

S T A T E O F N E W Y O R K

S. 6257--B

A. 9759--B

S E N A T E - A S S E M B L Y

January 28, 2002

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to surf clams and ocean quahogs (Part A); to amend chapter 67 of the laws of 1992, amending the environmental conservation law relating to pesticide product registration timetables and fees, in relation to the effectiveness thereof and to amend the environmental conservation law, in relation to review of pesticide registration applications and registration fees and the revision of pesticides applicator certification fees (Part B); to amend the agriculture and markets law, in relation to certain license fees (Part C); to amend the agriculture and markets law, in relation to certain pet food brand registration and weighmaster license fees (Part D); to amend chapter 259 of the

and laws of 2000, amending the general business law, the agriculture
and markets law and the state finance law, relating to registration
and regulation of pet dealers, in relation to the implementation
thereof (Part E); to amend the environmental conservation law and the
state finance law, in relation to hunting and fishing licenses and to
repeal certain provisions of the environmental conservation law
relating thereto (Part F); to amend the parks, recreation and historic
preservation law and the vehicle and traffic law, in relation to
snowmobile fees (Part G); to amend the environmental conservation law in
relation to contracts for municipal landfill closure; to amend the
state finance law, in relation to authorizing the transfer of certain
moneys to the environmental protection fund; and to authorize spending
from the environmental protection fund (Part H); to amend the
environmental

EXPLANATION--Matter in ITALICS (underscored) is new; matter in
brackets

{ } is old law to be omitted.

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conservation law, in relation to clean water/clean air bond act
fund- ing for municipal recycling projects in New York city and diesel-
fu- eled school bus retrofit equipment projects (Part I); to amend
chapter 1 of the laws of 2002 amending the public health law, the
social services law and the tax law relating to the Health Care Reform Act
of 2000, and 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 the effectiveness
of certain provisions thereof and making certain technical
corrections thereto; to amend the public health law, the social services law,
the

executive law and the insurance law, in relation to making technical changes to the provisions thereof; to amend the public health law and the social services law, in relation to providing for increases for recruitment and retention of health care workers in the areas of early intervention services, home care, private duty nursing, AIDS adult day health care services, hospice services and certain clinic services; to amend the public health law, in relation to per diem payment for certain inpatient services; and to amend chapter 33 of the laws of 1998 amending the social services law relating to authorizing payment of medicare part B premiums for certain medicaid recipients, in relation to extending the effective date thereof; to amend the social services law, in relation to supplemental payments to certain clinics; to amend the public health law, in relation to eligibility of certain residential health care facilities for recruitment and retention funds and in relation to recognizing the date of agreement of a certain merger of hospital systems, and in relation to exclusion of certain revenue from the assessment on nursing homes; to provide flexibility and authority to borrow funds from available pool funds under the Health Care Reform Act; to amend the public health law, in relation to hospital assessments; to amend the public health law and the social services law, in relation to personal care services worker recruitment and retention program (Part J); to amend the insurance law and the public health law, in relation to coverage for the diagnosis and treatment of infertility (Part K); and to implement language qualify- ing appropriations made by a chapter of the laws of 2002 enacting the health, mental hygiene and environmental conservation budget (Part L)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act enacts into law major components of
legislation
2 which are necessary to implement the state fiscal plan for the 2002-
2003
3 state fiscal year. Each component is wholly contained within a
Part
4 identified as Parts A through L. The effective date for each
particular
5 provision contained with such Part is set forth in the last section
of
6 such Part. Any provision in any section contained within a Part,
includ-
7 ing the effective date of the Part, which makes reference to a
section
8 "of this act", when used in connection with that particular
component,
9 shall be deemed to mean and refer to the corresponding section of
the
10 Part in which it is found. Section three of this act sets forth
the
11 general effective date of this act.

12

PART A

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1 Section 1. Subdivision 14 of section 13-0309 of the
environmental
2 conservation law, as amended by section 1 of part C of chapter 61 of
the
3 laws of 2000, is amended to read as follows:
4 14. The department, until {January first, two thousand two}
APRIL
5 FIRST, TWO THOUSAND SIX shall be entitled to collect fifteen cents
per
6 bushel of surf clams and ten cents per bushel of ocean quahogs
taken
7 from all certified waters to be deposited in the surf clam/ocean
quahog
8 account as provided in section eighty-three of the state finance law.
9 S 2. Subparagraph (ii) of paragraph 2 of subdivision (a) of section
83
10 of the state finance law, as amended by chapter 512 of the laws of
1994,
11 is amended to read as follows:
12 (ii) Notwithstanding the provisions of subparagraph (i) of this
para-
13 graph, moneys arising out of the application of subdivision fourteen
of
14 section 13-0309 of the environmental conservation law, shall be
deposit-
15 ed in a special account within the conservation fund, to be known as
the
16 surf clam/ocean quahog account, and shall be available to the
department

17 of environmental conservation, including contracts for such
purposes
18 with a New York state institution of higher education currently
involved
19 in local marine research, after appropriation, for the research
and
20 stock assessment of surf clams and ocean quahogs. THE DEPARTMENT
SHALL,
21 AT A MINIMUM, UNDERTAKE TWO STOCK ASSESSMENTS AND ISSUE REPORTS
DETAIL-
22 ING THE FINDINGS OF SUCH ASSESSMENTS TO THE GOVERNOR AND
LEGISLATURE.
23 THE FIRST STOCK ASSESSMENT SHALL BE DUE NO LATER THAN
DECEMBER
24 THIRTY-FIRST, TWO THOUSAND TWO. THE SECOND STOCK ASSESSMENT SHALL BE
DUE
25 NO LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND FOUR, AND SHALL
BE
26 CONDUCTED IN AN AREA TO BE DETERMINED IN CONSULTATION WITH THE
SURF
27 CLAM/OCEAN QUAHOG MANAGEMENT ADVISORY BOARD.
28 S 3. This act shall take effect immediately and shall be deemed
to
29 have been in full force and effect on and after January 1, 2002.

30 PART B

31 Section 1. Section 9 of chapter 67 of the laws of 1992, amending
the
32 environmental conservation law relating to pesticide product
registra-
33 tion timetables and fees, as amended by section 2 of part C of
chapter
34 413 of the laws of 1999, is amended to read as follows:
35 S 9. This act shall take effect April 1, 1992 provided, however,
that
36 section 3 of this act shall take effect July 1, 1993 and shall
expire
37 and be deemed repealed on July 1, {2002} 2005.
38 S 2. Section 33-0705 of the environmental conservation law, as
sepa-
39 rately amended by chapters 194 and 309 of the laws of 1996 and
subdivi-
40 sions a, b and c as amended by section 1 of part C of chapter 413 of
the
41 laws of 1999, is amended to read as follows:
42 S 33-0705. Fee for registration.
43 The applicant for registration shall pay a fee as follows:
44 a. On or before July 1, {2002, one} 2005, THREE hundred dollars
for
45 each pesticide proposed to be registered, provided that the
applicant
46 has submitted to the department proof in the form of a federal
income
47 tax return for the previous year showing gross annual sales, for
federal

48 income tax purposes, of three million five hundred thousand dollars
or
49 less;
50 b. On or before July 1, {2002} 2005 for all others, three hundred
TEN
51 dollars for each pesticide proposed to be registered;
52 c. After July 1, {2002,} 2005 fifty dollars for each
pesticide
53 proposed to be registered.

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1 S 3. Subdivision 2 of section 33-0901 of the environmental
conserva-
2 tion law, as amended by chapter 612 of the laws of 1983, is amended
to
3 read as follows:
4 2. Any person desiring such a permit shall file an
application
5 containing such information required by the commissioner and in a
form
6 prescribed by the commissioner. The commissioner shall examine
the
7 application and shall issue or refuse to issue the permit
requested
8 therein. The commissioner shall impose whatever restrictions or
condi-
9 tions on the permit he deems appropriate in order to fully protect
the
10 public interest. Such a permit shall not be valid for more than
two
11 years as determined by the commissioner. A separate permit is
required
12 for each location in the state, and a fee for each location in the
state
13 of {fifty} THREE HUNDRED dollars is required.

14 S 4. Paragraph d of subdivision 3 of section 33-0905 of the
environ-
15 mental conservation law, as added by chapter 612 of the laws of 1983,
is
16 amended to read as follows:
17 d. Pesticide applicator certifications shall be valid for {six}
FIVE
18 years after which every applicator shall recertify according to
the
19 requirements then in effect. Certification identification cards shall
be
20 valid for {three} FIVE years.

21 S 5. Subdivision 4 of section 33-0907 of the environmental
conserva-
22 tion law, as added by chapter 612 of the laws of 1983, is amended
to
23 read as follows:
24 4. Business or agency registration shall be valid for {one year}
THREE
25 YEARS.

26 S 6. Section 33-0911 of the environmental conservation law, as
added

27 by chapter 612 of the laws of 1983, is amended to read as follows:

28 S 33-0911. Certification and registration fees.

29 1. Every applicant for pesticide applicator certification shall pay
an
30 examination fee of {ten} FIFTY dollars FOR EACH EXAMINATION.

31 2. Fees for pesticide applicator {certificates} CERTIFICATION shall
be
32 {fifteen} THREE HUNDRED SEVENTY-FIVE dollars for commercial
pesticide

33 applicator certification in {each} ONE individual category, ONE
HUNDRED

34 TWENTY-FIVE DOLLARS FOR EACH ADDITIONAL CATEGORY and {five} ONE
HUNDRED

35 TWENTY-FIVE dollars for each additional sub-category chosen. For
private

36 applicators a fee of {fifteen} TWENTY-FIVE dollars for the
initial

37 certified private applicator and five dollars for subsequent
applicators

38 on the same {form of} FARM OR business shall be charged at the time
of

39 initial certification, renewal of certification or recertification.

40 3. Pesticide businesses shall pay {an annual} A registration fee
of

41 FOUR HUNDRED fifty dollars. When the applicant regularly maintains
or

42 operates more than one business address a fee may be required for
each

43 of the applicant's business addresses in the state. Any agency which
is

44 a state agency, municipal corporation, public authority, or
college

45 shall be exempt from any fee for registration.

46 S 7. Moneys appropriated in section 1 of the chapter of the laws
of

47 2002 which enacts the health, mental hygiene and environmental
conserva-

48 tion budget to the department of environmental conservation under
the

49 environmental enforcement program from the environmental
conservation

50 special revenue fund - 301, environmental regulatory account, shall
be

51 made available for ground water monitoring to protect vulnerable
drink-

52 ing water sources, including Long Island.

53 S 8. This act shall take effect immediately and shall be deemed
to

54 have been in full force and effect on and after April 1, 2002.

55 PART C

1 Section 1. Section 251-z-3 of the agriculture and markets law,
as
2 amended by chapter 233 of the laws of 1996, is amended to read
as

3 follows:

4 S 251-z-3. Licenses; fees. No person shall maintain or operate a
food
5 processing establishment unless licensed biennially by the
commissioner.

6 Application for a license to operate a food processing
establishment

7 shall be made, upon a form prescribed by the commissioner, on or
before

8 the fifteenth of the month preceding the applicable license period
as

9 herein prescribed. The beginning of the license period for an
applicant

10 shall be determined by the alphabetical order of an individual
appli-

11 cant's surname or the first word in the name of any other legal
entity.

12 The license period shall begin February fifteenth for applicants
A

13 through D, May fifteenth for applicants E through K, August
fifteenth

14 for applicants L through R, November fifteenth for applicants S
through

15 Z. {For the license periods beginning September fifteenth,
nineteen

16 hundred ninety-six through September fifteenth, nineteen hundred
nine-

17 ty-eight, the commissioner is authorized to stagger license renewals.}

18 The applicant shall furnish evidence of his or her good
character,

19 experience and competency, that the establishment has adequate
facili-

20 ties and equipment for the business to be conducted, that the
establish-

21 ment is such that the cleanliness of the premises can be maintained
and

22 that the product produced therein will not become adulterated.
The

23 commissioner, if so satisfied, shall issue to the applicant,
upon

24 payment of the license fee of {seventy} TWO HUNDRED dollars, a
license

25 to operate the food processing establishment described in the
applica-

26 tion for two years from the applicable license commencement period
set

27 forth hereinabove. The commissioner shall prorate the license fee
for

28 any person applying for a new license after the commencement of
the

29 license period for such applicant's alphabetical group.

30 Notwithstanding any other provision of law to the contrary,
the

31 commissioner is hereby authorized and directed to deposit all
money
32 received pursuant to this section in an account within the
miscellaneous
33 special revenue fund.

34 S 2. This act shall take effect immediately and shall be deemed
to
35 have been in full force and effect on and after April 1, 2002.

36 PART D

37 Section 1. Subdivision 2 of section 129 of the agriculture and
markets
38 law, as added by chapter 816 of the laws of 1974, is amended to read
as
39 follows:

40 2. No person shall distribute in this state any pet food or
specialty
41 pet food unless the brand thereof has been registered pursuant to
the
42 provisions of this section. An application for such registration of
a
43 pet food or specialty pet food shall be accompanied by a
registration
44 fee of {twenty-five} ONE HUNDRED dollars for each brand to be
distrib-
45 uted, said fee to be paid annually thereafter. If any brand of a
pet
46 food or specialty pet food changes in any way after such brand has
been
47 registered, a new application therefor shall be made pursuant to
the
48 provisions of this section.

49 S 2. Subdivision 2 of section 195 of the agriculture and markets
law,
50 as added by chapter 874 of the laws of 1977, is amended to read
as
51 follows:

52 2. Upon application, a weighmaster's license may be issued by
the
53 commissioner to an employee of a person, firm, partnership or
corpo-
54 ration whose business requires, by contract or otherwise, that
materials

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1 or commodities manufactured, produced, distributed, sold or handled
by
2 such person, firm, partnership or corporation be weighed by a
licensed
3 weighmaster; or such license may be issued to an individual engaged
in
4 the weighing of materials or commodities. The applicant shall
furnish

5 satisfactory evidence of good character and of ability to weigh
accu-
6 rately and to make correct weight tickets. He shall also
furnish
7 evidence that he owns, leases or has access to a stationary scale
within
8 the state suitable for weighing the materials or commodities to
be
9 weighed by him or that he is regularly employed by a person, firm,
part-
10 nership or corporation who owns, leases or has access to such a
scale
11 which has been tested and sealed by the weights and measures
official
12 charged with such duty. The applicant shall pay a fee of {ten}
FIFTEEN
13 dollars. A license shall be for a period not exceeding three years
and
14 may be renewed in the discretion of the commissioner upon payment of
the
15 fee aforesaid. Such license shall be kept at the place where the
weigh-
16 master is engaged in weighing and shall be open to inspection. An
appli-
17 cation may be denied or a license may be revoked by the
commissioner,
18 after a hearing upon due notice to the applicant or licensee,
for
19 dishonesty, incompetency, inaccuracy or a violation of the provisions
of
20 this article or the rules and regulations adopted pursuant thereto.
21 S 3. This act shall take effect immediately and shall be deemed
to
22 have been in full force and effect on and after April 1, 2002.

23 PART E

24 Section 1. Section 6 of chapter 259 of the laws of 2000 amending
the
25 general business law, the agriculture and markets law and the
state
26 finance law, relating to registration and regulation of pet dealers,
as
27 amended by section 1 of part B of chapter 37 of the laws of 2002,
is
28 amended to read as follows:
29 S 6. This act shall take effect immediately; provided that
sections
30 one, two and three of this act shall take effect 180 days after it
shall
31 have become a law; and sections four and five of this act shall
take
32 effect {May 31,} JULY 1, 2002; provided, further, that any rules
and
33 regulations necessary for the timely implementation of this act on
its
34 effective date shall be promulgated on or before such date.

35 S 2. This act shall take effect immediately.

36

PART F

37 Section 1. Subdivision 2 of section 3-0113 of the
environmental
38 conservation law, as amended by chapter 62 of the laws of 1989,
is

39 amended to read as follows:

40 2. Any {county, city, town or village clerk who} ENTITY WHICH
is
41 authorized by section 11-0713 of this chapter to sell hunting,
trapping

42 and fishing licenses is hereby authorized, but not required, to
sell

43 annual subscriptions to the department's official magazine, "The
New

44 York State Conservationist." The fee to be charged {by a clerk} for
a

45 subscription to such magazine shall be such fee as the commissioner
may,

46 after consultation with the division of the budget, deem necessary
for

47 the best interest of the state. Such fee shall be collected {by
the

48 clerk} from each subscriber at the time of receiving application
for

49 subscription. {Each clerk shall remit direct to the department on
the

50 first and fifteenth of each month all fees collected by him
from

51 subscribers, less fifty cents for each year's subscription
obtained,

52 which he shall be entitled to retain. Subscription applications,
filled

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1 out to indicate the names and addresses of the persons to whom the
maga-

2 zine is to be sent, shall also be forwarded to the department by
the

3 clerks on the first of each month. The fifty cents which a clerk
is

4 authorized to deduct from each year's subscription obtained shall
be

5 subject to laws providing for the disposition of other fees arising
from

6 the performance of his official duties as clerk} ALL COLLECTED
FEES,

7 MINUS A 5.5 PERCENT COMMISSION, SHALL BE REMITTED MONTHLY, ON A
SCHEDULE

8 TO BE DETERMINED BY THE DEPARTMENT. All receipts of the department
from

9 subscriptions shall be deposited in an account in the
miscellaneous

10 special revenue fund-other. The comptroller is authorized and
directed
11 to permit interest earnings on any balances to accrue to the benefit
of
12 this account.

13 S 2. Subdivision 13 of section 11-0305 of the environmental
conserva-
14 tion law is REPEALED and subdivisions 14, 15, 16 and 17, subdivision
14
15 as renumbered by chapter 911 of the laws of 1990, are renumbered
subdi-
16 visions 13, 14, 15 and 16.

17 S 3. Section 11-0305 of the environmental conservation law is
amended
18 by adding a new subdivision 17 to read as follows:

19 17. TO PREPARE OR CAUSE TO BE PREPARED VOLUNTARY HABITAT STAMPS
AND
20 FURNISH SUCH STAMPS ANNUALLY TO LICENSE ISSUING AGENTS AND OFFICERS
FOR
21 SALE AND ISSUANCE IN THE SAME MANNER AS LICENSES AND OTHER TYPES
OF
22 STAMPS. THE DEPARTMENT SHALL, BY RULE, ESTABLISH THE FEE FOR THE
HABITAT
23 STAMP WHICH SHALL NOT EXCEED FIVE DOLLARS PLUS AN ADDITIONAL AMOUNT
FOR
24 THE ISSUING AGENT OR OFFICER. THE PURCHASE OF A STAMP IS VOLUNTARY AND
A
25 STAMP NEED NOT BE POSSESSED IN ORDER TO TAKE FISH OR WILDLIFE.

26 S 4. Paragraph (a) of subdivision 3 of section 11-0327 of the
environ-
27 mental conservation law, as added by chapter 308 of the laws of 1994,
is
28 amended to read as follows:

29 (a) To review the allocations and expenditures of the department
for
30 fish and wildlife purposes as provided in section 11-0303 of this
title
31 and report to the commissioner by {July first} NOVEMBER FIFTEENTH
of
32 each year. {The commissioner shall, by August first of each year,
submit
33 such report, in its entirety, to the governor, the legislature
and
34 interested individuals and organizations.} TO ASSIST THE BOARD IN
ITS
35 REVIEW, THE DEPARTMENT SHALL BY SEPTEMBER FIRST OF EACH YEAR MAKE
AVAIL-
36 ABLE TO THE BOARD, THE GOVERNOR AND THE LEGISLATURE CURRENT AND
ANTIC-
37 IPATED INCOME AND EXPENDITURES FOR THE FISH AND WILDLIFE
PROGRAMS,
38 INCLUDING PLANNED EXPENDITURES BY TIME AND ACTIVITY CODE FOR THE
NEXT
39 FISCAL YEAR. Such report shall include the findings of the
advisory
40 board regarding such allocations and expenditures, including
expendi-

41 tures and appropriations from the conservation fund and the extent
to
42 which such expenditures and appropriations are consistent with
the
43 requirements of state law. THE REPORT SHALL ALSO INCLUDE
RECOMMENDED
44 MAXIMUM ANNUAL FEES FOR THE LICENSES AND STAMPS IDENTIFIED IN
SUBDIVI-
45 SION 3 OF SECTION 11-0715 OF THIS ARTICLE. IN RECOMMENDING SUCH FEES
THE
46 BOARD SHALL CONSIDER ECONOMIC INDICATORS, THE STATUS OF THE
CONSERVATION
47 FUND, AND SUCH PROGRAM INDICATORS AS IT MAY DEEM APPROPRIATE.
THE
48 COMMISSIONER SHALL SUBMIT SUCH REPORT, IN ITS ENTIRETY, TO THE
GOVERNOR
49 AND THE LEGISLATURE.

50 S 5. Subparagraph 1 of paragraph a of subdivision 2 of section 11-
0701
51 of the environmental conservation law is REPEALED and a new
subparagraph
52 1 is added to read as follows:

53 (1) A SMALL AND BIG GAME LICENSE ENTITLES THE RESIDENT HOLDER TO
HUNT
54 WILDLIFE SUBJECT TO THE FOLLOWING:
55 (I) A HOLDER WHO IS EIGHTEEN YEARS OF AGE OR OLDER MAY HUNT
WILDLIFE
56 AS PROVIDED IN TITLE 9 OF THIS ARTICLE,

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1 (II) A HOLDER WHO IS SIXTEEN YEARS OF AGE OR OLDER MAY HUNT
WILDLIFE,
2 EXCEPT BIG GAME, AS PROVIDED IN TITLE 9 OF THIS ARTICLE, AND
3 (III) A HOLDER WHO IS BETWEEN THE AGES OF SIXTEEN AND EIGHTEEN
MAY
4 HUNT BIG GAME PURSUANT TO THE PROVISIONS OF TITLE 9 OF THIS
ARTICLE
5 WHILE THE HOLDER IS ACCOMPANIED BY A PARENT, GUARDIAN OR PERSON OVER
THE
6 AGE OF EIGHTEEN AS REQUIRED BY SECTION 11-0929 OF THIS ARTICLE.
7 A HOLDER MAY TAKE FISH WITH A GUN OR LONGBOW AS PROVIDED IN TITLES
9
8 AND 13 OF THIS ARTICLE.

9 S 6. Paragraph b of subdivision 2 of section 11-0701 of the
environ-
10 mental conservation law is amended to read as follows:
11 b. A special antlerless deer license is applicable to the hunting
of
12 wild antlerless deer in a special open season fixed pursuant to
subdivi-
13 sion 6 of section 11-0903 OF THIS ARTICLE in a tract within a
Wilderness
14 Hunting Area and entitles the holder of a {big game license who is
enti-

15 tled to hunt wild deer as provided in paragraph a) LICENSE WHICH
AUTHOR-
16 IZES THE HOLDER TO HUNT BIG GAME to hunt antlerless deer in such
special
17 open season, as provided in title 9 OF THIS ARTICLE if he has on
his
18 person while so hunting both his {big game} license WHICH AUTHORIZES
THE
19 HOLDER TO HUNT BIG GAME and his special antlerless deer license.
20 S 7. Paragraph c of subdivision 2 of section 11-0701 of the
environ-
21 mental conservation law, as amended by chapter 57 of the laws of
1993,
22 is amended to read as follows:
23 c. A junior archery license entitles a resident holder who is
between
24 the ages of fourteen and sixteen years to hunt wild deer and bear with
a
25 longbow during the special archery season and during the regular
season
26 {in areas restricted to bowhunting only}, as provided in title 9 OF
THIS
27 ARTICLE, as if such person held a {big game} license WHICH
AUTHORIZES
28 THE HOLDER TO HUNT BIG GAME with a bowhunting stamp affixed, subject
to
29 the provisions of section 11-0929 and subdivision {6} 3 of
section
30 11-0713 OF THIS ARTICLE. It entitles a non-resident holder who
is
31 between the ages of fourteen and sixteen years to hunt wild deer
and
32 bear WITH A LONGBOW during the special archery season and during
the
33 regular season {in areas restricted to bowhunting only}, as provided
in
34 title 9 OF THIS ARTICLE, as if such person held a non-resident
bowhunt-
35 ing license, A NON-RESIDENT LICENSE WHICH AUTHORIZES THE HOLDER TO
HUNT
36 DEER and a non-resident bear tag, subject to the provisions of
section
37 11-0929 and subdivision {six} 3 of section 11-0713 OF THIS ARTICLE.
38 S 8. Paragraphs d and e of subdivision 2 of section 11-0701 of
the
39 environmental conservation law are REPEALED.
40 S 9. Subdivision 3 of section 11-0701 of the environmental
conserva-
41 tion law, as amended by chapter 160 of the laws of 1979, is amended
to
42 read as follows:
43 3. A bowhunting stamp when affixed to a {big game} RESIDENT
license
44 WHICH AUTHORIZES THE HOLDER TO HUNT BIG GAME entitles a holder who
is
45 eighteen years of age or older to hunt wild deer and bear with a
long-

46 bow, as provided in title 9 OF THIS ARTICLE, in a special
longbow
47 season, and it entitles a holder who is between the ages of sixteen
and
48 eighteen years to exercise the same privileges subject to the
provisions
49 of section 11-0929 and subdivision {6} 3 of section 11-0713 OF
THIS
50 ARTICLE.

51 S 10. Subdivision 5 of section 11-0701 of the environmental
conserva-
52 tion law, as amended by chapter 57 of the laws of 1993, is amended
to
53 read as follows:

54 5. A. A combined resident {hunting,} fishing and SMALL AND big
game
55 license HEREINAFTER IN THIS ARTICLE REFERRED TO AS A SPORTSMAN
LICENSE,
56 entitles the holder to the privileges the holder would have if the
hold-

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1 er held separately a {hunting, a} fishing LICENSE and a SMALL AND
big
2 game license.

3 B. A COMBINED RESIDENT FISHING, SMALL AND BIG GAME, BOWHUNTING
AND
4 MUZZLE-LOADING LICENSE, HEREINAFTER IN THIS ARTICLE REFERRED TO AS
A
5 RESIDENT SUPER-SPORTSMAN LICENSE, ENTITLES THE HOLDER TO THE
PRIVILEGES
6 THE HOLDER WOULD HAVE IF THE HOLDER HELD SEPARATELY A FISHING LICENSE,
A
7 SMALL AND BIG GAME LICENSE, A BOWHUNTING STAMP, A MUZZLE-LOADING
STAMP,
8 AND A TURKEY PERMIT.

9 S 11. Subdivision 6 of section 11-0701 of the environmental
conserva-
10 tion law, as amended by chapter 646 of the laws of 1977 and as
renum-
11 bered by chapter 208 of the laws of 1978 and the opening paragraph
as
12 redesignated by chapter 450 of the laws of 1991, is amended to read
as
13 follows:

14 6. A {combination} free {hunting-big game hunting-fishing}
SPORTSMAN
15 license entitles the holder to the privileges {he} THE HOLDER would
have
16 if {he} THE HOLDER held{,} separately{,} a {hunting,} SMALL AND big
game
17 {hunting} LICENSE and A fishing license{, provided, however, if the
said
18 combination free hunting-big game hunting-fishing license is stamped
by

19 the issuing clerk "FISHING ONLY" the holder is entitled only to
the
20 privileges he would have if he held a fishing license}.

21 S 12. Subdivision 8 of section 11-0701 of the environmental
conserva-
22 tion law, as amended by chapter 450 of the laws of 1991, is amended
to

23 read as follows:

24 8. A {five-day} SEVEN-DAY fishing license entitles the {non-
resident}
25 holder to exercise the privileges of a fishing license for the
{five}
26 SEVEN consecutive days specified in the license.

27 S 13. Subdivision 9 of section 11-0701 of the environmental
conserva-
28 tion law is REPEALED.

29 S 14. Subdivision 11 of section 11-0701 of the environmental
conserva-
30 tion law, as added by chapter 198 of the laws of 1977 and as
renumbered

31 by chapter 470 of the laws of 1994, is amended to read as follows:

32 11. A muzzle-loading stamp when affixed to a {big game}
RESIDENT

33 license WHICH AUTHORIZES THE HOLDER TO HUNT BIG GAME entitles a
holder

34 who is sixteen years of age or older to hunt wild deer and bear with
a

35 muzzle-loading firearm, as provided in title {nine} 9 of this
article,

36 in a special muzzle-loading firearm season.

37 S 15. Subdivision 12 of section 11-0701 of the environmental
conserva-
38 tion law, as added by chapter 450 of the laws of 1991 and as
renumbered

39 by chapter 470 of the laws of 1994, is amended to read as follows:

40 12. A junior {hunting} SMALL GAME license entitles the holder
age
41 twelve to age sixteen to hunt {small game} WILDLIFE, EXCEPT BIG GAME,
as

42 provided in title 9 of this article subject, specifically, to
the

43 provisions of section 11-0929 of this article. It entitles such
holder

44 to possess firearms as provided in section 265.05 of the penal law.

45 S 16. Subdivisions 13, 14 and 15 of section 11-0701 of the environ-
46 mental conservation law, as added by chapter 57 of the laws of 1993
and

47 as renumbered by chapter 470 of the laws of 1994, are amended to read
as

48 follows:

49 13. A non-resident bowhunting license entitles a person who has
not

50 been a resident of the state for more than thirty days to hunt wild
deer

51 with a longbow in a special longbow season {and during the
regular

52 season} as provided {for} in title 9 OF THIS ARTICLE and, when
accompa-
53 nied by a non-resident bear tag, entitles the holder to hunt bear with
a
54 longbow during the open bear season.

55 14. A non-resident muzzle-loading license entitles a person who
has
56 not been a resident of the state for more than thirty days to hunt
wild

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1 deer with a {muzzleloader} MUZZLE-LOADING FIREARM in a special
muzzle-
2 loading season {and during the regular season} as provided {for}
in
3 title 9 OF THIS ARTICLE and, when accompanied by a non-resident
bear
4 tag, entitles the holder to hunt bear with a muzzleloader during
the
5 open bear season.

6 15. A non-resident combined hunting, fishing, big game, bowhunting
and
7 muzzle-loading license, HEREINAFTER IN THIS ARTICLE REFERRED TO AS
A
8 NON-RESIDENT SUPER-SPORTSMAN LICENSE, entitles a person who has not
been
9 a resident of the state for more than thirty days to the privileges
that
10 the holder would have if the holder held separately a non-resident
hunt-
11 ing LICENSE, a non-resident fishing LICENSE, a non-resident big
game
12 LICENSE, a non-resident bowhunting {and} LICENSE, a non-
resident
13 muzzle-loading license{, except that only one bear may be taken} AND
A
14 NON-RESIDENT TURKEY PERMIT.

15 S 17. Section 11-0701 of the environmental conservation law is
amended

16 by adding two new subdivisions 16 and 17 to read as follows:

17 16. A CONSERVATION LEGACY LICENSE ENTITLES THE HOLDER TO FISH,
HUNT
18 WILDLIFE, HUNT BIG GAME WITH A LONGBOW AND A MUZZLE-LOADING
FIREARM

19 DURING SPECIAL SEASONS THEREFOR, HUNT TURKEY, ENJOY THE BENEFITS OF
A
20 VOLUNTARY HABITAT STAMP AND RECEIVE THE "NEW YORK STATE
CONSERVATIONIST"

21 MAGAZINE AS IF THE HOLDER OF SUCH LICENSE HELD SEPARATELY A
RESIDENT

22 SUPER-SPORTSMAN LICENSE, A VOLUNTARY HABITAT STAMP AND A SUBSCRIPTION
TO
23 THE "NEW YORK STATE CONSERVATIONIST" MAGAZINE.

24 17. A CONSERVATION PATRON LICENSE ENTITLES THE HOLDER TO THE
BENEFITS

25 OF A VOLUNTARY HABITAT STAMP AND A SUBSCRIPTION TO "NEW YORK
 STATE
 26 CONSERVATIONIST" MAGAZINE AS IF THE HOLDER OF SUCH LICENSE HELD
 SEPA-
 27 RATELY A VOLUNTARY HABITAT STAMP AND A SUBSCRIPTION TO THE "NEW
 YORK
 28 STATE CONSERVATIONIST" MAGAZINE.

29 S 18. Subdivisions 1 and 2 of section 11-0702 of the
 environmental
 30 conservation law, subdivision 1 as amended by chapter 57 of the laws
 of
 31 1993, paragraph a of subdivision 1 as amended by chapter 245 of the
 laws
 32 of 1995 and subdivision 2 as added by chapter 352 of the laws of
 1987,
 33 are amended to read as follows:

34 1. There are hereby created the following lifetime hunting,
 fishing,
 35 trapping, archery and muzzle-loading licenses and fees therefor
 subject
 36 to the same privileges and obligations of a comparable short
 term
 37 license:

| Licenses | Fees |
|---|---------------------|
| 38 a. Lifetime {resident combined | |
| 39 hunting, fishing and big game} | |
| 40 SPORTSMAN license AND | |
| 41 TURKEY PERMIT. If purchased, | |
| 42 for a child four years of age or younger | {\$250.00} \$300.00 |
| 43 | |
| 44 for a child age five through | |
| 45 eleven years of age | {\$350.00} \$420.00 |
| 46 for a person age twelve through | |
| 47 sixty-four years of age | {\$500.00} \$600.00 |
| 48 for a person age sixty-five | |
| 49 and over. | \$ 50.00 |
| 50 b. Lifetime {resident hunting} | |
| 51 SMALL AND BIG GAME license. | {\$250.00} \$350.00 |

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| | |
|-----------------------------------|---------------------|
| 1 c. Lifetime {resident} fishing | |
| 2 license. | {\$250.00} \$350.00 |
| 3 d. Lifetime {resident} trapping | |
| 4 license. | {\$250.00} \$300.00 |
| 5 e. Lifetime {resident} archery | |
| 6 stamp. | {\$125.00} \$180.00 |
| 7 f. Lifetime {resident} muzzle- | |
| 8 loading stamp. | {\$125.00} \$180.00 |

9 {g. Lifetime resident big game hunting
10 license. \$250.00}

11 The holder of a lifetime {resident hunting,} SMALL AND big
game
12 LICENSE or fishing license may, at any time, convert such license to
a
13 lifetime {resident combined hunting, fishing and big game}
SPORTSMAN
14 license AND TURKEY PERMIT for an additional fee equal to the
existing
15 differential.

16 2. Legal residency within the state of New York shall be a
prerequi-
17 site for persons to obtain, or have obtained for them, any
lifetime
18 licenses included within this section. Lifetime licenses so
obtained
19 shall continue to be valid for use within the state by the person
to
20 whom the lifetime license was issued, regardless of a change in residen-
21 cy of that lifetime license holder. HOLDERS OF LIFETIME LICENSES
WHICH
22 INCLUDE LIFETIME BIG GAME PRIVILEGES WHO BECOME NON-RESIDENTS OF
THE
23 STATE MAY CONTINUE TO OBTAIN RESIDENT BOWHUNTING AND MUZZLE-
LOADING
24 STAMPS, INCLUDING LIFETIME ARCHERY AND MUZZLE-LOADING STAMPS. HOLDERS
OF
25 LIFETIME LICENSES WHICH INCLUDE BOWHUNTING AND MUZZLE-LOADING
PRIVILEGES
26 WHO BECOME NON-RESIDENTS OF THE STATE MAY CONTINUE TO OBTAIN
RESIDENT
27 BIG GAME PRIVILEGES, INCLUDING LIFETIME SPORTSMAN OR SMALL AND BIG
GAME
28 LICENSES. AN ANNUAL TURKEY PERMIT WILL BE GRANTED AT NO ADDITIONAL
FEE
29 AS AN ADDITIONAL PRIVILEGE OF ALL EXISTING LIFETIME SPORTSMAN
LICENSES.

30 Possession of lifetime licenses is nontransferable.
31 S 19. Paragraph c of subdivision 3 of section 11-0702 of the environ-
32 mental conservation law, as added by chapter 352 of the laws of 1987
and
33 such subdivision as renumbered by chapter 626 of the laws of 1988,
is
34 amended to read as follows:
35 c. (i) for the replacement of a lost license upon application with
a
36 notarized affidavit and a fee of five dollars(; (ii) for
individualized
37 selection, up to six digits, of a lifetime license serial number for
an
38 additional fee of five dollars; and (iii)} AND (II) for
gift

39 inscriptions, up to twenty-three characters, on lifetime licenses for
an
40 additional fee of five dollars;
41 S 20. Subdivision 2 of section 11-0703 of the environmental
conserva-
42 tion law, as amended by chapter 57 of the laws of 1993, is amended
to
43 read as follows:
44 2. No license, permit, tag or stamp is transferable. No person
shall
45 alter, change, lend to another or attempt to transfer to another
any
46 license or any button, permit, tag or stamp issued therewith. No
person,
47 while hunting, shall possess a license, button, permit, tag or
stamp
48 which was issued to another person unless actually accompanied by
the
49 person to whom such license, button, permit, tag or stamp was issued.
No
50 person shall purchase, possess or use more than one JUNIOR
ARCHERY,
51 JUNIOR SMALL GAME, SMALL AND BIG GAME, big game, {combined
resident

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1 hunting, fishing and big game} BOWHUNTING, MUZZLE-LOADING, SPORTSMAN,
OR
2 RESIDENT SUPER-SPORTSMAN LICENSE OR STAMP, non-resident bowhunting
or
3 muzzle-loading LICENSE, {combined} non-resident {hunting, fishing,
big
4 game, bowhunting and muzzle-loading} SUPER-SPORTSMAN license, non-
resi-
5 dent bear tag or special permit for the current license year, except
as
6 permitted by {rule or} regulation of the department.

7 S 21. Subdivision 4 of section 11-0703 of the environmental
conserva-
8 tion law, as amended by chapter 450 of the laws of 1991, paragraphs
a,
9 b, c and d as amended by chapter 57 of the laws of 1993 and paragraph
e
10 as relettered by chapter 470 of the laws of 1994, is amended to read
as
11 follows:
12 4. a. {Five-day} NON-RESIDENT fishing {licenses, combined}, non-
resi-
13 dent {hunting, fishing, big game, bowhunting and muzzle-loading}
SUPER-
14 SPORTSMAN, non-resident bowhunting or muzzle-loading {and}, OR non-
resi-
15 dent trapping licenses {and}, OR non-resident bear tags are
issuable

16 only to non-residents and persons who have been residents for less
than
17 thirty days immediately preceding the date of application.

18 b. A person under the age of fourteen years is ineligible for
{a

19 junior archery license} ANY LICENSE WHICH AUTHORIZES THE HOLDER TO
HUNT

20 BIG GAME. A person under the age of sixteen years is ineligible for
a

21 SMALL AND big game {license}, {a combined resident hunting, fishing
and

22 big game license} SPORTSMAN OR RESIDENT SUPER-SPORTSMAN,
{combined}

23 non-resident {hunting, fishing, big game, bowhunting, and muzzle-
load-

24 ing} SUPER-SPORTSMAN, NON-RESIDENT BIG GAME, OR non-resident
bowhunt-

25 ing{, non-resident} OR muzzle-loading license, {a} OR muzzle-
loading

26 {stamp} or {a} bowhunting stamp. A person is ineligible for a
hunting,

27 SMALL AND BIG GAME, JUNIOR SMALL GAME, big game, junior
archery,

28 {combined resident hunting, fishing and big game} SPORTSMAN AND
RESIDENT

29 SUPER-SPORTSMAN, {combined} non-resident {hunting, fishing, big
game,

30 bowhunting and muzzle-loading} SUPER-SPORTSMAN, OR non-resident
bowhunt-

31 ing or {non-resident} muzzle-loading license unless {he} SUCH
PERSON

32 meets the requirements of subdivision {6} 3 of section 11-0713 OF
THIS

33 ARTICLE.

34 c. Only the following persons are eligible for {a combined}
resident

35 {hunting, fishing and big game license} LICENSES: (1) persons who
have

36 been residents in the state for more than thirty days
immediately

37 preceding the date of application for the licenses, or who are
enrolled

38 in a full-time course at a college or university within the state
and

39 who are in residence in the state for the school year, or who are out
of

40 state or foreign exchange high school students enrolled in a full-
time

41 course in a high school within the state and who are in residence in
the

42 state for the school year; (2) Indian residents or members of the
six

43 nations residing on any reservation wholly or partly within the
state;

44 (3) members of the United States armed forces in active
service,

45 stationed in this state, regardless of the place of residence at
the
46 time of entry into the service; and (4) persons privileged under
subdi-
47 vision 5 of section 11-0707 OF THIS ARTICLE to take wildlife, other
than
48 deer and bear, as if they held hunting licenses.

49 d. Only persons who possess a {resident} SMALL AND big game
license

50 {or}, the big game license portion of the {combination} free
{hunting-

51 big game hunting-fishing license} SPORTSMAN, or {the combined
resident

52 hunting, fishing and big game} A SPORTSMAN OR RESIDENT SUPER-
SPORTSMAN

53 license are eligible for a bowhunting {stamp} or {a} muzzle-
loading

54 stamp.

55 e. A person under the age of twelve years is ineligible for a
junior

56 {hunting} SMALL GAME license.

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1 S 22. Paragraph a of subdivision 5 of section 11-0703 of the
environ-

2 mental conservation law, as amended by chapter 237 of the laws of
1993,

3 is amended to read as follows:

4 a. One-day{, three-day} and {five-day} SEVEN-DAY fishing
licenses

5 expire on the date stated on them.

6 S 23. Subdivision 6 of section 11-0703 of the environmental
conserva-

7 tion law, as added by chapter 57 of the laws of 1993 and subparagraph
4

8 of paragraph a as renumbered by chapter 470 of the laws of 1994,
is

9 amended to read as follows:

10 6. a. Except as provided in section 11-0707 and section 11-0709
OF

11 THIS ARTICLE, no person shall (1) hunt wildlife, other than deer
or

12 bear, or take fish with a gun, unless such person holds and is
entitled

13 to exercise the privileges of a hunting, {combination} JUNIOR
SMALL

14 GAME, SMALL AND BIG GAME, free {hunting-big game hunting-
fishing

15 license} SPORTSMAN, {a combined resident hunting, fishing and big
game

16 license} SPORTSMAN OR RESIDENT SUPER-SPORTSMAN, or {a combined} non-
re-

17 sident {hunting, fishing, big game, bowhunting and muzzle-
loading}

18 SUPER-SPORTSMAN license; (2) hunt antlerless deer in a special
open
19 season therefor pursuant to subdivision 6 of section 11-0903 OF
THIS
20 ARTICLE unless such person holds and is entitled to exercise the
privi-
21 leges of and has on his or her person while so hunting {both} a
SMALL
22 AND BIG GAME, big game {or}, junior archery {license or
combination}
23 free {hunting-big game hunting-fishing license} SPORTSMAN, {or
a
24 combined resident hunting, fishing and big game license} SPORTSMAN,
{or
25 combined} RESIDENT SUPER-SPORTSMAN, non-resident {hunting, fishing,
big
26 game, bowhunting and muzzle-loading} SUPER-SPORTSMAN OR NON-
RESIDENT
27 BOWHUNTING OR MUZZLE-LOADING license, and a special antlerless
deer
28 license; (3) take fish or frogs in the manner described in subdivision
4
29 of section 11-0701 OF THIS ARTICLE unless such person is entitled
to
30 exercise the privileges of a fishing license; (4) trap wildlife
unless
31 such person holds a trapping license.
32 b. Except as provided in section 11-0707 and section 11-0709 OF
THIS
33 ARTICLE, no resident shall (1) hunt wild deer or bear unless such
person
34 holds and is entitled to exercise the privileges of a SMALL AND
big
35 game, junior archery {or combination}, free {hunting-big game
hunting-
36 fishing license} SPORTSMAN, {or a combined resident hunting, fishing
and
37 big game} SPORTSMAN, OR RESIDENT SUPER-SPORTSMAN license, and meets
the
38 requirements of {subdivisions 2 and 3 of section 11-0701 or
subdivision
39 2 or 4 of section 11-0715} THIS ARTICLE; (2) hunt wild deer or bear
with
40 a longbow in a special longbow season unless such person holds and
is
41 entitled to exercise the privileges of a SMALL AND big game {license
or
42 combination}, JUNIOR ARCHERY, free {hunting-big game hunting-
fishing
43 license} SPORTSMAN, {or a combined resident hunting, fishing and
big
44 game} SPORTSMAN, OR RESIDENT SUPER-SPORTSMAN license with a
bowhunting
45 stamp affixed {or junior archery license} and meets the requirements
of
46 {subdivisions 2 and 3 of section 11-0701 or subdivision 2 or 4
of

47 section 11-0715} THIS ARTICLE; or (3) hunt wild deer or bear with
a
48 muzzle-loading firearm in a special muzzle-loading firearm season
unless
49 such person holds a SMALL AND big game, {or combination} free
{hunting-
50 big game hunting-fishing license or a combined resident hunting,
fishing
51 and big game} SPORTSMAN, SPORTSMAN, OR RESIDENT SUPER-SPORTSMAN
license
52 with a muzzle-loading stamp affixed and meets the requirements
of
53 {subdivision 2 of section 11-0701} THIS ARTICLE.

54 c. Except as provided in section 11-0707 and section 11-0709 OF
THIS
55 ARTICLE, no non-resident shall (1) hunt wild deer unless such
person
56 holds and is entitled to exercise the privileges of a big game,
junior

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1 archery, {a combined} non-resident {hunting, fishing, big game,
bowhunt-
2 ing and muzzle-loading} SUPER-SPORTSMAN {license}, OR non-
resident
3 bowhunting {license} or {non-resident} muzzle-loading license; (2)
hunt
4 wild deer with a longbow in a special longbow season unless such
person
5 holds and is entitled to exercise the privileges of a {combined} non-
re-
6 sident {hunting, fishing, big game, bowhunting and muzzle-
loading}
7 SUPER-SPORTSMAN, {license or a} non-resident bowhunting {license},
or
8 {a} junior archery license; (3) hunt wild deer with a muzzle-
loading
9 firearm in a special muzzle-loading firearm season unless such
person
10 holds a {combined} non-resident {hunting, fishing, big game
bowhunting
11 and muzzle-loading} SUPER-SPORTSMAN {license} or {a} non-
resident
12 muzzle-loading license; (4) hunt wild bear unless such person holds
a
13 junior archery license or a non-resident bear tag in combination
with
14 one of the non-resident deer licenses listed in subparagraph 1, 2 or
3
15 of this paragraph.

16 S 24. Paragraphs a, b and d of subdivision 2 of section 11-0705 of
the
17 environmental conservation law, paragraphs a and b as amended by
chapter

18 57 of the laws of 1993 and paragraph d as amended by chapter 209 of
the

19 laws of 1980, are amended to read as follows:

20 a. Holders of a {hunting, junior hunting, combined non-resident
hunt-
21 ing, fishing, big game, bowhunting and muzzle-loading, combination
free

22 hunting-big game hunting-fishing license or combined resident
hunting,

23 fishing and big game} license WHICH AUTHORIZES THE HOLDER TO HUNT
WILD-

24 LIFE OTHER THAN BIG GAME, while exercising the privileges of {a
hunting}

25 SUCH license, shall have the {hunting license} back tag issued
with

26 their license attached to and displayed on the back of the outer
garment

27 between the shoulders in such manner that all figures are plainly
visi-

28 ble at all times.

29 b. Holders of a {big game, combination free hunting-big game
hunting-

30 fishing, combined resident hunting, fishing and big game, combined
non-

31 resident hunting, fishing, big game, bowhunting and muzzle-
loading,

32 non-resident bowhunting or muzzle-loading or junior archery}
license

33 WHICH AUTHORIZES THE HOLDER TO HUNT BIG GAME, while hunting wild deer
or

34 bear, shall have the {big game, combination free hunting-big game
hunt-

35 ing-fishing or junior archery license} BACK tag issued with their
{big

36 game, combination free hunting-big game hunting-fishing, combined
resi-

37 dent hunting, fishing and big game, combined non-resident hunting,
fish-

38 ing, big game, bowhunting and muzzle-loading, non-resident bowhunting
or

39 muzzle-loading or junior archery} license so attached and displayed.

40 d. Notwithstanding the provisions of paragraphs a, b and c of
this

41 subdivision, a {hunting} license holder shall not be required to
display

42 such license tag in the Northern Zone or the Catskill Park.

43 S 25. Subdivision 2 of section 11-0709 of the environmental
conserva-

44 tion law is amended to read as follows:

45 2. Whenever taking of destructive or menacing wildlife is
authorized

46 in section 11-0523 OF THIS ARTICLE, such taking is exempt from
the

47 requirement of a {hunting, big game or trapping} license WHICH
AUTHOR-

48 IZES THE HOLDER TO HUNT WILDLIFE OR TRAP, unless the provision
authoriz-

49 ing such taking specifies that such license is required.
50 S 26. Subdivision 2 of section 11-0713 of the environmental
conserva-
51 tion law, as amended by chapter 450 of the laws of 1991 and as
renum-
52 bered by section 5 of part D of chapter 61 of the laws of 2000,
is
53 amended to read as follows:
54 2. The issuing officer shall not issue a junior archery license to
a
55 person between the ages of fourteen and sixteen or a junior
{hunting}
56 SMALL GAME license to a person between the ages of twelve and
sixteen{,}

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1 years unless at the time of issuance applicant is accompanied by
his
2 parent or legal guardian who shall consent to the issuance of
the
3 license and shall so signify by signing his name in ink across the
face
4 of it. At no time shall {hunting} SUCH licenses be issued by mail
to
5 persons between the ages of twelve and sixteen years.

6 S 27. Paragraphs a, b, c and d of subdivision 3 of section 11-0713
of
7 the environmental conservation law, paragraphs a, c, d and
subparagraph

8 1 of paragraph b as amended by chapter 57 of the laws of 1993,
paragraph

9 b as amended by chapter 450 of the laws of 1991 and such subdivision
as
10 renumbered by section 5 of part D of chapter 61 of the laws of 2000,
are

11 amended to read as follows:

12 a. Subject to the provisions of paragraphs b and c of this
subdivi-

13 sion, the issuing officer shall not issue a {hunting, combination
free

14 hunting-big game hunting-fishing, combined resident hunting, fishing
and

15 big game, big game, junior hunting, junior archery, combined non-
resi-

16 dent hunting, fishing, big game, bowhunting and muzzle-loading, non-
re-

17 sident bowhunting, non-resident muzzle-loading or trapping license
or

18 bowhunting stamp or muzzle-loading stamp} LICENSE, STAMP, TAG,
BUTTON,

19 PERMIT, OR PERMIT APPLICATION WHICH AUTHORIZES THE HOLDER TO HUNT
WILD-

20 LIFE, to any person unless the applicant presents:

21 (1) a {hunting, five-day hunting, combined hunting and fishing,
combi-

22 nation free hunting-big game hunting-fishing, combined resident
hunting,
23 fishing and big game, combined small game and big game, big game,
junior
24 archery, junior hunting, combined non-resident hunting, fishing,
big
25 game, bowhunting and muzzle-loading, non-resident bowhunting, non-
resi-
26 dent muzzle-loading or trapping} license WHICH AUTHORIZES THE HOLDER
TO
27 HUNT WILDLIFE issued to him previously; or
28 (2) an affidavit from a license issuing officer stating that
applicant
29 previously has been issued a {hunting, five-day hunting, combined
hunt-
30 ing and fishing, combination free hunting-big game hunting-
fishing,
31 combined resident hunting, fishing and big game, combined small game
and
32 big game, big game, trapping, junior hunting, combined non-
resident
33 hunting, fishing, big game, bowhunting and muzzle-loading, non-
resident
34 bowhunting, non-resident muzzle-loading or junior archery} license
WHICH
35 AUTHORIZES THE HOLDER TO HUNT WILDLIFE; or
36 (3) a certificate of qualification in responsible hunting,
responsible
37 bowhunting and responsible trapping practices, including safety,
ethics
38 and landowner-hunter relations, issued or honored by the
department,
39 pursuant to this subdivision.
40 b. (1) The issuing officer shall not issue a {bowhunting stamp
or
41 non-resident bowhunting or junior archery} license OR STAMP
WHICH
42 AUTHORIZES THE HOLDER TO EXERCISE THE PRIVILEGE OF HUNTING BIG GAME
WITH
43 A LONGBOW to any person unless the applicant presents a
{bowhunting
44 stamp or a non-resident bowhunting or junior archery license} NEW
YORK
45 STATE LICENSE OR STAMP WHICH AUTHORIZES THE HOLDER TO EXERCISE THE
PRIV-
46 ILEGE OF HUNTING BIG GAME WITH A LONGBOW issued in 1980 or later,
AN
47 AFFIDAVIT AS PROVIDED IN SUBPARAGRAPH 2 OF PARAGRAPH A OF THIS
SUBDIVI-
48 SION or a certificate of qualification in responsible bowhunting
prac-
49 tices issued or honored by the department.
50 (2) The issuing officer shall not issue a trapping license to
any
51 person unless the applicant presents a trapping license issued to
him

52 previously, an affidavit as provided in subparagraph {(2)} 2 of
para-
53 graph a of this subdivision or a certificate of qualification in
respon-
54 sible trapping practices.
55 c. The issuing officer shall not issue a bowhunting stamp or
muzzle-
56 loading stamp to any resident unless the applicant presents a SMALL
AND

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1 big game, {combination} free {hunting-big game hunting-fishing}
SPORTS-
2 MAN, or {combined resident hunting, fishing and big game} SPORTSMAN
OR
3 RESIDENT SUPER-SPORTSMAN license issued to that person for the
corre-
4 sponding license year.
5 d. Certifications of qualification in responsible hunting,
responsible
6 bowhunting and responsible trapping practices may be made by duly
quali-
7 fied and designated persons, whose fitness to give instructions in
said
8 practices has been determined by an agent of the department. The
depart-
9 ment may designate any person it deems qualified to act as its agent
in
10 the giving of instruction and the making of certification. No
charge
11 shall be made for any certificate or instruction given to a person
to
12 qualify him or her to obtain a {hunting, combined resident
hunting,
13 fishing and big game, big game, combined non-resident, hunting,
fishing,
14 big game, bowhunting, muzzle-loading, non-resident bowhunting
or
15 muzzle-loading, junior hunting, junior archery or trapping} license
or
16 {bowhunting} stamp OTHER THAN FOR CERTAIN INSTRUCTION AND
MATERIALS
17 ACCREDITED BY THE DEPARTMENT TO PROVIDE PREPARATION FOR FINAL
INSTRUC-
18 TION AND TESTING BY AGENTS OF THE DEPARTMENT OR FOR REPLACEMENT
EDUCA-
19 TION CERTIFICATES FOR A COMMISSION OF ONE DOLLAR TO THE ISSUING
AGENT.
20 THE DEPARTMENT SHALL MAKE AVAILABLE TO THE PUBLIC COURSES WITHOUT
CHARGE
21 WHICH DO NOT REQUIRE ADDITIONAL PREPARATION AT THE EXPENSE OF
STUDENTS,
22 AND MAY ALSO OFFER OPTIONAL COURSES WHICH REQUIRE PREPARATORY
INSTRUC-

23 TION WHICH MAY BE AT THE EXPENSE OF THE STUDENT. The department
may
24 make rules and regulations which in its opinion {are calculated
to}
25 effectuate better the purpose of this subdivision.

