

Legislative Bill Drafting Commission
12560-02-1

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

BUDGBI
(Enacts the deficiency budget for
the 2010-2011 state fiscal year)

Budgbi deficiency budget

AN ACT

to amend chapters 50, 54, 55 and 108
of the laws of 2010, making appro-
priations for the support of govern-
ment

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

IN SENATE

Senate introducer's signature

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

s20 Adams	s44 Farley	s58 Kennedy	s18 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s28 Serrano
s55 Alesi	s08 Fuschillo	s26 Krueger	s53 O'Mara	s51 Seward
s11 Avella	s59 Gallivan	s27 Kruger	s37 Oppenheimer	s09 Skelos
s40 Ball	s12 Gianaris	s24 Lanza	s21 Parker	s14 Smith
s42 Bonacic	s22 Golden	s39 Larkin	s13 Peralta	s25 Squadron
s46 Breslin	s47 Griffo	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s60 Grisanti	s52 Libous	s61 Ranzenhofner	s35 Stewart-
s50 DeFrancisco	s06 Hannon	s45 Little	s48 Ritchie	Cousins
s32 Diaz	s36 Hassell-	s05 Marcellino	s33 Rivera	s49 Valesky
s17 Dilan	Thompson	s07 Martins	s56 Robach	s57 Young
s29 Duane	s10 Huntley	s62 Maziarz	s41 Saland	s03 Zeldin
s31 Espaillat	s04 Johnson	s43 McDonald	s19 Sampson	

IN ASSEMBLY

Assembly introducer's signature

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

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

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

1 Section 1. Section 1 of chapter 50 of the laws of 2010, enacting the
 2 the public protection and general government budget, is amended by
 3 repeal the items hereinbelow set forth in brackets and by adding to such
 4 section the other items underscored in this section.

5 PUBLIC PROTECTION AND GENERAL GOVERNMENT BUDGET

6 DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

7 STATE OPERATIONS AND AID TO LOCALITIES 2010-11

8 FIRE PREVENTION AND CONTROL PROGRAM 18,079,700

9

10 Special Revenue Funds - Other / Aid to Localities

11 Miscellaneous Special Revenue Fund - 339

12 [Local Wireless Public Safety Answering Point Account]

13 Statewide Public Safety Communications Account

14 For expenses of local wireless public safety
 15 answering points associated with eligible
 16 wireless 911 service costs. Notwithstand-
 17 ing any other provision of law to the
 18 contrary, for state fiscal year 2010-2011
 19 the liability of the state and the amount
 20 to be distributed or otherwise expended by
 21 the state pursuant to section 186-f of the
 22 tax law shall be determined by first
 23 calculating the amount of the expenditure
 24 or other liability pursuant to such law,

1 and then reducing the amount so calculated
2 by 12.5 percent of such amount
3 4,650,000
4 For expenses of local wireless public safety
5 answering points associated with eligible
6 wireless 911 service costs, including but
7 not limited to financing and acquisition
8 costs. Notwithstanding any other provision
9 of law to the contrary, for state fiscal
10 year 2010-2011 the liability of the state
11 and the amount to be distributed or other-
12 wise expended by the state pursuant to
13 section 186-f of the tax law shall be
14 determined by first calculating the amount
15 of the expenditure or other liability
16 pursuant to such law, and then reducing
17 the amount so calculated by 12.5 percent
18 of such amount 4,650,000
19
20 Program account subtotal 9,300,000
21

22 § 2. Section 1 of chapter 54 of the laws of 2010, enacting the health
23 and mental hygiene budget, is amended by repealing the items hereinbelow
24 set forth in brackets and by adding to such section the other items
25 underscored in this section.

1 HEALTH AND MENTAL HYGIENE BUDGET
 2 OFFICE FOR THE AGING
 3 STATE OPERATIONS AND AID TO LOCALITIES 2010-11

4 COMMUNITY SERVICES PROGRAM [225,259,000] 228,259,000

5

6 Special Revenue Funds - Federal / Aid to Localities

7 Federal Health and Human Services Fund - 265

8 For programs provided under the titles of
 9 the federal older Americans act and other
 10 health and human services programs.

