

# NEW YORK STATE



## STATEMENT OF UPDATED ANNUAL INFORMATION

**PURSUANT TO CONTINUING DISCLOSURE AGREEMENTS  
FOR FY 2014  
(ENDED MARCH 31, 2014)**

**Andrew M. Cuomo, Governor**  
Robert L. Megna, Budget Director

**July 29, 2014**



# Table of Contents

## INTRODUCTION

### **Section 1: Annual Information Updated Pursuant to Continuing Disclosure Agreements**

#### **SUBSECTION**

Prior Fiscal Years .....	A
Capital Program and Financing Plan .....	B
State Organization (including State Employment) .....	C
State Retirement Systems.....	D
Authorities and Localities .....	E
Economics and Demographics .....	F

### **Section 2: Annual Update of Official Statement Information**

#### **SUBSECTION**

New York Local Government Assistance Corporation Bonds: The Sales Tax .....	G
Tobacco Settlement Financing Corporation (State of New York) Asset-Backed Revenue Bonds: History of State Appropriations .....	H
New York State Thruway Authority, Highway and Bridge Trust Fund Bonds: Source of Revenue For the Trust Fund .....	I
New York State Medical Care Facilities Finance Agency, Mental Health Services Facilities Improvement Revenue Bonds and Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds: Department of Mental Hygiene.....	J
New York State Housing Finance Agency, Health Facilities Revenue Bonds (New York City) Dormitory Authority of the State of New York, Municipal Health Improvement Program Lease Revenue Bonds (The City of New York Issue): State Appropriations for Medicaid .....	K



## TABLE OF CONTENTS

Dormitory Authority of the State of New York Department of Health of the State of New York Revenue Bonds: The Department of Health and The Medical Care Facilities.....	L
Dormitory Authority of the State of New York Revenue Bonds (Department of Health Veterans Home Issue): The Department of Health and The Veterans Home.....	M
New York State Personal Income Tax Revenue Bonds .....	N
New York State Sales Tax Revenue Bonds .....	O

## APPENDICES

List of Series of Bonds with a Section 1 disclosure obligation.....	Appendix A
List of Series of Bonds with a Section 2 disclosure obligation.....	Appendix B

**SECTION 1**  
**EXTRACTS OF CERTAIN SECTIONS**  
**FROM THE**  
**ANNUAL INFORMATION STATEMENT**  
**OF THE STATE OF NEW YORK**

THE INFORMATION CONTAINED IN THIS SECTION 1 CONSISTS OF EXTRACTS FROM THE STATE'S ANNUAL INFORMATION STATEMENT, DATED JUNE 11, 2014 (THE "AIS").

THE EXTRACTED INFORMATION INCLUDED IN THIS SECTION 1 IS NOT INTENDED TO AND DOES NOT IN ANY WAY UPDATE ANY OF THE INFORMATION CONTAINED IN THE AIS.



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## **SECTION 1: SUBSECTION A**

### **“PRIOR FISCAL YEARS” EXTRACT FROM AIS**

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THE EXTRACTED INFORMATION INCLUDED IN THIS  
SUBSECTION A IS NOT INTENDED TO AND DOES NOT IN ANY  
WAY UPDATE ANY OF THE INFORMATION CONTAINED IN THE  
AIS.

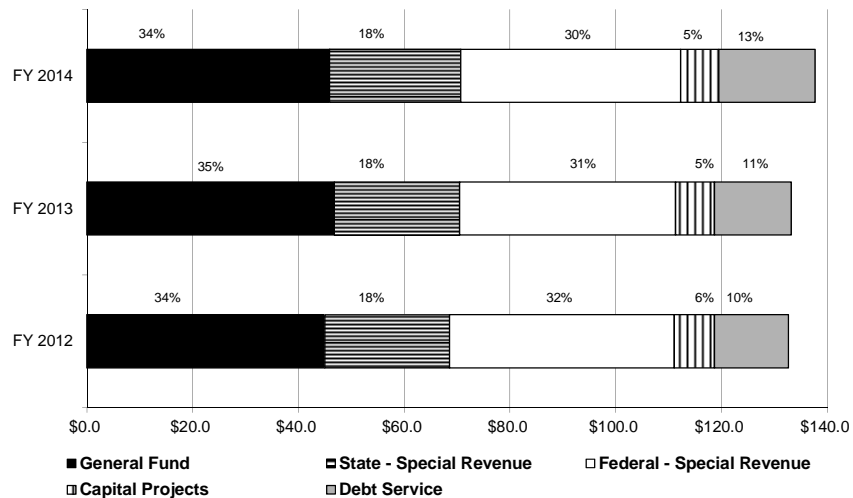




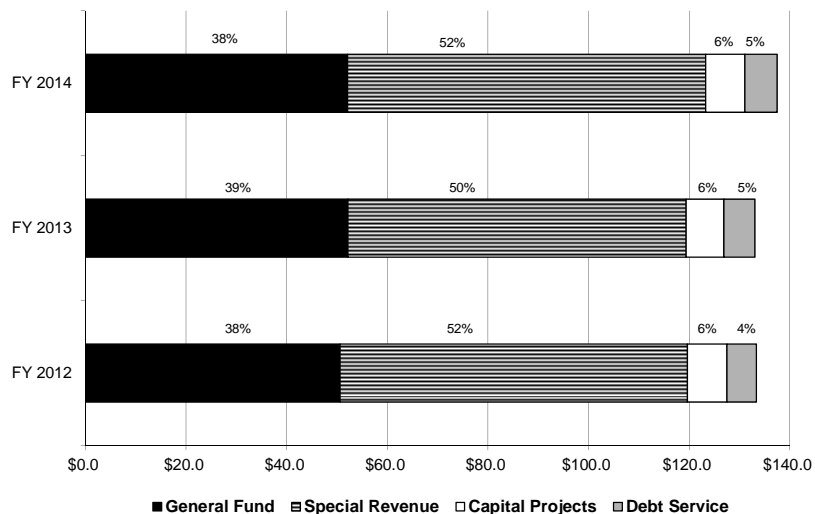
## Prior Fiscal Years

The following six tables show the composition of the State's governmental funds, State Operating Funds and the General Fund as of March 31, 2014. Following the tables is a summary of the cash-basis results for the State's three most recent fiscal years.

**Governmental Funds Receipts**  
State Fiscal Years 2012, 2013 and 2014  
(billions of dollars)

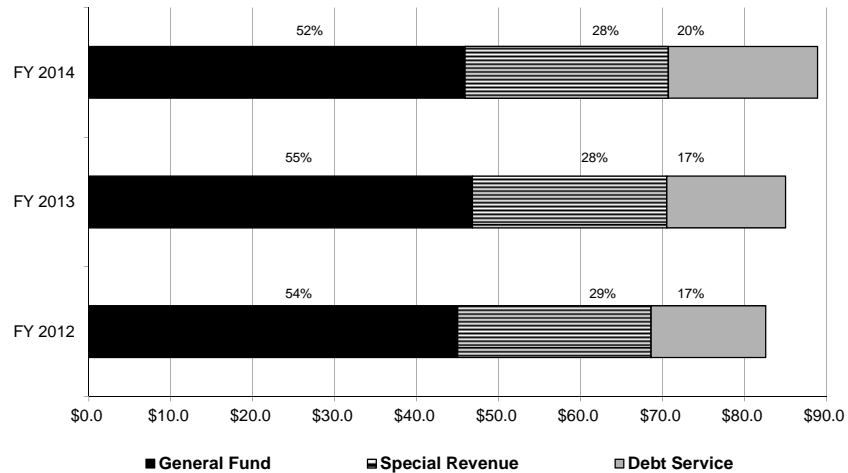


**Governmental Funds Disbursements**  
State Fiscal Years 2012, 2013 and 2014  
(billions of dollars)



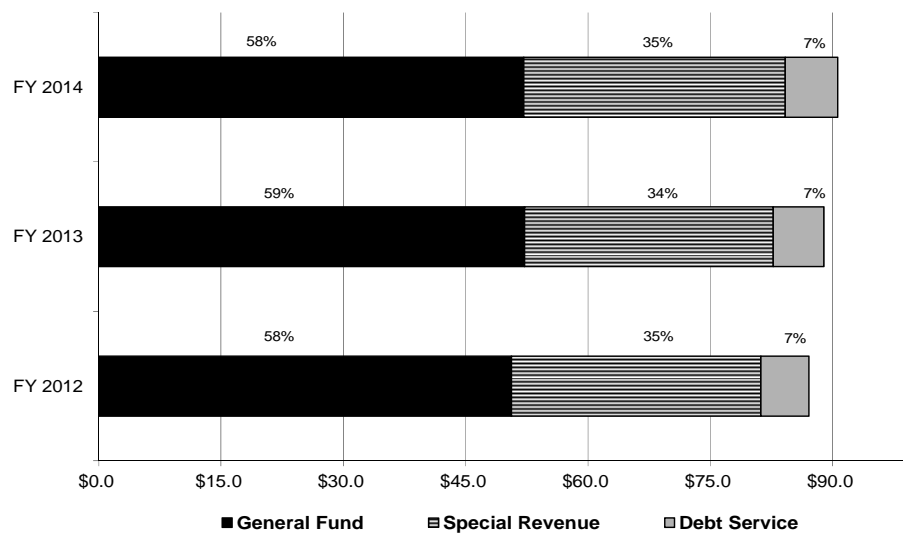


**State Operating Funds Receipts  
State Fiscal Years 2012, 2013 and 2014  
(billions of dollars)**



Note: Percentage total may not add due to rounding.

**State Operating Funds Disbursements  
State Fiscal Years 2012, 2013 and 2014  
(billions of dollars)**

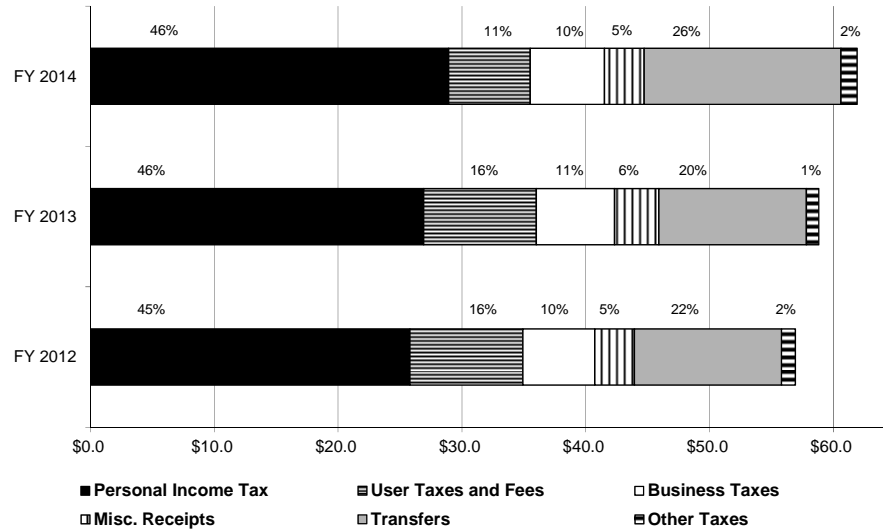


Note: Percentage total may not add due to rounding.



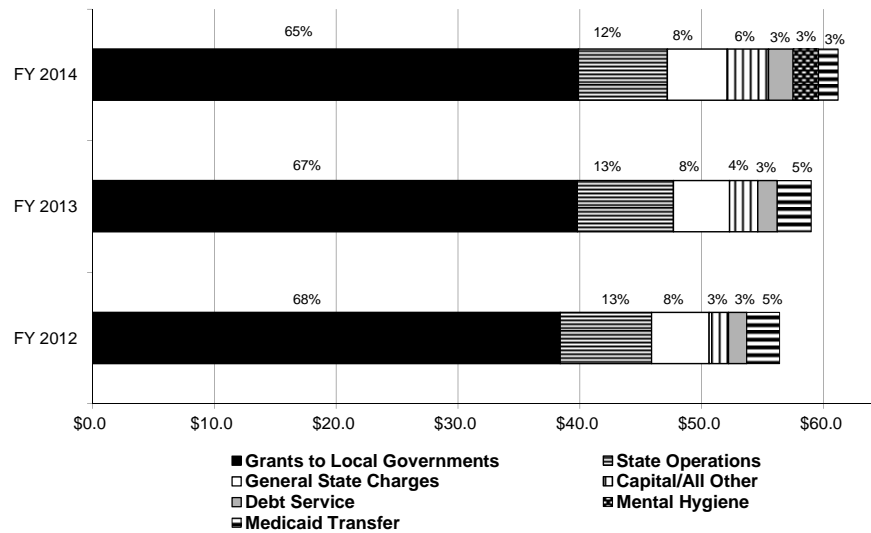
## PRIOR FISCAL YEARS

**General Fund Receipts and Transfers by Source**  
State Fiscal Years 2012, 2013 and 2014  
(billions of dollars)



Note: Percentage total may not add due to rounding.

**General Fund Disbursements and Transfers by Type**  
State Fiscal Years 2012, 2013 and 2014  
(billions of dollars)



Note: Percentage total may not add due to rounding.



The State reports its financial results on the cash basis of accounting, showing receipts and disbursements; and the GAAP basis (including modified accrual and full accrual), as prescribed by GAAP, showing revenues and expenditures. With the exception of FY 2014 financial results, the State's GAAP-basis financial results set forth in this section have been audited. Note that the FY 2014 financial results included in this AIS are preliminary and unaudited.

## **CASH-BASIS RESULTS FOR PRIOR FISCAL YEARS**

### **GENERAL FUND FY 2012 THROUGH FY 2014**

The General Fund is the principal operating fund of the State and is used to account for all financial transactions, except those required by law to be accounted for in another fund. It is the State's largest single fund and receives most State taxes and other resources not dedicated to particular purposes. General Fund moneys are also transferred to other funds, primarily to support certain State share Medicaid payments, capital projects and debt service payments in other fund types. In some cases, the fiscal year results provided below may exclude certain timing-related transactions which have no net impact on operations.

In the cash basis of accounting, the State defines a balanced budget in the General Fund as (a) the ability to make all planned payments anticipated in the Financial Plan, including tax refunds, without the issuance of deficit bonds or notes or extraordinary cash management actions, (b) the restoration of the balances in the Tax Stabilization Reserve and Rainy Day Reserve (together, the "rainy day reserves") to a level equal to or greater than the level at the start of the fiscal year, and (c) maintenance of other designated balances, as required by law.

### **RECENT TRENDS**

With State receipts slowly recovering, the State has allowed limited spending growth to meet the demand for services. In addition, rainy day reserve fund balances have been supported and maintained. The following table summarizes General Fund results for the prior three fiscal years.



## PRIOR FISCAL YEARS

COMPARISON OF GENERAL FUND RECEIPTS AND DISBURSEMENTS FY 2012 THROUGH FY 2014 (millions of dollars)			
	FY 2012	FY 2013	FY 2014
<b>OPENING FUND BALANCE</b>	<u>1,376</u>	<u>1,787</u>	<u>1,610</u>
<b>Personal Income Tax<sup>(1)</sup></b>	25,843	26,884	28,864
<b>User Taxes and Fees:</b>			
Sales and Use Tax <sup>(2)</sup>	8,346	8,423	5,885
Cigarette and Tobacco Tax	471	443	426
Alcoholic Beverage Taxes	<u>238</u>	<u>246</u>	<u>250</u>
<b>Subtotal</b>	<u>9,055</u>	<u>9,112</u>	<u>6,561</u>
<b>Business Taxes:</b>			
Corporation Franchise Tax	2,724	2,624	3,245
Corporation and Utilities Taxes	618	686	615
Insurance Taxes	1,257	1,346	1,298
Bank Tax	<u>1,161</u>	<u>1,597</u>	<u>888</u>
<b>Subtotal</b>	<u>5,760</u>	<u>6,253</u>	<u>6,046</u>
<b>Other Taxes:</b>			
Estate and Gift Taxes	1,078	1,015	1,238
Pari-mutuel Tax	17	18	17
Other Taxes	<u>1</u>	<u>1</u>	<u>1</u>
<b>Subtotal</b>	<u>1,096</u>	<u>1,034</u>	<u>1,256</u>
<b>Miscellaneous Receipts &amp; Federal Grants</b>	3,222	3,566	3,220
<b>Transfers from Other Funds:</b>			
PIT in excess of Revenue Bond debt service	8,097	8,328	8,822
Sales Tax in excess of Revenue Bond debt service	0	0	2,936
Sales Tax in Excess of LGAC Debt Service	2,396	2,416	2,568
All Other Transfers	<u>1,431</u>	<u>1,190</u>	<u>1,595</u>
<b>Subtotal</b>	<u>11,924</u>	<u>11,934</u>	<u>15,921</u>
<b>TOTAL RECEIPTS</b>	<u>56,900</u>	<u>58,783</u>	<u>61,868</u>
<b>Grants to Local Governments:</b>			
School Aid	16,778	17,110	17,238
Medicaid	10,300	11,110	11,487
All Other Local Aid	<u>11,341</u>	<u>11,540</u>	<u>11,215</u>
<b>State Operations:</b>			
<b>Personal Service</b>	5,781	6,130	5,563
<b>Non-Personal Service</b>	1,713	1,726	1,746
<b>General State Charges</b>	4,720	4,550	4,899
<b>Transfers to Other Funds:</b>			
In Support of Debt Service	1,516	1,647	1,971
In Support of Capital Projects	798	916	1,436
State Share Medicaid	2,722	2,846	1,576
Mental Hygiene Facilities <sup>(3)</sup>	0	0	2,135
SUNY Operations <sup>(4)</sup>	0	340	971
All Other Transfers	<u>820</u>	<u>1,045</u>	<u>1,006</u>
<b>Subtotal</b>	<u>5,856</u>	<u>6,794</u>	<u>9,095</u>
<b>TOTAL DISBURSEMENTS</b>	<u>56,489</u>	<u>58,960</u>	<u>61,243</u>
Excess (Deficiency) of Receipts and Other Financing Sources over Disbursements and Other Financing Uses	<u>411</u>	<u>(177)</u>	<u>625</u>
<b>CLOSING FUND BALANCE</b>	<u>1,787</u>	<u>1,610</u>	<u>2,235</u>
Sources: NYS Office of the State Comptroller. Financial Plan categorical detail by NYS Division of the Budget.			
<sup>(1)</sup> Excludes personal income tax receipts that flow into the Revenue Bond Tax Fund in the first instance and are then transferred to the General Fund after debt service obligation is satisfied.			
<sup>(2)</sup> Excludes sales tax in excess of LGAC Debt Service and Sales Tax Revenue Bond Fund.			
<sup>(3)</sup> Reflects higher costs associated with operating mental hygiene facilities in lieu of reduced Federal revenue.			
<sup>(4)</sup> Effective with the academic year that began on July 2012, the State changed the process through which SUNY receives the State share of its operating support from direct General Fund spending to General Fund transfers.			



## FY 2014

The State ended FY 2014 in balance on a cash basis in the General Fund, and maintained a closing balance of \$2.24 billion, consisting of \$1.1 billion in the Tax Stabilization Reserve, \$350 million in the Rainy Day Reserve, \$87 million in the Community Projects Fund, \$21 million in the Contingency Reserve, \$45 million reserved for potential retroactive labor settlements, \$58 million that has been transferred to a fiduciary fund to account for proceeds realized from a settlement between J.P. Morgan Securities LLC and the State, and \$543 million in an undesignated fund balance. The FY 2014 closing balance was \$625 million greater than the FY 2013 closing balance, reflecting an increase in the level of available resources to the State.

General Fund receipts, including transfers from other funds, totaled \$61.9 billion in FY 2014, an increase of \$3.1 billion (5.2 percent) from the prior fiscal year. Tax receipts, including the transfer of tax receipts to the General Fund after payment of debt service, were \$3.2 billion (5.8 percent) higher than in the prior fiscal year, reflecting an increase in all major tax categories. Miscellaneous receipts and Federal grants were \$347 million lower than the prior fiscal year, reflecting one-time receipts from settlements during FY 2013. Non-tax transfers were \$242 million greater than the prior fiscal year, due to the timing of certain transactions.

General Fund disbursements, including transfers to other funds, totaled \$61.2 billion in FY 2014, an increase of \$2.3 billion (3.9 percent) from the prior fiscal year. This reflects expected growth in various local assistance programs, including education and Medicaid; increased transfers in support of capital projects and debt service payments; partly offset by reduced costs for agency operations.

## FY 2013

The State ended FY 2013 in balance on a cash basis in the General Fund, and maintained a closing balance of \$1.61 billion, consisting of \$1.1 billion in the Tax Stabilization Reserve, \$175 million in the Rainy Day Reserve, \$93 million in the Community Projects Fund, \$21 million in the Contingency Reserve, \$77 million reserved for potential retroactive labor settlements, and \$113 million in an undesignated fund balance. The FY 2013 closing balance was \$177 million lesser than the FY 2012 closing balance, which largely reflects the use of designated resources to address costs associated with retroactive labor agreements.

General Fund receipts, including transfers from other funds, totaled \$58.8 billion in FY 2013. Total receipts during FY 2013 were \$1.9 billion (3.3 percent) higher than in the prior fiscal year. Total tax receipts were \$1.5 billion higher than the previous fiscal year, mainly due to growth in PIT collections (\$1.0 billion) and business tax collections (\$493 million). General Fund miscellaneous receipts also increased, largely due to one-time receipts from a settlement between the Department of Financial Services and Standard Chartered Bank.



## ***PRIOR FISCAL YEARS***

General Fund disbursements, including transfers to other funds, totaled \$59.0 billion in FY 2013, \$2.5 billion (4.4 percent) higher than in the prior fiscal year. This reflects expected growth in various local assistance programs, including education and Medicaid, both of which are subject to an annual cap; increased personal service costs associated with retroactive labor settlements; and increased transfers in support of debt service payments.

### **FY 2012**

The State ended FY 2012 in balance on a cash basis in the General Fund, and maintained a closing balance of \$1.79 billion, consisting of \$1.1 billion in the Tax Stabilization Reserve, \$175 million in the Rainy Day Reserve, \$102 million in the Community Projects Fund, \$21 million in the Contingency Reserve, \$283 million reserved for potential retroactive labor settlements, and \$75 million in an undesignated fund balance. The FY 2012 closing balance was \$411 million greater than the FY 2011 closing balance, which largely reflects actions to establish designated resources that can be used to address costs associated with potential retroactive labor agreements, and to build the State's general emergency reserve fund balances. The State made a \$100 million deposit to the Tax Stabilization Reserve at the close of the FY 2012, the first deposit to the State's "rainy day" reserves (including the Tax Stabilization Reserve fund and the Rainy Day Reserve fund) since FY 2008.

General Fund receipts, including transfers from other funds, totaled \$56.9 billion in FY 2012. Total receipts during FY 2012 were \$2.5 billion (4.5 percent) higher than in the prior fiscal year. Total tax receipts were \$3.1 billion higher than the previous fiscal year, mainly due to growth in PIT collections (\$2.4 billion) and business tax collections (\$481 million). A decrease in the level of excess balances transferred from other funds partly offset the annual increase in tax receipts.

General Fund disbursements, including transfers to other funds, totaled \$56.5 billion in FY 2012, \$1.1 billion (2.0 percent) higher than in the prior fiscal year. Excluding the impact of a \$2.1 billion school aid deferral from March 2010 to the statutory deadline of June 2010, annual spending grew by \$3.2 billion. Spending growth is largely due to the phase-out of extraordinary Federal aid (including the enhanced Federal share of Medicaid, Federal American Recovery and Reinvestment Act of 2009 (ARRA) Stabilization funding, and the Temporary Assistance for Needy Families (TANF) Emergency Contingency Fund) that temporarily reduced State-share spending in FY 2011. Annual General Fund spending for agency operations in FY 2012 was lower than in FY 2011, consistent with management expectations and continued efforts in managing the workforce and controlling costs. Annual growth in GSCs was mainly due to employee fringe benefit costs and workers' compensation payments; the pre-payment of pension costs during the final quarter of FY 2012; and lower reimbursement from non-General Funds.



## **STATE OPERATING FUNDS FY 2012 THROUGH FY 2014**

State Operating Funds is composed of the General Fund, State special revenue funds and debt service funds. The State Operating Funds perspective is primarily intended as a measure of State-financed spending. Similar to the General Fund, spending growth in State Operating Funds in recent years has also been limited.

### **FY 2014**

State Operating Funds receipts totaled \$88.9 billion in FY 2014, an increase of \$3.9 billion over the FY 2013 results. Disbursements totaled \$90.6 billion in FY 2014, an increase of \$1.8 billion from the FY 2013 results. The State ended FY 2014 with a State Operating Funds cash balance of \$4.8 billion. In addition to the \$2.2 billion General Fund balance described above, the State's special revenue funds had a closing balance of \$2.3 billion and the debt service funds had a closing balance of \$234 million. The special revenue fund balances are held in numerous funds and accounts that support a variety of programs including industry regulation, public health, and public safety. The fund balance in the debt service funds reflects the preservation of moneys needed for debt service payments to bond holders.

### **FY 2013**

State Operating Funds receipts totaled \$85.1 billion in FY 2013, an increase of \$2.5 billion over the FY 2012 results. Disbursements totaled \$88.8 billion in FY 2013, an increase of \$1.7 billion from the FY 2012 results. The State ended FY 2013 with a State Operating Funds cash balance of \$4.4 billion. In addition to the \$1.6 billion General Fund balance described above, the State's special revenue funds had a closing balance of \$2.4 billion and the debt service funds had a closing balance of \$381 million. The special revenue fund balances are held in numerous funds and accounts that support a variety of programs including industry regulation, public health, and public safety. The fund balance in the debt service funds reflects the preservation of moneys needed for debt service payments to bond holders.

### **FY 2012**

State Operating Funds receipts totaled \$82.6 billion in FY 2012, an increase of \$3.8 billion over the FY 2011 results. Disbursements totaled \$87.2 billion in FY 2012, an increase of \$2.8 billion from the FY 2011 results. The State ended FY 2012 with a State Operating Funds cash balance of \$3.8 billion. In addition to the \$1.8 billion General Fund balance described above, the State's special revenue funds had a closing balance of \$1.6 billion and the debt service funds had a closing balance of \$428 million. The remaining special revenue fund balances are held in numerous funds and accounts that support a variety of programs including industry regulation, public health, and public safety. The fund balance in the debt service funds reflects the preservation of moneys needed for debt service payments to bond holders.





## PRIOR FISCAL YEARS

CASH FINANCIAL PLAN STATE OPERATING FUNDS FY 2014 (millions of dollars)				
	General Fund	Special Revenue Funds	Debt Service Funds	Total
<b>Opening fund balance</b>	1,610	2,370	379	4,359
<b>Receipts:</b>				
Taxes	42,727	8,175	17,433	68,335
Miscellaneous receipts	3,219	16,603	699	20,521
Federal grants	0	0	71	71
<b>Total receipts</b>	45,946	24,778	18,203	88,927
<b>Disbursements:</b>				
Grants to local governments	39,940	19,466	0	59,406
State operations:				
Personal Service	5,563	6,737	0	12,300
Non-Personal Service	1,746	3,781	37	5,564
General State charges	4,899	2,059	0	6,958
Debt service	0	0	6,400	6,400
Capital projects	0	3	0	3
<b>Total disbursements</b>	52,148	32,046	6,437	90,631
<b>Other financing sources (uses):</b>				
Transfers from other funds	15,921	8,350	5,211	29,482
Transfers to other funds	(9,094)	(1,132)	(17,122)	(27,348)
Bond and note proceeds	0	0	0	0
<b>Net other financing sources (uses)</b>	6,827	7,218	(11,911)	2,134
<b>Change in fund balance</b>	625	(50)	(145)	430
<b>Closing fund balance</b>	2,235	2,320	234	4,789
Source: NYS OSC (reflecting amounts published in the Cash Basis Report).				



<b>CASH FINANCIAL PLAN</b> <b>STATE OPERATING FUNDS</b> <b>FY 2013</b> <b>(millions of dollars)</b>				
	<b>General Fund</b>	<b>Special Revenue Funds</b>	<b>Debt Service Funds</b>	<b>Total</b>
<b>Opening fund balance</b>	<u>1,787</u>	<u>1,632</u>	<u>428</u>	<u>3,847</u>
<b>Receipts:</b>				
Taxes	43,283	8,146	13,502	64,931
Miscellaneous receipts	3,504	15,584	913	20,001
Federal grants	<u>62</u>	<u>0</u>	<u>78</u>	<u>140</u>
<b>Total receipts</b>	<u>46,849</u>	<u>23,730</u>	<u>14,493</u>	<u>85,072</u>
<b>Disbursements:</b>				
Grants to local governments	39,760	18,818	0	58,578
State operations:				
Personal Service	6,130	6,273	0	12,403
Non-Personal Service	1,726	3,510	44	5,280
General State charges	4,550	1,887	0	6,437
Debt service	0	0	6,138	6,138
Capital projects	<u>0</u>	<u>8</u>	<u>0</u>	<u>8</u>
<b>Total disbursements</b>	<u>52,166</u>	<u>30,496</u>	<u>6,182</u>	<u>88,844</u>
<b>Other financing sources (uses):</b>				
Transfers from other funds	11,934	8,151	6,320	26,405
Transfers to other funds	(6,794)	(647)	(14,680)	(22,121)
Bond and note proceeds	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Net other financing sources (uses)</b>	<u>5,140</u>	<u>7,504</u>	<u>(8,360)</u>	<u>4,284</u>
<b>Change in fund balance</b>	<u>(177)</u>	<u>738</u>	<u>(49)</u>	<u>512</u>
<b>Closing fund balance</b>	<u>1,610</u>	<u>2,370</u>	<u>379</u>	<u>4,359</u>
Source: NYS OSC (reflecting amounts published in the Cash Basis Report).				



## PRIOR FISCAL YEARS

CASH FINANCIAL PLAN STATE OPERATING FUNDS FY 2012 (millions of dollars)				
	General Fund	Special Revenue Funds	Debt Service Funds	Total
<b>Opening fund balance</b>	1,376	2,139	454	3,969
<b>Receipts:</b>				
Taxes	41,754	8,244	12,962	62,960
Miscellaneous receipts	3,162	15,399	955	19,516
Federal grants	60	0	80	140
<b>Total receipts</b>	44,976	23,643	13,997	82,616
<b>Disbursements:</b>				
Grants to local governments	38,419	18,848	0	57,267
State operations:				
Personal Service	5,781	6,266	0	12,047
Non-Personal Service	1,713	3,646	45	5,404
General State charges	4,720	1,873	0	6,593
Debt service	0	0	5,864	5,864
Capital projects	0	6	0	6
<b>Total disbursements</b>	50,633	30,639	5,909	87,181
<b>Other financing sources (uses):</b>				
Transfers from other funds	11,924	7,860	6,490	26,274
Transfers to other funds	(5,856)	(1,371)	(14,604)	(21,831)
Bond and note proceeds	0	0	0	0
<b>Net other financing sources (uses)</b>	6,068	6,489	(8,114)	4,443
<b>Change in fund balance</b>	411	(507)	(26)	(122)
<b>Closing fund balance</b>	1,787	1,632	428	3,847
Source: NYS OSC (reflecting amounts published in the Cash Basis Report).				

**ALL FUNDS FY 2012 THROUGH FY 2014**

The All Funds Financial Plan records the operations of the four governmental fund types: the General Fund, special revenue funds, capital projects funds, and debt service funds. It is the broadest measure of State governmental activity, and includes spending from Federal funds and capital projects funds.

**FY 2014**

All Funds receipts for FY 2014 totaled \$137.7 billion, an increase of \$4.5 billion over FY 2013 results. All Funds tax receipts during FY 2014 were \$3.4 billion higher than receipts collected during the prior year, with 80 percent of the growth attributable to higher PIT collections (\$2.7 billion), due largely to strength in withholding as a result of a strong bonus season in the financial sector, as well as higher extension payments due to taxpayers accelerating income into the 2012 tax year in order to avoid increased Federal rates in 2013. The overall gains in year-over-year PIT collections were partly offset by growth in refunds and other offsets related to tax year 2012. Other growth in tax receipts includes higher user tax collections (\$484 million) associated with recurring and non-recurring taxable purchases such as auto sales, entertainment activities, and expenses for post-Sandy repair work; and higher other taxes (\$375 million), which is attributable to growth in Real Estate Transfer Tax liability (particularly in New York City) and growth in estate tax receipts, both in terms of volume and average amount. Decreased business tax receipts (\$205 million) were driven by lower gross collections for insurance and bank taxes due to weak 2013 liability payments. Growth in miscellaneous receipts are mainly attributable to the additional Tribal-State revenues pursuant to the recently settled compact agreements (\$482 million); partly offset by lower abandoned property collections (\$181 million) and the loss of Medicaid payments from Monroe County (\$151 million), which entered the State's Medicaid local cap program in February 2013, thereby eliminating the need for the State to intercept a portion of the county's sales tax collections in lieu of payment. The remaining growth in receipts is in Federal grants (\$946 million), and is generally a result of increased Federal program spending, as described in greater detail below.

All Funds disbursements for FY 2014 totaled \$137.5 billion, an increase of \$4.4 billion over FY 2013 results. More than half of the \$4.4 billion annual increase in All Funds spending during FY 2014 was attributable to higher Federal spending (\$2.4 billion), mainly in the areas of Medicaid (\$908 million), driven by typical growth factors and increased Federal spending due to the impact of the ACA that went into effect on January 1, 2014; disaster assistance (\$525 million) associated with Sandy-related storm recovery activities; public assistance programs (\$586 million) as a result of spendout of higher prior year grant awards and education (\$520 million), where payments assumed for FY 2013 were not paid until the early part of FY 2014.



## ***PRIOR FISCAL YEARS***

Growth in local assistance spending was driven mainly by budgeted spending growth in the areas of Medicaid (\$363 million) and school aid (\$257 million); as well as for transit operating aid costs (\$419 million) based on the timing of available resources; and for higher education spending (\$185 million) due to the timing of certain payments and increased support for CUNY fringe benefits. Partly offsetting the overall local spending growth was reduced annual costs associated with OPWDD-related Medicaid Payments (\$835 million), reflecting the shifting of certain program costs to DOH in order to be managed under the Global Cap, a shift which was integrated into the FY 2014 Enacted Budget in order to mitigate the impact of reduced Federal reimbursement rates for Medicaid eligible expenses incurred at OPWDD-operated facilities that went into effect April 1, 2013.

Agency operations spending growth reflects higher non-personal service costs (\$284 million) due largely to increased spending by SUNY as a result of the expansion of services being provided at campuses and teaching hospitals; and higher fringe benefits costs (\$521 million) generated by higher pension costs from a \$119 million prepayment in FY 2014 and a one percent increase in the State's amortization contribution rate. The debt service annual increase (\$262 million) reflects prepayment of FY 2015 debt costs in FY 2014 in order to generate savings. Capital projects spending increased by \$211 million from the prior year, which was attributable to growth associated with economic development initiatives; initial grants awarded for the State and Municipal Facilities program; the updating of mental hygiene facilities; the ongoing development of infrastructure within the mental hygiene provider community; and spending to remediate storm-related damage.

The State ended FY 2014 with an All Funds cash balance of \$4.0 billion. The \$4.8 billion State Operating Funds balance described above was partly offset by a negative capital project funds closing balance of roughly \$629 million. The negative balance in the capital projects fund results from outstanding intra-year loans from Short-Term Investment Pool (STIP) used to finance capital projects costs prior to the receipt of bond proceeds.

### **FY 2013**

All Funds receipts for FY 2013 totaled \$133.2 billion, an increase of \$511 million over FY 2012 results. Annual growth in tax receipts and miscellaneous receipts was partly offset by a decline in Federal grants. All Funds disbursements for FY 2013 totaled \$133.1 billion, a decrease of \$407 million over FY 2012 results. The annual decline largely reflects the growth in State Operating Funds previously described, more than offset by declines in Federal Operating Funds and Capital Project Funds. The annual decrease in Federal Operating Funds spending is due to the phasing-out of approximately \$2.7 billion in funding available from the ARRA between FY 2012 and FY 2013, partially offset by nearly \$1 billion in Federal disaster assistance spending in FY 2013. The capital projects spending decline reflects the recent completion of economic development projects, including the SUNY College for Nanoscale and Science Engineering, Global Foundries, and the Aqueduct Video Lottery Facility.



The State ended FY 2013 with an All Funds cash balance of \$3.9 billion. The \$4.4 billion State Operating Funds balance described above was partly offset by a negative capital project funds closing balance of roughly \$485 million. The negative balance in the capital projects fund results from outstanding intra-year loans from STIP used to finance capital projects costs prior to the receipt of bond proceeds.

## **FY 2012**

All Funds receipts for FY 2012 totaled \$132.7 billion, a decrease of \$577 million over FY 2011 results. Annual growth in tax receipts and miscellaneous receipts was more than offset by a decline in Federal grants. All Funds disbursements for FY 2012 totaled \$133.5 billion, a decrease of \$1.3 billion over FY 2011 results. The annual changes largely reflect the impact of Federal ARRA aid.

The State ended FY 2012 with an All Funds cash balance of \$3.4 billion. The \$3.8 billion State Operating Funds balance described above was partly offset by a negative capital project funds closing balance of roughly \$449 million. The negative balance in the capital projects fund results from outstanding intra-year loans from STIP used to finance capital projects costs prior to the receipt of bond proceeds.



## PRIOR FISCAL YEARS

CASH FINANCIAL PLAN ALL GOVERNMENTAL FUNDS FY 2014 (millions of dollars)					
	General Fund	Special Revenue Funds	Capital Projects Funds	Debt Service Funds	Total
<b>Opening fund balance</b>	<u>1,610</u>	<u>2,373</u>	<u>(486)</u>	<u>379</u>	<u>3,876</u>
<b>Receipts:</b>					
Taxes	42,727	8,175	1,355	17,433	69,690
Miscellaneous receipts	3,219	16,776	3,540	699	24,234
Federal grants	<u>0</u>	<u>41,405</u>	<u>2,313</u>	<u>71</u>	<u>43,789</u>
<b>Total receipts</b>	<u>45,946</u>	<u>66,356</u>	<u>7,208</u>	<u>18,203</u>	<u>137,713</u>
<b>Disbursements:</b>					
Grants to local governments	39,940	56,391	2,242	0	98,573
State operations:					
Personal Service	5,563	7,394	0	0	12,957
Non-Personal Service	1,746	5,021	0	37	6,804
General State charges	4,899	2,381	0	0	7,280
Debt service	0	0	0	6,400	6,400
Capital projects	<u>0</u>	<u>3</u>	<u>5,509</u>	<u>0</u>	<u>5,512</u>
<b>Total disbursements</b>	<u>52,148</u>	<u>71,190</u>	<u>7,751</u>	<u>6,437</u>	<u>137,526</u>
<b>Other financing sources (uses):</b>					
Transfers from other funds	15,921	7,644	1,817	5,211	30,593
Transfers to other funds	(9,094)	(2,988)	(1,417)	(17,122)	(30,621)
Bond and note proceeds	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Net other financing sources (uses)</b>	<u>6,827</u>	<u>4,656</u>	<u>400</u>	<u>(11,911)</u>	<u>(28)</u>
<b>Change in fund balance</b>	<u>625</u>	<u>(178)</u>	<u>(143)</u>	<u>(145)</u>	<u>159</u>
<b>Closing fund balance</b>	<u>2,235</u>	<u>2,195</u>	<u>(629)</u>	<u>234</u>	<u>4,035</u>
Source: NYS OSC (reflecting amounts published in the Cash Basis Report).					



<b>CASH FINANCIAL PLAN ALL GOVERNMENTAL FUNDS FY 2013 (millions of dollars)</b>					
	<b>General Fund</b>	<b>Special Revenue Funds</b>	<b>Capital Projects Funds</b>	<b>Debt Service Funds</b>	<b>Total</b>
<b>Opening fund balance</b>	<u>1,787</u>	<u>1,594</u>	<u>(449)</u>	<u>428</u>	<u>3,360</u>
<b>Receipts:</b>					
Taxes	43,283	8,145	1,370	13,502	66,300
Miscellaneous receipts	3,504	15,757	3,857	913	24,031
Federal grants	<u>62</u>	<u>40,576</u>	<u>2,126</u>	<u>79</u>	<u>42,843</u>
<b>Total receipts</b>	<u>46,849</u>	<u>64,478</u>	<u>7,353</u>	<u>14,494</u>	<u>133,174</u>
<b>Disbursements:</b>					
Grants to local governments	39,760	53,793	2,144	0	95,697
State operations:					
Personal Service	6,130	6,881	0	0	13,011
Non-Personal Service	1,726	4,401	0	44	6,171
General State charges	4,550	2,125	0	0	6,675
Debt service	0	0	0	6,138	6,138
Capital projects	<u>0</u>	<u>8</u>	<u>5,396</u>	<u>0</u>	<u>5,404</u>
<b>Total disbursements</b>	<u>52,166</u>	<u>67,208</u>	<u>7,540</u>	<u>6,182</u>	<u>133,096</u>
<b>Other financing sources (uses):</b>					
Transfers from other funds	11,934	7,478	1,172	6,319	26,903
Transfers to other funds	(6,794)	(3,969)	(1,456)	(14,680)	(26,899)
Bond and note proceeds	<u>0</u>	<u>0</u>	<u>434</u>	<u>0</u>	<u>434</u>
<b>Net other financing sources (uses)</b>	<u>5,140</u>	<u>3,509</u>	<u>150</u>	<u>(8,361)</u>	<u>438</u>
<b>Change in fund balance</b>	<u>(177)</u>	<u>779</u>	<u>(37)</u>	<u>(49)</u>	<u>516</u>
<b>Closing fund balance</b>	<u>1,610</u>	<u>2,373</u>	<u>(486)</u>	<u>379</u>	<u>3,876</u>
Source: NYS OSC (reflecting amounts published in the Cash Basis Report as restated).					





## PRIOR FISCAL YEARS

CASH FINANCIAL PLAN ALL GOVERNMENTAL FUNDS FY 2012 (millions of dollars)					
	General Fund	Special Revenue Funds	Capital Projects Funds	Debt Service Funds	Total
<b>Opening fund balance</b>	<u>1,376</u>	<u>2,149</u>	<u>(167)</u>	<u>454</u>	<u>3,812</u>
<b>Receipts:</b>					
Taxes	41,754	8,244	1,337	12,962	64,297
Miscellaneous receipts	3,162	15,565	4,155	955	23,837
Federal grants	60	42,355	2,115	80	44,610
<b>Total receipts</b>	<u>44,976</u>	<u>66,164</u>	<u>7,607</u>	<u>13,997</u>	<u>132,744</u>
<b>Disbursements:</b>					
Grants to local governments	38,419	55,503	2,566	0	96,488
State operations:					
Personal Service	5,779	6,894	0	0	12,673
Non-Personal Service	1,715	4,588	0	45	6,348
General State charges	4,720	2,135	0	0	6,855
Debt service	0	0	0	5,864	5,864
Capital projects	0	6	5,270	0	5,276
<b>Total disbursements</b>	<u>50,633</u>	<u>69,126</u>	<u>7,836</u>	<u>5,909</u>	<u>133,504</u>
<b>Other financing sources (uses):</b>					
Transfers from other funds	11,924	7,096	1,031	6,490	26,541
Transfers to other funds	(5,856)	(4,689)	(1,436)	(14,604)	(26,585)
Bond and note proceeds	0	0	352	0	352
<b>Net other financing sources (uses)</b>	<u>6,068</u>	<u>2,407</u>	<u>(53)</u>	<u>(8,114)</u>	<u>308</u>
<b>Change in fund balance</b>	<u>411</u>	<u>(555)</u>	<u>(282)</u>	<u>(26)</u>	<u>(452)</u>
<b>Closing fund balance</b>	<u>1,787</u>	<u>1,594</u>	<u>(449)</u>	<u>428</u>	<u>3,360</u>
Source: NYS OSC (reflecting amounts published in the Cash Basis Report as restated).					

**GAAP-BASIS RESULTS FOR PRIOR FISCAL YEARS**

The Comptroller prepares Basic Financial Statements and Other Supplementary Information on a GAAP basis for governments as promulgated by the GASB. The Basic Financial Statements, released in July each year, include the Statements of Net Position and Activities; the Balance Sheet and Statement of Revenues, Expenditures and Changes in Fund Balances for the Governmental Funds; the Statements of Net Position, Revenues, Expenses and Changes in Fund Net Position and Cash Flows for the Enterprise Funds; the Statements of Fiduciary Net Position and Changes in Fiduciary Net Position; and the Combining Statements of Net Position and Activities for Discretely Presented Component Units. These statements are audited by independent certified public accountants. The Comptroller also prepares and issues a Comprehensive Annual Financial Report (CAFR), which includes a management discussion and analysis (MD&A), the Basic Financial Statements, required supplementary information, other supplementary information which includes individual fund combining statements, and a statistical section.

The following table summarizes recent governmental funds results on a GAAP basis. The State expects to issue the Basic Financial Statements for FY 2014 by July 29, 2014.

COMPARISON OF ACTUAL GAAP-BASIS OPERATING RESULTS SURPLUS/(DEFICIT) (millions of dollars)						
<u>Fiscal Year Ended</u>	<u>General Fund</u>	<u>Special Revenue Funds</u>	<u>Debt Service Funds</u>	<u>Capital Projects Funds</u>	<u>All Governmental Funds</u>	<u>Accum. General Fund Surplus/(Deficit)</u>
March 31, 2013	1,129	(308)	(186)	(499)	136	(739)
March 31, 2012	137	56	80	346	619	(1,868)
March 31, 2011	1,529	742	198	(568)	1,901	(2,009)

SUMMARY OF NET POSITION (millions of dollars)			
<u>Fiscal Year Ended</u>	<u>Governmental Activities</u>	<u>Business-Type Activities</u>	<u>Total Primary Government</u>
March 31, 2013	26,271	(922)	25,349
March 31, 2012	26,333	(658)	25,675
March 31, 2011	27,648	(618)	27,030



## ***PRIOR FISCAL YEARS***

The CAFR can be obtained from the Office of the State Comptroller, 110 State Street, Albany, NY 12236 or at the Office of the State Comptroller's website at [www.osc.state.ny.us](http://www.osc.state.ny.us). The Basic Financial Statements (including Other Supplementary Information) can also be accessed through the Municipal Securities Rulemaking Board's Electronic Municipal Market Access system (EMMA) website at [www.emma.msrb.org](http://www.emma.msrb.org).



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## **SECTION 1: SUBSECTION B**

### **“CAPITAL PROGRAM AND FINANCING PLAN” EXTRACT FROM AIS**

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THE EXTRACTED INFORMATION INCLUDED IN THIS  
SUBSECTION B IS NOT INTENDED TO AND DOES NOT IN ANY  
WAY UPDATE ANY OF THE INFORMATION CONTAINED IN THE  
AIS.



# Capital Program and Financing Plan

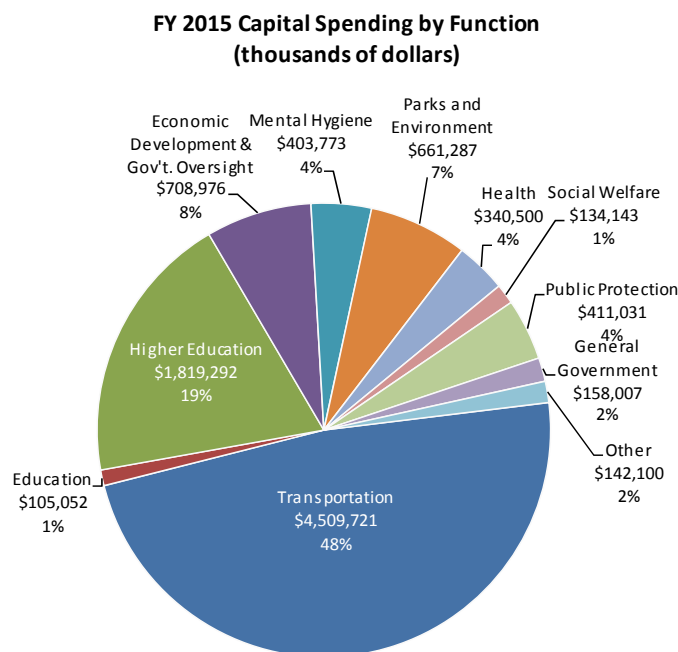
The DOB prepares a Multi-Year Capital Program and Financing Plan with the Executive Budget and updates it following enactment of the budget (the “Enacted Capital Plan”). The Enacted Capital Plan outlines the anticipated capital spending over a five-year period, the way it will be financed, the impact on debt measures, and the anticipated debt issuances required to support the planned capital spending. The Enacted Capital Plan can be obtained by contacting the Division of the Budget, State Capitol, Albany, NY 12224, (518) 474-8282, or at [www.budget.ny.gov](http://www.budget.ny.gov).

## CAPITAL PLAN

DOB has also formulated 10-year capital commitment and disbursement projections. The total commitment and disbursement levels over the 10-year capital planning horizon reflect, among other things, projected capacity under the State's statutory debt limit, anticipated levels of Federal aid, and the timing of capital activity based on known needs and historical patterns. The following capital projects information relates to the current fiscal year.

## FY 2015 CAPITAL PROJECTS SPENDING

Spending on capital projects is projected to total \$9.4 billion in FY 2015, which includes \$928 million in “off-budget spending” directly from the proceeds of bonds issued by public authorities. Overall, capital spending in FY 2015 is projected to increase by \$290 million (3 percent) from FY 2014.





## ***CAPITAL PROGRAM AND FINANCING PLAN***

In FY 2015, transportation spending is projected to total \$4.5 billion, which represents 48 percent of total capital spending, with higher education comprising the next largest share at 19 percent. Economic development and government oversight spending represents 8 percent and spending for parks and the environment spending represents 7 percent. The remaining 18 percent is comprised of spending for mental hygiene, health, social welfare, public protection and all other capital programs.

Transportation spending is projected to remain flat in FY 2015, as expedited high priority projects under the New York Works initiative are completed and spending on core infrastructure returns to traditional spending levels.

Parks and environment spending will decrease by \$155 million (-19 percent) in FY 2015 reflecting lower year-to-year spending for Superstorm Sandy remediation costs, continued phasedown of general obligation bond authorizations, and the completion of signature projects at parks and historic sites.

Economic development and government oversight spending is projected to increase by \$197 million (38 percent). This spending reflects the continued implementation of programs created to promote regional economic development including spending for the Buffalo Billion initiative, Regional Economic Development Councils and SUNY and CUNY 2020 Challenge Grants.

Spending for health is projected to decrease by \$100 million (-23 percent). The significant reduction is due to the phase out of the HEAL NY Program, offset by spending for the new Health Care Restructuring Program.

Spending for social welfare is projected to decrease by \$5 million (-3 percent) due to the timing of capital disbursements.

Education spending is projected to increase by \$25 million (31 percent) in FY 2015, which represents continued spending for Expanding Our Children's Education and Learning (EXCEL).

Higher Education spending is projected to increase by \$97 million (6 percent). This is primarily due to additional investments in Senior and Community College infrastructure projects and new initiatives.

Spending increases of \$129 million (46 percent) for public protection primarily reflect the State's continued investments in preparedness; new spending for interoperable communications equipment and systems; as well as funding for a new College of Emergency Preparedness, Homeland Security and Cybersecurity.

Mental hygiene capital spending is anticipated to decrease by \$7 million (-2 percent). Program spending continues to focus on rehabilitation projects at State and not-for-profit facilities and ongoing development of community residences.





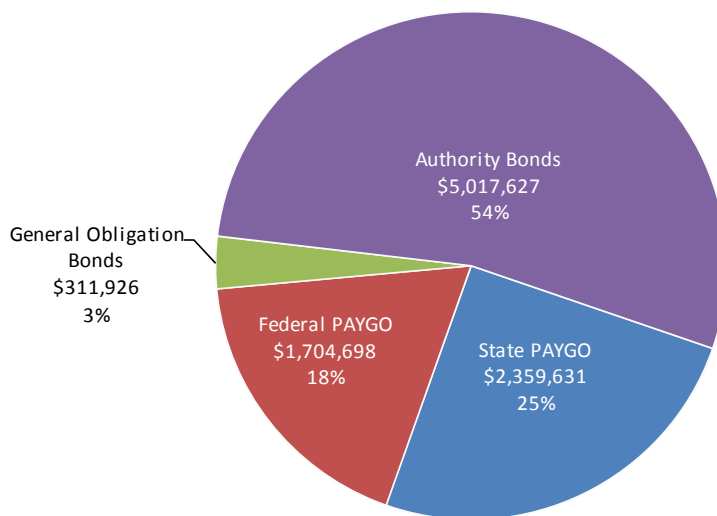
## CAPITAL PROGRAM AND FINANCING PLAN

General government capital spending is projected to increase by \$63 million (66 percent) primarily attributable to costs associated with State technology projects and the Office of General Services (OGS') renovation of Building 5 at the Harriman State Campus in Albany.

Spending for agencies in the All Other category is projected to increase by \$44 million (45 percent) primarily due to investments related to the State and Municipal Facilities Program.

### FINANCING FY 2015 CAPITAL PROJECTS SPENDING

FY 2015 Capital Spending by Financing Source  
(thousands of dollars)



In FY 2015, the State plans to finance 57 percent of capital projects spending with long-term bonds, most of which will be issued on behalf of the State through public authorities (54 percent) and the remainder of which will be issued as General Obligation bonds (3 percent). Authority bonds do not include debt issued by authorities backed by their own non-State resources or on behalf of private clients. Federal aid is expected to fund 18 percent of the State's FY 2015 capital spending, primarily for transportation. State cash resources will finance the remaining 25 percent of capital spending. Year-to-year, total Pay-As-You-Go (PAYGO) support is projected to decrease by \$247 million, with State PAYGO increasing by \$26 million and Federal PAYGO support decreasing by \$323 million. Bond-financed spending is projected to increase by \$536 million.



### FINANCING PLAN

New York State is one of the largest issuers of municipal debt, ranking second among the states, behind California, in the amount of debt outstanding. The State ranks fifth in the U.S. in debt per capita, behind Connecticut, Massachusetts, Hawaii, and New Jersey. As of March 31, 2014, total State-related debt outstanding totaled \$55.2 billion excluding capital leases and mortgage loan commitments, equal to approximately 5.2 percent of New York personal income. The State's debt levels are typically measured by DOB using two categories: *State-supported debt* and *State-related debt*.

**State-supported debt** represents obligations of the State that are paid from traditional State resources (i.e., tax revenue) and have a budgetary impact. It includes General Obligation debt, to which the full faith and credit of the State has been pledged, and lease purchase and contractual obligations of public authorities and municipalities, where the State's legal obligation to make payments to those public authorities and municipalities is subject to and paid from annual appropriations made by the Legislature. These include the State PIT Revenue Bond program and the State Sales Tax Revenue Bond program. Since 2002, the State has financed most of its capital program with PIT Revenue Bonds, a revenue bond program that has reduced its cost of borrowing and created efficiencies by permitting the consolidation of bond sales. Prior to 2002, the State had primarily financed its capital spending with lower-rated lease purchase and contractual service obligations of public authorities. The State expects to transition to using only three credits – General Obligation bonds, PIT Revenue Bonds, and Sales Tax Revenue Bonds, the latter of which was authorized in the FY 2014 Enacted Budget.

Legislation enacted in 2013 changed the method of paying debt service on outstanding SUNY Dormitory Facilities Lease Revenue Bonds (the "Lease Revenue Bonds") and established a new revenue-based credit, the SUNY Dormitory Facilities Revenue Bonds (the "Facilities Revenue Bonds") for future issuances. The legislation also provided for the assignment of the revenues derived from the use and occupancy of SUNY's dormitory facilities (the "Dormitory Facilities Revenues") for the payment of debt service on both the Lease Revenue Bonds and the Facilities Revenue Bonds from SUNY to DASNY. As a result, annual debt service on the outstanding Lease Revenue Bonds is no longer supported by a State appropriation, except under extraordinary circumstances (i.e., the generation of insufficient Dormitory Facilities Revenues implicating the need for SUNY payments from sources other than Dormitory Facilities Revenues for debt service on the Lease Revenue Bonds). DOB is not aware of such an extraordinary circumstance having ever occurred in the past and does not anticipate that it would occur in the future. DOB expects that both the outstanding Lease Revenue Bonds and the new Facilities Revenue Bonds will be payable solely from Dormitory Facilities Revenues which are the property of DASNY, not the State. Accordingly, DOB has not included any annual debt service expense of the Lease Revenue Bonds or the Facilities Revenue Bonds in the State Financial Plan. However, since the outstanding Lease Revenue Bonds were incurred as State-supported debt, DOB will continue to count these bonds as State-supported debt for purposes of the Debt Reform Act caps and has



## CAPITAL PROGRAM AND FINANCING PLAN

included these bonds as State-supported debt in all figures, tables and charts in this AIS. See “State-supported Debt Outstanding - SUNY Dormitory Facilities Bonds” presented later in this section, for more information.

