

Amend Senate 6294, Assembly 9294, A BUDGET BILL, AN ACT to amend the judiciary law, in relation to compensation of assistant counsel and paralegals in the defense of individuals....

- Page 2 Title Strike out "Norwich",  
after "treatment", insert "at Norwich"
- Page 8 Lines 40-42 Strike out "upon projection or reconciliation  
of all other payments made pursuant to this  
subdivision prior to the application of this  
paragraph,"
- Page 8 Line 49 After of, insert "projected or reconciled"
- Page 9 After line 37, insert:  
§ 4. Paragraph (n) of subdivision 1 of section  
368-a of the social services law, as added by  
chapter 170 of the laws of 1994 and amended by  
section 32-b of chapter 412 of the laws of 1999,  
is amended to read as follows:  
(n) Notwithstanding any inconsistent provision  
of law, reimbursement for the amount expended  
for medical assistance furnished under this  
title to eligible persons pursuant to a  
statewide managed care plan or managed care  
demonstration program, or to eligible persons  
enrolled in any health maintenance organization  
or other entity authorized by law to furnish  
comprehensive health services pursuant to a  
plan, shall be reimbursed, after first deducting  
therefrom any federal funds properly received or  
to be received on account thereof, in accordance  
with the following schedule: (i) for services  
provided for the period April first, nineteen  
hundred ninety-four to March thirty-first,  
nineteen hundred ninety-nine, fifty-three and  
eight hundred seventy-five ten-thousandths  
percent thereof; and (ii) for services provided  
for the period April first, nineteen hundred  
ninety-nine to March thirty-first, two thousand  
three, fifty percent thereof.  
§ 5. Paragraph (c) of subdivision 1 of section  
36 of chapter 433 of the laws of 1997, amending  
the public health law and other laws relating to  
the rate of reimbursement paid to hospitals and  
residential health care facilities, as amended  
by section 43 of chapter 1 of the laws of 1999,  
is amended to read as follows:  
(c) For purposes of this section, "savings  
target" shall mean the home care services state  
share medical assistance savings target for each  
social services district calculated pursuant to

subdivision 2 of this section, provided, however, that any expenditures made by a social service district pursuant to section 367-o of the social services law shall be excluded from the computation of such social service district's savings target.

§ 6. Paragraph (f) of subdivision 1 of section 2807-1 of the public health law as added by chapter 639 of the laws of 1996 and amended by chapter 1 of the laws of 1999 is amended to read as follows:

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

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

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

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

(iv) from the pool for the [periods] period January first, two thousand through December thirty-first, two thousand two, eighty-two million dollars annually, and for the period January first, two thousand three through June thirtieth, two thousand three, forty-one million dollars shall be [transferred and deposited and credited to the credit of the state general fund] deposited by the commissioner, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue fund - other, HCRA transfer fund, medical assistance [local assistance] account.

§ 7. Section 194 of chapter 474 of the laws of 1996 amending the education law and other laws relating to rates for residential health care facilities, as amended by section 4 of Part F of chapter 412 of the laws of 1999 and chapter 1 of

the laws of 1999 is amended to read as follows:

§ 194. 1. Notwithstanding any inconsistent provision of law or regulation to the contrary, the trend factors used to project reimbursable operating costs to the rate period for purposes of determining rates of payment pursuant to article 28 of the public health law for residential health care facilities for reimbursement of inpatient services provided to patients eligible for payments made by state governmental agencies [except that such trend factor shall not be applied to services whose rates of payment are established by the commissioners of the department of mental hygiene] on and after April 1, 1996 through March 31, 1999 and for payments made on and after July 1, 1999 through March 31, 2000 and on and after April 1, 2000 through March 31, 2003 shall reflect no trend factor projections or adjustments for the period April 1, 1996, through March 31, 1997.

2. The commissioner of health shall adjust such rates of payment to reflect the exclusion pursuant to this section of such specified trend factor projections or adjustments.

