IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to amend the public health law, in relation to controlling drug costs; to amend the social services law, in relation to the drug utilization review board; to amend the social services law, in relation to Medicaid reimbursement of covered outpatient drugs; to authorize the suspension of a provider's Medicaid enrollment for inappropriate prescribing of opioids; to amend the social services law, in relation to reams of controlled substances; to amend the social services law, in relation to reducing Medicaid coverage and increasing copayments for non-prescription drugs, to aligning pharmacy copayment requirements with federal regulations, and to adjusting consumer price index penalties for generic drugs (Part D); to amend the social services law, in relation to fiscal intermediary certification under the consumer directed personal assistance program; and to amend the public health law, in relation to reserved bed days and establishing a prospective per diem adjustment for certain nursing homes (Part E); intentionally omitted (Part F); to amend part H of chapter 59 of the laws of 2011, amending the public health law and other laws relating to known and projected department of health state fund medicaid expenditures, in relation to extending the Medicaid global cap (Part G); to amend the New York Health Care Reform Act of 1996, in relation to extending certain provisions relating thereto; to amend the New York Health Care Reform Act of 2000, in relation to extending the effectiveness of provisions thereof; to

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.
S. 2007--B                         98                         A. 3007--B

1    S 17. Subdivision 3 of section 2999-p of the public health law, as
2  amended by chapter 461 of the laws of 2012, is amended to read as
3  follows:
4    3. The commissioner may issue a certificate of authority to an entity
5  that meets conditions for ACO certification as set forth in regulations
6  made by the commissioner pursuant to section twenty-nine hundred nine-
7  ty-nine-q of this article. The commissioner shall not issue any new
8  certificate under this article after December thirty-first, two thousand
9  [sixteen] TWENTY.
10    S 18. Subdivision 2 of section 246 of chapter 81 of the laws of 1995,
11  amending the public health law and other laws relating to medical
12  reimbursement and welfare reform, as amended by section 2 of part D of
13  chapter 57 of the laws of 2015, is amended to read as follows:
14    2. Sections five, seven through nine, twelve through fourteen, and
15  eighteen of this act shall be deemed to have been in full force and
16  effect on and after April 1, 1995 through March 31, 1999 and on and
17  after July 1, 1999 through March 31, 2000 and on and after April 1, 2000
18  through March 31, 2003 and on and after April 1, 2003 through March 31,
19  2006 and on and after April 1, 2006 through March 31, 2007 and on and
20  after April 1, 2007 through March 31, 2009 and on and after April 1,
21  2009 through March 31, 2011 and sections twelve, thirteen and fourteen
22  of this act shall be deemed to be in full force and effect on and after
23  April 1, 2011 through March 31, 2015 and on and after April 1, 2015
24  through March 31, 2017 AND ON AND AFTER APRIL 1, 2017 THROUGH MARCH 31,
25  2019;
26    S 19. This act shall take effect immediately and shall be deemed to
27  have been in full force and effect on and after April 1, 2017.

PART J

Intentionally Omitted

PART K

Intentionally Omitted

PART L

Intentionally Omitted

PART M

Section 1. The public health law is amended by adding a new section
1112 to read as follows:

S 1112. EMERGING CONTAMINANT MONITORING. 1. INDUSTRY AND MODERN TECH-
2 NOLOGY HAVE CREATED THOUSANDS OF NEW CHEMICALS THAT WOULD NOT OTHERWISE
3 EXIST IN NATURE. ALTHOUGH SOME OF THESE CHEMICALS HAVE PROVEN BENEFITS,
4 THE EFFECT OF MANY SUCH CHEMICALS ON HUMAN HEALTH IS UNKNOWN OR NOT
5 FULLY UNDERSTOOD. FURTHERMORE, WITH THE ADVANCE OF SCIENCE AND TECHNOLO-
6 GY, PUBLIC HEALTH SCIENTISTS AND EXPERTS ARE ABLE TO IDENTIFY NATURALLY
7 OCCURRING CONTAMINANTS THAT POSE PREVIOUSLY UNKNOWN HAZARDS TO HUMAN
8 HEALTH. WHERE THESE CHEMICALS OR CONTAMINANTS, COLLECTIVELY REFERRED TO
9 AS "EMERGING CONTAMINANTS," ENTER DRINKING WATER SUPPLIES, THEY CAN
10 PRESENT UNKNOWN BUT POTENTIALLY SERIOUS RISKS TO PUBLIC HEALTH. NEW
11 YORKERS SERVED BY PUBLIC WATER SUPPLIES HAVE THE RIGHT TO KNOW WHEN
POtentially Hazardous Substances contaminate their drinking water and the department must be equipped to monitor and protect the public from these emerging contaminants.

2. a. "emerging contaminants" shall mean any physical, chemical, microbiological or radiological substance listed as an emerging contaminant pursuant to subdivision three of this section.

b. "notification level" means the concentration level of an emerging contaminant in drinking water that the commissioner has determined, based on available scientific information, warrants public notification and may require actions, which may include enhanced monitoring and activities to reduce exposure, pursuant to this section.

c. "covered public water system" shall mean: (i) a public water system that serves at least five service connections used by year-round residents or regularly serves at least twenty-five year-round residents; or (ii) a public water system that regularly serves at least twenty-five of the same people, four hours or more per day, for four or more days per week, for twenty-six or more weeks per year.

3. a. the commissioner shall promulgate regulations to identify and list substances as emerging contaminants that meet the following criteria:

   (i) are not subject to any other substance-specific drinking water regulation of the department that establishes a maximum contaminant level, maximum residual disinfectant level, or action level;

   (ii) are known or anticipated to occur in public water systems; and

   (iii) because of their quantity, concentration, or physical, chemical or infectious characteristics, may cause physical injury or illness, or otherwise pose a potential hazard to human health when present in drinking water.

b. in determining what substances shall be listed as emerging contaminants the commissioner shall, at a minimum, consider:

   (i) unregulated contaminants monitored pursuant to the federal safe drinking water act (42 u.s.c. s 300g-1) as amended from time to time;

   (ii) substances that require regulation or monitoring when present in drinking water in other jurisdictions outside the state of new york;

   (iii) pesticide chemicals for which the united states environmental protection agency has set human health benchmarks for drinking water;

   (iv) substances found at sites in remedial programs located inside and outside the state of new york, including but not limited to inactive hazardous waste sites; and

   (v) recommendations from the drinking water quality council established pursuant to section eleven hundred thirteen of this title.

c. the commissioner shall, at a minimum, include the following chemicals identified as emerging contaminants: 1,4-dioxane; perfluorooctane-sulfonic acid; and perfluorooctanoic acid.

d. the commissioner shall by regulation remove any substance from the list of emerging contaminants upon adopting a maximum contaminant level for such substance.

4. every covered public water system shall test drinking water for the presence of emerging contaminants at least once every three years pursuant to a schedule determined by the department through regulation.

5. every test conducted in accordance with this section shall be conducted by a laboratory certified by the department pursuant to section five hundred two of this chapter. laboratories shall submit such results electronically to the department, to any other health department with jurisdiction over the covered public water system, and to the
COVERED PUBLIC WATER SYSTEM, IN THE MANNER PRESCRIBED PURSUANT TO 
SECTION FIVE HUNDRED TWO OF THIS CHAPTER.

6. THE COMMISSIONER SHALL PROMULGATE REGULATIONS ESTABLISHING NOTIFI-
ICATION LEVELS FOR ANY EMERGING CONTAMINANT LISTED PURSUANT TO SUBDIVI-
SION THREE OF THIS SECTION. ANY NOTIFICATION LEVEL ESTABLISHED PURSUANT 
TO THIS SUBDIVISION SHALL BE EQUAL TO OR LOWER THAN ANY FEDERAL LIFETIME 
HEALTH ADVISORY LEVEL ESTABLISHED PURSUANT TO THE FEDERAL SAFE DRINKING 
WATER ACT (42 U.S.C. S 300G-1). IF NO FEDERAL LIFETIME HEALTH ADVISORY 
LEVEL HAS BEEN ESTABLISHED, THE COMMISSIONER SHALL ESTABLISH NOTIFICA-
TION LEVELS BASED UPON THE AVAILABLE SCIENTIFIC INFORMATION, AND MAY 
TAKE INTO CONSIDERATION RECOMMENDATIONS OF THE DRINKING WATER QUALITY 
COUNCIL ESTABLISHED PURSUANT TO SECTION ELEVEN HUNDRED THIRTEEN OF THIS 
TITLE.

7. NOTWITHSTANDING SUBDIVISION THREE OF THIS SECTION, THE COMMISSIONER 
MAY, BY DECLARATION, ADD ANY PHYSICAL, CHEMICAL, MICROBIOLOGICAL OR 
RADIOLOGICAL SUBSTANCE TO THE LIST OF EMERGING CONTAMINANTS ESTABLISHED 
PURSUANT TO SUBDIVISION THREE OF THIS SECTION, ESTABLISH A NOTIFICATION 
LEVEL, AND REQUIRE TESTING FOR SUCH SUBSTANCE, IF THE COMMISSIONER 
DETERMINES THAT: (I) SUCH SUBSTANCEPOSES OR HAS THE POTENTIAL TO POSE A 
SIGNIFICANT HAZARD TO HUMAN HEALTH WHEN PRESENT IN DRINKING WATER; (II) 
SUCH SUBSTANCE WAS RECENTLY DETECTED IN A PUBLIC WATER SYSTEM AND HAS 
THE POTENTIAL TO BE PRESENT IN OTHER PUBLIC WATER SYSTEMS; AND (III) IT 
APPEARS TO BE PREJUDICIAL TO THE INTERESTS OF THE PEOPLE TO DELAY ACTION 
BY PREPARING AND FILING REGULATIONS. THE COMMISSIONER SHALL, HOWEVER, 
PROMULGATE REGULATIONS ADDING SUCH NEW EMERGING CONTAMINANT OR ESTAB-
LISHING SUCH NOTIFICATION LEVEL WITHIN ONE YEAR OF SUCH DECLARATION. 
SUCH DECLARATION SHALL CLEARLY STATE WHERE AND THE DATE BY WHICH SUCH 
TESTING MUST OCCUR. AFTER THE COMMISSIONER PROMULGATES REGULATIONS 
ADDDING SUCH EMERGING CONTAMINANT, SUCH REGULATIONS SHALL SUPERSEDE THE 
DECLARATION ISSUED PURSUANT TO THIS SUBDIVISION.

8. WHENEVER ONE OR MORE EMERGING CONTAMINANTS IS CONFIRMED TO BE PRE-
SENT IN DRINKING WATER AT CONCENTRATIONS AT OR ABOVE A NOTIFICATION LEVEL 
ESTABLISHED PURSUANT TO THIS SECTION:

A. THE COVERED PUBLIC WATER SYSTEM SHALL NOTIFY THE DEPARTMENT WITHIN 
TWENTY-FOUR HOURS;

B. THE COVERED PUBLIC WATER SYSTEM SHALL NOTIFY ALL OWNERS OF REAL 
PROPERTY SERVED BY THE COVERED PUBLIC WATER SYSTEM IN A TIME AND MANNER 
TO BE PRESCRIBED BY THE DEPARTMENT, PROVIDED THAT IN NO EVENT SHALL 
NOTIFICATION OCCUR MORE THAN NINETY DAYS AFTER THE PRESENCE OF AN EMERG-
ING CONTAMINANT AT CONCENTRATIONS AT OR ABOVE A NOTIFICATION LEVEL 
ESTABLISHED PURSUANT TO THIS SECTION IS CONFIRMED;

C. THE COMMISSIONER MAY DIRECTLY NOTIFY SUCH OWNERS OF REAL PROPERTY 
IF IT IS DETERMINED THAT THE PUBLIC'S INTEREST WOULD BE BEST SERVED BY 
SUCH NOTIFICATION, OR IF THE COMMISSIONER DETERMINES THAT THE COVERED 
PUBLIC WATER SYSTEM IS NOT ACTING, OR CANNOT ACT IN A TIMELY MANNER;

D. THE COMMISSIONER MAY REQUIRE THAT THE COVERED PUBLIC WATER SYSTEM 
TAKE SUCH ACTIONS AS MAY BE APPROPRIATE TO REDUCE EXPOSURE TO EMERGING 
CONTAMINANTS. IF THE COMMISSIONER DETERMINES THAT THE CONCENTRATION OF 
THE EMERGING CONTAMINANT CONSTITUTES AN ACTUAL OR POTENTIAL THREAT TO 
PUBLIC HEALTH, BASED ON THE BEST AVAILABLE SCIENTIFIC INFORMATION, THE 
COMMISSIONER SHALL CONSULT WITH THE COMMISSIONER OF THE DEPARTMENT OF 
ENVIRONMENTAL CONSERVATION REGARDING ANY FURTHER ACTION THAT MAY BE 
APPROPRIATE, INCLUDING BUT NOT LIMITED TO ACTIONS PURSUANT TO TITLE 
TWELVE OF ARTICLE TWENTY-SEVEN OF THE ENVIRONMENTAL CONSERVATION LAW.

9. THE COMMISSIONER SHALL WORK IN CONSULTATION WITH THE COMMISSIONER 
OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO DEVELOP EDUCATIONAL
MATERIALS, AND MAY TAKE INTO CONSIDERATION RECOMMENDATIONS OF THE DRINKING WATER QUALITY COUNCIL ESTABLISHED PURSUANT TO SECTION ELEVEN HUNDRED THIRTEEN OF THIS TITLE. SUCH EDUCATIONAL MATERIALS SHALL BE MADE AVAILABLE TO THE COVERED PUBLIC WATER SYSTEM AND THE GENERAL PUBLIC, RELATING TO METHODOLOGIES FOR REDUCING EXPOSURE TO EMERGING CONTAMINANTS AND POTENTIAL ACTIONS THAT MAY BE TAKEN TO MITIGATE OR REMEDIATE EMERGING CONTAMINANTS. THE COMMISSIONER SHALL ALSO PROVIDE THE COVERED PUBLIC WATER SYSTEM WITH INFORMATION RELATING TO POTENTIAL FUNDING SOURCES PROVIDED BY THE STATE AND FEDERAL GOVERNMENT FOR MITIGATION OR REMEDIAL ACTIVITIES, AND TO REDUCE THE EXPOSURE TO EMERGING CONTAMINANTS.

10. ANY OWNER OF REAL PROPERTY, INCLUDING ANY OWNER'S AGENT, TO WHOM A COVERED PUBLIC WATER SYSTEM HAS PROVIDED NOTIFICATION OF THE EXCEEDANCE OF A NOTIFICATION LEVEL ESTABLISHED PURSUANT TO SUBDIVISION SIX OF THIS SECTION, SHALL TAKE ALL REASONABLE AND NECESSARY STEPS TO PROVIDE, WITHIN TEN DAYS, ANY TENANTS WITH COPIES OF THE NOTIFICATION PROVIDED BY THE COVERED PUBLIC WATER SYSTEM.

11. THE COMMISSIONER MAY PROMULGATE REGULATIONS PURSUANT TO WHICH THE DEPARTMENT MAY PROVIDE FINANCIAL ASSISTANCE FOR COMPLIANCE WITH THE TESTING REQUIREMENTS OF THIS SECTION, TO ANY COVERED PUBLIC WATER SYSTEM UPON A SHOWING THAT THE COSTS ASSOCIATED WITH TESTING DRINKING WATER IN COMPLIANCE WITH THIS SECTION WOULD IMPOSE A FINANCIAL HARDSHIP. SUCH REGULATIONS SHALL, WHEN PRIORITIZING PUBLIC WATER SYSTEMS FOR ELIGIBILITY FOR FINANCIAL ASSISTANCE, INCORPORATE PROVISIONS THAT GIVE PREFERENCE TO PUBLIC WATER SYSTEMS SERVING LESS THAN TEN THOUSAND INDIVIDUALS.

12. THE COMMISSIONER SHALL PERIODICALLY REVIEW SUBSTANCES THAT HAVE BEEN IDENTIFIED AS EMERGING CONTAMINANTS PURSUANT TO THIS SECTION AND DETERMINE IF THE DEPARTMENT SHOULD ESTABLISH A MAXIMUM CONTAMINANT LEVEL FOR THE SUBSTANCE. SUCH REVIEW SHALL OCCUR, AT A MINIMUM, ONCE EVERY THREE YEARS.

S 2. Section 502 of the public health law is amended by adding a new subdivision 10 to read as follows:

10. THE DEPARTMENT MAY REQUIRE AN ENVIRONMENTAL LABORATORY TO REPORT LABORATORY TEST RESULTS TO THE DEPARTMENT, OR TO ANY OTHER HEALTH DEPARTMENT IN AN ELECTRONIC MANNER PRESCRIBED BY THE DEPARTMENT.