**State-related debt** is a broader measure of State debt which includes all debt that is reported in the State’s GAAP-basis financial statements, except for unamortized premiums and accumulated accretion on capital appreciation bonds. These financial statements are audited by external independent auditors and published by Office of the State Comptroller (OSC) on an annual basis. The debt reported in the GAAP-basis financial statements includes General Obligation debt, other State-supported debt as defined in the State Finance Law, debt issued by the Tobacco Securitization Finance Corporation, certain debt of the Municipal Bond Bank Agency (MBBA) issued to finance prior year school aid claims and capital leases and mortgage loan commitments. In addition, State-related debt reported by DOB includes State-guaranteed debt, moral obligation financings and certain contingent-contractual obligation financings, where debt service is paid from non-State sources in the first instance, but State appropriations are available to make payments if necessary. These numbers are not included in the State’s GAAP-basis financial statements.

The State’s debt does not encompass, and does not include, debt that is issued by, or on behalf of, local governments and secured (in whole or in part) by State local assistance aid payments. For example, certain State aid to public schools paid to school districts or New York City has been pledged by those local entities to help finance debt service for locally-sponsored and locally-determined financings. Additionally, certain of the State’s public authorities issue debt supported by non-State resources (i.e., New York State Thruway Authority (NYSTA) toll revenue bonds, Triborough Bridge and Tunnel Authority (TBTA) or MTA revenue bonds or newly authorized Dormitory Authority of the State of New York (DASNY) dormitory facilities revenue bonds) or issue debt on behalf of private clients (i.e., DASNY school district revenue bonds). This debt, however, is not treated by DOB as either State-supported debt or State-related debt because it (i) is not issued by the State (nor on behalf of the State), and (ii) does not result in a State obligation to pay debt service. Instead, this debt is accounted for in the respective financial statements of the local governments or other entity responsible for the issuance of such debt and is similarly treated.

The issuance of General Obligation debt and debt of the Local Government Assistance Corporation (LGAC) is undertaken by OSC. All other State-supported and State-related debt is issued by the State’s financing authorities (known as “Authorized Issuers” in connection with the issuance of PIT and Sales Tax Revenue Bonds) acting under the direction of DOB. The Authorized Issuers for PIT Revenue Bonds are NYSTA, DASNY, Empire State Development (ESD), the Environmental Facilities Corporation (EFC), and the Housing Finance Agency (HFA) and the Authorized Issuers for Sales Tax Revenue Bonds are NYSTA, DASNY, and ESD. Prior to any issuance of new State-supported debt and State-related debt, approval is required by the State Legislature, DOB, the issuer’s board, and in certain instances, the Public Authorities Control Board (PACB) and the State Comptroller.



## CAPITAL PROGRAM AND FINANCING PLAN

The State has never defaulted on any of its General Obligation indebtedness, PIT Revenue Bonds, Sales Tax Revenue Bonds, or its obligations under lease purchase or contractual obligation financing arrangements. The following table summarizes the State's outstanding debt obligations for each of the past three fiscal years.

OUTSTANDING STATE-SUPPORTED AND STATE-RELATED DEBT <sup>1</sup> (millions of dollars)			
	FY 2012	FY 2013	FY 2014
<b>State-Supported Debt</b>	<b>52,773</b>	<b>52,535</b>	<b>52,460</b>
Personal Income Tax Revenue Bonds	23,074	26,501	28,776
Sales Tax Revenue Bonds	0	0	960
General Obligation	3,494	3,524	3,191
Local Government Assistance Corporation	3,119	2,836	2,592
Service Contract & Lease Purchase	11,312	8,585	7,583
Other Revenue Bonds	11,774	11,089	9,358
<b>Contingent-Contractual Obligation Financings</b>	<b>3,193</b>	<b>2,832</b>	<b>2,404</b>
DASNY/MCCFA - Secured Hospital Program	503	421	351
Tobacco Settlement Financing Corporation	2,690	2,411	2,053
<b>Moral Obligation Financings</b>	<b>20</b>	<b>13</b>	<b>7</b>
Housing Finance Agency	18	11	7
MCCFA - Hospitals and Nursing Homes	2	2	0
<b>Other State Financings</b>	<b>623</b>	<b>600</b>	<b>584</b>
MBBA Prior Year School Aid Claims	368	294	281
Capital Leases <sup>2 3</sup>	178	232	232
Mortgage Loan Commitments <sup>3</sup>	77	74	71
<b>State Guaranteed Debt</b>			
Job Development Authority	19	15	12
<b>TOTAL STATE-RELATED DEBT <sup>4</sup></b>	<b>56,628</b>	<b>55,995</b>	<b>55,467</b>

Source: NYS DOB. Except Mortgage Loan Commitments which are taken from the CAFR for FY 2012 and FY 2013 Mortgage Loan Commitments and Capital Leases are estimated by DOB for FY 2014.

<sup>1</sup> Amounts outstanding reflect original par amounts or original gross proceeds in the case of capital appreciation bonds. Amounts do not reflect accretion of capital appreciation bonds or premiums received.

<sup>2</sup> A portion of SUNY's capital leases are included in State-supported debt.

<sup>3</sup> FY 2012 and FY 2013 Capital Leases and Mortgage Loan Commitments have been restated due to the implementation of GASB statement 61.

<sup>4</sup> Capital leases and mortgage loan commitments are included in all figures and references to State-related debt in this AIS unless otherwise specifically noted.



### STATE-SUPPORTED DEBT OUTSTANDING

State-supported debt represents obligations of the State that are paid from traditional State resources and have a budgetary impact. It includes General Obligation debt, State PIT Revenue Bonds, Sales Tax Revenue Bonds, LGAC bonds and lease purchase and service contract obligations of public authorities and municipalities. Payment of all obligations, except for General Obligation debt, is subject to annual appropriations by the State Legislature, but the State's credits have different security features, as described in this section. The Debt Reform Act of 2000 limits the amount of new State supported debt issued since April 1, 2000.

### STATE PIT REVENUE BOND PROGRAM

Since 2002, the PIT Revenue Bond Program has been the primary financing vehicle used to fund the State's capital program. Legislation enacted in 2001 provided for the issuance of State PIT Revenue Bonds by the State's Authorized Issuers. The legislation requires 25 percent of State PIT receipts (excluding refunds owed to taxpayers) to be deposited into the RBTF for purposes of making debt service payments on these bonds, with the excess amounts returned to the General Fund. The first State PIT Revenue Bonds were issued on May 9, 2002, and since that time, all of the Authorized Issuers have issued State PIT Revenue Bonds.

Legislation enacted in 2007 increased the amount of PIT receipts to be deposited into the RBTF by removing an exclusion for PIT amounts deposited to the STAR Fund. In the event that (a) the State Legislature fails to appropriate amounts required to make all debt service payments on the State PIT Revenue Bonds or (b) having been appropriated and set aside pursuant to a certificate of the Director of the Budget, financing agreement payments have not been made when due on the State PIT Revenue Bonds, the legislation requires that PIT receipts continue to be deposited to the RBTF until amounts on deposit in the Fund equal the greater of (i) 25 percent of annual PIT receipts or (ii) \$6 billion. Debt service on State PIT Revenue Bonds is subject to legislative appropriation, as part of the annual debt service bill.

As of March 31, 2014, approximately \$28.8 billion of State PIT Revenue Bonds were outstanding. The projected PIT Revenue Bond coverage ratios, noted below, are based upon estimates of PIT receipts deposited into the RBTF and include projected debt issuances. Assuming average issuances of approximately \$3.4 billion annually over the next four years, PIT coverage is expected to decline from 3.7 times in FY 2015 to 3.5 times in FY 2018. The projected PIT Revenue Bond coverage ratios assume that projects previously financed through the Mental Health Revenue Bond program and the DHBTF Revenue Bond program will be issued under the PIT Revenue Bond program. Revenues that would have been dedicated to bonds issued under the old programs are transferred to the RBTF to offset debt service costs for projects financed with PIT Revenue bonds, but are not counted towards debt service coverage.



## CAPITAL PROGRAM AND FINANCING PLAN

PROJECTED PIT REVENUE BOND COVERAGE RATIOS FY 2015 THROUGH 2018 (thousands of dollars)				
	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>
Projected RBTF Receipts	10,933,925	11,707,550	12,505,850	13,115,600
Projected New PIT Bonds Issuances	3,268,117	3,979,278	3,516,752	2,832,655
Projected Total PIT Bonds Outstanding	30,751,668	33,328,550	35,249,558	36,339,205
Projected Maximum Annual Debt Service	2,938,662	3,253,222	3,563,407	3,799,811
Projected PIT Coverage Ratio	3.7	3.6	3.5	3.5

### SALES TAX REVENUE BOND PROGRAM

Legislation included in the FY 2014 Enacted Budget created a new Sales Tax Revenue Bond program. This new bonding program replicates certain credit features of PIT and LGAC revenue bonds and is expected to continue to provide the State with increased efficiencies and a lower cost of borrowing.

The legislation created the Sales Tax Revenue Bond Tax Fund, a sub-fund within the General Debt Service Fund that will provide for the payment of these bonds. The Sales Tax Revenue Bonds are secured by dedicated revenues consisting of one cent of the State's four cent sales and use tax. With a limited exception, upon the satisfaction of all of the obligations and liabilities of LGAC, this will increase to 2 cents of sales and use tax receipts. Such sales tax receipts in excess of debt service requirements will be transferred to the State's General Fund.

The Sales Tax Revenue Bond Fund has appropriation-incentive and General Fund "reach back" features comparable to PIT and LGAC bonds. A "lock box" feature restricts transfers back to the General Fund in the event of non-appropriation or non-payment. In addition, in the event that sales tax revenues are insufficient to pay debt service, a "reach back" mechanism requires the State Comptroller to transfer moneys from the General Fund to meet debt service requirements.

DOB sold the first Sales Tax Revenue Bond issue on October 24, 2013 and it is anticipated that the Sales Tax Revenue Bonds will be used interchangeably with PIT Revenue Bonds to finance State capital needs. As of March 31, 2014, \$960 million of Sales Tax Revenue Bonds were outstanding. Assuming average issuances of approximately \$1.2 billion annually over the next four years, Sales Tax coverage based only upon the 1 cent pledge is expected to decline from 16.5 times in FY 2014 to 6.7 times in FY 2018, as shown in the following chart.



## CAPITAL PROGRAM AND FINANCING PLAN

PROJECTED SALES TAX REVENUE BOND COVERAGE RATIOS FY 2015 THROUGH 2018 (thousands of dollars)				
	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>
Projected Sales Tax Receipts	3,023,100	3,138,450	3,254,950	3,379,450
Projected New Sales Tax Revenue Bonds Issuances	1,178,773	1,214,136	1,250,560	1,288,077
Projected Total Sales Tax Revenue Bonds Outstanding	2,099,466	3,236,070	4,367,872	5,480,821
Projected Maximum Annual Debt Service	182,724	286,329	395,731	508,097
Projected Sales Tax Coverage Ratio	16.5	11.0	8.2	6.7

Also included in the FY 2014 Enacted Budget was legislation that authorized the use of State Sales Tax Revenue Bonds and PIT Revenue Bonds to finance any capital purpose, including projects that were previously financed through the State's Mental Health Facilities Improvement Revenue Bond program and the DHBTF program. This change allows the State to transition to the use of three primary credits – PIT Revenue Bonds, Sales Tax Revenue Bonds and General Obligation bonds to finance the State's capital needs.

### GENERAL OBLIGATION FINANCINGS

With limited exceptions for emergencies, the State Constitution prohibits the State from undertaking a long-term General Obligation borrowing (i.e., borrowing for more than one year) unless it is authorized in a specific amount for a single work or purpose by the Legislature. There is no constitutional limitation on the amount of long-term General Obligation debt that may be so authorized and subsequently incurred by the State. However, the Debt Reform Act imposed statutory limitations on new State-supported debt issued on and after April 1, 2000. The State Constitution provides that General Obligation bonds, which can be paid without an appropriation, must be paid in equal annual principal installments or installments that result in substantially level or declining debt service payments, mature within 40 years after issuance, and begin to amortize not more than one year after the issuance of such bonds. However, general obligation housing bonds must be paid within 50 years after issuance, with principal commencing no more than three years after issuance. The Debt Reform Act limits the maximum term of State-supported bonds, including General Obligation bonds, to 30 years, and the State currently has no bonds outstanding with a remaining final maturity that is more than 30 years.





## ***CAPITAL PROGRAM AND FINANCING PLAN***

General Obligation debt is currently authorized for transportation, environment and housing purposes. Transportation-related bonds are issued for State and local highway and bridge improvements, mass transportation, rail, aviation, canal, port and waterway programs and projects. Environmental bonds are issued to fund environmentally sensitive land acquisitions, air and water quality improvements, municipal non-hazardous waste landfill closures and hazardous waste site cleanup projects.

Most General Obligation debt-financed spending in the Enacted Capital Plan is authorized under nine previously approved bond acts (five for transportation and four for environmental and recreational programs). The majority of projected general obligation bond-financed spending supports authorizations for the 2005 Rebuild and Renew New York Bond Act. DOB projects that spending authorizations from the remaining bond acts will be virtually depleted by the end of the Plan. The FY 2015 Enacted Budget included a \$2 billion Smart Schools general obligation bond act that will be brought before voters in November 2014. If approved by voters, proceeds will fund enhanced education technology in schools, with eligible projects including infrastructure improvements to bring high-speed broadband to schools and communities in their school district and the purchase of classroom technology for use by students. Additionally, Smart Schools will enable long-term investments in full-day pre-kindergarten through the construction of new pre-kindergarten classroom space.

As of March 31, 2014, approximately \$3.2 billion of General Obligation bonds were outstanding.

The State Constitution permits the State to undertake short-term General Obligation borrowings without voter approval in anticipation of the receipt of (i) taxes and revenues, by issuing general obligation tax and revenue anticipation notes (TRANS), and (ii) proceeds from the sale of duly authorized but unissued General Obligation bonds, by issuing bond anticipation notes (BANs). General Obligation TRANS must mature within one year from their date of issuance and cannot be refunded or refinanced beyond such period. However, since 1990, the State's ability to issue general obligation TRANS that mature in the same State fiscal year in which they were issued has been limited due to the enactment of the fiscal reform program which created LGAC. BANs may only be issued for the purposes and within the amounts for which bonds may be issued pursuant to General Obligation authorizations, and must be paid from the proceeds of the sale of bonds in anticipation of which they were issued or from other sources within two years of the date of issuance or, in the case of BANs for housing purposes, within five years of the date of issuance. In order to provide flexibility within these maximum term limits, the State had previously used the BANs authorization to conduct a commercial paper program to fund disbursements eligible for General Obligation bond financing.





## ***CAPITAL PROGRAM AND FINANCING PLAN***

### **NEW YORK LOCAL GOVERNMENT ASSISTANCE CORPORATION**

In 1990, as part of a State fiscal reform program, legislation was enacted creating LGAC, a public benefit corporation empowered to issue long-term obligations to fund certain payments to local governments that had been traditionally funded through the State's annual issuance of general obligation TRANS that mature in the same State fiscal year that they are issued ("seasonal borrowing"). The legislation also dedicated revenues equal to one cent of the State's four cent sales and use tax to pay debt service on these bonds. As of June 1995, LGAC had issued State-supported bonds and notes to provide net proceeds of \$4.7 billion, completing the program. The issuance of these long-term obligations is amortized over a period of no more than 30 years from the dates of their original issuance, with the final debt service payment on April 1, 2025. As of March 31, 2014, approximately \$2.6 billion of LGAC bonds were outstanding.

The LGAC legislation eliminated seasonal borrowing except in cases where the Governor and the legislative leaders have certified the need for additional seasonal borrowing, based on emergency or extraordinary factors, or factors unanticipated at the time of adoption of the budget, and provide a schedule for eliminating it over time. Any seasonal borrowing is required by law to be eliminated by the fourth fiscal year after the limit was first exceeded (i.e., no seasonal borrowing in the fifth year). The provision limiting the State's seasonal borrowing practices was included as a covenant with LGAC's bondholders in the General Bond Resolution and General Subordinate Lien Bond Resolution authorizing such bonds. No restrictions were placed upon the State's ability to issue deficit TRANS (issued in one year and maturing in the following year).

The LGAC changes, as well as other changes in revenue and spending patterns, have allowed the State to meet its cash flow needs throughout the fiscal year without relying on seasonal borrowings. However, the State has taken extraordinary measures in recent years to manage its cash flow, including payment deferrals and permitting the State to borrow from other funds of the State (i.e., non-General Fund) for a limited period.

Legislation enacted in 2003 requires LGAC to certify, in addition to its own cash needs, \$170 million annually to provide an incentive for the State to seek an annual appropriation to provide local assistance payments to New York City or its assignee. In May 2004, LGAC amended its General Bond Resolution and General Subordinate Lien Bond Resolution to make clear that any failure to certify or make payments to the City or its assignee has no impact on LGAC's own bondholders; and that if any such act or omission were to occur with respect to any bonds issued by The City of New York or its assignee, that act or omission would not constitute an event of default with respect to LGAC bonds. The FY 2015 Enacted Budget includes a local assistance appropriation of \$170 million from the Local Government Assistance Tax Fund to the City.



## CAPITAL PROGRAM AND FINANCING PLAN

### STATE-SUPPORTED LEASE-PURCHASE AND OTHER CONTRACTUAL-OBLIGATION FINANCINGS

Prior to the 2002 commencement of the State's PIT Revenue Bond program, public authorities or municipalities issued other lease-purchase and contractual-obligation debt. These types of debt, where debt service is payable from moneys received from the State and is subject to annual State appropriation, are not general obligations of the State.

Debt service payable to certain public authorities from State appropriations for such lease-purchase and contractual obligation financings may be paid from general resources of the State or from dedicated tax and other sources (i.e., personal income taxes, motor vehicle and motor fuel related-taxes, and patient income). Although these financing arrangements involve a contractual agreement by the State to make payments to a public authority, municipality or other entity, the State's obligation to make such payments is expressly made subject to appropriation by the Legislature and the actual availability of money to the State for making the payments.

Legislation first enacted in FY 2011, and extended through FY 2017, authorizes the State to set aside moneys in reserve for debt service on general obligation, lease-purchase, and service contract bonds. Pursuant to a certificate filed by the Director of the Budget with the State Comptroller, the Comptroller is required to transfer from the General Fund such reserved amounts on a quarterly basis in advance of required debt service payment dates.

### DEDICATED HIGHWAY AND BRIDGE TRUST FUND (DHBTF) BONDS

DHBTF bonds were issued for State transportation purposes and are backed by dedicated motor fuel, gas and other transportation related taxes and fees. As of March 31, 2014, approximately \$6.1 billion of DHBTF bonds were outstanding. The State currently has no plans to issue additional DHBTF bonds.

### MENTAL HEALTH FACILITIES IMPROVEMENT BONDS

Mental Health Facilities Improvement bonds were issued to support capital projects to preserve and maintain both State and community-based facilities operated and/or licensed by Office of Mental Health, Office for People with Developmental Disabilities (OPWDD), and Office of Alcoholism and Substance Abuse Services (OASAS). As of March 31, 2014, approximately \$1.8 billion of Mental Health Facilities Improvement bonds were outstanding.

A major source of patient revenues for these bonds are Federal Medicaid payments for services delivered by OPWDD. Debt service coverage for FY 2015 is currently projected at approximately 7.5 times for existing Mental Health Facilities Improvements Revenue Bonds. As noted previously, the Federal Centers for Medicare and Medicaid Services (CMS) have engaged the State regarding claims for services provided to individuals in developmental centers operated by OPWDD. In addition, to the reductions in rates that commenced on April 1, 2013,



## CAPITAL PROGRAM AND FINANCING PLAN

on February 8, 2013, the U.S. Department of Health & Human Services Office of the Inspector General, at the direction of the Federal CMS, began a review to determine the allowability of Medicaid costs for services provided in prior years to the Medicaid population in New York State-Operated Intermediate Care Facilities for the Developmentally Disabled (ICF/DD). The initial review period includes claims for services provided during the period April 1, 2010 through March 31, 2011. As a result of this review, CMS may seek to recover Federal funds for any payments that it determines to be in excess of Federal requirements. The State has prospectively resolved CMS concerns regarding its payments to ICF/DDs with a state plan change effective April 1, 2013, and continues to have discussions with CMS to resolve these concerns related to the April 1, 2010 through March 31, 2011 period. Adverse action by the Federal government relative to the allowability of Medicaid costs or services in years prior to FY 2014 would result in a significant loss of Federal aid. The prospective resolution of this matter resulted in a reduction in Federal aid of \$1.1 billion annually. A comparable amount of Federal aid is at risk for any prior period that may be pursued by CMS. Matters of this type are sometimes resolved with a prospective solution (as already commenced by New York State), and the State is not aware of any similar attempts by the Federal government to retroactively recover Federal aid of this magnitude that was paid pursuant to an approved State plan. The State continues to seek CMS approval to proceed with the development of a sustainable system of service funding and delivery for individuals with developmental disabilities. However, there can be no assurance that Federal action in this matter will not result in materially adverse changes to the State Financial Plan.

### SUNY DORMITORY FACILITIES BONDS

Legislation enacted in 2013 changed the method of paying debt service on outstanding SUNY Dormitory Facilities Lease Revenue Bonds (the "Lease Revenue Bonds") and established a new revenue-based financing credit, the SUNY Dormitory Facilities Revenue Bonds (the "Facilities Revenue Bonds") to finance the SUNY residence hall program in the future. The Facilities Revenue Bonds, unlike the Lease Revenue Bonds, will not include a SUNY general obligation pledge, thereby eliminating any recourse to the State with respect to the payment of the Facilities Revenue Bonds. The legislation also provided for the assignment of the revenues derived from the use and occupancy of SUNY's dormitory facilities (the "Dormitory Facilities Revenues") for the payment of debt service on both the Lease Revenue Bonds and the Facilities Revenue Bonds from SUNY to DASNY. As a result, annual debt service on the outstanding Lease Revenue Bonds is no longer supported by a State appropriation, except under extraordinary circumstances (i.e., the generation of insufficient Dormitory Facilities Revenues implicating the need for SUNY payments from sources other than Dormitory Facilities Revenues for debt service on the Lease Revenue Bonds). DOB is not aware of such an extraordinary circumstance having ever occurred in the past and does not anticipate that it would occur in the future. However, since the outstanding Lease Revenue Bonds were incurred as State-supported debt, until these are defeased or are paid off to maturity, DOB will continue to count these bonds as outstanding State-supported debt for purposes of the Debt Reform Act caps and has included these bonds as State-supported debt in all figures, tables and charts in this AIS. In recognition



of the fact that debt service payments on the Lease Revenue Bonds are no longer supported by an appropriation, the debt service payments on such Lease Revenue Bonds in the approximate annual amount of \$100 million is not included in State debt service payments reported in this AIS. Annual debt service payments related to the Lease Revenue Bonds was \$117 million in FY 2014 and is projected to be \$109 million in FY 2015 and FY 2016, \$106 million in FY 2017, and \$101 million in FY 2018. As of March 31, 2014, approximately \$1.2 billion of Lease Revenue Bonds were outstanding.

### **STATE-RELATED DEBT OUTSTANDING**

State-related debt is a broader measure of debt that includes State-supported debt, as discussed above, and contingent-contractual obligations, moral obligations, State-guaranteed debt and other debt.

#### **CONTINGENT-CONTRACTUAL OBLIGATION FINANCING**

Contingent-contractual debt, included in State-related debt, is debt where the State enters into a statutorily authorized contingent-contractual obligation via a service contract to pay debt service in the event there are shortfalls in revenues from other non-State resources pledged or otherwise available to pay the debt service. As with State-supported debt, except for General Obligation bonds, all payments are subject to annual appropriation. The bankruptcy and deteriorating financial conditions of certain hospitals in the Secured Hospitals Program (described below) resulted in the State paying approximately \$12 million of debt service payments in FY 2014.

#### **SECURED HOSPITAL PROGRAM**

Under the Secured Hospital Program, the State entered into service contracts to enable certain financially distressed not-for-profit hospitals to issue debt. The contracts obligate the State to pay debt service, subject to annual appropriations by the Legislature, on bonds issued by the New York State Medical Care Facilities Financing Agency (MCFFA) and by DASNY through the Secured Hospital Program. In the event there are shortfalls in revenues from other sources, which include hospital payments made under loan agreements between DASNY and the hospitals, and certain reserve funds held by the applicable trustees for the bonds, the State is liable for the debt service. As of March 31, 2014, there was approximately \$351 million of bonds outstanding for this program.



### TOBACCO SETTLEMENT FINANCING CORPORATION (TSFC)

Legislation enacted in 2003 authorized the State to securitize all of its tobacco settlement payments through the TSFC, a corporation created under the legislation that is a subsidiary of the MBBA, through an asset-backed securitization transaction. To lower costs, the legislation authorized the State to enter into contingency contracts obligating the State to pay debt service, subject to annual appropriations, on the TSFC bonds in the event that tobacco receipts and bond reserves are insufficient. To reduce the chance that the State's contractual payments will be required in the event that tobacco receipts and bond reserves are not sufficient to pay debt service, the TSFC bonds were structured to meet or exceed all rating agency tobacco bond stress tests. The \$4.2 billion of upfront payments received by the State from the securitization were used to help restore State budget balance in FY 2004 (\$3.8 billion) and FY 2005 (\$400 million).

The bonds carry a final nominal maturity of 19 years and have an expected final maturity of 13 years, based on optional redemptions (i.e., an expected final maturity in calendar year 2018). The expected final maturity may deviate due to the optional nature of the redemptions and adjustments to tobacco settlement payments due from participating manufacturers. Various manufacturers, including the original participating manufacturers, have made reduced payments annually starting in 2006 to states and territories, or deposit payments into a special disputed payments account. On September 11, 2013, an arbitration panel found that the State was "diligent" in enforcing its qualifying statute relating to the first payment that was withheld. As a result of the arbitration decision, the State received approximately \$50 million in April 2014. Arbitration proceedings have not been started for the following years and no assurance can be made as to the outcome of future proceedings. As of March 31, 2014, approximately \$2.1 billion of TSFC bonds were outstanding. DOB does not anticipate that the State will be called upon to make any payment, pursuant to the contingency contract, in FY 2015.

### MORAL OBLIGATION FINANCINGS

Moral obligation financing generally involves the issuance of debt by a public authority to finance a revenue producing project or other activity. The debt is secured, in the first instance, by project revenues, but includes statutory provisions requiring the State, subject to appropriation by the Legislature, to make up any deficiencies which may occur in the issuer's debt service reserve fund. There has never been a payment default on any moral obligation debt of any public authority. DOB does not expect the State to increase statutory authorizations for moral obligation bond programs. From 1976 through 1987, the State was called upon to appropriate and make payments totaling \$162.8 million to make up deficiencies in the debt service reserve funds of HFA pursuant to moral obligation provisions. In the same period, the State also expended additional funds to assist the Project Finance Agency, Urban Development Corporation (UDC) and other public authorities which had moral obligation debt outstanding. The State has not been called upon to make any payments pursuant to any moral obligations since FY 1987 and no such requirements are anticipated during FY 2015.



### **STATE-GUARANTEED FINANCINGS**

Pursuant to specific constitutional authorization, the State may also directly guarantee certain public authority obligations. Payments of debt service on State guaranteed bonds and notes are legally enforceable obligations of the State. The only current authorization provides for the State guarantee of the repayment of certain borrowings for designated projects of the New York State Job Development Authority (JDA). The State has never been called upon to make any direct payments pursuant to any such guarantees.

Due to concerns regarding the economic viability of its programs, JDA's loan and loan guarantee activities were suspended in 1995. JDA resumed its lending activities in 1997 under a revised set of lending programs and underwriting guidelines. In April 2004, JDA issued approximately \$42 million of State-guaranteed bonds to refinance certain of its outstanding bonds and notes in order to restructure and improve JDA's capital finances. As of March 31, 2014, JDA had approximately \$12 million of bonds outstanding. DOB does not anticipate that the State will be called upon to make any payments pursuant to the State guarantee in FY 2015.

### **OTHER STATE FINANCINGS**

Other State financings relate to the issuance of debt by a public authority, including capital leases, mortgage loan commitments and MBBA prior year school aid claims. Regarding the MBBA prior year school aid claims, the municipality assigns specified State and local assistance payments it receives to the issuer or the bond trustee to ensure that debt service payments are made. The State has no legal obligation to make any debt service payments or to continue to appropriate local assistance payments that are subject to the assignment.



# CAPITAL PROGRAM AND FINANCING PLAN

## BORROWING PLAN

STATE DEBT ISSUANCES BY FINANCING PROGRAM (millions of dollars)					
	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Personal Income Tax Revenue Bonds	2,853	3,268	3,979	3,517	2,833
Sales Tax Revenue Bonds	960	1,179	1,214	1,250	1,288
General Obligation Bonds	0	312	1,310	421	398
<b>Total Issuances</b>	<b>3,813</b>	<b>4,759</b>	<b>6,503</b>	<b>5,188</b>	<b>4,519</b>
Source: NYS DOB.					

Debt issuances totaling \$4.8 billion are planned to finance new capital project spending in FY 2015, an increase of \$946 million (25 percent) from FY 2014, which increase is primarily attributable to a delay in the sale of bonds from FY 2014 until FY 2015. It is anticipated that the State will finance capital projects through PIT Revenue Bonds, Sales Tax Revenue Bonds and General Obligation bonds in FY 2014. PIT and Sales Tax issuances will include capital projects previously financed through the DHBTF Bonds credit and Mental Health Facilities Improvement Revenue Bonds credit.

The bond issuances will finance capital commitments for transportation infrastructure (\$1.3 billion), education (\$1.8 billion), mental hygiene and health care facilities (\$716 million), economic development (\$377 million), the environment (\$285 million), and State facilities and equipment (\$317 million).

Over the next four years, new debt issuances are projected to total \$21.0 billion. New issuances are primarily for transportation infrastructure (\$5.9 billion), education facilities (\$8.0 billion), economic development (\$2.3 billion), the environment (\$1.2 billion), mental hygiene and health care facilities (\$2.3 billion), and State facilities and equipment (\$1.4 billion).

The State expects to finance all of its bond-financed capital needs in FY 2015 through only three highly-rated programs – PIT Revenue Bonds, Sales Tax Revenue Bonds, and General Obligation bonds. Assuming an issuance plan consistent with the prior table the State projects debt outstanding levels through FY 2018 to be as follows:

PROJECTED DEBT OUTSTANDING BY CREDIT (millions of dollars)					
	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Personal Income Tax Revenue Bonds	28,776	30,752	33,329	35,250	36,339
Sales Tax Revenue Bonds	960	2,099	3,236	4,368	5,481
General Obligation Bonds	3,191	3,199	4,217	4,274	4,326
Local Government Assistance Corp.	2,592	2,345	2,058	1,758	1,466
Other Revenue Bonds	9,358	8,526	7,768	7,031	6,316
Service Contract & Lease Purchase	7,583	6,676	5,777	4,976	4,067
<b>TOTAL STATE-SUPPORTED</b>	<b>52,460</b>	<b>53,597</b>	<b>56,385</b>	<b>57,657</b>	<b>57,995</b>





## STATE-RELATED DEBT SERVICE REQUIREMENTS

The following table presents the current and future debt service (principal and interest) requirements on State-related debt outstanding as of March 31, 2014. The requirements of LGAC and other financing obligations of public authorities are based on the gross amounts due from the authorities to bondholders within the fiscal year when such authorities make the payments. The amounts shown do not reflect other associated costs or revenues anticipated to be available, such as interest earnings, capitalized interest or debt service reserve fund releases. Thus, the requirements shown are generally in excess of the amounts expected to be actually paid by the State during its fiscal year.

ESTIMATED DEBT SERVICE REQUIREMENTS ON EXISTING STATE-RELATED DEBT BY CREDIT STRUCTURE <sup>1</sup> (millions of dollars)						
	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>Total</u>
Personal Income Tax Revenue Bonds	2,517	2,668	2,624	2,640	2,620	13,069
Sales Tax Revenue Bonds	18	67	67	67	82	300
General Obligation Bonds	472	437	403	369	324	2,005
Local Government Assistance Corporation	375	392	392	371	288	1,818
Other State-Supported Bonds	3,005	2,297	2,179	2,030	2,030	11,542
Tobacco Bonds <sup>2</sup>	397	400	447	399	398	2,042
All Other State-Related Bonds <sup>3</sup>	105	103	110	95	84	497
<b>Total Debt Service</b>	<u>6,889</u>	<u>6,364</u>	<u>6,222</u>	<u>5,971</u>	<u>5,826</u>	<u>31,273</u>

Source: NYS DOB.

<sup>1</sup> Reflects debt issued as of March 31, 2014. Estimated debt service requirements are calculated based on swap rates in effect for all bonds that were synthetically fixed under an interest rate exchange agreement. Debt service requirements for variable rate bonds for which there are no related interest rate exchange agreements were calculated at rates of 3.50 percent.

<sup>2</sup> Estimated debt service numbers are based on available information as of March 31, 2014. Since 2006 certain monies expected to flow to the State under the Master Settlement Agreement have been withheld and placed in a Dispute Payment Account. Pending the outcome of a resolution between participating manufacturers and the states, the debt service numbers will be adjusted accordingly.

<sup>3</sup> Excludes Mortgage Loan Commitments and Capital Leases.





### INTEREST RATE EXCHANGE AGREEMENTS AND NET VARIABLE RATE OBLIGATIONS

Chapter 81 of the Laws of 2002 authorized issuers of State-supported debt to issue a limited amount of variable rate debt instruments and to enter into a limited amount of interest rate exchange agreements. The current limit on debt instruments which result in a net variable rate exposure (i.e., both variable rate debt and interest rate exchange agreements) is no more than 15 percent of total outstanding State-supported debt. Interest rate exchange agreements are also limited to a total notional amount of no more than 15 percent of total outstanding State-supported debt. The outstanding State-supported debt of \$52.5 billion as of March 31, 2014 results in a cap on variable rate exposure and a cap on interest rate exchange agreements of about \$8 billion each (15 percent of total outstanding State-supported debt). As discussed below, as of March 31, 2014, both the amount of outstanding variable rate debt instruments and interest rate exchange agreements were less than the authorized totals of 15 percent of total outstanding State-supported debt.

#### INTEREST RATE EXCHANGE AGREEMENTS

As of March 31, 2014, the State's Authorized issuers have a notional amount of \$2.0 billion in interest rate exchange agreements. The following table shows the amount of outstanding interest rate exchange agreements which are subject to the statutory cap. Overall, the State's swap exposure is expected to decline from 3.8 percent in FY 2014 to 2.7 percent in FY 2018.

INTEREST RATE EXCHANGE CAP (millions of dollars)					
	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Interest Rate Exchange Cap	7,869	8,040	8,458	8,649	8,699
Notional Amounts of Interest Rate Exchange Agreements	2,014	1,927	1,820	1,683	1,548
Percent of Interest Rate Exchange Agreements to Debt Outstanding	3.8%	3.6%	3.2%	2.9%	2.7%

Currently the State's swaps portfolio is comprised of synthetic fixed rate swaps. A synthetic fixed swap includes two separate transactions: (1) a variable rate bond is sold to bondholders, and (2) an interest rate exchange agreement between the State and a counterparty is executed. The interest rate exchange agreement results in the State paying a fixed interest rate (i.e., synthetic fixed rate) to the counterparty and the counterparty agrees to pay the State a variable rate (65 percent of the London InterBank Offered Rate (LIBOR) for all State swaps). The variable rate the State pays to bondholders and the variable rate the State is receiving from the counterparty off-set each other, leaving the State with the synthetic fixed rate payment. The synthetic fixed rate was less than the fixed rate the State would have paid to issue traditional fixed rate bonds at the time of issuance.



## CAPITAL PROGRAM AND FINANCING PLAN

At this time, the State has no plans to increase its swap exposure, and may take further actions to reduce swap exposures commensurate with variable rate restructuring efforts.

### NET VARIABLE RATE OBLIGATIONS

The State's net variable rate exposure (including a policy reserve) is projected to average 1.6 percent of outstanding debt from FY 2014 through FY 2018. The debt that is charged against the variable rate cap represents the State's unhedged variable rate bonds. The variable rate bonds that are issued in connection with a swap - \$2.0 billion - are not included in the variable rate cap, as discussed previously in the "Interest Rate Exchange Agreements" section.

The State's current policy is to count 35 percent of the notional amount of outstanding 65 percent of LIBOR fixed rate swaps in its variable rate exposure. This policy reserve accounts for the potential that tax policy or market conditions could result in significant differences between payments owed on the bonds and the amount received by the State under its 65 percent of LIBOR swaps, and that the factors affecting such payments can be consistent with variable rate exposure.

VARIABLE RATE EXPOSURE (millions of dollars)					
	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>
Variable Rate Exposure Cap	7,869	8,040	8,458	8,649	8,699
Current Unhedged Variable Rate Obligations	204	193	182	173	161
Synthetic Variable Rate Swaps	0	0	0	0	0
Total Net Variable Rate Exposure	204	193	182	173	161
Net Variable Rate Exposure to Debt Outstanding	0.4%	0.4%	0.3%	0.3%	0.3%
Current Policy Reserve for LIBOR Swaps	705	674	637	589	542
Net Variable Rate Exposure (with Policy Reserve)	909	868	819	762	703
Net Variable Rate Exposure (with Policy Reserve) to Debt Outstanding	1.7%	1.6%	1.5%	1.3%	1.2%

The State has no plans to issue additional variable rate debt at this time, and may further reduce existing variable rate exposure.



### **STATE BOND CAPS AND DEBT OUTSTANDING**

Bond caps are legal authorizations to issue bonds to finance the State's capital projects. The caps can authorize bond financing of capital appropriations. As the bond cap for a particular programmatic purpose is reached, subsequent legislative changes are required to raise the statutory cap to the level necessary to meet the bondable capital needs, as permitted by a single or multi-year appropriation. The aggregate bond caps have increased by \$7.6 billion in FY 2015.

Debt authorizations for capital programs are either approved or enacted at one time, expected to be fully issued over time, or enacted annually by the Legislature and are usually consistent with bondable capital projects appropriations. Authorization does not, however, indicate intent to sell bonds for the entire amount of those authorizations, because capital appropriations often include projects that do not materialize or are financed from other sources. The amount of bonds authorized may be increased or decreased from time to time by the Legislature. In the case of General Obligation debt, increases in the authorization must be approved by the voters.

### **FOR MORE INFORMATION**

Additional information on the State's debt portfolio is available on DOB's public website ([www.budget.ny.gov](http://www.budget.ny.gov)). The Investor's Guide section of the site contains information on New York State bonds including: the State's bond issuance schedule which is updated periodically; swap and variable rate capacity reports; variable rate trading activity; and State PIT Revenue Bond and Sales Tax Revenue Bond debt service and debt outstanding.



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## **SECTION 1: SUBSECTION C**

### **“STATE ORGANIZATION” (INCLUDING STATE EMPLOYMENT) EXTRACT FROM AIS**

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THE EXTRACTED INFORMATION INCLUDED IN THIS  
SUBSECTION C IS NOT INTENDED TO AND DOES NOT IN ANY  
WAY UPDATE ANY OF THE INFORMATION CONTAINED IN THE  
AIS.



# State Organization

## STATE GOVERNMENT ORGANIZATION

The State has a centralized administrative system with most executive powers vested in the Governor. The State has four officials elected in statewide elections, the Governor, Lieutenant Governor, Comptroller and Attorney General. These officials serve four-year terms that next expire on December 31, 2014.

<u>Name</u>	<u>Office</u>	<u>Party Affiliation</u>	<u>First Elected</u>
Andrew M. Cuomo	Governor	Democrat	2010
Robert J. Duffy	Lieutenant Governor	Democrat	2010
Thomas P. DiNapoli	Comptroller	Democrat	2007
Eric T. Schneiderman	Attorney General	Democrat	2010

The Governor and Lieutenant Governor are elected jointly. The Comptroller and Attorney General are chosen separately by the voters during the election of the Governor. The Governor appoints the heads of most State departments, including the Director of the Budget (the current Director is Robert L. Megna). DOB is responsible for preparing the Governor's Executive Budget, negotiating that budget with the State Legislature, and implementing the budget once it is adopted, which includes updating the State's fiscal projections quarterly. DOB is also responsible for coordinating the State's capital program and debt financing activities. The Comptroller is responsible for auditing the disbursements, receipts and accounts of the State, as well as for auditing State departments, agencies, public authorities and municipalities. The Comptroller is also charged with managing the State's General Obligation debt and most of its investments (see "Appropriations and Fiscal Controls" and "Investment of State Moneys" below). The Attorney General is the legal advisor to State departments, represents the State and certain public authorities in legal proceedings and opines upon the validity of all State General Obligation bonds and notes.

The State Legislature is presently composed of a 63-member Senate and a 150-member Assembly, all elected from geographical districts for two-year terms, expiring December 31, 2014. Both the Senate and the Assembly operate on a committee system. The Legislature meets annually, generally for about six months, and remains formally in session the entire year. In recent years there have been special sessions, as well. The current majority coalition leaders in the Senate are co-President Pro Tempore Dean Skelos (Republican) and co-President Pro Tempore Jeffrey Klein (Independent Democratic Conference). Sheldon Silver (Democrat) is the Speaker of the Assembly. The minority leaders are Andrea Stewart-Cousins (Democrat) in the Senate and Brian Kolb (Republican) in the Assembly.



### APPROPRIATIONS AND FISCAL CONTROLS

The State Constitution requires the Comptroller to audit the accrual and collection of State revenues and receipts and to audit vouchers before payment and all official accounts. Generally, no State payment may be made unless the Comptroller has audited it. Additionally, the State Constitution requires the Comptroller to prescribe such methods of accounting as are necessary for the performance of the foregoing duties.

Disbursements from State funds are limited to the level of authorized appropriations. Disbursements from Federal funds must be appropriated in accordance with appropriate legal authority, are limited to the amounts anticipated from Federal programs and may not be made in the absence of appropriate certifications from the Director of the Budget. Generally, most State contracts for disbursements in excess of \$50,000 (or \$85,000 in the case of the Office of General Services) require prior approval by the Comptroller. However, certain contracts, primarily of the State University of New York (SUNY) and the City University of New York (CUNY), and those established as a centralized contract through the Office of General Services, are not subject to approval by the Comptroller, and certain other contracts are subject to higher thresholds. In most cases, State agency contracts depend upon the existence of an appropriation and the availability of that appropriation as certified by the Director of the Budget. The Budget Director must review all applications for State participation in continuing grant- or contract-supported programs, with specified exceptions. Certain legislative leaders have the opportunity to make recommendations on the applications. In addition, the Comptroller has the discretion to identify and review certain public authority contracts valued at \$1.0 million or greater that are either awarded without competition or which are paid using State-appropriated funds.

Appropriations may be increased or decreased in accordance with statutory authority under certain circumstances by transfer, interchange or otherwise. In addition, appropriations may be increased or decreased by statutory amendment or by supplemental appropriations. Moneys or other financial resources from one fund may also be loaned to another fund, but only if such loan is repaid in full prior to the end of the month in which the loan was made, except as provided by law. Pursuant to authority contained in most State operations appropriations for FY 2015, the Director of the Budget is also allowed to interchange, transfer, or suballocate such appropriation authority to other agencies in order to achieve the consolidation and realignment of certain State operations.

In addition, the Governor has traditionally exercised substantial authority in administering the State Financial Plan by limiting certain disbursements after the Legislature has enacted appropriation bills and revenue measures. The Governor may, primarily through DOB, limit certain spending by State departments, and delay construction projects to control disbursements using the Director of the Budget's certification process. An important limitation of the Governor's ability to restrict disbursements is that local assistance payments, which typically make up close to 70 percent of General Fund disbursements (including operating





transfers to other funds), are generally mandated by statute. The State Court of Appeals has held that, even in an effort to maintain a balanced Financial Plan, neither the Governor nor the Director of the Budget has the authority to refuse to make a local assistance disbursement mandated by law.

### **INVESTMENT OF STATE MONEYS**

The Comptroller is responsible for the investment of substantially all State moneys. By law, such moneys may be invested only in obligations issued or guaranteed by the Federal government or the State, obligations of certain Federal agencies that are not guaranteed by the Federal government, certain general obligations of other states, direct obligations of the State's municipalities and obligations of certain public authorities, certain short-term corporate obligations, certain bankers' acceptances, and certificates of deposit secured by legally qualified governmental securities. All securities in which the State invests moneys held by funds administered within the State Treasury must mature within twelve years of the date they are purchased. Money impounded by the Comptroller for payment of Tax and Revenue Anticipation Notes (TRANS) may only be invested, subject to the provisions of the State Finance Law, in (i) obligations of the Federal government, (ii) certificates of deposit secured by such obligations, or (iii) obligations of or obligations guaranteed by agencies of the Federal government as to which the payment of principal and interest is guaranteed by the Federal government.

The Comptroller invests General Fund moneys, bond proceeds, and other funds not immediately required to make payments through the Short-Term Investment Pool (STIP), which is comprised of joint custody funds (Governmental Funds, Internal Service Funds, Enterprise Funds and Private Purpose Trust Funds), as well as several sole custody funds including the Tobacco Settlement Fund. The interest earnings accrued are allocated and deposited to the credit of those funds with positive balances that contribute to the overall invested STIP pool.

The Comptroller is authorized to make temporary loans from STIP to cover temporary cash shortfalls in certain funds and accounts resulting from the timing of receipts and disbursements. The Legislature authorizes the funds and accounts that may receive loans each year, based on legislation submitted with the Executive Budget. Loans may be granted only for amounts that the Director of the Budget certifies are "receivable on account" or can be repaid from the current operating receipts of the fund (i.e., loans cannot be granted in expectation of future revenue enhancements). The General Fund is authorized to receive temporary loans from STIP for a period not to exceed four months or the end of the fiscal year, whichever is shorter.

The State Comptroller repays loans from the first cash receipts into the borrowing fund or account. Fund balances outside the General Fund are presented on a net basis, i.e., they are reduced by the amount of outstanding temporary loans from STIP. The primary sources of the State's temporary loans include timing-related delays in the receipt from Federal funds and the



sale of bonds used to finance capital projects, a delinquent SUNY hospital loan, and unreimbursed costs related to the Office of Information Technology Services (ITS) Internal Service funds. The total outstanding balance of loans from STIP at March 31, 2014 was \$2.244 billion, an increase of \$450 million from the outstanding loan balance of \$1.794 billion at March 31, 2013.

### **ACCOUNTING PRACTICES, FINANCIAL REPORTING AND BUDGETING**

Historically, the State has accounted for, reported and budgeted its operations on a cash basis. Under this form of accounting, receipts are recorded at the time money or checks are deposited in the State Treasury, and disbursements are recorded at the time a check or electronic payment is released. As a result, actions and circumstances, including discretionary decisions by certain governmental officials, can affect the timing of payments and deposits and therefore can significantly affect the cash amounts reported in a fiscal year. Under cash-basis accounting, all estimates and projections of State receipts and disbursements relating to a particular fiscal year are of amounts to be deposited in or disbursed from the State Treasury during that fiscal year, regardless of the fiscal period to which particular receipts or disbursements may otherwise be attributable.

The State also has an accounting and financial reporting system based on GAAP and currently formulates a GAAP financial plan. GAAP for governmental entities requires use of the accrual basis of accounting for the government-wide financial statements which includes governmental and business-type activities and component units. Revenues are recorded when they are estimated to have been earned and expenses are recorded when a liability is estimated to have been incurred, regardless of the timing of related cash flows. Governmental fund financial statements are prepared using the modified accrual basis of accounting. Under modified accrual procedures, revenues are recorded when they become both measurable and available within 12 months of the end of the current fiscal period to finance expenditures; expenditures are recorded in the accounting period for which the liability is incurred to the extent it is expected to be paid within the next 12 months with the exception of expenditures such as debt service, compensated absences, and claims and judgments. Expenditure-driven grants are recognized as revenue when the qualifying expenditures have been incurred and all other grant requirements have been met. Non-exchange grants and subsidies such as local assistance grants and public benefit corporation subsidies are recognized as expenditures when all requirements of the grant and or subsidy have been satisfied.



### STATE GOVERNMENT EMPLOYMENT

As of March 31, 2014, the State had approximately 180,000 FTE annual salaried employees funded from all funds including some part-time and temporary employees, independently-elected agencies and university systems, but excluding seasonal, legislative and judicial employees. The workforce is now substantially smaller than it was in 1990, when it peaked at approximately 230,000 positions. The State workforce is projected to total 180,574 positions at the end of FY 2015. The State workforce subject to direct Executive control is expected to total 118,961 full time equivalent positions at the end of FY 2015.

The State Public Employment Relations Board defines negotiating units for State employees. The Governor's Office of Employee Relations (GOER) conducts collective bargaining negotiations with the State's unions, with the exception of employees of the Judiciary, public authorities, CUNY and the Legislature. Such negotiations include terms and conditions of employment, except pension benefits. The State has settled collective bargaining agreements with 90 percent of the State workforce for the contract period commencing in FY 2012. Five-year agreements were reached with Civil Service Employees Association (CSEA), United University Professions (UUP), New York State Correctional Officers and Police Benevolent Association (NYSCOPBA), and Council 82. Four-year agreements were reached with the Public Employees Federation (PEF) and New York State Police Benevolent Association (NYSPPA). For the fiscal years prior to the contract period commencing in FY 2012, the State's agreement with NYSPPA covered fiscal years 2006 through 2011, and the State agreement with NYSCOPBA and Council-82 included fiscal years 2010 and 2011.

While approximately 94 percent of the State workforce is unionized, the remainder of the workforce is designated as "managerial" or "confidential" (M/C) and is excluded from collective bargaining. The results of collective bargaining negotiations have historically been applied to all State employees within the Executive Branch. However, general salary increases were withheld from M/C employees in FY 2010 and FY 2011. Under the State's Taylor Law, the general statute governing public employee-employer relations in the State, employees are prohibited from striking. A strike against the State last occurred in 1979 by employees of the Department of Corrections and Community Supervision (DOCCS).



HISTORICAL SUMMARY OF EXECUTIVE BRANCH WORKFORCE ANNUAL SALARIED FTEs ALL FUNDS		
Date	Subject to Direct Executive Control	Grand Total
3/31/2008	137,680	195,239
3/31/2009	136,495	195,329
3/31/2010	131,741	191,195
3/31/2011	125,787	183,921
2/29/2012*	119,579	179,598
3/31/2013	119,756	180,802
3/31/2014	118,492	180,041
*Reflects a payroll prior to fiscal year-end due to concurrent implementation of the State's Statewide Financial System (SFS) which resulted in anomalies to the accounting of FTEs with the actual FY 2012 year-end payroll.		



## STATE ORGANIZATION

<b>WORKFORCE SUMMARY ALL FUNDS FY 2013 THROUGH FY 2015</b>			
	<b>FY 2013 Actuals (03/31/13)</b>	<b>FY 2014 Actuals (03/31/14)</b>	<b>FY 2015 Estimate (03/31/15)</b>
<b>Major Agencies</b>			
Children and Family Services, Office of	3,068	2,951	3,071
Corrections and Community Supervision, Department of	29,443	28,975	29,142
Education Department, State	2,618	2,611	2,692
Environmental Conservation, Department of	2,901	2,917	2,919
Financial Services, Department of	1,242	1,271	1,322
General Services, Office of	1,306	1,449	1,564
Health, Department of	4,546	4,701	5,000
Information Technology Services, Office of	3,726	3,689	3,804
Labor, Department of	3,615	3,417	3,247
Mental Health, Office of	14,538	14,593	14,616
Motor Vehicles, Department of	2,243	2,237	2,205
Parks, Recreation and Historic Preservation, Office of	1,731	1,748	1,737
People with Developmental Disabilities, Office for	20,116	19,271	18,311
State Police, Division of	5,222	5,386	5,439
Taxation and Finance, Department of	4,352	4,280	4,368
Temporary and Disability Assistance, Office of	1,834	1,790	1,918
Transportation, Department of	8,687	8,540	8,337
Workers' Compensation Board	1,167	1,145	1,220
<b>Subtotal - Major Agencies</b>	<b>112,355</b>	<b>110,971</b>	<b>110,912</b>
<b>Minor Agencies</b>	<b>7,401</b>	<b>7,521</b>	<b>8,049</b>
<b>Subtotal - Subject to Direct Executive Control</b>	<b>119,756</b>	<b>118,492</b>	<b>118,961</b>
<b>University Systems</b>			
City University of New York	13,437	13,864	13,643
State University Construction Fund	150	146	152
State University of New York	43,243	43,326	43,342
<b>Subtotal - University Systems</b>	<b>56,830</b>	<b>57,336</b>	<b>57,137</b>
<b>Independently Elected Agencies</b>			
Audit and Control, Department of	2,476	2,498	2,643
Law, Department of	1,740	1,715	1,833
<b>Subtotal - Independently Elected Agencies</b>	<b>4,216</b>	<b>4,213</b>	<b>4,476</b>
<b>Grand Total</b>	<b>180,802</b>	<b>180,041</b>	<b>180,574</b>
Source: NYS DOB.			



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## **SECTION 1: SUBSECTION D**

### **“STATE RETIREMENT SYSTEMS” EXTRACT FROM AIS**

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THE EXTRACTED INFORMATION INCLUDED IN THIS  
SUBSECTION D IS NOT INTENDED TO AND DOES NOT IN ANY  
WAY UPDATE ANY OF THE INFORMATION CONTAINED IN THE  
AIS.





# *State Retirement Systems*

## **GENERAL**

This section summarizes key information regarding the New York State and Local Retirement System (“NYSLRS” or the “Systems”) and the Common Retirement Fund (“CRF”), a pooled investment vehicle in which the assets of the Systems are held and invested. Greater detail, including the independent auditor’s report for the fiscal year ending March 31, 2013, is included in NYSLRS’ Comprehensive Annual Financial Report (“NYSLRS’ CAFR”) for the fiscal year ended March 31, 2013. The Systems Actuary’s Annual Report to the Comptroller on Actuarial Assumptions - the contents of which explain the methodology used to determine employer contribution rates to the Systems - issued from 2007 through 2013, as well as NYSLRS’ CAFR and Asset Listing for 2013 and for each of the nine prior fiscal years, and benefit plan booklets describing how each of the Systems’ tiers works are all available and can be accessed at [www.osc.state.ny.us/retire/publications](http://www.osc.state.ny.us/retire/publications). The Systems’ audited Financial Statements for the fiscal year ending March 31, 2013, and the two prior fiscal years, can also be accessed at that web page. For the fiscal year ended March 31, 2014, the Systems’ audited Financial Statement will be available on the OSC website after July 31, 2014 and the NYSLRS’ CAFR and Asset Listing will be available by September 30, 2014.

