

7277

I N S E N A T E

March 26, 2010

Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT making appropriations for the support of government

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative intent. The legislature hereby finds and
2 declares that the enactment of these appropriations provides sufficient
3 authority to the comptroller for the purpose of making payments for the
4 purposes described herein until such time as appropriation bills submitted by the governor pursuant to article VII of the state constitution
5 for the support of government for the state fiscal year beginning April
6 1, 2010 are enacted.
7

8 S 2. The sum of three hundred seventy-six million eight hundred
9 fifty-two thousand dollars (\$376,852,000), or so much thereof as shall
10 be sufficient to accomplish the purpose designated, is hereby appropriated and authorized to be paid as hereinafter provided, to the public
11 officers and for the purposes specified, which amount shall be available
12 for the state fiscal year beginning April 1, 2010.
13

14 ALL STATE DEPARTMENTS AND AGENCIES

15 For the purpose of making payments for
16 personal service, including liabilities
17 incurred prior to April 1, 2010, on the
18 payrolls scheduled to be paid during the
19 period April 1 through April 14, 2010 to
20 state officers and employees of the executive branch, including the governor, lieutenant governor, comptroller and attorney general; to officers and employees of the
21 judiciary; and to officers and employees
22 of the legislature, including payments to
23
24
25

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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1 the members of the senate and assembly
2 under sections 5 and 5-a of the legisla-
3 tive law; and payments for services
4 performed by mentally ill or develop-
5 mentally disabled persons who are employed
6 in state-operated special employment,
7 work-for-pay or sheltered workshop
8 programs 376,852,000
9 =====

10 S 3. The sum of thirty-eight million eight hundred nine thousand
11 dollars (\$38,809,000), or so much thereof as shall be sufficient to
12 accomplish the purpose designated, is hereby appropriated out of any
13 moneys in the general fund to the credit of the state purposes account
14 not otherwise appropriated for the purpose of paying to the social secu-
15 rity contribution fund, the state's share, as employer, of the payroll
16 tax for payrolls scheduled to be paid during the period April 1 through
17 April 14, 2010, including liabilities incurred prior to April 1, 2010 ..
18 38,809,000
19 =====

20 S 4. The sum of twenty-six thousand dollars (\$26,000), or so much
21 thereof as shall be sufficient to accomplish the purpose designated, is
22 hereby appropriated out of any moneys in the general fund to the credit
23 of the state purposes account not otherwise appropriated for payments to
24 the teachers insurance and annuity association and college retirement
25 equities fund associated with individuals working in the education
26 department, the higher education services corporation, and the state
27 university of New York construction fund. Notwithstanding any other
28 provisions of law to the contrary, the comptroller is hereby authorized
29 and directed to utilize this appropriation for the purpose of making
30 scheduled teachers insurance and annuity association and college retire-
31 ment equities fund payments 26,000
32 =====

33 S 5. The amount specified in this section, or so much thereof as shall
34 be sufficient to accomplish the purpose designated, is hereby appropri-
35 ated and authorized to be paid as hereinafter provided, to the public
36 officers and for the purposes specified, which amount shall be available
37 for the state fiscal year beginning April 1, 2010.

38 ALL STATE DEPARTMENTS AND AGENCIES

39 For the payment of state operations nonper-
40 sonal service liabilities, including the
41 legislature and judiciary, incurred in the
42 ordinary course of business, during the
43 period April 1 through April 11, 2010,
44 pursuant to existing state law and for
45 purposes for which the legislature author-
46 ized the expenditure of moneys during the
47 2009-2010 state fiscal year; provided,
48 however, that nothing contained herein
49 shall be deemed to limit or restrict the
50 power or authority of state departments or
51 agencies to conduct their activities or

operations in accordance with existing law, and further provided that nothing contained herein shall be deemed to supersede, nullify or modify the provisions of section 40 of the state finance law prescribing when appropriations made for the 2009-2010 state fiscal year shall have ceased to have force and effect 30,000,000
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S 6. The amount specified in this section, or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated and authorized to be paid as hereinafter provided, to the public officers and for the purposes specified, which amount shall be available for the state fiscal year beginning April 1, 2010.

