pay appropriate
35 administrative expenses.

36 3. Upon request of the commissioner of agriculture and markets, up to
37 \$2,000,000 from the state exposition special fund, state fair receipts
38 account (50051) to the miscellaneous capital projects fund, state fair
39 capital improvement account (32208).

1 4. Upon request of the commissioner of the division of housing and
2 community renewal, up to \$6,221,000 from revenues credited to any division of
3 housing and community renewal federal or miscellaneous special revenue fund
4 to the miscellaneous special revenue fund, housing indirect cost recovery
5 account (22090).

6 5. Upon request of the commissioner of the division of housing and
7 community renewal, up to \$5,500,000 may be transferred from any miscellaneous
8 special revenue fund account, to any miscellaneous special revenue fund.

9 6. Upon request of the commissioner of health up to \$8,500,000 from
10 revenues credited to any of the department of health's special revenue funds,
11 to the miscellaneous special revenue fund, administration account (21982).

12 § 4. On or before March 31, 2018, the comptroller is hereby authorized
13 and directed to deposit earnings that would otherwise accrue to the general
14 fund that are attributable to the operation of section 98-a of the state
15 finance law, to the agencies internal service fund, banking services account
16 (55057), for the purpose of meeting direct payments from such account.

17 § 5. Notwithstanding any law to the contrary, upon the direction of the
18 director of the budget and upon requisition by the state university of New
19 York, the dormitory authority of the state of New York is directed to
20 transfer, up to \$22,000,000 in revenues generated from the sale of notes or
21 bonds, the state university income fund general revenue account (22653) for
22 reimbursement of bondable equipment for further transfer to the state's
23 general fund.

24 § 6. Notwithstanding any law to the contrary, and in accordance with
25 section 4 of the state finance law, the comptroller is hereby authorized and
26 directed to transfer, upon request of the director of the budget and upon
27 consultation with the state university chancellor or his or her designee, on
28 or before March 31, 2018, up to \$16,000,000 from the state university income
29 fund general revenue account (22653) to the state general fund for debt
30 service costs related to campus supported capital project costs for the NY-
31 SUNY 2020 challenge grant program at the University at Buffalo.

32 § 7. Notwithstanding any law to the contrary, and in accordance with
33 section 4 of the state finance law, the comptroller is hereby authorized and
34 directed to transfer, upon request of the director of the budget and upon
35 consultation with the state university chancellor or his or her designee, on
36 or before March 31, 2018, up to \$6,500,000 from the state university income
37 fund general revenue account (22653) to the state general fund for debt
38 service costs related to campus supported capital project costs for the NY-
39 SUNY 2020 challenge grant program at the University at Albany.

40 § 8. Notwithstanding any law to the contrary, the state university
41 chancellor or his or her designee is authorized and directed to transfer
42 estimated tuition revenue balances from the state university collection fund
43 (61000) to the state university income fund, state university general revenue
44 offset account (22655) on or before March 31, 2018.

45 § 9. Notwithstanding any law to the contrary, and in accordance with
46 section 4 of the state finance law, the comptroller is hereby authorized and
47 directed to transfer, upon request of the director of the budget, up to

1 \$69,264,000 from the general fund to the state university income fund, state
2 university hospitals income reimbursable account (22656) during the period
3 July 1, 2017 through June 30, 2018 to reflect ongoing state subsidy of SUNY
4 hospitals and to pay costs attributable to the SUNY hospitals' state agency
5 status.

6 § 10. Notwithstanding any law to the contrary, and in accordance with
7 section 4 of the state finance law, the comptroller is hereby authorized and
8 directed to transfer, upon request of the director of the budget, up to
9 \$996,778,300 from the general fund to the state university income fund, state
10 university general revenue offset account (22655) during the period of July
11 1, 2017 through June 30, 2018 to support operations at the state university.

12 § 11. Notwithstanding any law to the contrary, and in accordance with
13 section 4 of the state financial law, the comptroller is hereby authorized
14 and directed to transfer, upon request of the director of the budget, up to
15 \$100,000 from the general fund to the state university income fund, state
16 university general revenue offset account (22655) during the period of April
17 1, 2017 through June 30, 2017 to support operations at the state university.

18 § 12. Notwithstanding any law to the contrary, and in accordance with
19 section 4 of the state finance law, the comptroller is hereby authorized and
20 directed to transfer, upon request of the state university chancellor or his
21 or her designee, up to \$55,000,000 from the state university income fund,
22 state university hospitals income reimbursable account (22656), for services
23 and expenses of hospital operations and capital expenditures at the state
24 university hospitals; and the state university income fund, Long Island
25 veterans' home account (22652) to the state university capital projects fund
26 (32400) on or before June 30, 2018.

27 § 13. Notwithstanding any law to the contrary, and in accordance with
28 section 4 of the state finance law, the comptroller, after consultation with
29 the state university chancellor or his or her designee, is hereby authorized
30 and directed to transfer moneys, in the first instance, from the state
31 university collection fund, Stony Brook hospital collection account (61006),
32 Brooklyn hospital collection account (61007), and Syracuse hospital
33 collection account (61008) to the state university income fund, state
34 university hospitals income reimbursable account (22656) in the event
35 insufficient funds are available in the state university income fund, state
36 university hospitals income reimbursable account (22656) to permit the full
37 transfer of moneys authorized for transfer, to the general fund for payment
38 of debt service related to the SUNY hospitals. Notwithstanding any law to the
39 contrary, the comptroller is also hereby authorized and directed, after
40 consultation with the state university chancellor or his or her designee, to
41 transfer moneys from the state university income fund to the state university
42 income fund, state university hospitals income reimbursable account (22656)
43 in the event insufficient funds are available in the state university income
44 fund, state university hospitals income reimbursable account (22656) to pay
45 hospital operating costs or to permit the full transfer of moneys authorized
46 for transfer, to the general fund for payment of debt service related to the
47 SUNY hospitals on or before March 31, 2018.

48 § 14. Notwithstanding any law to the contrary, upon the direction of the
49 director of the budget and the chancellor of the state university of New York
50 or his or her designee, and in accordance with section 4 of the state finance
51 law, the comptroller is hereby authorized and directed to transfer monies

1 from the state university dormitory income fund (40350) to the state
2 university residence hall rehabilitation fund (30100), and from the state
3 university residence hall rehabilitation fund (30100) to the state university
4 dormitory income fund (40350), in an amount not to exceed \$80 million from
5 each fund.

6 § 15. Notwithstanding any law to the contrary, and in accordance with
7 section 4 of the state finance law, the comptroller is hereby authorized and
8 directed to transfer monies, upon request of the director of the budget, on
9 or before March 31, 2018, from and to any of the following accounts: the
10 miscellaneous special revenue fund, patient income account (21909), the
11 miscellaneous special revenue fund, mental hygiene program fund account
12 (21907), the miscellaneous special revenue fund, federal salary sharing
13 account (22056), or the general fund in any combination, the aggregate of
14 which shall not exceed \$350 million.

15 § 16. Notwithstanding any law to the contrary, and in accordance with
16 section 4 of the state finance law, the comptroller is hereby authorized and
17 directed to transfer, at the request of the director of the budget, up to
18 \$500 million from the unencumbered balance of any special revenue fund or
19 account, agency fund or account, internal service fund or account, enterprise
20 fund or account, or any combination of such funds and accounts, to the
21 general fund. The amounts transferred pursuant to this authorization shall be
22 in addition to any other transfers expressly authorized in the 2017-18
23 budget. Transfers from federal funds, debt service funds, capital projects
24 funds, the community projects fund, or funds that would result in the loss of
25 eligibility for federal benefits or federal funds pursuant to federal law,
26 rule, or regulation as assented to in chapter 683 of the laws of 1938 and
27 chapter 700 of the laws of 1951 are not permitted pursuant to this
28 authorization.

29 § 17. Notwithstanding any law to the contrary, and in accordance with
30 section 4 of the state finance law, the comptroller is hereby authorized and
31 directed to transfer, at the request of the director of the budget, up to
32 \$100 million from any non-general fund or account, or combination of funds
33 and accounts, to the miscellaneous special revenue fund, technology financing
34 account (22207), the miscellaneous capital projects fund, information
35 technology capital financing account (32215), or the centralized technology
36 services account (55069), for the purpose of consolidating technology
37 procurement and services. The amounts transferred to the miscellaneous
38 special revenue fund, technology financing account (22207) pursuant to this
39 authorization shall be equal to or less than the amount of such monies
40 intended to support information technology costs which are attributable,
41 according to a plan, to such account made in pursuance to an appropriation by
42 law. Transfers to the technology financing account shall be completed from
43 amounts collected by non-general funds or accounts pursuant to a fund deposit
44 schedule or permanent statute, and shall be transferred to the technology
45 financing account pursuant to a schedule agreed upon by the affected agency
46 commissioner. Transfers from funds that would result in the loss of
47 eligibility for federal benefits or federal funds pursuant to federal law,
48 rule, or regulation as assented to in chapter 683 of the laws of 1938 and
49 chapter 700 of the laws of 1951 are not permitted pursuant to this
50 authorization.

51 § 18. Notwithstanding any other law to the contrary, up to \$245 million
52 of the assessment reserves remitted to the chair of the workers' compensation

1 board pursuant to subdivision 6 of section 151 of the workers' compensation
2 law shall, at the request of the director of the budget, be transferred to
3 the state insurance fund, for partial payment and partial satisfaction of the
4 state's obligations to the state insurance fund under section 88-c of the
5 workers' compensation law.

6 § 19. Notwithstanding any law to the contrary, and in accordance with
7 section 4 of the state finance law, the comptroller is hereby authorized and
8 directed to transfer, at the request of the director of the budget, up to
9 \$400 million from any non-general fund or account, or combination of funds
10 and accounts, to the general fund for the purpose of consolidating technology
11 procurement and services. The amounts transferred pursuant to this
12 authorization shall be equal to or less than the amount of such monies
13 intended to support information technology costs which are attributable,
14 according to a plan, to such account made in pursuance to an appropriation by
15 law. Transfers to the general fund shall be completed from amounts collected
16 by non-general funds or accounts pursuant to a fund deposit schedule.
17 Transfers from funds that would result in the loss of eligibility for federal
18 benefits or federal funds pursuant to federal law, rule, or regulation as
19 assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
20 1951 are not permitted pursuant to this authorization.

21 § 20. Notwithstanding any provision of law, rule or regulation to the
22 contrary, the New York state energy research and development authority is
23 authorized and directed to make the following contributions to the state
24 treasury to the credit of the general fund on or before March 31, 2018: (a)
25 \$913,000; and (b) \$23,000,000 from proceeds collected by the authority from
26 the auction or sale of carbon dioxide emission allowances allocated by the
27 department of environmental conservation.

28 § 21. Subdivision 5 of section 97-rrr of the state finance law, as
29 amended by section 21 of part UU of chapter 54 of the laws of 2016, is
30 amended to read as follows:

31 5. Notwithstanding the provisions of section one hundred seventy-one-a of
32 the tax law, as separately amended by chapters four hundred eighty-one and
33 four hundred eighty-four of the laws of nineteen hundred eighty-one, and
34 notwithstanding the provisions of chapter ninety-four of the laws of two
35 thousand eleven, or any other provisions of law to the contrary, during the
36 fiscal year beginning April first, two thousand [~~sixteen~~ seventeen], the
37 state comptroller is hereby authorized and directed to deposit to the fund
38 created pursuant to this section from amounts collected pursuant to article
39 twenty-two of the tax law and pursuant to a schedule submitted by the
40 director of the budget, up to [~~\$3,283,844,000~~ \$2,605,997,000], as may be
41 certified in such schedule as necessary to meet the purposes of such fund for
42 the fiscal year beginning April first, two thousand [~~sixteen~~ seventeen].

43 § 22. Notwithstanding any law to the contrary, the comptroller is hereby
44 authorized and directed to transfer, upon request of the director of the
45 budget, on or before March 31, 2018, the following amounts from the following
46 special revenue accounts to the capital projects fund (30000), for the
47 purposes of reimbursement to such fund for expenses related to the
48 maintenance and preservation of state assets:

1 1. \$43,000 from the miscellaneous special revenue fund, administrative
2 program account (21982).

3 2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes
4 hospital account (22140).

5 3. \$366,000 from the miscellaneous special revenue fund, New York city
6 veterans' home account (22141).

7 4. \$513,000 from the miscellaneous special revenue fund, New York state
8 home for veterans' and their dependents at oxford account (22142).

9 5. \$159,000 from the miscellaneous special revenue fund, western New York
10 veterans' home account (22143).

11 6. \$323,000 from the miscellaneous special revenue fund, New York state
12 for veterans in the lower-hudson valley account (22144).

13 7. \$2,550,000 from the miscellaneous special revenue fund, patron
14 services account (22163).

15 8. \$41,930,000 from the miscellaneous special revenue fund, state
16 university dormitory income reimbursable account (21937).

17 9. \$830,000 from the miscellaneous special revenue fund, long island
18 veterans' home account (22652).

19 10. \$5,379,000 from the miscellaneous special revenue fund, state
20 university general income reimbursable account (22653).

21 11. \$112,556,000 from the miscellaneous special revenue fund, state
22 university revenue offset account (22655).

23 12. \$557,000 from the miscellaneous special revenue fund, state
24 university of New York tuition reimbursement account (22659).

25 § 22-a. Intentionally Omitted.

26 § 22-b. Intentionally Omitted.

