

# STATE OF NEW YORK

6063

2023-2024 Regular Sessions

## IN ASSEMBLY

April 3, 2023

Introduced by M. of A. WEINSTEIN -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT making appropriations for the support of government; and providing for the repeal of such provisions upon expiration thereof

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  
5 by the governor pursuant to article VII of the state constitution  
6 for the support of government for the state fiscal year beginning April  
7 1, 2023 are enacted.

8 § 2. The amounts specified in this section, or so much thereof as  
9 shall be sufficient to accomplish the purposes designated, is hereby  
10 appropriated and authorized to be paid as hereinafter provided, to the  
11 public officers and for the purpose specified, which amount shall be  
12 available for the state fiscal year beginning April 1, 2023.

13 ALL STATE DEPARTMENTS AND AGENCIES

14 For the purpose of making payments for  
15 personal service, including liabilities  
16 incurred prior to April 1, 2023, on the  
17 payrolls scheduled to be paid during the  
18 period April 1 through April 10, 2023 to  
19 state officers and employees of the executive  
20 branch. This appropriation also  
21 includes funding for payment of health  
22 care and mental hygiene bonuses to eligible  
23 state employees, and payments for

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

LBD12005-01-3

1 services performed by mentally ill or  
 2 developmentally disabled persons who are  
 3 employed in state-operated special employ-  
 4 ment, work-for-pay or sheltered workshop  
 5 programs ..... 215,500,000  
 6 -----

7 § 3. The amount specified in this section, or so much thereof as shall  
 8 be sufficient to accomplish the purpose designated, is hereby appropri-  
 9 ated and authorized to be paid as hereinafter provided, to the public  
 10 officers and for the purpose specified, which amount shall be available  
 11 for the state fiscal year beginning April 1, 2023.

12 ALL STATE DEPARTMENTS AND AGENCIES

13 For the payment of state operations non  
 14 personal service liabilities to the execu-  
 15 tive branch, including the comptroller,  
 16 and the attorney general, incurred in the  
 17 ordinary course of business, during the  
 18 period April 1 through April 10, 2023,  
 19 pursuant to existing state law and for  
 20 purposes for which the legislature author-  
 21 ized the expenditure of moneys during the  
 22 2022-2023 state fiscal year; provided,  
 23 however, that nothing contained herein  
 24 shall be deemed to limit or restrict the  
 25 power or authority of state departments or  
 26 agencies to conduct their activities or  
 27 operations in accordance with existing  
 28 law, and further provided that nothing  
 29 contained herein shall be deemed to super-  
 30 sede, nullify or modify the provisions of  
 31 section 40 of the state finance law  
 32 prescribing when appropriations made for  
 33 the 2022-2023 state fiscal year shall have  
 34 ceased to have force and effect ..... 13,300,000  
 35 -----

36 § 4. The amounts specified in this section, or so much thereof as  
 37 shall be sufficient to accomplish the purposes designated, is hereby  
 38 appropriated and authorized to be paid as hereinafter provided, to the  
 39 public officers and for the purposes specified, which amount shall be  
 40 available for the state fiscal year beginning April 1, 2023.

41 ALL STATE DEPARTMENTS AND AGENCIES

42 The sum of twelve million eight hundred  
 43 sixty thousand dollars (\$12,860,000), or  
 44 so much thereof as shall be sufficient to  
 45 accomplish the purpose designated, is  
 46 hereby appropriated for contracts and  
 47 grants approved for purposes for which the  
 48 legislature authorized the expenditures of  
 49 money during the 2022-2023 fiscal year. An  
 50 amount up to twelve million eight hundred

1 sixty thousand dollars (\$12,860,000) shall  
 2 be available for the payment of capital  
 3 projects liabilities incurred during the  
 4 period from April 1 through April 10, 2023  
 5 for contracts and grants approved prior to  
 6 April 1, 2023, provided, however, that  
 7 nothing contained herein shall be deemed  
 8 to limit or restrict the power or authori-  
 9 ty of state departments or agencies to  
 10 conduct their activities or operations in  
 11 accordance with existing law, and further  
 12 provided that nothing contained herein  
 13 shall be deemed to supersede, nullify, or  
 14 modify the provisions of section 40 of the  
 15 state finance law prescribing when appro-  
 16 priations made for the 2022-2023 fiscal  
 17 year shall have ceased to have force and  
 18 effect ..... 12,860,000  
 19 -----

20 § 5. The several amounts specified in this section, or so much thereof  
 21 as shall be sufficient to accomplish the purposes designated, are hereby  
 22 appropriated and authorized to be paid as hereinafter provided, to the  
 23 respective public officers and for the several purposes specified, which  
 24 amounts shall be available for the state fiscal year beginning April 1,  
 25 2023.