The State Comptroller is the administrative head of NYSLRS, which has the powers and privileges of a corporation and comprises the New York State and Local Employees’ Retirement System (“ERS”) and the New York State and Local Police and Fire Retirement System (“PFRS”). The State Comptroller promulgates rules and regulations for the administration and transaction of the business of the Systems. Pursuant to the State’s Retirement and Social Security Law and Insurance Law, NYSLRS is subject to the supervision of the Superintendent of the New York State Department of Financial Services. The State Comptroller is also the trustee and custodian of the CRF, a trust created pursuant to the Retirement and Social Security Law to hold the Systems’ assets, and, as such, is responsible for investing the assets of the Systems. Consistent with statutory limitations affecting categories of investment, the State Comptroller, as trustee of the CRF, establishes a target asset allocation and approves policies and procedures to guide and direct the investment activities of the Division of Pension Investment and Cash Management of the Office of the State Comptroller (“Division”). Division employees, outside advisors, consultants and legal counsel provide the State Comptroller with advice and oversight of investment decisions. Outside advisors and internal investment staff must sign off on investment decisions before final action by the State Comptroller. The Investment Advisory Committee and the Real Estate Advisory Committee, both made up of outside advisors, assist the State Comptroller in his investment duties. The Investment Advisory Committee advises the State Comptroller on investment policies relating to the CRF, reviews the portfolio of the CRF and makes such recommendations as the Committee deems necessary. The Real Estate Advisory Committee reviews and must approve mortgage and real estate investments for consideration by the State Comptroller.



### THE SYSTEMS

The Systems provide pension benefits to public employees of the State and its localities (except employees of New York City and teachers, who are covered by separate plans). State employees made up about 32 percent of the membership during FY 2014. There were 3,029 other public employers participating in the Systems, including all cities and counties (except New York City), most towns, villages and school districts (with respect to non-teaching employees), and many public authorities.

As of March 31, 2014, approximately 644,000 persons were members of the Systems and approximately 422,000 pensioners or beneficiaries were receiving pension benefits. Article 5, section 7 of the State Constitution considers membership in any State pension or retirement system to be “a contractual relationship, the benefits of which shall not be diminished or impaired.”

### COMPARISON OF BENEFITS BY TIER

The Systems’ members are categorized into six tiers depending on date of membership. As of March 31, 2014, approximately 79 percent of ERS members were in Tiers 3 and 4 and approximately 86 percent of PFRS members were in Tier 2. Tier 5 was enacted in 2009 and included significant changes to the benefit structure for ERS members joining on or after January 1, 2010 and PFRS members joining on or after January 9, 2010. Tier 6 was enacted in 2012 and included further changes to the benefit structure for ERS and PFRS members joining on or after April 1, 2012.

Benefits paid to members vary depending on tier. Tiers vary with respect to vesting, employee contributions, retirement age, reductions for early retirement, and calculation and limitation of “final average salary” – generally the average of an employee’s three consecutive highest years’ salary (for Tier 6 members, final average salary is determined by taking the average of an employee’s five consecutive highest years’ salary). ERS members in Tiers 3 and 4 can begin receiving full retirement benefits at age 62, or at age 55 with at least 30 years of service. The amount of the benefit is based on years of service, age at retirement and the final average salary earned. The majority of PFRS members in Tier 2 are in special plans that permit them to retire after 20 or 25 years regardless of age. Charts comparing the key benefits provided to members of ERS and PFRS in most of the tiers of the Systems can be accessed at <http://www.osc.state.ny.us/retire/employers/tier-6/index.php>.



### 2010 RETIREMENT INCENTIVE PROGRAM

Legislation enacted in June 2010 provided the State and local employers with the option to offer a temporary Retirement Incentive Program for certain ERS members for periods ending no later than December 31, 2010. This program did not apply to PFRS members. The Program had two distinct parts:

- Part A was a targeted incentive. Employers identified eligible titles. Part A provided one additional month of service credit for each year of credited service an eligible member had at retirement. The maximum additional incentive service credit was three years.
- Part B was not targeted. It was open to all eligible Tier 2, 3 and 4 members unless an employer deemed a member's position critical to the maintenance of public health and safety. Part B allowed members who were at least age 55 and had 25 years or more of service credit to retire without a benefit reduction.

Participating members whose employer offered both parts of the program, and who met the eligibility requirements of both parts, had to choose between the two. The number of State employees who retired under the Early Retirement Incentive ("ERI") is approximately 6,400. Three hundred ninety-nine (399) participating employers elected to participate in Part A of the ERI. Two hundred eleven (211) participating employers elected to participate in Part B of the ERI. Five thousand four hundred fifty-three (5,453) members from participating employers retired under the ERI. The cost of the incentive is borne by the State and each participating employer electing the incentive over a five-year period commencing with a payment in FY 2012. In 2014, the State paid in full its non-Judiciary retirement incentive liability. The amortized amount receivable relating to the ERI, including accrued interest, from the State as of March 31, 2014 is \$41.23 million and the amount due from participating employers is \$58.34 million.

### CONTRIBUTIONS AND FUNDING

Contributions to the Systems are provided by employers and employees. Employers contribute on the basis of the plan or plans they provide for members. All ERS members joining from mid-1976 through 2009 were required to contribute 3 percent of their salaries. A statutory change in 2000, however, limited the contributions to the first 10 years of membership, but did not authorize refunds where contributions had already exceeded 10 years. All ERS members joining after 2009 and prior to April 1, 2012, and all PFRS members joining after January 9, 2010 and prior to April 1, 2012, are members of Tier 5. All Tier 5 ERS members and 83.5 percent of the 1,805 Tier 5 PFRS members are required to contribute 3 percent of their salaries for their career. Members joining on or after April 1, 2012 are in Tier 6, and are required to pay contributions throughout their career on a stepped basis relative to each respective member's



## STATE RETIREMENT SYSTEMS

wages. Members in Tier 6 of both ERS and PFRS earning \$45,000 or less must contribute 3 percent of their gross annual wages; members earning between \$45,001 and \$55,000 will contribute 3.5 percent; members earning between \$55,001 and \$75,000 will contribute 4.5 percent; members earning between \$75,001 and \$100,000 will contribute 5.75 percent; and, those earning in excess of \$100,000 will contribute 6 percent of their gross annual salary.

The CRF experienced significant investment losses in FY 2009. These investment losses negatively impacted the value of assets held by the CRF for the Systems. In order to protect employers from potentially volatile contributions tied directly to the value of the Systems' assets held by the CRF, the Systems utilize a multi-year smoothing procedure. One of the factors used to calculate employer contribution requirements is the assumed investment rate of return used by the Systems Actuary, which is currently 7.5 percent. The current actuarial smoothing method spreads the impact of gains or losses above or below the 7.5 percent assumed investment rate of return over a 5-year period. Thus, because of the significant investment loss in FY 2009, employer contribution rates increased for FY 2011, FY 2012, FY 2013 and FY 2014. The amount of future annual employer contribution rates will depend, in part, on the value of the assets held by the CRF as of each April 1, as well as on the present value of the anticipated benefits to be paid by the Systems as of each April 1. Final contribution rates for FY 2015 were released in late August 2013. The average ERS rate decreased from 20.9 percent of salary in FY 2014 to 20.1 percent of salary in FY 2015, while the average PFRS rate decreased from 28.9 percent of salary in FY 2014 to 27.6 percent of salary in FY 2015. Information regarding average rates for FY 2015 may be found in the 2013 Annual Report to the Comptroller on Actuarial Assumptions which is accessible at [www.osc.state.ny.us/retire/publications](http://www.osc.state.ny.us/retire/publications).

Legislation enacted in May 2003 realigned the Systems' billing cycle to match participating local governments' budget cycles and also instituted a minimum annual payment of at least 4.5 percent of payroll every year. Chapter 260 of the Laws of 2004 authorized employers to amortize over ten years, at 5 percent interest, a portion of their annual bill for FY 2005, FY 2006 and FY 2007. As of March 31, 2014, the amortized amount receivable, including accrued interest, pursuant to Chapter 260 from the State is \$95 million and from participating employers is \$27.4 million. The State paid approximately \$1.926 billion in contributions (including Judiciary) for FY 2014 including amortization payments of approximately \$386.42 million associated with Chapter 260 of the Laws of 2004, Chapter 57 of the Laws of 2010 and the 2010 retirement incentive program. In FY 2014, the State paid off the Judiciary's 2005 amortization liability.

Legislation enacted in 2010 authorized the State and participating employers to amortize a portion of their annual pension costs during periods when actuarial contribution rates exceed thresholds established by the statute. The legislation provided employers with an optional mechanism intended to reduce the budgetary volatility of employer contributions. Amortized



amounts must be paid by State and participating employers in equal annual installments over a ten-year period, and employers may prepay these amounts at any time without penalty. Employers are required to pay interest on the amortized amounts at a rate determined annually by the State Comptroller that is comparable to taxable fixed income investments of a comparable duration. The interest rate on the amount an employer chooses to amortize in a particular rate year is fixed for the duration of the ten-year repayment period. Should the employer choose to amortize in the next rate year, the interest rate on that amortization will be the rate set for that year. For amounts amortized in FY 2011, FY 2012, FY 2013 and FY 2014, the interest rates are 5 percent, 3.75 percent, 3 percent and 3.67 percent, respectively. The first payment is due in the fiscal year following the decision to amortize pension costs. When contribution rates fall below legally specified levels and all outstanding amortizations have been paid, employers that elected to amortize will be required to pay additional monies into reserve funds, specific to each employer, which will be used to offset their contributions in the future. These reserve funds will be invested separately from pension assets. Over time, it is expected that this will reduce the budgetary volatility of employer contributions. As of March 31, 2014, the amortized amount receivable, including accrued interest, for the 2011 amortization is \$187.78 million from the State and \$31.71 million from 45 participating employers; the amortized amount receivable, including accrued interest, for the 2012 amortization is \$467.67 million from the State and \$171.90 million from 118 participating employers; the amortized amount receivable, including accrued interest, for the 2013 amortization is \$712.36 million from the State and \$337.54 million from 136 participating employers; and the amortized amount receivable, including accrued interest, for the 2014 amortization is \$939.82 million for the State and \$230.90 million from 110 participating employers.

The FY 2014 Enacted Budget included an alternate contribution program (the “Alternate Contribution Stabilization Program”) that provides certain participating employers with a one-time election to amortize slightly more of their required contributions than would be available for amortization under the 2010 legislation. In addition, the maximum payment period is increased from ten years to twelve years. The election is available to counties, cities, towns, villages, BOCES, school districts and the four public health care centers operated in the counties of Nassau, Westchester and Erie. The State is not eligible to participate in the Alternate Contribution Stabilization Program. The amortized amount receivable, including interest, from 29 participating employers is \$274.91 million.

Eligible employers had a one-time only option to elect to participate in the Alternate Contribution Stabilization Program, which began with FY 2014. For those eligible employers electing the Alternate Contribution Stabilization Program, the graded contribution rate for fiscal years ending 2014 and 2015 is 12 percent of salary for ERS and 20 percent of salary for PFRS. Thereafter, the graded contribution rate will increase one half of one percent per year towards the actuarially required rate. Electing employers may amortize the difference between the graded rate and the actuarially required rate over a twelve year period at an interpolated



## STATE RETIREMENT SYSTEMS

twelve year U.S. Treasury Security rate (3.76 percent for FY 2014). As with the original Contribution Stabilization Program, when contribution rates fall below legally specified levels and all outstanding amortizations have been paid, employers that elect to amortize under the alternate program will be required to pay additional monies into reserve funds, specific to each employer, which will be used to offset their contributions in the future.

The total State payment (including Judiciary) related to the FY 2014 bill was approximately \$2.744 billion. Multiple prepayments (including interest credit) have reduced this amount by approximately \$1.545 billion. The State (including Judiciary) opted to amortize the maximum amount permitted, which reduced the required March 1, 2014 payment by \$937.0 million. Amounts amortized are treated as receivables for purposes of calculating assets of the CRF as further described below under "Pension Assets and Liabilities".

The total State payment (including Judiciary) related to the FY 2015 bill is estimated to be approximately \$2.833 billion. Multiple prepayments to date (including interest credit) have reduced this amount by approximately \$725.6 million. If the State (including Judiciary) opts to amortize the maximum amount permitted, it would reduce the required March 1, 2015 payment by \$742.5 million. Amounts amortized are treated as receivables for purposes of calculating assets of the CRF as further described below under "Pension Assets and Liabilities".

### PENSION ASSETS AND LIABILITIES

The Systems' assets are held by the CRF for the exclusive benefit of members, pensioners and beneficiaries. Investments for the Systems are made by the State Comptroller as trustee of the CRF. The Systems report that the net position restricted for pension benefits as of March 31, 2013 was \$164.2 billion (including \$4.4 billion in receivables, which consist of employer contributions, amortized amounts, member contributions, member loans, accrued interest and dividends, investment sales and other miscellaneous receivables), an increase of \$10.8 billion or 7 percent from the FY 2012 level of \$153.4 billion. The increase in net position restricted for pension benefits from FY 2012 to FY 2013 reflects, in large part, equity market performance<sup>1</sup>. The valuation used by the Systems Actuary was based on audited net assets available for benefits as of March 31, 2013. The audited Financial Statement reports a gain of 10.38 percent for FY 2013.

Consistent with statutory limitations affecting categories of investment, the State Comptroller, as trustee of the CRF, establishes a target asset allocation and approves policies and procedures to guide and direct the investment activities of the Division of Pension Investment and Cash

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<sup>1</sup> On May 12, 2014, the State Comptroller released a statement indicating that the value of the Systems' invested assets posted an estimated 13.02 percent return for the fiscal year ended March 31, 2014. This report reflects unaudited data for assets invested for the Systems. The value of invested assets changes daily.





Management. The purpose of this asset allocation strategy is to identify the optimal diversified mix of assets to meet the requirements of pension payment obligations to members. In the fiscal year ended March 31, 2010, an asset liability analysis was completed and a long-term policy allocation was adopted. The current long-term policy allocation seeks a mix that includes 43 percent equities (30 percent domestic and 13 percent international); 22 percent bonds, cash and mortgages; 8 percent inflation indexed bonds and 27 percent alternative investments (10 percent private equity, 6 percent real estate, 4 percent absolute return or hedge funds, 4 percent opportunistic and 3 percent real assets). Since the implementation of the long-term policy allocation will take several years, transition targets have been established to aid in the asset rebalancing process.<sup>2</sup>

The Systems report that the present value of anticipated benefits for current members, retirees, and beneficiaries increased from \$198.6 billion on April 1, 2012 to \$204.5 billion (including \$93.7 billion for current retirees and beneficiaries) on April 1, 2013. The funding method used by the Systems anticipates that the plan net position, plus future actuarially determined contributions, will be sufficient to pay for the anticipated benefits of current members, retirees and beneficiaries. Actuarially determined contributions are calculated using actuarial assets and the present value of anticipated benefits. Actuarial assets differed from plan net position on April 1, 2013 in that the determination of actuarial assets utilized a smoothing method which recognized 20 percent of the unexpected gain for FY 2013, 40 percent of the unexpected loss for FY 2012, 60 percent of the unexpected gain for FY 2011 and 80 percent of the unexpected gain for FY 2010<sup>3</sup>. Effective April 1, 2013, the asset valuation method smooths gains and losses based on the market value of all investments. Prior valuation of non-fixed income assets smoothed gains and losses based on market value, but fixed income assets were based on amortized cost. Actuarial assets increased from \$147.8 billion on April 1, 2012 to \$155.4 billion on April 1, 2013. The funded ratio, as of April 1, 2013, calculated by the Systems Actuary in August 2013 using the entry age normal funding method and actuarial assets, was 89 percent<sup>4</sup>.

In June 2012, GASB approved two related Statements that make changes to the accounting and financial reporting of pensions by state and local governments and pension plans. These statements impact neither the Systems' actuarial funding method nor the calculation of rates.

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<sup>2</sup> More detail on the CRF's asset allocation as of March 31, 2013, long-term policy allocation and transition target allocation can be found on page 76 of the NYSLRS' CAFR for the fiscal year ending March 31, 2013.

<sup>3</sup> The current actuarial smoothing method spreads the impact of gains or losses above or below the 7.5 percent assumed investment rate of return over a 5-year period.

<sup>4</sup> Detail on the funded ratios of ERS and PFRS as of April 1 for each of the 5 years previous to the fiscal year ended March 31, 2013 can be found on page 56 of the NYSLRS' CAFR for the fiscal year ending March 31, 2013. Detail regarding employers' Annual Required Contributions for FY 2013 and each of the five previous fiscal years can be found on page 57 of the NYSLRS' CAFR for the fiscal year ending March 31, 2013.



## STATE RETIREMENT SYSTEMS

Statement No. 67, Financial Reporting for Pension Plans, addresses financial reporting for state and local government pension plans. Statement No. 68, Accounting and Financial Reporting for Pensions, establishes new accounting and financial reporting requirements for governments that provide their employees with pensions.

The standards for public plans' financial statements go into effect for fiscal years beginning on or after June 15, 2013 (e.g. NYSLRS March 31, 2015 financial statement). The standards for employers are effective for fiscal years beginning on or after June 15, 2014. For example, it would be effective for the State's fiscal year ending March 31, 2016.

Under the new standards, participating employers will be required to report a new liability (Net Pension Liability) in their financial statements. The Systems are currently evaluating the impact of the new standards and implementation considerations.

Statement 67 replaces the requirements of Statement No. 25, Financial Reporting for Defined Benefit Pension Plans and Note Disclosures for Defined Contribution Plans, for most public employee pension plans. Statement 68 replaces the requirements of Statement No. 27, Accounting for Pensions by State and Local Governmental Employers, for most government employers. The new Statements also replace the requirements of Statement No. 50, Pension Disclosures, for those governments and pension plans.

The tables that follow show net assets, benefits paid and the actuarially determined contributions that have been made over the last ten years. See also "State Retirements Systems — Contributions and Funding" above.





# STATE RETIREMENT SYSTEMS

CONTRIBUTIONS AND BENEFITS NEW YORK STATE AND LOCAL RETIREMENT SYSTEMS <sup>(1)</sup> (millions of dollars)					
Fiscal Year Ended March 31	Contributions Recorded				Total Benefits Paid <sup>(3)</sup>
	All Participating Employers <sup>(1)(2)</sup>	Local Employers <sup>(1)(2)</sup>	State <sup>(1)(2)</sup>	Employees	
2004	1,287	832	455	222	5,424
2005	2,965	1,877	1,088	227	5,691
2006	2,782	1,714	1,068	241	6,073
2007	2,718	1,730	988	250	6,432
2008	2,649	1,641	1,008	266	6,883
2009	2,456	1,567	889	273	7,265
2010	2,344	1,447	897	284	7,719
2011	4,165	2,406	1,759	286	8,520
2012	4,585	2,799	1,786	273	8,938
2013	5,336	3,385	1,950	269	9,521

Sources: State and Local Retirement Systems.

<sup>(1)</sup> Contributions recorded include the full amount of unpaid amortized contributions.

<sup>(2)</sup> The annual required contributions (ARC) include the employers' normal costs, the Group Life Insurance Plan amounts, and other supplemental amounts. Additional information on the ARC can be accessed on page 57 of the NYSLRS CAFR for fiscal year ending March 31, 2013.

<sup>(3)</sup> Includes payments from Group Life Insurance Plan, which funds the first \$50,000 of any death benefit paid.

NET ASSETS AVAILABLE FOR BENEFITS OF THE NEW YORK STATE AND LOCAL RETIREMENT SYSTEMS <sup>(1)</sup> (millions of dollars)		
Fiscal Year Ended		Percent Increase/ (Decrease)
March 31	Net Assets	From Prior Year
2004	120,799	24.1
2005	128,038	6.0
2006	142,620	11.4
2007	156,625	9.8
2008	155,846	(0.5)
2009	110,938	(28.8)
2010	134,252	21.0
2011	149,549	11.4
2012	153,394	2.6
2013	164,222	7.0

Sources: State and Local Retirement Systems.

<sup>(1)</sup> Includes relatively small amounts held under Group Life Insurance Plan. Includes some employer contribution receivables. Fiscal year ending March 31, 2013 includes approximately \$4.4 billion of receivables.



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## **SECTION 1: SUBSECTION E**

### **“AUTHORITIES AND LOCALITIES” EXTRACT FROM AIS**

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THE EXTRACTED INFORMATION INCLUDED IN THIS  
SUBSECTION E IS NOT INTENDED TO AND DOES NOT IN ANY  
WAY UPDATE ANY OF THE INFORMATION CONTAINED IN THE  
AIS.



# *Authorities and Localities*

## **PUBLIC AUTHORITIES**

For the purposes of this section, “authorities” refer to public benefit corporations or public authorities, created pursuant to State law, which are reported in the State’s CAFR. Authorities are not subject to the constitutional restrictions on the incurrence of debt that apply to the State itself and may issue bonds and notes within the amounts and restrictions set forth in legislative authorization. The State’s access to the public credit markets through bond issuances constituting State-supported or State-related debt issuances by certain of its authorities could be impaired and the market price of the outstanding debt issued on its behalf may be materially and adversely affected if these authorities were to default on their respective State-supported or State-related debt issuances.

The State has numerous public authorities with various responsibilities, including those which finance, construct and/or operate revenue-producing public facilities. These entities generally pay their own operating expenses and debt service costs from revenues generated by the projects they finance or operate, such as tolls charged for the use of highways, bridges or tunnels; charges for public power, electric and gas utility services; tuition and fees; rentals charged for housing units; and charges for occupancy at medical care facilities. In addition, State legislation also authorizes several financing structures, which may be utilized for the financings.

There are statutory arrangements that, under certain circumstances, authorize State local assistance payments otherwise payable to localities to be made instead to the issuing public authorities in order to secure the payment of debt service on their revenue bonds and notes. However, the State has no constitutional or statutory obligation to provide assistance to localities beyond amounts that have been appropriated therefore in any given year. Some public authorities also receive moneys from State appropriations to pay for the operating costs of certain programs.

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## AUTHORITIES AND LOCALITIES

As of December 31, 2013 (with respect to Job Development Authority or ("JDA"), as of March 31, 2013), each of the 19 authorities listed in the following table had outstanding debt of \$100 million or more, and the aggregate outstanding debt, including refunding bonds, was approximately \$175 billion, only a portion of which constitutes State-supported or State-related debt. The following table summarizes the outstanding debt of these authorities.

OUTSTANDING DEBT OF CERTAIN AUTHORITIES <sup>(1)</sup>			
AS OF DECEMBER 31, 2013 <sup>(2)</sup>			
(millions of dollars)			
Authority	State-Related Debt Bonding	Authority and Conduit Bonding	Total
Dormitory Authority <sup>(3)</sup>	25,277	21,019	46,296
Metropolitan Transportation Authority	346	24,352	24,698
Port Authority of NY & NJ	0	21,876	21,876
Thruway Authority	10,056	4,830	14,886
UDC/ESD	11,090	903	11,993
Housing Finance Agency	859	11,077	11,936
Triborough Bridge and Tunnel Authority	0	8,292	8,292
Job Development Authority <sup>(2)</sup>	15	7,011	7,026
Long Island Power Authority <sup>(4)</sup>	0	6,967	6,967
Environmental Facilities Corporation	645	6,158	6,803
Energy Research and Development Authority	0	3,434	3,434
State of New York Mortgage Agency	0	2,781	2,781
Local Government Assistance Corporation	2,592	0	2,592
Tobacco Settlement Financing Corporation	2,053	0	2,053
Power Authority	0	1,675	1,675
Battery Park City Authority	0	1,059	1,059
Municipal Bond Bank Agency	281	291	572
Niagara Frontier Transportation Authority	0	144	144
Bridge Authority	0	117	117
<b>TOTAL OUTSTANDING</b>	<b>53,214</b>	<b>121,986</b>	<b>175,200</b>
Source: Office of the State Comptroller. Debt classifications by Division of the Budget.			
<sup>(1)</sup> Includes only authorities with \$100 million or more in outstanding debt which are reported as component units or joint ventures of the State in the Comprehensive Annual Financial Report (CAFR). Includes short-term and long-term debt. Reflects original par amounts for bonds and financing arrangements or original gross proceeds in the case of capital appreciation bonds. Amounts outstanding do not reflect accretion of capital appreciation bonds or premiums received.			
<sup>(2)</sup> All Job Development Authority (JDA) debt outstanding reported as of March 31, 2013. This includes \$7 billion in conduit debt issued by JDA's blended component units consisting of \$6.5 billion issued by New York Liberty Development Corporation (\$1.2 billion of which is also included in the amount reported for Port Authority of NY and NJ) and \$511 million issued by the Brooklyn Arena Local Development Corporation. In addition, JDA has \$15 million in State-guaranteed bonds outstanding.			
<sup>(3)</sup> Includes debt previously issued by New York State Medical Care Facilities Finance Agency, which was consolidated with the Dormitory Authority on September 1, 1995.			
<sup>(4)</sup> Includes \$2.02 billion of Utility Debt Securitization Authority (UDSA) bonds. Chapter 173 of the Laws of 2013 established UDSA for the sole purpose of retiring certain outstanding indebtedness of the Long Island Power Authority (LIPA) through the issuance of restructuring bonds. UDSA is reported as a blended component unit of LIPA in LIPA's audited financial statements.			



## LOCALITIES

While the fiscal condition of New York City and other local governments in the State is reliant, in part, on State aid to balance their annual budgets and meet their cash requirements, the State is not legally responsible for their financial condition and viability. Indeed, the provision of State aid to localities, while one of the largest disbursement categories in the State budget, is not constitutionally obligated to be maintained at current levels or to be continued in future fiscal years and the State Legislature may amend or repeal statutes relating to the formulas for and the apportionment of State aid to localities.

## THE CITY OF NEW YORK

The fiscal demands on the State may be affected by the fiscal condition of New York City, which relies in part on State aid to balance its budget and meet its cash requirements. It is also possible that the State's finances may be affected by the ability of New York City, and its related issuers, to market securities successfully in the public credit markets. The official financial disclosure of the City of New York and its related issuers is available by contacting Ben Schanback, Investor Relations, (212) 788-0920, or contacting the City Office of Management and Budget, 255 Greenwich Street, 8th Floor, New York, NY 10007. The State assumes no liability or responsibility for any financial information reported by the City of New York. The following table summarizes the debt of New York City and its related issuers.

DEBT OF NEW YORK CITY <sup>(1)</sup> AS OF JUNE 30 OF EACH YEAR (millions of dollars)									
Year	General Obligation Bonds	Obligations of TFA <sup>(1)</sup>	Obligations of Municipal Assistance Corporation	Obligations of STAR Corp. <sup>(2)</sup>	Obligations of TSASC, Inc.	Hudson Yards Infrastructure Corporation	Other <sup>(3)</sup> Obligations	Treasury Obligations	Total
2004	31,378	13,364	1,758	0	1,256	0	2,561	(52)	50,265
2005	33,903	12,977	0	2,551	1,283	0	3,746	(39)	54,421
2006	35,844	12,233	0	2,470	1,334	0	3,500	0	55,381
2007	34,506	14,607	0	2,368	1,317	2,100	3,394	0	58,292
2008	36,100	14,828	0	2,339	1,297	2,067	2,556	0	59,187
2009	39,991	16,913	0	2,253	1,274	2,033	2,442	0	64,906
2010	41,555	20,094	0	2,178	1,265	2,000	2,402	0	69,494
2011	41,785	23,820	0	2,117	1,260	2,000	2,556	0	73,538
2012	42,286	26,268	0	2,054	1,253	3,000	2,457	0	77,318
2013	41,592	29,203	0	1,985	1,245	3,000	2,360	0	79,385

Source: Office of the State Comptroller.

<sup>(1)</sup> Includes amounts for Building Aid Revenue Bonds (BARBS), the debt service on which will be funded solely from future State Building Aid payments that are subject to appropriation by the State and have been assigned by the City of New York to the Transitional Finance Authority (TFA).

<sup>(2)</sup> A portion of the proceeds of the Sales Tax Asset Receivable Corporation (STARC) Bonds were used to retire outstanding Municipal Assistance Corporation bonds. The debt service on STARC bonds will be funded from annual revenues to be provided by the State, subject to annual appropriation. These revenues have been assigned to the STARC by the Mayor of the City of New York.

<sup>(3)</sup> Includes bonds issued by the Fiscal Year 2005 Securitization Corporation, the New York City Educational Construction Fund and the Industrial Development Agency. Also included are bonds issued by the Dormitory Authority of the State of New York for education, health, and court capital projects and other long-term leases which will be repaid from revenues of the City or revenues that would otherwise be available to the City if not needed for debt service.



## ***AUTHORITIES AND LOCALITIES***

The staffs of the Financial Control Board for the City of New York (“FCB”), the Office of the State Deputy Comptroller (“OSDC”), the City Comptroller and the Independent Budget Office issue periodic reports on the City’s financial plans. Copies of the most recent reports are available by contacting: FCB, 123 William Street, 23rd Floor, New York, NY 10038, Attention: Executive Director; OSDC, 59 Maiden Lane, 29th Floor, New York, NY 10038, Attention: Deputy Comptroller; City Comptroller, Municipal Building, 6th Floor, One Centre Street, New York, NY 10007-2341, Attention: Deputy Comptroller for Budget; and IBO, 110 William Street, 14th Floor, New York, NY 10038, Attention: Director.

### **OTHER LOCALITIES**

Certain localities other than New York City have experienced financial problems and have requested and received additional State assistance during the last several State fiscal years. While a relatively infrequent practice, deficit financing by local governments has become more common in recent years. Between 2004 and January 2014, the State Legislature passed 24 special acts authorizing, or amending authorizations for, bond issuances to finance local government operating deficits, most recently for Rockland County, the City of Long Beach and the City of Yonkers. When local governments are authorized to issue bonds to finance operating deficits, the local government generally is subject to certain additional fiscal oversight during the time the bonds are outstanding, including an annual budget review by OSC. In addition to deficit financing authorizations, the State has periodically enacted legislation to create oversight boards in order to address deteriorating fiscal conditions within a locality.

The Buffalo Fiscal Stability Authority has exercised Control Period powers with respect to the City of Buffalo since the City’s 2004 fiscal year, but transitioned to Advisory Period powers commencing on July 1, 2012.

In January 2011, the Nassau County Interim Finance Authority (“NIFA”) declared that it was entering a Control Period, citing the “substantial likelihood and imminence” that Nassau County would incur a major operating funds deficit of 1 percent or more during the County’s 2011 fiscal year. Nassau County challenged NIFA’s determination and authority to impose a Control Period in State Supreme Court but did not prevail. NIFA is now exercising Control Period powers over Nassau County.

Various actions taken by NIFA or Nassau County have been the subject of Federal and State court decisions. For example, NIFA’s imposition of a wage freeze has been the subject of litigation, and the New York State Court of Appeals has held that Nassau County could not transfer the responsibility for certain tax refunds to local governments and school districts. On May 10, 2014, NIFA approved labor contracts that include wage increases for various collective bargaining units, ending NIFA’s 3-year imposition of the wage freeze.





## ***AUTHORITIES AND LOCALITIES***

Erie County has a Fiscal Stability Authority, the City of New York has a Financial Control Board, and the City of Troy has a Supervisory Board, all of which presently perform certain review and advisory functions. The City of Newburgh operates under fiscal monitoring by the State Comptroller pursuant to special State legislation. The potential impact on the State of any future requests by localities for additional oversight or financial assistance is not included in the projections of the State's receipts and disbursements for the State's FY 2014 or thereafter.

The City of Yonkers no longer operates under an oversight board but must adhere to a Special Local Finance and Budget Act. The Yonkers City School District is dependent upon the City of Yonkers as it lacks separate taxing authority for school operations. In January 2014, the Yonkers Board of Education identified an improper accrual of State aid that resulted in an unanticipated shortfall in available funds for operation of the Yonkers City School District. In response, the Yonkers City School District Deficit Financing Act was enacted, which authorizes the City of Yonkers to issue debt of up to \$45 million to liquidate current deficits in the school district's general fund as of June 30, 2014. The FY 2015 Enacted Budget also provides \$28 million to the City of Yonkers and Yonkers City School District for the school year 2015, subject to an Inter-Municipal Agreement to be executed between the City of Yonkers and the Yonkers City School District and approved by the State Budget Director, to consolidate and combine various overlapping and duplicative non-academic functions under the general management and direction of the City of Yonkers.

Legislation enacted in 2013 created the Financial Restructuring Board for Local Governments (the "Restructuring Board"). The Restructuring Board consists of ten members, including the Director of the State Budget, who is the Chair, the Attorney General, the State Comptroller, the Secretary of State and six members appointed by the Governor. The Restructuring Board, upon the request of a "fiscally eligible municipality," is authorized to perform a number of functions including reviewing the municipality's operations and finances, making recommendations on reforming and restructuring the municipality's operations, proposing that the municipality agree to fiscal accountability measures, and making available certain grants and loans. To date, the Restructuring Board has agreed to accept the requests for review of eight fiscally eligible municipalities. The Restructuring Board is also authorized, upon the joint request of the fiscally eligible municipality and a public employee organization, to resolve labor impasses between municipal employers and employee organizations for police, fire and certain other employees in lieu of binding arbitration before a public arbitration panel.

In June of 2013, OSC unveiled its Fiscal Stress Monitoring System—a system that is intended to identify stress conditions in local communities, utilizing a number of fiscal and environmental indicators. The goal is to provide an early warning of potential fiscal distress. Fiscal indicators consider measures of budgetary solvency while environmental indicators consider measures such as population, poverty, and tax base trends. Individual entities are then scored according to their performance on these indicators. An entity's score on the fiscal components will determine whether or not it is classified in one of three levels of stress: significant, moderate



## ***AUTHORITIES AND LOCALITIES***

or susceptible. Entities that do not meet established scoring thresholds are classified as “No Designation.”

The first set of scores was issued in 2013 for 1,043 calendar year local governments based on data filed for the 2012 fiscal year. Of these, 12 local governments were found to be in significant fiscal stress, including five counties, two cities, four towns and one village. Using data from 2013, 12 school districts and four additional villages were designated to be in significant fiscal stress. The vast majority of non-calendar year local governments (92.1 percent) and school districts (87.1 percent) are categorized as “No Designation.”

Like the State, local governments must respond to changing political, economic and financial influences over which they have little or no control, but which can adversely affect their financial condition. For example, the State or Federal government may reduce (or, in some cases, eliminate) funding of local programs, thus requiring local governments to pay these expenditures using their own resources. Similarly, past cash flow problems for the State have resulted in delays in State aid payments to localities. In some cases, these delays have necessitated short-term borrowing at the local level.

Other factors that have had, or could have, an impact on the fiscal condition of local governments and school districts include: the loss of temporary Federal stimulus funding; recent State aid trends; constitutional and statutory limitations on the imposition by local governments and school districts of property, sales and other taxes; and for some communities, the significant upfront costs for rebuilding and clean-up in the wake of a natural disaster. Localities may also face unanticipated problems resulting from certain pending litigation, judicial decisions and long range economic trends. Other large scale potential problems, such as declining urban populations, declines in the real property tax base, increasing pension, health care and other fixed costs, or the loss of skilled manufacturing jobs may also adversely affect localities and necessitate requests for State assistance.

Ultimately, localities as well as local public authorities may suffer serious financial difficulties that could jeopardize local access to the public credit markets, which may adversely affect the marketability of notes and bonds issued by localities within the State.

The following table summarizes the debt of New York City and its related issuers, and other New York State localities, from 1980 to 2012.



# AUTHORITIES AND LOCALITIES

DEBT OF NEW YORK LOCALITIES <sup>(1)</sup> (millions of dollars)						
Locality Fiscal Year Ending	Combined New York City Debt <sup>(2)</sup>		Other Localities Debt <sup>(3)</sup>		Total Locality Debt <sup>(3)</sup>	
	Bonds	Notes	Bonds <sup>(4)</sup>	Notes <sup>(4)</sup>	Bonds <sup>(3)(4)</sup>	Notes <sup>(4)</sup>
1980	12,995	0	6,835	1,793	19,830	1,793
1990	20,027	0	10,253	3,082	30,280	3,082
2000	39,244	515	19,082	4,005	58,326	4,520
2003	47,376	1,110	23,951	6,429	71,327	7,539
2004	50,265	0	26,684	4,979	76,949	4,979
2005	54,421	0	29,245	4,832	83,666	4,832
2006	55,381	0	30,753	4,755	86,134	4,755
2007	58,192	100	32,271	4,567	90,463	4,667
2008	59,120	67	33,569	5,474	92,689	5,541
2009	64,873	33	34,522	6,908	99,395	6,941
2010	69,494	0	36,103	7,361	105,597	7,361
2011	73,538	0	36,230	7,312	109,768	7,312
2012	77,318	0	36,595	7,121	113,913	7,121

Source: Office of the State Comptroller.

NOTE: For localities other than New York City, the amounts shown for fiscal years ending in 1990 may include debt that has been defeased through the issuance of refunding bonds.

<sup>(1)</sup> Because the State calculates locality debt differently for certain localities (including New York City), the figures above may vary from those reported by such localities. In addition, this table excludes indebtedness of certain local authorities and obligations issued in relation to State lease-purchase arrangements.

<sup>(2)</sup> Includes bonds issued by New York City and its related issuers, the Transitional Finance Authority, the Municipal Assistance Corporation, STAR Corporation, TSASC, Inc., the Hudson Yards Infrastructure Corporation, (as shown in the table "Debt of New York City and its related issuers" in the section of this document entitled "Authorities and Localities - The City of New York"). Also included are the bonds of the Fiscal Year 2005 Securitization Corporation, the Industrial Development Agency, the New York City Educational Construction Fund, the Samurai Funding Corporation, and the Dormitory Authority of the State of New York for education, health and court capital projects, and other long-term leases which will be repaid from revenues of the City or revenues which would otherwise be available to the City if not needed for debt service.

<sup>(3)</sup> Includes bonds issued by the localities and certain debt guaranteed by the localities and excludes capital lease obligations (for localities other than New York City), assets held in sinking funds and certain amounts available at the start of a fiscal year for redemption of debt. Starting in 2001, debt for other localities includes installment purchase contracts.

<sup>(4)</sup> Does not include the indebtedness of certain localities that did not file annual financial reports with the Comptroller.



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## **SECTION 1: SUBSECTION F**

### **“ECONOMICS AND DEMOGRAPHICS” EXTRACT FROM AIS**

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THE EXTRACTED INFORMATION INCLUDED IN THIS  
SUBSECTION F IS NOT INTENDED TO AND DOES NOT IN ANY  
WAY UPDATE ANY OF THE INFORMATION CONTAINED IN THE  
AIS.



## *Economics and Demographics*

The demographic and statistical data in this section, which have been obtained from the sources indicated, do not represent all of the factors which may have a bearing on the State's fiscal and economic affairs. Further, such information requires economic and demographic analysis in order to assess its significance, and may be interpreted differently by individual experts. Note that DOB has chosen to provide certain economic and demographic analysis updated through the date of this AIS, although continuing disclosure requirements for this AIS require analysis only through March 31, 2014.

### **THE U.S. ECONOMY**

Unusually harsh winter weather had a substantial negative impact on the national economy through the beginning of 2014, depressing household spending and leaving retailers and producers with excess inventory. The U.S. Bureau of Economic Analysis estimates that real U.S. gross domestic product (GDP) contracted 1.0 percent in the first quarter of calendar year 2014, following prior quarter growth of 2.6 percent. DOB now estimates real GDP growth of only 2.5 percent for the full calendar year 2014.

The transition to more seasonal weather in early March 2014 was accompanied by a limited rebound in economic activity. March light vehicle sales accelerated to 16.3 million, the highest since November 2013. Retail sales excluding autos and gasoline rebounded as well, but monthly sales growth averaged only 0.2 percent over the four months that ended in March 2014. Real household spending growth of 3.1 percent is projected for the second quarter of 2014, but the large inventory remaining from the second half of 2013 is expected to continue to put downward pressure on production for the next two quarters. DOB now estimates real growth of about 3 percent for the second quarter of 2014, representing an upward revision due to weather changes.

Private sector hiring has improved after a winter lull, but the private national labor market has not exhibited a sustained acceleration in three years. However, public sector hiring is still expected to pick up modestly over the remainder of the year as the government becomes less of a drag on economic growth. As a result, the DOB projects a modest overall improvement in hiring. One factor believed to be holding back hiring has been slow growth in private investment in plants and equipment. The scheduled expiration of bonus depreciation likely accelerated some investment into the fourth quarter of 2013, resulting in a slow start to 2014, but the most recent data indicate some improvement ahead. Overall growth in real private nonresidential investment is estimated to be 4.6 percent for 2014.



Income growth has also been revised down for 2014, consistent with slightly lower output growth. The weather likely had a negative impact on wages, but dividend and interest income posted weak results as well. Income growth is expected to improve over the remainder of the year as the economy regains momentum, with that improvement supporting stronger growth in household spending by the second half of 2014. Personal income and wage growth of 3.8 percent and 3.7 percent, respectively, are projected for 2014, following growth of 2.8 percent and 3.1 percent for 2013. Income growth remains well below historical averages, even after adjusting for inflation.

Both the housing and foreign sectors proved to be weaker than anticipated. After a November 2013 surge, housing starts fell an average 3.5 percent over the four months ending in March 2014. Home sales have fared no better. Real residential investment is now projected to grow a downwardly revised 3.4 percent for 2014, although double-digit quarterly growth is expected by the second half of the year aided by improving credit conditions, rising employment and income, and better weather. The global economy has also proved to be more fragile than expected, with export growth now projected to be virtually flat for the first quarter of 2014. Anemic growth in Europe, along with slowing growth in other emerging markets, particularly China, has resulted in a downward revision to 4.9 percent for real U.S. export growth in 2014.

ECONOMIC INDICATORS FOR THE UNITED STATES (calendar year)						
	2009	2010	2011	2012	2013	2014 <sup>1</sup>
Gross Domestic Product						
Nominal (\$ billions)	14,417.9	14,958.3	15,533.8	16,244.6	16,799.8	17,464.6
Percent Change	(2.1)	3.7	3.8	4.6	3.4	4.0
Real (\$ billions)	14,417.9	14,779.4	15,052.4	15,470.7	15,761.3	16,149.6
Percent Change	(2.8)	2.5	1.8	2.8	1.9	2.5
Personal Income (\$ billions)	12,082.1	12,435.2	13,191.3	13,743.8	14,135.3	14,671.6
Percent Change	(2.8)	2.9	6.1	4.2	2.8	3.8
Nonagricultural Employment (millions)	131.2	130.3	131.8	134.1	136.4	138.7
Percent Change	(4.3)	(0.7)	1.2	1.7	1.7	1.7
Unemployment Rate (%)	9.3	9.6	8.9	8.1	7.4	6.5
Consumer Price Index (1982-84=100)	214.6	218.1	224.9	229.6	233.0	236.9
Percent Change	(0.3)	1.6	3.1	2.1	1.5	1.7
Sources: US Department of Commerce, Bureau of Economic Analysis; US Department of Labor, Bureau of Labor Statistics. Table reflects revisions by source agencies to figures for prior years.						
<sup>1</sup> As projected by the NYS DOB, based on National Income and Product Account data through March 2014.						





## ***ECONOMICS AND DEMOGRAPHICS***

The Federal Reserve is still expected to complete the gradual tapering of the growth of its historically large balance sheet by the end of the year, despite this somewhat weaker outlook. Now under Janet Yellen's leadership as chair, the Federal Reserve has dropped its 6.5 percent unemployment rate benchmark in favor of a broader set of labor market, inflation, and financial market indicators. The national unemployment rate now stands at 6.3 percent for April 2014, falling from 6.7 percent in March 2014. But underpinning that decline was a drop in the labor force of over 800 thousand, highlighting the difficulty in relying on a single measure to gauge the strength of the labor market. The Federal Reserve is not expected to begin raising its short-term interest rate target until the second quarter of 2015.

Despite a weak start to the year, the DOB outlook continues to call for quarterly growth in real U.S. GDP approaching 3 percent by the fourth quarter of 2014, accompanied by monthly employment gains exceeding 220,000 per month. But there are significant risks to this forecast. The global economy has become a bigger concern not only due to slower growth in China and other emerging markets, but also because of the growing tension between the U.S., the Euro Zone and Russia over Ukraine. A highly interdependent global economy makes the impact of regional conflict difficult to contain. Slower global growth than anticipated could result in slower export growth, which could in turn result in weaker corporate profits and investment, and fewer jobs. The prospect of international conflict has kept energy prices volatile, which, along with equity price volatility, presents risk to household spending. Finally, the response of global financial markets to the unwinding of central bank accommodation remains a risk, particularly given the lack of experience upon which to draw.

### **THE NEW YORK ECONOMY**

The State's private sector labor market has continued to perform well, exhibiting robust growth in professional and business services, private educational services, and tourism-related leisure and hospitality services. Real estate and construction activity also remains strong. Private sector employment is projected to grow 1.6 percent in calendar year 2014, followed by 1.5 percent growth in 2015. However, with government and finance sector employment expected to continue to contract through the remainder of the year, State wage growth of 5.1 percent is projected for calendar year 2014, followed by growth of 4.5 percent for calendar year 2015. Total personal income growth of 5.0 percent is projected for calendar year 2014, followed by 4.9 percent growth for calendar year 2015.

The recent weakening in several national economic indicators, largely in response to unusually harsh winter weather, is a risk to the New York forecast going forward. State labor market growth has held up well so far, but a weaker labor market than projected could result in lower wages, as well as lower household spending. As the nation's financial capital, financial market volatility poses a particularly large degree of uncertainty for New York. Events over the past year have demonstrated how sensitive markets can be to shifting expectations surrounding Federal Reserve policy. The resulting market gyrations are likely to have a larger impact on the



State economy than on the nation as a whole. Should financial and real estate markets be weaker than we expect, taxable capital gains realizations could be negatively affected.

Recent changes in Federal tax policy have added to economic uncertainty in creating a more challenging environment in which to forecast State income. Increases in tax rates at the national level in turn affect employer and taxpayer behavior, resulting in the shifting of income between tax years. These shifts tend to make it more difficult to identify the underlying trends in key economic indicators. In addition, both the bonus and non-bonus components of employee pay have become more difficult to estimate as Wall Street continues to adjust its compensation practices in the wake of new financial reform measures. Securities industry revenues have in the past been a useful predictor of bonus payouts, but that relationship has become much more erratic in recent years.

ECONOMIC INDICATORS FOR NEW YORK STATE (calendar year)					
	2010	2011	2012	2013	2014 <sup>1</sup>
Personal Income (\$ billions)	960.8	1,012.4	1,041.9	1,062.4	1,115.9
Percent Change	3.9	5.4	2.9	2.0	5.0
Nonagricultural Employment (thousands)	8,318.7	8,420.0	8,531.6	8,659.5	8,772.3
Percent Change	0.1	1.2	1.3	1.5	1.3
Unemployment Rate (%)	8.6	8.3	8.5	7.7	6.9
Sources: US Department of Commerce, Bureau of Economic Analysis; NYS Department of Labor. Table reflects revisions by source agencies to data for prior years.					
<sup>1</sup> As projected by Division of the Budget, based on National Income and Product Account data and employment data available through March 2014.					

New York is the third most populous state in the nation and has a relatively high level of personal wealth. The State's economy is diverse, with a comparatively large share of the nation's financial activities, information, education, and health services employment, and a very small share of the nation's farming and mining activity. The State's location and its air transport facilities and natural harbors have made it an important link in international commerce. Travel and tourism constitute an important part of the economy. Like the rest of the nation, New York has a declining proportion of its workforce engaged in manufacturing, and an increasing proportion engaged in service industries.

*Manufacturing:* Manufacturing employment continues to decline as a share of total State employment, as in most other states, and as a result New York's economy is less reliant on this sector than in the past. However, it remains an important sector of the State economy, particularly for the upstate region, which hosts high concentrations of manufacturers of transportation and other types of equipment.



## ECONOMICS AND DEMOGRAPHICS

*Trade, Transportation, and Utilities:* As defined under the North American Industry Classification System (NAICS), the trade, transportation, and utilities supersector accounts for the second largest component of State nonagricultural employment, but only the fifth largest when measured by wage share. This sector accounts for less proportional employment and wages for the State than for the nation as a whole.

*Financial Activities:* New York City is the nation's leading center of banking and finance and, as a result, this is a far more important sector in the State than in the nation as a whole. Although this sector accounts for under one-tenth of all nonagricultural jobs in the State, it contributes about one-fifth of total wages.

*Other Service Sectors:* The remaining service-producing sectors include information, professional and business services, private education and healthcare, leisure and hospitality services, and other services. These industries combined account for half of all nonagricultural jobs in New York. Information, education and health, and other services account for a higher proportion of total State employment than for the nation as a whole.

*Agriculture:* Farming is an important part of the economy in rural areas, although it constitutes only about 0.2 percent of total State output. Principal agricultural products of the State include milk and dairy products, greenhouse and nursery products, fruits, and vegetables. New York ranks among the nation's leaders in the production of these commodities.

*Government:* Federal, State, and local governments together comprise the third largest sector in terms of nonagricultural jobs, with the bulk of the employment accounted for by local governments. Public education is the source of about 40 percent of total State and local government employment.

THE 2013 COMPOSITION OF NONAGRICULTURAL EMPLOYMENT AND WAGES (Percent)				
	Employment		Wages	
	State	United States	State	United States
Natural Resources and Mining	0.1	0.6	0.1	1.4
Construction	3.6	4.3	3.8	4.6
Manufacturing	5.1	8.8	5.0	10.5
Trade, Transportation, and Utilities	17.1	19.0	12.5	15.9
Information	2.9	2.0	4.8	3.3
Financial Activities	7.6	5.8	19.9	9.2
Professional and Business Services	13.5	13.6	18.0	17.5
Educational and Health Services	20.1	15.5	14.4	13.4
Leisure and Hospitality	9.3	10.4	4.6	4.6
Other Services	4.3	4.0	2.9	3.1
Government	16.2	16.0	14.1	16.6
Source: NYS Department of Labor; US Department of Labor, Bureau of Labor Statistics; US Department of Commerce, Bureau of Economic Analysis.				



The importance of the different sectors of the State's economy relative to the national economy is shown in the above table, which compares nonagricultural employment and wages by sector for the State and the nation as a whole. Construction accounts for smaller shares of employment for the State than for the nation, while the combined service industries account for a larger share. The financial activities sector share of total wages is particularly large for the State relative to the nation. Thus, the State is likely to be less affected than the nation as a whole during an economic recession that is concentrated in manufacturing and construction, but likely to be more affected by any economic downturn that is concentrated in the services sector.

### **ECONOMIC AND DEMOGRAPHIC TRENDS**

In calendar years 1990 through 1998, the State's rate of economic growth was somewhat slower than that of the nation. In particular, during the 1990-91 recession and post-recession period, the economies of the State and much of the rest of the Northeast were more heavily damaged than the nation as a whole and were slower to recover. However, the situation subsequently improved. In 1999, for the first time in 13 years, State employment growth surpassed that of the nation, and in 2000 the rates were essentially the same. In 2001, the September 11th attack resulted in a downturn in New York that was more severe than for the nation as a whole. In contrast, the State labor market fared better than that of the nation as a whole during the most recent downturn that began in 2008, though New York experienced a historically large wage decline in 2009. The State unemployment rate was higher than the national rate from 1991 to 2004, but the gap between them closed by the middle of 2006, with the State rate falling below that of the nation for much of the 2009-2011 recession, and remaining below that of the nation through the end of 2011. The State unemployment rate rose above the national rate again in early 2012, where it remains.

The following table compares population change in the State and in the United States since 1960.



## ECONOMICS AND DEMOGRAPHICS

COMPARATIVE POPULATION FIGURES					
	State			US	
	Total Population (000s)	% Change from Preceding Period	Percentage of U.S. Population	Total Population (000s)	% Change from Preceding Period
1960	16,782	13.2	9.4	179,323	18.5
1970	18,241	8.7	9.0	203,302	13.4
1980	17,558	(3.7)	7.8	226,546	11.4
1990	17,990	2.5	7.2	248,710	9.8
2000	18,976	5.5	6.7	281,422	13.2
2010	19,378	2.1	6.3	308,746	9.7
2013	19,651	1.4	6.2	316,129	2.4
Source: US Department of Commerce, Census Bureau.					

Total State nonagricultural employment has declined as a share of national nonagricultural employment. The following historical table compares these levels and the rate of unemployment for the State and the nation.

NONAGRICULTURAL EMPLOYMENT AND UNEMPLOYMENT RATE FOR NEW YORK AND THE UNITED STATES					
	Employment (000s)		State as Percent of US Employment	Unemployment Rate (%)	
	State	US		State	US
1960	6,182	54,296	11.4	N/A	5.5
1970	7,156	71,006	10.1	N/A	4.9
1980	7,207	90,533	8.0	7.5	7.1
1990	8,203	109,527	7.5	5.3	5.6
2000	8,628	132,019	6.5	4.5	4.0
2010	8,557	130,275	6.6	8.6	9.6
2013	8,908	136,368	6.5	7.7	7.4
Source: US Department of Labor and NYS Department of Labor.					
Note: Nonagricultural employment and unemployment rates are generated from separate surveys.					



State per capita personal income has historically been significantly higher than the national average, although the ratio has varied substantially over time. Because New York City is an employment center for a multi-state region, State personal income measured on a residence basis understates the relative importance of the State to the national economy and the size of the base to which State taxation applies. The following table compares per capita personal incomes for the State and the nation.

PER CAPITA PERSONAL INCOME (Income in Dollars)			
	NYS	US	NYS/US
1960	2,822	2,268	1.24
1970	4,868	4,084	1.19
1980	10,985	10,091	1.09
1990	23,710	19,354	1.23
2000	34,623	30,319	1.14
2010	49,529	40,163	1.23
2013	54,063	44,543	1.21
Source: US Department of Commerce, Bureau of Economic Analysis.			

## **SECTION 2 - ANNUAL UPDATE OF OFFICIAL STATEMENT INFORMATION**

THIS SECTION 2 CONSISTS OF EXTRACTS FROM THE MOST RECENT OFFICIAL STATEMENTS RELATING TO PARTICULAR SERIES OF BONDS AND FINANCING PROGRAMS AND CONTAIN THE INFORMATION REQUIRED TO BE UPDATED ANNUALLY PURSUANT TO RELEVANT CONTINUING DISCLOSURE AGREEMENTS ENTERED INTO BY THE STATE OF NEW YORK, AS OBLIGOR, THEREUNDER. SECTION 2 IS NOT INTENDED TO, NOR DOES IT IN ANY WAY UPDATE ANY OF THE INFORMATION CONTAINED IN SUCH OFFICIAL STATEMENTS. READERS ARE ADVISED TO REVIEW THE CONTENTS OF THIS SECTION 2 TOGETHER WITH THE COMPLETE SECTIONS OF THE RELEVANT OFFICIAL STATEMENTS TO WHICH THIS UPDATE APPLIES.

CAPITALIZED TERMS THAT ARE NOT DEFINED IN THIS SECTION 2 SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THE APPLICABLE OFFICIAL STATEMENTS.







## **SECTION 2: SUBSECTION G**

### **NEW YORK LOCAL GOVERNMENT ASSISTANCE CORPORATION BONDS**

#### **“THE SALES TAX”**

THIS SUBSECTION G CONTAINS THE INFORMATION REQUIRED  
TO BE UPDATED ANNUALLY PURSUANT TO APPLICABLE  
CONTINUING DISCLOSURE AGREEMENTS RELATING TO  
OBLIGATIONS ISSUED BY  
THE NEW YORK LOCAL GOVERNMENT ASSISTANCE  
CORPORATION.

CAPITALIZED TERMS USED IN THIS SUBSECTION G AND NOT  
OTHERWISE DEFINED SHALL HAVE THE MEANINGS ASCRIBED  
TO THEM IN THE RELATED OFFICIAL STATEMENT.





# *The Sales Tax*

## **GENERAL**

In 1965, New York became the 39<sup>th</sup> state to impose a general sales and compensating use tax; 46 states now impose sales or gross receipts taxes. The statewide rate has been raised three times: from 2 percent to 3 percent on April 1, 1969, to 4 percent on June 1, 1971, and to 4.25 percent effective June 1, 2003 through May 31, 2005. The rate returned to 4 percent on June 1, 2005. The Sales Tax now applies to (1) sales and use within the State of most tangible personal property; (2) certain utility service billings; and (3) charges for restaurant meals, hotel and motel occupancy, and for specified admissions and services. The base of the tax has been amended periodically since its imposition in 1965 and in almost every year since 1992. Legislation enacted from time to time since 1996 has (i) created special temporary and permanent Sales Tax exemptions for certain transactions (e.g., for clothing and footwear purchases under a certain dollar amount and for property and services used or consumed by qualifying businesses located in Empire Zones and New York City Liberty and Resurgence Zones) or (ii) expanded the scope of the Sales Tax (e.g., including the New York City cigarette excise tax of \$1.50 in the State and local sales tax bases and requiring nonprofit organizations to collect sales tax on retail sales of certain property and services). (See Sales Tax Receipts below, for a description of recent amendments).