AMERICAN RECOVERY AND REINVESTMENT ACT (CCP) 40,000,000

Federal Capital Projects Fund - 291
American Recovery and Reinvestment Act Purpose

The sum of twenty million dollars (\$20,000,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated for contracts approved prior to April 1, 2010 for the payment by the state of the federal share of transportation related capital projects liabilities funded by the American Recovery and Reinvestment Act of 2009 incurred in the ordinary course of business from April 1 through April 11, 2010, pursuant to existing state law and for purposes for which the legislature authorized the expenditures of money during the 2009-2010 fiscal year; provided, however, that nothing contained herein shall be deemed to limit or restrict the power or authority of state departments or agencies to conduct their activities or operations in accordance with existing law, and further provided that nothing contained herein shall be deemed to supersede, nullify, or modify the provisions of section 40 of the state finance law prescribing when appropriations made for the 2009-2010 fiscal year shall have ceased to have force and effect. Funds appropriated herein shall be subject to all applicable reporting and accountability requirements contained in such act 20,000,000
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The sum of twenty million dollars (\$20,000,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated for contracts approved for purposes for which the legislature authorized the expenditures of money during the 2009-2010 fiscal year. An amount up to twenty million dollars (\$20,000,000) shall be available for the payment by the state of the federal share of related transportation capital projects liabilities, funded by the American Recovery and Reinvestment Act of 2009 incurred in the ordinary course of business during the period from April 1 through April 11, 2010 for contracts approved during the period April 1 through April 11, 2010, provided, however, that nothing contained herein shall be deemed to limit or restrict the power or authority of state departments or agencies to conduct their activities or operations in accordance with existing law, and further provided that nothing contained herein shall be deemed to supersede, nullify, or modify the provisions of section 40 of

the state finance law prescribing when appropriations made for the 2009-2010 fiscal year shall have ceased to have force and effect. Funds appropriated herein shall be subject to all applicable reporting and accountability requirements contained in such act 20,000,000
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S 7. The amount specified in this section, or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated and authorized to be paid as hereinafter provided, to the public officers and for the purposes specified, which amount shall be available for the state fiscal year beginning April 1, 2010.

The sum of ten million dollars (\$10,000,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated for contracts approved in accordance with section 112 of the state finance law for purposes for which the legislature authorized the expenditures of money during the 2009-2010 fiscal year. An amount up to ten million dollars (\$10,000,000) shall be available for the payment of capital projects liabilities, including any contractual services liabilities of the engineering services fund, incurred to address emergency health and safety needs as certified by the director of budget during the period from April 1 through April 11, 2010 for contracts approved during the period April 1 through April 11, 2010, provided, however, that nothing contained herein shall be deemed to limit or restrict the power or authority of state departments or agencies to conduct their activities or operations in accordance with existing law, and further provided that nothing contained herein shall be deemed to supersede, nullify, or modify the provisions of section 40 of the state finance law prescribing when appropriations made for the 2009-2010 fiscal year shall have ceased to have force and effect

..... 10,000,000
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S 8. The several amounts specified in this section, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the several purposes specified, which amounts shall be available for the state fiscal year beginning April 1, 2010.

DIVISION OF HOUSING AND COMMUNITY RENEWAL

LOW INCOME WEATHERIZATION PROGRAM 131,000,000

Special Revenue Funds - Federal / Aid to Localities
Federal Operating Grants Fund - 290
Department of Energy Weatherization Account

For low income weatherization grants to be apportioned in accordance with federal rules and regulations of the American Recovery and Reinvestment Act of 2009. Funds appropriated herein shall be subject to all applicable reporting and accountability requirements contained in such act.

The sum of one hundred thirty-one million dollars (\$131,000,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated to the division of housing and community renewal out of any moneys in the federal operating grants fund-290 department of energy weatherization account for payments to eligible grantees 131,000,000
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S 9. The several amounts specified in this section, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the several purposes specified, which amounts shall be available for the state fiscal year beginning April 1, 2010.

