

APPROPRIATION BUDGET BILLS

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NON-APROPRIATION BUDGET BILLS

Section 22 of the State Finance Law requires the Executive Budget to include a list of proposed legislation submitted pursuant to Article VII of the State Constitution. In addition to the major appropriation bills, the following Article VII bills have been submitted that set forth the policy initiatives contained in the Executive Budget.

A. 156 - PUBLIC PROTECTION AND GENERAL GOVERNMENT

PART	DESCRIPTION	SUMMARY
A	Expand the use of funds deposited into the Criminal Justice Improvement Account (CJIA)	This part would allow funds deposited into the CJIA to be used to support the operation of the Crime Victims Board (CVB) and for law enforcement purposes not previously funded through the CJIA, primarily Operation IMPACT.
B	Modify the State Wireless Communications Service Surcharge	This part would rename and transfer the State wireless surcharge provision from the County Law to the Tax Law and modify the payment schedule to remove certain expired provisions.
C	Establish a fee to cover the state cost of processing waivers under Section 211 of the Retirement and Social Security Law	This part would authorize the Civil Service Commission to charge localities a \$200 application fee each time they employ a public retiree and request a waiver pursuant to section 211 of the Retirement and Social Security Law.
D	Create a not-for-profit corporation and transfer the Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to that corporation	This part would transfer the functions, powers, and assets of CSCIC from a division of the Office of Homeland Security to a newly-formed Type C Non-Profit Corporation.

E	<p>Modify Crime Victims Board authority to reimburse health care providers for forensic rape examinations</p>	<p>This part would limit reimbursement to health care providers who perform forensic rape examinations to the amount of itemized charges of costs incurred not to exceed \$800, set a one-year limit after receipt of an award on reimbursement requests for medical care and counseling by a victim, and allow convicted individuals to pay restitution by credit card on the same basis as mandatory surcharges and fees.</p>
F	<p>Require applicants to be licensed by the Insurance Department to submit their fingerprints as part of a background check</p>	<p>This part would require anyone seeking a license to act as an insurance agent, broker, adjuster, consultant, or intermediary to submit their fingerprints to the State Insurance Department as part of an initial or renewal application, so that the Division of Criminal Justice Services and the Federal Bureau of Investigation may perform background checks.</p>
G	<p>Establish fees for new and renewal certification of security guard instructors and security guard training schools</p>	<p>This part would authorize the Division of Criminal Justice Services to charge security guard instructors and security guard training schools an initial certification fee and renewal fees, which must be reasonably related to the actual cost incurred to process the certification.</p>
H	<p>Modify the prison closure notification requirement and authorize the Department of Correctional Services (DOCS) to house local inmates and federal prisoners</p>	<p>This part would suspend the one-year notice requirement for prison closures during an economic downturn and authorize the Commissioner to close a correctional facility upon ninety days notice. It also would exempt the closure of facility annexes and special housing units from notice requirements, permit DOCS to enter into agreements to house sentenced inmates who would otherwise be housed in a local correctional facility or federal prison, and require localities and the federal government to pay the actual cost of confinement incurred by DOCS.</p>
I	<p>Delay the implementation of legislation that bans inmates with serious mental illness from being placed in a Special Housing Unit until July 1, 2014</p>	<p>This part would delay the effective date of the Special Housing Unit (SHU) Exclusion bill for an additional three years from July 1, 2011, to July 1, 2014. When implemented, the SHU Exclusion Bill will require the Department of Correctional Services (DOCS) to remove inmates diagnosed with a serious mental illness from solitary confinement and place them in a mental health treatment unit. This part would amend the bill to make it inapplicable to certain DOCS facilities and reduce the level of specialized mental health training for DOCS staff.</p>
J	<p>Expand eligibility criteria for</p>	<p>This part would expand eligibility for medical parole to inmates who have</p>

medical parole and streamline the application process

significant and permanent non-terminal medical conditions that render them so physically or cognitively debilitated that they do not present any danger to society. The part would also expand eligibility to inmates convicted of certain violent felonies, allow an inmate’s spouse, relative, or attorney to initiate an application for medical parole, and require the Department of Health and the county in which the inmate resided and committed his crime to assist in formulating and implementing an appropriate medical discharge plan.

K Authorize the Department of Correctional Services (DOCS) to sell cook-chill products to not-for-profit organizations at cost

This part would allow DOCS to sell food products produced at its Food Production Center to charitable organizations at the cost to produce and deliver the products. The part would mandate that all proceeds from such sales be used only for the operation of the DOCS Food Production Center.

L Expand eligibility for the Shock Incarceration Program and create a new credit time allowance for certain inmates

This part would expand eligibility for the Shock Incarceration Program by allowing inmates who will become eligible for parole or conditional release within three years to participate in the Program and by raising the age limit for participation from forty years of age to fifty years of age. It would establish a new credit time allowance for certain inmates convicted of violent offenses who achieve significant programmatic accomplishments and maintain an overall positive disciplinary record.

M Eliminate the reimbursement to localities for the housing of parole violators and state-ready inmates, except in instances where the Department of Correctional Services (DOCS) cannot provide a general confinement bed within ten days after notice that an inmate is state-ready

This part would eliminate the payments to localities for housing parole violators and “state ready” inmates awaiting transfer to state prison, except that in instances where DOCS fails to accept an inmate within ten days of receiving written notice that the inmate is “state ready.” In such an instance, DOCS would reimburse the locality at a rate of \$100 per day or the actual per day cost for the board of the inmate, whichever is less, retroactive to the date of such notification.

N Encourage the Division of Parole to adopt graduated sanctions for parole violators and use risk and needs assessment instruments

This part would require the chairman of the state board of parole to consider adopting a program of graduated sanctions for parole violators, including the use of a risk and needs assessment instrument and alternatives to incarceration for technical parole violators. It also would clarify that no persons may be required to divulge sealed information about arrests or prosecutions terminated in their

- O Require credit for interim probation supervision and implement a one-time \$25 probation registration fee

favor or sealed youthful offender adjudications and non-criminal violations to a prospective employer.
 This part would require the court to give credit for time served under interim probation to a defendant who satisfactorily completes such a period of interim probation toward any probation sentence subsequently imposed. This part also would expand the ability of the court to impose certain conditions upon a defendant serving a period of interim probation. Finally, this part would impose a mandatory, one-time probation registration fee of \$25 on all probationers. The revenue generated by such fee would be retained by local probation departments.
- P Eliminate Batterers Project funding administered by the Office for the Prevention of Domestic Violence

This part would eliminate the Batterers Program, which currently funds five programs that provide battering prevention and educational services to help clients end abusive behaviors.
- Q Modify the responsibilities of the State Commission of Correction (SCOC) and expand ability of the court to conduct electronic appearances

This part would amend the Correction Law to no longer require SCOC to provide routine oversight of state and local correctional facilities in certain circumstances and would transfer certain of its functions to the Division of Criminal Justice Services and limit or otherwise deprive SCOC of a number of functions. It also would clarify the circumstances when the Department of Correctional Services commissioner can accept inmates from local facilities. Finally, it would expand the ability of the court to dispense with the personal appearance of the defendant in a criminal case and instead conduct an electronic appearance.
- R Increase the assessment on nuclear power plant facilities to support emergency preparedness planning efforts

This part would increase the annual fee paid by the State's nuclear facilities from \$550,000 to \$1 million per reactor. This fee would be applied to each of the State's six nuclear reactors. Of the revenue collected, fifty percent would be divided among the coalition of nuclear counties; the other fifty percent would be transferred from the Emergency Management Account to the General Fund.