The Sales Tax is generally collected from the consumer by the final vendor. However, special provisions enacted in 1985 require prepayment of the bulk of the tax on motor fuel upon its import into the State, with ultimate collection and reconciliation at the retail level. Legislation effective September 1, 1995 requires similar prepayments of the Sales Tax on cigarettes. This prepayment was increased to 8 percent from 7 percent in 2009. Other provisions permit certain taxpayers to pay Sales Tax directly to the Commissioner of Taxation and Finance.

Vendors of goods and services which are subject to the Sales Tax are required to submit quarterly reports and remit tax collections with a postmarked due date of March 20th, June 20th, September 20th and December 20. Vendors collecting \$3,000 or less in Sales Tax per year can elect to file annually on March 20. Vendors with taxable volume of \$300,000 or more in one of the immediately preceding four quarters must remit the tax on a monthly basis. Monthly remittances are due on the 20th day of the month following the month of collection. Sales Tax vendors with more than \$5 million in State and local annual tax liability remit tax for the first 22 days of the month by Electronic Funds Transfers ("EFT") or certified check by the third business day thereafter. Tax for the balance of the month is paid with the monthly returns that such vendors file by the 20th of the following month. The threshold for mandatory EFT payments was initially \$5 million and, effective September 2002, is currently \$500,000. In addition, legislation in 1996 provided exemptions from the EFT program for certain materialmen that can demonstrate hardship, effective April 1, 1997. Effective March 1, 1999, Sales Tax vendors were allowed to keep for their Sales Tax collection services 3.5 percent of their Sales Tax liability up to a maximum of \$150 per quarter. Legislation enacted in 2006 increased the percentage to 5 percent of their Sales Tax liability, up to a maximum of \$175 in FY 2007. The cap increased to



\$200 on March 1, 2007. Legislation enacted in 2010 eliminated the allowance for monthly filers. Legislation enacted in 2008 implemented a vendor registration program with a registration fee of \$50.

### **SALES TAX RECEIPTS**

Sales Tax receipts constitute the State's second largest source of tax receipts after PIT and accounted for approximately 18.1 percent of State tax receipts in all State Funds in the State's FY 2013. The level of Sales Tax receipts is necessarily dependent upon economic and demographic conditions in the State, and therefore there can be no assurance that historical data with respect to collections of the Sales Tax will be indicative of future receipts.

Actual FY 2005 receipts of \$10.587 billion reflect an increase of 7.4 percent in the continuing Sales Tax base as well as tax law changes. The FY 2005 Enacted Budget temporarily eliminated the exemption for items of clothing and shoes priced under \$110 due to resume on June 1, 2004 with an exemption for items of clothing and footwear priced under \$110 during two separate weeks in FY 2005. This legislation increased receipts by an estimated \$483 million. Other FY 2005 legislation required contractors, subcontractors and their affiliates, who make deliveries of taxable services or tangible personal property valued at more than \$300,000 to New York locations, to register as Sales Tax vendors.

Actual FY 2006 receipts of \$10.592 billion reflect an increase of 5.8 percent in the continuing Sales Tax base. The FY 2006 Enacted Budget temporarily eliminated the exemption for items of clothing and footwear priced under \$110 and replaced it with an exemption for items of clothing and footwear priced under \$110 that was effective during two separate weeks in FY 2006. This legislation is estimated to have generated about \$476 million in additional revenue.

Actual FY 2007 receipts of \$10.050 billion reflect an increase of 4.0 percent in the continuing Sales Tax base as well as tax law changes. In FY 2007, the vendor credit was increased and the Sales Tax on motor fuel and diesel motor fuel was capped at eight cents per gallon. The exemption for items of clothing and footwear priced under \$110 went back into effect April 1, 2006.

Actual FY 2008 receipts of \$10.591 billion reflect an increase of 4.5 percent in the continuing Sales Tax base.

Actual FY 2009 Sales Tax receipts of \$10.274 billion reflect a decrease of 2.1 percent in the continuing Sales Tax base and tax law changes. These tax law changes included a new voluntary compliance program allowing taxpayer disclosure of certain underreported tax liabilities, non-profit tax-exempt restrictions, a new vendor registration fee, and the creation of an evidentiary presumption that certain sellers using State residents to solicit sales in the State are vendors required to collect sales and use taxes.



Actual FY 2010 receipts of \$9.871 billion reflect a decrease of 6.9 percent in the continuing Sales Tax base and tax law changes. These tax law changes included a sales tax on certain transportation services, increased tax compliance efforts, increased prepaid sales tax on cigarettes, an expanded definition of vendor to preclude certain taxpayers from avoiding the tax and narrowing the exemption for commercial aircraft and the use tax for exemption for motor vehicles, vessels and aircraft.

Actual FY 2011 receipts of \$10.782 billion reflect a base increase of 7.5 percent and tax law changes. These tax law changes included the elimination of the clothing and footwear exemption from October 1, 2010 to March 31, 2011, the elimination of the vendor credit for monthly filers and a clarification that room remarketers are required to collect sales and New York City occupancy taxes.

Actual FY 2012 receipts of \$11.125 billion reflect a base increase of 5.3 percent. Clothing and footwear priced up to \$55 was exempt from tax until March 31, 2012.

Actual FY 2013 receipts of \$11.232 billion reflect a base increase of 4.1 percent. There were no legislative changes affecting FY 2013 receipts.

Actual FY 2014 receipts of \$11.786 billion reflect a base increase of 4.7 percent and certain tax law changes affecting sales tax receipts that went into effect during FY 2014. These tax law changes included START-UP NY (tax-free zones on or near qualifying university and college campuses), a driver's license suspension program for certain tax delinquencies, and restrictions on certain Industrial Development Agencies (IDAs) retail projects and a benefit clawback provision.

FY 2015 receipts are estimated to be \$12.114 billion, reflecting an increase of 3.9 percent in the continuing New York State Sales Tax base.

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Note: The Sales Tax receipts described in this section do not include additional Sales Tax collections in the Metropolitan Commuter Transportation District for the Mass Transportation Operating Assistance Fund.



## THE SALES TAX

Table 1 below sets forth historical information relating to Sales Tax receipts from State FYs 2005 through 2014 and estimated amounts for FY 2015. Table 2 sets forth monthly Sales Tax receipts from the State's FY 2009 through March 31, 2014. The information reflects the tax law changes described above.

**TABLE 1**  
**SALES AND TAX RECEIPTS<sup>(1)</sup>**  
**(thousands of dollars)**

<b>State Fiscal Year</b>	<b>Net Receipts of Sales Tax</b>	<b>Net Receipts of 1% Sales Tax<sup>(2)</sup></b>	<b>Annual Rate of Growth/Decline<sup>(3)</sup></b>
2004-05	\$10,587,200	\$2,492,739	9.97%
2005-06	10,592,411	2,614,566	4.89
2006-07	10,050,370	2,511,475	(3.94)
2007-08	10,590,481	2,645,580	5.34
2008-09	10,274,090	2,566,949	(2.97)
2009-10	9,870,977	2,466,528	(3.91)
2010-11	10,782,081	2,697,314	9.36
2011-12	11,125,047	2,779,505	3.05
2012-13	11,231,749	2,808,654	1.05
2013-14 <sup>(4)</sup>	11,785,978	2,950,550	5.05
2014-15 <sup>(5)</sup>	12,114,000	3,023,100	2.46

Source: NYS DOB.

- (1) These amounts reflect receipts of the full amount of the sales and compensating use tax deposited in both the General Fund and the Debt Service Fund, net of estimated collection expenses.
- (2) Net of refunds.
- (3) Unadjusted for rate and base changes. Represents growth rate of net receipts of 1% Sales Tax.
- (4) Unaudited
- (5) As estimated in the FY 2015 Enacted Budget Financial Plan.



**TABLE 2**  
**MONTHLY SALES TAX RECEIPTS <sup>(1) (2)</sup>**  
**April 1, 2008 Through March 31, 2014**  
**(millions of dollars)**

MONTH	2008-09	%	2009-10	%	2010-11	%	2011-12	%	2012-13	%	2013-14 <sup>(3)</sup>	%
APRIL	\$ 764	7	\$ 731	8	\$ 803	7	\$ 839	7	\$ 792	7	\$ 857	7
MAY	793	8	713	7	723	7	814	7	831	7	869	7
JUNE	1,080	11	987	10	1,055	10	1,107	10	1,117	10	1,209	10
JULY	832	8	724	7	805	7	856	8	846	8	906	8
AUGUST	833	8	741	8	805	7	837	7	846	8	904	8
SEPTEMBER	1,082	11	1,060	11	1,055	10	1,091	10	1,148	10	1,189	10
OCTOBER	781	8	755	8	813	7	850	8	850	8	894	8
NOVEMBER	764	7	732	7	840	8	843	8	829	7	893	8
DECEMBER	955	9	1,011	10	1,158	11	1,135	10	1,150	10	1,190	10
JANUARY	830	8	813	8	924	9	896	8	930	8	945	8
FEBRUARY	661	6	686	7	750	7	763	7	801	7	805	7
MARCH	<u>899</u>	<u>9</u>	<u>918</u>	<u>9</u>	<u>1,051</u>	<u>10</u>	<u>1,093</u>	<u>10</u>	<u>1,092</u>	<u>10</u>	<u>1,125</u>	<u>10</u>
TOTAL <sup>(4)</sup>	<u>\$10,274</u>	<u>100%</u>	<u>\$9,871</u>	<u>100%</u>	<u>\$10,782</u>	<u>100%</u>	<u>\$11,125</u>	<u>100%</u>	<u>\$11,232</u>	<u>100%</u>	<u>\$11,786</u>	<u>100%</u>

Source: NYS DOB

- (1) Amounts shown reflect both the General Fund and Debt Service Fund receipts from the State's 4 percent sales and compensating use taxes.
- (2) Percentages indicate the monthly share of yearly receipts.
- (3) Unaudited
- (4) Totals may not add due to rounding.

## ESTIMATED DEBT SERVICE COVERAGE

The following table sets forth (1) receipts from the net Sales Tax collection for the State's FY 2014, (2) receipts from the 1 percent Sales Tax receipts for the State's FY 2014, (3) estimated maximum annual debt service on Outstanding Bonds of the Corporation and (4) resulting debt service coverage. There can be no assurance that future Sales Tax collections will not be less than the amounts collected for FY 2014 as a result of numerous factors affecting Sales Tax collections.



## THE SALES TAX

**TABLE 3**  
**ESTIMATED DEBT SERVICE COVERAGE**  
**NEW YORK LOCAL GOVERNMENT ASSISTANCE CORPORATION**  
**(thousands of dollars)**

2013-14 Fiscal Year Sales Tax Receipts <sup>(1)</sup> .....	\$11,785,978
2013-14 Fiscal Year 1% Sales Tax Receipts <sup>(1) (2)</sup> .....	\$2,950,550
Maximum Annual Debt Service <sup>(3)</sup> .....	\$377,949
Debt Service Coverage <sup>(4)</sup> .....	7.81x

(1) Unaudited.

(2) Net of approximately \$19.6 million in estimated collection expenses.

(3) The calculation of Maximum annual debt service assumes all variable rate bonds are unhedged, uses rates in effect as of March 31, 2014 and includes support costs.

(4) Assumes no interest earnings on the Capital Reserve Fund.

Legislation enacted in 2003 currently requires LGAC to certify, in addition to its own cash needs, for \$170 million annually. In May 2004, LGAC amended its General Senior Bond Resolution and General Subordinate Lien Bond Resolution to clarify that any failure to certify or make payments to the City or its assignee has no impact on LGAC's own bondholders; and that if any such act or omission were to occur with respect to any possible bonds issued by New York City or its assignee, that act or omission would not constitute an Event of Default with respect to LGAC bonds. For purposes of calculating debt service coverage as shown in Table 3, such \$170 million payment was not deducted from the 1 percent Sales Tax receipts or added to maximum annual debt service.

The Act does not restrict the right of the State to amend, repeal, modify or otherwise alter the Sales Tax. In addition, the Act permits, after appropriation of the Corporation's cash requirements, moneys derived from the 1 percent Sales Tax Fund to be paid over to the General Fund. The Act could be amended to provide that those moneys be used as a source of payment for financings by the Corporation in excess of its current authorization or for separate financings by other authorities of the State. In the case of the Corporation, however, such financing could not be issued under the Senior Resolution or otherwise by the Corporation unless (i) the date and amounts of payments have been scheduled so that they do not materially adversely affect the ability of the Corporation to pay, when due, debt service on the Senior Bonds and (ii) such financings are not entitled to a lien or charge equal or prior to the Senior Bonds on Revenues, moneys and securities in the Senior Debt Service Fund and the Senior Capital Revenue Fund and could not be issued under the Subordinate Resolution or otherwise by the Corporation unless (i) the date and amounts of payments have been scheduled so that they do not materially adversely affect the ability of the Corporation to pay, when due, debt service on the Subordinate Bonds and (ii) such financing is not entitled to a lien or charge equal or prior to the Subordinate Bonds on Revenues, moneys and securities in the Subordinate Debt Service Fund and the Subordinate Capital Revenue Fund. No such additional financing is permitted under existing law.






## **SECTION 2: SUBSECTION H**

### **TOBACCO SETTLEMENT FINANCING CORPORATION ASSET-BACKED REVENUE BONDS (STATE CONTINGENCY CONTRACT SECURED)**

THIS SUBSECTION H CONTAINS THE INFORMATION REQUIRED TO BE UPDATED ANNUALLY PURSUANT TO APPLICABLE CONTINUING DISCLOSURE AGREEMENTS RELATING TO OBLIGATIONS ISSUED BY THE TOBACCO SETTLEMENT FINANCING CORPORATION FOR THE ASSET-BACKED REVENUE BONDS (STATE CONTINGENCY CONTRACT SECURED).

CAPITALIZED TERMS USED IN THIS SUBSECTION H AND NOT OTHERWISE DEFINED SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THE RELATED OFFICIAL STATEMENT.





## *History of Appropriations*

The State has covenanted in each of the Series A Contract and the Series B Contract that the Director of the Budget on behalf of the State shall include, as a requested appropriation item in the State's budget for each State fiscal year, an amount equal to the amount certified by the Authorized Officer of the Corporation as being the amount of Series A Scheduled Debt Service and Series B Scheduled Debt Service, as applicable, coming due during such next succeeding fiscal year. Since the first Bonds were issued in 2003, the State has made the following appropriations with respect to the Bonds:

<b>Fiscal Year</b>	<b>State Debt Service Appropriation</b>	<b>Date of State Appropriation</b>
2004-05	\$343,000,000	March 31, 2004
2005-06	360,000,000	March 8, 2005
2006-07	360,000,000	March 14, 2006
2007-08	352,000,000	March 27, 2007
2008-09	390,000,000	March 12, 2008
2009-10	290,000,000	March 5, 2009
2010-11	337,000,000	March 17, 2010
2011-12	305,000,000	March 16, 2011
2012-13	346,000,000	March 20, 2012
2013-14	254,000,000	March 20, 2013
2014-15	236,000,000	March 19, 2014

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## **SECTION 2: SUBSECTION I**

### **NEW YORK STATE THRUWAY AUTHORITY HIGHWAY AND BRIDGE TRUST FUND BONDS**

#### **“SOURCES OF REVENUE FOR THE TRUST FUND”**

THIS SUBSECTION I CONTAINS THE INFORMATION REQUIRED TO BE UPDATED ANNUALLY PURSUANT TO APPLICABLE CONTINUING DISCLOSURE AGREEMENTS RELATING TO OBLIGATIONS ISSUED BY THE NEW YORK STATE THRUWAY AUTHORITY FOR HIGHWAY AND BRIDGE TRUST FUND BONDS.

CAPITALIZED TERMS USED IN THIS SUBSECTION I AND NOT OTHERWISE DEFINED SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THE RELATED OFFICIAL STATEMENT.





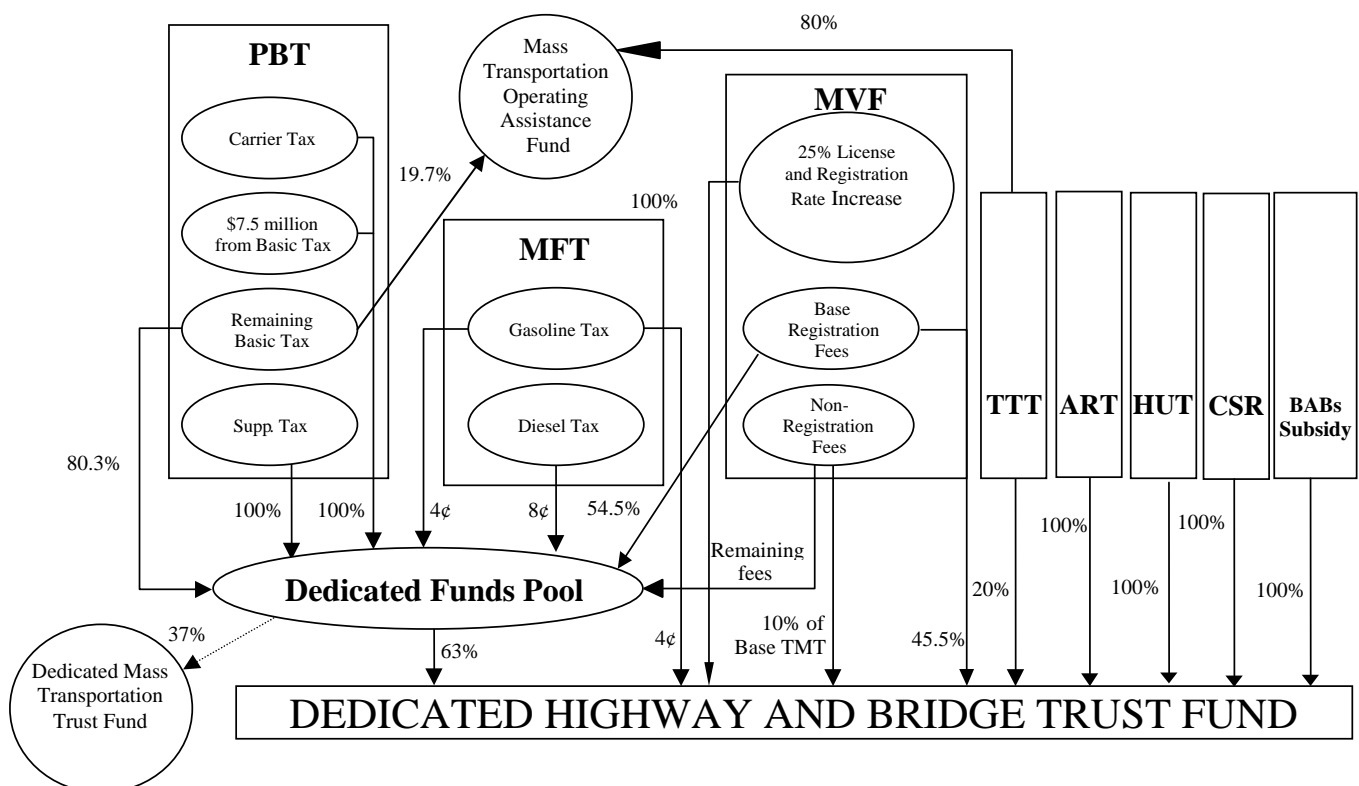
# Sources of Revenue For The Trust Fund

## INTRODUCTION

The State highway and bridge program is funded in part by various transportation-related taxes and fees including (a) portions of the State's (i) petroleum business taxes (the "PBT"), (ii) motor fuel taxes (the "MFT"), (iii) motor vehicle fees (the "MVF") and (iv) transmission and transportation taxes (the "TTT") in the corporation and utility taxes, (b) all revenues generated by the highway use tax (the "HUT") and auto rental tax (the "ART"), and (c) certain special revenues (the "CSR"). In addition to supporting this program through the Trust Fund, portions of the first four revenue sources are also statutorily allocated among several other State funds.

The flow chart below depicts the flow of funds to the Dedicated Highway and Bridge Trust Fund for FY 2015.

### Transportation-Related Taxes & Fees Allocation FY 2015 Enacted Budget



The PBT is the business privilege tax imposed on petroleum businesses operating in the State. The tax is measured by the quantity of various petroleum products refined or sold in the State or imported for sale or use in the State. PBT rates generally have two aspects: (i) the basic tax



## ***SOURCES OF REVENUE FOR THE TRUST FUND***

whose rate varies by product type, and (ii) the supplemental tax, which, in general, is applied at a uniform rate. Since FY 2003, most of the net PBT receipts from the basic tax and all of the supplemental tax were earmarked to the Dedicated Funds Pool. The Statewide Dedicated Funds Pool is the repository for revenues from the following dedicated taxes and fees: petroleum business taxes, motor fuel taxes, and motor vehicle fees that are derived mainly from vehicle registration and driver license fees. Subject to statutory allocation under State law, 63 percent of the Dedicated Funds Pool is deposited into the Trust Fund. The remaining 37 percent is deposited into the Dedicated Mass Transportation Trust Fund.

Dedicated motor fuel tax revenue earmarked to the Trust Fund has been derived from one hundred percent of the receipts from four cents of the aggregate eight-cent-per-gallon excise tax levied with respect to gasoline and other non-diesel motor fuels, generally for highway use. Legislation adopted with the FY 2001 Enacted Budget earmarked, over time, the remaining four cents of the aggregate eight-cent-per-gallon excise tax imposed on gasoline and the eight-cent-per-gallon excise tax levied on diesel motor fuel to the Dedicated Funds Pool. The Trust Fund receives 63 percent of receipts from the gasoline tax and diesel motor fuel tax which are deposited to the Dedicated Funds Pool.

All highway use tax revenues are earmarked to the Trust Fund and include three components: the truck mileage tax, the fuel use tax, and highway use registration fees. The truck mileage tax is levied on certain commercial vehicles based on the number of miles driven on the public highways of the State and the loaded or unloaded weight of the vehicles. The fuel use tax is imposed upon amounts of fuel purchased outside the State by certain common carriers and used while traveling on the public highways of the State. Highway use registrations are required for operators of vehicles that are subject to the highway use tax.

A large portion of the State's motor vehicle fees is earmarked to the Trust Fund. Motor vehicle fees are mainly derived from vehicle registration and driver licensing fees. Of the aggregate amount of motor vehicle registration fees, 45.5 percent is earmarked to the Trust Fund. The remaining 54.5 percent of the registration fees is earmarked to the Dedicated Funds Pool. The Trust Fund receives 63 percent of that share of motor vehicle fees. The State has directed additional moneys from non-registration motor vehicle fees to the Trust Fund since FY 2002. The FY 2006 Enacted Budget moved \$169 million of all of the remaining non-registration funds still deposited in the General Fund to the Dedicated Funds Pool, and earmarked revenues from proposed fee increase increments to the Dedicated Funds Pool.

The FY 2003 Enacted Budget directed all of the receipts collected from the auto rental tax to the Trust Fund, effective April 1, 2002. Currently the State imposes a six percent tax on charges to certain rental passenger cars and a supplemental tax of five percent in the Metropolitan Commuter Transportation District ("MCTD").

The State imposes a franchise tax on transmission and transportation companies under Sections 183 and 184 of the corporation and utilities taxes. The FY 2004 Enacted Budget





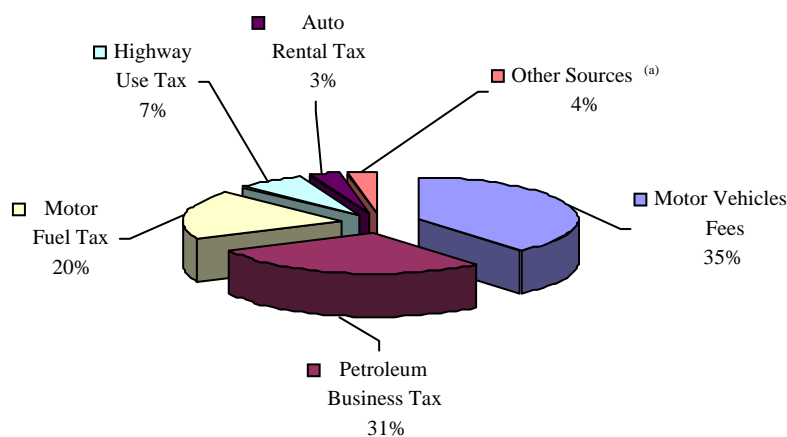
## SOURCES OF REVENUE FOR THE TRUST FUND

directed the deposit of 20 percent of transmission and transportation taxes to the Trust Fund effective April 1, 2004. These deposits are scheduled to cease on March 31, 2018.

### FY 2015 ENACTED BUDGET

The following chart indicates the portion of FY 2015 Trust Fund Revenues that is estimated in the FY 2015 Enacted Budget to be derived from each of the revenue sources.

### DEDICATED HIGHWAY AND BRIDGE TRUST FUND REVENUE SOURCES



(a) Includes Build America Bonds Subsidy, Certain Special Revenues, and Transmission and Transportation Taxes.

### DEDICATED HIGHWAY AND BRIDGE TRUST FUND REVENUE SOURCES

The following sections provide general information on collections and projected receipts for each of the sources of revenues since the Trust Fund was established.

#### DEDICATED PETROLEUM BUSINESS TAX

**General.** The single largest source of revenues flowing to the Trust Fund is the business privilege tax imposed on petroleum businesses operating in the State. The base of the PBT is the quantity of various petroleum products refined or sold in the State or imported into the State for sale or use therein.

**Tax Rates.** Since 1990, the basic and supplemental PBT tax rates have been subject to separately computed annual adjustments on January 1 of each year, to reflect the change in the Producer Price Index ("PPI") for refined petroleum products for the 12 months ended August 31



## SOURCES OF REVENUE FOR THE TRUST FUND

of the immediately preceding year. The tax rates, therefore, increase as prices rise and decrease as prices fall. Legislation adopted in 1994 maintained the 1992 rates through 1995 and provided that beginning January 1, 1996, the PBT rates would be adjusted annually subject to a maximum change of five percent of the current rate in any year. In addition to the five percent cap on rate changes, the statute also requires basic and supplemental rates to be rounded to the nearest tenth of one cent. Subsequent legislation provided that diesel rates be rounded to the nearest hundredth of one cent. As a result, the tax rates usually do not change by the full five percent allowed under the statutory formula.

The table below shows the changes in the PPI for refined petroleum products since FY 2005 and the capped PBT index.

### PETROLEUM BUSINESS TAX INDEX CHANGE (percent)

Year for PPI Change (September 1 to August 31)	PPI for Refined Petroleum Products Change	Year for PBT Index	PBT Index Change (January 1)
2004-05	35.10	2006	5.00
2005-06	36.01	2007	5.00
2006-07	-1.20	2008	-1.20
2007-08	42.08	2009	5.00
2008-09	-34.93	2010	-5.00
2009-10	18.55	2011	5.00
2010-11	29.78	2012	5.00
2011-12	4.30	2013	4.30
2012-13	-0.80	2014	-0.80
2013-14 <sup>(a)</sup>	-4.00	2015 <sup>(a)</sup>	-4.00

(a) Estimated.



## SOURCES OF REVENUE FOR THE TRUST FUND

The table below shows the rates per gallon for the PBT in effect for 2013 and 2014 and estimated rates for 2015, respectively.

**PETROLEUM BUSINESS NET TAX RATES FOR 2013 - 2015**  
(cents per gallon)

Petroleum Products	2013 <sup>1</sup>			2014 <sup>1</sup>			2015 <sup>2</sup>		
	Base	Supp	Total	Base	Supp	Total	Base	Supp	Total
Highway-use fuel									
Gasoline and other non-diesel	11.20	7.40	18.60	11.10	7.30	18.40	10.70	7.00	17.70
Diesel	11.20	5.65	16.85	11.10	5.55	16.65	10.70	5.25	15.95
Aviation gasoline or Kero-jet fuel	7.40	0.00	7.40	7.30	0.00	7.30	7.00	0.00	7.00
Non-automotive diesel fuels									
Commercial gallonage	10.10	0.00	10.10	10.00	0.00	10.00	9.60	0.00	9.60
Nonresidential heating	5.50	0.00	5.50	5.40	0.00	5.40	5.20	0.00	5.20
Residual petroleum products									
Commercial gallonage	7.70	0.00	7.70	7.60	0.00	7.60	7.30	0.00	7.30
Nonresidential heating	4.20	0.00	4.20	4.10	0.00	4.10	3.90	0.00	3.90
Railroad diesel fuel	9.90	0.00	9.90	9.80	0.00	9.80	9.40	0.00	9.40

1 The tax rates represent the net tax rate after credits.

2 Projected — The estimated petroleum producer price index decrease of 4.0 percent through August 2014 would result in a decrease of 4.0 percent in the PBT tax rates on January 1, 2015.

**Tax Base.** Generally, transactions that are excluded from the basic PBT base are also excluded from the supplemental tax base. Exclusions include sales for export from the State, sales of fuel oil for residential heating purposes and manufacturing use, and sales to government entities when such entities buy petroleum for their own use. Sales of kerosene (other than kero-jet fuel) and liquefied petroleum gas and sales of residual fuel oil used as bunker fuel also are exempted. Beginning January 1, 2002, all electric utilities that use petroleum to generate electricity have been allowed to apply commercial gallonage rates under deregulation.

The State also imposes a petroleum business carrier tax under the PBT on fuel purchased by motor carriers outside the State but consumed within the State. The carrier tax rates are the same as the PBT automotive gasoline and diesel rates listed above.

**Legislative Changes.** Legislation enacted in 1996 expanded the partial exemption provided for residual and distillate fuels used in manufacturing to a full exemption, effective January 1, 1998. In addition, such legislation provided (i) rate reductions for diesel motor fuel used by motor vehicles, phased in on January 1, 1998 and April 1, 1999; (ii) a full exemption from the supplemental tax imposed on residual and distillate fuels used by the commercial sector for heating, effective March 1, 1997; (iii) a partial reduction in the basic tax and a full exemption from the supplemental tax imposed on diesel motor fuel used by railroads, effective January 1, 1997; and (iv) an increase in the credit against the basic tax for residual and distillate fuels used by utilities, effective April 1, 1999. Where applicable, the new rate structure maintains indexing by allowing the rates to be adjusted by the index and then subsequently reducing such rate, or increasing such credit, by a fixed cents-per-gallon rate. To preserve dedicated funds revenue flows, the 1996 legislation also increased the share of the basic tax going to the Dedicated



## SOURCES OF REVENUE FOR THE TRUST FUND

Funds Pool from 63.3 percent to 66.2 percent, effective January 1, 1997; to 68.1 percent, effective January 1, 1998; and to 69.8 percent, effective April 1, 1999. These changes were designed to be revenue-neutral to the Dedicated Funds Pool.

Legislation enacted in 1999 reduced the PBT rate on commercial heating oil by 20 percent and provided for reimbursement of PBT imposed on fuels used for mining and extraction, effective April 1, 2001. To preserve dedicated funds revenue flows, the 1999 legislation increased the share of the basic tax going to the Dedicated Funds Pool from 69.8 percent to 70.5 percent, effective April 1, 2001. Like the aforementioned changes made in 1994, 1995 and 1996, these changes were designed to be revenue-neutral to the Dedicated Funds Pool.

Legislation adopted with the FY 2001 Enacted Budget eliminated the PBT minimum taxes, effective March 1, 2001, and reduced the PBT rate on commercial heating oil by 33 percent, effective September 1, 2002. To hold the Trust Fund harmless from these tax cuts, the legislation earmarked certain motor vehicle registration fees to the Dedicated Funds Pool (see “Dedicated Motor Vehicle Fees” below). Legislation adopted with the FY 2001 Enacted Budget and effective April 1, 2001, also increased revenues flowing to the Trust Fund by earmarking \$7.5 million of the PBT basic tax, which had been directed to the General Fund, to the Dedicated Funds Pool; increasing the percentage of the remaining basic tax receipts earmarked to the Dedicated Funds Pool from 70.5 percent to 80.3 percent; and depositing receipts from the PBT carrier tax to the Dedicated Funds Pool.

Legislation adopted with the FY 2005 Enacted Budget eliminated the PBT on fuels used for aircraft overflight and landing, effective November 1, 2004, and exempted fuel burned on takeoff by airlines operating non-stop flights between at least four cities in New York.

Legislation adopted with the FY 2006 Enacted Budget exempted or partially exempted PBT on alternative fuels, including ethanol (“e85”) and biodiesel (“B20”) until September 1, 2011. Legislation adopted with the FY 2012 Enacted Budget extended the exemption for one year. Legislation enacted with the FY 2013 Enacted Budget extended the exemption for two years. Legislation enacted with the FY 2015 Enacted Budget extends the alternative fuels exemption for two years, until September 1, 2016.

***Tax Imposition and Payment.*** Imposition of the tax occurs at different points in the distribution chain, depending upon the type of product. The tax is imposed on motor fuels at the same time as the eight-cent-per-gallon motor fuel tax. Gasoline, which represents the preponderance of automotive fuel sales in the State, is taxed upon importation into the State for sale or upon manufacture in the State. Other non-diesel highway-use fuels such as compressed natural gas, methanol and ethanol become subject to the tax on their first sale as motor fuel in the State. Highway-use diesel motor fuel becomes taxed upon its first non-exempt sale or use in the State. Non highway-use diesel fuel (such as No. 2 fuel oil used for commercial heating) and residual fuel usually become taxable on the sale to the consumer or upon use of the product in the State.



## SOURCES OF REVENUE FOR THE TRUST FUND

Most petroleum businesses remit this tax on a monthly basis. Taxpayers with yearly motor fuel tax and PBT liability totaling more than \$5 million now remit tax for the first 22 days of the month by electronic funds transfer by the third business day thereafter. Tax for the balance of the month is paid with the monthly returns filed by the 20th of the following month. The Department of Taxation and Finance advises that in FY 2013, 37 taxpayers, accounting for 89 percent of all PBT receipts, participated in the electronic funds transfer program. As a complement to the fuel use tax, the PBT carrier tax is collected quarterly with the fuel use tax portion of the highway tax (see “Highway Use Tax” below).

Aspects relating to the imposition and collection of the PBT have been and may continue to be the subject of administrative claims and litigation by taxpayers.

**Historical Summary of PBT Revenue.** Since 1983, the State has substantially changed its taxation of petroleum businesses. These revisions altered collection mechanisms, modified tax bases, and increased the level of taxation. The most significant changes occurred in 1990 with the restructuring of a gross receipts tax to a cents-per-gallon tax and the indexing of the tax rates to maintain price sensitivity. Full-year revenue history under the gallonage-based PBT, therefore, only exists from FY 1992. Full-year collections of both the basic PBT and the supplemental PBT began in FY 1993.

The following table provides 10 year historical information on the basic PBT and the supplemental PBT, the major funding source for the Trust Fund.

**ACTUAL BASIC AND SUPPLEMENTAL PBT COLLECTIONS**  
(\$ millions)

Collection Period State Fiscal Year	Basic PBT	Supplemental PBT
2004-05	\$692.3	\$370.9
2005-06	735.0	389.4
2006-07	676.2	391.9
2007-08	709.0	423.2
2008-09	682.5	403.5
2009-10	674.1	411.0
2010-11	660.4	412.8
2011-12	661.3	419.1
2012-13	688.4	430.2
2013-14	704.4	428.6

Source: New York State Department of Taxation and Finance.

Several factors account for the changes in PBT revenues during the period referenced above.

Receipts for FY 2005 increased over FY 2004. The collections reflect the 5 percent increase in PBT rates effective January 1, 2004 and another 5 percent increase effective January 1, 2005. The collections also reflect strong growth in diesel receipts. Total collections include \$21.9 million from the carrier tax.



## ***SOURCES OF REVENUE FOR THE TRUST FUND***

Receipts for FY 2006 increased over FY 2005. The collections reflect the 5 percent increase in PBT rates effective January 1, 2005 and another 5 percent increase effective January 1, 2006. Total collections include \$21.6 million from the carrier tax.

Receipts for FY 2007 reflect the 5 percent increase in PBT rates effective January 1, 2006 and the 5 percent increase effective January 1, 2007. Basic PBT collections declined in FY 2007 due to a reduction in residual fuel use. Residual fuel use declined significantly in FY 2007 due to the increase in the relative price of residual fuel oil compared to natural gas. Total collections also include \$22.2 million from the carrier tax.

Receipts for FY 2008 increased over FY 2007. The collections reflect a 5 percent increase in PBT rates effective January 1, 2007 and a 1.2 percent decrease in PBT rates effective January 1, 2008. Total collections include \$23.1 million from the carrier tax.

Receipts for FY 2009 decreased over FY 2008. The collections reflect a 1.2 percent decrease in PBT rates effective January 1, 2008 and a 5 percent increase in PBT rates effective January 1, 2009. Total collections include \$20.6 million from the carrier tax.

Receipts for FY 2010 decreased over FY 2009. The collections reflect a 5 percent increase in PBT rates effective January 1, 2009 and a 5 percent decrease in PBT rates effective January 1, 2010. Total collections include \$18.4 million from the carrier tax.

Receipts for FY 2011 decreased over FY 2010. The collections reflect a 5 percent decrease in PBT rates effective January 1, 2010 and a 5 percent increase in PBT rates effective January 1, 2011. Total collections include \$17.1 million from the carrier tax.

Receipts for FY 2012 increased over FY 2011. The collections reflect a 5 percent increase in PBT rates effective January 1, 2011 and a 5 percent increase in PBT rates effective January 1, 2012. Total collections include \$19.2 million from the carrier tax.

Receipts for FY 2013 increased over FY 2012. The collections reflect a 5 percent increase in PBT rates effective January 1, 2012 and a 5 percent increase in PBT rates effective January 1, 2013. Total collections include \$21.0 from the carrier tax.

Receipts for FY 2014 increased over FY 2013. The collections reflect a 5 percent increase in PBT rates effective January 1, 2013 and a 0.8 percent decrease in PBT rates effective January 1, 2014. Total collections include \$21.5 million from the carrier tax.



## SOURCES OF REVENUE FOR THE TRUST FUND

**Actual and Estimated Revenues from Dedicated PBT.** Actual receipts since FY 2005 and DOB's estimates of receipts from the dedicated PBT for FY 2015 are as set forth in the following table:

**TRUST FUND REVENUES FROM PBT**  
(\$ millions)

State Fiscal Year	Dedicated Funds Pool	Trust Fund Revenue	Trust Fund Share
2004-05	\$ 950.2	\$598.6	63.0%
2005-06	1,002.4	631.5	63.0
2006-07	958.6	603.9	63.0
2007-08	1,017.1	640.8	63.0
2008-09	973.6	613.4	63.0
2009-10	972.2	612.5	63.0
2010-11	961.9	605.9	63.0
2011-12	970.8	611.6	63.0
2012-13	1,005.6	633.5	63.0
2013-14	1,017.2	640.9	63.0
2014-15 <sup>(a)</sup>	1,005.1	633.2	63.0

(a) Estimated.

The estimate reflects the FY 2015 Enacted Budget. In formulating its projection for FY 2015, DOB made various assumptions regarding income, gasoline prices and consumption, fuel efficiency of the motor vehicles in the State and certain demographic trends. Forecasts of these variables are generated by DOB's own economic models of the United States and State economies, and a forecast published by the Federal Energy Information Administration ("EIA"). These assumptions were supplemented with year-to-date actual receipts. The estimates for PBT receipts from gasoline motor fuel are consistent with the consumption estimates used in forecasting motor fuel tax receipts. The PBT forecast also incorporates the indexing provisions that decreased the rates by 0.8 percent on January 1, 2014, and are projected to decrease the rates by 4.0 percent on January 1, 2015.

In formulating its estimates of PBT revenues from diesel motor fuel, DOB relied upon its own forecast of nationwide economic conditions, as reflected in national gross domestic product, and upon indicators of New York business activity. The estimates for PBT receipts from diesel motor fuel are also consistent with the consumption estimates used in forecasting motor fuel tax receipts.

The balance of the tax consists of tax paid with respect to commercial and utility usage of non highway-use diesel fuel and residual fuel oils (Nos. 4, 5 and 6 oils) and aviation fuel. The forecast anticipates that total tax collections from these fuels will experience a slight decrease in FY 2015. The estimated receipts include \$21.5 million in FY 2015 from the carrier tax.

Legislation adopted with the FY 2007 Enacted Budget provided a partial or full exemption for alternative fuels from the PBT. Legislation adopted with the FY 2012 Enacted Budget extended the exemption until September 2012. Legislation adopted with the FY 2013 Enacted Budget



## SOURCES OF REVENUE FOR THE TRUST FUND

extended the exemption until September 2014. Legislation enacted with the FY 2015 Enacted Budget extended the exemption for two years, until September 2016.

Legislation adopted with the FY 2014 Enacted Budget provides a reimbursement for motor fuel and diesel motor fuel purchased and used by volunteer emergency first responders.

### DEDICATED MOTOR FUEL TAX

**General.** MFT revenue is derived from an eight-cent-per-gallon excise tax levied with respect to gasoline and diesel motor fuels, generally for highway use. The aggregate rate of tax on gasoline was last changed on February 1, 1972, when it was increased from seven cents to eight cents per gallon. The aggregate rate of tax on diesel motor fuel was last changed on January 1, 1996 when it decreased from ten cents to eight cents per gallon.

Prior to April 1, 2000, 50 percent of MFT gasoline revenue was earmarked to the Trust Fund. Effective April 1, 2000, legislation enacted in 2000 earmarked 67.7 percent of gasoline MFT revenue and 31.5 percent of diesel MFT revenue to the Trust Fund. Effective April 1, 2001, legislation enacted in 2000 increased the diesel MFT revenue to the Trust Fund from 31.5 percent to 49.2 percent. Effective April 1, 2003, legislation adopted with the FY 2001 Enacted Budget earmarked 81.5 percent of MFT gasoline revenue and 63.0 percent of MFT diesel revenue to the Trust Fund.

**Tax Imposition and Payment.** The tax on motor fuel is payable by distributors registered with the State. The gasoline motor fuel tax is imposed when gasoline is imported (or caused to be imported) into the State for sale or use in the State, or manufactured in the State. Generally, the tax on other non-diesel motor fuels earmarked to the Trust Fund (such as compressed natural gas, propane, methanol and ethanol) is remitted by the dealer selling it as motor fuel. The tax on diesel motor fuel is imposed on the first non-exempt sale of diesel in the State.

Most petroleum businesses remit these taxes on a monthly basis. Businesses with yearly MFT and PBT liability totaling more than \$5 million remit the PBT and MFT for the first 22 days of the month by electronic funds transfer by the third business day thereafter. Tax for the balance of the month is paid with the monthly returns filed by the 20th of the following month. In FY 2013, 37 taxpayers, accounting for 91 percent of all motor fuel tax receipts, participated in the electronic funds transfer program.

Although the tax is remitted by distributors, the incidence of the tax falls primarily on final users of the fuel on the highways and waterways of the State. Governmental purchases are exempt from the tax. Fuel purchased for certain road vehicles (such as fire trucks, buses used in local transit, taxicabs and ambulances), upon which the tax has been paid, may be eligible for full or partial reimbursement of the MFT. Reimbursement of the tax is also available for fuel not used on the highways (e.g., fuel used in farming). Certain exemptions, including sales of kero-jet fuel for use in airplanes and sales to exempt organizations, apply only to the diesel motor fuel.





## SOURCES OF REVENUE FOR THE TRUST FUND

**Actual and Estimated Revenues from Dedicated Motor Fuel Tax.** Actual receipts since FY 2005 and DOB's forecast of Trust Fund receipts from the gasoline and diesel MFT for FY 2015 are set forth in the following table:

Trust Fund Revenues From MFT (\$ millions)			
State Fiscal Year	Gasoline MFT	Diesel MFT	Total Revenues
2004-05	\$377.7	\$41.8	\$419.5
2005-06	376.4	43.4	419.8
2006-07	362.8	43.0	405.8
2007-08	369.8	44.8	414.6
2008-09	356.1	42.2	398.3
2009-10	360.1	41.0	401.1
2010-11	363.7	44.0	407.7
2011-12	354.0	42.4	396.4
2012-13	348.1	41.2	389.3
2013-14	336.5	38.0	374.5
2014-15 <sup>(a)</sup>	345.9	38.8	384.7

(a) Estimated.

In formulating the gasoline motor fuel tax forecast, DOB relied principally upon relationships among gross domestic product, income, gasoline prices and gasoline demand that have been established by DOB's own economic forecast and the EIA. Gasoline consumption is estimated to increase in FY 2015.

To develop the diesel MFT forecast, DOB relied primarily on its own forecasts of State economic conditions, as reflected in real gross domestic product ("GDP"). Diesel consumption is estimated to increase in FY 2015.

Legislation adopted with the FY 2007 Enacted Budget provided a partial or full exemption for alternative fuels from the MFT. Legislation adopted with the FY 2013 Enacted Budget extended the exemption until September 2014. Legislation enacted with the FY 2015 Enacted Budget extended the exemption for another two years, until September 1, 2016. The financial impact to the Dedicated Highway and Bridge Trust Fund is minimal.

### HIGHWAY USE TAX

**General.** The highway use tax includes three components: the truck mileage tax, the fuel use tax, and registration fees. Under current law, all HUT receipts are earmarked to the Trust Fund.

Since 1951, the truck mileage tax has been levied on commercial vehicles having a loaded gross weight of more than 18,000 pounds. In 1961, the State gave carriers the option of using an unloaded weight basis to compute truck mileage tax liability. A motor carrier pays tax based on both the number of miles driven on the public highways of this State and the weight of the vehicle.



## ***SOURCES OF REVENUE FOR THE TRUST FUND***

Legislation enacted in 1998 reduced the truck mileage tax by 25 percent, effective January 1, 1999, and increased the percentage of motor vehicle registration fees flowing to the Trust Fund to hold the Fund harmless from this and other tax and fee reductions and to increase the flow of funds to the Trust Fund by approximately \$25 million.

Effective April 1, 2001, legislation adopted with the FY 2001 Enacted Budget reduced the supplemental truck mileage tax by 20 percent. To hold the Trust Fund harmless, legislation enacted with the Budget also increased the flow of motor vehicle fees to the Trust Fund (See “Dedicated Motor Vehicle Fees” below).

The fuel use tax is a complement to the State motor fuel and sales taxes. In contrast to the latter taxes, which are imposed upon the amount of fuel purchased within the State, the fuel use tax applies to fuel purchased outside New York State by trucks and tractors and by foreign or interstate bus carriers, but used while traveling on the public highways of the State.

The 1994 legislation enabled the State to join the federally mandated International Fuel Tax Agreement (“IFTA”) on January 1, 1996. This agreement provides for the uniform reporting and collection of fuel-use-related taxes among IFTA jurisdictions. IFTA reduces and simplifies the reporting requirements of truckers by permitting motor carriers to file a single tax return with their base state. The base state then distributes revenues back to the other IFTA jurisdictions based on the miles traveled in those jurisdictions. Under IFTA, jurisdictions may impose a fuel use tax only on vehicles with gross weights of over 26,000 pounds or with three or more axles. New York’s law required the fuel tax on vehicles with gross weights of over 18,000 pounds. Therefore, on and after January 1, 1996, the State fuel use tax no longer applied to vehicles that weigh between 18,000 and 26,000 pounds. To avert a loss in revenues flowing to the Trust Fund due to the 1994 legislative changes in truck mileage and fuel use taxes, that legislation increased the percentage of motor vehicle registration fees flowing to the Trust Fund from 13 percent to 17 percent on January 1, 1995 and to 20 percent on January 1, 1996.

Prior to July 1, 2007, commercial carriers liable for the truck mileage tax would purchase a highway use permit/sticker for each qualifying vehicle. Permits were issued triennially at an initial cost of \$15 with subsequent renewals of \$4 for motor vehicles and \$2 for trailers. With the enactment of the replacement fee proposal in the FY 2010 Enacted Budget, all permits cost \$15. Decals cost \$4.

On August 10, 2005, a Federal law was enacted that restricted the ability of States to require motor carriers to display a permit sticker. (This law was repealed on September 6, 2008, in a technical corrections bill). On July 1, 2007, New York State replaced the permit system with a registration system to adhere to this Federal transportation law.

The current registration system is based on the license plate number of each vehicle. The Commissioner of the Department of Taxation and Finance has mailed out decals to TMT carriers and effective February 1, 2013, all vehicles required to register must display a decal or be



## SOURCES OF REVENUE FOR THE TRUST FUND

subject to citation. The Commissioner could deny registration if the carrier has not paid monies due from any other tax. There is now a civil penalty for any person who fails to obtain a certificate of registration when it is required. Special permits are issued for the transportation of motor vehicles, for automotive fuel carriers, and for trips into New York State not to exceed 72 hours.

**Actual and Estimated Revenues from Highway Use Tax.** The table below shows actual receipts since FY 2005 and DOB's forecast of HUT receipts for FY 2015. The forecast reflects the FY 2015 Enacted Budget and is based upon forecasts of national and State economic conditions and motor fuel prices.

### TRUST FUND REVENUES FROM HUT (\$ millions)

State Fiscal Year	Revenues
2004-05	\$151.4
2005-06	160.2
2006-07	152.7
2007-08	148.0
2008-09	140.9
2009-10	137.2
2010-11	129.2
2011-12	132.1
2012-13	145.0
2013-14	136.2
2014-15 <sup>(a)</sup>	136.0

(a) Estimated.

Legislation adopted with the FY 2007 Enacted Budget capped State sales tax on motor fuel and diesel motor fuel at eight cents per gallon. This change reduces the receipts from the fuel use tax sales tax component.

The State also provided a partial or full exemption for alternative fuels from the fuel use tax to September 1, 2012. Legislation adopted with the FY 2013 Enacted Budget extended the exemption for two years. Legislation enacted with the FY 2015 Enacted Budget extends the exemption for another two years, until September 1, 2016. The financial impact to the Highway and Bridge Trust Fund is minimal.

Legislation adopted with the FY 2010 Enacted Budget increased the highway use tax fee for a registration certificate from \$4 to \$15 for a motor vehicle, and from \$2 to \$15 for a trailer, semi-trailer, dolly or other drawn device.



### DEDICATED MOTOR VEHICLE FEES

**General.** Motor vehicle fees are derived from a variety of sources, but consist mainly of vehicle registration and driver licensing fees.

A percentage of State motor vehicle registration fees is earmarked to the Trust Fund. These motor vehicle fees derive from the registration of passenger vehicles, trucks, vans, motorcycles, trailers, semitrailers, buses, and other types of vehicles operating on the public highways of the State.

The State Department of Motor Vehicles ("DMV") administers motor vehicle registration provisions of the State Vehicle and Traffic Law. County clerks in most counties act as agents for the State in administering the issuance of most types of motor vehicle registration. Motor vehicle registration renewals generally are accomplished by mail.

With the exceptions of buses, which are charged according to seating capacity, and semitrailers, which are currently registered at a flat fee of \$23, motor vehicle registration fees in the State are currently based on vehicle weight. Since July 1, 1998 passenger vehicles are registered at graduated annual rates of 64.5 cents per 100 lbs. up to 3,500 lbs., and 97 cents for each 100 lbs. over 3,500 lbs., with a maximum yearly registration fee of \$56.06. The yearly registration fee for trucks and light delivery vehicles is \$2.88 per 500 lbs. of maximum gross weight. Tractors are registered at an annual fee of \$1.21 per 100 lbs. of maximum gross weight. Motorcycles, snowmobiles, all-terrain vehicles, ambulances, trucks used exclusively in the transportation of household goods, and other specialized vehicles have separate registration fee schedules.

Legislation enacted in 1989 mandated biennial registration of all motor vehicles weighing less than 18,000 lbs. Thus, most motor vehicle registrations are issued and renewed for two-year periods; registrations are staggered evenly throughout the months to ensure an even workload.

To avert a loss in revenues flowing to the Trust Fund as a result of reducing and eliminating the truck mileage tax imposed on Thruway mileage, 1994 legislation increased the percentage of motor vehicle registration fees flowing to the Trust Fund from 13 percent to 17 percent on January 1, 1995, and to 20 percent on and after January 1, 1996.

Legislation enacted with the State's FY 1999 Budget reduced the registration fees for passenger vehicles by 25 percent, starting July 1, 1998 (see above), and increased the county clerk's retention as payment for collecting these fees. In order to hold the Trust Fund harmless from this reduction and to increase the flow of revenue to the Trust Fund by approximately \$25 million, legislation enacted with the FY 1999 Budget increased the percentage of registration fees earmarked to the Trust Fund to 28 percent, effective April 1, 1998, and to 34 percent, effective July 1, 1998. Also, to hold the Trust Fund harmless from the 25 percent reduction of the truck mileage tax, such legislation increased the percentage of registration fees earmarked to the Trust Fund to 45.5 percent, effective February 1, 1999.



## ***SOURCES OF REVENUE FOR THE TRUST FUND***

Legislation enacted in 1999 increased county clerks' retention fees from 9.3 percent to 12.7 percent, effective April 1, 1999.

To increase the amount of revenues flowing to the Trust Fund and to hold the Trust Fund harmless from the PBT tax cuts enacted in 2000, legislation enacted with the FY 2001 State Budget earmarked the remaining 54.5 percent of motor vehicle registration fees to the Dedicated Funds Pool. The Trust Fund is to receive 63 percent of such motor vehicle fees. Effective April 1, 2001, 23.5 percent of certain motor vehicle registration fees were deposited to the Dedicated Funds Pool. That percentage increased to 54.5 percent effective April 1, 2002.

In addition, legislation enacted with the FY 2001 Enacted Budget directed the State Comptroller to deposit into the Dedicated Funds Pool \$28.4 million in FY 2003, \$67.9 million in FY 2004 and \$170.1 in FY 2005. Of these amounts, 63 percent were directed to the Trust Fund.

Effective April 1, 2001, to hold harmless the Trust Fund from the 20 percent reduction of the supplemental truck mileage tax, legislation enacted with the FY 2001 State Budget also directed an amount of non-registration motor vehicle fees to be deposited in the Trust Fund. The amount is equal to 10 percent of the base truck mileage tax. See "Highway Use Tax", above.

Legislation enacted with the FY 2002 State Budget directed the deposit of \$169 million of non-registration motor vehicle fee revenues to the Trust Fund in FY 2002. Legislation enacted with the FY 2003 State Budget redirected \$171.6 million of non-registration motor vehicle fees to the Trust Fund in FY 2003 and \$152.7 million in FY 2004.

The FY 2004 Enacted Budget directed \$170.1 million of additional other motor vehicle fees to the Dedicated Funds Pool in FY 2005 and thereafter and directed \$59.9 million from the General Fund to the Trust Fund in FY 2005. It also increased the certificate of vehicle sale fee (estimated to be \$12.0 million), the original title application fee (estimated to be \$14.7 million), and the vehicle safety inspection fee (estimated to be \$21.2 million) in FY 2005 and thereafter for deposit to the Trust Fund.

The FY 2006 Enacted Budget moved \$169 million of all of the remaining non-registration funds still deposited into the General Fund to the Dedicated Funds Pool, effective April 1, 2005. Legislation adopted with the FY 2012 Enacted Budget amended the \$169 million provision by including all funds (fees, taxes, fines, and assessments) and not just the non-dedicated portion. The FY 2006 Enacted Budget increased certain non-registration fees, including title fees estimated to be \$39.4 million in FY 2006 and \$78.8 million thereafter. Revenues from these fee increases are deposited in the Dedicated Funds Pool in FY 2006 and thereafter.

Legislation adopted with the FY 2010 Enacted Budget increased license and registration fees. The additional revenues from these increased fees are directed to the Trust Fund.



## SOURCES OF REVENUE FOR THE TRUST FUND

In addition, most registrations increased by 25 percent for a revenue increase of \$51.9 million in FY 2010 and \$103.4 million in FY 2011. The additional revenues from this increase are directed to the Trust Fund.

Also, the license plate fee increased from \$15 to \$25 effective April 1, 2010, resulting in an estimated revenue increase of \$20 million. The additional revenues from this increase are directed to the General Fund.