27 § 22-c. Subdivision 1 of section 4 of section 1 of part D3 of chapter 62
28 of the laws of 2003 amending the general business law and other laws relating
29 to implementing the state fiscal plan for the 2003-2004 state fiscal year, is
30 amended to read as follows:

31 1. The state representative, upon the execution of a sale agreement on
32 behalf of the state may sell to the corporation, and the corporation may
33 purchase, for cash or other consideration and in one or more installments,
34 all or a portion of the state's share. Any such agreement shall provide,
35 among other matters, that the purchase price payable by the corporation to
36 the state for such state's share or portion thereof shall consist of the net
37 proceeds of the bonds issued to finance such purchase price and the residual
38 interests, if any. Notwithstanding section 121 of State Finance Law or any

1 other law to the contrary tThe residual interests shall be deposited into
 2 [~~the tobacco settlement fund pursuant to section 92-x of the state finance~~
 3 ~~law, unless otherwise directed by statute~~] the Medicaid management
 4 information system (MMIS) statewide escrow fund within thirty days upon the
 5 availability of such residual interests to fund a portion of the cumulative
 6 non-federal share of expenses related to the state takeover of the local
 7 share of Medicaid growth pursuant to part F of chapter 56 of the laws of
 8 2012. Such deposit shall be in an amount equal to (a) the amount of
 9 residual interests scheduled for deposit into the MMIS statewide escrow fund
 10 in the applicable year's enacted budget financial plan as updated or (b) the
 11 total amount of residual interests available if the total amount of such
 12 residual interests is less than the total amount of residual interests
 13 scheduled for deposit into the MMIS statewide escrow fund in the applicable
 14 year's enacted budget financial plan as updated. At the discretion of the
 15 state representative, any residual interests which exceed the amount
 16 scheduled for deposit into the MMIS statewide escrow fund in the applicable
 17 year's enacted budget financial plan as updated may either be deposited into
 18 the (i) MMIS statewide escrow fund to fund a portion, as determined by the
 19 state representative, of the cumulative non-Federal share of expenses related
 20 to the State takeover of the local share of Medicaid growth, pursuant to part
 21 F of chapter 56 of the laws of 2012, or (ii) the state general fund;
 22 provided, however that any residual interest derived from other assets shall
 23 be applied as directed by statute. Notwithstanding any other law to the
 24 contrary, the amount used from such deposit to fund a portion of the
 25 cumulative non-Federal share of expenses related to the State takeover of the
 26 local share of Medicaid growth shall be paid without appropriation. Any such
 27 sale shall be pursuant to one or more sale agreements which may contain such
 28 terms and conditions deemed necessary by the state representative to carry
 29 out and effectuate the purposes of this section, including covenants binding
 30 the state in favor of the corporation and its assignees, including the owners
 31 of its bonds such as covenants with respect to the enforcement at the expense
 32 of the state of the payment provisions of the master settlement agreement,
 33 the diligent enforcement at the expense of the state of the qualifying
 34 statute, the application and use of the proceeds of the sale of the state's
 35 share to preserve the tax-exemption on the bonds, the interest on which is
 36 intended to be exempt from federal income tax, issued to finance the purchase
 37 thereof and otherwise as provided in this act. Notwithstanding the foregoing,
 38 neither the state representative nor the corporation shall be authorized to
 39 make any covenant, pledge, promise or agreement purporting to bind the state
 40 with respect to pledged tobacco revenues, except as otherwise specifically
 41 authorized by this act.

42 § 22-d. Intentionally Omitted.

43 § 23. Notwithstanding any other law, rule, or regulation to the contrary,
 44 the state comptroller is hereby authorized and directed to use any balance
 45 remaining in the mental health services fund debt service appropriation,
 46 after payment by the state comptroller of all obligations required pursuant
 47 to any lease, sublease, or other financing arrangement between the dormitory
 48 authority of the state of New York as successor to the New York state medical
 49 care facilities finance agency, and the facilities development corporation
 50 pursuant to chapter 83 of the laws of 1995 and the department of mental
 51 hygiene for the purpose of making payments to the dormitory authority of the
 52 state of New York for the amount of the earnings for the investment of monies
 53 deposited in the mental health services fund that such agency determines will
 54 or may have to be rebated to the federal government pursuant to the

1 provisions of the internal revenue code of 1986, as amended, in order to
2 enable such agency to maintain the exemption from federal income taxation on
3 the interest paid to the holders of such agency's mental services facilities
4 improvement revenue bonds. Annually on or before each June 30th, such agency
5 shall certify to the state comptroller its determination of the amounts
6 received in the mental health services fund as a result of the investment of
7 monies deposited therein that will or may have to be rebated to the federal
8 government pursuant to the provisions of the internal revenue code of 1986,
9 as amended.

10 § 24. Subdivision 1 of section 47 of section 1 of chapter 174 of the laws
11 of 1968, constituting the New York state urban development corporation act,
12 as amended by section 29 of part UU of chapter 54 of the laws of 2016, is
13 amended to read as follows:

14 1. Notwithstanding the provisions of any other law to the contrary, the
15 dormitory authority and the corporation are hereby authorized to issue bonds
16 or notes in one or more series for the purpose of funding project costs for
17 the office of information technology services, department of law, and other
18 state costs associated with such capital projects. The aggregate principal
19 amount of bonds authorized to be issued pursuant to this section shall not
20 exceed [~~three~~] four hundred [~~sixty-four~~] fifty million [~~eight~~] five hundred
21 forty thousand dollars, excluding bonds issued to fund one or more debt
22 service reserve funds, to pay costs of issuance of such bonds, and bonds or
23 notes issued to refund or otherwise repay such bonds or notes previously
24 issued. Such bonds and notes of the dormitory authority and the corporation
25 shall not be a debt of the state, and the state shall not be liable thereon,
26 nor shall they be payable out of any funds other than those appropriated by
27 the state to the dormitory authority and the corporation for principal,
28 interest, and related expenses pursuant to a service contract and such bonds
29 and notes shall contain on the face thereof a statement to such effect.
30 Except for purposes of complying with the internal revenue code, any interest
31 income earned on bond proceeds shall only be used to pay debt service on such
32 bonds.

33 § 25. Subdivision 1 of section 16 of part D of chapter 389 of the laws of
34 1997, relating to the financing of the correctional facilities improvement
35 fund and the youth facility improvement fund, as amended by section 30 of
36 part UU of chapter 54 of the laws of 2016, is amended to read as follows:

37 1. Subject to the provisions of chapter 59 of the laws of 2000, but
38 notwithstanding the provisions of section 18 of section 1 of chapter 174 of
39 the laws of 1968, the New York state urban development corporation is hereby
40 authorized to issue bonds, notes and other obligations in an aggregate
41 principal amount not to exceed seven billion [~~four~~] seven hundred [~~twenty-~~
42 ~~four~~] forty-one million [~~nine~~] one hundred ninety-nine thousand dollars
43 [~~\$7,424,999,000~~] \$7,741,199,000, and shall include all bonds, notes and other
44 obligations issued pursuant to chapter 56 of the laws of 1983, as amended or
45 supplemented. The proceeds of such bonds, notes or other obligations shall be
46 paid to the state, for deposit in the correctional facilities capital
47 improvement fund to pay for all or any portion of the amount or amounts paid
48 by the state from appropriations or reappropriations made to the department
49 of corrections and community supervision from the correctional facilities
50 capital improvement fund for capital projects. The aggregate amount of bonds,
51 notes or other obligations authorized to be issued pursuant to this section
52 shall exclude bonds, notes or other obligations issued to refund or otherwise

1 repay bonds, notes or other obligations theretofore issued, the proceeds of
 2 which were paid to the state for all or a portion of the amounts expended by
 3 the state from appropriations or reappropriations made to the department of
 4 corrections and community supervision; provided, however, that upon any such
 5 refunding or repayment the total aggregate principal amount of outstanding
 6 bonds, notes or other obligations may be greater than seven billion
 7 [~~four~~ seven hundred [~~twenty-four~~ forty-one million [~~nine~~ one hundred
 8 ninety-nine thousand dollars [~~\$7,424,999,000~~ \$7,741,199,000, only if the
 9 present value of the aggregate debt service of the refunding or repayment
 10 bonds, notes or other obligations to be issued shall not exceed the present
 11 value of the aggregate debt service of the bonds, notes or other obligations
 12 so to be refunded or repaid. For the purposes hereof, the present value of
 13 the aggregate debt service of the refunding or repayment bonds, notes or
 14 other obligations and of the aggregate debt service of the bonds, notes or
 15 other obligations so refunded or repaid, shall be calculated by utilizing the
 16 effective interest rate of the refunding or repayment bonds, notes or other
 17 obligations, which shall be that rate arrived at by doubling the semi-annual
 18 interest rate (compounded semi-annually) necessary to discount the debt
 19 service payments on the refunding or repayment bonds, notes or other
 20 obligations from the payment dates thereof to the date of issue of the
 21 refunding or repayment bonds, notes or other obligations and to the price bid
 22 including estimated accrued interest or proceeds received by the corporation
 23 including estimated accrued interest from the sale thereof.

24 § 26. Paragraph (a) of subdivision 2 of section 47-e of the private
 25 housing finance law, as amended by section 31 of part UU of chapter 54 of the
 26 laws of 2016, is amended to read as follows:

27 (a) Subject to the provisions of chapter fifty-nine of the laws of two
 28 thousand, in order to enhance and encourage the promotion of housing programs
 29 and thereby achieve the stated purposes and objectives of such housing
 30 programs, the agency shall have the power and is hereby authorized from time
 31 to time to issue negotiable housing program bonds and notes in such principal
 32 amount as shall be necessary to provide sufficient funds for the repayment of
 33 amounts disbursed (and not previously reimbursed) pursuant to law or any
 34 prior year making capital appropriations or reappropriations for the purposes
 35 of the housing program; provided, however, that the agency may issue such
 36 bonds and notes in an aggregate principal amount not exceeding
 37 [~~four~~ five billion [~~six~~ three hundred [~~ninety-seven~~ eighty-four million
 38 [~~four~~ one hundred [~~seventy-four~~ ninety-nine thousand dollars, plus a
 39 principal amount of bonds issued to fund the debt service reserve fund in
 40 accordance with the debt service reserve fund requirement established by the
 41 agency and to fund any other reserves that the agency reasonably deems
 42 necessary for the security or marketability of such bonds and to provide for
 43 the payment of fees and other charges and expenses, including underwriters'
 44 discount, trustee and rating agency fees, bond insurance, credit enhancement
 45 and liquidity enhancement related to the issuance of such bonds and notes. No
 46 reserve fund securing the housing program bonds shall be entitled or eligible
 47 to receive state funds apportioned or appropriated to maintain or restore
 48 such reserve fund at or to a particular level, except to the extent of any
 49 deficiency resulting directly or indirectly from a failure of the state to
 50 appropriate or pay the agreed amount under any of the contracts provided for
 51 in subdivision four of this section.

52 § 27. Subdivision (b) of section 11 of chapter 329 of the laws of 1991,
 53 amending the state finance law and other laws relating to the establishment

1 of the dedicated highway and bridge trust fund, as amended by section 32 of
2 part UU of chapter 54 of the laws of 2016, is amended to read as follows:

3 (b) Any service contract or contracts for projects authorized pursuant to
4 sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the
5 transportation law, and entered into pursuant to subdivision (a) of this
6 section, shall provide for state commitments to provide annually to the
7 thruway authority a sum or sums, upon such terms and conditions as shall be
8 deemed appropriate by the director of the budget, to fund, or fund the debt
9 service requirements of any bonds or any obligations of the thruway authority
10 issued to fund or to reimburse the state for funding such projects having a
11 cost not in excess of [~~\$9,147,234,000~~] \$9,634,586,000 cumulatively by the end
12 of fiscal year [~~2016-17~~] 2017-18.

13 § 28. Subdivision 1 of section 1689-i of the public authorities law, as
14 amended by section 33 of part UU of chapter 54 of the laws of 2016, is
15 amended to read as follows:

16 1. The dormitory authority is authorized to issue bonds, at the request
17 of the commissioner of education, to finance eligible library construction
18 projects pursuant to section two hundred seventy-three-a of the education
19 law, in amounts certified by such commissioner not to exceed a total
20 principal amount of one hundred [~~fifty-nine~~] seventy-three million dollars.

21 § 29. Subdivision (a) of section 27 of part Y of chapter 61 of the laws
22 of 2005, relating to providing for the administration of certain funds and
23 accounts related to the 2005-2006 budget, as amended by section 34 of part UU
24 of chapter 54 of the laws of 2016, is amended to read as follows:

25 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
26 notwithstanding any provisions of law to the contrary, the urban development
27 corporation is hereby authorized to issue bonds or notes in one or more
28 series in an aggregate principal amount not to exceed
29 [~~\$167,600,000~~] \$173,600,000, excluding bonds issued to finance one or more
30 debt service reserve funds, to pay costs of issuance of such bonds, and bonds
31 or notes issued to refund or otherwise repay such bonds or notes previously
32 issued, for the purpose of financing capital projects including IT
33 initiatives for the division of state police, debt service and leases; and to
34 reimburse the state general fund for disbursements made therefor. Such bonds
35 and notes of such authorized issuer shall not be a debt of the state, and the
36 state shall not be liable thereon, nor shall they be payable out of any funds
37 other than those appropriated by the state to such authorized issuer for debt
38 service and related expenses pursuant to any service contract executed
39 pursuant to subdivision (b) of this section and such bonds and notes shall
40 contain on the face thereof a statement to such effect. Except for purposes
41 of complying with the internal revenue code, any interest income earned on
42 bond proceeds shall only be used to pay debt service on such bonds.

43 § 30. Section 44 of section 1 of chapter 174 of the laws of 1968,
44 constituting the New York state urban development corporation act, as amended
45 by section 35 of part UU of chapter 54 of the laws of 2016, is amended to
46 read as follows:

47 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
48 provisions of any other law to the contrary, the dormitory authority and the

1 corporation are hereby authorized to issue bonds or notes in one or more
 2 series for the purpose of funding project costs for the regional economic
 3 development council initiative, the economic transformation program, state
 4 university of New York college for nanoscale and science engineering,
 5 projects within the city of Buffalo or surrounding environs, the New York
 6 works economic development fund, projects for the retention of professional
 7 football in western New York, the empire state economic development fund, the
 8 clarkson-trudeau partnership, the New York genome center, the cornell
 9 university college of veterinary medicine, the olympic regional development
 10 authority, projects at nano Utica, onondaga county revitalization projects,
 11 Binghamton university school of pharmacy, New York power electronics
 12 manufacturing consortium, regional infrastructure projects, high technology
 13 manufacturing projects in Chautauqua and Erie county, an industrial scale
 14 research and development facility in Clinton county, upstate revitalization
 15 initiative projects, market New York projects, fairground buildings or
 16 facilities used to house and promote agriculture, the state fair, the empire
 17 state trail, the moynihan station development project, the Kingsbridge armory
 18 project, strategic economic development projects, the cultural, arts and
 19 public spaces fund, an LGBT memorial, water infrastructure in the city of
 20 Auburn and town of Owasco, a life sciences laboratory public health
 21 initiative, and other state costs associated with such projects. The
 22 aggregate principal amount of bonds authorized to be issued pursuant to this
 23 section shall not exceed [~~four~~] six billion [~~six~~] five hundred [~~seventy-~~
 24 ~~one~~] thirty-three million [~~seven~~] two hundred fifty-seven thousand dollars,
 25 excluding bonds issued to fund one or more debt service reserve funds, to pay
 26 costs of issuance of such bonds, and bonds or notes issued to refund or
 27 otherwise repay such bonds or notes previously issued. Such bonds and notes
 28 of the dormitory authority and the corporation shall not be a debt of the
 29 state, and the state shall not be liable thereon, nor shall they be payable
 30 out of any funds other than those appropriated by the state to the dormitory
 31 authority and the corporation for principal, interest, and related expenses
 32 pursuant to a service contract and such bonds and notes shall contain on the
 33 face thereof a statement to such effect. Except for purposes of complying
 34 with the internal revenue code, any interest income earned on bond proceeds
 35 shall only be used to pay debt service on such bonds.

