

PUBLIC PROTECTION & GENERAL GOVERNMENT

**Summary of Enacted Appropriations
By Agency**

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
Special Revenue-Other	13,297,500	13,502,000	13,764,000	262,000
Total for STATE OPERATIONS	13,297,500	13,502,000	13,764,000	262,000

LEGISLATIVE ACTION

Legislative Reductions

The Legislature reduces Non-personal Service funding by \$99,000 associated with the Agency's anticipated move to the Alfred E. Smith building.

Article VII

The Legislature denies the Executive's Article VII proposal to abolish the State Liquor Authority (SLA) and transfer its functions to the Division of Alcoholic Beverage Control (ABC).

The Legislature approves the Executive's proposal to authorize the ABC to increase most new filing fees for alcoholic beverage licenses and permits to reflect State administrative costs.

The Legislature rejects the Executive's proposal to allow for the direct shipment of wine into New York State from out of state wineries, after receiving a license and with the payment of appropriate taxes.

Legislative Additions

The Legislature provides \$225,000 in additional funding to restore the State Liquor Authority as a separate entity. The Legislature also provides \$136,000 in additional funding to prevent closure of ABC's Syracuse office.

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION	VETO#
PERSONAL SERVICE RELATED TO DENIAL OF SLA & ABC MERGER & SYRACUSE OFFICE CLOSURE	\$238,000	25
FRINGE BENEFITS RELATED TO DENIAL OF SLA AND ABC MERGER & SYRACUSE OFFICE CLOSURE	\$100,000	27
NON PERSONAL SERVICE RELATED TO DENIAL OF SLA AND ABC MERGER & SYRACUSE OFFICE CLOSURE	\$15,000	26
INDIRECT COSTS RELATED TO DENIAL OF SLA AND ABC MERGER & SYRACUSE OFFICE CLOSURE	\$8,000	28

DEPARTMENT OF AUDIT AND CONTROL

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	123,952,000	123,952,000	123,952,000	0
Special Revenue-Other	5,010,000	5,394,000	5,394,000	0
Internal Service Fund	3,222,000	3,274,000	3,274,000	0
Total for Agency	132,184,000	132,620,000	132,620,000	0
Total Contingency	73,963,000	76,314,000	76,314,000	0
Total for STATE OPERATIONS	206,147,000	208,934,000	208,934,000	0
AID TO LOCALITIES				
General Fund	29,099,000	39,424,000	39,424,000	0
Special Revenue-Other	0	0	12,000,000	12,000,000
Total for AID TO LOCALITIES	29,099,000	39,424,000	51,424,000	12,000,000

LEGISLATIVE ACTION

The Legislature concurs with the Executive recommendation.

Legislative Changes

The Legislature approves transfer of the indigent legal services fund program from the Division of Criminal Justice Services to the Department of Audit and Control.

BANKING DEPARTMENT

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
Special Revenue-Other	70,088,000	77,547,000	79,547,000	2,000,000
Special Revenue-Federal	500,000	0	0	0
Total for Agency	70,588,000	77,547,000	79,547,000	2,000,000
Total Contingency	2,700,000	2,700,000	2,700,000	0
Total for STATE OPERATIONS	73,288,000	80,247,000	82,247,000	2,000,000

LEGISLATIVE ACTION

The Legislature provides a \$2,000,000 appropriation to allow for the expenditure of funds collected pursuant to a settlement related to violations of the Banking Law by certain regulated institutions.

Article VII

The Legislature amends the Executive's Article VII proposal to authorize the Superintendent of the Banking Department to establish assessments, fees and penalties by regulation. This proposal was modified to authorize the Superintendent of the Banking Department to establish a single billing process for assessments and fees, while providing the Superintendent flexibility in the timing of such billing.

The Legislature also clarifies references to entities regulated by the Banking Department for the purposes of the general assessment, and specifies the Superintendent's authority to take action against institutions which fail to comply.

Additionally, the Legislature defines the supervisory powers of the Superintendent to apply to out-of-state institutions with branches in New York State as well as bank holding companies, and expands the prohibition against unsound practices.

In addition, the Legislature adds language that requires a report to the Governor and the Legislature on January 15, 2005 on the policies, activities and expenditures of the Holocaust Claims Processing Office and the overseas offices in London and Tokyo.

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION
BANKING DEPARTMENT SETTLEMENT	\$2,000,000

DIVISION OF THE BUDGET

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
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STATE OPERATIONS				
General Fund	37,020,000	35,120,000	35,120,000	0
Special Revenue-Other	19,350,000	19,350,000	19,350,000	0
Internal Service Fund	1,300,000	1,550,000	1,550,000	0
Total for STATE OPERATIONS	57,670,000	56,020,000	56,020,000	0

LEGISLATIVE ACTION

The Legislature concurs with the Executive recommendation.

CAPITAL DEFENDER OFFICE

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	13,095,000	12,650,000	12,739,000	89,000
Total for STATE OPERATIONS	13,095,000	12,650,000	12,739,000	89,000

LEGISLATIVE ACTION

The Legislature denies an Executive proposal to allow for the Division of Criminal Justice Services (DCJS) to "host" certain administrative functions of the Capital Defender Office (CDO). The Legislature restores \$89,000 to allow for the CDO to continue to perform its own administrative duties.

Legislative Changes

The Executive vetoed the following portions of non-appropriation budget bills passed by both houses of the Legislature. The Legislature does not believe such Executive veto actions to be consistent with the New York State Constitution.

- To ensure that \$89,000 restored by the Legislature to the CDO is utilized to support personal and non-personal service associated with the administration of the Office. This provision requires that these administrative duties shall not be transferred to any other state office, division or agency (Veto #199).

Legislative Additions

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION	VETO#
DENIAL OF PROPOSAL FOR DCJS TO "HOST" ADMINISTRATIVE FUNCTIONS OF THE CDO.	\$89,000	29

DEPARTMENT OF CIVIL SERVICE

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	21,728,000	23,212,000	22,212,000	(1,000,000)
Special Revenue-Other	1,800,000	1,400,000	1,400,000	0
Internal Service Fund	27,788,000	26,741,000	26,741,000	0
Total for Agency	51,316,000	51,353,000	50,353,000	(1,000,000)
Total Contingency	0	6,500,000	6,500,000	0
Total for STATE OPERATIONS	51,316,000	57,853,000	56,853,000	(1,000,000)

LEGISLATIVE ACTION

Legislative Reductions

The Legislature denies \$1,000,000 of a \$1,576,000 Executive request for costs related to the Department's anticipated relocation to the Alfred E. Smith Office Building in State Fiscal Year 2005-2006.