§ 8. Paragraph (o) of section 2807-v of the public health law as amended by chapter 1 of the laws of 1999 is amended to read as follows:

(o) Funds shall be reserved and accumulated by the commissioner contingent upon meeting all funding amounts established pursuant to paragraphs (a), (b), (c), (d), (e), (f), (l), (m), (n), (p), (q), (r) and (s) of this subdivision, paragraph (a) of subdivision nine of section twenty-eight hundred seven-j of this article, and paragraphs (a), (i) and (k) of subdivision one of section twenty-eight hundred seven-l of this article and shall be transferred to the Roswell Park Cancer Institute Corporation, from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

§ 9. Subparagraph (i) of paragraph (p) of section 2807-v of the public health law as amended by chapter 1 of the laws of 1999 is amended to read as follows:

(i) eighty-two million dollars annually for the period January first, two thousand through December thirty-first, two thousand [three] two; and

§ 10. Chapter 1 of the Laws of 1999, is amended by adding a new section 85a and 85b to read as follows:

85a Section 121 of the state finance law as last amended by chapter 506 of the Laws of 1984, is hereby amended by adding a new subdivision 6 to read as follows:

6. Notwithstanding any other provision of law

to the contrary, the taxes, interest and penalties collected or received by the commissioner of taxation and finance under sections four hundred seventy-one and four hundred seventy-one-a of the tax law which are required to be deposited to the credit of the tobacco control and insurance initiatives pool established by section twenty-eight hundred seven-v of the public health law shall be exempt from the provisions of this section.

85b Section 4 of the state finance law as last amended by chapter 389 of the laws of 1997 is hereby amended by renumbering subdivision 7 as subdivision 8 and adding a new subdivision 7 to read as follows:

7. Notwithstanding subdivision one of this section, the taxes, interest and penalties collected or received by the commissioner of taxation and finance under sections four hundred seventy-one and four hundred seventy-one-a of the tax law which are required to be deposited to the credit of the tobacco control and insurance initiatives pool established by section twenty-eight hundred seven-v of the public health law shall be made pursuant to statute but without an appropriation.

§ 11. Paragraphs a and b of subdivision 6 of section 366 of the social services law, as amended by chapter 601 of the laws of 1998, are amended to read as follows:

a. The commissioner of health shall apply for a home and community-based services waiver pursuant to subdivision (c) of section nineteen hundred fifteen of the federal social security act in order to provide home and community-based services, not included under the medical assistance program. The waiver must be limited to no more than [eight hundred] one thousand persons, [four] six hundred or fewer of whom shall be persons who would otherwise require nursing facility care and four hundred or fewer of whom shall be persons who would otherwise require hospital care.

b. A person eligible for participation in the waiver program shall:

- (i) be eighteen years of age or under;
- (ii) be physically disabled, according to the federal supplemental security income program criteria, including but not limited to a person who is multiply disabled;
- (iii) have been hospitalized for at least thirty consecutive days or resided in a nursing facility for at least thirty consecutive days;
- (iv) require the level of care provided by a nursing facility or by a hospital;
- (v) be capable of being cared for in the community if provided with case management services and/or other services specified in



justice services"

Line 46 Strike out "former" before "division of state police"

Line 46 Strike out "former" before "division of parole"

Line 47 Strike out "former" before "division of probation and correctional alternatives"

Line 47 Strike out "former" before "office for the prevention of domestic violence"

Line 48 Strike out "former" before "crime victims board"

Line 49 Strike out "former" before "state commission of correction" Insert after "correction" ", provided that nothing contained in this subdivision shall be deemed or construed to impair or affect the functions, powers and duties of the state board of parole as set forth in section two hundred fifty-nine-c of the executive law.  
(e) All officers of the division of state police, the division of parole, the division of probation and correctional alternatives, the office for the prevention of domestic violence, the crime victims board and the state commission of correction who were appointed by the governor, by and with the consent of the senate, to serve at the pleasure of the governor and who hold such office on the effective date of this act shall be continued in their respective positions to serve at the pleasure of the governor without further consent of the senate."