26 S 28. Subdivision 4 of section 11-0713 of the environmental
conserva-
27 tion law, as amended by chapter 450 of the laws of 1991 and as
renum-
28 bered by section 5 of part D of chapter 61 of the laws of 2000 and
para-
29 graph a as amended by chapter 470 of the laws of 1994, is amended
to
30 read as follows:

31 4. a. A person who has lost or accidentally destroyed a
{hunting,
32 fishing, combination free hunting-big game hunting-fishing,
combined
33 resident hunting, fishing and big game, big game, junior archery,
junior
34 hunting, combined non-resident hunting, fishing, big game,
bowhunting
35 and muzzle-loading, non-resident bowhunting, non-resident muzzle-
loading
36 or trapping} license{, bowhunting stamp or muzzle-loading} OR
stamp
37 AUTHORIZING THE HOLDER TO HUNT, FISH, OR TRAP may apply to the
officer
38 who issued it for a certificate in lieu thereof. Such officer
shall
39 issue a certificate stating the name and address of the applicant,
the
40 type of license issued and the fee, if any, paid for it.
Applications
41 and certificates furnished by the department shall be used for
this
42 purpose.

43 b. A person who has lost or accidentally destroyed a button OR
TAG
44 issued with such a license {or a hunting, junior hunting, junior
arch-
45 ery, combination free hunting-big game hunting, combined hunting and
big
46 game, or big game license tag} OR STAMP may apply to {the
department}
47 ANY LICENSE ISSUING OFFICER for a duplicate and the department
shall
48 issue a duplicate button or tag when satisfied that the application
is
49 made in good faith. A duplicate {combination} free {hunting-big
game
50 hunting} SPORTSMAN tag shall be issued free of charge.

51 C. A PERSON WHO HAS LOST OR ACCIDENTALLY DESTROYED A DEER
MANAGEMENT
52 PERMIT MAY APPLY TO ANY LICENSE ISSUING OFFICER FOR A DUPLICATE.
SUCH

53 OFFICER SHALL ISSUE A DUPLICATE TAG WHEN SATISFIED THAT THE
APPLICATION
54 IS MADE IN GOOD FAITH. THE OFFICER SHALL ALSO ISSUE A CERTIFICATE
STAT-
55 ING THE NAME AND ADDRESS OF THE APPLICANT, THE IDENTIFYING NUMBER OF
THE

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1 TAG THAT IS BEING ISSUED AND THE FEE, IF ANY, PAID FOR IT.
APPLICATIONS

2 AND TAGS FURNISHED BY THE DEPARTMENT SHALL BE USED FOR THIS PURPOSE.

3 S 29. Subdivision 2 of section 11-0715 of the environmental
conserva-

4 tion law, as amended by chapter 450 of the laws of 1991, is amended
to

5 read as follows:

6 2. A resident in the state for thirty days immediately prior to
the

7 date of application who has attained the age of seventy is entitled
to

8 receive {a fishing license, a hunting license, a bow hunting stamp,
a

9 muzzle-loading stamp, a trapping license, a special second deer
permit,

10 a big game hunting license and combination hunting, big game and
fishing

11 license for the license year beginning October first, nineteen
hundred

12 ninety-one, and annually thereafter,} ALL LICENSES, STAMPS,
TAGS,

13 BUTTONS, AND PERMITS AUTHORIZED BY THIS TITLE FOR WHICH HE OR SHE
IS

14 ELIGIBLE, EXCEPT TURKEY PERMITS, RENEWABLE EACH YEAR for a {four}
FIVE

15 dollar {license} fee {and one dollar to the issuing clerk}; a member
of

16 the Shinnecock tribe or the Poospatuck tribe or a member of the
six

17 nations, residing on any reservation wholly or partly within the
state,

18 is entitled to receive free of charge a fishing license, a
{hunting}

19 SMALL AND BIG GAME license, A SPORTSMAN LICENSE, a muzzle-loading
stamp,

20 {a big game license,} a trapping license, {a special second deer
permit}

21 and a bow hunting stamp; and a resident who is blind is entitled
to

22 receive a fishing license free of charge. For the purposes of
this

23 subdivision a person is blind only if either: (a) his central
visual

24 acuity does not exceed 20/200 in the better eye with correcting
lenses,

25 or (b) his visual acuity is greater than 20/200 but is accompanied by
a
26 limitation of the field of vision such that the widest diameter of
the
27 visual field subtends an angle no greater than 20 degrees.

28 {A person entitled to a free license as provided in this
subdivision
29 shall be issued a combination free hunting-big game hunting-
fishing
30 license renewable each year. Those free licensees not qualified
to
31 receive a hunting license shall have stamped across the face
thereof
32 "FISHING ONLY", and the issuing clerk shall destroy the
accompanying
33 back tag for such license.}

34 A resident in the state for a period of thirty days immediately
prior
35 to the date of application who has attained the age of sixty-five
is
36 entitled to receive a {combined hunting, fishing and big game}
SPORTSMAN
37 license at the cost of {four} FIVE dollars as a license fee {and
one
38 dollar to the issuing clerk}.

39 S 30. Subdivision 3 of section 11-0715 of the environmental
conserva-
40 tion law is REPEALED and a new subdivision 3 is added to read
as
41 follows:

42 3. EACH APPLICANT FOR A LICENSE, PERMIT OR STAMP SHALL PAY TO
THE
43 ISSUING OFFICER A FEE, ACCORDING TO THE LICENSE, PERMIT OR STAMP
ISSUED
44 AND THE RESIDENCE OR OTHER QUALIFICATION OF THE APPLICANT.

45 A. IN THE CASE OF PERSONS WHO HAVE BEEN RESIDENTS OF THE STATE
FOR
46 MORE THAN THIRTY DAYS IMMEDIATELY PRECEDING THE DATE OF APPLICATION
OR
47 WHO ARE ENROLLED IN A FULL-TIME COURSE AT A COLLEGE OR UNIVERSITY
WITHIN
48 THE STATE AND WHO ARE IN RESIDENCE IN THE STATE FOR THE SCHOOL
YEAR,
49 INDIANS RESIDING OFF RESERVATIONS IN THE STATE AND MEMBERS OF THE
UNITED
50 STATES ARMED FORCES IN ACTIVE SERVICE STATIONED IN THIS STATE
REGARDLESS

51 OF PLACE OF RESIDENCE AT THE TIME OF ENTRY INTO SERVICE:
52 LICENSE FEE
53 (1) SUPER-SPORTSMAN \$68.00
54 (2) SPORTSMAN \$37.00
55 (3) SMALL AND BIG GAME \$19.00
56 (4) FISHING \$19.00

| | | |
|---|--------------------------|---------|
| 1 | (5) TRAPPING | \$16.00 |
| 2 | (6) HUNTING | \$16.00 |
| 3 | (7) JUNIOR TRAPPING | \$ 6.00 |
| 4 | (8) MUZZLE-LOADING STAMP | \$16.00 |
| 5 | (9) BOWHUNTING STAMP | \$16.00 |
| 6 | (10) TURKEY PERMIT | \$ 5.00 |
| 7 | (11) SEVEN-DAY FISHING | \$12.00 |
| 8 | (12) CONSERVATION LEGACY | \$76.00 |

9 B. IN THE CASE OF A NON-RESIDENT AND PERSONS RESIDENT IN THE STATE
FOR
10 LESS THAN THIRTY DAYS, OTHER THAN PERSONS WHO ARE ENROLLED IN
A
11 FULL-TIME COURSE AT A COLLEGE OR UNIVERSITY WITHIN THE STATE AND WHO
ARE
12 IN RESIDENCE IN THE STATE FOR THE SCHOOL YEAR AND THOSE MEMBERS OF
THE
13 UNITED STATES ARMED FORCES AS TO WHOM FEES ARE SPECIFIED IN PARAGRAPH
A

14 OF THIS SUBDIVISION:

| 15 | LICENSE | FEE |
|----|-----------------------|----------|
| 16 | (1) BIG GAME | \$110.00 |
| 17 | (2) HUNTING | \$ 55.00 |
| 18 | (3) FISHING | \$ 40.00 |
| 19 | (4) SEVEN-DAY FISHING | \$ 25.00 |
| 20 | (5) TRAPPING | \$255.00 |
| 21 | (6) SUPER-SPORTSMAN | \$250.00 |
| 22 | (7) BOWHUNTING | \$110.00 |
| 23 | (8) MUZZLE-LOADING | \$110.00 |
| 24 | (9) BEAR TAG | \$ 30.00 |
| 25 | (10) TURKEY PERMIT | \$ 30.00 |

26 C. IN ALL CASES:

| | | |
|----|---|---------|
| 27 | (1) CERTIFICATES IN LIEU OF LOST LICENSE OR STAMP | \$ 5.00 |
| 28 | (2) DUPLICATE FOR LOST OR DESTROYED PERMIT, BUTTON OR TAG | |
| 29 | | \$10.00 |
| 30 | (3) JUNIOR SMALL GAME LICENSE | \$ 5.00 |
| 31 | (4) JUNIOR ARCHERY LICENSE | \$ 9.00 |
| 32 | (5) ONE-DAY FISHING LICENSE | \$15.00 |
| 33 | (6) CONSERVATION PATRON LICENSE | \$12.00 |

34 S 31. Subdivision 4 of section 11-0715 of the environmental
conserva-

35 tion law, as amended by chapter 450 of the laws of 1991, is amended
to

36 read as follows:

37 4. A person resident in the state for at least thirty days
immediately

38 prior to the date of application, who has been honorably discharged
from

39 service in the armed forces of the United States and certified as
having

40 a forty {per cent} PERCENT or greater service-connected disability
is

41 entitled to receive {a combination hunting-big game hunting-
fishing

42 license, a bow hunting stamp, a muzzle loading stamp and a
trapping

43 license} ALL LICENSES, STAMPS, TAGS, BUTTONS, AND PERMITS AUTHORIZED
BY

44 THIS TITLE FOR WHICH HE OR SHE IS ELIGIBLE, EXCEPT TURKEY
PERMITS,
45 renewable each year for a {four} FIVE dollar fee {and one dollar to
the
46 issuing clerk}.

47 S 32. Section 11-0715 of the environmental conservation law is
amended

48 by adding a new subdivision 6 to read as follows:

49 6. A. LICENSE ISSUING OFFICERS MAY RETAIN 1.1 PERCENT OF THE
GROSS

50 PROCEEDS FROM THE SALE OF THE FOLLOWING:

51 (1) NON-RESIDENT HUNTING LICENSE

52 (2) NON-RESIDENT BIG GAME LICENSE

53 (3) NON-RESIDENT TRAPPING LICENSE

54 (4) BEAR TAG

55 (5) NON-RESIDENT BOWHUNTING LICENSE

56 (6) NON-RESIDENT MUZZLE-LOADING LICENSE

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1 (7) NON-RESIDENT SUPER-SPORTSMAN LICENSE

2 (8) NON-RESIDENT TURKEY PERMIT

3 (9) ALL LIFETIME LICENSES LISTED IN SECTION 11-0702 OF THIS TITLE.

4 B. LICENSE ISSUING OFFICERS MAY RETAIN 5.5 PERCENT OF THE
GROSS

5 PROCEEDS FROM SALE OF ALL OTHER LICENSE, STAMPS, CERTIFICATES
AND

6 PERMITS, INCLUDING ANY APPLICATION FEES ASSOCIATED WITH SUCH
LICENSES,

7 STAMPS, CERTIFICATES AND PERMITS.

8 S 33. The opening paragraph of paragraph a of subdivision 2 of
section

9 11-0719 of the environmental conservation law, as amended by chapter
119

10 of the laws of 1999, is amended to read as follows:

11 The department may revoke the {hunting, big game, junior archery
or

12 trapping license or the hunting and big game hunting portions of
the

13 combination free hunting-big game hunting-fishing license, or any or
all

14 of them, or any stamp or tag, and} LICENSES, TAGS, AND STAMPS
WHICH

15 AUTHORIZE THE HOLDER TO HUNT AND/OR TRAP WILDLIFE, AND MAY deny
the

16 privilege of obtaining such {license or such portions of the
combination

17 free hunting-big game hunting-fishing license and of hunting or of
trap-

18 ping anywhere in the state,} LICENSES, TAGS, AND STAMPS AND MAY DENY
THE

19 PRIVILEGES OF HUNTING AND/OR TRAPPING with or without a license{,}.

20 S 34. Subdivision 3 of section 11-0719 of the environmental
conserva-

21 tion law, as amended by chapter 158 of the laws of 1999, is amended
to

22 read as follows:

23 3. A junior {hunting} SMALL GAME license issued to a person who
is
24 between the ages of twelve and sixteen years or A junior archery
license
25 issued to a person who is between the ages of fourteen and sixteen
years
26 may be revoked by the department upon proof satisfactory to the
depart-
27 ment that such person, while under the age of sixteen, has engaged
in
28 hunting wildlife with a gun or longbow, in circumstances in which
a
29 license is required, while not accompanied by his parent, guardian
or
30 other adult as provided in either subdivision 1 or subdivision 3
of
31 section 11-0929 of this article. If such license or privilege is
revoked
32 the department shall fix the period of such revocation, which is not
to
33 exceed four years. The department may require that such person
success-
34 fully complete a department sponsored course and obtain a certificate
of
35 qualification in responsible hunting or responsible bowhunting
practices
36 before being issued another hunting or bowhunting license.

37 S 35. Paragraph b of subdivision 7 of section 11-0903 of the
environ-
38 mental conservation law, as amended by chapter 57 of the laws of
1993,
39 is amended to read as follows:

40 b. Deer may be taken only by holders of {big game or combined
resident
41 hunting, fishing and big game or combination free hunting-big game
hunt-
42 ing-fishing or combined non-resident hunting, fishing, big
game,
43 bowhunting and muzzle-loading or non-resident bowhunting and non-
resi-
44 dent muzzle-loading licenses} A LICENSE AUTHORIZING THE TAKING OF
BIG
45 GAME who have also obtained a special permit provided by the
department
46 and issued by the town clerk of each town where such season is fixed;

47 S 36. Subparagraph 1 of paragraph e of subdivision 9 of
section
48 11-0903 of the environmental conservation law, as amended by chapter
911
49 of the laws of 1990, is amended to read as follows:

50 (1) a requirement that hunting deer during such special season
shall
51 be only by holders of both a {big game} license AUTHORIZING THE
TAKING
52 OF BIG GAME and a special permit for the area where hunting is
permit-

53 ted,
54 S 37. Paragraph a of subdivision 1 of section 11-0907 of the environ-
55 mental conservation law, as amended by chapter 330 of the laws of
1994,
56 is amended to read as follows:

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1 a. Wild deer without antlers or having antlers measuring less
than
2 three inches in length shall not be taken unless it is taken (1) by
long
3 bow in a special long bow season established in subdivision 3 of
this
4 section, or (2) by muzzle-loading firearm in a special muzzle-
loading
5 firearm season established in subdivision 8 of this section, or (3)
by
6 long bow in Westchester and Suffolk Counties in a year in which a regu-
regu-
7 lar season for deer of either sex is established for such counties,
or
8 (4) in a special open season for deer of either sex fixed by
{order}
9 REGULATION pursuant to subdivision 5 or 7 of section 11-0903 OF
THIS
10 TITLE, or (5) pursuant to a special antlerless deer license in a special
11 open season for antlerless deer in a tract within a Wilderness
Hunting
12 Area fixed by regulation pursuant to subdivision 6 of section 11-0903
OF
13 THIS TITLE, or (6) pursuant to a deer management permit by a
person
14 eligible to take such deer pursuant thereto as provided in
section
15 11-0913 OF THIS TITLE, or (7) pursuant to a permit issued to an
eligible
16 non-ambulatory person, pursuant to subdivision {two} 2 of
section
17 11-0931 of this title, while in possession of a valid {big game}
license
18 issued by the department WHICH AUTHORIZES THE HOLDER TO HUNT BIG
GAME.
19 Nothing in this subparagraph shall be construed to limit the power
of
20 the department to designate by regulation an area or areas of the
state
21 consisting of a county or part of a county where such season shall
apply
22 and whether the number of such special permits shall be limited.

23 S 38. Paragraph c of subdivision 1 of section 11-0907 of the environ-
24 mental conservation law, as amended by chapter 600 of the laws of
1993,

25 is amended to read as follows:

26 c. The limit for wild deer is one deer per person in a license
year
27 except that (1) a person entitled to exercise the privileges of
a
28 special antlerless deer license may take an antlerless deer while
hunt-
29 ing pursuant to such license in addition to the limit of one deer in
a
30 license year otherwise applicable, {and} (2) a person who is a member
of
31 a hunting group holding a deer management permit or permits
issued
32 pursuant to section 11-0913 OF THIS ARTICLE may take additional
deer
33 while hunting in accordance with the conditions of the permit
or
34 permits, {and} (3) THE HOLDER OF A BOWHUNTING LICENSE OR STAMP OR
A
35 MUZZLE-LOADING LICENSE OR STAMP MAY TAKE UP TO TWO ADDITIONAL
DEER,
36 PURSUANT TO REGULATIONS PROMULGATED BY THE DEPARTMENT, AND (4) an
eligi-
37 ble non-ambulatory person, pursuant to subdivision {two} 2 of
section
38 11-0931 of this {chapter} ARTICLE may take a deer of either sex in
any
39 {deer} WILDLIFE management unit area where deer management permits
have
40 been issued by the department, while in possession of a valid {big
game}
41 license {and a special big game permit, issued by the department, for
a
42 fee of five dollars} WHICH AUTHORIZES THE HOLDER TO HUNT BIG
GAME.
43 Nothing contained in this section shall be construed to limit the
power
44 of the department to designate by regulation an area or areas of
the
45 state consisting of a county or part of a county where such season
shall
46 apply and whether the number of such special permits shall be limited.

47 S 39. Paragraph c of subdivision 1 of section 11-0907 of the
environ-
48 mental conservation law, as amended by chapter 911 of the laws of
1990
49 and subparagraph 2 as amended by chapter 119 of the laws of 1991,
is
50 amended to read as follows:

51 c. The limit for wild deer and bear is one deer and one bear
per
52 person in a license year except that (1) a person entitled to
exercise
53 the privileges of a special antlerless deer license may take an
antler-
54 less deer while hunting pursuant to such license in addition to
the

55 limit of one deer in a license year otherwise applicable, {and} (2)
a
56 person who is a member of a hunting group holding a deer
management

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1 permit or permits issued pursuant to section 11-0913 OF THIS ARTICLE
may
2 take additional deer while hunting in accordance with the conditions
of
3 the permit or permits, {and} (3) THE HOLDER OF A BOWHUNTING LICENSE
OR
4 STAMP OR A MUZZLE-LOADING LICENSE OR STAMP MAY TAKE UP TO TWO
ADDITIONAL
5 DEER, PURSUANT TO REGULATIONS PROMULGATED BY THE DEPARTMENT, AND (4)
an
6 eligible non-ambulatory person, pursuant to subdivision {two} 2
of
7 section 11-0931 of this {chapter} ARTICLE may take a deer of either
sex
8 in any {deer} WILDLIFE management unit area where deer
management
9 permits have been issued by the department, while in possession of
a
10 valid {big game} license {and a special big game permit, issued by
the
11 department, for a fee of five dollars} WHICH AUTHORIZES THE HOLDER
TO
12 HUNT BIG GAME. Nothing contained in this section shall be construed
to
13 limit the power of the department to designate by regulation an area
or
14 areas of the state consisting of a county or part of a county where
such
15 season shall apply and whether the number of such special permits
shall
16 be limited.

17 S 40. Paragraphs d and e of subdivision 1 of section 11-0907 of
the
18 environmental conservation law are REPEALED and two new paragraphs d
and

19 e are added to read as follows:

20 D. (1) A PERSON WHO HOLDS LICENSES OR STAMPS AUTHORIZING THE
HOLDER
21 TO HUNT DEER DURING A SPECIAL ARCHERY SEASON AND THE REGULAR OPEN
SEASON
22 AND WHO HAS TAKEN A DEER BY LONGBOW IN A SPECIAL ARCHERY SEASON AND
WHO
23 HAS NOT TAKEN A DEER IN A REGULAR OPEN SEASON MAY, IN ADDITION TO
THE
24 LIMIT OF ONE DEER IN A LICENSE YEAR OTHERWISE APPLICABLE, TAKE
DURING
25 THE SAME LICENSE YEAR ADDITIONAL DEER AS SPECIFIED BY DEPARTMENT
REGU-

26 LATION IN A SPECIAL ARCHERY SEASON FOLLOWING THE CLOSE OF THE
REGULAR

27 OPEN DEER SEASON.

28 (2) A PERSON WHO HOLDS LICENSES OR STAMPS AUTHORIZING THE HOLDER
TO

29 HUNT DEER DURING A SPECIAL ARCHERY SEASON AND THE REGULAR OPEN
SEASON

30 AND WHO HAS TAKEN A DEER BY LONGBOW IN THE REGULAR OPEN SEASON FOR
DEER

31 IN WESTCHESTER OR SUFFOLK COUNTIES MAY, IN ADDITION TO THE LIMIT OF
ONE

32 DEER IN A LICENSE YEAR OTHERWISE APPLICABLE, TAKE DURING THE
SAME

33 LICENSE YEAR ADDITIONAL DEER AS SPECIFIED BY DEPARTMENT
REGULATION

34 DURING SUCH WESTCHESTER OR SUFFOLK COUNTY REGULAR OPEN DEER SEASON.

35 E. A PERSON WHO HOLDS LICENSES OR STAMPS AUTHORIZING THE HOLDER
TO

36 HUNT DEER DURING A SPECIAL MUZZLE-LOADING SEASON AND THE REGULAR
OPEN

37 SEASON AND WHO HAS TAKEN A DEER BY MUZZLE-LOADING FIREARM IN
A

38 MUZZLE-LOADING SEASON AND WHO HAS NOT TAKEN A DEER IN A REGULAR
OPEN

39 SEASON MAY, IN ADDITION TO THE LIMIT OF ONE DEER IN A LICENSE
YEAR

40 OTHERWISE APPLICABLE, TAKE DURING THE SAME YEAR ADDITIONAL DEER AS
SPEC-

41 IFIED BY DEPARTMENT REGULATION IN A SPECIAL MUZZLE-LOADING
SEASON

42 FOLLOWING THE CLOSE OF THE REGULAR DEER SEASON.

43 S 41. Paragraph a of subdivision 3 of section 11-0907 of the
environ-

44 mental conservation law, as amended by chapter 600 of the laws of
1993,

45 is amended to read as follows:

46 a. In every area identified in column one of the table set forth
in

47 subdivision 2 OF THIS SECTION, except Westchester and Suffolk
Counties

48 in which a regular open season for taking deer by firearms is
estab-

49 lished and effective, a special open season is established for
taking

50 deer of either sex, by the use of a long bow only by holders of a
{big

51 game, combined small game and big game, combined hunting, fishing
and

52 big game} SMALL AND BIG GAME, SPORTSMAN, or {combination} free
{hunt-

53 ing-big game hunting-fishing} SPORTSMAN license to which a
valid

54 bowhunting stamp is affixed or TO HOLDERS OF a junior archery,
RESIDENT

55 OR NON-RESIDENT SUPER-SPORTSMAN, OR NON-RESIDENT BOWHUNTING license.

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1 S 42. Paragraph a of subdivision 3 of section 11-0907 of the environ-
2 mental conservation law, as amended by chapter 694 of the laws of
1980,
3 is amended to read as follows:

4 a. In every area identified in column one of the table set forth
in
5 subdivision 2 OF THIS SECTION, except Westchester and Suffolk
Counties

6 in which a regular open season for taking deer by firearms is estab-
7 lished and effective, a special open season is established for
taking

8 deer of either sex, and bear, by the use of a long bow only by
holders

9 of a {big game, combined small game and big game, combined
hunting,

10 fishing and big game} SMALL AND BIG GAME, SPORTSMAN, or
{combination}

11 free {hunting-big game hunting-fishing} SPORTSMAN license to which
a

12 valid bowhunting stamp is affixed or TO HOLDERS OF a junior
archery,

13 RESIDENT OR NON-RESIDENT SUPER-SPORTSMAN, OR NON-RESIDENT
BOWHUNTING

14 license.

15 S 43. Paragraph a of subdivision 5 of section 11-0907 of the environ-
16 mental conservation law, as amended by chapter 768 of the laws of

1978,
17 is amended to read as follows:

18 a. In Monroe County, the area bounded and described as follows: On
the

19 west by Route 261 (Manitou Road) beginning at Manitou Beach on
Lake

20 Ontario in the town of Greece and continuing southerly along such
road

21 to its intersection with the Barge Canal, thence easterly along
such

22 canal to East Avenue in the village of Pittsford, thence
northeasterly

23 along East Avenue to Allen Creek in the town of Brighton, thence
north-

24 erly along Allen Creek to Irondequoit Creek, thence northerly
along

25 Irondequoit Creek to Irondequoit Bay, thence northerly along the
easter-

26 ly shore of Irondequoit Bay to Lake Ontario; except that deer of
either

27 sex may be taken DURING THE REGULAR AND SPECIAL DEER HUNTING
SEASONS

28 PROVIDED FOR IN THIS TITLE by the use of a {long bow} LONGBOW by
holders

29 of {a big game license to which a valid bow hunting stamp is
affixed
30 during the regular and special deer hunting seasons provided for in
this
31 title} LICENSES WHICH AUTHORIZE THE HOLDER TO HUNT DEER DURING A
SPECIAL
32 ARCHERY SEASON and provided further that this exception permitting
the
33 taking of deer by a {long bow} LONGBOW shall not apply within an area
in
34 the town of Greece bounded and described as follows: On the west by
Long
35 Pond Road beginning at Latta Road and continuing southerly along
such
36 road to its intersection with Maiden Lane, thence easterly along
Maiden
37 Lane to its intersection with Mt. Read Blvd., thence northerly along
Mt.
38 Read Blvd. to its intersection with Latta Road, thence westerly
along
39 Latta Road to its intersection with Long Pond Road at the point
of
40 beginning.

41 S 44. Paragraph a of subdivision 7 of section 11-0907 of the
environ-

42 mental conservation law, as amended by chapter 272 of the laws of
1983,

43 is amended to read as follows:

44 a. The area described in this subdivision is closed to the taking
of
45 deer and bear by firearms, but shall be open for taking deer by the
use

46 of a {long bow} LONGBOW only by holders of {a big game, combined
small

47 game and big game, combined hunting, fishing and big game or
combination

48 free hunting-big game hunting-fishing license to which a valid
bowhunt-

49 ing stamp is affixed or a junior archery license,} LICENSES
WHICH

50 AUTHORIZE THE HOLDERS TO HUNT DEER DURING A SPECIAL ARCHERY SEASON
as

51 follows: during the special deer season stated in subdivision {three}
3

52 OF THIS SECTION and during the regular season stated in
subdivision

53 {two} 2 OF THIS SECTION, deer of either sex may be taken.

54 S 45. Paragraph a of subdivision 8 of section 11-0907 of the
environ-

55 mental conservation law, as amended by chapter 241 of the laws of
1997,

56 is amended to read as follows:

1 a. In every area identified in column one of the table set forth
in
2 subdivision 2 OF THIS SECTION, except those areas restricted to
special
3 seasons for taking deer by longbow only, special open seasons may
be
4 established by regulation for taking deer and/or bear, by the use
of
5 muzzle-loading firearms, of not less than .44 caliber shooting a
single
6 projectile, by the holders of a SMALL AND big game, {combined small
game
7 and big game, combined hunting, fishing and big game or} SPORTSMAN
OR
8 {combination} free {hunting-big game hunting-fishing} SPORTSMAN
license
9 to which a valid muzzle-loading stamp is affixed OR TO HOLDERS OF
A
10 RESIDENT OR NON-RESIDENT SUPER-SPORTSMAN, OR NON-RESIDENT MUZZLE-
LOADING
11 LICENSE.

12 S 46. Paragraph b of subdivision 1 of section 11-0913 of the
environ-
13 mental conservation law, as amended by chapter 401 of the laws of
1985,
14 is amended to read as follows:

15 b. In the issuance of permits, the department may give preference
to
16 {state residents} RESIDENT LICENSE HOLDERS and may give preference{,
to
17 the extent of not more than 50 per cent of the permits to be issued
for
18 a specified area,} to disabled veterans having 40 percent or
greater
19 disability, and to the applications of groups which include a person
or
20 the spouse of a person, provided that such spouse lives in the
same
21 household, who owns at least 50 acres of land in one parcel in the
spec-
22 ified area {and which are postmarked not later than midnight of the
last
23 day of the period prescribed by department order for making
applica-
24 tion}.

25 S 47. Paragraph d of subdivision 2 of section 11-0913 is REPEALED
and
26 paragraphs e, f and g are relettered paragraphs d, e and f.

27 S 48. Subdivisions 3, 4 and 7 of section 11-0913 of the
environmental
28 conservation law, as amended by chapter 57 of the laws of 1993,
are
29 amended to read as follows:

30 3. Each member of a group issued a permit pursuant to this
section
31 shall possess a {big game, combined resident hunting, fishing and
big

32 game, combination free hunting-big game hunting-fishing license
or
33 combined non-resident hunting, fishing, big game, bowhunting
and
34 muzzle-loading} license WHICH AUTHORIZES THE HOLDER TO HUNT DEER
DURING
35 THE REGULAR OPEN SEASON before the permit may be validated.

36 4. During a license year, no person shall use more than one {big
game,
37 combined resident hunting, fishing and big game, combination free
hunt-
38 ing-big game hunting-fishing license or combined non-resident
hunting,
39 fishing, big game, bowhunting and muzzle-loading} license WHICH
AUTHOR-
40 IZES THE HOLDER TO HUNT DEER DURING THE REGULAR OPEN SEASON in
making
41 application for a deer management permit.

42 7. The department shall charge and receive a fee of ten dollars
for
43 the application and the processing of such permit or permits.
Appli-
44 cants who are successful in the computerized selection shall receive
the
45 permit or permits free of any additional charge. The application
fee
46 shall be non-refundable. The department may waive the application
fee
47 for holders of a {combined resident hunting, fishing and big
game}
48 JUNIOR ARCHERY, SPORTSMAN, RESIDENT SUPER-SPORTSMAN, CONSERVATION
LEGACY
49 OR NON-RESIDENT SUPER-SPORTSMAN license {or a combined non-
resident
50 hunting, fishing, big game, bowhunting and muzzle-loading license}.

51 S 49. Section 11-0929 of the environmental conservation law,
as
52 amended by chapter 694 of the laws of 1980, subdivisions 1 and 3
as
53 amended by chapter 450 of the laws of 1991, is amended to read
as
54 follows:
55 S 11-0929. Hunting by minors.

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1 1. A licensee between the ages of twelve and fourteen years shall
not
2 hunt wildlife with a gun or a longbow unless he or she is accompanied
by
3 his or her parent or legal guardian or relative over the age of
twenty-
4 one designated in writing by his or her parent who holds a {hunting,
or
5 combined hunting, fishing and big game or combination free hunting-
big

6 game hunting-fishing} license WHICH AUTHORIZES THE HOLDER TO HUNT
WILD-
7 LIFE; a licensee between the ages of fourteen and sixteen shall not
hunt
8 wildlife with a gun or longbow unless he or she is accompanied by his
or
9 her parent holding such license, or a person over eighteen years of
age,
10 designated in writing by his or her parent or legal guardian,
holding
11 such license.

12 2. A licensee under the age of eighteen years who has not
previously
13 had a {big game, combined small game and big game or combined
hunting,
14 fishing and big game} license WHICH AUTHORIZES THE HOLDER TO HUNT
BIG
15 GAME issued to him OR HER and engaged in hunting pursuant to it
shall
16 not hunt deer or bear unless he OR SHE is accompanied by his parent
or
17 legal guardian, or by a person over eighteen years of age who has had
at
18 least one year's experience in hunting deer or bear, and such
accompany-
19 ing parent, guardian or person holds a {big game, combined small
game
20 and big game, combined hunting, fishing and big game or combination
free
21 hunting-big game hunting-fishing} license WHICH AUTHORIZES THE HOLDER
TO
22 HUNT BIG GAME.

23 3. A junior archery licensee, between the ages of fourteen and
sixteen
24 years, shall not hunt deer or bear unless he OR SHE is accompanied
by
25 his OR HER parent or legal guardian, or by a person over eighteen
years
26 of age who has had at least one year's experience in hunting deer
or
27 bear by longbow, and such accompanying parent, guardian or person
holds
28 a {big game, combined hunting, fishing and big game or combination
free
29 hunting-big game hunting-fishing license with a bowhunting
stamp
30 affixed} LICENSE WHICH AUTHORIZES THE HOLDER TO HUNT BIG GAME DURING
A
31 SPECIAL ARCHERY SEASON AND THE REGULAR OPEN SEASON.

32 S 50. Subdivision 2 of section 11-0931 of the environmental
conserva-
33 tion law is amended to read as follows:
34 2. No firearm except a pistol or revolver shall be carried
or
35 possessed in or on a motor vehicle unless it is unloaded in both
the

36 chamber and the magazine, except that a loaded firearm which may
be
37 legally used for taking migratory game birds may be carried or
possessed
38 in a motorboat while being legally used in hunting migratory game
birds,
39 and no person except a law enforcement officer in the performance of
his
40 official duties shall, while in or on a motor vehicle, use a
jacklight,
41 spotlight or other artificial light upon lands inhabited by deer if
he
42 is in possession or is accompanied by a person who is in possession,
at
43 the time of such use, of a longbow, crossbow or a firearm of any
kind
44 except a pistol or revolver, unless such longbow is unstrung or
such
45 firearm is taken down or securely fastened in a case or locked in
the
46 trunk of the vehicle. For purposes of this subdivision, motor
vehicle
47 shall mean every vehicle or other device operated by any power
other
48 than muscle power, and which shall include but not be limited to
automo-
49 biles, trucks, motorcycles, tractors, trailers and motorboats,
snowmo-
50 biles and snowtravelers, whether operated on or off public
highways.
51 Notwithstanding the provisions of this subdivision, the department
may
52 issue a permit to any person who is non-ambulatory, except with the
use
53 of a mechanized aid, to possess a loaded firearm in or on a motor
vehi-
54 cle as defined in this section, subject to such restrictions as
the
55 department may deem necessary in the interest of public safety, AND
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1 A FEE OF FIVE DOLLARS. Nothing in this section permits the
possession
2 of a pistol or a revolver contrary to the {Penal Law} PENAL LAW.
3 S 51. Section 11-1003 of the environmental conservation law,
as
4 amended by chapter 325 of the laws of 1989, is amended to read
as
5 follows:
6 S 11-1003. Falconry license.
7 Any resident of this state may be issued a falconry license.
The
8 department shall prescribe and furnish forms for application for
such

9 license. The fee for the license shall be twenty dollars.
Falconry
10 licenses shall expire on December 31 every second year and shall
be
11 renewable at the discretion of the department. A falconry license
shall
12 authorize the licensee to obtain, buy, sell, barter, possess and
train
13 raptors for falconry and to engage in falconry, provided that no
game
14 shall be taken or killed except during an open season therefor,
and
15 further provided that such licensee shall also possess a
{hunting,
16 combined hunting and fishing, combined small game and big game,
combined
17 hunting, fishing and big game or combination free hunting-big game
hunt-
18 ing-fishing} license PURSUANT TO THIS CHAPTER WHICH AUTHORIZES THE
HOLD-
19 ER TO HUNT WILDLIFE. Any non-resident, who legally possesses a
raptor
20 where he OR SHE resides and who may legally engage in falconry where
he
21 OR SHE resides, may engage in falconry in New York without a
falconry
22 license provided he OR SHE possesses a valid non-resident hunting
{or
23 three-day hunting} license.

24 S 52. Subdivision 4 of section 11-1201 of the environmental
conserva-
25 tion law, as added by chapter 726 of the laws of 1977, is amended
to
26 read as follows:
27 4. "License to hunt", "stamp to hunt", or "permit to hunt" means
any
28 license, permit, or other privilege granted {within the meaning
of
29 subdivisions one, two-a, two-b, three, five, or eight of} PURSUANT
TO
30 section 11-0701 of this {chapter} ARTICLE WHICH AUTHORIZES THE HOLDER
TO
31 HUNT WILDLIFE.

32 S 53. Subdivision 3 of section 71-0923 of the environmental
conserva-
33 tion law, as amended by chapter 694 of the laws of 1980, is amended
to
34 read as follows:
35 3. A violation of subdivision 2 of section 11-0705 of this
chapter
36 shall be punishable by forfeiture of {the hunting, three-day
hunting,
37 combined hunting and fishing, combined small game and big game
or
38 combined hunting, fishing and big game or combination free hunting-
big

39 game hunting-fishing license, or of the big game license, as the
case
40 may be, and of the hunting license tag or big game license tag}
LICENSES
41 AND TAGS ISSUED PURSUANT TO THIS CHAPTER WHICH AUTHORIZES THE HOLDER
TO
42 HUNT WILDLIFE and by a fine of not more than twenty-five dollars.
43 S 54. Section 83 of the state finance law is amended by adding a
new
44 subdivision (h) to read as follows:
45 (H) ALL MONEYS, REVENUES AND INTEREST THEREON RECEIVED AS A RESULT
OF
46 THE APPLICATION OF SUBDIVISION SEVENTEEN OF SECTION 11-0305 OF THE
ENVI-
47 RONMENTAL CONSERVATION LAW AUTHORIZING THE ISSUANCE AND SALE OF
VOLUN-
48 TARY HABITAT STAMPS, OTHER THAN THE AMOUNT RETAINED BY THE ISSUING
AGENT
49 OR OFFICER, SHALL BE DEPOSITED IN A SPECIAL ACCOUNT WITHIN THE
CONSERVA-
50 TION FUND TO BE KNOWN AS THE HABITAT ACCOUNT. ALL OF SUCH MONEYS,
REVEN-
51 UES AND INTEREST SHALL BE AVAILABLE TO THE DEPARTMENT OF
ENVIRONMENTAL
52 CONSERVATION, PURSUANT TO APPROPRIATION, EXCLUSIVELY FOR FISH AND
WILD-
53 LIFE HABITAT MANAGEMENT, PROTECTION AND RESTORATION, AND THE
IMPROVEMENT
54 AND DEVELOPMENT OF PUBLIC ACCESS FOR FISH AND WILDLIFE-RELATED
RECRE-
55 ATION AND STUDY.

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1 S 55. This act shall take effect on October 1, 2002, provided that
any
2 regulations necessary for the timely implementation of this act on
its
3 effective date may be promulgated before such date, and further
provided
4 that the amendments to paragraph c of subdivision 1 of section 11-
0907
5 of the environmental conservation law made by section thirty-eight
of
6 this act shall be subject to the expiration and reversion of such
para-
7 graph pursuant to section 13 of chapter 600 of the laws of 1993,
as
8 amended, when upon such date the provisions of section thirty-nine
of
9 this act shall take effect, provided that the amendments to paragraph
a
10 of subdivision 3 of section 11-0907 of the environmental
conservation
11 law made by section forty-one of this act shall be subject to the
expi-

12 ration and reversion of such paragraph pursuant to section 13 of
chapter
13 600 of the laws of 1993, as amended, when upon such date the
provisions
14 of section forty-two of this act shall take effect.

15 PART G

16 Section 1. Section 21.07 of the parks, recreation and historic
preser-
17 vation law, as amended by chapter 773 of the laws of 1992, is amended
to

18 read as follows:

19 S 21.07 Fee for snowmobile trail development and maintenance. A
fee
20 of {ten} TWENTY dollars is hereby imposed upon the resident, and
{twen-
21 ty} THIRTY dollars upon the nonresident, owner of a snowmobile for
the
22 snowmobile trail development and maintenance fund to be paid to
the
23 commissioner of motor vehicles upon the registration thereof in
addition
24 to the registration fee required by the vehicle and traffic law,
the
25 payment of which fee hereby imposed shall be a condition precedent
to
26 such individual resident, individual nonresident or dealer
registration.

27 S 2. Subdivisions 2 and 3 of section 27.17 of the parks,
recreation
28 and historic preservation law, as amended by chapter 88 of the laws
of
29 1988, are amended to read as follows:

30 2. Notwithstanding any other provision of law to the contrary,
the
31 commissioner shall establish a plan for the development and
maintenance
32 of snowmobile trails and facilities in the various counties or
where
33 applicable, cities, towns or villages of the state as may be
appropriate
34 and shall take whatever action he OR SHE deems necessary to foster
and
35 promote the safe utilization of such trails and facilities; for
these
36 purposes, he OR SHE may draw upon the moneys deposited in the
snowmobile
37 trail development and maintenance fund for expenses, including
personal
38 services, as approved by the comptroller and is hereby authorized
to
39 assign {two} THREE employees of his OR HER office to carry out
such
40 responsibilities and to pay their salaries, benefits and expenses out
of
41 such fund.

42 3. Every county or, where applicable, any city, town or village
within
43 such county, shall be eligible for a grant for the development and
main-
44 tenance of a system of snowmobile trails and a program with
relation
45 thereto within its boundaries. Such grants shall be made by the
commis-
46 sioner and may constitute up to one hundred percent of the cost of
such
47 program including expenditures incurred for signs and markers of
snowmo-
48 bile trails. Any county or, where applicable, any city, town or
village
49 within such county, applying for such grant shall submit to the
commis-
50 sioner by September first of each year an estimate of such
expenditures
51 for the current fiscal year, in such form and containing such
informa-
52 tion as the commissioner may require. No city, town or village
may
53 apply for such grant where the county within which it is contained
has
54 submitted an application for the same fiscal year. For the purpose
of

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1 this section, "fiscal year" shall mean the period from April
first
2 through March thirty-first. The commissioner shall review all
such
3 applications and shall determine the amount of state aid to be
allocated
4 to each county or, where applicable, any city, town or village
within
5 such county in accordance with the provisions of subdivision five
of
6 this section. Of the amount the commissioner determines each county
or,
7 where applicable, any city, town or village within such county is
eligi-
8 ble to receive, seventy percent shall be made available for
distribution
9 by November first and thirty percent for distribution upon
DEMONSTRATION
10 OF completion, SUBMITTED BY JUNE FIRST, of the program.
11 S 3. Subdivisions 4-a and 11 of section 2222 of the vehicle and
traf-
12 fic law, subdivision 4-a as amended by chapter 337 of the laws of
1997
13 and subdivision 11 as amended by chapter 773 of the laws of 1992,
are
14 amended to read as follows:

15 4-a. Additional fee. In addition to the other fees provided for
16 in paragraphs (a), (b) and (c) of subdivision four of this section
17 the commissioner shall, upon application in such cases for the
18 registration of a snowmobile or the renewal thereof, collect the annual {ten}
19 TWENTY dollar fee for residents and {twenty} THIRTY dollar fee for
20 nonresidents imposed by section 21.07 of the parks, recreation and historic
21 preserva- tion law. This fee shall also be collected from dealers at the time
22 of original registration and at the time of each {biennial} renewal.

23 11. Exemption. No registrations shall be required for the
24 following

25 described snowmobiles:

26 (a) Snowmobiles owned and used by the United States.

27 (b) Snowmobiles covered by a valid registration or license of
28 another state, province or country, as provided in subdivision twelve OF
29 THIS SECTION.

30 (c) Snowmobiles operated on lands owned by the owner of such
31 snowmo- bile, or on lands to which such owner has a contractual right other
32 than as a member of a club or association provided (i) the snowmobile is
33 not operated elsewhere within the state, and (ii) no consideration,
34 either direct or indirect, is paid to the owner of the snowmobile with
35 respect to such operation.

36 S 4. Subdivision 1 of section 2230 of the vehicle and traffic law,
37 as added by chapter 839 of the laws of 1973, is amended to read as
38 follows:

39 1. The commissioner may suspend or revoke a registration issued
40 pursu- ant to the provisions of this article, upon satisfactory proof of
41 a violation of any provision of this article, or of THE parks
42 {and}, recreation AND HISTORIC PRESERVATION law at the request of the
43 commis- sioner of parks {and}, recreation AND HISTORIC PRESERVATION, or of
44 any rule, regulation, order, local law or ordinance adopted or
45 promulgated pursuant thereto. Such suspension or revocation shall be issued
only after a hearing unless such a hearing is waived by the registrant.
Upon said suspension or revocation, all rights and privileges accruing
to

46 such registrant shall terminate.
47 S 5. This act shall take effect on the ninetieth day after it
shall
48 have become a law.

49 PART H

50 Section 1. Subdivision 2 of section 54-0509 of the
environmental
51 conservation law, as amended by section 18 of part A of chapter 58
of
52 the laws of 1998, is amended to read as follows:

53 2. An agreement by the commissioner to make state assistance
payments
54 toward the cost of the project by periodically reimbursing the
municipi-

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1 pality for costs incurred during the progress of the project to a
maxi-
2 mum of either fifty percent of the cost, or {seventy-five}
NINETY
3 percent of the cost for a municipality with a population smaller
than
4 thirty-five hundred as determined by the current federal
decennial
5 census, or two million dollars, whichever is less. The commissioner
may
6 consider landfill gas management SYSTEM projects separately from
land-
7 fill closure projects. {Such} PROJECT costs are subject to final
compu-
8 tation and determination by the commissioner upon completion of
the
9 project, and shall not exceed the maximum cost set forth in
the
10 contract. For purposes of this subdivision, the approved project
cost
11 shall be reduced by the amount of any specific state assistance
payments
12 for MUNICIPAL landfill closure PROJECT purposes received by the
municipi-
13 pality from any source; provided, however, that non-specific
state
14 assistance payments, such as amounts paid pursuant to section fifty-
four
15 of the state finance law, shall not be included in such cost
reduction.

16 S 2. Subdivision 5 of section 17-1409 of the environmental
conserva-
17 tion law, as added by chapter 436 of the laws of 1989, is amended
to
18 read as follows:

19 5. Matching grants awarded pursuant to this section shall be up
to

20 {fifty} SEVENTY-FIVE percent of the eligible costs for any
specified
21 project.

22 S 3. Section 92-s of the state finance law, as amended by chapter
61
23 of the laws of 2000, is amended by adding a new subdivision 9 to read
as
24 follows:

25 9. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY AND IN
ACCORDANCE
26 WITH SECTION FOUR OF THIS CHAPTER, THE COMPTROLLER IS HEREBY
AUTHORIZED

27 AT THE DIRECTION OF THE DIRECTOR OF THE DIVISION OF THE BUDGET TO
TRANS-

28 FER MONEYS FROM THE GENERAL FUND TO THE ENVIRONMENTAL PROTECTION
FUND

29 FOR THE PURPOSE OF MAINTAINING THE SOLVENCY OF THE
ENVIRONMENTAL

30 PROTECTION FUND. IF, IN ANY FISCAL YEAR, MONEYS IN THE
ENVIRONMENTAL

31 PROTECTION FUND ARE DEEMED INSUFFICIENT BY THE DIRECTOR OF THE
DIVISION

32 OF THE BUDGET TO MEET ACTUAL AND ANTICIPATED DISBURSEMENTS FROM
ENACTED

33 APPROPRIATIONS OR REAPPROPRIATIONS MADE PURSUANT TO THIS SECTION,
THE

34 COMPTROLLER SHALL AT THE DIRECTION OF THE DIRECTOR OF THE DIVISION
OF

35 THE BUDGET, TRANSFER FROM THE GENERAL FUND TO THE
ENVIRONMENTAL

36 PROTECTION FUND MONEYS SUFFICIENT TO MEET SUCH DISBURSEMENTS.
SUCH

37 TRANSFERS SHALL BE MADE ONLY UPON CERTIFICATION OF NEED BY THE
DIRECTOR

38 OF THE DIVISION OF THE BUDGET, WITH COPIES OF SUCH CERTIFICATION
FILED

39 WITH THE CHAIRMEN OF THE SENATE FINANCE COMMITTEE, THE ASSEMBLY WAYS
AND

40 MEANS COMMITTEE AND THE STATE COMPTROLLER. THE AGGREGATE AMOUNT OF
ALL

41 TRANSFERS SHALL NOT EXCEED TWO HUNDRED THIRTY-FIVE MILLION DOLLARS.

42 S 3-a. Notwithstanding any other law to the contrary, an
appropriation

43 or subsequent reappropriation thereof made pursuant to a chapter of
the

44 laws of 2002 from the environmental protection fund, solid
waste

45 account, under the environment and recreation purpose shall make
avail-

46 able one million three hundred thousand dollars for services
and

47 expenses of the assessment and recovery of any natural resource
damages

48 to the Hudson River.

49 S 4. Notwithstanding any other law to the contrary, an
appropriation

50 or subsequent reappropriation thereof made pursuant to a chapter of
the
51 laws of 2002 from the environmental protection fund, solid
waste
52 account, under the environment and recreation purpose for the
pesticides
53 program shall make available: (a) two hundred fifty thousand dollars
for
54 services and expenses of a Cornell University program to assess
breast
55 cancer and environmental risk factors in New York state, and (b)
three
56 hundred seventy-five thousand dollars for the development of an
arthro-

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1 pod quarantine facility at Cornell University in order to develop
meas-
2 ures to control exotic, invasive and destructive insect pests.
3 S 5. Notwithstanding any other provision of law to the contrary,
an
4 appropriation or subsequent reappropriation thereof made pursuant to
a
5 chapter of the laws of 2002 from the environmental protection
fund,
6 parks, recreation and historic preservation account, under the
environ-
7 ment and recreation purpose shall make available not less than
one
8 million eight hundred twelve thousand five hundred dollars for
municipal
9 park projects which are in or primarily serve areas where
demographic
10 and other relevant data for such areas demonstrate that the areas
are
11 densely populated and have sustained physical deterioration,
decay,
12 neglect or disinvestment, or where a substantial proportion of the
resi-
13 dential population is of low income or is otherwise disadvantaged and
is
14 underserved with respect to the existing recreational opportunities
in
15 the area; and provided further this section shall not be construed
to
16 restrict the use of any additional monies for such projects.
17 S 6. Notwithstanding any other provision of law to the contrary,
an
18 appropriation or subsequent reappropriation thereof made pursuant to
a
19 chapter of the laws of 2002 from the environmental protection
fund,
20 parks, recreation and historic preservation account, under the
environ-

21 ment and recreation purpose shall make available not less than
one
22 million six hundred seventy-one thousand two hundred fifty dollars
for
23 waterfront revitalization projects which are in or primarily serve
areas
24 where demographic and other relevant data for such areas
demonstrate
25 that the areas are densely populated and have sustained physical
deteri-
26 oration, decay, neglect or disinvestment, or where a substantial
propor-
27 tion of the residential population is of low income or is
otherwise
28 disadvantaged and is underserved with respect to the existing
recre-
29 ational opportunities in the area; and provided further this
section
30 shall not be construed to restrict the use of any additional monies
for
31 such projects.

32 S 7. Notwithstanding any other provision of law to the contrary,
an
33 appropriation or subsequent reappropriation thereof made pursuant to
a
34 chapter of the laws of 2002 from the environmental protection
fund,
35 parks, recreation and historic preservation account, under the environ-
36 ment and recreation purpose for parks, recreation and historic
preserva-
37 tion projects shall make available one million five hundred
thousand
38 dollars for waterfront revitalization and riverfront
development
39 projects within the county of Rensselaer; provided that such
state
40 assistance payment shall not be construed to restrict the use of
any
41 additional monies for such project or be considered a state
assistance
42 payment or other assistance for the purposes of titles 9 and 11 of
arti-
43 cle 54 of the environmental conservation law and title 3 of article
56
44 of the environmental conservation law; and provided further,
however,
45 that such state assistance payment shall reduce the total cost of
such
46 project for purposes of calculating eligibility for further
state
47 assistance payments.

48 S 8. Notwithstanding any other provision of law to the contrary,
an
49 appropriation or subsequent reappropriation thereof made pursuant to
a

50 chapter of the laws of 2002 from the environmental protection
fund,
51 parks, recreation and historic preservation account, under the environ-
52 ment and recreation purpose for parks, recreation and historic
preserva-
53 tion projects shall make available seven hundred thousand dollars
for
54 waterfront revitalization at Gallagher Beach; provided that such
state
55 assistance payment shall not be construed to restrict the use of
any
56 additional monies for such project or be considered a state
assistance

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1 payment or other assistance for the purposes of titles 9 and 11 of
arti-
2 cle 54 of the environmental conservation law and title 3 of article
56
3 of the environmental conservation law; and provided further,
however,
4 that such state assistance payment shall reduce the total cost of
such
5 project for purposes of calculating eligibility for further
state
6 assistance payments.