S	<p>Authorize the use of photo-monitoring equipment to enforce speed limits</p>	<p>This part would authorize the Division of State Police (DSP), Division of Criminal Justice Services (DCJS), and any agency, division, or authority designated by the DSP to establish a program for the operation of photo-monitoring devices and the imposition of liability on vehicle owners for speed limit violations in work zones and designated stretches of highways.</p>
T	<p>Increase the Motor Vehicle Law Enforcement Fee, modify its distribution, and make the fee and various related provisions permanent</p>	<p>This part would increase the Motor Vehicle Law Enforcement fee charged to insured motor vehicles to \$10 from \$5, modify the distribution of such fee between the Motor Vehicle Theft and Insurance Fraud Prevention Fund and the State Police Motor Vehicle Law Enforcement Fund, and make the fee and various related provisions permanent.</p>
U	<p>Extend various criminal justice programs that would otherwise sunset</p>	<p>This part would extend various criminal justice programs for five years and make statutory provisions related to medical parole and merit termination of parole permanent.</p>
V	<p>Abolish the State Employment Relations Board and shift responsibilities to the Public Employment Relations Board</p>	<p>This part would abolish the State Employment Relations Board (SERB) and transfer its responsibilities for providing labor mediation for the private sector and the Indian Nations to the Public Employment Relations Board (PERB).</p>
W	<p>Establish the Office of Procurement Services to oversee state procurement, replacing the Office of General Services' Procurement Service program</p>	<p>This part would create the Office of Procurement Services (OPS) within the Executive Department, which would assume the powers and duties of the Procurement Service Division of the Office of General Services, establish a Chief Procurement Officer (CPO) to head the Office and assume the powers and duties of the commissioner of General Services in State procurement, and designate OPS as the official procurement office for the State, to be granted powers to set policies regarding purchasing best practices, standardization of purchasing process, vendor diversity and preferred sourcing goals, and centralized technology contracts. This part would also authorize the State Procurement Council, headed by the CPO, to issue guidelines for strategic partnerships between State and private entities, including joint development of commodities and services.</p>
X	<p>Modify the maintenance-of-effort (MOE) requirement for counties and the City of New York to</p>	<p>This part would change the penalty for the failure of a county to meet the MOE test. Currently, a county that fails to meet the MOE test is prohibited from receiving state funding for the subsequent year. This part would mitigate this</p>

	receive funds from the Indigent Legal Services Fund	penalty by reducing the amount of state funds a county receives by the percentage decrease in local funds expended for public defense services or to improve the quality of public defense. This part would also allow counties to compare local funds expended in the current year to the average expenditure over the preceding three years in order to meet the MOE test and qualify for full state funding.
Y	Provide the New York State Health Insurance Program the option to operate as a self-insured plan	This part would provide the New York State Health Insurance Plan the option to self insure for a variety of employee health benefits.
Z	Establish a sliding scale for retiree health insurance premium contributions for future state retirees	This part would provide that the State's contributions for future retired public employee's health insurance premiums be provided on a sliding scale based on the retiree's years of service at the time of retirement, would require the state to pay a minimum of fifty percent of the premium for employees with ten years of service (thirty-five percent for their dependents). The State's contribution would increase by two percent for each additional year of service up to a maximum of ninety percent (seventy-five percent for dependents) for employees with thirty or more years of service.
AA	Require state employees and retirees to contribute to Medicare Part B premiums	This part would require state employees and retirees to contribute (ten percent for individual coverage; twenty-five percent for dependent coverage) to Medicare Part B premiums.
BB	Eliminate the general salary increases scheduled on or after April 1, 2009, provided for in collective bargaining agreements, interest arbitration awards, and by statute for management/confidential employees	This part would eliminate the three percent pay increases for state employees that were negotiated through collective bargaining and would have gone into effect on or after April 1, 2009, and pay increases for management/confidential employees provided by statute.

CC	Implement a Tier 5 pension benefit for newly hired state and local government employees	This part would implement a Tier 5 pension benefit for newly hired state and local government employees. New Tier 5 employees would be required to pay three percent employee contributions for the duration of their employment, would vest after ten years of service, instead of current five, and would qualify for a vested pension benefit. It also would increase the minimum retirement age from fifty-five to sixty-two.
DD	Authorize a new tier of pension benefits for newly hired New York City uniformed employees	This part would authorize a new tier of pension benefits for newly hired New York City uniformed services: police and fire, corrections, and sanitation. It would require members to be at least age fifty and have twenty-five years of service in order to retire. It also would provide a retirement benefit based on a three-year final average salary and would require a contribution of five percent of salary until twenty-five years of service has been reached.
EE	Implement an additional five-day pay deferral for all state employees	This part would implement an additional five-day pay deferral for all state employees and would deduct ten percent of an employee's biweekly salary for five consecutive payroll periods.
FF	Limit payments for taxes on State-owned lands and reduce State payments	This part would amend the Real Property Tax Law to limit the taxes paid after April 1, 2009, on State-owned lands to no greater than the amount paid during the 2008-2009 State fiscal year. It would reduce State payments made after March 1, 2009, pursuant to the Public Lands Law, by six percent of their currently scheduled amount. This part would also permanently reduce by six percent the scheduled payments to be made to the City of Albany for the Empire State Plaza.
GG	Rescind the Aid and Incentives for Municipalities (AIM) program increases	This part would rescind increases for AIM scheduled for 2009-2010 to municipalities outside of New York City and eliminate AIM funding to New York City. This part would also make changes to the Local Government Efficiency Grant Program (LGEG), including changing the municipal merger incentives offered and expanding eligibility for LGEG.

HH	Mandate relief for local governments	This part would enact several provisions that would affect local governments including: raising the threshold under which the Wicks Law applies in New York City from \$3 million to \$10 million; eliminating the apprenticeship requirement when Project Labor Agreements are used in lieu of the Wicks requirements; exempting all school construction from the Wicks provisions; changing municipal purchasing provisions; repealing collateral source offsets for local governments and the State; changing the interest rate paid on judgments against local governments and the State; increasing the debt limit of the New York City Transitional Finance Authority; and changing the maturity period of New York City bond anticipation notes. The three provisions that affect the Wicks law would be repealed after five years.
II	Extend the authorization for the Office of Real Property Services to charge oil and natural gas producers for the cost of determining the property value of oil and gas units of production	This part would extend for three years the authorization for the Office of Real Property Services to charge oil and natural gas producers for the cost of determining the property value of oil and gas units of production. The authorization is currently set to sunset on March 31, 2009.
JJ	Increase the real property transfer fees that support expenses of the Office of Real Property Services and redirect the deposit of these fees to the General Fund	This part would increase the real property transfer fee from \$50 to \$100 for housing cooperatives, from \$75 to \$125 for residential or farm property, and from \$165 to \$250 for commercial property. It would also redirect the revenue to the General Fund.
KK	Restructure State aid provided to municipalities in which a video lottery gaming facility is located	This part would limit the State aid provided to municipalities that host video lottery gaming facilities to current recipients, would set future payments to the City of Yonkers at the amount paid in SFY 2008-09, and would limit aid to seventeen eligible municipalities to fifty percent of the amount paid SFY 2008-09.
LL	Authorize the expansion of the Red Light Camera Program in New York City, extend authorization for such program	This part would authorize the expansion of the Red Light Camera Program in New York City, including eliminating the cap on the number of intersections in which photo devices could be installed, increasing the maximum fine, and making the Program permanent. This part also would extend the same

	to certain cities and counties, and make such programs permanent	authorization to cities with a population of 125,000 or more and counties with a population of one million or more to adopt local laws to install and operate traffic control signal photo violation-monitoring devices.
MM	Authorize cities and villages to collect utilities gross receipts taxes on mobile phone services	This part would authorize cities, other than the City of New York, which has already received this authorization, and villages to extend the existing gross receipts tax to include mobile telecommunications service.
NN	Enact recommendations made by the Commission on Local Government Efficiency and Competitiveness	This part would amend numerous local government-related provisions including: modifications to municipal health benefit plan cooperatives; authorization for counties to enter into intermunicipal agreements to share one individual Director of Weights and Measures; authorization for shared service agreements between municipalities and State agencies for highway maintenance and other related services; creation of a new municipal merger process; authorization to convert certain town offices from elected to appointed; elimination of compensation for special district commissioners; and transfer of the management of sanitary districts to town boards.
OO	Authorize the City of New York to increase fees for performing marriages, certificates of marriage, birth certificates, and filing an appointment as a commissioner of deeds	This part would authorize the City of New York to charge up to forty dollars for the city clerk to perform a marriage, fifteen dollars for a certificate of marriage, and an additional fifteen dollars for priority handling of each such certificate. In addition, New York City would be permitted to charge up to thirty dollars upon filing of a certificate of appointment as a commissioner of deeds and fifteen dollars for a search and issuance of a certificate of birth or death (or certification that such record cannot be found), as well as fifteen dollars for priority handling of each such request for a certificate of birth or death.
PP	Authorize transfers, temporary loans, and miscellaneous capital/debt provisions, including certain bond caps	This part would authorize fund transfers, temporary loans, reimbursement of capital spending, and miscellaneous capital and debt provisions, including increased bond caps that would be necessary for the implementation of the SFY 2009-10 State Financial Plan.