Lines 51 and 52 Strike out "all functions, powers, duties and obligations of"

Line 52 Insert "formerly named" after "the"

Page 13 Line 1 Insert "and exist within", after "to"

Lines 4 and 5 Strike out "all functions, powers, duties and obligations of"

Line 6 Insert "and exist within" after "to"

Lines 9 and 10 Strike out "all functions, powers, duties and obligations of"

Line 11 Insert "and exist within" after "to"

Lines 14 and 15 Strike out "all functions, powers, duties and obligations of"

Line 16 Insert "and exist within" after "to"

Lines 19 and 20 Strike out "all functions, powers, duties and obligations of"

Line 21	Insert "and exist within" after "to"
Lines 24 and 25	Strike out "all functions, powers, duties and obligations of"
Line 26	Insert "and exist within" after "to"
Lines 29 and 30	Strike out "all functions, powers, duties and obligations of"
Line 31	Insert "and exist within" after "to"
Lines 34 and 35	Strike out "all functions, powers, duties and obligations of"
Line 36	Insert "and exist within" after "to"
Line 41	Strike out "former" before "department of correctional services", insert "formerly named"
Line 42	Strike out "former" before "division of criminal justice services"
Line 43	Strike out "former" before "division of state police"
Line 43	Strike out "former" before "division of parole"
Line 44	Strike out "former" before "state commission of correction"
Line 44	Strike out "former" before "division of probation and correctional alternatives"
Line 45	Strike out "former" before "crime victims board"
Line 46	Strike out "former" before "office for the prevention of domestic violence"
Line 51	Strike out "former" before "department of correctional services", Insert "formerly named"
Line 52	Strike out "former" before "division of criminal justice services"
Line 53	Strike out "former" before "division of state police"
Line 53	Strike out "former" before "division of parole"
Line 54	Strike out "former" before "state commission of correction"
Line 54	Strike out "former" before "division of probation and correctional alternatives"
Line 55	Strike out "former" before "crime victims board"
Line 56	Strike out "former" before "office for the prevention of domestic violence"

Line 1 Strike out "successor"

Line 9 Strike out "former" before "department of correctional services", Insert "formerly named"

Line 10 Strike out "former" before "division of criminal justice services"

Line 10 Strike out "former" before "division of state police"

Line 11 Strike out "former" before "division of parole"

Line 11 Strike out "former" before "state commission of correction"

Line 12 Strike out "former" before "division of probation and correctional alternatives"

Line 13 Strike out "former" before "crime victims board"

Line 14 Strike out "former" before "office for the prevention of domestic violence"

Line 22 Strike out "former" before "department of correctional services", Insert "formerly named"

Line 23 Strike out "former" before "division of criminal justice services"

Line 24 Strike out "former" before "division of state police"

Line 24 Strike out "former" before "division of parole"

Line 25 Strike out "former" before "state commission of correction"

Line 25 Strike out "former" before "division of probation and correctional alternatives"

Line 26 Strike out "former" before "crime victims board"

Line 27 Strike out "former" before "office for the prevention of domestic violence"

Line 39 After "the", strike out "transfer", Insert "assumption"

Line 39 Insert "the" before "functions"

Line 40 Strike out "from", Insert "of" before "the"

Line 40 Strike out "former" before "department of correctional services", Insert "formerly named"

Line 40 Strike out "former" before "division of criminal justice services"

Line 41 Strike out "former" before "division of parole"

Line 41 Strike out "former" before "state commission of correction"

Line 42 Strike out "former" before "division of probation and correctional alternatives"

Line 43 Strike out "former" before "crime victims board"

Line 44 Strike out "former" before "office for the prevention of domestic violence"

Line 44 Strike out "to" before "the department of justice", Insert "by"

Line 46 Strike out "successor" before "department of"

Line 47 Strike out "former" before "department of correctional services", Insert "formerly named"

Line 48 Strike out "former" before "division of criminal justice services"

Line 48 Strike out "former" before "division of parole"

Line 49 Strike out "former" before "state commission of correction"

Line 49 Strike out "former" before "division of probation and correctional alternatives"