Article VII

The Legislature amends the Executive's Article VII proposal to allow Health Insurance Fund moneys to be available for use without appropriation. The Executive proposal would have provided for a permanent authorization, however, the Legislature provided for a limited authorization until March 31, 2005.

STATE CONSUMER PROTECTION BOARD

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	403,000	368,000	368,000	0
Special Revenue-Other	4,595,000	3,040,000	3,040,000	0
Total for STATE OPERATIONS	4,998,000	3,408,000	3,408,000	0

LEGISLATIVE ACTION

The Legislature concurs with the Executive recommendation.

Article VII

Due to enactment of Chapter 417 of the Laws of 2004, the Legislature denies the Executive's Article VII proposal to increase the penalty for violations of New York State's No Telemarketing Sales Call Law to conform with the Federal penalty. Chapter 417 provides for the same increases in penalties as the Executive's Article VII proposal.

The Legislature denies the Executive's Article VII proposal to increase the maximum civil penalty for unfair and deceptive business practices and false advertising from \$500 to \$5,000.

The Legislature approves the Executive's Article VII proposal to authorize the Consumer Protection Board to recover costs incurred while investigating complaints pertaining to the Motor Fuel Practices Act.

COMMISSION OF CORRECTION

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	2,529,000	2,433,000	2,433,000	0
Total for STATE OPERATIONS	2,529,000	2,433,000	2,433,000	0

LEGISLATIVE ACTION

The Legislature concurs with the Executive recommendation.

DEPARTMENT OF CORRECTIONAL SERVICES

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	1,875,094,000	1,875,292,000	1,894,592,000	19,300,000
Special Revenue-Other	268,000	16,000,000	16,000,000	0
Special Revenue-Federal	31,342,000	36,610,000	36,610,000	0
Internal Service Fund	77,633,000	71,531,000	71,531,000	0
Enterprise	65,758,000	65,426,000	65,426,000	0
Total for STATE OPERATIONS	2,050,095,000	2,064,859,000	2,084,159,000	19,300,000
AID TO LOCALITIES				
General Fund	11,400,000	11,400,000	11,400,000	0
Total for AID TO LOCALITIES	11,400,000	11,400,000	11,400,000	0
CAPITAL PROJECTS				
Correctional Facilities Capital Improvement Fund	205,000,000	205,000,000	205,000,000	0
Total for CAPITAL PROJECTS	205,000,000	205,000,000	205,000,000	0

LEGISLATIVE ACTION

The Legislature provides for additional appropriations of: \$12,000,000 to deny the Executive's prison closure proposal and provide for continued operations of Camp Pharsalia Correctional Facility, Camp Mt. McGregor Correctional Facility and Fulton Correctional Facility; \$300,000 to deny the Executive's closure proposal and provide for continued operations of the Watertown Special Housing Unit (SHU); and \$7,000,000 for an increase in correctional officer and correctional sergeant positions at correctional facilities to increase the number of security relief positions and reduce overtime costs.

Article VII

The Legislature extends for one year a provision which directs the Commissioner of the Department of Correctional Services (DOCS) to provide a report containing an array of detailed information related to the staffing of correctional facilities.

Legislative Additions

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION	VETO#
RELIEF FACTOR ADJUSTMENT	\$7,000,000	32
DENIAL OF CLOSURE - CAMP PHARSALIA (CHENANGO) AND MT. MCGREGOR (SARATOGA) CORRECTIONAL FACILITIES	\$6,500,000	30
DENIAL OF CLOSURE - FULTON CORRECTIONAL FACILITY (BRONX)	\$5,500,000	30
RESTORATION OF STAFFING - WATERTOWN SPECIAL HOUSING UNIT	\$300,000	31

CRIME VICTIMS BOARD

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	0	0	3,425,000	3,425,000
Special Revenue-Other	0	0	857,000	857,000
Special Revenue-Federal	0	0	1,857,000	1,857,000
Total for STATE OPERATIONS	0	0	6,139,000	6,139,000
AID TO LOCALITIES				
Special Revenue-Other	0	0	26,591,000	26,591,000
Special Revenue-Federal	0	0	36,523,000	36,523,000
Total for AID TO LOCALITIES	0	0	63,114,000	63,114,000

LEGISLATIVE ACTION

The Legislature denies an Executive Article VII proposal to merge the Crime Victims Board (CVB) into the Division of Criminal Justice Services (DCJS). As a result, the Legislature restores \$501,000 to meet costs associated with the administration of the CVB. The Legislature returns all crime victims services funding back to CVB.

Article VII

The Legislature accepts an Executive Article VII proposal to require the payment of mandatory surcharges and a crime victims assistance fee for adjudicated Youthful Offenders, and includes a provision to waive certain fees for indigent persons.

The Legislature rejects the following Executive Article VII proposals:

Merge the Crime Victims Board into the Division of Criminal Justice Services;

Establish a \$25,000 cap on medical payments to crime victims and a \$60,000 cap on payments for catastrophic injuries to crime victims; and

Authorize mandatory surcharges and a crime victims assistance fee to be imposed in cases where the defendant paid restitution in full.

Legislative Additions

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION	VETO#
DENIAL OF PROPOSAL TO MERGE THE CVB INTO THE DIVISION OF CRIMINAL JUSTICE SERVICES (DCJS).	\$501,000	33

DIVISION OF CRIMINAL JUSTICE SERVICES

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	43,462,000	43,861,000	40,987,000	(2,874,000)
Special Revenue-Other	10,007,000	11,507,000	10,650,000	(857,000)
Special Revenue-Federal	236,250,000	256,900,000	255,043,000	(1,857,000)
Total for STATE OPERATIONS	289,719,000	312,268,000	306,680,000	(5,588,000)
AID TO LOCALITIES				
General Fund	122,189,000	113,705,000	49,675,000	(64,030,000)
Special Revenue-Other	37,691,000	59,691,000	17,100,000	(42,591,000)
Special Revenue-Federal	83,674,000	96,821,000	60,298,000	(36,523,000)
Total for AID TO LOCALITIES	243,554,000	270,217,000	127,073,000	(143,144,000)

LEGISLATIVE ACTION

The Legislature augments the Executive proposal by providing for an additional \$4,734,000 in General Fund support for local criminal justice initiatives (Westchester County Policing: \$2,600,000; Indigent Parolee Representation Program: \$580,000; Road to Recovery Program: \$500,000; Education Assistance Corporation: \$450,000; Lifespan Elder Abuse Prevention Project: \$300,000; Law Enforcement Training and Technological Enhancements: \$170,000 and the New York Prosecutor's Training Institute: \$134,000). The Legislature increases by \$1,000,000 the amount of funds available to support the Motor Vehicle Theft and Insurance Fraud Prevention grant program. The Legislature further provides \$50,000 for a study on the impact of stun guns and other non-lethal weapons used by law enforcement.