A. 157 - EDUCATION, LABOR, AND FAMILY ASSISTANCE

PART	DESCRIPTION	SUMMARY
A	Amend the Education Law to provide a one-year reduction in School Aid, adjust the planned phase-in of Foundation Aid, provide mandate relief to school districts, and make other changes necessary to implement the Executive Budget	This part would require the Commissioner of Education to eliminate duplicative reporting requirements and to reduce the number of plans, reports, and applications required of school districts by establishing unified electronic data collection systems, modify the Contract for Excellence requirements by reducing the amount that a school district would be required to spend on menu options by the percentage reduction of the Deficit Reduction Assessment for the 2009-10 school year, require all current Contract districts to continue in the program unless all school buildings in a district are reported as "In Good Standing" and require Contract districts for the 2010-11 school year to maintain spending on menu options at 2008-09 levels, delay the effective date of provisions that impose costs upon a school district created after the adoption of a school budget until the start of a new school year in certain circumstances, authorize school districts to make withdrawals from their Employee Benefits Accrued Liability Reserve Funds in order to maintain educational programming during the 2009-10 school year, which authorized withdrawals would be limited to the lesser of excess funds as determined by the Office of the State Comptroller or the school district's Deficit Reduction Assessment, extend the phase-in schedule for Foundation Aid by the 2014-15 school year, and make other formula changes. This part would also implement a Deficit Reduction Assessment within formula-based aids, decrease funding for Aid to Public Libraries, modify the preschool special education program by allocating fifteen percent of the costs of the program to school districts and reducing the state and county shares of the program costs to forty-seven percent and thirty-eight percent respectively, exempt nonpublic schools from the Commissioner's regulations relating to comprehensive attendance policies beginning with the 2007-08 school year, and eliminate the associated state fiscal liability.

- B Merge the New York State Theatre Institute with the Empire State Plaza Performing Arts Center

This part would merge the New York State Theatre Institute (NYSTI) into the Empire State Plaza Performing Arts Center (the Egg).
- C Modify the Tuition Assistance Program (TAP) to alter academic progress standards

This part would modify TAP by creating academic progress standards for remedial and non-remedial students receiving TAP awards as a measure of determining academic eligibility.
- D Modify the Tuition Assistance Program (TAP) to amend the eligibility requirements relating to students in default on federal loans

This part would modify TAP eligibility requirements to prohibit students in default on federal loans not guaranteed by the Higher Education Services Corporation (HESC) from receiving TAP awards.
- E Eliminate Tuition Assistance Program (TAP) eligibility for graduate students

This part would eliminate TAP eligibility for graduate students.
- F Modify the Tuition Assistance Program (TAP) to include public pension income in award calculations

This part would modify TAP to include income from public pensions of New York State, local governments, and the federal government in TAP award calculations.
- G Modify requirements flexibility for the state and city universities of New York in the areas of procurement and capital construction

This part would allow the State University of New York (SUNY) and the City University of New York (CUNY) to purchase goods and services without prior approval by any state agency, allow not-for-profit organizations affiliated with SUNY to participate in the centralized contracts maintained by the Office of General Services, allow SUNY's health care facilities to participate in managed care networks and other joint and cooperative arrangements with public, non-profit, or business entities, and indemnify students who are enrolled in required residency and internship programs. This part would also allow the State University Construction Fund (SUCF) to establish guidelines for procurements that are consistent with the standards that apply to public authorities, utilize alternative construction delivery methods, and increase the threshold from \$50,000 to \$250,000 for projects that require a performance bond.

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| H | <p>Modify the Tuition Assistance Program (TAP) to redefine award calculations</p> | <p>This part would redefine full-time study as fifteen credit hours earned per semester, pro-rate TAP awards for students earning ten to fourteen credit hours per semester, and convert the maximum TAP award eligibility limit from eight semesters to 120 semester credits earned. This part would also redefine part-time study, in terms of the part-time TAP Program, as at least six but less than ten semester credits or its equivalent and reformat the pro-ration formula used to determine part-time TAP awards based on the fifteen credit hour redefinition of full-time study.</p> |
| I | <p>Eliminate Tuition Assistance Program (TAP) award credits for students with multiple family members in college</p> | <p>This part would prevent students from receiving a credit, based on the number of parents or siblings enrolled in college, against their net taxable income (NTI), thus decreasing their TAP awards.</p> |
| J | <p>Establish the New York Higher Education Loan Program</p> | <p>This part would establish the New York Higher Education Loan Program (NYHELPS). This program would provide loans to eligible students who are State residents attending degree-granting colleges in the State that are approved to participate in federal Higher Education Act Title IV student aid programs. The Higher Education Services Corporation would administer the program in conjunction with the State of New York Mortgage Agency and the Dormitory Authority of the State New York, both of which would issue tax-exempt bonds beginning in 2009-10.</p> |
| K | <p>Authorize the State University of New York (SUNY) and the City University of New York (CUNY) to establish differential tuition rates for non-resident students</p> | <p>This part would authorize SUNY and CUNY Boards of Trustees to establish differential tuition rates for out-of-state students at individual campuses based on degree or program type. The Boards of Trustees would also be required to establish maximum percentage thresholds for out-of-state student enrollment by campus, degree, or program type, to ensure access for New York students.</p> |
| L | <p>Expand investment choices for the Optional Retirement Program (ORP) for the State University of New York (SUNY) to include corporations that manage or invest in mutual funds</p> | <p>This part would authorize SUNY to offer employees who participate in ORP the option to invest in mutual funds.</p> |

- M Eliminate the Middle Class STAR rebates and decrease corresponding New York City credit amounts This part would repeal the Middle Class STAR Rebate program beginning with the 2009-2010 school year. It would also reduce the New York City personal income tax credit amounts for the 2009 tax year and thereafter from \$310 to \$125 for married individuals filing jointly and surviving spouses and from \$155 to \$62.50 for all other taxpayers.
- N Increase the STAR “floor” adjustment from eleven percent to eighteen percent This part would increase the “floor” adjustment used in the computation of STAR exemption benefits from eleven to eighteen percent.
- O Eliminate the requirement for the Division of Housing and Community Renewal to maintain local rent administration offices This part would eliminate the Division of Housing and Community Renewal’s statutory obligation to operate rent administration offices in each county governed by the rent stabilization laws.
- P Establish a youth programs block grant This part would establish a Youth Services Block Grant. The Block Grant would fund youth development and detention diversion programs currently receiving distinct appropriations, as well as local detention services currently funded by a forty-nine percent to fifty-one percent State and local match. The block grant would be allocated to municipalities based on a formula calculated from youth population figures, claiming history, and other factors to be determined by the Office of Children and Family Services and subject to the approval of the director of budget. A local match would not be required.
- Q Reauthorize child welfare financing and eliminate state reimbursement for Community Optional Preventive Services (COPS) This part would extend Child Welfare Financing for three years until June 30, 2012, under which counties would continue to receive ninety-eight percent of sixty-five percent State reimbursement for preventive and child protective services. The Foster Care Block Grant and Children and Family Services Quality Enhancement Fund would also be extended until June 30, 2012. This proposal would also eliminate State reimbursement for the Community Optional Preventive Services (COPS) program. COPS funds non-mandated preventive services for children and families. The part would also extend the current funding structure for reimbursements for residential placements made by school districts until June 30, 2012.