36 2. Notwithstanding any other provision of law to the contrary, in order
 37 to assist the dormitory authority and the corporation in undertaking the
 38 financing for project costs for the regional economic development council
 39 initiative, the economic transformation program, state university of New York
 40 college for nanoscale and science engineering, projects within the city of
 41 Buffalo or surrounding environs, the New York works economic development
 42 fund, projects for the retention of professional football in western New
 43 York, the empire state economic development fund, the clarkson-trudeau
 44 partnership, the New York genome center, the cornell university college of
 45 veterinary medicine, the olympic regional development authority, projects at
 46 nano Utica, onondaga county revitalization projects, Binghamton university
 47 school of pharmacy, New York power electronics manufacturing consortium,
 48 regional infrastructure projects, high technology manufacturing projects in
 49 Chautauqua and Erie county, an industrial scale research and development
 50 facility in Clinton county, upstate revitalization initiative projects,
 51 market New York projects, fairground buildings or facilities used to house
 52 and promote agriculture, the state fair, the empire state trail, the moynihan
 53 station development project, the Kingsbridge armory project, strategic
 54 economic development projects, the cultural, arts and public spaces fund, an
 55 LGBT memorial, water infrastructure in the city of Auburn and town of Owasco,

1 a life sciences laboratory public health initiative, and other state costs
2 associated with such projects, the director of the budget is hereby
3 authorized to enter into one or more service contracts with the dormitory
4 authority and the corporation, none of which shall exceed thirty years in
5 duration, upon such terms and conditions as the director of the budget and
6 the dormitory authority and the corporation agree, so as to annually provide
7 to the dormitory authority and the corporation, in the aggregate, a sum not
8 to exceed the principal, interest, and related expenses required for such
9 bonds and notes. Any service contract entered into pursuant to this section
10 shall provide that the obligation of the state to pay the amount therein
11 provided shall not constitute a debt of the state within the meaning of any
12 constitutional or statutory provision and shall be deemed executory only to
13 the extent of monies available and that no liability shall be incurred by the
14 state beyond the monies available for such purpose, subject to annual
15 appropriation by the legislature. Any such contract or any payments made or
16 to be made thereunder may be assigned and pledged by the dormitory authority
17 and the corporation as security for its bonds and notes, as authorized by
18 this section.

19 § 31. Subdivisions 1 and 3 of section 1285-p of the public authorities
20 law, subdivision 1 as amended by section 33 of part I of chapter 60 of the
21 laws of 2015 and subdivision 3 as amended by section 36 of part UU of chapter
22 54 of the laws of 2016, is amended to read as follows:

23 1. Subject to chapter fifty-nine of the laws of two thousand, but
24 notwithstanding any other provisions of law to the contrary, in order to
25 assist the corporation in undertaking the administration and the financing of
26 the design, acquisition, construction, improvement, installation, and related
27 work for all or any portion of any of the following environmental
28 infrastructure projects and for the provision of funds to the state for any
29 amounts disbursed therefor: (a) projects authorized under the environmental
30 protection fund, or for which appropriations are made to the environmental
31 protection fund including, but not limited to municipal parks and historic
32 preservation, stewardship, farmland protection, non-point source, pollution
33 control, Hudson River Park, land acquisition, and waterfront revitalization;
34 (b) department of environmental conservation capital appropriations for
35 Onondaga Lake for certain water quality improvement projects in the same
36 manner as set forth in paragraph (d) of subdivision one of section 56-0303 of
37 the environmental conservation law; (c) for the purpose of the
38 administration, management, maintenance, and use of the real property at the
39 western New York nuclear service center; (d) department of environmental
40 conservation capital appropriations for the administration, design,
41 acquisition, construction, improvement, installation, and related work on
42 department of environmental conservation environmental infrastructure
43 projects; (e) office of parks, recreation and historic preservation
44 appropriations or reappropriations from the state parks infrastructure fund;
45 (f) capital grants for the cleaner, greener communities program [~~and~~]; (g)
46 capital costs of water quality infrastructure projects and (h) capital costs
47 of clean water infrastructure projects the director of the division of budget
48 and the corporation are each authorized to enter into one or more service
49 contracts, none of which shall exceed twenty years in duration, upon such
50 terms and conditions as the director and the corporation may agree, so as to
51 annually provide to the corporation in the aggregate, a sum not to exceed the
52 annual debt service payments and related expenses required for any bonds and
53 notes authorized pursuant to section twelve hundred ninety of this title. Any
54 service contract entered into pursuant to this section shall provide that the

1 obligation of the state to fund or to pay the amounts therein provided for
2 shall not constitute a debt of the state within the meaning of any
3 constitutional or statutory provision and shall be deemed executory only to
4 the extent of moneys available for such purposes, subject to annual
5 appropriation by the legislature. Any such service contract or any payments
6 made or to be made thereunder may be assigned and pledged by the corporation
7 as security for its bonds and notes, as authorized pursuant to section twelve
8 hundred ninety of this title.

9 3. The maximum amount of bonds that may be issued for the purpose of
10 financing environmental infrastructure projects authorized by this section
11 shall be [~~two~~] four billion [~~one~~] four hundred [~~eight~~] fifty-one million
12 [~~two~~] seven hundred sixty thousand dollars, exclusive of bonds issued to fund
13 any debt service reserve funds, pay costs of issuance of such bonds, and
14 bonds or notes issued to refund or otherwise repay bonds or notes previously
15 issued. Such bonds and notes of the corporation shall not be a debt of the
16 state, and the state shall not be liable thereon, nor shall they be payable
17 out of any funds other than those appropriated by the state to the
18 corporation for debt service and related expenses pursuant to any service
19 contracts executed pursuant to subdivision one of this section, and such
20 bonds and notes shall contain on the face thereof a statement to such effect.

21 § 32. Subdivision 1 of section 45 of section 1 of chapter 174 of the laws
22 of 1968, constituting the New York state urban development corporation act,
23 as amended by section 37 of part UU of chapter 54 of the laws of 2016, is
24 amended to read as follows:

25 1. Notwithstanding the provisions of any other law to the contrary, the
26 urban development corporation of the state of New York is hereby authorized
27 to issue bonds or notes in one or more series for the purpose of funding
28 project costs for the implementation of a NY-SUNY and NY-CUNY 2020 challenge
29 grant program subject to the approval of a NY-SUNY and NY-CUNY 2020 plan or
30 plans by the governor and either the chancellor of the state university of
31 New York or the chancellor of the city university of New York, as applicable.
32 The aggregate principal amount of bonds authorized to be issued pursuant to
33 this section shall not exceed [~~\$550,000,000~~] \$660,000,000, excluding bonds
34 issued to fund one or more debt service reserve funds, to pay costs of
35 issuance of such bonds, and bonds or notes issued to refund or otherwise
36 repay such bonds or notes previously issued. Such bonds and notes of the
37 corporation shall not be a debt of the state, and the state shall not be
38 liable thereon, nor shall they be payable out of any funds other than those
39 appropriated by the state to the corporation for principal, interest, and
40 related expenses pursuant to a service contract and such bonds and notes
41 shall contain on the face thereof a statement to such effect. Except for
42 purposes of complying with the internal revenue code, any interest income
43 earned on bond proceeds shall only be used to pay debt service on such bonds.

44 § 33. Subdivision (a) of section 48 of part K of chapter 81 of the laws
45 of 2002, providing for the administration of certain funds and accounts
46 related to the 2002-2003 budget, as amended by section 38 of part UU of
47 chapter 54 of the laws of 2016, is amended to read as follows:

48 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
49 notwithstanding the provisions of section 18 of the urban development
50 corporation act, the corporation is hereby authorized to issue bonds or notes
51 in one or more series in an aggregate principal amount not to exceed

1 [~~\$197,000,000~~] \$250,000,000 excluding bonds issued to fund one or more debt
 2 service reserve funds, to pay costs of issuance of such bonds, and bonds or
 3 notes issued to refund or otherwise repay such bonds or notes previously
 4 issued, for the purpose of financing capital costs related to homeland
 5 security and training facilities for the division of state police, the
 6 division of military and naval affairs, and any other state agency, including
 7 the reimbursement of any disbursements made from the state capital projects
 8 fund, and is hereby authorized to issue bonds or notes in one or more series
 9 in an aggregate principal amount not to exceed [~~\$509,600,000~~] \$654,800,000,
 10 excluding bonds issued to fund one or more debt service reserve funds, to pay
 11 costs of issuance of such bonds, and bonds or notes issued to refund or
 12 otherwise repay such bonds or notes previously issued, for the purpose of
 13 financing improvements to State office buildings and other facilities located
 14 statewide, including the reimbursement of any disbursements made from the
 15 state capital projects fund. Such bonds and notes of the corporation shall
 16 not be a debt of the state, and the state shall not be liable thereon, nor
 17 shall they be payable out of any funds other than those appropriated by the
 18 state to the corporation for debt service and related expenses pursuant to
 19 any service contracts executed pursuant to subdivision (b) of this section,
 20 and such bonds and notes shall contain on the face thereof a statement to
 21 such effect.

22 § 34. Subdivision 1 of section 386-b of the public authorities law, as
 23 amended by section 39 of part UU of chapter 54 of the laws of 2016, is
 24 amended to read as follows:

25 1. Notwithstanding any other provision of law to the contrary, the
 26 authority, the dormitory authority and the urban development corporation are
 27 hereby authorized to issue bonds or notes in one or more series for the
 28 purpose of financing peace bridge projects and capital costs of state and
 29 local highways, parkways, bridges, the New York state thruway, Indian
 30 reservation roads, and facilities, and transportation infrastructure projects
 31 including aviation projects, non-MTA mass transit projects, and rail service
 32 preservation projects, including work appurtenant and ancillary thereto. The
 33 aggregate principal amount of bonds authorized to be issued pursuant to this
 34 section shall not exceed three billion [~~sixty-five million dollars~~
 35 ~~\$3,065,000,000~~] nine hundred fifty-four million dollars \$3,954,000,000,
 36 excluding bonds issued to fund one or more debt service reserve funds, to pay
 37 costs of issuance of such bonds, and to refund or otherwise repay such bonds
 38 or notes previously issued. Such bonds and notes of the authority, the
 39 dormitory authority and the urban development corporation shall not be a debt
 40 of the state, and the state shall not be liable thereon, nor shall they be
 41 payable out of any funds other than those appropriated by the state to the
 42 authority, the dormitory authority and the urban development corporation for
 43 principal, interest, and related expenses pursuant to a service contract and
 44 such bonds and notes shall contain on the face thereof a statement to such
 45 effect. Except for purposes of complying with the internal revenue code, any
 46 interest income earned on bond proceeds shall only be used to pay debt
 47 service on such bonds.

48 § 35. Paragraph (c) of subdivision 19 of section 1680 of the public
 49 authorities law, as amended by section 40 of part UU of chapter 54 of the
 50 laws of 2016, is amended to read as follows:

51 (c) Subject to the provisions of chapter fifty-nine of the laws of two
 52 thousand, the dormitory authority shall not issue any bonds for state

1 university educational facilities purposes if the principal amount of bonds
2 to be issued when added to the aggregate principal amount of bonds issued by
3 the dormitory authority on and after July first, nineteen hundred eighty-
4 eight for state university educational facilities will exceed
5 [~~eleven~~] twelve billion [~~six~~] three hundred [~~sixty-three~~] forty-three million
6 dollars; provided, however, that bonds issued or to be issued shall be
7 excluded from such limitation if: (1) such bonds are issued to refund state
8 university construction bonds and state university construction notes
9 previously issued by the housing finance agency; or (2) such bonds are issued
10 to refund bonds of the authority or other obligations issued for state
11 university educational facilities purposes and the present value of the
12 aggregate debt service on the refunding bonds does not exceed the present
13 value of the aggregate debt service on the bonds refunded thereby; provided,
14 further that upon certification by the director of the budget that the
15 issuance of refunding bonds or other obligations issued between April first,
16 nineteen hundred ninety-two and March thirty-first, nineteen hundred ninety-
17 three will generate long term economic benefits to the state, as assessed on
18 a present value basis, such issuance will be deemed to have met the present
19 value test noted above. For purposes of this subdivision, the present value
20 of the aggregate debt service of the refunding bonds and the aggregate debt
21 service of the bonds refunded, shall be calculated by utilizing the true
22 interest cost of the refunding bonds, which shall be that rate arrived at by
23 doubling the semi-annual interest rate (compounded semi-annually) necessary
24 to discount the debt service payments on the refunding bonds from the payment
25 dates thereof to the date of issue of the refunding bonds to the purchase
26 price of the refunding bonds, including interest accrued thereon prior to the
27 issuance thereof. The maturity of such bonds, other than bonds issued to
28 refund outstanding bonds, shall not exceed the weighted average economic
29 life, as certified by the state university construction fund, of the
30 facilities in connection with which the bonds are issued, and in any case not
31 later than the earlier of thirty years or the expiration of the term of any
32 lease, sublease or other agreement relating thereto; provided that no note,
33 including renewals thereof, shall mature later than five years after the date
34 of issuance of such note. The legislature reserves the right to amend or
35 repeal such limit, and the state of New York, the dormitory authority, the
36 state university of New York, and the state university construction fund are
37 prohibited from covenanting or making any other agreements with or for the
38 benefit of bondholders which might in any way affect such right.

39 § 36. Paragraph (c) of subdivision 14 of section 1680 of the public
40 authorities law, as amended by section 41 of part UU of chapter 54 of the
41 laws of 2016, is amended to read as follows:

42 (c) Subject to the provisions of chapter fifty-nine of the laws of two
43 thousand, (i) the dormitory authority shall not deliver a series of bonds for
44 city university community college facilities, except to refund or to be
45 substituted for or in lieu of other bonds in relation to city university
46 community college facilities pursuant to a resolution of the dormitory
47 authority adopted before July first, nineteen hundred eighty-five or any
48 resolution supplemental thereto, if the principal amount of bonds so to be
49 issued when added to all principal amounts of bonds previously issued by the
50 dormitory authority for city university community college facilities, except
51 to refund or to be substituted in lieu of other bonds in relation to city
52 university community college facilities will exceed the sum of four hundred
53 twenty-five million dollars and (ii) the dormitory authority shall not
54 deliver a series of bonds issued for city university facilities, including

1 community college facilities, pursuant to a resolution of the dormitory
 2 authority adopted on or after July first, nineteen hundred eighty-five,
 3 except to refund or to be substituted for or in lieu of other bonds in
 4 relation to city university facilities and except for bonds issued pursuant
 5 to a resolution supplemental to a resolution of the dormitory authority
 6 adopted prior to July first, nineteen hundred eighty-five, if the principal
 7 amount of bonds so to be issued when added to the principal amount of bonds
 8 previously issued pursuant to any such resolution, except bonds issued to
 9 refund or to be substituted for or in lieu of other bonds in relation to city
 10 university facilities, will exceed seven billion [~~five~~ nine hundred [~~eighty-~~
 11 ~~eight~~ eighty-one million [~~four~~ nine hundred [~~eleven~~ sixty-eight thousand
 12 dollars. The legislature reserves the right to amend or repeal such limit,
 13 and the state of New York, the dormitory authority, the city university, and
 14 the fund are prohibited from covenanting or making any other agreements with
 15 or for the benefit of bondholders which might in any way affect such right.