EDUCATION DEPARTMENT

ELEMENTARY, MIDDLE, SECONDARY AND CONTINUING EDUCATION PROGRAM
..... 488,000,000

General Fund / Aid to Localities
Local Assistance Account - 001

The sum of four hundred eighty-eight million dollars (\$488,000,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated to the state education department out of any moneys in the general fund to the credit of the local assistance account not otherwise appropriated. The comptroller is hereby authorized and directed to utilize this appropriation for the purpose of making mandated payments for the state fiscal year beginning April 1, 2010 for the 2009-2010 school year for general support for public schools, including support for excess cost aid payments
..... 488,000,000
=====

S 10. The several amounts specified in this section, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the several purposes specified, which amounts shall be available for the state fiscal year beginning April 1, 2010.

DEPARTMENT OF HEALTH

For payment according to the following schedule:

SCHEDULE

DEPARTMENT OF HEALTH

STATE OPERATIONS AND AID TO LOCALITIES

MEDICAL ASSISTANCE PROGRAM 2,950,000,000

1 General Fund / Aid to Localities
2 Local Assistance Account - 001

3 Medical assistance program, exclusive of
4 expenses incurred by local districts for
5 administration of the medical assistance
6 program and for medical care rates for
7 authorized child care agencies.

8 The money hereby appropriated is to be
9 available for payment of aid heretofore
10 accrued to municipalities, and to provid-
11 ers of medical services pursuant to
12 section 367-b of the social services law,
13 and for payment of state aid to munici-
14 palities and to providers of family care
15 where payment systems through the fiscal
16 intermediaries are not operational, and
17 shall be available to the department net
18 of disallowances, refunds, reimbursements,
19 and credits.

20 Notwithstanding any inconsistent provision
21 of law, moneys hereby appropriated may be
22 used for transfer to the federal revenue
23 maximization contract fund, pursuant to
24 the provisions of the state finance law.

25 Notwithstanding any inconsistent provision
26 of law, the moneys hereby appropriated may
27 be increased or decreased by interchange
28 with any appropriation of the department
29 of health medical assistance adminis-
30 tration program and/or medical assistance
31 program, and may be increased or decreased
32 by transfer or suballocation between these
33 appropriated amounts and appropriations of
34 the department of social services or its
35 successor agencies with the approval of
36 the director of the budget, who shall file
37 such approval with the department of audit
38 and control and copies thereof with the
39 chairman of the senate finance committee
40 and the chairman of the assembly ways and
41 means committee.

42 Notwithstanding any inconsistent provision
43 of law, the money hereby appropriated
44 shall not be used for any existing rates,
45 fees, fee schedules, or procedures which
46 may affect the cost of care and services
47 provided by personal care providers, case
48 managers, health maintenance organiza-
49 tions, out of state medical facilities
50 which provide care and services to resi-
51 dents of the state, providers of transpor-
52 tation services, that are altered,
53 amended, adjusted or otherwise changed by
54 a local social services district unless

1 previously approved by the department of
2 health and the director of the budget.
3 For services and expenses of the medical
4 assistance program including hospital
5 inpatient services 164,000,000
6 For services and expenses of the medical
7 assistance program including hospital
8 outpatient and emergency room services 30,000,000
9 For services and expenses of the medical
10 assistance program including clinic
11 services 28,000,000
12 For services and expenses of the medical
13 assistance program including nursing home
14 services 296,000,000
15 For services and expenses of the medical
16 assistance program including other long
17 term care services 222,000,000
18 For services and expenses of the medical
19 assistance program including managed care
20 services 248,000,000
21 For services and expenses of the medical
22 assistance program including pharmacy
23 services 130,000,000
24 For services and expenses of the medical
25 assistance program including transporta-
26 tion services 12,000,000
27 For services and expenses of the medical
28 assistance program including dental
29 services 6,000,000
30 For services and expenses of the medical
31 assistance program including non-institu-
32 tional and other spending 64,000,000
33 For services and expenses of the medical
34 assistance program including medical
35 services provided at state facilities
36 operated by the office of mental health,
37 the office of mental retardation and
38 developmental disabilities and the office
39 of alcoholism and substance abuse services
40 400,000,000
41 -----
42 Program account subtotal 1,600,000,000
43 -----