R	<p>Permanently extend provisions relating to the suspension and disqualification of driving privileges for child support arrearages</p>	<p>This part would make permanent various provisions relating to the suspension of drivers' licenses or privileges to obtain drivers' licenses for failure to pay child support.</p>
S	<p>Discontinue the work incentive bonus for local social services districts engaging at least fifty percent of their public assistance population in eligible work activities</p>	<p>This part would discontinue the work incentive bonus for local social services districts that engage at least fifty percent of their public assistance recipients in work-related activities.</p>
T	<p>Align the cash benefit of public assistance recipients in chemical dependence residential treatment facilities with the benefit of those recipients residing in comparable settings</p>	<p>This part would reduce the personal needs allowance for Safety Net recipients residing in chemical dependence treatment facilities, currently \$142 per month, to an amount that is comparable to the allowance given to recipients who reside in similar settings that provide room and board, currently \$45 per month.</p>
U	<p>Reduce the increase in the total benefit amount for Supplemental Security Income (SSI) payments by reducing state supplemental benefits for recipients in the community and authorize the pass-through of the 2010 federal cost-of-living-adjustment (COLA)</p>	<p>This part would reduce the state's share of SSI benefits. This part would also increase SSI benefits by the percentage of the federal COLA in 2010.</p>

V	<p>Increase the Office of Temporary and Disability Assistance's (OTDA) access to the Department of Taxation and Finance's Wage Reporting System records in order to obtain income eligibility data to access additional federal revenue</p>	<p>This part would authorize OTDA to collect household income information from the Department of Tax and Finance's wage reporting system in order to determine the eligibility for federal funding for children in foster care or those receiving adoption assistance.</p>
W	<p>Remove the twelve month notice requirement prior to youth facility closures</p>	<p>This part would eliminate the twelve month notification required prior to significant service reductions, staff reductions, transfer of operations, or closures of the Office of Children and Family Services youth facilities.</p>
X	<p>Modify the fee structure for the Statewide Central Registry (SCR) clearance checks</p>	<p>This part would increase the SCR fee from \$5 to \$25 for child abuse or maltreatment background checks. This fee would apply to persons who are currently exempt from paying a fee. Foster parents and prospective adoptive parents, among others, would still be exempt from paying the fee under this part.</p>
Y	<p>Increase the public assistance grant</p>	<p>This part would increase the basic allowance of the public assistance grant by ten percent per year for three years, beginning in January of 2010.</p>
Z	<p>Extend the Unemployment Insurance (UI) interest assessment surcharge</p>	<p>This part would extend until 2011 the ability of the Department of Labor to charge employers for the payment of interest on federal funds borrowed for the payment of unemployment insurance benefits.</p>
AA	<p>Provide for the assessment of civil penalties in appropriate human rights cases</p>	<p>This part would allow the Division of Human Rights to assess civil fines and penalties upon any respondent found to have committed an unlawful discriminatory act; currently the Division can only assess such fines and penalties for housing discrimination. This part also would authorize businesses with fewer than fifty employees to pay fines in reasonable installments over a period of up to three years.</p>
BB	<p>Increase boiler inspection and asbestos licensing, certification, and notification fees</p>	<p>This part would double the boiler inspection and insurance company boiler inspection reporting fees and would double asbestos certification, licensing, and notification fees.</p>

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| CC | Expand enforcement mechanisms and civil penalties regarding explosives and update provisions relating to pyrotechnics | This part would define “pyrotechnics” as explosives needing special regulation and enforcement by Department of Labor; it also would require provisions for the shipment and storage of explosives and would establish penalties for non-compliance. |
| DD | Include certification requirement for crane operators and impose civil penalties for non-certified crane operation on operators and their employers | This part would establish penalties to be imposed on crane operators who have not obtained a certificate of competence and those who willfully employ them and would debar for two years operators who commit two or more violations. Penalties range from \$1,000 to \$3,000 for crane operators and \$5,000 to \$10,000 for employers. |

A. 158 - HEALTH AND MENTAL HYGIENE

PART	DESCRIPTION	SUMMARY
A	Modify the Early Intervention and General Public Health Work programs; eliminate certain programs in the Department of Health and the State Office for the Aging; and institute fees for physicians and clinical laboratories	This part would modify the Early Intervention program, including implementing fees for parents and providers and consolidating approval and monitoring authority within the Department of Health, restructure the General Public Health Work program, eliminate certain programs in both the Department of Health and in the State Office for the Aging, and update fees used to finance the Office of Professional Medical Conduct and the oversight of clinical laboratories.
B	Reinstitute the assessment on home and personal care providers; merge the Office of the Welfare Inspector General (OWIG) with the Office of the Medicaid Inspector General (OMIG); and extend expiring laws and make certain technical changes	This part would reinstitute the 0.7 percent assessment on home care and personal care providers, merge the Office of the Medicaid Inspector General with the Office of the Medicaid Inspector General, allow payments to certain programs to be altered in the case of loss of federal funding, continue prior year cost containment provisions for hospitals, nursing homes, ambulatory care, clinics, and home and personal care services, and extend various expiring laws and programmatic provisions.
C	Change Medicaid reimbursement structures; implement certain pharmacy reform measures; modify access to health insurance coverage; and implement various insurance and Health Care Reform Act (HCRA) proposals	This part would change reimbursement methodologies for hospital inpatient and substance abuse and inpatient psychiatric services, provide funding and investments for the Health Care Efficiency and Affordability Law for New Yorkers, implement certain pharmacy changes, implement measures to modify access to coverage and to modify cost sharing and payments, make changes to the Elderly Pharmaceutical Insurance Coverage (EPIC) program, extend assessments to out-of-state insurers, eliminate funding for the telemedicine demonstration program, make certain changes related to HCRA administration, and increase application fees and civil penalties for cigarette and tobacco product retail dealers and vending machine owners and operators.

- D Revise nursing home and home care reimbursement methodologies

This part would eliminate rebasing of nursing home payments and the current cost-based reimbursement system and replace it with a new regional pricing system, eliminate the nursing home worker recruitment and retention funding and the occupancy adjustment for AIDS specialty home beds, phase out 6,000 nursing home beds and phase in 6,000 Assisted Living Program beds, replace the current Certified Home Health Care Agency reimbursement methodology with a new pricing methodology and allow the Long Term Home Health Care program to authorize monthly expenditures of up to 100% of nursing home services for the AIDS home care program, include personal care services in the Medicaid Managed Care Program, and reduce payments to Certified Home Care Agencies by 3.5%, Long Term Home Health Care providers by 1.5%, and Personal Care Providers by 1.5%. It also would establish a nursing home and a home care quality incentive pool, establish a Long Term Care Nursing Initiative Demonstration Project and a Cash and Counseling Demonstration Program, and authorize eligibility for Medicaid extended coverage under the Partnership for Long Term Care Program.
- E Eliminate exempt income in Long-Term Sheltered Employment (LTSE) programs

This part would require all revenues received for the LTSE programs to be included in the State's net deficit calculations. Currently, LTSE programs can exempt up to \$1,000 of the revenues they receive from 100 percent State funded net deficit calculations.
- F Reduce and convert inpatient wards operated by the Office of Mental Health (OMH)

This part would permit OMH to implement measures to make psychiatric hospitals more efficient without having to comply with statutory one year notification and reinvestment provisions. Such measures would include the closing of hospital wards and development of transitional placement programs. Under current law, OMH must give a one year notification of any significant service reduction.

G	Extend current social worker and mental health professional licensing exemptions for the Department of Mental Hygiene, the Office of Children and Family Services, and local governmental programs	This part would extend until January 1, 2014, the current exemption for employees of the Department of Mental Hygiene, the Office of Children and Family Services, and local government-operated, regulated, funded, or approved programs from certain social work and mental health professional licensure requirements.
H	Allow alternative facility options and courtroom procedures for Sex Offender Management and Treatment Act (SOMTA) respondents	This part would provide that after a court finds probable cause that a sex offender requires civil management, the offender may consent to stay in the custody of the Department of Corrections after the expiration of his or her sentence, rather than be placed in a secure treatment program run by the Office of Mental Health, until the civil management trial. This part would also provide that, upon showing of good cause, respondent or any witnesses may appear at court proceedings, including trials, via video conferencing.
I	Allow facility directors to act as representative payees and the use of federal entitlement benefits in accordance with federal laws and regulations	This part would allow facility directors of State-operated facilities to act as representative payees to pay for the cost of care and treatment for persons who have assets, consistent with all applicable federal laws and regulations. The proposal would also direct that funds received by such directors acting as representative payees are not subject to the \$5000 statutory limit on funds or property that may be held by facility directors and that such funds shall be used in accordance with applicable federal laws and regulations.
J	Consolidate administrative functions of the Office of Mental Retardation and Developmental Disabilities' (OMRDD) Broome Developmental Disabilities Services Office and the Valley Ridge Center for Intensive Treatment	This part would consolidate administrative functions of OMRDD Broome Developmental Disabilities Services Office and the Valley Ridge Center for Intensive Treatment.
K	Close the Manhattan Addiction Treatment Center	This part would direct the Manhattan Addiction Treatment Center to close. It would take effect immediately and would be deemed to have been in full force and effect on and after March 1, 2009.