16 § 37. Subdivision 10-a of section 1680 of the public authorities law, as
 17 amended by section 42 of part UU of chapter 54 of the laws of 2016, is
 18 amended to read as follows:

19 10-a. Subject to the provisions of chapter fifty-nine of the laws of two
 20 thousand, but notwithstanding any other provision of the law to the contrary,
 21 the maximum amount of bonds and notes to be issued after March thirty-first,
 22 two thousand two, on behalf of the state, in relation to any locally
 23 sponsored community college, shall be [~~eight~~ nine hundred [~~sixty-~~
 24 ~~one~~ fourteen million [~~four~~ five hundred [~~fifty-four~~ ninety thousand
 25 dollars. Such amount shall be exclusive of bonds and notes issued to fund any
 26 reserve fund or funds, costs of issuance and to refund any outstanding bonds
 27 and notes, issued on behalf of the state, relating to a locally sponsored
 28 community college.

29 § 38. Subdivision 1 of section 17 of part D of chapter 389 of the laws of
 30 1997, relating to the financing of the correctional facilities improvement
 31 fund and the youth facility improvement fund, as amended by section 43 of
 32 part UU of chapter 54 of the laws of 2016, is amended to read as follows:

33 1. Subject to the provisions of chapter 59 of the laws of 2000, but
 34 notwithstanding the provisions of section 18 of section 1 of chapter 174 of
 35 the laws of 1968, the New York state urban development corporation is hereby
 36 authorized to issue bonds, notes and other obligations in an aggregate
 37 principal amount not to exceed six hundred [~~forty-seven~~ eighty-two million
 38 [~~sixty-five~~ nine hundred fifteen thousand dollars
 39 [~~(\$647,065,000)~~ (\$682,915,000)], which authorization increases the aggregate
 40 principal amount of bonds, notes and other obligations authorized by section
 41 40 of chapter 309 of the laws of 1996, and shall include all bonds, notes and
 42 other obligations issued pursuant to chapter 211 of the laws of 1990, as
 43 amended or supplemented. The proceeds of such bonds, notes or other
 44 obligations shall be paid to the state, for deposit in the youth facilities
 45 improvement fund, to pay for all or any portion of the amount or amounts paid
 46 by the state from appropriations or reappropriations made to the office of
 47 children and family services from the youth facilities improvement fund for
 48 capital projects. The aggregate amount of bonds, notes and other obligations
 49 authorized to be issued pursuant to this section shall exclude bonds, notes
 50 or other obligations issued to refund or otherwise repay bonds, notes or
 51 other obligations theretofore issued, the proceeds of which were paid to the
 52 state for all or a portion of the amounts expended by the state from

1 appropriations or reappropriations made to the office of children and family
2 services; provided, however, that upon any such refunding or repayment the
3 total aggregate principal amount of outstanding bonds, notes or other
4 obligations may be greater than six hundred [~~forty-seven~~] eighty-two million
5 [~~sixty-five~~] nine hundred fifteen thousand dollars
6 [~~(\$647,065,000)~~] (\$682,915,000), only if the present value of the aggregate
7 debt service of the refunding or repayment bonds, notes or other obligations
8 to be issued shall not exceed the present value of the aggregate debt service
9 of the bonds, notes or other obligations so to be refunded or repaid. For the
10 purposes hereof, the present value of the aggregate debt service of the
11 refunding or repayment bonds, notes or other obligations and of the aggregate
12 debt service of the bonds, notes or other obligations so refunded or repaid,
13 shall be calculated by utilizing the effective interest rate of the refunding
14 or repayment bonds, notes or other obligations, which shall be that rate
15 arrived at by doubling the semi-annual interest rate (compounded semi-
16 annually) necessary to discount the debt service payments on the refunding or
17 repayment bonds, notes or other obligations from the payment dates thereof to
18 the date of issue of the refunding or repayment bonds, notes or other
19 obligations and to the price bid including estimated accrued interest or
20 proceeds received by the corporation including estimated accrued interest
21 from the sale thereof.

22 § 39. Paragraph b of subdivision 2 of section 9-a of section 1 of chapter
23 392 of the laws of 1973, constituting the New York state medical care
24 facilities finance agency act, as amended by section 44 of part UU of chapter
25 54 of the laws of 2016, is amended to read as follows:

26 b. The agency shall have power and is hereby authorized from time to time
27 to issue negotiable bonds and notes in conformity with applicable provisions
28 of the uniform commercial code in such principal amount as, in the opinion of
29 the agency, shall be necessary, after taking into account other moneys which
30 may be available for the purpose, to provide sufficient funds to the
31 facilities development corporation, or any successor agency, for the
32 financing or refinancing of or for the design, construction, acquisition,
33 reconstruction, rehabilitation or improvement of mental health services
34 facilities pursuant to paragraph a of this subdivision, the payment of
35 interest on mental health services improvement bonds and mental health
36 services improvement notes issued for such purposes, the establishment of
37 reserves to secure such bonds and notes, the cost or premium of bond
38 insurance or the costs of any financial mechanisms which may be used to
39 reduce the debt service that would be payable by the agency on its mental
40 health services facilities improvement bonds and notes and all other
41 expenditures of the agency incident to and necessary or convenient to
42 providing the facilities development corporation, or any successor agency,
43 with funds for the financing or refinancing of or for any such design,
44 construction, acquisition, reconstruction, rehabilitation or improvement and
45 for the refunding of mental hygiene improvement bonds issued pursuant to
46 section 47-b of the private housing finance law; provided, however, that the
47 agency shall not issue mental health services facilities improvement bonds
48 and mental health services facilities improvement notes in an aggregate
49 principal amount exceeding eight billion [~~twenty-one~~] three hundred seventy-
50 two million eight hundred fifteen thousand dollars, excluding mental health
51 services facilities improvement bonds and mental health services facilities
52 improvement notes issued to refund outstanding mental health services
53 facilities improvement bonds and mental health services facilities
54 improvement notes; provided, however, that upon any such refunding or

1 repayment of mental health services facilities improvement bonds and/or
2 mental health services facilities improvement notes the total aggregate
3 principal amount of outstanding mental health services facilities improvement
4 bonds and mental health facilities improvement notes may be greater than
5 eight billion [~~twenty-one~~] three hundred seventy-two million eight hundred
6 fifteen thousand dollars only if, except as hereinafter provided with respect
7 to mental health services facilities bonds and mental health services
8 facilities notes issued to refund mental hygiene improvement bonds authorized
9 to be issued pursuant to the provisions of section 47-b of the private
10 housing finance law, the present value of the aggregate debt service of the
11 refunding or repayment bonds to be issued shall not exceed the present value
12 of the aggregate debt service of the bonds to be refunded or repaid. For
13 purposes hereof, the present values of the aggregate debt service of the
14 refunding or repayment bonds, notes or other obligations and of the aggregate
15 debt service of the bonds, notes or other obligations so refunded or repaid,
16 shall be calculated by utilizing the effective interest rate of the refunding
17 or repayment bonds, notes or other obligations, which shall be that rate
18 arrived at by doubling the semi-annual interest rate (compounded semi-
19 annually) necessary to discount the debt service payments on the refunding or
20 repayment bonds, notes or other obligations from the payment dates thereof to
21 the date of issue of the refunding or repayment bonds, notes or other
22 obligations and to the price bid including estimated accrued interest or
23 proceeds received by the authority including estimated accrued interest from
24 the sale thereof. Such bonds, other than bonds issued to refund outstanding
25 bonds, shall be scheduled to mature over a term not to exceed the average
26 useful life, as certified by the facilities development corporation, of the
27 projects for which the bonds are issued, and in any case shall not exceed
28 thirty years and the maximum maturity of notes or any renewals thereof shall
29 not exceed five years from the date of the original issue of such notes.
30 Notwithstanding the provisions of this section, the agency shall have the
31 power and is hereby authorized to issue mental health services facilities
32 improvement bonds and/or mental health services facilities improvement notes
33 to refund outstanding mental hygiene improvement bonds authorized to be
34 issued pursuant to the provisions of section 47-b of the private housing
35 finance law and the amount of bonds issued or outstanding for such purposes
36 shall not be included for purposes of determining the amount of bonds issued
37 pursuant to this section. The director of the budget shall allocate the
38 aggregate principal authorized to be issued by the agency among the office of
39 mental health, office for people with developmental disabilities, and the
40 office of alcoholism and substance abuse services, in consultation with their
41 respective commissioners to finance bondable appropriations previously
42 approved by the legislature.

43 § 40. Paragraph (b) of subdivision 3 and clause (B) of subparagraph (iii)
44 of paragraph (j) of subdivision 4 of section 1 of part D of chapter 63 of the
45 laws of 2005, relating to the composition and responsibilities of the New
46 York state higher education capital matching grant board, as amended by
47 section 45 of part UU of chapter 54 of the laws of 2016, are amended to read
48 as follows:

49 (b) Within amounts appropriated therefor, the board is hereby authorized
50 and directed to award matching capital grants totaling [~~240~~] 270 million
51 dollars. Each college shall be eligible for a grant award amount as
52 determined by the calculations pursuant to subdivision five of this section.
53 In addition, such colleges shall be eligible to compete for additional funds
54 pursuant to paragraph (h) of subdivision four of this section.

1 (B) The dormitory authority shall not issue any bonds or notes in an
2 amount in excess of [~~240~~ 270] million dollars for the purposes of this
3 section; excluding bonds or notes issued to fund one or more debt service
4 reserve funds, to pay costs of issuance of such bonds, and bonds or notes
5 issued to refund or otherwise repay such bonds or notes previously issued.
6 Except for purposes of complying with the internal revenue code, any interest
7 on bond proceeds shall only be used to pay debt service on such bonds.

8 § 41. Section 1680-r of the public authorities law, as amended by section
9 40 of part I of chapter 60 of the laws of 2015, subdivision 1 as amended by
10 section 48 of part UU of chapter 54 of the laws of 2016, is amended to read
11 as follows:

12 § 1680-r. Authorization for the issuance of bonds for the capital
13 restructuring financing program [~~and~~], the health care facility
14 transformation [~~program~~ programs, and the essential health care provider
15 program]. 1. Notwithstanding the provisions of any other law to the contrary,
16 the dormitory authority and the urban development corporation are hereby
17 authorized to issue bonds or notes in one or more series for the purpose of
18 funding project costs for the capital restructuring financing program for
19 health care and related facilities licensed pursuant to the public health law
20 or the mental hygiene law and other state costs associated with such capital
21 projects [~~and~~], the health care facility transformation [~~program~~ programs,
22 and the essential health care provider program]. The aggregate principal
23 amount of bonds authorized to be issued pursuant to this section shall not
24 exceed two billion [~~four~~ seven] hundred million dollars, excluding bonds
25 issued to fund one or more debt service reserve funds, to pay costs of
26 issuance of such bonds, and bonds or notes issued to refund or otherwise
27 repay such bonds or notes previously issued. Such bonds and notes of the
28 dormitory authority and the urban development corporation shall not be a debt
29 of the state, and the state shall not be liable thereon, nor shall they be
30 payable out of any funds other than those appropriated by the state to the
31 dormitory authority and the urban development corporation for principal,
32 interest, and related expenses pursuant to a service contract and such bonds
33 and notes shall contain on the face thereof a statement to such effect.
34 Except for purposes of complying with the internal revenue code, any interest
35 income earned on bond proceeds shall only be used to pay debt service on such
36 bonds.

37 2. Notwithstanding any other provision of law to the contrary, in order
38 to assist the dormitory authority and the urban development corporation in
39 undertaking the financing for project costs for the capital restructuring
40 financing program for health care and related facilities licensed pursuant to
41 the public health law or the mental hygiene law and other state costs
42 associated with such capital projects [~~and~~], the health care facility
43 transformation [~~program~~ programs, and the essential health care provider
44 program], the director of the budget is hereby authorized to enter into one or
45 more service contracts with the dormitory authority and the urban development
46 corporation, none of which shall exceed thirty years in duration, upon such
47 terms and conditions as the director of the budget and the dormitory
48 authority and the urban development corporation agree, so as to annually
49 provide to the dormitory authority and the urban development corporation, in
50 the aggregate, a sum not to exceed the principal, interest, and related
51 expenses required for such bonds and notes. Any service contract entered into
52 pursuant to this section shall provide that the obligation of the state to
53 pay the amount therein provided shall not constitute a debt of the state

1 within the meaning of any constitutional or statutory provision and shall be
2 deemed executory only to the extent of monies available and that no liability
3 shall be incurred by the state beyond the monies available for such purpose,
4 subject to annual appropriation by the legislature. Any such contract or any
5 payments made or to be made thereunder may be assigned and pledged by the
6 dormitory authority and the urban development corporation as security for its
7 bonds and notes, as authorized by this section.

8 § 42. Section 50 of section 1 of chapter 174 of the laws of 1968
9 constituting the New York state urban development corporation act, as added
10 by section 46-b of part I of chapter 55 of the laws of 2014, is amended to
11 read as follows:

12 § 50. 1. Notwithstanding the provisions of any other law to the contrary,
13 the dormitory authority and the urban development corporation are hereby
14 authorized to issue bonds or notes in one or more series for the purpose of
15 funding project costs undertaken by or on behalf of special act school
16 districts, state-supported schools for the blind and deaf [~~and~~], approved
17 private special education schools, non-public schools and other state costs
18 associated with such capital projects. The aggregate principal amount of
19 bonds authorized to be issued pursuant to this section shall not exceed
20 [~~five~~] thirty million dollars, excluding bonds issued to fund one or more
21 debt service reserve funds, to pay costs of issuance of such bonds, and bonds
22 or notes issued to refund or otherwise repay such bonds or notes previously
23 issued. Such bonds and notes of the dormitory authority and the urban
24 development corporation shall not be a debt of the state, and the state shall
25 not be liable thereon, nor shall they be payable out of any funds other than
26 those appropriated by the state to the dormitory authority and the urban
27 development corporation for principal, interest, and related expenses
28 pursuant to a service contract and such bonds and notes shall contain on the
29 face thereof a statement to such effect. Except for purposes of complying
30 with the internal revenue code, any interest income earned on bond proceeds
31 shall only be used to pay debt service on such bonds.