44 Special Revenue Funds - Federal / Aid to Localities
45 Federal Health, Education and Human Services Fund - 265
46 Medicaid Direct Account

47 For services and expenses for the medical
48 assistance program, excluding administra-
49 tive expenses, pursuant to title XIX of
50 the federal social security act or its
51 successor program.
52 The moneys hereby appropriated are to be
53 available for payment of aid heretofore
54 accrued to municipalities, and to provid-

ers of medical services pursuant to section 367-b of the social services law, and for payment of state aid to municipalities and to providers of family care where payment systems through the fiscal intermediaries are not operational, and shall be available to the department net of disallowances, refunds, reimbursements, and credits.

For services and expenses of the medical assistance program including hospital inpatient services	90,000,000
For services and expenses of the medical assistance program including hospital outpatient and emergency room services	15,000,000
For services and expenses of the medical assistance program including clinic services	15,000,000
For services and expenses of the medical assistance program including nursing home services	163,000,000
For services and expenses of the medical assistance program including other long term care services	123,000,000
For services and expenses of the medical assistance program including managed care services	137,000,000
For services and expenses of the medical assistance program including pharmacy services	72,000,000
For services and expenses of the medical assistance program including transportation services	6,000,000
For services and expenses of the medical assistance program including dental services	4,000,000
For services and expenses of the medical assistance program including non-institutional and other spending	35,000,000
For services and expenses of the medical assistance program including medical services provided at state facilities operated by the office of mental health, the office of mental retardation and developmental disabilities and the office of alcoholism and substance abuse services	500,000,000
Program account subtotal	1,160,000,000

Special Revenue Funds - Federal / Aid to Localities
Federal Health and Human Services Fund - 265
Medicaid Direct Account

1 For services and expenses of the medical
 2 assistance program including hospital
 3 inpatient, hospital outpatient and emer-
 4 gency room, clinic, nursing home, other
 5 long term care, managed care, pharmacy,
 6 transportation, dental, non-institutional
 7 and other spending, medical services
 8 provided at state facilities operated by
 9 the office of mental health, the office of
 10 mental retardation and developmental disa-
 11 bilities and the office of alcoholism and
 12 substance abuse services and for any other
 13 medical assistance services resulting from
 14 an increase in the federal medical assist-
 15 ance percentage 190,000,000
 16 -----
 17 Program account subtotal 190,000,000
 18 -----

19 S 11. The amounts specified in this section, or so much thereof as
 20 shall be sufficient to accomplish the purposes designated, are hereby
 21 appropriated and authorized to be paid as hereinafter provided, to the
 22 respective public officers and for the several purposes specified, which
 23 amounts shall be available for the state fiscal year beginning April 1,
 24 2010.

25 DEPARTMENT OF FAMILY ASSISTANCE

26 OFFICE OF CHILDREN AND FAMILY SERVICES

27 YOUTH FACILITIES PROGRAM 711,000
 28 -----

29 General Fund / State Operations
 30 State Purposes Account - 003

31 For services and expenses related to remedi-
 32 ation or improvement of juvenile justice
 33 practices, including implementation of a
 34 New York model treatment program for youth
 35 in the care of the office of children and
 36 family services, in office of children and
 37 family services facilities and in the
 38 community. Funds appropriated herein shall
 39 be made available subject to the approval
 40 of an expenditure plan by the director of
 41 the budget.

42 PERSONAL SERVICE

43 Personal service--regular 518,186
 44 Temporary service 16,921
 45 Holiday/overtime compensation 46,816
 46 -----
 47 Amount available for personal service 581,923
 48 -----

NONPERSONAL SERVICE

Supplies and materials	46,699
Travel	2,032
Contractual services	78,197
Equipment	2,149

Amount available for nonpersonal service	129,077

Program account subtotal	711,000

S 12. The amounts specified in this section, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the several purposes specified, which amounts shall be available for the state fiscal year beginning April 1, 2010.