L	Eliminate the human services cost-of-living adjustment (COLA)	This part would eliminate the COLA for 2009-10 for Human Services programs under the auspices of the Office of Mental Health, Office of Mental Retardation and Developmental Disabilities, Office of Alcoholism and Substance Abuse Services, Department of Health, Office of Children and Family Services, and the State Office for the Aging. This part would also extend the current adjustment for an additional year, through March 31, 2013.
M	Modify reporting requirements related to the provision of community mental health services	This part would remove the requirement that the Office of Mental Health (OMH) study and submit reports for the following programmatic areas: child and adult non-geriatric inpatient bed closures; unmet mental health service needs; the community mental health support and workforce reinvestment program; and the delivery of care and services in family care homes and other community residences. Instead, this part would require OMH to identify problems in their programmatic areas and report such findings, with recommendations on or before October 1, 2010, and annually thereafter.
N	Extend the authority for Article 28 hospitals to replace state aid grant funds provided by the Office of Mental Health (OMH) and the Office of Alcoholism and Substance Abuse Services (OASAS) with federal Disproportionate Share (DSH) funds	This part would extend through March 31, 2012, the authorization of annual federal DSH payments to support the provision of mental health and substance abuse services by Article 28 hospitals.
O	Extend the Manhattan Psychiatric Center and Kirby Forensic Psychiatric Center lease	This part would authorize the mayor of the City of New York to enter into an agreement for the renewal or further extension of the lease, of up to fifty years, executed between the City of New York and the State of New York for Manhattan Psychiatric Center, Kirby Forensic Psychiatric Center, and a related program on Wards Island.
P	Transfer the Alcohol and Drug Rehabilitation Program from the Department of Motor Vehicles (DMV) to the Office of Alcohol and Substance Abuse Services (OASAS)	This part would transfer the alcohol and drug rehabilitation program currently being operated by DMV to OASAS.

A. 159 - TRANSPORTATION, ECONOMIC DEVELOPMENT AND ENVIRONMENTAL CONSERVATION

PART	DESCRIPTION	SUMMARY
A	Extend the Department of Transportation's (DOT) Single Audit Program	This part would extend for one year, until December 31, 2010, the DOT single audit program, which requires municipalities and public authorities that are subject to a single audit of federal aid to prepare and have audited a schedule of State transportation assistance expended, provided that the total of such assistance exceeds \$100,000 in a fiscal year.
B	Provide the annual authorization for the CHIPs and Marchiselli programs	This part would authorize \$250.855 million in capital for CHIPs and \$39.7 million for the Marchiselli program for State Fiscal Year 2009-10.
C	Permanently extend suspension of drivers' licenses for certain alcohol-related convictions	This part would make permanent provisions of law requiring courts to suspend drivers' licenses, pending prosecution, for driving while intoxicated (DWI) violations when drivers at the time of arrest had a blood alcohol content of .08 percent or higher.
D	Permanently extend suspension of drivers' licenses for certain drug-related convictions	This part would make permanent the law mandating a six month driver's license suspension for certain drug-related offenses.
E	Permanently extend payment of Department of Motor Vehicles' (DMV) costs from the Dedicated Highway and Bridge Trust Fund	This part would make permanent the law authorizing the payment of costs of DMV from the Dedicated Highway and Bridge Trust Fund.
F	Increase driver's license and photo image fees	This part would increase fees for commercial and non-commercial drivers' licenses and learners' permits by twenty-five percent to thirty percent and photo image fees for such licenses and permits by twenty-five percent.
G	Increase the registration fees for motor vehicles, motorcycles, trailers, all-terrain vehicles, vessels, snowmobiles, and certain license plates	This part would increase the registration fees for motor vehicles, motorcycles, trailers, all-terrain vehicles, vessels, and snowmobiles, fees for special number and certain distinctive plates, and fees for cab cards, trip permits, and in-transit permits by twenty-five percent and fees for transfers of registration by thirty percent.

H	Increase the fee for the issuance of license plates	This part would increase the fee for the issuance of non-custom license plates from \$15 to \$25.
I	Eliminate the cap on fees and surcharges imposed for conviction of certain traffic violations	This part would remove the \$100 cap on the amount of mandatory surcharges and crime victim assistance fees imposed on individuals convicted of two or more equipment or moving traffic violations when these convictions are the result of a single act or omission.
J	Extend provisions of law relating to motor vehicle financial security requirements	This part would extend for two years, until June 30, 2011, provisions of law relating to motor vehicle financial security, including issuance of proof of insurance, notices of policy termination, the suspension of drivers' licenses and vehicle registrations for non-compliance, fees to terminate such suspension, and sanctions for driving with a license suspended for failure to maintain financial security or knowingly selling or purchasing a stolen, false, or fraudulent license, registration certificate, or license plate.
K	Modify the Vehicle and Traffic and Transportation Laws in relation to federal requirements governing the operation of commercial motor vehicles	This part would modify various provisions of the Vehicle and Traffic and Transportation Laws relating to the operation of commercial motor vehicles.
L	Institute a fee for each book of pre-licensing classroom certificates issued to driving schools	This part would impose a \$50 fee for each book of pre-licensing classroom certificates. Currently, the certificate books are provided free of charge to the driving schools. This proposal also would impose a one dollar fee per certificate to be paid by the driving schools.
M	Extend laws relating to parking violations, traffic violations, and the New York City red light camera program	This part would extend for two years, until September 1, 2011, provisions of law relating to penalties, surcharges, and enforcement of parking violations and surcharges for traffic violations and would extend for twenty-one months, until September 1, 2011, the statutory authorization and related laws for the New York City red light camera program.
N	Authorize replacement of the written examination for a Non-Commercial Driver's License permit with a course	This part would allow the Commissioner of Motor Vehicles to accept completion of either the five hour pre-licensing course or a driver education course instead of the non-commercial driver's license written permit test.

- O Modify the Dedicated Highway and Bridge Trust Fund (DHBTF) reporting requirements This part would amend various provisions of the DHBTF reporting requirements, including changing the requirement to report appropriations to reporting actual and proposed disbursements and transfers from the DHBTF, removing requirements to provide “probable life” data, allowing the Governor, the Senate Majority Leader, and the Assembly Speaker to agree on the forms of reports to be submitted to the Office of the State Comptroller (OSC), changing reports on bond coverage ratio from biennial to annual, adding a provision to report appropriations from DHBTF and the planned disbursements pursuant to such appropriations, removing from the report information as to what part of an appropriation would be paid on a pay-as-you-go basis and the statutory authority for using DHBTF money for a project, extending by ten days the time for the Comptroller to give a quarterly report to the Division of Budget (DOB) and eliminating a requirement that DOB make a report to OSC and the legislative fiscal committees.
- P Permanently allocate certain revenues to the Dedicated Highway and Bridge Trust Fund (DHBTF) and Dedicated Mass Transportation Trust Fund (DMTTF) This part would allow the State’s DHBTF and DMTTF to permanently collect certain fees and revenue allocated to the funds, such as transportation/transmission taxes (DHBTF and DMTTF) and fees for Department of Motor Vehicles’ searches, certified inspector certificates, inspection certificates, certificates of motor vehicle sales, and certificates of title (DHBTF).
- Q Increase food inspection penalties for violations of law that represent a risk to public health This part would authorize the Department of Agriculture and Markets to increase penalties for violations of Agriculture and Markets chapters or other laws from \$300 to \$1,000 for first violations and from \$600 to \$2,000 for second and subsequent offenses and increase penalties for violations of Agriculture and Markets rules and orders from \$200 to \$1,000 for first violations and from \$400 to \$2,000 for second and subsequent violations.
- R Extend for one year the funds distribution formula for the Community Services Block Grant Program This part would extend from September 31, 2009, to September 31, 2010, the statutory formula for the distribution of funds through the Department of State for the federal Community Services Block Grant Program.
- S Increase examination fees related to the licensure of disciplines This part would increase to \$75 the examination fees for licensure through the Department of State for nail care and cosmetology, security and fire alarm

regulated by the Department of State

installation and maintenance, barbering, private investigation and bail enforcement, real estate brokers and salesmen, hearing aid dispensers, and home inspectors and increase from \$50 to “such reasonable amount as the secretary of state shall prescribe” the examination fees for state licensed real estate appraisers. This part would also replace the \$10 fee for changes to a name or address of a notary public with a \$75 non-refundable examination fee for notary publics.