32 2. Notwithstanding any other provision of law to the contrary, in order
33 to assist the dormitory authority and the urban development corporation in
34 undertaking the financing for project costs undertaken by or on behalf of
35 special act school districts, state-supported schools for the blind and deaf
36 and approved private special education schools, non-public schools, and other
37 state costs associated with such capital projects, the director of the budget
38 is hereby authorized to enter into one or more service contracts with the
39 dormitory authority and the urban development corporation, none of which
40 shall exceed thirty years in duration, upon such terms and conditions as the
41 director of the budget and the dormitory authority and the urban development
42 corporation agree, so as to annually provide to the dormitory authority and
43 the urban development corporation, in the aggregate, a sum not to exceed the
44 principal, interest, and related expenses required for such bonds and notes.
45 Any service contract entered into pursuant to this section shall provide that
46 the obligation of the state to pay the amount therein provided shall not
47 constitute a debt of the state within the meaning of any constitutional or
48 statutory provision and shall be deemed executory only to the extent of
49 monies available and that no liability shall be incurred by the state beyond
50 the monies available for such purpose, subject to annual appropriation by the
51 legislature. Any such contract or any payments made or to be made thereunder
52 may be assigned and pledged by the dormitory authority and the urban

1 development corporation as security for its bonds and notes, as authorized by
2 this section.

3 ~~[3. Subdivisions 1 and 2 of this section shall take effect only in
4 the event that a chapter of the laws of 2014, enacting the "smart
5 schools bond act of 2014", is submitted to the people at the general election
6 to be held in November 2014 and is approved by a majority of all votes
7 cast for and against it at such election. Upon such approval, subdivisions
8 1 and 2 of this section shall take effect immediately. If such approval
9 is not obtained, subdivisions 1 and 2 of this section shall expire and
10 be deemed repealed.]~~

11 § 43. Paragraph (b) of subdivision 4 of section 72 of the state finance
12 law, as amended by section 27 of part I of chapter 55 of the laws of 2014, is
13 amended to read as follows:

14 (b) On or before the beginning of each quarter, the director of the
15 budget may certify to the state comptroller the estimated amount of monies
16 that shall be reserved in the general debt service fund for the payment of
17 debt service and related expenses payable by such fund during each month of
18 the state fiscal year, excluding payments due from the revenue bond tax fund.
19 Such certificate may be periodically updated, as necessary. Notwithstanding
20 any provision of law to the contrary, the state comptroller shall reserve in
21 the general debt service fund the amount of monies identified on such
22 certificate as necessary for the payment of debt service and related expenses
23 during the current or next succeeding quarter of the state fiscal year. Such
24 monies reserved shall not be available for any other purpose. Such
25 certificate shall be reported to the chairpersons of the Senate Finance
26 Committee and the Assembly Ways and Means Committee. ~~[The provisions of this
27 paragraph shall expire June thirtieth, two thousand seventeen.]~~

28 § 44. Intentionally Omitted

29 § 45. Intentionally Omitted

30 § 46. Intentionally Omitted

31 § 47. Intentionally Omitted

32 § 48. Paragraphs (a) and (g) of subdivision 2 of section 56 of the state
33 finance law, as amended by chapter 11 of the laws of 1994, are amended to
34 read as follows:

35 (a) Refunding bonds shall be issued only when the comptroller shall have
36 certified that, as a result of the refunding, there will be a debt service
37 savings to the state on a present value basis as a result of the refunding
38 transaction and that either (i) the refunding will benefit state taxpayers
39 over the life of the refunding bonds by achieving an actual debt service
40 savings each year or state fiscal year during the term to maturity of the
41 refunding bonds when debt service on the refunding bonds is expected to be
42 paid from legislative appropriations or (ii) debt service on the refunding
43 bonds shall be payable in annual installments of principal and interest which
44 result in substantially level or declining debt service payments pursuant to
45 paragraph (b) of subdivision two of section fifty-seven of this

1 [~~chapter~~] article. Such certification by the comptroller shall be conclusive
2 as to matters contained therein after the refunding bonds have been issued.

3 (g) Any refunding bonds issued pursuant to this section shall be paid in
4 annual installments which shall, so long as any refunding bonds are
5 outstanding, be made in each year or state fiscal year in which installments
6 were due on the bonds to be refunded and shall be in an amount which shall
7 result in annual debt service payments which shall be less in each year or
8 state fiscal year than the annual debt service payments on the bonds to be
9 refunded unless debt service on the refunding bonds is payable in annual
10 installments of principal and interest which will result in substantially
11 level or declining debt service payments pursuant to paragraph (b) of
12 subdivision two of section fifty-seven of this [~~chapter~~] article.

13 § 49. Subdivisions 1, 2 and 6 of section 57 of the state finance law, as
14 amended by chapter 11 of the laws of 1994, are amended to read as follows:

15 1. Whenever the legislature, after authorization of a bond issue by the
16 people at a general election, as provided by section eleven of article seven
17 of the state constitution, or as provided by section three of article
18 eighteen of the state constitution, shall have authorized, by one or more
19 laws, the creation of a state debt or debts, bonds of the state, to the
20 amount of the debt or debts so authorized, shall be issued and sold by the
21 state comptroller. Any appropriation from the proceeds of the sale of bonds,
22 pursuant to this section, shall be deemed to be an authorization for the
23 creation of a state debt or debts to the extent of such appropriation. The
24 state comptroller may issue and sell a single series of bonds pursuant to one
25 or more such authorizations and for one or more duly authorized works or
26 purposes. As part of the proceedings for each such issuance and sale of
27 bonds, the state comptroller shall designate the works or purposes for which
28 they are issued. It shall not be necessary for him to designate the works or
29 purposes for which the bonds are issued on the face of the bonds. The
30 proceeds from the sale of bonds for more than one work or purpose shall be
31 separately accounted for according to the works or purposes designated for
32 such sale by the comptroller and the proceeds received for each work or
33 purpose shall be expended only for such work or purpose. The bonds shall bear
34 interest at such rate or rates as in the judgment of the state comptroller
35 may be sufficient or necessary to effect a sale of the bonds, and such
36 interest shall be payable at least semi-annually, in the case of bonds with a
37 fixed interest rate, and at least annually, in the case of bonds with an
38 interest rate that varies periodically, in the city of New York unless annual
39 payments of principal and interest result in substantially level or declining
40 debt service payments over the life of an issue of bonds pursuant to
41 paragraph (b) of subdivision two of this section or unless accrued interest
42 is contributed to a sinking fund in accordance with subdivision three of
43 section twelve of article seven of the state constitution, in which case
44 interest shall be paid at such times and at such places as shall be
45 determined by the state comptroller prior to issuance of the bonds.

46 2. Such bonds, or the portion thereof at any time issued, shall be made
47 payable (a) in equal annual principal installments or (b) in annual
48 installments of principal and interest which result in substantially level or
49 declining debt service payments, over the life of the bonds, the first of
50 which annual installments shall be payable not more than one year from the
51 date of issue and the last of which shall be payable at such time as the
52 comptroller may determine but not more than forty years or state fiscal

1 years after the date of issue, not more than fifty years after the date of
2 issue in the case of housing bonds, and not more than twenty-five years in
3 the case of urban renewal bonds. Where bonds are payable pursuant to
4 paragraph (b) of this subdivision, except for the year or state fiscal
5 year of initial issuance if less than a full year of debt service is to
6 become due in that year or state fiscal year, either (i) the greatest
7 aggregate amount of debt service payable in any year or state fiscal year
8 shall not differ from the lowest aggregate amount of debt service payable in
9 any other year or state fiscal year by more than five percent or (ii) the
10 aggregate amount of debt service in each year or state fiscal year shall be
11 less than the aggregate amount of debt service in the immediately
12 preceding year or state fiscal year. For purposes of this subdivision, debt
13 service shall include all principal, redemption price, sinking fund
14 installments or contributions, and interest scheduled to become due. For
15 purposes of determining whether debt service is level or declining on bonds
16 issued with a variable rate of interest pursuant to paragraph b of
17 subdivision four of this section, the comptroller shall assume a market rate
18 of interest as of the date of issuance. Where the comptroller determines that
19 interest on any bonds shall be compounded and payable at maturity, such bonds
20 shall be payable only in accordance with paragraph (b) of this subdivision
21 unless accrued interest is contributed to a sinking fund in accordance with
22 subdivision three of section twelve of article seven of the state
23 constitution. In no case shall any bonds or portion thereof be issued for a
24 period longer than the probable life of the work or purpose, or part thereof,
25 to which the proceeds of the bonds are to be applied, or in the alternative,
26 the weighted average period of the probable life of the works or purposes to
27 which the proceeds of the bonds are to be applied taking into consideration
28 the respective amounts of bonds issued for each work or purpose, as may be
29 determined under section sixty-one of this [~~chapter~~] article and in
30 accordance with the certificate of the commissioner of general services,
31 and/or the commissioner of transportation, state architect, state
32 commissioner of housing and urban renewal, or other authority, as the case
33 may be, having charge by law of the acquisition, construction, work or
34 improvement for which the debt was authorized. Such certificate shall be
35 filed in the office of the state comptroller and shall state the group, or,
36 where the probable lives of two or more separable parts of the work or
37 purposes are different, the groups, specified in such section, for which the
38 amount or amounts, shall be provided by the issuance and sale of bonds.
39 Weighted average period of probable life shall be determined by computing the
40 sum of the products derived from multiplying the dollar value of the portion
41 of the debt contracted for each work or purpose (or class of works or
42 purposes) by the probable life of such work or purpose (or class of works or
43 purposes) and dividing the resulting sum by the dollar value of the entire
44 debt after taking into consideration any original issue discount. Any costs
45 of issuance financed with bond proceeds shall be prorated among the various
46 works or purposes. Such bonds, or the portion thereof at any time sold, shall
47 be of such denominations, subject to the foregoing provisions, as the state
48 comptroller may determine. Notwithstanding the foregoing provisions of this
49 subdivision, the comptroller may issue all or a portion of such bonds as
50 serial debt, term debt or a combination thereof, maturing as required by this
51 subdivision, provided that the comptroller shall have provided for the
52 retirement each year or state fiscal year, or otherwise have provided for the
53 payment of, through sinking fund installment payments or otherwise, a portion
54 of such term bonds in an amount meeting the requirements of paragraph (a) or
55 (b) of this subdivision or shall have established a sinking fund and provided
56 for contributions thereto as provided in subdivision eight of this section
57 and section twelve of article seven of the state constitution.

1 6. Except with respect to bonds issued in the manner provided in
2 paragraph (c) of subdivision seven of this section, all bonds of the state of
3 New York which the comptroller of the state of New York is authorized to
4 issue and sell, shall be executed in the name of the state of New York by the
5 manual or facsimile signature of the state comptroller and his seal (or a
6 facsimile thereof) shall be thereunto affixed, imprinted, engraved or
7 otherwise reproduced. In case the state comptroller who shall have signed and
8 sealed any of the bonds shall cease to hold the office of state comptroller
9 before the bonds so signed and sealed shall have been actually countersigned
10 and delivered by the fiscal agent or trustee, such bonds may, nevertheless,
11 be countersigned and delivered as herein provided, and may be issued as if
12 the state comptroller who signed and sealed such bonds had not ceased to hold
13 such office. Any bond of a series may be signed and sealed on behalf of the
14 state of New York by such person as at the actual time of the execution of
15 such bond shall hold the office of comptroller of the state of New York,
16 although at the date of the bonds of such series such person may not have
17 held such office. The coupons to be attached to the coupon bonds of each
18 series shall be signed by the facsimile signature of the state comptroller of
19 the state of New York or by any person who shall have held the office of
20 state comptroller of the state of New York on or after the date of the bonds
21 of such series, notwithstanding that such person may not have been such state
22 comptroller at the date of any such bond or may have ceased to be such state
23 comptroller at the date when any such bond shall be actually countersigned
24 and delivered. The bonds of each series shall be countersigned with the
25 manual signature of an authorized employee of the fiscal agent or trustee of
26 the state of New York. No bond and no coupon thereunto appertaining shall be
27 valid or obligatory for any purpose until such manual countersignature of an
28 authorized employee of the fiscal agent or trustee of the state of New York
29 shall have been duly affixed to such bond.

30 § 50. Sections 58, 59 and 60 of the state finance law are REPEALED.

31 § 51. Section 62 of the state finance law, as amended by chapter 219 of
32 the laws of 1999, is amended to read as follows:

33 § 62. Replacement of lost certificates. The comptroller, who may act
34 through his duly authorized fiscal agent or trustee appointed pursuant to
35 section sixty-five of this article, may issue to the lawful owner of any
36 certificate or bond issued by him in behalf of this state, which he or such
37 duly authorized fiscal agent or trustee is satisfied, by due proof filed in
38 his office or with such duly authorized fiscal agent or trustee, has been
39 lost or casually destroyed, a new certificate or bond, corresponding in date,
40 number and amount with the certificate or bond so lost or destroyed, and
41 expressing on its face that it is a renewed certificate or bond. No such
42 renewed certificate or bond shall be issued unless sufficient security is
43 given to satisfy the lawful claim of any person to the original certificate
44 or bond, or to any interest therein. The comptroller shall report annually to
45 the legislature the number and amount of all renewed certificates or bonds so
46 issued. If the renewed certificate is issued by the state's duly authorized
47 fiscal agent or trustee and such agent or trustee agrees to be responsible
48 for any loss suffered as a result of unauthorized payment, the security shall
49 be provided to and approved by the fiscal agent or trustee and no additional
50 approval by the comptroller or the attorney general shall be required.