S 3. This act shall take effect immediately.
funds to be utilized as the state share for the purpose of increasing payments under the medicaid program to managed care organizations licensed under article 44 of the public health law or under article 43 of the insurance law. Such managed care organizations shall utilize such funds for the purpose of reimbursing providers licensed pursuant to article 28 of the public health law or article 31 or 32 of the mental hygiene law for ambulatory behavioral health services, as determined by the commissioner of health, in consultation with the commissioner of alcoholism and substance abuse services and the commissioner of the office of mental health, provided to medicaid [eligible] ENROLLED outpa-
tients AND FOR ALL OTHER BEHAVIORAL HEALTH SERVICES EXCEPT INPATIENT INCLUDED IN NEW YORK STATE'S MEDICAID REDESIGN WAIVER APPROVED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS). Such reimbursement shall be in the form of fees for such services which are equivalent to the payments established for such services under the ambulatory patient group (APG) rate-setting methodology as utilized by the department of health, the office of alcoholism and substance abuse services, or the office of mental health for rate-setting purposes OR ANY SUCH OTHER FEES PURSUANT TO THE MEDICAID STATE PLAN OR OTHERWISE APPROVED BY CMS IN THE MEDICAID REDESIGN WAIVER; provided, however, that the increase to such fees that shall result from the provisions of this section shall not, in the aggregate and as determined by the commissioner of health, in consultation with the commissioner of alcoholism and substance abuse services and the commissioner of the office of mental health, be greater than the increased funds made available pursuant to this section. The increase of such ambulatory behavioral health fees to providers available under this section shall be for all rate periods on and after the effective date of section [1] 29 of part [C] B of chapter [57] 59 of the laws of [2015] 2016 through March 31, [2018] 2020 for patients in the city of New York, for all rate periods on and after the effective date of section [1] 29 of part [C] B of chapter [57] 59 of the laws of [2015] 2016 through [June 30, 2018] MARCH 31, 2020 for patients outside the city of New York, and for all rate periods on and after the effective date of such chapter through [June 30, 2018] MARCH 31, 2020 for all services provided to persons under the age of twenty-one; provided, however, [eligible providers may work with managed care plans to achieve quality and efficiency objectives and engage in shared savings] THE COMMISSIONER OF HEALTH, IN CONSULTATION WITH THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND THE COMMISSIONER OF MENTAL HEALTH, MAY REQUIRE, AS A CONDITION OF APPROVAL OF SUCH AMBULATORY BEHAVIORAL HEALTH FEES, THAT AGGREGATE MANAGED CARE EXPENDITURES TO ELIGIBLE PROVIDERS MEET THE ALTERNATIVE PAYMENT METHODOLOGY REQUIREMENTS AS SET FORTH IN ATTACHMENT I OF THE NEW YORK STATE MEDICAID SECTION ONE THOUSAND ONE HUNDRED FIFTEEN MEDICAID REDESIGN TEAM WAIVER AS APPROVED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES. THE COMMISSIONER OF HEALTH SHALL, IN CONSULTATION WITH THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND THE COMMISSIONER OF MENTAL HEALTH, WAIVE SUCH CONDITIONS IF A SUFFICIENT NUMBER OF PROVIDERS, AS DETERMINED BY THE COMMISSIONER, SUFFER A FINANCIAL HARDSHIP AS A CONSEQUENCE OF SUCH ALTERNATIVE PAYMENT METHODOLOGY REQUIREMENTS, OR IF HE OR SHE SHALL DETERMINE THAT SUCH ALTERNATIVE PAYMENT METHODOLOGIES SIGNIFICANTLY THREATEN INDIVIDUALS ACCESS TO AMBULATORY BEHAVIORAL HEALTH SERVICES. SUCH WAIVER MAY BE APPLIED ON A PROVIDER SPECIFIC OR INDUSTRY WIDE BASIS. FURTHER, SUCH CONDITIONS MAY BE WAIVED, AS THE COMMISSIONER DETERMINES NECESSARY, TO COMPLY WITH FEDERAL RULES OR REGULATIONS GOVERNING THESE PAYMENT METHODOLOGIES. Nothing in this section shall
prohibit managed care organizations and providers from negotiating
different rates and methods of payment during such periods described
above, subject to the approval of the department of health. The depart-
ment of health shall consult with the office of alcoholism and substance
abuse services and the office of mental health in determining whether
such alternative rates shall be approved. The commissioner of health
may, in consultation with the commissioner of alcoholism and substance
abuse services and the commissioner of the office of mental health,
promulgate regulations, including emergency regulations promulgated
prior to October 1, 2015 to establish rates for ambulatory behavioral
health services, as are necessary to implement the provisions of this
section. Rates promulgated under this section shall be included in the
report required under section 45-c of part A of this chapter.

2. Notwithstanding any contrary provision of law, the fees paid by
managed care organizations licensed under article 44 of the public
health law or under article 43 of the insurance law, to providers
licensed pursuant to article 28 of the public health law or article 31
or 32 of the mental hygiene law, for ambulatory behavioral health
services provided to patients enrolled in the child health insurance
program pursuant to title one-A of article 25 of the public health law,
shall be in the form of fees for such services which are equivalent to
the payments established for such services under the ambulatory patient
group (APG) rate-setting methodology OR ANY SUCH OTHER FEES ESTABLISHED
PURSUANT TO THE MEDICAID STATE PLAN. The commissioner of health shall
consult with the commissioner of alcoholism and substance abuse services
and the commissioner of the office of mental health in determining such
services and establishing such fees. Such ambulatory behavioral health
fees to providers available under this section shall be for all rate
periods on and after the effective date of this chapter through [June
30, 2018] MARCH 31, 2020, provided, however, that managed care organiza-
tions and providers may negotiate different rates and methods of payment
during such periods described above, subject to the approval of the
department of health. The department of health shall consult with the
office of alcoholism and substance abuse services and the office of
mental health in determining whether such alternative rates shall be
approved. The report required under section 16-a of part C of chapter
60 of the laws of 2014 shall also include the population of patients
enrolled in the child health insurance program pursuant to title one-A
of article 25 of the public health law in its examination on the transi-
tion of behavioral health services into managed care.

S 2. Section 1 of part H of chapter 111 of the laws of 2010 relating
to increasing Medicaid payments to providers through managed care organ-
izations and providing equivalent fees through an ambulatory patient
group methodology, as amended by section 30 of part B of chapter 59 of
the laws of 2016, is amended to read as follows:

Section 1. a. Notwithstanding any contrary provision of law, the
commissioners of mental health and alcoholism and substance abuse
services are authorized, subject to the approval of the director of the
budget, to transfer to the commissioner of health state funds to be
utilized as the state share for the purpose of increasing payments under
the medicaid program to managed care organizations licensed under arti-
cle 44 of the public health law or under article 43 of the insurance
law. Such managed care organizations shall utilize such funds for the
purpose of reimbursing providers licensed pursuant to article 28 of the
public health law, or pursuant to article 31 or article 32 of the mental
hygiene law for ambulatory behavioral health services, as determined by
the commissioner of health in consultation with the commissioner of mental health and commissioner of alcoholism and substance abuse services, provided to medicaid [eligible] ENROLLED outpatients AND FOR ALL OTHER BEHAVIORAL HEALTH SERVICES EXCEPT INPATIENT INCLUDED IN NEW YORK STATE'S MEDICAID REDESIGN WAIVER APPROVED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS). Such reimbursement shall be in the form of fees for such services which are equivalent to the payments established for such services under the ambulatory patient group (APG) rate-setting methodology as utilized by the department of health or by the office of mental health or office of alcoholism and substance abuse services for rate-setting purposes OR ANY SUCH OTHER FEES PURSUANT TO THE MEDICAID STATE PLAN OR OTHERWISE APPROVED BY CMS IN THE MEDICAID REDESIGN WAIVER; provided, however, that the increase to such fees that shall result from the provisions of this section shall not, in the aggregate and as determined by the commissioner of health in consultation with the commissioners of mental health and alcoholism and substance abuse services, be greater than the increased funds made available pursuant to this section. The increase of such behavioral health fees to providers available under this section shall be for all rate periods on and after the effective date of section [2] 30 of part [C] B of chapter [57] 59 of the laws of [2015] 2016 through March 31, 2018 for patients in the city of New York, for all rate periods on and after the effective date of section [2] 30 of part [C] B of chapter [57] 59 of the laws of [2015] 2016 through [June 30, 2018] March 31, 2020 for patients outside the city of New York, and for all rate periods on and after the effective date of section [2] 30 of part [C] B of chapter [57] 59 of the laws of [2015] 2016 through [June 30, 2018] March 31, 2020 for all services provided to persons under the age of twenty-one; provided, however, [eligible providers may work with managed care plans to achieve quality and efficiency objectives and engage in shared savings] THE COMMISSIONER OF HEALTH, IN CONSULTATION WITH THE COMMIS- SIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND THE COMMISSIONER OF MENTAL HEALTH, MAY REQUIRE, AS A CONDITION OF APPROVAL OF SUCH AMBU- LATORY BEHAVIORAL HEALTH FEES, THAT AGGREGATE MANAGED CARE EXPENDITURES TO ELIGIBLE PROVIDERS MEET THE ALTERNATIVE PAYMENT METHODOLOGY REQUIRE- MENTS AS SET FORTH IN ATTACHMENT I OF THE NEW YORK STATE MEDICAID SECTION ONE THOUSAND ONE HUNDRED FIFTEEN MEDICAID REDESIGN TEAM WAIVER AS APPROVED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES. THE COMMISSIONER OF HEALTH SHALL, IN CONSULTATION WITH THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND THE COMMISSIONER OF MENTAL HEALTH, WAIVE SUCH CONDITIONS IF A SUFFICIENT NUMBER OF PROVIDERS, AS DETERMINED BY THE COMMISSIONER, SUFFER A FINANCIAL HARDSHIP AS A CONSE- QUENCE OF SUCH ALTERNATIVE PAYMENT METHODOLOGY REQUIREMENTS, OR IF HE OR SHE SHALL DETERMINE THAT SUCH ALTERNATIVE PAYMENT METHODOLOGIES SIGNIF- ICANTLY THREATEN INDIVIDUALS ACCESS TO AMBULATORY BEHAVIORAL HEALTH SERVICES. SUCH WAIVER MAY BE APPLIED ON A PROVIDER SPECIFIC OR INDUSTRY WIDE BASIS. FURTHER, SUCH CONDITIONS MAY BE WAIVED, AS THE COMMISSIONER DETERMINES NECESSARY, TO COMPLY WITH FEDERAL RULES OR REGULATIONS GOVERNING THESE PAYMENT METHODOLOGIES. Nothing in this section shall prohibit managed care organizations and providers from negotiating different rates and methods of payment during such periods described, subject to the approval of the department of health. The department of health shall consult with the office of alcoholism and substance abuse services and the office of mental health in determining whether such alternative rates shall be approved. The commissioner of health may, in consultation with the commissioners of mental health and alcoholism and
substance abuse services, promulgate regulations, including emergency
regulations promulgated prior to October 1, 2013 that establish rates
for behavioral health services, as are necessary to implement the
provisions of this section. Rates promulgated under this section shall
be included in the report required under section 45-c of part A of chap-
ter 56 of the laws of 2013.

b. Notwithstanding any contrary provision of law, the fees paid by
managed care organizations licensed under article 44 of the public
health law or under article 43 of the insurance law, to providers
licensed pursuant to article 28 of the public health law or article 31
or 32 of the mental hygiene law, for ambulatory behavioral health
services provided to patients enrolled in the child health insurance
program pursuant to title one-A of article 25 of the public health law,
shall be in the form of fees for such services which are equivalent to
the payments established for such services under the ambulatory patient
group (APG) rate-setting methodology. The commissioner of health shall
consult with the commissioner of alcoholism and substance abuse services
and the commissioner of the office of mental health in determining such
services and establishing such fees. Such ambulatory behavioral health
to providers available under this section shall be for all rate
periods on and after the effective date of this chapter through [June
30, 2018] MARCH 31, 2020, provided, however, that managed care organiza-
tions and providers may negotiate different rates and methods of payment
during such periods described above, subject to the approval of the
department of health. The department of health shall consult with the
office of alcoholism and substance abuse services and the office of
mental health in determining whether such alternative rates shall be
approved. The report required under section 16-a of part C of chapter
60 of the laws of 2014 shall also include the population of patients
enrolled in the child health insurance program pursuant to title one-A
of article 25 of the public health law in its examination on the transi-
tion of behavioral health services into managed care.

S 3. This act shall take effect immediately and shall be deemed to
have been in full force and effect on and after April 1, 2017; provided,
however, that the amendments to section 48-a of part A of chapter 56 of
the laws of 2013 made by section one of this act shall not affect the
repeal of such section and shall be deemed repealed therewith; provided
further, that the amendments to section 1 of part H of chapter 111 of
the laws of 2010 made by section two of this act shall not affect the
expiration of such section and shall be deemed to expire therewith.

PART Q

Section 1. Subdivisions 3-b and 3-c of section 1 of part C of chapter
57 of the laws of 2006, relating to establishing a cost of living
adjustment for designated human services programs, as amended by section
1 of part I of chapter 60 of the laws of 2014, are amended to read as
follows:

3-b. Notwithstanding any inconsistent provision of law, beginning
April 1, 2009 and ending March 31, 2016 AND BEGINNING APRIL 1, 2017 AND
ENDING MARCH 31, 2018, the commissioners shall not include a COLA for
the purpose of establishing rates of payments, contracts or any other
form of reimbursement, PROVIDED THAT THE COMMISSIONERS OF THE OFFICE FOR
PEOPLE WITH DEVELOPMENTAL DISABILITIES, THE OFFICE OF MENTAL HEALTH, AND
THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES SHALL NOT INCLUDE
3-c. Notwithstanding any inconsistent provision of law, beginning April 1, [2016] 2018 and ending March 31, [2019] 2021, the commissioners shall develop the COLA under this section using the actual U.S. consumer price index for all urban consumers (CPI-U) published by the United States department of labor, bureau of labor statistics for the twelve month period ending in July of the budget year prior to such state fiscal year, for the purpose of establishing rates of payments, contracts or any other form of reimbursement.

S 2. Section 1 of part C of chapter 57 of the laws of 2006, relating to establishing a cost of living adjustment for designated human service programs, is amended by adding a new subdivision 3-e to read as follows:

3-E. (I) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION 3-B OF THIS SECTION OR ANY OTHER INCONSISTENT PROVISION OF LAW, AND SUBJECT TO THE AVAILABILITY OF THE APPROPRIATION THEREFOR, FOR THE PROGRAMS LISTED IN PARAGRAPHS (I), (II), AND (III) OF SUBDIVISION 4 OF THIS SECTION, THE COMMISSIONERS SHALL PROVIDE FUNDING TO SUPPORT (1) AN OVERALL AVERAGE THREE AND ONE-QUARTER PERCENT (3.25%) INCREASE TO TOTAL SALARIES FOR DIRECT CARE STAFF, DIRECT SUPPORT PROFESSIONALS FOR EACH ELIGIBLE STATE-FUNDED PROGRAM BEGINNING JANUARY 1, 2018; AND (2) AN OVERALL AVERAGE THREE AND ONE-QUARTER PERCENT (3.25%) INCREASE TO TOTAL SALARIES FOR DIRECT CARE STAFF AND DIRECT SUPPORT PROFESSIONALS, AND CLINICAL STAFF FOR EACH ELIGIBLE STATE-FUNDED PROGRAM BEGINNING APRIL 1, 2018. FOR THE PURPOSE OF THIS FUNDING INCREASE, DIRECT SUPPORT PROFESSIONALS ARE INDIVIDUALS EMPLOYED IN CONSOLIDATED FISCAL REPORTING POSITION TITLE CODES RANGING FROM 100 TO 199; DIRECT CARE STAFF ARE INDIVIDUALS EMPLOYED IN CONSOLIDATED FISCAL REPORTING POSITION TITLE CODES RANGING FROM 200 TO 299; AND CLINICAL STAFF ARE INDIVIDUALS EMPLOYED IN CONSOLIDATED FISCAL REPORTING POSITION TITLE CODES RANGING FROM 300 TO 399.

(II) THE FUNDING MADE AVAILABLE PURSUANT TO PARAGRAPH (I) OF THIS SUBDIVISION SHALL BE USED: (1) TO HELP ALLEVIATE THE RECRUITMENT AND RETENTION CHALLENGES OF DIRECT CARE STAFF, DIRECT SUPPORT PROFESSIONALS AND CLINICAL STAFF EMPLOYED IN ELIGIBLE PROGRAMS; AND (2) TO CONTINUE AND TO EXPAND EFFORTS TO SUPPORT THE PROFESSIONALISM OF THE DIRECT CARE WORKFORCE. EACH LOCAL GOVERNMENT UNIT OR DIRECT CONTRACT PROVIDER RECEIVING SUCH FUNDING SHALL HAVE FLEXIBILITY IN ALLOCATING SUCH FUNDING TO SUPPORT SALARY INCREASES TO PARTICULAR JOB TITLES TO BEST ADDRESS THE NEEDS OF ITS DIRECT CARE STAFF, DIRECT SUPPORT PROFESSIONALS AND CLINICAL STAFF. EACH LOCAL GOVERNMENT UNIT OR DIRECT CONTRACT PROVIDER RECEIVING SUCH FUNDING SHALL ALSO SUBMIT A WRITTEN CERTIFICATION, IN SUCH FORM AND AT SUCH TIME AS EACH COMMISSIONER SHALL PRESCRIBE, ATTESTING TO HOW SUCH FUNDING WILL BE OR WAS USED FOR PURPOSES ELIGIBLE UNDER THIS SECTION. FURTHER, PROVIDERS SHALL SUBMIT A RESOLUTION FROM THEIR GOVERNING BODY TO THE APPROPRIATE COMMISSIONER, ATTESTING THAT THE FUNDING RECEIVED WILL BE USED SOLELY TO SUPPORT SALARY AND SALARY-RELATED FRINGE BENEFIT INCREASES FOR DIRECT CARE STAFF, DIRECT SUPPORT PROFESSIONALS AND CLINICAL STAFF, PURSUANT TO PARAGRAPH (I) OF THIS SUBDIVISION. SALARY INCREASES THAT TAKE EFFECT ON AND AFTER APRIL 1, 2017 MAY BE USED TO DEMONSTRATE COMPLIANCE WITH THE JANUARY 1, 2018 FUNDING INCREASE AUTHORIZED BY THIS SECTION, EXCEPT FOR SALARY INCREASES NECESSARY TO COMPLY WITH STATE MINIMUM WAGE REQUIREMENTS. SUCH COMMISSIONERS SHALL BE AUTHORIZED TO RECOUP ANY FUNDS AS APPROPRIATED HEREIN DETERMINED TO HAVE BEEN USED IN A MANNER INCONSISTENT WITH SUCH STANDARDS OR INCONSISTENT WITH THE PROVISIONS OF THIS SUBDIVISION, AND SUCH COMMISSIONERS SHALL BE AUTHORIZED TO EMPLOY ANY LEGAL MECHANISM TO RECOUP SUCH FUNDS, INCLUDING AN OFFSET OF OTHER FUNDS THAT ARE OWED TO SUCH LOCAL GOVERNMENTAL UNIT OR PROVIDER.
(III) WHERE APPROPRIATE, TRANSFERS TO THE DEPARTMENT OF HEALTH SHALL
BE MADE AS REIMBURSEMENT FOR THE STATE SHARE OF MEDICAL ASSISTANCE.

S 3. This act shall take effect immediately and shall be deemed to
have been in full force and effect on and after April 1, 2017; provided,
however, that the amendments to section 1 of part C of chapter 57 of the
laws of 2006 made by sections one and two of this act shall not affect
the repeal of such section and shall be deemed repealed therewith.