11 Title III-b social services 26,000,000

12 Title III-c nutrition programs, including a
 13 suballocation to the department of health
 14 for nutrition program activities

15 41,000,000

16 Title III-e caregivers 12,000,000

17 Health and human services programs

18 [7,000,000] 8,000,000

19 Nutrition services incentive program

20 16,000,000

21 For purposes of Congregate Nutritional
 22 Services funded by the American recovery
 23 and reinvestment act of 2009. Funds appro-
 24 priated herein shall be subject to all

1 applicable reporting and accountability
 2 requirements contained in such act
 3 2,350,000

4 For purposes of Home-Delivered Nutritional
 5 Services funded by the American recovery
 6 and reinvestment act of 2009. Funds appro-
 7 priated herein shall be subject to all
 8 applicable reporting and accountability
 9 requirements contained in such act
 10 1,135,000

11 -----
 12 Program fund subtotal [105,485,000] 106,485,000
 13 -----

14 Special Revenue Funds - Federal / Aid to Localities
 15 Federal Operating Grants Fund - 290
 16 Senior Community Service Employment Account

17 For the senior community service employment
 18 program provided under title V of the
 19 federal older Americans act .. [7,000,000] 9,000,000

20 For the senior community service employment
 21 program provided under title V of the
 22 federal older Americans act funded by the
 23 American recovery and reinvestment act of
 24 2009. Funds appropriated herein shall be
 25 subject to all applicable reporting and

1 accountability requirements contained in
 2 such act 900,000
 3 -----
 4 Program account subtotal ... [7,900,000] 9,900,000
 5 -----

6 Total new appropriations for state operations and aid to
 7 localities [239,609,400] 242,609,400
 8 =====

9 § 3. Section 1 of chapter 55 of the laws of 2010, enacting the trans-
 10 portation, economic development and environmental conservation budget,
 11 is amended by repealing the items hereinbelow set forth in brackets and
 12 by adding to such section the other items underscored in this section.

13 TRANSPORTATION, ECONOMIC DEVELOPMENT AND ENVIRONMENTAL CONSERVATION
 14 BUDGET
 15 DIVISION OF TAX APPEALS
 16 STATE OPERATIONS AND AID TO LOCALITIES 2010-11

17 ADMINISTRATION PROGRAM [3,053,000] 3,154,000
 18 -----

19 General Fund / State Operations
 20 State Purposes Account - 003

1 PERSONAL SERVICE

2 Personal service--regular [2,676,000] 2,777,000

3 Temporary service 10,000

4 -----

5 Amount available for personal service

6 [2,686,000] 2,787,000

7 -----

8 NONPERSONAL SERVICE

9 Supplies and materials 27,100

10 Travel 19,700

11 Contractual services 257,000

12 Equipment 63,200

13 -----

14 Amount available for nonper-

15 sonal service 367,000

16 -----

17 Total new appropriations for state operations and aid to

18 localities [3,053,000] 3,154,000

19 =====

20 § 4. Section 11 of chapter 108 of the laws of 2010, making appropri-
21 ations for the support of government, is amended by repealing the items
22 herein below set forth in brackets and by adding to such section the
23 other items underscored in this section.

1 DEPARTMENT OF HEALTH

2 CENTER FOR COMMUNITY HEALTH PROGRAM [512,727,000] 518,977,000

3 -----

4 General Fund / Aid to Localities

5 Local Assistance Account - 001

6 State aid to municipalities for the opera-
7 tion of local health departments and labo-
8 ratories and for the provision of general
9 public health services pursuant to article
10 6 of the public health law for activities
11 under the jurisdiction of the commissioner
12 of health.

13 Notwithstanding any other provision of arti-
14 cle 6 of the public health law, a county
15 may obtain reimbursement pursuant to this
16 act, only after the county chief financial
17 officer certifies, in the municipal health
18 services plan, that county tax levies used
19 to fund services carried out by the county
20 health department have not been added to
21 or supplanted directly or indirectly by
22 any funds obtained by the county pursuant
23 to the Master Settlement Agreement entered
24 into on November 23, 1998 by the state and
25 leading United States tobacco product

1 manufacturers, except in the case of a
 2 public health emergency, as determined by
 3 the commissioner of health.