1 § 52. Section 65 of the state finance law, as amended by chapter 459 of
2 the laws of 1948, subdivision 1 as amended by chapter 219 of the laws of
3 1999, is amended to read as follows:

4 § 65. Appointment of fiscal agent or trustee; powers and duties. 1.
5 Notwithstanding any other provisions of this chapter, the comptroller, on
6 behalf of the state, may contract from time to time for a period or periods
7 not exceeding ten years each, except in the case of a bank or trust company
8 agreeing to act as issuing, paying and/or tender agent with respect to a
9 particular issue of variable interest rate bonds in which case the
10 comptroller, on behalf of the state, may contract for a period not to exceed
11 the term of such particular issue of bonds, with one or more banks or trust
12 companies located in the city of New York, to act as fiscal agent,
13 trustee, or agents of the state, and for the maintenance of an office for the
14 registration, conversion, reconversion and transfer of the bonds and notes of
15 the state, including the preparation and substitution of new bonds and notes,
16 for the payment of the principal thereof and interest thereon, [~~and~~] for
17 related services, and to otherwise effectuate the powers and duties of a
18 fiscal agent or trustee on behalf of the state in all such respects as may be
19 determined by the comptroller for such bonds and notes, and for the payment
20 by the state of such compensation therefor as the comptroller may determine.
21 Any such fiscal agent or trustee may, where authorized pursuant to the terms
22 of its contract, accept delivery of obligations purchased by the state and of
23 securities deposited with the state pursuant to sections one hundred five and
24 one hundred six of this chapter and hold the same in safekeeping, make
25 delivery to purchasers of obligations sold by the state, and accept deposit
26 of such proceeds of sale without securing the same. Any such contract may
27 also provide that such fiscal agent or trustee may, upon the written
28 instruction of the comptroller, deposit any obligations or securities which
29 it receives pursuant to such contract, in an account with a federal reserve
30 bank, to be held in such account in the form of entries on the books of the
31 federal reserve bank, and to be transferred in the event of any assignment,
32 sale, redemption, maturity or other disposition of such obligations or
33 securities, by entries on the books of the federal reserve bank. Any such
34 bank or trust company shall be responsible to the people of this state for
35 the faithful and safe conduct of the business of said office, for the
36 fidelity and integrity of its officers and agents employed in such office,
37 and for all loss or damage which may result from any failure to discharge
38 their duties, and for any improper and incorrect discharge of those duties,
39 and shall save the state free and harmless from any and all loss or damage
40 occasioned by or incurred in the performance of such services. Any such
41 contract may be terminated by the comptroller at any time. In the event of
42 any change in any office maintained pursuant to any such contract, the
43 comptroller shall give public notice thereof in such form as he may determine
44 appropriate.

45 2. The comptroller shall prescribe rules and regulations for the
46 registration, conversion, reconversion and transfer of the bonds and notes of
47 the state, including the preparation and substitution of new bonds, for the
48 payment of the principal thereof and interest thereon, and for other
49 authorized services to be performed by such fiscal agent or trustee. Such
50 rules and regulations, and all amendments thereof, shall be prepared in
51 duplicate, one copy of which shall be filed in the office of the department
52 of audit and control and the other in the office of the department of state.
53 A copy thereof may be filed as a public record in such other offices as the
54 comptroller may determine. Such rules and regulations shall be obligatory on

1 all persons having any interests in bonds and notes of the state heretofore
2 or hereafter issued.

3 § 53. Intentionally Omitted.

4 § 54. Subdivision 2 of section 365 of the public authorities law, as
5 separately amended by sections 349 and 381 of chapter 190 of the laws of
6 1990, is amended to read as follows:

7 2. The notes and bonds shall be authorized by resolution of the board,
8 shall bear such date or dates and mature at such time or times, in the case
9 of notes and any renewals thereof within five years after their respective
10 dates and in the case of bonds not exceeding forty years from their
11 respective dates, as such resolution or resolutions may provide. The notes
12 and bonds shall bear interest at such rate or rates, be in such
13 denominations, be in such form, either coupon or registered, carry such
14 registration privileges, be executed in such manner, be payable in such
15 medium of payment, at such place or places, and be subject to such terms of
16 redemption as such resolution or resolutions may provide. Bonds and notes
17 shall be sold by the authority, at public or private sale, at such price or
18 prices as the authority may determine. Bonds and notes of the authority shall
19 not be sold by the authority at private sale unless such sale and the terms
20 thereof have been approved in writing by the comptroller, where such sale is
21 not to the comptroller, or by the director of the budget, where such sale is
22 to the comptroller. [~~Bonds and notes sold at public sale shall be sold by the
23 comptroller, as agent of the authority, in such manner as the authority, with
24 the approval of the comptroller, shall determine.~~]

25 § 55. This act shall take effect immediately and shall be deemed to have
26 been in full force and effect on and after April 1, 2017; provided, however,
27 that the provisions of sections one, two, three, four, five, six, seven,
28 eight, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen,
29 twenty, twenty-one, and twenty-two of this act shall expire March 31, 2018
30 when upon such date the provisions of such sections shall be deemed repealed.

31 SUBPART B

32 Section 1. Subdivision 5 of section 227 of the vehicle and traffic law, as
33 amended by section 3 of part CC of chapter 58 of the laws of 2015, is amended
34 to read as follows:

35 5. All penalties and forfeited security collected pursuant to the
36 provisions of this article shall be paid to the department of audit and
37 control to the credit of the justice court fund and shall be subject to the
38 applicable provisions of section eighteen hundred three of this chapter.
39 After such audit as shall reasonably be required by the comptroller, such
40 penalties and forfeited security shall be paid quarterly or, in the
41 discretion of the comptroller, monthly, to the appropriate jurisdiction in
42 which the violation occurred in accordance with the provisions of section
43 ninety-nine-a of the state finance law, except that the sum of four dollars
44 for each violation occurring in such jurisdiction for which a complaint has
45 been filed with the administrative tribunal established pursuant to this
46 article shall be retained by the state. Notwithstanding any law to the
47 contrary an additional annual sum of three million dollars collected from
48 fines and assessed to the city of New York, shall be deposited into the

1 general fund in accordance with the provisions of section ninety-nine-a of
2 the state finance law. The amount distributed during the first three quarters
3 to the city of Rochester in any given fiscal year shall not exceed seventy
4 percent of the amount which will be otherwise payable. Provided, however,
5 that if the full costs of administering this article shall exceed the amounts
6 received and retained by the state for any period specified by the
7 commissioner, then such additional sums as shall be required to offset such
8 costs shall be retained by the state out of the penalties and forfeited
9 security collected pursuant to this article.

10 § 2. Paragraph c of subdivision 1 of section 1803 of the vehicle and
11 traffic law, as amended by chapter 385 of the laws of 1999, is amended to
12 read as follows:

13 c. for compliance with or violations of subdivision nineteen of section
14 three hundred eighty-five of this chapter, notwithstanding any inconsistent
15 provision of law, except as provided in section ninety of the state finance
16 law, the fees and fines collected by the state pursuant to sections two
17 hundred twenty-seven, three hundred eighty-five and eighteen hundred three of
18 this chapter and section ninety-nine-a of the state finance law, shall be
19 made available to the state comptroller for deposit in the general fund
20 except that fines collected within a city not wholly included within one
21 county shall be paid to such city in accordance with the procedures set forth
22 in subdivision four of section two hundred twenty-seven of this chapter for
23 deposit into the general fund of such city, and except that an annual amount
24 of three million dollars of fines collected within the city of New York
25 pursuant to article two-A of this chapter be deposited by the comptroller to
26 the general fund.

27 § 3. Subdivision 3 of section 99-a of the state finance law, as amended
28 by section 10 of part CC of chapter 58 of the laws of 2015, is amended to
29 read as follows:

30 3. The comptroller is hereby authorized to implement alternative
31 procedures, including guidelines in conjunction therewith, relating to the
32 remittance of fines, penalties, forfeitures and other moneys by town and
33 village justice courts, and by the Nassau and Suffolk counties traffic and
34 parking violations agencies, and by the city of Buffalo traffic violations
35 agency, and by the city of New York pursuant to article two-A of the vehicle
36 and traffic law, to the justice court fund and for the distribution of such
37 moneys by the justice court fund. Notwithstanding any law to the contrary,
38 the alternative procedures utilized may include:

39 a. electronic funds transfer;

40 b. remittance of funds by the justice court to the chief fiscal office of
41 the town or village, or, in the case of the Nassau and Suffolk counties
42 traffic and parking violations agencies, to the county treasurer, or, in the
43 case of the Buffalo traffic violations agency, to the city of Buffalo
44 comptroller, for distribution in accordance with instructions by the
45 comptroller or, in the case of the city of New York, pursuant to article two-
46 A of the vehicle and traffic law to the city comptroller; and/or

47 c. monthly, rather than quarterly, distribution of funds.

1 The comptroller may require such reporting and record keeping as he or
2 she deems necessary to ensure the proper distribution of moneys in accordance
3 with applicable laws. A justice court or the Nassau and Suffolk counties
4 traffic and parking violations agencies or the city of Buffalo traffic
5 violations agency or the city of New York pursuant to article two-A of the
6 vehicle and traffic law may utilize these procedures only when permitted by
7 the comptroller, and such permission, once given, may subsequently be
8 withdrawn by the comptroller on due notice.

9 § 4. This act shall take effect immediately; and shall expire and be
10 deemed repealed April 1, 2019.

11
12
13 § 2. Severability clause. If any clause, sentence, paragraph,
14 subdivision, section, part or subpart of this act shall be adjudged by any
15 court of competent jurisdiction to be invalid, such judgment shall not
16 affect, impair, or invalidate the remainder thereof, but shall be confined in
17 its operation to the clause, sentence, paragraph, subdivision, section, part
18 or subpart thereof directly involved in the controversy in which such
19 judgment shall have been rendered. It is hereby declared to be the intent of
20 the legislature that this act would have been enacted even if such invalid
21 provisions had not been included herein.

22 § 3. This act shall take effect immediately provided, however, that the
23 applicable effective date of Subparts A through B of this act shall be as
24 specifically set forth in the last section of such Subparts.

25
26 **PART C**

27 Section 1. This act enacts into law major components of legislation
28 which are necessary to implement the state transportation, economic
29 development and environmental conservation budget for the 2017-2018 state
30 fiscal year. Each component is wholly contained within a Subpart identified
31 as Subparts A through E. The effective date for each particular provision
32 contained within such Subpart is set forth in the last section of such
33 Subpart. Any provision in any section contained within a Subpart, including
34 the effective date of the Subpart, which makes a reference to a section "of
35 this act", when used in connection with that particular component, shall be
36 deemed to mean and refer to the corresponding section of the Subpart in which
37 it is found. Section three of this act sets forth the general effective date
38 of this act.

39 **SUBPART A**

40 Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003
41 amending the vehicle and traffic law and other laws relating to increasing
42 certain motor vehicle transaction fees, as amended by section 1 of part A of
43 chapter 58 of the laws of 2015, is amended to read as follows:

1 § 13. This act shall take effect immediately; provided however that
2 sections one through seven of this act, the amendments to subdivision 2 of
3 section 205 of the tax law made by section eight of this act, and section
4 nine of this act shall expire and be deemed repealed on April 1, 2020;
5 ~~[provided further, however, that the amendments to subdivision 3 of section~~
6 ~~205 of the tax law made by section eight of this act shall expire and be~~
7 ~~deemed repealed on March 31, 2018,]~~ provided further, however, that the
8 provisions of section eleven of this act shall take effect April 1, 2004 and
9 shall expire and be deemed repealed on April 1, 2020.

10 § 2. This act shall take effect immediately and shall be deemed to have
11 been in full force and effect on and after April 1, 2017.

12 SUBPART B

13 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174 of
14 the laws of 1968 constituting the New York state urban development
15 corporation act, as amended by section 1 of part F of chapter 58 of the laws
16 of 2016, is amended to read as follows:

17 3. The provisions of this section shall expire, notwithstanding any
18 inconsistent provision of subdivision 4 of section 469 of chapter 309 of the
19 laws of 1996 or of any other law, on July 1, ~~2017~~ 2018.

20 § 2. This act shall take effect immediately and shall be deemed to have
21 been in full force and effect on and after July 1, 2017.

22 SUBPART C

23 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
24 New York state urban development corporation act, relating to the powers of
25 the New York state urban development corporation to make loans, as amended by
26 section 1 of part G of chapter 58 of the laws of 2016, is amended to read as
27 follows:

28 § 2. This act shall take effect immediately provided, however, that
29 section one of this act shall expire on July 1, ~~2017~~ 2018, at which time
30 the provisions of subdivision 26 of section 5 of the New York state urban
31 development corporation act shall be deemed repealed; provided, however, that
32 neither the expiration nor the repeal of such subdivision as provided for
33 herein shall be deemed to affect or impair in any manner any loan made
34 pursuant to the authority of such subdivision prior to such expiration and
35 repeal.

36 § 2. This act shall take effect immediately and shall be deemed to have
37 been in full force and effect on and after April 1, 2017.

38 SUBPART D

39 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the
40 executive law relating to permitting the secretary of state to provide
41 special handling for all documents filed or issued by the division of
42 corporations and to permit additional levels of such expedited service, as

1 amended by section 1 of part M of chapter 58 of the laws of 2016, is amended
2 to read as follows:

3 § 2. This act shall take effect immediately, provided however, that
4 section one of this act shall be deemed to have been in full force and effect
5 on and after April 1, 2003 and shall expire March 31, [~~2017~~] 2018.

6 § 2. This act shall take effect immediately and shall be deemed to have
7 been in full force and effect on and after March 31, 2017.

8 SUBPART E

9 Section 1. Paragraph (a) of subdivision 2 of section 179 of the navigation
10 law, as amended by section 2 of part X of chapter 58 of the laws of 2015, is
11 amended to read as follows:

12 (a) An account which shall be credited with all license fees and
13 penalties collected pursuant to paragraph (b) of subdivision one and
14 paragraph (a) of subdivision four of section one hundred seventy-four of this
15 article except as provided in section one hundred seventy-nine-a of this
16 article, the portion of the surcharge collected pursuant to paragraph (d) of
17 subdivision four of section one hundred seventy-four of this article,
18 penalties collected pursuant to paragraph (b) of subdivision four of section
19 one hundred seventy-four-a of this article, money collected pursuant to
20 section one hundred eighty-seven of this article, all penalties collected
21 pursuant to section one hundred ninety-two of this article, and registration
22 fees collected pursuant to subdivision two of section 17-1009 of the
23 environmental conservation law.

24 § 2. The navigation law is amended by adding a new section 179-a to read
25 as follows:

26 § 179-a. New York environmental protection and spill remediation account.

27 1. There is hereby created an account within the miscellaneous capital
28 projects fund, the New York environmental protection and spill remediation
29 account. The New York environmental protection and spill remediation account
30 shall consist of license fees received by the state pursuant to section one
31 hundred seventy-four of this article, in an amount equal to expenditures made
32 from this account.

33 2. These moneys, after appropriation by the legislature, and within the
34 amounts set forth and for the several purposes specified, shall be available
35 to reimburse the department of environmental conservation for expenditures
36 associated with the purposes of costs incurred under this article, including
37 cleanup and removal of petroleum spills, and other capital, investigation,
38 maintenance and remediation costs.

39 3. All payments made from the New York environmental protection and spill
40 remediation account shall be made by the administrator upon certification by
41 the commissioner.

42 4. Spending pursuant to this section shall be included in the annual
43 report required by section one hundred ninety-six of this article.