DEPARTMENT OF FAMILY ASSISTANCE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

EMPLOYMENT AND ECONOMIC SUPPORT PROGRAM	60,000,000

General Fund / Aid to Localities
Local Assistance Account - 001

For expenditures made pursuant to title 8 of article 5 of the social services law and for expenditures for additional state payments for eligible aged, blind, and disabled persons related to supplemental security income	60,000,000

S 13. The several amounts specified in this section, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the several purposes specified, which amounts shall be available for the state fiscal year beginning April 1, 2010.

DEPARTMENT OF LABOR

UNEMPLOYMENT INSURANCE BENEFIT PROGRAM	420,000,000

Enterprise Funds / State Operations
Unemployment Insurance Benefit Fund - 481

For payment of unemployment insurance benefits pursuant to article 18 of the labor law or as authorized by the Federal government through the disaster unemployment assistance program	420,000,000

1 EMPLOYMENT AND TRAINING PROGRAM 5,000,000
 2 -----
 3 Special Revenue Funds - Federal / Aid to Localities
 4 Federal Workforce Investment Act Fund - 486
 5 Federal Emergency Employment Act Account
 6 For the administration and operation of
 7 employment and training programs as funded
 8 by grants under the workforce investment
 9 act, public law 105-220, including grants
 10 to other governmental units, community-
 11 based organizations, non-profit and for
 12 profit organizations, and suballocations
 13 to state departments and agencies, and a
 14 portion may be transferred to state oper-
 15 ations, according to the following:
 16 For services and expenses of adult, youth
 17 and dislocated worker employment and
 18 training local workforce investment area
 19 programs and statewide rapid response
 20 activities 5,000,000
 21 -----

22 S 14. The several amounts specified in this section, or so much there-
 23 of as shall be sufficient to accomplish the purposes designated, are
 24 hereby appropriated and authorized to be paid as hereinafter provided,
 25 to the respective public officers and for the several purposes speci-
 26 fied, which amounts shall be available for the state fiscal year begin-
 27 ning April 1, 2010.

28 OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

29 OLYMPIC FACILITIES OPERATIONS PROGRAM 1,250,000
 30 -----
 31 General Fund / State Operations
 32 State Purposes Account - 003

33 The sum of one million two hundred fifty thousand dollars
 34 (\$1,250,000), or so much thereof as shall be sufficient to accomplish
 35 the purpose designated, is hereby appropriated to the olympic regional
 36 development authority out of any moneys in the general fund to the cred-
 37 it of the state purposes account not otherwise appropriated, for payment
 38 of staff salaries and other related expenses of such authority
 39 1,250,000
 40 =====

41 S 15. No expenditure may be made from any appropriation in this act,
 42 until a certificate of approval has been issued by the director of the
 43 budget and a copy of such certificate shall have been filed with the
 44 state comptroller, the chairman of the senate finance committee and the
 45 chairman of the assembly ways and means committee provided, however,
 46 that any expenditures from any appropriation in this act made by the
 47 legislature or judiciary shall not require such certificate.

48 S 16. All expenditures and disbursements made against the appropri-
 49 ations in this act shall, upon final action by the legislature on appro-

1 priation bills submitted by the governor pursuant to article VII of the
2 state constitution for the support of government for the state fiscal
3 year beginning April 1, 2010, be transferred by the comptroller as
4 expenditures and disbursements to such appropriations for all state
5 departments, agencies, the legislature and the judiciary, as applicable,
6 in amounts equal to the amounts charged against the appropriations in
7 this act for each such department, agency, the legislature and the judi-
8 ciary.

9 S 17. This act shall take effect immediately and shall be deemed to
10 have been in full force and effect on and after April 1, 2010; provided,
11 however, that upon the transfer of expenditures and disbursements by the
12 comptroller as provided in section sixteen of this act, the appropri-
13 ations made by this act and subject to such section shall be deemed
14 repealed.