Effective April 1, 2011, fines and assessments were included in the definition of “General Fund receipts”. Prior to April 1, 2014, the DHBTF received a MVF General Fund transfer of \$106.7 million, of which \$40.7 million was attributable to monies from the Driver Responsibility Act (DRA). Effective April 1, 2014, the DHBTF will instead receive a generic General Fund transfer of \$66 million and all monies from the DRA. While MVF revenues directed to the DHBTF will decline, this change will be revenue neutral to the Trust Fund because the generic General Fund transfer will offset the MVF revenues decline. There is also a MTA supplemental registration and license fee imposed on motorists living in the MCTD. The additional revenues from these supplemental fees will be payable to the MTA.

**Actual and Estimated Revenues from Motor Vehicle Fees.** DOB has forecasted the registration fees for passenger and commercial motor vehicles and other motor vehicle fees for FY 2015. The forecast reflects the State’s FY 2015 Enacted Budget.

### TRUST FUND REVENUES FROM MVF (\$ millions)

State Fiscal Year	Revenues
2004-05	\$524.5
2005-06	495.1
2006-07	556.4
2007-08	568.2
2008-09	542.0
2009-10	626.6
2010-11 <sup>(a)</sup>	813.3
2011-12 <sup>(a)</sup>	811.6
2012-13 <sup>(a)</sup>	795.9
2013-14 <sup>(a)</sup>	785.3
2014-15 <sup>(a) (b) (c)</sup>	734.0

(a) Includes all motor vehicle receipts that are directed to the Trust Fund. Nearly \$107 million in CSR revenues, that are collected by the DMV, are now included in this amount.

(b) Estimated. This does not include \$66 million that will occur in a non-Motor Vehicle Fee General Fund transfer.

(c) Effective April 1, 2014, the decline in MVF revenues directed to the DHBTF will be offset by a generic General Fund transfer to the Trust Fund.



## SOURCES OF REVENUE FOR THE TRUST FUND

### AUTO RENTAL TAX

The State imposes an auto rental tax on any rental or use in New York State of a passenger car with a gross vehicle weight of 9,000 pounds or less that has seating capacity for nine or fewer passengers. The tax rate was increased from five percent to six percent on charges for the rental. Legislation enacted with the FY 2003 State Budget increased the amount of revenue that flows to the Trust Fund by shifting the auto rental tax receipts from the General Fund to the Trust Fund, effective April 1, 2002. Legislation in the FY 2010 Enacted Budget increased the auto rental tax from 5 to 6 percent. There is also a supplemental tax of 5 percent imposed on passenger car rentals within the MCTD. Revenues from this supplemental tax are directed to the MTA Aid Trust Account and are not included in the table below.

**TRUST FUND REVENUES FROM AUTO RENTAL TAX**  
(\$ millions)

State Fiscal Year	Revenues
2004-05	\$39.8
2005-06	42.3
2006-07	45.5
2007-08	47.0
2008-09	60.7
2009-10	51.7
2010-11	60.0
2011-12	65.0
2012-13	68.0
2013-14	71.0
2014-15 <sup>(a)</sup>	74.0

(a) Estimated.

### TRANSMISSION AND TRANSPORTATION TAXES

The State imposes franchise taxes on transmission and transportation companies doing business in New York State. Under Section 183 of the Tax Law, companies pay tax based on the highest of three alternatives: allocated value of issued capital stock at a tax rate of 1.5 mills (.0015); allocated value of issued capital stock on which dividends are paid at a rate of 6 percent or more, at a tax rate of 0.375 mills (.000375) for each 1 percent of dividends paid, or a rate of 1.5 mills (.0015) to capital stock on which dividends are not paid, or are paid at a rate of less than 6 percent; or a minimum tax of \$75. Section 184 of the Tax Law provides for a tax rate of 0.375 percent of gross earnings. The FY 2004 Enacted Budget increased the flow of funds to the Dedicated Highway and Bridge Trust Fund by shifting 20 percent of receipts from the transmission and transportation taxes from the General Fund, effective April 1, 2004. The FY 2006 Enacted Budget continued these additional deposits through March 31, 2010. The FY 2010 Enacted Budget extended these additional deposits through March 31, 2015. Since April 1, 2004, 80 percent of transmission and transportation taxes have been deposited into the



## SOURCES OF REVENUE FOR THE TRUST FUND

Mass Transportation Operating Assistance Fund ("MTOAF"), with the remaining amounts deposited into the Trust Fund.

The following table shows deposits of transmission and transportation taxes into the MTOAF and the Trust Fund since FY 2005 and DOB estimate of such deposits for FY 2015. The estimate for FY 2015 reflects the FY 2015 Enacted Budget.

**TRANSMISSION AND TRANSPORTATION TAXES  
DEPOSITS TO MTOAF AND TRUST FUND  
(\$ millions)**

State Fiscal Year	MTOAF	Trust Fund
2004-05	\$64.5	\$16.1
2005-06	73.9	18.4
2006-07	68.4	17.1
2007-08	60.3	15.1
2008-09	71.8	17.9
2009-10	78.6	19.7
2010-11	65.6	16.4
2011-12	53.1	13.3
2012-13	58.6	14.6
2013-14	54.1	13.5
2014-15 <sup>(a)</sup>	60.0	15.0

(a) Estimated.

### CERTAIN SPECIAL REVENUES

Since April 1, 1999, certain transportation-related fees and charges have been deposited in the Dedicated Highway and Bridge Trust Fund. Prior to FY 2000, these transportation-related fees were deposited to the credit of four State special revenue funds. The FY 2000 Enacted Budget redirected these fees, through administrative action, to the Trust Fund. These fees are generated from the sale of permits for transportation of oversized and/or overweight cargo over the State's highways and bridges, the sale of permits for highway work, fees imposed for directional and outdoor advertising signs posted along State highways, and miscellaneous other transportation-related fees. These fees have been deposited directly in the Trust Fund since the FY 2001 Enacted Budget formalized in statute the redirection of these fees to the Trust Fund. Some of the fee schedules associated with these Trust Fund Revenues are subject to change by the Commissioner of Transportation.

The FY 2004 Enacted Budget moved receipts from the DMV data search fees (\$50.0 million) from the General Fund to the Trust Fund, effective April 1, 2003. The FY 2004 Enacted Budget also increased data search fees effective April 1, 2004; the additional receipts have been deposited into the Trust Fund since April 1, 2004.

The FY 2005 Enacted Budget increased overweight truck fees, which were estimated to bring in an additional \$0.8 million in FY 2005, and \$1.5 million per year thereafter.





## SOURCES OF REVENUE FOR THE TRUST FUND

The FY 2006 Enacted Budget increased the data sales fee, insurance buyback fee and salvaged vehicle inspection fee, generating an additional \$21 million on a fully-annualized basis in FY 2007.

The FY 2007 Enacted Budget dedicated DMV fee increases of \$3.6 million for the driver responsibility program in FY 2007, and increasing to \$28.6 million per year thereafter.

The FY 2012 Enacted Budget recognizes \$2.1 million in receipts from private sector partnerships in funding State HELP trucks.

The FY 2013 Enacted Budget merged the DOT accident damage account with the Dedicated Highway and Bridge Trust Fund, increasing dedicated revenues by \$19.5 million in FY 2013 and \$24 million thereafter.

The FY 2015 Enacted Budget merged DOT's Transportation Regulation Account and Rail Safety Inspection Account with the Dedicated Highway and Bridge Trust Fund, increasing dedicated revenues by \$5.6 million in FY 2015 and \$5.9 million thereafter.

### CERTAIN SPECIAL REVENUES (\$ millions)

State Fiscal Year	Revenues
2004-05	\$ 81.2
2005-06	82.2
2006-07	101.3
2007-08	129.9
2008-09	155.6
2009-10	144.9
2010-11 <sup>(a)</sup>	29.3
2011-12	30.3
2012-13	42.9
2013-14	48.8
2014-15 <sup>(b)</sup>	64.4

(a) Nearly \$107 million in receipts are now categorized under motor vehicle receipts. Only dedicated receipts collected by the Department of Transportation are included in this category.

(b) Estimated.



## SOURCES OF REVENUE FOR THE TRUST FUND

### BUILD AMERICA BONDS SUBSIDY

The American Recovery and Reinvestment Act of 2009 (“ARRA”) authorized the Build America Bonds (“BABs”) program, which offered issuers the opportunity to issue taxable bonds for capital projects that would otherwise qualify for tax-exemption and receive a subsidy equal to 35 percent of each interest payment from the U.S. Treasury. The Series 2010B Bonds were issued under the Second General Bond Resolution as BABs and pursuant to the BABs program as then in effect, the Trust Fund assumed it would receive an annual 35 percent interest subsidy on the Series 2010B Bonds.

#### TRUST FUND REVENUES FROM BABs SUBSIDY (\$ millions)

State Fiscal Year	Revenues
2010-11	\$5.6
2011-12	5.4
2012-13	5.4
2013-14 <sup>(a)</sup>	4.9
2014-15 <sup>(a) (b)</sup>	5.0

(a) As a result of federal sequestration, the subsidy paid to the Trust Fund was reduced to a 32.0% subsidy in FY 2014 and is anticipated to be reduced to a 32.5% subsidy in FY 2015.

(b) Estimated.



## SOURCES OF REVENUE FOR THE TRUST FUND

### ACTUAL AND ESTIMATED TRUST FUND REVENUES

The following table provides a summary of the actual and estimated Trust Fund Revenues derived from the sources discussed above.

**ACTUAL AND ESTIMATED TRUST FUND REVENUES**  
(\$ millions)

State Fiscal Year	PBT	MFT	HUT	MVF	ART	TTT	CSR	BABs	TOTAL
2004-05	\$598.6	\$419.5	\$151.4	\$524.5	\$39.8	\$16.1	\$81.2	--	\$1,831.1
2005-06	631.5	419.8	160.2	495.1	42.3	18.4	82.2	--	1,849.5
2006-07	603.9	405.8	152.7	556.4	45.5	17.1	101.3	--	1,882.7
2007-08	640.8	414.6	148.0	568.2	47.0	15.1	129.9	--	1,963.6
2008-09	613.4	398.3	140.9	542.0	60.7	17.9	155.6	--	1,928.8
2009-10	612.5	401.1	137.2	626.0	51.7	19.7	144.9	--	1,993.7
2010-11	605.9	407.7	129.2	813.0	60.0	16.4	29.3	\$5.6	2,067.4
2011-12	611.6	396.4	132.1	811.6	65.0	13.3	30.3	5.4	2,065.7
2012-13	633.6	389.3	145.0	795.9	68.0	14.6	42.9	5.4	2,094.7
2013-14	640.9	374.5	136.2	785.3	71.0	13.5	48.8	4.9	2,075.1
2014-15 <sup>(a)</sup>	633.2	406.5	136.0	734.0	74.0	15.0	64.4	5.0	2,068.1

(a) Estimated.

### FACTORS AFFECTING TRUST FUND REVENUES

The discussion above has generally covered receipts since FY 2005. Trust Fund receipts should also be viewed from a long term perspective.

An examination of historical data suggests that the Trust Fund revenues have been affected positively or negatively by a number of factors including, but are not limited to: (1) State legislative changes affecting the tax rates, the tax base, payment schedules and the allocation of receipts to the Trust Fund; (2) overall economic conditions in the State; (3) population growth in the State; (4) significant changes in the price of petroleum and refined petroleum products; (5) improvements in the fuel efficiency of automobiles; (6) the use of the extensive public transportation network of subways, buses and commuter rails; (7) world political events, such as the OPEC oil embargo (1973-75), the terrorist attacks on September 11, 2001 and the continuing conflicts in the Middle East; (8) variations in climate and severe weather conditions, including Hurricane Irene and Superstorm Sandy; (9) the price of natural gas relative to certain competing taxable petroleum products, which primarily affect the consumption of taxable petroleum products by utilities; (10) environmental pressures to reduce acid rain through reduction of sulfur dioxide emissions from facilities burning fossil fuels; (11) the shift in the State from a manufacturing-based to service-based economy; (12) State and Federal initiatives encouraging energy efficiency and environmental protection; (13) impact of utility deregulation on Statewide supply and demand of electricity; and (14) tax evasion and Federal and State enforcement measures.



## ***SOURCES OF REVENUE FOR THE TRUST FUND***

Historically, the price of refined petroleum products has increased. In the long term, this could impact overall consumption as could technological changes in response to these price increases. However, an examination of the historical data factors noted in the prior paragraph indicate that even relatively sharp price increases have not had an immediate adverse effect on motor fuel consumption levels. Indeed the data suggests that the impact of higher prices is expected to be relatively limited and that short-term motor fuel consumption (by far the largest component of Trust Fund receipts) is relatively inelastic in the face of price changes, and, accordingly, that motor fuel tax collections are likely to remain relatively stable. General economic conditions also have an impact upon fuel consumption, especially on diesel fuel consumption. During recessions, diesel fuel consumption declines as business activity slows, but recovers and begins to grow during periods of economic strength. This also has an impact on HUT receipts, which is a tax based on commercial trucks travelling on State highways.

Generally, over the period covered by the historical data discussed above, the sources of revenue dedicated to the Trust Fund were subject to a variety of extreme economic and political conditions, yet would have provided a reasonably stable and moderately growing flow of revenue to the Trust Fund without intervention by the State. There can be no assurances, however, that future economic, political or statutory changes will not materially reduce the flow of revenues to the Trust Fund. In such an event, the State may, but is not obligated to, consider remedial actions, including but not limited to, restructuring revenues available to the Trust Fund or program activity.




## **SECTION 2: SUBSECTION J**

**NEW YORK STATE MEDICAL CARE FACILITIES  
FINANCE AGENCY, MENTAL HEALTH SERVICES  
FACILITIES IMPROVEMENT REVENUE BONDS  
AND  
DORMITORY AUTHORITY OF THE STATE OF NEW  
YORK, MENTAL HEALTH SERVICES FACILITIES  
IMPROVEMENT REVENUE BONDS**

**“DEPARTMENT OF MENTAL HYGIENE”**

THIS SUBSECTION J CONTAINS THE INFORMATION REQUIRED TO BE UPDATED ANNUALLY PURSUANT TO APPLICABLE CONTINUING DISCLOSURE AGREEMENTS RELATING TO OBLIGATIONS ISSUED BY THE NEW YORK STATE MEDICAL CARE FACILITIES FINANCE AGENCY (NOW KNOWN AS THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK) FOR MENTAL HEALTH SERVICES FACILITIES IMPROVEMENT REVENUE BONDS AND THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK FOR MENTAL HEALTH SERVICES FACILITIES IMPROVEMENT REVENUE BONDS.

CAPITALIZED TERMS USED IN THIS SUBSECTION J AND NOT OTHERWISE DEFINED SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THE RELATED OFFICIAL STATEMENT.





# *Department of Mental Hygiene*

## **DEPARTMENT OF MENTAL HYGIENE**

The Department was established on January 1, 1927, replacing and consolidating the functions of the State Hospital Commission and the State Commission for Mental Defectives. Pursuant to legislation effective in 1978, as amended in 1992, the Department is organized into three autonomous offices:

1. The Office of Mental Health (“OMH”);
2. The Office for People With Developmental Disabilities (“OPWDD”); and
3. The Office of Alcoholism and Substance Abuse Services (“OASAS”).

These three units function independently within the Department with complete responsibilities for the planning and administration of their respective programs. Each office is headed by a commissioner appointed by the Governor with the advice and consent of the Senate.

## **OFFICE OF MENTAL HEALTH**

As the State mental health agency, OMH has two main functions: assuring access to services of the highest quality for children with serious emotional disturbance and adults with serious mental illness, and promoting the mental health of all New Yorkers through a public health approach to education and advocacy. To that end, OMH works with local governments, voluntary agencies, and providers and consumers of mental health services to ensure appropriate care to those in need.

Currently, OMH operates 24 State psychiatric centers, including 15 facilities for adults, 4 for children and 3 for forensic patients, more than 50 residential care facilities, and over 100 outpatient programs. These provide a mix of inpatient, residential and outpatient services. In addition, OMH currently operates two research facilities, the Nathan S. Kline Institute and the New York State Psychiatric Institute, which conduct basic research into the causes and treatment of mental illness. OMH is responsible for regulating and licensing mental health programs operated by local governments and not-for-profit and proprietary agencies. In that capacity, OMH oversees a large array of programs, including more than 1,500 licensed inpatient, outpatient and residential programs and more than 3,000 unlicensed housing and support programs. In connection with the foregoing, OMH is responsible for, among other things, the regulation and licensing of certain of the Voluntary Agency Facilities financed with the proceeds of the Bonds as well as certain of the Voluntary Agency Facilities financed with the proceeds of the Prior Authority Bonds. Such regulation and licensing includes, among other things, participation in the determination as to the need for the facility, review of plans and specifications for construction of the facility, the right to conduct inspections and audits and the establishment of a reimbursement rate for client care. In addition, the capital costs and projected financing sources for any such Voluntary Agency Facilities financed from proceeds of



the Bonds and the Prior Authority Bonds are subject to the approval of the New York State Division of the Budget (“DOB”).

### **OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES**

OPWDD is charged with developing a comprehensive, cost-effective, and integrated system of services to serve the full range of needs of individuals with developmental disabilities. OPWDD operates through a combination of five Regional Offices, who oversee the provision of not-for-profit services, and six State Operations Offices, which are responsible for State-delivered programs and services. The 13 service districts within the State Operations Offices administer community-based and, where applicable, institutionally-based service programs for persons with developmental disabilities within regional catchment areas. Institutional programs offer residential care and habilitative services in campus settings, informally known as developmental centers, and at special population units located throughout the State. The community-based service program, funded and regulated by OPWDD, reflects the cooperative efforts of local governments, voluntary not-for-profit service providers overseen by one of five Regional Offices, and OPWDD as a provider of services through a network of six State Operations offices. Community programs include State- and voluntary-operated residential and day services, as well as a variety of support services to families and individuals living in their own homes, including respite and crisis intervention, which help prevent unnecessary and costly out-of-home placement. In connection with the foregoing, OPWDD is responsible for, among other things, the regulation and licensing of certain of the Voluntary Agency Facilities financed with the proceeds of the Bonds as well as certain of the Voluntary Agency Facilities financed with the proceeds of the Prior Authority Bonds. Such regulation and licensing includes, among other things, participation in the determination as to the need for the facility, review of plans and specifications for construction of the facility, the right to conduct inspections and audits, and the establishment of a reimbursement rate for services. In addition, the capital costs and projected financing sources for any such Voluntary Agency Facilities financed from proceeds of the Bonds and the Prior Authority Bonds are subject to the approval of DOB.





**OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES**

OASAS is responsible for assuring the development of comprehensive plans, programs and services in the areas of research, prevention, care, education, training, treatment and rehabilitation to address chemical dependencies and/or compulsive gambling problems of individuals and their families. OASAS operates 12 inpatient Addiction Treatment Centers (ATCs) that provide short-term intensive chemical dependence rehabilitation services. With the exception of the Kingsboro and the Van Dyke ATCs, all ATCs are housed on the grounds of State psychiatric centers. In addition, OASAS oversees an addiction treatment service system that provides a full array of drug, alcohol and compulsive gambling treatment, prevention and recovery programs that provide a continuum of care. The care ranges from short-stay detoxification centers to long-term drug and alcohol free residential communities. These services are provided to a large diverse population of approximately 245,000 unique individuals each year. In addition, over 414,000 youth receive recurring prevention services annually.

OASAS is also responsible for, among other things, the regulation and licensing of certain Voluntary Agency Facilities financed with the proceeds of the Bonds as well as certain of the Voluntary Agency Facilities financed with the proceeds of the Prior Authority Bonds. Such regulation and licensing includes, but is not limited to, participation in the determination as to the need for the facility, review of plans and specifications for construction of the facility, the right to conduct inspections and audits and the establishment of a reimbursement rate for client care. In addition, the capital costs and projected financing sources for any such Voluntary Agency Facilities financed from proceeds of the Bonds and the Prior Authority Bonds are subject to the approval of DOB.



### DEPARTMENT FACILITIES

A listing of institutions operated by each office of the Department, by category, follows. This listing excludes numerous small facilities in which these offices provide community services.

#### OFFICE OF MENTAL HEALTH

##### *Psychiatric Centers*

Greater Binghamton Health Center	Mohawk Valley Psychiatric Center
Bronx Psychiatric Center	Pilgrim Psychiatric Center
Buffalo Psychiatric Center	Richard H. Hutchings Psychiatric Center
Capital District Psychiatric Center	Rochester Psychiatric Center
Creedmoor Psychiatric Center	Rockland Psychiatric Center
Elmira Psychiatric Center	St. Lawrence Psychiatric Center
Kingsboro Psychiatric Center	South Beach Psychiatric Center
Manhattan Psychiatric Center	

##### *Children's Psychiatric Centers*

New York City Children's Psychiatric Center <sup>(1)</sup>	Sagamore Children's Psychiatric Center
Rockland Children's Psychiatric Center	Western New York Children's Psychiatric Center

##### *Forensic Facilities*

Central New York Psychiatric Center	Mid-Hudson Forensic Psychiatric Center
Kirby Forensic Psychiatric Center	

##### *Research Facilities*

Nathan S. Kline Institute for Psychiatric Research
New York State Psychiatric Institute



## OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES<sup>(2)</sup>

### *Service Districts*

Bernard M. Fineson Developmental Disabilities Services Office	Long Island Developmental Disabilities Services Office
Brooklyn Developmental Disabilities Services Office	Metro New York Developmental Disabilities Services Office
Broome Developmental Disabilities Services Office <sup>(3)</sup>	Staten Island Developmental Disabilities Services Office
Capital District Developmental Disabilities Services Office	Sunmount Developmental Disabilities Services Office
Central New York Developmental Disabilities Services Office	Taconic Developmental Disabilities Services Office
Finger Lakes Developmental Disabilities Services Office	Western New York Developmental Disabilities Services Office
Hudson Valley Developmental Disabilities Services Office	

### *Other Facilities*

Institute for Basic Research in Developmental Disabilities

Valley Ridge Center for Intensive Treatment<sup>(3)</sup>

- 
- (1) Chapter 56 of the Laws of 2012 (Part O, Section 1) created the New York City Children's Psychiatric Center as a singular facility resulting from the consolidation of the Bronx Children's Psychiatric Center, Queens Children's Psychiatric Center and Brooklyn's Children's Center.
- (2) Chapter 56 of the Laws of 2012 reorganized OPWDD into five Regional Offices to oversee not-for-profit delivered services and six State Operations offices solely responsible for State-delivered programs. The DDSOs remain an integral part of service delivery for State-delivered services and will be overseen by the larger State Operations offices.
- (3) Effective April 1, 2009, Valley Ridge Center for Intensive Treatment became part of Broome Developmental Disabilities Services Office.



### OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

#### *Addiction Treatment Centers*

Bronx Addiction Treatment Center	McPike Addiction Treatment Center
Charles K. Post Addiction Treatment Center	Russell E. Blaisdell Addiction Treatment Center
Creedmoor Addiction Treatment Center	Richard C. Ward Addiction Treatment Center
Dick Van Dyke Addiction Treatment Center	South Beach Addiction Treatment Center
John L. Norris Addiction Treatment Center	St. Lawrence Addiction Treatment Center
Kingsboro Addiction Treatment Center	Margaret A. Stutzman Addiction Treatment Center

### POPULATION

#### OFFICE OF MENTAL HEALTH

OMH's comprehensive Five-Year Plan continues to support the programmatic and fiscal strategy of implementing an integrated community based system of care. While OMH continues to monitor the need for State adult inpatient hospitalization, the plan calls for continued development of a comprehensive and integrated community mental health system, for which OMH proposes sponsoring continued State capital assistance to the voluntary, not-for-profit provider network.

In FY 2015, consistent with the Enacted Budget, OMH will staff and operate 2,913 beds in adult psychiatric centers, 460 children's beds and 720 forensic beds. OMH will also continue implementation of the Sex Offender Management and Treatment Act (SOMTA) at Central New York Psychiatric Center and St. Lawrence Psychiatric Center. In addition to inpatient hospital care, OMH will also continue to provide residential services to more than 4,000 individuals in State-operated programs, and outpatient services to more than 27,000 individuals across the State.

#### OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

Consistent with its comprehensive Five-Year Plan, OPWDD serves a diverse population of individuals with developmental disabilities including, but not limited to, persons with mental retardation, cerebral palsy, autism and epilepsy. OPWDD's programs are characterized by two related service systems: a State-operated institutional system and a community-based system with programs run by both the State and voluntary not-for-profit agencies.



The State-operated institutional system provides residential care and habilitative services to individuals at developmental centers and related special population units located throughout the State. The FY 2015 Enacted Budget supports a census of 702 individuals at the beginning of the State fiscal year. During FY 2015, OPWDD will continue to move individuals residing in institutions to more appropriate community settings, and the FY 2015 Enacted Budget supports the development of community residential and non-residential services to support continued deinstitutionalization efforts and the transition of young adults aging out of either the special educational or foster care systems.

The voluntary- and State-operated community-based service system provides a variety of day and residential programs for individuals. The emphasis in these programs is on habilitative and vocational services to meet the individualized needs of persons with developmental disabilities. The FY 2015 Enacted Budget includes resources for a FY 2015 start-of-year census of approximately 8,000 consumers in State-operated community residential programs and approximately 4,500 consumers in State-operated day programs.

### OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

OASAS will operate 12 ATCs with a total certified bed capacity of 570 during FY 2015.



## POPULATION STATISTICS

The following are actual and projected population statistics for the State- and voluntary-operated residential programs of OMH, OPWDD and OASAS:

Year (as of 3/31)	OMH		OPWDD		OASAS
	Psychiatric Center <sup>(1)</sup>	Community Residences <sup>(2)</sup>	Developmental Center	Community Residences <sup>(3)</sup>	Addiction Treatment Centers
2005	4,080	27,700	1,635	32,597	652
2006	3,969	27,755	1,605	33,157	652
2007	3,979	28,100	1,712	33,761	652
2008	3,934	30,600	1,657	34,148	652
2009	3,616	32,600	1,541	37,471	652
2010	3,388	34,300	1,434	37,909	600
2011	3,218	34,800	1,313	38,908	570
2012	2,970	36,200	1,169	39,012	570
2013	2,869	38,600	1,015	39,565	570
2014	2,655	39,600	702	41,525	570
2015 <sup>(4)</sup>	2,552	41,800	384	42,033	570

(1) The actual and the estimated population statistics exclude 695 forensic beds and 460 children's beds. Figures beginning in 2007 also exclude individuals who are civilly committed to sexual offender treatment programs. Figures beginning in 2008 also exclude 20 forensic beds for which OMH maintains contingency plans depending on need. 100 beds for adult individuals with forensic or dangerous histories known as the Manhattan STAIR Unit are included in the actual and estimated population.

(2) Includes both licensed and unlicensed programs.

(3) Beginning in 2009, numbers reported include both licensed and unlicensed programs. Beginning in 2014, numbers reported include individuals living in supported apartments, individuals living in OPWDD-licensed private residencies, and temporary use beds.

(4) Estimated.



## **INCOME AVAILABLE FOR PRIOR AUTHORITY ANNUAL PAYMENTS AND ANNUAL PAYMENTS**

Under applicable State statutes, the Authority is required to establish and maintain with the Commissioner of Taxation and Finance, as agent of the Authority, the Mental Hygiene Facilities Improvement Fund Income Account. The Authority is required to deposit therein or have credited thereto all payments made for the care, maintenance, and treatment of patients in every mental hygiene facility now or hereafter under the possession, jurisdiction, supervision and control of the Authority, all income from investments and all moneys received or to be received for the purposes of the Mental Hygiene Facilities Improvement Fund Income Account on a recurring basis. Following deposit of receipts in the Mental Hygiene Facilities Improvement Fund Income Account, amounts therein are transferred to the Services Fund pursuant to State law.

Substantially all of the Medicaid receipts shown below represent the Federal share thereof. The Federal government traditionally pays 50 percent under Medicaid and 100 percent under Medicare of allowable costs of covered services to eligible patients. The State share of Medicaid, which is used for inpatient services, is not available for the payment of Annual Payments and therefore is not reflected in the following tables.

The following table shows the amounts received in the Mental Hygiene Facilities Improvement Fund Income Account (not including Voluntary Agency Payments) and transferred to the Services Fund and that were available for (i) Prior Authority Annual Payments with respect to the Prior Authority Bonds, and Annual Payments with respect to the Bonds, and (ii) annual debt service for the Prior Authority Bonds and the Bonds, for FYs 2010 through 2014 inclusive.

**HISTORICAL RECEIPTS AVAILABLE FOR  
PRIOR AUTHORITY ANNUAL PAYMENTS AND ANNUAL PAYMENTS, AND ANNUAL DEBT SERVICE FOR  
PRIOR AUTHORITY BONDS AND THE BONDS  
(millions of dollars)**

	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
Medicaid	\$3,559.22	\$3,757.33	\$3,230.04	\$3,023.62	\$1,690.20
Medicare	105.68	81.08	83.75	65.69	50.12
Other	<u>165.55</u>	<u>146.03</u>	<u>159.21</u>	<u>137.87</u>	<u>164.17</u>
Total	<u>\$3,829.45</u>	<u>\$3,984.44</u>	<u>\$3,473.00</u>	<u>\$3,236.18</u>	<u>\$1,904.49</u>
Annual Debt Service	\$ 351.30	\$ 282.03	\$ 315.95	\$ 311.18	\$ 295.58
Debt Service Coverage	10.90x	14.13x	10.99x	10.40x	6.45x



## DEPARTMENT OF MENTAL HYGIENE

The following table prepared by OPWDD, OMH and OASAS, in consultation with the State DOB, is based upon the FY 2015 Enacted Budget, and shows the projected receipts available for payment of annual debt service for the Prior Authority Bonds and the Bonds. This table also includes projected annual debt service for the Prior Authority Bonds and the Bonds.

**PROJECTED RECEIPTS AVAILABLE FOR PRIOR AUTHORITY  
ANNUAL PAYMENTS AND ANNUAL DEBT SERVICE FOR  
THE PRIOR AUTHORITY BONDS AND THE BONDS  
(millions of dollars)**

	2014-15	2015-16	2016-17	2017-18	2018-19
<b>OPWDD</b>					
Medicaid	\$1,254.11	\$ 927.67	\$ 820.84	\$ 695.84	\$ 695.84
Medicare	0.10	0.10	0.10	0.10	0.10
Other	<u>62.95</u>	<u>56.64</u>	<u>50.43</u>	<u>39.18</u>	<u>39.18</u>
Subtotal	\$1,317.16	\$ 984.41	\$ 871.37	\$ 735.12	\$ 735.12
<b>OMH</b>					
Medicaid	\$ 521.97	\$ 522.13	\$ 522.13	\$ 522.13	\$ 522.13
Medicare	64.91	62.14	62.14	62.14	62.14
Other	<u>80.77</u>	<u>58.5</u>	<u>58.50</u>	<u>54.10</u>	<u>54.10</u>
Subtotal	\$ 667.65	\$ 642.77	\$ 642.77	\$ 638.37	\$ 638.37
<b>OASAS</b>					
Other	<u>\$ 15.82</u>	<u>\$ 16.21</u>	<u>\$ 16.41</u>	<u>\$ 16.41</u>	<u>\$ 16.41</u>
CQCAPD	<u>\$ 3.91</u>	<u>\$ 3.91</u>	<u>\$ 3.91</u>	<u>\$ 3.91</u>	<u>\$ 3.91</u>
Gross Receipts	<u>\$2,004.54</u>	<u>\$1,647.30</u>	<u>\$1,534.46</u>	<u>\$1,393.81</u>	<u>\$1,393.81</u>
Annual Debt Service <sup>(1)</sup>	\$267.09	\$258.56	\$242.01	\$236.64	207.80
Debt Service Coverage <sup>(1)</sup>	7.51x	6.37x	6.34x	5.89x	6.71x

(1) Includes debt service on all outstanding bonds. However, this does not include amounts equal to the debt service on the Personal Income Tax (PIT) Revenue Bonds that were issued to finance State Facilities and Voluntary Agency Facilities and are required to be retained in the Services Fund and transferred to the Revenue Bond Tax Fund. On a going forward basis it is assumed that PIT Revenue Bonds will be used to finance all State Facilities and Voluntary Agency Facilities.

### FACTORS AFFECTING REVENUE PROJECTIONS

As with any long-term projection, the level of revenue expected to be received by the Department in the above projections is dependent on many factors. Among these are patient and client census, the certification status of facilities as participants in the Medicare and Medicaid programs, and Federal and State reimbursement policies. A change in any of these factors can affect the revenues to be deposited in the Services Fund.





*Census* - Both total census and the proportion of patients who are Medicaid- or Medicare-eligible or can otherwise pay for their care are subject to change and therefore affect total revenue. Of particular significance is that over three quarters of OMH revenue is received through the Medicaid program, which does not provide reimbursement of inpatient costs for individuals from the ages of 21 through 64. To the extent the projection of total census or of the proportion of the population eligible for Medicaid is incorrect revenue may be above or below projected levels. Assumptions regarding the percent of the age-eligible population that will in fact meet billing criteria are also a factor. The Department considers census assumptions for the FY 2015 through FY 2018 forecast years to be relatively conservative.

No age limitations are imposed on OPWDD Medicaid eligibility, and substantially all consumers are in fact Medicaid-eligible.

*Certification* - Department facilities are periodically reviewed by Federal surveyors to determine continued eligibility as certified Medicaid or Medicare service providers. The revenue projections shown above may be overstated to the extent that any facility loses certification. Substantial State investment is made to retain certification at all facilities. All OPWDD developmental centers and OASAS ATCs are currently certified by appropriate Federal and State regulatory agencies. All OMH psychiatric centers except Kingsboro Psychiatric Center ("KPC") are also currently certified by appropriate Federal and State regulatory agencies. The Centers for Medicare & Medicaid Services ("CMS") have informed OMH that KPC was terminated from Medicaid/Medicare participation effective March 6, 2010. The Office appealed the termination and subsequently entered into a settlement agreement. Under the terms of the agreement, program termination was rescinded by CMS, but the agency agreed to refrain from billing Medicare or Medicaid for services until such time as the agency could demonstrate to CMS that sufficient corrective actions had been taken to establish compliance with program standards. KPC has reapplied to CMS for certification.

Federal efforts begun in 1985 to control Medicare expenditures through Peer Review Organizations have recently focused on general hospitals. However, there is a potential that specialty hospitals will be more closely reviewed in the future. Were this to occur, there is some potential for revenue impact. To date, less than 5 percent of cases reviewed have led to disallowances, and all the disallowances have been appealed.

*Other* - In addition to these specific factors, all claims are subject to audit and review by the Federal government and have on occasion resulted in disallowances. The potential for future disallowances remains but is not subject to forecast.

Over the last several years, various Federal legislative initiatives have been proposed to reduce the growth in Federal Medicaid and Medicare spending. The current Federal budget establishes limits on the amount of Federal disproportionate share payments made to mental hygiene facilities. The Department's Medicaid revenue projections largely reflect these changes and continued claiming under a fee-for-service Medicaid program utilizing trend factors,



volume adjustments, capitated payments and other traditional or new rate methodologies. The Department anticipates some decline in revenues due to several factors including continued census decline, changes in capitated program initiatives and lower spending on State institutions. Additionally, it is not known what the long term impact of the Federal Affordable Care Act will be on Department revenues, particularly for disproportionate share payments. The forecast presented above reflects these factors, and the Department believes that such decline will not materially affect the State's ability to make required Prior Authority Annual Payments and Annual Payments.

Despite the potential influences on projected revenues described herein, the State believes that the forecast presented above is reasonable.

### **DISPOSITION OF FACILITIES**

In the past, the State has closed a number of mental hygiene services facilities, some of which have been sold. The proceeds from the sale of such facilities have been used to redeem and/or defease certain Prior Authority Bonds and the Bonds or deposited into the Services Fund. Certain other closed facilities are being offered for sale but are not yet under contract or are under contract but have not closed. If and when such sales occur, the proceeds from the sales will be used to redeem and/or defease certain Prior Authority Bonds or the Bonds or deposited into the Services Fund. Negotiations for contracts of sale are taking place for certain other closed mental hygiene services facilities. It is possible that such facilities will be sold or conveyed to entities other than the Authority or the Department. Any such sale or conveyance would be required to comply with the provisions of the related agreements and the Prior Authority Resolution and related agreements, as applicable, including any applicable covenants as to preserving the tax-exempt status of the Prior Authority Bonds and the Bonds. Additional Prior Authority Bonds and the Bonds may be redeemed and/or defeased as a result of such sale or conveyance.

**STATE APPROPRIATIONS**

The successful maintenance and operation of the Department, the payment of the Prior Authority Annual Payments and the Annual Payments and the marketability of the Bonds are dependent upon the ability and willingness of the State Legislature to continue making appropriations in the amounts required for both the operation of the Department and the payment of the Prior Authority Annual Payments and the Annual Payments. There can be no assurance, however, that State appropriations of funds will be available in the amounts contemplated or required by the Department.

The costs of operating each of the offices of the Department are met principally out of appropriations made by the State Legislature from the State's General Fund and out of moneys deposited in the Services Fund which are not required for the payment of Prior Authority Annual Payments and Annual Payments and are therefore released from the lien of the pledge and assignment to the Authority.\* These excess funds are transferred to a special operating account (called the Mental Hygiene Patient Income Account) for OMH, OPWDD and OASAS.

The appropriations made by the State Legislature from the General Fund for the operations of OMH, OPWDD and OASAS for the FYs 2005 through 2015 are as follows:

State Fiscal Year	OMH	OPWDD	OASAS	Total
2004-05	\$ 603,915,000	\$ 134,012,000	\$ 46,783,000	\$ 784,710,000
2005-06	586,610,000	502,621,000	46,681,000	1,135,912,000
2006-07	772,557,000	530,123,000	52,721,000	1,355,401,000
2007-08	754,655,000	472,028,000	60,543,000	1,287,226,000
2008-09 <sup>(1)</sup>	1,107,057,000	375,600,000	94,207,000	1,576,864,000
2009-10	1,045,439,000	523,630,000	102,739,000	1,671,808,000
2010-11	863,466,000	537,910,000	97,725,000	1,499,101,000
2011-12	947,943,000	1,016,714,700	99,795,500	2,064,453,200
2012-13	645,806,000	1,011,937,000	101,325,000	1,759,068,000
2013-14	654,182,000	973,936,000	102,256,000	1,730,374,000
2014-15	673,051,000	958,327,000	99,737,000	1,731,115,000

(1) Beginning in FY 2009, the General Fund is replaced by the Special Revenue Fund, Mental Hygiene Program Fund Account. In addition, all DMH fringe benefit costs are budgeted within each agency instead of in a central appropriation. Appropriated amounts in the Special Revenue Fund, Mental Hygiene Program Fund Account are funded by the General Fund.

\* Amounts retained in the Services Fund with respect to debt service payments on PIT Bonds for State Facilities and Voluntary Agency Facilities (and subsequently transferred to the Revenue Bond Tax Fund) are not available to be transferred to the hereinafter referred to Mental Hygiene Patient Income Account.



## DEPARTMENT OF MENTAL HYGIENE

The appropriations made by the State Legislature from the Mental Hygiene Patient Income Account for the operations of OMH, OPWDD and OASAS for FYs 2005 through 2015 are as follows:

State Fiscal Year	OMH	OPWDD	OASAS	Total
2004-05	\$ 484,730,000	\$1,851,300,000	\$20,100,000	\$2,358,130,000
2005-06	575,601,000	1,950,095,000	23,500,000	2,549,196,000
2006-07	487,881,000	2,020,765,000	21,500,000	2,530,146,000
2007-08	543,167,000	2,086,250,000	21,500,000	2,650,917,000
2008-09	806,728,000	2,067,814,000	31,295,000	2,905,837,000
2009-10 <sup>(1)</sup>	978,601,000	1,955,079,000	22,200,000	2,955,880,000
2010-11	1,242,974,000	2,043,852,000	22,848,000	3,309,674,000
2011-12	1,078,629,000	1,129,683,000	9,689,100	2,218,001,100
2012-13	1,375,638,000	1,124,374,000	8,966,000	2,508,978,000
2013-14	1,423,725,000	1,105,413,000	9,310,000	2,538,448,000
2014-15	1,499,728,000	1,072,881,000	9,242,000	2,581,851,000

(1) For the period prior to FY 2010, the appropriation for OASAS included funds made available through the OASAS Federal Salary Sharing Account. That account was eliminated beginning in FY 2010.

### LITIGATION AFFECTING THE DEPARTMENT

The Department at any given time is involved in a number of legal actions and proceedings. The greater number involve special proceedings seeking the reversal of various administrative determinations. A number of cases are pending against the State in the Court of Claims seeking damages in tort or under contracts involving the Department. Other cases involve actions brought under the Americans With Disabilities Act and other related laws, which seek to require the State to develop additional services and/or housing for persons with mental illnesses in the most integrated setting appropriate to their needs. Another area involves claims alleging deprivation of a patient's Federal constitutional rights by employees of the Department pursuant to 42 U.S.C. Section 1983 and the Civil Rights of Institutionalized Persons Act. Upon the basis of information presently available, the Department believes that there are substantial defenses in connection with said disputes. The Department further believes that, in any event, its ultimate liability, if any, resulting from such disputes should not materially affect its financial position; should be satisfied from moneys available to the Department from State appropriations and insurance funds; and should in no way affect the Department's obligations or its ability to carry out its obligations under the provisions of the Financing Agreements.



## **SECTION 2: SUBSECTION K**

**NEW YORK STATE HOUSING FINANCE AGENCY, HEALTH  
FACILITIES REVENUE BONDS  
(NEW YORK CITY)**


**AND**

**DORMITORY AUTHORITY OF THE STATE OF NEW YORK,  
MUNICIPAL HEALTH IMPROVEMENT PROGRAM LEASE  
REVENUE BONDS (THE CITY OF NEW YORK ISSUES)**

### **“STATE APPROPRIATIONS FOR MEDICAID”**

THIS SUBSECTION K CONTAINS THE INFORMATION REQUIRED TO BE UPDATED ANNUALLY PURSUANT TO APPLICABLE CONTINUING DISCLOSURE AGREEMENTS RELATING TO OBLIGATIONS ISSUED, RESPECTIVELY, BY THE NEW YORK STATE HOUSING FINANCE AGENCY FOR HEALTH FACILITIES REVENUE BONDS (NEW YORK CITY) AND THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK FOR MUNICIPAL HEALTH IMPROVEMENT PROGRAM LEASE REVENUE BONDS (THE CITY OF NEW YORK ISSUE).

CAPITALIZED TERMS USED IN THIS SUBSECTION K AND NOT OTHERWISE DEFINED SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THE RELATED OFFICIAL STATEMENT.





## State Appropriations For Medicaid

State Medicaid payments made to the City as State Aid or on behalf of the City to Medicaid providers are funded through annual appropriations from the State Legislature for the support of the State Medicaid program and are therefore dependent upon the availability of financial resources and the allocation thereof. The Medicaid program may also be affected by State or Federal legislation relating to the health care system in general. The total annual amount of State Aid paid to the City pursuant to Section 368-a of the Social Services Law and funds appropriated for the purpose of making payment on behalf of the City pursuant to section 367-b of such Law for the fiscal years ended March 31, 2010 through March 31, 2013 (the most recent fiscal year for which data is available) were as follows:

<b>State Fiscal Year</b>	<b>Annual Amount of State Medicaid Payments to or on behalf of the City <sup>(1)(2)</sup></b>
2010	\$ 7,769,477,528
2011	8,005,032,339
2012 <sup>(2)</sup>	9,526,564,690
2013	10,114,058,254

(1) Due to a lengthy adjustment period, during which Medicaid claims can be revised, there is typically a two-year lag in assembling these numbers.

(2) Additional Federal funding associated with the American Recovery and Reinvestment Act (ARRA) and the Education Jobs and Medicaid Assistance Act (EJMAA) expired in June 2011, resulting in increased financial responsibility to the State.

The total amount of State Aid paid to or on behalf of the City pursuant to Section 367-b and Section 368-a of the Social Services Law as related only to the services and or facilities provided by the health facilities owned, leased or operated by the City for FY 2012 was approximately \$437,334,229. The total amount for FY 2013 was approximately \$365,571,834.

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## **SECTION 2: SUBSECTION L**

**DORMITORY AUTHORITY OF THE STATE OF NEW  
YORK, DEPARTMENT OF HEALTH OF THE STATE OF  
NEW YORK REVENUE BONDS**

**“THE DEPARTMENT OF HEALTH” AND  
“THE MEDICAL CARE FACILITIES”**

THIS SUBSECTION L CONTAINS THE INFORMATION REQUIRED  
TO BE UPDATED ANNUALLY PURSUANT TO APPLICABLE  
CONTINUING DISCLOSURE AGREEMENTS RELATING TO  
OBLIGATIONS ISSUED BY THE DORMITORY AUTHORITY OF THE  
STATE OF NEW YORK FOR THE DEPARTMENT OF HEALTH OF  
THE STATE OF NEW YORK REVENUE BONDS.

CAPITALIZED TERMS USED IN THIS SUBSECTION L AND NOT  
OTHERWISE DEFINED SHALL HAVE THE MEANINGS ASCRIBED  
TO THEM IN THE RELATED OFFICIAL STATEMENT.





# *Part 1 - The Department of Health*

## **GENERAL**

The Department is a civil department of the State created pursuant to Article 2 of the Public Health Law.

The mission of the Department is to ensure the availability of appropriate high quality health services at reasonable cost to all State residents. The Department's responsibilities include:

1. Promoting and supervising public health activities throughout the State;
2. Ensuring sound, cost-effective medical care for all residents; and
3. Reducing the heavy toll taken by chronic disabling illnesses, including heart disease, cancer, stroke and respiratory diseases.

These objectives are achieved through a coordinated network of administrative units, including the Department's major operating arms, the Office of Public Health ("OPH"), the Office of Health Systems Management ("OHSM") and the Office of Health Insurance Programs ("OHIP") and through a system of area and field offices that conduct health facility surveillance, public health monitoring and direct public health activities. The Department is the agency designated for administering Federal moneys allotted for health work under the Public Health Service Act, the Social Security Act and other Federal authorizations. Single State agency responsibilities under Title 19 of the Social Security Act for the Medical Assistance Program were transferred from the former Department of Social Services to the Department in legislation enacted in 1996 and 1997. Finally, the Department operates facilities engaged in advanced medical research and patient care through its Health Facilities Management Group.

The Department currently carries out its responsibilities through 16 budgetary programs: Administrative and Executive Direction; Center for Environmental Health; Center for Community Health; AIDS Institute; Wadsworth Center for Laboratories and Research; Office of Health Systems Management; Health Care Financing; Division of Managed Care and Program Evaluation; Office of Health Insurance Programs; Medical Assistance Program; Medical Assistance Administration Program; Medicaid Management Information System; Child Health Insurance Program; Elderly Pharmaceutical Insurance Coverage ("EPIC") Program; HCRA; and the Health Facilities Management Program.

The State's Public Health Law enumerates six facilities as part of the Department: the Roswell Park Cancer Institute (the "Institute"), the Helen Hayes Hospital (the "Hospital"), the New York State Home for Veterans and their Dependents at Oxford (the "Home"), the New York State Home for Veterans in the City of New York (the "Veterans Home"), the New York State Home for Veterans in Western New York (the "WNY Veterans Home") and the New York State Home for Veterans in the Lower Hudson Valley (the "HV Veterans Home"). The Legislature has the power to decide whether or not the Department will continue to operate and maintain any of



## ***PART 1 - THE DEPARTMENT OF HEALTH***

these facilities or programs. In 1999, the State transferred the Institute to a separate public benefit corporation, Roswell Park Cancer Institute Corporation (“RPCI”). The Legislature also may decide in the future to add by legislation additional facilities to the Department.

### **FISCAL STRUCTURE**

The Department receives annual appropriations from the Legislature to operate all authorized programs and to provide specific services.

The Legislature appropriates moneys from the State’s General Fund to the Department to meet the operational costs of the Department for program operations not otherwise supported by Federal or other funds. Within the total amount appropriated, funds may be interchanged or transferred between programs upon recommendation of the Commissioner of Health (the “Commissioner”) and the approval of the State Budget Director, according to the formula established in the State Finance Law. These monies are not available for deposit to the Health Income Fund. The Legislature appropriated \$7,600,000 from the State’s Capital Projects Fund for FY 2015 for repairs and maintenance of the Hospital, the Home, the Veterans Home, the WNY Veterans Home, and the HV Veterans Home.

In addition to the appropriation of State funds, the Legislature also appropriates moneys made available by the Federal government for Department programs. None of the funds allocated by Federal agencies to the Department have been appropriated for the Hospital, the Home, the Veterans Home, the WNY Veterans Home and the HV Veterans Home.

The FY 2015 Enacted Budget includes funds appropriated to the Department from 119 Special Revenue Accounts including, pursuant to Chapter 433 of the Laws of 1997, accounts supporting the operating budget for the Hospital, the Home, the Veterans Home, the WNY Veterans Home and the HV Veterans Home. Revenue is deposited in the self-supporting accounts from fees, assessments and other charges as specified in law or regulation. Expenditures from these accounts are limited to the specific purpose of the individual account.

Patient care revenues received by the Department relating to the Veterans Home are deposited into the Veterans Home Income Fund. Amounts in excess of that required to be held by the Comptroller in the Veterans Home Income Fund are directly transferred periodically to the New York City Veterans Home Account, which was also authorized by Chapter 433 of the Laws of 1997. Funds in the New York City Veterans Home Account are appropriated for operation of the Veterans Home.

The amounts on deposit in the Veterans Home Income Fund and the New York City Veterans Home Account do not secure the payment of amounts due under the Agreement.



## ***PART 1 - THE DEPARTMENT OF HEALTH***

### **THE HEALTH INCOME FUND**

The Health Income Fund is established in the custody of the Comptroller pursuant to Section 409 of the Public Health Law. The moneys on deposit in the Health Income Fund are kept separate and are not commingled with any other moneys held by the Comptroller. All of the revenues received by the Department for the care, maintenance and treatment of patients at the Institute, the Hospital, the Home, the WNY Veterans Home, and the HV Veterans Home, together with certain other moneys and miscellaneous receipts less certain payments and refunds made pursuant to law, are paid by the Commissioner to the Comptroller for deposit in the Health Income Fund. The revenues received by the Department for the care, maintenance and treatment of these patients come from Medicare, Medicaid, Blue Cross, private insurance companies and from the patients directly. Pursuant to Chapter 293 of the Laws of 1992, a clinical practice plan has been established at the Institute which provides for the collection and disbursement of clinical practice income resulting from the clinical practice of licensed health professionals employed by the Institute. Such clinical practice income is not factored in as part of the revenues of the Institute or the Health Income Fund.

Section 409 of the Public Health Law requires that the Comptroller maintain at all times in the Health Income Fund the amount of money needed by the Department during the next succeeding six calendar months to comply in full with all obligations of the Department under the Agreement, including amounts necessary to make payments under the Agreement during such period and to establish and maintain reserves. The Comptroller, at least biweekly, is required to pay to RPCI any moneys in the Health Income Fund which the Commissioner attributes to the operation of RPCI and which are in excess of the amount required to be maintained by the Comptroller in the Health Income Fund pursuant to Public Health Law Section 409. As discussed below under the subheading "DOH Hospital Holding Account and Facility-Specific Operating Accounts," the Comptroller from time to time, but in no event later than the last day of March, June, September and December of each year is required to deposit to the DOH Hospital Holding Account all moneys in the Health Income Fund in excess of the amount required to be maintained in the Health Income Fund described above. These moneys, in turn, are transferred to the Helen Hayes Hospital Account, the New York State Home for Veterans and Their Dependents at Oxford Account, the Western New York Veterans Home Account, and the New York State Home for Veterans in the Lower Hudson Valley Account. This transfer from the DOH Hospital Holding Account to these four accounts is based upon the amount the Hospital, the Home, the WNY Veterans Home and the HV Veterans Home deposit into the Health Income Fund. The moneys in the Health Income Fund shall be paid out on the audit and warrant of the Comptroller on vouchers approved by the Commissioner or his designee. Subject to the power to pay out such excess moneys in the Health Income Fund to RPCI and the DOH Hospital Holding Account, the Department in the Agreement has pledged and assigned to the Authority, subject to appropriation, all moneys in the Health Income Fund and all moneys which may be received by the Department and credited to the Health Income Fund.



## PART 1 - THE DEPARTMENT OF HEALTH

Revenues on an audited cash, rather than an accrual, basis generated during the four most recent fiscal years, preliminary for FY 2014 and estimated for FY 2015, for the Institute, the Hospital, the Home, the WNY Veterans Home, and the HV Veterans Home as deposited in the Health Income Fund, are listed in the table below. The table also reflects the manner in which the revenues were used or are expected to be used (i.e., actual payments for debt service and transfers to the operating accounts or the RPCI for each year) as well as the ratio of Receipts in Health Income Fund to Health Income Fund Debt Service Payments ("Debt Service Coverage").

### HEALTH INCOME FUND (thousands of dollars, other than ratios)

State Fiscal Year Ended March 31	Receipts in Health Income Fund	Health Income Fund Debt Service Payments <sup>(1)</sup>	Available for Transfer to Facility-Specific Operating Accounts of RPCI Corporation <sup>(1)</sup>	Debt Service Coverage
2010	\$434,842	\$30,043	\$404,799	14x
2011	450,536	30,655	419,881	15x
2012	466,592	28,669	437,923	16x
2013	506,348	28,165	478,183	18x
2014 (Preliminary)	524,701	27,882	496,819	19x
2015 (Estimated)	536,968	28,330	508,638	19x

Source: Department of Health.

(1) Available fund balance may be increased or decreased, depending on the need to set aside future debt service payments, which would result in the transfer amount being adjusted accordingly.

### DOH HOSPITAL HOLDING ACCOUNT AND FACILITY-SPECIFIC OPERATING ACCOUNTS

The DOH Hospital Holding Account is a special account established by the Comptroller. At any time, but no later than the last day of each March, June, September and December, amounts in the Health Income Fund in excess of the amount required to be maintained therein or paid to RPCI are paid over by the Comptroller to the DOH Hospital Holding Account, and transferred, respectively, to the Helen Hayes Hospital Account, the New York State Home for Veterans and Their Dependents at Oxford Account, the Western New York Veterans Home Account, and the New York State Home for Veterans in the Lower Hudson Valley Account. The moneys in these four accounts are generally available for paying the costs related to the provision of health services to patients at the facilities, including the payment of costs for research, training, personal services and the costs of operating and maintaining such facilities. Pursuant to Chapter 293 of the Laws of 1992 and Chapter 505 of the Laws of 1995, the moneys become available, respectively, from these facility-specific operating accounts when the Commissioner executes a certificate of allocation and schedule of amounts to be available therefore. The moneys are payable from these operating accounts upon audit and warrant of the Comptroller on vouchers approved by the Commissioner or his designee. See preceding section entitled "The Health Income Fund" for information on RPCI revenue.



## PART 1 - THE DEPARTMENT OF HEALTH

### SOURCES OF OPERATING FUNDS

The following table reflects the Department's State Operations appropriations for the Hospital, the Home, the Veterans Home, the WNY Veterans Home and the HV Veterans Home. As such this represents the maximum authority to spend, or budgeted levels, as approved by the Legislature and does not necessarily reflect actual spending levels.

State Fiscal Year Ended March 31	Appropriated for Facility-Specific Operating Accounts <sup>(1)(2)</sup>
2010	\$165,357,100
2011	157,733,787
2012	148,753,000
2013	148,753,000
2014	148,753,000
2015 <sup>(3)</sup>	147,692,000

(1) Exclusive of minor amounts available for patient benefits from gifts and bequests.

(2) These funds are transferred to individual Special Revenue Fund-Other accounts supporting the respective operating budgets of the Hospital, the Home, the Veterans Home, the WNY Veterans Home and the HV Veterans Home. The amounts shown here are from revenues derived from these facilities and vary in some degree from the revenues of such facilities as reflected in their financial statements for the years indicated, due to differences in accounting procedures and other factors.