Legislative Reductions

The Legislature denies an Executive proposal to merge the Crime Victims Board into the Division of Criminal Justice Services (DCJS). As a result, the Executive recommendation for DCJS is reduced by \$69,253,000 (\$3,425,000 in General Fund appropriations; \$38,380,000 in Special Revenue – Federal appropriations; and, \$27,448,000 in Special Revenue – Other appropriations). The Legislature simultaneously restored distinct appropriations for the operation of an independent Crime Victims Board.

The Legislature denies an Executive proposal to shift all Probation Aid and Alternatives to Incarceration (ATI) funding from the Division of Probation and Correctional Alternatives (DPCA) to DCJS. As a result, the Executive recommendation for General Fund spending in DCJS is reduced by \$70,854,000. The Legislature simultaneously restored this same level of funding to DPCA, to allow continued administration of such funding.

The Legislature denies an Executive proposal to shift the administration of the Indigent Legal Services Fund from the Office of the State Comptroller (Department of Audit and Control) to DCJS. As a result, the Executive recommendation for DCJS is reduced by \$12,000,000 (Special Revenue – Other) and enacted appropriation for the Department of Audit and Control are increased by \$12,000,000.

The Legislature denies a \$5,000,000 appropriation to support a program for the prosecution of a greater volume of Vehicle and Traffic Law offenses. Instead, the Legislature restores funding for the Division of State Police (\$3,000,000) to continue its assisting role in the adjudication of certain traffic violations.

Article VII

The Legislature accepts Executive Article VII legislation that establishes a new \$1,000 fee to be paid by convicted sex offenders.

The Legislature accepts an Executive Article VII proposal to require the payment of mandatory surcharges and a crime victims assistance fee for adjudicated Youthful Offenders, and includes a provision to waive certain fees for indigent persons.

The Legislature accepts with modification an Executive proposal that would redirect fine revenue remitted upon conviction of certain Vehicle and Traffic Law violations where speeding was the initially-charged offense. The Legislature amended the Executive proposal to allow for localities to assess a \$10 surcharge on certain violations of Vehicle and Traffic Law committed between September 1, 2004 and September 1, 2005.

The Legislature accepts a provision that would accelerate partial reimbursement to the Office of Court Administration and localities for the provision of indigent legal services, to allow for both entities to receive payment at the end of the present fiscal year. The Legislature denies Executive proposals to allow for DCJS to administer the Indigent Legal Services Fund and also rejects a proposal to enact a rigid formula to distribute Fund resources.

The Legislature rejects the following Executive Article VII proposals:

Merge the Crime Victims Board into the Division of Criminal Justice Services;

Expand a mandatory \$15 parking ticket surcharge to all vicinities of the State; and

Authorize the Division of Criminal Justice Services to implement automated photo-monitoring at highway work zones.

The Executive vetoed the following portions of non-appropriation budget bills passed by both houses of the Legislature. The Legislature does not believe such Executive veto actions to be consistent with the New York State Constitution.

–To direct DCJS to use \$50,000 appropriated by the Legislature to conduct a study on the impact of non-lethal weapons utilized by law enforcement (Veto #198).

–To direct a portion of Federal funding to be made available to support anti-terrorism initiatives enacted through Chapter 1 of the Laws of 2004. Specifically, the Legislature directs \$2,000,000 to improve security at various airports throughout the State, and further directs additional Federal funds to support a statewide chemical security assessment and Hazardous Materials (HAZMAT) training for first responders (Veto #200).

Legislative Additions

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION	VETO#
WESTCHESTER COUNTY POLICING PROGRAM - STATE SUPPORT	\$2,600,000	35
MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION PROGRAM -INCREASED FUNDING	\$1,000,000	41
INDIGENT PAROLEES REPRESENTATION	\$580,000	36
ROAD TO RECOVERY PROGRAM	\$500,000	
EDUCATION ASSISTANCE CORPORATION	\$450,000	39
LIFESPAN ELDER ABUSE PREVENTION PROJECT	\$300,000	38
LAW ENFORCEMENT TRAINING AND TECHNOLOGY ENHANCEMENTS	\$170,000	40
NEW YORK PROSECUTOR'S TRAINING INSTITUTE (NYPTI)	\$134,000	37
DCJS STUDY: NON-LETHAL WEAPON UTILIZATION BY LAW ENFORCEMENT	\$50,000	34

STATE BOARD OF ELECTIONS

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	3,435,000	3,650,000	3,650,000	0
Special Revenue-Other	20,000	120,000	120,000	0
Special Revenue-Federal	0	20,000,000	0	(20,000,000)
Total for STATE OPERATIONS	3,455,000	23,770,000	3,770,000	(20,000,000)
AID TO LOCALITIES				
Special Revenue-Federal	0	160,000,000	0	(160,000,000)
Total for AID TO LOCALITIES	0	160,000,000	0	(160,000,000)

LEGISLATIVE ACTION

The Legislature reduces the Executive's proposed appropriations to this Agency by \$180,000,000 to \$3,770,000. This reduction reflects the State's lack of a definitive plan for implementation of the Help America Vote Act (HAVA) and expenditure of associated funds.

Legislative Reductions

- The Legislature denies a \$20,000,000 Special Revenue Fund - Federal State Operations appropriation for the Help America Vote Act Implementation Account.
- The Legislature denies a \$160,000,000 Special Revenue Fund - Federal Aid to Localities appropriation to implement other provisions of HAVA.

OFFICE OF EMPLOYEE RELATIONS

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
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STATE OPERATIONS				
General Fund	3,290,000	3,321,000	3,321,000	0
Special Revenue-Other	479,000	479,000	479,000	0
Internal Service Fund	1,859,000	1,880,000	1,880,000	0
Total for STATE OPERATIONS	5,628,000	5,680,000	5,680,000	0

LEGISLATIVE ACTION

The Legislature concurs with the Executive recommendation.