T Reduce the amount of real estate transfer tax revenue deposited into the Environmental Protection Fund

This part would amend the Tax Law to reduce the amount of Real Estate Transfer Tax (RETT) revenue that is deposited into the Environmental Protection Fund (EPF) from \$287 million to \$80 million.

U Authorize and direct the Comptroller to deposit to the General Fund a payment of up to \$913,000 from the New York State Energy Research and Development Authority (NYSERDA)

This part would authorize NYSERDA to make a payment of up to \$913,000 to the General Fund. The \$913,000 transfer would offset debt service requirements relating to the West Valley Nuclear Fuel Reprocessing Facility.

V Assess a fee upon the entry of a horse in New York State pari-mutuel races

This part would require the owner of every racehorse entered to run in a pari-mutuel race in the State to pay \$10 each time a horse enters a race.

W Increase the maximum penalties for Insurance Law violations

This part would increase the civil penalties and fines for certain violations of the Insurance Law and authorize the Superintendent of Insurance to issue emergency cease and desist orders in situations in which someone is engaging in unlicensed activity or conduct that creates an immediate danger to public safety.

X Make permanent the general loan powers of the New York State Urban Development Corporation (UDC)

This part would make permanent the general loan powers of the UDC, which otherwise would expire on July 1, 2009.

Y Authorize the New York State Energy Research and Development Authority(NYSERDA) to finance a

This part would authorize NYSERDA to finance its Research, Development, and Demonstration Program and its Policy and Planning Program with revenues from assessments on gas corporations and electric corporations, pursuant to Section 18-a of the Public Service Law.

portion of its research, development, and demonstration and policy and planning programs from assessments on gas and electric companies

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| Z | Require a transfer of funds from the Power Authority of the State of New York (PASNY) to the State | This part would authorize a transfer of up to \$318 million from PASNY to the State General Fund pursuant to a memorandum of understanding between PASNY and the State. |
| AA | Authorize the Battery Park City Authority (BPCA) to make contributions to the General Fund | This part would authorize and direct BPCA to make a payment of up to \$270 million to the General Fund. |
| BB | Authorize New York State Urban Development Corporation (UDC) to make contributions to the General Fund | This part would authorize UDC to contribute to the General Fund, by March 1, 2009, up to \$60 million in excess funds received pursuant to provisions of certain Public Authorities Control Board resolutions, and to remit any additional payments received after such date to the General Fund pursuant to a plan approved by the Director of the Division of Budget. |
| CC | Establish a new \$50 million New York Growth, Achievement, and Investment Strategy Fund | This part would create the New York Growth, Achievement, and Investment Strategy Fund to provide financial and technical support for businesses in strategic industries to expand or to attract such businesses to New York State. |
| DD | Authorize the development of an economic development capital spending reduction plan and strategic reinvestment plan | This part would create a capital spending reduction plan and authorize the Governor and Legislature to determine savings of \$375 million or more from existing capital programs from which \$275 million would be authorized for new capital investment, including \$50 million for the development of a semiconductor packaging facility and \$25 million for the purchase of machinery and equipment at Albany NanoTech. |
| EE | Authorize the consolidation of the state's economic development entities | This part would authorize the consolidation of the State's economic development offices. The Department of Economic Development and the Foundation for Science, Technology, and Innovation would be eliminated, and their functions transferred to the New York State Urban Development Corporation. |

FF	Increase a Bond Issuance Charge (BIC)	This part would increase the rate of the BIC by twenty percent over existing levels. Currently, the BIC rate schedules range from seven to thirty-five percent.
GG	Eliminate the Northeastern Queens Nature and Historical Preserve Commission	This part would eliminate the Northeastern Queens Nature and Historical Preserve Commission and transfer all functions, powers, duties, obligations, and assets of the Commission to the New York State Office of Parks, Recreation, and Historic Preservation.
HH	Eliminate the Hudson River Valley Greenway Communities Council and Hudson River Valley Greenway Heritage Conservancy and transfer liabilities, assets, and responsibilities to the Department of State	This part would eliminate the Hudson River Valley Greenway Communities Council and Hudson River Valley Greenway Heritage Conservancy and transfer liabilities, assets, and responsibilities to the Department of State
II	Increase food safety inspection and licensing fees and require the licensure of seed labelers and distributors	This part would authorize the Department of Agriculture and Markets to increase fees for feed distributors from five cents per ton to ten cents per ton of feed ingredient or commercial feed. The Department of Agriculture and Markets would have the authority to increase biennial licensing fees from \$200 to \$400 for food processing establishments and would authorize the Commissioner to charge larger, complex food processing facilities a \$900 licensing fee. This part would create a new license subject to a \$100 fee for seed distributors or retailers.
JJ	Increase certain State Pollution Discharge Elimination System Program fees (SPDES)	This part would increase certain SPDES program fees for industrial, municipal, private, commercial, and/or institutional establishments, as well as for Concentrated Animal Feeding Operations (CAFOs).
KK	Establish a trout and salmon stamp	This part would establish a trout and salmon stamp and would require all persons fishing for trout and salmon to possess such stamp.
LL	Establish a recreational marine fishing license	This part would establish a recreational marine fishing license and require all persons fishing in the marine and coastal district or for migratory fish of the sea in any waters of the State to possess such a license.

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| MM | Authorize the Public Service Commission (PSC) to modify certain regulatory provisions of the Public Service Law | This part would allow partial PSC review of confirming cable franchises, renewals, and amendments granted by municipalities; it also would authorize PSC to refrain from applying certain regulatory provisions to telephone corporations and services and would allow PSC to serve orders by e-mail with the consent of affected persons. It would exempt buildings with three or fewer dwellings from certain charges and would prohibit non-owner tenants from becoming a customer of record for utility service provided through a single meter. |
| NN | Increase the utility assessment cap, establish a temporary state energy and utility service conservation assessment, and authorize aggregate energy purchases by the Power Authority of the State of New York (PASNY) | This part would increase the assessment cap established by Public Service Law, §18-a, and would authorize certain state agencies to finance programs from utility and cable assessments; it also would authorize the Office of General Services to partner with PASNY to facilitate aggregate energy purchases on behalf of State agencies and others and would impose a temporary energy and utility service conservation assessment on specified utility entities. |
| OO | Increase civil penalties for certain offenses involving motor vehicle sales and inspections | This part would set new minimum fines and raise from \$350 to \$1,500 the maximum penalty that can be imposed on automobile repair shops, automobile dealers, inspection stations, and certified inspectors for first and subsequent convictions of certain offenses, including the falsifying of safety and emissions inspection reports. |
| PP | Increase fees imposed for the re-issuance of drivers' licenses after a period of suspension or revocation | This part would double the current fee imposed on persons whose drivers' licenses were suspended or revoked for conviction of certain offenses for the termination of such suspension or revocation. In addition this part would require that fifty percent of the fees collected be credited to the General Fund. |
| QQ | Dedicate the local share of state receipts from the gaming facility in the County of Erie to the City of Buffalo | This part would direct local share of Indian casino (slot) revenue from the casino located in Buffalo directly to the City of Buffalo. Previously the provision directed that revenue from a casino located "in the county of Erie" go to the "municipal governments hosting" the casino. |