7 S 9. Notwithstanding subdivision 7 of section 92-s of the
state
8 finance law or any other law to the contrary, an appropriation or
subse-
9 quent reappropriation thereof made pursuant to a chapter of the laws
of
10 2002 from the environmental protection fund, parks, recreation
and
11 historic preservation account, under the environment and
recreation
12 purpose shall make available fifteen million dollars for services
and
13 expenses of the Hudson River Park Trust for projects related to
the
14 development of the Hudson River Park consistent with provisions of
chap-
15 ter 592 of the laws of 1998; provided, however, such funds shall not
be
16 available for suballocation to any public benefit corporation or
public
17 authority with the exception of the Hudson River Park Trust and shall
be
18 available solely for the liabilities incurred by the Hudson River
Park
19 Trust or by other state departments or agencies on behalf of the
Hudson
20 River Park Trust and shall be available solely for the
liabilities

21 incurred by the Hudson River Park Trust or by other state departments
or
22 agencies on behalf of the Hudson River Park Trust on or after April
1,
23 1999. Notwithstanding any other law to the contrary, the comptroller
is
24 hereby authorized and directed to release monies to the Hudson
River
25 Park Trust in amounts set forth in a schedule approved by the
director
26 of the budget.

27 S 10. Notwithstanding any other law to the contrary, an
appropriation
28 or subsequent reappropriation made pursuant to a chapter of the laws
of
29 2002 from the parks, recreation and historic preservation account,
under
30 the environment and recreation purpose shall make available
seven
31 million dollars for capital projects: (a) on state parks and state
owned
32 lands acquired pursuant to sections 54-0303 and 56-0307 of the environ-
33 mental conservation law or (b) on state parks or state owned lands
under
34 the jurisdiction of the department of environmental conservation or
the
35 office of parks, recreation and historic preservation for access
oppor-
36 tunities for people with disabilities; access to the State
Forest
37 Preserve; recreational trail construction and maintenance; Catskill
and
38 Adirondack campground improvements to public access and
sanitation
39 facilities; conservation education facility improvements;
archeological,
40 historic, cultural and natural resource surveys, interpretation,
and
41 inventories; Forest Preserve unit management planning; habitat
restora-
42 tion and enhancement; water access facilities; public beach
facility
43 development and improvement; public access improvements at day
use
44 areas; State historic site exterior restoration; and cabin area
and
45 camping facility development, restoration and reconstruction; and
shall
46 make available one million dollars from such amount for the
Adirondack
47 north country community enhancement program.

48 S 11. Notwithstanding any other law to the contrary, an
appropriation
49 or subsequent reappropriation made pursuant to a chapter of the laws
of

50 2002 from the parks, recreation and historic preservation account,
under
51 the environment and recreation purpose shall make available one
million
52 dollars for improvement, protection, preservation, rehabilitation
and
53 restoration of historic barns.
54 S 12. Notwithstanding any other law to the contrary, an
appropriation
55 or subsequent reappropriation made pursuant to a chapter of the laws
of
56 2002 from the parks, recreation and historic preservation account,
under

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1 the environment and recreation purpose shall make available
eleven
2 million dollars for state parks capital projects, excluding
personal
3 service costs, eligible and authorized for funding from any office
of
4 parks, recreation and historic preservation state parks
infrastructure
5 fund - 076 appropriation or reappropriation, subject to the approval
of
6 the director of the budget. Notwithstanding any other law to the
contra-
7 ry, such expenses shall be paid for in the first instance from the
state
8 parks infrastructure fund - 076, then reimbursed from such
appropriation
9 from the environmental protection fund, parks, recreation and
historic
10 preservation account, including the transfer of expenses and the
payment
11 of liabilities incurred prior to April 1, 2002, up to the limit of
elev-
12 en million dollars.
13 S 13. Notwithstanding any other law to the contrary, an
appropriation
14 or subsequent reappropriation thereof made pursuant to a chapter of
the
15 laws of 2002 from the environmental protection fund, open space
account,
16 under the environment and recreation purpose shall make available
one
17 hundred fifty thousand dollars for urban forestry programs in
cities
18 with populations of 65,000 or more.
19 S 14. Notwithstanding any other law to the contrary, an
appropriation
20 or subsequent reappropriation thereof made pursuant to a chapter of
the
21 laws of 2002 from the environmental protection fund, open space
account,

22 under the environment and recreation purpose shall make available
one
23 hundred twenty-five thousand dollars to the land trust alliance for
the
24 purpose of awarding grants on a competitive basis to local land
trusts,
25 provided that up to ten percent of such amount shall be available
for
26 administrative costs.

27 S 15. Notwithstanding any other law to the contrary, an
appropriation
28 or subsequent reappropriation thereof made pursuant to a chapter of
the
29 laws of 2002 from the environmental protection fund, open space
account,
30 under the environment and recreation purpose shall make available
five
31 million eight hundred thousand dollars for projects identified in
the
32 Hudson River estuary management action plan prepared pursuant to
section
33 11-0306 of the environmental conservation law.

34 S 16. Notwithstanding any other law to the contrary, an
appropriation
35 or subsequent reappropriation thereof made pursuant to a chapter of
the
36 laws of 2002 from the environmental protection fund, open space
account,
37 under the environment and recreation purpose shall make available
one
38 million eight hundred sixty thousand dollars for reimbursement of
costs
39 incurred by soil and water conservation districts during state
fiscal
40 year 2002-03, provided that reimbursement to any such district shall
not
41 exceed thirty thousand dollars, provided, further that the soil
and
42 water conservation district of New York city shall be reimbursed in
an
43 amount not to exceed one hundred fifty thousand dollars.

44 S 17. Notwithstanding any other law to the contrary, an
appropriation
45 or subsequent reappropriation thereof made pursuant to a chapter of
the
46 laws of 2002 from the environmental protection fund, open space
account,
47 under the environment and recreation purpose shall make available
one
48 million three hundred thousand dollars for the Finger Lakes-Lake
Ontario
49 watershed protection alliance for activities related to non-point
source
50 water pollution control.

51 S 18. Notwithstanding any other law to the contrary, an
appropriation

52 or subsequent reappropriation thereof made pursuant to a chapter of
the
53 laws of 2002 from the environmental protection fund, open space
account,
54 under the environment and recreation purpose for non-point source
abate-
55 ment and control projects shall make available: (a) two hundred
thou-

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1 sand dollars for water study projects in Port Washington, and (b)
one
2 hundred thousand dollars for the Susquehanna River Basin Commission.

3 S 19. Notwithstanding any other law to the contrary, an
appropriation

4 or subsequent reappropriation thereof made pursuant to a chapter of
the

5 laws of 2002 from the environmental protection fund, solid
waste

6 account, under the environmental protection and enhancements
purpose

7 shall make available one million three hundred thousand dollars
for

8 services and expenses of the assessment and recovery of any
natural

9 resource damages to the Hudson River, including the payment of
liabil-

10 ities incurred during state fiscal year 2001-02.

11 S 20. Notwithstanding any other law to the contrary, an
appropriation

12 or subsequent reappropriation thereof made pursuant to a chapter of
the

13 laws of 2002 from the environmental protection fund, solid
waste

14 account, under the environmental protection and enhancements purpose
for

15 the pesticides program shall make available: (a) two hundred fifty
thou-

16 sand dollars for services and expenses of a Cornell University
program

17 to assess breast cancer and environmental risk factors in New
York

18 state, including the payment of liabilities incurred during state
fiscal

19 year 2001-02 and (b) three hundred seventy-five thousand dollars for
the

20 development of an arthropod quarantine facility at Cornell University
in

21 order to develop measures to control exotic, invasive and
destructive

22 insect pests.

23 S 21. Notwithstanding any other provision of law to the contrary,
an

24 appropriation or subsequent reappropriation thereof made pursuant to
a

25 chapter of the laws of 2002 from the environmental protection
fund,
26 parks, recreation and historic preservation account, under the
environ-
27 mental protection and enhancements purpose shall make available not
less
28 than two million one hundred twenty-five thousand dollars for
municipal
29 park projects which are in or primarily serve areas where
demographic
30 and other relevant data for such areas demonstrate that the areas
are
31 densely populated and have sustained physical deterioration,
decay,
32 neglect or disinvestment, or where a substantial proportion of the
resi-
33 dential population is of low income or is otherwise disadvantaged and
is
34 underserved with respect to the existing recreational opportunities
in
35 the area; and provided further this section shall not be construed
to
36 restrict the use of any additional monies for such projects.

37 S 22. Notwithstanding any other provision of law to the contrary,
an
38 appropriation or subsequent reappropriation thereof made pursuant to
a
39 chapter of the laws of 2002 from the environmental protection
fund,
40 parks, recreation and historic preservation account, under the
environ-
41 mental protection and enhancements purpose shall make available not
less
42 than one million six hundred eighty-seven thousand five hundred
dollars
43 for waterfront revitalization projects which are in or primarily
serve
44 areas where demographic and other relevant data for such areas
demon-
45 strate that the areas are densely populated and have sustained
physical
46 deterioration, decay, neglect or disinvestment, or where a
substantial
47 proportion of the residential population is of low income or is
other-
48 wise disadvantaged and is underserved with respect to the
existing
49 recreational opportunities in the area; and provided further
this
50 section shall not be construed to restrict the use of any
additional
51 monies for such projects.

52 S 23. Notwithstanding any other provision of law to the contrary,
an
53 appropriation or subsequent reappropriation thereof made pursuant to
a

54 chapter of the laws of 2002 from the environmental protection
fund,
55 parks, recreation and historic preservation account, under the environ-
56 mental protection and enhancements purpose for parks, recreation
and

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1 historic preservation projects shall make available one million
five
2 hundred thousand dollars for Oyster Bay waterfront projects;
provided
3 that such funding shall not be construed to restrict the use of
any
4 monies for such project or be considered a state assistance payment
for
5 the purposes of titles 9 and 11 of article 54 of the
environmental
6 conservation law and title 3 of article 56 of the environmental
conser-
7 vation law; and provided further, however, that such funding
shall
8 reduce the total cost of such project for purposes of calculating
eligi-
9 bility for further state assistance payments.

10 S 24. Notwithstanding subdivision seven of section 92-s of the
state
11 finance law or any other law to the contrary, an appropriation or
subse-
12 quent reappropriation thereof made pursuant to a chapter of the laws
of
13 2002 from the environmental protection fund, parks, recreation
and
14 historic preservation account, under the environmental protection
and
15 enhancements purpose shall make available fifteen million dollars
for
16 services and expenses of the Hudson River Park Trust for
projects
17 related to the development of the Hudson River Park consistent
with
18 provisions of chapter 592 of the laws of 1998; provided, however,
such
19 funds shall not be available for suballocation to any public
benefit
20 corporation or public authority with the exception of the Hudson
River
21 Park Trust and shall be available solely for the liabilities incurred
by
22 the Hudson River Park Trust or by other state departments or agencies
on
23 behalf of the Hudson River Park Trust and shall be available solely
for
24 the liabilities incurred by the Hudson River Park Trust or by
other

25 state departments or agencies on behalf of the Hudson River Park
Trust
26 on or after April 1, 1999. Notwithstanding any other law to the
contra-
27 ry, the comptroller is hereby authorized and directed to release
monies
28 to the Hudson River Park Trust in amounts set forth in a
schedule
29 approved by the director of the budget.
30 S 25. Notwithstanding any other law to the contrary, an
appropriation
31 or subsequent reappropriation made pursuant to a chapter of the laws
of
32 2002 from the parks, recreation and historic preservation account,
under
33 the environmental protection and enhancements purpose shall make
avail-
34 able six million five hundred thousand dollars for capital projects:
(a)
35 on state parks and state owned lands acquired pursuant to
sections
36 54-0303 and 56-0307 of the environmental conservation law or (b)
on
37 state parks or state owned lands under the jurisdiction of the
depart-
38 ment of environmental conservation or the office of parks,
recreation
39 and historic preservation for access opportunities for people with
disa-
40 bilities; access to the State Forest Preserve; recreational
trail
41 construction and maintenance; Catskill and Adirondack
campground
42 improvements to public access and sanitation facilities;
conservation
43 education facility improvements; archeological, historic, cultural
and
44 natural resource surveys, interpretation, and inventories;
Forest
45 Preserve unit management planning; habitat restoration and
enhancement;
46 water access facilities; public beach facility development and
improve-
47 ment; public access improvements at day use areas; State historic
site
48 exterior restoration; and cabin area and camping facility
development,
49 restoration and reconstruction; and shall make available seven
hundred
50 fifty thousand dollars from such amount for Belleayre Mountain
ski
51 center projects.
52 S 26. Notwithstanding any other law to the contrary, an
appropriation
53 or subsequent reappropriation made pursuant to a chapter of the laws
of

54 2002 from the parks, recreation and historic preservation account,
under
55 the environmental protection and enhancements purpose shall make
avail-

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1 able one million dollars for improvement, protection,
preservation,
2 rehabilitation and restoration of historic barns.

3 S 27. Notwithstanding any other law to the contrary, an
appropriation

4 or subsequent reappropriation made pursuant to a chapter of the laws
of

5 2002 from the parks, recreation and historic preservation account,
under

6 the environmental protection and enhancements purpose shall make
avail-

7 able ten million dollars for state parks capital projects,
excluding

8 personal service costs, eligible and authorized for funding from
any

9 office of parks, recreation and historic preservation state
parks

10 infrastructure fund - 076 appropriation or reappropriation, subject
to

11 the approval of the director of the budget. Notwithstanding any
other

12 law to the contrary, such expenses shall be paid for in the
first

13 instance from the state parks infrastructure fund - 076, then
reimbursed

14 from such appropriation from the environmental protection fund,
parks,

15 recreation and historic preservation account, including the transfer
of

16 expenses and the payment of liabilities incurred prior to April 1,
2002,

17 up to the limit of ten million dollars.

18 S 28. Notwithstanding any other law to the contrary, an
appropriation

19 or subsequent reappropriation thereof made pursuant to a chapter of
the

20 laws of 2002 from the environmental protection fund, open space
account,

21 under the environmental protection and enhancements purpose shall
make

22 available one hundred twenty-five thousand dollars to the land
trust

23 alliance for the purpose of awarding grants on a competitive basis
to

24 local land trusts, provided that up to ten percent of such amount
shall

25 be available for administrative costs.

26 S 29. Notwithstanding any other law to the contrary, an
appropriation

27 or subsequent reappropriation thereof made pursuant to a chapter of
the
28 laws of 2002 from the environmental protection fund, open space
account,
29 under the environmental protection and enhancements purpose shall
make
30 available five million eight hundred thousand dollars for projects
iden-
31 tified in the Hudson River estuary management action plan
prepared
32 pursuant to section 11-0306 of the environmental conservation law.

33 S 30. Notwithstanding any other law to the contrary, an
appropriation

34 or subsequent reappropriation thereof made pursuant to a chapter of
the

35 laws of 2002 from the environmental protection fund, open space
account,

36 under the environmental protection and enhancements purpose shall
make

37 available one million eight hundred sixty thousand dollars
for

38 reimbursement of costs incurred by soil and water conservation
districts

39 during state fiscal year 2001-02, provided that reimbursement to
any

40 such district shall not exceed thirty thousand dollars,
provided,

41 further that the soil and water conservation district of New York
city

42 shall be reimbursed in an amount not to exceed one hundred fifty
thou-

43 sand dollars.

44 S 31. Notwithstanding any other law to the contrary, an
appropriation

45 or subsequent reappropriation thereof made pursuant to a chapter of
the

46 laws of 2002 from the environmental protection fund, open space
account,

47 under the environmental protection and enhancements purpose shall
make

48 available one million three hundred thousand dollars for the
Finger

49 Lakes-Lake Ontario watershed protection alliance for activities
related

50 to non-point source water pollution control.

51 S 32. Notwithstanding any other law to the contrary, an
appropriation

52 or subsequent reappropriation thereof made pursuant to a chapter of
the

53 laws of 2002 from the environmental protection fund, open space
account,

54 under the environmental protection and enhancements purpose for
non-

55 point source abatement and control projects shall make available:
(a)

56 two hundred thousand dollars to improve water service in the town
of

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1 Portland, and (b) one hundred thousand dollars for the Susquehanna
River

2 Basin Commission.

3 S 33. Notwithstanding any other law to the contrary, an
appropriation

4 or subsequent reappropriation thereof made pursuant to a chapter of
the

5 laws of 2002 from the environmental protection fund, open space
account,

6 under the environmental protection and enhancements purpose shall
make

7 available two hundred thousand dollars for projects identified in
the

8 Peconic Estuary Program's Comprehensive Conservation and
Management

9 Plan.

10 S 34. Notwithstanding any other law to the contrary, appropriations
or

11 subsequent reappropriations thereof made pursuant to a chapter of
the

12 laws of 2002 from the environmental protection fund, open space
account,

13 under the environmental protection and enhancements purpose for:

(a)

14 biodiversity stewardship and research, (b) Finger Lakes -- Lake
Ontario

15 Watershed Protection Alliance, (c) Albany Pine Bush Preserve
Commission,

16 (d) Long Island Central Pine Barrens Planning, and (e) Long Island
South

17 Shore Estuary Reserve, may be made available for payment of
liabilities

18 incurred during state fiscal year 2001-02.

19 S 35. This act shall take effect immediately and shall be deemed
to

20 have been in full force and effect on and after April 1, 2002.

21

PART I

22 Section 1. Section 56-0401 of the environmental conservation law,
as

23 added by chapter 413 of the laws of 1996, is amended to read as
follows:

24 S 56-0401. Allocation of moneys.

25 Of the moneys received by the state from the sale of bonds pursuant
to

26 the Clean Water/Clean Air Bond Act of 1996 to be used for solid
waste

27 projects, fifty million dollars (\$50,000,000) shall be available
for

28 disbursements for municipal landfill projects, excluding any
landfill

29 closure project in the city of New York; fifty million
dollars
30 (\$50,000,000) shall be available for disbursements for municipal
recycl-
31 ing projects, OF WHICH TWENTY-FIVE MILLION DOLLARS (\$25,000,000)
SHALL
32 BE AVAILABLE FOR MUNICIPAL RECYCLING PROJECTS IN THE CITY OF NEW
YORK;
33 and seventy-five million dollars (\$75,000,000) shall be available
for
34 disbursements for the closure of Fresh Kills Landfill in the city of
New
35 York.

36 S 2. Section 56-0601 of the environmental conservation law, as
added
37 by chapter 413 of the laws of 1996, is amended to read as follows:
38 S 56-0601. Allocation of monies.

39 Of the monies received by the state from the sale of bonds pursuant
to
40 the Clean Water/Clean Air Bond Act of 1996, two hundred thirty
million
41 dollars (\$230,000,000), OF WHICH FIVE MILLION DOLLARS (\$5,000,000)
SHALL
42 BE AVAILABLE FOR DIESEL-FUELED SCHOOL BUS RETROFIT EQUIPMENT
PROJECTS,

43 shall be used to fund air quality projects as set forth in this title.

44 S 3. Subdivisions 2, 3 and 5 of section 56-0605 of the
environmental
45 conservation law, as added by chapter 413 of the laws of 1996,
are
46 amended to read as follows:

47 2. For the purposes of this section, the term "clean-fueled bus"
shall
48 mean any motor vehicle having a seating capacity of fifteen or
more
49 passengers in addition to the driver and used for the transportation
of
50 persons on public highways, that is fueled by compressed natural
gas,
51 propane, methanol, hydrogen, BIODIESEL or ethanol, or uses
electricity,
52 including electricity generated from solar energy, either stored
or
53 generated on-board, as its primary motive force. FOR THE PURPOSES
OF
54 THIS SECTION, THE TERM "DIESEL-FUELED SCHOOL BUS RETROFIT
EQUIPMENT"

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1 SHALL MEAN EQUIPMENT AND/OR TECHNOLOGIES, INCLUDING, BUT NOT LIMITED
TO,
2 PARTICULATE TRAPS OR FILTERS AND CATALYTIC CONVERTERS THAT REDUCE
EMIS-
3 SIONS OF PARTICULATE MATTER, HYDROCARBONS, OXIDES OF NITROGEN,
CARBON

4 MONOXIDE, OR TOXIC AIR POLLUTANTS.

5 3. Any municipality, state agency or department, {or} state
public

6 authority, OR SCHOOL DISTRICT upon the approval of its governing
body,

7 may submit an application to the authority, in such a form and
contain-

8 ing such information as the authority may require, for state
assistance

9 payments toward the cost of acquisition of clean-fueled buses,
PURCHASE

10 AND INSTALLATION OF DIESEL-FUELED SCHOOL BUS RETROFIT EQUIPMENT ON
DIES-

11 EL-FUELED SCHOOL BUSES and for installation of infrastructure,
including

12 depot construction directly associated with such acquisitions.
The

13 authority shall suballocate to the department such funds as are
neces-

14 sary for the development of a single facility to evaluate heavy
duty

15 vehicle emissions.

16 5. After approval of the application, the authority and the
munici-

17 pality, state agency or department, {or} state public authority,
OR

18 SCHOOL DISTRICT shall enter into a contract for state
assistance

19 payments towards the cost of such project which shall include
the

20 following provisions:

21 (a) A current estimate of the cost of the project as determined by
the

22 authority at the time of the execution of the contract;

23 (b) An agreement by the authority to make state assistance
payments

24 towards the cost of the project; and

25 (c) An agreement by the municipality, state agency or department,
{or}

26 state public authority, OR SCHOOL DISTRICT to proceed expeditiously
with

27 the project and to complete the project in accordance with
plans

28 approved by the authority and provide reports as required by the
author-

29 ity.

30 S 4. This act shall take effect immediately.

31 PART J

32 Section 1. Section 75 of part A of chapter 1 of the laws of
2002,

33 amending the public health law, the social services law and the tax
law

34 relating to the Health Care Reform Act of 2000, is amended to read
as

35 follows:

36 S 75. This act shall take effect April 1, 2002; provided, however,
if
37 this act shall become a law after such date it shall take effect
imme-
38 diately and shall be deemed to have been in full force and effect on
and
39 after April 1, 2002; provided further that sections eleven,
twelve,
40 fifteen, sixteen, seventeen, eighteen, twenty-one and twenty-two of
this
41 act shall take effect immediately and shall be deemed to have been
in
42 full force and effect on and after September 1, 2001; and
provided
43 further that sections thirteen and fourteen of this act shall
take
44 effect immediately and shall be deemed to have been in full force
and
45 effect on and after January 1, 2002; provided further that
sections
46 fifty-six, fifty-seven, fifty-eight and sixty-seven of this act
shall
47 take effect October 1, 2002; provided further that sections forty-
four,
48 forty-five, forty-six, forty-seven, forty-nine through fifty-four,
and
49 sixty-one through sixty-six, sixty-seven-a and sixty-eight of this
act
50 shall take effect April 1, 2003 provided, however, that the
amendments
51 to subdivision 2 of section 2511 of the public health law made
by
52 sections forty-four and forty-five of this act and subdivision 9
of
53 section 2511 of the public health law by section forty-six of this
act
54 shall not affect the expiration of certain provisions of section 2511
of

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1 the public health law, and shall expire and be deemed repealed
there-
2 with; provided further that section thirty-two of this act shall
take
3 effect immediately; provided further that sections thirty, thirty-
one
4 and thirty-three of this act shall take effect April 3, 2002 and
shall
5 apply to all cigarettes possessed in the state by any person for
sale
6 and use in the state by any person on and after April 3, 2002 and
to
7 taxes, interest and penalties collected or received by the
commissioner

8 of taxation and finance under sections 471 and 471-a of the tax law
on
9 and after such date; provided, however, that the commissioner of
taxa-
10 tion and finance shall be authorized on and after this act shall
have
11 become a law to take steps necessary to implement these provisions
on
12 their effective date; PROVIDED FURTHER, HOWEVER, THAT EFFECTIVE
IMME-
13 DIATELY, THE COMMISSIONER OF HEALTH AND THE SUPERINTENDENT OF
INSURANCE
14 MAY TAKE ANY STEPS, INCLUDING THE PROMULGATION OF ANY RULES OR
REGU-
15 LATIONS ON AN EMERGENCY BASIS, WHICH HE OR SHE DETERMINES TO BE
NECES-
16 SARY TO ASSURE THE TIMELY IMPLEMENTATION OF ANY PROVISIONS OF THIS
ACT.
17 THE PROVISIONS OF THIS ACT SHALL BECOME EFFECTIVE NOTWITHSTANDING
THE
18 FAILURE OF THE COMMISSIONER OF HEALTH OR SUPERINTENDENT OF INSURANCE
TO
19 PROMULGATE ANY RULES OR REGULATIONS IMPLEMENTING THIS ACT; and
provided
20 further that the amendments to paragraph (a) of subdivision 6 of
section
21 2807-s of the public health law made by section twenty-eight of this
act
22 and the amendments to paragraphs (c) and (d) of subdivision 3 of
section
23 364-j of the social services law made by sections sixty-six, sixty-
seven
24 and sixty-seven-a of this act shall not affect the repeal of
such
25 sections and shall be deemed repealed therewith.
26 S 2. Paragraphs 3 and 5 of subsection (j) of section 4301 of
the
27 insurance law, as added by section 8 of part A of chapter 1 of the
laws
28 of 2002, are amended to read as follows:
29 (3) For the purposes of this subsection AND SECTION SEVEN
THOUSAND
30 THREE HUNDRED SEVENTEEN OF THIS CHAPTER, "public asset" shall
mean
31 assets representing ninety-five percent of the fair market value of
the
32 corporation seeking to convert into a corporation or other entity
organ-
33 ized for pecuniary profit pursuant to paragraph two of this
subsection.
34 Fair market value, as defined in subsection (l) of section seven
thou-
35 sand three hundred seventeen of this chapter, shall be determined as
of
36 the date the superintendent approves the conversion transaction
pursuant

37 to subsection (f) of section seven thousand three hundred seventeen
of
38 this chapter.

39 (5) For the purpose of this subsection AND SECTION SEVEN
THOUSAND

40 THREE HUNDRED SEVENTEEN OF THIS CHAPTER, "charitable asset" shall
mean

41 assets representing five percent of the fair market value of the
corpo-

42 ration seeking to convert into a corporation or other entity
organized

43 for pecuniary profit pursuant to paragraph two of this subsection.
Fair

44 market value, as defined in subsection (1) of section seven
thousand

45 three hundred seventeen of this chapter, shall be determined as of
the

46 date the superintendent approves the conversion transaction pursuant
to

47 subsection (f) of section seven thousand three hundred seventeen of
this

48 chapter. If one hundred percent of the stock is not transferred
in

49 connection with the conversion transaction, the proportion of stock
to

50 cash that is distributed as the charitable asset shall be the same
as

51 the proportion of stock to cash that is distributed as the public
asset.

52 S 3. Subparagraph (i) of paragraph (a) and subparagraph (i) of
para-

53 graph (b) of subdivision 30 of section 2807-c of the public health
law,

54 as added by section 1 of part A of chapter 1 of the laws of 2002,
are

55 amended to read as follows:

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1 (i) The commissioner shall adjust inpatient medical assistance
rates

2 of payment established pursuant to this section for non-public
general

3 hospitals in accordance with subparagraph (ii) of this paragraph
and

4 shall establish discrete rates of payment for such hospitals in
accord-

5 ance with subparagraph (iii) of this paragraph, for purposes of
recruit-

6 ment and retention of health care workers in the following
aggregate

7 amounts for the following periods:

8 (A) ninety-three million {three} TWO hundred thousand dollars on
an

9 annualized basis for the period April first, two thousand two
through

10 December thirty-first, two thousand two; one hundred {eighty-
eight}
11 EIGHTY-SEVEN million {two} EIGHT hundred thousand dollars on an
annual-
12 ized basis for the period January first, two thousand three
through
13 December thirty-first, two thousand three; and two hundred sixty-
two
14 million {six} ONE hundred thousand dollars on an annualized basis
for
15 the period January first, two thousand four through December
thirty-
16 first, two thousand four.

17 (i) Notwithstanding sections one hundred twelve and one
hundred
18 sixty-three of the state finance law and any other
inconsistent
19 provision of law, the commissioner shall make grants to public
general
20 hospitals without a competitive bid or request for proposal process
for
21 purposes of recruitment and retention of health care workers in
the
22 following aggregate amounts for the following periods:

23 (A) eighteen million {four} FIVE hundred thousand dollars on an
annu-
24 alized basis for the period April first, two thousand two through
Decem-
25 ber thirty-first, two thousand two; thirty-seven million FOUR
HUNDRED
26 THOUSAND dollars on an annualized basis for the period January
first,
27 two thousand three through December thirty-first, two thousand
three;
28 and {fifty-one} FIFTY-TWO million {seven} TWO hundred thousand
dollars
29 on an annualized basis for the period January first, two thousand
four
30 through December thirty-first, two thousand four.

31 S 4. Subparagraph (iii) of paragraph (x) of subdivision 1 of
section
32 2807-v of the public health law, as added by section 2 of part A
of
33 chapter 1 of the laws of 2002, is amended to read as follows:

34 (iii) sixty-nine million {five} THREE hundred thousand dollars on
an
35 annualized basis for the period January first, two thousand four
through
36 December thirty-first, two thousand four.

37 S 5. Paragraph (y) of subdivision 1 of section 2807-v of the
public
38 health law, as added by section 2 of part A of chapter 1 of the laws
of
39 2002, is amended to read as follows:

40 (y) Funds shall be reserved and accumulated from year to year by
the

41 commissioner and shall be available, including income from
invested
42 funds, for purposes of grants to public general hospitals for
recruit-
43 ment and retention of health care workers pursuant to paragraph (b)
of
44 subdivision thirty of section twenty-eight hundred seven-c of this
arti-
45 cle from the tobacco control and insurance initiatives pool
established
46 for the following periods in the following amounts:
47 (i) eighteen million {four} FIVE hundred thousand dollars on an
annu-
48 alized basis for the period January first, two thousand two
through
49 December thirty-first, two thousand two;
50 (ii) thirty-seven million FOUR HUNDRED THOUSAND dollars on an
annual-
51 ized basis for the period January first, two thousand three
through
52 December thirty-first, two thousand three; and
53 (iii) {fifty-one} FIFTY-TWO million {seven} TWO hundred
thousand
54 dollars on an annualized basis for the period January first, two
thou-
55 sand four through December thirty-first, two thousand four.

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1 S 6. Subparagraph (iv) of paragraph (cc) of subdivision 1 of
section
2 2807-v of the public health law, as added by section 2 of part A
of
3 chapter 1 of the laws of 2002, is amended to read as follows:
4 (iv) {eleven} TEN million {two} EIGHT hundred thousand dollars, on
an
5 annualized basis, for the period January first, two thousand
five
6 through December thirty-first, two thousand five.
7 S 7. Subparagraph (v) of paragraph (f) of subdivision 2 of
section
8 2511 of the public health law, as added by section 44 of part A of
chap-
9 ter 1 of the laws of 2002, is amended to read as follows:
10 (v) In the event a household chooses not to provide the social
securi-
11 ty numbers required by {subparagraphs (i) and} SUBPARAGRAPH (ii) of
this
12 paragraph, such household shall provide income documentation
specified
13 in subparagraph (iii) of this paragraph as a condition of the
child's
14 enrollment. Nothing in this paragraph shall be construed as
obligating
15 a household to provide social security numbers of parents or
legally

16 responsible adults as a condition of a child's enrollment or
eligibility

17 for a subsidy payment under this title.

18 S 8. Paragraph (v) of subdivision 1 of section 2807-v of the
public

19 health law, as added by section 41 of part A of chapter 1 of the laws
of

20 2002, is amended to read as follows:

21 (v) Funds shall be transferred by the commissioner and shall be
depos-

22 ited to the credit of the hospital excess liability pool created
pursu-

23 ant to section eighteen of chapter two hundred sixty-six of the laws
of

24 nineteen hundred eighty-six for purposes of expenses related to
the

25 purchase of excess medical malpractice insurance and the cost of
admin-

26 istrating the pool, including costs associated with the risk
management

27 program established pursuant to section {fifty-two} FORTY-TWO of part
A

28 of {the} chapter ONE of the laws of two thousand two {that added
this

29 paragraph} required by paragraph (a) of subdivision one of section
eigh-

30 teen of chapter two hundred sixty-six of the laws of nineteen
hundred

31 eighty-six as may be amended from time to time, from the tobacco
control

32 and insurance initiatives pool established for the following periods
in

33 the following amounts:

34 (i) up to fifty million dollars or so much as is needed for the
period

35 January first, two thousand two through December thirty-first, two
thou-

36 sand two; and

37 (ii) up to twenty-eight million dollars or so much as is needed
for

38 the period January first, two thousand three through June thirtieth,
two

39 thousand three.

40 S 9. Paragraph (w) of subdivision 1 of section 368-a of the
social

41 services law, as added by section 57 of part A of chapter 1 of the
laws

42 of 2002, is amended to read as follows:

43 (w) {Fifty} ONE HUNDRED per centum of the amount expended for
THE

44 ADMINISTRATION OF medical assistance furnished pursuant to paragraph
(v)

45 of subdivision four of section three hundred sixty-six of this
title,

46 {and one hundred per centum of the amount expended for the
adminis-

47 tration thereof,} after first deducting any federal funds
properly

48 received or to be received on account of such expenditures.

49 S 10. Paragraph (v) of subdivision 1 of section 368-a of the
social

50 services law, as added by section 65 of part A of chapter 1 of the
laws

51 of 2002, is amended to read as follows:

52 (v) {Fifty} ONE HUNDRED per centum of the amount expended for
THE

53 ADMINISTRATION OF medical assistance furnished pursuant to
subparagraphs

54 twelve and thirteen of paragraph (a) of subdivision one of section
three

55 hundred sixty-six of this title, {and one hundred per centum of
the

56 amount expended for the administration thereof,} after first
deducting

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1 any federal funds properly received or to be received on account of
such

2 expenditures.

3 S 11. Intentionally omitted.

4 S 12. Paragraph (b) of subdivision 1 of section 547-j of the
executive

5 law, as added by section 6 of part C of chapter 1 of the laws of
2002,

6 is amended to read as follows:

7 (b) Other covered drugs. The allowed amount for brand name
drugs

8 required by the prescriber to be dispensed as written, {and} for
covered

9 drugs other than multiple source drugs{,} AND FOR MULTIPLE SOURCE
DRUGS

10 FOR WHICH NO SPECIFIC UPPER LIMIT HAS BEEN ESTABLISHED BY THE
FEDERAL

11 CENTERS FOR MEDICARE AND MEDICAID SERVICES shall be determined by
apply-

12 ing the lower of:

13 (i) Average wholesale price discounted by ten percent, plus a
dispens-

14 ing fee as defined in paragraph (c) of this subdivision, or

15 (ii) The pharmacy's usual and customary charge to the general
public,

16 taking into consideration any quantity and promotional discounts to
the

17 general public at the time of purchase.

18 S 13. Section 9 of part C of chapter 1 of the laws of 2002,
amending

19 the public health law, the social services law and the tax law
relating

20 to the Health Care Reform Act of 2000, is amended to read as follows:

21 S 9. This act shall take effect immediately, provided however,
that

22 sections one, six, seven and eight of this act shall take effect
April
23 1, 2002 and shall be deemed to have been in full force and effect on
and
24 after such date; AND PROVIDED FURTHER THAT SECTION EIGHT OF THIS
ACT
25 SHALL ONLY APPLY TO SERVICES PROVIDED ON OR AFTER SUCH EFFECTIVE DATE.
26 S 14. Subsection (h) of section 7317 of the insurance law, as added
by
27 section 10 of part A of chapter 1 of the laws of 2002, is amended
to
28 read as follows:
29 (h) After the superintendent deems the proposed plan of
conversion
30 sufficiently complete, the superintendent shall hold one or more
public
31 hearings regarding the proposed plan of conversion within the
geographic
32 area served by the applicant. The number and locations of the
hearings
33 shall be sufficient to ensure adequate public involvement and
comment.
34 The applicant shall provide notice of the public hearings throughout
the
35 geographic area affected by the application by distributing a form
or
36 notice approved by the superintendent and including such notices in
the
37 state register, in accordance with the provisions of the state
adminis-
38 trative procedure act, in newspapers of general circulation and
elec-
39 tronic notices posted on the internet. The applicant shall
notify
40 contractholders, subscribers and enrollees, as well as
participating
41 providers of health care services under the applicant's health plan,
in
42 writing of the application and hearings. In the event that there is
an
43 amendment to the application, additional hearings shall be held with
due
44 notice provided that the superintendent determines that such changes
to
45 the plan are materially adverse to the interests of
policyholders,
46 subscribers or enrollees. Upon receipt of a complete application,
the
47 application and any supporting material submitted to the
superintendent
48 in conjunction with the application shall be deemed to be public
records
49 and shall be made available to the public for inspection during
normal
50 business hours, at no cost, at the applicant's main office within
the

51 state of New York and at the office of the superintendent. Prior to
the
52 hearing date, the applicant shall post its application and all
such
53 supporting material electronically on the internet. The
superintendent
54 shall cause a transcript to be made of each public hearing and
such
55 transcript and any submitted written comments shall become
public
56 records. The superintendent shall similarly promptly provide copies
of

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1 transcripts of any hearings held by the superintendent to the
commis-
2 sioner of health and all members of the {commission} BOARD.
3 S 15. Paragraph (a) of subdivision 1 of section 18 of chapter 266
of
4 the laws of 1986, amending the civil practice law and rules and
other
5 laws relating to malpractice and professional medical conduct,
as
6 amended by section 36 of part A of chapter 1 of the laws of 2002,
is
7 amended to read as follows:
8 (a) The superintendent of insurance and the commissioner of health
or
9 their designee shall, from funds available in the hospital
excess
10 liability pool created pursuant to subdivision (5) of this
section,
11 purchase a policy or policies for excess insurance coverage, as
author-
12 ized by paragraph (1) of subsection (e) of section 5502 of the
insurance
13 law; or from an insurer, other than an insurer described in section
5502
14 of the insurance law, duly authorized to write such coverage and
actual-
15 ly writing medical malpractice insurance in this state; or
shall
16 purchase equivalent excess coverage in a form previously approved by
the
17 superintendent of insurance for purposes of providing equivalent
excess
18 coverage in accordance with section 19 of chapter 294 of the laws
of
19 1985, for medical or dental malpractice occurrences between July 1,
1986
20 and June 30, 1987, between July 1, 1987 and June 30, 1988, between
July
21 1, 1988 and June 30, 1989, between July 1, 1989 and June 30,
1990,

22 between July 1, 1990 and June 30, 1991, between July 1, 1991 and
June
23 30, 1992, between July 1, 1992 and June 30, 1993, between July 1,
1993
24 and June 30, 1994, between July 1, 1994 and June 30, 1995, between
July
25 1, 1995 and June 30, 1996, between July 1, 1996 and June 30,
1997,
26 between July 1, 1997 and June 30, 1998, between July 1, 1998 and
June
27 30, 1999, between July 1, 1999 and June 30, 2000, between July 1,
2000
28 and June 30, 2001, between July 1, 2001 and June 30, 2002, and
between
29 July 1, 2002 and June 30, 2003 or reimburse the hospital where
the
30 hospital purchases equivalent excess coverage as defined in
subparagraph
31 (i) of paragraph (a) of subdivision (1-a) of this section for medical
or
32 dental malpractice occurrences between July 1, 1987 and June 30,
1988,
33 between July 1, 1988 and June 30, 1989, between July 1, 1989 and
June
34 30, 1990, between July 1, 1990 and June 30, 1991, between July 1,
1991
35 and June 30, 1992, between July 1, 1992 and June 30, 1993, between
July
36 1, 1993 and June 30, 1994, between July 1, 1994 and June 30,
1995,
37 between July 1, 1995 and June 30, 1996, between July 1, 1996 and
June
38 30, 1997, between July 1, 1997 and June 30, 1998, between July 1,
1998
39 and June 30, 1999, between July 1, 1999 and June 30, 2000, between
July
40 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002,
and
41 between July 1, 2002 and June 30, 2003 for physicians or dentists
certi-
42 fied as eligible for each such period or periods pursuant to
subdivision
43 (2) of this section by a general hospital licensed pursuant to
article
44 28 of the public health law; provided that no single insurer shall
write
45 more than fifty percent of the total excess premium for a given
policy
46 year; and provided, however, that such eligible physicians or
dentists
47 must have in force an individual policy, from an insurer licensed
in
48 this state of primary malpractice insurance coverage in amounts of
no
49 less than one million three hundred thousand dollars for each
claimant

50 and three million nine hundred thousand dollars for all claimants
under
51 that policy during the period of such excess coverage for such
occur-
52 rences or be endorsed as additional insureds under a hospital
profes-
53 sional liability policy which is offered through a voluntary
attending
54 physician ("channeling") program previously permitted by the
superinten-
55 dent of insurance during the period of such excess coverage for
such
56 occurrences. During such period, such policy for excess coverage or
such

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1 equivalent excess coverage shall, when combined with the physician's
or
2 dentist's primary malpractice insurance coverage or coverage
provided
3 through a voluntary attending physician ("channeling") program, total
an
4 aggregate level of two million three hundred thousand dollars for
each
5 claimant and six million nine hundred thousand dollars for all
claimants
6 from all such policies with respect to occurrences in each of such
years
7 provided, however, if the cost of primary malpractice insurance
coverage
8 in excess of one million dollars, but below the excess medical
malprac-
9 tice insurance coverage provided pursuant to this act, exceeds the
rate
10 of nine percent per annum, then the required level of primary
malprac-
11 tice insurance coverage in excess of one million dollars for each
claim-
12 ant shall be in an amount of not less than the dollar amount of
such
13 coverage available at nine percent per annum; the required level of
such
14 coverage for all claimants under that policy shall be in an amount
not
15 less than three times the dollar amount of coverage for each
claimant;
16 and excess coverage, when combined with such primary malpractice
insur-
17 ance coverage, shall increase the aggregate level for each claimant
by
18 one million dollars and three million dollars for all claimants;
and
19 provided further, that, with respect to policies of primary
medical

20 malpractice coverage {for} THAT INCLUDE occurrences between {July
1,
21 2001} APRIL 1, 2002 and June 30, 2002, such requirement that coverage
be
22 in amounts no less than one million three hundred thousand dollars
for
23 each claimant and three million nine hundred thousand dollars for
all
24 claimants for such occurrences shall be effective April 1, 2002.

25 S 16. The opening paragraph of section 42 of part A of chapter 1
of
26 the laws of 2002, amending the public health law, the social
services
27 law and the tax law relating to the Health Care Reform Act of 2000,
is
28 amended to read as follows:

29 Beginning July 1, {2003} 2002, all physicians, surgeons and
dentists
30 participating in the excess medical malpractice insurance program
estab-
31 lished pursuant to section 19 of chapter 294 of the laws of 1985,
as
32 extended by section 18 of chapter 266 of the laws of 1986 as
amended,
33 shall participate in a proactive risk management program. The
super-
34 intendent of insurance is authorized to promulgate regulations
which
35 provide for the establishment and administration of a proactive
risk
36 management program including the designation of an entity or entities
to
37 administer such program in accordance with the regulations;

38 S 17. The closing paragraph of section 42 of part A of chapter 1
of
39 the laws of 2002, amending the public health law, the social
services
40 law and the tax law relating to the Health Care Reform Act of 2000,
is
41 amended to read as follows:

42 Any costs associated with such program shall be paid from funds
avail-
43 able pursuant to section {fifty-one} FORTY-ONE of this act. In no
event,
44 shall physicians, surgeons or dentists be charged a fee, or
other
45 assessment, in connection with a risk management program mandated
pursu-
46 ant to this act. The superintendent shall establish procedures
to
47 provide for the reimbursement of actual costs incurred by entities
in
48 providing a risk management program established pursuant to this act.

49 S 18. Intentionally omitted.

50 S 19. Section 20 of part A of chapter 1 of the laws of 2002,
amending

51 the public health law, the social services law and the tax law
relating
52 to the Health Care Reform Act of 2000, is amended to read as follows:
53 S 20. Notwithstanding any law, rule or regulation to the contrary,
the
54 commissioner of health shall credit, from the funds collected
pursuant
55 to the provisions of {section} SECTIONS nineteen AND TWENTY-ONE of
this
56 act, up to five hundred thirty-four million dollars for THE state
fiscal

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1 year beginning April 1, 2002 and ending March 31, 2003 and up to
three
2 hundred fifty-six million dollars for the state fiscal year
beginning
3 April 1, 2003 and each state fiscal year thereafter, to the
tobacco
4 control and insurance initiatives pool as established pursuant
to
5 section 2807-v of the public health law. FOR THE STATE FISCAL
YEAR
6 BEGINNING APRIL 1, 2002 AND EACH STATE FISCAL YEAR THEREAFTER, ALL
FUNDS
7 COLLECTED PURSUANT TO SECTIONS NINETEEN AND TWENTY-ONE OF THIS ACT
WHICH
8 ARE NOT CREDITED TO THE TOBACCO CONTROL AND INSURANCE INITIATIVES
POOL
9 SHALL BE CREDITED TO THE MEDICAL ASSISTANCE PROGRAM, GENERAL FUND/AID
TO
10 LOCALITIES, LOCAL ASSISTANCE ACCOUNT - 001.

11 S 20. Paragraph (v) of subdivision 1 of section 368-a of the
social
12 services law, as added by section 4 of part B of chapter 1 of the
laws
13 of 2002, is amended to read as follows:

14 {(v)} (X) One hundred percent of the amount expended for health
care
15 services as determined in accordance with paragraph (c) of
subdivision
16 ten of section twenty-eight hundred seven-d of the public health
law,
17 after first deducting therefrom any federal funds properly received
or
18 to be received on account thereof.

19 S 21. Section 17 of part B of chapter 1 of the laws of 2002,
amending

20 the public health law, the social services law and the tax law
relating

21 to the Health Care Reform Act of 2000, is amended to read as follows:

22 S 17. Notwithstanding any law, rule or regulation to the contrary,
for

23 the state fiscal year beginning April 1, 2002 and ending March 31,
2003,

24 the city of New York shall, on or before a date specified by the
depart-
25 ment of health, transfer by electronic funds transfer, to or through
the
26 state comptroller, up to one hundred fifty-four million dollars.
27 For the state fiscal year beginning April 1, 2003 and each
state
28 fiscal year thereafter, the city of New York shall, on or before a
date
29 specified by the department of health, transfer by electronic
funds
30 transfer, to or through the state comptroller, up to one hundred
forty-
31 eight million dollars. FOR THE STATE FISCAL YEAR BEGINNING APRIL
1,
32 2002 AND EACH STATE FISCAL YEAR THEREAFTER, ALL FUNDS COLLECTED
PURSUANT
33 TO THIS SECTION AND SECTION NINETEEN OF THIS ACT SHALL BE CREDITED
TO
34 THE MEDICAL ASSISTANCE PROGRAM, GENERAL FUND/AID TO LOCALITIES,
LOCAL
35 ASSISTANCE ACCOUNT - 001.
36 S 22. Intentionally omitted.
37 S 23. Paragraph (a) of subdivision 17 of section 2807 of the
public
38 health law, as added by section 7-a of part A of chapter 1 of the
laws
39 of 2002, is amended to read as follows:
40 (a) Notwithstanding any contrary provision of law or regulation,
the
41 commissioner shall, subject to the availability of federal
financial
42 participation, adjust medical assistance rates of payment
established
43 pursuant to paragraph (b) of subdivision two of this section for
free-
44 standing diagnostic and treatment centers licensed pursuant to
article
45 twenty-eight of this chapter and which are: a "covered provider"
as
46 defined in subdivision one of section three hundred {sixty-four-j-
2}
47 SIXTY-FOUR-J-TWO of the social services law; OR ELIGIBLE FOR AN
ALLO-
48 CATION UNDER PARAGRAPH (A-1) OF SUBDIVISION TWO OF SECTION THREE
HUNDRED
49 SIXTY-FOUR-J-TWO OF THE SOCIAL SERVICES LAW; or which provides
services
50 to individuals with developmental disabilities as their
principal
51 mission, in accordance with paragraphs (b) and (c) of this
subdivision
52 for purposes of improving recruitment and retention of non-
supervisory
53 workers at health care facilities or any worker with direct patient
care

54 responsibility in the following aggregate amounts for the
following
55 periods:

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1 (i) for the period April first, two thousand two through
December

2 thirty-first, two thousand two, thirteen million dollars; and

3 (ii) for the period January first, two thousand three through
December

4 thirty-first, two thousand three, thirteen million dollars; and

5 (iii) for the period January first, two thousand four through
December

6 thirty-first, two thousand four, thirteen million dollars.

7 S 24. Subdivision 31 of section 2807-c of the public health law,
as

8 added by section 7 of part A of chapter 1 of the laws of 2002,
is

9 amended to read as follows:

10 31. Supplemental general hospital recruitment and retention
adjust-

11 ment. {1.} (A) Notwithstanding any law, rule or regulation to
the

12 contrary, the commissioner shall, within amounts appropriated,
and

13 contingent on the availability of federal financial participation,
make

14 Medicaid rate adjustments for non-public general hospitals to
address

15 extraordinary COSTS ASSOCIATED WITH RECRUITMENT AND RETENTION OF non-
su-

16 pervisory workers at health care facilities or any worker with
direct

17 patient care responsibility {recruitment and retention costs} at
such

18 general hospitals. Eligible hospitals shall be selected by the
commis-

19 sioner pursuant to a competitive process. Requests for proposals
for

20 eligible projects shall be issued by the commissioner.

21 {2.} (B) Such eligible projects may include:

22 {(a)} (I) an increase in non-supervisory staff, either facility
wide

23 or targeted at a particular area of care or shift;

24 {(b)} (II) increased training and education of non-supervisory
staff,

25 including allowing non-supervisory staff to increase their level
of

26 licensure relevant to general hospital care;

27 {(c)} (III) efforts to decrease staff turn-over; and

28 {(d)} (IV) other efforts related to the recruitment and retention
of

29 non-supervisory staff OR ANY WORKER WITH DIRECT PATIENT CARE
RESPONSI-

30 BILITY that will {effect} AFFECT the quality of care at such facility.

31 {3.} (C) The commissioner shall consider, in selecting
eligible
32 projects, the likelihood that such project will provide needed
resources
33 to meet legal commitments for increased labor costs, the financial
need
34 of the facility, the existence of a shortage of qualified hospital
work-
35 ers in the geographic area in which the facility is located, the
exist-
36 ence of high employee turn-over at the facility and such other
matters
37 as the commissioner deems appropriate.

38 {4.} (D) In implementing rate adjustments authorized under this
subdi-
39 vision, the commissioner shall establish, subject to the approval of
the
40 director of the budget, discrete rates of payment for non-public
general
41 hospitals for payments under the medical assistance program pursuant
to
42 titles eleven and eleven-D of article five of the social services
law
43 for persons eligible for medical assistance and family health plus
who
44 are enrolled in health maintenance organizations.

45 {5.} (E) Adjustments to Medicaid rates of payment made pursuant
to
46 this section shall not be subject to subsequent adjustment or
reconcil-
47 iation.

48 {6.} (F) Adjustments to Medicaid rates of payment made pursuant
to
49 this section shall not, in aggregate, exceed fifteen million dollars
for
50 the period beginning April first, two thousand two and ending
December
51 thirty-first, two thousand two and, on an annualized basis, for
each
52 annual period thereafter beginning January first, two thousand three
and
53 ending December thirty-first, two thousand four.

54 S 25. Paragraph (b) of subdivision 9 of section 2807-d of the
public
55 health law, as separately amended by chapters 309 and 639 of the laws
of
56 1996, is amended to read as follows:

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1 (b) provided, however, that funds accumulated, including income
from
2 invested funds, from the further additional assessment provided
in
3 accordance with subparagraphs (iii), (iv), {and} (v) AND (VI) of
para-

4 graph (b) of subdivision two of this section, including interest
and
5 penalties, shall be deposited by the commissioner and credited to
a
6 special revenue-other {special} medical assistance {fund} ACCOUNT to
be
7 established by the comptroller. To the extent of funds
appropriated
8 therefor, funds shall be made available for payments under the
medical
9 assistance program provided pursuant to title eleven of article five
of
10 the social services law;
11 S 26. The public health law is amended by adding a new section 4013
to
12 read as follows:
13 S 4013. HOSPICE WORKER RECRUITMENT AND RETENTION PROGRAM. 1.
THE
14 COMMISSIONER SHALL, SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO OF
THIS
15 SECTION, INCREASE MEDICAL ASSISTANCE RATES OF PAYMENT BY THREE
PERCENT
16 FOR HOSPICE SERVICES PROVIDED ON AND AFTER DECEMBER FIRST, TWO
THOUSAND
17 TWO, FOR PURPOSES OF IMPROVING RECRUITMENT AND RETENTION OF NON-
SUPERVI-
18 SORY WORKERS OR WORKERS WITH DIRECT PATIENT CARE RESPONSIBILITY.
19 2. HOSPICE SERVICES PROVIDERS WHICH HAVE THEIR RATES ADJUSTED
PURSUANT
20 TO THIS SECTION SHALL USE SUCH FUNDS FOR THE PURPOSES OF RECRUITMENT
AND
21 RETENTION OF NON-SUPERVISORY WORKERS OR WORKERS WITH DIRECT PATIENT
CARE
22 RESPONSIBILITY ONLY AND ARE PROHIBITED FROM USING SUCH FUNDS FOR
ANY
23 OTHER PURPOSES. FUNDS PROVIDED PURSUANT TO THIS SECTION ARE NOT
INTENDED
24 TO SUPPLANT SUPPORT PROVIDED BY A LOCAL GOVERNMENT. EACH SUCH
PROVIDER
25 SHALL SUBMIT, AT A TIME AND IN A MANNER TO BE DETERMINED BY THE
COMMIS-
26 SIONER, A WRITTEN CERTIFICATION ATTESTING THAT SUCH FUNDS WILL BE
USED
27 SOLELY FOR THE PURPOSE OF RECRUITMENT AND RETENTION OF NON-
SUPERVISORY
28 WORKERS OR WORKERS WITH DIRECT PATIENT CARE RESPONSIBILITY. THE
COMMIS-
29 SIONER IS AUTHORIZED TO AUDIT EACH SUCH PROVIDER TO ENSURE
COMPLIANCE
30 WITH THE WRITTEN CERTIFICATION REQUIRED BY THIS SUBDIVISION AND
SHALL
31 RECOUP ALL FUNDS DETERMINED TO HAVE BEEN USED FOR PURPOSES OTHER
THAN
32 RECRUITMENT AND RETENTION OF NON-SUPERVISORY WORKERS OR WORKERS
WITH
33 DIRECT PATIENT CARE RESPONSIBILITY. SUCH RECOUPMENT SHALL BE IN
ADDITION

34 TO ANY OTHER PENALTIES PROVIDED BY LAW.

35 S 27. Section 4 of part A of chapter 1 of the laws of 2002,
amending

36 the public health law, the social services law and the tax law
relating

37 to the Health Care Reform Act of 2000, is amended to read as follows:

38 S 4. Notwithstanding any law, rule or regulation to the contrary,
the

39 provisions of section 36 of chapter 433 of the laws of 1997, as
amended,

40 shall have no force or effect with regard to Medicaid funds received
by

41 providers of personal care services pursuant to section 367-q of
the

42 social services law or pursuant to paragraph (bb) of subdivision 1
of

43 section 2807-v of the public health law, OR BY PROVIDERS OF HOME
CARE

44 SERVICES PURSUANT TO SUBDIVISION 8 OF SECTION 3614 OF THE PUBLIC
HEALTH

45 LAW.

46 S 28. 1. Notwithstanding any contrary provision of law or
regulation

47 and subject to the provisions of subdivision 2 of this section and
to

48 the availability of federal financial participation, medical
assistance

49 rates of payment for adult day health care services provided on
and

50 after December 1, 2002 to patients with AIDS/HIV by a free
standing

51 ambulatory care facility or a residential health care facility,
which

52 have been certified by the department of health to provide such
services

53 in accordance with applicable rules and regulations, shall be
increased

54 by three percent.