1 § 3. Subdivision 3 of section 176 of the navigation law, as added by
2 chapter 845 of the laws of 1977, is amended to read as follows:

3 3. Any unexplained discharge of petroleum within state jurisdiction or
4 discharge of petroleum occurring in waters beyond state jurisdiction that for
5 any reason penetrates within state jurisdiction shall be removed by or under
6 the direction of the department. Except for those expenses incurred by the
7 party causing such discharge, any expenses incurred in the removal of
8 discharges shall be paid promptly from the New York environmental protection
9 and spill compensation fund pursuant to [section] sections one hundred and
10 eighty-six and one hundred seventy-nine-a of this article and any
11 reimbursements due such fund shall be collected in accordance with the
12 provisions of section one hundred and eighty-seven of this article.

13 § 4. This act shall take effect immediately and shall be deemed to have
14 been in full force and effect on and after April 1, 2017.

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18
19 § 2. Severability clause. If any clause, sentence, paragraph,
20 subdivision, section, part or subpart of this act shall be adjudged by any
21 court of competent jurisdiction to be invalid, such judgment shall not
22 affect, impair, or invalidate the remainder thereof, but shall be confined in
23 its operation to the clause, sentence, paragraph, subdivision, section, part
24 or subpart thereof directly involved in the controversy in which such
25 judgment shall have been rendered. It is hereby declared to be the intent of
26 the legislature that this act would have been enacted even if such invalid
27 provisions had not been included herein.

28 § 3. This act shall take effect immediately provided, however, that the
29 applicable effective date of Subparts A through E of this act shall be as
30 specifically set forth in the last section of such Subparts.

31
32 **PART D**

33 Section 1. This act enacts into law major components of legislation
34 which are necessary to implement the state fiscal plan for the 2017-2018
35 state fiscal year. Each component is wholly contained within a Subpart
36 identified as Subparts A through D. The effective date for each particular
37 provision contained within such Subpart is set forth in the last section of
38 such Subpart. Any provision in any section contained within a Subpart,
39 including the effective date of the Subpart, which makes a reference to a
40 section "of this act", when used in connection with that particular
41 component, shall be deemed to mean and refer to the corresponding section of
42 the Subpart in which it is found. Section three of this act sets forth the
43 general effective date of this act.

SUBPART A

Section 1. Section 54-f of the state finance law is REPEALED.

§ 2. Subsection (ggg) of section 606 of the tax law, as added by section 1 of part E of chapter 60 of the laws of 2016, and as relettered by section 1 of part A of chapter 73 of the laws of 2016, is amended to read as follows:

(ggg) School tax reduction credit for residents of a city with a population over one million. (1) For taxable years beginning after two thousand fifteen, a school tax reduction credit shall be allowed to a resident individual of the state who is a resident of a city with a population over one million, as provided below. The credit shall be allowed against the taxes authorized by this article reduced by the credits permitted by this article. If the credit exceeds the tax as so reduced, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided however, that no interest will be paid thereon. For purposes of this subsection, no credit shall be granted to an individual with respect to whom a deduction under subsection (c) of section one hundred fifty-one of the internal revenue code is allowable to another taxpayer for the taxable year.

(2) The amount of the credit under this ~~paragraph~~ subsection shall be determined based upon the taxpayer's income as defined in subparagraph (ii) of paragraph (b) of subdivision four of section four hundred twenty-five of the real property tax law.

(3) For taxable years beginning in two thousand sixteen, the credit shall be determined as provided in this paragraph, provided that for the purposes of this paragraph, any taxpayer under subparagraphs (A) and (B) of this paragraph with income of more than two hundred fifty thousand dollars shall not receive a credit.

(A) Married individuals filing joint returns and surviving spouses. In the case of married individuals who make a single return jointly and of a surviving spouse, the credit shall be one hundred twenty-five dollars.

(B) All others. In the case of an unmarried individual, a head of a household or a married individual filing a separate return, the credit shall be sixty-two dollars and fifty cents.

(4) For taxable years beginning after two thousand sixteen, the credit shall equal the "fixed" amount provided by paragraph (4-a) of this subsection plus the "rate reduction" amount provided by paragraph (4-b) of this subsection.

(4-a) The "fixed" amount of the credit shall be determined as provided in this paragraph, provided that any taxpayer with income of more than two hundred fifty thousand dollars shall not receive such amount.

(A) Married individuals filing joint returns and surviving spouses. In the case of married individuals who make a single return jointly and of a

1 surviving spouse, the "fixed" amount of the credit shall be one hundred
 2 twenty-five dollars.

3 (B) All others. In the case of an unmarried individual, a head of
 4 a household or a married individual filing a separate return, the
 5 "fixed" amount of the credit shall be sixty-two dollars and fifty cents.

6 (4-b) The "rate reduction" amount of the credit shall be determined
 7 as provided in this paragraph, provided that any taxpayer with income of more
 8 than five hundred thousand dollars shall not receive such amount.

9 (A) For married individuals who make a single return jointly and for
 10 a surviving spouse: If the city taxable income is: The "rate reduction"
 11 amount is: Not over \$21,600 0.171% of the city taxable income Over \$21,600
 12 but not over \$500,000 \$37 plus 0.228% of excess over \$21,600 Over
 13 \$500,000 Not applicable

14 (B) For a head of household: If the city taxable income is: The "rate
 15 reduction" amount is: Not over \$14,400 0.171% of the city taxable income Over
 16 \$14,400 but not over \$500,000 \$25 plus 0.228% of excess over \$14,400 Over
 17 \$500,000 Not applicable

18 (C) For an unmarried individual or a married individual filing a separate
 19 return: If the city taxable income is: The "rate reduction" amount is: Not
 20 over \$12,000 0.171% of the city taxable income Over \$12,000 but not over
 21 \$500,000 \$21 plus 0.228% of excess over

22 \$12,000 Over \$500,000 Not applicable

23 [~~3~~] (5) Part-year residents. If a taxpayer changes status during the
 24 taxable year from resident to nonresident, or from nonresident to resident,
 25 the school tax reduction credit authorized by this subsection shall be
 26 prorated according to the number of months in the period of residence.

27 § 3. Paragraphs 1, 2 and 3 of subsection (a) of section 1304 of the tax
 28 law, as amended by section 2 of part B of chapter 59 of the laws of 2015, are
 29 amended to read as follows:

30 (1) Resident married individuals filing joint returns and resident
 31 surviving spouses. The tax under this section for each taxable year on the
 32 city taxable income of every city resident married individual who makes a
 33 single return jointly with his or her spouse under subsection (b) of section
 34 thirteen hundred six of this article and on the city taxable income of every
 35 city resident surviving spouse shall be determined in accordance with the
 36 following tables:

37 (A) For taxable years beginning after two thousand [~~fourteen~~] sixteen: If the
 38 city taxable income is: The tax is: Not over \$21,600 2.7% of the city taxable
 39 income Over \$21,600 but not \$583 plus 3.3% of excess over \$45,000 over
 40 \$21,600 Over \$45,000 but not \$1,355 plus 3.35% of excess over \$90,000 over
 41 \$45,000 Over \$90,000 \$2,863 plus 3.4% of excess over \$90,000

42 (B) For taxable year beginning after two thousand fourteen and before two
 43 thousand seventeen: If the city taxable income is: The tax is: Not over

1 \$21,600 2.55% of the city taxable income Over \$21,600 but not \$551 plus 3.1%
 2 of excess over \$45,000 over \$21,600 Over \$45,000 but not \$1,276 plus 3.15% of
 3 excess over \$90,000 over \$45,000 Over \$90,000 but not \$2,694 plus 3.2% of
 4 excess over \$500,000 over \$90,000 Over \$500,000 \$16,803 plus 3.4% of
 5 excess over \$500,000

6 [~~(B)~~] (C) For taxable years beginning after two thousand nine and before two
 7 thousand fifteen: If the city taxable income is: The tax is: Not over \$21,600
 8 2.55% of the city taxable income Over \$21,600 but not \$551 plus 3.1% of
 9 excess over \$45,000 over \$21,600 Over \$45,000 but not \$1,276 plus 3.15% of
 10 excess over \$90,000 over \$45,000 Over \$90,000 but not \$2,694 plus 3.2% of
 11 excess over \$500,000 over \$90,000 Over \$500,000 \$15,814 plus 3.4% of
 12 excess over \$500,000

13 (2) Resident heads of households. The tax under this section for each taxable
 14 year on the city taxable income of every city resident head of a household
 15 shall be determined in accordance with the following tables:

16 (A) For taxable years beginning after two thousand [~~fourteen~~] sixteen:

17 If the city taxable income is: The tax is: Not over \$14,400 2.7% of the city
 18 taxable income Over \$14,400 but not \$389 plus 3.3% of excess over
 19 \$30,000 over \$14,400 Over \$30,000 but not \$904 plus 3.35% of excess over
 20 \$60,000 over \$30,000 Over \$60,000 \$1,909 plus 3.4% of excess over \$60,000

21 (B) For taxable years beginning after two thousand fourteen and before two
 22 thousand sixteen:

23 If the city taxable income is: The tax is: Not over \$14,400 2.55% of the city
 24 taxable income Over \$14,400 but not \$367 plus 3.1% of excess over \$30,000
 25 over \$14,400 Over \$30,000 but not \$851 plus 3.15% of excess over \$60,000 over
 26 \$30,000 Over \$60,000 but not \$1,796 plus 3.2% of excess over \$500,000 over
 27 \$60,000 Over \$500,000 \$16,869 plus 3.4% of excess over \$500,000

28 [~~(B)~~] (C) For taxable years beginning after two thousand nine and before two
 29 thousand fifteen:

30 If the city taxable income is: The tax is: Not over \$14,400 2.55% of the city
 31 taxable income Over \$14,400 but not \$367 plus 3.1% of excess over \$30,000
 32 over \$14,400 Over \$30,000 but not \$851 plus 3.15% of excess over \$60,000 over
 33 \$30,000 Over \$60,000 but not \$1,796 plus 3.2% of excess over \$500,000 over
 34 \$60,000 Over \$500,000 \$15,876 plus 3.4% of excess Over \$500,000

35 (3) Resident unmarried individuals, resident married individuals filing
 36 separate returns and resident estates and trusts. The tax under this section
 37 for each taxable year on the city taxable income of every city resident
 38 individual who is not a city resident married individual who makes a single
 39 return jointly with his or her spouse under subsection (b) of section
 40 thirteen hundred six of this article or a city resident head of household or
 41 a city resident surviving spouse, and on the city taxable income of every
 42 city resident estate and trust shall be determined in accordance with the
 43 following tables:

44 (A) For taxable years beginning after two thousand [~~fourteen~~] sixteen:

1 If the city taxable income is: The tax is: Not over \$12,000 2.7% of the city
 2 taxable income Over \$12,000 but not \$324 plus 3.3% of excess over
 3 \$25,000 over \$12,000 Over \$25,000 but not \$753 plus 3.35% of excess over
 4 \$50,000 over \$25,000 Over \$50,000 \$1,591 plus 3.4% of excess over \$50,000

5 (B) For taxable years beginning after two thousand fourteen and
 6 before two thousand seventeen:

7 If the city taxable income is: The tax is: Not over \$12,000 2.55% of the city
 8 taxable income Over \$12,000 but not \$306 plus 3.1% of excess over \$25,000
 9 over \$12,000 Over \$25,000 but not \$709 plus 3.15% of excess over \$50,000 over
 10 \$25,000 Over \$50,000 but not \$1,497 plus 3.2% of excess over \$500,000 over
 11 \$50,000 Over \$500,000 \$16,891 plus 3.4% of excess over \$500,000

12 [~~B~~] (C) For taxable years beginning after two thousand nine and before
 13 two thousand fifteen:

14 If the city taxable income is: The tax is: Not over \$12,000 2.55% of the city
 15 taxable income Over \$12,000 but not \$306 plus 3.1% of excess over \$25,000
 16 over \$12,000 Over \$25,000 but not \$709 plus 3.15% of excess over \$50,000 over
 17 \$25,000 Over \$50,000 but not \$1,497 plus 3.2% of excess over \$500,000 over
 18 \$50,000 Over \$500,000 \$15,897 plus 3.4% of excess over \$500,000

19 § 4. Paragraphs 1, 2 and 3 of subsection (a) of section 11-1701 of the
 20 administrative code of the city of New York, as amended by section 3 of part
 21 B of chapter 59 of the laws of 2015, are amended to read as follows:

22 (1) Resident married individuals filing joint returns and resident
 23 surviving spouses. The tax under this section for each taxable year on the
 24 city taxable income of every city resident married individual who makes a
 25 single return jointly with his or her spouse under subdivision (b) of section
 26 11-1751 of this chapter and on the city taxable income of every city resident
 27 surviving spouse shall be determined in accordance with the following tables:

28 (A) For taxable years beginning after two thousand [~~fourteen~~] sixteen:

29 If the city taxable income is: The tax is: Not over \$21,600 2.7% of the city
 30 taxable income Over \$21,600 but not \$583 plus 3.3% of excess over
 31 \$45,000 over \$21,600 Over \$45,000 but not \$1,355 plus 3.35% of excess over
 32 \$90,000 over \$45,000 Over \$90,000 \$2,863 plus 3.4% of excess over \$90,000

33 (B) For taxable years beginning after two thousand fourteen and
 34 before two thousand seventeen:

35 If the city taxable income is: The tax is: Not over \$21,600 2.55% of the city
 36 taxable income Over \$21,600 but not \$551 plus 3.1% of excess over \$45,000
 37 over \$21,600 Over \$45,000 but not \$1,276 plus 3.15% of excess over \$90,000
 38 over \$45,000 Over \$90,000 but not \$2,694 plus 3.2% of excess over \$500,000
 39 over \$90,000 Over \$500,000 \$16,803 plus 3.4% of excess over \$500,000

40 [~~B~~] (C) For taxable years beginning after two thousand nine and before
 41 two thousand fifteen:

1 If the city taxable income is: The tax is: Not over \$21,600 2.55% of the city
 2 taxable income Over \$21,600 but not \$551 plus 3.1% of excess over \$45,000
 3 over \$21,600 Over \$45,000 but not \$1,276 plus 3.15% of excess over \$90,000
 4 over \$45,000 Over \$90,000 but not \$2,694 plus 3.2% of excess over \$500,000
 5 over \$90,000 Over \$500,000 \$15,814 plus 3.4% of excess over \$500,000

6 (2) Resident heads of households. The tax under this section for each taxable
 7 year on the city taxable income of every city resident head of a household
 8 shall be determined in accordance with the following tables:

9 (A) For taxable years beginning after two thousand [~~fourteen~~] sixteen:

10 If the city taxable income is: The tax is: Not over \$14,400 2.7% of the city
 11 taxable income Over \$14,400 but not \$389 plus 3.3% of excess over
 12 \$30,000 over \$14,400 Over \$30,000 but not \$904 plus 3.35% of excess over
 13 \$60,000 over \$30,000 Over \$60,000 \$1,909 plus 3.4% of excess over \$60,000