RR	Extend for one year the authority of the Secretary of State to charge increased fees for expedited handling of documents	This part would extend from March 31, 2009, to March 31, 2010, the ability of the Secretary of State to charge \$75 for same-day expedited handling of document requests and \$150 for two-hour expedited handling of document requests.
SS	Expand the state's "Bottle Bill" to cover additional beverage containers and to provide for the return of unclaimed deposits on beverage containers to the State for deposit into the Environmental Protection Fund	This part would amend the Returnable Container Act (Bottle Bill) by expanding the statute to include all non-carbonated beverages with the exception of liquor, wine, infant formula, and milk. Also, this part would authorize the State to deposit unclaimed deposits in the Environmental Protection Fund (EPF) and include provisions designed to increase redemption rates, ease burdens on retailers, encourage the establishment of new redemption centers, clarify the rights and responsibilities of consumers, dealers, and deposit initiators, and facilitate enforcement.
TT	Set forth the authority of the Office of Parks, Recreation, and Historic Preservation with regard to retail sales	This part would allow the Office of Parks, Recreation, and Historic Preservation to sell merchandise, goods, commodities, or food. Proceeds from such sales would be deposited into the patron services account of the miscellaneous special revenue fund to support park maintenance and general operations.
UU	Recover the cost of centralized state services provided on behalf of industrial development agencies (IDAs)	This part would enact a new provision that would subject IDAs to State cost recovery under the Public Authorities Law. The aggregate cap on funds collected would be \$5 million.
VV	Impose fees related to certain activities conducted by the Department of Taxation and Finance and prohibit tax return preparers and software companies from charging separately for electronic filing of New York tax documents	This part would add various fees in relation to activities administered by the Department of Taxation and Finance: \$75 on persons entering into an installment agreement with the Department or when installment agreements are modified or reinstated; \$50 fee if a taxpayer's check, money order, or electronic fund is returned without payment; \$10 on individuals and joint filers who do not file personal income tax documents electronically; and an annual registration fee of \$100 applicable to commercial tax preparers.

A. 160 - REVENUE

PART	DESCRIPTION	SUMMARY
A	Amend the definition of presence in New York	This part would amend the definition of “resident individual” for determining residency for the Personal Income Tax.
B	Disallow electric generation facilities as “manufacturers”	This part would establish that electric generation facilities do not meet the definition of “manufacturer” under the capital base of the corporation franchise tax.
C	Eliminate exemption for large cooperative insurance companies	This part would limit the exemption provided for town or county cooperative insurance corporations under the Insurance Franchise Tax.
D	Restructure the insurance tax	This part would restructure the franchise tax on insurance companies so that all insurance companies are taxed in an identical manner by paying a tax based on premiums.
E	Enact reciprocal vendor offsets	This part would enact a reciprocal program with the United States Treasury Department to intercept vendor payments to satisfy tax debts.
F	Change filing requirement for overcapitalized captive insurance corporations	This part would establish that captive insurance companies receiving fifty percent or less of their gross receipts from insurance premiums would no longer meet the definition of an insurance business and would file a combined return with their closest affiliated taxpayer.
G	Eliminate certain tax credits	This part would eliminate certain tax credits (automated external defibrillator, fuel cell, security guards, alternative fuels, qualified emerging technology company capital tax, and transportation improvement contributions).
H	Treat gain from the sale of partnerships as income	This part would include gain from the sale of partnership, S corporation, and LLC interests as New York source income to non-residents to the extent the entity owns real property located in New York.
I	Increase tax prepayment	This part would change the mandatory first estimated installment payment under the corporate franchise, bank, and insurance taxes from thirty percent to forty percent. For most taxpayers, this installment is due in March with the filing of the previous year’s tax return. This would not change the amount of tax liability, but would change the timing of payments.

J	Establish non-LLC partnership fee	This part would impose annual filing fees on partnerships, other than limited liability partnerships, based on their New York source income with an exemption for partnerships whose New York source income is less than one million dollars.
K	Modify the empire zones program	This part would require all current and future participants in the Empire Zones program to be recertified before qualifying for tax year 2008 zone benefits and to meet or exceed a new statutory twenty to one benefit-cost standard. This proposal would also exclude businesses from certain industry sectors (utilities, retail, and real estate holding companies) from applying for future acceptance into the program.
L	Low income housing tax credit	This part would increase the aggregate amount of low-income housing tax credits that the Commissioner of Housing and Community Renewal may allocate by \$4 million.
M	Limit itemized deduction for high income taxpayers.	This part would limit the ability of taxpayers with incomes over \$1 million to reduce their tax liability by claiming itemized deductions.
N	Expand tax on nonresident hedge fund income	This part would treat income received by non-resident partners for performing investment management services as New York source income and would expand nonresident personal income tax to include income received from hedge fund management fees.
O	Create an enhanced research and development credit	This part would authorize the Urban Development Corporation (UDC) to award tax credits to qualifying research and development projects and to award grants to certain research colleges and universities based on strategic economic development criteria. The aggregate amount of annual credits that UDC could award would be limited to \$20 million in SFY 2009-10, \$33 million in SFY 2010-11, and \$45 million annually thereafter.
P	Expand the qualified emergency technologies facilities, operations, and training credit	This part would expand the eligibility criteria for the qualified emerging technologies credits by allowing firms with more than 100 employees to continue receiving benefits and not considering employment outside New York State in determining eligibility. Under this proposal, businesses with fewer than 100 employees in New York State but over 100 employees worldwide would also be able to participate.

Q	Extend sales tax to cable and satellite television and radio	This part would impose sales tax on television and radio services provided by cable, satellite, or other similar means.
R	Change the cigar tax	This part would change the tobacco products and cigarette taxes to convert the tax on cigars from a value-based tax to a per-unit tax and to impose a tax of fifty cents per cigar.
S	Impose sales tax on store-issued coupons	This part would impose the sales tax on the amount paid by the customer plus the amount of store-issued coupons (as is currently done with manufacturers' coupons) rather than on the net discounted price.
T	Increase lottery prize fund investment options	This part would authorize a wider variety of investment options for moneys held by the Lottery Prize Fund.
U	Eliminate the existing clothing sales tax exemption	This part would eliminate the sales tax exemption for clothing and footwear priced under \$110 and replace it with two one-week exemption periods for clothing and footwear priced under \$500. Localities would have an option to join the State in offering this exemption.
V	Extend New York City personal and credit services sales tax statewide	This part would make personal services (such as beauty, barbering, manicure, pedicure, massage, health salon, or gymnasium services) and credit rating and reporting services subject to sales tax statewide.
W	Extend video lottery terminal (VLT) hours of operation	This part would extend the hours of video lottery operation, repeal the sunset date for the VLT Program, and make technical corrections regarding the operation of video lottery gaming.
X	Standardize tax on flavored malt beverages	This part would impose a tax on flavored malt beverages at the liquor tax rate.
Y	Extend pari-mutuel tax	This part would extend for one year lower pari-mutuel tax rates. This proposal would also extend by one year the rules governing the simulcasting of out-of-state races and the authorization for account wagering.
Z	Increase prepaid sales tax rates on cigarettes	This part would increase the prepaid sales tax rate on cigarettes from seven percent to eight percent. This will not change the amount of tax liability, but simply the timing of payments.
AA	Address tax avoidance for the purchase of motor vehicles, aircraft, and vessels	This part would eliminate the ability to avoid sales taxes on commercial aircrafts by having the airplane purchased by a non-resident affiliate, which then charges resident affiliate employees for use of the aircraft. The proposal also would require sales tax to be paid on motor vehicles, vessels, and aircraft