EXECUTIVE CHAMBER

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	14,561,000	13,831,500	13,831,500	0
Special Revenue-Other	100,000	100,000	100,000	0
Total for STATE OPERATIONS	14,661,000	13,931,500	13,931,500	0

LEGISLATIVE ACTION

The Legislature concurs with the Executive recommendation.

OFFICE OF GENERAL SERVICES

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	116,899,000	121,707,000	121,707,000	0
Special Revenue-Other	14,792,000	16,027,000	16,027,000	0
Special Revenue-Federal	7,600,000	7,600,000	7,600,000	0
Internal Service Fund	150,083,600	162,692,000	162,692,000	0
Enterprise	1,091,000	1,172,000	1,172,000	0
Total for Agency	290,465,600	309,198,000	309,198,000	0
Total Contingency	250,000	250,000	250,000	0
Total for STATE OPERATIONS	290,715,600	309,448,000	309,448,000	0
CAPITAL PROJECTS				
Capital Projects Fund	106,000,000	43,450,000	49,450,000	6,000,000
Capital Projects Fund - Authority Bonds	19,500,000	0	0	0
Total for CAPITAL PROJECTS	125,500,000	43,450,000	49,450,000	6,000,000

LEGISLATIVE ACTION

The Legislature approves the Executive's recommendation to fund the following new Capital projects within this Agency:

- \$9,071,000 is appropriated for design and construction supervision;
- \$23,000,000 is appropriated for health and safety related activities;
- \$13,293,000 is appropriated preservation of facilities; and
- \$8,043,000 is appropriated for preventive maintenance.

In addition, the Legislature provides \$6,000,000 in capital funding, equally distributed between the Senate and the Assembly, for rehabilitation and improvements to the State Capitol Building.

Article VII

The Legislature denies the Executive's Article VII proposal to authorize the use of owner-controlled insurance policies by State agencies, public authorities and municipalities.

Legislative Additions

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION	VETO#
CAPITOL BUILDING-PRESERVATION OF FACILITIES-ASSEMBLY	\$3,000,000	190
CAPITOL BUILDING-PRESERVATION OF FACILITIES-SENATE	\$3,000,000	190

OFFICE OF THE INSPECTOR GENERAL

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
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STATE OPERATIONS				
General Fund	4,300,000	4,147,000	4,147,000	0
Special Revenue-Other	1,610,000	1,738,000	1,738,000	0
Total for STATE OPERATIONS	5,910,000	5,885,000	5,885,000	0

LEGISLATIVE ACTION

The Legislature concurs with the Executive recommendation.

NEW YORK INTEREST ON LAWYERS ACCOUNT

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
Special Revenue-Other	1,588,000	1,633,000	1,633,000	0
Total for STATE OPERATIONS	1,588,000	1,633,000	1,633,000	0
AID TO LOCALITIES				
Special Revenue-Other	13,000,000	12,000,000	12,000,000	0
Total for AID TO LOCALITIES	13,000,000	12,000,000	12,000,000	0

LEGISLATIVE ACTION

The Legislature concurs with the Executive recommendation.

TEMPORARY STATE COMMISSION OF INVESTIGATION

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	2,915,000	2,864,000	3,264,000	400,000
Special Revenue-Other	266,000	186,000	186,000	0
Total for STATE OPERATIONS	3,181,000	3,050,000	3,450,000	400,000

LEGISLATIVE ACTION

Legislative Additions

The Legislature provides \$400,000 in additional funding for personal and non-personal service expenses to accommodate staffing and lease costs for this agency.

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION
MAINTENANCE UNDISTRIBUTED -- FOR ADDITIONAL PERSONAL AND NON-PERSONAL SERVICE EXPENSES	\$400,000

JUDICIAL COMMISSIONS

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	2,426,000	2,557,000	2,557,000	0
Total for STATE OPERATIONS	2,426,000	2,557,000	2,557,000	0

LEGISLATIVE ACTION

The Legislature concurs with the Executive recommendation.

DEPARTMENT OF LAW

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
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STATE OPERATIONS				
General Fund	112,778,000	112,778,000	112,778,000	0
Special Revenue-Other	45,024,000	53,297,000	53,297,000	0
Special Revenue-Federal	30,625,000	31,216,000	31,216,000	0
Total for STATE OPERATIONS	188,427,000	197,291,000	197,291,000	0

LEGISLATIVE ACTION

The Legislature concurs with the Executive recommendation.

Article VII

The Legislature rejects an Article VII provision that would increase the maximum civil penalty for violations of Article 22-A of the General Business Law, relating to unfair and deceptive business practices.

TEMPORARY STATE COMMISSION ON LOBBYING

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	987,000	1,003,000	1,003,000	0
Special Revenue-Other	300,000	300,000	300,000	0
Total for STATE OPERATIONS	1,287,000	1,303,000	1,303,000	0

LEGISLATIVE ACTION

The Legislature concurs with the Executive recommendation.

DIVISION OF MILITARY AND NAVAL AFFAIRS

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	16,738,000	16,219,000	16,295,000	76,000
Special Revenue-Other	12,643,000	11,294,000	11,631,000	337,000
Special Revenue-Federal	34,269,000	34,898,000	34,898,000	0
Total for STATE OPERATIONS	63,650,000	62,411,000	62,824,000	413,000
AID TO LOCALITIES				
General Fund	60,100,000	0	0	0
Special Revenue-Other	2,850,000	2,850,000	1,650,000	(1,200,000)
Special Revenue-Federal	211,600,000	23,495,000	23,495,000	0
Total for AID TO LOCALITIES	274,550,000	26,345,000	25,145,000	(1,200,000)
CAPITAL PROJECTS				
Capital Projects Fund	16,600,000	7,000,000	7,000,000	0
Federal Capital Projects Fund	24,000,000	39,000,000	39,000,000	0
Total for CAPITAL PROJECTS	40,600,000	46,000,000	46,000,000	0

LEGISLATIVE ACTION

Legislative Reductions

The Legislature denies the Executive's request for \$1,126,000 in General Fund appropriation to offset an anticipated loss of Park Avenue Armory rental income in SFY 2004-05.