PART R

Section 1. The public health law is amended by adding a new section
1113 to read as follows:

S 1113. DRINKING WATER QUALITY COUNCIL; ESTABLISHED. 1. THERE SHALL BE
ESTABLISHED, WITHIN THE DEPARTMENT, THE DRINKING WATER QUALITY COUNCIL.
SUCH COUNCIL SHALL BE COMPOSED OF TWELVE MEMBERS AS FOLLOWS:
(A) THE COMMISSIONER, OR THE COMMISSIONER’S DESIGNEE, WHO SHALL BE THE
CHAIR OF THE COUNCIL;
(B) THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION OR DESIGNEE;
(C) A DESIGNEE OF THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION WITH
EXPERTISE IN WATER RESOURCES;
(D) A DESIGNEE OF THE COMMISSIONER WITH EXPERTISE IN DRINKING WATER;
AND
(E) EIGHT MEMBERS APPOINTED BY THE GOVERNOR, TWO OF WHOM SHALL BE
RECOMMENDED BY THE TEMPORARY PRESIDENT OF THE SENATE, AND TWO BY THE
SPEAKER OF THE ASSEMBLY.
2. (A) OF THE FOUR MEMBERS APPOINTED TO THE DRINKING WATER QUALITY
COUNCIL AND RECOMMENDED BY THE TEMPORARY PRESIDENT OF THE SENATE AND THE
SPEAKER OF THE ASSEMBLY SHALL EACH RECOMMEND:
(I) ONE MEMBER WHO REPRESENTS WATER PURVEYORS; AND
(II) ONE MEMBER REPRESENTING THE PUBLIC, WHO HAS A BACKGROUND OR
EXPERTISE IN TOXICOLOGY OR HEALTH RISK ASSESSMENT.
(B) OF THE FOUR ADDITIONAL MEMBERS APPOINTED TO THE DRINKING WATER
QUALITY COUNCIL, THE GOVERNOR SHALL APPOINT:
(I) ONE MEMBER WHO REPRESENTS WATER PURVEYORS;
(II) ONE MEMBER WHO HAS A BACKGROUND OR EXPERTISE IN TOXICOLOGY OR
HEALTH RISK ASSESSMENT;
(III) ONE MEMBER WHO HAS A BACKGROUND OR EXPERTISE IN MICROBIOLOGY;
AND
(IV) ONE MEMBER WHO HAS A BACKGROUND OR EXPERTISE IN ENVIRONMENTAL
ENGINEERING.
(C) THE MEMBERS OF SUCH COUNCIL APPOINTED PURSUANT TO PARAGRAPH (E) OF
SUBDIVISION ONE OF THIS SECTION SHALL SERVE TERMS OF TWO YEARS.
(D) THE MEMBERS APPOINTED PURSUANT TO PARAGRAPH (E) OF SUBDIVISION ONE
OF THIS SECTION SHALL EACH SERVE HIS OR HER TERM OF OFFICE OR UNTIL HIS
OR HER SUCCESSOR IS APPOINTED; PROVIDED THAT ANY VACANCY IN THE POSITION
OF AN APPOINTED MEMBER SHALL BE FILLED IN THE SAME MANNER AS THE
ORIGINAL APPOINTMENT AND ONLY FOR THE UNEXPIRED TERM OF THE VACANCY.
3. THE MEMBERS OF THE DRINKING WATER QUALITY COUNCIL SHALL RECEIVE NO
COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND
NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT
TO THIS TITLE.
4. THE DRINKING WATER QUALITY COUNCIL SHALL MEET AT SUCH TIMES AND
PLACES AS MAY BE DETERMINED BY ITS CHAIR. THE COUNCIL SHALL MEET AT A
MINIMUM OF TWO TIMES PER YEAR. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC
PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW. A MAJORITY OF THE
MEMBERS OF SUCH COUNCIL SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS. ACTION MAY BE TAKEN, AND MOTIONS AND RESOLUTIONS ADOPTED, AT ANY MEETING BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE FULL MEMBERSHIP OF THE COUNCIL.

5. THE COUNCIL SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT RELATING TO:

(A) THOSE CONTAMINANTS, WHICH THE DEPARTMENT MAY LIST AS EMERGING CONTAMINANTS PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED TWELVE OF THIS TITLE.

(I) IN DETERMINING WHAT SUBSTANCES SHALL BE RECOMMENDED AS EMERGING CONTAMINANTS THE COUNCIL SHALL, AT A MINIMUM, CONSIDER:

A. UNREGULATED CONTAMINANTS MONITORED PURSUANT TO THE FEDERAL SAFE DRINKING WATER ACT (42 USC S 300G-1) AS AMENDED FROM TIME TO TIME;
B. SUBSTANCES THAT REQUIRE REGULATION OR MONITORING WHEN PRESENT IN DRINKING WATER IN OTHER JURISDICTIONS OUTSIDE THE STATE OF NEW YORK;
C. PESTICIDE CHEMICALS FOR WHICH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS SET HUMAN HEALTH BENCHMARKS FOR DRINKING WATER;
D. SUBSTANCES FOUND AT SITES IN REMEDIAL PROGRAMS LOCATED INSIDE AND OUTSIDE THE STATE OF NEW YORK, INCLUDING BUT NOT LIMITED TO INACTIVE HAZARDOUS WASTE SITES; AND
E. WATERBORNE PATHOGENS AND MICROBIOLOGICAL CONTAMINANTS.

(II) THE COUNCIL SHALL RECOMMEND A NOTIFICATION LEVEL FOR EACH RECOMMENDED EMERGING CONTAMINANT.

(III) THE COUNCIL SHALL RECOMMEND TIMEFRAMES AND FREQUENCIES IN WHICH TESTING SHOULD BE REQUIRED FOR THE RECOMMENDED EMERGING CONTAMINANTS, ALLOWING FOR VARIATION BASED ON CIRCUMSTANCES SUCH AS THE SOURCE OF WATER, THE REGION AND SIZE OF THE WATER SYSTEM.

(IV) THE COUNCIL SHALL PROVIDE THE DEPARTMENT WITH ITS FIRST LIST OF RECOMMENDED EMERGING CONTAMINANTS AND CORRESPONDING NOTIFICATION LEVELS FOR WHICH TESTING SHALL BE REQUIRED NO LATER THAN ONE YEAR FROM THE INITIAL MEETING OF THE COUNCIL, AND THE COUNCIL SHALL UPDATE THE LIST AND RECOMMEND NOTIFICATION LEVELS ANNUALLY THEREAFTER;

(B) A REVIEW OF SUBSTANCES IDENTIFIED AS EMERGING CONTAMINANTS PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED TWELVE OF THIS TITLE. WHERE APPROPRIATE THE COUNCIL SHALL RECOMMEND EITHER A MAXIMUM CONTAMINANT LEVEL (MCL), OR THE REMOVAL OF THE SUBSTANCE FROM THE LIST OF EMERGING CONTAMINANTS, ON THE BASIS OF AVAILABLE SCIENTIFIC EVIDENCE AND ANY OTHER RELEVANT FACTORS;

(C) THE FORM AND CONTENT OF PUBLIC NOTIFICATIONS ISSUED PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED TWELVE OF THIS TITLE;

(D) WORKING WITH OTHER STATE AGENCIES AND THE FEDERAL GOVERNMENT TO ENSURE FUNDS ARE AVAILABLE AND ACCESSIBLE, PARTIES KNOWN TO BE RESPONSIBLE FOR CONTAMINATION ARE PURSUED, AND MITIGATION, REMEDIATION, AND CLEANUP PROJECTS OCCUR IN A TIMELY MANNER;

(E) THE DEVELOPMENT OF EDUCATIONAL MATERIALS REGARDING PRIVATE WELL WATER TESTING;

(F) THE APPROPRIATE USE OF, AND METHODS AND MANNER OF CONDUCTING, BIOMONITORING AND BIOMONITORING STUDIES;

(G) THE INCLUSION OF INFORMATION ON THE ONLINE TRACKING AND MAPPING SYSTEM ESTABLISHED IN SECTION 3-0315 OF THE ENVIRONMENTAL CONSERVATION LAW; AND

(H) ANYTHING ELSE THE DEPARTMENT OR THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION DESIGNATES.

6. THE DRINKING WATER QUALITY COUNCIL SHALL BE ENTITLED TO REQUEST AND RECEIVE INFORMATION FROM ANY STATE, MUNICIPAL DEPARTMENT, BOARD, COMMISSION OR AGENCY THAT MAY BE REQUIRED OR ARE DEEMED NECESSARY FOR THE
S. 2007--B

PURPOSES OF SUCH COUNCIL, INCLUDING BUT NOT LIMITED TO ALL WATER INFORMATION AND ANNUAL REPORTS THE DEPARTMENT HAS RELATING TO BOTH PUBLIC AND PRIVATE WATER SUPPLIES.

7. BEFORE THE COUNCIL ADVANCES ANY RECOMMENDATION TO THE DEPARTMENT, THE COUNCIL SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC AND STAKEHOLDER COMMENTS. FINAL RECOMMENDATIONS OF THE COUNCIL SHALL BE POSTED ON THE DEPARTMENT'S WEBSITE WITHIN THIRTY DAYS AFTER THE COUNCIL ADOPTS SUCH RECOMMENDATIONS.

S 2. This act shall take effect immediately.

PART S

Section 1. Subdivision 2 of section 365-1 of the social services law, as added by section 37 of part H of chapter 59 of the laws of 2011, is amended to read as follows:

2. In addition to payments made for health home services pursuant to subdivision one of this section, the commissioner is authorized to pay additional amounts to providers of health home services that meet process or outcome standards specified by the commissioner. SUCH ADDITIONAL AMOUNTS MAY BE PAID WITH STATE FUNDS ONLY IF FEDERAL FINANCIAL PARTICIPATION FOR SUCH PAYMENTS IS UNAVAILABLE.

S 2. Section 364-j of the social services law is amended by adding a new subdivision 33 to read as follows:

33. FOR SERVICES UNDER THIS TITLE PROVIDED BY RESIDENTIAL HEALTH CARE FACILITIES UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, THE COMMISSIONER SHALL DIRECT MANAGED CARE ORGANIZATIONS LICENSED UNDER ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW, ARTICLE FORTY-THREE OF THE INSURANCE LAW, AND THIS SECTION, TO CONTINUE TO REIMBURSE AT A BENCHMARK RATE WHICH IS TO BE THE FEE-FOR-SERVICE RATE CALCULATED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED EIGHT OF THE PUBLIC HEALTH LAW. THE BENCHMARK FEE-FOR-SERVICE RATE SHALL CONTINUE TO BE PAID BY SUCH MANAGED CARE ORGANIZATIONS FOR ALL SERVICES PROVIDED BY RESIDENTIAL HEALTHCARE FACILITIES FROM THE EFFECTIVE DATE OF THIS SUBDIVISION AT LEAST UNTIL DECEMBER THIRTY-FIRST, TWO THOUSAND TWENTY. THE COMMISSIONER MAY REQUIRE, AS A CONDITION OF CONTINUING TO REQUIRE PAYMENT AT SUCH BENCHMARK RATE THAT AGGREGATE MANAGED CARE EXPENDITURES TO RESIDENTIAL HEALTH CARE FACILITIES MEET THE ALTERNATIVE PAYMENT METHODOLOGY REQUIREMENTS SET FORTH IN ATTACHMENT I OF THE NEW YORK STATE SECTION 1115 MEDICAID REDESIGN TEAM WAIVER AS APPROVED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES. THE COMMISSIONER OF HEALTH SHALL WAIVE SUCH REQUIREMENTS IF A SUFFICIENT NUMBER OF PROVIDERS, AS DETERMINED BY THE COMMISSIONER, SUFFER A FINANCIAL HARDSHIP AS A CONSEQUENCE OF SUCH ALTERNATIVE PAYMENT METHODOLOGIES, OR IF THE COMMISSIONER DETERMINES NECESSARY, TO COMPLY WITH FEDERAL RULES OR REGULATIONS GOVERNING THESE PAYMENT METHODOLOGIES.

S 3. Subdivision 2 of section 365-a of the social services law is amended by adding a new paragraph (dd) to read as follows:

(DD) PASTEURIZED DONOR HUMAN MILK (PDHM), WHICH MAY INCLUDE FORTIFIERS AS MEDICALLY INDICATED, FOR INPATIENT USE, FOR WHICH A LICENSED MEDICAL PRACTITIONER HAS ISSUED AN ORDER FOR AN INFANT WHO IS MEDICALLY OR PHYSICALLY UNABLE TO RECEIVE MATERNAL BREAST MILK OR PARTICIPATE IN BREAST FEEDING OR WHOSE MOTHER IS MEDICALLY OR PHYSICALLY UNABLE TO PRODUCE MATERNAL BREAST MILK AT ALL OR IN SUFFICIENT QUANTITIES OR PARTICIPATE...
IN BREAST FEEDING DESPITE OPTIMAL LACTATION SUPPORT. SUCH INFANT SHALL:
(I) HAVE A DOCUMENTED BIRTH WEIGHT OF LESS THAN ONE THOUSAND FIVE HUNDRED GRAMS; OR (II) HAVE A CONGENITAL OR ACQUIRED CONDITION THAT PLACES THE INFANT AT A HIGH RISK FOR DEVELOPMENT OF NECROTIZING ENTEROCOLITIS; OR (III) HAVE A CONGENITAL OR ACQUIRED CONDITION THAT MAY BENEFIT FROM THE USE OF DONOR BREAST MILK AS DETERMINED BY THE COMMISSIONER OF HEALTH OR HIS OR HER DESIGNEE.

S 4. Subdivision 2 of section 365-a of the social services law is amended by adding a new paragraph (ee) to read as follows:
(EE) MEDICAL ASSISTANCE SHALL INCLUDE THE COVERAGE OF A SET OF SERVICES TO ENSURE IMPROVED OUTCOMES OF WOMEN WHO ARE IN THE PROCESS OF OVULATION ENHANCING DRUGS, LIMITED TO THE PROVISION OF SUCH TREATMENT, OFFICE VISITS, HYSTEROSALPINGOGRAM SERVICES, PELVIC ULTRASOUNDS, AND BLOOD TESTING; SERVICES SHALL BE LIMITED TO THOSE NECESSARY TO MONITOR SUCH TREATMENT. IN THE EVENT THAT NINETY PERCENT FEDERAL FINANCIAL PARTICIPATION FOR SUCH SERVICES IS NOT AVAILABLE, THE STATE SHARE OF APPROPRIATIONS RELATED TO THESE SERVICES SHALL BE USED FOR A GRANT PROGRAM INTENDED TO ACCOMPLISH THE PURPOSE OF THIS SECTION.

S 5. Section 3614-c of the public health law, as amended by chapter 56 of the laws of 2016, subparagraph (iv) of paragraph (a) of subdivision 3 as amended by section 1 and subparagraph (iv) of paragraph (b) of subdivision 3 as amended by section 2 of part E of chapter 73 of the laws of 2016, is amended to read as follows:
S 3614-c. Home care worker wage parity. 1. As used in this section, the following terms shall have the following meaning:
(a) "Living wage law" means any law enacted by Nassau, Suffolk or Westchester county or a city with a population of one million or more which establishes a minimum wage for some or all employees who perform work on contracts with such county or city.
(b) "Total compensation" means all wages and other direct compensation paid to or provided on behalf of the employee including, but not limited to, wages, health, education or pension benefits, supplements in lieu of benefits and compensated time off, except that it does not include employer taxes or employer portion of payments for statutory benefits, including but not limited to FICA, disability insurance, unemployment insurance and workers' compensation.
(c) "Prevailing rate of total compensation" means the average hourly amount of total compensation paid to all home care aides covered by whatever collectively bargained agreement covers the greatest number of home care aides in a city with a population of one million or more. For purposes of this definition, any set of collectively bargained agreements in such city with substantially the same terms and conditions relating to total compensation shall be considered as a single collectively bargained agreement.
(d) "Home care aide" means a home health aide, personal care aide, home attendant, PERSONAL ASSISTANT PERFORMING CONSUMER DIRECTED PERSONAL ASSISTANCE SERVICES PURSUANT TO SECTION THREE HUNDRED SIXTY-FIVE-F OF THE SOCIAL SERVICES LAW, or other licensed or unlicensed person whose primary responsibility includes the provision of in-home assistance with activities of daily living, instrumental activities of daily living or health-related tasks; provided, however, that home care aide does not include any individual (i) working on a casual basis, or (ii) (EXCEPT FOR A PERSON EMPLOYED UNDER THE CONSUMER DIRECTED PERSONAL ASSISTANCE PROGRAM UNDER SECTION THREE HUNDRED SIXTY-FIVE-F OF THE SOCIAL SERVICES LAW) who is a relative through blood, marriage or adoption of: (1) the employer; or (2) the person for whom the worker is delivering services,
under a program funded or administered by federal, state or local
government.

(e) "Managed care plan" means any managed care program, organization
or demonstration covering personal care or home health aide services,
and which receives premiums funded, in whole or in part, by the New York
state medical assistance program, including but not limited to all Medi-
caid managed care, Medicaid managed long term care, Medicaid advantage,
and Medicaid advantage plus plans and all programs of all-inclusive care
for the elderly.

(f) "Episode of care" means any service unit reimbursed, in whole or
in part, by the New York state medical assistance program, whether
through direct reimbursement or covered by a premium payment, and which
covers, in whole or in part, any service provided by a home care aide,
including but not limited to all service units defined as visits, hours,
days, months or episodes.

(g) "Cash portion of the minimum rate of home care [aid] AIDE total
compensation" means the minimum amount of home care aide total compen-
sation that may be paid in cash wages, as determined by the department
in consultation with the department of labor.

(h) "Benefit portion of the minimum rate of home care aide total
compensation" means the portion of home care aide total compensation
that may be paid in cash or health, education or pension benefits, wage
differentials, supplements in lieu of benefits and compensated time off,
as determined by the department in consultation with the department of
labor. Cash wages paid pursuant to increases in the state or federal
minimum wage cannot be used to satisfy the benefit portion of the mini-
mum rate of home care aide total compensation.

