

Senate 1406, Assembly 2106, A BUDGET BILL, AN ACT to amend the general business law, in relation to allowing the department of correctional services' division of correctional industries to purchase inmate made goods.....

- Page 4, AN ACT clause
Unnumbered
line 50 After "DD);" strike out "and"
- Page 4, AN ACT clause
Unnumbered lines
51 thru 53 After "awards;" strike out "to amend the labor law, in relation to the determination of the wage paid in public construction projects;"
- Page 6, Unnumbered
line 25 After "(Part EE)" insert "; and to amend the retirement and social security law, in relation to options to limit volatility and improve planning for employer contributions (Part FF)"
- Page 6, Line 4 After "through" strike out "EE" and
Insert "FF"
- Page 15, Line 41 through
Page 18, Line 52 Strike out sections 16, 17, 18, 19, and
20 in their entirety and insert
"intentionally omitted."
- Page 66, Line 18, Strike out "fifty" and insert "forty-three"
- Page 66, Lines
18 thru 19 After "dollars" Strike out "for each county
searched"
- Page 66, Line 19, Strike out "thirty-four" and insert
"twenty-seven"
- Page 81, Lines
27 thru 28 After "effect" Strike out "on the one hundred
eightieth day after it shall have become a law;
provided, however that:" and insert "as
follows:"
- Page 81, Between lines
38 and 39 Insert new subdivisions d, e and f as follows:
"d. sections four through ten, sections sixteen
through eighteen and section thirty-two of this
act shall take effect one hundred and eighty
days after becoming a law.
e. section eleven of this act shall take effect
immediately.
f. sections twelve through fifteen and sections
nineteen through thirty-one of this act shall
take effect sixty days after becoming a law."
- Page 117, Line 54, After "any" and before "city"
Strike out "county or"
- Page 117, Line 55, After "more" and before "in"
Insert "or county"

Page 118, Line 11, After "such" and before "city"
Strike out "county or"

Page 118, Line 12, After "more" and before ", on"
Insert "or county"

Page 118, After line 13 Insert "Moneys received pursuant to this paragraph by any city with a population of one million or more or county shall be used to fund local law enforcement efforts. Moneys received by the county of Westchester pursuant to this paragraph shall be used to fund the policing of special parkways as defined in paragraph two of section seventy of the transportation law."

Page 155, Between lines 51 and 52 Insert:

"§ 45. Subdivisions 4 and 5 of section 6279 of the education law, subdivision 4 as added by chapter 264 of the laws of 1986 and subdivision 5 as amended by chapter 81 of the laws of 2002, are amended to read as follows:

(4) The state shall, in addition to any other state financial assistance, annually appropriate and pay to the fund for the benefit of the city university an amount equal to the aggregate of all rentals and other payments due to the dormitory authority from the fund on account of senior college facilities and one-half of all rentals and other payments due to the dormitory authority from the fund on account of community college facilities, which rentals and other payments are payable by the fund pursuant to any lease, sublease or other agreement entered into between the dormitory authority and the fund on or after July first, nineteen hundred eighty-five, other than pursuant to an agreement supplemental to any lease, sublease or other agreement entered into between the dormitory authority and the fund prior to July first, nineteen hundred eighty-five, for the city fiscal year commencing July first succeeding the filing of the report required to be submitted by the fund pursuant to subdivision seven of section sixty-two hundred seventy-four of this article. Such amount shall be paid to the fund as follows: (i) on or before the fifteenth day of July of the fiscal year of the city, the amount required to be paid by the fund on account of senior college facilities and fifty per centum of the amount required to be paid by the fund on account of community college facilities under any such lease, sublease or other agreement on or before the first day of August of such city fiscal year; (ii) on or before the fifteenth day of November of the fiscal year of the city, the amount required to be paid by the fund on account of senior college facilities and fifty per centum of the amount required to be paid by the fund on account of community