Legislative Changes

The Legislature restores \$1,280,000 for the Special Revenue Armory Rental Account due to the continued receipt of Park Avenue Armory rental income.

Article VII

The Legislature denies the Executive's Article VII proposal to increase fees paid by nuclear generating facility operators.

The Executive's Article VII proposal to provide for an increase in the minimum daily rate of pay for New York National Guard members on State active duty was subsequently approved by the Legislature [Governor's program bill # 95 (A.11697 and S.7607)] and therefore was not included in the enacted 2004-05 State Budget.

The Legislature provides authorization for the transfer of the Culver Road Armory to the City of Rochester upon the Division of Military and Naval Affairs (DMNA) determination that such property is no longer needed for use by the organized militia.

Legislative Additions

The Legislature provides \$450,000 in funding for services and expenses related to the purchase of one marine security patrol boat, to be stationed at the Indian Point nuclear power facility in Westchester County, and two marine security patrol boats to be stationed at the Ginna nuclear power facility in Ontario, Wayne County.

The Legislature also adds \$752,000 for additional personal and non-personal service expenses in the Emergency Management Program for radiological preparedness.

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION
RESTORATION OF ARMORY RENTAL ACCOUNT APPROPRIATION	\$1,280,000
ADDITIONAL PERSONAL SERVICE AND NON-PERSONAL SERVICE EXPENSES	\$752,000
MARINE SECURITY BOATS	\$450,000

DIVISION OF PAROLE

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	145,234,000	143,617,000	143,793,000	176,000
Special Revenue-Other	825,000	825,000	825,000	0
Special Revenue-Federal	500,000	500,000	500,000	0
Total for STATE OPERATIONS	146,559,000	144,942,000	145,118,000	176,000
AID TO LOCALITIES				
General Fund	37,477,000	35,348,000	35,348,000	0
Internal Service Fund	5,250,000	7,250,000	7,250,000	0
Total for AID TO LOCALITIES	42,727,000	42,598,000	42,598,000	0

LEGISLATIVE ACTION

The Legislature augments the Executive proposal by \$176,000 to restore funding for certain travel-related expenses associated with the execution of warrants lodged against out-of-state parole violators.

Article VII

The Legislature accepts an Article VII proposal that clarifies when the Division is responsible for reimbursing local jails for the housing of persons who violate the terms of presumptive release, parole or conditional release.

The Legislature rejects an Executive proposal to extend the period in which the Division can process parole violation warrants for certain out-of-state parole violators.

Legislative Additions

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION	VETO#
DENIAL OF ART. VII PROVISION TO EXTEND TIME IN WHICH PAROLE WARRANTS MUST BE EFFECTUATED.	\$176,000	42

OFFICE FOR PREVENTION OF DOMESTIC VIOLENCE

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	1,515,000	1,361,000	1,361,000	0
Special Revenue-Other	70,000	70,000	70,000	0
Special Revenue-Federal	100,000	100,000	100,000	0
Total for STATE OPERATIONS	1,685,000	1,531,000	1,531,000	0
AID TO LOCALITIES				
General Fund	755,000	717,000	755,000	38,000
Total for AID TO LOCALITIES	755,000	717,000	755,000	38,000

LEGISLATIVE ACTION

Legislative Additions

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION	VETO#
BATTERER'S INTERVENTION PROGRAM	\$38,000	43

PROBATION AND CORRECTIONAL ALTERNATIVES, DIVISION OF

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	2,153,000	1,888,000	2,090,000	202,000
Total for STATE OPERATIONS	2,153,000	1,888,000	2,090,000	202,000
AID TO LOCALITIES				
General Fund	0	0	68,764,000	68,764,000
Total for AID TO LOCALITIES	0	0	68,764,000	68,764,000

LEGISLATIVE ACTION

The Legislature rejects an Executive proposal to transfer the Division of Probation and Correctional Alternatives' (DPCA) grant administration functions and all related funding to the Division of Criminal Justice Services (DCJS). As a result, \$68,764,000 for Probation Aid and Alternatives to Incarceration (ATI) programming is removed from DCJS and the same amount of funding is appropriated under DPCA. The Legislature restores \$202,000 to preserve DPCA's role in the administration of local aid and ATI grant programming.

Article VII

The Legislature rejects an Executive proposal to allow for localities to assess fees for certain court-ordered investigations and fees for the supervision, drug testing and electronic monitoring of probationers and conditional releasees.

The Executive vetoed the following portions of non-appropriation budget bills passed by both houses of the Legislature. The Legislature does not believe such Executive veto actions to be consistent with the New York State Constitution.

- To ensure that \$202,000 restored by the Legislature to DPCA is utilized to support personal and non-personal service associated with the administration of Probation Aid and ATI funds. This provision requires that these administrative duties shall not be transferred to any other state office, division or agency (Veto #201).

Legislative Additions

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION	VETO#
DENIAL OF PROPOSAL TO ALLOW FOR DCJS TO ADMINISTER DPCA LOCAL AID FUNDING AND ALTERNATIVES TO INCARCERATION GRANTS.	\$202,000	44

PUBLIC EMPLOYMENT RELATIONS BOARD

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	3,738,000	3,400,000	3,400,000	0
Special Revenue-Other	257,000	257,000	257,000	0
Total for STATE OPERATIONS	3,995,000	3,657,000	3,657,000	0

LEGISLATIVE ACTION

The Legislature concurs with the Executive recommendation.

Article VII

The Legislature denies the Executive's proposal to establish a \$75 filing fee for processing of declarations of impasse, requests for fact-finding, petitions for interest arbitration, and improper public employment practices brought to the Public Employment Relations Board.

OFFICE OF PUBLIC SECURITY

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
<hr/>				
STATE OPERATIONS				
General Fund	7,258,000	7,258,000	7,258,000	0
Special Revenue-Other	4,658,000	6,618,000	6,618,000	0
Special Revenue-Federal	0	1,000,000	1,000,000	0
Total for STATE OPERATIONS	11,916,000	14,876,000	14,876,000	0

LEGISLATIVE ACTION

The Legislature concurs with the Executive recommendation. In accordance with Chapter 1 of the Laws of 2004, any reference to the Office of Public Security in the Laws of New York State, Executive Orders or contracts entered into on behalf of the State shall now be deemed to refer to the State Office of Homeland Security.