2. Notwithstanding any inconsistent provision of law, rule or regu-
lation, no payments by government agencies shall be made to certified
home health agencies, long term home health care programs [or], managed
care plans, OR THE CONSUMER DIRECTED PERSONAL ASSISTANCE PROGRAM UNDER
SECTION THREE HUNDRED SIXTY-FIVE-F OF THE SOCIAL SERVICES LAW, for any
episode of care furnished, in whole or in part, by any home care aide
who is compensated at amounts less than the applicable minimum rate of
home care aide total compensation established pursuant to this section.

3. (a) The minimum rate of home care aide total compensation in a city
with a population of one million or more shall be:

(i) for the period March first, two thousand twelve through February
twenty-eighth, two thousand thirteen, ninety percent of the total
compensation mandated by the living wage law of such city;

(ii) for the period March first, two thousand thirteen through Febru-
ary twenty-eighth, two thousand fourteen, ninety-five percent of the
total compensation mandated by the living wage law of such city;

(iii) for the period March first, two thousand fourteen through March
thirty-first two thousand sixteen, no less than the prevailing rate of
the total compensation as of January first, two thousand eleven, or the
total compensation mandated by the living wage law of such city, which-
ever is greater;

(iv) for all periods on or after April first, two thousand sixteen,
the cash portion of the minimum rate of home care aide total compen-
sation shall be ten dollars or the minimum wage as laid out in paragraph
(a) of subdivision one of section six hundred fifty-two of the labor
law, whichever is higher. The benefit portion of the minimum rate of
home care aide total compensation shall be four dollars and nine cents.

(b) The minimum rate of home care aide total compensation in the coun-
ties of Nassau, Suffolk and Westchester shall be:
(i) for the period March first, two thousand thirteen through February twenty-eighth, two thousand fourteen, ninety percent of the total compensation mandated by the living wage law as set on March first, two thousand thirteen of a city with a population of a million or more;
(ii) for the period March first, two thousand fourteen through February twenty-eighth, two thousand fifteen, ninety-five percent of the total compensation mandated by the living wage law as set on March first, two thousand fourteen of a city with a population of a million or more;
(iii) for the period March first, two thousand fifteen, through February twenty-eighth, two thousand sixteen, one hundred percent of the total compensation mandated by the living wage law as set on March first, two thousand fifteen of a city with a population of a million or more;
(iv) for all periods on or after March first, two thousand sixteen, the cash portion of the minimum rate of home care aide total compensation shall be ten dollars or the minimum wage as laid out in paragraph (b) of subdivision one of section six hundred fifty-two of the labor law, whichever is higher. The benefit portion of the minimum rate of home care aide total compensation shall be three dollars and twenty-two cents.

4. The terms of this section shall apply equally to services provided by home care aides who work on episodes of care as direct employees of certified home health agencies, long term home health care programs, or managed care plans, or as employees of licensed home care services agencies, limited licensed home care services agencies, OR THE CONSUMER DIRECTED PERSONAL ASSISTANCE PROGRAM UNDER SECTION THREE HUNDRED SIXTY-FIVE-F OF THE SOCIAL SERVICES LAW, or under any other arrangement.

5. No payments by government agencies shall be made to certified home health agencies, long term home health care programs, [or] managed care plans, OR THE CONSUMER DIRECTED PERSONAL ASSISTANCE PROGRAM UNDER SECTION THREE HUNDRED SIXTY-FIVE-F OF THE SOCIAL SERVICES LAW, for any episode of care without the certified home health agency, long term home health care program, [or] managed care plan OR THE CONSUMER DIRECTED PERSONAL ASSISTANCE PROGRAM having delivered prior written certification to the commissioner, on forms prepared by the department in consultation with the department of labor, that all services provided under each episode of care are in full compliance with the terms of this section and any regulations promulgated pursuant to this section.

6. If a certified home health agency or long term home health care program elects to provide home care aide services through contracts with licensed home care services agencies or through other third parties, provided that the episode of care on which the home care aide works is covered under the terms of this section, the certified home health agency, long term home health care program, or managed care plan must obtain a written certification from the licensed home care services agency or other third party, on forms prepared by the department in consultation with the department of labor, which attests to the licensed home care services agency's or other third party's compliance with the terms of this section. Such certifications shall also obligate the certified home health agency, long term home health care program, or managed care plan to obtain, on no less than a quarterly basis, all information from the licensed home care services agency, FISCAL INTERMEDIARY or other third parties necessary to verify compliance with the terms of this section. Such certifications and the information exchanged pursuant to them shall be retained by all certified home health agencies, long term home health
care programs, or managed care plans, and all licensed home care
services agencies, or other third parties for a period of no less than
ten years, and made available to the department upon request.

7. The commissioner shall distribute to all certified home health
agencies, long term home health care programs, [and] managed care plans,
AND FISCAL INTERMEDIARIES IN THE CONSUMER DIRECTED PERSONAL ASSISTANCE
PROGRAM UNDER SECTION THREE HUNDRED SIXTY-FIVE-F OF THE SOCIAL SERVICES
LAW, official notice of the minimum rates of home care aide compensation
at least one hundred twenty days prior to the effective date of each
minimum rate for each social services district covered by the terms of
this section.

8. The commissioner is authorized to promulgate regulations, and may
promulgate emergency regulations, to implement the provisions of this
section.

9. Nothing in this section should be construed as applicable to any
service provided by certified home health agencies, long term home
health care programs, [or] managed care plans, OR CONSUMER DIRECTED
PERSONAL ASSISTANCE PROGRAM UNDER SECTION THREE HUNDRED SIXTY-FIVE-F OF
THE SOCIAL SERVICES LAW except for all episodes of care reimbursed in
whole or in part by the New York Medicaid program.

10. No certified home health agency, managed care plan [or], long term
home health care program, OR FISCAL INTERMEDIARY IN THE CONSUMER
DIRECTED PERSONAL ASSISTANCE PROGRAM UNDER SECTION THREE HUNDRED SIXTY-
FIVE-F OF THE SOCIAL SERVICES LAW shall be liable for recoupment of
payments for services provided through a licensed home care services
agency or other third party with which the certified home health agency,
long term home health care program, or managed care plan has a contract
because the licensed agency or other third party failed to comply with
the provisions of this section if the certified home health agency, long
term home health care program, [or] managed care plan, OR FISCAL INTER-
MEDIARY has reasonably and in good faith collected certifications and
all information required pursuant to subdivisions five and six of this
section.

S 6. Notwithstanding any other provision of law, the commissioner of
health is authorized to sell accounts receivable balances owed to the
state by Medicaid providers to financial institutions; provided that no
such sale of accounts receivable balances shall include any state
support, including a guarantee or contingent obligation of state funds
to mitigate the risk of nonpayment by providers owing on these account
receivable balances. The commissioner in consultation with the director
of the budget is authorized to determine the sale prices of any such
accounts receivable balances and shall include sale terms governing the
reasonable collection of such balances by the financial institution.
Following any such sale, providers owing on these accounts receivable
balances shall not include any additional cost, interest, or financing
charges solely as a result of such sale but shall be fully responsible
for paying the accounts receivable balances. Proceeds from the sale of
the accounts receivable balances shall be deposited to the Medicaid
escrow fund and be used to offset Medicaid costs under the Medicaid
global spending cap. The commissioner shall provide the legislature with
a description of the terms of any such sale, including a list of the
impacted Medicaid providers, at least thirty days prior to the sale.

S 7. This act shall take effect immediately; provided, however that:

a. the amendments to section 364-j of the social services law made by
section two of this act shall not affect the repeal of such section and
shall be deemed to be repealed therewith;
b. sections three and five of this act shall take effect July 1, 2017; and
c. section six of this act shall expire April 1, 2019; however, such expiration shall not invalidate or otherwise impact any sale of accounts receivable effected pursuant to such section prior to its expiration.

PART T

Section 1. This act shall be known and may be cited as the "clean water infrastructure act of 2017".

S 2. Article 15 of the environmental conservation law is amended by adding a new title 33 to read as follows:

TITLE 33
SOURCE WATER PROTECTION PROJECTS

SECTION 15-3301. DEFINITIONS.
15-3303. LAND ACQUISITION PROJECTS FOR SOURCE WATER PROTECTION.
15-3305. APPROVAL AND EXECUTION OF PROJECTS.

S 15-3301. DEFINITIONS.
AS USED IN THIS TITLE THE FOLLOWING TERMS SHALL MEAN:
1. "LAND ACQUISITION PROJECTS" MEANS OPEN SPACE ACQUISITION PROJECTS UNDERTAKEN WITH WILLING SELLERS INCLUDING, BUT NOT LIMITED TO, THE PURCHASE OF CONSERVATION EASEMENTS, UNDERTAKEN BY A MUNICIPALITY, A NOT-FOR-PROFIT CORPORATION, OR PURCHASE OF CONSERVATION EASEMENTS BY A SOIL AND WATER CONSERVATION DISTRICT.
2. "MUNICIPALITY" MEANS THE SAME AS SUCH TERM AS DEFINED IN SECTION 56-0101 OF THIS CHAPTER.
3. "NOT-FOR-PROFIT CORPORATION" MEANS A CORPORATION FORMED PURSUANT TO THE NOT-FOR-PROFIT CORPORATION LAW AND QUALIFIED FOR TAX-EXEMPT STATUS UNDER THE FEDERAL INTERNAL REVENUE CODE.
4. "SOIL AND WATER CONSERVATION DISTRICT" MEANS THE SAME AS SUCH TERM AS DEFINED IN SECTION THREE OF THE SOIL AND WATER CONSERVATION DISTRICTS LAW.
5. "STATE ASSISTANCE PAYMENT" MEANS PAYMENT OF THE STATE SHARE OF THE COST OF PROJECTS AUTHORIZED BY THIS TITLE TO PRESERVE, ENHANCE, RESTORE AND IMPROVE THE QUALITY OF THE STATE'S ENVIRONMENT.

S 15-3303. LAND ACQUISITION PROJECTS FOR SOURCE WATER PROTECTION.
1. THE COMMISSIONER IS AUTHORIZED TO PROVIDE STATE ASSISTANCE TO MUNICIPALITIES, NOT-FOR-PROFIT CORPORATIONS AND SOIL AND WATER CONSERVATION DISTRICTS TO UNDERTAKE LAND ACQUISITION PROJECTS FOR SOURCE WATER PROTECTION, IN COOPERATION WITH WILLING SELLERS. LAND ACQUISITION PROJECTS FOR SOURCE WATER PROTECTION SHALL SUPPORT, EXPAND OR ENHANCE DRINKING WATER QUALITY PROTECTION, INCLUDING BUT NOT LIMITED TO AQUIFERS, WATERSHEDS, RESERVOIRS, LAKES, RIVERS AND STREAMS.
2. A. ANY BUFFER ENCUMBERED BY A CONSERVATION EASEMENT ACQUIRED PURSUANT TO THIS SECTION THAT ENCUMBERS LANDS USED IN AGRICULTURAL PRODUCTION AS DEFINED IN SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW IN A COUNTY DESIGNATED STATE CERTIFIED AGRICULTURAL DISTRICT CREATED UNDER SECTION THREE HUNDRED THREE OF THE AGRICULTURE AND MARKETS LAW MAY ALLOW AGRICULTURAL ACTIVITY THAT QUALIFIES SUCH LANDS, PROVIDED SUCH ACTIVITY ON SUCH LANDS DOES NOT IMPAIR DRINKING WATER AND COMPLIES WITH AN AGRICULTURAL ENVIRONMENTAL MANAGEMENT PROGRAM PLAN DEVELOPED BY THE STATE SOIL AND WATER CONSERVATION COMMITTEE, IN PARTNERSHIP WITH THE DEPARTMENT.
B. NOTWITHSTANDING ANY LIMITATIONS PROVIDED HEREIN ON LANDS ACQUIRED PURSUANT TO THIS TITLE A LICENSE OR EASEMENT MAY BE GRANTED BY THE OWNER OF SUCH PROPERTY TO A PUBLIC UTILITY FOR A PUBLIC PURPOSE.

3. IN EVALUATING LAND ACQUISITION PROJECTS FOR SOURCE WATER PROTECTION PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL GIVE PRIORITY TO PROJECTS WHICH PROTECT OR RECHARGE DRINKING WATER SOURCES AND WATERSHEDS INCLUDING RIPARIAN BUFFERS AND WETLANDS.

4. A. NO STATE ASSISTANCE MAY BE PROVIDED PURSUANT TO THIS SECTION TO FUND ANY LAND ACQUISITION PROJECT WHICH IS UNDERTAKEN BY EMINENT DOMAIN UNLESS SUCH PROCESS IS UNDERTAKEN WITH A WILLING SELLER.

B. THE DEPARTMENT SHALL NOT PROVIDE FUNDING PURSUANT TO THIS TITLE FOR ANY LAND ACQUISITION PROJECT FOR SOURCE WATER PROTECTION BY A NOT-FOR-PROFIT CORPORATION, IF ANY TOWN, VILLAGE OR CITY WITHIN WHICH SUCH A PROJECT IS LOCATED, BY RESOLUTION, WITHIN NINETY DAYS OF NOTIFICATION BY SUCH CORPORATION OF ITS INTEREST IN ACQUIRING SUCH PROJECTS, OBJECTS TO SUCH ACQUISITION.

5. CONSISTENT WITH SECTION ELEVEN-B OF THE SOIL AND WATER CONSERVATION DISTRICTS LAW, THE SOIL AND WATER CONSERVATION COMMITTEE IN CONSULTATION WITH THE COMMISSIONER OF AGRICULTURE AND MARKETS IS AUTHORIZED TO PROVIDE STATE ASSISTANCE PAYMENTS TO COUNTY SOIL AND WATER CONSERVATION DISTRICTS, WITHIN AMOUNTS APPROPRIATED, FOR LAND ACQUISITION PROJECTS FOR SOURCE WATER PROTECTION PROJECTS TO SUPPORT, EXPAND OR ENHANCE DRINKING WATER QUALITY PROTECTION, INCLUDING BUT NOT LIMITED TO AQUIFERS, WATERSHEDS, RESERVOIRS, LAKES, RIVERS AND STREAMS. SUCH COMMITTEE SHALL GIVE PRIORITY TO PROJECTS WHICH ESTABLISH BUFFERS FROM WATERS WHICH SERVES AS OR ARE TRIBUTARIES TO DRINKING WATER SUPPLIES FOR SUCH PROJECTS USING STATE ASSISTANCE PURSUANT TO THIS SECTION.

6. REAL PROPERTY ACQUIRED, DEVELOPED, IMPROVED, RESTORED OR REHABILITATED BY OR THROUGH A MUNICIPALITY OR NOT-FOR-PROFIT CORPORATION WITH FUNDS MADE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT BE SOLD, LEASED, EXCHANGED, DONATED OR OTHERWISE DISPOSED OF OR USED FOR OTHER THAN THE PUBLIC PURPOSES OF THIS TITLE WITHOUT THE EXPRESS AUTHORITY OF AN ACT OF THE LEGISLATURE, WHICH SHALL PROVIDE FOR THE SUBSTITUTION OF OTHER LANDS OF EQUAL ENVIRONMENTAL VALUE AND FAIR MARKET VALUE AND REASONABLY EQUIVALENT USEFULNESS AND LOCATION TO THOSE TO BE DISCONTINUED, SOLD OR DISPOSED OF, AND SUCH OTHER REQUIREMENTS AS SHALL BE APPROVED BY THE COMMISSIONER.

7. IF THE STATE ACQUIRES A REAL PROPERTY INTEREST IN LAND PURCHASED BY A MUNICIPALITY OR NOT-FOR-PROFIT WITH FUNDS MADE AVAILABLE PURSUANT TO THIS TITLE, THE STATE SHALL PAY THE FAIR MARKET VALUE OF SUCH INTEREST LESS THE AMOUNT OF FUNDING PROVIDED BY THE STATE PURSUANT TO THIS SECTION.

8. TO THE FULLEST EXTENT PRACTICABLE, IT IS THE POLICY OF THE STATE TO PROMOTE AN EQUITABLE REGIONAL DISTRIBUTION OF FUNDS, CONSISTENT WITH THE PURPOSE OF THIS SECTION.

S 15-3305. APPROVAL AND EXECUTION OF PROJECTS.

1. LAND ACQUISITION PROJECTS FOR SOURCE WATER PROTECTION MAY BE UNDERTAKEN PURSUANT TO THE PROVISIONS OF THIS ARTICLE AND OTHER APPLICABLE PROVISIONS OF LAW ONLY WITH THE APPROVAL OF THE COMMISSIONER.

2. THE COMMISSIONER SHALL REVIEW SUCH PROJECT APPLICATION AND MAY APPROVE, DISAPPROVE OR RECOMMEND MODIFICATIONS THERETO CONSISTENT WITH APPLICABLE LAW, CRITERIA, STANDARDS OR RULES AND REGULATIONS RELATIVE TO SUCH PROJECTS. IN REVIEWING APPLICATIONS FOR PROJECTS PURSUANT TO THIS SECTION, THE COMMISSIONER SHALL GIVE DUE CONSIDERATION TO:

A. THE PROJECT'S CONTRIBUTION TO THE PROTECTION OF DRINKING WATER SUPPLIES;
B. THE PRESENCE OF A WATER PLAN, INCLUDING A SOURCE WATER ASSESSMENT/PROTECTION PLAN OR OTHER SIMILAR PLAN WHICH IDENTIFIES MEASURES TO REDUCE THREATS TO DRINKING WATER SOURCES AND PRIORITIES FOR LAND ACQUISITION PROJECTS; AND,

C. FINANCIAL NEED OR HARDSHIP.

3. ALL LAND ACQUISITION PROJECTS SHALL BE UNDERTAKEN IN THE STATE OF NEW YORK. THE TOTAL AMOUNT OF THE STATE ASSISTANCE PAYMENTS TOWARD THE COST OF ANY SUCH PROJECT SHALL BE SET FORTH IN ANY REQUEST FOR PROPOSAL ISSUED TO SOLICIT PROJECTS AND WILL IN NO EVENT EXCEED SEVENTY-FIVE PERCENT OF THE COST.