(3) Reflects the FY 2015 Enacted Budget.

### EMPLOYEE RELATIONS AND INDEMNITY

As of March 31, 2014 the Department employed approximately 4,695 full-time equivalent employees, including approximately 1,475 personnel at the Hospital, the Home, the WNY Veterans Home, the HV Veterans Home and the Veterans Home. (Individuals at the Institute are considered employees of the RPCI rather than the Department and are not included as part of this number.) Employees of the Department are State employees. Section 17 of the Public Officers Law requires the State to save harmless and indemnify its employees from financial loss arising out of any claim, demand, suit or judgment by reason of alleged intentional wrong doing, negligence or other act by State employees provided that the employee was acting in the scope of his duties and did not commit a willful or wrongful act. The law further provides that the Attorney General may represent such employees.

Any actions involving malpractice claims brought against the Department are actions brought against the State itself. The State does not carry insurance with respect to malpractice claims and is a self-insurer for the payment of any judgments which may be rendered against the State for any such actions.

## *Part 2 - The Medical Care Facilities*

### **GENERAL**

Section 403 of the Public Health Law enumerates the facilities which are part of the Department: the Institute, the Hospital, the Home, the Veterans Home, the WNY Veterans Home and the HV Veterans Home. Revenues for all facilities, except the Veterans Home, are deposited in the Health Income Fund.

### **ROSWELL PARK CANCER INSTITUTE**

The Institute was founded in 1898 and became a State Institute in 1911. In 1971, it was one of the first three institutions certified as a comprehensive cancer center by the National Cancer Institute. As such, it is committed to combat cancer through basic research, clinical research and treatment, and professional and public education. There are 65 such centers designated in the United States. The Institute is a facility licensed for 133 beds and operating 131 beds, and an ambulatory care center containing 12 multidisciplinary care centers with a staff of over 3,000 members, including clinical staff physicians, residents, fellows, and research staff.

The operation of the Institute transferred to the RPCI on January 1, 1999. In order to meet the demands of the changing health care marketplace and to promote the strengths and capabilities of the Institute, Chapter 5 of the Laws of 1997 added a new Title 4 to Article 10-c of the Public Authorities Law authorizing the RPCI. This legislative authorization was intended to change the Institute's governance structure to afford it market and managerial flexibility. Among the special powers granted by the legislation to RPCI were the powers to contract with the State to operate, manage, superintend and control the Institute, and to establish, collect, and adjust fees, rental and other charges in connection with the operation of the Institute.

Pursuant to subdivision 2 of Section 403 of the Public Health Law, added by such chapter, the Department, acting on behalf of the State, entered into an Operating Agreement with RPCI pursuant to which operating responsibility for the Institute was transferred to RPCI effective January 1, 1999, and giving RPCI substantial independence in operating the Institute, including the power to establish operating budgets, to establish and implement strategic business plans, to create subsidiary and affiliated entities, to enter into affiliations and alliances with other health care providers and to establish, collect and adjust fees, rentals and other charges in connection with the operation of the Institute.

Revenues generated by RPCI as a result of operating the Institute continue to be revenues of the State and are required to be deposited into the Health Income Fund for payment of debt service on the Bonds. After allowing for accumulation of the amount the Comptroller is required to maintain in the Health Income Fund pursuant to Public Health Law Section 409 and a reserve for refunds, the remaining revenues which the Commissioner attributes to the operations of RPCI are transferred to RPCI at least biweekly by the Comptroller.

The following table provides historic utilization data for the Institute for the four most recent fiscal years, preliminary for FY 2014 and estimated for FY 2015.





## PART 2- THE MEDICAL CARE FACILITIES

State Fiscal Year Ended March 31	Annual Average Beds in Service	Annual Average Inpatient Occupancy Rate <sup>(1)</sup>	Outpatient Visits
2010	119	82%	196,694
2011	122	82%	202,575
2012	123	81%	201,554
2013	127	84%	204,450
2014 (Preliminary)	132	79%	199,960
2015 (Estimated)	133	83%	209,000

(1) Based on annual average beds in service. Annual average beds in service during the reporting period represent a better point of comparison for the Institute's performance than its certified 133 bed level.

The Institute has undergone several key transitions over the last several years, including a major modernization of its Buffalo campus and a change in governance as noted above. RPCI's responsibility is to ensure the fiscal and programmatic integrity of the facility. The Institute is affiliated with the University of New York at Buffalo and has numerous affiliation agreements with other educational institutions and hospitals. Training provided by the Institute under these agreements include medical, nursing and medical research. For the fiscal year ending March 31, 2015, the Institute is projected to generate 77 percent of the patient care revenues deposited in the Health Income Fund.

### HELEN HAYES HOSPITAL

The Hospital was established in 1900 primarily to provide care to children with disabilities. Since then, and particularly in recent years, the patient population and the services provided have changed dramatically. The Hospital has evolved into a comprehensive rehabilitation center offering a multi-specialty approach to medical rehabilitation and treatment of chronic diseases as well as specialized surgical services. The Hospital is the largest freestanding rehabilitation center in New York State. Research is also an integral component of the Hospital's operation and it also involves unique protocol studies directed at treatment and prevention of disabling diseases such as osteoporosis. In addition, the Hospital has established a 25-bed Skilled Nursing Unit and Transitional Rehabilitation Center to increase the continuum of services provided to patients.

The following table provides historic utilization data for the Hospital for the four most recent fiscal years, preliminary for FY 2014 and estimated for FY 2015.

State Fiscal Year Ended March 31	Annual Average Inpatient Occupancy Rate	Outpatient Visits
2010	68%	67,471
2011	67%	62,177
2012	60%	60,612
2013	63%	53,403
2014 (Preliminary)	63%	55,087
2015 (Estimated)	69%	56,000



## ***PART 2 - THE MEDICAL CARE FACILITIES***

The Hospital has been subject to the same market forces that have affected other acute care facilities in New York State. As a specialized rehabilitation facility, the Hospital must attract and retain a specialized staff, particularly in the various rehabilitation therapies. The national shortage of skilled medical professionals experienced over the past several years has had an impact on the Hospital's ability to maintain and increase its outpatient volume.

The Hospital is affiliated with Columbia University's College of Physicians and Surgeons in a formal residency program and the College participates with the Hospital in developing teaching and service programs. Pursuant to an affiliation agreement, New York Presbyterian Hospital serves as the Hospital's contracting agent for the employment of physicians and physical therapists for the Hospital. For the fiscal year ending March 31, 2015, the Hospital is projected to generate 10 percent of the patient care revenues deposited in the Health Income Fund.

### **NEW YORK STATE VETERANS HOME AT OXFORD**

The Home admitted its first residents in 1897, when its primary mission was to provide room and board for Civil War veterans and their wives and other dependents. Historically, admission was limited to veterans and their dependents of U.S. wars through World War II and was prioritized by earliest service. Recent legislative changes opened admission to all veterans and prioritizes admissions by severity of illness and wartime status rather than by service date. The Home's total bed capacity is 242 beds and is projected to provide care, for the year ending March 31, 2015 on average, to 239 residents.

The annual average occupancy rate for the Home for the four most recent fiscal years, preliminary for FY 2014 and estimated for FY 2015, is described in the following table:

<b>State Fiscal Year Ended March 31</b>	<b>Annual Average Inpatient Occupancy Rate</b>
2010	95%
2011	95%
2012	96%
2013	97%
2014 (Preliminary)	96%
2015 (Estimated)	96%

For the fiscal year ending March 31, 2015, the Home is projected to generate 4 percent of the patient care revenues deposited into the Health Income Fund.

### **NEW YORK STATE HOME FOR VETERANS IN WESTERN NEW YORK**

The WNY Veterans Home in Batavia began admissions of residents in August of 1995. This facility also provides care for veterans and their dependents prioritized by degree of illness rather than by service date. The facility's bed capacity is 126.



## PART 2- THE MEDICAL CARE FACILITIES

The annual average occupancy rate for the WNY Veterans Home for the four most recent fiscal years, preliminary for FY 2014 and estimated for FY 2015, is described in the following table:

State Fiscal Year Ended March 31	Annual Average Inpatient Occupancy Rate
2010	95%
2011	97%
2012	95%
2013	96%
2014 (Preliminary)	95%
2015 (Estimated)	97%

For fiscal year ending March 31, 2015, the WNY Veterans Home is projected to generate 3 percent of the patient care revenues deposited into the Health Income Fund.

### NEW YORK STATE HOME FOR VETERANS IN THE LOWER HUDSON VALLEY

The HV Veterans Home was authorized by legislation in 1994. Construction was completed in mid-2001 and resident admissions began in September 2001. The 252-bed facility is on the grounds of the Veterans Administration Hospital in Montrose, NY. The design is based on the cluster model used for the WNY Veterans Home in Batavia, which has received national recognition for cost efficient delivery of health care.

The annual average occupancy rate for the HV Veterans Home for the four most recent fiscal years, preliminary for FY 2014 and estimated for FY 2015, is described in the following table:

State Fiscal Year Ended March 31	Annual Average Inpatient Occupancy Rate <sup>(1)</sup>
2010	96%
2011	98%
2012	98%
2013	98%
2014 (Preliminary)	96%
2015 (Estimated)	97%

(1) Based on annual average beds in service of 252.

For the fiscal year ending March 31, 2015 the HV Veterans Home is projected to generate 5 percent of the patient care revenue deposited into the Health Income Fund.

### REIMBURSEMENT PROCESS

The Hospital and the Institute are considered “specialty” facilities and, for reimbursement purposes, have historically been exempt from the case methodology applied to other facilities. However, with the implementation of HCRA, which took effect during 1997 and the conversion from historic reimbursement and the move to managed care contracting, both facilities have



## ***PART 2 - THE MEDICAL CARE FACILITIES***

entered into several contracts to provide medical services. The Institute is considered to be a Prospective Payment System (“PPS”) facility for Medicare and is reimbursed on a cost basis for this payor. At the Hospital, Medicare established a new PPS reimbursement methodology for rehabilitation hospitals, which was effective April 1, 2002. This new methodology is based upon a case payment per discharge rather than the per diem payment which existed previously. Research costs are considered non-allowable and are not included in the calculation of the rates. The facilities also receive additional reimbursement for uncollectible bad debts and charity write-offs from regional and statewide pools; the bad debt write-off, however, is less than 2 percent due to screening and insurance verification of patients prior to admission.

Medicaid reimbursement for the Home and the WNY Veterans Home and the HV Veterans Home is based on a Statewide Regional Pricing model which was implemented in 2012. This methodology is partially based on a case-mix assessment. The Statewide Pricing Model also incorporates the cost of care incurred and provides some financial incentives to admit “high intensity” patients by linking payments to the level of services provided.

The Medicaid Statewide Pricing Model also incorporates other factors such as: size of the facilities; geographic location, 2007 operational cost, and quality measures in the determination of the final payment rate.

For Medicare, the reimbursement methodology for the Home, the WNY Veterans Home and HV Veterans Home is the same and is based on the PPS, which uses the average cost for the respective regions. For the veterans homes in the program, this has proven beneficial as the average regional cost exceeds the facility-specific cost, resulting in a higher rate of reimbursement for the veterans homes, which have also converted from a “flat rate” average charge to “fee for service.” In addition to a room and board charge, the veterans homes bill for actual charges for pharmacy, therapies and other such ancillary services.

To further enhance collections at the Institute and the Hospital, a discrete Department of Law collection unit has been established with sites at each facility. A discrete unit has also been established to provide collection services to the Home, the WNY Veterans Home and the HV Veterans Home. The Department of Law serves as the facilities’ collection agency since by law the facilities cannot, with certain exceptions, refer uncollectible accounts to outside agencies and have no authority to write off bad debts. Only the Attorney General and the Comptroller have the authority to write off bad debts.



## PART 2- THE MEDICAL CARE FACILITIES

### CASH RECEIPTS

Receipts for patient care and other miscellaneous income are deposited into the Health Income Fund on a weekly basis. The following tables display the final amount of cash receipts from each revenue source at the five facilities for the previous fiscal years for which data are available. Facility cash receipts vary with receipts into the Health Income Fund because of timing differences in the recording of the respective funds.

#### CASH RECEIPTS FROM PATIENTS AND MISCELLANEOUS INCOME

	2009-10	2010-11	2011-12	2012-13	2013-14 <sup>(1)</sup>
<b>Roswell Park Cancer Institute</b>					
Medicare	\$ 41,374,131	\$ 52,717,361	\$ 56,300,969	\$ 63,506,056	\$ 63,520,738
Medicaid	9,619,405	1,494,396	7,889,458	6,887,123	5,978,990
Blue Cross	91,281,139	94,137,997	98,351,473	112,593,405	123,412,222
Other Third Party Payors	147,358,848	145,885,069	158,496,458	185,063,310	181,360,298
Self-Pay	3,637,475	3,883,825	3,976,075	4,575,829	4,874,278
TOTAL	<u>\$293,270,998</u>	<u>\$298,118,648</u>	<u>\$325,014,433</u>	<u>\$372,625,723</u>	<u>\$379,146,526</u>
<b>Helen Hayes Hospital</b>					
Medicare	\$25,331,902	\$24,950,735	\$22,942,208	\$23,836,477	\$22,107,031
Medicaid	7,780,807	4,265,957	3,922,549	3,895,738	3,572,594
Blue Cross	6,350,664	5,425,179	4,988,454	7,809,929	7,627,589
Other Third Party Payors	14,568,439	13,861,714	12,745,850	12,323,498	14,111,208
Self-Pay	305,485	356,048	327,386	756,193	802,724
Other	5,713,159	5,576,475	5,127,570	4,618,530	2,375,508
TOTAL	<u>\$60,050,456</u>	<u>\$54,436,108</u>	<u>\$50,054,017</u>	<u>\$53,240,365</u>	<u>\$50,596,654</u>
<b>Oxford Homes</b>					
Medicaid	\$ 9,880,766	\$ 9,767,814	\$11,847,852	\$10,427,649	\$11,771,974
Self-Pay	5,659,741	6,146,718	6,183,076	6,432,435	7,459,897
VA Reimbursement	3,783,630	5,793,589	7,859,730	8,292,187	7,687,504
Medicare	1,027,873	930,393	870,899	897,469	584,557
Miscellaneous	160,281	117,049	114,198	141,977	149,115
TOTAL	<u>\$20,512,291</u>	<u>\$22,755,563</u>	<u>\$26,875,755</u>	<u>\$26,191,717</u>	<u>\$27,653,047</u>
<b>WNY Veterans Home</b>					
Medicaid	\$ 6,592,920	\$ 5,086,149	\$ 5,893,613	\$ 5,309,498	\$ 5,348,976
Self-Pay	2,828,082	3,342,666	2,275,952	3,791,962	3,642,935
VA Reimbursement	2,449,370	2,617,905	2,486,990	3,850,953	4,338,950
Medicare	303,238	620,431	333,587	206,977	375,767
TOTAL	<u>\$12,173,610</u>	<u>\$11,667,151</u>	<u>\$10,990,142</u>	<u>\$13,159,390</u>	<u>\$13,706,628</u>
<b>HV Veterans Home</b>					
Medicaid	\$19,235,293	\$11,654,284	\$16,213,014	\$12,513,169	12,083,323
Self-Pay	8,042,537	8,203,555	8,141,833	8,634,296	9,096,321
VA Reimbursement	5,962,490	6,961,413	7,803,116	9,521,016	11,181,052
Medicare	3,151,481	2,542,536	2,614,727	2,224,912	1,568,623
TOTAL	<u>\$36,391,801</u>	<u>\$29,361,788</u>	<u>\$34,772,690</u>	<u>\$32,893,393</u>	<u>\$33,292,319</u>

<sup>(1)</sup> Reflects preliminary information.



## PART 2 - THE MEDICAL CARE FACILITIES

The following table reflects the Medical Care Facilities' income statements prepared by independent auditors for the most recent four fiscal years for which such statements are available. The data presented reflect the net patient care income, which is derived by deducting a reserve for bad debts and contractual allowances from the gross charges for patient services. The contractual allowances are the differences between the Medical Care Facilities' charges and the actual amount reimbursed by third party payors. The net revenue varies from the cash receipts schedule provided above since the latter reflects actual cash collected and the differences between the two schedules are represented by accounts receivable. The expenses are reflected on an accrual basis in accordance with GAAP and as required by third party payors. Included in the expenses are all State appropriations, such as fringe benefits for the Medical Care Facilities' employees as well as non-cash expenses such as depreciation.

**SUMMARY OF NET PATIENT CARE REVENUES  
OTHER NON-OPERATING REVENUES AND OPERATING EXPENSES  
AS REFLECTED ON THE FACILITIES' INCOME STATEMENTS**

	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>
<b>Revenues</b>				
Roswell Park	\$416,901,826	\$423,714,648	\$415,533,346	\$489,694,134
Helen Hayes Hospital	76,546,620	66,972,350	73,193,670	76,097,071
Oxford Home	26,993,889	34,203,252	31,950,888	33,121,769
WNY Veterans Home	16,850,825	17,828,439	17,486,365	16,916,501
HV Veterans Home	37,247,429	35,815,128	40,275,209	39,779,326
Total Revenues	<u>\$574,540,589</u>	<u>\$578,533,637</u>	<u>\$578,439,478</u>	<u>\$655,608,801</u>
<b>Expenses</b>				
Roswell Park	\$417,308,571	\$436,252,873	\$455,343,064	\$497,050,605
Helen Hayes Hospital	72,795,513	78,107,930	75,864,179	78,632,863
Oxford Home	30,355,405	32,557,157	32,626,985	34,420,163
WNY Veterans Home	17,284,826	18,751,036	18,288,706	18,113,164
HV Veterans Home	34,970,984	33,712,541	37,166,410	35,773,965
Total Expenses	<u>\$572,715,299</u>	<u>\$599,381,537</u>	<u>\$619,289,344</u>	<u>\$663,990,760</u>
Results from Operation	<u>\$ 1,825,290</u>	<u>(\$ 20,847,900)</u>	<u>(\$ 40,849,866)</u>	<u>(\$ 8,381,959)</u>




## **SECTION 2: SUBSECTION M**

### **DORMITORY AUTHORITY OF THE STATE OF NEW YORK, REVENUE BONDS (DEPARTMENT OF HEALTH VETERANS HOME ISSUE)**

#### **“THE DEPARTMENT OF HEALTH” AND “THE VETERANS HOME”**

THIS SUBSECTION M CONTAINS THE INFORMATION REQUIRED TO BE UPDATED ANNUALLY PURSUANT TO APPLICABLE CONTINUING DISCLOSURE AGREEMENTS RELATING TO OBLIGATIONS ISSUED BY THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK FOR THE DEPARTMENT OF HEALTH VETERANS HOME REVENUE BONDS.

CAPITALIZED TERMS USED IN THIS SUBSECTION M AND NOT OTHERWISE DEFINED SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THE RELATED OFFICIAL STATEMENT.







## *Part 2 - The Department of Health*

### **GENERAL**

The Department is a civil department of the State created pursuant to Article 2 of the Public Health Law.

The mission of the Department is to ensure the availability of appropriate high quality health services at reasonable cost to all State residents. The Department's responsibilities include:

1. Promoting and supervising public health activities throughout the State;
2. Ensuring sound, cost-effective medical care for all residents; and
3. Reducing the heavy toll taken by chronic disabling illnesses, including heart disease, cancer, stroke and respiratory diseases.

These objectives are achieved through a coordinated network of administrative units, including the Department's four major operating arms: OPH, OHSM and OHIP and through a system of area and field offices that conduct health facility surveillance, public health monitoring and direct public health activities. The Department is the agency designated for administering Federal moneys allotted for health work under the Public Health Service Act, the Social Security Act and other Federal authorizations. Single State agency responsibilities under Title 19 of the Social Security Act for the Medical Assistance Program were transferred from the former Department of Social Services to the Department in legislation enacted in 1996 and 1997. Finally, the Department operates facilities engaged in advanced medical research and patient care through its Health Facilities Management Group.

The Department currently carries out its responsibilities through 16 budgetary programs: Administrative and Executive Direction; Center for Environmental Health; Center for Community Health; AIDS Institute; Wadsworth Center for Laboratories and Research; Office of Health Systems Management; Health Care Financing; Division of Managed Care and Program Evaluation; Office of Health Insurance Programs; Medical Assistance Program; Medical Assistance Administration Program; Medicaid Management Information System; Child Health Insurance Program; Elderly Pharmaceutical Insurance Coverage ("EPIC") Program; HCRA; and the Health Facilities Management Program.

The State's Public Health Law enumerates six facilities as part of the Department: the Roswell Park Cancer Institute (the "Institute"), the Helen Hayes Hospital (the "Hospital"), the New York State Home for Veterans and Their Dependents at Oxford (the "Home"), the New York State Home for Veterans in the City of New York (the "Veterans Home"), the New York State Home for Veterans in Western New York (the "WNY Veterans Home") and the New York State Home for Veterans in the Lower Hudson Valley (the "HV Veterans Home"). The State Legislature has the power to decide whether or not the Department will continue to operate and maintain any of these facilities. In 1999, the State transferred the Institute to a separate public benefit



## ***PART 2 - THE DEPARTMENT OF HEALTH***

corporation, The Roswell Park Cancer Institute Corporation (“RPCI”). The State Legislature also may decide in the future to add by legislation additional facilities to the Department.

### **FISCAL STRUCTURE**

The Department receives annual appropriations from the Legislature to operate all authorized programs and to provide specific services.

The State Legislature appropriates moneys from the State’s General Fund to the Department to meet the operational costs of the Department for program operations not otherwise supported by Federal or other funds. Within the total amount appropriated, funds may be interchanged or transferred between programs upon recommendation of the Commissioner of Health (the “Commissioner”) and the approval of the State Budget Director, according to the formula established in the State Finance Law. These moneys are not available for deposit to the Veterans Home Income Fund. Funding for any repairs and maintenance of the Veterans Home is drawn from a general appropriation by the State Legislature from the State’s Capital Projects Fund to benefit the Veterans Home and certain other medical facilities of the Department established under Section 403 of the Public Health Law. For FY 2015 this appropriation is \$7,600,000.

In addition to the appropriation of State funds, the Legislature also appropriates moneys made available by the Federal government for Department programs. None of the funds allocated by Federal agencies to the Department have been appropriated for the Veterans Home.

The FY 2015 Enacted Budget includes funds appropriated to the Department from 119 Special Revenue Accounts including, pursuant to Chapter 433 of the Laws of 1997, accounts supporting the operating budget for the Veterans Home. Revenue is deposited in the self-supporting account from fees, assessments, and other charges as specified in law or regulation. Expenditures from such account are limited to the specific purpose of such individual account.

Patient care revenues received by the Department relating to the Veterans Home are deposited into the Veterans Home Income Fund. Amounts in excess of that required to be held by the Comptroller in the Veterans Home Income Fund are directly transferred periodically to the New York City Veterans Home Account, which was also authorized by Chapter 433 of the Laws of 1997. Funds in the New York City Veterans Home Account are appropriated for operation of the Veterans Home.



## ***PART 2- THE DEPARTMENT OF HEALTH***

### **THE VETERANS HOME INCOME FUND**

The Veterans Home Income Fund is established in the custody of the Comptroller pursuant to Section 409-a of the Public Health Law. The moneys deposited in the Veterans Home Income Fund are kept separate and are not commingled with any other moneys held by the Comptroller. All of the revenues received by the Department for the care, maintenance and treatment of patients at the Veterans Home together with certain other moneys and miscellaneous receipts, less certain payments and refunds are made pursuant to law, are to be paid by the Commissioner to the Comptroller for deposit in the Veterans Home Income Fund. The amounts on deposit in the Veterans Home Income Fund are pledged to pay the debt service on the Bonds issued under the Resolution.

Section 409-a of the Public Health Law requires that the Comptroller maintain at all times in the Veterans Home Income Fund an amount required to be paid by the Department during the next succeeding six calendar months for debt service on the Bonds. The Comptroller is required from time to time, but in no event later than the last day of March, June, September and December of each year to deposit to the Veterans Home Account all moneys in the Veterans Home Income Fund in excess of the amount required to be maintained in the New York City Veterans Home Income Fund as described above. The moneys in the Veterans Home Income Fund are paid out on the audit and warrant of the Comptroller on vouchers certified or approved by the Commissioner or his designee.

Revenues on an audited cash, rather than an accrual, basis generated during the four most recent fiscal years, preliminary for FY 2014 and estimated for FY 2015, for the Veterans Home, Veterans Home Income Fund, are listed in the table below. The table also reflects the manner in which the revenues were used or are expected to be used (i.e., actual payments for debt service and transfers to the operating accounts for each year) as well as the ratio of Receipts in Veterans Home Income Fund to Veterans Home Income Fund Debt Service Payments ("Debt Service Coverage").



## PART 2 - THE DEPARTMENT OF HEALTH

### HEALTH INCOME FUND (in thousands except ratios)

State Fiscal Year Ended March 31	Receipts in Health Income Fund	Health Income Fund Debt Service Payments <sup>(1)</sup>	Available for Transfer to Facility-Specific Operating Accounts of RPCI Corporation <sup>(1)</sup>	Debt Service Coverage
2010	\$434,842	\$30,043	\$404,799	14x
2011	450,536	30,655	419,881	15x
2012	466,592	28,669	437,923	16x
2013	506,348	28,165	478,183	18x
2014 (Preliminary)	524,701	27,882	496,819	19x
2015 (Estimated)	536,968	28,338	508,638	19x

Source: Department of Health.

(1) Available fund balance may be increased or decreased, depending on the need to set aside future debt service payments, which would result in the transfer amount being adjusted accordingly.

### Sources of Operating Funds

The following table reflects the Department's State Operations appropriations for the Veterans Home Facilities. As such, this represents the maximum authority to spend, or budgeted levels, as approved by the State Legislature and does not necessarily reflect actual spending levels.

State Fiscal Year Ended March 31	Appropriated for NYC Veterans Home Accounts <sup>(1)(2)</sup>
2010	\$34,698,100
2011	36,295,010
2012	35,184,000
2013	35,184,000
2014	35,184,000
2015 <sup>(3)</sup>	35,077,000

(1) Exclusive of minor amounts of money available for patient benefits from gifts and bequests.

(2) These funds are transferred to individual Special Revenue Fund-Other accounts supporting the respective operating budgets of the Veterans Home. The amounts shown here are from revenues derived from the Veterans Home and vary in some degree from the revenues of the Veterans Home as reflected in its financial statements for the years indicated, due to differences in accounting procedures and other factors.

(3) Reflects the FY 2015 Enacted Budget.

### Employee Relations and Indemnity

As of March 31, 2015, the Department employed approximately 4,695 full-time equivalent employees, including approximately 265 personnel at the Veterans Home. Section 17 of the Public Officers Law requires the State to save harmless and indemnify its employees from financial loss arising out of any claim, demand, suit or judgment by reason of alleged intentional wrong doing, negligence or other act by State employees provided that the employee was acting in the scope of his duties and did not commit a willful or wrongful act. The law further provides that the Attorney General may represent such employee.



## ***PART 2- THE DEPARTMENT OF HEALTH***

Any actions involving malpractice claims brought against the Department are actions brought against the State itself. The State does not carry insurance with respect to malpractice claims and is a self-insurer for the payment of any judgments which may be rendered against the State for any such actions.

### **The Veterans Home**

#### **Summary**

The Veterans Home commenced operations in December of 1993 and is a 250-bed skilled nursing facility serving veterans and their dependents located in Queens, New York.

The Program offered at the Veterans Home serves two categories of residents – those requiring skilled long-term care and those with special health care needs. The primary recipients of the skilled long-term care services are typically 65 years of age and over, with the largest portion of residents being the frail elderly (those over age 85), and residents requiring special care including those suffering from dementia and mental confusion resulting from Alzheimer's disease and other related disorders. Also included in this category are residents with chronic pulmonary diseases, which create irreversible airway restriction or obstruction.

The bed complement for the Veterans Home is as follows:

Skilled Long-Term Care	200 beds
Alzheimer's/Dementia	35 beds
Sub-Acute Level of Care	<u>15 beds</u>
Total	250 beds

The Veterans Home average annual occupancy rate, for the four most recent fiscal years, preliminary for FY 2013 and estimated for FY 2014 is as follows:

<b>State Fiscal Year Ended March 31</b>	<b>Annual Average Inpatient Occupancy Rate</b>
2010	97%
2011	97
2012	95
2013	94
2014 (Preliminary)	92
2015 (Estimated)	92



## PART 2 - THE DEPARTMENT OF HEALTH

### REIMBURSEMENT PROCESS

Medicaid reimbursement for the Home is based on a Statewide Regional Pricing Model which was implemented in 2012. This methodology is partially based on a case-mix assessment. The Statewide Pricing Model also incorporates the cost of care incurred and provides some financial incentives to admit “high intensity” patients by linking payments to the level of services provided. The Medicaid Statewide Pricing Model also incorporates other factors such as: size of the facilities; geographic location; 2007 operational cost; and quality measures in the determination of the final pay rate.

For Medicare, the reimbursement methodology for the Home is the same and is based on the Prospective Payment System, which uses the average cost for the respective regions. For the veterans’ homes in the program, this has proven beneficial as the average regional cost exceeds the facility-specific cost, resulting in a higher rate of reimbursement for veterans’ homes, which have also converted from a “flat rate” average charge to “fee for service.” In addition to a room and board charge, the veterans’ homes bill for the actual charges for pharmacy, therapies and other such ancillary services.

### CASH RECEIPTS

Collections are deposited daily to a bank and transferred routinely by the State Comptroller into the Veterans Home Income Fund. Receipts for the most recent four fiscal years are as follows.

	CASH RECEIPTS FROM PATIENTS AND MISCELLANEOUS INCOME			
	2010-11	2011-12	2012-13	2013-14 <sup>(1)</sup>
Medicaid	\$ 9,439,772	\$14,885,571	\$15,852,292	\$11,761,804
Medicare	1,208,646	3,484,833	3,484,879	2,461,922
VA Reimbursement	8,082,151	3,108,625	12,541,787	12,127,782
Self-Pay	5,131,699	3,708,577	4,935,565	4,744,847
Misc. Income	330	247,198	0	0
<b>TOTAL</b>	<b>\$23,862,598</b>	<b>\$25,434,804</b>	<b>\$36,814,523</b>	<b>\$31,096,355</b>

(1) Reflects preliminary information.



## PART 2- THE DEPARTMENT OF HEALTH

### SUMMARY OF REVENUE AND EXPENSES

The following reflects the Veterans Home income statement for the most recent available four fiscal years.

**SUMMARY OF NET PATIENT CARE REVENUES,  
OTHER NON-OPERATING REVENUES AND OPERATING EXPENSES AS REFLECTED  
ON THE VETERANS HOME INCOME STATEMENTS<sup>(1)</sup>**

	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13<sup>(4)</sup></u>
Net Patient Care Revenues and Other Revenue	\$30,374,174	\$30,507,238	\$35,618,298	\$32,730,849
Expenses	30,845,334	35,890,060	34,297,432	35,943,225
Results from Operation <sup>(2)(3)</sup>	<u>(\$ 471,160)</u>	<u>(\$5,382,822)</u>	<u>\$ 1,320,866</u>	<u>(\$3,212,376)</u>

(1) The net revenue varies from the cash receipts schedule provided above since the latter reflected actual cash collected and the differences between the two schedules are represented by accounts receivable.

(2) Deficit operating results cause a decrease in the Veterans Home's fund balance.

(3) Lower rate of growth in spending as compared to revenue results in an increase in the Veterans Home's fund balance.

(4) Reflects preliminary information.








## **SECTION 2: SUBSECTION N**

### **NEW YORK STATE PERSONAL INCOME TAX REVENUE BONDS**

THIS SUBSECTION N CONTAINS THE INFORMATION REQUIRED TO BE UPDATED ANNUALLY PURSUANT TO THE MASTER CONTINUING DISCLOSURE AGREEMENT, AS AMENDED, RELATING TO OBLIGATIONS ISSUED BY THE AUTHORIZED ISSUERS FOR STATE PERSONAL INCOME TAX REVENUE BONDS.

CAPITALIZED TERMS USED IN THIS SUBSECTION N AND NOT OTHERWISE DEFINED SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THE RELATED OFFICIAL STATEMENT.





## *Sources of New York State Personal Income Tax Receipts for the Revenue Bond Tax Fund*

### **THE REVENUE BOND TAX FUND**

The Enabling Act provides a source of payment for State Personal Income Tax (“PIT”) Revenue Bonds by establishing the Revenue Bond Tax Fund for the purpose of setting aside New York State PIT Receipts sufficient to make financing agreement payments to Authorized Issuers. The Enabling Act establishes the Revenue Bond Tax Fund to be held in the joint custody of the Comptroller of the State (the “State Comptroller”) and the State Commissioner of Taxation and Finance (the “Commissioner”) and requires that all moneys on deposit in the Revenue Bond Tax Fund be held separate and apart from all other moneys in the joint custody of the State Comptroller and the Commissioner. The source of the financing agreement payments is a statutory allocation of 25 percent of the receipts from the New York State PIT imposed by Article 22 of the New York State Tax Law, which exclude refunds owed to taxpayers, and which, pursuant to Section 171-a of the Tax Law, are deposited in the Revenue Bond Tax Fund. Legislation, effective April 1, 2007, increased deposits to the Revenue Bond Tax Fund by amending the Enabling Act to provide that deposits to the Revenue Bond Tax Fund be calculated before the deposit of New York State PIT receipts to the School Tax Relief Fund (the “STAR Fund”). Prior to such date, New York State PIT receipts were net of deposits to the STAR Fund.

Financing agreement payments made from amounts set aside in the Revenue Bond Tax Fund are subject to annual appropriation for such purpose by the State Legislature. The Enabling Act provides that: (i) no person (including the Authorized Issuers or the holders of State PIT Revenue Bonds) shall have any lien on amounts on deposit in the Revenue Bond Tax Fund; (ii) Revenue Bond Tax Fund Receipts, which have been set aside in sufficient amounts to pay when due the financing agreement payments of all Authorized Issuers, shall remain in the Revenue Bond Tax Fund (except, if necessary, for payments authorized to be made to the holders of State general obligation debt) until they are appropriated and used to make financing agreement payments; and (iii) nothing shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the taxes imposed by Article 22 of the Tax Law.

The State PIT Revenue Bonds are special obligations of the respective Authorized Issuers, secured by and payable solely from Financing Agreement Payments payable by the State Comptroller to the applicable Trustee and Paying Agent (the “Trustee” or “Paying Agent”) on behalf of the respective Authorized Issuers in accordance with the terms and provisions of a Financing Agreement by and between the respective Authorized Issuers and the Director of the Budget, subject to annual appropriation by the State Legislature, and the Funds and accounts established under the General Resolution (other than the Rebate Fund and other Funds as provided in such Resolution). The Bonds are entitled to a lien, created by a pledge under the General Resolution, on the Pledged Property.



## ***SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND***

The Enabling Act permits the Authorized Issuers to issue additional State PIT Revenue Bonds subject to statutory limitations on the maximum amount of bonds permitted to be issued by Authorized Issuers for Authorized Purposes and the additional bonds test described herein included in each of the general resolutions authorizing State PIT Revenue Bonds. In accordance with the additional bonds test described herein, as of March 31, 2014 Revenue Bond Tax Fund Receipts of approximately \$10.7 billion are available to pay financing agreement payments on a pro forma basis, which amount represents approximately 4.0 times the maximum annual Debt Service for all Outstanding State PIT Revenue Bonds. As noted above, however, additional bonds may not be issued unless the additional bonds test under the respective general resolution has been met.

The revenues, facilities, properties and any and all other assets of the Authorized Issuers of any name and nature, other than the Pledged Property, may not be used for, or, as a result of any court proceeding or otherwise applied to, the payment of State PIT Revenue Bonds, any redemption premium therefor or the interest thereon or any other obligations under the General Resolution, and under no circumstances shall these be available for such purposes.

### **CERTIFICATION OF PAYMENTS TO BE SET ASIDE IN REVENUE BOND TAX FUND**

The Enabling Act, the general resolutions and the financing agreements provide procedures for setting aside amounts from the New York State PIT Receipts deposited to the Revenue Bond Tax Fund to ensure that sufficient amounts will be available to make financing agreement payments, when due, to the applicable trustees on behalf of the Authorized Issuers.

The Enabling Act provides that:

1. No later than October 1 of each year, each Authorized Issuer must submit its State PIT Revenue Bond cash requirements (which shall include financing agreement payments) for the following State Fiscal Year and, as required by the financing agreements, each of the subsequent four State Fiscal Years to DOB.
2. No later than thirty (30) days after the submission of the Executive Budget in accordance with Article VII of the State Constitution, the Director of the Budget shall prepare a certificate which sets forth an estimate of:
  - (a) 25 percent of the amount of the estimated monthly New York State PIT Receipts to be deposited in the Revenue Bond Tax Fund pursuant to the Enabling Act during that State Fiscal Year; and
  - (b) the monthly amounts necessary to be set aside in the Revenue Bond Tax Fund to make the financing agreement payments required to meet the cash requirements of the Authorized Issuers.



## ***SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND***

3. In the case of financing agreement payments due semi-annually, Revenue Bond Tax Fund Receipts shall be set aside monthly until such amount is equal to not less than the financing agreement payments for State PIT Revenue Bonds of all Authorized Issuers in the following month as certified by the Director of the Budget.
4. In the case of financing agreement payments due on a more frequent basis, monthly Revenue Bond Tax Fund Receipts shall be set aside monthly until such amount is, in accordance with the certificate of the Director of the Budget, sufficient to pay the required payment on each issue on or before the date such payment is due.

In addition, the general resolutions and the financing agreements require the State Comptroller to set aside, monthly, in the Revenue Bond Tax Fund, amounts such that the combined total of the (i) amounts previously set aside and on deposit in the Revenue Bond Tax Fund and (ii) amount of estimated monthly New York State PIT Receipts required to be deposited to the Revenue Bond Tax Fund as provided in 2(a) above, are not less than 125 percent of the financing agreement payments required to be paid by the State Comptroller to the trustees on behalf of the Authorized Issuers in the following month.

The Director of the Budget may amend such certification as shall be necessary, provided that the Director of the Budget shall amend such certification no later than thirty (30) days after the issuance of any State PIT Revenue Bonds, including refunding bonds, or after the execution of any interest rate exchange (or “swap”) agreements or other financial arrangements which may affect the cash requirements of any Authorized Issuer.

The Enabling Act provides that on or before the twelfth day of each month, the Commissioner shall certify to the State Comptroller the actual New York State PIT Receipts for the prior month and, in addition, no later than March 31 of each State Fiscal Year, the Commissioner shall certify such amounts relating to the last month of the State Fiscal Year. At such times, the Enabling Act provides that the State Comptroller shall adjust the amount of estimated New York State PIT Receipts deposited to the Revenue Bond Tax Fund from the Withholding Component to the actual amount certified by the Commissioner.



## ***SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND***

### **SET ASIDE OF REVENUE BOND TAX FUND RECEIPTS**

As provided by the Enabling Act, the general resolutions, the financing agreements, and the certificate of the Director of the Budget, the State Comptroller is required to:

- a) Beginning on the first day of each month, deposit all of the daily receipts from the Withholding Component to the Revenue Bond Tax Fund until there is on deposit in the Revenue Bond Tax Fund an amount equal to 25 percent of estimated monthly New York State PIT Receipts.
- b) Set aside, monthly, amounts on deposit in the Revenue Bond Tax Fund, such that the combined total of the (i) amounts previously set aside and on deposit in the Revenue Bond Tax Fund and (ii) amount of estimated monthly New York State PIT Receipts required to be deposited to the Revenue Bond Tax Fund in such month, are not less than 125 percent of the financing agreement payments required to be paid by the State Comptroller to the trustees on behalf of all the Authorized Issuers in the following month.

The Enabling Act provides that Revenue Bond Tax Fund Receipts which have been set aside in sufficient amounts to pay, when due, the financing agreement payments of all Authorized Issuers shall remain in the Revenue Bond Tax Fund (except, if necessary, for payments authorized to be made to the holders of State general obligation debt) until they are appropriated and used to make financing agreement payments.

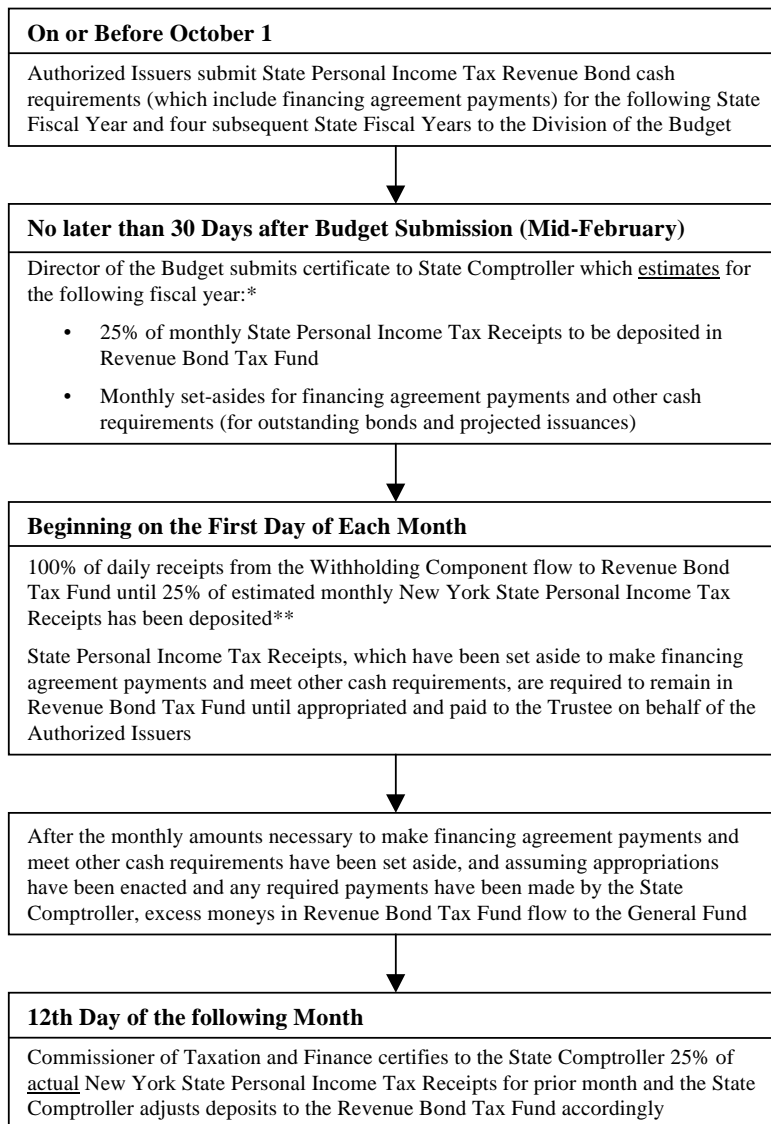
Subject to appropriation by the State Legislature, upon receipt of a request for payment from any Authorized Issuer pursuant to a financing agreement, the State Comptroller shall pay over to the trustee, on behalf of such Authorized Issuer, such amount. In the event that Revenue Bond Tax Fund Receipts are insufficient to meet the debt service and other cash requirements of all the Authorized Issuers as set forth in the certificate of the Director of the Budget, the State Comptroller is required by the Enabling Act, without appropriation, to immediately transfer amounts from the General Fund of the State to the Revenue Bond Tax Fund. Amounts so transferred to the Revenue Bond Tax Fund can only be used to pay financing agreement payments (except, if necessary, for payments authorized to be made to the holders of State general obligation debt).



# SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND

## FLOW OF REVENUE BOND TAX FUND RECEIPTS

The following chart summarizes the flow of Revenue Bond Tax Fund Receipts.



\* The Director of the Budget can amend the certification at any time to more precisely account for a revised New York State PIT Receipts estimate or actual debt service and other cash requirements, and to the extent necessary, shall do so not later than thirty days after the issuance of any State PIT Revenue Bonds.

\*\* The State can certify and set aside New York State PIT Receipts in excess of the next month's financing agreement payment requirements to ensure amounts previously set aside and on deposit in the Revenue Bond Tax Fund together with 25 percent of estimated monthly New York State PIT Receipts to be deposited in such month are not less than 125 percent of all financing agreement payments due in the following month.



## ***SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND***

### **MONEYS HELD IN THE REVENUE BOND TAX FUND**

The Enabling Act prohibits the State Comptroller from paying over or distributing any amounts deposited in the Revenue Bond Tax Fund (except, if necessary, for payments authorized to be made to the holders of State general obligation debt) other than to the Authorized Issuers (which are paid to the applicable trustees on behalf of the Authorized Issuers), unless two requirements are met. First, all payments as certified by the Director of the Budget for a State Fiscal Year must have been appropriated to the Authorized Issuers for the payment of financing agreement payments (including debt service) in the full amount specified in the certificate of the Director of the Budget. Second, each certified and appropriated payment for which moneys are required to be set aside as provided in the Enabling Act must have been made to the trustees on behalf of the Authorized Issuers when due.

If such appropriations have been made to pay all annual amounts specified in the certificate of the Director of the Budget as being required by the Authorized Issuers for a State Fiscal Year and all such payments to the applicable trustees on behalf of the Authorized Issuers are current, then the State Comptroller is required by the Enabling Act to pay over and distribute to the credit of the General Fund of the State (the "General Fund"), at least once a month, all amounts in the Revenue Bond Tax Fund, if any, in excess of the aggregate amount required to be set aside. The Enabling Act also requires the State Comptroller to pay to the General Fund all sums remaining in the Revenue Bond Tax Fund on the last day of each State Fiscal Year, but only if the State has appropriated and paid to the applicable trustees on behalf of the Authorized Issuers the amounts necessary for the Authorized Issuers to meet their cash requirements for the current State Fiscal Year and, to the extent certified by the Director of the Budget, set aside any cash requirements required for the next State Fiscal Year.

In the event that (i) the State Legislature fails to appropriate all amounts required to make financing agreement payments on State PIT Revenue Bonds to all Authorized Issuers or (ii) having been appropriated and set aside pursuant to a certificate of the Director of the Budget, any financing agreement payments have not been made when due on State PIT Revenue Bonds, the Enabling Act requires that all of the receipts from the Withholding Component shall continue to be set aside in the Revenue Bond Tax Fund until amounts on deposit in the Revenue Bond Tax Fund equal the greater of 25 percent of annual New York State PIT Receipts or six billion dollars (\$6,000,000,000). Other than to make financing agreement payments from appropriated amounts, the Enabling Act prohibits the transfer of moneys in the Revenue Bond Tax Fund to any other fund or account or use of such moneys by the State for any other purpose (except, if necessary, for payments authorized to be made to the holders of State general obligation debt) until such time as the required appropriations and all required financing agreement payments have been made to the trustees on behalf of each Authorized Issuer.

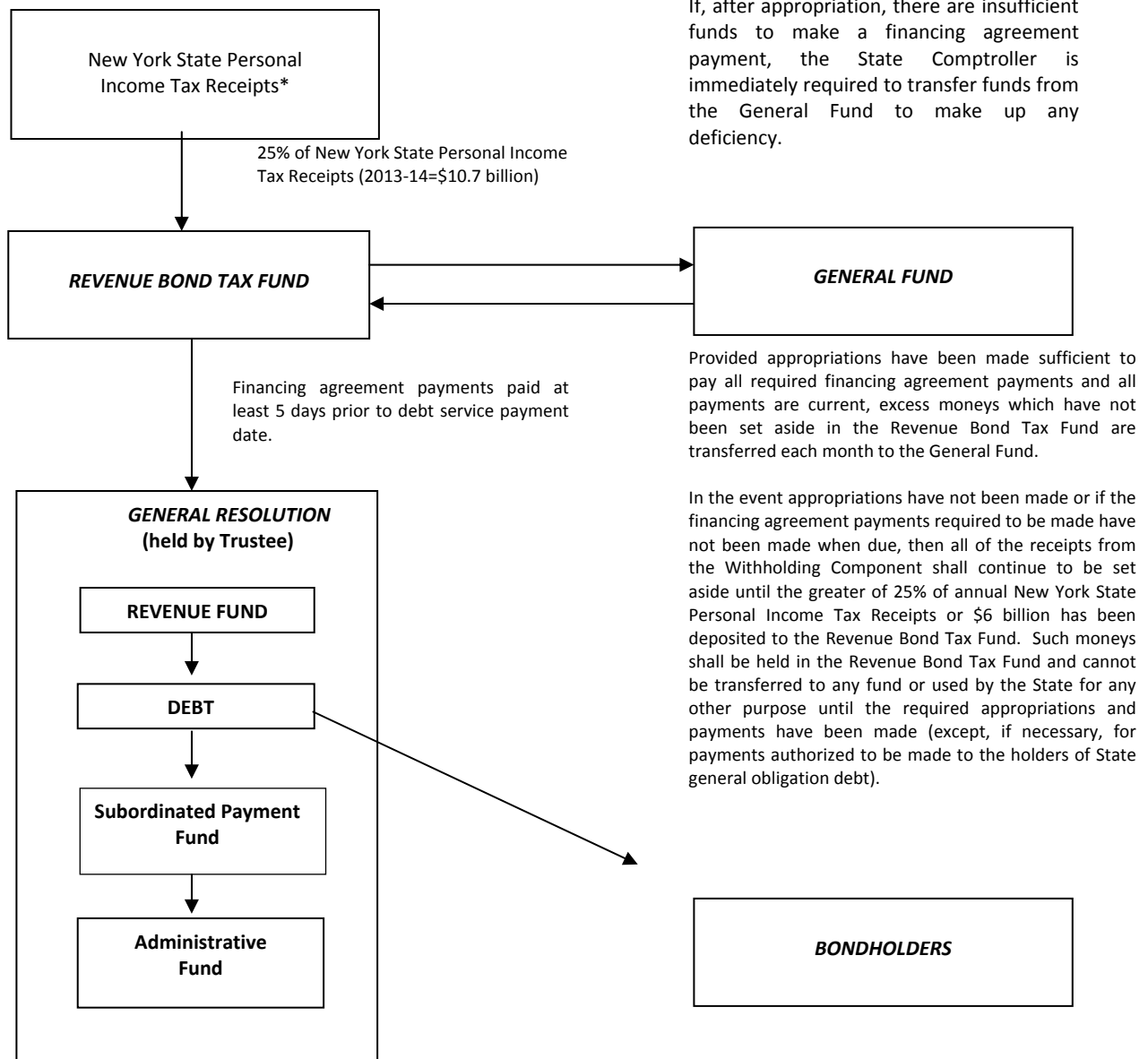




## SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND

The Enabling Act provides that no person (including the Authorized Issuers or the holders of State PIT Revenue Bonds) shall have any lien on moneys on deposit in the Revenue Bond Tax Fund and that the State's agreement to make financing agreement payments shall be executory only to the extent such payments have been appropriated.

### FLOW OF REVENUES



\* Nothing shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the New York State PIT.



## ***SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND***

### **APPROPRIATION BY THE STATE LEGISLATURE**

The State may not expend money without an appropriation, except for the payment of debt service on general obligation bonds or notes issued by the State. An appropriation is an authorization approved by the State Legislature to expend money. The State Constitution requires all appropriations of State funds, including funds in the Revenue Bond Tax Fund, to be approved by the State Legislature at least every two years. In addition, the State Finance Law generally provides that appropriations shall cease to have force and effect, except as to liabilities incurred thereunder, at the close of the State Fiscal Year for which they were enacted and that to the extent of liabilities incurred thereunder, such appropriations shall lapse on the succeeding June 30th or September 15th depending on the nature of the appropriation.

The Authorized Issuers expect that the State Legislature will make an appropriation from amounts on deposit in the Revenue Bond Tax Fund sufficient to pay financing agreement payments when due. Revenue Bond Tax Fund Receipts are expected to exceed the amounts necessary to pay financing agreement payments. In addition, in the event that the State Legislature fails to provide an appropriation, the Enabling Act requires that all of the receipts from the Withholding Component shall continue to be deposited in the Revenue Bond Tax Fund until amounts on deposit in the Revenue Bond Tax Fund equal the greater of 25 percent of the annual New York State PIT Receipts or six billion dollars (\$6,000,000,000). The Enabling Act prohibits the transfer of moneys in the Revenue Bond Tax Fund to any other fund or account or the use of such moneys by the State for any other purpose (other than to make financing agreement payments from appropriated amounts, and except, if necessary, for payments authorized to be made to the holders of State general obligation debt) until such time as the required appropriations and all required financing agreement payments have been made to the trustees on behalf of each Authorized Issuer. The State Legislature may not be bound in advance to make an appropriation, and there can be no assurances that the State Legislature will appropriate the necessary funds as anticipated. Nothing shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the taxes imposed pursuant to Article 22 of the Tax Law.

All payments required by financing agreements entered into by the State shall be executory only to the extent of the revenues available in the Revenue Bond Tax Fund. The obligation of the State to make financing agreement payments is subject to the State Legislature making annual appropriations for such purpose and such obligation does not constitute or create a debt of the State, nor a contractual obligation in excess of the amounts appropriated therefor. In addition, the State has no continuing legal or moral obligation to appropriate money for payments due under any financing agreement.



## ***SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND***

State PIT Revenue Bonds shall not be a debt of the State and the State shall not be liable thereon, nor shall State PIT Revenue Bonds be payable out of any funds other than those pledged therefor. Neither the faith and credit nor the taxing power of the State is pledged to the payment of the principal of, premium, if any, or interest on State PIT Revenue Bonds.

Pursuant to the Enabling Act, Revenue Bond Tax Fund Receipts which have been set aside to pay when due the financing agreement payments of all Authorized Issuers shall remain in the Revenue Bond Tax Fund until they are appropriated and used to make financing agreement payments. However, the Enabling Act also provides that the use of such Revenue Bond Tax Fund Receipts by the State Comptroller is “subject to the rights of holders of debt of the state” (i.e., general obligation bondholders who benefit from the faith and credit pledge of the State). Pursuant to Article VII Section 16 of the State Constitution, if at any time the State Legislature fails to make an appropriation for general obligation debt service, the State Comptroller is required to set apart from the first revenues thereafter received, applicable to the General Fund, sums sufficient to pay debt service on such general obligation debt. In the event that such revenues and other amounts in the General Fund are insufficient to so pay general obligation bondholders, the State may also use amounts on deposit in the Revenue Bond Tax Fund to pay debt service on general obligation bonds.

DOB is not aware of any existing circumstances that would cause Revenue Bond Tax Fund Receipts to be used to pay debt service on general obligation bonds in the future. The Director of the Budget believes that any failure by the State Legislature to make annual appropriations as contemplated would have a serious impact on the ability of the State and the Authorized Issuers to issue State-supported bonds to raise funds in the public credit markets and, as a result, on the ability of the State to meet its non-debt obligations.

### **ADDITIONAL BONDS**

Pursuant to each general resolution, additional bonds may be issued by the related Authorized Issuer, provided that the amount of Revenue Bond Tax Fund Receipts for any 12 consecutive calendar months ended not more than six months prior to the date of such calculation, as certified by the Director of the Budget, is at least 2.0 times the maximum Calculated Debt Service on all Outstanding State PIT Revenue Bonds, the State PIT Revenue Bonds proposed to be issued, and any additional amounts payable with respect to parity reimbursement obligations, as certified by the Director of the Budget.



## ***SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND***

### **PARITY REIMBURSEMENT OBLIGATIONS**

An Authorized Issuer may incur Parity Reimbursement Obligations pursuant to the terms of the general resolution which, subject to certain exceptions, would be secured by a pledge of, and a lien on, the pledged property on a parity with the lien created by the related general resolution with respect to bonds issued thereunder. A Parity Reimbursement Obligation may be incurred in connection with obtaining a Credit Facility and represents the obligation to repay amounts advanced under the Credit Facility. It may include interest calculated at a rate higher than the interest rate on the related State PIT Revenue Bond and may be secured by a pledge of, and a lien on, pledged property on a parity with the lien created by the general resolution for the State PIT Revenue Bonds only to the extent that principal amortization requirements of the Parity Reimbursement Obligation are equal to the amortization requirements for the related State PIT Revenue Bonds, without acceleration.