55 2. Such increases to rates of payment shall be for purposes of
improv-

56 ing recruitment and retention of non-supervisory workers at adult
day

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1 health services programs or any worker with direct patient care
respon-

2 sibility at such programs and such programs are prohibited from
using

3 such funds for any other purpose. Each such adult day health
services

4 program shall submit, at a time and in a manner determined by
the

5 commissioner of health, a written certification attesting that
such

6 funds will be used solely for the purpose of recruitment and
retention
7 of non-supervisory workers or any worker with direct patient
care
8 responsibility. The commissioner of health is authorized to audit
each
9 such program to ensure compliance with the written
certification
10 required by this section and shall recoup any funds determined to
have
11 been used for purposes other than recruitment and retention.
Such
12 recoupment shall be in addition to any other penalties provided by
law.

13 S 29. Intentionally omitted.

14 S 30. Paragraph (e) of subdivision 4 of section 2807-c of the
public
15 health law, as amended by chapter 731 of the laws of 1993, is amended
to
16 read as follows:

17 (e) in cases where a general hospital or distinct unit of a
general
18 hospital is not OR WOULD NOT HAVE BEEN reimbursed on a case
based
19 payment per diagnosis-related group for inpatient services provided
ON
20 OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND ONE, to beneficiaries
of
21 title XVIII of the federal social security act (medicare),
reimbursement
22 shall be on a per diem basis computed for excluded general
hospitals
23 based on the hospital's reimbursable inpatient operating cost base,
or
24 for excluded distinct units of general hospitals based on the
distinct
25 unit's reimbursable inpatient operating cost base, determined in
accord-
26 ance with paragraph (d) of subdivision one of this section, projected
to
27 the applicable rate period by the trend factor determined in
accordance
28 with subdivision ten of this section, and increased in accordance
with
29 subparagraphs (i), (iii) and (iv) of paragraph (e) of subdivision one
of
30 this section to reflect special additional inpatient operating
costs,
31 and adjusted to exclude a factor for operating costs of patients
who
32 required an alternate level of care developed consistent with
the
33 provisions of paragraph (h) of this subdivision, and increased
for
34 excluded general hospitals to reflect the product of the group
category

35 percentage amount applicable for purposes of determining group
category
36 average inpatient reimbursable operating cost per discharge (price)
in
37 the rate period pursuant to paragraph (b) of subdivision five of
this
38 section for general hospitals reimbursed on a case based payment
per
39 diagnosis-related group applied to such excluded general
hospital's
40 additional cost increases determined in accordance with
subparagraph
41 (ii) of paragraph (e) of subdivision one of this section, and
adjusted
42 on a payor category basis to reflect allocation of malpractice
insurance
43 costs in accordance with the methodology developed pursuant to
subpara-
44 graph (ii) of paragraph (h) of subdivision eleven of this section,
for
45 those patients included in the payor categories pursuant to
the
46 provisions of paragraph (a) or (b) of subdivision one of this
section;
47 provided, however, for those patients included in the payor
categories
48 pursuant to the provisions of paragraph (b) of subdivision one of
this
49 section payment shall be at the per diem payment to the hospital
or
50 distinct unit of the hospital for services provided to subscribers
of
51 corporations organized and operating in accordance with article
forty-
52 three of the insurance law, adjusted for uncovered services,
and
53 increased by thirteen percent or by five percent, as the case may
be;
54 provided further, however, for those general hospitals that are
not
55 reimbursed on a case-based payment per diagnosis-related group for
inpa-
56 tient services provided to beneficiaries of title XVIII of the
federal

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1 social security act (medicare) as a result of their designation by
the
2 secretary of health and human services as a comprehensive cancer
hospi-
3 tal or as a result of their status as an acute care exempt
children's
4 hospital, the base year for determining payments for services in
such

5 facilities shall be nineteen hundred eighty-seven, provided,
however,
6 such hospitals shall be allowed adjustments in rates of payment
to
7 reflect costs incurred subsequent to nineteen hundred eighty-seven
but
8 not reflected in such base. Funds received by a general hospital
based
9 on the payment differential in accordance with paragraph (b) of
subdivi-
10 sion one of this section applied pursuant to this paragraph shall
be
11 hospital funds for patient care purposes. For those patients not
covered
12 under the provisions of paragraph (a) or (b) of subdivision one of
this
13 section, or who are not covered under the provisions of paragraph (a)
of
14 subdivision two of this section, payment shall be on the basis of
the
15 hospital's charge schedule, limited to one hundred twenty percent of
the
16 total per diem payment that would have been made if the patient
were
17 included in the payor categories pursuant to the provisions of
paragraph
18 (b) of subdivision one of this section. Rates of payment for
excluded
19 general hospitals and excluded distinct units of general hospitals for
a
20 rate period shall be increased on a per diem basis by additions
and
21 allowances specified in subparagraphs (ii) and (iii) of paragraph (a)
of
22 subdivision one of this section. In adopting regulations for purposes
of
23 determining rates of payment for psychiatric services pursuant to
this
24 paragraph, the council and the commissioner shall consider the advice
of
25 the commissioner of mental health and may include case mix and
other
26 adjustments for such rates of payment. The commissioner of mental
health
27 shall study and report on alternative procedures for the development
of
28 rates of payment for inpatient psychiatric care. Such report shall
be
29 submitted to the governor, the legislature and the commissioner
of
30 health by January first, nineteen hundred ninety-three.
Recommendations
31 for alternative financing shall take into consideration methods
to
32 improve access to inpatient care for seriously mentally ill persons.
33 S 31. Section 2 of chapter 33 of the laws of 1998, amending the
social

34 services law relating to authorizing payment of medicare part B
premiums

35 to certain medicaid recipients, is amended to read as follows:

36 S 2. This act shall take effect immediately and shall be deemed
to

37 have been in full force and effect on and after January 1,
1998,

38 provided, however that such provisions shall expire and be
deemed

39 repealed December 31, {2002} 2004.

40 S 32. Section 2807 of the public health law is amended by adding a
new

41 subdivision 18 to read as follows:

42 18. (A) NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW OR
REGULATION,

43 THE COMMISSIONER SHALL, SUBJECT TO THE PROVISIONS OF PARAGRAPH (C)
OF

44 THIS SUBDIVISION AND TO THE AVAILABILITY OF FEDERAL FINANCIAL
PARTIC-

45 IPATION, INCREASE MEDICAL ASSISTANCE RATES OF PAYMENT ESTABLISHED
PURSU-

46 ANT TO PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION FOR
ELIGIBLE

47 DIAGNOSTIC AND TREATMENT CENTERS BY THREE PERCENT FOR SERVICES
PROVIDED

48 ON AND AFTER DECEMBER FIRST, TWO THOUSAND TWO FOR PURPOSES OF
IMPROVING

49 RECRUITMENT AND RETENTION OF NON-SUPERVISORY WORKERS OR ANY WORKER
WITH

50 DIRECT PATIENT CARE RESPONSIBILITY.

51 (B) FOR THE PURPOSES OF THIS SUBDIVISION, "ELIGIBLE DIAGNOSTIC
AND

52 TREATMENT CENTER" SHALL MEAN A VOLUNTARY, NOT-FOR-PROFIT DIAGNOSTIC
AND

53 TREATMENT CENTER LICENSED UNDER THIS ARTICLE THAT RECEIVED
MEDICAL

54 ASSISTANCE RATES OF PAYMENT REFLECTING ASSIGNMENT TO LIMITED
PRIMARY

55 CARE OR DRUG FREE PEER GROUPS AS ESTABLISHED PURSUANT TO
APPLICABLE

56 RATE-SETTING REGULATIONS AND THAT PROVIDES PRIMARY HEALTH CARE
SERVICES

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1 TO A PATIENT POPULATION PRIMARILY COMPRISED OF SUBSTANCE ABUSE
PATIENTS

2 AND THAT IS INELIGIBLE FOR AN ADJUSTMENT TO MEDICAL ASSISTANCE RATES
OF

3 PAYMENT UNDER SUBDIVISION SEVENTEEN OF THIS SECTION.

4 (C) DIAGNOSTIC AND TREATMENT CENTERS WHICH HAVE THEIR RATES
ADJUSTED

5 PURSUANT TO THIS SUBDIVISION SHALL USE SUCH FUNDS SOLELY FOR THE
PURPOSE

6 OF RECRUITMENT AND RETENTION OF NON-SUPERVISORY WORKERS OR ANY
WORKER

7 WITH DIRECT PATIENT CARE RESPONSIBILITY AND ARE PROHIBITED FROM
USING
8 SUCH FUNDS FOR ANY OTHER PURPOSE. EACH SUCH DIAGNOSTIC AND
TREATMENT
9 CENTER SHALL SUBMIT, AT A TIME AND IN A MANNER TO BE DETERMINED BY
THE
10 COMMISSIONER, A WRITTEN CERTIFICATION ATTESTING THAT SUCH FUNDS WILL
BE
11 USED SOLELY FOR THE PURPOSE OF RECRUITMENT AND RETENTION OF NON-
SUPERVI-
12 SORY WORKERS OR ANY WORKER WITH DIRECT PATIENT CARE RESPONSIBILITY.
THE
13 COMMISSIONER IS AUTHORIZED TO AUDIT EACH SUCH DIAGNOSTIC AND
TREATMENT
14 CENTER TO ENSURE COMPLIANCE WITH THE WRITTEN CERTIFICATION REQUIRED
BY
15 THIS PARAGRAPH AND SHALL RECOUP ANY FUNDS DETERMINED TO HAVE BEEN
USED
16 FOR PURPOSES OTHER THAN RECRUITMENT AND RETENTION OF NON-
SUPERVISORY
17 WORKERS OR ANY WORKER WITH DIRECT PATIENT CARE RESPONSIBILITY.
SUCH
18 RECOUPMENT SHALL BE IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY
LAW.

19 S 33. Subdivision 1 of section 2807-v of the public health law
is
20 amended by adding a new paragraph (ii) to read as follows:

21 (II) FUNDS SHALL BE DEPOSITED BY THE COMMISSIONER, WITHIN
AMOUNTS
22 APPROPRIATED, AND THE STATE COMPTROLLER IS HEREBY AUTHORIZED
AND
23 DIRECTED TO RECEIVE FOR DEPOSIT TO THE CREDIT OF THE STATE
SPECIAL
24 REVENUE FUNDS - OTHER, HCRA TRANSFER FUND, MEDICAL ASSISTANCE
ACCOUNT
25 FOR THE PURPOSE OF SUPPORTING THE STATE SHARE OF MEDICAID
EXPENDITURES
26 FOR DISABLED PERSONS AS AUTHORIZED BY SECTIONS 1619 (A) AND (B) OF
THE
27 FEDERAL SOCIAL SECURITY ACT PURSUANT TO THE TOBACCO CONTROL AND
INSUR-
28 ANCE INITIATIVES POOL ESTABLISHED FOR THE FOLLOWING PERIODS IN
THE
29 FOLLOWING AMOUNTS:
30 (I) SIX MILLION FOUR HUNDRED THOUSAND DOLLARS FOR THE PERIOD
APRIL
31 FIRST, TWO THOUSAND TWO THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND
TWO;
32 AND
33 (II) FOUR MILLION THREE HUNDRED THOUSAND DOLLARS, FOR THE PERIOD
JANU-
34 ARY FIRST, TWO THOUSAND THREE THROUGH JUNE THIRTIETH, TWO
THOUSAND
35 THREE.

36 S 34. Subdivision 1 of section 2807-v of the public health law
is
37 amended by adding a new paragraph (dd) to read as follows:

38 (DD) FUNDS SHALL BE DEPOSITED BY THE COMMISSIONER, WITHIN
AMOUNTS
39 APPROPRIATED, AND THE STATE COMPTROLLER IS HEREBY AUTHORIZED
AND
40 DIRECTED TO RECEIVE FOR DEPOSIT TO THE CREDIT OF THE STATE
SPECIAL
41 REVENUE FUND - OTHER, HCRA TRANSFER FUND, MEDICAL ASSISTANCE ACCOUNT
FOR
42 PURPOSES OF FUNDING THE STATE SHARE OF MEDICAID EXPENDITURES FOR
PHYSI-
43 CIAN SERVICES FROM THE TOBACCO CONTROL AND INSURANCE INITIATIVES
POOL
44 ESTABLISHED FOR THE FOLLOWING PERIODS IN THE FOLLOWING AMOUNTS:
45 (I) UP TO FIFTY-TWO MILLION DOLLARS FOR THE PERIOD JANUARY FIRST,
TWO
46 THOUSAND TWO THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND TWO; AND
47 (II) UP TO FORTY-THREE MILLION DOLLARS FOR THE PERIOD JANUARY
FIRST,
48 TWO THOUSAND THREE THROUGH JUNE THIRTIETH, TWO THOUSAND THREE.
49 S 35. Intentionally omitted.
50 S 36. Subparagraphs (iii) and (iv) of paragraph (n) of subdivision
1
51 of section 2807-v of the public health law, as amended by section 29
of
52 part A of chapter 1 of the laws of 2002, are amended to read as
follows:
53 (iii) three hundred {seven} TWENTY-TWO million SEVEN HUNDRED
THOUSAND
54 dollars for the period January first, two thousand two through
December
55 thirty-first, two thousand two; and

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1 (iv) two hundred {seven} SIXTEEN million dollars for the period
Janu-
2 ary first, two thousand three through June thirtieth, two
thousand
3 three.
4 S 37. Paragraph (d) of subdivision 1 of section 2807-v of the
public
5 health law, as added by chapter 1 of the laws of 1999, and the
opening
6 paragraph as amended by chapter 419 of the laws of 2000, is amended
to
7 read as follows:
8 (d) Funds shall be deposited by the commissioner, within
amounts
9 appropriated, and the state comptroller is hereby authorized
and
10 directed to receive for deposit to the credit of the state
special
11 revenue funds - other, HCRA transfer fund, medical assistance
account,
12 for purposes of funding the state share of services and expenses
related

13 to the family health plus program including up to two and one-
half
14 million dollars annually FOR THE PERIOD JANUARY FIRST, TWO
THOUSAND
15 THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND TWO AND ONE MILLION
TWO
16 HUNDRED FIFTY THOUSAND DOLLARS FOR THE PERIOD JANUARY FIRST, TWO
THOU-
17 SAND THREE THROUGH JUNE THIRTIETH, TWO THOUSAND THREE for
administration
18 and marketing costs associated with such program established pursuant
to
19 clause (A) of subparagraph (v) of paragraph (a) of subdivision two
of
20 section three hundred sixty-nine-ee of the social services law from
the
21 tobacco control and insurance initiatives pool established for
the
22 following periods in the following amounts:
23 (i) three million five hundred thousand dollars for the period
January
24 first, two thousand through December thirty-first, two thousand;
25 (ii) twenty-seven million dollars for the period January first,
two
26 thousand one through December thirty-first, two thousand one;
27 (iii) fifty-seven million dollars for the period January first,
two
28 thousand two through December thirty-first, two thousand two; and
29 (iv) forty-three million dollars for the period January first,
two
30 thousand three through June thirtieth, two thousand three.
31 S 38. Paragraph (e) of subdivision 1 of section 2807-v of the
public
32 health law, as added by chapter 1 of the laws of 1999, and the
opening
33 paragraph as amended by chapter 419 of the laws of 2000, is amended
to
34 read as follows:
35 (e) Funds shall be deposited by the commissioner, within
amounts
36 appropriated, and the state comptroller is hereby authorized
and
37 directed to receive for deposit to the credit of the state
special
38 revenue funds - other, HCRA transfer fund, medical assistance
account,
39 for purposes of funding the state share of services and expenses
related
40 to the family health plus program including up to two and one-
half
41 million dollars annually FOR THE PERIOD JANUARY FIRST, TWO
THOUSAND
42 THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND TWO AND ONE MILLION
TWO
43 HUNDRED FIFTY THOUSAND DOLLARS FOR THE PERIOD JANUARY FIRST, TWO
THOU-

44 SAND THREE THROUGH JUNE THIRTIETH, TWO THOUSAND THREE for
administration
45 and marketing costs associated with such program established pursuant
to
46 clause (B) of subparagraph (v) of paragraph (a) of subdivision two
of
47 section three hundred sixty-nine-ee of the social services law from
the
48 tobacco control and insurance initiatives pool established for
the

49 following periods in the following amounts:

50 (i) {thirty-three million dollars} TWO MILLION FIVE HUNDRED
THOUSAND

51 DOLLARS for the period January first, two thousand {one} through
Decem-

52 ber thirty-first, two thousand {one};

53 (ii) {sixty-six million dollars} THIRTY MILLION FIVE HUNDRED
THOUSAND

54 DOLLARS for the period January first, two thousand {two} ONE
through

55 December thirty-first, two thousand {two} ONE; and

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1 (iii) {forty-four million dollars for the period January first,
two
2 thousand three through June thirtieth, two thousand three} SIXTY-
SIX
3 MILLION DOLLARS FOR THE PERIOD JANUARY FIRST, TWO THOUSAND TWO
THROUGH

4 DECEMBER THIRTY-FIRST, TWO THOUSAND TWO; AND

5 (IV) FORTY-FOUR MILLION DOLLARS FOR THE PERIOD JANUARY FIRST,
TWO

6 THOUSAND THREE THROUGH JUNE THIRTIETH, TWO THOUSAND THREE.

7 S 39. Paragraph (a) of subdivision 2 of section 364-j-2 of the
social
8 services law, as amended by chapter 16 of the laws of 2002, is
amended

9 to read as follows:

10 (a) Notwithstanding paragraphs (b) and (h) of subdivision two
of

11 section twenty-eight hundred seven of the public health law, the
commis-

12 sioner of health shall make supplemental payments of nine million
eight

13 hundred twenty-four thousand dollars (\$9,824,000), to covered
providers

14 described in subdivision one of this section who are qualified
providers

15 as described in paragraph (a) of subdivision three of this
section,

16 based on adjustments to fee-for-service rates for the period
February

17 first through March thirty-first, two thousand two AND NINE
MILLION

18 EIGHT HUNDRED TWENTY-FOUR THOUSAND DOLLARS (\$9,824,000) FOR THE
PERIOD
19 OCTOBER FIRST THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND TWO as
medical
20 assistance payments for services provided pursuant to this title
for
21 persons eligible for federal financial participation under title XIX
of
22 the federal social security act to reflect additional costs
associated
23 with the transition to a managed care environment. There shall be
no
24 local share in these payments. The director of the budget shall
allocate
25 the non-federal share of such payments from an appropriation for
the
26 miscellaneous special revenue fund - 339 community service
provider
27 assistance program account for the two thousand one--two thousand
two
28 state fiscal year FOR ADJUSTMENTS FOR THE PERIOD FEBRUARY FIRST
THROUGH
29 MARCH THIRTY-FIRST, TWO THOUSAND TWO. ADJUSTMENTS FOR THE PERIOD
OCTOBER
30 FIRST, TWO THOUSAND TWO THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND
TWO
31 SHALL BE WITHIN AMOUNTS APPROPRIATED FOR THE TWO THOUSAND TWO--TWO
THOU-
32 SAND THREE STATE FISCAL YEAR. Such adjustments to fee for service
rates
33 shall not be subject to subsequent adjustment or reconciliation.
Alter-
34 natively, such payments may be made as aggregate payments to
eligible
35 providers.
36 S 40. Subdivision 2 of section 364-j-2 of the social services law
is
37 amended by adding a new paragraph (a-2) to read as follows:
38 (A-2) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF
THIS
39 SUBDIVISION, FOR FACILITIES LICENSED UNDER ARTICLE TWENTY-EIGHT OF
THE
40 PUBLIC HEALTH LAW THAT ARE SPONSORED BY A UNIVERSITY OR DENTAL
SCHOOL
41 WHICH HAS BEEN GRANTED AN OPERATING CERTIFICATE PURSUANT TO
ARTICLE
42 TWENTY-EIGHT OF THE PUBLIC HEALTH LAW AND WHICH PROVIDES DENTAL
SERVICES
43 AS ITS PRINCIPAL MISSION, TWO HUNDRED TWENTY-FOUR THOUSAND
DOLLARS
44 (\$224,000) IN THE AGGREGATE OF THE AMOUNT APPROPRIATED FOR THE TWO
THOU-
45 SAND TWO--TWO THOUSAND THREE STATE FISCAL YEAR FOR USE PURSUANT TO
THIS
46 SECTION SHALL BE ALLOCATED FOR THE PERIOD OCTOBER FIRST THROUGH
DECEMBER

47 THIRTY-FIRST, TWO THOUSAND TWO FOR DISTRIBUTION TO SUCH
FACILITIES
48 PURSUANT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH.
49 (II) FORTY PERCENT SHALL BE ALLOCATED FOR EQUAL DISTRIBUTION TO
SUCH
50 FACILITIES, REDUCED BY THE AMOUNT, IF ANY, THAT A DISTRIBUTION
EXCEEDS
51 FORTY PERCENT OF A FACILITY'S UNCOMPENSATED CARE NEED AS DEFINED
IN
52 PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION TWO THOUSAND EIGHT
HUNDRED
53 SEVEN-P OF THE PUBLIC HEALTH LAW. ANY FUNDS ALLOCATED BUT NOT
DISTRIB-
54 UTED IN ACCORDANCE WITH THIS SUBPARAGRAPH SHALL BE ADDED TO
THOSE
55 AMOUNTS DISTRIBUTED IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS
PARA-
56 GRAPH.

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1 (III) SIXTY PERCENT, PLUS ANY FUNDS ALLOCATED AND NOT DISTRIBUTED
IN
2 ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH, SHALL BE
ALLOCATED
3 FOR DISTRIBUTION TO SUCH FACILITIES PURSUANT TO THE
METHODOLOGY
4 DESCRIBED IN PARAGRAPH (B) OF SUBDIVISION TWO AND SUBPARAGRAPH (I)
OF
5 PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION TWO THOUSAND EIGHT
HUNDRED
6 SEVEN-P OF THE PUBLIC HEALTH LAW, PROVIDED, HOWEVER, THAT THE
AMOUNT
7 PAID PURSUANT TO THIS ALLOCATION FOR EACH SUCH FACILITY SHALL EQUAL
THE
8 FACILITY'S PROPORTIONAL SHARE OF THE TOTAL NOMINAL PAYMENT
AMOUNTS
9 CALCULATED UNDER THIS SECTION OF ALL SUCH FACILITIES MULTIPLIED BY
THE
10 TOTAL FUNDS ALLOCATED FOR SUCH PAYMENTS.

11 (IV) THERE SHALL BE NO LOCAL SHARE IN THESE PAYMENTS.
12 S 41. Paragraph (a) of subdivision 5 of section 364-j-2 of the
social
13 services law, as amended by chapter 16 of the laws of 2002, is
amended

14 to read as follows:

15 (a) The commissioner of health shall make medical assistance
payments
16 to qualified providers from funds made available pursuant to
the
17 provisions of this section contingent upon the receipt of all
federal
18 approvals necessary and subject to the availability of federal
financial
19 participation under title XIX of the federal social security act for
the

20 transitional supplemental payments. In the event such federal approval

21 is not received prior to March thirty-first, two thousand two, FOR

22 ADJUSTMENTS FOR THE PERIOD FEBRUARY FIRST, TWO THOUSAND TWO THROUGH

23 MARCH THIRTY-FIRST, TWO THOUSAND TWO AND PRIOR TO OCTOBER FIRST, TWO

24 THOUSAND TWO FOR ADJUSTMENTS FOR THE PERIOD OCTOBER FIRST, TWO THOUSAND

25 TWO THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND TWO, the commissioner of

26 health shall make medical assistance payments to qualified providers

27 consisting of the state share amount available for purposes of this

28 section and apportioned in accordance with subdivisions two and three of

29 this section. In the event such federal approval is denied, such state

30 share amount payments shall be deemed to be grants to such qualified

31 providers and such qualified providers shall not be eligible to receive

32 any other payments pursuant to this section.

33 S 42. Subdivision 1 of section 2807-v of the public health law is

34 amended by adding a new paragraph (jj) to read as follows:

35 (JJ) FUNDS SHALL BE DEPOSITED BY THE COMMISSIONER, WITHIN AMOUNTS

36 APPROPRIATED, AND THE STATE COMPTROLLER IS HEREBY AUTHORIZED AND

37 DIRECTED TO RECEIVE FOR DEPOSIT TO THE CREDIT OF THE STATE SPECIAL

38 REVENUE FUNDS -- OTHER, HCRA TRANSFER FUND, MEDICAL ASSISTANCE ACCOUNT

39 FOR PURPOSES OF FUNDING THE STATE SHARE OF MEDICAID EXPENDITURES FOR

40 PHARMACY SERVICES FROM THE TOBACCO CONTROL AND INSURANCE INITIATIVES

41 POOL ESTABLISHED FOR THE FOLLOWING PERIODS IN THE FOLLOWING AMOUNTS:

42 (I) THIRTY-EIGHT MILLION EIGHT HUNDRED THOUSAND DOLLARS FOR THE PERIOD

43 JANUARY FIRST, TWO THOUSAND TWO THROUGH DECEMBER THIRTY-FIRST, TWO THOU-

44 SAND TWO; AND

45 (II) SEVENTY-SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS FOR THE PERI-

46 OD JANUARY FIRST, TWO THOUSAND THREE THROUGH JUNE THIRTIETH, TWO THOU-

47 SAND THREE.

48 S 43. Subdivision 1 of section 2807-v of the public health law is

49 amended by adding a new paragraph (kk) to read as follows:

50 (KK) FUNDS SHALL BE DEPOSITED BY THE COMMISSIONER, WITHIN AMOUNTS

51 APPROPRIATED, AND THE STATE COMPTROLLER IS HEREBY AUTHORIZED
AND
52 DIRECTED TO RECEIVE FOR DEPOSIT TO THE CREDIT OF THE STATE
SPECIAL
53 REVENUE FUNDS -- OTHER, HCRA TRANSFER FUND, MEDICAL ASSISTANCE
ACCOUNT
54 FOR PURPOSES OF FUNDING THE STATE SHARE OF MEDICAID EXPENDITURES
RELATED
55 TO THE CITY OF NEW YORK FROM THE TOBACCO CONTROL AND INSURANCE
INITI-

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1 ATIVES POOL ESTABLISHED FOR THE FOLLOWING PERIODS IN THE
FOLLOWING
2 AMOUNTS:
3 (I) EIGHTY-TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS FOR THE
PERIOD
4 JANUARY FIRST, TWO THOUSAND TWO THROUGH DECEMBER THIRTY-FIRST, TWO
THOU-
5 SAND TWO; AND
6 (II) SIXTY-SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS FOR THE
PERIOD
7 JANUARY FIRST, TWO THOUSAND THREE THROUGH JUNE THIRTIETH, TWO
THOUSAND
8 THREE.

9 S 44. The social services law is amended by adding a new section
367-r
10 to read as follows:

11 S 367-R. PRIVATE DUTY NURSING SERVICES WORKER RECRUITMENT
AND
12 RETENTION PROGRAM. 1. THE COMMISSIONER OF HEALTH SHALL, SUBJECT TO
THE
13 PROVISIONS OF SUBDIVISION TWO OF THIS SECTION AND TO THE AVAILABILITY
OF
14 FEDERAL FINANCIAL PARTICIPATION, INCREASE MEDICAL ASSISTANCE RATES
OF
15 PAYMENT BY THREE PERCENT FOR SERVICES PROVIDED ON AND AFTER
DECEMBER
16 FIRST, TWO THOUSAND TWO, FOR PRIVATE DUTY NURSING SERVICES FOR
THE
17 PURPOSES OF IMPROVING RECRUITMENT AND RETENTION OF PRIVATE DUTY
NURSES.
18 2. PRIVATE DUTY NURSING SERVICES PROVIDERS WHICH HAVE THEIR
RATES
19 ADJUSTED PURSUANT TO THIS SECTION SHALL USE SUCH FUNDS SOLELY FOR
THE
20 PURPOSES OF RECRUITMENT AND RETENTION OF PRIVATE DUTY NURSES AND
ARE
21 PROHIBITED FROM USING SUCH FUNDS FOR ANY OTHER PURPOSE. FUNDS
PROVIDED
22 UNDER THIS SECTION ARE NOT INTENDED TO SUPPLANT SUPPORT PROVIDED BY
A
23 LOCAL GOVERNMENT. EACH SUCH PROVIDER, WITH THE EXCEPTION OF SELF-
EM-

24 PLOYED PRIVATE DUTY NURSES, SHALL SUBMIT, AT A TIME AND IN A MANNER
TO
25 BE DETERMINED BY THE COMMISSIONER OF HEALTH, A WRITTEN
CERTIFICATION
26 ATTESTING THAT SUCH FUNDS WILL BE USED SOLELY FOR THE PURPOSE
OF
27 RECRUITMENT AND RETENTION OF PRIVATE DUTY NURSES. THE COMMISSIONER
OF
28 HEALTH IS AUTHORIZED TO AUDIT EACH SUCH PROVIDER TO ENSURE
COMPLIANCE
29 WITH THE WRITTEN CERTIFICATION REQUIRED BY THIS SUBDIVISION AND
SHALL
30 RECOUP ALL FUNDS DETERMINED TO HAVE BEEN USED FOR PURPOSES OTHER
THAN
31 RECRUITMENT AND RETENTION OF PRIVATE DUTY NURSES. SUCH RECOUPMENT
SHALL
32 BE IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

33 S 45. Notwithstanding any provision of law or regulation to
the
34 contrary, the value of rate adjustments made for providers of long
term
35 home health care programs pursuant to subdivision 8 of section 3614
of
36 the public health law, as added by section fifty-four of this act
shall
37 not be subject to the maximum expenditure limitations for
patient
38 services provided pursuant to section 367-c of the social services
law.

39 S 46. Subdivision 18 of section 2808 of the public health law,
as
40 added by section 1-b of part A of chapter 1 of the laws of 2002,
is
41 amended to read as follows:

42 18. Residential health care facility recruitment and retention
of
43 health care workers. Notwithstanding any inconsistent provision of
law,
44 rule or regulation and subject to the availability of federal
financial
45 participation:

46 (a) (i) The commissioner shall adjust inpatient medical
assistance
47 rates of payment established pursuant to this article for non-
public
48 residential health care facilities in accordance with subparagraph
(ii)
49 of this paragraph for purposes of recruitment and retention of
health
50 care workers in the following aggregate amounts for the following
peri-
51 ods:

52 (A) fifty-three million five hundred thousand dollars on an
annualized
53 basis for the period April first, two thousand two through
December

54 thirty-first, two thousand two; eighty-three million three hundred
thou-
55 sand dollars on an annualized basis for the period January first,
two
56 thousand three through December thirty-first, two thousand three;
and

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1 one hundred fifteen million eight hundred thousand dollars on an
annual-
2 ized basis for the period January first, two thousand four
through
3 December thirty-first, two thousand four.

4 (ii) Such increases shall be allocated proportionally based on
each
5 non-public residential health care facility's reported total gross
sala-
6 ry and fringe benefit costs on exhibit H of the 1999 RHCFC - 4
cost
7 report or exhibit 11 of the 1999 institutional cost report submitted
as
8 of November first, two thousand one, where applicable, to the total
of
9 such reported costs for all non-public residential health care
facili-
10 ties. These amounts shall be included as a reimbursable cost add-on
to
11 medical assistance inpatient rates of payment established pursuant
to
12 this article for non-public residential health care facilities, based
on
13 medical assistance utilization data in each facility's annual
cost
14 report submitted two years prior to the rate year. Such amounts
shall
15 not be reconciled to reflect changes in medical assistance
utilization

16 between the year two years prior to the rate year and the rate year.

17 (b) (i) Notwithstanding sections one hundred twelve and one
hundred

18 sixty-three of the state finance law and any other
inconsistent

19 provision of law, the commissioner shall make grants to public
residen-

20 tial health care facilities without a competitive bid or request
for

21 proposal process for purposes of recruitment and retention of
health

22 care workers in the following aggregate amounts for the following
peri-

23 ods:

24 (A) seven million five hundred thousand dollars on an annualized
basis

25 for the period April first, two thousand two through December
thirty-

26 first, two thousand two; eleven million seven hundred thousand
dollars
27 on an annualized basis for the period January first, two thousand
three
28 through December thirty-first, two thousand three; and sixteen
million
29 two hundred thousand dollars on an annualized basis for the period
Janu-
30 ary first, two thousand four through December thirty-first, two
thousand
31 four.

32 (ii) Such grants shall be allocated proportionally based on
each
33 public residential health care facility's reported total gross
salary
34 and fringe benefit costs on exhibit H of the 1999 RHCF - 4 cost
report
35 or exhibit 11 of the 1999 institutional cost report submitted as
of
36 November first, two thousand one, where applicable, to the total of
such
37 reported costs for all public residential health care facilities.

38 (c) (I) NON-PUBLIC AND PUBLIC RESIDENTIAL HEALTH CARE FACILITIES
IN
39 OPERATION AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH WHICH HAVE
NOT
40 SUBMITTED 1999 RHCF-4 COST REPORTS OR 1999 INSTITUTIONAL COST
REPORTS
41 BUT WHICH HAVE SUBMITTED SUCH REPORTS FOR COST YEARS SUBSEQUENT TO
1999,
42 SHALL HAVE DISTRIBUTIONS AUTHORIZED IN SUBPARAGRAPH (I) OF PARAGRAPH
(A)
43 OF THIS SUBDIVISION OR IN SUBPARAGRAPH (I) OF PARAGRAPH (B) OF
THIS
44 SUBDIVISION ALLOCATED BASED ON TOTAL GROSS SALARY AND FRINGE
BENEFIT
45 COSTS ON EXHIBIT H OF THE EARLIEST SUBSEQUENTLY SUBMITTED RHCF-4
COST
46 REPORT OR EXHIBIT 11 OF THE EARLIEST SUBSEQUENTLY SUBMITTED
INSTITU-
47 TIONAL COST REPORT, AS TRENDED DOWNWARD TO 1999 USING TREND
FACTORS
48 AUTHORIZED IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWENTY-ONE
OF
49 CHAPTER ONE OF THE LAWS OF NINETEEN HUNDRED NINETY-NINE.

50 (II) NON-PUBLIC AND PUBLIC RESIDENTIAL HEALTH CARE FACILITIES IN
OPER-
51 ATION AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH WHICH HAVE NOT
SUBMIT-
52 TED 1999 OR SUBSEQUENT RHCF-4 COST REPORTS OR INSTITUTIONAL
COST
53 REPORTS, SHALL HAVE DISTRIBUTIONS AUTHORIZED IN SUBPARAGRAPH (I)
OF
54 PARAGRAPH (A) OF THIS SUBDIVISION OR IN SUBPARAGRAPH (I) OF
PARAGRAPH
55 (B) OF THIS SUBDIVISION ALLOCATED BASED ON IMPUTED TOTAL GROSS
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1 AND FRINGE BENEFIT COSTS REFLECTING THE AVERAGE OF SUCH COSTS IN
THE
2 REGION IN WHICH EACH SUCH FACILITY IS LOCATED.
3 (III) NON-PUBLIC AND PUBLIC RESIDENTIAL HEALTH CARE FACILITIES
WHICH
4 RECEIVED ALLOCATIONS PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH
AND
5 WHICH SUBSEQUENTLY SUBMIT RHC4 COST REPORTS OR INSTITUTIONAL
COST
6 REPORTS SHALL, FOR THE PURPOSE OF SETTING MEDICAL ASSISTANCE RATES
OF
7 PAYMENT, HAVE SUCH ALLOCATIONS ADJUSTED TO REFLECT COSTS WHICH
WERE
8 INCURRED IN CONNECTION WITH SUCH ALLOCATIONS AND WHICH ARE CONTAINED
IN
9 SUCH COST REPORTS.

10 (D) Residential health care facilities which have their rates
adjusted
11 or receive grants pursuant to paragraphs (a) {and}, (b) AND (C) of
this
12 subdivision, respectively, shall use such funds for the purpose
of
13 recruitment and retention of non-supervisory workers at health
care
14 facilities or any worker with direct patient care responsibility
{only}
15 and are prohibited from using such funds for any other purpose.
Funds
16 under this subdivision are not intended to supplant support provided
by
17 a local government. Each such residential health care facility
shall
18 submit, at a time and in a manner to be determined by the
commissioner,
19 a written certification attesting that such funds will be used
solely
20 for the purpose of recruitment and retention of non-supervisory
workers
21 at health care facilities or any worker with direct patient care
respon-
22 sibility. The commissioner is authorized to audit each
residential
23 health care facility to ensure compliance with the written
certification
24 required by this paragraph and shall recoup any funds determined to
have
25 been used for purposes other than recruitment and retention of non-
su-
26 pervisory workers at health care facilities or any worker with
direct
27 patient care responsibility. Such recoupment shall be in addition
to

28 applicable penalties under sections twelve and twelve-b of this chapter.

29 S 47. Section 2807 of the public health law is amended by adding a new

30 subdivision 19 to read as follows:

31 19. (A) NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO

32 THE CONTRARY AND SUBJECT TO THE PROVISIONS OF PARAGRAPH (B) OF THIS

33 SUBDIVISION AND TO THE AVAILABILITY OF FEDERAL FINANCIAL PARTICIPATION,

34 THE COMMISSIONER SHALL INCREASE MEDICAL ASSISTANCE RATES OF PAYMENT BY

35 THREE PERCENT FOR SERVICES PROVIDED ON AND AFTER DECEMBER FIRST, TWO

36 THOUSAND TWO BY FREESTANDING METHADONE MAINTENANCE SERVICE AND PROGRAM

37 PROVIDERS ISSUED OPERATING CERTIFICATES PURSUANT TO THIS ARTICLE AND

38 SECTION 32.09 OF THE MENTAL HYGIENE LAW FOR THE PURPOSES OF IMPROVING

39 RECRUITMENT AND RETENTION OF METHADONE MAINTENANCE WORKERS.

40 (B) FREESTANDING METHADONE MAINTENANCE SERVICES AND PROGRAM PROVIDERS

41 WHICH ARE ELIGIBLE FOR RATE ADJUSTMENTS PURSUANT TO THIS SUBDIVISION AND

42 WHICH ARE ALSO ELIGIBLE FOR RATE ADJUSTMENTS PURSUANT TO SUBDIVISION

43 SEVENTEEN OF THIS SECTION, SHALL, ON OR BEFORE JULY FIRST, TWO THOUSAND

44 TWO, SUBMIT, IN A FORM AND MANNER DETERMINED BY THE COMMISSIONER, AMEND-

45 MENTS TO DESIGNATED SECTIONS OF THEIR AHCF-1 COST REPORT SEGREGATING

46 WAGES AND FRINGE BENEFIT COSTS ASSOCIATED WITH METHADONE MAINTENANCE

47 SERVICES FROM ALL OTHER SERVICES FOR THE PURPOSES OF DETERMINING AWARDS

48 MADE PURSUANT TO SUBDIVISION SEVENTEEN OF THIS SECTION FOR RATE PERIODS

49 ENDING IN TWO THOUSAND THREE AND IN TWO THOUSAND FOUR.

50 (C) FREESTANDING METHADONE MAINTENANCE SERVICE AND PROGRAM PROVIDERS

51 WHICH HAVE THEIR RATES ADJUSTED PURSUANT TO THIS SUBDIVISION SHALL USE

52 SUCH FUNDS SOLELY FOR THE PURPOSE OF RECRUITMENT AND RETENTION OF

53 NON-SUPERVISORY WORKERS OR ANY WORKER WITH DIRECT PATIENT CARE RESPONSI-

54 BILITY AND ARE PROHIBITED FROM USING SUCH FUNDS FOR ANY OTHER PURPOSE.

55 EACH SUCH METHADONE MAINTENANCE SERVICE AND PROGRAM PROVIDER SHALL

56 SUBMIT, AT A TIME AND IN A MANNER TO BE DETERMINED BY THE COMMISSIONER,

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1 A WRITTEN CERTIFICATION ATTESTING THAT SUCH FUNDS WILL BE USED
 SOLELY
 2 FOR THE PURPOSE OF RECRUITMENT AND RETENTION OF NON-SUPERVISORY
 WORKERS
 3 AT SUCH PROGRAMS OR ANY WORKER WITH DIRECT PATIENT CARE
 RESPONSIBILITY.
 4 THE COMMISSIONER IS AUTHORIZED TO AUDIT EACH SUCH METHADONE
 MAINTENANCE
 5 SERVICE AND PROGRAM PROVIDER TO ENSURE COMPLIANCE WITH THE
 WRITTEN
 6 CERTIFICATION REQUIRED BY THIS PARAGRAPH AND SHALL RECOUP ANY
 FUNDS
 7 DETERMINED TO HAVE BEEN USED FOR PURPOSES OTHER THAN RECRUITMENT
 AND
 8 RETENTION OF NON-SUPERVISORY WORKERS OR ANY WORKER WITH DIRECT
 PATIENT
 9 CARE RESPONSIBILITY. SUCH RECOUPMENT SHALL BE IN ADDITION TO ANY
 OTHER
 10 PENALTIES PROVIDED BY LAW.

11 S 48. Notwithstanding any inconsistent provision of law, rule or regu-
 12 lation, existing rates of reimbursement, established in accordance
 with
 13 title II-A of article 25 of the public health law, for approved
 early
 14 intervention services provided on and after December 1, 2002 shall
 be
 15 increased by three percent. The commissioner of health is authorized
 to
 16 require any early intervention provider, with the exception of self-
 em-
 17 ployed early intervention providers, to submit, at a time and in
 a
 18 manner to be determined by such commissioner, a written
 certification
 19 attesting that such funds were or will be used solely for the purpose
 of
 20 recruitment and retention of early intervention service providers
 during
 21 the 2002-03 state fiscal year.

22 S 49. Subparagraph (vi) of paragraph (b) of subdivision 2 of
 section
 23 2807-d of the public health law, as added by section 1 of part B
 of
 24 chapter 1 of the laws of 2002, is amended to read as follows:
 25 (vi) Notwithstanding any contrary provision of this paragraph or
 any
 26 other provision of law or regulation to the contrary, for
 residential
 27 health care facilities the assessment shall be six percent of each
 resi-
 28 dential health care facility's gross receipts received from all
 patient

29 care services and other operating income on a cash basis for the
period
30 April first, two thousand two through March thirty-first, two
thousand
31 five for hospital or health-related services, including adult
day
32 services; PROVIDED, HOWEVER, THAT RESIDENTIAL HEALTH CARE
FACILITIES'
33 GROSS RECEIPTS ATTRIBUTABLE TO PAYMENTS RECEIVED PURSUANT TO TITLE
XVIII
34 OF THE FEDERAL SOCIAL SECURITY ACT (MEDICARE) SHALL BE EXCLUDED FROM
THE
35 ASSESSMENT.
36 S 50. Paragraph (c) of subdivision 10 of section 2807-d of the
public
37 health law, as added by section 3 of part B of chapter 1 of the laws
of
38 2002, is amended to read as follows:
39 (c) provided, however, that for the purposes of determining rates
of
40 payment pursuant to this article for residential health care
facilities,
41 the assessment of six percent imposed pursuant to subparagraph (vi)
of
42 paragraph (b) of subdivision two of this section shall be a
reimbursable
43 cost to be reflected as timely as practicable, AND SUBSEQUENTLY
RECON-
44 CILED TO ACTUAL COST, in rates of payment applicable within the
assess-
45 ment period{, contingent, for payments by governmental agencies, on
all
46 federal approvals necessary by federal law and regulations for
federal
47 financial participation in payments made for beneficiaries eligible
for
48 medical assistance under title XIX of the federal social security
act}.
49 S 50-a. Subdivision 10 of section 2807-d of the public health law
is
50 amended by adding two new paragraphs (d) and (e) to read as follows:
51 (D) PROVIDED, HOWEVER, THAT THE ADJUSTMENT TO RATES OF PAYMENT
MADE
52 PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION SHALL BE CALCULATED ON
A
53 PER DIEM BASIS AND BASED ON TOTAL REPORTED PATIENT DAYS OF CARE
MINUS
54 REPORTED DAYS ATTRIBUTABLE TO TITLE XVIII OF THE FEDERAL SOCIAL
SECURITY
55 ACT (MEDICARE) UNITS OF SERVICE.

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1 (E) THE PROVISIONS OF PARAGRAPHS (C) AND (D) OF THIS SUBDIVISION
SHALL

2 EACH BE CONTINGENT UPON RECEIPT OF ALL FEDERAL APPROVALS REQUIRED
BY
3 FEDERAL LAW AND REGULATIONS FOR FEDERAL FINANCIAL PARTICIPATION
IN
4 PAYMENTS MADE IN ACCORDANCE WITH PARAGRAPHS (C) AND (D) OF THIS
SUBDIVI-
5 SION.

6 S 51. Section 16 of part B of chapter 1 of the laws of 2002,
amending
7 the public health law, the social services law and the tax law
relating
8 to the Health Care Reform Act of 2000, is amended to read as follows:

9 S 16. Notwithstanding paragraph (e) of subdivision 21 of
section
10 2807-c of the public health law and any other law, rule or regulation
to
11 the contrary, projections of each general hospital's
disproportionate
12 share limitations as computed by the commissioner of health pursuant
to
13 applicable regulations shall be adjusted to reflect any
additional
14 revenue received or anticipated to be received by each such
general
15 hospital pursuant to sections thirteen and fourteen of this {act}
PART

16 and pursuant to section 6 of part C of chapter 63 of the laws of 2001.
17 S 52. Section 18 of part A of chapter 1 of the laws of 2002,
amending
18 the public health law, the social services law and the tax law
relating

19 to the Health Care Reform Act of 2000, is amended to read as follows:
20 S 18. Notwithstanding paragraph (e) of subdivision 21 of
section
21 2807-c of the public health law and any other law, rule or regulation
to
22 the contrary, projections of each general hospital's
disproportionate
23 share limitations as computed by the commissioner of health pursuant
to
24 applicable regulations shall be adjusted to reflect any
additional
25 revenue received or anticipated to be received by each such
general
26 hospital pursuant to sections eleven, twelve, thirteen and fourteen
of
27 this {act} PART, and pursuant to section 6 of part C of chapter 63
of
28 the laws of 2001.

29 S 53. Section 482 of the tax law, as amended by section 32 of part
A
30 of chapter 1 of the laws of 2002, is amended to read as follows:
31 S 482. Deposit and disposition of revenue. All taxes, fees,
interest
32 and penalties collected or received by the commissioner under this
arti-

33 cle and article twenty-A of this chapter shall be deposited and
disposed
34 of pursuant to the provisions of section one hundred seventy-one-a
of
35 this chapter. From the taxes and interest and penalties collected
or
36 received by the commissioner under sections four hundred seventy-one
and
37 four hundred seventy-one-a of this article, effective on and after
March
38 first, two thousand, forty-nine and fifty-five hundredths and
effective
39 on and after February first, two thousand two, forty-three and
seventy
40 hundredths; AND EFFECTIVE ON AND AFTER MAY FIRST, TWO THOUSAND
TWO,
41 SIXTY-FOUR AND FIFTY-FIVE HUNDREDTHS; AND effective on and after
April
42 first, two thousand three, sixty-one and twenty-two hundredths
percent
43 collected or received under such sections shall be deposited to
the
44 credit of the tobacco control and insurance initiatives pool to
be
45 established and distributed by the commissioner of health in
accordance
46 with section twenty-eight hundred seven-v of the public health law.
47 S 54. Section 3614 of the public health law is amended by adding a
new
48 subdivision 8 to read as follows:
49 8. (A) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, RULE
OR
50 REGULATION AND SUBJECT TO THE PROVISIONS OF PARAGRAPH (B) OF THIS
SUBDI-
51 VISION AND TO THE AVAILABILITY OF FEDERAL FINANCIAL PARTICIPATION,
THE
52 COMMISSIONER SHALL ADJUST MEDICAL ASSISTANCE RATES OF PAYMENT
FOR
53 SERVICES PROVIDED BY CERTIFIED HOME HEALTH AGENCIES, LONG TERM
HOME
54 HEALTH CARE PROGRAMS AND AIDS HOME CARE PROGRAMS IN ACCORDANCE WITH
THIS
55 PARAGRAPH AND PARAGRAPH (B) OF THIS SUBDIVISION FOR PURPOSES OF
IMPROV-
56 ING RECRUITMENT AND RETENTION OF NON-SUPERVISORY HOME CARE
SERVICES

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1 WORKERS OR ANY WORKER WITH DIRECT PATIENT CARE RESPONSIBILITY IN
THE
2 FOLLOWING AMOUNTS FOR SERVICES PROVIDED ON AND AFTER DECEMBER FIRST,
TWO
3 THOUSAND TWO.
4 (I) RATES OF PAYMENT BY GOVERNMENTAL AGENCIES FOR CERTIFIED
HOME

5 HEALTH AGENCY SERVICES (INCLUDING SERVICES PROVIDED THROUGH
CONTRACTS
6 WITH LICENSED HOME CARE SERVICES AGENCIES) SHALL BE INCREASED BY
THREE
7 PERCENT;
8 (II) RATES OF PAYMENT BY GOVERNMENTAL AGENCIES FOR LONG TERM
HOME
9 HEALTH CARE PROGRAM SERVICES (INCLUDING SERVICES PROVIDED
THROUGH
10 CONTRACTS WITH LICENSED HOME CARE SERVICES AGENCIES) SHALL BE
INCREASED
11 BY THREE PERCENT; AND
12 (III) RATES OF PAYMENT BY GOVERNMENTAL AGENCIES FOR AIDS HOME
CARE
13 PROGRAMS (INCLUDING SERVICES PROVIDED THROUGH CONTRACTS WITH
LICENSED
14 HOME CARE SERVICES AGENCIES) SHALL BE INCREASED BY THREE PERCENT.
15 (B) (I) PROVIDERS WHICH HAVE THEIR RATES ADJUSTED PURSUANT TO
THIS
16 SUBDIVISION SHALL USE SUCH FUNDS SOLELY FOR THE PURPOSES OF
RECRUITMENT
17 AND RETENTION OF NON-SUPERVISORY HOME CARE SERVICES WORKERS OR ANY
WORK-
18 ER WITH DIRECT PATIENT CARE RESPONSIBILITY. SUCH PURPOSES SHALL
INCLUDE
19 THE RECRUITMENT AND RETENTION OF NON-SUPERVISORY HOME CARE
SERVICES
20 WORKERS OR ANY WORKER WITH DIRECT PATIENT CARE RESPONSIBILITY
EMPLOYED
21 IN LICENSED HOME CARE SERVICES AGENCIES UNDER CONTRACT WITH SUCH
PROVID-
22 ERS. PROVIDERS ARE PROHIBITED FROM USING SUCH FUNDS FOR ANY
OTHER
23 PURPOSE.
24 (II) EACH SUCH PROVIDER SHALL SUBMIT, AT A TIME AND IN A MANNER
DETER-
25 MINED BY THE COMMISSIONER, A WRITTEN CERTIFICATION ATTESTING THAT
SUCH
26 FUNDS WILL BE USED SOLELY FOR THE PURPOSE OF RECRUITMENT AND
RETENTION
27 OF NON-SUPERVISORY HOME CARE SERVICES WORKERS OR ANY WORKER WITH
DIRECT
28 PATIENT CARE RESPONSIBILITY. THE COMMISSIONER IS AUTHORIZED TO
AUDIT
29 EACH SUCH PROVIDER TO ENSURE COMPLIANCE WITH THE WRITTEN
CERTIFICATION
30 REQUIRED BY THIS SUBDIVISION AND SHALL RECOUP ANY FUNDS DETERMINED
TO
31 HAVE BEEN USED FOR PURPOSES OTHER THAN RECRUITMENT AND RETENTION
OF
32 NON-SUPERVISORY HOME CARE SERVICES WORKERS OR ANY WORKER WITH
DIRECT
33 PATIENT CARE RESPONSIBILITY. SUCH RECOUPMENT SHALL BE IN ADDITION TO
ANY
34 OTHER PENALTIES PROVIDED BY LAW.
35 (III) IN THE CASE OF SERVICES PROVIDED BY SUCH PROVIDERS
THROUGH

36 CONTRACTS WITH LICENSED HOME CARE SERVICES AGENCIES, RATE
INCREASES
37 RECEIVED BY SUCH PROVIDERS PURSUANT TO THIS SUBDIVISION SHALL
BE
38 REFLECTED, CONSISTENT WITH THE PURPOSES OF SUBPARAGRAPH (I) OF
THIS
39 PARAGRAPH, IN EITHER THE FEES PAID OR BENEFITS OR OTHER
SUPPORTS
40 PROVIDED TO NON-SUPERVISORY HOME CARE SERVICES WORKERS OR ANY
WORKER
41 WITH DIRECT PATIENT CARE RESPONSIBILITY OF SUCH CONTRACTED LICENSED
HOME
42 CARE SERVICES AGENCIES AND SUCH FEES, BENEFITS OR OTHER SUPPORTS
SHALL
43 BE PROPORTIONATE TO THE CONTRACTED VOLUME OF SERVICES ATTRIBUTABLE
TO
44 EACH CONTRACTED AGENCY. SUCH AGENCIES SHALL SUBMIT TO PROVIDERS
WITH
45 WHICH THEY CONTRACT WRITTEN CERTIFICATIONS ATTESTING THAT SUCH
FUNDS
46 WILL BE USED SOLELY FOR THE PURPOSES OF RECRUITMENT AND RETENTION
OF
47 NON-SUPERVISORY HOME CARE SERVICES WORKERS OR ANY WORKER WITH
DIRECT
48 PATIENT CARE RESPONSIBILITY AND SHALL MAINTAIN IN THEIR FILES
EXPENDI-
49 TURE PLANS SPECIFYING HOW SUCH FUNDS WILL BE USED FOR SUCH PURPOSES.
THE
50 COMMISSIONER IS AUTHORIZED TO AUDIT SUCH AGENCIES TO ENSURE
COMPLIANCE
51 WITH SUCH CERTIFICATIONS AND EXPENDITURE PLANS AND SHALL RECOUP
ANY
52 FUNDS DETERMINED TO HAVE BEEN USED FOR PURPOSES OTHER THAN THOSE
SET
53 FORTH IN THIS SUBDIVISION. SUCH RECOUPMENT WILL BE IN ADDITION TO
ANY
54 OTHER PENALTIES PROVIDED BY LAW.
55 (IV) FUNDS UNDER THIS SUBDIVISION ARE NOT INTENDED TO SUPPLANT
SUPPORT
56 PROVIDED BY LOCAL GOVERNMENT.

