

Cuomo's Budget Amendments

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Gov. Andrew Cuomo's office has provided this handy cheat sheet for the Gov's 30 day amendments to his budget proposal. Take a look and see if there is anything that stands out. Doesn't look like the Cuomo administration is restoring funding to the state's [spinal cord injury research program I wrote about this week](#)
--not that anyone was expecting that.

Here are the amendments:

Implement teacher evaluation system in New York City. Under the Governor's leadership, the state passed a comprehensive teacher evaluation system for every district across New York State. Though 99 percent of districts were able to reach an agreement on a plan with their local teacher unions, submit it to the state, and have their plan approved by the State Education Department before their January deadline, New York City failed to do so. As a result, it lost \$240 million in state aid and is in danger of losing additional funds if an evaluation system is not in place this year.

In the event the City and its collective bargaining units fail to reach agreement on a teacher evaluation system by the end of May, an expedited arbitration process, led by the Commissioner of Education, will occur. Following hearings and a review of evidence, the Commissioner, by June 1st, will make a final, written determination on the structure of a teacher evaluation system for New York City schools. This legislation will ensure that New York City students and educators will not see another school year go by without the timely feedback, professional development, and accountability that a robust teacher evaluation plan will provide.

Simplify, Streamline and Reduce Costs of hunting, fishing licenses. New York is Open for Fishing and Hunting is a plan to streamline hunting and fishing licenses and reduce fees to support tourism opportunities and benefit sportsmen and sportswomen throughout the State. The proposal would reduce fees paid by hundreds of thousands of hunters, anglers and trappers while maintaining support for the State's fish and wildlife programs.

Assure gas stations have back-up power capacity. Superstorm Sandy uncovered deficiencies in our fuel distribution system, including the lack of emergency power at gas stations. This amendment would require stations in strategic locations to have a transfer switch and a plan to deploy and install a generator within 24 hours of losing power during an energy emergency. The state would provide \$21 million for grants to cover all or a portion of the cost of the transfer switch installation.

Replace lost Federal revenue. This amendment authorizes actions to address the loss of federal revenue as a result of modifications to the current Medicaid financing system for developmental disability services. These actions generate \$500 million of savings, including \$180 million from accelerating Medicaid Redesign Team initiatives and delaying investments, leveraging \$200 million in current-year under spending to generate 2013-14 savings, and \$120 million from a 6 percent reduction to OPWDD Medicaid rates for not-for-profit providers.

Accelerate PILOT payments for the City of Albany. The PILOT payment made to the City of Albany is scheduled to decrease in 2013-14 by \$8 million under the existing statutory schedule.

Expand availability of the Stable Pension option. The stable pension contribution rate for local governments and schools, submitted as part of the Executive Budget, will provide a new tool for local governments to access the long-term savings from Tier VI and have greater predictability in their fiscal planning. Given the positive response to this proposal from sectors who asked to take advantage of the program but were not initially included, the Governor would expand eligibility to include BOCES and three local public hospitals – Nassau University Medical Center, Westchester Medical Center, and Erie County Medical Center. The county sponsors of the three hospitals included in this amendment, as well as their taxpayers, have a direct interest in financial condition of these institutions and, therefore, the stable pension option is a viable approach to meeting local fiscal demands.

Provide for Salamanca's unpaid tribal compact payments. The City of Salamanca has not received payments from the Seneca Nation of Indians pursuant to the Tribal State Compact for over three years. These annual payments represent nearly 40 percent of the City's budget. Accordingly, this failure has resulted in a major fiscal crisis, leaving the City at risk of being unable to pay its bills. This amendment will provide \$2.5 million from the General Fund to the Tribal State Compact account, representing the amount required by Salamanca for its 2012-13 fiscal year.

Increase SUNY Stony Brook capital appropriation. The amendment adds \$30 million in capital appropriations for Stony Brook University in addition to appropriations already included in the Executive Budget, so that the certain projects can continue as necessary.

Provide economic development support of the 2014 Super Bowl. New York and New Jersey will co-host Super Bowl XLVIII in February 2014. This amendment provides \$5 million to support activities in New York State to promote tourism and stimulate economic development opportunities associated with this premier event. This funding would be specifically delineated in the budget proposal and subject to legislative approval.

Limit liability for NY-TEXT messages. This amendment will provide immunity from liability for mobile carriers who issue emergency messages on behalf of the State. This protection is vital to ensuring that vendors will contract with the State to provide these services in New York. Provide retraining funds for state employees. The Executive Budget included a \$5 million appropriation to be used to retrain State employees impacted by 2012-13 and 2013-14 facility closures at OMH, OPWDD, DOCCS and OCFS. Funding would be available to retrain employees for which comparable State positions could not be found nearby their current work location. This amendment reduces the radius to 25 miles, allowing the funds to be used to help a larger number of impacted employees.

Reimburse the MTA for Rockaway Bridge toll suspension. The Executive Budget compensates the MTA for the suspension of tolls on the Rockaway Bridge during Sandy. This amendment revises the amount based on the actual costs reported by the MTA of \$3.9 million.

Require bidders for casinos to negotiate peace agreement. Language would be added to the current casino siting bill that would require bidders to negotiate Labor Peace Agreements (LPAs) prior to submitting their bids.

Fund a pilot program to provide counsel to indigent persons at arraignment. The Executive Budget includes a \$3 million "Miscellaneous - All State Departments and Agencies" appropriation from the Indigent Legal Services Fund to be used for creation of a pilot program to provide counsel to indigent persons when being arraigned in court.

Address Federal changes to the False Claims Act. This amendment is necessary for the State to continue to receive a 10 percent share of False Claims actions that were originally authorized as a Federal incentive to states to implement their own False Claims Act statutes.

Make a technical change to the FARM Highway Use Tax bill. Under current law, fuel used in farm vehicles is exempt from the highway use tax only if those vehicles are owned and operated by the farmer. This amendment would make a largely technical change that would exempt from taxation fuel used in vehicles operated not only by a farmer, but also by someone with a close family or business relationship to the farmer.

Streamline the highway diesel motor fuel tax. Current law requires NY fuel distributors to pay fuel taxes on all fuel up front and apply for a refund when they subsequently sell the product for an exempt purpose. Under this proposal, the tax on diesel fuel would not be collected up front -- but only at time of its ultimate sale if used for highway purposes. This will benefit fuel distributors, without increasing tax evasion.

Tighten Cell-Phone and Texting Laws. Current Article VII language increases the fines for violations of our cell phone and texting laws and provides for increased penalties for repeat violations within an 18-month period. This amendment increases the "look back" period from 18 months to five years to both strengthen the penalty provisions to encourage compliance and bring State provisions into line with recent federal regulations to promote highway safety.

Make a technical change to Indigent Care. This amendment is a technical change that would continue \$24.5 million of existing payments to five academic medical centers. This proposal has no fiscal impact, as these payments were assumed in the Financial Plan.

Allow counties to keep audit recoveries. This amendment allows counties to retain 100 percent of audit recoveries when they audit preschool special education providers, up from the originally proposed 75 percent, to reduce waste, fraud and abuse and provide local fiscal relief.

Make technical changes to the proposal for DOH Public Health Program Consolidations. The Executive Budget consolidated 89 separate program appropriations into six competitive pools. These amendments would make two largely technical changes to ensure that certain costs of essential, high quality providers of HIV/AIDS services can continue to be eligible for funding within their pool, and surveillance activities such as soil, air, food and water testing can continue to be funded within the Chronic Disease Program pool.

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