Line 50 Strike out "former" before "crime victims board"

Line 51 Strike out "former" before "office for the prevention of domestic violence"

Line 52 Strike out "transferred", Insert "assumed by the department of justice"

Page 15 Line 7 Insert "or other reemployment lists" before "for"

Line 8 Strike out "transfer", Insert "assumption"

Line 8 Insert "the" after "of" and before "functions"

Line 8 Strike out "former" before "division of state police"

Line 10 Strike out "former" before "division of state police"

Line 15 Insert "," after "70", Strike out "and"

Line 15 Insert ", and 80-a" after "80"

Line 22 Insert "or other reemployment lists" after "list"

Line 43 Insert ", including any interest in real property," after "property"

Line 44 Strike out "former" before "department of correctional services", Insert "formerly named"

Line 44 Strike out "former" before "division of criminal justice services"

Line 45 Strike out "former" before "division of state police"

Line 45 Strike out "former" before "division of parole"

Line 46 Strike out "former" before "state commission of correction"

Line 47 Strike out "former" before "division of probation and correctional alternatives"

Line 47 Strike out "former" before "crime victims board"

Line 48 Strike out "former" before "office for the prevention of domestic violence"

Line 51 Insert "or transferred" before "to"

Line 51 Strike out "successor"

Line 55 Strike out "former" before "department of correctional services", Insert "formerly named"

Line 56 Strike out "former" before "division of criminal justice services"

Page 16 Line 1 Strike out "former" before "division of state police"

Line 1 Strike out "former" before "division of parole"

Line 2 Strike out "former" before "state commission of correction"

Line 2 Strike out "former" before "division of probation and correctional alternatives"

Line 3 Strike out "former" before "crime victims board"

Line 4 Strike out "former" before "office for the prevention of domestic violence"

Line 5 Strike out "successor"

Line 5 Strike out "which", Insert ",the department of justice"

Line 7 Strike out "former" before "department of correctional services", Insert "formerly named"

Line 8 Strike out "former" before "division of criminal justice services"

Line 9 Strike out "former" before "division of state police"

Line 9 Strike out "former" before "division of parole"

Line 10 Strike out "former" before "state commission of correction"

Line 10 Strike out "former" before "division of probation and correctional alternatives"

Line 11 Strike out "former" before "crime victims board"

Line 12 Strike out "former" before "office for the prevention of domestic violence"

Line 14 Strike out "former" before "department of

correctional services", Insert "formerly named"

Line 15 Strike out "former" before "division of criminal justice services"

Line 15 Strike out "former" before "division of state police"

Line 16 Strike out "former" before "division of parole"

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Line 17 Strike out "former" before "division of probation and correctional alternatives"

Line 18 Strike out "former" before "crime victims board"

Line 19 Strike out "former" before "office for the prevention of domestic violence"

Line 21 Strike out "successor"

Line 23 Strike out "successor"

Line 25 Strike out "former" before "department of correctional services", Insert "formerly named"

Line 26 Strike out "former" before "division of criminal justice services"

Line 26 Strike out "former" before "division of state police"

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Line 37 Strike out "former" before "office for the prevention of domestic violence"

Line 40 Strike out "successor"

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Line 47 Strike out "former" before "office for the prevention of domestic violence"

Line 55 Insert ", including an administrative proceeding," before "pending"

Page 17 Line 1 Strike out "former" before "department of correctional services", Insert "formerly named"

Line 2 Strike out "former" before "division of criminal justice services"

Line 3 Strike out "former" before "division of state police"

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Line 6 Strike out "former" before "office for the prevention of domestic violence"

Line 18 Strike out "successor"

Line 19 Strike out "successor"

Line 23 Strike out "former" before "department of correctional services", Insert "formerly named"

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Line 24 Strike out "former" before "division of state police"

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Line 30 Strike out "successor"

Line 33 Strike out "successor"

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Page 20	Line 49	Strike out " <u>Norwich</u> " , after " <u>Treatment</u> " insert " <u>at Norwich</u> "

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