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1 S 55. Subdivision 8 of section 2807 of the public health law
is
2 amended by adding a new paragraph (d) to read as follows:
3 (D) SUBJECT TO RECEIPT OF ALL NECESSARY FEDERAL APPROVALS, RATES
OF
4 PAYMENT COMPUTED IN ACCORDANCE WITH THIS SUBDIVISION MAY BE
FURTHER
5 ADJUSTED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION SEVENTEEN
OF
6 THIS SECTION, PROVIDED, HOWEVER, THAT SUCH ADJUSTMENTS SHALL NOT
BE
7 SUBJECT TO TREND ADJUSTMENTS AS PROVIDED IN PARAGRAPH (B) OF THIS
SUBDI-

8 VISION.

9 S 56. Notwithstanding any other provision of law, rules or
regu-
10 lations, the Memorandum of Closing entered into by health care
providers
11 located in Erie and Niagara counties dated November 24, 1997,
which
12 consummated an Agreement and Plan of Merger dated as of August 1,
1997,
13 effected a change of ownership of assets of these providers as of
Novem-
14 ber 24, 1997; provided, however, that the depreciation portion of
capi-
15 tal related expenses for such providers shall not be recalculated
to
16 recognize a loss on disposal of assets under the medical
assistance
17 program using principles of reimbursement applicable to title XVIII
of
18 the federal social security act (medicare) applicable to
transactions
19 occurring before December 1, 1997.

20 S 57. Subdivision 12 of section 2807-d of the public health law,
as
21 added by chapter 41 of the laws of 1992, is amended to read as
follows:
22 12. (A) Each exclusion of hospitals or sources of gross
receipts
23 received from the assessments effective on or after April first,
nine-
24 teen hundred ninety-two, AND PRIOR TO APRIL FIRST, TWO THOUSAND
TWO,
25 established pursuant to this section shall be contingent upon
either:
26 {(a)} (I) qualification of the assessments for waiver pursuant to
feder-
27 al law and regulation; or {(b)} (II) consistent with federal law
and
28 regulation, not requiring a waiver by the secretary of the department
of
29 health and human services related to such exclusion; in order for
the
30 assessments under this section to be qualified as a broad-based
health
31 care related tax for purposes of the revenues received by the
state
32 pursuant to the assessments not reducing the amount expended by
the
33 state as medical assistance for purposes of federal financial
partic-
34 ipation. The commissioner shall collect the assessments relying on
such
35 exclusions, pending any contrary action by the secretary of the
depart-
36 ment of health and human services. In the event the secretary of
the

37 department of health and human services determines that the
assessments
38 do not so qualify based on any such exclusion, then the exclusion
shall
39 be deemed to have been null and void as of April first, nineteen
hundred
40 ninety-two, and the commissioner shall collect any retroactive
amount
41 due as a result, without interest or penalty provided the hospital
pays
42 the retroactive amount due within ninety days of notice from
the
43 commissioner to the hospital that an exclusion is null and void.
Inter-
44 est and penalties shall be measured from the due date of ninety
days
45 following notice from the commissioner to the hospital.

46 (B) THE EXCLUSION OF THE HOSPITALS DESCRIBED IN PARAGRAPH (B)
OF
47 SUBDIVISION ONE OF THIS SECTION AND THE EXCLUSION OF REVENUE
DESCRIBED
48 IN SUBPARAGRAPH (VI) OF PARAGRAPH (B) OF SUBDIVISION TWO OF THIS
SECTION
49 FROM THE ASSESSMENTS SET FORTH IN SUBPARAGRAPH (VI) OF PARAGRAPH (B)
OF
50 SUBDIVISION TWO OF THIS SECTION SHALL BE CONTINGENT UPON EITHER:
(I)
51 QUALIFICATION OF THE ASSESSMENTS FOR WAIVER PURSUANT TO FEDERAL LAW
AND
52 REGULATION; OR (II) CONSISTENT WITH FEDERAL LAW AND REGULATION,
NOT
53 REQUIRING A WAIVER BY THE SECRETARY OF THE DEPARTMENT OF HEALTH
AND
54 HUMAN SERVICES RELATED TO SUCH EXCLUSION; IN ORDER FOR THE
ASSESSMENTS
55 UNDER THIS SECTION TO BE QUALIFIED AS A BROAD-BASED HEALTH CARE
RELATED
56 TAX FOR PURPOSES OF THE REVENUES RECEIVED BY THE STATE PURSUANT TO
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1 ASSESSMENTS NOT REDUCING THE AMOUNT EXPENDED BY THE STATE AS
MEDICAL
2 ASSISTANCE FOR PURPOSES OF FEDERAL FINANCIAL PARTICIPATION. THE
COMMIS-
3 SIONER SHALL COLLECT SUCH ASSESSMENTS RELYING ON SUCH EXCLUSION,
PENDING
4 ANY CONTRARY ACTION BY THE SECRETARY OF THE DEPARTMENT OF HEALTH
AND
5 HUMAN SERVICES. IN THE EVENT THE SECRETARY OF THE DEPARTMENT OF
HEALTH
6 AND HUMAN SERVICES DETERMINES THAT SUCH ASSESSMENTS DO NOT SO
QUALIFY
7 BASED ON SUCH EXCLUSION, THEN THE COMMISSIONER SHALL, TO THE
EXTENT

8 NECESSARY TO ACHIEVE SUCH QUALIFICATION FOR FEDERAL FINANCIAL
PARTIC-
9 IPATION, DEEM SUCH EXCLUSIONS NULL AND VOID AS OF APRIL FIRST, TWO
THOU-
10 SAND TWO, AND THE COMMISSIONER SHALL COLLECT ANY RETROACTIVE AMOUNT
DUE
11 AS A RESULT, WITHOUT INTEREST OR PENALTY PROVIDED THE HOSPITAL PAYS
THE
12 RETROACTIVE AMOUNT DUE WITHIN NINETY DAYS OF NOTICE FROM THE
COMMISSION-
13 ER TO THE HOSPITAL THAT SUCH EXCLUSION IS NULL AND VOID.

14 S 58. Notwithstanding any law, rule or regulation to the contrary,
and
15 in accordance with section 4 of the state finance law, the
commissioner
16 of health, with the approval of the director of the budget, is
author-
17 ized to borrow two hundred million dollars from funds collected or to
be
18 collected in pools established pursuant to paragraph (b) of
subdivision
19 9 of section 2807-j of the public health law and section 2807-v of
the
20 public health law and to transfer such funds to the state special
reven-
21 ue funds - other, HCRA transfer fund, medical assistance account
for
22 Medicaid purposes, including, but not limited to, disaster relief
Medi-
23 caid, provided, however, that in the event that the commissioner
of
24 health and the director of the budget subsequently determine prior
to
25 the expiration date of such sections as set forth in section 138
of
26 chapter 1 of the laws of 1999 that additional funds are required to
meet
27 obligations set forth in sections 2807-k, 2807-l, 2807-m or 2807-v
of
28 the public health law, that up to two hundred million dollars shall
be
29 transferred from the state general fund to pools established pursuant
to
30 paragraph (b) of subdivision 9 of section 2807-j of the public
health
31 law and section 2807-v of the public health law; and further
provided
32 that the commissioner of health and director of the budget shall
ensure
33 that the authorizations contained in this section and section fifty-
nine
34 of this act shall in no event impede, limit or otherwise impair, in
any
35 way, the implementation of, or the time frames or levels of
financial
36 distributions for, any of the initiatives financed pursuant to
section

37 2807-k, 2807-l, 2807-m or 2807-v of the public health law.
38 S 59. Notwithstanding any law, rule or regulation to the contrary,
the
39 commissioner of health is authorized to borrow any existing
cash
40 balances in pools established or funded pursuant to sections 2807-
j,
41 2807-k, 2807-m, 2807-s, 2807-t and 2807-v of the public health law
for
42 the purpose of meeting any funding obligations set forth in
sections
43 2807-k, 2807-l, 2807-m or 2807-v of the public health law,
provided,
44 however, that such authorization shall expire and be of no
further
45 effect in the event the two hundred million dollars transferred
from
46 pools established pursuant to sections 2807-j and 2807-v of the
public
47 health law pursuant to section fifty-eight of this act are
transferred
48 back to said pools from the state general fund or otherwise; and
further
49 provided that such authorization shall in no event extend beyond
Decem-
50 ber 31, 2005; and further provided that, commencing with the
effective
51 date of this section, reports of cash transfers made pursuant to
this
52 section shall be submitted on a semi-annual basis to the director of
the
53 budget, the temporary president of the senate and the speaker of
the
54 assembly.

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1 S 60. Paragraph (bb) of subdivision 1 of section 2807-v of the
public
2 health law, as added by section 2 of part A of chapter 1 of the laws
of
3 2002, is amended to read as follows:
4 (bb) (i) Funds shall be deposited by the commissioner, within
amounts
5 appropriated, and subject to the availability of federal
financial
6 participation, and the state comptroller is hereby authorized
and
7 directed to receive for deposit to the credit of the state
special
8 revenue funds - other, HCRA transfer fund, medical assistance
account
9 for the purpose of supporting the state share of adjustments to
Medicaid
10 rates of payment for personal care services provided pursuant to
para-

11 graph (e) of subdivision two of section three hundred sixty-five-a
of
12 the social services law, for local social service districts
which
13 include a city with a population of over one million persons
and
14 computed and distributed in accordance with memorandums of
understanding
15 to be entered into between the state of New York and such local
social
16 service districts for the purpose of supporting the recruitment
and
17 retention of personal care service workers OR ANY WORKER WITH
DIRECT
18 PATIENT CARE RESPONSIBILITY, from the tobacco control and
insurance
19 initiatives pool established for the following periods and the
following
20 amounts:
21 (A) forty-four million dollars, on an annualized basis, for the
period
22 April first, two thousand two through December thirty-first, two
thou-
23 sand two;
24 (B) seventy-four million dollars, on an annualized basis, for
the
25 period January first, two thousand three through December thirty-
first,
26 two thousand three;
27 (C) one hundred four million dollars, on an annualized basis, for
the
28 period January first, two thousand four through December thirty-
first,
29 two thousand four; and
30 (D) one hundred thirty-six million dollars, on an annualized
basis,
31 for the period January first, two thousand five through December
thir-
32 ty-first, two thousand five.
33 (ii) Adjustments to Medicaid rates made pursuant to this
paragraph
34 shall not, in aggregate, exceed the following amounts for the
following
35 periods:
36 (A) for the period April first, two thousand two through
December
37 thirty-first, two thousand two, one hundred ten million dollars;
38 (B) for the period January first, two thousand three through
December
39 thirty-first, two thousand three, one hundred eighty-five
million
40 dollars;
41 (C) for the period January first, two thousand four through
December
42 thirty-first, two thousand four, two hundred sixty million dollars;
and

43 (D) for the period January first, two thousand five through
December
44 thirty-first, two thousand five, three hundred forty million dollars.
45 (iii) Personal care service providers which have their rates
adjusted
46 pursuant to this paragraph shall use such funds for the purpose
of
47 recruitment and retention of non-supervisory personal care
services
48 workers OR ANY WORKER WITH DIRECT PATIENT CARE RESPONSIBILITY only
and
49 are prohibited from using such funds for any other purpose. Each
such
50 personal care services provider shall submit, at a time and in a
manner
51 to be determined by the commissioner, a written certification
attesting
52 that such funds will be used solely for the purpose of recruitment
and
53 retention of non-supervisory personal care services workers OR ANY
WORK-
54 ER WITH DIRECT PATIENT CARE RESPONSIBILITY. The commissioner is
author-
55 ized to audit each such provider to ensure compliance with the
written
56 certification required by this subdivision and shall recoup any
funds

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1 determined to have been used for purposes other than recruitment
and
2 retention of non-supervisory personal care services workers OR ANY
WORK-
3 ER WITH DIRECT PATIENT CARE RESPONSIBILITY. Such recoupment shall be
in
4 addition to any other penalties provided by law.

5 S 61. Section 367-q of the social services law, as added by section
3

6 of part A of chapter 1 of the laws of 2002, is amended to read
as

7 follows:
8 S 367-q. Personal care services worker recruitment and
retention

9 program. 1. The commissioner of health shall, subject to the
availabili-

10 ty of federal financial participation adjust personal care
services

11 medical assistance rates of payment established pursuant to this
title

12 for personal care services providers located in local social
service

13 districts which do not include a city with a population of over
one

14 million persons in accordance with subdivisions two and three of
this

15 section for purposes of improving recruitment and retention of
personal

16 care services workers OR ANY WORKER WITH DIRECT PATIENT CARE
RESPONSI-

17 BILITY in the following aggregate amounts for the following periods:

18 (a) for the period April first, two thousand two through
December

19 thirty-first, two thousand two, seven million dollars;

20 (b) for the period January first, two thousand three through
December

21 thirty-first, two thousand three, fourteen million dollars;

22 (c) for the period January first, two thousand four through
December

23 thirty-first, two thousand four, twenty-one million dollars; and

24 (d) for the period January first, two thousand five through
December

25 thirty-first, two thousand five, twenty-seven million dollars.

26 2. Such adjustments to rates of payments shall be allocated
propor-

27 tionally based on each personal care services providers' total
annual

28 hours of personal care services provided, as reported in each
such

29 provider's nineteen hundred ninety-nine cost report as submitted to
the

30 department of health prior to November first, two thousand one.

31 3. Payments made pursuant to this section shall not be subject
to

32 subsequent adjustment or reconciliation.

33 4. Personal care services providers which have their rates
adjusted

34 pursuant to this section shall use such funds for the purpose
of

35 recruitment and retention of non-supervisory personal care
services

36 workers OR ANY WORKER WITH DIRECT PATIENT CARE RESPONSIBILITY only
and

37 are prohibited from using such funds for any other purpose. Each
such

38 personal care services provider shall submit, at a time and in a
manner

39 to be determined by the commissioner of health, a written
certification

40 attesting that such funds will be used solely for the purpose
of

41 recruitment and retention of non-supervisory personal care
services

42 workers OR ANY WORKER WITH DIRECT PATIENT CARE RESPONSIBILITY.
The

43 commissioner of health is authorized to audit each such provider
to

44 ensure compliance with the written certification required by this
subdi-

45 vision and shall recoup any funds determined to have been used
for

46 purposes other than recruitment and retention of non-
supervisory

47 personal care services workers OR ANY WORKER WITH DIRECT PATIENT
CARE
48 RESPONSIBILITY. Such recoupment shall be in addition to any
other
49 penalties provided by law.

50 S 62. Notwithstanding any inconsistent provision of law, rule or regu-
51 lation, the effectiveness of subdivisions 4, 7, 7-a and 7-b of
section
52 2807 of the public health law, as they relate to time frames for
notice,
53 approval of certification of rates of payment, and to the requirement
of
54 prior notice of rates of payment, are hereby suspended and shall
for
55 purposes of implementing the provisions of this act, be deemed to
have
56 been without any force and effect from and after November 1, 2001
for

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1 such rates effective for the period January 1, 2002 through December
31,
2 2002.

3 S 63. Severability. If any clause, sentence, paragraph, section
or
4 part of this act shall be adjudged by any court of competent
jurisdic-
5 tion to be invalid, such judgment shall not affect, impair or
invalidate
6 the remainder thereof, but shall be confined in its operation to
the
7 clause, sentence, paragraph, section or part thereof directly
involved
8 in the controversy in which such judgment shall have been rendered.

9 S 64. This act shall take effect immediately, provided that:

10 1. section one of this act shall be deemed to have been in full
force
11 and effect on and after January 25, 2002;

12 2. section two of this act shall take effect on the same date and
in
13 the same manner as section 8 of part A of chapter 1 of the laws of
2002;

14 3. section three of this act shall take effect on the same date and
in
15 the same manner as section 1 of part A of chapter 1 of the laws of
2002;

16 4. sections four, five and six of this act shall take effect on
the
17 same date and in the same manner as section 2 of part A of chapter 1
of
18 the laws of 2002;

19 5. section seven of this act shall take effect on the same date and
in

20 the same manner as section 44 of part A of chapter 1 of the laws
of
21 2002;
22 6. section eight of this act shall take effect on the same date and
in
23 the same manner as section 41 of part A of chapter 1 of the laws
of
24 2002;
25 7. section nine of this act shall take effect on the same date and
in
26 the same manner as section 57 of part A of chapter 1 of the laws
of
27 2002;
28 8. section ten of this act shall take effect on the same date and
in
29 the same manner as section 65 of part A of chapter 1 of the laws
of
30 2002;
31 9. section twelve of this act shall take effect on the same date
and
32 in the same manner as section 6 of part C of chapter 1 of the laws
of
33 2002;
34 10. section thirteen of this act shall be deemed to have been in
full
35 force and effect on and after January 25, 2002;
36 11. section fourteen of this act shall be deemed to have been in
full
37 force and effect on and after January 25, 2002;
38 12. section fifteen of this act shall take effect on the same date
and
39 in the same manner as section 36 of part A of chapter 1 of the laws
of
40 2002;
41 13. sections sixteen and seventeen of this act shall take effect
on
42 the same date and in the same manner as section 42 of part A of
chapter
43 1 of the laws of 2002;
44 14. section nineteen of this act shall take effect on the same
date
45 and in the same manner as section 20 of part A of chapter 1 of the
laws
46 of 2002;
47 15. section twenty of this act shall take effect on the same date
and
48 in the same manner as section 4 of part B of chapter 1 of the laws
of
49 2002;
50 16. section twenty-one of this act shall take effect on the same
date
51 and in the same manner as section 17 of part B of chapter 1 of the
laws
52 of 2002;
53 17. section twenty-three of this act shall take effect on the
same

54 date and in the same manner as section 7-a of part A of chapter 1 of
the
55 laws of 2002;

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1 18. section thirty-six of this act shall take effect on the same
date
2 and in the same manner as section 29 of part A of chapter 1 of the
laws
3 of 2002;

4 19. section thirty of this act shall take effect immediately and
shall
5 be deemed to have been in full force and effect on and after January
1,
6 2002;

7 20. section forty-six of this act shall take effect on the same
date
8 and in the same manner as section 1-b of part A of chapter 1 of the
laws
9 of 2002;

10 21. sections forty-nine and fifty-a of this act shall take
effect
11 October 1, 2002;

12 22. section fifty of this act shall take effect on the same date
and
13 in the same manner as section 3 of part B of chapter 1 of the laws
of
14 2002;

15 23. section fifty-one of this act shall take effect on the same
date
16 and in the same manner as section 16 of part B of chapter 1 of the
laws
17 of 2002;

18 24. section fifty-two of this act shall take effect on the same
date
19 and in the same manner as section 18 of part A of chapter 1 of the
laws
20 of 2002;

21 25. section fifty-three of this act shall take effect on the same
date
22 and in the same manner as section 32 of part A of chapter 1 of the
laws
23 of 2002;

24 26. section fifty-five of this act shall take effect on the same
date
25 and in the same manner as section 7-a of part A of chapter 1 of the
laws
26 of 2002;

27 27. section fifty-six of this act shall be deemed to have been in
full
28 force and effect on and after August 1, 1997;

29 28. section sixty of this act shall take effect on the same date
and
30 in the same manner as section 2 of part A of chapter 1 of the laws
of

31 2002; and
32 29. section sixty-one of this act shall take effect on the same
date
33 and in the same manner as section 3 of part A of chapter 1 of the
laws
34 of 2002.

35 PART K

36 Section 1. Paragraph 6 of subsection (k) of section 3221 of the
insur-
37 ance law, as added by chapter 897 of the laws of 1990, is amended
to

38 read as follows:

39 (6) (A) Every group policy issued or delivered in this state
which
40 provides coverage for hospital care shall not exclude coverage
for
41 hospital care for diagnosis and treatment of correctable medical
condi-
42 tions otherwise covered by the policy solely because the medical
condi-
43 tion results in infertility; PROVIDED, HOWEVER THAT:

44 (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (C) OF THIS
PARAGRAPH,
45 IN NO CASE SHALL SUCH COVERAGE EXCLUDE SURGICAL OR MEDICAL
PROCEDURES

46 PROVIDED AS PART OF SUCH HOSPITAL CARE WHICH WOULD CORRECT
MALFORMATION,
47 DISEASE OR DYSFUNCTION RESULTING IN INFERTILITY; AND

48 (II) PROVIDED, FURTHER HOWEVER, THAT SUBJECT TO THE PROVISIONS
OF
49 SUBPARAGRAPH (C) OF THIS PARAGRAPH, IN NO CASE SHALL SUCH
COVERAGE

50 EXCLUDE DIAGNOSTIC TESTS AND PROCEDURES PROVIDED AS PART OF SUCH
HOSPI-
51 TAL CARE THAT ARE NECESSARY TO DETERMINE INFERTILITY OR THAT ARE
NECES-
52 SARY IN CONNECTION WITH ANY SURGICAL OR MEDICAL TREATMENTS
OR

53 PRESCRIPTION DRUG COVERAGE PROVIDED PURSUANT TO THIS PARAGRAPH,
INCLUD-

54 ING SUCH DIAGNOSTIC TESTS AND PROCEDURES AS HYSTEROSALPINGOGRAM,
HYSTER-

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1 OSCOPY, ENDOMETRIAL BIOPSY, LAPAROSCOPY, SONO-HYSTEROGRAM, POST
COITAL

2 TESTS, TESTIS BIOPSY, SEMEN ANALYSIS, BLOOD TESTS AND ULTRASOUND; AND

3 (III) PROVIDED, FURTHER HOWEVER, EVERY SUCH POLICY WHICH
PROVIDES

4 COVERAGE FOR PRESCRIPTION DRUGS SHALL INCLUDE, WITHIN SUCH
COVERAGE,

5 COVERAGE FOR PRESCRIPTION DRUGS APPROVED BY THE FEDERAL FOOD AND
DRUG

6 ADMINISTRATION FOR USE IN THE DIAGNOSIS AND TREATMENT OF INFERTILITY
IN
7 ACCORDANCE WITH SUBPARAGRAPH (C) OF THIS PARAGRAPH.
8 (B) Every group policy issued or delivered in this state
which
9 provides coverage for surgical and medical care shall not exclude
cover-
10 age for surgical and medical care for diagnosis and treatment of
correc-
11 table medical conditions otherwise covered by the policy solely
because
12 the medical condition results in infertility; PROVIDED, HOWEVER THAT:
13 (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (C) OF THIS
PARAGRAPH,
14 IN NO CASE SHALL SUCH COVERAGE EXCLUDE SURGICAL OR MEDICAL
PROCEDURES
15 WHICH WOULD CORRECT MALFORMATION, DISEASE OR DYSFUNCTION RESULTING
IN
16 INFERTILITY; AND
17 (II) PROVIDED, FURTHER HOWEVER, THAT SUBJECT TO THE PROVISIONS
OF
18 SUBPARAGRAPH (C) OF THIS PARAGRAPH, IN NO CASE SHALL SUCH
COVERAGE
19 EXCLUDE DIAGNOSTIC TESTS AND PROCEDURES THAT ARE NECESSARY TO
DETERMINE
20 INFERTILITY OR THAT ARE NECESSARY IN CONNECTION WITH ANY SURGICAL
OR
21 MEDICAL TREATMENTS OR PRESCRIPTION DRUG COVERAGE PROVIDED PURSUANT
TO
22 THIS PARAGRAPH, INCLUDING SUCH DIAGNOSTIC TESTS AND PROCEDURES
AS
23 HYSTEROSALPINGOGRAM, HYSTEROSCOPY, ENDOMETRIAL BIOPSY,
LAPAROSCOPY,
24 SONO-HYSTEROGRAM, POST COITAL TESTS, TESTIS BIOPSY, SEMEN
ANALYSIS,
25 BLOOD TESTS AND ULTRASOUND; AND
26 (III) PROVIDED, FURTHER HOWEVER, EVERY SUCH POLICY WHICH
PROVIDES
27 COVERAGE FOR PRESCRIPTION DRUGS SHALL INCLUDE, WITHIN SUCH
COVERAGE,
28 COVERAGE FOR PRESCRIPTION DRUGS APPROVED BY THE FEDERAL FOOD AND
DRUG
29 ADMINISTRATION FOR USE IN THE DIAGNOSIS AND TREATMENT OF INFERTILITY
IN
30 ACCORDANCE WITH SUBPARAGRAPH (C) OF THIS PARAGRAPH.
31 (C) COVERAGE OF DIAGNOSTIC AND TREATMENT PROCEDURES,
INCLUDING
32 PRESCRIPTION DRUGS, USED IN THE DIAGNOSIS AND TREATMENT OF
INFERTILITY
33 AS REQUIRED BY SUBPARAGRAPHS (A) AND (B) OF THIS PARAGRAPH SHALL
BE
34 PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBPARAGRAPH.
35 (I) COVERAGE SHALL BE PROVIDED FOR PERSONS WHOSE AGES RANGE FROM
TWEN-
36 TY-ONE THROUGH FORTY-FOUR YEARS, PROVIDED THAT NOTHING HEREIN
SHALL

37 PRECLUDE THE PROVISION OF COVERAGE TO PERSONS WHOSE AGE IS BELOW
OR
38 ABOVE SUCH RANGE.

39 (II) DIAGNOSIS AND TREATMENT OF INFERTILITY SHALL BE PRESCRIBED
AS
40 PART OF A PHYSICIAN'S OVERALL PLAN OF CARE AND CONSISTENT WITH
THE
41 GUIDELINES FOR COVERAGE AS REFERENCED IN THIS SUBPARAGRAPH.

42 (III) COVERAGE MAY BE SUBJECT TO CO-PAYMENTS, COINSURANCE AND
DEDUCT-
43 IBLES AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS
ARE
44 CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A
GIVEN
45 POLICY.

46 (IV) COVERAGE SHALL BE LIMITED TO THOSE INDIVIDUALS WHO HAVE
BEEN
47 PREVIOUSLY COVERED UNDER THE POLICY FOR A PERIOD OF NOT LESS THAN
TWELVE
48 MONTHS, PROVIDED THAT FOR THE PURPOSES OF THIS SUBPARAGRAPH "PERIOD
OF
49 NOT LESS THAN TWELVE MONTHS" SHALL BE DETERMINED BY CALCULATING
SUCH
50 TIME FROM EITHER THE DATE THE INSURED WAS FIRST COVERED UNDER THE
EXIST-
51 ING POLICY OR FROM THE DATE THE INSURED WAS FIRST COVERED BY A
PREVIOUS-
52 LY IN-FORCE CONVERTED POLICY, WHICHEVER IS EARLIER.

53 (V) COVERAGE SHALL NOT BE REQUIRED TO INCLUDE THE DIAGNOSIS AND
TREAT-
54 MENT OF INFERTILITY IN CONNECTION WITH: (I) IN VITRO
FERTILIZATION,
55 GAMETE INTRAFALLOPIAN TUBE TRANSFERS OR ZYGOTE INTRAFALLOPIAN
TUBE
56 TRANSFERS; (II) THE REVERSAL OF ELECTIVE STERILIZATIONS; (III)
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1 CHANGE PROCEDURES; (IV) CLONING; OR (V) MEDICAL OR SURGICAL SERVICES
OR
2 PROCEDURES THAT ARE DEEMED TO BE EXPERIMENTAL IN ACCORDANCE WITH
CLIN-
3 ICAL GUIDELINES REFERENCED IN CLAUSE (VI) OF THIS SUBPARAGRAPH.

4 (VI) THE SUPERINTENDENT, IN CONSULTATION WITH THE COMMISSIONER
OF
5 HEALTH, SHALL PROMULGATE REGULATIONS WHICH SHALL STIPULATE THE
GUIDE-
6 LINES AND STANDARDS WHICH SHALL BE USED IN CARRYING OUT THE
PROVISIONS
7 OF THIS SUBPARAGRAPH, WHICH SHALL INCLUDE:

8 (I) THE DETERMINATION OF "INFERTILITY" IN ACCORDANCE WITH THE
STAND-
9 ARDS AND GUIDELINES ESTABLISHED AND ADOPTED BY THE AMERICAN COLLEGE
OF

10 OBSTETRICIANS AND GYNECOLOGISTS AND THE AMERICAN SOCIETY FOR
REPRODUC-
11 TIVE MEDICINE;
12 (II) THE IDENTIFICATION OF EXPERIMENTAL PROCEDURES AND TREATMENTS
NOT
13 COVERED FOR THE DIAGNOSIS AND TREATMENT OF INFERTILITY DETERMINED
IN
14 ACCORDANCE WITH THE STANDARDS AND GUIDELINES ESTABLISHED AND ADOPTED
BY
15 THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS AND THE
AMERICAN
16 SOCIETY FOR REPRODUCTIVE MEDICINE;
17 (III) THE IDENTIFICATION OF THE REQUIRED TRAINING, EXPERIENCE
AND
18 OTHER STANDARDS FOR HEALTH CARE PROVIDERS FOR THE PROVISION OF
PROCE-
19 DURES AND TREATMENTS FOR THE DIAGNOSIS AND TREATMENT OF
INFERTILITY
20 DETERMINED IN ACCORDANCE WITH THE STANDARDS AND GUIDELINES
ESTABLISHED
21 AND ADOPTED BY THE AMERICAN COLLEGE OF OBSTETRICIANS AND
GYNECOLOGISTS
22 AND THE AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE; AND
23 (IV) THE DETERMINATION OF APPROPRIATE MEDICAL CANDIDATES BY THE
TREAT-
24 ING PHYSICIAN IN ACCORDANCE WITH THE STANDARDS AND GUIDELINES
ESTAB-
25 LISHED AND ADOPTED BY THE AMERICAN COLLEGE OF OBSTETRICIANS AND
GYNECOL-
26 OGISTS AND/OR THE AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE.
27 S 2. Subsection (s) of section 4303 of the insurance law, as added
by
28 chapter 897 of the laws of 1990 and as relettered by chapter 131 of
the
29 laws of 1992, is amended to read as follows:
30 (s) (1) A hospital service corporation or health service
corporation
31 which provides coverage for hospital care shall not exclude coverage
for
32 hospital care for diagnosis and treatment of correctable medical
condi-
33 tions otherwise covered by the policy solely because the medical
condi-
34 tion results in infertility; PROVIDED, HOWEVER THAT:
35 (A) SUBJECT TO THE PROVISIONS OF PARAGRAPH THREE OF THIS
SUBSECTION,
36 IN NO CASE SHALL SUCH COVERAGE EXCLUDE SURGICAL OR MEDICAL
PROCEDURES
37 PROVIDED AS PART OF SUCH HOSPITAL CARE WHICH WOULD CORRECT
MALFORMATION,
38 DISEASE OR DYSFUNCTION RESULTING IN INFERTILITY; AND
39 (B) PROVIDED, FURTHER HOWEVER, THAT SUBJECT TO THE PROVISIONS OF
PARA-
40 GRAPH THREE OF THIS SUBSECTION, IN NO CASE SHALL SUCH COVERAGE
EXCLUDE
41 DIAGNOSTIC TESTS AND PROCEDURES PROVIDED AS PART OF SUCH HOSPITAL
CARE

42 THAT ARE NECESSARY TO DETERMINE INFERTILITY OR THAT ARE NECESSARY
IN
43 CONNECTION WITH ANY SURGICAL OR MEDICAL TREATMENTS OR PRESCRIPTION
DRUG
44 COVERAGE PROVIDED PURSUANT TO THIS SUBSECTION, INCLUDING SUCH
DIAGNOSTIC
45 TESTS AND PROCEDURES AS HYSTEOSALPINGOGRAM, HYSTEOSCOPY,
ENDOMETRIAL
46 BIOPSY, LAPAROSCOPY, SONO-HYSTEOGRAM, POST COITAL TESTS, TESTIS
BIOPSY,
47 SEMEN ANALYSIS, BLOOD TESTS AND ULTRASOUND; AND
48 (C) PROVIDED, FURTHER HOWEVER, EVERY SUCH POLICY WHICH PROVIDES
COVER-
49 AGE FOR PRESCRIPTION DRUGS SHALL INCLUDE, WITHIN SUCH COVERAGE,
COVERAGE
50 FOR PRESCRIPTION DRUGS APPROVED BY THE FEDERAL FOOD AND DRUG
ADMINIS-
51 TRATION FOR USE IN THE DIAGNOSIS AND TREATMENT OF INFERTILITY IN
ACCORD-
52 ANCE WITH PARAGRAPH THREE OF THIS SUBSECTION.
53 (2) A medical expense indemnity or health service corporation
which
54 provides coverage for surgical and medical care shall not exclude
cover-
55 age for surgical and medical care for diagnosis and treatment of correc-

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1 table medical conditions otherwise covered by the policy solely
because
2 the medical condition results in infertility; PROVIDED, HOWEVER THAT:
3 (A) SUBJECT TO THE PROVISIONS OF PARAGRAPH THREE OF THIS
SUBSECTION,
4 IN NO CASE SHALL SUCH COVERAGE EXCLUDE SURGICAL OR MEDICAL
PROCEDURES
5 WHICH WOULD CORRECT MALFORMATION, DISEASE OR DYSFUNCTION RESULTING
IN
6 INFERTILITY; AND
7 (B) PROVIDED, FURTHER HOWEVER, THAT SUBJECT TO THE PROVISIONS OF
PARA-
8 GRAPH THREE OF THIS SUBSECTION, IN NO CASE SHALL SUCH COVERAGE
EXCLUDE
9 DIAGNOSTIC TESTS AND PROCEDURES THAT ARE NECESSARY TO DETERMINE
INFER-
10 TILITY OR THAT ARE NECESSARY IN CONNECTION WITH ANY SURGICAL OR
MEDICAL
11 TREATMENTS OR PRESCRIPTION DRUG COVERAGE PROVIDED PURSUANT TO
THIS
12 SUBSECTION, INCLUDING SUCH DIAGNOSTIC TESTS AND PROCEDURES AS
HYSTERO-
13 SALPINGOGRAM, HYSTEOSCOPY, ENDOMETRIAL BIOPSY, LAPAROSCOPY, SONO-
HYSTE-
14 ROGRAM, POST COITAL TESTS, TESTIS BIOPSY, SEMEN ANALYSIS, BLOOD
TESTS
15 AND ULTRASOUND; AND

16 (C) PROVIDED, FURTHER HOWEVER, EVERY SUCH POLICY WHICH PROVIDES
COVER-
17 AGE FOR PRESCRIPTION DRUGS SHALL INCLUDE, WITHIN SUCH COVERAGE,
COVERAGE
18 FOR PRESCRIPTION DRUGS APPROVED BY THE FEDERAL FOOD AND DRUG
ADMINIS-
19 TRATION FOR USE IN THE DIAGNOSIS AND TREATMENT OF INFERTILITY IN
ACCORD-
20 ANCE WITH PARAGRAPH THREE OF THIS SUBSECTION.
21 (3) COVERAGE OF DIAGNOSTIC AND TREATMENT PROCEDURES,
INCLUDING
22 PRESCRIPTION DRUGS USED IN THE DIAGNOSIS AND TREATMENT OF INFERTILITY
AS
23 REQUIRED BY PARAGRAPHS ONE AND TWO OF THIS SUBSECTION SHALL BE
PROVIDED
24 IN ACCORDANCE WITH THIS PARAGRAPH.
25 (A) COVERAGE SHALL BE PROVIDED FOR PERSONS WHOSE AGES RANGE FROM
TWEN-
26 TY-ONE THROUGH FORTY-FOUR YEARS, PROVIDED THAT NOTHING HEREIN
SHALL
27 PRECLUDE THE PROVISION OF COVERAGE TO PERSONS WHOSE AGE IS BELOW
OR
28 ABOVE SUCH RANGE.
29 (B) DIAGNOSIS AND TREATMENT OF INFERTILITY SHALL BE PRESCRIBED AS
PART
30 OF A PHYSICIAN'S OVERALL PLAN OF CARE AND CONSISTENT WITH THE
GUIDELINES
31 FOR COVERAGE AS REFERENCED IN THIS PARAGRAPH.
32 (C) COVERAGE MAY BE SUBJECT TO CO-PAYMENTS, COINSURANCE AND
DEDUCT-
33 IBLES AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS
ARE
34 CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A
GIVEN
35 POLICY.
36 (D) COVERAGE SHALL BE LIMITED TO THOSE INDIVIDUALS WHO HAVE
BEEN
37 PREVIOUSLY COVERED UNDER THE POLICY FOR A PERIOD OF NOT LESS THAN
TWELVE
38 MONTHS, PROVIDED THAT FOR THE PURPOSES OF THIS PARAGRAPH "PERIOD OF
NOT
39 LESS THAN TWELVE MONTHS" SHALL BE DETERMINED BY CALCULATING SUCH
TIME
40 FROM EITHER THE DATE THE INSURED WAS FIRST COVERED UNDER THE
EXISTING
41 POLICY OR FROM THE DATE THE INSURED WAS FIRST COVERED BY A
PREVIOUSLY
42 IN-FORCE CONVERTED POLICY, WHICHEVER IS EARLIER.
43 (E) COVERAGE SHALL NOT BE REQUIRED TO INCLUDE THE DIAGNOSIS AND
TREAT-
44 MENT OF INFERTILITY IN CONNECTION WITH: (I) IN VITRO
FERTILIZATION,
45 GAMETE INTRAFALLOPIAN TUBE TRANSFERS OR ZYGOTE INTRAFALLOPIAN
TUBE
46 TRANSFERS; (II) THE REVERSAL OF ELECTIVE STERILIZATIONS; (III)
SEX

47 CHANGE PROCEDURES; (IV) CLONING; OR (V) MEDICAL OR SURGICAL SERVICES
OR
48 PROCEDURES THAT ARE DEEMED TO BE EXPERIMENTAL IN ACCORDANCE WITH
CLIN-
49 ICAL GUIDELINES REFERENCED IN SUBPARAGRAPH (F) OF THIS PARAGRAPH.
50 (F) THE SUPERINTENDENT, IN CONSULTATION WITH THE COMMISSIONER
OF
51 HEALTH, SHALL PROMULGATE REGULATIONS WHICH SHALL STIPULATE THE
GUIDE-
52 LINES AND STANDARDS WHICH SHALL BE USED IN CARRYING OUT THE
PROVISIONS
53 OF THIS PARAGRAPH, WHICH SHALL INCLUDE:
54 (I) THE DETERMINATION OF "INFERTILITY" IN ACCORDANCE WITH THE
STAND-
55 ARDS AND GUIDELINES ESTABLISHED AND ADOPTED BY THE AMERICAN COLLEGE
OF

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1 OBSTETRICIANS AND GYNECOLOGISTS AND THE AMERICAN SOCIETY FOR
REPRODUC-
2 TIVE MEDICINE;
3 (II) THE IDENTIFICATION OF EXPERIMENTAL PROCEDURES AND TREATMENTS
NOT
4 COVERED FOR THE DIAGNOSIS AND TREATMENT OF INFERTILITY DETERMINED
IN
5 ACCORDANCE WITH THE STANDARDS AND GUIDELINES ESTABLISHED AND ADOPTED
BY
6 THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS AND THE
AMERICAN
7 SOCIETY FOR REPRODUCTIVE MEDICINE;
8 (III) THE IDENTIFICATION OF THE REQUIRED TRAINING, EXPERIENCE
AND
9 OTHER STANDARDS FOR HEALTH CARE PROVIDERS FOR THE PROVISION OF
PROCE-
10 DURES AND TREATMENTS FOR THE DIAGNOSIS AND TREATMENT OF
INFERTILITY
11 DETERMINED IN ACCORDANCE WITH THE STANDARDS AND GUIDELINES
ESTABLISHED
12 AND ADOPTED BY THE AMERICAN COLLEGE OF OBSTETRICIANS AND
GYNECOLOGISTS
13 AND THE AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE; AND
14 (IV) THE DETERMINATION OF APPROPRIATE MEDICAL CANDIDATES BY THE
TREAT-
15 ING PHYSICIAN IN ACCORDANCE WITH THE STANDARDS AND GUIDELINES
ESTAB-
16 LISHED AND ADOPTED BY THE AMERICAN COLLEGE OF OBSTETRICIANS AND
GYNECOL-
17 OGISTS AND/OR THE AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE.
18 S 3. Subdivision 1 of section 2807-v of the public health law
is
19 amended by adding a new paragraph (ii) to read as follows:
20 (II) FUNDS SHALL BE RESERVED AND ACCUMULATED FROM YEAR TO YEAR BY
THE
21 COMMISSIONER AND SHALL BE AVAILABLE, INCLUDING INCOME FROM
INVESTED

22 FUNDS, FOR THE PURPOSES OF A GRANT PROGRAM TO IMPROVE ACCESS TO
INFER-
23 TILITY SERVICES, TREATMENTS AND PROCEDURES, FROM THE TOBACCO CONTROL
AND
24 INSURANCE INITIATIVES POOL ESTABLISHED FOR THE PERIOD JANUARY FIRST,
TWO
25 THOUSAND TWO THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND TWO IN
THE
26 AMOUNT OF TEN MILLION DOLLARS.

27 S 4. The commissioner of health, subject to the availability of
funds
28 pursuant to section 2807-v of the public health law, shall establish
a
29 program to provide grants to health care providers for the purpose
of
30 improving access to infertility services, treatments and procedures.
At
31 least one such provider shall be located in the city of New York and
one
32 such provider shall be located in an upstate region.

33 Such program shall be targeted to assist individuals in meeting
the
34 cost of infertility services not covered pursuant to sections 3221
and
35 4303 of the insurance law as such sections are amended by sections
one
36 and two of this act relating to expanded coverage of
infertility
37 services. Services, treatments and procedures paid for pursuant to
the
38 grant program shall be limited to those who meet the criteria for
such
39 expanded coverage provided pursuant to the insurance law but for
whom
40 the covered services are not effective for treating
infertility.

41 Services, treatments and procedures paid for pursuant to the
grant
42 program shall be further limited to assisted reproductive
technology
43 utilizing in vitro fertilization and gamete intrafallopian tube
trans-
44 fer, and shall be made available only in accordance with
standards,
45 protocols and other parameters as shall be established by the
commis-
46 sioner, which shall include but not be limited to ASRM and ACOG
stand-
47 ards for the appropriateness of individuals, providers and
treatments,
48 and standards relating to cost-sharing based on income. Services,
treat-
49 ments and procedures under the grant program, except for those
specified
50 herein, shall not include those services, treatments and
procedures

51 explicitly excluded under the expanded coverage provided for in
the
52 insurance law as amended by sections one and two of this act.
Notwith-
53 standing sections 112 and 163 of the state finance law, grants
provided
54 pursuant to such program may be made without competitive bid or
request
55 for proposal.

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1 The commissioner of health shall promote public awareness of
this
2 program.
3 S 5. This act shall take effect September 1, 2002 and shall apply
to
4 all policies and contracts issued, renewed or modified on or after
such
5 date; provided, however, effective immediately the superintendent
of
6 insurance is authorized and directed to promulgate any
regulations
7 necessary for the implementation of the provisions of this act.

8 PART L

9 Section 1. (a) The several amounts specified in the chapter of
the
10 laws of 2002 enacting the health, mental hygiene and
environmental
11 conservation budget for state operations and for aid to localities,
or
12 so much thereof as shall be sufficient to accomplish the purposes
desig-
13 nated by the appropriations in such chapter, are hereby appropriated
and
14 authorized to be paid as provided in such chapter, to the
respective
15 public officers and for the several purposes specified;
16 (b) Where applicable, appropriations made by the chapter of the
laws
17 of 2002 enacting the health, mental hygiene and environmental
conserva-
18 tion budget for expenditures from federal grants for state
operations
19 and for aid to localities may be allocated for spending from
federal
20 grants for any grant period beginning during, or prior to, the
state
21 fiscal year beginning on April 1, 2002;
22 (c) The several amounts specified in the chapter of the laws of
2002
23 enacting the health, mental hygiene and environmental conservation
budg-

24 et for capital projects, or so much thereof as shall be necessary
to
25 accomplish the purpose of the appropriations in such chapter, are appro-
26 priated by comprehensive construction programs (referred to in
such
27 chapter by the abbreviation CCP), purposes, and projects designated
by
28 such appropriations, and authorized to be made available as provided
in
29 such chapter to the respective public officers; such
appropriations
30 shall be deemed to provide all costs necessary and pertinent to accom-
31 plish the intent of the appropriations in such chapter and shall
be
32 appropriated in accordance with the provisions of section 93 of
the
33 state finance law and the provisions of section 14 of part D of
chapter
34 152 of the laws of 2001;

35 (d) Any amounts specified in the chapter of the laws of 2002
enacting
36 the health, mental hygiene and environmental conservation budget
for
37 advances for capital projects, or so much thereof as shall be
necessary
38 to accomplish the purpose of the appropriations in such chapter,
are
39 appropriated by comprehensive construction programs (referred to in
such
40 chapter by the abbreviation CCP), purposes and projects designated
by
41 such appropriations as advances from the capital projects fund
in
42 accordance with the provisions of sections 40-a and 93 of the
state
43 finance law, and are authorized to be paid as provided in such
chapter
44 as an advance for a share, part or whole of the cost for such
programs,
45 purposes and projects specified in such chapter;

46 (e) The several amounts specified in the chapter of the laws of
2002
47 enacting the health, mental hygiene and environmental conservation
budg-
48 et as capital projects - reappropriations, or so much thereof as
shall
49 be sufficient to accomplish the purpose of the appropriations in
such
50 chapter, as appropriated by comprehensive construction
programs
51 (referred to in such chapter by the abbreviation CCP), purposes,
and
52 projects, being the undisbursed balances of the prior year's appropri-

53 ations, are reappropriated and unless otherwise amended or repealed
in
54 part or total in such chapter shall continue to be available for
the

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1 same purposes as the prior appropriations or as otherwise amended
for

2 the fiscal year beginning April 1, 2002;
3 (f) No moneys appropriated by the chapter of the laws of 2002
enacting

4 the health, mental hygiene and environmental conservation budget
shall

5 be available for payment until a certificate of approval has been
issued

6 by the director of the budget, who shall file such certificate with
the

7 department of audit and control, the chairperson of the senate
finance

8 committee and the chairperson of the assembly ways and means
committee;

9 and

10 (g) The appropriations contained in the chapter of the laws of
2002

11 enacting the health, mental hygiene and environmental conservation
budg-

12 et shall be available for the fiscal year beginning on April 1, 2002.

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1 OFFICE FOR THE AGING

2 S 2. No expenditures of moneys appropriated in section 1 of the
chap-

3 ter of the laws of 2002 which enacts the health, mental hygiene
and

4 environmental conservation budget to the office for the aging under
the

5 community services program from the general fund / aid to
localities,

6 local assistance account - 001 for:

7 (a) services and expenses, including the payment of
liabilities

8 incurred prior to April 1, 2002, related to the community
services

9 elderly grant program shall be made until the director of the budget
has

10 approved a plan submitted by the office for the aging outlining
the

11 amounts and purposes of such expenditures and the allocation of
funds

12 among the counties. Notwithstanding any provision of law, rule or
regu-

13 lation to the contrary, subject to the approval of the director of
the
14 budget, funds so appropriated for the community services for the
elderly
15 program (CSE) and the expanded in-home services for the elderly
program
16 (EISEP) may be used in accordance with a waiver or reduction in
county
17 maintenance of effort requirements established pursuant to section
541
18 of the executive law, except for base year expenditures. To the
extent
19 that funds so appropriated are sufficient to exceed the per capita
limit
20 established in section 541 of the executive law, the excess funds
shall
21 be available to supplement the existing per capita level in a
uniform
22 manner consistent with statutory allocations;
23 (b) additional services and expenses related to the community
services
24 for the elderly program. Notwithstanding any provision of law, rule
or
25 regulation to the contrary, these funds shall be allocated to the
area
26 agencies on aging to restore two-thirds of any decreased
allocations
27 which would otherwise have occurred due to population shifts measured
as
28 part of the 2000 census;
29 (c) services and expenses related to the congregate services
initi-
30 ative shall be made until the director of the budget has approved a
plan
31 submitted by the office for the aging outlining the amounts and
purposes
32 of such expenditures and the allocation of funds among the counties;
33 (d) planning and implementation, including the payment of
liabilities
34 incurred prior to April 1, 2002, of a program of expanded in-home,
case
35 management and ancillary community services for the elderly
(EISEP)
36 shall be made until the director of the budget has approved a
plan
37 submitted by the office for the aging outlining the amounts and
purposes
38 of such expenditures and the allocation of funds among the counties
by
39 such office for the aging and counties, including the city of New
York;
40 (e) additional services and expenses related to the expanded in-
home
41 services for the elderly program. Notwithstanding any provision of
law,
42 rule or regulation to the contrary, these funds shall be allocated
to

43 the area agencies on aging to restore two-thirds of any decreased
allo-
44 cations which would otherwise have occurred due to population
shifts
45 measured as part of the 2000 census; and
46 (f) services and expenses, including the payment of
liabilities
47 incurred prior to April 1, 2002, associated with the supplemental
nutri-
48 tion assistance program (SNAP), including a suballocation to the
depart-
49 ment of agriculture and markets for the food coupon program shall
be
50 made until the director of the budget has approved a plan submitted
by
51 the office for the aging outlining the amounts and purpose of
such
52 expenditures and the allocation of funds among the counties.

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1 DEPARTMENT OF AGRICULTURE AND MARKETS

2 S 3. Notwithstanding any other provision of law to the
contrary,
3 moneys appropriated in section 1 of the chapter of the laws of
2002
4 which enacts the health, mental hygiene and environmental
conservation
5 budget to the department of agriculture and markets under the
agricul-
6 tural business services program from the general fund/aid to
localities,
7 local assistance account - 001 for:
8 (a) services and expenses of the: New York state wine/grape
foundation
9 shall only be available for a contract stipulating an equal
funding
10 match by such foundation and that not less than 30 percent and not
more
11 than 50 percent of such moneys shall be applied solely for
viticulture,
12 wine making and grape processing research as authorized by paragraph
(a)
13 of subdivision 1 of section 10 of chapter 80 of the laws of 1985;
14 (b) the New York state cattle health assurance program are
hereby
15 authorized to be transferred by the director of the budget in an
amount
16 up to \$350,000 to state operations; and
17 (c) services and expenses of programs to promote agricultural
economic
18 development, including but not limited to farmland viability, shall
be
19 expended in accordance with a programmatic and financial plan to
be

20 approved by the director of the budget. The director of the budget
is
21 hereby authorized to transfer up to \$1,300,000 of such moneys to
state
22 operations.

23 S 4. Notwithstanding any other provision of law to the
contrary,

24 moneys appropriated in section 1 of the chapter of the laws of
2002

25 which enacts the health, mental hygiene and environmental
conservation

26 budget to the department of agriculture and markets under the
agricul-

27 tural business services program from the special revenue funds
--

28 other/state operations, miscellaneous special revenue fund-339,
public

29 service account, for direct and indirect expenses of the department
of

30 agriculture and markets' participation in certification
proceedings

31 pursuant to article 7 of the public service law, shall be deemed to
be

32 the expenses of the department of public service within the meaning
of

33 section 18-a of the public service law.