4. A. THE COMMISSIONER AND A MUNICIPALITY MAY ENTER INTO A CONTRACT FOR THE UNDERTAKING BY THE MUNICIPALITY OF A SOURCE WATER PROTECTION PROJECT. SUCH PROJECT SHALL BE RECOMMENDED TO THE COMMISSIONER BY THE GOVERNING BODY OF THE MUNICIPALITY AND, WHEN APPROVED BY THE COMMISSIONER, MAY BE UNDERTAKEN BY THE MUNICIPALITY PURSUANT TO THIS TITLE AND ANY OTHER APPLICABLE PROVISION OF LAW.

B. THE COMMISSIONER AND A NOT-FOR-PROFIT CORPORATION MAY ENTER INTO A CONTRACT FOR THE UNDERTAKING BY THE NOT-FOR-PROFIT CORPORATION OF A SOURCE WATER PROTECTION PROJECT. SUCH A PROJECT SHALL BE RECOMMENDED TO THE COMMISSIONER BY THE GOVERNING BODY OF A NOT-FOR-PROFIT CORPORATION WHICH DEMONSTRATES TO THE SATISFACTION OF THE COMMISSIONER THAT IT IS CAPABLE OF OPERATING AND MAINTAINING SUCH PROPERTY FOR THE BENEFIT OF DRINKING WATER AND/OR WATER QUALITY PROTECTION. UPON APPROVAL BY THE COMMISSIONER, SUCH PROJECT MAY BE UNDERTAKEN PURSUANT TO THE PROVISIONS OF THIS TITLE AND ANY OTHER APPLICABLE PROVISION OF LAW.

5. NO MONIES SHALL BE EXPENDED FOR SOURCE WATER PROTECTION LAND ACQUISITION PROJECTS EXCEPT PURSUANT TO AN APPROPRIATION THEREFOR.

S 3. The public health law is amended by adding a new section 1114 to read as follows:


2. THE DEPARTMENT SHALL PUBLISH INFORMATION, APPLICATION FORMS, PROCEDURES AND GUIDELINES RELATING TO THE PROGRAM ON ITS WEBSITE AND IN A MANNER THAT IS ACCESSIBLE TO THE PUBLIC AND ALL POTENTIAL AWARD RECIPIENTS.

S 4. Article 27 of the environmental conservation law is amended by adding a new title 12 to read as follows:

TITLE 12

MITIGATION AND REMEDIATION OF CERTAIN SOLID WASTE SITES AND DRINKING WATER CONTAMINATION
SECTION 27-1201. DEFINITIONS.

27-1201. DEFINITIONS.

1. "CONTAMINANT" MEANS EMERGING CONTAMINANTS PURSUANT TO SECTION ELEVEN HUNDRED TWELVE OF THE PUBLIC HEALTH LAW, AND, FOR SOLID WASTE SITES, SHALL INCLUDE PARAMETERS IDENTIFIED IN REGULATIONS REQUIRED TO BE TESTED BY LANDFILLS TO ENSURE THE PROTECTION OF GROUNDWATER QUALITY.

2. "CONTAMINATION" OR "CONTAMINATED" MEANS THE PRESENCE OF A CONTAMINANT IN ANY ENVIRONMENTAL MEDIA, INCLUDING SOIL, SURFACE WATER, OR GROUNDWATER, SUFFICIENT TO CAUSE OR SUBSTANTIALLY CONTRIBUTE TO AN EXCEEDANCE OF STANDARDS, CRITERIA, AND GUIDANCE VALUES ESTABLISHED BY THE DEPARTMENT OR DRINKING WATER STANDARDS, INCLUDING MAXIMUM CONTAMINANT LEVELS, NOTIFICATION LEVELS, MAXIMUM RESIDUAL DISINFECTANT LEVELS OR ACTION LEVELS ESTABLISHED BY THE DEPARTMENT OF HEALTH.

3. "DRINKING WATER CONTAMINATION SITE" MEANS ANY AREA OR SITE THAT IS CAUSING OR SUBSTANTIALLY CONTRIBUTING TO THE CONTAMINATION OF ONE OR MORE PUBLIC DRINKING WATER SUPPLIES.

4. "DRINKING WATER RESPONSE ACCOUNT" MEANS THE ACCOUNT ESTABLISHED PURSUANT TO SUBDIVISION ONE OF SECTION NINETY-SEVEN-B OF THE STATE FINANCE LAW.

5. "MITIGATION" MEANS THE INVESTIGATION, SAMPLING, MANAGEMENT, OR TREATMENT OF A SOLID WASTE SITE OR DRINKING WATER CONTAMINATION SITE REQUIRED TO ENSURE THE AVAILABILITY OF SAFE DRINKING WATER, INCLUDING PUBLIC WATER SYSTEMS AND INDIVIDUAL ONSITE WATER SUPPLY SYSTEMS NECESSARY TO MEET STANDARDS, CRITERIA, AND GUIDANCE VALUES ESTABLISHED BY THE DEPARTMENT OR DRINKING WATER STANDARDS, INCLUDING MAXIMUM CONTAMINANT LEVELS, NOTIFICATION LEVELS, MAXIMUM RESIDUAL DISINFECTANT LEVELS, OR ACTION LEVELS ESTABLISHED BY THE DEPARTMENT OF HEALTH THAT CAN BE SUCCESSFULLY CARRIED OUT WITH AVAILABLE, IMPLEMENTABLE AND COST-EFFECTIVE TECHNOLOGY. "MITIGATION" ACTIVITIES INCLUDE BUT ARE NOT LIMITED TO THE INSTALLATION OF DRINKING WATER TREATMENT SYSTEMS, THE PROVISION OF ALTERNATIVE WATER SUPPLIES, OR REPAIR OF A LANDFILL CAP. "MITIGATION" DOES NOT MEAN REMEDIATION.

6. "SOLID WASTE SITE" MEANS A SITE WHERE (A) THE DEPARTMENT HAS A REASONABLE BASIS TO SUSPECT THAT THE ILLEGAL DISPOSAL OF SOLID WASTE OCCURRED OR, (B) A COURT OF COMPETENT JURISDICTION HAS DETERMINED THAT AN ILLEGAL DISPOSAL OF SOLID WASTE OCCURRED, OR (C) THE DEPARTMENT KNOWS OR HAS A REASONABLE BASIS TO SUSPECT THAT AN INACTIVE SOLID WASTE MANAGEMENT FACILITY WHICH DOES NOT HAVE A CURRENT MONITORING PROGRAM IS IMPACTING OR CONTAMINATING ONE OR MORE DRINKING WATER SUPPLIES. SOLID WASTE SITE SHALL NOT INCLUDE A SITE WHICH IS CURRENTLY SUBJECT TO INVESTIGATION OR REMEDIATION PURSUANT TO TITLE THIRTEEN OR FOURTEEN OF THIS ARTICLE OR ANY SITE WHICH COMPLETED SUCH PROGRAMS AND WAS EITHER DELISTED BY OR RECEIVED A CERTIFICATE OF COMPLETION FROM THE DEPARTMENT.

7. "SOLID WASTE MITIGATION ACCOUNT" MEANS THE ACCOUNT ESTABLISHED PURSUANT TO SUBDIVISION ONE OF SECTION NINETY-SEVEN-B OF THE STATE FINANCE LAW.

8. "SOLID WASTE MANAGEMENT FACILITY" MEANS ANY FACILITY EMPLOYED FOR SOLID WASTE COLLECTION, PROCESSING AND DISPOSAL INCLUDING PROCESSING.
1 Systems, including resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, regulated facilities for the disposal of construction and demolition debris, regulated plants and facilities for compacting, composting or pyrolysis of solid wastes, regulated mulch facilities, landspreading and soil amending operations, and incinerators.

S 27-1203. Mitigation and remediation of solid waste sites.
1. The solid waste site priority in this state is to mitigate and remediate any solid waste site causing or substantially contributing to impairments of drinking water quality which may impact public health.

2. The department shall, in conjunction with the department of health, develop a system to select and prioritize sites for mitigation and remediation, considering the effects on the health of the state.

3. Beginning July first, two thousand nineteen and annually thereafter, the department shall prepare and submit to the governor and the legislature a comprehensive plan designed to mitigate and remediate solid waste sites. This plan shall establish a solid waste site mitigation and remediation priority list.

4. The department is authorized to conduct preliminary investigations to determine if a solid waste site is causing or substantially contributing to imminent or documented drinking water source contamination. The department, and any employee, agent, consultant or other person acting at the direction of the department, shall have the authority to enter all solid waste sites for the purpose of preliminary investigation, mitigation and remediation, provided that the department has made a reasonable effort to identify the owner of such property to notify such owner of the intent to enter the property at least ten days in advance. In the event the commissioner of health makes a written determination that such ten day notice will not be sufficient to protect public health, two days' written notice shall be sufficient. Any inspection of the property and each taking of samples shall take place at reasonable times and shall be commenced and completed with reasonable promptness.

4A. Conducting or causing to be conducted field investigations of high priority sites identified in the plan established pursuant to subdivision three of this section for the purpose of further defining necessary mitigation and remediation, if any. To the maximum extent practicable, the department shall utilize existing information including, but not limited to, subsurface borings and any analyses or tests of samples taken from such sites by owners or operators, other responsible persons and any federal or non-federal agencies;

4B. Making any subsurface borings and any analyses or tests of samples taken as may be necessary or desirable to effectuate the field investigations of sites as required under this section subject to the requirements of this title. If the owner of a solid waste site can be identified, the department shall provide such owner with a minimum of ten days' written notice of the intent to take such borings or samples in accordance with the provisions of subdivision twelve of section 27-1205 of this title. If any analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner or operator. Upon the completion of all sampling activities, the department or authorized person shall remove, or cause to be removed, all equipment and well machinery and return the ground surface of the property to its condition prior to such sampling, unless the department or authorized person, and the owner of the property shall otherwise agree;
C. MAKING ANY RECORD SEARCHES OR DOCUMENT REVIEWS AS MAY BE NECESSARY OR DESIRABLE TO EFFECTUATE THE PURPOSES OF THIS SECTION SUBJECT TO THE REQUIREMENTS OF THIS TITLE.

5. IF THE DEPARTMENT OR THE DEPARTMENT OF HEALTH, AS APPROPRIATE, DETERMINES THAT A SOLID WASTE SITE POSES A SIGNIFICANT THREAT TO THE PUBLIC HEALTH OR ENVIRONMENT DUE TO HAZARDOUS WASTE, THE DEPARTMENT SHALL REFER THE SITE TO THE INACTIVE HAZARDOUS WASTE DISPOSAL SITE REMEDIAL PROGRAM PURSUANT TO TITLE THIRTEEN OF THIS ARTICLE.

6. WHERE THE DEPARTMENT HAS DETERMINED THROUGH A PRELIMINARY INVESTIGATION CONDUCTED PURSUANT TO SUBDIVISION FOUR OF THIS SECTION THAT A SOLID WASTE SITE IS CAUSING OR SUBSTANTIALLY CONTRIBUTING TO CONTAMINATION OF A PUBLIC DRINKING WATER SUPPLY, THE OWNER OR OPERATOR OF A SOLID WASTE SITE SHALL, AT THE DEPARTMENT'S WRITTEN REQUEST, COOPERATE WITH ANY AND ALL REMEDIAL MEASURES DEEMED NECESSARY AND WHICH SHALL BE UNDERTAKEN BY THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF HEALTH, FOR THE MITIGATION AND REMEDIATION OF A SOLID WASTE SITE OR AREA WHICH IS NECESSARY TO ENSURE THAT DRINKING WATER MEETS APPLICABLE STANDARDS, INCLUDING MAXIMUM CONTAMINANT LEVELS, NOTIFICATION LEVELS, MAXIMUM RESIDUAL DISINFECTANT LEVELS, OR ACTION LEVELS ESTABLISHED BY THE DEPARTMENT OF HEALTH. THE DEPARTMENT MAY IMPLEMENT NECESSARY MEASURES TO MITIGATE AND REMEDIATE THE SOLID WASTE SITE WITHIN AMOUNTS APPROPRIATED FOR SUCH PURPOSES FROM THE SOLID WASTE MITIGATION ACCOUNT.

S 27-1205. MITIGATION OF CONTAMINANTS IN DRINKING WATER.

1. WHENEVER THE COMMISSIONER OF HEALTH HAS REQUIRED A PUBLIC WATER SYSTEM TO TAKE ACTION TO REDUCE EXPOSURE TO AN EMERGING CONTAMINANT OR EMERGING CONTAMINANTS AND HAS DETERMINED THAT THE CONCENTRATION OF THE EMERGING CONTAMINANT CONSTITUTES AN ACTUAL OR POTENTIAL THREAT TO PUBLIC HEALTH BASED ON THE BEST AVAILABLE SCIENTIFIC INFORMATION PURSUANT TO SECTION ELEVEN HUNDRED TWELVE OF THE PUBLIC HEALTH LAW, THE DEPARTMENT IN CONJUNCTION WITH THE DEPARTMENT OF HEALTH, MAY, PURSUANT TO THE CLEAN WATER INFRASTRUCTURE ACT OF 2017 AND WITHIN THE UP TO ONE HUNDRED THIRTY MILLION DOLLARS APPROPRIATED FOR SUCH PURPOSES, UNDERTAKE ALL REASONABLE AND NECESSARY ADDITIONAL MITIGATION MEASURES IN ANY AREA OF THE STATE IN WHICH CONTAMINATION IS KNOWN TO BE PRESENT. THE DEPARTMENT SHALL EMPLOY FEASIBLE MEASURES THAT CAN BE SUCCESSFULLY CARRIED OUT WITH AVAILABLE, IMPLEMENTABLE AND COST EFFECTIVE TECHNOLOGY. SUCH AREA SHALL INCLUDE, AT A MINIMUM, ALL PROPERTIES SERVED BY THE PUBLIC WATER SYSTEM, ANY INDIVIDUAL ONSITE WATER SUPPLY SYSTEMS IMPACTED BY THE CONTAMINATION, AND ANY LAND AND ANY SURFACE OR UNDERGROUND WATER SOURCES IMPACTED BY THE CONTAMINATION. SUCH APPROVED MEASURES SHALL BE PROTECTIVE OF PUBLIC HEALTH AND MAY INCLUDE BUT NOT BE LIMITED TO THE INSTALLATION OF TREATMENT SYSTEMS OR THE PROVISION OF ALTERNATIVE WATER SUPPLY SOURCES TO ENSURE THAT DRINKING WATER MEETS APPLICABLE STANDARDS, INCLUDING MAXIMUM CONTAMINANT LEVELS, NOTIFICATION LEVELS, MAXIMUM RESIDUAL DISINFECTANT LEVELS, OR ACTION LEVELS ESTABLISHED BY THE DEPARTMENT OF HEALTH.

2. IF THE DEPARTMENT OR THE DEPARTMENT OF HEALTH, AS APPLICABLE, DETERMINES THAT A DRINKING WATER CONTAMINATION SITE POSES A SIGNIFICANT THREAT TO THE PUBLIC HEALTH OR ENVIRONMENT FROM A HAZARDOUS WASTE, THE DEPARTMENT SHALL REFER THE SITE TO THE INACTIVE HAZARDOUS WASTE DISPOSAL SITE REMEDIAL PROGRAM PURSUANT TO TITLE THIRTEEN OF THIS ARTICLE.

3. WHENEVER THE COMMISSIONER OF HEALTH HAS REQUIRED A PUBLIC WATER SYSTEM TO TAKE ACTION TO REDUCE EXPOSURE TO EMERGING CONTAMINANTS AND HAS DETERMINED THAT THE CONCENTRATION OF THE EMERGING CONTAMINANT CONSTITUTES AN ACTUAL OR POTENTIAL THREAT TO PUBLIC HEALTH BASED ON THE BEST AVAILABLE SCIENTIFIC INFORMATION PURSUANT TO SECTION ELEVEN HUNDRED TWELVE OF THE PUBLIC HEALTH LAW:
A. THE DEPARTMENT SHALL HAVE THE AUTHORITY TO UNDERTAKE DIRECTLY IN CONJUNCTION WITH THE DEPARTMENT OF HEALTH, THE DEVELOPMENT AND IMPLEMENTATION OF ALL NECESSARY AND REASONABLE MITIGATION AND REMEDIATION MEASURES OF DRINKING WATER CONTAMINATION, AS APPROVED BY THE DEPARTMENT OF HEALTH, TO ADDRESS EMERGING CONTAMINANTS IN PUBLIC WATER SUPPLIES;

B. THE COMMISSIONER MAY ORDER, AFTER NOTICE AND OPPORTUNITY FOR A HEARING, THE OWNER AND/OR OPERATOR OF THE DRINKING WATER CONTAMINATION SITE AND/OR ANY PERSON RESPONSIBLE FOR SUCH CONTAMINATION TO UNDERTAKE ALL REASONABLE AND NECESSARY MITIGATION AND REMEDIATION, AS APPROVED BY THE DEPARTMENT OF HEALTH, TO ENSURE THAT DRINKING WATER MEETS APPLICABLE STANDARDS, INCLUDING MAXIMUM CONTAMINANT LEVELS, NOTIFICATION LEVELS, MAXIMUM RESIDUAL DISINFECTANT LEVELS, OR ACTION LEVELS ESTABLISHED BY THE DEPARTMENT OF HEALTH, AND EMPLOY FEASIBLE MEASURES THAT CAN BE SUCCESSFULLY CARRIED OUT WITH AVAILABLE, IMPLEMENTABLE AND COST EFFECTIVE TECHNOLOGY, SUBJECT TO THE APPROVAL OF THE DEPARTMENT AND THE DEPARTMENT OF HEALTH, AT SUCH SITE, AND TO IMPLEMENT SUCH PROGRAM WITHIN REASONABLE TIME LIMITS SPECIFIED IN THE ORDER. PROVIDED, HOWEVER, THAT IN THE EVENT THE COMMISSIONER OF HEALTH SHALL ISSUE AN ORDER PURSUANT TO SUBDIVISION THREE OF SECTION ONE THOUSAND THREE HUNDRED EIGHTY-NINE-B OF THE PUBLIC HEALTH LAW, SUCH ORDER OF THE COMMISSIONER OF HEALTH SHALL SUPERSEDE ANY ORDER ISSUED HEREUNDER.