GOVERNOR'S OFFICE OF REGULATORY REFORM

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	3,115,000	3,365,000	3,365,000	0
Total for STATE OPERATIONS	3,115,000	3,365,000	3,365,000	0

LEGISLATIVE ACTION

The Legislature concurs with the Executive recommendation.

DEPARTMENT OF STATE

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	14,307,000	14,003,000	14,003,000	0
Special Revenue-Other	34,461,000	34,231,000	34,231,000	0
Special Revenue-Federal	10,980,000	10,980,000	10,980,000	0
Total for STATE OPERATIONS	59,748,000	59,214,000	59,214,000	0
AID TO LOCALITIES				
General Fund	4,491,000	1,000,000	1,500,000	500,000
Special Revenue-Other	14,400,000	14,575,000	14,575,000	0
Special Revenue-Federal	63,700,000	63,700,000	63,700,000	0
Total for AID TO LOCALITIES	82,591,000	79,275,000	79,775,000	500,000
CAPITAL PROJECTS				
Capital	100,000,000	0	0	0
Total for CAPITAL PROJECTS	100,000,000	0	0	0

LEGISLATIVE ACTION

The Legislature provides \$500,000 in firefighter field training from the Office of Fire Prevention and Control.

Article VII

The Legislature denies the Executive's Article VII proposal to authorize the Department of State to continue to offer expedited services and receive payments via credit cards for an additional five years, until March 31, 2009. This proposal was extended for one year, until March 31, 2005.

The Legislature accepts the Executive's Article VII proposal to increase registration and renewal fees for student athlete agents.

In addition, the Legislature denies the Executive's Article VII proposal to encourage intergovernmental cooperation for the statewide deployment of enhanced wireless 911 services.

Legislative Additions

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION	VETO#
FIREFIGHTER FIELD TRAINING	\$500,000	191

DIVISION OF STATE POLICE

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	359,628,700	327,488,000	331,666,000	4,178,000
Special Revenue-Other	147,411,600	163,619,000	162,119,000	(1,500,000)
Special Revenue-Federal	11,658,000	16,372,000	16,372,000	0
Total for STATE OPERATIONS	518,698,300	507,479,000	510,157,000	2,678,000
CAPITAL PROJECTS				
Capital Projects Fund	2,800,000	2,800,000	2,800,000	0
Total for CAPITAL PROJECTS	2,800,000	2,800,000	2,800,000	0

LEGISLATIVE ACTION

The Legislature augments the Executive proposal by \$3,000,000 to restore funding for overtime costs associated with the adjudication of certain violations of the Vehicle and Traffic Law in local justice courts. The Legislature reduces the Executive recommendation by \$1,500,000 following the rejection of an Article VII proposal to impose a series of new State licensing fees related to handgun permits.

Article VII

The Legislature accepts with modification an Executive proposal that would redirect fine revenue remitted upon conviction of certain Vehicle and Traffic Law violations where speeding was the initially-charged offense. The Legislature amended the Executive proposal to allow for localities to assess a \$10 surcharge on certain violations of Vehicle and Traffic Law committed between September 1, 2004 and September 1, 2005.

The Legislature accepts an Executive proposal to extend authorization for an increase in the motor vehicle law enforcement fee. The Executive proposal is amended to extend this provision for only one additional year. Article VII language to allow for localities to assess a \$5 fee on auto insurance premiums is rejected.

The Legislature rejects an Executive proposal to establish a series of State licensing fees on pistol and revolver permits and dealer's licenses.

The Legislature rejects an Executive proposal that would implement a universal "aggregate weight" standard for the measurement of seized drugs.

The Legislature rejects an Executive proposal that would permit police office grand jury testimony via affidavit.

Legislative Additions

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION
RESTORATION OF FUNDING FOR STATE POLICE OVERTIME IN VARIOUS COURTS.	\$3,000,000
DENIAL OF ART. VII PROVISION TO IMPLEMENT AN AGGREGATE WEIGHT STANDARD ON MEASUREMENT OF SEIZED DRUGS.	\$1,024,000
DENIAL OF ART. VII PROVISION TO ALLOW FOR POLICE GRAND JURY TESTIMONY VIA AFFIDAVIT.	\$154,000

DIVISION OF VETERANS' AFFAIRS

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	5,267,000	5,265,000	5,265,000	0
Special Revenue-Federal	2,282,000	2,282,000	2,282,000	0
Total for STATE OPERATIONS	7,549,000	7,547,000	7,547,000	0
AID TO LOCALITIES				
General Fund	5,575,000	5,775,000	6,125,000	350,000
Total for AID TO LOCALITIES	5,575,000	5,775,000	6,125,000	350,000

LEGISLATIVE ACTION

Legislative Additions

The Legislature provides \$250,000 for services and expenses of the Veterans Outreach Center, Inc (Monroe County);

The Legislature provides \$100,000 for services and expenses related to Veterans' Cemeteries maintenance equipment.

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION	VETO#
VETERANS OUTREACH CENTER, INC (MONROE COUNTY)	\$250,000	45
VETERANS' CEMETERIES MAINTENANCE EQUIPMENT	\$100,000	46

WORKERS' COMPENSATION BOARD

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
Special Revenue-Other	167,507,000	170,257,000	170,257,000	0
Total for STATE OPERATIONS	167,507,000	170,257,000	170,257,000	0

LEGISLATIVE ACTION

The Legislature concurs with the Executive recommendation.

Article VII

The Legislature denies the Executive's proposal that would eliminate the statutory requirement for a stenographic transcription of every Workers' Compensation Board legal proceeding and permit the Board to use other techniques to record proceedings, such as recording and telecommunication devices.

GENERAL STATE CHARGES

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPERATIONS				
General Fund	2,279,158,900	2,610,816,000	2,613,116,000	2,300,000
Total for STATE OPERATIONS	2,279,158,900	2,610,816,000	2,613,116,000	2,300,000

LEGISLATIVE ACTION

Article VII

The Legislature denies the Executive's proposed legislation for pension reform.

The Legislature denies the Executive's proposed legislation to establish a market-based index for determining the rate of interest to be applied in court judgements against the State, local governments and certain public authorities.