34 S 5. Notwithstanding any other provision of law to the
contrary,

35 moneys appropriated in section 1 of the chapter of the laws of
2002

36 which enacts the health, mental hygiene and environmental
conservation

37 budget to the department of agriculture and markets under the
agricul-

38 tural business services program from the fiduciary funds/state
oper-

39 ations, milk producers security fund-022, milk producers' security
fund

40 account for services and expenses of the milk producers' security
fund

41 account pursuant to section 258-b of the agriculture and markets law
may

42 be used to support the expenses of administering such fund up to
the

43 amount of the actual costs incurred for such purpose.

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DEPARTMENT OF ENVIRONMENTAL CONSERVATION

2 S 6. Notwithstanding any other provisions of law to the
contrary,

3 moneys appropriated in section 1 of the chapter of the laws of
2002

4 which enacts the health, mental hygiene and environmental
conservation

5 budget to the department of environmental conservation under the air
and
6 water quality management program from the special revenue funds -
other
7 / state operations, environmental conservation special revenue fund
-
8 301, utility environmental regulation account shall be expended
for
9 direct and indirect expenses of the department of environmental
conser-
10 vation's participation in certification proceedings pursuant to
article
11 7 of the public service law; oil, gas, coal and nuclear planning
and
12 regulatory and planning activities, and small hydropower,
cogeneration,
13 alternate energy and electric generation facility sitings, but shall
be
14 deemed to be the expenses of the department of public service within
the
15 meaning of section 18-a of the public service law.

16 S 7. Moneys appropriated in section 1 of the chapter of the laws
of
17 2002 which enacts the health, mental hygiene and environmental
conserva-
18 tion budget to the department of environmental conservation under
the
19 air and water quality management program from the special revenue
funds
20 - other / state operations, environmental protection and oil
spill
21 compensation fund - 303, department of environmental
conservation
22 account, maintenance undistributed for services and expenses related
to
23 the oil spill program, including suballocation to other state
depart-
24 ments and agencies shall be expended pursuant to a memorandum of
under-
25 standing between such department or agency and the department of
envi-
26 ronmental conservation as shall be approved by the director of
the
27 budget.

28 S 8. Moneys appropriated in section 1 of the chapter of the laws
of
29 2002 which enacts the health, mental hygiene and environmental
conserva-
30 tion budget to the department of environmental conservation under
the
31 environmental enforcement program from the special revenue
funds-
32 other/state operations, environmental conservation special
revenue
33 fund-301, ENCON-seized assets account, maintenance undistributed
for

34 services and expenses of the environmental enforcement program
in
35 accordance with a programmatic and financial plan which shall
be
36 approved by the director of the budget.

37 S 9. Notwithstanding any provision of law to the contrary,
moneys
38 appropriated in section 1 of the chapter of the laws of 2002
which
39 enacts the health, mental hygiene and environmental conservation
budget
40 to the department of environmental conservation under the
environmental
41 enforcement program from the special revenue funds-other/state
oper-
42 ations, environmental conservation special revenue fund-301,
utility
43 environmental regulation account shall be expended for direct and
indi-
44 rect expenses of the department of environmental conservation's
partic-
45 ipation in certification proceedings pursuant to article 7 of the
public
46 service law; oil, gas, coal and nuclear planning and regulatory
and
47 planning activities, and small hydropower, cogeneration, alternate
ener-
48 gy and electric generation facility sitings, but shall be deemed to
be
49 the expenses of the department of public service within the meaning
of
50 section 18-a of the public service law.

51 S 10. Moneys appropriated in section 1 of the chapter of the laws
of
52 2002 which enacts the health, mental hygiene and environmental
conserva-
53 tion budget to the department of environmental conservation under
air
54 resources - clean water/clean air (CPP) from capital projects fund,
air
55 resources purpose, air quality improvement projects for state
assistance

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1 payments for the state share of the costs of air quality/green
growth
2 projects in accordance with the provisions of title 6 of article 56
of
3 the environmental conservation law for project costs, including
costs
4 incidental and appurtenant thereto and for payment of reimbursements
to
5 the clean water/clean air implementation fund for services and
expenses

6 of state departments and agencies, including fringe benefits,
hereinaft-
7 er referred to as "Air Quality Project Disbursements". The
moneys
8 appropriated herein may be suballocated to any state department or
agen-
9 cy. Further, such moneys therein appropriated may be suballocated
only
10 to public authorities and public benefit corporations
specifically
11 authorized by title 6 of article 56 of the environmental
conservation
12 law to enter into contracts for state assistance payments for the
state
13 share of costs for air quality projects, provided however, that
such
14 moneys therein appropriated pursuant to subdivision 1 of section 56-
0603
15 of the environmental conservation law for state clean-fueled
vehicles
16 projects may be suballocated to any public authority or public
benefit
17 corporation and moneys herein appropriated pursuant to section 56-
0607
18 of the environmental conservation law for other air quality projects
may
19 be suballocated to the environmental facilities corporation.
Notwith-
20 standing any other provision of law to the contrary, the moneys
so
21 appropriated shall be available for state air quality
improvement
22 projects in accordance with title 6 of article 56 of the
environmental
23 conservation law upon the issuance of a certificate of approval
of
24 availability by the director of the division of the budget. The
state
25 comptroller shall at the commencement of each month certify to
the
26 director of the division of the budget, the commissioner of
environ-
27 mental conservation, the chairman of the senate finance committee,
and
28 the chairman of the assembly ways and means committee, the
amounts
29 disbursed from this appropriation for "Air Quality Improvement
Disburse-
30 ments" for the month preceding such certification (09BA0255).
31 S 11. Moneys appropriated in section 1 of the chapter of the laws
of
32 2002 which enacts the health, mental hygiene and environmental
conserva-
33 tion budget to the department of environmental conservation under
the
34 environment and recreation (CCP) from the environmental protection
fund,

35 environment and recreation purpose shall be made available for
services
36 and expenses of projects and purposes authorized by section 92-s of
the
37 state finance law to receive funding from: (1) the solid waste
account
38 in accordance with a programmatic and financial plan to be approved
by
39 the director of the budget, including suballocation to other
state
40 departments and agencies;
41 (2) the parks, recreation and historic preservation account in
accord-
42 ance with a programmatic and financial plan to be approved by the
direc-
43 tor of the budget, including suballocation to other state
departments,
44 agencies, public benefit corporations, and public authorities,
and,
45 notwithstanding any other law to the contrary, in accordance with
a
46 programmatic and financial plan to be approved by the director of
the
47 budget, including suballocation to other state departments and
agencies;
48 the open space account in accordance with a programmatic and
financial
49 plan to be approved by the director of the budget, including
suballo-
50 cation to other state departments and agencies, including costs
related
51 to the acquisition of the following properties: Long Island Sound
Coas-
52 tal Area, including Held Property, Long Island, South Shore
Estuary
53 Reserve, Peconic Pinelands Maritime Reserve Projects, Pine Barrens
Core
54 Compatible Growth Area and Critical Resource Area,
Western
55 Suffolk/Nassau Special Groundwater Protection Area - Underhill,
Inner
56 City/Underserved Community Parks - including Bushwick Inlet,
Mount

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1 Loretto, Staten Island Greenbelt, Staten Island Wet Woods,
Fahnestock
2 State Park, Great Swamp, Lundy Estate, Neversink Highlands,
Highlands
3 Greenway Corridor, Mongaup Valley Wildlife Management Area,
Schunnemunk
4 Mountain/Moodna Creek/Woodcock Mountain, Sterling Forest,
Shawangunk
5 Mountains, Westchester Marine Corridor, Beaverkill/Willowemoc,
Hudson

6 River Corridor Estuary/Greenway Trail, Catskill Unfragmented
Forest,
7 Long Path, New York City Watershed Lands-Croton, Taconic
Ridge/Harlem
8 Valley, Albany Pine Bush, Olana Viewshed, Five Rivers
Environmental
9 Education Center, Tivoli Preserve, Cedarlands, Pilot Knob,
Floodwood
10 Camp, Lake Champlain Shoreline and Wetlands, Wilton Wildlife
Preserve
11 and Park, National Lead/Tahawus, Undeveloped Lake George Shore,
Whitney
12 Park, Northern Flow River Corridors, Recreational Trail Linkages
and
13 Networks, Bog River/Beaver River Headwater Complex, Eastern Lake
Ontario
14 Shoreline and Islands, Minnehaaha Tract, Maumee Swamp, Moose
River
15 Corridor, Tug Hill Core Forests and Headwater Streams, Rome Sand
Plains,
16 Nelson Swamp, Genesee Greenway/Recreationway, Genny-Green
Trail/Link
17 Trail, Northern Montezuma Wetlands, Hemlock/Canadice/Honeoye
Lakes,
18 Allegany State Park, Alder Bottom/French Creek, Great Lakes &
Niagara
19 River Access, Shore Lands & Vistas, Salmon River Corridor, Braddock
Bay,
20 Clark Reservation State Park, Chautauqua Lake access, Shore Lands
and
21 Vistas, Randolph Swamp, Eighteen Mile Creek/Hampton Brook Woods,
Delaware
22 River Tailwaters, Statewide Small Projects, Working
Forest
23 Lands/Conservation Easements-Working Forest Lands/Conservation
Ease-
24 ments-Working Forest Lands/Conservation Easements-Domtar.,
Working
25 Forest Lands/Conservation Easements-Boeselager Forestry, and
Working
26 Forest Lands/Conservation Easements-Clerical Medical Forestry.
27 S 12. Moneys appropriated in section 1 of the chapter of the laws
of
28 2002 which enacts the health, mental hygiene and environmental
conserva-
29 tion budget to the department of environmental conservation under
the
30 environment and recreation (CCP) from the environmental protection
fund,
31 environmental protection and enhancements purpose, shall be made
avail-
32 able for services and expenses of projects and purposes authorized
by
33 section 92-s of the state finance law to receive funding from: (1)
the
34 solid waste account in accordance with a programmatic and financial
plan

35 to be approved by the director of the budget, including suballocation
to
36 other state departments and agencies;
37 (2) the parks, recreation and historic preservation account in
accord-
38 ance with a programmatic and financial plan to be approved by the
direc-
39 tor of the budget, including suballocation to other state
departments,
40 agencies, public benefit corporations, and public authorities,
and,
41 notwithstanding any other law to the contrary, in accordance with
a
42 programmatic and financial plan to be approved by the director of
the
43 budget, including suballocation to other state departments and
agencies;
44 the open space account in accordance with a programmatic and
financial
45 plan to be approved by the director of the budget, including
suballo-
46 cation to other state departments and agencies, including costs
related
47 to the acquisition of the following properties: Long Island Sound
Coas-
48 tal Area including Held Property, Long Island, South Shore
Estuary
49 Reserve, Peconic Pinelands Maritime Reserve Projects, Pine Barrens
Core
50 Compatible Growth Area and Critical Resource Area,
Western
51 Suffolk/Nassau Special Groundwater Protection Area - Underhill,
Inner
52 City/Underserved Community Parks - including Bushwick Inlet,
Mount
53 Loretto, Staten Island Greenbelt, Staten Island Wet Woods,
Fahnestock
54 State Park, Great Swamp, Lundy Estate, Neversink Highlands,
Highlands
55 Greenway Corridor, Mongaup Valley Wildlife Management Area,
Schunнемunk
56 Mountain/Moodna Creek/Woodcock Mountain, Sterling Forest,
Shawangunk

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1 Mountains, Westchester Marine Corridor, Beaverkill/Willowemoc,
Hudson
2 River Corridor Estuary/Greenway Trail, Catskill Unfragmented
Forest,
3 Long Path, New York City Watershed Lands-Croton, Taconic
Ridge/Harlem
4 Valley, Albany Pine Bush, Olana Viewshed, Five Rivers
Environmental
5 Education Center, Tivoli Preserve, Cedarlands, Pilot Knob,
Floodwood

6 Camp, Lake Champlain Shoreline and Wetlands, Wilton Wildlife
Preserve
7 and Park, National Lead/Tahawus, Undeveloped Lake George Shore,
Whitney
8 Park, Northern Flow River Corridors, Recreational Trail Linkages
and
9 Networks, Bog River/Beaver River Headwater Complex, Eastern Lake
Ontario
10 Shoreline and Islands, Minnehaha Tract, Maumee Swamp, Moose River
Corri-
11 dor, Tug Hill Core Forests and Headwater Streams, Rome Sand
Plains,
12 Nelson Swamp, Genesee Greenway/Recreationway, Genny-Green
Trail/Link
13 Trail, Northern Montezuma Wetlands, Hemlock/Canadice/Honeoye
Lakes,
14 Allegany State Park, Alder Bottom/French Creek, Great Lakes &
Niagara
15 River Access, Shore Lands & Vistas, Salmon River Corridor, Braddock
Bay,
16 Clark Reservation State Park, Chautauqua Lake Access, Shore Lands
and
17 Vistas, Randolph Swamp, Eighteen Mile Creek/Hampton Brook Woods,
Delaware
18 River Tailwaters, Statewide Small Projects, Working
Forest
19 Lands/Conservation Easements - Working Forest Lands/Conservation
Ease-
20 ments - Working Forest Lands/Conservation Easements - Domtar Inc.,
Work-
21 ing Forest Lands/Conservation Easements - Boeselager Forestry, and
Work-
22 ing Forest Lands/Conservation Easements - Clerical Medical Forestry.
23 S 13. Moneys appropriated in section 1 of the chapter of the laws
of
24 2002 which enacts the health, mental hygiene and environmental
conserva-
25 tion budget to the department of environmental conservation under
the
26 environmental restoration - clean water / clean air (CCP) from the
capi-
27 tal projects fund, environmental restoration purpose for state
assist-
28 ance payments for the state share of the costs of environmental
restora-
29 tion projects shall be expended in accordance with the provisions
of
30 title 5 of article 56 of the environmental conservation law for
project
31 costs, including costs incidental and appurtenant thereto and
for
32 payment of reimbursements to the clean water/clean air
implementation
33 fund for services and expenses of state departments and
agencies,
34 including fringe benefits, hereinafter referred to as
"Environmental

35 Restoration Project Disbursements". The moneys appropriated therein
may
36 be suballocated to other state departments and agencies.
37 Notwithstanding the provisions of any general or special law,
the
38 moneys so appropriated shall be available for environmental
restoration
39 projects shall be expended in accordance with title 5 of article 56
of
40 the environmental conservation law upon the issuance of a certificate
of
41 approval of availability by the director of the division of the
budget.
42 The state comptroller shall at the commencement of each month
certify
43 to the director of the division of the budget, the commissioner of
envi-
44 ronmental conservation, the chairman of the senate finance
committee,
45 and the chairman of the assembly ways and means committee the
amounts
46 disbursed from such appropriation for "Environmental Restoration
Project
47 Disbursements" for the month preceding such certification (09BA02W5).
48 S 14. Moneys appropriated in section 1 of the chapter of the laws
of
49 2002 which enacts the health, mental hygiene and environmental
conserva-
50 tion budget to the department of environmental conservation under
the
51 solid waste - clean water / clean air (CCP) from the capital
projects
52 fund, solid waste management purpose for state assistance payments
for
53 the state share of the costs of solid waste projects in accordance
with
54 the provisions of title 4 of article 56 of the environmental
conserva-
55 tion law for project costs, including costs incidental and
appurtenant
56 thereto and for payment of reimbursements to the clean water/clean
air

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1 implementation fund for services and expenses of state departments
and
2 agencies, including fringe benefits, hereinafter referred to as
"Solid
3 Waste Project Disbursements". The moneys appropriated therein may
be
4 suballocated to other state departments and agencies.
5 Notwithstanding the provisions of any general or special law,
such
6 moneys appropriated shall be available for solid waste projects shall
be

7 expended in accordance with title 4 of article 56 of the
environmental
8 conservation law upon the issuance of a certificate of approval
of
9 availability by the director of the division of the budget.
10 The state comptroller shall at the commencement of each month
certify
11 to the director of the division of the budget, the commissioner of envi-
12 ronmental conservation, the chairman of the senate finance
committee,
13 and the chairman of the assembly ways and means committee the
amounts
14 disbursed from this appropriation for "Solid Waste Project
Disburse-
15 ments" for the month preceding such certification (09BA0256).
16 S 15. Moneys appropriated in section 1 of the chapter of the laws
of
17 2002 which enacts the health, metal hygiene and environmental conserva-
18 tion budget to the department of environmental conservation under
the
19 water resources - clean water/clean air (CCP) from the capital
projects
20 fund, water resources purpose, water quality improvement projects
for
21 state assistance payments for the state share of the costs of
clean
22 water projects in accordance with the provisions of title 3 of
article
23 56 of the environmental conservation law for project cost,
including
24 costs incidental and appurtenant thereto and for payment of
reimburse-
25 ments to the clean water/clean air implementation fund for services
and
26 expenses of state departments and agencies, including fringe
benefits,
27 hereinafter referred to as "Clean Water Project Disbursements" may
be
28 suballocated to all state departments and agencies. Further, such
moneys
29 appropriated may be suballocated only to public authorities and
public
30 benefit corporations specifically authorized by paragraph (1) of
subdi-
31 vision 1 of section 56-0303 of the environmental conservation law
to
32 enter into contracts for state assistance payments for the state
share
33 of costs for clean water projects, provided however, that moneys
therein
34 appropriated pursuant to paragraph (i) of subdivision 1 of
section
35 56-0303 of the environmental conservation law for state
facility

36 projects may be suballocated to any public authority or public
benefit
37 corporation.

38 Notwithstanding the provisions of any general or special law,
the

39 moneys so appropriated shall be available for clean water
quality

40 projects in accordance with title 3 of article 56 of the
environmental

41 conservation law upon the issuance of a certificate of approval
of

42 availability by the director of the division of the budget.

43 The state comptroller shall at the commencement of each month
certify

44 to the director of the division of the budget, the commissioner of
envi-

45 ronmental conservation, the chairman of the senate finance
committee,

46 and the chairman of the assembly ways and means committee the
amounts

47 disbursed from this appropriation for "Clean Water Project
Disburse-

48 ments" for the month preceding such certification.

49 S 16. For the state share of the costs of water quality
improvement

50 projects, as defined in section 56-0101 of the environmental
conserva-

51 tion law, to implement the Long Island Sound Comprehensive
Conservation

52 Management Plan consistent with paragraph (1) of subdivision (b)
of

53 section 56-0303 of the environmental conservation law, and to
implement

54 wastewater treatment improvement projects in small upstate
communities.

55 S 17. For the state share of the costs of water quality
improvement

56 projects, as defined in section 56-0101 of the environmental
conserva-

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1 tion law, to implement the Long Island Sound Comprehensive
Conservation

2 Management Plan consistent with paragraph (1) of subdivision (b)
of

3 section 56-0303 of the environmental conservation law, and to
implement

4 wastewater treatment improvement projects in small upstate
communities.

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2 S 18. Moneys appropriated in section 1 of the chapter of the laws
of
3 2002 which enacts the health, mental hygiene and environmental
conserva-
4 tion budget to the department of health under the administration
and
5 executive direction program from the general fund / aid to
localities,
6 local assistance account - 001 for services and expenses of the
office
7 of minority health including competitive grants to promote
community
8 strategic planning or new or improved health care delivery systems
and
9 networks in minority areas, up to \$102,000 thereof may be transferred
to
10 state operations for administration.

11 S 19. Notwithstanding any inconsistent provision of law and subject
to
12 the approval of the director of the budget, moneys appropriated
in
13 section 1 of the chapter of the laws of 2002 which enacts the
health,
14 mental hygiene and environmental conservation budget to the
department
15 of health under the administration and executive direction program
from
16 the special revenue funds - federal / state operations, federal
health
17 and human services fund - 265 for administration of the national
health
18 services corps may be suballocated to the higher education
services
19 corporation.

20 S 20. Moneys appropriated in section 1 of the chapter of the laws
of
21 2002 which enacts the health, mental hygiene and environmental
conserva-
22 tion budget to the department of health under the administration
and
23 executive direction program from the special revenue funds -
other/state
24 operations, miscellaneous special revenue fund - 339, health
occupation
25 development and workplace demo account for services and expenses
related
26 to administration of the health occupation development and
workplace
27 demonstration program established pursuant to sections 2807-g and
2807-h
28 of the public health law, up to 50 percent thereof may be
suballocated
29 to the department of labor.

30 S 21. With regard to the moneys appropriated in section 1 of the
chap-
31 ter of laws of 2002 which enacts the health, mental hygiene and
environ-

32 mental conservation budget to the department of health under the
admin-
33 istration and executive direction program from the fiduciary fund
/
34 state operations, combined expendable trust fund - 020,
technology
35 transfer account, for services and expenses related to the department
of
36 health's patent and technology transfer program, the department
of
37 health may receive and deposit revenue from the sale and licensing
of
38 inventions pursuant to a technology and patent transfer policy
estab-
39 lished in accordance with section 64-a of the public officers
law.
40 Notwithstanding any other provision of law, such funds may be used
for
41 payments to Health Research, Inc. as reimbursement for expenses
incurred
42 in its patent and technology transfer operations, to support
research,
43 training, and infrastructure development in the department of
health's
44 research facilities, and for payments to inventors. The moneys so
appro-
45 priated shall be available for liabilities heretofore and hereafter
to
46 accrue.
47 S 22. Moneys appropriated in section 1 of the chapter of the laws
of
48 2002 which enacts the health, mental hygiene and environmental
conserva-
49 tion budget to the department of health under the AIDS institute
program
50 from the special revenue funds - other/aid to localities HCRA
transfer
51 fund - 061, health care services account for:
52 (a) grants to community service programs including but not limited
to
53 community based organizations and other organizations providing
special-
54 ized AIDS - related services targeted to minority and other high
risk
55 populations, up to \$125,000 thereof may be transferred to the
general
56 fund - state purposes account for the administration of such
program.

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1 Notwithstanding any other provision of law, the amount so
appropriated
2 may be increased or decreased through interchange with any other aid
to

3 localities appropriation with the approval of the director of the
budg-
4 et, who shall file copies thereof with the chairmen of the
senate
5 finance and assembly ways and means committee;
6 (b) grants to existing community service programs to meet
the
7 increased demands for HIV education, prevention, outreach, legal
and
8 supportive services to high risk groups and to address increased
operat-
9 ing costs of these programs;
10 (c) additional grants to existing community service programs to
meet
11 the increased demands for HIV education, prevention, outreach, legal
and
12 supportive services to high-risk groups and to address increased
operat-
13 ing costs of such programs, shall be equitably distributed;
14 (d) grants to community based organizations for the provision
of
15 services to parolees and their families, up to \$730,000 thereof may
be
16 transferred to state operations;
17 (e) HIV counseling and testing services in facilities operated by
the
18 New York state department of corrections, all or part thereof may
be
19 transferred to state operations;
20 (f) grants for the provision of comprehensive HIV prevention
and
21 health care services to high-risk adolescents and young adults, up to
5
22 percent thereof may be transferred to the general fund - state
purposes
23 account for the administration of such program;
24 (g) grants to community based organizations to support
permanency
25 planning and support services for families affected by HIV, up to
5
26 percent thereof may be transferred to the general fund - state
purposes
27 account for the administration of such program;
28 (h) grants to community based organizations and for services
and
29 expenses of the AIDS Institute related to the provision of HIV
education
30 and prevention services, up to 10 percent thereof may be transferred
to
31 state operations;
32 (i) grants for AIDS prevention and education and AIDS related
services
33 to community based organizations and to article 28 of the public
health
34 law diagnostic and treatment centers, for the purposes of such
program,

35 eligible organizations must (1) operate in a neighborhood or
geographic
36 area with high concentrations of at risk populations; and (2)
provide
37 services and programs that are culturally sensitive to the
special
38 social and cultural needs of the at risk populations;
39 (j) additional grants to existing community based organizations and
to
40 article 28 of the public health law diagnostic and treatment
centers
41 that must operate in a neighborhood or geographic area with high
concen-
42 trations of at risk populations and provide services and programs
that
43 are culturally sensitive to the special social and cultural needs of
the
44 at risk populations, shall be used to meet the increased demands for
HIV
45 education, prevention, outreach, and legal programs. Such grants
shall
46 be equitably distributed;
47 (k) grants for the provision of primary health care services in
drug
48 treatment programs. Up to \$800,000 of such appropriation can be used
for
49 services targeted to substance abusers at risk of becoming
intravenous
50 drug users, up to 5 percent thereof may be transferred to the
general
51 fund - state purposes account for the administration of such program;
52 (l) services and expenses relating to the provision of HIV
counseling
53 and testing by family planning clinics and prenatal care
assistance
54 programs to the extent that reimbursement through medical assistance
is
55 not available, shall not be used by the department of health for
any
56 costs directly related to the processing of tests; and

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1 (m) grants for the development of women's HIV clinics to
provide
2 comprehensive obstetrical/gynecological services and for grants
to
3 health care facilities and community organizations for the provisions
of
4 primary care, subspecialty care and supportive services to HIV-
infected
5 women and children in underserved, high seroprevalence areas, up to
5
6 percent thereof may be transferred to the general fund - state
purposes
7 account for the administration of such program.

8 S 23. Moneys appropriated in section 1 of the chapter of the laws
of
9 2002 which enacts the health, mental hygiene and environmental
conserva-
10 tion budget to the department of health under the AIDS institute
program
11 from the special revenue funds-other/aid to localities,
miscellaneous
12 special revenue fund - 339, hospital based grants program account for:
13 (a) services and expenses of an HIV and substance abuse
fellowship
14 program to encourage physicians and nurses to work in clinical
settings
15 providing care and treatment to persons with HIV infection,
including
16 but not limited to designated care centers, community health
centers,
17 hospital outpatient clinics, substance abuse treatment programs,
mental
18 health clinics, family planning and prenatal clinics, for training
in
19 diagnosis and management of HIV illness and substance abuse
treatment,
20 up to 5 percent thereof may be transferred to the general fund -
state
21 purposes account for administration of such program; and
22 (b) grants for the provision of primary health care services in
drug
23 treatment programs, up to 5 percent thereof may be transferred to
the
24 general fund - state purposes account.

25 S 24. Moneys appropriated in section 1 of the chapter of the laws
of
26 2002 which enacts the health, mental hygiene and environmental
conserva-
27 tion budget to the department of health under the AIDS institute
program
28 from the special revenue funds - other/aid to localities
miscellaneous
29 special revenue fund - 339, Maternal and Child HIV Services Account
for:
30 services and expenses related to the special program for HIV
services
31 for infants and pregnant women established pursuant to section 71
of
32 chapter 731 of the laws of 1993, up to 5 percent of such amount
appro-
33 priated may be transferred to the general fund - state purposes
account
34 for administration of the program.

35 S 25. With regard to the moneys appropriated in section 1 of the
chap-
36 ter of the laws of 2002 which enacts the health, mental hygiene
and
37 environmental conservation budget to the department of health under
the

38 center for community health program from the general fund/aid to
locali-
39 ties, local assistance account - 001 for:
40 (a) state aid to municipalities for the operation of local
health
41 departments and laboratories and for the provision of general
public
42 health services pursuant to article 6 of the public health law
for
43 activities under the jurisdiction of the commissioner of
health,
44 notwithstanding any other provision of article 6 of the public
health
45 law, a county may obtain reimbursement pursuant to such act, only
after
46 the county chief financial officer certifies, in the municipal
health
47 services plan, that county tax levies used to fund services carried
out
48 by the county health department have not been added to or
supplanted
49 directly or indirectly by any funds obtained by the county pursuant
to
50 the Master Settlement Agreement entered into on November 23, 1998 by
the
51 state and leading United States tobacco product manufacturers, except
in
52 the case of a public health emergency, as determined by the
commissioner
53 of health. Notwithstanding annual aggregate limits for bad debt
and
54 charity care allowances and any other provision of law, up to
\$1,700,000
55 shall be transferred to the medical assistance program general fund
-
56 local assistance account for eligible publicly sponsored certified
home

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1 health agencies that demonstrate losses from a disproportionate share
of
2 bad debt and charity care, pursuant to chapter 884 of the laws of
1990.
3 Within the maximum limits specified in this subdivision, the
department
4 of health shall transfer only those funds which are necessary to
meet
5 the state share requirements for disproportionate share
adjustments
6 expected to be paid for the period January 1, 2002 through December
31,
7 2002. The moneys so appropriated shall be available for payment
of
8 financial assistance heretofore accrued. Notwithstanding any
other

9 provision of law, the amount so appropriated may be increased
or
10 decreased through interchange with any other general fund -
local
11 assistance account appropriation with the approval of the director
of
12 the budget, who shall file copies thereof with the state comptroller
and
13 with the chairmen of the senate finance and assembly ways and
means
14 committees. Notwithstanding article 6 of the public health law or
any
15 other provision of law to the contrary, effective January 1,
1995,
16 reimbursement of localities for expenditures made for optional
emergency
17 medical services will not be made from such appropriation;
18 (b) grants to community based organizations, in accordance with
chap-
19 ter 820 of the laws of 1987, for nutrition outreach in areas where
a
20 significant percentage or number of those potentially eligible for
food
21 assistance programs are not participating in such programs, a
portion
22 thereof, not to exceed \$600,000 shall be suballocated to the office
of
23 temporary and disability assistance. Up to 15 percent of such funds
may
24 be allocated to fund a program of nutrition outreach as
established
25 pursuant to section 2597 of the public health law if such a program
is
26 administered through a contract arrangement;
27 (c) services and expenses related to providing nutritional
services
28 and to provide nutritional education to pregnant women, infants,
and
29 children, including suballocations to the department of agriculture
and
30 markets for the farmer's market nutrition program and migrant
worker
31 services and the office of temporary and disability assistance
for
32 prenatal care assistance program activities, up to 5 percent thereof
may
33 be transferred to the general fund - state purposes account for
the
34 administration of such program by the department of health.
Notwith-
35 standing any other provision of law, the amount so appropriated may
be
36 increased or decreased through interchange with any other general fund
-
37 local assistance account appropriation with the approval of the
director

38 of the budget, who shall file copies thereof with the state
comptroller
39 and with the chairmen of the senate finance and assembly ways and
means
40 committees;
41 (d) services and expenses, including operating expenses related
to
42 providing nutritional services and nutrition education for
hunger
43 prevention and nutrition assistance, up to 5 percent thereof may
be
44 transferred to the general fund - state purposes account for the
admin-
45 istration of such program by the department of health.
Notwithstanding
46 any other provision of law, the amount so appropriated may be
increased
47 or decreased through interchange with any other general fund -
local
48 assistance account appropriation with the approval of the director
of
49 the budget, who shall file copies thereof with the state comptroller
and
50 with the chairmen of the senate finance and assembly ways and
means
51 committees;
52 (e) services and expenses of a rabies program, including but
not
53 limited to reimbursement to counties for rabies expenses such as
human
54 post-exposure vaccination, and research studies in the control of
wild-
55 life rabies, pursuant to United States department of
agriculture
56 approval if necessary, to control the spread of rabies,
notwithstanding

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1 any other provision of law, the amount of such moneys may be
increased
2 or decreased through interchange with any other general fund -
local
3 assistance account appropriation with the approval of the director
of
4 the budget, who shall file copies thereof with the state comptroller
and
5 with the chairmen of the senate finance and assembly ways and
means
6 committees;
7 (f) grants to rape crisis centers for services to rape victims
and
8 programs to prevent rape, of the amount so appropriated, up to 5
percent
9 may be transferred to the general fund - state purposes account for
the

10 administration of such program;
11 (g) state grants for a program of family planning services pursuant
to
12 article 2 of the public health law, up to \$180,000 of the amount
so
13 appropriated may be transferred to the general fund - state
purposes
14 account for the administration of such program;
15 (h) services and expenses including payment of health insurance
premi-
16 ums and reimbursement of health care providers for services rendered
to
17 individuals enrolled in the cystic fibrosis program pursuant to
chapter
18 851 of the laws of 1987, notwithstanding any other provision of law,
the
19 amount so appropriated may be increased or decreased through
interchange
20 with any other general fund - local assistance account
appropriation
21 with the approval of the director of the budget, who shall file
copies
22 thereof with the state comptroller and with the chairmen of the
senate
23 finance and assembly ways and means committees;
24 (i) services and expenses to implement the early intervention
program
25 act of 1992, shall be available for payment of financial
assistance
26 heretofore accrued or hereafter to accrue. Notwithstanding any
other
27 provision of law, the amount so appropriated may be increased
or
28 decreased through interchange with any other general fund -
local
29 assistance account appropriation with the approval of the director
of
30 the budget, who shall file copies thereof with the state comptroller
and
31 with the chairmen of the senate finance and assembly ways and
means
32 committees;
33 (j) services and expenses including an education program related to
a
34 children's asthma program, the department of health shall make
grants
35 within the amounts appropriated therefor to local health
agencies,
36 health care providers, schools, school-based health centers and
communi-
37 ty-based organizations and other organizations with demonstrated
inter-
38 est and expertise in serving persons with asthma to develop and
imple-
39 ment regional or community plans which may include the
following

40 activities: self-management programs in elementary schools,
conducting
41 public and provider education programs and implementing protocols
for
42 collection of data on asthma-related school absenteeism and
emergency
43 room visits. In making grants the commissioner of health may give
prior-
44 ity consideration to entities serving areas of the state with high
inci-
45 dence and prevalence of asthma. All or part of such appropriation may
be
46 transferred to state operations;
47 (k) services and expenses of the osteoporosis prevention and
education
48 program may be transferred by the commissioner of health, pursuant to
a
49 plan subject to the approval of the director of the budget, to the
state
50 operations budget of Helen Hayes Hospital for this program; and
51 (l) services and expenses related to the newborn hearing
screening
52 program. To defray implementation costs for approved facilities,
the
53 commissioner of health, on an equitable basis, shall distribute
the
54 funds appropriated to all article 28 hospitals, article 28
diagnostic
55 and treatment centers and extension clinics with operating
certificates
56 approved to provide outpatient birthing services with fifty percent
of

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1 the funds equally distributed among all eligible facilities and
the
2 remaining fifty percent distributed based on each facility's
proportion
3 of live births to the total live births statewide in the years
1998
4 through 2000.
5 S 26. Moneys appropriated in section 1 of the chapter of the laws
of
6 2002 which enacts the health, mental hygiene and environmental
conserva-
7 tion budget to the department of health under the center for
community
8 health program from the special revenue funds - federal/aid to
locali-
9 ties, federal USDA-food and nutrition services fund - 261, federal
food
10 and nutrition services account for various federal food and
nutritional
11 services shall be available for payment of financial assistance
hereto-

12 fore accrued.

13 S 27. Moneys appropriated in section 1 of the chapter of the laws
of
14 2002 which enacts the health, mental hygiene and environmental
conserva-
15 tion budget to the department of health under the center for
community
16 health program from the special revenue funds - other/aid to
localities,
17 HCRA transfer fund - 061, health care services account for:
18 (a) state aid to municipalities for a program of immunization
against
19 German measles, and other communicable diseases, pursuant to article
6
20 of the public health law, notwithstanding any other provision of
law,
21 the amount so appropriated may be increased or decreased through
inter-
22 change with any other aid to localities appropriation with the
approval
23 of the director of the budget, who shall file copies thereof with
the
24 state comptroller and with the chairmen of the senate finance and
assem-
25 bly ways and means committees;

26 (b) services and expenses of a statewide public health campaign
for
27 tuberculosis control and prevention and for screening and
education
28 activities regarding sexually transmitted diseases, provided that
any
29 funds allocated under this section shall not supplant existing
local
30 funds or state funds allocated to county health departments under
arti-
31 cle 6 of the public health law, up to \$300,000 thereof may be
trans-
32 ferred to the general fund - state purposes account for the
adminis-
33 tration of such program by the department of health. Notwithstanding
any
34 other provision of law, the amount so appropriated may be increased
or
35 decreased through interchange with any other aid to localities
appropri-
36 ation with the approval of the director of the budget, who shall
file
37 copies thereof with the state comptroller and with the chairmen of
the
38 senate finance and assembly ways and means committees;

39 (c) services and expenses related to the Indian health program
shall
40 be for payment of financial assistance heretofore accrued or
hereafter
41 to accrue. Notwithstanding any other provision of law, the amount
so

42 appropriated may be increased or decreased through interchange with
any
43 other aid to localities appropriation with the approval of the
director
44 of the budget, who shall file copies thereof with the state
comptroller
45 and with the chairmen of the senate finance and assembly ways and
means
46 committees;
47 (d) services and expenses for a school health program;
48 (e) services and expenses of the prenatal care assistance program,
up
49 to 100 percent thereof may be suballocated to the medical
assistance
50 program general fund - local assistance account to be matched by
federal
51 funds;
52 (f) state grants for the breast cancer detection and education
program
53 pursuant to chapter 328 of the laws of 1989 as amended, may
include
54 coverage of geographic areas not presently covered by such program
where
55 the need for such services is demonstrated. Up to \$110,000 may be
trans-
56 ferred to state operations for administration of such program; and

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1 (g) services and expenses related to tobacco enforcement,
education
2 and related activities, pursuant to chapter 433 of the laws of 1997
up
3 to \$500,000 thereof may be used for educational programs. A portion
of
4 such appropriation may be transferred to state operations.
5 S 28. Notwithstanding any other provision of law to the
contrary,
6 moneys appropriated in section 1 of the chapter of the laws of
2002
7 which enacts the health, mental hygiene and environmental
conservation
8 budget to the department of health under the center for community
health
9 program from the special revenue funds - other / aid to
localities,
10 miscellaneous special revenue fund - 339, hospital based grants
program
11 account for services and expenses related to providing
nutritional
12 services to pregnant women, infants, and children, up to 5 percent
of
13 the amount appropriated therefor may be transferred to the general
fund
14 - state purposes account for the administration of such program by
the

15 department of health.
16 S 29. Moneys appropriated in section 1 of the chapter of the laws
of
17 2002 which enacts the health, mental hygiene and environmental
conserva-
18 tion budget to the department of health under the center for
community
19 health program from the special revenue funds - other / aid to
locali-
20 ties, miscellaneous special revenue fund - 339, local public
health
21 services account for:
22 (a) services and expenses of the local public health services
program,
23 notwithstanding section 607 of the public health law, shall be
allocated
24 for state aid to municipalities for a program of immunization
against
25 German measles, and other communicable diseases, pursuant to article
6
26 of the public health law; and
27 (b) state aid to municipalities, notwithstanding section 607 of
the
28 public health law, shall be expended for the operation of local
health
29 departments and for the provision of general public health
services
30 pursuant to article 6 of the public health law for activities under
the
31 jurisdiction of the commissioner of health.
32 S 30. Moneys appropriated in section 1 of the chapter of the laws
of
33 2002 which enacts the health, mental hygiene and environmental
conserva-
34 tion budget to the department of health under the center for
environ-
35 mental health program from the special revenue funds - other /
state
36 operations, miscellaneous special revenue fund - 339,
occupational
37 health clinics account for services and expenses of implementing
and
38 operating a statewide network of occupational health clinics for
diag-
39 nostic, screening, treatment, referral, and education services.
A
40 prorated three percent annual increase in grant amounts to
occupational
41 health clinics shall be effective on and after December 1, 2002 and
is
42 to be used to promote the recruitment and retention of staff. Each
occu-
43 pational health clinic within the statewide network receiving
such
44 increase shall submit, in such form and at such time as the
commissioner

45 shall prescribe, an attestation of how such funding will be or was
used
46 to promote the recruitment and retention of staff during the 2002-
03
47 state fiscal year.

48 S 31. Moneys appropriated in section 1 of the chapter of the laws
of
49 2002 which enacts the health, mental hygiene and environmental
conserva-
50 tion budget to the department of health under the child health
insurance
51 program from the special revenue funds - federal/state
operations,
52 federal health and human services fund - 265, children's health
insur-
53 ance account shall be available for payment of aid heretofore accrued
or
54 hereafter accrued.

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1 For services and expenses related to the children's health
insurance
2 program provided pursuant to title XXI of the federal social
security
3 act.

4 The money so appropriated is available for payment of aid
heretofore
5 accrued or hereafter accrued to municipalities.

6 Notwithstanding any inconsistent provision of law and subject to
the
7 approval of the director of the budget, moneys so appropriated may
be
8 transferred to the office of temporary and disability assistance
for
9 payment of local administrative costs related to the expansion of,
or
10 changes to, the medical assistance program related to children under
the
11 age of 19 pursuant to P.L. 105-33 or chapter 2 of the laws of 1998.

12 Notwithstanding any inconsistent provision of law and subject to
a

13 plan developed by the commissioner of health and approved by the
direc-
14 tor of the budget, local social services districts shall be
reimbursed

15 for additional administrative costs incurred for recipient and
applicant
16 eligibility and other administrative costs related to the expansion
of,
17 or changes to, the medical assistance program for children under the
age

18 of 19 pursuant to P.L. 105-33 or chapter 2 of the laws of 1998.
Such

19 reimbursement shall be made without any local share of costs.
Such

20 reimbursement shall not be subject to any aggregate statewide
reimburse-
21 ment limit which may otherwise limit reimbursement for the
administra-
22 tive costs of the local social services districts, provided,
however,
23 such reimbursement shall be subject to the limitation on
certain
24 payments for certain expenditures set forth in subsection (c) of
section
25 2105 of the federal social security act.

26 S 32. Moneys appropriated in section 1 of the chapter of the laws
of
27 2002 which enacts the health, mental hygiene and environmental
conserva-
28 tion budget to the department of health under the child health
insurance
29 program from the special revenue funds - federal / aid to
localities,
30 federal health and human services fund - 265, children's health
insur-
31 ance account shall be available for payment of aid heretofore accrued
or
32 hereafter accrued.

33 For services and expenses related to the children's health
insurance
34 program, pursuant to title XXI of the federal social security
act.
35 Notwithstanding any inconsistent provision of law and subject to
the
36 approval of the director of budget, moneys so appropriated may be
trans-
37 ferred to the medical assistance program, medicaid direct account,
for
38 expansions of or changes to the medical assistance program related
to
39 children under the age of 19 pursuant to P.L. 105-33.

40 S 33. Moneys appropriated in section 1 of the chapter of the laws
of
41 2002 which enacts the health, mental hygiene and environmental
conserva-
42 tion budget to the department of health under the child health
insurance
43 program from the special revenue funds - other / state
operations,
44 miscellaneous special revenue fund - 339, children's health
insurance
45 account shall be available for payment of aid heretofore accrued
or
46 hereafter accrued.

47 For services and expenses related to the children's health
insurance
48 program authorized pursuant to title 1-A of article 25 of the
public
49 health law.

50 The money so appropriated is available for payment of aid
heretofore

51 accrued or hereafter accrued to municipalities.
52 Notwithstanding any inconsistent provision of law and subject to
the
53 approval of the director of the budget, moneys so appropriated may
be
54 transferred to the office of temporary and disability assistance
for
55 payment of local administrative costs related to the expansion of,
or

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1 changes to, the medical assistance program related to children under
the
2 age of 19 pursuant to P.L. 105-33 or chapter 2 of the laws of 1998.

3 Notwithstanding any inconsistent provision of law and subject to
a

4 plan developed by the commissioner of health and approved by the
direc-
5 tor of the budget, local social services districts shall be
reimbursed

6 for additional administrative costs incurred for recipient and
applicant

7 eligibility and other administrative costs related to the expansion
of,

8 or changes to, the medical assistance program for children under the
age

9 of 19 pursuant to P.L. 105-33 or chapter 2 of the laws of 1998.
Such

10 reimbursement shall be made without any local share of costs.
Such

11 reimbursement shall not be subject to any aggregate statewide
reimburse-

12 ment limit which may otherwise limit reimbursement for the
administra-

13 tive costs of the local social services districts, provided,
however,

14 such reimbursement shall be subject to the limitation on
certain

15 payments for certain expenditures set forth in subsection (c) of
section

16 2105 of the federal social security act.

17 S 34. Moneys appropriated in section 1 of the chapter of the laws
of

18 2002 which enacts the health, mental hygiene and environmental
conserva-

19 tion budget to the department of health under the child health
insurance

20 program from the special revenue funds - other / aid to
localities,

21 miscellaneous special revenue fund - 339, children's health
insurance

22 account shall be available for payment of aid heretofore accrued
or

23 hereafter accrued.

24 For services and expenses related to the children's health
insurance
25 program authorized pursuant to title 1-A of article 25 of the
public
26 health law. Notwithstanding any inconsistent provision of law
and
27 subject to the approval of the director of the budget, moneys so
appro-
28 priated may be transferred to the medical assistance program,
local
29 assistance account, for expansions of or changes to the medical
assist-
30 ance program related to children under the age of 19 pursuant to
P.L.
31 105-33.
32 S 35. Moneys appropriated in section 1 of the chapter of the laws
of
33 2002 which enacts the health, mental hygiene and environmental
conserva-
34 tion budget to the department of health under the elderly
pharmaceutical
35 insurance coverage program from the special revenues funds-other/aid
to
36 localities, miscellaneous special revenue fund - 339, EPIC
premium
37 account for services and expenses of the program for elderly
pharmaceu-
38 tical insurance coverage, including reimbursement to pharmacies
partic-
39 ipating in such program shall be available for payment of
financial
40 assistance heretofore accrued. Notwithstanding any other provision
of
41 law, the amount so appropriated may be increased or decreased
through
42 interchange with any other aid to localities appropriation with
the
43 approval of the director of the budget, who shall file copies
thereof
44 with the state comptroller and with the chairmen of the senate
finance
45 and assembly ways and means committees.
46 S 36. Moneys appropriated in section 1 of the chapter of the laws
of
47 2002 which enacts the health, mental hygiene and environmental
conserva-
48 tion budget to the department of health under the institutional
manage-
49 ment program from the special revenue funds - other/state
operations,
50 miscellaneous special revenue fund - 339, Helen Hayes hospital
account
51 for services and expenses of the Helen Hayes hospital including
an
52 affiliation agreement contract, up to \$354,000 thereof may be
trans-

53 ferred to the department of law for services and expenses of
a
54 collection unit at Helen Hayes hospital.

55 S 37. Moneys appropriated in section 1 of the chapter of the laws
of

56 2002 which enacts the health, mental hygiene and environmental
conserva-

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1 tion budget to the department of health under the institutional
manage-

2 ment program from the special revenue funds - other/state
operations,

3 miscellaneous special revenue fund - 339, New York city veterans'
home

4 account for services and expenses of the New York city veterans'
home,

5 up to \$144,715 thereof may be transferred to the department of law
for

6 services and expenses of a collection unit at the New York city
veter-

7 ans' home for the New York state home for veterans and their
dependents

8 at Oxford, the New York city veterans' home, the Western New York
veter-

9 ans' home and New York state veterans' home at Montrose.

10 S 38. Moneys appropriated in section 1 of the chapter of the laws
of

11 2002 which enacts the health, mental hygiene and environmental
conserva-

12 tion budget to the department of health under the medicaid
management

13 information system from the special revenue funds - federal/state
oper-

14 ations, federal health and human services fund - 265 for services
and

15 expenses related to the operation of an electronic medicaid
eligibility

16 verification system and operation of a medicaid override
application

17 system, and operation of a medicaid management information system,
and

18 development and operation of a replacement medicaid system shall
be

19 available for payment of liabilities heretofore accrued and hereafter
to

20 accrue.

21 S 39. Notwithstanding any contrary provision of law, moneys
appropri-

22 ated in section 1 of the chapter of the laws of 2002 which enacts
the

23 health, mental hygiene and environmental conservation budget to
the

24 department of health under maintenance undistributed from the
general

25 fund/state operations, state purposes account - 003 as offsets from
the
26 special revenue funds - other, miscellaneous special revenue fund -
339,
27 quality of care account, hospital and nursing home management
account,
28 nurses aide registry account, recoveries and revenue account, third-
par-
29 ty health insurance recoveries account and medicaid inquiry
account
30 shall reduce general fund appropriations within the various programs
of
31 the department of health funded from the state purposes account.

32 S 40. Moneys appropriated in section 1 of the chapter of the laws
of
33 2002 which enacts the health, mental hygiene and environmental
conserva-
34 tion budget to the department of health under maintenance
undistributed
35 from the special revenue funds - other/state operations,
miscellaneous
36 special revenue fund - 339, hospital and nursing home management
account
37 as an offset to the general fund - state purposes account with
various
38 department of health programs are authorized to be apportioned by
the
39 director of the budget to the various programs of the department
of
40 health from such appropriation by certificate of approval.

41 S 41. Moneys appropriated in section 1 of the chapter of the laws
of
42 2002 which enacts the health, mental hygiene and environmental
conserva-
43 tion budget to the department of health under the maintenance
undistrib-
44 uted from the special revenue funds - other/state operations,
miscella-
45 neous special revenue fund - 339, medicaid inquiry account as an
offset
46 to the general fund - state purposes account with various department
of
47 health programs are authorized to be apportioned by the director of
the
48 budget to the various programs of the department of health from
such
49 appropriation by certificate of approval.

50 S 42. Moneys appropriated in section 1 of the chapter of the laws
of
51 2002 which enacts the health, mental hygiene and environmental
conserva-
52 tion budget to the department of health under the maintenance
undistrib-
53 uted from the special revenue funds - other/state operations,
miscella-
54 neous special revenue fund - 339, nurses aide registry account as
an

55 offset to the general fund - state purposes account with various
depart-
56 ment of health programs are authorized to be apportioned by the
director

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1 of the budget to the various programs of the department of health
from
2 such appropriation by certificate of approval.

3 S 43. Moneys appropriated in section 1 of the chapter of the laws
of

4 2002 which enacts the health, mental hygiene and environmental
conserva-

5 tion budget to the department of health under the maintenance
undistrib-

6 uted from the special revenue funds - other/state operations,
miscella-

7 neous special revenue fund - 339, quality of care account as an
offset

8 to the general fund - state purposes account with various department
of

9 health programs are authorized to be apportioned by the director of
the

10 budget to the various programs of the department of health from
such

11 appropriation by certificate of approval.

12 S 44. Moneys appropriated in section 1 of the chapter of the laws
of

13 2002 which enacts the health, mental hygiene and environmental
conserva-

14 tion budget to the department of health under maintenance
undistributed

15 from the special revenue funds-other/state operations,
miscellaneous

16 special revenue fund - 339, recoveries and revenue account as an
offset

17 to the general fund - state purposes account with various department
of

18 health programs are authorized to be apportioned by the director of
the

19 budget to the various programs of the department of health from
such

20 appropriation by certificate of approval.

21 S 45. Moneys appropriated in section 1 of the chapter of the laws
of

22 2002 which enacts the health, mental hygiene and environmental
conserva-

23 tion budget to the department of health under maintenance
undistributed

24 from the special revenue funds-other/state operations,
miscellaneous

25 special revenue fund - 339 third-party health insurance
recoveries

26 account as an offset to the general fund - state purposes account
with

27 various department of health programs are authorized to be
apportioned
28 by the director of the budget is hereby authorized to apportion funds
to
29 the various programs of the department of health from such
appropriation
30 by certificate of approval.
31 S 46. Notwithstanding any contrary provision of law, moneys
appropri-
32 ated in section 1 of the chapter of the laws of 2002 which enacts
the
33 health, mental hygiene and environmental conservation budget to
the
34 department of health under maintenance undistributed from the
general
35 fund/aid to localities, local assistance account - 001 as an offset
from
36 the special revenue funds - other, miscellaneous special revenue fund
-
37 339, quality of care account shall reduce general fund
appropriations
38 within the various programs of the department of health funded from
the
39 local assistance account.
40 S 47. Moneys appropriated in section 1 of chapter of the laws of
2002
41 which enacts the health, mental hygiene and environmental
conservation
42 budget to the department of health under maintenance undistributed
from
43 the special revenue funds - other/aid to localities
miscellaneous
44 special revenue fund - 339 quality of care account as an offset to
the
45 general fund - local assistance account with various department
of
46 health programs are authorized to be apportioned by the director of
the
47 budget to the various programs of the department of health from
such
48 appropriation by certificate of approval.
49 S 48. All or a part of the moneys appropriated in section 1 of
the
50 chapter of the laws of 2002 which enacts the health, mental hygiene
and
51 environmental conservation budget to the department of health under
the
52 office of medicaid management program from the general fund/aid
to
53 localities, local assistance account - 001 for services and
expenses
54 related to traumatic brain injury including but not limited to
services
55 rendered to individuals enrolled in the home and community-
based
56 services (HCBS) waiver approved by the federal health care
financing

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1 administration and including personal and nonpersonal services
spending
2 originally authorized by appropriations and reappropriations
enacted
3 prior to 1996 may be transferred to state operations.

4 S 49. Notwithstanding any inconsistent provision of law and subject
to
5 the approval of the director of the budget, moneys appropriated
in
6 section 1 of the chapter of the laws of 2002 which enacts the
health,

7 mental hygiene and environmental conservation budget to the
department

8 of health under the office of medicaid management program from
the

9 special revenue funds - federal/state operations, federal health
and

10 human services fund - 265 for services and expenses for the
medical

11 assistance program and administration of the medical assistance
program

12 and survey and certification program, provided pursuant to title XIX
of

13 the federal social security act may be increased or decreased by
trans-

14 fer or suballocation between such appropriated amounts and
appropri-

15 ations of other state agencies and appropriations of the department
of

16 health.

17 S 50. Moneys appropriated in section 1 of the chapter of the laws
of

18 2002 which enacts the health, mental hygiene and environmental
conserva-

19 tion budget to the department of health under the medicaid audit
and

20 fraud prevention program from the general fund/state operations,
state

21 purposes account-003, maintenance undistributed for services
and

22 expenses related to the medicaid fraud and abuse program. All or
a

23 portion of such amount may be transferred to the department of
law

24 subject to the approval of the director of the budget, who shall
file

25 such approval with the department of audit and control and copies
there-

26 of with the chairman of the senate finance committee and the chairman
of

27 the assembly ways and means committee.