14 (B) For taxable years beginning after two thousand fourteen and
 15 before two thousand sixteen:

16 If the city taxable income is: The tax is: Not over \$14,400 2.55% of the city
 17 taxable income Over \$14,400 but not \$367 plus 3.1% of excess over \$30,000
 18 over \$14,400 Over \$30,000 but not \$851 plus 3.15% of excess over \$60,000 over
 19 \$30,000 Over \$60,000 but not \$1,796 plus 3.2% of excess over \$500,000 over
 20 \$60,000 Over \$500,000 \$16,869 plus 3.4% of excess over \$500,000

21 [~~(B)~~] (C) For taxable years beginning after two thousand nine and before two
 22 thousand fifteen:

23 If the city taxable income is: The tax is: Not over \$14,400 2.55% of the city
 24 taxable income Over \$14,400 but not \$367 plus 3.1% of excess over \$30,000
 25 over \$14,400 Over \$30,000 but not \$851 plus 3.15% of excess over \$60,000 over
 26 \$30,000 Over \$60,000 but not \$1,796 plus 3.2% of excess over \$500,000 over
 27 \$60,000 Over \$500,000 \$15,876 plus 3.4% of excess over \$500,000

28 (3) Resident unmarried individuals, resident married individuals filing
 29 separate returns and resident estates and trusts. The tax under this section
 30 for each taxable year on the city taxable income of every city resident
 31 individual who is not a married individual who makes a single return jointly
 32 with his or her spouse under subdivision (b) of section 11-1751 of this
 33 chapter or a city resident head of a household or a city resident surviving
 34 spouse, and on the city taxable income of every city resident estate and
 35 trust shall be determined in accordance with the following tables:

36 (A) For taxable years beginning after two thousand [~~fourteen~~] sixteen:

37 If the city taxable income is: The tax is: Not over \$12,000 2.7% of the city
 38 taxable income Over \$12,000 but not \$324 plus 3.3% of excess over
 39 \$25,000 over \$12,000 Over \$25,000 but not \$753 plus 3.35% of excess over
 40 \$50,000 over \$25,000 Over \$50,000 \$1,591 plus 3.4% of excess over \$50,000

41 (B) For taxable years beginning after two thousand fourteen and
 42 before two thousand sixteen: If the city taxable income is: The tax is: Not
 43 over \$12,000 2.55% of the city taxable income Over \$12,000 but not \$306 plus

1 3.1% of excess over \$25,000 over \$12,000 Over \$25,000 but not \$709 plus 3.15%
 2 of excess over \$50,000 over \$25,000 Over \$50,000 but not \$1,497 plus 3.2% of
 3 excess over \$500,000 over \$50,000 Over \$500,000 \$16,891 plus 3.4% of
 4 excess over \$500,000

5 [~~(B)~~] (C) For taxable years beginning after two thousand nine and before two
 6 thousand fifteen:

7 If the city taxable income is: The tax is: Not over \$12,000 2.55% of the city
 8 taxable income Over \$12,000 but not \$306 plus 3.1% of excess over \$25,000
 9 over \$12,000 Over \$25,000 but not \$709 plus 3.15% of excess over \$50,000 over
 10 \$25,000 Over \$50,000 but not \$1,497 plus 3.2% of excess over \$500,000 over
 11 \$50,000 Over \$500,000 \$15,897 plus 3.4% of excess over \$500,000

12 § 5. Notwithstanding any provision of law to the contrary, the method of
 13 determining the amount to be deducted and withheld from wages on account of
 14 taxes imposed by or pursuant to the authority of article 30 of the tax law in
 15 connection with the implementation of the provisions of this act shall be
 16 prescribed by the commissioner of taxation and finance with due consideration
 17 to the effect such withholding tables and methods would have on the receipt
 18 and amount of revenue. The commissioner of taxation and finance shall adjust
 19 such withholding tables and methods in regard to taxable years beginning in
 20 2017 and after in such manner as to result, so far as practicable, in
 21 withholding from an employee's wages an amount substantially equivalent to
 22 the tax reasonably estimated to be due for such taxable years as a result of
 23 the provisions of this act. Provided, however, for tax year 2017 the
 24 withholding tables shall reflect as accurately as practicable the full amount
 25 of tax year 2017 liability so that such amount is withheld by December 31,
 26 2017. In carrying out his or her duties and responsibilities under this
 27 section, the commissioner of taxation and finance may prescribe a similar
 28 procedure with respect to the taxes required to be deducted and withheld by
 29 local laws imposing taxes pursuant to the authority of articles 30, 30-A and
 30 30-B of the tax law, the provisions of any other law in relation to such a
 31 procedure to the contrary notwithstanding.

32 § 6. 1. Notwithstanding any provision of law to the contrary, no addition
 33 to tax shall be imposed for failure to pay the estimated tax in subsection
 34 (c) of section 685 of the tax law and subdivision (c) of section 11-1785 of
 35 the administrative code of the city of New York with respect to any
 36 underpayment of a required installment due prior to, or within thirty days
 37 of, the effective date of this act to the extent that such underpayment was
 38 created or increased by the amendments made by this act, provided, however,
 39 that the taxpayer remits the amount of any underpayment prior to or with his
 40 or her next quarterly estimated tax payment.

41 2. The commissioner of taxation and finance shall take steps to publicize
 42 the necessary adjustments to estimated tax and, to the extent reasonably
 43 possible, to inform the taxpayer of the tax liability changes made by this
 44 act.

45 § 7. This act shall take effect immediately and shall apply to taxable
 46 years beginning on and after January 1, 2017.

47 SUBPART B

1 Section 1. Section 2 of part Q of chapter 59 of the laws of 2013,
 2 amending the tax law, relating to serving an income execution with respect to
 3 individual tax debtors without filing a warrant, as amended by section 1 of
 4 part DD of chapter 59 of the laws of 2015, is amended to read as follows:

5 § 2. This act shall take effect immediately and shall expire and be
 6 deemed repealed on and after April 1, [2017] 2020.

7 § 2. This act shall take effect immediately and shall be deemed to have
 8 been in full force and effect on and after April 1, 2017.

9

10

SUBPART C

11

12 Section 1. Section 1105-C of the tax law, as added by section 24-a of
 13 part Y of chapter 63 of the laws of 2000, and subdivision (d) as added by
 14 section 1 of part B of chapter 85 of the laws of 2002, is amended to read as
 follows:

15

16 § 1105-C. Reduced tax rates with respect to certain gas service and
 17 electric service. Notwithstanding any other provisions of this article or
 article twenty-nine of this chapter:

18

19 (a) The rates of taxes imposed by this article and pursuant to the
 20 authority of article twenty-nine of this chapter on receipts from every sale
 21 of gas service or electric service of whatever nature (including the
 22 transportation, transmission or distribution of gas or electricity, but not
 23 including gas or electricity) shall be [~~reduced each year on September first,
 beginning in the year two thousand, and each year thereafter, at the rate per
 year of twenty-five percent of the rates in effect on September first, two
 thousand, so that the rates of such taxes on such receipts shall be~~] zero
 26 percent [~~on and after September first, two thousand three~~] unless the charge
 27 is by the vendor for transportation, transmission or distribution, regardless
 28 of whether such charges are separately stated in the written contract, if
 29 any, or on the bill rendered to such purchaser and regardless of whether
 30 such transportation, transmission, or distribution is provided by such
 31 vendor or a third party.

32

33 (b) [~~The provisions of subdivision (b) of section eleven hundred six of
 this article shall apply to the reduced rates described in subdivision (a) of
 this section, as if such section referred to this section, provided that any
 reference in subdivision (b) of such section eleven hundred six to the date
 August first, nineteen hundred sixty-five, shall be deemed to refer,
 37 respectively, to September first of the applicable years described in
 38 subdivision (a) of this section, and any reference in subdivision (b) of such
 39 section eleven hundred six to July thirty-first, nineteen hundred sixty-five,
 40 shall be deemed to refer to the day immediately preceding each such September
 41 first, respectively.~~

42

43 (c) ~~Nothing in this section shall be deemed to exempt from the
 44 taxes imposed under this article or pursuant to the authority of
 45 article twenty-nine of this chapter any transaction which may not be subject
 46 to the reduced rates of such taxes, each year, as set forth in subdivision (a)
 of this section in effect on the respective September first.~~

1 qualified financial instrument means a financial instrument that is of a type
 2 described in any of clauses (A), (B), (C), (D), (G), (H) or (I) of
 3 subparagraph two of this paragraph, other than (i) a loan secured by real
 4 property, (ii) stock that is investment capital as defined in paragraph (a)
 5 of subdivision five of section two hundred eight of this article, and (iii)
 6 stock that generates other exempt income as defined in subdivision six-a of
 7 section two hundred eight of this article with respect to the income from
 8 that stock that is described in such subdivision six-a.

9 § 2. Clause (D) of subparagraph 1 of paragraph (d) of subdivision 1 of
 10 section 210 of the tax law, as amended by section 19 of part T of chapter 59
 11 of the laws of 2015, is amended to read as follows:

12 (D) Otherwise, for all other taxpayers not covered by clauses (A), (B)
 13 [~~and~~], (C) and (D-1) of this subparagraph, the amount prescribed by this
 14 paragraph will be determined in accordance with the following table: If New
 15 York receipts are: The fixed dollar minimum tax is:

16	not more than \$100,000	\$ 25
17	more than \$100,000 but not over \$250,000	\$ 75
18	more than \$250,000 but not over \$500,000	\$ 175
19	more than \$500,000 but not over \$1,000,000	\$ 500
20	more than \$1,000,000 but not over \$5,000,000	\$1,500
21	more than \$5,000,000 but not over \$25,000,000	\$3,500
22	more than \$25,000,000 but not over \$50,000,000	\$5,000
23	more than \$50,000,000 but not over \$100,000,000	\$10,000
24	more than \$100,000,000 but not over \$250,000,000	\$20,000
25	more than \$250,000,000 but not over \$500,000,000	\$50,000
26	more than \$500,000,000 but not over \$1,000,000,000	\$100,000
27	Over \$1,000,000,000	\$200,000

28 § 3. Subparagraph 1 of paragraph (d) of subdivision 1 of section 210 of
 29 the tax law is amended by adding a new clause (D-1) to read as follows:

30 (D-1) In the case of a REIT or a RIC that is not a captive REIT or
 31 captive RIC, the amount prescribed by this paragraph will be determined in
 32 accordance with the following table: If New York receipts are: The fixed
 33 dollar minimum tax is:

34 not more than \$100,000 \$ 25

1 more than \$100,000 but not over \$250,000 \$ 75

2 more than \$250,000 but not over \$500,000 \$ 175

3 more than \$500,000 \$ 500

4 § 4. The opening paragraph of paragraph (a) of subdivision 5 of section
5 11-654.2 of the administrative code of the city of New York, as amended by
6 section 16 of part P of chapter 60 of the laws of 2016, is amended to read as
7 follows:

8 A financial instrument is a "nonqualified financial instrument" if it is
9 not a qualified financial instrument. A qualified financial instrument means
10 a financial instrument that is of a type described in any of [clause] **clauses**
11 (i), (ii), (iii), (iv), (vii), (viii) or (ix) of subparagraph two of this
12 paragraph and that has been marked to market in the taxable year by the
13 taxpayer under section 475 or section 1256 of the internal revenue code.
14 Further, if the taxpayer has in the taxable year marked to market a financial
15 instrument of the type described in any of [clause] **clauses** (i), (ii), (iii),
16 (iv), (vii), (viii) or (ix) of subparagraph two of this paragraph, then any
17 financial instrument within that type described in the above specified clause
18 or clauses that has not been marked to market by the taxpayer under section
19 475 or section 1256 of the internal revenue code is a qualified financial
20 instrument in the taxable year. Notwithstanding the two preceding sentences,
21 (i) a loan secured by real property shall not be a qualified financial
22 instrument, (ii) if the only loans that are marked to market by the taxpayer
23 under section 475 or section 1256 of the internal revenue code are loans
24 secured by real property, then no loans shall be qualified financial
25 instruments, (iii) stock that is investment capital as defined in paragraph
26 (a) of subdivision four of section 11-652 of this subchapter shall not be a
27 qualified financial instrument, and (iv) stock that generates other exempt
28 income as defined in subdivision five-a of section 11-652 of this subchapter
29 and that is not marked to market under section 475 or section 1256 of the
30 internal revenue code shall not constitute a qualified financial instrument
31 with respect to the income from that stock that is described in such
32 subdivision five-a. If a corporation is included in a combined report, the
33 definition of qualified financial instrument shall be determined on a
34 combined basis. In the case of a RIC or a REIT that is not a captive RIC or a
35 captive REIT, a qualified financial instrument means a financial instrument
36 that is of a type described in any of clauses (i), (ii), (iii), (iv), (vii),
37 (viii) or (ix) of subparagraph two of this paragraph, other than (i) a loan
38 secured by real property, (ii) stock that is investment capital as defined in
39 paragraph (a) of subdivision four of section 11-652 of this subchapter, and
40 (iii) stock that generates other exempt income as defined in subdivision
41 five-a of section 11-652 of this subchapter with respect to the income from
42 that stock that is described in such subdivision five-a.

43 § 5. This act shall take effect immediately and shall apply to taxable
44 years beginning on or after January 1, 2016.

45

46

1 § 2. Severability clause. If any clause, sentence, paragraph,
2 subdivision, section, part or subpart of this act shall be adjudged by any
3 court of competent jurisdiction to be invalid, such judgment shall not
4 affect, impair, or invalidate the remainder thereof, but shall be confined in
5 its operation to the clause, sentence, paragraph, subdivision, section, part
6 or subpart thereof directly involved in the controversy in which such
7 judgment shall have been rendered. It is hereby declared to be the intent of
8 the legislature that this act would have been enacted even if such invalid
9 provisions had not been included herein.

10 § 3. This act shall take effect immediately provided, however, that the
11 applicable effective date of Subparts A through D of this act shall be as
12 specifically set forth in the last section of such Subparts.

13 § 2. Severability clause. If any clause, sentence, paragraph,
14 subdivision, section or part of this act shall be adjudged by any court of
15 competent jurisdiction to be invalid, such judgment shall not affect, impair,
16 or invalidate the remainder thereof, but shall be confined in its operation
17 to the clause, sentence, paragraph, subdivision, section or part thereof
18 directly involved in the controversy in which such judgment shall have been
19 rendered. It is hereby declared to be the intent of the legislature that this
20 act would have been enacted even if such invalid provisions had not been
21 included herein.

22 § 3. This act shall take effect immediately provided, however, that
23 the applicable effective date of Parts A through D of this act shall be as
24 specifically set forth in the last section of such Parts.

25

26