		even if purchased by a new or limited liability corporation that purchases the item in question out-of-state but brings the item into the State and then allows the New York resident to use the item at will.
BB	Repeal bad debt provisions	This part would prohibit vendors, such as private label credit card lenders (e.g., department stores) from reclaiming sales tax revenues on debts that are not repaid but prohibit other vendors or lenders access to these revenues. This proposal would limit the credit refund to the vendor only.
CC	Require sales tax on digital property	This part would impose state and local sales tax on purchases of prewritten software, digital audio, audio-visual and text files, digital photographs, games, and other electronically delivered entertainment service.
DD	Repeal the sales tax cap on fuel	This part would repeal the current state sales tax cap of eight cents per gallon on motor fuel and diesel motor fuel.
EE	Allow for mailing of decals to Truck Mileage Tax (TMT) carriers	This part would authorize the Department of Taxation and Finance to mail decals to TMT carriers.
FF	Expand definition of affiliate nexus for internet sales	This part would prevent a company from avoiding sales and use tax on internet purchases by creating independent but affiliated out-of-state entities to make those sales. A company would be held to create a "nexus" in the State (and thus be required to collect sales tax) if an in-state affiliate uses a trademark, service mark, or trade name the same as or similar to that of the remote affiliate or if an in-state affiliate engages in activities that help the remote affiliate develop or maintain a market for its goods or services.
GG	Authorize video lottery terminal at Belmont Park	This part would authorize video lottery gaming at Belmont Park and modify commission rates at Aqueduct Racetrack.
HH	Create sales tax on soft drinks	This part would impose an additional eighteen percent rate of sales and compensating use taxes on fruit drinks that contain less than seventy percent of natural fruit juice and non-dietetic soft drinks, sodas, and beverages.
II	Eliminate Quick Draw restrictions	This part would eliminate the sunset of Quick Draw and eliminate certain restrictions on the game.
JJ	Allow for Additional multi-jurisdictional lottery games	This part would remove the restriction that currently allows the Division of the Lottery to join only one multi-jurisdictional game and allow the Lottery to be part of new multi-jurisdictional gaming associations.
KK	Allow the sale of wine in grocery stores	This part would allow the sale of wine in grocery and drug stores that currently qualify for a license to sell beer upon payment of a franchise fee.

LL	Increase beer and wine tax rates	This part would increase the excise tax on wine and beer; the tax on wine would increase from 18.9 cents per gallon to fifty-one cents per gallon, and the beer tax would increase from eleven cents per gallon to twenty-four cents per gallon.
MM	Increase auto rental tax	This part would increase the auto rental tax from five percent to six percent.
NN	Extend sales tax to transportation-related spending	This part would impose a sales tax on transportation-related consumer spending, including but not limited to taxis, limousines, and buses.
OO	Extend sales tax to entertainment-related spending	This part would impose a sales tax on entertainment-related consumer spending, including but not limited to movie theaters and sporting events.
PP	Limit the capital improvement exemption	This part would narrow the sales tax definition of capital improvement and its application.
QQ	Increase highway use tax renewal fee	This part would increase the highway use fee for a replacement registration certificate to the cost of the initial permit. The fee for a replacement registration would increase from \$4 to \$15 for a motor vehicle and from \$2 to \$15 for a trailer, semi-trailer, dolly, or other drawn device.
RR	Increase sales tax on luxury goods	This part would impose a five percent tax on the following items in excess of the following thresholds: \$60,000 for cars, \$200,000 for vessels (including but not limited to yachts); \$20,000 for jewelry and furs; and \$500,000 for noncommercial aircrafts.
SS	Expand tax compliance	This part would provide the Department of Taxation and Finance with a variety of tax enforcement tools, including the ability to verify tax liability through the use of third party information, and increase the interest rates tied to the underpayment of tax.

A. 163 - SFY 2008-09 DEFICIT REDUCTION

PART	DESCRIPTION	SUMMARY
A	Modify the Aid and Incentive for Municipalities (AIM) Program	This part would increase the amount of AIM funding that the cities of Buffalo, Rochester, Syracuse, and Yonkers can receive in June 2009 in order to offset proposed reductions in Special Aid.
B	Authorizes and repeals various fund transfers and public authority debt issuer flexibility.	This part authorizes fund transfer of monies from the Environmental Protection Fund, New York State Power Authority, the Dormitory Authority State of New York, and other funds to the General Fund, and repeals the transfer of certain community projects monies from the General Fund. This part allows any public authority that is authorized to issue Personal Income Tax (PIT) Revenue bonds to issue debt for any other authorized public authority.
C	Transfer of undisbursed balances from the Mortgage Insurance Fund (MIF) of the State of New York Mortgage Agency (SONYMA)	This part would transfer to the General Fund undisbursed balances from MIF of SONYMA for the purpose of providing bond financing for Mitchell Lama Rehabilitation and Preservation and the All Affordable Program (\$54 million), Greater Catskills Flood Remediation Program (\$15 million), and the Housing and Economic Stabilization for Long Island Program (\$6 million) and would make corresponding increases to the bond cap authorization of the Housing Finance Agency. This part would allow the General Fund to retain \$25 million of previously committed funds in SFY 2008-09, because these programs would receive bonding support.
D	Transfer costs of Timothy's Law	This part would transfer costs of \$99 million from the General Fund to the Insurance Department's Special Review Regulation Account via a new assessment. It would also extend the statutory provisions for Timothy's Law from December 31, 2009, until December 31, 2010.
E	Eliminate the Unified Services Program.	This part would eliminate the Unified Services program. The purpose of the Unified Services program is to provide additional funding to certain counties to develop a community care system and reduce the use of State inpatient services. Currently, five counties receive funding from the Unified Services program (Rensselaer, Rockland, Warren, Washington, and Westchester).

- F Reduce the 2008-2009 cost of living adjustment for Human Services Programs. This part would reduce the 2008-09 cost-of-living adjustment (COLA) from 3.2 percent to 2.2 percent for Human Services programs under the auspices of the Office of Mental Health, Office of Mental Retardation and Developmental Disabilities, Office of Alcoholism and Substance Abuse Services, Department of Health, Office of Children and Family Services, and the State Office for the Aging.
- G Health care reductions This part would: modify the Preferred Drug Program to eliminate the exemption for anti-depressants (anti-psychotic, anti-retroviral, and anti-rejection drugs remain exempt); reduce pharmacy reimbursement levels for brand name prescription drugs from Average Wholesale Price (AWP) minus 16.25% to AWP minus 17.25%; reduce Elderly Pharmaceutical Insurance Coverage (EPIC) pharmacy reimbursement levels for brand name prescription drugs from AWP minus 16.25% to AWP minus 17.25%; reinstitute the 0.7% hospital assessment; implement across the board reduction in hospital rates; discontinue the remaining trend factors for calendar year 2008 and eliminate the trend factor for calendar year 2009 for general hospitals, nursing homes, home care, and personal care providers; delay nursing home rebasing until April 2009; implement across the board reductions in nursing home, home care, and personal care reimbursement rates; implement administrative efficiencies for certified home health agencies (CHHAs) and Long Term Home Health Care Programs (LTHHCPs); increase the amount collected through the Health Care Reform Act (HCRA) Covered Lives Assessment; eliminate HCRA funding for public hospital and public nursing home recruitment and retention grants, non-public hospital grants, and the regional pilot program individual subsidy; shift certain public health care costs and certain HCRA costs to Insurance Assessments; reduce Graduate Medical Education Professional Education Pool funding; eliminate unspent worker retraining funding; increase the HCRA assessments charged to insurers; reduce supplemental emergency transportation funding; reduce nursing home recruitment and retention grants; reduce clinic transition payments; reduce rural home care payments; and conform to federal requirements regarding Long Term Care Waiver provisions on spousal impoverishment.

H	Transfer from the Banking Department Account to the General Fund	This part would authorize the Comptroller upon the request of the Director of the Budget to transfer up to \$6 million from the unencumbered balance of the assessment on the Banking Department to the General Fund in SFY 2008-09.
I	Transfer unencumbered balance from the Insurance Department to the General Fund	This part would authorize the Comptroller upon the request of the Director of the Budget to transfer up to \$4.5 million from the unencumbered balance of the Insurance Department account to the General Fund in SFY 2008-09.
J	Transfer revenues from an account containing costs recovered by the Attorney General to the General Fund	This part would authorize the Comptroller to transfer to the General Fund money recovered by the Attorney General as costs in litigation and held by him in a separate account and to hold the account harmless should such funds be needed by the Attorney General subject to a ceiling.
K	Insurance Company Assessments to Worker's Compensation Board (WCB)	This part would clarify the calculation of assessments collected by the workers' compensation insurers and deposited into the WCB and would require any insurance company that has held surplus funds to pay such funds to the WCB. Such funds would be disbursed pursuant a plan developed by the WCB chair. Funds that exceed the plan would be transferred to the General Fund. It would also establish a Class E felony for insurers that misrepresent premiums.