college facilities under any such lease, sublease or other agreement on or before the tenth day of December of such city fiscal year; and (iii) on or before the fifteenth day of May of the fiscal year of the city, the amount required to be paid by the fund on account of senior college facilities and fifty per centum of the amount required to be paid by the fund on account of community college facilities under any such lease, sublease or other agreement on or before the tenth day of June of such city fiscal year. In the event of the failure of the state to pay the fund when due pursuant to this subdivision all or part of such amounts, the fund shall forthwith make and deliver to the comptroller of the state of New York a certificate stating the amount of the payment required to have been made by the state, the amount paid by the state and the amount remaining unpaid by the state. The comptroller of the state of New York, after giving written notice to the state director of the budget, shall pay to the fund the amount set forth in such certificate as remaining unpaid, which amount shall be paid from any moneys appropriated by the state pursuant to section sixty-two hundred twenty-one of this chapter or any successor provisions of law for or on account of the net operating costs of senior colleges and not yet paid during such city fiscal year and from any moneys appropriated by the state pursuant to subdivision one of section sixty-three hundred four of this chapter or any successor provisions of law for or on account of operating costs of community colleges and not yet paid during such city fiscal year or from any other moneys appropriated by the state for or on account of the operating costs of senior or community colleges and not yet paid during such city fiscal years, which moneys are appropriated in lieu of or in addition to moneys appropriated pursuant to such provisions of law. The amount required to be paid by the comptroller of the state of New York pursuant to this subdivision shall be paid to the fund as soon as practicable after receipt of the certificate of the fund and notice to the state director of the budget is given whether or not the moneys from which such payment is to be made are then payable to the city or the city university; provided, however, that any amounts described in clauses (i), (ii) or (iii) that are payable other than semi-annually, including for variable rate bonds, interest rate exchange or similar agreements, or other financing arrangements permitted by law, may be paid at such other times as the state may elect, but in no event later than the fifteenth day of the month preceding the month during which the fund is required by such lease, sublease or agreement to pay such amounts.

(5) The city shall, in addition to any other city financial assistance, annually appropriate and pay to the fund for the benefit of the city university an amount equal to: (i) one-half of the aggregate of all rentals and such other payments where the dormitory authority has financed the entire capital cost of constructing community college facilities, and (ii) all of the aggregate rentals and such other payments where the dormitory authority has financed only the local sponsor's portion of the capital cost of constructing community college facilities pursuant to any lease, sublease or other agreement entered into between the dormitory authority and the fund on or after July first, nineteen hundred eighty-five, other than pursuant to an agreement supplemental to any lease, sublease or other agreement entered into between the dormitory authority and the fund prior to July first, nineteen hundred eighty-five, for the city fiscal year commencing July first succeeding the filing of the report required to be submitted by the fund pursuant to subdivision seven of section sixty-two hundred seventy-four of this article. Such amount shall be paid to the fund as follows: (i) on or before the fifteenth day of July of the fiscal year of the city, fifty per centum of the amount required to be paid by the fund on account of community college facilities under any such lease, sublease or other agreement on or before the first day of August of such city fiscal year; (ii) on or before the fifteenth day of November of the fiscal year of the city, fifty per centum of the amount required to be paid by the fund on account of community college facilities under any such lease, sublease or other agreement on or before the tenth day of December of such city fiscal year; and (iii) on or before the fifteenth day of May of the fiscal year of the city, fifty per centum of the amount required to be paid by the fund on account of community college facilities under any such lease, sublease or other agreement on or before the tenth day of June of such city fiscal year. In the event of the failure of the city to pay the fund when due pursuant to this subdivision all or part of such amounts, the fund shall forthwith make and deliver to the comptroller of the state of New York a certificate stating the amount of the payment required to have been made by the city, the amount paid by the city and the amount remaining unpaid by the city. The comptroller of the state of New York, after giving written notice to the city director of management and budget, shall pay to the fund the amount set forth in such certificate as remaining unpaid, which amount shall be paid, first, from the next succeeding payments of state aid apportioned to the city as per capita aid for the support of local government pursuant to