4. THE DEPARTMENT SHALL HAVE THE AUTHORITY A. TO DELEGATE RESPONSIBILITY FOR A SPECIFIC DRINKING WATER CONTAMINATION SITE TO THE MUNICIPALITY IN WHICH SUCH SITE IS LOCATED AND B. TO CONTRACT WITH ANY OTHER PERSON TO PERFORM NECESSARY WORK IN CONNECTION WITH SUCH SITES.

5. SECTION EIGHT OF THE COURT OF CLAIMS ACT OR ANY OTHER PROVISION OF LAW TO THE CONTRARY NOTWITHSTANDING, THE STATE SHALL BE IMMUNE FROM LIABILITY AND ACTION WITH RESPECT TO ANY ACT OR OMISSION DONE IN THE DISCHARGE OF THE DEPARTMENT'S AFORESAID RESPONSIBILITY PURSUANT TO THIS TITLE; PROVIDED, HOWEVER, THAT THIS SUBDIVISION SHALL NOT LIMIT THE LIABILITY WHICH MAY OTHERWISE EXIST FOR UNLAWFUL, WILLFUL, OR MALICIOUS ACTS OR OMISSIONS ON THE PART OF THE STATE, STATE AGENCIES, OR THEIR OFFICERS, EMPLOYEES OR AGENTS; OR FOR THE OWNERSHIP OR RESPONSIBILITY FOR THE DISPOSAL OF SUCH CONTAMINANT, INCLUDING LIABILITY FOR THE COST OF REMEDIATION, PURSUANT TO THIS SECTION.

6. WHENEVER THE COMMISSIONER OF HEALTH, AFTER INVESTIGATION, FINDS:
A. THAT A PUBLIC DRINKING WATER CONTAMINATION SITE REPRESENTS AN ACTUAL OR POTENTIAL THREAT TO THE PUBLIC HEALTH; AND
B. THE THREAT MAKES IT PREJUDICIAL TO THE PUBLIC INTEREST TO DELAY ACTION UNTIL A HEARING CAN BE HELD PURSUANT TO THIS TITLE, THE DEPARTMENT MAY, PURSUANT TO PARAGRAPH A OF SUBDIVISION THREE OF THIS SECTION AND WITHIN THE FUNDS AVAILABLE TO THE DEPARTMENT FROM THE DRINKING WATER RESPONSE ACCOUNT, DEVELOP AND IMPLEMENT, IN CONJUNCTION WITH THE DEPARTMENT OF HEALTH, ALL REASONABLE AND NECESSARY MITIGATION AND REMEDIAL MEASURES TO ADDRESS DRINKING WATER CONTAMINATION FOR SUCH SITE TO ENSURE THAT DRINKING WATER MEETS APPLICABLE STANDARDS, INCLUDING MAXIMUM CONTAMINANT LEVELS, NOTIFICATION LEVELS, MAXIMUM RESIDUAL DISINFECTANT LEVELS OR ACTION LEVELS ESTABLISHED BY THE DEPARTMENT OF HEALTH. FINDINGS REQUIRED PURSUANT TO THIS SUBDIVISION SHALL BE IN WRITING AND MAY BE MADE BY THE COMMISSIONER OF HEALTH ON AN EX PARTE BASIS SUBJECT TO JUDICIAL REVIEW.

7. ANY ORDER ISSUED PURSUANT TO PARAGRAPH B OF SUBDIVISION THREE OF THIS SECTION SHALL BE ISSUED ONLY AFTER NOTICE AND THE OPPORTUNITY FOR A HEARING IS PROVIDED TO PERSONS WHO MAY BE THE SUBJECT OF SUCH ORDER. THE COMMISSIONER OR THE COMMISSIONER OF HEALTH SHALL DETERMINE WHICH PERSONS ARE RESPONSIBLE PURSUANT TO SAID SUBDIVISION ACCORDING TO APPLI-
CABLE PRINCIPLES OF STATUTORY OR COMMON LAW LIABILITY. SUCH PERSONS SHALL BE ENTITLED TO RAISE ANY DEFENSE SET FORTH IN SECTION 27-1211 OF THIS TITLE OR COMMON LAW DEFENSE AT ANY SUCH HEARING AND SUCH DEFENSES SHALL HAVE THE SAME FORCE AND EFFECT AT SUCH HEARINGS AS THEY WOULD HAVE IN A COURT OF LAW. IN THE EVENT A HEARING IS HELD, NO ORDER SHALL BE ISSUED BY THE COMMISSIONER UNDER SUBDIVISION THREE OF THIS SECTION UNTIL A FINAL DECISION HAS BEEN RENDERED. ANY SUCH ORDER SHALL BE REVIEWABLE PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES WITHIN THIRTY DAYS AFTER SERVICE OF SUCH ORDER. THE COMMISSIONER OR THE COMMISSIONER OF HEALTH MAY REQUEST THE PARTICIPATION OF THE ATTORNEY GENERAL IN SUCH HEARINGS.

8. THE COMMISSIONER SHALL MAKE ALL REASONABLE EFFORTS, IN ACCORDANCE WITH THE REQUIREMENTS OF SUBDIVISION SIX OF SECTION NINETY-SEVEN-B OF THE STATE FINANCE LAW, TO RECOVER ALL MITIGATION COSTS INCURRED PURSUANT TO SUBDIVISIONS ONE AND THREE OF THIS SECTION FROM THE OWNER AND/OR OPERATOR OF THE DRINKING WATER CONTAMINATION SITE.

9. WHEN A MUNICIPALITY DEVELOPS AND IMPLEMENTS REMEDIATION TO ADDRESS A DRINKING WATER CONTAMINATION SITE, DETERMINED PURSUANT TO SUBDIVISION FOUR OF THIS SECTION, AND THE PLAN IS APPROVED BY THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF HEALTH, WHICH IS OWNED OR HAS BEEN OPERATED BY SUCH MUNICIPALITY OR WHEN THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF HEALTH, PURSUANT TO AN AGREEMENT WITH A MUNICIPALITY, DEVELOPS AND IMPLEMENTS SUCH REMEDIATION, THE COMMISSIONER SHALL, IN THE NAME OF THE STATE, AGREE IN SUCH AGREEMENT TO PROVIDE FROM THE DRINKING WATER RESPONSE ACCOUNT, WITHIN THE LIMITATIONS OF APPROPRIATIONS THEREFOR, SEVENTY-FIVE PERCENT OF THE ELIGIBLE DESIGN AND CONSTRUCTION COSTS OF SUCH PROGRAM FOR WHICH SUCH MUNICIPALITY IS LIABLE SOLELY BECAUSE OF ITS OWNERSHIP AND/OR OPERATION OF SUCH SITE AND WHICH ARE NOT RECOVERED FROM OR REIMBURSED OR PAID BY A RESPONSIBLE PARTY OR THE FEDERAL GOVERNMENT.

10. NOTHING CONTAINED WITHIN THIS SECTION SHALL BE CONSTRUED AS IMPAIRING OR IN ANY MANNER AFFECTING THE RIGHT OR JURISDICTION OF THE ATTORNEY GENERAL TO SEEK APPROPRIATE RELIEF PURSUANT TO HIS OR HER STATUTORY OR COMMON LAW AUTHORITY.

11. MONEYS FOR ACTIONS TAKEN OR TO BE TAKEN BY THE DEPARTMENT, THE DEPARTMENT OF HEALTH OR ANY OTHER STATE AGENCY PURSUANT TO THIS TITLE SHALL BE PAYABLE DIRECTLY TO SUCH AGENCIES FROM THE DRINKING WATER RESPONSE ACCOUNT PURSUANT TO SECTION NINETY-SEVEN-B OF THE STATE FINANCE LAW.

12. A. EVERY PERSON SHALL, UPON THE WRITTEN REQUEST OF THE COMMISSIONER OR A DESIGNEE, PERMIT A DULY DESIGNATED OFFICER OR EMPLOYEE OF THE DEPARTMENT AT ALL REASONABLE TIMES TO HAVE ACCESS TO AND TO COPY ALL BOOKS, PAPERS, DOCUMENTS AND RECORDS PERTINENT TO AN ONGOING INVESTIGATION OF DRINKING WATER CONTAMINATION IDENTIFIED IN SECTION 27-1203 OF THIS TITLE.

B. THE COMMISSIONER MAY SIGN AND ISSUE SUBPOENAS IN THE NAME OF THE DEPARTMENT REQUIRING THE PRODUCTION OF BOOKS, PAPERS, DOCUMENTS AND OTHER RECORDS AND MAY TAKE TESTIMONY BY DEPOSITIONS UNDER OATH OF ANY PERSON RELATING TO THE ONGOING INVESTIGATION OF A DRINKING WATER CONTAMINATION IDENTIFIED IN THIS TITLE. SUCH SUBPOENAS AND DEPOSITIONS SHALL BE REGULATED BY THE STATE OF NEW YORK'S CIVIL PRACTICE LAW AND RULES. THE COMMISSIONER MAY INVOCO THE POWERS OF THE SUPREME COURT OF THE STATE OF NEW YORK TO COMPEL COMPLIANCE WITH ANY SUCH SUBPOENA OR ANY REQUEST TO TAKE SUCH DEPOSITIONS.

C. WHEN THE DEPARTMENT HAS SUBSTANTIAL EVIDENCE THAT SUCH DRINKING WATER CONTAMINATION SITE IS CAUSING OR SUBSTANTIALLY CONTRIBUTING TO THE
CONTAMINATION OF DRINKING WATER, AND SUBJECT TO THE APPLICABLE NOTICE PROVISIONS SET FORTH IN PARAGRAPH D OF THIS SUBDIVISION, ANY DULY DESIGNATED OFFICER OR EMPLOYEE OF THE DEPARTMENT, OR OF ANY STATE AGENCY, AND ANY AGENT, CONSULTANT, CONTRACTOR, OR OTHER PERSON, INCLUDING AN EMPLOYEE, AGENT, CONSULTANT, OR CONTRACTOR OF A RESPONSIBLE PERSON ACTING AT THE DIRECTION OF THE DEPARTMENT, SO AUTHORIZED IN WRITING BY THE COMMISSIONER, MAY ENTER ANY DRINKING WATER CONTAMINATION SITE AND AREAS NEAR SUCH SITE AND INSPECT AND TAKE SAMPLES OF WASTES, SOIL, AIR, SURFACE WATER, AND GROUNDWATER. IN ORDER TO TAKE SUCH SAMPLES, THE DEPARTMENT OR AUTHORIZED PERSON MAY UTILIZE OR CAUSE TO BE UTILIZED SUCH SAMPLING METHODS AS IT DETERMINES TO BE NECESSARY INCLUDING, BUT NOT LIMITED TO, SOIL BORINGS AND MONITORING WELLS.

D. THE DEPARTMENT OR AUTHORIZED PERSON SHALL NOT TAKE ANY SAMPLES INVOLVING THE SUBSTANTIAL DISTURBANCE OF THE GROUND SURFACE OF ANY PROPERTY UNLESS IT HAS MADE A REASONABLE EFFORT TO IDENTIFY THE OWNER OF THE PROPERTY AND TO NOTIFY SUCH OWNER OF THE INTENT TO TAKE SUCH SAMPLES. IF THE OWNER CAN BE IDENTIFIED, THE DEPARTMENT SHALL PROVIDE SUCH OWNER WITH A MINIMUM OF TEN DAYS' WRITTEN NOTICE OF THE INTENT, UNLESS SUCH OWNERS AND OCCUPANTS CONSENT TO AN EARLIER DATE, TO TAKE SUCH SAMPLES, UNLESS THE COMMISSIONER MAKES A WRITTEN DETERMINATION THAT SUCH TEN DAY NOTICE WILL NOT ALLOW THE DEPARTMENT TO PROTECT THE ENVIRONMENT OR PUBLIC HEALTH, IN WHICH CASE TWO DAYS' WRITTEN NOTICE SHALL BE SUFFICIENT. ANY INSPECTION OF THE PROPERTY AND EACH SUCH TAKING OF SAMPLES SHALL TAKE PLACE AT REASONABLE TIMES AND SHALL BE COMMENCED AND COMPLETED WITH REASONABLE PROMPTNESS. IF ANY OFFICER, EMPLOYEE, AGENT, CONSULTANT, CONTRACTOR, OR OTHER PERSON SO AUTHORIZED IN WRITING BY THE COMMISSIONER OBTAINS ANY SAMPLES PRIOR TO LEAVING THE PREMISES, HE OR SHE SHALL GIVE TO THE OWNER OR OPERATOR A RECEIPT DESCRIBING THE SAMPLE OBTAINED AND, IF REQUESTED, A PORTION OF SUCH SAMPLE EQUAL IN VOLUME OR WEIGHT TO THE PORTION RETAINED. IF ANY ANALYSIS IS MADE OF SUCH SAMPLES, A COPY OF THE RESULTS OF SUCH ANALYSIS SHALL BE FURNISHED PROMPTLY TO THE OWNER OR OPERATOR. UPON THE COMPLETION OF ALL SAMPLING ACTIVITIES, THE DEPARTMENT OR AUTHORIZED PERSON SHALL REMOVE, OR CAUSE TO BE REMOVED, ALL EQUIPMENT AND WELL MACHINERY AND RETURN THE GROUND SURFACE OF THE PROPERTY TO ITS CONDITION PRIOR TO SUCH SAMPLING, UNLESS THE DEPARTMENT OR AUTHORIZED PERSON, AND THE OWNER OF THE PROPERTY SHALL OTHERWISE AGREE.

E. THE EXPENSE OF ANY SUCH MITIGATION BY THE DEPARTMENT OR THE DEPARTMENT OF HEALTH SHALL BE PAID BY THE DRINKING WATER RESPONSE ACCOUNT, BUT MAY BE RECOVERED FROM ANY RESPONSIBLE PERSON IN ANY ACTION OR PROCEEDING BROUGHT PURSUANT TO THE STATE FINANCE LAW, THIS TITLE, OTHER STATE OR FEDERAL STATUTE, OR COMMON LAW IF THE PERSON SO AUTHORIZED IN WRITING IS AN EMPLOYEE, AGENT, CONSULTANT, OR CONTRACTOR OF A RESPONSIBLE PERSON ACTING AT THE DIRECTION OF THE DEPARTMENT, THEN THE EXPENSE OF ANY SUCH SAMPLING AND ANALYSIS SHALL BE PAID BY THE RESPONSIBLE PERSON.

F. ANY DULY DESIGNATED OFFICER OR EMPLOYEE OF THE DEPARTMENT OR ANY OTHER STATE AGENCY, AND ANY AGENT, CONSULTANT, CONTRACTOR, OR OTHER PERSON ACTING AT THE DIRECTION OF THE DEPARTMENT, AUTHORIZED IN WRITING BY THE COMMISSIONER, MAY ENTER ANY DRINKING WATER CONTAMINATION SITE AND AREAS NEAR SUCH SITE TO UNDERTAKE ALL REASONABLE AND NECESSARY MITIGATION AND REMEDIATION FOR SUCH SITE, PROVIDED: (A) THE COMMISSIONER HAS SENT A WRITTEN NOTICE TO THE OWNERS OF RECORD OR ANY KNOWN OCCUPANTS OF SUCH SITE OR NEARBY AREAS OF THE INTENDED ENTRY AND WORK AT LEAST TEN DAYS PRIOR TO SUCH INITIAL ENTRY UNLESS SUCH OWNERS AND OCCUPANTS CONSENT TO AN EARLIER DATE; AND (B) THE DEPARTMENT HAS SUBSTANTIAL EVIDENCE THAT SUCH DRINKING WATER CONTAMINATION SITE IS CAUSING OR
SUBSTANTIALLY CONTRIBUTING TO THE CONTAMINATION OF DRINKING WATER. IN THE EVENT THE COMMISSIONER OF HEALTH MAKES A WRITTEN DETERMINATION THAT SUCH TEN DAY NOTICE WILL NOT BE SUFFICIENT TO PROTECT PUBLIC HEALTH, TWO DAYS' WRITTEN NOTICE SHALL BE SUFFICIENT.

S 27-1207. USE AND REPORTING OF THE SOLID WASTE MITIGATION ACCOUNT AND THE DRINKING WATER RESPONSE ACCOUNT.

1. PURSUANT TO THE CLEAN WATER INFRASTRUCTURE ACT OF TWO THOUSAND SEVENTEEN AND WITHIN THE UP TO ONE HUNDRED THIRTY MILLION DOLLARS APPROPRIATED FOR SUCH PURPOSES, MITIGATION AND REMEDIATION EFFORTS TO ADDRESS PUBLIC DRINKING WATER CONTAMINATION FROM EMERGING CONTAMINANTS AND SOLID WASTE SITES CAUSING OR SUBSTANTIALLY CONTRIBUTING TO DRINKING WATER IMPAIRMENT THAT IMPACTS PUBLIC HEALTH MAY BE CONDUCTED IN ACCORDANCE WITH THIS TITLE.

2. THE SOLID WASTE MITIGATION ACCOUNT SHALL BE MADE AVAILABLE TO THE DEPARTMENT AND THE DEPARTMENT OF HEALTH, AS APPLICABLE, FOR THE FOLLOWING PURPOSES:
   A. ENUMERATION AND ASSESSMENT OF SOLID WASTE SITES;
   B. INVESTIGATION AND ENVIRONMENTAL CHARACTERIZATION OF SOLID WASTE SITES, INCLUDING ENVIRONMENTAL SAMPLING;
   C. MITIGATION AND REMEDIATION OF SOLID WASTE SITES;
   D. MONITORING OF SOLID WASTE SITES; AND
   E. ADMINISTRATION AND ENFORCEMENT OF THE REQUIREMENTS OF SECTION 27-1203 OF THIS TITLE.

3. THE DRINKING WATER RESPONSE ACCOUNT SHALL BE MADE AVAILABLE TO THE DEPARTMENT AND THE DEPARTMENT OF HEALTH, AS APPLICABLE, FOR THE FOLLOWING PURPOSES:
   A. MITIGATION OF DRINKING WATER CONTAMINATION;
   B. INVESTIGATION OF DRINKING WATER CONTAMINATION;
   C. REMEDIATION OF DRINKING WATER CONTAMINATION; AND
   D. ADMINISTRATION AND ENFORCEMENT OF THE REQUIREMENTS OF THIS TITLE EXCEPT THE PROVISIONS OF SECTION 27-1203.