### **CERTAIN COVENANTS OF THE STATE**

Pursuant to the general resolutions, the State pledges and agrees with the holders of State PIT Revenue Bonds, Bond Anticipation Notes (“BANs”), Parity Reimbursement Obligations or other obligations issued or incurred thereunder that the State will not in any way impair the rights and remedies of holders of such State PIT Revenue Bonds, BANs, Parity Reimbursement Obligations or other obligations until such State PIT Revenue Bonds, BANs, Parity Reimbursement Obligations or other obligations issued or incurred thereunder, together with interest thereon, with interest, if any, on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the holders are fully met and discharged.

Pursuant to the Enabling Act and the general resolutions, nothing shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the State personal income taxes imposed pursuant to Article 22 of the Tax Law. An Event of Default under the general resolutions would not occur solely as a result of the State exercising its right to amend, repeal, modify or otherwise alter the statutes imposing or relating to such taxes. However, the Director of the Budget believes that any materially adverse amendment, modification or alteration of, or the repeal of, statutes imposing or related to the State PIT imposed pursuant to Article 22 of the Tax Law could have a serious impact on the flow of New York State PIT Receipts to the Revenue Bond Tax Fund, the ability of the Authorized Issuers to issue Additional Bonds and the marketability of outstanding State PIT Revenue Bonds.



## ***SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND***

### **RESERVATION OF STATE'S RIGHT TO SUBSTITUTE CREDIT**

Pursuant to the Enabling Act, the State reserves the right, upon amendment of the State Constitution to permit the issuance of State Revenue Bonds, which may be payable from or secured by revenues that may include the Revenues pledged under the general resolutions, (i) to assume, in whole or in part, State PIT Revenue Bonds, (ii) to extinguish the existing lien on the pledged property created under the general resolutions, and (iii) to substitute security for State PIT Revenue Bonds, in each case only so long as the assumption, extinguishment and substitution is accomplished in accordance with either of two provisions of the general resolutions. (For these purposes, any State PIT Revenue Bonds paid or deemed to have been paid in accordance with the applicable general resolution on or before the date of any assumption, extinguishment and substitution are not to be taken into account in determining compliance with those provisions.) The first provision of the general resolutions is intended to permit an assumption, extinguishment and substitution, without any right of consent of Bondholders or other parties, if certain conditions are satisfied. The second provision of the general resolutions permitting such an assumption, extinguishment and substitution is intended to permit a broader range of changes with the consent of issuers of Credit Facilities and the consent of certain Bondholders. It provides that any such assumption, extinguishment and substitution may be effected if certain conditions are satisfied.

In the event a constitutional amendment becomes a part of the State Constitution, there can be no assurance that the State will exercise its rights of assumption, extinguishment, and substitution with respect to State PIT Revenue Bonds. There can be no assurance that the Authorized Issuer would be the issuer of any such State Revenue Bonds upon any such assumption, extinguishment and substitution and, if not the Authorized Issuer, the issuer of such State Revenue Bonds could be the State or another public entity.



## ***SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND***

### **GENERAL HISTORY OF THE STATE PERSONAL INCOME TAX**

In 1919, New York State became the seventh state to enact a PIT. The present system of conformity to Federal Law with respect to income and deductions was adopted in 1960. PIT is New York's largest source of tax revenue and consistently accounts for more than one-half of all State tax receipts.

The State's PIT structure adheres closely to the definitions of adjusted gross income and itemized deductions used for Federal PIT purposes, with certain modifications, such as: (1) the inclusion of investment income from debt instruments issued by other states and municipalities and the exclusion of income on certain Federal obligations; and (2) the exclusion of pension income received by Federal, New York State and local government employees, private pension and annuity income up to \$20,000 (\$40,000 for married couples filing jointly), and any Social Security income and refunds otherwise included in Federal adjusted gross income.

Changes in Federal tax law from time to time may positively or negatively affect the amount of PIT receipts collected by the State. State Tax Law changes may also impact PIT receipts by authorizing a wide variety of credits against the PIT liability of taxpayers.

Major tax credits include: Empire State Child Credit (enacted and effective in 2006); Earned Income Tax Credit; Child and Dependent Care Credit; Household Credit; College Tuition Credit; Long-term Care Insurance Credit; Investment Credits; and, Empire Zone Credits.

### **PERSONAL INCOME TAX RATES**

Taxable income equals New York adjusted gross income ("AGI") less deductions and exemptions. The tax provides separate rate schedules for married couples, single individuals and heads of households. For the 1989 through 1994 tax years, the State income tax was imposed at rates ranging from 4.0 percent to 7.875 percent on the taxable income of individuals, estates and trusts. For taxpayers with \$100,000 or more of AGI, the benefit of the marginal tax rates in the lower brackets was recaptured through a supplementary mechanism in effect since 1991. Beginning in 1995, a major PIT cut program was phased in over three years which cut the top State PIT rate from 7.875 to 6.85 percent. For tax years 1997 through 2002, New York imposed a graduated income tax with rates ranging between 4.0 and 6.85 percent of taxable income. Legislation enacted with the FY 2004 Budget temporarily added two additional top brackets for the 2003 through 2005 tax years. For tax years 2006 through 2008, the rate schedules reverted to the rate schedule in effect for the 2002 tax year. For tax years 2009 through 2011, a temporary tax surcharge added two additional brackets, including a top rate of 8.97 percent. Legislation passed during the December 2011 special session established middle income tax rate cuts for tax years 2012 through 2014, while reducing the top tax rate to 8.82 percent, as well as instituting inflation adjustment to the brackets for tax years 2013 and 2014. These brackets and rates, including the inflation adjustment, were subsequently extended through 2017. The following tables set forth the rate schedules for tax years 2014 through



# SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND

2017 and for tax years after 2017 which revert to the rate schedule in effect for the 2008 tax year except that the tax brackets are permanently indexed for cost of living adjustments that began in tax year 2013.

## NEW YORK STATE PERSONAL INCOME TAX RATES FOR TAX YEARS 2014 THROUGH 2017\*

### Married Filing Jointly and Qualified Widow(er)

Tax<sup>±</sup>

Taxable Income:

Not over \$16,700	4% of taxable income
Over \$16,700 but not over \$22,950	\$668 plus 4.50% of excess over \$16,700
Over \$22,950 but not over \$27,150	\$949 plus 5.25% of excess over \$22,950
Over \$27,150 but not over \$41,800	\$1,170 plus 5.90% of excess over \$27,150
Over \$41,800 but not over \$156,900	\$2,034 plus 6.45% of excess over \$41,800
Over \$156,900 but not over \$313,850	\$9,458 plus 6.65% of excess over \$156,900
Over \$313,850 but not over \$2,092,800	\$19,895 plus 6.85% of excess over \$313,850
Over \$2,092,800	\$141,753 plus 8.82% of excess over \$2,092,800

### Single, Married Filing Separately, Estates and Trusts

Taxable Income:

Not over \$8,300	4% of taxable income
Over \$8,300 but not over \$11,450	\$332 plus 4.50% of excess over \$8,300
Over \$11,450 but not over \$13,550	\$474 plus 5.25% of excess over \$11,450
Over \$13,550 but not over \$20,850	\$584 plus 5.90% of excess over \$13,550
Over \$20,850 but not over \$78,400	\$1,015 plus 6.45% of excess over \$20,850
Over \$78,400 but not over \$209,250	\$4,727 plus 6.65% of excess over \$78,400
Over \$209,250 but not over \$1,046,350	\$13,428 plus 6.85% of excess over \$209,250
Over \$1,046,350	\$70,770 plus 8.82% of excess over \$1,046,350

### Head of Household

Taxable Income:

Not over \$12,550	4% of taxable income
Over \$12,550 but not over \$17,200	\$502 plus 4.50% of excess over \$12,550
Over \$17,200 but not over \$20,350	\$711 plus 5.25% of excess over \$17,200
Over \$20,350 but not over \$31,350	\$877 plus 5.90% of excess over \$20,350
Over \$31,350 but not over \$104,600	\$1,526 plus 6.45% of excess over \$31,350
Over \$104,600 but not over \$261,550	\$6,250 plus 6.65% of excess over \$104,600
Over \$261,550 but not over \$1,569,550	\$16,687 plus 6.85% of excess over \$261,550
Over \$1,569,550	\$106,285 plus 8.82% of excess over \$1,569,550

\* Tax year 2014 marks the second year of tax bracket inflation adjustment, based originally on tax year 2012 brackets. Income and tax amounts for tax years 2015 and beyond may change due to cost of living adjustments.

<sup>±</sup> A supplemental income tax recaptures the savings due to graduated marginal tax rates such that when a taxpayer's AGI exceeds \$2,142,800 for married filing jointly taxpayers, all taxable income becomes effectively subject to a flat 8.82 percent tax rate.



## SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND

### New York State Personal Income Tax Rates for Tax Years After 2017\*

#### Married Filing Jointly

Taxable Income:

Not over \$16,700	4% of taxable income
Over \$16,700 but not over \$22,950	\$668 plus 4.50% of excess over \$16,700
Over \$22,950 but not over \$27,150	\$949 plus 5.25% of excess over \$22,950
Over \$27,150 but not over \$41,800	\$1,170 plus 5.90% of excess over \$27,150
Over \$41,800	\$2,034 plus 6.85% of excess over \$41,800

#### Tax<sup>±</sup>

#### Single, Married Filing Separately, Estates and Trusts

Taxable Income:

Not over \$8,300	4% of taxable income
Over \$8,300 but not over \$11,450	\$332 plus 4.50% of excess over \$8,300
Over \$11,450 but not over \$13,550	\$474 plus 5.25% of excess over \$11,450
Over \$13,550 but not over \$20,850	\$584 plus 5.90% of excess over \$13,550
Over \$20,850	\$1,015 plus 6.85% of excess over \$20,850

#### Head of Household

Taxable Income:

Not over \$12,550	4% of taxable income
Over \$12,550 but not over \$17,200	\$502 plus 4.50% of excess over \$12,550
Over \$17,200 but not over \$20,350	\$711 plus 5.25% of excess over \$17,200
Over \$20,350 but not over \$31,350	\$877 plus 5.90% of excess over \$20,350
Over \$31,350	\$1,526 plus 6.85% of excess over \$31,350

\* Tax year 2014 marks the second year of tax bracket inflation adjustment, based originally on tax year 2012 brackets. Income and tax amounts for tax years from 2015 through 2017 may change due to cost of living adjustments.

<sup>±</sup> A supplemental income tax recaptures the savings due to graduated marginal tax rates such that when a taxpayer's AGI exceeds \$154,600 plus a cost of living adjustment covering the period from 2014 through 2017, all taxable income becomes effectively subject to a flat 6.85 percent tax rate.





## ***SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND***

### **COMPONENTS OF THE PERSONAL INCOME TAX**

The components of PIT liability include withholding, estimated payments, final returns, delinquencies and refunds. Taxpayers prepay their tax liability through payroll withholding taxes imposed by Section 671 of Article 22 of the Tax Law (the “Withholding Component”) and estimated taxes imposed by Section 685 of Article 22 of the Tax Law. The New York State Department of Taxation and Finance collects the PIT from employers and individuals and reports the amount collected to the State Comptroller, who deposits collections net of overpayments and administrative costs.

Initiated in 1959, withholding tax is the largest component of income tax collections. New York requires employers to withhold and remit personal income taxes on wages, salaries, bonuses, commissions and similar income. The amount of withholding varies with the rates, deductions and exemptions. Under current law, employers must remit withholding liability within three business days after each payroll once the cumulative amount of liability reaches \$700. Certain small businesses and educational and health care organizations may make their withholding remittance within five business days, and employers with less than \$700 of withheld tax can remit it on a quarterly basis. Large employers (aggregate tax of more than \$100,000 per year) must make timely payment by electronic funds transfer or by certified check.

### **REVENUE BOND TAX FUND RECEIPTS**

The Enabling Act provides that 25 percent of the receipts from the New York State PIT imposed by Article 22 of the New York State Tax Law which are deposited pursuant to Section 171-a of the Tax Law (“New York State PIT Receipts”) shall be deposited in the Revenue Bond Tax Fund. Such New York State PIT Receipts currently exclude refunds paid to taxpayers. Legislation enacted in 2007 and effective April 1, 2007 increased deposits to the Revenue Bond Tax Fund by amending the Enabling Act to provide that deposits to the Revenue Bond Tax Fund be calculated before the deposit of New York State PIT Receipts to the STAR Fund. Moneys in the STAR Fund are used to reimburse school districts for school tax reductions and property tax rebates provided to homeowners and to reimburse The City of New York for PIT reductions enacted as part of the STAR program. The Debt Reduction Reserve Fund was established in FY 1999 to reserve onetime available resources to defease certain State-supported debt, pay debt service costs or pay cash for capital projects that would otherwise be financed with State-supported debt. In FYs 2001 and 2002, \$250 million was deposited from New York State PIT Receipts to the Debt Reduction Reserve Fund. New York State PIT Receipts for FYs 2001 and 2002 exclude deposits to the Debt Reduction Reserve Fund. There were no deposits of New York State PIT Receipts to the Debt Reduction Reserve Fund thereafter.



## SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND

Beginning on the first day of each month, the Enabling Act requires the State Comptroller to deposit in the Revenue Bond Tax Fund all of the receipts from the Withholding Component until an amount equal to 25 percent of estimated monthly New York State PIT Receipts has been deposited into the Revenue Bond Tax Fund (the "Revenue Bond Tax Fund Receipts").

In FY 2014, New York State PIT Receipts were approximately \$43 billion and accounted for approximately 62 percent of State tax receipts in all State Funds. The FY 2015 Enacted Budget Financial Plan estimates New York State PIT Receipts at \$43.8 billion for FY 2015.

The following table sets forth certain historical and projected information concerning New York State PIT Receipts, the Withholding Component, and deposits to the Revenue Bond Tax Fund from FYs 2005 through 2015. The Withholding Component can exceed New York State PIT Receipts since such Receipts equal total PIT collections less (i) refunds and (ii) through FY 2007, deposits into the STAR Fund.

**NYS PIT RECEIPTS, WITHHOLDING COMPONENTS AND  
STATE REVENUE BONDS TAX FUND RECEIPTS  
FY 2005 THROUGH FY 2015**

<b>State Fiscal Year</b>	<b>New York State Personal Income Tax Receipts</b>	<b>Withholding Component</b>	<b>Withholding/State Personal Income Tax Receipts</b>	<b>Revenue Bond Tax Fund Receipts</b>
2004-05	\$25,040,965,404	\$23,374,513,925	93.3%	\$ 6,260,241,351
2005-06	27,599,721,585	24,760,667,777	89.7	6,899,930,396
2006-07	30,586,021,803	26,802,005,019	87.6	7,646,505,451
2007-08	36,563,948,528*	28,440,134,437	77.8	9,140,987,132*
2008-09	36,840,019,400*	27,686,157,203	75.2	9,210,004,850*
2009-10	34,751,381,665*	29,443,180,489	84.7	8,687,845,416*
2010-11	36,209,215,560*	31,240,169,745	86.3	9,052,303,890*
2011-12	38,767,826,942*	31,198,971,588	80.5	9,691,956,736*
2012-13	40,226,714,989*	31,957,653,106	79.4	10,056,678,747*
2013-14	42,960,774,915*	33,367,555,788	77.7	10,740,193,729*
2014-15 (est.)	43,735,000,000*	35,149,000,000	80.4	10,934,000,000*

\* Reflects legislation enacted in 2007 and effective April 1, 2007 that calculates Revenue Bond Tax Fund Receipts prior to the deposit of New York State Personal Income Tax Receipts to the STAR Fund.



## SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND

In FY 2014, New York State PIT Receipts totaled approximately \$43 billion. The FY 2015 Enacted Budget Financial Plan estimates that total New York State PIT Receipts (net of refunds to taxpayers but before deposits to the STAR Fund) will increase by 1.8 percent to \$43.7 billion in FY 2015.

Total State PIT receipts (as distinguished from New York State PIT Receipts as defined herein and presented in the table above) estimates are based on the State PIT liability estimated by DOB for each of the relevant tax years and the patterns of receipts and refunds for each tax year. Such tax year liability estimates are, in turn, based largely on forecasts of State adjusted gross income, with adjustments made for legislative changes (see “General History of the State PIT” above) that will affect each year’s tax liability. The level of total State PIT receipts is necessarily dependent upon economic and demographic conditions in the State, and therefore there can be no assurance that historical data with respect to total State PIT receipts will be indicative of future receipts. Since the institution of the modern income tax in New York in 1960, total PIT receipts have fallen six times on a year-over-year basis, in FY 1965, FY 1972, FY 1978, FY 1991, FY 2003, and FY 2010.

The following table shows the pattern of State adjusted gross income growth and PIT tax liability for 2005 through 2014.

**NYS Adjusted Gross Income (AGI) and Personal Income Tax Liability 2005 to 2014\***

Tax Year	NYS AGI (\$ in millions)	Percent Change	Personal Income Tax Liability (\$ in millions)	Percent Change
2005	\$571,916	8.7%	\$28,484	10.5%
2006	632,601	10.6	29,605	3.9
2007	725,245	14.6	35,215	19.0
2008	662,053	(8.7)	31,621	(10.2)
2009	596,471	(9.9)	31,162	(1.5)
2010	638,855	7.1	34,834	11.8
2011	657,298	2.9	36,296	4.2
2012 (est.)	714,996	8.8	38,046	4.8
2013 (proj.)	721,926	1.0	37,838	(0.5)
2014 (proj.)	767,362	6.3	40,363	6.7

\* NYS AGI and Personal Income Tax Liability reflect amounts reported on timely filed individual returns, and therefore do not include tax paid by fiduciaries or through audits.

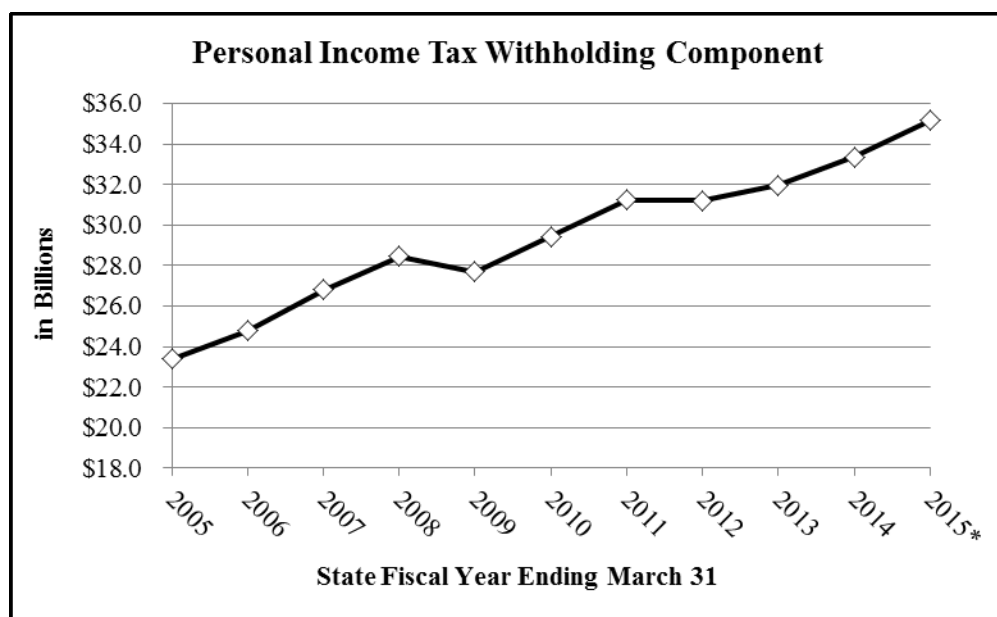
The table indicates that under the State’s progressive income tax structure with graduated tax rates, tax liability generally changes at a faster percentage rate than adjusted gross income, absent major law changes or economic events. Tax liability and adjusted gross income grew for five consecutive years, as the State economy recovered and entered a robust period of expansion. With the onset of the national recession and the financial crisis, adjusted gross income and tax liability fell in 2008 and 2009. The 2009 decline in liability is significantly smaller than that in adjusted gross income due to the enactment of a temporary tax rate increase for



## SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND

wealthier taxpayers that was in effect from 2009 to 2011. In December 2011, tax reform legislation was enacted for the period from 2012 through 2014, lowering tax rates for millions of taxpayers. Thus, liability is projected to rise at about the same rate in 2012 as in 2011, despite substantially higher growth in adjusted gross income estimated for this year. These rates were subsequently extended through 2017 by FY 2014 budget legislation.

The following graph shows the history of withholding receipts since FY 2005. Like overall adjusted gross incomes and tax liabilities, withholding has steadily increased each year except the recession-related FY 2009, due to overall growth in employment and wages, as well as the temporary tax surcharge which applied during FYs 2004 through 2006 and for FYs 2010 through 2012. Withholding receipts for FY 2015 are estimated to be \$1.8 billion (5.3 percent) higher compared to FY 2014.



\*Estimated.

### Debt Service Coverage

The following table sets forth (1) Revenue Bond Tax Fund Receipts for a twelve consecutive calendar month period ended not more than six months prior to the date of such calculation, (2) maximum annual debt service on outstanding State Personal Income Tax Revenue Bonds, and (3) resulting debt service coverage. There can be no assurance that actual Revenue Bond Tax Fund Receipts will not be less than the amounts collected during the calculation period, as a result of numerous factors affecting New York State Personal Income Tax Receipts that cannot be predicted at this time.



## **SOURCES OF NEW YORK STATE PERSONAL INCOME TAX RECEIPTS FOR THE REVENUE BOND TAX FUND**

### **Debt Service Coverage on Outstanding Personal Income Tax Revenue Bonds\* (Dollars in Thousands)**

Personal Income Tax Revenue Bond Tax Fund Receipts .....	\$10,740,200
Maximum Annual Debt Service .....	\$2,656,292
Debt Service Coverage .....	4.0x

\* As of March 31, 2014

Based upon the assumptions used in preparing the following table, including assumed average State Personal Income Tax Revenue Bond issuances of approximately \$3.4 billion annually over the next four years, State Personal Income Tax Revenue Bond debt service coverage based only upon the Revenue Bond Fund's receipt of the New York State Personal Income Tax Receipts is expected to decline from 3.7 times in State Fiscal Year 2014-15 to 3.5 times in State Fiscal Year 2017-18.

### **Projected State Personal Income Tax Revenue Bond Debt Service Coverage Ratios State Fiscal Years 2014-15 Through 2017-18 (Dollars in Thousands)**

	<b>FY 2014-15</b>	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>
Projected Revenue Bond Tax Fund Receipts	\$10,933,925	\$11,707,550	\$12,505,850	\$13,115,600
Projected New State Personal Income Tax Revenue Bonds Issuances	3,268,117	3,979,278	3,516,752	2,832,655
Projected Total State Personal Income Tax Revenue Bonds Outstanding	30,751,668	33,328,550	35,249,558	36,339,205
Projected Maximum Annual Debt Service	2,938,662	3,253,222	3,563,407	3,799,811
Projected Debt Service Coverage	3.7x	3.6x	3.5x	3.5x

Additional State Personal Income Tax Revenue Bonds may be issued, subject to satisfaction of a 2.0 times debt service coverage test. All State Personal Income Tax Revenue Bonds issued by any Authorized Issuer will be on a parity with each other as to payments from the Revenue Bond Tax Fund, subject to annual appropriation by the State Legislature.






## **SECTION 2: SUBSECTION O**

### **NEW YORK STATE SALES TAX REVENUE BONDS**

THIS SUBSECTION O CONTAINS THE INFORMATION REQUIRED TO BE UPDATED ANNUALLY PURSUANT TO THE MASTER CONTINUING DISCLOSURE AGREEMENT RELATING TO OBLIGATIONS ISSUED BY THE AUTHORIZED ISSUERS FOR STATE SALES TAX REVENUE BONDS.

CAPITALIZED TERMS USED IN THIS SUBSECTION O AND NOT OTHERWISE DEFINED SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THE RELATED OFFICIAL STATEMENT.







## *Sources of New York State Sales Tax Receipts for the Sales Tax Revenue Bond Tax Fund*

### **THE SALES TAX REVENUE BOND TAX FUND**

The Enabling Act provides a source of payment for State Sales Tax Revenue Bonds by establishing the Sales Tax Revenue Bond Tax Fund for the purpose of setting aside New York State Sales Tax Receipts sufficient to make financing agreement payments to Authorized Issuers. The Enabling Act establishes the Sales Tax Revenue Bond Tax Fund to be held in the joint custody of the State Comptroller and the Commissioner and requires that all moneys on deposit in the Sales Tax Revenue Bond Tax Fund be held separate and apart from all other moneys in the joint custody of the State Comptroller and the Commissioner. The source of the financing agreement payments consist of New York State Sales Tax Receipts (which are net of amounts the Commissioner may determine to be necessary for refunds) required to be deposited in the Sales Tax Revenue Bond Tax Fund in an amount equal to a one percent rate of taxation (equivalent to one cent on every dollar taxed). On and after the date that all LGAC Obligations shall have been met or otherwise discharged, including by legal defeasance or maturity, the deposit to the Sales Tax Revenue Bond Tax Fund shall be increased to an amount equal to a two percent rate of taxation (equivalent to two cents on every dollar taxed) from the New York State Sales Tax Receipts. Such New York State Sales Tax Receipts required to be deposited in the Sales Tax Revenue Bond Tax Fund (equal initially to a one percent rate of taxation and increasing to a two percent rate of taxation as of a later date) comprise Sales Tax Revenue Bond Tax Fund Receipts. Pursuant to the State Finance Law, a portion of the New York State Sales Tax Receipts also are required to be deposited in the Local Government Assistance Tax Fund in a separate amount equal to a one percent rate of taxation, from which both the LGAC Obligations and the \$170 million annual obligation to The City of New York are paid. The Enabling Act provides that the Sales Tax Revenue Bond Tax Fund Receipts shall be separate and distinct from the Local Government Assistance Tax Fund Receipts. The LGAC Obligations are expected to be paid or otherwise discharged on or before April 1, 2025.

Financing agreement payments made from amounts set aside in the Sales Tax Revenue Bond Tax Fund are subject to annual appropriation for such purpose by the State Legislature. The Enabling Act provides that: (i) no person (including the Authorized Issuers or the holders of State Sales Tax Revenue Bonds) shall have any lien on amounts on deposit in the Sales Tax Revenue Bond Tax Fund; (ii) Sales Tax Revenue Bond Tax Fund Receipts, which have been set aside in sufficient amounts to pay when due the financing agreement payments of all Authorized Issuers, shall remain in the Sales Tax Revenue Bond Tax Fund (except, if necessary, for payments authorized to be made to the holders of State general obligation bonds) until they are appropriated and used to make financing agreement payments; and (iii) nothing shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the New York State Sales Tax.

The State Sales Tax Revenue Bonds are special obligations of the Authorized Issuers, secured by and payable solely from financing agreement payments payable by the State Comptroller to the applicable Trustee and Paying Agent (the "Trustee" or "Paying Agent") on behalf of the



## ***SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND***

respective Authorized Issuers in accordance with the terms and provisions of a Financing Agreement, by and between the respective Authorized Issuers and the Director of the Budget subject to annual appropriation by the State Legislature, and the Funds and Accounts established under the General Resolution (other than the Rebate Fund and other Funds as provided in the General Resolution). The State Sales Tax Revenue Bonds are entitled to a lien, created by a pledge under the General Resolution, on the Pledged Property.

The Enabling Act and each of the general resolutions permit or are expected to permit the Authorized Issuers to issue additional State Sales Tax Revenue Bonds subject to statutory limitations on the maximum amount of bonds permitted to be issued by Authorized Issuers for Authorized Purposes and the additional bonds test described herein included (or to be included) in each of the general resolutions authorizing State Sales Tax Revenue Bonds. In accordance with the additional bonds test described herein, as of March 31, 2014 Sales Tax Revenue Bond Tax Fund Receipts of approximately \$2.95 billion are available to pay financing agreement payments on a pro forma basis, which amount represents approximately 34.4 times the maximum annual Debt Service for all Outstanding State Sales Tax Revenue Bonds. While additional State Sales Tax Revenue Bonds are expected to be issued by Authorized Issuers as appropriate for Authorized Purposes, in no event may any additional State Sales Tax Revenue Bonds (other than certain refunding bonds) be issued unless the additional bonds test under the respective general resolution has been satisfied.

The revenues, facilities, properties and any and all other assets of the Authorized Issuers of any name and nature, other than the Pledged Property, may not be used for, or, as a result of any court proceeding or otherwise applied to, the payment of State Sales Tax Revenue Bonds, any redemption premium therefor or the interest thereon or any other obligations under the General Resolution, and under no circumstances shall these be available for such purposes.

### **CERTIFICATION OF PAYMENTS TO BE SET ASIDE IN SALES TAX REVENUE BOND TAX FUND**

The Enabling Act, the general resolutions and the financing agreements of the Authorized Issuers provide (or are expected to provide) procedures for setting aside amounts from the New York State Sales Tax Receipts deposited to the Sales Tax Revenue Bond Tax Fund to ensure that sufficient amounts will be available to make financing agreement payments, when due, to the applicable trustees on behalf of the Authorized Issuers.

The Enabling Act provides that:

1. No later than October 1 of each year, each Authorized Issuer must submit its State Sales Tax Revenue Bond cash requirements (which shall include financing agreement payments) for the following State Fiscal Year and, as required by the financing agreements, each of the subsequent four State Fiscal Years to the Director of the Budget.



## ***SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND***

2. No later than thirty (30) days after the submission of the Executive Budget in accordance with Article VII of the State Constitution, the Director of the Budget shall prepare a certificate which sets forth an estimate of:
  - (a) the amount of the estimated monthly New York State Sales Tax Receipts to be deposited in the Sales Tax Revenue Bond Tax Fund pursuant to the Enabling Act during that State Fiscal Year; and
  - (b) the monthly amounts necessary to be set aside in the Sales Tax Revenue Bond Tax Fund to make the financing agreement payments required to meet the cash requirements of the Authorized Issuers.
3. Based on the Certificate of the Director of the Budget, the State Comptroller is required to set aside on a monthly basis Sales Tax Revenue Bond Tax Fund Receipts in amounts calculated to be sufficient to pay debt service on all State Sales Tax Revenue Bonds and other cash requirements of the Authorized Issuers when due.

The Director of the Budget may amend such certification as shall be necessary, provided that the Director of the Budget shall amend such certification no later than thirty (30) days after the issuance of any State Sales Tax Revenue Bonds, including refunding bonds, or after the execution of any interest rate exchange (or “swap”) agreements or other financial arrangements which may affect the cash requirements of any Authorized Issuer.

The Enabling Act provides that on or before the twelfth day of each month, the Commissioner shall certify to the State Comptroller the actual New York State Sales Tax Receipts for the prior month and, in addition, no later than March 31 of each State Fiscal Year, the Commissioner shall certify such amounts relating to the last month of the State Fiscal Year. At such times, the Enabling Act provides that the State Comptroller shall deposit Sales Tax Revenue Bond Tax Fund Receipts so certified by the Commissioner in the Sales Tax Revenue Bond Tax Fund.

### **SET ASIDE OF SALES TAX REVENUE BOND TAX FUND RECEIPTS**

As provided by the Enabling Act, the general resolutions, the financing agreements, and the certificate of the Director of the Budget, the State Comptroller is required to set aside, on a monthly basis, Sales Tax Revenue Bond Tax Fund Receipts on deposit in the Sales Tax Revenue Bond Tax Fund, until:

- a) with respect to financing agreement payments to be made to Authorized Issuers on a semi-annual or annual basis, the amount set aside in the fund during the then current month, together with amounts previously set aside in the fund, equals the sum of (i) one-fifth of the interest due on such obligations on the next succeeding interest payment date multiplied by the number of months from the last such interest payment, and (ii) one-eleventh of the next principal installment due on such obligations where



## ***SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND***

principal is due on an annual basis or one-fifth of the next principal installment due on such obligations where principal is due on a semiannual basis, in each case multiplied by the number of months from the last such principal payment; and

- b) with respect to financing agreement payments due on a monthly basis or more frequently, the amount so set aside is, in the reasonable judgment of the Director of the Budget as set forth in his certificate, sufficient to make the required payment on or before such payment date.

The Enabling Act provides that Sales Tax Revenue Bond Tax Fund Receipts which have been set aside in sufficient amounts to pay, when due, the financing agreement payments of all Authorized Issuers shall remain in the Sales Tax Revenue Bond Tax Fund (except, if necessary, for payments authorized to be made to the holders of State general obligation debt) until they are appropriated and used to make financing agreement payments.

Subject to appropriation by the State Legislature, upon receipt of a request for payment from any Authorized Issuer pursuant to a financing agreement, the State Comptroller shall pay over to the trustee, on behalf of such Authorized Issuer, such amount. In the event that Sales Tax Revenue Bond Tax Fund Receipts are insufficient to meet financing agreement payments on all State Sales Tax Revenue Bonds of all the Authorized Issuers as set forth in the certificate of the Director of the Budget, the State Comptroller is required by the Enabling Act, without appropriation, to immediately transfer from the General Fund to the Sales Tax Revenue Bond Tax Fund, the amount of such deficiency. Amounts so transferred to the Sales Tax Revenue Bond Tax Fund can only be used to pay financing agreement payments (except, if necessary, for payments authorized to be made to the holders of State general obligation debt).

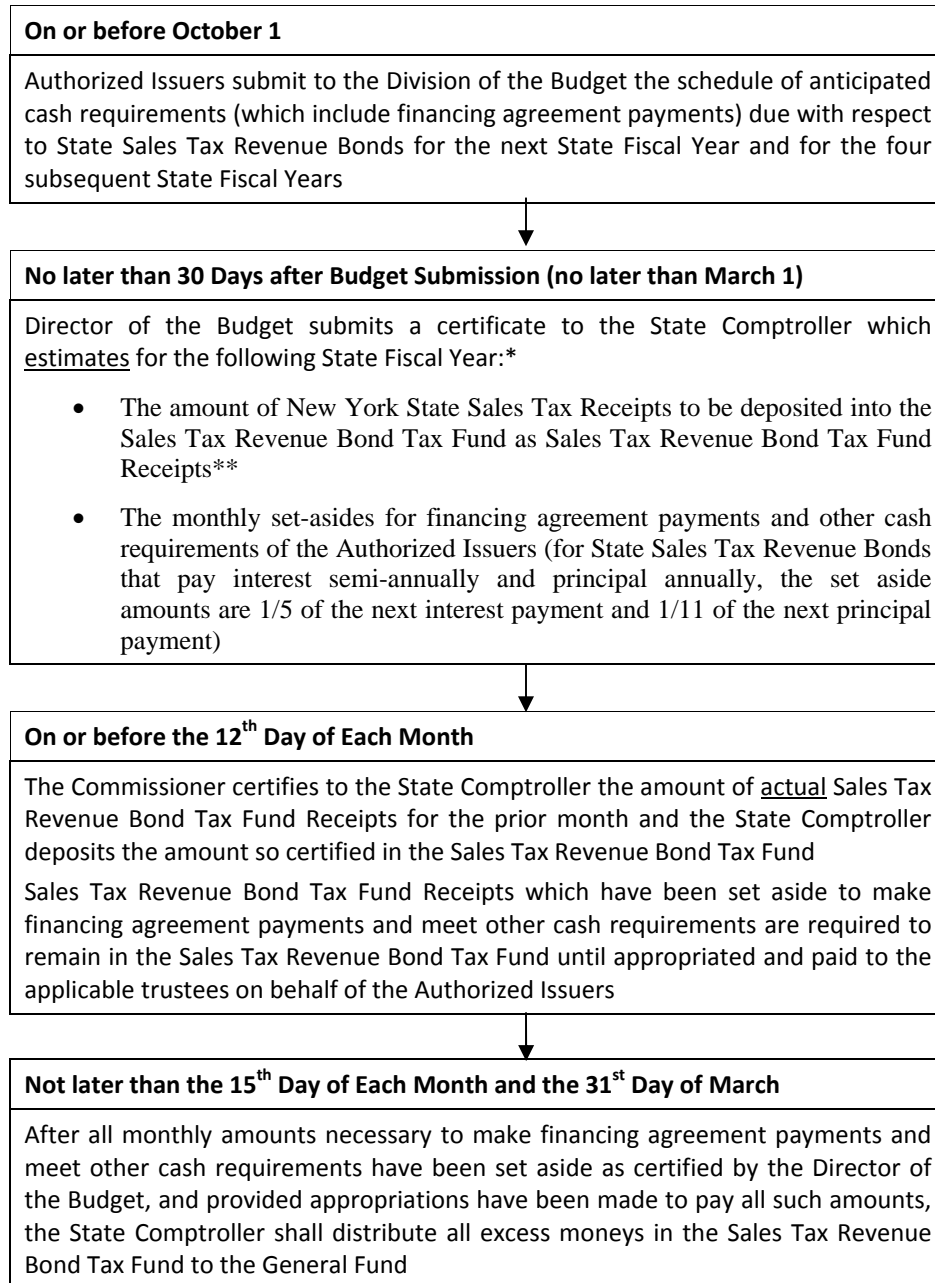
The State Comptroller shall from time to time, but in no event later than the fifteenth day of each month (other than the last month of the fiscal year) and no later than the thirty-first day of the last month of each fiscal year, pay over and distribute to the credit of the General Fund all moneys in the Sales Tax Revenue Bond Tax Fund, if any, in excess of the aggregate amount required to be set aside for the payment of cash requirements as described above.



## SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND

### FLOW OF SALES TAX REVENUE BOND TAX FUND RECEIPTS

The following chart summarizes the flow of Sales Tax Revenue Bond Tax Fund Receipts.



\* The Director of the Budget may revise such certification at any time to more precisely account for revised New York State Sales Tax Receipts estimate or actual debt service and other cash requirements, and to the extent necessary, shall do so not later than thirty days after the issuance of any State Sales Tax Revenue Bonds.

\*\* Equal to a one percent rate of taxation until the LGAC Obligations are met or discharged, at which time Sales Tax Revenue Bond Tax Fund Receipts shall increase to a two percent rate of taxation.



## ***SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND***

### **MONEYS HELD IN THE SALES TAX REVENUE BOND TAX FUND**

The Enabling Act prohibits the State Comptroller from paying over or distributing any amounts deposited in the Sales Tax Revenue Bond Tax Fund (except, if necessary, for payments authorized to be made to the holders of State general obligation debt) other than to the Authorized Issuers (which are paid to the applicable trustees on behalf of the Authorized Issuers), unless two requirements are met. First, all payments as certified by the Director of the Budget for a State Fiscal Year must have been appropriated to the Authorized Issuers for the payment of financing agreement payments (including debt service) in the full amount specified in the certificate of the Director of the Budget. Second, each certified and appropriated payment for which moneys are required to be set aside as provided in the Enabling Act must have been made to the trustees on behalf of the Authorized Issuers when due.

If such appropriations have been made to pay all annual amounts specified in the certificate of the Director of the Budget as being required by the Authorized Issuers for a State Fiscal Year and all such payments to the applicable trustees on behalf of the Authorized Issuers are current, then the State Comptroller is required by the Enabling Act to pay over and distribute to the credit of the General Fund at least once a month, all amounts in the Sales Tax Revenue Bond Tax Fund, if any, in excess of the aggregate amount required to be set aside. The Enabling Act also requires the State Comptroller to pay to the General Fund all sums remaining in the Sales Tax Revenue Bond Tax Fund on the last day of each State Fiscal Year, but only if the State has appropriated and paid to the applicable trustees on behalf of the Authorized Issuers the amounts necessary for the Authorized Issuers to meet their cash requirements for the current State Fiscal Year and, to the extent certified by the Director of the Budget, set aside any cash requirements required for the next State Fiscal Year.

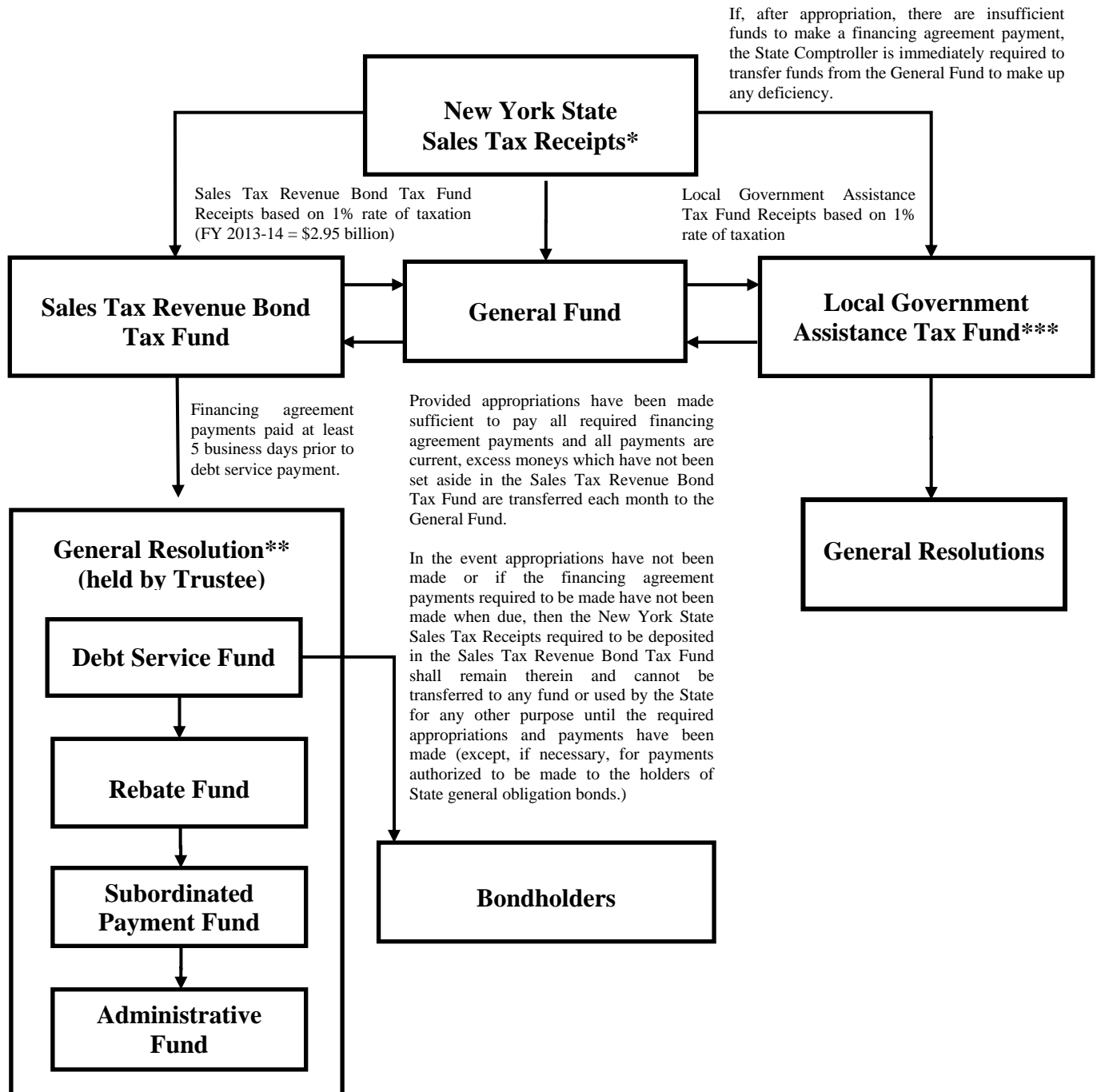
In the event that (i) the State Legislature fails to appropriate all amounts required to make financing agreement payments on State Sales Tax Revenue Bonds to all Authorized Issuers or (ii) having been appropriated and set aside pursuant to a certificate of the Director of the Budget, financing agreement payments have not been made when due on State Sales Tax Revenue Bonds, the Enabling Act requires that all of the New York State Sales Tax Receipts required to be deposited in the Sales Tax Revenue Bond Tax Fund remain in such fund. Other than to make financing agreement payments from appropriated amounts, the Enabling Act prohibits the transfer of moneys in the Sales Tax Revenue Bond Tax Fund to any other fund or account or use of such moneys by the State for any other purpose (except, if necessary, for payments authorized to be made to the holders of State general obligation debt) until such time as the required appropriations and all required financing agreement payments have been made to the trustees on behalf of each Authorized Issuer.

The Enabling Act provides that no person (including the Authorized Issuers or the holders of State Sales Tax Revenue Bonds) shall have any lien on moneys on deposit in the Sales Tax Revenue Bond Tax Fund and that the State's agreement to make financing agreement payments shall be executory only to the extent such payments have been appropriated.



# SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND

## FLOW OF REVENUES



\* Nothing shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the New York State Sales Tax.

\*\* The other Authorized Issuers are expected to adopt similar general resolutions.

\*\*\* Including the \$170 million annual obligation (ending June 30, 2034) to The City of New York





## ***SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND***

### **APPROPRIATION BY THE STATE LEGISLATURE**

The State may not expend money without an appropriation, except for the payment of debt service on general obligation bonds or notes issued by the State. An appropriation is an authorization approved by the State Legislature to expend money. The State Constitution requires all appropriations of State funds, including funds in the Sales Tax Revenue Bond Tax Fund, to be approved by the State Legislature at least every two years. In addition, the State Finance Law generally provides that appropriations shall cease to have force and effect, except as to liabilities incurred thereunder, at the close of the State Fiscal Year for which they were enacted and that to the extent of liabilities incurred thereunder, such appropriations shall lapse on the succeeding June 30th or September 15th depending on the nature of the appropriation.

The Authorized Issuers expect that the State Legislature will make an appropriation from amounts on deposit in the Sales Tax Revenue Bond Tax Fund sufficient to pay financing agreement payments when due. Sales Tax Revenue Bond Tax Fund Receipts are expected to exceed the amounts necessary to pay financing agreement payments. The Enabling Act prohibits the transfer of moneys in the Sales Tax Revenue Bond Tax Fund to any other fund or account or the use of such moneys by the State for any other purpose (other than to make financing agreement payments from appropriated amounts, and except, if necessary, for payments authorized to be made to the holders of State general obligation debt) until such time as the required appropriations and all required financing agreement payments have been made to the trustees on behalf of each Authorized Issuer. The State Legislature may not be bound in advance to make an appropriation, and there can be no assurances that the State Legislature will appropriate the necessary funds as anticipated. Nothing shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the New York State Sales Tax.

All payments required by financing agreements entered into by the State shall be executory only to the extent of the revenues available in the Sales Tax Revenue Bond Tax Fund. The obligation of the State to make financing agreement payments is subject to the State Legislature making annual appropriations for such purpose and such obligation does not constitute or create a debt of the State, nor a contractual obligation in excess of the amounts appropriated therefor. In addition, the State has no continuing legal or moral obligation to appropriate money for payments due under any financing agreement.

**State Sales Tax Revenue Bonds shall not be a debt of the State and the State shall not be liable thereon, nor shall State Sales Tax Revenue Bonds be payable out of any funds other than those pledged therefor. Neither the faith and credit nor the taxing power of the State is pledged to the payment of the principal of, premium, if any, or interest on State Sales Tax Revenue Bonds.**





## ***SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND***

Pursuant to the Enabling Act, Sales Tax Revenue Bond Tax Fund Receipts which have been set aside to pay when due the financing agreement payments of all Authorized Issuers shall remain in the Sales Tax Revenue Bond Tax Fund until they are appropriated and used to make financing agreement payments. However, the Enabling Act also provides that the use of such Sales Tax Revenue Bond Tax Fund Receipts by the State Comptroller is “subject to the rights of holders of debt of the state” (i.e., general obligation bondholders who benefit from the faith and credit pledge of the State). Pursuant to Article VII Section 16 of the State Constitution, if at any time the State Legislature fails to make an appropriation for general obligation debt service, the State Comptroller is required to set apart from the first revenues thereafter received, applicable to the General Fund, sums sufficient to pay debt service on such general obligation debt. In the event that such revenues and other amounts in the General Fund are insufficient to so pay general obligation bondholders, the State may also use amounts on deposit in the Sales Tax Revenue Bond Tax Fund to pay debt service on general obligation bonds.

The Division of the Budget is not aware of any existing circumstances that would cause Sales Tax Revenue Bond Tax Fund Receipts to be used to pay debt service on general obligation bonds in the future. The Director of the Budget believes that any failure by the State Legislature to make annual appropriations as contemplated would have a serious impact on the ability of the State and the Authorized Issuers to issue State-supported bonds to raise funds in the public credit markets.

### **ADDITIONAL BONDS**

Pursuant to each general resolution, additional State Sales Tax Revenue Bonds may be issued by the related Authorized Issuer, only if the amount of Sales Tax Revenue Bond Tax Fund Receipts for any 12 consecutive calendar months ended not more than six months prior to the date of such calculation, as certified by the Director of the Budget, is at least 2.0 times the maximum Calculated Debt Service on all Outstanding State Sales Tax Revenue Bonds, the additional State Sales Tax Revenue Bonds proposed to be issued, and any additional amounts payable with respect to parity reimbursement obligations.

Pursuant to each general resolution, additional State Sales Tax Revenue Bonds may be issued to refund outstanding State Sales Tax Revenue Bonds either by meeting the debt service coverage test described above, or, in the alternative, by demonstrating that maximum annual debt service on all outstanding State Sales Tax Revenue Bonds will not increase as a result of such refunding.



## ***SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND***

### **PARITY REIMBURSEMENT OBLIGATIONS**

An Authorized Issuer may incur Parity Reimbursement Obligations pursuant to the terms of the general resolution which, subject to certain exceptions, would be secured by a pledge of, and a lien on, the pledged property on a parity with the lien created by the related general resolution with respect to bonds issued thereunder. A Parity Reimbursement Obligation may be incurred in connection with obtaining a Credit Facility and represents the obligation to repay amounts advanced under the Credit Facility. It may include interest calculated at a rate higher than the interest rate on the related State Sales Tax Revenue Bond and may be secured by a pledge of, and a lien on, pledged property on a parity with the lien created by the general resolution for the State Sales Tax Revenue Bonds only to the extent that principal amortization requirements of the Parity Reimbursement Obligation are equal to the amortization requirements for the related State Sales Tax Revenue Bonds, without acceleration.

### **CERTAIN COVENANTS OF THE STATE**

Pursuant to the general resolutions, the State pledges and agrees with the holders of State Sales Tax Revenue Bonds, Bond Anticipation Notes ("BANs"), Parity Reimbursement Obligations or other obligations issued or incurred thereunder that the State will not in any way impair the rights and remedies of holders of such State Sales Tax Revenue Bonds, BANs, Parity Reimbursement Obligations or other obligations until such State Sales Tax Revenue Bonds, BANs, Parity Reimbursement Obligations or other obligations issued or incurred thereunder, together with interest thereon, with interest, if any, on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the holders are fully met and discharged.

Pursuant to the Enabling Act and the general resolutions, nothing shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the New York State Sales Tax. An Event of Default under the general resolutions would not occur solely as a result of the State exercising its right to amend, repeal, modify or otherwise alter the statutes imposing or relating to such taxes. However, the Director of the Budget believes that any materially adverse amendment, modification or alteration of, or the repeal of, statutes imposing or related to the New York State Sales Tax could have a serious impact on the flow of New York State Sales Tax Receipts to the Sales Tax Revenue Bond Tax Fund, the ability of the Authorized Issuers to issue additional State Sales Tax Revenue Bonds and the marketability of outstanding State Sales Tax Revenue Bonds.



## ***SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND***

### **RESERVATION OF STATE'S RIGHT TO SUBSTITUTE CREDIT**

Pursuant to the Enabling Act, the State reserves the right, upon amendment of the State Constitution to permit the issuance of State Revenue Bonds, which may be payable from or secured by revenues that may include the Revenues pledged under the general resolutions, (i) to assume, in whole or in part, State Sales Tax Revenue Bonds, (ii) to extinguish the existing lien on the pledged property created under the general resolutions, and (iii) to substitute security for State Sales Tax Revenue Bonds, in each case only so long as the assumption, extinguishment and substitution is accomplished in accordance with either of two provisions of the general resolutions. (For these purposes, any State Sales Tax Revenue Bonds paid or deemed to have been paid in accordance with the applicable general resolution on or before the date of any assumption, extinguishment and substitution are not to be taken into account in determining compliance with those provisions.) The first provision of the general resolutions is intended to permit an assumption, extinguishment and substitution, without any right of consent of Bondholders or other parties, if certain conditions are satisfied. The second provision of the general resolutions permitting such an assumption, extinguishment and substitution is intended to permit a broader range of changes with the consent of issuers of Credit Facilities and the consent of certain Bondholders. It provides that any such assumption, extinguishment and substitution may be effected if certain conditions are satisfied.

In the event a constitutional amendment becomes a part of the State Constitution, there can be no assurance that the State will exercise its rights of assumption, extinguishment, and substitution with respect to State Sales Tax Revenue Bonds. There can be no assurance that the Authorized Issuer would be the issuer of any such State Revenue Bonds upon any such assumption, extinguishment and substitution and, if not the Authorized Issuer, the issuer of such State Revenue Bonds could be the State or another public entity.



## ***SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND***

### **GENERAL HISTORY OF THE STATE SALES TAX**

In 1965, New York became the 39th state to impose a general sales and compensating use tax; 46 states now impose sales or gross receipts taxes. The statewide rate has been raised three times: from 2 percent to 3 percent on April 1, 1969, to 4 percent on June 1, 1971, and to 4.25 percent effective June 1, 2003 through May 31, 2005. The rate returned to 4 percent on June 1, 2005. The New York State Sales Tax now applies to: (1) sales and use within the State of most tangible personal property; (2) certain utility service billings; and (3) charges for restaurant meals, hotel and motel occupancy, and for specified admissions and services. The base of the tax has been amended periodically since its imposition in 1965 and in almost every year since 1992. The New York State Sales Tax is generally collected from the consumer by the final vendor, who is generally required to remit the tax quarterly. However, vendors with more than \$300,000 of taxable sales and purchases in one of the immediately preceding four quarters must remit the tax monthly by the twentieth of the month following the month of collection. Vendors collecting less than \$3,000 yearly may elect to file annually, in March. Monthly vendors with an annual sales and use tax liability exceeding \$500,000 or with an annual liability for prepaid sales tax on motor fuel and diesel motor fuel exceeding \$5 million are required to file using the State Tax Department's PromptTax program. PromptTax is an electronic filing and payment program that is mandatory for certain businesses. The New York State Department of Taxation and Finance notifies vendors if they are required to participate. The payment schedule requires New York State Sales Tax for the first 22 days of a month to be paid within three business days thereafter. Effective May 30, 2011, all filers are subject to a \$50 penalty for each failure to e-file unless the taxpayer can show that the failure was due to reasonable cause.

To reduce tax evasion, special provisions for remitting the New York State Sales Tax on motor fuel and cigarettes have been enacted. Since 1985, the New York State Sales Tax on gasoline has been remitted by the first importer of the fuel into New York. Prior to 2006, the New York State Sales Tax was prepaid at a per gallon rate based on regional prices. Currently, the prepayment is fixed at 14¾ cents in the Metropolitan Commuter Transportation District ("MCTD") region and 14 cents per gallon for the rest of the State. The cigarette prepayment rate is 8 percent and is prepaid by cigarette agents at the same time as payment for cigarette excise tax stamps.

Quarterly and annual sales tax filers are allowed to retain a portion of the New York State Sales Tax that they have collected, both as partial compensation for the administrative costs of collecting and remitting the New York State Sales Tax and as an incentive for timely payment of the New York State Sales Tax to the State. The vendor allowance applies to non-monthly filers and is 5 percent of tax liability, up to a maximum of \$200 per quarter for returns filed on time.



## ***SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND***

### **NEW YORK STATE SALES TAX RECEIPTS**

New York State Sales Tax Receipts constitute the State's second largest source of tax receipts after the personal income tax and accounted for approximately 18.1 percent of State tax receipts in all State Funds in State Fiscal Year 2013-14. The level of New York State Sales Tax Receipts is necessarily dependent upon economic and demographic conditions in the State, and therefore there can be no assurance that historical data with respect to collections of the New York State Sales Tax will be indicative of future receipts.