Legislative Additions

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION
CUBA LAKE LAND CLAIMS SETTLEMENT AND PROPERTY ACQUISITION	\$2,300,000

MISCELLANEOUS: PUBLIC PROTECTION & GENERAL GOVERNMENT

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
STATE OPS & AID TO LOCALITIES				
Special Revenue-Other	0	0	170,000,000	170,000,000
Total for STATE OPS & AID TO LOCALITIES	0	0	170,000,000	170,000,000
Local Government Assistance Corporation Tax Fund				
Special Revenue-Other	0	0	170,000,000	170,000,000
Total for Program	0	0	170,000,000	170,000,000
STATE OPERATIONS				
General Fund	3,538,700	21,652,000	21,652,000	0
Special Revenue-Other	15,864,000	32,306,200	29,306,200	(3,000,000)
Emergency	102,178,000	103,943,000	103,943,000	0
Total for STATE OPERATIONS	121,580,700	157,901,200	154,901,200	(3,000,000)
Automated Speed Enforcement in Work Zones				
Special Revenue-Other	0	3,000,000	0	(3,000,000)
Total for Program	0	3,000,000	0	(3,000,000)
Homeland Security				
Special Revenue-Other	3,000,000	3,000,000	3,000,000	0
Emergency	52,178,000	53,943,000	53,943,000	0
Total for Program	55,178,000	56,943,000	56,943,000	0
Statewide Wireless Network				
Special Revenue-Other	8,818,000	22,282,000	22,282,000	0
Total for Program	8,818,000	22,282,000	22,282,000	0
Collective Bargaining Agreements				
General Fund	2,085,700	21,500,000	21,500,000	0
Special Revenue-Other	375,000	250,000	250,000	0
Total for Program	2,460,700	21,750,000	21,750,000	0
Deferred Compensation Board				
General Fund	152,000	152,000	152,000	0
Special Revenue-Other	585,000	585,000	585,000	0
Total for Program	737,000	737,000	737,000	0
Petroleum Storage Tanks - COPs Repayment				
General Fund	1,301,000	0	0	0
Total for Program	1,301,000	0	0	0
Special Emergency Appropriations				
Emergency	50,000,000	50,000,000	50,000,000	0
Total for Program	50,000,000	50,000,000	50,000,000	0

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
New York State Financial Control Board				
Special Revenue-Other	3,086,000	3,189,200	3,189,200	0
Total for Program	3,086,000	3,189,200	3,189,200	0
AID TO LOCALITIES				
General Fund	1,058,694,002	1,066,595,002	1,070,595,002	4,000,000
Special Revenue-Federal	197,940,000	132,500,000	132,500,000	0
Total for AID TO LOCALITIES	1,256,634,002	1,199,095,002	1,203,095,002	4,000,000
Homeland Security				
Special Revenue-Federal	182,940,000	125,000,000	125,000,000	0
Total for Program	182,940,000	125,000,000	125,000,000	0
Yonkers Settlement				
General Fund	30,000,000	55,000,000	55,000,000	0
Total for Program	30,000,000	55,000,000	55,000,000	0
Emergency Financial Aid to Certain Cities				
General Fund	26,474,000	26,474,000	26,474,000	0
Total for Program	26,474,000	26,474,000	26,474,000	0
General Purpose Local Government Aid				
General Fund	781,322,000	781,322,000	781,322,000	0
Total for Program	781,322,000	781,322,000	781,322,000	0
Emergency Financial Assistance to Eligible Municipalities				
General Fund	20,814,000	20,814,000	20,814,000	0
Total for Program	20,814,000	20,814,000	20,814,000	0
Supplemental Municipal Aid				
General Fund	182,874,002	182,874,002	183,574,002	700,000
Total for Program	182,874,002	182,874,002	183,574,002	700,000
Misc Financial Assistance				
General Fund	210,000	111,000	111,000	0
Total for Program	210,000	111,000	111,000	0
Aid To Counties				
General Fund	17,000,000	0	0	0
Total for Program	17,000,000	0	0	0
Nassau County Interim Finance Authority				
Special Revenue-Federal	15,000,000	7,500,000	7,500,000	0
Total for Program	15,000,000	7,500,000	7,500,000	0
Small Government Assistance				
General Fund	0	0	3,300,000	3,300,000
Total for Program	0	0	3,300,000	3,300,000

MISCELLANEOUS: PUBLIC PROTECTION & GENERAL GOVERNMENT 34-2

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
CAPITAL PROJECTS				
Capital Projects Fund	12,500,000	5,000,000	5,000,000	0
Total for CAPITAL PROJECTS	12,500,000	5,000,000	5,000,000	0
Homeland Security				
Capital Projects Fund	12,500,000	5,000,000	5,000,000	0
Total for Program	12,500,000	5,000,000	5,000,000	0
CONTINGENCY				
General Fund	2,183,317,000	2,111,178,000	2,111,178,000	0
Fiduciary	192,400,000	192,400,000	192,400,000	0
All Funds	75,000,000	75,000,000	75,000,000	0
Special Revenue-Federal	1,000,000,000	1,000,000,000	1,000,000,000	0
Fiduciary	24,078,300,000	26,578,300,000	26,578,300,000	0
Total for CONTINGENCY	27,529,017,000	29,956,878,000	29,956,878,000	0
Homeland Security				
All Funds	75,000,000	75,000,000	75,000,000	0
Total for Program	75,000,000	75,000,000	75,000,000	0
Insurance and Securities Funds Reserve Guarantee				
General Fund	1,672,000,000	1,619,000,000	1,619,000,000	0
Total for Program	1,672,000,000	1,619,000,000	1,619,000,000	0
Health Insurance Contingency Reserve				
General Fund	430,022,000	410,184,000	410,184,000	0
Total for Program	430,022,000	410,184,000	410,184,000	0
Health Insurance Reserve Receipts Fund				
Fiduciary	192,400,000	192,400,000	192,400,000	0
Total for Program	192,400,000	192,400,000	192,400,000	0
Reserve for Federal Audit Disallowance				
General Fund	50,000,000	50,000,000	50,000,000	0
Total for Program	50,000,000	50,000,000	50,000,000	0
Worker's Compensation Reserve				
General Fund	31,295,000	31,994,000	31,994,000	0
Total for Program	31,295,000	31,994,000	31,994,000	0
Stock Transfer Incentive Fund				
Fiduciary	10,000,000,000	11,000,000,000	11,000,000,000	0
Total for Program	10,000,000,000	11,000,000,000	11,000,000,000	0
Special Federal Emergency Appropriation				
Special Revenue-Federal	1,000,000,000	1,000,000,000	1,000,000,000	0
Total for Program	1,000,000,000	1,000,000,000	1,000,000,000	0

	Adjusted Appropriation 2003-04	Executive Request 2004-05	Legislative Appropriation 2004-05	Change
Municipal Assistance Tax Fund				
Fiduciary	13,515,000,000	15,015,000,000	15,015,000,000	0
Total for Program	13,515,000,000	15,015,000,000	15,015,000,000	0
Municipal Assistance State Aid Fund				
Fiduciary	563,300,000	563,300,000	563,300,000	0
Total for Program	563,300,000	563,300,000	563,300,000	0

LEGISLATIVE ACTION

Supplemental Municipal Aid

The Legislature appropriates \$183,574,002 in Supplemental Municipal Aid, an increase of \$700,000 from the Executive budget submission. This increase extends this category to the seven cities that do not presently receive this aid.