4. ON OR BEFORE JULY FIRST, TWO THOUSAND NINETEEN AND JULY FIRST OF EACH SUCCEEDING YEAR, THE DEPARTMENT SHALL REPORT ON THE STATUS OF THE PROGRAMS.

S 27-1209. RULES AND REGULATIONS.

THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS NECESSARY AND APPROPRIATE TO CARRY OUT THE PURPOSES OF THIS TITLE AND SHALL AT A MINIMUM INCLUDE SUCH PROVISIONS FOR REQUISITE DUE PROCESS AND MEANINGFUL PUBLIC PARTICIPATION AS ARE APPROPRIATE TO ANY ACTION UNDERTAKEN PURSUANT TO THIS TITLE, TAKING INTO CONSIDERATION THE NATURE AND DEGREE OF ANY PUBLIC HEALTH IMPACTS AND THE URGENCY OF ANY NEED FOR INVESTIGATION OR REMEDIATION OF CONTAMINATION.

S 27-1211. PROTECTION AGAINST LIABILITY AND LIABILITY EXEMPTIONS AND DEFENSES.

IN ADDITION TO COMMON LAW DEFENSES, THE PROVISIONS OF SECTIONS 27-1321 AND 27-1323 OF THIS ARTICLE SHALL APPLY TO A SOLID WASTE SITE THAT IS CAUSING OR SUBSTANTIALLY CONTRIBUTING TO CONTAMINATION OF PUBLIC DRINKING WATER SUPPLIES OR A DRINKING WATER CONTAMINATION SITE PURSUANT TO THIS TITLE AND SHALL APPLY TO EMERGING CONTAMINANTS IN THE SAME WAY APPLICABLE TO HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

S 5. Subdivisions 1, 2 and 6 and paragraphs (i) and (j) of subdivision 3 of section 97-b of the state finance law, subdivision 1 as amended and paragraph (j) of subdivision 3 as added by section 4 of part I of chapter 1 of the laws of 2003, subdivision 2 as amended by section 5 of part X of chapter 58 of the laws of 2015, paragraph (i) of subdivision 3 as amended by section 1 of part R of chapter 59 of the laws of 2007, subdi-
vision 6 as amended by chapter 38 of the laws of 1985, are amended and
two new paragraphs (k) and (l) are added to subdivision 3 to read as
follows:
1. There is hereby established in the custody of the state comptroller
a nonlapsing revolving fund to be known as the "hazardous waste remedial
fund", which shall consist of a "site investigation and construction
account", an "industry fee transfer account", an "environmental restora-
tion project account", "hazardous waste cleanup account", [and] a
"hazardous waste remediation oversight and assistance account", A
"SOLID WASTE MITIGATION ACCOUNT", AND A "DRINKING WATER RESPONSE
ACCOUNT".
2. Such fund shall consist of all of the following:
(a) moneys appropriated for transfer to the fund's site investigation
and construction account; (b) all fines and other sums accumulated in
the fund prior to April first, nineteen hundred eighty-eight pursuant to
section 71-2725 of the environmental conservation law for deposit in the
fund's site investigation and construction account; (c) all moneys
collected or received by the department of taxation and finance pursuant
to section 27-0923 of the environmental conservation law for deposit in
the fund's industry fee transfer account; (d) all moneys paid into the
fund pursuant to section 72-0201 of the environmental conservation law
which shall be deposited in the fund's industry fee transfer account;
(e) all moneys paid into the fund pursuant to paragraph (b) of subdivi-
sion one of section one hundred eighty-six of the navigation law which
shall be deposited in the fund's industry fee transfer account; (f) all
[moneys] MONEYS recovered under sections 56-0503, 56-0505 and 56-0507 of
the environmental conservation law into the fund's environmental resto-
reration project account; (g) all fees paid into the fund pursuant to
section 72-0402 of the environmental conservation law which shall be
deposited in the fund's industry fee transfer account; (h) payments
received for all state costs incurred in negotiating and overseeing the
implementation of brownfield site cleanup agreements pursuant to title
fourteen of article twenty-seven of the environmental conservation law
shall be deposited in the hazardous waste remediation oversight and
assistance account; (I) ALL MONEYS RECOVERED PURSUANT TO TITLE TWELVE OF
ARTICLE TWENTY-SEVEN OF THE ENVIRONMENTAL CONSERVATION LAW INTO THE
FUND'S DRINKING WATER RESPONSE ACCOUNT; and [(i)] (J) other moneys cred-
ited or transferred thereto from any other fund or source for deposit in
the fund's site investigation and construction account.
(i) with respect to moneys in the hazardous waste remediation over-
sight and assistance account, non-bondable costs associated with hazar-
dous waste remediation projects. Such costs shall be limited to agency
staff costs associated with the administration of state assistance for
brownfield opportunity areas pursuant to section nine hundred seventy-r
of the general municipal law, agency staff costs associated with the
administration of technical assistance grants pursuant to titles thir-
teen and fourteen of article twenty-seven of the environmental conserva-
tion law, and costs of the department of environmental conservation
related to the geographic information system required by section 3-0315
of the environmental conservation law; [and]
(j) with respect to moneys in the hazardous waste remediation over-
sight and assistance account, technical assistance grants pursuant to
titles thirteen and fourteen of article twenty-seven of the environ-
mental conservation law[.]"
VATION TO UNDERTAKE MITIGATION AND REMEDIATION AS THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION MAY DETERMINE NECESSARY RELATED TO A SOLID WASTE SITE PURSUANT TO TITLE TWELVE OF ARTICLE TWENTY-SEVEN OF THE ENVIRONMENTAL CONSERVATION LAW WHICH INDICATES THAT CONDITIONS ON SUCH PROPERTY ARE IMPAIRING DRINKING WATER QUALITY AND TO ENSURE THE PROVISION OF SAFE DRINKING WATER, PROVIDED HOWEVER, THAT NO MORE THAN FIVE MILLION DOLLARS WILL BE AVAILABLE ANNUALLY FOR SUCH ACCOUNT; AND

(L) WITH RESPECT TO MONEYS IN THE DRINKING WATER RESPONSE ACCOUNT, WHEN ALLOCATED, SHALL BE AVAILABLE TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, AND TO THE DEPARTMENT OF HEALTH, TO UNDERTAKE MITIGATION AND REMEDIATION AS THE DEPARTMENTS MAY DETERMINE NECESSARY RELATED TO A DRINKING WATER CONTAMINATION SITE PURSUANT TO TITLE TWELVE OF ARTICLE TWENTY-SEVEN OF THE ENVIRONMENTAL CONSERVATION LAW WHICH INDICATES THAT CONDITIONS ON SUCH PROPERTY ARE IMPAIRING DRINKING WATER QUALITY, PROVIDED HOWEVER, THAT NO MORE THAN TWENTY MILLION DOLLARS WILL BE AVAILABLE ANNUALLY FOR SUCH ACCOUNT.

6. The commissioner of the department of environmental conservation shall make all reasonable efforts to recover the full amount of any funds expended from the fund pursuant to paragraph (a) AND PARAGRAPH (L) of subdivision three of this section through litigation or cooperative agreements with responsible persons. Any and all moneys recovered or reimbursed pursuant to this section through voluntary agreements or court orders shall be deposited with the comptroller and credited to the account of such fund from which such expenditures were made.

6. 1. This section shall be known and be cited as the "New York State water infrastructure improvement act of 2017".

2. For purposes of this act:

(a) "water quality infrastructure project" shall mean "sewage treatment works" as defined in section 17-1903 of the environmental conservation law or "eligible project" as defined in paragraphs (a), (b), (c) and (e) of subdivision 4 of section 1160 of the public health law.

(b) "construction" shall mean:

(i) for sewage treatment works, the same as defined in section 17-1903 of the environmental conservation law; and

(ii) for eligible projects, the same meaning as defined in section 1160 of the public health law.

(c) "municipality" shall mean any county, city, town, village, district corporation, county or town improvement district, school district, Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York state, any public benefit corporation or public authority established pursuant to the laws of New York or any agency of New York state which is empowered to construct and operate a water quality infrastructure project, or any two or more of the foregoing which are acting jointly in connection with a water quality infrastructure project.

3. a. The environmental facilities corporation shall undertake and provide state financial assistance payments, from funds appropriated for such purpose, to municipalities in support of water quality infrastructure projects provided, however, in any such year that funds are appropriated for such purpose, no municipality shall receive more than five million dollars of appropriated funds. Such state financial assistance payments shall be awarded only to water quality infrastructure projects for:

(i) replacement or repair of infrastructure; or

(ii) compliance with environmental and public health laws and regu-
b. Any state financial assistance payment awarded pursuant to this act shall not exceed seventy-five percent of the project cost.

c. A municipality may make an application for such state financial assistance payment, in a manner, form and timeframe and containing such information as the environmental facilities corporation may require provided however, such requirements shall not include a requirement for prior listing on the intended use plan.

d. A municipality shall not be required to accept environmental facilities corporation loan financing in order to obtain a state financial assistance payment pursuant to this act if it can provide proof of having obtained similarly low cost financing or other funding from another source.

e. In awarding such financial assistance payments, the corporation shall be prohibited from requiring as a condition of receipt, or otherwise giving preference to, applicants who agree to participate in the design, creation, or implementation of a municipal consolidation plan.

f. In awarding such state financial assistance payments, the environmental facilities corporation shall consider and give preference to municipalities that meet the hardship criteria established by the environmental facilities corporation pursuant to section 1285-m of the public authorities law and projects that result in the greatest water quality improvement or greatest reduction in serious risk to public health. For the purposes of this act, the hardship criteria of section 1285-m of the public authorities law shall also apply to sewage treatment works as defined in section 17-1903 of the environmental conservation law.

g. Water quality infrastructure projects financed with state financial assistance made available pursuant to this section shall be subject to the requirements of article 8 of the labor law, the requirements of article 17-B of the executive law and the requirements and provisions of all applicable minority- and women-owned business mandates including, but not limited to article 15-A of the executive law.

S 7. The public authorities law is amended by adding a new section 1285-s to read as follows:

S 1285-S. NEW YORK STATE INTERMUNICIPAL WATER INFRASTRUCTURE GRANTS PROGRAM. 1. FOR PURPOSES OF THIS SECTION:

(A) "WATER QUALITY INFRASTRUCTURE PROJECT" SHALL MEAN "SEWAGE TREATMENT WORKS" AS DEFINED IN SECTION 17-1903 OF THE ENVIRONMENTAL CONSERVATION LAW OR "ELIGIBLE PROJECT" AS DEFINED IN PARAGRAPHS (A), (B), (C) AND (E) OF SUBDIVISION FOUR OF SECTION ELEVEN HUNDRED SIXTY OF THE PUBLIC HEALTH LAW.

(B) "CONSTRUCTION" SHALL MEAN:

(I) FOR SEWAGE TREATMENT WORKS, THE SAME MEANING AS DEFINED IN SECTION 17-1903 OF THE ENVIRONMENTAL CONSERVATION LAW; AND

(II) FOR ELIGIBLE PROJECTS, THE SAME MEANING AS DEFINED IN SECTION ONE THOUSAND ONE HUNDRED SIXTY OF THE PUBLIC HEALTH LAW.

(C) "MUNICIPALITY" SHALL MEAN ANY COUNTY, CITY, TOWN, VILLAGE, DISTRICT CORPORATION, COUNTY OR TOWN IMPROVEMENT DISTRICT, SCHOOL DISTRICT, INDIAN NATION OR TRIBE RECOGNIZED BY THE STATE OR THE UNITED STATES WITH A RESERVATION WHOLLY OR PARTLY WITHIN THE BOUNDARIES OF NEW YORK STATE, ANY PUBLIC BENEFIT CORPORATION OR PUBLIC AUTHORITY ESTABLISHED PURSUANT TO THE LAWS OF NEW YORK OR ANY AGENCY OF NEW YORK STATE WHICH IS EMPOWERED TO CONSTRUCT AND OPERATE AN INTERMUNICIPAL WATER QUALITY INFRASTRUCTURE PROJECT, OR ANY TWO OR MORE OF THE FOREGOING WHICH ARE ACTING JOINTLY IN CONNECTION WITH AN INTERMUNICIPAL WATER QUALITY INFRASTRUCTURE PROJECT.
2. (A) THE ENVIRONMENTAL FACILITIES CORPORATION SHALL UNDERTAKE AND PROVIDE STATE FINANCIAL ASSISTANCE PAYMENTS, FROM FUNDS APPROPRIATED FOR SUCH PURPOSE, TO MUNICIPALITIES IN SUPPORT OF INTERMUNICIPAL WATER QUALITY INFRASTRUCTURE PROJECTS PROVIDED, HOWEVER, IN ANY SUCH YEAR THAT FUNDS ARE APPROPRIATED FOR SUCH PURPOSE, EACH PROJECT SHALL RECEIVE AN AWARD OF UP TO TEN MILLION DOLLARS OF APPROPRIATED FUNDS; PROVIDED THAT SUCH MONIES SHALL NOT EXCEED SIXTY PERCENT OF THE TOTAL PROJECT COST; AND PROVIDED FURTHER THAT THE TOTAL STATE FINANCIAL ASSISTANCE PAYMENT FOR THE PROJECT DOES NOT REPRESENT A DISPROPORTIONATE SHARE OF THE TOTAL AMOUNT OF AVAILABLE FUNDING IN ANY GIVEN YEAR.

(B) INTERMUNICIPAL WATER QUALITY INFRASTRUCTURE PROJECTS SHALL SERVE MULTIPLE MUNICIPALITIES AND MAY INCLUDE A SHARED WATER QUALITY INFRASTRUCTURE PROJECT OR INTERCONNECTION OF MULTIPLE MUNICIPAL WATER QUALITY INFRASTRUCTURE PROJECTS AND SHALL BE AWARDED ONLY TO WATER QUALITY INFRASTRUCTURE PROJECTS FOR:

(I) CONSTRUCTION, REPLACEMENT OR REPAIR OF INFRASTRUCTURE PROVIDED, HOWEVER, THAT SUCH ASSISTANCE SHALL NOT BE AWARDED FOR CONSTRUCTION TO EXCLUSIVELY SUPPORT RESIDENTIAL OR COMMERCIAL DEVELOPMENT; OR

(II) COMPLIANCE WITH ENVIRONMENTAL AND PUBLIC HEALTH LAWS AND REGULATIONS RELATED TO WATER QUALITY.

(C) COOPERATING MUNICIPALITIES MAY MAKE AN APPLICATION FOR AN INTERMUNICIPAL WATER INFRASTRUCTURE GRANT, IN A MANNER, FORM AND TIMEFRAME AND CONTAINING SUCH INFORMATION AS THE ENVIRONMENTAL FACILITIES CORPORATION MAY REQUIRE PROVIDED HOWEVER, SUCH REQUIREMENTS SHALL NOT INCLUDE A REQUIREMENT FOR PRIOR LISTING ON THE INTENDED USE PLAN.

(D) COOPERATING MUNICIPALITIES SHALL NOT BE REQUIRED TO ACCEPT ENVIRONMENTAL FACILITIES CORPORATION LOAN FINANCING IN ORDER TO OBTAIN A STATE FINANCIAL ASSISTANCE PAYMENT PURSUANT TO THIS SECTION IF IT CAN PROVIDE PROOF OF HAVING OBTAINED SIMILARLY LOW COST FINANCING OR OTHER FUNDING FROM ANOTHER SOURCE.

(E) IN AWARDING FINANCIAL ASSISTANCE PAYMENTS, THE CORPORATION SHALL BE PROHIBITED FROM REQUIRING AS A CONDITION OF RECEIPT, OR OTHERWISE GIVING PREFERENCE TO, APPLICANTS WHO AGREE TO PARTICIPATE IN THE DESIGN, CREATION, OR IMPLEMENTATION OF A MUNICIPAL CONSOLIDATION PLAN.

3. INTERMUNICIPAL WATER QUALITY INFRASTRUCTURE PROJECTS FINANCED WITH STATE FINANCIAL ASSISTANCE MADE AVAILABLE PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE REQUIREMENTS OF ARTICLE EIGHT OF THE LABOR LAW, THE REQUIREMENTS OF ARTICLE SEVENTEEN-B OF THE EXECUTIVE LAW AND THE REQUIREMENTS AND PROVISIONS OF ALL APPLICABLE MINORITY- AND WOMEN-OWNED BUSINESS MANDATES INCLUDING, BUT NOT LIMITED TO ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW.

S 8. The public authorities law is amended by adding a new section 1285-t to read as follows:

S 1285-T. WATER INFRASTRUCTURE EMERGENCY FINANCIAL ASSISTANCE. 1. FOR PURPOSES OF THIS SECTION, "MUNICIPALITY" MEANS ANY COUNTY, CITY, TOWN, VILLAGE, DISTRICT CORPORATION, COUNTY OR TOWN IMPROVEMENT DISTRICT, SCHOOL DISTRICT, INDIAN NATION OR TRIBE RECOGNIZED BY THE STATE OR THE UNITED STATES WITH A RESERVATION WHOLLY OR PARTLY WITHIN THE BOUNDARIES OF NEW YORK STATE, ANY PUBLIC BENEFIT CORPORATION OR PUBLIC AUTHORITY ESTABLISHED PURSUANT TO THE LAWS OF NEW YORK OR ANY AGENCY OF NEW YORK STATE WHICH IS EMPOWERED TO CONSTRUCT AND OPERATE A WASTEWATER OR DRINKING WATER INFRASTRUCTURE PROJECT, OR ANY TWO OR MORE OF THE FOREGOING WHICH ARE ACTING JOINTLY IN CONNECTION WITH SUCH A PROJECT.