4 Notwithstanding annual aggregate limits for
 5 bad debt and charity care allowances and
 6 any other provision of law, up to
 7 \$1,700,000 shall be transferred to the
 8 medical assistance program general fund -
 9 local assistance account for eligible
 10 publicly sponsored certified home health
 11 agencies that demonstrate losses from a
 12 disproportionate share of bad debt and
 13 charity care, pursuant to chapter 884 of
 14 the laws of 1990. Within the maximum
 15 limits specified herein, the department
 16 shall transfer only those funds which are
 17 necessary to meet the state share require-
 18 ments for disproportionate share adjust-
 19 ments expected to be paid for the period
 20 January 1, 2010 through December 31, 2010.

21 The moneys hereby appropriated shall be
 22 available for payment of financial assist-
 23 ance heretofore accrued [284,763,000]

291,013,000

24

25 Program account subtotal

26 [481,235,000]

487,485,000

27

1 ELDERLY PHARMACEUTICAL INSURANCE COVERAGE

2 PROGRAM [328,350,000] 380,350,000

3

4 Special Revenue Funds - Other / Aid to Localities

5 Miscellaneous Special Revenue Fund - 339

6 EPIC Premium Account

7 For services and expenses of the program for
8 elderly pharmaceutical insurance coverage,
9 including reimbursement to pharmacies
10 participating in such program. Notwith-
11 standing any inconsistent provision of
12 law, rule or regulation to the contrary,
13 for the period October 1, 2010 through
14 March 31, 2011, for a participant in the
15 program for elderly pharmaceutical insur-
16 ance coverage whose prescription drug
17 expenses are paid or reimbursable under
18 the provisions of the medicare program,
19 assistance under the program for elderly
20 pharmaceutical insurance coverage shall be
21 limited to prescription drugs covered by
22 the participant's medicare plan and to
23 drugs excluded from medicare coverage in
24 accordance with section 1860-D-2 of the
25 federal social security act, and in such
26 cases the program for elderly pharmaceu-

1 tical insurance coverage shall cover the
2 amount that is the responsibility of the
3 participant under the medicare plan bene-
4 fit, subject to the participant's cost-
5 sharing responsibility on such amount
6 under section 247 or section 248 of the
7 elder law; provided, however, that cover-
8 age under the elderly pharmaceutical
9 insurance coverage program shall be avail-
10 able only after the participant has first
11 exhausted the first two levels of appeal
12 available under Part D of title XVIII of
13 the federal social security act and the
14 appeal has been denied; and provided
15 further that during the medicare coverage
16 determination and appeal period, the
17 elderly pharmaceutical insurance coverage
18 program shall provide up to a 90 day
19 supply of the prescribed medication, or
20 such lesser supply as specified on the
21 prescription, if (i) the pharmacist noti-
22 fies the prescriber that the participant's
23 Medicare Part D plan and the elderly phar-
24 maceutical insurance coverage program have
25 denied payment for the prescribed medica-
26 tion and that if the prescriber does not
27 choose to change the prescription to a
28 drug that is covered by the participant's

1 Medicare Part D plan, a Medicare Part D
2 appeal must be pursued and (ii) the pres-
3 criber notifies the elderly pharmaceutical
4 insurance coverage program of the
5 prescriber's intent to provide necessary
6 information and cooperation in the pursuit
7 of the Medicare Part D appeal; and
8 provided further that, in instances where
9 the pharmacist is unable to immediately
10 reach the prescriber, the elderly pharma-
11 ceutical insurance coverage program shall,
12 upon the request of the pharmacist,
13 authorize a three day emergency supply of
14 the prescribed medication; and provided
15 further that the elderly pharmaceutical
16 insurance coverage program shall authorize
17 such additional 90 day supplies of the
18 prescribed medication, or such lesser
19 supply as specified on the prescription,
20 and such additional three day emergency
21 supplies as required to ensure coverage of
22 the prescribed medication during the
23 pendency of the Medicare Part D appeal;
24 provided however that, if this act appro-
25 priates sufficient additional funds to
26 permit the elderly pharmaceutical insur-
27 ance coverage program to provide coverage
28 for prescription drugs without regard to

1 the limitations described in this section,
 2 then the provisions of this paragraph
 3 shall not apply and shall be considered
 4 null and void as of September 30, 2010.

5 The moneys hereby appropriated shall be
 6 available for payment of financial assist-
 7 ance heretofore accrued [125,800,000] 177,800,000
 8
 9 Program account subtotal
 10 [125,800,000] 177,800,000
 11

12 § 5. This act shall take effect immediately and shall be deemed to
 13 have been in full force and effect on and after April 1, 2010.