New York City Local Assistance

The Legislature provides a local aid payment of \$170 million to the City of New York.

Small Government Assistance Program

The Legislature provides \$3,300,000 in Small Government Assistance for State Fiscal Year 2004-05.

Article VII

The Legislature adds new Article VII legislation which:

- Authorizes a series of three permanent unrestricted aid spin-ups of \$15.6 million in State Fiscal Year 2005-06, \$6 million in State Fiscal Year 2006-07, and \$3.4 million in State Fiscal Year 2007-08 to the Cities of Buffalo, Rochester, and Syracuse. The release of each City's spin-up in each of these years would be contingent upon the submission of a State Comptroller certified four-year financial plan to the Director of the Budget. However, Buffalo would not have to submit a four-year financial plan because they are currently subject to a fiscal stability authority.
- Authorizes permanent unrestricted aid spin-ups in State Fiscal Year 2005-06 to the Cities of Auburn, Corning, Lackawanna, Long Beach, Rensselaer, Watertown and White Plains of 50

percent of each City's available General Purpose Aid and Supplemental Municipal Aid March payments. These spin-ups would not require the submission of a four-year financial plan.

The Legislature denies legislation that would:

- Make the ability to pay the primary factor in binding arbitration decisions.
- Authorize intermunicipal agreements in instances where only one municipality has the power to provide a service.
- Repeal in entirety the multiple contract requirement provisions for construction projects, known as the Wicks Law.
- Authorize tort awards against municipalities and the State to be offset by collateral source payments.
- Authorize a floating interest rate on unpaid judgements against public entities.
- Transfer jurisdiction in suits against public corporations to the State Court of Claims.
- Authorize cities to issue fiscal stability bonds through the Municipal Bond Bank Agency.
- Authorize the use of photo-monitoring systems in highway work zones.

The Legislature denies legislation that would:

- Provide an alternative refinancing mechanism for New York City Municipal Assistance Corporation (MAC) debt. The proposal allowed the debt to be refinanced over 13 years and provided funding for the debt service payments through:
 - A transfer to New York City of a portion of State sales tax revenue generated on parking, food and drink, and hotel rooms in the City.
 - Allowing New York City's Transitional Finance Authority to issue additional debt over the current cap, providing debt service savings.
 - Creating a statutory lien in favor of New York City's General Obligation bondholders, providing debt service savings.
 - Permitting New York City to increase the number of red light cameras from 50 to 150 and make permanent the statute authorizing the cameras in the City.

The Legislature adds the following Article VII measures:

Mortgage Recording Tax Loophole in New York City

Closes the Mortgage Recording Tax loophole that allows mortgagees using wraparound mortgages to avoid paying the Mortgage Recording Tax in the City of New York.

New York City Offset of State Tax Refunds

Allows the State to credit a taxpayer's overpayment of State taxes against outstanding docketed tax warrants owed to New York City by the taxpayer due a State refund.

Conform New York City SUV Provision to State

Disallows certain excess deductions for sport utility vehicles for the New York City General Corporation Tax, Banking Corporation Tax and Unincorporated Business Income Tax. For purposes of calculating taxable income, the allowable deduction for depreciation of an SUV is limited to the amount deductible as if the vehicle were a passenger automobile.

Real Property Tax Electronic Funds Transfer (EFT) Threshold in New York City

Requires real property taxes in New York City to be paid via Electronic Funds Transfer (EFT) on properties with annual real property taxes equal to or greater than \$300,000.

Repeal Tax Overpayment Floors in New York City

Repeals the floor on the interest rate applicable to overpayments of the New York City Unincorporated Business Tax and the tax on foreign and alien insurers. Currently the rate may not go below six percent and this change will allow the City to compute the rate using the federal short-term rate plus two points.

Real Property Tax Rebate in New York City

Authorizes New York City to grant a \$400 rebate of real property taxes in City Fiscal Years 2004, 2005, and 2006 to owners of one, two and three family homes, and to condominium and cooperative owners. Rebates will be provided to eligible homeowners based on property taxes paid in City Fiscal Years 2003, 2004 and 2005.

New York City EITC

Authorizes New York City to provide a refundable Earned Income Tax Credit (EITC) against the New York City Personal Income Tax for all New York City residents. The EITC for City tax purposes will be equal to five percent of the Federal EITC amount.

Loft Law

The Legislature extends the expiration date of the Loft Law to May 31, 2005.

Film Production Credit

Authorizes New York City to match the new New York State incentives at one-half the State level (\$10 million).

Legislative Additions

The Legislature provides funding for the following:

PROGRAM	APPROPRIATION	VETO#
LOCAL GOVERNMENT ASSISTANCE CORPORATION TAX FUND	\$170,000,000	
SMALL GOVERNMENT ASSISTANCE PROGRAM	\$3,300,000	
ADDITIONAL SUPPLEMENTAL MUNICIPAL AID - CITY OF GLENS FALLS	\$100,000	47
ADDITIONAL SUPPLEMENTAL MUNICIPAL AID - CITY OF ITHACA	\$100,000	48
ADDITIONAL SUPPLEMENTAL MUNICIPAL AID - CITY OF LITTLE FALLS	\$100,000	49
ADDITIONAL SUPPLEMENTAL MUNICIPAL AID - CITY OF RYE	\$100,000	50
ADDITIONAL SUPPLEMENTAL MUNICIPAL AID - CITY OF SARATOGA SPRINGS	\$100,000	51
ADDITIONAL SUPPLEMENTAL MUNICIPAL AID - CITY OF SHERRILL	\$100,000	52
ADDITIONAL SUPPLEMENTAL MUNICIPAL AID - CITY OF WATERVLIET	\$100,000	53