The following table sets forth historical information relating to New York State Sales Tax Receipts from State Fiscal Years 2004-05 through 2013-14, and estimated amounts for the State Fiscal Year 2014-15. The information reflects State Tax Law changes described below..

<b>New York State Sales Tax Receipts<sup>(1)</sup></b> <b>(Dollars in Billions)</b>			
<b>State Fiscal Year</b>	<b>New York State Sales Tax Receipts</b>	<b>Sales Tax Revenue Bond Tax Fund Receipts<sup>(2)</sup></b>	<b>% Change<sup>(3)</sup></b>
2004-05	\$10.587	\$2.493	10.0%
2005-06	10.592	2.615	4.9
2006-07	10.050	2.511	(4.0)
2007-08	10.590	2.646	5.4
2008-09	10.274	2.567	(3.0)
2009-10	9.871	2.467	(3.9)
2010-11	10.782	2.697	9.3
2011-12	11.125	2.780	3.1
2012-13	11.232	2.809	1.0
2013-14	11.786	2.951	5.1
2014-15 <sup>(4)</sup>	12.114	3.023	2.4

Source: Division of the Budget.

- (1) Reflects sales and compensating use tax receipts, net of refunds. Amounts are unadjusted for rate and base changes.
- (2) Reflects amounts equivalent to a 1 percent rate of taxation. Amounts shown prior to the enactment of the Sales Tax Revenue Bond Tax Fund (pre-2013-14) are pro forma.
- (3) Represents growth rate of net receipts of 1% rate share.
- (4) As estimated in the FY 2014-15 Enacted Budget Financial Plan.

Actual 2004-05 receipts of \$10.587 billion reflect an increase of 7.4 percent in the continuing New York State Sales Tax base as well as State Tax Law changes. The 2004-05 Enacted Budget extended the expiration date to March 1, 2005, for the temporary repeal of the exemption on clothing and footwear priced under \$110 and created two exemption weeks at the same threshold. In addition, contractors, subcontractors and their affiliates who make deliveries of taxable services or tangible personal property valued at more than \$300,000 to New York locations to register as New York State Sales Tax vendors.



## ***SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND***

Actual 2005-06 receipts of \$10.592 billion reflect an increase of 5.8 percent in the continuing New York State Sales Tax base. The 2005-06 Enacted Budget temporarily extended the two week exemption on clothing and footwear.

Actual 2006-07 receipts of \$10.050 billion reflect an increase of 4.0 percent in the continuing New York State Sales Tax base as well as State Tax Law changes. The vendor credit was increased and the New York State Sales Tax on motor fuel and diesel motor fuel was capped at eight cents per gallon. The exemption for items of clothing and footwear priced under \$110 went back into effect April 1, 2006.

Actual 2007-08 receipts of \$10.590 billion reflect an increase of 4.5 percent in the continuing New York State Sales Tax base.

Actual 2008-09 receipts of \$10.274 billion reflect a decrease of 2.1 percent in the continuing New York State Sales Tax base and State Tax Law changes. These State Tax Law changes included a new voluntary compliance program allowing taxpayer disclosure of certain underreported tax liabilities, non-profit tax-exempt restrictions and a new vendor registration fee. In addition, there is an evidentiary presumption that certain sellers using State residents to solicit sales in the State are vendors required to collect New York State Sales Tax (The New York State Court of Appeals ruled against Amazon and Overstock on the constitutionality of this law. Many other states have used this law as a model to tax Internet purchases. The U.S. Senate recently passed the Marketplace Fairness Act, which is an attempt to standardize the taxation of these products).

Actual 2009-10 receipts of \$9.871 billion reflect a decrease of 6.9 percent in the continuing New York State Sales Tax base and State Tax Law changes. These State Tax Law changes included a sales tax on certain transportation services, increased tax compliance efforts, increase prepaid New York State Sales Tax on cigarettes, an expanded definition of vendor to preclude certain taxpayers from avoiding the New York State Sales Tax and narrowing the exemption for commercial aircraft and the use tax exemption for motor vehicles, vessels and aircraft.

Actual 2010-11 receipts of \$10.782 billion reflect an increase of 7.5 percent in the continuing New York State Sales Tax base and State Tax Law changes. These State Tax Law changes included the elimination of the clothing and footwear exemption from October 1, 2010 to March 31, 2011, the elimination of the vendor credit for monthly filers and a clarification that room remarketers are required to collect sales and New York City occupancy taxes.

Actual 2011-12 receipts of \$11.125 billion reflect an increase of 5.3 percent in the continuing New York State Sales Tax base and State Tax Law changes such as the tax modernization project. In addition, clothing and footwear priced up to \$55 were exempt from New York State Sales Tax until March 31, 2012.



## SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND

Actual 2012-13 receipts of \$11.232 billion reflect an increase of 4.1 percent in the continuing New York State Sales Tax base and State Tax Law changes. The exemption for items of clothing and footwear priced under \$110 went back into effect on April 1, 2012.

Actual 2013-14 receipts of \$11.786 billion reflect an increase of 4.7 percent in the continuing New York State Sales Tax base and certain State Tax Law changes affecting sales tax receipts that went into effect during FY 2013-14. These tax law changes included START-UP NY (tax-free zones on or near qualifying university and college campuses), a driver's license suspension program for certain tax delinquencies, and restrictions on certain Industrial Development Agencies ("IDAs") retail projects and a benefit clawback provision.

FY 2014-15 receipts are estimated to be \$12.114 billion, reflecting an increase of 3.9 percent in the continuing New York State Sales Tax base.

(Note: The New York State Sales Tax Receipts described in this section do not include additional New York State Sales Tax collections in the MCTD region for the Mass Transportation Operating Assistance ("MTOA") Fund.)

The following table sets forth monthly Sales Tax Revenue Bond Tax Fund Receipts from State Fiscal Year 2009-10 through March 31, 2014 and reflects the State Tax Law changes described above.

### Monthly Sales Tax Revenue Bond Tax Fund Receipts<sup>(1)</sup>

April 1, 2009 Through March 31, 2014

(Millions of Dollars)

MONTH	2009-10	% <sup>(2)</sup>	2010-11	% <sup>(2)</sup>	2011-12	% <sup>(2)</sup>	2012-13	% <sup>(2)</sup>	2013-14	% <sup>(2)</sup>
APRIL	\$180.1	7%	\$190.0	7%	\$205.5	7%	\$195.3	7%	\$163.3 <sup>(3)</sup>	6%
MAY	178.3	7	189.3	7	203.5	7	207.7	7	271.4 <sup>(3)</sup>	9
JUNE	246.9	10	263.7	10	276.7	10	279.1	10	302.3	10
JULY	180.8	7	201.0	7	213.9	8	211.6	8	226.4	8
AUGUST	185.1	8	201.3	7	209.2	8	211.5	8	225.9	8
SEPTEMBER	264.5	11	264.0	10	272.9	10	287.1	10	297.4	10
OCTOBER	188.8	8	203.0	8	212.3	8	212.4	8	223.5	8
NOVEMBER	182.8	7	210.1	8	210.8	8	207.2	7	223.2	8
DECEMBER	252.7	10	289.5	11	283.9	10	287.4	10	297.4	10
JANUARY	203.2	8	231.0	9	224.1	8	232.4	8	236.1	8
FEBRUARY	171.5	7	187.5	7	190.7	7	200.3	7	201.0	7
MARCH	<u>231.8</u>	9	<u>266.8</u>	10	<u>276.0</u>	10	<u>276.6</u>	10	<u>286.4</u>	10
TOTAL	<u>\$2,466.5</u>	<u>100%</u>	<u>\$2,697.2</u>	<u>100%</u>	<u>\$2,779.5</u>	<u>100%</u>	<u>\$2,808.6</u>	<u>100%</u>	<u>\$2,954.1</u>	<u>100%</u>

Source: Division of the Budget.

(1) Amounts reflect the monies directed to the Sales Tax Revenue Bond Tax Fund starting April 1, 2013; Amounts shown prior to the enactment of the Sales Tax Revenue Bond Tax Fund are pro forma.

(2) Percentages indicate the monthly share of yearly receipts.

(3) In May, receipts were adjusted upward by roughly \$54 million to reflect monies that should have been posted in April.





## SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND

The following table sets forth the stability in the shares of New York State Sales Tax Receipts when examined by industry. For the entirety of the ten-year period, receipts from the retail and services industries together consistently comprised roughly 70 percent of total receipts.

**History of Industry Shares of New York State Sales Tax Receipts**

<u>Fiscal Year</u> <sup>1</sup>	<u>Retail Trade</u>	<u>Services</u>	<u>Wholesale Trade</u>	<u>Information</u>	<u>Other</u> <sup>2</sup>	<u>Utilities</u>	<u>Manufacturing</u>	<u>Construction</u>	<u>Unclassified</u>
2002	47.28%	21.84%	8.60%	7.97%	5.35%	3.79%	2.70%	2.28%	0.19%
2003	48.13	21.85	8.28	7.76	5.00	3.63	2.53	2.24	0.59
2004	51.73	20.42	7.76	7.36	4.22	3.31	2.37	2.07	0.76
2005	52.02	20.35	8.00	7.16	4.01	3.05	2.39	2.07	0.94
2006	49.98	20.98	8.60	7.05	4.21	3.48	2.42	2.12	1.16
2007	45.84	23.35	8.72	7.54	4.65	3.39	2.69	2.42	1.40
2008	44.07	24.97	8.82	7.57	4.83	3.46	2.81	2.51	0.96
2009	44.18	25.10	8.95	7.72	4.59	3.60	2.70	2.50	0.67
2010	45.07	25.41	8.37	7.83	4.61	3.49	2.47	2.32	0.43
2011 <sup>3</sup>	46.41	24.99	8.23	7.17	4.68	3.47	2.34	2.21	0.50

Source: New York State Department of Taxation and Finance.

1. March to February.
2. Includes Agriculture, Mining, Transportation, FIRE (Finance, Insurance and Real Estate), Education, and Government.
3. Preliminary.

### Debt Service Coverage

The following table sets forth (1) Sales Tax Revenue Bond Tax Fund Receipts for a twelve consecutive calendar month period ended not more than six months prior to the date of such calculation, (2) maximum annual debt service on outstanding Sales Tax Revenue Bonds and (3) resulting debt service coverage.

**Debt Service Coverage on Outstanding Sales Tax Revenue Bonds\***  
(Dollars in Thousands)

Sales Tax Revenue Bond Tax Fund Receipts <sup>1</sup> .....	\$2,954,094
Maximum Annual Debt Service .....	\$85,857
Debt Service Coverage .....	34.4x

\* As of March 31, 2014.

<sup>1</sup> Amounts prior to the enactment of the Sales Tax Revenue Bond Tax Fund are pro forma.





## ***SOURCES OF NEW YORK STATE SALES TAX RECEIPTS FOR THE SALES TAX REVENUE BOND TAX FUND***

Based upon the assumptions used in preparing the following table, including assumed average State Sales Tax Revenue Bond issuances of approximately \$1.2 billion annually over the next four years, State Sales Tax Revenue Bond debt service coverage based only upon the Sales Tax Revenue Bond Fund's statutory allocation of an amount equal to a one percent rate of taxation is expected to decline from 16.5 times in State Fiscal Year 2014-15 to 6.7 times in State Fiscal Year 2017-18.

**Projected State Sales Tax Revenue Bond Debt Service Coverage Ratios  
State Fiscal Years 2014-15 Through 2017-18  
(Dollars in Thousands)**

	<b>FY 2014-15</b>	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>
Projected Sales Tax Revenue Bond Tax Fund Receipts	\$3,023,100	\$3,138,450	\$3,254,950	\$3,379,450
Projected New State Sales Tax Revenue Bonds Issuances	1,178,773	1,214,136	1,250,560	1,288,077
Projected Total State Sales Tax Revenue Bonds Outstanding	2,099,466	3,236,070	4,367,872	5,480,821
Projected Maximum Annual Debt Service	182,724	286,329	395,731	508,097
Projected Debt Service Coverage	16.5x	11.0x	8.2x	6.7x

Additional State Sales Tax Revenue Bonds may be issued, subject to satisfaction of a 2.0 times debt service coverage test. All State Sales Tax Revenue Bonds issued by any Authorized Issuer will be on a parity with each other as to payments from the Sales Tax Revenue Bond Tax Fund, subject to annual appropriation by the State Legislature.



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# APPENDIX A

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## **APPENDIX A**

### **Bonds with a Section 1 Disclosure Obligation**

<b>4 /1 /1965</b>	Office of the State Comptroller, New York State General Obligation Bonds, Dated April 1, 1965
<b>8 /31/1967</b>	Office of the State Comptroller, New York State General Obligation Bonds, Dated August 15, 1967
<b>4 /6 /1972</b>	Office of the State Comptroller, New York State General Obligation Bonds, Dated April 1, 1972
<b>10/12/1973</b>	Office of the State Comptroller, New York State General Obligation Bonds, Dated October 1, 1973
<b>3 /3 /1987</b>	Office of the State Comptroller, New York State General Obligation Bonds, Dated March 1, 1987
<b>3 /16/1989</b>	New York State Urban Development Corporation Columbia University Federally Taxable Revenue Bonds, Series 1989
<b>3 /16/1989</b>	New York State Urban Development Corporation Cornell University Federally Taxable Revenue Bonds, Series 1989
<b>7 /22/1993</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 1993C Refunding Bonds, Dated July 1, 1993
<b>12/23/1993</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 1993E Refunding Bonds, Dated December 1, 1993
<b>11/21/1995</b>	New York State Urban Development Corporation State Facilities Revenue Bonds, 1995 Refunding
<b>11/30/1995</b>	Dormitory Authority of the State of New York, CUNY Consolidated Revenue Bonds, Series 1995A
<b>12/14/1995</b>	New York State Urban Development Corporation, Project Revenue Bonds (University Facilities Grants), 1995 Refunding Series
<b>12/14/1995</b>	New York State Urban Development Corporation Project Revenue Bonds (Syracuse Univ. Ctr. For Science & Technology) 1995 Refunding Series
<b>12/14/1995</b>	New York State Urban Development Corporation Project Revenue Bonds (Clarkson University Center for Advanced Materials Processing Loan) 1995 Refunding Series
<b>3 /27/1996</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 1996B

## **APPENDIX A**

### **Bonds with a Section 1 Disclosure Obligation**

<b>2 /26/1998</b>	Dormitory Authority of the State of New York, Secured Hospital Revenue Refunding Bonds, Series 1998H and 1998J
<b>11/1 /1998</b>	Dormitory Authority of the State of New York, Municipal Health Facilities Improvement Program Lease Revenue Bonds (New York City Issue), 1998 Series 1
<b>12/10/1998</b>	Dormitory Authority of the State of New York, Special Act School Districts Program Insured Revenue Bonds, Series 1998
<b>1 /7 /1999</b>	Dormitory Authority of the State of New York 4201 Schools Program Revenue Bonds, Series 1998
<b>1 /7 /1999</b>	Dormitory Authority of the State of New York Revenue Bonds (New York State Department of Health Issue), Series 1999A
<b>10/28/1999</b>	Dormitory Authority of the State of New York, Special Act School District Program Insured Revenue Bonds, Series 1999A
<b>7 /15/2000</b>	Dormitory Authority of the State of New York, Fashion Institute of Technology Revenue Bonds, Series 2000 (State Share)
<b>10/5 /2000</b>	Dormitory Authority of the State of New York, State University Educational Facilities Revenue Bonds, 2000C
<b>10/26/2000</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 2000C
<b>12/5 /2000</b>	Dormitory Authority of the State of New York, 4201 Schools Program Revenue Bonds, Series 2000
<b>3 /22/2001</b>	Office of the State Comptroller, New York State General Obligation Bonds, Series 2001B and 2001C (tax-exempt, variable rate), Dated March 22, 2001
<b>12/21/2001</b>	Dormitory Authority of the State of New York, Municipal Health Facilities Improvement Program Lease Revenue Bonds (New York City Issue), 2001 Series 2 (Subseries 2-1 through 2-5)
<b>2 /21/2002</b>	Office of the State Comptroller, \$118,225,00 General Obligation Bonds, Series 2002A, 2002B, 2002C (tax-exempt, variable rate), Dated February 21, 2002
<b>1 /23/2003</b>	Dormitory Authority of the State of New York, Secured Hospital Revenue Bonds, Series 2003 North General Hospital
<b>2 /20/2003</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2003A Refunding Bonds, Dated February 20, 2003

## **APPENDIX A**

### **Bonds with a Section 1 Disclosure Obligation**

<b>4 /10/2003</b>	Dormitory Authority of the State of New York, City University System Consolidated Third General Resolution Revenue Bonds, Series 2003-1
<b>7 /15/2003</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 2003D-2
<b>11/6 /2003</b>	Dormitory Authority of the State of New York Revenue Bonds (Department of Education of the State of New York Issue), Series 2003
<b>12/3 /2003</b>	Dormitory Authority of the State of New York, Department of Health of the State of New York Revenue Refunding Bonds, Series 2003
<b>12/9 /2003</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2003A and 2003C (Federally Taxable)
<b>12/18/2003</b>	New York State Environmental Facilities Corporation, Taxable Environmental Infrastructure Revenue Bonds, Series 2003A
<b>1 /8 /2004</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 2003A, Series 2003B
<b>2 /26/2004</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2004A Refunding Bonds, Dated February 26, 2004
<b>3 /17/2004</b>	New York State Housing Finance Agency, State Personal Income Tax Revenue Bonds (Economic Development and Housing), Series 2004A
<b>3 /24/2004</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2004A
<b>3 /25/2004</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Series 2004A
<b>4 /6 /2004</b>	Dormitory Authority of the State of New York, Department of Health of the State of New York Refunding Issue, Series 2004
<b>4 /6 /2004</b>	Dormitory Authority of the State of New York, Department of Health of the State of New York Revenue Refunding Bonds, Series 20041&2
<b>4 /7 /2004</b>	Dormitory Authority of the State of New York, Upstate Community Colleges Revenue Bonds, Series 2004
<b>4 /21/2004</b>	New York State Urban Development Corporation, New York Job Development Authority State Guaranteed Special Purpose Bonds, 2004 Series A&B

## APPENDIX A

### Bonds with a Section 1 Disclosure Obligation

<b>7 /14/2004</b>	Dormitory Authority of the State of New York, Upstate Community College Revenue Bonds, Series 2004B
<b>7 /28/2004</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2004B
<b>10/14/2004</b>	New York State Thruway Authority, State Personal Income Tax Revenue Bonds (Transportation), Series 2004A
<b>10/21/2004</b>	Dormitory Authority of the State of New York, (State University Dormitory Facilities Lease Revenue Bonds), Series 2004A
<b>12/21/2004</b>	New York State Environmental Facilities Corporation, State Personal Income Tax Revenue Bonds (Environment), Series 2004A
<b>12/22/2004</b>	New York State Urban Development Corporation, State Personal Income Tax Revenue Bonds (State Facilities & Equipment), Series 2004A-1, 2004A-2, 2004A-3, 2004A-4 (Economic Development & Housing), 2004B-1, 2004B-2, 2004B-3 (Taxable)
<b>2 /24/2005</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 2005A, 2005B, 2005C-1, and 2005D-1
<b>2 /24/2005</b>	Dormitory Authority of the State of New York, City University System Consolidated Fifth General Resolution Revenue Bonds, Series 2005A
<b>3 /2 /2005</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds (Education), Series 2005A, 2005B
<b>3 /2 /2005</b>	Dormitory Authority of the State of New York, Third General Resolution Revenue Bonds (State University Educational Facilities Issue), Series 2005A
<b>3 /3 /2005</b>	Dormitory Authority of the State of New York, Upstate Community College Revenue Bonds, Series 2005A, 2005B, 2005C
<b>3 /10/2005</b>	New York State Housing Finance Agency, State Personal Income Tax Revenue Bonds (Economic Development and Housing), 2005 Series A, 2005 Series B and 2005 Series C
<b>3 /16/2005</b>	Office of the State Comptroller, New York State General Obligation Bonds, Series 2005A Tax-Exempt, 2005B Taxable and 2005C Tax-Exempt Refunding Bonds, Dated March 16, 2005
<b>3 /24/2005</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2005A



## APPENDIX A

### Bonds with a Section 1 Disclosure Obligation

<b>3 /24/2005</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds (Economic Development and Housing), Series 2005B
<b>3 /24/2005</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds (Education),Series 2005D, 2005E (Federally Taxable)
<b>4 /7 /2005</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2005A
<b>4 /12/2005</b>	Dormitory Authority of the State of New York, Department of Health of the State of New York Refunding Revenue Bonds, Series 2005
<b>5 /26/2005</b>	New York State Urban Development Corporation Service Contract Revenue Refunding Bonds, Series 2005A
<b>6 /22/2005</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Bonds (Economic Dev. & Housing), Series 2005 A-1, Series 2005 A-2 (Federally Taxable)
<b>6 /30/2005</b>	Dormitory Authority of the State of New York, State Service Contract Revenue Bonds (Albany County Airport Project) Series 2005
<b>7 /14/2005</b>	New York State Thruway Authority, State Personal Income Tax Revenue Bonds (Transportation), Series 2005A
<b>9 /8 /2005</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2005B
<b>10/20/2005</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2005B and 2005C
<b>11/22/2005</b>	New York State Urban Development Corporation, State Personal Income Tax Revenue Bonds (State Facilities & Equipment), Series 2005B
<b>12/7 /2005</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds (Education), Series 2005F, 2005 G (Federally Taxable)
<b>12/15/2005</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 2005E&F
<b>1 /5 /2006</b>	New York State Urban Development Corporation Service Contract Revenue Refunding Bonds, Series 2005B
<b>1 /6 /2006</b>	New York State Environmental Facilities Corporation, State Personal Income Tax Revenue Bonds, Series 2006A

## **APPENDIX A**

### **Bonds with a Section 1 Disclosure Obligation**

<b>3 /16/2006</b>	New York State Housing Finance Agency, Personal Income Tax Revenue Bonds (Economic Development and Housing) 2006 Series A, 2006 Series B,(Federally Taxable) and 2006 Series C
<b>3 /29/2006</b>	Office of the State Comptroller, New York State General Obligation Bonds, Series 2006A Tax-Exempt and Series 2006B Taxable Bonds, Dated March 29, 2006
<b>3 /30/2006</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Economic Development and Housing), Series 2006A (Federally Taxable)
<b>3 /30/2006</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Series 2006A and Series 2006B (Federally Taxable)
<b>4 /19/2006</b>	Office of the State Comptroller, New York State General Obligation Bonds, Series 2006C Tax-Exempt and 2006D Taxable Refunding Bonds, Dated April 19, 2006
<b>6 /14/2006</b>	Dormitory Authority of the State of New York, Municipal Health Facilities improvement Program Lease Revenue Bonds (The City of New York Issue), Series 2006A
<b>7 /6 /2006</b>	Dormitory Authority of the State of New York, Department of Health of the State of New York Revenue Bonds, Series 2006A
<b>7 /12/2006</b>	Dormitory Authority of the State of New York, City University System Consolidated Fifth General Resolution Revenue Bonds, Series 2006A
<b>7 /27/2006</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2006A
<b>8 /9 /2006</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2006A
<b>8 /30/2006</b>	New York State Thruway Authority, State Personal Income Tax Revenue Bonds (Transportation), Series 2006A
<b>10/4 /2006</b>	Dormitory Authority of the State of New York Revenue Bonds (Department of Education of the State of New York Issue), Series 2006A
<b>11/15/2006</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Series 2006C
<b>12/20/2006</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Series 2006D and Series 2006E (Federally Taxable)
<b>12/20/2006</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Economic Development and Housing), Series 2006B

## **APPENDIX A**

### **Bonds with a Section 1 Disclosure Obligation**

<b>1 /18/2007</b>	New York State Environmental Facilities Corporation, State Personal Income Tax Revenue Bonds, Series 2007A
<b>1 /18/2007</b>	Dormitory Authority of the State of New York, Secured Hospital Revenue Refunding Bonds, Series 2006 (The Bronx-Lebanon Hospital Center)
<b>1 /18/2007</b>	New York State Environmental Facilities Corporation, Riverbank State Park Special Obligation Refunding Bonds, Series 2007
<b>3 /15/2007</b>	New York State Urban Development Corporation, State Personal Income Tax Revenue Bonds (State Facilities & Equipment), Series 2007B
<b>3 /15/2007</b>	New York State Urban Development Corporation, State Personal Income Tax Revenue Bonds (Economic Dev. & Housing), Series 2007A
<b>3 /21/2007</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 2007A, 2007B, 2007C, 2007D
<b>3 /22/2007</b>	Office of the State Comptroller, New York State General Obligation Bonds, Series 2007A Tax-Exempt Bonds, Series 2007B Taxable Bonds, Dated March 22, 2007
<b>3 /28/2007</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2007A
<b>3 /28/2007</b>	Dormitory Authority of the State of New York, Secured Hospital Revenue Refunding Bonds, Series 2007 (Interfaith Medical Center)
<b>4 /4 /2007</b>	New York State Housing Finance Agency, Personal Income Tax Revenue Bonds (Economic Development and Housing) Series 2007A, B & C
<b>6 /13/2007</b>	New York State Thruway Authority, Local Highway and Bridge Service Contract Bonds, Series 2007
<b>6 /20/2007</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2007B
<b>7 /11/2007</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Economic Development and Housing), Series 2007A
<b>7 /11/2007</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Series 2007A and B
<b>8 /1 /2007</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2007

## APPENDIX A

### Bonds with a Section 1 Disclosure Obligation

<b>8 /22/2007</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2007A Refunding Bonds, Dated August 22, 2007
<b>9 /6 /2007</b>	New York State Thruway Authority, State Personal Income Tax Revenue Bonds, Series 2007A
<b>9 /25/2007</b>	New York State Thruway Authority, State Personal Income Tax Revenue Bonds, Series 2007A (Refunding)
<b>10/5 /2007</b>	New York State Urban Development Corporation, Service Contract Revenue Refunding Bonds, Series 2007A
<b>10/18/2007</b>	Dormitory Authority of the State of New York, State of New York Consolidated Service Contract Refunding Revenue Bonds, Series 2007
<b>10/25/2007</b>	New York State Urban Development Corporation, State Personal Income Tax Revenue Bonds (State Facilities & Equipment), Series 2007C
<b>1 /10/2008</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Series 2007C
<b>1 /17/2008</b>	New York State Urban Development Corporation, State Personal Income Tax Revenue Bonds (Economic Development & Housing), Series 2008A-1, Series 2008A-2 (Federally Taxable)
<b>2 /26/2008</b>	New York State Thruway Authority, Local Highway and Bridge Service Contract Bonds, Series 2008
<b>2 /28/2008</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2008A Refunding Bonds, Dated February 28, 2008
<b>3 /12/2008</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Economic Development and Housing), Series 2008A and Series 2008B (Federally Taxable)
<b>3 /12/2008</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Healthcare), Series 2008A
<b>3 /20/2008</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2008A
<b>3 /27/2008</b>	Office of the State Comptroller, New York State General Obligation Bonds, Series 2008A Tax-Exempt Bonds, 2008B Taxable Bonds, Dated March 27, 2008

## **APPENDIX A**

### **Bonds with a Section 1 Disclosure Obligation**

<b>3 /27/2008</b>	New York State Environmental Facilities Corporation, State Personal Income Tax Revenue Bonds, Series 2008A
<b>6 /12/2008</b>	Dormitory Authority of the State of New York, Municipal Health Facilities Improvement Program Lease Revenue Bonds (New York City Issue), 2008 Series 1
<b>6 /19/2008</b>	New York State Housing Finance Agency State Personal Income Tax Revenue Bonds (Economic Development and Housing), Series 2008AB
<b>6 /19/2008</b>	New York State Housing Finance Agency State Personal Income Tax Revenue Variable Rate Refunding Bonds, Series 2008AB
<b>6 /24/2008</b>	New York State Urban Development Corporation Service Contract Revenue Refunding Bonds, Series 2008B
<b>6 /24/2008</b>	New York State Urban Development Corporation Service Contract Revenue Refunding Bonds, Series 2008A1-5
<b>6 /26/2008</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2008B Variable Rate Refunding Bonds, Dated June 26, 2008
<b>7 /9 /2008</b>	Dormitory Authority of the State of New York State Personal Income Tax Revenue Bonds (Education), Series 2008A
<b>7 /17/2008</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Variable Rate Remarketing Bonds, 2004A-3
<b>7 /24/2008</b>	Dormitory Authority of the State of New York Mental Health Services Facilities Improvement Bonds, Series 2008A-E
<b>8 /21/2008</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2008C Refunding Bonds, Dated August 21, 2008
<b>8 /28/2008</b>	Dormitory Authority of the State of New York, City University System Consolidated Revenue Fixed Rate Refunding Bonds, Series 2008A and Series 2008B
<b>9 /4 /2008</b>	New York State Thruway Authority Second General Highway and Bridge Trust Fund Bonds, Series 2008B
<b>9 /9 /2008</b>	New York State Urban Development Service Contract Revenue Fixed Rate Refunding Bonds, Series 2008C
<b>9 /10/2008</b>	New York State Thruway Authority State Personal Income Tax Revenue Refunding Bonds, Series 2008A

## **APPENDIX A**

### **Bonds with a Section 1 Disclosure Obligation**

<b>9 /11/2008</b>	Dormitory Authority for the State of New York, Lease Revenue Bonds State University Dormitory Facilities Issue), Series 2008A
<b>11/25/2008</b>	Dormitory Authority of the State of New York State Personal Income Tax Revenue Bonds (Education), Series 2008B
<b>11/25/2008</b>	Dormitory Authority of the State of New York State Personal Income Tax Revenue Fixed Rate Refunding Bonds, Series 2008C (Federally Taxable) (Economic Development and Housing), Series 2008C (Education)
<b>11/25/2008</b>	New York State Urban Development Corporation Service Contract Revenue Refunding Bonds, Series 2008D
<b>12/11/2008</b>	Dormitory Authority of the State of New York, City University System Consolidated Revenue Variable Rate Refunding Bonds, Series 2008CD
<b>12/11/2008</b>	Dormitory Authority of the State of New York, City University System Consolidated Revenue Fixed Rate Refunding Bonds, Series 2008E
<b>12/12/2008</b>	Dormitory Authority of the State of New York Mental Health Services Facilities Improvement Revenue Fixed Rate Refunding Bonds, Series 2008F
<b>1 /14/2009</b>	New York State Housing Finance Agency Service Contract Revenue Variable Rate Remarketing Bonds, Series 2003L, Series 2003M-1, and Series 2003M-2
<b>1 /15/2009</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Bonds, Economic Development and Housing Series, 2009A-1, and 2009A-2 (Federally Taxable), State Facilities and Equipment Series, 2009B-1 and 2009B-2 (Federally Taxable)
<b>2 /19/2009</b>	Dormitory Authority of the State of New York State Personal Income Tax Revenue Bonds, Series 2009A (EC DEV & HOUSE), Series 2009A (HEALTH), Series 2009A (ED)
<b>3 /4 /2009</b>	New York State Thruway Authority Second General Highway and Bridge Trust Fund Bonds, Series 2009A-1 and Series 2009A-2
<b>3 /19/2009</b>	New York State Environmental Facilities Corporation State Personal Income Tax Revenue Bonds, Series 2009A (Environment)
<b>3 /19/2009</b>	Office of the State Comptroller, State of New York General Obligation Bonds, Series 2009A Tax-Exempt and Series 2009B Taxable Bonds, Dated March 19, 2009
<b>3 /26/2009</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Fixed Rate Refunding Bonds, Series 2009A

## **APPENDIX A**

### **Bonds with a Section 1 Disclosure Obligation**

<b>6 /10/2009</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2008B-C/D Tax-Exempt and 2003A-5/6 Tax-Exempt Refunding Bonds, dated June 10, 2009
<b>6 /16/2009</b>	New York State Thruway Authority Personal Income Tax Revenue Bonds, Series 2009A
<b>6 /30/2009</b>	New York State Thruway Authority 2nd General Highway and Bridge Trust Fund Bonds, Series 2009B
<b>7 /1 /2009</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2009A, B
<b>8 /3 /2009</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2003A-8V Refunding Bonds (Substitution of Liquidity Facility and Cancellation of Bond Insurance Policy), Dated August 3, 2009.
<b>8 /27/2009</b>	New York State Housing Finance Agency State Personal Income Tax Revenue Bonds (Education and Housing), Series 2009AB
<b>8 /31/2009</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2009D, E, F
<b>9 /24/2009</b>	Dormitory Authority of the State of New York, State of New York Consolidated Service Contract Refunding Revenue Bonds, Series 2009A
<b>10/15/2009</b>	New York State Thruway Authority Local Highway and Bridge Service Contract Bonds, Series 2009
<b>10/20/2009</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2009G,H
<b>10/20/2009</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Qualified School Construction Bonds, Series 2009
<b>11/19/2009</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2009A
<b>12/1 /2009</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Bonds, General Purpose 2009C, 2009D (Federally Taxable), & 2009E (Federally Taxable Build America Bonds)
<b>12/3 /2009</b>	Office of the State Comptroller, State of New York General Obligation Bonds, Series 2009C Tax-Exempt Refunding Bonds, Dated December 3, 2009

## **APPENDIX A**

### **Bonds with a Section 1 Disclosure Obligation**

<b>3 /10/2010</b>	Office of the State Comptroller, State of New York General Obligation Bonds, Series 2010A Tax-Exempt Bonds, 2010B Taxable Bonds and 2010C Build America Bonds (BABs), Dated March 3, 2010
<b>3 /10/2010</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 2010A
<b>3 /11/2010</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2010A,C
<b>3 /17/2010</b>	New York State Thruway Authority 2nd General Highway and Bridge Trust Fund Bonds, Series 2010A,B
<b>5 /27/2010</b>	Office of the State Comptroller, New York Local Government Assistance Corporation Series 2010A Refunding Bonds, Dated May 27, 2010
<b>6 /3 /2010</b>	New York State Urban Development Corporation Service Contract Revenue Refunding Bonds, Series 2010A
<b>6 /3 /2010</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2010D
<b>6 /16/2010</b>	Dormitory Authority of the State of New York, Municipal Health Facilities Improvement Program Lease Revenue Bonds (New York City Issue), 2010 Series 1
<b>8 /26/2010</b>	Dormitory Authority of the State of New York, Municipal Health Facilities Improvement Program Lease Revenue Bonds (The City of New York Issue), Series 2010A
<b>9 /22/2010</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Qualified School Construction Bonds, Series 2010
<b>9 /24/2010</b>	New York State Thruway Authority Personal Income Tax Revenue Bonds, Series 2010A
<b>9 /29/2010</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2010A
<b>9 /30/2010</b>	Dormitory Authority of the State of New York, City University System Consolidated Fifth General Resolution Revenue Bonds, Series 2010A
<b>10/5 /2010</b>	New York State Urban Development Corporation Service Contract Revenue Refunding Bonds, Series 2010B
<b>10/14/2010</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2010E,F,G,H



## **APPENDIX A**

### **Bonds with a Section 1 Disclosure Obligation**

<b>12/1 /2010</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2003A-4V Refunding Bonds (Substitution of Liquidity Facility and Cancellation of Bond Insurance Policy), Dated December 1, 2010.
<b>12/1 /2010</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2010B Refunding Bonds, Dated December 1, 2010
<b>12/8 /2010</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Bonds, General Purpose 2010 A, 2010 B (Federally Taxable), & 2010 C (Federally Taxable Build America Bonds)
<b>12/16/2010</b>	Dormitory Authority of the State of New York, State of New York Consolidated Service Contract Refunding Revenue Bonds, Series 2010
<b>3 /30/2011</b>	Office of the State Comptroller, State of New York General Obligation Bonds, Series 2011A Tax-Exempt, Series 2011B Taxable, Series 2011C Tax-Exempt Refunding and 2011D Taxable Refunding Bonds, Dated March 30, 2011
<b>3 /30/2011</b>	Dormitory Authority of the State of New York, Secured Hospital Revenue Refunding Bonds, Series 2011 (NY Downtown Hospital)
<b>6 /9 /2011</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2011A&B
<b>6 /23/2011</b>	New York State Thruway Authority 2nd General Highway Bridge & Trust Fund Bonds, Series 2011A
<b>6 /29/2011</b>	New York State Housing Finance Agency Consolidated Service Contract Revenue Bonds, 2011 Series A Refunding
<b>7 /6 /2011</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2011A
<b>7 /7 /2011</b>	Tobacco Settlement Financing Corporation (State of New York) Asset-Backed Revenue Bonds Series 2011A and Series 2011B (State Contingency Contract Secured)
<b>7 /13/2011</b>	Dormitory Authority of the State of New York, Department of Health Veterans Homes Issue, Series 2011A
<b>7 /13/2011</b>	Dormitory Authority of the State of New York, Department of Health Revenue Refunding Bonds, Series 2011A
<b>7 /21/2011</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2011C

## **APPENDIX A**

### **Bonds with a Section 1 Disclosure Obligation**

<b>9 /8 /2011</b>	New York State Urban Development Corporation Service Contract Revenue Refunding Bonds, Series 2011A
<b>9 /14/2011</b>	New York State Thruway Authority Personal Income Tax Revenue Bonds, Series 2011A
<b>9 /15/2011</b>	Office of the State Comptroller, State of New York Local Government Assistance Corporation, Series 2011A Refunding Bonds, Dated September 15, 2011
<b>10/13/2011</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2011E&F
<b>12/8 /2011</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2011G
<b>12/15/2011</b>	Office of the State Comptroller, State of New York General Obligation Bonds, Series 2011E Tax-Exempt and 2011F Taxable Bonds, Dated December 15, 2011
<b>12/21/2011</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Bonds, General Purpose 2011A, 2011B (Federally Taxable)
<b>2 /23/2012</b>	Dormitory Authority of the State of New York, Third General Resolution Revenue Bonds (State University Educational Facilities Issue), Series 2012A
<b>3 /15/2012</b>	New York State Thruway Authority, Local Highway and Bridge Service Contract Bonds, Series 2012
<b>3 /22/2012</b>	New York State Thruway Authority 2nd General Highway Bridge and Trust Fund Bonds, Series 2012A
<b>6 /1 /2012</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2012A Refunding Bonds, Dated June 1, 2012
<b>6 /28/2012</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2012A
<b>7 /26/2012</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2012B & 2012C
<b>9 /6 /2012</b>	New York State Thruway Authority Personal Income Tax Revenue Bonds, Series 2012A
<b>9 /19/2012</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2012A

## APPENDIX A

### Bonds with a Section 1 Disclosure Obligation

<b>10/18/2012</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2012D,E,F
<b>3 /19/2013</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Bonds, General Purpose 2013A-1, 2013A-2,2013B (Federally Taxable)
<b>3 /19/2013</b>	Office of the State Comptroller, State of New York General Obligation Bonds, Series 2013A Tax-Exempt, Series 2013B Taxable and Series 2013C Tax-Exempt Refunding Bonds, Dated March 19, 2013
<b>7 /11/2013</b>	New York State Thruway Authority, State Personal Income Tax Revenue Bonds, Series 2013A
<b>7 /25/2013</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2013A&B
<b>8 /21/2013</b>	Dormitory Authority of the State of New York, Special Act School Districts Program (George Jr. Republic Union Free School District at Freeville Revenue Bonds, Series 2013)
<b>9 /26/2013</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Bonds, General Purpose 2013 C, 2013 D
<b>10/24/2013</b>	Dormitory Authority of the State of New York, State Sales Tax Revenue Bonds, Series 2013A
<b>12/12/2013</b>	Tobacco Settlement Financing Corporation (State of New York) Asset-Backed Revenue Bonds Series 2013A and Series 2013B (State Contingency Contract Secured)
<b>12/19/2013</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Bonds, General Purpose 2013 E, 2013 F (Federally Taxable)
<b>3 /21/2014</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpse), Series 2014A & B



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# APPENDIX B

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## **APPENDIX B**

### **Bonds with a Section 2 Disclosure Obligation**

<b>7 /22/1993</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 1993C Refunding Bonds, Dated July 1, 1993
<b>12/23/1993</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 1993E Refunding Bonds, Dated December 1, 1993
<b>3 /27/1996</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 1996B
<b>11/1 /1998</b>	Dormitory Authority of the State of New York, Municipal Health Facilities Improvement Program Lease Revenue Bonds (New York City Issue), 1998 Series 1
<b>1 /7 /1999</b>	Dormitory Authority of the State of New York Revenue Bonds (New York State Department of Health Issue), Series 1999A
<b>10/26/2000</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 2000C
<b>12/21/2001</b>	Dormitory Authority of the State of New York, Municipal Health Facilities Improvement Program Lease Revenue Bonds (New York City Issue), 2001 Series 2 (Subseries 2-1 through 2-5)
<b>2 /20/2003</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2003A Refunding Bonds, Dated February 20, 2003
<b>7 /15/2003</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 2003D-2
<b>12/3 /2003</b>	Dormitory Authority of the State of New York, Department of Health of the State of New York Revenue Refunding Bonds, Series 2003
<b>12/9 /2003</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2003A and 2003C (Federally Taxable)
<b>1 /8 /2004</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 2003A, Series 2003B
<b>2 /26/2004</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2004A Refunding Bonds, Dated February 26, 2004
<b>3 /17/2004</b>	New York State Housing Finance Agency, State Personal Income Tax Revenue Bonds (Economic Development and Housing), Series 2004A
<b>3 /24/2004</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2004A

## **APPENDIX B**

### **Bonds with a Section 2 Disclosure Obligation**

<b>3 /25/2004</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Series 2004A
<b>4 /6 /2004</b>	Dormitory Authority of the State of New York, Department of Health of the State of New York Revenue Refunding Bonds, Series 20041&2
<b>4 /6 /2004</b>	Dormitory Authority of the State of New York, Department of Health of the State of New York Refunding Issue, Series 2004
<b>7 /28/2004</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2004B
<b>10/14/2004</b>	New York State Thruway Authority, State Personal Income Tax Revenue Bonds (Transportation), Series 2004A
<b>10/21/2004</b>	Dormitory Authority of the State of New York, (State University Dormitory Facilities Lease Revenue Bonds), Series 2004A
<b>12/21/2004</b>	New York State Environmental Facilities Corporation, State Personal Income Tax Revenue Bonds (Environment), Series 2004A
<b>12/22/2004</b>	New York State Urban Development Corporation, State Personal Income Tax Revenue Bonds (State Facilities & Equipment), Series 2004A-1, 2004A-2, 2004A-3, 2004A-4 (Economic Development & Housing), 2004B-1, 2004B-2, 2004B-3 (Taxable)
<b>2 /24/2005</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 2005A, 2005B, 2005C-1, and 2005D-1
<b>3 /2 /2005</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds (Education), Series 2005A, 2005B
<b>3 /10/2005</b>	New York State Housing Finance Agency, State Personal Income Tax Revenue Bonds (Economic Development and Housing), 2005 Series A, 2005 Series B and 2005 Series C
<b>3 /24/2005</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds (Education), Series 2005D, 2005E (Federally Taxable)
<b>3 /24/2005</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2005A
<b>3 /24/2005</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds (Economic Development and Housing), Series 2005B
<b>4 /7 /2005</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2005A



## **APPENDIX B**

### **Bonds with a Section 2 Disclosure Obligation**

<b>4 /12/2005</b>	Dormitory Authority of the State of New York, Department of Health of the State of New York Refunding Revenue Bonds, Series 2005
<b>6 /22/2005</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Bonds (Economic Dev. & Housing), Series 2005 A-1, Series 2005 A-2 (Federally Taxable)
<b>7 /14/2005</b>	New York State Thruway Authority, State Personal Income Tax Revenue Bonds (Transportation), Series 2005A
<b>9 /8 /2005</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2005B
<b>10/20/2005</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2005B and 2005C
<b>11/22/2005</b>	New York State Urban Development Corporation, State Personal Income Tax Revenue Bonds (State Facilities & Equipment), Series 2005B
<b>12/7 /2005</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds (Education), Series 2005F, 2005 G (Federally Taxable)
<b>12/15/2005</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 2005E&F
<b>1 /6 /2006</b>	New York State Environmental Facilities Corporation, State Personal Income Tax Revenue Bonds, Series 2006A
<b>3 /16/2006</b>	New York State Housing Finance Agency, Personal Income Tax Revenue Bonds (Economic Development and Housing) 2006 Series A, 2006 Series B,(Federally Taxable) and 2006 Series C
<b>3 /30/2006</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Economic Development and Housing), Series 2006A (Federally Taxable)
<b>3 /30/2006</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Series 2006A and Series 2006B (Federally Taxable)
<b>6 /14/2006</b>	Dormitory Authority of the State of New York, Municipal Health Facilities improvement Program Lease Revenue Bonds (The City of New York Issue), Series 2006A
<b>7 /6 /2006</b>	Dormitory Authority of the State of New York, Department of Health of the State of New York Revenue Bonds, Series 2006A
<b>7 /27/2006</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2006A

## **APPENDIX B**

### **Bonds with a Section 2 Disclosure Obligation**

<b>8 /9 /2006</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2006A
<b>8 /30/2006</b>	New York State Thruway Authority, State Personal Income Tax Revenue Bonds (Transportation), Series 2006A
<b>11/15/2006</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Series 2006C
<b>12/20/2006</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Economic Development and Housing), Series 2006B
<b>12/20/2006</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Series 2006D and Series 2006E (Federally Taxable)
<b>1 /18/2007</b>	New York State Environmental Facilities Corporation, State Personal Income Tax Revenue Bonds, Series 2007A
<b>3 /15/2007</b>	New York State Urban Development Corporation, State Personal Income Tax Revenue Bonds (Economic Dev. & Housing), Series 2007A
<b>3 /15/2007</b>	New York State Urban Development Corporation, State Personal Income Tax Revenue Bonds (State Facilities & Equipment), Series 2007B
<b>3 /21/2007</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 2007A, 2007B, 2007C, 2007D
<b>3 /28/2007</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2007A
<b>4 /4 /2007</b>	New York State Housing Finance Agency, Personal Income Tax Revenue Bonds (Economic Development and Housing) Series 2007A, B & C
<b>6 /20/2007</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2007B
<b>7 /11/2007</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Economic Development and Housing), Series 2007A
<b>7 /11/2007</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Series 2007A and B
<b>8 /1 /2007</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2007

## **APPENDIX B**

### **Bonds with a Section 2 Disclosure Obligation**

<b>8 /22/2007</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2007A Refunding Bonds, Dated August 22, 2007
<b>9 /6 /2007</b>	New York State Thruway Authority, State Personal Income Tax Revenue Bonds, Series 2007A
<b>9 /25/2007</b>	New York State Thruway Authority, State Personal Income Tax Revenue Bonds, Series 2007A (Refunding)
<b>10/25/2007</b>	New York State Urban Development Corporation, State Personal Income Tax Revenue Bonds (State Facilities & Equipment), Series 2007C
<b>1 /10/2008</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Series 2007C
<b>1 /17/2008</b>	New York State Urban Development Corporation, State Personal Income Tax Revenue Bonds (Economic Development & Housing), Series 2008A-1, Series 2008A-2 (Federally Taxable)
<b>2 /28/2008</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2008A Refunding Bonds, Dated February 28, 2008
<b>3 /12/2008</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Healthcare), Series 2008A
<b>3 /12/2008</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Economic Development and Housing), Series 2008A and Series 2008B (Federally Taxable)
<b>3 /20/2008</b>	New York State Thruway Authority, Second General Highway and Bridge Trust Fund Bonds, Series 2008A
<b>3 /27/2008</b>	New York State Environmental Facilities Corporation, State Personal Income Tax Revenue Bonds, Series 2008A
<b>6 /12/2008</b>	Dormitory Authority of the State of New York, Municipal Health Facilities Improvement Program Lease Revenue Bonds (New York City Issue), 2008 Series 1
<b>6 /19/2008</b>	New York State Housing Finance Agency State Personal Income Tax Revenue Variable Rate Refunding Bonds, Series 2008AB
<b>6 /19/2008</b>	New York State Housing Finance Agency State Personal Income Tax Revenue Bonds (Economic Development and Housing), Series 2008AB

## **APPENDIX B**

### **Bonds with a Section 2 Disclosure Obligation**

<b>6 /26/2008</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2008B Variable Rate Refunding Bonds, Dated June 26, 2008
<b>7 /9 /2008</b>	Dormitory Authority of the State of New York State Personal Income Tax Revenue Bonds (Education), Series 2008A
<b>7 /17/2008</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Variable Rate Remarketing Bonds, 2004A-3
<b>7 /24/2008</b>	Dormitory Authority of the State of New York Mental Health Services Facilities Improvement Bonds, Series 2008A-E
<b>8 /21/2008</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2008C Refunding Bonds, Dated August 21, 2008
<b>9 /4 /2008</b>	New York State Thruway Authority Second General Highway and Bridge Trust Fund Bonds, Series 2008B
<b>9 /10/2008</b>	New York State Thruway Authority State Personal Income Tax Revenue Refunding Bonds, Series 2008A
<b>9 /11/2008</b>	Dormitory Authority for the State of New York, Lease Revenue Bonds State University Dormitory Facilities Issue), Series 2008A
<b>11/25/2008</b>	Dormitory Authority of the State of New York State Personal Income Tax Revenue Bonds (Education), Series 2008B
<b>11/25/2008</b>	Dormitory Authority of the State of New York State Personal Income Tax Revenue Fixed Rate Refunding Bonds, Series 2008C (Federally Taxable) (Economic Development and Housing), Series 2008C (Education)
<b>12/12/2008</b>	Dormitory Authority of the State of New York Mental Health Services Facilities Improvement Revenue Fixed Rate Refunding Bonds, Series 2008F
<b>1 /15/2009</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Bonds, Economic Development and Housing Series, 2009A-1, and 2009A-2 (Federally Taxable), State Facilities and Equipment Series, 2009B-1 and 2009B-2 (Federally Taxable)
<b>2 /19/2009</b>	Dormitory Authority of the State of New York State Personal Income Tax Revenue Bonds, Series 2009A (EC DEV & HOUSE), Series 2009A (HEALTH), Series 2009A (ED)
<b>3 /4 /2009</b>	New York State Thruway Authority Second General Highway and Bridge Trust Fund Bonds, Series 2009A-1 and Series 2009A-2

## **APPENDIX B**

### **Bonds with a Section 2 Disclosure Obligation**

<b>3 /19/2009</b>	New York State Environmental Facilities Corporation State Personal Income Tax Revenue Bonds, Series 2009A (Environment)
<b>3 /26/2009</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Fixed Rate Refunding Bonds, Series 2009A
<b>6 /10/2009</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2008B-C/D Tax-Exempt and 2003A-5/6 Tax-Exempt Refunding Bonds, dated June 10, 2009
<b>6 /16/2009</b>	New York State Thruway Authority Personal Income Tax Revenue Bonds, Series 2009A
<b>6 /30/2009</b>	New York State Thruway Authority 2nd General Highway and Bridge Trust Fund Bonds, Series 2009B
<b>7 /1 /2009</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2009A, B
<b>8 /3 /2009</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2003A-8V Refunding Bonds (Substitution of Liquidity Facility and Cancellation of Bond Insurance Policy), Dated August 3, 2009.
<b>8 /27/2009</b>	New York State Housing Finance Agency State Personal Income Tax Revenue Bonds (Education and Housing), Series 2009AB
<b>8 /31/2009</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2009D, E, F
<b>10/20/2009</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Qualified School Construction Bonds, Series 2009
<b>10/20/2009</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2009G,H
<b>11/19/2009</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2009A
<b>12/1 /2009</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Bonds, General Purpose 2009C, 2009D (Federally Taxable), & 2009E (Federally Taxable Build America Bonds)
<b>3 /10/2010</b>	Dormitory Authority of the State of New York, Mental Health Services Facilities Improvement Revenue Bonds, Series 2010A

## **APPENDIX B**

### **Bonds with a Section 2 Disclosure Obligation**

<b>3 /11/2010</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2010A,C
<b>3 /17/2010</b>	New York State Thruway Authority 2nd General Highway and Bridge Trust Fund Bonds, Series 2010A,B
<b>5 /27/2010</b>	Office of the State Comptroller, New York Local Government Assistance Corporation Series 2010A Refunding Bonds, Dated May 27, 2010
<b>6 /3 /2010</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2010D
<b>6 /16/2010</b>	Dormitory Authority of the State of New York, Municipal Health Facilities Improvement Program Lease Revenue Bonds (New York City Issue), 2010 Series 1
<b>8 /26/2010</b>	Dormitory Authority of the State of New York, Municipal Health Facilities Improvement Program Lease Revenue Bonds (The City of New York Issue), Series 2010A
<b>9 /22/2010</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (Education), Qualified School Construction Bonds, Series 2010
<b>9 /24/2010</b>	New York State Thruway Authority Personal Income Tax Revenue Bonds, Series 2010A
<b>9 /29/2010</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2010A
<b>10/14/2010</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2010E,F,G,H
<b>12/1 /2010</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2003A-4V Refunding Bonds (Substitution of Liquidity Facility and Cancellation of Bond Insurance Policy), Dated December 1, 2010.
<b>12/1 /2010</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2010B Refunding Bonds, Dated December 1, 2010
<b>6 /9 /2011</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2011A&B
<b>6 /23/2011</b>	New York State Thruway Authority 2nd General Highway Bridge & Trust Fund Bonds, Series 2011A
<b>7 /6 /2011</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2011A

## **APPENDIX B**

### **Bonds with a Section 2 Disclosure Obligation**

<b>7 /7 /2011</b>	Tobacco Settlement Financing Corporation (State of New York) Asset-Backed Revenue Bonds Series 2011A and Series 2011B (State Contingency Contract Secured)
<b>7 /13/2011</b>	Dormitory Authority of the State of New York, Department of Health Veterans Homes Issue, Series 2011A
<b>7 /13/2011</b>	Dormitory Authority of the State of New York, Department of Health Revenue Refunding Bonds, Series 2011A
<b>7 /21/2011</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2011C
<b>9 /14/2011</b>	New York State Thruway Authority Personal Income Tax Revenue Bonds, Series 2011A
<b>9 /15/2011</b>	Office of the State Comptroller, State of New York Local Government Assistance Corporation, Series 2011A Refunding Bonds, Dated September 15, 2011
<b>10/13/2011</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2011E&F
<b>12/8 /2011</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2011G
<b>12/21/2011</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Bonds, General Purpose 2011A, 2011B (Federally Taxable)
<b>3 /22/2012</b>	New York State Thruway Authority 2nd General Highway Bridge and Trust Fund Bonds, Series 2012A
<b>6 /1 /2012</b>	Office of the State Comptroller, New York Local Government Assistance Corporation, Series 2012A Refunding Bonds, Dated June 1, 2012
<b>6 /28/2012</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2012A
<b>7 /26/2012</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2012B & 2012C
<b>9 /6 /2012</b>	New York State Thruway Authority Personal Income Tax Revenue Bonds, Series 2012A
<b>9 /19/2012</b>	Dormitory Authority of the State of New York, Lease Revenue Bonds (State University Dormitory Facilities Issue), Series 2012A

## **APPENDIX B**

### **Bonds with a Section 2 Disclosure Obligation**

<b>10/18/2012</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2012D,E,F
<b>3 /19/2013</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Bonds, General Purpose 2013A-1, 2013A-2,2013B (Federally Taxable)
<b>7 /11/2013</b>	New York State Thruway Authority, State Personal Income Tax Revenue Bonds, Series 2013A
<b>7 /25/2013</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpose), Series 2013A&B
<b>9 /26/2013</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Bonds, General Purpose 2013 C, 2013 D
<b>10/24/2013</b>	Dormitory Authority of the State of New York, State Sales Tax Revenue Bonds, Series 2013A
<b>12/12/2013</b>	Tobacco Settlement Financing Corporation (State of New York) Asset-Backed Revenue Bonds Series 2013A and Series 2013B (State Contingency Contract Secured)
<b>12/19/2013</b>	New York State Urban Development Corporation State Personal Income Tax Revenue Bonds, General Purpose 2013 E, 2013 F (Federally Taxable)
<b>3 /21/2014</b>	Dormitory Authority of the State of New York, State Personal Income Tax Revenue Bonds, (General Purpse), Series 2014A & B