section fifty-four of the state finance law during such city fiscal year, provided that the amount the comptroller of the state of New York may pay pursuant to this subdivision from such next succeeding payment of state aid shall be limited to an amount which, together with (i) the amount of such state aid theretofore paid and then to be paid by the comptroller of the state of New York pursuant to subdivision two of this section, (ii) the amount of such state aid theretofore paid pursuant to this subdivision and (iii) the maximum amount which may thereafter be required to be paid pursuant to subdivision two of this section, in each such case during the city fiscal year in which the payment is to be made pursuant to this subdivision, does not exceed sixty-five million dollars; and, if the amount of such state aid so paid by the comptroller of the state of New York is less than the amount set forth in the certificate of the fund as remaining unpaid, then from any moneys appropriated by the state pursuant to section sixty-two hundred twenty-one of this chapter or any successor provisions of law for or on account of the net operating costs of senior colleges and not yet paid during such city fiscal year and from any moneys appropriated by the state pursuant to subdivision one of section sixty-three hundred four of this chapter or any successor provisions of law for or on account of operating costs of community colleges and not yet paid during such city fiscal year or from any moneys appropriated by the state for or on account of the operating costs of senior or community colleges and not yet paid during such city fiscal year, which moneys are appropriated in lieu of or in addition to moneys appropriated pursuant to such provisions of law. The amount required to be paid by the comptroller of the state of New York pursuant to this subdivision shall be paid to the fund as soon as practicable after receipt of the certificate of the fund and notice to the city director of management and budget is given, whether or not the state aid or other moneys from which such payment is to be made is then payable to the city or the city university. The amount of the state aid or other moneys payable to the city or the city university from which the comptroller of the state of New York has made a payment pursuant to this subdivision shall be reduced by the amount so paid to the fund notwithstanding the amount appropriated and apportioned by the state to the city or the city university, and the state shall not be obligated to make and the city or the city university shall not be entitled to receive any additional apportionment or payment of such state aid or other moneys; provided, however, that any amounts described in clauses (i), (ii) or (iii) that are payable other than semi-annually, including for variable rate bonds,

interest rate exchange or similar agreements, or other financing arrangements permitted by law, may be paid at such other times as the city may elect, but in no event later than the fifteenth day of the month preceding the month during which the fund is required by such lease, sublease or agreement to pay such amounts."

§46. Paragraphs 5 and 7 of section 97-f of the state finance law are amended to read as follows:

5. The comptroller shall from time to time, but in no event later than the fifteenth day of each month, pay over for deposit in the mental hygiene patient income account all moneys in the mental health services fund in excess of the amount of money required to be maintained on deposit in the mental health services fund. The amount required to be maintained in such fund shall be (i) twenty percent of the amount of the next payment coming due relating to the mental health services facilities improvement program under any agreement between the facilities development corporation and the New York state medical care facilities finance agency multiplied by the number of months from the date of the last such payment with respect to payments under any such agreement required to be made semi-annually, plus (ii) those amounts specified in any such agreement with respect to payments required to be made other than semi-annually, including for variable rate bonds, interest rate exchange or similar agreements or other financing arrangements permitted by law. Prior to making any such payment, the comptroller shall make and deliver to the director of the budget and the chairmen of the facilities development corporation and the New York state medical care facilities finance agency, a certificate stating the aggregate amount to be maintained on deposit in the mental health services fund to comply in full with the provisions of this subdivision.

7. The moneys in the mental health services fund shall be appropriated and paid out on audit and warrant of the comptroller on the certification of the chairman of the facilities development corporation or such officer or employee or officers or employees as such comptroller and such chairman shall authorize to make such requisitions. Payments shall be made to the New York State medical facilities finance agency at least five days prior to the date such agency is required to make any debt service, interest rate exchange or similar agreement, or any other financing arrangement payments [on] with respect to mental health services facilities improvement bonds [or], notes or other obligations, or at such times as the comptroller and the agency shall determine

Page 155,	Line 52	After "\$" strike "45" and Insert "47"
Page 156,	Line 5	After "\$" strike "46" and Insert "48"
Page 157,	Lines 34 thru 49	After "means" strike out "any legislation...stamped cigarettes." and insert "sections 480-b, 481(1)(c)and 1846(a-1) of the tax law."
Page 157,	Line 53,	After "the" strike out "class"
Page 158,	Line 8,	After "fees," and before "expenses" insert "discounts,"
Page 158,	Line 9,	After "bonds" and before "." insert "including, without limitation, any net original issue discount"
Page 158,	Line 55,	After "are" strike out "subject to" and insert "entitled to receive settlement payments under"
Page 159,	Line 14,	After "state" strike out ", effective November 27, 1999"
Page 159,	Line 40,	After "the" strike out "tobacco settlement financing"
Page 160,	Line 4,	After "to the" strike out "diligent"
Page 160,	Line 5,	After "state of" and before "the" insert "the payment provisions of"
Page 160,	Line 5,	After "agreement, the" and before "qualifying" insert "diligent enforcement at the expense of the state of the"
Page 160,	Line 6,	After "statute" strike out "and the consent decree"
Page 160,	Line 23,	After "regulation," and before "nor by" insert "nor by the pledge of any other funds or assets of the corporation to secure bonds,"
Page 160,	Line 31,	After "on" strike out "or before"
Page 160,	Line 49,	After "for" and before "any" insert "health care purposes in accordance with section 2807-V of the public health law, including but not limited to the treatment of smoking related illnesses and for smoking cessation efforts, (ii) for"
Page 160,	Line 50,	After "programs," strike out "(ii)" and insert "(iii)"
Page 161,	Line 1,	After "programs," strike out "(iii)" and insert "(iv)"