2. UPON A MUNICIPALITY'S FORMAL DECLARATION OF AN EMERGENCY, THE MUNICIPALITY SHALL PROVIDE THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION OR THE DEPARTMENT OF HEALTH, AS APPROPRIATE, WITH INFORMATION TO ASSESS ANY
SITUATION IN WHICH THE STATE OF THE MUNICIPALITY'S WASTEWATER OR WATER INFRASTRUCTURE IS CAUSING OR MAY CAUSE AN IMMINENT HAZARD TO THE PUBLIC HEALTH OR WELFARE, OR THE ENVIRONMENT. AFTER ITS ASSESSMENT, IF EITHER DEPARTMENT DETERMINES THE STATE OF THE INFRASTRUCTURE IS RESULTING OR MAY RESULT IN IMMINENT HAZARD TO THE PUBLIC HEALTH OR WELFARE, OR TO THE ENVIRONMENT, THE CORPORATION SHALL PROVIDE TEMPORARY EMERGENCY ASSISTANCE, WITHIN AMOUNTS APPROPRIATED, TO THE MUNICIPALITY IN AN AMOUNT NOT TO EXCEED REASONABLE COSTS FOR INFRASTRUCTURE CONSTRUCTION, REPLACEMENT, OR REPAIR, AND RELATED ENGINEERING COSTS, THAT IS IMMEDIATELY NECESSARY TO ELIMINATE OR SUBSTANTIALLY REDUCE SUCH HAZARD.

3. THE CORPORATION AND THE MUNICIPALITY SHALL ENTER INTO AN AGREEMENT SIGNED BY AN OFFICER DULY AUTHORIZED BY THE GOVERNING BODY OF THE MUNICIPALITY PURSUANT TO WHICH THE CORPORATION SHALL TRANSMIT EMERGENCY FINANCIAL ASSISTANCE IN AN AMOUNT DETERMINED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION OR THE DEPARTMENT OF HEALTH, AS APPLICABLE, AS NECESSARY TO ADDRESS THE IMMINENT HAZARD, AND SHALL PROVIDE THE ASSISTANCE PAYMENT TO THE MUNICIPALITY WITHIN TWO BUSINESS DAYS OF RECEIPT OF SUCH DETERMINATION. THE MUNICIPALITY SHALL SUBMIT AN ITEMIZED COST ESTIMATE FROM THE MUNICIPALITY'S ENGINEER OR ENGINEERING CONSULTANT TO THE APPLICABLE DEPARTMENT SUFFICIENT TO MAKE SUCH DETERMINATION.

4. NO LATER THAN FOURTEEN DAYS AFTER THE CESSATION OF THE EMERGENCY, THE MUNICIPALITY SHALL PROVIDE TO THE CORPORATION DOCUMENTATION FOR ALL COSTS PAID WITH THE EMERGENCY ASSISTANCE AND REFUND TO THE CORPORATION ANY PORTION OF THE FINANCIAL ASSISTANCE NOT USED OR COMMITTED TO PAY FOR THE CONSTRUCTION, REPLACEMENT, OR REPAIR AND RELATED ENGINEERING COSTS DETERMINED TO BE NECESSARY UNDER SUBDIVISION ONE OF THIS SECTION.

5. SUBJECT TO APPROPRIATION OR DULY AUTHORIZED INDEBTEDNESS, THE MUNICIPALITY SHALL REPAY THE CORPORATION WITHIN ONE YEAR OF ITS RECEIPT OF EMERGENCY FINANCIAL ASSISTANCE THE FULL AMOUNT OF SUCH ASSISTANCE PROVIDED TO IT UNDER THIS SECTION. THE CORPORATION MAY EXTEND THE TIME TO REPAY FOR UP TO ONE ADDITIONAL YEAR IF THE CORPORATION DETERMINES IN ITS SOLE DISCRETION THAT SUCH AN EXTENSION IS WARRANTED UNDER THE CIRCUMSTANCES.

6. NOTHING IN THIS SECTION NULLIFIES THE ELIGIBILITY OF A MUNICIPALITY FOR OTHER INFRASTRUCTURE FUNDING, INCLUDING GRANT, WHICH MAY BE PROVIDED BY THE STATE FOR WATER INFRASTRUCTURE DIRECTLY RELATED TO THE INFRASTRUCTURE FOR WHICH EMERGENCY FINANCIAL ASSISTANCE IS AWARDED UNDER THIS SECTION, INCLUDING FUNDING THE MUNICIPALITY COULD USE TO REPAY THE EMERGENCY FINANCIAL ASSISTANCE. IF THE MUNICIPALITY RECEIVES SUCH OTHER FUNDING FROM THE STATE OR ANY FINANCIAL ASSISTANCE FROM A THIRD PARTY FOR THE SAME INFRASTRUCTURE, THE MUNICIPALITY SHALL WITHIN TEN DAYS FIRST REPAY THE CORPORATION THE OUTSTANDING BALANCE OF THE EMERGENCY FINANCIAL ASSISTANCE BEFORE PAYING ANY REMAINING COSTS FOR THE WATER INFRASTRUCTURE.

S 9. The public authorities law is amended by adding a new section 1285-u to read as follows:

S 1285-U. SEPTIC SYSTEM REPLACEMENT FUND. 1. DEFINITIONS. FOR PURPOSES OF THIS SECTION:
(A) "CESSPOOL" MEANS A DRYWELL THAT RECEIVES UNTREATED SANITARY WASTE CONTAINING HUMAN EXCRETA, WHICH SOMETIMES HAS AN OPEN BOTTOM AND/OR PERFORATED SIDES.
(B) "FUND" MEANS THE STATE SEPTIC SYSTEM REPLACEMENT FUND CREATED BY THIS SECTION.
(C) "PARTICIPATING COUNTY" MEANS A COUNTY THAT NOTIFIES THE CORPORATION THAT IT SEEKS AUTHORITY TO ADMINISTER A SEPTIC SYSTEM REPLACEMENT PROGRAM WITHIN ITS MUNICIPAL BOUNDARIES AND AGREES TO ABIDE BY THE
PROGRAM’S GOALS, GUIDELINES, ELIGIBILITY REQUIREMENTS AND REIMBURSEMENT PROCEDURES AND PROVIDE INFORMATION TO PROPERTY OWNERS REGARDING PROGRAM PARAMETERS INCLUDING ELIGIBILITY CRITERIA.

(D) "SEPTIC SYSTEM" MEANS A SYSTEM THAT PROVIDES FOR THE TREATMENT AND/OR DISPOSITION OF THE COMBINATION OF HUMAN AND SANITARY WASTE WITH WATER NOT EXCEEDING ONE THOUSAND GALLONS PER DAY, SERVING A SINGLE PARCEL OF LAND, INCLUDING RESIDENCES AND SMALL BUSINESSES.

(E) "SEPTIC SYSTEM PROJECT" MEANS THE REPLACEMENT OF A CESSPOOL WITH A SEPTIC SYSTEM, THE INSTALLATION, REPLACEMENT OR UPGRADE OF A SEPTIC SYSTEM OR SEPTIC SYSTEM COMPONENTS, OR INSTALLATION OF ENHANCED TREATMENT TECHNOLOGIES, INCLUDING AN ADVANCED NITROGEN REMOVAL SYSTEM, TO SIGNIFICANTLY AND QUANTIFIABLY REDUCE ENVIRONMENTAL AND/OR PUBLIC HEALTH IMPACTS ASSOCIATED WITH EFFLUENT FROM A CESSPOOL OR SEPTIC SYSTEM TO GROUNDWATER USED AS DRINKING WATER, OR A THREATENED OR AN IMPAIRED WATERBODY.

(F) "SMALL BUSINESS" MEANS ANY BUSINESS WHICH IS RESIDENT IN THIS STATE, INDEPENDENTLY OWNED AND OPERATED, NOT DOMINANT IN ITS FIELD, AND EMPLOYING NOT MORE THAN ONE HUNDRED INDIVIDUALS.

2. (A) THERE IS HEREBY CREATED THE STATE SEPTIC SYSTEM REPLACEMENT FUND, WHICH SHALL BE ADMINISTERED BY THE CORPORATION TO REIMBURSE PROPERTY OWNERS FOR UP TO FIFTY PERCENT OF THE ELIGIBLE COSTS INCURRED FOR ELIGIBLE SEPTIC SYSTEM PROJECTS, PROVIDED THAT NO PROPERTY OWNER SHALL BE REIMBURSED MORE THAN TEN THOUSAND DOLLARS.

(B) ELIGIBLE COSTS INCLUDE DESIGN AND INSTALLATION COSTS, AND COSTS OF THE SYSTEM, SYSTEM COMPONENTS, OR ENHANCED TREATMENT TECHNOLOGIES, BUT SHALL NOT INCLUDE COSTS ASSOCIATED WITH ROUTINE MAINTENANCE SUCH AS A PUMP OUT OF A SEPTIC TANK.

(C) THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND PARTICIPATING COUNTIES, SHALL FROM THE LIST OF PARTICIPATING COUNTIES ESTABLISH PRIORITY GEOGRAPHIC AREAS AND, IN THE ABSENCE OF COUNTY INFORMATION, IDENTIFY ELIGIBLE SEPTIC SYSTEM PROJECTS, BASED ON AN AREA'S VULNERABILITY TO CONTAMINATION, INCLUDING THE PRESENCE OF A SOLE SOURCE AQUIFER, OR KNOWN WATER QUALITY IMPAIRMENT, POPULATION DENSITY, SOILS, HYDROGEOLOGY, CLIMATE, AND REASONABLE ABILITY FOR SEPTIC SYSTEM PROJECTS TO MITIGATE WATER QUALITY IMPACTS. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION MAY DELEGATE TO A PARTICIPATING COUNTY THE IDENTIFICATION OF PRIORITY GEOGRAPHIC AREAS. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, IN CONSULTATION WITH PARTICIPATING COUNTIES IN WHICH PRIORITY AREAS HAVE BEEN IDENTIFIED, SHALL DETERMINE THE AMOUNT OF MONEY FROM THE FUND TO BE PROVIDED TO EACH PARTICIPATING COUNTY BASED ON DENSITY, DEMAND FOR REIMBURSEMENT FROM THE FUND AND THE CRITERIA USED TO ESTABLISH THE PRIORITY GEOGRAPHIC AREAS. THE CORPORATION SHALL PUBLISH INFORMATION, APPLICATION FORMS, PROCEDURES AND GUIDELINES RELATING TO THE PROGRAM ON ITS WEBSITE AND IN A MANNER THAT IS ACCESSIBLE TO THE PUBLIC.

(D) THE CORPORATION SHALL PROVIDE STATE FINANCIAL ASSISTANCE PAYMENTS FROM THE FUND, FROM MONEYS APPROPRIATED BY THE LEGISLATURE AND AVAILABLE FOR THAT PURPOSE, TO PARTICIPATING COUNTIES TO ADMINISTER A SEPTIC SYSTEM REPLACEMENT PROGRAM TO SUPPORT SEPTIC SYSTEM PROJECTS WITHIN THEIR MUNICIPAL BOUNDARIES UNDERTAKEN BY PROPERTY OWNERS WITHIN THEIR MUNICIPAL BOUNDARIES. WHERE SUCH PROJECT IS LOCATED IN A PRIORITY GEOGRAPHIC AREA IDENTIFIED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AS THREATENED OR IMPAIRED BY NITROGEN, INCLUDING GROUNDWATER USED AS DRINKING WATER, SUCH SEPTIC SYSTEM PROJECT MUST REDUCE NITROGEN LEVELS BY AT LEAST THIRTY PERCENT.
3. (A) A PARTICIPATING COUNTY SHALL NOTIFY PROPERTY OWNERS WHO MAY BE ELIGIBLE TO PARTICIPATE IN THE PROGRAM. DETERMINATIONS OF ELIGIBILITY WILL BE MADE BY THE PARTICIPATING COUNTY BASED ON THE PUBLISHED PROGRAM CRITERIA AND CONSIDERATION OF A PROPERTY’S LOCATION IN RELATION TO A WATERBODY, IMPACTS TO GROUNDWATER USED AS DRINKING WATER, AND THE CONDITION OF THE PROPERTY OWNER’S CURRENT SEPTIC SYSTEM AS DETERMINED BY:

(I) THE COUNTY HEALTH DEPARTMENT OFFICIAL; OR

(II) OTHER DESIGNATED AUTHORITY HAVING JURISDICTION, PURSUANT TO SEPTIC INSPECTIONS REQUIRED BY A MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT; OR

(III) A SEPTIC CONTRACTOR PURSUANT TO THE APPLICABLE COUNTY SANITARY CODE.

(B) AN OWNER OF PROPERTY SERVED BY A SEPTIC SYSTEM OR CESSPOOL MAY APPLY TO A PARTICIPATING COUNTY ON AN APPLICATION SUBSTANTIALLY IN THE FORM PROVIDED BY THE CORPORATION.

(C) PROPERTY OWNERS IN PARTICIPATING COUNTIES MUST HAVE SIGNED A PROPERTY OWNER PARTICIPATION AGREEMENT WITH THE COUNTY BEFORE THE START OF THE DESIGN PHASE TO BE ELIGIBLE FOR REIMBURSEMENT FROM THE FUND. THE AGREEMENT MUST BE SUBSTANTIALLY IN THE FORM PROVIDED BY THE CORPORATION AND INCLUDE, WITHOUT LIMITATION, THE PROGRAM’S GOALS, GUIDELINES, ELIGIBILITY REQUIREMENTS AND REIMBURSEMENT PROCEDURES.

(D) A PROPERTY OWNER MAY APPLY FOR REIMBURSEMENT OF ELIGIBLE COSTS BY SUBMITTING TO THE PARTICIPATING COUNTY A REIMBURSEMENT APPLICATION, WHICH MUST INCLUDE AT LEAST:

(I) A SIGNED PROPERTY OWNER PARTICIPATION AGREEMENT;

(II) A COMPLETED REIMBURSEMENT APPLICATION FORM SUBSTANTIALLY IN THE FORM PROVIDED BY THE CORPORATION;

(III) ANY APPLICABLE DESIGN APPROVAL FOR THE SEPTIC SYSTEM PROJECT;

(IV) DESCRIPTION OF ALL WORK COMPLETED; AND

(V) COST DOCUMENTATION AND INVOICE OR INVOICES FOR ELIGIBLE COSTS.

(E) PARTICIPATING COUNTIES WILL BE RESPONSIBLE FOR REVIEWING THEIR PROPERTY OWNERS’ APPLICATIONS AND APPROVING, MODIFYING OR DENYING THE REIMBURSEMENT REQUESTS AS APPROPRIATE AND ISSUING REIMBURSEMENT PAYMENTS TO PROPERTY OWNERS FROM FINANCIAL ASSISTANCE PAYMENTS MADE TO THE COUNTY FROM THE FUND.

(F) PARTICIPATION IN THIS PROGRAM AND THE RECEIPT OF PAYMENTS SHALL NOT PREVENT PARTICIPATING COUNTIES FROM PROVIDING ADDITIONAL REIMBURSEMENT TO PROPERTY OWNERS.

(G) SUBJECT TO THE LIMITATIONS OF PARAGRAPH (D) OF THIS SUBDIVISION, THE COUNTY MAY SET GRADUATED INCENTIVE REIMBURSEMENT RATES FOR SEPTIC SYSTEM PROJECTS TO MAXIMIZE POLLUTION REDUCTION OUTCOMES.

Subdivision 4 of section 11-b of the soil and water conservation districts law, as amended by chapter 538 of the laws of 1996, is amended to read as follows:

4. Eligible costs that may be funded pursuant to this section are architectural and engineering services, plans and specifications, including watershed based or individual agricultural nonpoint source pollution assessments, consultant and legal services, CONSERVATION EASEMENTS AND ASSOCIATED TRANSACTION COSTS SPECIFIC TO TITLE THIRTY-THREE OF ARTICLE FIFTEEN OF THE ENVIRONMENTAL CONSERVATION LAW and other direct expenses related to project implementation.

Report on integrated database of infrastructure projects. The environmental facilities corporation shall, in cooperation with the departments of health and environmental conservation, study and prepare a report to the legislature by January 30, 2018, on the feasibility of establishing, an integrated database or platform incorporating past, present, and ongoing infrastructure projects that have been applied for, as well as those which have been funded through grant and loan programs administered by the department of environmental conservation, the department of health, and the environmental facilities corporation relating to water quality infrastructure for the purpose of informing ongoing and future policy and funding initiatives.

Subdivision 1 of section 3-0315 of the environmental conservation law, as added by section 1 of part C of chapter 1 of the laws of 2003, is amended to read as follows:

1. The department IN CONJUNCTION WITH THE COMMISSIONER OF HEALTH shall create [or modify an existing] AND MAINTAIN A geographic information system, [and maintain such system] AND ASSOCIATED DATA STORAGE AND ANALYTICAL SYSTEMS for purposes OF COLLECTING, STREAMLINING, AND VISUALIZING INTEGRATED DATA, PERMITS, AND RELEVANT SITES ABOUT DRINKING WATER QUALITY including, but not limited to, incorporating [information from remedial programs under its jurisdiction, and] SUPPLY WELL AND MONITORING WELL DATA, EMERGING CONTAMINANT DATA, WATER QUALITY MONITORING DATA, PERTINENT DATA FROM REMEDIATION AND LANDFILL SITES, PERMITTED DISCHARGE LOCATIONS AND OTHER POTENTIAL CONTAMINATION RISKS TO WATER SUPPLIES. SUCH SYSTEM shall also incorporate information from the source water assessment program collected by the department of health, data from annual water supply statements prepared pursuant to section eleven hundred fifty-one of the public health law, information from the database pursuant to title fourteen of article twenty-seven of this chapter, and any other existing data regarding soil and groundwater contamination currently gathered by the department, as well as data on contamination that is readily available from the United States geological survey and other sources determined appropriate by the department. IN ADDITION TO FACILITATING INTERAGENCY COORDINATION AND PREDICTIVE ANALYSIS TO PROTECT WATER QUALITY, SUCH SYSTEM SHALL PROVIDE STATE AGENCY INFORMATION TO THE PUBLIC THROUGH A WEBSITE, WITHIN REASONABLE LIMITATIONS TO ENSURE CONFIDENTIALITY AND SECURITY.

If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

This act shall take effect immediately; provided, however, that emergency financial assistance will not be available under section 1285-t of the public authorities law established pursuant to section...
eight of this act until one hundred twenty days after this act shall take effect; and provided further that the provisions of section nine of this act shall take effect on the one hundred eightieth day after it shall become a law.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through T of this act shall be as specifically set forth in the last section of such Parts.