28 S 51. Pursuant to the state finance law establishing a federal
revenue

29 maximization contract fund, moneys appropriated in section 1 of
the
30 chapter of the laws of 2002 which enacts the health, mental hygiene
and
31 environmental conservation budget to the department of health under
the
32 medicaid audit and fraud prevention program from the special
revenue
33 fund - other / state operations, federal revenue maximization
contract
34 fund - 359, revenue maximization contractor account may be expended
for
35 payments to contractors approved by the director of the budget
and
36 executed by the office of the state comptroller for specified
services,
37 as approved by the director of the budget, designed to maximize
federal
38 financial participation consistent with titles XVIII and XIX of
the
39 social security act. No payments shall be made from such account
without
40 approval of the director of the budget. To the extent that
contractor
41 payments made under such appropriation for services that
generated
42 federal revenues result in a state and local savings, the
commissioner
43 of health shall, subject to the approval of the director of the
budget,
44 adjust reimbursements otherwise payable to local social
services
45 districts to ensure that each such local social services district
finan-
46 cially participates in the cost of such activities in an amount
propor-
47 tionate to such local district's share of the total state and
local
48 savings realized in that local district through receipt of
federal
49 revenue.
50 S 52. Moneys appropriated in section 1 of the chapter of the laws
of
51 2002 which enacts the health, mental hygiene and environmental
conserva-
52 tion budget to the department of health under the medical
assistance
53 administration program from the general fund / aid to localities,
local
54 assistance account - 001:

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1 (a) for state reimbursement of local administrative expenses
for

2 medical assistance programs pursuant to section 153 of the
social
3 services law.

4 The money thereby appropriated is available for payment of aid
hereto-

5 fore accrued or hereafter to accrue to municipalities, and to
providers

6 of medical services pursuant to section 367-b of the social
services

7 law, and shall be available to the department net of
disallowances,

8 refunds, reimbursements, and credits.

9 Notwithstanding any other provision of law, the money thereby
appro-

10 priated may be increased or decreased by interchange, with any
appropri-

11 ation of the department of health medical assistance
administration

12 program and/or medical assistance program, and may be increased
or

13 decreased by transfer or suballocation between these
appropriated

14 amounts and appropriations of the department of family assistance
office

15 of temporary and disability assistance and office of children and
family

16 services with the approval of the director of the budget, who shall
file

17 such approval with the department of audit and control and copies
there-

18 of with the chairman of the senate finance committee and the chairman
of

19 the assembly ways and means committee.

20 Notwithstanding any inconsistent provision of law, in lieu of
payments

21 authorized by the social services law, or payments of federal
funds

22 otherwise due to the local social services districts for
programs

23 provided under the federal social security act or the federal food
stamp

24 act, funds appropriated therein, in amounts certified by the
state

25 commissioner of temporary and disability assistance or the state
commis-

26 sioner of health as due from local social services districts each
month

27 as their share of payments made pursuant to section 367-b of the
social

28 services law may be set aside by the state comptroller in an
interest-

29 bearing account with such interest accruing to the credit of the
locali-

30 ty in order to ensure the orderly and prompt payment of providers
under

31 section 367-b of the social services law pursuant to an
estimate

32 provided by the commissioner of health of each local social
services
33 district's share of payments made pursuant to section 367-b of
the
34 social services law.
35 Notwithstanding sections 153, 368-a and subdivision 6 of section 95
of
36 the social services law, funds appropriated therein may not be used
to
37 reimburse aggregate local administrative costs for the determination
of
38 recipient and applicant eligibility and benefit payments for the
tempo-
39 rary and disability assistance and its predecessor programs,
medical
40 assistance, and food stamp programs to the extent that local
administra-
41 tive costs exceed aggregate statewide reimbursement for such purposes
in
42 the 2001-02 state fiscal year.
43 The amounts appropriated therein are available, subject to approval
of
44 the director of the budget, for expenditures associated with the
opera-
45 tion of a statewide electronic benefit transfer (EBT) system
including
46 the design, development, implementation and operation of a non-
cash
47 component consistent with the safety net provisions of chapter 436
of
48 the laws of 1997 enacting comprehensive welfare reform. Approved
costs
49 may include, but not be limited to, personal service, postage,
other
50 nonpersonal service costs, and contractor costs paid directly by
the
51 office. Notwithstanding any inconsistent provision of law,
reimbursement
52 otherwise payable to social services districts from this
appropriation
53 shall be reduced in amounts sufficient to recover a local share for
the
54 cost of the electronic benefit issuance (EBT) system or any
successor
55 system. Such local share shall be calculated as though such cost
were

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1 expenditures for administration of programs of public assistance
and
2 care.
3 Of the funds appropriated therein, when combined with amounts that
may
4 be made available in the food stamp administration program and
the

5 temporary and disability assistance administration program a total of
up
6 to \$48,000,000 may be used without regard to the limitations set
forth
7 above pursuant to local plans approved by the office and the director
of
8 the budget, for additional direct costs of revenue maximization
which
9 result in state fiscal savings, cost containment activities which
result
10 in state fiscal savings, employment and training services, Native
Ameri-
11 can services, activities related to implementing managed care
programs,
12 corrective action efforts necessary to reduce public assistance
error
13 rates, fraud and abuse detection, the national voter registration
act,
14 case management services provided under title 4-B of article 6 of
the
15 social services law, and approved costs associated with section 349-a
of
16 the social services law; provided, however, that social
services
17 districts are able to demonstrate that such local expenditures
relate
18 solely to costs associated with these activities, do not include
any
19 retroactive or prospective costs related to benefit issuance and
control
20 other than those sub-components of the benefit issuance and
control
21 process that may be specifically designated by the commissioner and
the
22 director of the budget as necessary for additional state cost
contain-
23 ment, and would not otherwise have been incurred by the social
services
24 district, and provided further that funds appropriated therein shall
not
25 be used to reimburse costs under any part of such local plans which
has
26 not been satisfactorily documented by the social services district,
as
27 deemed appropriate by the commissioner of health, by the last day of
the
28 second state fiscal year after the state fiscal year to which the
plan
29 is to apply. The maximum reimbursement of \$48,000,000 provided
therein
30 for such purposes shall constitute the total funding available to
pay
31 waivers submitted during SFY 2002-03 and prior years and shall
be
32 distributed among social services districts in accordance with a
plan

33 developed by the commissioner of health and approved by the director
of
34 the budget.

35 The amount appropriated therein, as may be adjusted for
interchange,

36 shall constitute total state reimbursement for all local
administration

37 programs in state fiscal year 2002-03;

38 (b) notwithstanding any inconsistent provision of law, the
moneys

39 thereby appropriated are available for payment of aid heretofore
accrued

40 or hereafter to accrue to municipalities and to providers of
medical

41 services pursuant to section 367-b of the social services law, and
for

42 payments of state aid to municipalities where payment systems
through

43 the fiscal intermediary are not operational, and shall be available
to

44 the department net of disallowances, refunds, reimbursements and
cred-

45 its.

46 Notwithstanding any other provision of law, the money thereby
appro-

47 priated may be increased or decreased by interchange, with any
appropri-

48 ation of the department of health medical assistance
administration

49 program and/or medical assistance program, and may be increased
or

50 decreased by transfer or suballocation between such appropriated
amounts

51 and appropriations of the department of family assistance office
of

52 temporary and disability assistance and office of children and
family

53 services with the approval of the director of the budget, who shall
file

54 such approval with the department of audit and control and copies
there-

55 of with the chairman of the senate finance committee and the chairman
of

56 the assembly ways and means committee.

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1 The amount appropriated therein, together with any federal
matching

2 funds obtained, shall be made available to local social
services

3 districts for the purpose of providing grants for planning,
development

4 and implementation of managed care programs, and to the department
of

5 health, subject to the approval of the director of the budget,
for
6 contractual services related to the planning, development and
implemen-
7 tation of managed care programs;
8 (c) the amount appropriated therein, together with any
additional
9 federal matching funds obtained, may be provided to improve access
and
10 quality care through medicaid managed care networks;
11 (d) for contractual services related to medical necessity and
quality
12 of care reviews related to medicaid patients. Subject to the approval
of
13 the director of the budget, all or part of such appropriation may
be
14 transferred to the health care standards and surveillance
program,
15 general fund - local assistance account;
16 (e) notwithstanding section 153 of the social services law or
any
17 inconsistent provision of law, the state shall recover the local
share
18 of any costs related to payments made by the department of health
on
19 behalf of the districts for contractual services related to a
third
20 party entity responsible for education of persons eligible for
medical
21 assistance regarding their options for enrollment in managed care
plans
22 through the use of electronic funds transfer pursuant to section
367-b
23 of the social services law.
24 The amount appropriated therein, together with any federal
matching
25 funds obtained, may be available to the department of health, subject
to
26 the approval of the director of the budget, for contractual
services
27 related to a third party entity responsible for education of
persons
28 eligible for medical assistance regarding their options for
enrollment
29 in managed care plans. Subject to the approval of the director of
the
30 budget, all or a part of such appropriation may be transferred to
the
31 office of managed care, general fund - state purposes account;
32 (f) notwithstanding any inconsistent provision of law, pursuant to
a
33 memorandum of understanding between the department of health and
the
34 department of law, of the amounts appropriated therein, up to
\$1,000,000
35 including federal reimbursements properly received or to be received
on

36 account of such expenditures, may be suballocated to the department
of
37 law for services and expenses, including outside experts, incurred
in
38 litigation representing the department of health. Reimbursements to
the
39 department of law shall be made by the department of health upon
receipt
40 of vouchers showing the amount and purpose of such
expenditures,
41 provided, however, that the department of health may make advances
to
42 the department of law to meet reasonable cash flow requirements.

43 S 53. Moneys appropriated in section 1 of the chapter of the laws
of
44 2002 which enacts the health, mental hygiene and environmental
conserva-
45 tion budget to the department of health under the medical
assistance
46 administration program from the special revenue funds - federal/aid
to
47 localities, federal health and human services fund - 265,
medicaid
48 administration transfer account for reimbursement of local
administra-
49 tive expenses of medical assistance programs provided pursuant to
title
50 XIX of the federal social security act or its successor program.

51 The moneys thereby appropriated are to be available for payment of
aid
52 heretofore accrued or hereafter to accrue to municipalities, and
to
53 providers of medical services pursuant to section 367-b of the
social
54 services law, shall be available to the department net of
disallowances,
55 refunds, reimbursements, and credits. The amounts appropriated
therein
56 may be available for costs associated with a common benefit
identifica-

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1 tion card, and subject to the approval of the director of the
budget,
2 these funds may be transferred to the credit of the state
operations

3 account medicaid management information systems program.

4 Notwithstanding any other provision of law, the money thereby
appro-
5 priated may be increased or decreased by interchange, with any
appropri-

6 ation of the department of health medical assistance
administration

7 program and/or medical assistance program, and may be increased
or

8 decreased by transfer or suballocation between these
appropriated
9 amounts and appropriations of the department of family assistance
office
10 of temporary and disability assistance and office of children and
family
11 services with the approval of the director of the budget, who shall
file
12 such approval with the department of audit and control and copies
there-
13 of with the chairman of the senate finance committee and the chairman
of
14 the assembly ways and means committee.

15 Notwithstanding any inconsistent provision of law, in lieu of
payments
16 authorized by the social services law, or payments of federal
funds
17 otherwise due to the local social services districts for
programs
18 provided under the federal social security act or the federal food
stamp
19 act, funds therein appropriated, in amounts certified by the
state
20 commissioner of temporary and disability assistance or the state
commis-
21 sioner of health as due from local social services districts each
month
22 as their share of payments made pursuant to section 367-b of the
social
23 services law may be set aside by the state comptroller in an
interest-
24 bearing account with such interest accruing to the credit of the
locali-
25 ty in order to ensure the orderly and prompt payment of providers
under
26 section 367-b of the social services law pursuant to an
estimate
27 provided by the commissioner of health of each local social
services
28 district's share of payments made pursuant to section 367-b of
the
29 social services law.

30 S 54. Moneys appropriated in section 1 of the chapter of the laws
of
31 2002 which enacts the health, mental hygiene and environmental
conserva-
32 tion budget to the department of health under the medical
assistance
33 program from the general fund / aid to localities, local
assistance
34 account - 001:
35 (a) for the medical assistance program, exclusive of expenses
incurred
36 by local districts for administration of the medical assistance
program
37 and for medical care rates for authorized child care agencies shall
be

38 expended.
39 The money thereby appropriated is to be available for payment of
aid
40 heretofore accrued or hereafter to accrue to municipalities, and
to
41 providers of medical services pursuant to section 367-b of the
social
42 services law, and for payment of state aid to municipalities and
to
43 providers of family care where payment systems through the fiscal
inter-
44 mediaries are not operational, and shall be available to the
department
45 net of disallowances, refunds, reimbursements, and credits.
46 Notwithstanding any inconsistent provision of law to the contrary,
up
47 to \$3,000,000, together with any available federal matching funds,
may
48 be used by the department of health for outside legal assistance
on
49 issues involving the federal government, the conduct of
preadmission
50 screening and annual resident reviews required by the state's
medicaid
51 program, computer matching with insurance carriers to insure that
medi-
52 caid is the payer of last resort and activities related to the
manage-
53 ment of the pharmacy benefit available under the medicaid program.
54 Notwithstanding any inconsistent provision of law, moneys
thereby
55 appropriated may be used for transfer to the federal revenue
maximiza-
56 tion contract fund, pursuant to the provisions of the state finance
law.

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1 Notwithstanding any inconsistent provision of law, in lieu of
payments
2 authorized by the social services law, or payments of federal
funds
3 otherwise due to the local social services districts for
programs
4 provided under the federal social security act or the federal food
stamp
5 act, funds therein appropriated, in amounts certified by the
state
6 commissioner of temporary and disability assistance or the state
commis-
7 sioner of health as due from local social services districts each
month
8 as their share of payments made pursuant to section 367-b of the
social
9 services law may be set aside by the state comptroller in an
interest-

10 bearing account with such interest accruing to the credit of the
locali-
11 ty in order to ensure the orderly and prompt payment of providers
under
12 section 367-b of the social services law pursuant to an
estimate
13 provided by the commissioner of health of each local services
district's
14 share of payments made pursuant to section 367-b of the social
services
15 law.
16 Notwithstanding any inconsistent provision of law, the amount
thereby
17 appropriated shall be available for the designated purposes, less
the
18 amount, as certified by the director of the budget, of any
transfers
19 from the general fund to the tobacco control and insurance
initiatives
20 pool established pursuant to section 2807-v of the public health law,
to
21 reflect the state savings attributable to this program resulting from
an
22 increase in the federal medical assistance percentage or other
increased
23 federal medicaid funding available to the state pursuant to the
applica-
24 ble provisions of the federal social security act.
25 Notwithstanding any other provision of law, the money thereby
appro-
26 priated may be increased or decreased by interchange, with any
appropri-
27 ation of the department of health medical assistance
administration
28 program and/or medical assistance program, and may be increased
or
29 decreased by transfer or suballocation between such appropriated
amounts
30 and appropriations of the office of alcoholism and substance
abuse
31 services, the department of family assistance office of temporary
and
32 disability assistance and office of children and family services
with
33 the approval of the director of the budget, who shall file such
approval
34 with the department of audit and control and copies thereof with
the
35 chairman of the senate finance committee and the chairman of the
assem-
36 bly ways and means committee.
37 Notwithstanding any inconsistent provision of law, the moneys
thereby
38 appropriated shall not be used for any existing rates, fees, fee
sched-
39 ule, or procedures which may affect the cost of care and
services

40 provided by personal care providers, case managers, health
maintenance
41 organizations, out of state medical facilities which provide care
and
42 services to residents of the state, providers of
transportation
43 services, that are altered, amended, adjusted or otherwise changed by
a
44 local social services district unless previously approved by the
depart-
45 ment of health and the director of the budget;
46 (b) notwithstanding any inconsistent provision of law, subject to
the
47 approval of the director of the division of the budget, up to the
amount
48 appropriated therein, together with any available federal
matching
49 funds, may be transferred to the general fund - state purposes
account
50 for services and expenses related to medicaid fraud prevention
activ-
51 ities or pharmacy best practices initiatives. Subject to the approval
of
52 the director of the budget, a portion of such appropriation may
be
53 suballocated to other state agencies and may be made available to
local
54 social services districts for medicaid fraud prevention or pharmacy
best
55 practices initiatives.

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1 S 55. Moneys appropriated in section 1 of the chapter of the laws
of
2 2002 which enacts the health, mental hygiene and environmental
conserva-
3 tion budget to the department of health under the medical
assistance
4 program from the special revenue funds - federal / aid to
localities,
5 federal health and human services fund - 265, medicaid direct
account
6 for services and expenses for the medical assistance program,
excluding
7 administrative expenses, pursuant to title XIX of the federal
social
8 security act or its successor program.
9 The moneys thereby appropriated are to be available for payment of
aid
10 heretofore accrued or hereafter to accrue to municipalities, and
to
11 providers of medical services pursuant to section 367-b of the
social
12 services law, and for payment of state aid to municipalities and
to

13 providers of family care where payment systems through the fiscal
inter-
14 mediaries are not operational, shall be available to the department
net
15 of disallowances, refunds, reimbursements, and credits.
16 Notwithstanding any other provision of law, the money thereby
appro-
17 priated may be increased or decreased by interchange, with any
appropri-
18 ation of the department of health medical assistance
administration
19 program and/or medical assistance program, and may be increased
or
20 decreased by transfer or suballocation between such appropriated
amounts
21 and appropriations of the department of family assistance office
of
22 temporary and disability assistance and office of children and
family
23 services with the approval of the director of the budget, who shall
file
24 such approval with the department of audit and control and copies
there-
25 of with the chairman of the senate finance committee and the chairman
of
26 the assembly ways and means committee.
27 Notwithstanding any inconsistent provision of law, in lieu of
payments
28 authorized by the social services law, or payments of federal
funds
29 otherwise due to the local social services districts for
programs
30 provided under the federal social security act or the federal food
stamp
31 act, funds therein appropriated, in amounts certified by the
state
32 commissioner or the state commissioner of health as due from
local
33 social services districts each month as their share of payments
made
34 pursuant to section 367-b of the social services law may be set aside
by
35 the state comptroller in an interest-bearing account with such
interest
36 accruing to the credit of the locality in order to ensure the
orderly
37 and prompt payment of providers under section 367-b of the
social
38 services law pursuant to an estimate provided by the commissioner
of
39 health of each local social services district's share of payments
made
40 pursuant to section 367-b of the social services law.
41 S 56. Moneys appropriated in section 1 of the chapter of the laws
of
42 2002 which enacts the health, mental hygiene and environmental
conserva-

43 tion budget to the department of health under the medical
assistance
44 program from the special revenue funds - other/aid to localities,
indi-
45 gent care fund - 068 for the purpose of making payments to providers
of
46 medical care pursuant to section 367-b of the social services law,
and
47 for payment of state aid to municipalities where payment systems
through
48 fiscal intermediaries are not operational, to reimburse such
providers
49 for costs attributable to the provision of care to patients eligible
for
50 medical assistance. Payments from such appropriation to general
hospi-
51 tals related to bad debt and charity care pursuant to article 28 of
the
52 public health law respectively, when combined with federal funds
for
53 services and expenses for the medical assistance program pursuant
to
54 title XIX of the federal social security act or its successor
program,
55 shall equal the amount of the funds received related to bad debt
and
56 charity care allowances and surcharges pursuant to article 28 of
the

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1 public health law and deposited to this account less any such
amounts
2 withheld pursuant to subdivision 21 of section 2807-c of the
public
3 health law.
4 S 57. Moneys appropriated in section 1 of the chapter of the laws
of
5 2002 which enacts the health, mental hygiene and environmental
conserva-
6 tion budget to the department of health under the medical
assistance
7 program from the special revenue funds - other/aid to localities,
HCRA
8 transfer fund - 061, medical assistance account for the purpose
of
9 making payments, the money thereby appropriated is available for
payment
10 of aid heretofore accrued or hereafter accrued, to providers of
medical
11 care pursuant to section 367-b of the social services law, including
but
12 not limited to disaster relief medicaid, and for payment of state aid
to
13 municipalities and the federal government where payment systems
through

14 fiscal intermediaries are not operational, to reimburse such
providers
15 for costs attributable to the provision of care to patients eligible
for
16 medical assistance.
17 S 58. Moneys appropriated in section 1 of the chapter of the laws
of
18 2002 which enacts the health, mental hygiene and environmental
conserva-
19 tion budget to the department of health under the medical
assistance
20 program from the special revenue funds-other/aid to localities,
tobacco
21 transfer fund-062, medical assistance account for the purpose of
making
22 payments to providers of medical care pursuant to section 367-b of
the
23 social services law, and for payment of state aid to municipalities
and
24 the federal government where payment systems through fiscal interme-
diaries
25 are not operational, and to reimburse such providers for
costs
26 attributable to the provision of care to patients eligible for
medical
27 assistance.
28 S 59. Moneys appropriated in section 1 of the chapter of the laws
of
29 2002 which enacts the health, mental hygiene and environmental
conserva-
30 tion budget to the department of health under the medical
assistance
31 program from the special revenue funds-other/aid to localities,
provider
32 assessment fund, medical assistance account for the purpose of
making
33 payments to providers of medical care pursuant to section 367-b of
the
34 social services law, and for payment of state aid to municipalities
and
35 the federal government where payment systems through fiscal interme-
diaries
36 are not operational, and to reimburse such providers for
costs
37 attributable to the provision of care to patients eligible for
medical
38 assistance.
39 S 60. Moneys appropriated in section 1 of the chapter of the laws
of
40 2002 which enacts the health, mental hygiene and environmental
conserva-
41 tion budget to the department of health under the office of
continuing
42 care from the general fund/aid to localities, local assistance
account-
43 001 for:

44 (a) an operating assistance subprogram for enriched housing. To
the
45 extent that funds are appropriated for such purposes, the department
of
46 health is authorized to pay an operating subsidy for SSI recipients
who
47 are residents in certified not-for-profit or public enriched
housing
48 programs. Such subsidy shall not exceed \$115 per month per each
SSI
49 recipient and will be paid directly to the certified operator. If
such
50 appropriations are not sufficient to meet such maximum monthly
payments,
51 such subsidy shall be reduced proportionately;
52 (b) suballocation to the commission on the quality of care for
the
53 mentally disabled to provide grants to community based
organizations
54 that advocate on behalf of adult care facility residents.
55 S 61. Moneys appropriated in section 1 of the chapter of the laws
of
56 2002 which enacts the health, mental hygiene and environmental
conserva-

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1 tion budget to the department of health under the safe drinking water
-
2 clean water/clean air fund (CCP) from the capital projects fund,
water
3 resources purpose for deposit in the drinking water revolving
fund
4 program established pursuant to section 1285-m of the public
authorities
5 law for state share of safe drinking water infrastructure projects
shall
6 be expended in accordance with the provisions of section 1285-m of
the
7 public authorities law for project costs, including costs incidental
and
8 appurtenant thereto and for payment of reimbursements to the
clean
9 water/clean air implementation fund for services and expenses of
state
10 departments and agencies, including fringe benefits, herein
after
11 referred to as "Safe Drinking Water Project Disbursements." The
moneys
12 appropriated therein may be suballocated to other state departments
and
13 agencies and the environmental facilities corporation.
14 Notwithstanding the provisions of any general or special law,
such
15 moneys so appropriated shall be available for drinking water
infrastruc-

16 ture projects in accordance with section 1258-m of the public
authori-
17 ties law upon the issuance of a certificate of approval of
availability
18 by the director of the division of the budget.
19 The state comptroller at the commencement of each month shall
certify
20 to the director of the budget, the commissioner of the department
of
21 health, president of the environmental facilities corporation,
the
22 chairman of the assembly ways and means committee, the amounts
disbursed
23 from such appropriations for "Safe Drinking Water Disbursements" for
the
24 month preceding such certification (12040257).
25 S 62. Moneys appropriated in section 1 of the chapter of the laws
of
26 2002 which enacts the health, mental hygiene and environmental
conserva-
27 tion budget to the Hudson River Park Trust under the regional
develop-
28 ment (CCP) from the capital projects fund, regional development
purpose
29 for an advance by the state for the New York city costs of the
Hudson
30 River Park project, and provided that the comptroller is authorized
and
31 directed to release moneys to the Hudson River Park Trust in amounts
set
32 forth in a schedule approved by the director of the budget, and
provided
33 further that no portion of such appropriation shall be available
until
34 New York city has entered into an agreement with the chairman of
the
35 Hudson River Park Trust, and such agreement is approved by the
director
36 of the budget. Such agreement shall require New York city to repay
to
37 the state an amount equal to the amount disbursed from such
appropri-
38 ation within 90 days after being notified by the state of the
disburse-
39 ment of such appropriation by the Hudson River Park Trust to
its
40 vendors. Such agreement shall further provide that in the event
amounts
41 disbursed from such appropriation are not repaid within such period,
the
42 director of the budget shall certify the amount not repaid to the
comp-
43 troller, and the comptroller shall, to the extent not otherwise
prohib-
44 ited by law or state covenant, withhold such amount from the
next

45 succeeding payment of per capita assistance to be apportioned to
New
46 York city subject to the following limitations: prior to
withholding
47 amounts due the state from the city, the comptroller shall pay in
full
48 any amount due the state of New York municipal bond bank agency,
on
49 account of the city's obligation to such agency; the city
university
50 construction fund pursuant to the provisions of the city
university
51 construction fund act; the New York city housing development
corpo-
52 ration, pursuant to the provisions of the New York city housing
develop-
53 ment corporation act (article XII of the private housing finance
law);
54 the transit construction fund, pursuant to the provisions of title
9-a
55 of article 5 of the public authorities law; pursuant to section 92-e
of
56 the state finance law, any amounts necessary for payments to holders
of

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1 bonds or notes as certified by the municipal assistance corporation
for
2 the city of New York created under article 10 of the public
authorities
3 law; and the dormitory authority of the state of New York, pursuant
to
4 section 1680-b of the public authorities law (29NY02A3).

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1 DEPARTMENT OF MENTAL HYGIENE
2 S 63. Moneys appropriated in section 1 of the chapter of the laws
of
3 2002 which enacts the health, mental hygiene and environmental
conserva-
4 tion budget to the department of mental hygiene from the
general
5 fund/state operations, state purposes account - 003 as an offset
in
6 special revenue funds - other, miscellaneous special revenue fund -
339,
7 mental hygiene patient income account may be apportioned by the
director
8 of the budget to the office of mental health, office of mental
retarda-
9 tion and developmental disabilities, and office of alcoholism
and

10 substance abuse services of the department of mental hygiene from
such
11 appropriation by certificate of approval. Notwithstanding any
contrary
12 provision of law, such offset shall reduce general fund
appropriations
13 within the various programs of the office of mental health, the
office
14 of mental retardation and developmental disabilities, and the office
of
15 alcoholism and substance abuse services funded from the state
purposes
16 account or local assistance account, or both.
17 S 64. Moneys appropriated in section 1 of the chapter of the laws
of
18 2002 which enacts the health, mental hygiene and environmental
conserva-
19 tion budget to the department of mental hygiene from the special
revenue
20 funds-other/state operations, miscellaneous special revenue fund -
339,
21 mental hygiene patient income account as an offset to the general fund
-
22 state purposes account or general fund - local assistance account,
or
23 both, within the various offices of the department of mental hygiene
may
24 be apportioned by the director of the budget to the office of
mental
25 health, office of mental retardation and developmental disabilities,
and
26 office of alcoholism and substance abuse services of the department
of
27 mental hygiene from such appropriation by certificate of approval.

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1 OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES
2 S 65. Moneys appropriated in section 1 of the chapter of the laws
of
3 2002 which enacts the health, mental hygiene and environmental
conserva-
4 tion budget to the office of alcoholism and substance abuse
services
5 under the community treatment services program from the general
fund/aid
6 to localities, local assistance account - 001 for payment, net of
disal-
7 lowances, of state financial assistance shall be expended in
accordance
8 with the mental hygiene law related to treatment services.
9 Notwithstanding any other provisions of law, no payment shall be
made
10 from such appropriation until the recipient agency has demonstrated
that

11 it has applied for and received, or received formal notification
of
12 refusal of, all forms of third-party reimbursement, including
federal
13 aid and patient fees. Such moneys so appropriated are available to
reim-
14 burse or advance to localities and voluntary nonprofit agencies
for
15 expenditures heretofore accrued or hereafter to accrue during
local
16 fiscal periods commencing January 1, 2002 or July 1, 2002 and
for
17 advances for the 3 month period beginning January 1, 2003; provided
that
18 such funding for the purpose of administration and monitoring of
these
19 programs shall not exceed 5 percent of the approved program
level,
20 unless waived by the commissioner of the office of alcoholism
and
21 substance abuse services and approved by the director of the budget.
22 Notwithstanding the mental hygiene law or any other provision of
law,
23 rule or regulation to the contrary, the commissioner of alcoholism
and
24 substance abuse services, with the approval of the director of the
budg-
25 et, may contract with voluntary agencies that are receiving, or
are
26 eligible to receive, state aid from such appropriation, directly
or
27 through written agreements with local governments. The commissioner
of
28 alcoholism and substance abuse services, pursuant to such contract,
may
29 pay from such appropriation all or a portion of the expenses incurred
by
30 such voluntary agencies arising out of loans obtained from the
proceeds
31 of bonds and notes issued by the dormitory authority of the state of
New
32 York or another authorized entity approved by the division of the
budg-
33 et. Such expenses may include, but shall not be limited to,
amounts
34 relating to principal and interest and any other fees and charges
aris-
35 ing from such loans. Notwithstanding any other provision of
law,
36 subject to the approval of the director of the budget, a portion of
the
37 money therein appropriated may be made available for obligations
and
38 payments heretofore or hereafter accrued by the department of health
for
39 community alcoholism and substance abuse treatment services,
including

40 the state share of medical assistance payments. Notwithstanding
any
41 provision of law, for that portion of the transfer to the department
of
42 health related to paying voluntary nonprofit general hospitals
pursuant
43 to chapter 119 of the laws of 1997, payments made during the
state
44 fiscal year ending March 31, 2003 shall be based initially on
reported
45 1995 data as further reconciled to actual reported 2002 data.

46 Notwithstanding any inconsistent provision of law, the amount
thereby
47 appropriated shall be available for the designated purposes, less
the
48 amount, as certified by the director of the budget, of any
transfers
49 from the general fund to the tobacco control and insurance
initiatives
50 pool established pursuant to section 2807-v of the public health law,
to
51 reflect the state savings attributable to this program resulting from
an
52 increase in the federal medical assistance percentage available to
the
53 state pursuant to the applicable provisions of the federal social
secu-
54 rity act.

55 Notwithstanding any provision of law, rule or regulation to
the
56 contrary and subject to the approval of the director of the budget,
a

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1 portion of such appropriation may be made available for transfer to
the
2 department of health for the state share of medical assistance
payments
3 to providers of chemical dependence outpatient services.

4 No expenditure shall be made for such program until a certificate
of
5 allocation has been approved by the director of the budget and
copies
6 thereof filed with the state comptroller and chairs of the
senate
7 finance committee and the assembly ways and means committee.

8 The comptroller is hereby authorized as required by section 4 of
the
9 state finance law to utilize up to \$4,000,000 of this appropriation
to
10 make a transfer from general fund aid to localities (001) to the
miscel-
11 laneous special revenue fund (339), office of alcoholism and
substance

12 abuse services chemical dependence fee transition fund (YO), as
directed
13 by the director of the budget who shall direct such transfer only
after
14 taking into consideration a plan submitted by the office of
alcoholism
15 and substance abuse services that identifies nonrecurring resources
in
16 federal funds in a value equivalent to such transfer.

17 The state comptroller is hereby authorized to receive funds from
the
18 office of alcoholism and substance abuse services and is authorized
to
19 refund such moneys to the credit of the local assistance account of
the
20 general fund for the purpose of reimbursing the 2002-03 appropriation.

21 S 66. Within amounts appropriated hereby, for the provision of a
three
22 percent cost of living adjustment, effective December 1, 2002, on
state
23 aid, including amounts paid from the Federal Substance Abuse
Prevention
24 and Treatment Block Grant, to community treatment service
providers
25 granted pursuant to articles 25, 26 and 41 of the mental hygiene
law,
26 including programs that qualify for federal disproportionate
share
27 payments pursuant to chapter 119 of the laws of 1997, as amended
by
28 chapter 57 of the laws of 2000; provided however, such cost of
living
29 adjustment shall not apply to the chemical dependence fees paid
under
30 the medical assistance program to outpatient programs licensed
under
31 article 32 of the mental hygiene law. Each provider receiving such
fund-
32 ing shall submit a written certification, in such form and at such
time
33 as the commissioner of the office of alcoholism and substance
abuse
34 services shall prescribe, attesting how such funding will be or was
used
35 to promote the recruitment and retention of staff during the 2002-
03
36 state fiscal year.

37 S 67. For grants to provide targeted service expansion and
capacity
38 building in community based substance abuse treatment programs,
operated
39 through existing community based organizations and article 28 of
the
40 public health law diagnostic and treatment centers with a history
of
41 providing services to communities of color severely impacted
by

42 substance abuse and HIV/AIDS.
43 S 68. For grants to voluntary, not-for-profit article 28 of the
public
44 health law diagnostic and treatment centers that provide
comprehensive
45 primary care to primarily a substance abusing population and that
are
46 ineligible for indigent care funding under section 2807-p of the
public
47 health law.
48 S 69. Notwithstanding any other provision of law to the contrary,
a
49 portion of the moneys appropriated in section 1 of the chapter of
the
50 laws of 2002 which enacts the health, mental hygiene and
environmental
51 conservation budget to the office of alcoholism and substance
abuse
52 services under the community treatment services program from the
special
53 revenue funds - federal/aid to localities, federal health and
human
54 services fund - 265 for services and expenses related to the
substance
55 abuse treatment for HIV and women with children grant, may, subject
to
56 the approval of the director of the budget, be transferred to
state

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1 operations in the office of alcoholism and substance abuse
services
2 consistent with the terms of the federal award for administrative
and
3 support services, including fringe benefits, associated with such
grant.
4 S 70. Moneys appropriated in section 1 of the chapter of the laws
of
5 2002 which enacts the health, mental hygiene and environmental
conserva-
6 tion budget to the office of alcoholism and substance abuse
services
7 under the community treatment services program from the special
revenue
8 funds - federal/aid to localities, federal block grant fund - 269:
9 (a) for services and expenses of prevention, intervention, and
treat-
10 ment programs provided by the SAPT block grants.
11 Notwithstanding any inconsistent provision of law, up to \$4,600,000
of
12 such appropriation may be transferred, pursuant to memoranda of
under-
13 standing between the office of alcoholism and substance abuse
services

14 and the department of health and the department of
correctional
15 services, respectively, which addresses how such funds contribute
to
16 required set-asides of the block grant, to the following agencies: up
to
17 \$1,400,000 to the AIDS institute of the department of health for
the
18 provision of primary health care services for persons enrolled in
drug
19 treatment programs; and up to \$3,200,000 to the department of correc-
20 tional services for treatment and counseling costs.

21 Notwithstanding any inconsistent provision of law, a portion of
such
22 appropriation consistent with the terms and conditions of the SAPT
block
23 grants may be transferred to other programs within the office of
alco-
24 holism and substance abuse services for aid to localities.

25 Notwithstanding any inconsistent provision of law, moneys
thereby
26 appropriated may be transferred to prevention and program support of
the
27 office of alcoholism and substance abuse services.

28 (b) for services and expenses associated with federal block
grant
29 awards yet to be allocated by the federal department of health and
human
30 services. Notwithstanding any inconsistent provision of law, the direc-
31 tor of the budget is hereby authorized to transfer appropriation
author-
32 ity contained therein to any other federal fund or program within
the
33 office of alcoholism and substance abuse services for aid to
localities,
34 administrative and support services, including fringe benefits,
associ-
35 ated with the federal block grant.

36 S 71. Moneys appropriated in section 1 of the chapter of the laws
of
37 2002 which enacts the health, mental hygiene and environmental
conserva-
38 tion budget to the office of alcoholism and substance abuse
services

39 under the community treatment services program from the special
revenue
40 funds - federal/aid to localities, federal operating grants fund -
290:

41 (a) for services and expenses related to homeless grants. Subject to
a
42 plan approved by the director of the budget, the amount
appropriated
43 therein may be made available to other state agencies for services
and

44 expenses related to federal homeless grants. The director of the
budget
45 is hereby authorized to transfer appropriation authority contained
ther-
46 ein to any other federal fund in which federal homeless grants are
actu-
47 ally received.
48 (b) for services and expenses related to the enforcing the
underage
49 drinking laws program grant.
50 Notwithstanding any inconsistent provision of law, a portion of
the
51 funds thereby appropriated may, subject to the approval of the
director
52 of the budget, be transferred to state operations in the office of
alco-
53 holism and substance abuse services consistent with the terms of
the
54 federal award for administrative and support services, including
fringe
55 benefits, associated with this grant.

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1 S 72. Moneys appropriated in section 1 of the chapter of the laws
of
2 2002 which enacts the health, mental hygiene and environmental
conserva-
3 tion budget to the office of alcoholism and substance abuse
services
4 under the community treatment services program from the special
revenue
5 funds - other/aid to localities, miscellaneous special revenue fund
-
6 339, chemical dependence fee transition account for the provision
of
7 payments to providers under a plan for transition from medically
super-
8 vised ambulatory substance abuse clinic rates to consolidated
chemical
9 dependence outpatient fees, pursuant to a plan submitted by the
commis-
10 sioner of the office of alcoholism and substance abuse services
and
11 approved by the director of the budget.

12 S 73. Moneys appropriated in section 1 of the chapter of the laws
of
13 2002 which enacts the health, mental hygiene and environmental
conserva-
14 tion budget to the office of alcoholism and substance abuse
services
15 under the institutional services from the general fund/state
operations,
16 state purposes account-003 for the amount thereby appropriated shall
be

17 available for the designated purpose, less the amount, as certified
by
18 the director of the budget, of any transfers from the general fund
to
19 the tobacco control and insurance initiatives pool established
pursuant
20 to section 2807-v of the public health law, to reflect the state
savings
21 attributable to such program resulting from an increase in the
federal
22 medical assistance percentage available to the state pursuant to
the
23 applicable provisions of the federal social security act.
24 S 74. Moneys appropriated in section 1 of the chapter of the laws
of
25 2002 which enacts the health, mental hygiene and environmental
conserva-
26 tion budget to the office of alcoholism and substance abuse
services
27 under the prevention and program support program from the general fund
/
28 aid to localities, local assistance account - 001 for payment, net
of
29 disallowances, of state financial assistance shall be expended
in
30 accordance with the mental hygiene law related to school and
community-
31 based prevention and education programs, and program support.
32 Notwithstanding any other provisions of law, no payment shall be
made
33 from such appropriation until the recipient agency has demonstrated
it
34 has applied for and received, or received formal notification of
refusal
35 of, all forms of third-party reimbursement, including federal aid
and
36 patient fees. The moneys thereby appropriated are available to
reimburse
37 or advance to localities and voluntary nonprofit agencies for
expendi-
38 tures heretofore accrued or hereafter to accrue during local
fiscal
39 periods commencing January 1, 2002 or July 1, 2002 and for advances
for
40 the 3 month period beginning January 1, 2003; provided that funding
for
41 the purpose of administration and monitoring of these programs shall
not
42 exceed 5 percent of the approved program level, unless waived by
the
43 commissioner of the office of alcoholism and substance abuse
services
44 and approved by the director of the budget. No expenditure shall be
made
45 for such program until a certificate of allocation has been approved
by

46 the director of the budget and copies thereof filed with the state
comp-
47 troller and chairs of the senate finance committee and the assembly
ways
48 and means committee.
49 S 75. Within amounts appropriated hereby, for the provision of a
three
50 percent cost of living adjustment, effective December 1, 2002, on
state
51 aid, including amounts paid from the Federal Substance Abuse
Prevention
52 and Treatment Block Grant and the Federal Safe and Drug-free School
and
53 Communities Act award, to school-and community-based prevention
service
54 providers pursuant to articles 25, 26 and 41 of the mental hygiene
law,
55 and to program support costs. Each provider receiving such funding
shall
56 submit a written certification, in such form and at such time as
the

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1 commissioner of the office of alcoholism and substance abuse
services
2 shall prescribe, attesting how such funding will be or was used
to
3 promote the recruitment and retention of staff during the 2002-03
state
4 fiscal year.
5 S 76. Moneys appropriated in section 1 of the chapter of the laws
of
6 2002 which enacts the health, mental hygiene and environmental
conserva-
7 tion budget to the office of alcoholism and substance abuse
services
8 under the prevention and program support program from the special
reven-
9 ue funds - federal/aid to localities, federal health and human
services
10 fund - 265 for:
11 (a) services and expenses related to the state incentive program
for
12 New York state grant.
13 Notwithstanding any inconsistent provision of law, a portion of
the
14 funds thereby appropriated may, subject to approval of the director
of
15 the budget, be transferred to state operations in the office of
alcohol-
16 ism and substance abuse services consistent with the terms of the
feder-
17 al award for administrative and support services, including fringe
bene-
18 fits, associated with this grant.

19 (b) services and expenses associated with federal grant awards yet
to
20 be allocated by the U.S. department of education and/or the
federal
21 department of health and human services. Notwithstanding any
inconsist-
22 ent provision of law, the director of the budget is hereby authorized
to
23 transfer such appropriation authority contained therein to any
other
24 federal fund or program within the office of alcoholism and
substance
25 abuse services for aid to localities, administrative and
support
26 services, including fringe benefits, associated with the awarded
grant.
27 S 77. Moneys appropriated in section 1 of the chapter of the laws
of
28 2002 which enacts the health, mental hygiene and environmental
conserva-
29 tion budget to the office of alcoholism and substance abuse
services
30 under the prevention and program support program from the special
reven-
31 ue funds - federal / aid to localities, federal block grant fund -
269
32 for services and expenses related to prevention, intervention and
treat-
33 ment programs provided by the substance abuse prevention and
treatment
34 (SAPT) block grant. Notwithstanding any inconsistent provision of
law,
35 such moneys thereby appropriated, may, subject to the approval of
the
36 director of the budget, be transferred to the community
treatment
37 services program of the office of alcoholism and substance
abuse
38 services.
39 S 78. Moneys appropriated in section 1 of the chapter of the laws
of
40 2002 which enacts the health, mental hygiene and environmental
conserva-
41 tion budget to the office of alcoholism and substance abuse
services
42 under the prevention and program support program from the special
reven-
43 ue funds - other / aid to localities, substance abuse service fund -
346
44 for services and expenses of community alcoholism and substance
abuse
45 services programs including services and expenses related to
staff
46 training and workforce development activities for prevention,
inter-
47 vention and treatment programs. Notwithstanding any other provision
of

48 law, up to \$1,000,000 of such appropriation may be made available
upon
49 the approval of the director of the budget for services and
expenses
50 related to continuing evaluation activities of the alcoholism
and

51 substance abuse service delivery systems.

52 S 79. Moneys appropriated in section 1 of the chapter of the laws
of
53 2002 which enacts the health, mental hygiene and environmental
conserva-

54 tion budget to the office of alcoholism and substance abuse
services

55 under the community alcoholism and substance abuse facilities (CCP)
from

56 the capital projects fund, minor rehabilitation purpose for minor
alter-

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1 ations and improvements to various facilities, including the payment
of
2 liabilities incurred prior to April 1, 2002, provided, however, that
no

3 expenditures may be made from such appropriation until a
comprehensive

4 plan of projects has been approved by the director of the
budget

5 (53030289).

6 S 80. Moneys appropriated in section 1 of the chapter of the laws
of

7 2002 which enacts the health, mental hygiene and environmental
conserva-

8 tion budget to the office of alcoholism and substance abuse
services

9 under the community alcoholism and substance abuse facilities (CCP)
from

10 the mental hygiene capital improvement fund-389, preservation of
facili-

11 ties purpose for alterations and improvements for preservation of
vari-

12 ous facilities including rehabilitation projects and the acquisition
of

13 property, provided, however, that no expenditures may be made from
such

14 appropriation until a comprehensive plan of projects has been
approved

15 by the director of the budget (53030203).

16 S 81. Moneys appropriated in section 1 of the chapter of the laws
of

17 2002 which enacts the health, mental hygiene and environmental
conserva-

18 tion budget to the office of alcoholism and substance abuse
services

19 under the mental hygiene capital improvement fund-389, from the
new

20 facilities purpose for the acquisition of property, design,
construction
21 and extensive rehabilitation of facilities for the purpose of
delivering
22 chemical dependence services, pursuant to the mental hygiene law.
No
23 expenditure shall be made from such appropriation until a spending
plan
24 for proposed projects has been submitted by the commissioner of
the
25 office of alcoholism and substance abuse services and approved by
the
26 director of the budget (53AA0207).
27 S 82. Moneys appropriated in section 1 of the chapter of the laws
of
28 2002 which enacts the health, mental hygiene and environmental
conserva-
29 tion budget to the office of alcoholism and substance abuse
services
30 under the institutional services program (CCP) from the capital
projects
31 fund, minor rehabilitation purpose for minor alterations and
improve-
32 ments to various facilities, including the payment of
liabilities
33 incurred prior to April 1, 2002, provided, however, that no such
expend-
34 itures may be made from this appropriation until a comprehensive plan
of
35 projects has been approved by the director of the budget (53HD0289).
36 S 83. Moneys appropriated in section 1 of the chapter of the laws
of
37 2002 which enacts the health, mental hygiene and environmental
conserva-
38 tion budget to the office of alcoholism and substance abuse
services
39 under the institutional services program (CCP) from the mental
hygiene
40 capital improvement fund - 389, preservation of facilities purpose
for
41 alterations and improvements for preservation of various
facilities
42 including rehabilitation projects, provided, however, that no
such
43 expenditures may be made from such appropriation until a
comprehensive
44 plan of projects has been approved by the director of the budget.
Such
45 appropriation may be used for the cost of potential claims
against
46 contracts awarded by the dormitory authority of the state of New York
or
47 the facilities development corporation. Upon request of the
commission-
48 er of the office of alcoholism and substance abuse services and
approval

49 by the director of the budget, such appropriation may be transferred
to
50 the dormitory authority of the state of New York (53PR0203).

51 S 84. Moneys appropriated in section 1 of the chapter of the laws
of

52 2002 which enacts the health, mental hygiene and environmental
conserva-

53 tion budget to the office of alcoholism and substance abuse
services

54 under the non-bondable projects-(CCP), from the capital projects
fund,

55 non-bondable purpose for transfer to the Mental Hygiene Capital
Improve-

56 ment Fund for reimbursement of the non-bondable cost of community
facil-

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1 ities authorized by such appropriations or reappropriations funded
from

2 the Mental Hygiene Capital Improvement Fund including
liabilities

3 incurred prior to April 1, 2002 or for payment to the dormitory
authori-

4 ty of the state of New York for defeasance of bonds. Upon request of
the

5 commissioner of the office of alcoholism and substance abuse
services

6 and approval by the director of the budget, such appropriation may
be

7 transferred to the dormitory authority of the state of New
York

8 (530302NB).

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1 OFFICE OF MENTAL HEALTH
2 S 85. In the event that \$1,915,000 in personal service funds
expected

3 to be paid from miscellaneous special revenue fund - 339, office
of

4 mental health research recovery account are not realized, moneys
appro-

5 priated in section 1 of the chapter of the laws of 2002 which enacts
the

6 health, mental hygiene and environmental conservation budget to
the

7 office of mental health under the administration and finance
program

8 from the general fund / state operations, state purposes account -
003

9 shall be used for the purpose of personal services pursuant to a
plan

10 which shall be submitted by the office of mental health and which
shall

11 be approved by the director of the budget.
12 S 86. Notwithstanding any inconsistent provision of law, moneys
appro-
13 priated in section 1 of the chapter of the laws of 2002 which enacts
the
14 health, mental hygiene and environmental conservation budget to
the
15 office of mental health under the adult services program from the
gener-
16 al fund/state operations, state purposes account-003, for the
amount
17 thereby appropriated shall be available for such appropriation's
desig-
18 nated purpose, less the amount, which shall be certified by the
director
19 of the budget, of any transfers from the general fund to the
tobacco
20 control and insurance initiatives pool established pursuant to
section
21 2807-v of the public health law, to reflect the state savings
attribut-
22 able to such program resulting from an increase in the federal
medical
23 assistance percentage available to the state pursuant to the
applicable
24 provisions of the federal social security act.
25 S 87. Notwithstanding any inconsistent provision of law, moneys
appro-
26 priated in section 1 of the chapter of the laws of 2002 which enacts
the
27 health, mental hygiene and environmental conservation budget to
the
28 office of mental health under the adult services program from the
gener-
29 al fund/aid to localities, local assistance account-001 for services
and
30 expenses of various adult community mental health services,
including
31 transfer to the department of health to reimburse the department for
the
32 state share of medical assistance for various community mental
health
33 services shall be available for the designated purpose, less the
amount,
34 as shall be certified by the director of the budget, of any
transfers
35 from the general fund to the tobacco control and insurance
initiatives
36 pool established pursuant to section 2807-v of the public health law,
to
37 reflect the state savings attributable to such program resulting from
an
38 increase in the federal medical assistance percentage available to
the
39 state pursuant to the applicable provisions of the federal social
secu-

40 rity act; for that portion of the transfer to the department of
health
41 related to paying voluntary nonprofit general hospitals pursuant
to
42 chapter 119 of the laws of 1997, payments made during the state
fiscal
43 year ending March 31, 2003 shall be based initially on reported
1995
44 data as shall be further reconciled to actual reported 2002
data;
45 payment of state financial assistance, net of disallowances, for
commu-
46 nity mental health programs pursuant to article 41 and other
provisions
47 of the mental hygiene law. The moneys so appropriated for allocation
to
48 local governments and voluntary agencies for services are available
to
49 reimburse or advance funds to local governments and voluntary
agencies
50 for expenditures made or to be made during local program years
commenc-
51 ing January 1, 2002 or July 1, 2002 and for advances for the
period
52 beginning January 1, 2003 for local governments and voluntary
agencies
53 with program years beginning January 1;
54 Notwithstanding the provisions of section 31.03 of the mental
hygiene
55 law and any other inconsistent provision of law, moneys appropriated
for
56 family care shall be available for, but not limited to, the purchase
of

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1 substitute caretakers up to a maximum of 14 days and payments limited
to
2 \$612 per year based upon financial need for the personal needs of
each
3 client residing in the family care home.
4 Notwithstanding any other provision of law, and except for
transfers
5 to the department of health to reimburse the department for the
state
6 share of medical assistance payments and as modified in this
section,
7 funds so appropriated shall be available for obligations for the
period
8 commencing July 1, 2002 and ending June 30, 2003 and shall be
available
9 for expenditure from July 1, 2002 through September 15, 2003.
10 An amount from funds so appropriated when combined with the
appropri-
11 ation for the special revenue - other medication reimbursement
account

12 shall provide up to \$15,000,000 for grants to the counties and city
of
13 New York to provide medication, and other services necessary
to
14 prescribe and administer medication pursuant to a plan which shall
be
15 approved by the commissioner of mental health, as authorized under
chap-
16 ter 408 of the laws of 1999.

17 No expenditures shall be made for such program prior to the
approval
18 of a methodology for allocation in accordance with a plan which shall
be
19 approved by the commissioner of mental health and the director of
the
20 budget with copies to be filed with the chairpersons of the
senate
21 finance committee and assembly ways and means committee. Furthermore,
no
22 such expenditure shall be made until a certificate of allocation
has
23 been approved by the director of the budget with copies to be filed
with
24 the chairpersons of the senate finance committee and the assembly
ways
25 and means committee. The state comptroller is hereby authorized
to
26 receive funds from the office of mental health and is authorized
to
27 refund such moneys to the credit of the local assistance account of
the
28 general fund for the purpose of reimbursing the 2002-03 appropriation.

29 The amounts appropriated pursuant to such appropriation may be
trans-
30 ferred to other state agencies, authorities, or accounts for
expendi-
31 tures incurred in the operation of programs funded by such
appropri-
32 ation.

33 S 88. Within amounts appropriated hereby, for the provision of a
three
34 percent cost of living adjustment, effective December 1, 2002, to
commu-
35 nity residences, residential care centers for adults and licensed
single
36 room occupancy programs excluding property payments pursuant to
section
37 41.38 of the mental hygiene law, and the provision of a three
percent
38 cost of living adjustment, effective December 1, 2002, on state
aid,
39 including amounts paid from the Federal community Mental Health
Services
40 Block Grant, the federal programs to assist and transition form
home-
41 lessness (PATH) grants, and the enhanced community services
program,

42 and/or reimbursement to other residential and non-residential
community
43 mental health providers pursuant to article forty-one or article
forty-
44 three of the mental hygiene law, and for operators of family care
homes
45 licensed pursuant to section 31.03 of the mental hygiene law
and
46 programs that qualify for federal disproportionate share payments
pursu-
47 ant to chapter 119 of the laws of 1997, as amended by chapter 57 of
the
48 laws of 2000; provided, however, such cost of living adjustment
shall
49 not apply to the fees or rates for basic reimbursement paid under
the
50 medical assistance program to private psychiatric hospitals and
outpa-
51 tient programs licensed under article 31 of the mental hygiene
law.
52 Each provider receiving such funding shall submit a written
certif-
53 ication, in such form and at such time as the commissioner of the
office
54 of mental health shall prescribe, attesting how such funding will be
or
55 was used to promote the recruitment and retention of staff during
the
56 2002-03 state fiscal year.

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1 S 89. Within amounts appropriated hereby, for the provisions of a
ten
2 percent increase, effective December 1, 2002, to the fees for
basic
3 reimbursement paid under the medical assistance program to
outpatient
4 programs licensed under article 31 of the mental hygiene law
serving
5 adults and children; provided, however, such fee increase shall
not
6 pertain to supplemental reimbursement made under the medical
assistance
7 program to comprehensive outpatient programs; to supplemental
reimburse-
8 ment made under the medical assistance program to programs not
eligible
9 to be comprehensive outpatient programs; or to supplemental
reimburse-
10 ment made under the medical assistance program for community
support
11 program services. Provided, further, such fee increase shall not
apply
12 to clinic treatment, day treatment, or continuing day treatment
programs

13 dually licensed by the department of health and office of mental
health,
14 and such fees for basic reimbursement paid under the medical
assistance
15 program to outpatient programs licensed under article 31 of the
mental
16 hygiene law shall not be included in the cost-of-living adjustment to
be
17 received by any such outpatient mental health program.