Page 161,	Line 2,	After "corporation, or" strike out "(iv)" and insert "(v)"
Page 162,	Line 16,	After "bonds" strike out "or notes"
Page 162,	Line 24,	After "funds" and before "as" insert "and assets"
Page 163,	Line 7,	After "restrictions" strike out ", if any,"
Page 163,	Line 7,	After "as the" strike out "laws of the state, the"
Page 166,	Line 19,	After "taxes" and before "on" insert "or taxes"
page 166,	Line 37,	After "(ii)" strike out "diligently"
Page 166,	Line 37,	After "enforce" strike out "the corporation's" and insert "its"
Page 166,	Lines 37 thru 38,	After "to" strike out "receive the pledged tobacco revenues to the full extent permitted by the terms of" and insert "collect all moneys due from the participating manufacturers under"
Page 166,	Line 40,	After "in" and before "the" insert "section IX(d)(2)(B) of"
Page 166,	Lines 42 thru 43,	After "not" strike out "signatories to the master settlement agreement" and insert "in compliance with the qualifying statute"
Page 166,	Line 43,	After "extent" and before "necessary" insert "deemed"
Page 166,	Lines 44 thru 45,	After "general" strike out "to collect all moneys to which the state is entitled under the master settlement agreement" and insert "provided, however, that the sale agreement may provide (a) that the remedies available to the corporation and the bondholders for any breach of the pledges and agreements of the state set forth in this clause (ii) shall be limited to injunctive relief, and (b) that the state shall be deemed to have diligently enforced the qualifying statute so long as there has been no judicial determination by a court of competent jurisdiction in this state, in an action commenced by a participating tobacco manufacturer under the master settlement agreement, that the state has failed to diligently enforce the qualifying statute for the purposes of section IX(d)(2)(B) of the master settlement agreement,"
Page 166,	Line 47,	After "would" and before "alter" insert "materially adversely (a)"
Page 166,	Line 48,	After "or" and before "limit" insert "(b)"

Page 166,	Line 50,	After "or" and before "in" insert "(c)"
Page 167,	Line 1,	After "and" strike out "any" and insert "the"
Page 167,	Line 3,	After "materially" strike out "impair" and insert "adversely affect"
Page 167,	Line 8,	After "corporation." insert "Notwithstanding these pledges and agreements by the state, the attorney general may in his or her discretion enforce any and all provisions of the master settlement agreement, without limitation."
Page 168,	Line 26,	After "corporation." strike out "With" and insert "The corporation may use agents, employees and facilities of the authority and, with"
Page 168,	Line 28,	After "state" strike out "or authority" and insert ", "
Page 168	Line 29,	Before "the affected agency" insert "the authority or"
Page 169,	Line 17,	After "loans" strike out "or" and insert " <u>and such amount of</u> "
Page 173,	Line 19,	After "to" strike out "subdivision two of"
Pages 177 and 178	Lines 26 thru 54 and 1 thru 42, respectively	Strike out Sections 2,3 and 4 in their entirety and insert "intentionally omitted"
Page 192,	Line 52	After "three", insert "and every fiscal year thereafter,"
Page 193,	Line 5	After "three", insert "and every fiscal year thereafter,"
Page 193,	Line 13	After "three", insert "and every fiscal year thereafter"
Page 193,	Line 23	After "three", insert "and every fiscal year thereafter"
Page 193,	Line 25	After "three", insert "and every fiscal year thereafter"
Page 266,	Between lines 23 and 24	After "Budget." insert new Part FF (LBD#70037-02-3, with hand written revisions)
Page 266,	Line 34	After "through" strike out "EE" and insert "FF"