18 S 90. Notwithstanding any inconsistent provision of law, a portion
of
19 moneys appropriated in section 1 of the chapter of the laws of
2002
20 which enacts the health, mental hygiene and environmental
conservation

21 budget to the office of mental health under the adult services
program

22 from the special revenue funds - federal/aid to localities,
federal

23 health and human services fund-265 for programs to assist and
transition

24 from homelessness (PATH) grants consistent with the terms and
conditions

25 of the PATH grant, may be transferred to other programs within
the

26 office of mental health for aid to localities, administrative
and

27 support services, including fringe benefits, associated with the
grant.

28 S 91. Notwithstanding any inconsistent provision of law, moneys
appro-

29 priated in section 1 of the chapter of the laws of 2002 which enacts
the

30 health, mental hygiene and environmental conservation budget to
the

31 office of mental health under the adult services program from
the

32 special revenue funds - federal/aid to localities, federal block
grant

33 fund - 269 for:

34 (a) services and expenses related to adult mental health
services

35 funded by the community mental health services block grant,
consistent

36 with the terms and conditions of the block grant, a portion may
be

37 transferred to other programs within the office of mental health for
aid

38 to localities, administrative and support services, including
fringe

39 benefits, associated with the federal block grant; and

40 (b) services and expenses associated with federal grant awards yet
to

41 be allocated by the federal department of health and human services,
the

42 director of the budget is hereby authorized to transfer
appropriation

43 authority contained in this section to any other federal fund or
program
44 within the office of mental health services for aid to
localities,
45 administrative and support services, including fringe benefits,
associ-
46 ated with the awarded grant.
47 S 92. The amount of moneys appropriated in section 1 of the chapter
of
48 the laws of 2002 which enacts the health, mental hygiene and
environ-
49 mental conservation budget to the office of mental health under
the
50 adult services program from the special revenue funds - federal/aid
to
51 localities, federal operating grants fund - 290 for services
and
52 expenses related to homeless and shelter plus care grants may be
made
53 available to other state agencies for services and expenses related
to
54 federal homeless and shelter plus care grants subject to a plan
which
55 shall be approved by the director of the budget.

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1 S 93. Notwithstanding any other provision of law to the
contrary,
2 moneys appropriated in section 1 of the chapter of the laws of
2002
3 which enacts the health, mental hygiene and environmental
conservation
4 budget to the office of mental health under the adult services
program
5 from the special revenue funds - other/aid to localities,
miscellaneous
6 special revenue fund - 339, medication reimbursement account
for
7 services and expenses related to adult mental health services,
including
8 assisted outpatient treatment pursuant to article 9 and other
provisions
9 of the mental hygiene law may be made available upon the approval of
the
10 director of the budget.

11 S 94. Notwithstanding any inconsistent provision of law, the amount
of
12 moneys appropriated in section 1 of the chapter of the laws of
2002
13 which enacts the health, mental hygiene and environmental
conservation
14 budget to the office of mental health under the children and
youth
15 services program from the general fund / aid to localities,
local

16 assistance account - 001 for services and expenses of various
children
17 and families community mental health services, including transfer to
the
18 department of health to reimburse such department for the state share
of
19 medical assistance for various community mental health services shall
be
20 available for the designated purpose, less the amount, as shall
be
21 certified by the director of the budget, of any transfers from
the
22 general fund to the tobacco control and insurance initiatives
pool
23 established pursuant to section 2807-v of the public health law,
to
24 reflect the state savings attributable to such program resulting from
an
25 increase in the federal medical assistance percentage available to
the
26 state pursuant to the applicable provisions of the federal social
secu-
27 rity act. The portion of such transfer to the department of
health
28 related to paying voluntary non-profit general hospitals pursuant
to
29 chapter 119 of the laws of 1997, payments made during the state
fiscal
30 year ending March 31, 2003 shall be based initially on reported
1995
31 data as shall be further reconciled to actual reported 2002 data.
Such
32 appropriation of funds anticipates the transfer of funds from the
state
33 education department to the office of mental health of tuition
funds
34 advanced in previous years and reimbursed by the child's school
district
35 of origin to the state of New York pursuant to chapter 810 of the
laws
36 of 1986 and applicable provision of the education law.
37 For payment of state financial assistance, net of disallowances,
for
38 community mental health programs pursuant to article 41 and
other
39 provisions of the mental hygiene law moneys so appropriated for
allo-
40 cation to local governments and voluntary agencies for services
are
41 available to reimburse or advance funds to local governments and
volun-
42 tary agencies for expenditures made or to be made during local
program
43 years commencing January 1, 2002 or July 1, 2002 and for advances
for
44 the period beginning January 1, 2003 for local governments and
voluntary

45 agencies with program years beginning January 1.
46 Except for transfers to the department of health to reimburse
the
47 department for the state share of medical assistance payments and
as
48 modified in this section, moneys so appropriated shall be available
for
49 obligations for the period commencing July 1, 2002 and ending June
30,
50 2003 and shall be available for expenditure from July 1, 2002
through
51 September 15, 2003.

52 No expenditures shall be made for such program prior to the
approval
53 of a methodology for allocation in accordance with a plan which shall
be
54 approved by the commissioner of mental health and the director of
the
55 budget with copies to be filed with the chairpersons of the
senate
56 finance committee and assembly ways and means committee. Furthermore,
no

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1 such expenditure shall be made until a certificate of allocation
has
2 been approved by the director of the budget with copies to be filed
with
3 the chairpersons of the senate finance committee and the assembly
ways
4 and means committee. The state comptroller is hereby authorized
to
5 receive funds from the office of mental health and is authorized
to
6 refund such moneys to the credit of the local assistance account of
the
7 general fund for the purpose of reimbursing the 2002-03 appropriation.

8 The amounts appropriated pursuant to such appropriation may be
trans-
9 ferred to other state agencies, authorities, or accounts for
expendi-
10 tures incurred in the operation of programs funded by such
appropri-
11 ation.

12 S 95. Within amounts appropriated hereby, for the provision of a
3
13 percent cost of living adjustment, effective December 1, 2002, to
commu-
14 nity residences and family based treatment programs excluding
property
15 payments pursuant to section 41.38 of the mental hygiene law, and
the
16 provision of a 3 percent cost of living adjustment, effective
December

17 1, 2002, on state aid, including amounts paid from the Federal
Community
18 Mental Health Services Block Grant and the enhanced community
services
19 program, and/or reimbursement to other residential and non-
residential
20 community mental health providers pursuant to article 41 or article
43
21 of the mental hygiene law excluding residential treatment
facilities;
22 provided, however, such cost of living adjustment shall not apply to
the
23 fees or rates for basic reimbursement paid under the medical
assistance
24 program to private psychiatric hospitals and outpatient
programs
25 licensed under article 31 of the mental hygiene law. Each
provider
26 receiving such funding shall submit a written certification, in
such
27 form and at such time as the commissioner of the office of mental
health
28 shall prescribe, attesting how such funding will be or was used
to
29 promote the recruitment and retention of staff during the 2002-03
state
30 fiscal year.
31 S 96. For services and expenses associated with enhanced
Medicaid
32 payments to article 31 of the mental hygiene law certified
children's
33 day treatment programs excluding hospital based programs dually
licensed
34 by the office of mental health and the department of health.
35 S 97. Notwithstanding any inconsistent provision of law, a portion
of
36 moneys appropriated in section 1 of the chapter of the laws of
2002
37 which enacts the health, mental hygiene and environmental
conservation
38 budget to the office of mental health under the children and
youth
39 services program from the special revenue funds - federal/aid to locali-
40 ties, federal block grant fund - 269 for services and expenses
related
41 to children's mental health services funded by the community
mental
42 health services block grant, consistent with the terms and conditions
of
43 the block grant, may be transferred to other programs within the
office
44 of mental health for aid to localities, administrative and
support
45 services, including fringe benefits, associated with the federal
block
46 grant.

47 S 98. Notwithstanding any inconsistent provision of law, the amount
of
48 moneys appropriated in section 1 of the chapter of the laws of
2002
49 which enacts the health, mental hygiene and environmental
conservation
50 budget to the office of mental health under the reinvestment
program
51 from the general fund/aid to localities, local assistance account-
001
52 for services and expenses of community mental health
reinvestment
53 services and mental health services to persons who are homeless
mentally
54 ill or mentally ill chemical abusers pursuant to chapter 723 of the
laws
55 of 1993, including transfer to the department of health to
reimburse
56 such department for the state share of medical assistance for
various

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1 community mental health services shall be available for the
designated
2 purpose, less the amount, as shall be certified by the director of
the
3 budget, of any transfers from the general fund to the tobacco
control
4 and insurance initiatives pool established pursuant to section 2807-v
of
5 the public health law, to reflect the state savings attributable to
such
6 program resulting from an increase in the federal medical
assistance
7 percentage available to the state pursuant to the applicable
provisions
8 of the federal social security act.
9 Notwithstanding chapter 723 of the laws of 1993 or any other
provision
10 of law to the contrary, such appropriation shall represent the full
and
11 complete financial obligation of the state and the office of
mental
12 health for community mental health reinvestment services in fiscal
year
13 2002-03.
14 For payment of state financial assistance, net of disallowances,
for
15 community mental health programs pursuant to article 41 and
other
16 provisions of the mental hygiene law, moneys so appropriated for allo-
allo-
17 cation to local governments and voluntary agencies for services
are

18 available to reimburse or advance funds to local governments and
volun-
19 tary agencies for expenditures made or to be made during local
program
20 years commencing January 1, 2002 or July 1, 2002 and for advances
for
21 the period beginning January 1, 2003 for local governments and
voluntary
22 agencies with program years beginning January 1.
23 Notwithstanding any other provision of law, and except for
transfers
24 to the department of health to reimburse the department for the
state
25 share of medical assistance payments and as modified in this
section,
26 such appropriation shall be available for obligations for the
period
27 commencing July 1, 2002 and ending June 30, 2003 and shall be
available
28 for expenditure from July 1, 2002 through September 15, 2003.
29 No expenditures shall be made for such program prior to the
approval
30 of a methodology for allocation in accordance with a plan which shall
be
31 approved by the commissioner of mental health and the director of
the
32 budget with copies to be filed with the chairpersons of the
senate
33 finance committee and assembly ways and means committee. Furthermore,
no
34 such expenditure shall be made until a certificate of allocation
has
35 been approved by the director of the budget with copies to be filed
with
36 the chairpersons of the senate finance committee and the assembly
ways
37 and means committee. The state comptroller is hereby authorized
to
38 receive funds from the office of mental health and is authorized
to
39 refund such moneys to the credit of the local assistance account of
the
40 general fund for the purpose of reimbursing the 2002-03 appropriation.
41 The amounts appropriated pursuant to such appropriation may be
trans-
42 ferred to other state agencies, authorities, or accounts for
expendi-
43 tures incurred in the operation of programs funded by such
appropri-
44 ation.
45 S 99. Within amounts appropriated hereby, for the provision of a
3
46 percent cost of living adjustment, effective December 1, 2002, on
state
47 aid and/or reimbursement to residential and non-residential
community

48 mental health providers pursuant to article 41 or article 43 of
the
49 mental hygiene law; provided, however, such cost of living
adjustment
50 shall not apply to the fees or rates for basic reimbursement paid
under
51 the medical assistance program to private psychiatric hospitals
and
52 outpatient programs licensed under article 31 of the mental hygiene
law.
53 Each provider receiving such funding shall submit a written
certif-
54 ication, in such form and at such time as the commissioner of the
office
55 of mental health shall prescribe, attesting how such funding will be
or

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1 was used to promote the recruitment and retention of staff during
the
2 2002-03 state fiscal year.
3 S 100. Moneys appropriated in section 1 of the chapter of the laws
of
4 2002 which enacts the health, mental hygiene and environmental
conserva-
5 tion budget to the office of mental health under the enhanced
community
6 services program from the special revenue funds - other/aid to
locali-
7 ties, HCRA transfer fund - 061, enhanced community services account
for
8 services and expenses of various adult and children's community
mental
9 health services, including transfer to the department of health to
reim-
10 burse the department for the state share of medical assistance for
vari-
11 ous community mental health services and for payment of state
financial
12 assistance, net of disallowances, for community mental health
programs
13 pursuant to article 41 and other provisions of the mental hygiene
law
14 appropriated for allocation to local governments and voluntary
agencies
15 for services are available to reimburse or advance funds to
local
16 governments and voluntary agencies for expenditures made or to be
made
17 during local program years commencing January 1, 2002 or July 1,
2002
18 and for advances for the period beginning January 1, 2003 for
local
19 governments and voluntary agencies with program years beginning
January

20 1.
21 Notwithstanding any other provision of law, and except for
transfers
22 to the department of health to reimburse such department for the
state
23 share of medical assistance payments and as modified in this
section,
24 such appropriation shall be available for obligations for the
period
25 commencing July 1, 2002 and ending June 30, 2003 and shall be
available
26 for expenditure from July 1, 2002 through September 15, 2003.
27 No expenditures shall be made for such program prior to the
approval
28 of a methodology for allocation in accordance with a plan which shall
be
29 approved by the commissioner of mental health and the director of
the
30 budget with copies to be filed with the chairpersons of the
senate
31 finance committee and assembly ways and means committee. Furthermore,
no
32 such expenditure shall be made until a certificate of allocation
has
33 been approved by the director of the budget with copies to be filed
with
34 the chairpersons of the senate finance committee and the assembly
ways
35 and means committee. The state comptroller is hereby authorized
to
36 receive funds from the office of mental health and is authorized
to
37 refund such moneys to the credit of the enhanced community
services
38 account of the special revenue - other HCRA transfer fund for
the
39 purpose of reimbursing the 2002-03 appropriation.
40 The amounts appropriated pursuant to such appropriation may be
trans-
41 ferred to other state agencies, authorities, or accounts for
expendi-
42 tures incurred in the operation of programs funded by such
appropri-
43 ation.
44 S 101. The director of the budget is hereby authorized to
apportion
45 funds to the enhanced community services program of the office of
mental
46 health as appropriated in section 1 of the chapter of the laws of
2002
47 which enacts the health, mental hygiene and environmental
conservation
48 budget to the office of mental health under maintenance
undistributed
49 from the special revenue funds - other / state operations, HCRA
transfer

50 fund - 061, enhanced community services account as an offset to
the
51 general fund - state purposes account within the enhanced
community
52 services program of the office of mental health for services
and
53 expenses related to mental health initiatives including, but not
limited
54 to, adult transitional residences located on the grounds of
state
55 psychiatric centers, children's mobile mental health teams at office
of

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1 children and family services facilities, and monitoring and oversight
of
2 community mental health programs.

3 S 102. The director of the budget is hereby authorized to
apportion

4 funds to the various programs of the office of mental health as
appro-

5 priated in section 1 of the chapter of the laws of 2002 which enacts
the

6 health, mental hygiene and environmental conservation budget to
the

7 office of mental health under maintenance undistributed from the
special

8 revenue funds - other / state operations, miscellaneous special
revenue

9 fund - 339, mental hygiene patient income account as an offset to
the

10 general fund - state purposes account within various office of
mental

11 health programs.

12 S 103. The funding of moneys appropriated in section 1 of the
chapter

13 of the laws of 2002 which enacts the health, mental hygiene and
environ-

14 mental conservation budget to the office of mental health under
the

15 research in mental illness program from the special revenue funds
-

16 other / state operations, miscellaneous special revenue funds - 339,
OMH

17 - research recovery account for services and expenses to support
central

18 administration, research associates, equipment provided through
external

19 grants, travel, conference expenses, including the annual
research

20 conference, contractual services, grant writers to increase income
from

21 non-state sources, 27 research scientists at the Nathan S. Kline and
New

22 York psychiatric institutes formerly supported by the general fund,
and
23 other research initiatives shall be provided through research
foundation
24 for mental hygiene, inc. resources, including, but not limited to,
indi-
25 rect costs recoveries, direct grant reimbursement, interest earnings
and
26 operating balances.
27 S 104. Notwithstanding any inconsistent provision of law, within
the
28 amounts of moneys appropriated in section 1 of the chapter of the
laws
29 of 2002 which enacts the health, mental hygiene and
environmental
30 conservation budget to the office of mental health under the
community
31 mental health facilities (CCP) from the capital projects fund,
minor
32 rehabilitation purpose for state aid to municipalities and other
public
33 and not-for-profit agencies for acquisition, rehabilitation,
and/or
34 improvements to existing community mental health facilities as
required
35 to address code violations, health and safety issues, and/or
structural/
36 mechanical deficiencies, the commissioner of the office of mental
health
37 may provide state aid grants of up to 100 per centum of reasonable
capi-
38 tal costs associated with the acquisition, rehabilitation,
and/or
39 improvements (50100289).
40 S 105. Moneys appropriated in section 1 of the chapter of the laws
of
41 2002 which enacts the health, mental hygiene and environmental
conserva-
42 tion budget to the office of mental health under the community
mental
43 health facilities (CCP) from the mental hygiene capital
improvement
44 fund-389:
45 (a) administration purpose for payment of personal service and
nonper-
46 sonal service, including fringe benefits related to the
administration
47 of the community capital program provided by the office of mental
health
48 for new and reappropriated community capital projects and upon
request
49 of the commissioner of mental health and approval by the director of
the
50 budget, such appropriation may be transferred to the dormitory
authority
51 of the state of New York (50120250); and

52 (b) preservation of facilities purpose for the acquisition of
proper-
53 ty, construction and rehabilitation of new facilities and/or
relocation
54 of existing community mental health facilities under the auspice
of
55 municipalities and other public and not-for-profit agencies, as shall
be

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1 approved by the commissioner of the office of mental health, pursuant
to
2 article 41 of the mental hygiene law (50230203).

3 S 106. Upon approval of the director of the budget funds
appropriated

4 in section 1 of the chapter of the laws of 2002 which enacts the
health,

5 mental hygiene and environmental conservation budget to the office
of

6 mental health under the design and construction supervision (CCP)
from

7 the capital projects fund, preparation of plans purpose for payment
to

8 the design and construction management account of the
centralized

9 services fund of the New York state office of general services or to
the

10 dormitory authority of the state of New York for the purpose of
prepara-

11 tion and review of plans, specifications, estimates,
services,

12 construction management and supervision, inspection,
studies,

13 appraisals, surveys, testing and environmental impact statements for
new

14 and existing projects may be transferred to the office of mental
retar-

15 dation and developmental disabilities and the office of alcoholism
and

16 substance abuse services for payment to the dormitory authority of
the

17 state of New York for preparation of plans purpose (50DC0230).

18 S 107. Upon request of the commissioner of mental health and
approval

19 of the director of the budget funds appropriated in section 1 of
the

20 chapter of the laws of 2002 which enacts the health, mental hygiene
and

21 environmental conservation budget to the office of mental health
under

22 the design and construction supervision (CCP) from the mental
hygiene

23 capital improvement fund-389, preparation of plans purpose for
payment

24 to the design and construction management account of the
centralized
25 services fund of the New York state office of general services or to
the
26 dormitory authority of the state of New York for the purpose of
prepara-
27 tion and review of plans, specifications, estimates,
services,
28 construction management and supervision, inspection,
studies,
29 appraisals, surveys, testing and environmental impact statements for
new
30 and existing projects such appropriation may be transferred to
the
31 dormitory authority of the state of New York. Upon approval of
the
32 director of the budget, funds from such appropriation may be
transferred
33 to the office of mental retardation and developmental disabilities
and
34 the office of alcoholism and substance abuse services for payment to
the
35 dormitory authority of the state of New York for preparation of
plans
36 purpose (50310230).
37 S 108. Upon request of the commissioner of mental health and
approval
38 of the director of the budget moneys appropriated in section 1 of
the
39 chapter of the laws of 2002 which enacts the health, mental hygiene
and
40 environmental conservation budget to the office of mental health
under
41 the executive direction from the mental hygiene capital
improvement
42 fund-389, administration purpose for payment of personal service
and
43 nonpersonal service, including fringe benefits, related to the
adminis-
44 tration of the capital programs provided by the office of mental
health
45 for new and reappropriated state operated institutional capital
projects
46 may be transferred to the dormitory authority of the state of New
York
47 (50990250).
48 S 109. Moneys appropriated in section 1 of the chapter of the laws
of
49 2002 which enacts the health, mental hygiene and environmental
conserva-
50 tion budget to the office of mental health under the maintenance
and
51 improvement of existing facilities (CCP) from the capital projects
fund,
52 preservation of facilities purpose for payment of the cost
of

53 construction, reconstruction and improvements, including the
preparation
54 of designs, plans, specifications and estimates to existing
facilities
55 and programs, provided, however, that no expenditures may be made
from

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1 such appropriation until a comprehensive plan of projects has
been
2 approved by the director of the budget (50PF0203).

3 S 110. Upon request of the commissioner of mental health and
approval

4 of the director of the budget, moneys appropriated in section 1 of
the

5 chapter of the laws of 2002 which enacts the health, mental hygiene
and

6 environmental conservation budget to the office of mental health
under

7 maintenance and improvement of existing facilities (CCP) from the
capi-

8 tal projects fund, energy conservation purpose for payment of the
cost

9 of construction, reconstruction and improvements, including the
prepara-

10 tion of designs, plans, specifications and estimates for energy
conser-

11 vation improvements to existing facilities and programs may be
trans-

12 ferred to the dormitory authority of the state of New York (50050205).

13 S 111. No expenditure of moneys appropriated in section 1 of the
chap-

14 ter of the laws of 2002 which enacts the health, mental hygiene
and

15 environmental conservation budget to the office of mental health
under

16 maintenance and improvement of existing facilities (CCP) from the
mental

17 health capital improvement fund-389, health and safety purpose
for

18 payment of the cost of construction, reconstruction and
improvements,

19 including the preparation of designs, plans, specifications and
esti-

20 mates, for health and safety improvements to existing facilities
and

21 programs, may be made until a comprehensive plan of projects has
been

22 approved by the director of the budget. Upon request of the
commission-

23 er of mental health and approval by the director of the budget,
such

24 appropriation may be transferred to the dormitory authority of the
state

25 of New York (50010201).

26 S 112. Upon request of the commissioner of mental health and
approval
27 of the director of the budget, moneys appropriated in section 1 of
the
28 chapter of the laws of 2002 which enacts the health, mental hygiene
and
29 environmental conservation budget to the office of mental health
under
30 maintenance and improvement of existing facilities (CCP) from the
mental
31 health capital improvement fund-389, accreditation purpose for
payment
32 of the cost of land acquisition, construction, reconstruction
and
33 improvements, including the preparation of designs, plans,
specifica-
34 tions and estimates related to accreditation improvements to
existing
35 facilities and programs may be transferred to the dormitory authority
of
36 the state of New York (50060202).

37 S 113. No expenditure of the moneys appropriated in section 1 of
the
38 chapter of the laws of 2002 which enacts the health, mental hygiene
and
39 environmental conservation budget to the office of mental health
under
40 the maintenance and improvement of existing facilities (CCP) from
the
41 mental health capital improvement fund-389, preservation of
facilities
42 purpose for payment of the cost of construction, reconstruction
and
43 improvements, including the preparation of designs, plans,
specifica-
44 tions and estimates, and minor rehabilitation and improvements for
the
45 preservation of existing facilities and programs, may be made until
a
46 comprehensive plan of projects has been approved by the director of
the
47 budget. Upon request of the commissioner of mental health and
approval
48 by the director of the budget, such appropriation may be transferred
to
49 the dormitory authority of the state of New York (50030203).

50 S 114. No expenditure of the moneys appropriated in section 1 of
the
51 chapter of the laws of 2002 which enacts the health, mental hygiene
and
52 environmental conservation budget to the office of mental health
under
53 maintenance and improvement of existing facilities (CCP) from the
mental
54 health capital improvement fund-389, program improvement or
program

55 change purpose for payment of the cost of construction,
reconstruction
56 and improvements, including the preparation of designs, plans,
specifi-

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1 cations and estimates related to improvements or changes to
existing
2 facilities and programs, may be made until a comprehensive plan
of
3 projects has been approved by the director of the budget. Upon
request
4 of the commissioner of mental health and approval by the director of
the
5 budget, such appropriation may be transferred to the dormitory
authority
6 of the state of New York (50080208).

7 S 115. Upon request of the commissioner of mental health and
approval

8 of the director of the budget, moneys appropriated in section 1 of
the

9 chapter of the laws of 2002 which enacts the health, mental hygiene
and

10 environmental conservation budget to the office of mental health
under

11 the non-bondable projects (CCP) from the capital projects fund,
non-

12 bondable purpose for transfer to the Mental Hygiene Capital
Improvement

13 Fund for reimbursement of the non-bondable cost of projects for
communi-

14 ty facilities authorized by appropriations or reappropriations
funded

15 from the Mental Hygiene Capital Improvement Fund including
liabilities

16 incurred prior to April 1, 2002 or for payment to the dormitory
authori-

17 ty of the state of New York for defeasance of bonds may be
transferred

18 to the dormitory authority of the state of New York (502902NB).

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1 OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

2 S 116. Notwithstanding any other provision of law to the
contrary,

3 moneys appropriated in section 1 of the chapter of the laws of
2002

4 which enacts the health, mental hygiene and environmental
conservation

5 budget to the office of mental retardation and developmental
disabili-

6 ties under the community services program from the general fund /
state

7 operations, state purposes account - 003 for personal service shall
be
8 available for the designated purpose, less the amount, as certified
by
9 the director of the budget, of any transfers from the general fund
to
10 the tobacco control and insurance initiatives pool established
pursuant
11 to section 2807-v of the public health law, to reflect the state
savings
12 attributable to such program resulting from an increase in the
federal
13 medical assistance percentage available to the state pursuant to
the
14 applicable provisions of the federal social security act.
15 S 117. Moneys appropriated in section 1 of the chapter of the laws
of
16 2002 which enacts the health, mental hygiene and environmental
conserva-
17 tion budget to the office of mental retardation and developmental
disa-
18 bilities under the community services program from the general fund
/
19 aid to localities, local assistance account - 001 for:
20 (a) services and expenses of the community services program, net
of
21 disallowances, for community mental retardation and developmental
disa-
22 bilities programs pursuant to article 41 of the mental hygiene
law,
23 and/or chapter 620 of the laws of 1974, chapter 660 of the laws of
1977,
24 chapter 412 of the laws of 1981, chapter 27 of the laws of 1987,
chapter
25 729 of the laws of 1989, chapter 329 of the laws of 1993 and
other
26 provisions of the mental hygiene law.
27 Notwithstanding any other provision of law, advances and
reimbursement
28 made pursuant to subdivision (d) of section 41.15 and section 41.18
of
29 the mental hygiene law shall be apportioned pursuant to a plan and in
a
30 manner prescribed by the agency head and approved by the director of
the
31 budget. No expenditure shall be made until a certificate of
allocation
32 has been approved by the director of the budget and copies thereof
filed
33 with the state comptroller, and the chairs of the senate finance
and
34 assembly ways and means committees. The moneys thereby appropriated
are
35 available to reimburse or advance localities and voluntary non-
profit
36 agencies for expenditures made during local fiscal periods
commencing

37 January 1, 2002, April 1, 2002 or July 1, 2002, and for advances for
the
38 3 month period beginning January 1, 2003.

39 Notwithstanding the provisions of article 41 of the mental hygiene
law
40 or any other inconsistent provision of law, rule or regulation,
the
41 commissioner of mental retardation and developmental disabilities,
with
42 the approval of the director of the budget, may contract with
voluntary
43 agencies that are receiving, or are eligible to receive, state
aid
44 directly or through written agreements with local governments
pursuant
45 to article 41 of the mental hygiene law. The commissioner, pursuant
to
46 such contract and in the manner provided therein, may pay all or
a
47 portion of the expenses incurred by such voluntary agencies arising
out
48 of loans which are funded from the proceeds of bonds and notes issued
by
49 the dormitory authority of the state of New York. Such expenses
may
50 include, but shall not be limited to, amounts relating to principal
and
51 interest and any other fees and charges arising from such loans.

52 Notwithstanding any inconsistent provision of law, reimbursement
from
53 such appropriation for services delivered under the medical
assistance
54 program shall be pursuant to economic and efficient rates of
payments,
55 which recognize consumer choice, established by the commissioner
of

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1 mental retardation and developmental disabilities, and approved by
the
2 director of the budget.

3 Notwithstanding any inconsistent provision of law, the director of
the
4 budget is authorized to make suballocations from such appropriation
to
5 the department of health medical assistance program.

6 Notwithstanding any inconsistent provision of law, the amount
thereby

7 appropriated shall be available for the designated purposes, less
the

8 amount, as certified by the director of the budget, of any
transfers

9 from the general fund to the tobacco control and insurance
initiatives

10 pool established pursuant to section 2807-v of the public health law,
to
11 reflect the state savings attributable to this program resulting from
an
12 increase in the federal medical assistance percentage available to
the
13 state pursuant to the applicable provisions of the federal social
secu-
14 rity act.

15 Notwithstanding any inconsistent provision of law, moneys from
such
16 appropriation may be used for state aid of up to 100 percent of the
net
17 deficit costs of day training programs.

18 Notwithstanding any inconsistent provision of law, moneys from
such
19 appropriation may be used for expenses incurred by the office of
mental
20 retardation and developmental disabilities that may arise from
the
21 assumption of operational responsibility for programs when
operating

22 certificates for such programs cease to be in effect.

23 Notwithstanding any inconsistent provision of law, and pursuant
to
24 criteria established by the commissioner of the office of mental
retar-
25 dation and developmental disabilities and approved by the director
of
26 the budget, such expenditures may be made from such appropriation
for
27 residential facilities which are pending recertification as
intermediate
28 care facilities for the developmentally disabled.

29 Notwithstanding any inconsistent provision of law, moneys from
such
30 appropriation may be used for state aid of up to 100 percent of the
net
31 operating costs related to the provision of family support
services,
32 including not less than \$225,000 for services to persons with
epilepsy.

33 Notwithstanding any inconsistent provision of law, \$315,000 shall
be
34 made available to the epilepsy coalition of New York state.

35 Notwithstanding the provisions of section 41.36 of the mental
hygiene
36 law and any other inconsistent provision of law, moneys from such
appro-
37 priation may be used for payment up to \$250 per year per client, at
such
38 times and in such manner as determined by the commissioner of
mental
39 retardation and developmental disabilities on the basis of
financial

40 need for the personal needs of each client residing in voluntary-
operat-

41 ed community residences and voluntary-operated community
residential
42 alternatives, including individualized residential alternatives
under
43 the home and community based services waiver. The commissioner of
the
44 office of mental retardation and developmental disabilities
shall,
45 subject to the approval of the director of the budget, alter
existing
46 advance payment schedules for voluntary-operated community
residences
47 established pursuant to subdivision (h) of section 41.36 of the
mental
48 hygiene law.
49 Notwithstanding the provisions of section 16.23 of the mental
hygiene
50 law and any other inconsistent provision of law, with relation to
the
51 operation of certified family care homes, including family care
homes
52 sponsored by voluntary not-for-profit agencies, moneys from such
appro-
53 priation may be used for payments to purchase general services
including
54 but not limited to respite providers, up to a maximum of 14 days,
at
55 rates to be established by the commissioner of the office of
mental
56 retardation and developmental disabilities and approved by the
director

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1 of the budget in consideration of factors including, but not limited
to,
2 geographic area and number of clients cared for in the home and
for
3 payment at the rate of \$600 per year on the basis of financial need
for
4 the personal needs of each client residing in the family care
home.
5 Notwithstanding the provisions of subdivision 12 of section 8 of
the
6 state finance law and any other inconsistent provision of law,
moneys
7 from such appropriation may be used for expenses of family care
homes
8 including payments to operators of certified family care homes
for
9 damages caused by clients to personal and real property in
accordance
10 with standards established by the commissioner and approved by
the
11 director of the budget.

12 Notwithstanding any inconsistent provision of law, moneys from
such
13 appropriation may be used for appropriate day program services and
resi-
14 dential services including, but not limited to, direct housing
subsidies
15 to individuals, start-up expenses for family care providers,
environ-
16 mental modifications, adaptive technologies, appraisals,
property
17 options, feasibility studies and preoperational expenses.

18 Notwithstanding any inconsistent provision of law, moneys from
such
19 appropriation may be used for the operation of clinics licensed
pursuant
20 to article 16 of the mental hygiene law and operated by voluntary
non-
21 profit providers, for appropriate clinical services including, but
not
22 limited to, supportive and habilitative services consistent with
the
23 home and community based services waiver.

24 Notwithstanding any inconsistent provision of law, the
following

25 appropriation amount shall be net of refunds, rebates,
reimbursements,
26 and credits;

27 (b) services and expenses associated with the NYS-CARES
initiative

28 related to the operation of certified and non-certified voluntary
oper-

29 ated community residential program alternatives including family
care

30 and community day program alternatives consistent with economic
and

31 efficient rates of payment and amounts, which recognize consumer
choice,

32 established by the commissioner of mental retardation and
developmental

33 disabilities, and approved by the director of the budget.
Notwithstand-

34 ing any inconsistent provision of law, moneys from such
appropriation

35 may be used for appropriate day program services and
residential

36 services including, but not limited to, start up expenses,
environmental

37 modifications, adaptive technologies, appraisals, property
options,

38 feasibility studies and preoperational expenses. Notwithstanding
any

39 inconsistent provision of law, the director of the budget is
authorized

40 to make suballocations from such appropriation to the department
of

41 health medical assistance program;

42 (c) transfer to the education department for the provision
of
43 supported employment services to persons currently receiving
such
44 services, and identified prior to April 1, 2002 by OMRDD as not
develop-
45 mentally disabled; provided, however, no monies shall be available
for
46 payment under such appropriation absent a certificate of
allocation,
47 which may be made following approval by the division of the budget of
a
48 plan submitted jointly by the office of mental retardation and
develop-
49 mental disabilities and the education department recommending
the
50 continuation of certain services for specific individuals, following
an
51 assessment of each individual's need for such continued services
and
52 upon demonstration of need for additional funds to serve such
individ-
53 uals.
54 S 118. Within the limit of amounts appropriated herein, for
funding
55 for certain voluntary-operated community residences in order to
facili-
56 tate transition of consumers to smaller residential settings which
would

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1 be eligible for reimbursement as individual residential
alternatives
2 (IRAs) under the home and community based services (HCBS) Medicaid
waiv-
3 er.
4 S 119. Within amounts appropriated hereby, for the provision of
a
5 three percent cost of living adjustment, effective December 1, 2002,
on
6 the personal service portion of community residences, and for
the
7 provision of a three percent cost of living adjustment, effective
Decem-
8 ber 1, 2002, on the personal service portion of state aid
and/or
9 reimbursement to providers operating day treatment programs,
family
10 support services, local and unified services pursuant to sections
41.15,
11 41.18 and 41.23 of the mental hygiene law, chapter 620 of the laws
of
12 1974 services, direct sheltered workshops, long-term sheltered
employ-

13 ment, clinics licensed pursuant to article 16 of the mental hygiene
law,
14 day training programs, or medicaid service coordination programs.
Each
15 provider receiving such funding shall submit a written certification,
in
16 such form and at such time as the commissioner of the office of
mental
17 retardation and developmental disabilities shall prescribe,
attesting
18 how such funding will be or was used to promote the recruitment
and
19 retention of staff during the 2002-03 state fiscal year.

20 S 120. Moneys appropriated in section 1 of the chapter of the laws
of
21 2002 which enacts the health, mental hygiene and environmental
conserva-
22 tion budget to the office of mental retardation and developmental
disa-
23 bilities under the community services program from the fiduciary funds
/
24 aid to localities, combined nonexpendable trust fund - 332,
VOICF/HCBS
25 advance account for the provision of temporary loans to
voluntary
26 providers to address short term delays in medical assistance
reimburse-
27 ment within the first 12 months of operation, provided, however,
no
28 payments shall be made from such appropriation until a written
repayment
29 agreement is entered into between the office of mental retardation
and
30 developmental disabilities and the appropriate provider agency,
subject
31 to the approval of the director of the budget. Each and every
such
32 repayment agreement shall include a repayment schedule which states
the
33 date or dates on which the amount of each part or all of the
expendi-
34 tures from such appropriation shall be repaid to the state and
shall
35 contain such other terms and conditions as determined by the director
of
36 the budget.

37 S 121. Moneys appropriated in section 1 of the chapter of the laws
of
38 2002 which enacts the health, mental hygiene and environmental
conserva-
39 tion budget to the office of mental retardation and developmental
disa-
40 bilities under maintenance undistributed from the general fund /
state
41 operations, state purposes account - 003 less amount appropriated as
an

42 offset in special revenue funds - other, miscellaneous special
revenue
43 fund - 339, mental hygiene patient income account and special
revenue
44 funds - other, miscellaneous special revenue fund - 339, office
of
45 mental retardation and developmental disabilities nonpersonal
service
46 patient income account. Notwithstanding any contrary provision of
law,
47 shall reduce general fund appropriations within the various programs
of
48 the office of mental retardation and developmental disabilities
funded
49 from the state purposes account.
50 S 122. Moneys appropriated in section 1 of the chapter of the laws
of
51 2002 which enacts the health, mental hygiene and environmental
conserva-
52 tion budget to the office of mental retardation and developmental
disa-
53 bilities under maintenance undistributed from the special revenue
funds
54 - other / state operations, miscellaneous special revenue fund -
339,
55 mental hygiene patient income account for an amount appropriated as
an
56 offset to the general fund - state purposes account within
various

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1 office of mental retardation and developmental disabilities
programs.
2 The director of the budget is hereby authorized to apportion funds
to
3 the various programs of such agency from such appropriation by
certif-
4 icate of approval.
5 S 123. Moneys appropriated in section 1 of the chapter of the laws
of
6 2002 which enacts the health, mental hygiene and environmental
conserva-
7 tion budget to the office of mental retardation and developmental
disa-
8 bilities under maintenance undistributed from the special revenue
funds
9 - other / state operations, miscellaneous special revenue fund -
339,
10 OMRDD NPS patient income account for an amount appropriated as an
offset
11 to the general fund - state purposes account for nonpersonal
service
12 expenditures within various office of mental retardation and develop-

13 mental disabilities programs. The director of the budget is
hereby
14 authorized to apportion funds to the various programs of such
agency
15 from such appropriation by certificate of approval.
16 S 124. Moneys appropriated in section 1 of the chapter of the laws
of
17 2002 which enacts the health, mental hygiene and environmental
conserva-
18 tion budget to the office of mental retardation and developmental
disa-
19 bilities under the design and construction supervision (CCP) from
the
20 capital projects fund, preparation of plans purpose for payment to
the
21 design and construction management account of the centralized
services
22 fund of the New York state office of general services or to the
dormito-
23 ry authority for the purpose of preparation and review of plans,
spec-
24 ifications, estimates, services, construction management and
super-
25 vision, inspection, studies, appraisals, surveys, testing
and
26 environmental impact statements for new and existing projects
associated
27 with the community services and institutional services programs.
Upon
28 the request of the commissioner of the office of mental retardation
and
29 developmental disabilities and the approval of the director of the
budg-
30 et, such appropriation may be transferred to the dormitory authority
of
31 the state of New York. Upon approval by the director of the
budget,
32 funds from such appropriation may be transferred to the office of
mental
33 health and the office of alcoholism and substance abuse services
for
34 payment to the dormitory authority of the state of New York for
the
35 preparation of plans purpose (51F20230).
36 S 125. Moneys appropriated in section 1 of the chapter of the laws
of
37 2002 which enacts the health, mental hygiene and environmental
conserva-
38 tion budget to the office of mental retardation and developmental
disa-
39 bilities under the design and construction supervision (CCP) from
the
40 mental hygiene capital improvement fund - 389, preparation of
plans
41 purpose for payment to the design and construction management account
of

42 the centralized services fund of the New York state office of
general
43 services or to the dormitory authority for the purpose of
preparation
44 and review of plans, specifications, estimates, services,
construction
45 management and supervision, inspection, studies, appraisals,
surveys,
46 testing and environmental impact statements for new and
existing
47 projects associated with the institutional services program and
the
48 community services program. Upon the request of the commissioner of
the
49 office of mental retardation and developmental disabilities and
the
50 approval of the director of the budget, such appropriation may be
trans-
51 ferred to the dormitory authority of the state of New York.
Upon
52 approval by the director of the budget, funds from such
appropriation
53 may be transferred to the office of mental health and the office
of
54 alcoholism and substance abuse services for payment to the
dormitory
55 authority of the state of New York for the preparation of plans
purpose
56 (51F10230).

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1 S 126. Moneys appropriated in section 1 of the chapter of the laws
of
2 2002 which enacts the health, mental hygiene and environmental
conserva-
3 tion budget to the office of mental retardation and developmental
disa-
4 bilities under the institutional services program (CCP) from the
capital
5 projects fund, health and safety purpose for alterations and
improve-
6 ments for health and safety projects at various facilities, upon
request
7 of the commissioner of the office of mental retardation and
develop-
8 mental disabilities and approval by the director of the budget,
such
9 appropriation may be transferred to the dormitory authority of the
state
10 of New York (51H10201).

11 S 127. Moneys appropriated in section 1 of the chapter of the laws
of
12 2002 which enacts the health, mental hygiene and environmental
conserva-

13 tion budget to the office of mental retardation and developmental
disa-
14 bilities under the institutional services program (CCP) from the
capital
15 projects fund, preservation of facilities purpose for:
16 (a) alterations and improvements for preservation of various
facili-
17 ties including rehabilitation projects. Such appropriation may be
used
18 for the cost of potential claims against contracts awarded by the
dormi-
19 tory authority of the state of New York or the facilities
development
20 corporation. Upon request of the commissioner of the office of
mental
21 retardation and developmental disabilities and approval by the
director
22 of the budget, such appropriation may be transferred to the
dormitory
23 authority of the state of New York (51P10203);
24 (b) minor maintenance, preservation and alterations of facilities
on
25 the grounds of former developmental centers. Upon request of the
commis-
26 sioner of the office of mental retardation and developmental
disabili-
27 ties and approval by the director of the budget, such appropriation
may
28 be transferred to the dormitory authority of the state of New
York
29 (51M20203).
30 S 128. Moneys appropriated in section 1 of the chapter of the laws
of
31 2002 which enacts the health, mental hygiene and environmental
conserva-
32 tion budget to the office of mental retardation and developmental
disa-
33 bilities under the institutional services program (CCP) from the
mental
34 hygiene capital improvement fund - 389, health and safety purpose
for
35 alterations and improvements for health and safety projects at
various
36 facilities. Such appropriation may be used for the cost of
potential
37 claims against contracts awarded by the dormitory authority of the
state
38 of New York or the facilities development corporation. Upon request
of
39 the commissioner of the office of mental retardation and
developmental
40 disabilities and approval by the director of the budget, such
appropri-
41 ation may be transferred to the dormitory authority of the state of
New
42 York (51H30201).

43 S 129. Moneys appropriated in section 1 of the chapter of the laws
of
44 2002 which enacts the health, mental hygiene and environmental
conserva-
45 tion budget to the office of mental retardation and developmental
disa-
46 bilities under the non-bondable projects (CCP) from the capital
projects
47 fund, non-bondable purpose for transfer to the Mental Hygiene
Capital
48 Improvement Fund for reimbursement of non-bondable costs of
projects
49 authorized by appropriations or reappropriations funded from the
Mental
50 Hygiene Capital Improvement Fund including liabilities incurred prior
to
51 April 1, 2002 or for payment to the dormitory authority of the state
of
52 New York for defeasance of bonds. Upon request of the commissioner
of
53 the office of mental retardation and developmental disabilities
and
54 approval by the director of the budget, such appropriation may be
trans-
55 ferred to the dormitory authority of the state of New York (51FL02NB).

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1 S 130. Moneys appropriated in section 1 of the chapter of the laws
of
2 2002 which enacts the health, mental hygiene and environmental
conserva-
3 tion budget to the office of mental retardation and developmental
disa-
4 bilities under the state-operated community services program (CCP)
from
5 the capital projects fund, administrative purpose for payment
of
6 personal service and nonpersonal service costs related to the
adminis-
7 tration of capital projects for new and reappropriated
appropriations.
8 Upon request of the commissioner of the office of mental retardation
and
9 developmental disabilities and approval by the director of the
budget,
10 such appropriation may be transferred to the dormitory authority of
the
11 state of New York (51A102C1).

12 S 131. Moneys appropriated in section 1 of the chapter of the laws
of
13 2002 which enacts the health, mental hygiene and environmental
conserva-
14 tion budget to the office of mental retardation and developmental
disa-

15 bilities under the state-operated community services program (CCP)
from
16 the capital projects fund, preservation of facilities purpose for
reno-
17 vation and minor rehabilitation and improvements of state-owned
communi-
18 ty residential and day program facilities for the developmentally
disa-
19 bled. Upon request of the commissioner of the office of
mental
20 retardation and developmental disabilities and approval by the
director
21 of the budget, such appropriation may be transferred to the
dormitory
22 authority of the state of New York (51M10203).
23 S 132. Moneys appropriated in section 1 of the chapter of the laws
of
24 2002 which enacts the health, mental hygiene and environmental
conserva-
25 tion budget to the office of mental retardation and developmental
disa-
26 bilities under the state-operated community services program (CCP)
from
27 the capital projects fund, new facilities purpose for alterations
and
28 improvements of sites leased for state-operated programs, and for
the
29 purchase of furniture and equipment for state-operated programs.
Upon
30 request of the commissioner of the office of mental retardation
and
31 developmental disabilities and approval by the director of the
budget,
32 such appropriation may be transferred to the dormitory authority of
the
33 state of New York (51L10207).
34 S 133. Moneys appropriated in section 1 of the chapter of the laws
of
35 2002 which enacts the health, mental hygiene and environmental
conserva-
36 tion budget to the office of mental retardation and developmental
disa-
37 bilities under the state-operated community services program (CCP)
from
38 the mental hygiene capital improvement fund - 389, new
facilities
39 purpose for the acquisition and alterations and improvements of
property
40 to be used as state-operated community residential facilities.
Upon
41 request of the commissioner of the office of mental retardation
and
42 developmental disabilities and approval by the director of the
budget,
43 such appropriation may be transferred to the dormitory authority of
the

44 state of New York. Upon request of the commissioner of the office
of
45 mental retardation and developmental disabilities, and approval by
the
46 director of the budget, such appropriation may be used for the
acqui-
47 sition and alterations and improvements of property to be used as not-
for-
48 profit facilities licensed pursuant to articles 16 and 41 of the
mental
49 hygiene law (51R10207).

50 S 134. Moneys appropriated in section 1 of the chapter of the laws
of
51 2002 which enacts the health, mental hygiene and environmental
conser-
52 vation budget to the office of mental retardation and developmental
disa-
53 bilities under the voluntary-operated community facilities (CCP)
from
54 the capital projects fund, preservation of facilities purpose for
state
55 aid, to municipalities and other public and not-for-profit
agencies,
56 including the payment of liabilities incurred prior to April 1,
2002,

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1 for up to 100 per centum of the net cost of services and
expenses
2 related to the maintenance and improvement of voluntary not-for-
profit
3 provider operated community residential and day service
programs
4 (51200203).

5 S 135. Moneys appropriated in section 1 of the chapter of the laws
of
6 2002 which enacts the health, mental hygiene and environmental
conser-
7 vation budget to the office of mental retardation and developmental
disa-
8 bilities under the voluntary-operated community facilities (CCP)
from
9 the capital projects fund, new facilities purpose for state aid,
to
10 municipalities and other public and not-for-profit agencies,
including
11 the payment of liabilities incurred prior to April 1, 2002 for up to
100
12 per centum of the net cost of feasibility studies, property
options,
13 capital renovations, acquisition of property, construction,
rehabili-
14 tation and capital costs incidental and appurtenant to
facilities

15 required to be licensed pursuant to article 16, as defined in the
mental
16 hygiene law, and for services and expenses related to
environmental
17 modifications and adaptive technology services at voluntary not-for-
pro-
18 fit provider operated community residential facilities, certified
family
19 care homes and private residences, as a loan and/or grant to family
care
20 providers, for payment to other state and federal housing
agencies,
21 private corporations and for capital development of residential
housing
22 or day program alternatives not currently defined in the mental
hygiene
23 law (51B10207).
24 S 136. Moneys appropriated in section 1 of the chapter of the laws
of
25 2002 which enacts the health, mental hygiene and environmental
conserva-
26 tion budget to the office of mental retardation and developmental
disa-
27 bilities under the voluntary-operated community facilities (CCP)
from
28 the mental hygiene capital improvement fund - 389, community
facilities
29 purpose for the comprehensive construction programs, purposes
and
30 projects as therein specified, and for departmental administrative
costs
31 related thereto, consistent with section 41.34 of the mental
hygiene
32 law, and for the acquisition of property, construction and rehabili-
33 tation, including the payment of preoperational costs incurred prior
to
34 occupancy, of article 16 community mental retardation facilities
and
35 associated programs and facilities and under the auspice of
munici-
36 palities and other public and not-for-profit private agencies
approved
37 by the commissioner of the office of mental retardation and
develop-
38 mental disabilities, pursuant to article 41 of the mental hygiene
law
39 and for management fees associated with voluntary not-for-profit
oper-
40 ated projects to be financed through dormitory authority of the state
of
41 New York bonds (513202H2).

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2 S 137. Notwithstanding any other provision of law to the
contrary,
3 moneys appropriated in section 1 of the chapter of the laws of
2002
4 which enacts the health, mental hygiene and environmental
conservation
5 budget to the office of parks, recreation and historic
preservation
6 under the historic preservation program from the special revenue funds
-
7 other/state operations, miscellaneous special revenue fund - 339,
public
8 service account for direct and indirect expenses of the office of
parks,
9 recreation and historic preservation's participation in
certification
10 proceedings pursuant to article 7 of the public service law, shall
be
11 deemed expenses of the department of public service within the
meaning
12 of section 18-a of the public service law.
13 S 138. Moneys appropriated in section 1 of the chapter of the laws
of
14 2002 which enacts the health, mental hygiene and environmental
conserva-
15 tion budget to the office of parks, recreation and historic
preservation
16 under the park operations program from the general fund/state
oper-
17 ations, state purposes account - 003 for services and expenses of
park
18 police in accordance with a programmatic and financial plan to
be
19 subject to the approval by the director of the budget and
including
20 suballocation to other state departments and agencies.
21 S 139. Moneys appropriated in section 1 of the chapter of the laws
of
22 2002 which enacts the health, mental hygiene and environmental
conserva-
23 tion budget to the office of parks, recreation and historic
preservation
24 under the federal capital projects fund (CCP) from the federal
capital
25 projects fund - 291, preservation of facilities purpose for the
federal
26 government's share of the cost to prepare and review plans,
specifica-
27 tions and estimates, for the acquisition of property and for
the
28 construction, expansion and rehabilitation of state facilities
for
29 recreation. Portions of such appropriation may be suballocated to
other
30 state agencies for such eligible projects and shall be subject to
the
31 approval of the director of the budget (49FE0203).

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1 DEPARTMENT OF HEALTH
2 S 140. Moneys appropriated in section 2 of the chapter of the laws
of
3 2002 which enacts the health, mental hygiene and environmental
conserva-
4 tion budget to the department of health under the fiduciary funds/aid
to
5 localities from the miscellaneous New York State Agency Fund-
169,
6 medical assistance restitution account for direct payment or transfer
to
7 other funds as restitution to the federal, state and local
governments,
8 and when appropriate, payments to contractors, of funds collected
from
9 providers participating in the medical assistance program through
recov-
10 ery of overpayments and third party activities including \$1,250,000
to
11 be transferred to the department of health third-party health
insurance
12 recoveries account, miscellaneous special revenue fund - 339, for
activ-
13 ities related to the medicaid management information system and
third-
14 party health insurance recoveries and \$3,700,000 to be transferred
to
15 the department of health recoveries and revenue account,
miscellaneous
16 special revenue fund - 339, for activities related to provider
fraud
17 recoveries and revenue maximization. Notwithstanding any
inconsistent
18 provision of law, contractor fees may be shared between the state
and
19 local social services districts, after first deducting therefrom
any
20 federal funds properly received or to be received on account
thereof.
21 Notwithstanding section 40 of the state finance law, such
appropriation
22 shall remain in effect until March 31, 2004. Notwithstanding any
other
23 provision of law to the contrary, upon the advice of the commissioner
of
24 health, the director of the budget may transfer or suballocate any
of
25 the amounts appropriated herein to the department of health.
26 S 141. This act shall take effect immediately and shall be deemed
to
27 have been in full force and effect on and after April 1, 2002;
provided,

28 that, the provisions set forth in this act relating to certain
moneys
29 appropriated in a chapter of the laws of 2002 entitled "health,
mental
30 hygiene and environmental conservation budget bill", shall continue
in
31 effect for the period of effectiveness of such appropriations and
any
32 subsequent reappropriations thereof.

33 S 2. Severability clause. If any clause, sentence, paragraph,
subdivi-
34 sion, section or part of this act shall be adjudged by any court
of
35 competent jurisdiction to be invalid, such judgment shall not
affect,
36 impair, or invalidate the remainder thereof, but shall be confined
in
37 its operation to the clause, sentence, paragraph, subdivision,
section
38 or part thereof directly involved in the controversy in which such
judg-
39 ment shall have been rendered. It is hereby declared to be the intent
of
40 the legislature that this act would have been enacted even if
such
41 invalid provisions had not been included herein.

42 S 3. This act shall take effect immediately provided, however,
that
43 the applicable effective date of Parts A through L of this act shall
be
44 as specifically set forth in the last section of such Parts.