26 ALL STATE DEPARTMENTS AND AGENCIES

27 The sum of two million one hundred forty  
 28 thousand dollars (\$2,140,000), or so much  
 29 thereof as shall be sufficient to accom-  
 30 plish the purpose designated, is hereby  
 31 appropriated for contracts and grants  
 32 approved for which the legislature author-  
 33 ized the expenditures of money during the  
 34 2022-2023 fiscal year. An amount up to two  
 35 million one hundred forty thousand dollars  
 36 (\$2,140,000) shall be available for the  
 37 payment of capital projects liabilities  
 38 incurred during the period from April 1  
 39 through April 10, 2023 for contracts and  
 40 grants approved after April 1, 2023,  
 41 provided, however, that nothing contained  
 42 herein shall be deemed to limit or  
 43 restrict the power or authority of state  
 44 departments or agencies to conduct their  
 45 activities or operations in accordance  
 46 with existing law, and further provided  
 47 that nothing contained herein shall be  
 48 deemed to supersede, nullify, or modify  
 49 the provisions of section 40 of the state  
 50 finance law prescribing when appropri-  
 51 ations made for the 2022-2023 fiscal year  
 52 shall have ceased to have force and effect ... 2,140,000  
 53 -----

1 § 6. The amounts specified in this section, or so much thereof as  
 2 shall be sufficient to accomplish the purposes designated, is hereby  
 3 appropriated and authorized to be paid as hereinafter provided, to the  
 4 public officers and for the purposes specified, which amount shall be  
 5 available for the state fiscal year beginning April 1, 2023.

6 MISCELLANEOUS -- ALL STATE DEPARTMENTS AND AGENCIES

7 GENERAL STATE CHARGES

8 STATE OPERATIONS

9 GENERAL STATE CHARGES ..... 43,330,000  
 10 -----

11 General Fund  
 12 State Purposes Account - 10050

13 For employee fringe benefits according to  
 14 the following project schedule including  
 15 those benefits which are related to  
 16 employees paid from funds, accounts, or  
 17 programs where the division of the budget  
 18 has issued waivers ..... 42,230,000

19 Project Schedule

20 PROJECT	21 AMOUNT
-----	
22 For the state's contribution	
23 to the social security	
24 contribution fund .....	42,000,000
25 For the state's share of	
26 contributions to the volun-	
27 tary defined contribution	
28 plan made on behalf of	
29 eligible employees pursuant	
30 to chapter 18 of the laws of	
31 2012 who elect to partic-	
32 ipate in such plan and who	
33 are not otherwise eligible	
34 to participate in the SUNY	
35 optional retirement program .....	230,000
36	-----
37 Project schedule total ....	42,230,000
38	-----

39 For the payment of the metropolitan commuter  
 40 transportation mobility tax pursuant to  
 41 article 23 of the tax law as added by  
 42 chapter 25 of the laws of 2009 on behalf  
 43 of the state employees employed in the  
 44 metropolitan commuter transportation  
 45 district ..... 1,100,000  
 46 -----

47 § 7. The amounts specified in this section, or so much thereof as  
 48 shall be sufficient to accomplish the purposes designated, is hereby

1 appropriated and authorized to be paid as hereinafter provided, to the  
2 public officers and for the purposes specified, which amount shall be  
3 available for the state fiscal year beginning April 1, 2023.

4 JUDICIARY

5 For the payment of state operations nonper-  
6 sonal service liabilities, the sum of  
7 thirty-three million three hundred and  
8 thirty thousand dollars (\$33,330,000), or  
9 so much thereof as shall be sufficient to  
10 accomplish the purpose designated, is  
11 hereby appropriated to the judiciary out  
12 of any moneys in the general fund or other  
13 funds to the credit of the state purposes  
14 account not otherwise appropriated. The  
15 comptroller is hereby authorized and  
16 directed to utilize this appropriation for  
17 the purpose of making payments for non-  
18 personal service liabilities incurred by  
19 the judiciary from April 1 through April  
20 10, 2023 ..... 33,330,000

21 For the payment of aid to localities liabil-  
22 ities, the sum of ten million dollars  
23 (\$10,000,000), or so much thereof as shall  
24 be sufficient to accomplish the purpose  
25 designated, is hereby appropriated to the  
26 judiciary out of any moneys in the general  
27 fund or other funds to the credit of the  
28 state purposes account not otherwise  
29 appropriated. The comptroller is hereby  
30 authorized and directed to utilize this  
31 appropriation for the purpose of making  
32 payments for aid to localities liabilities  
33 incurred by the judiciary from April 1  
34 through April 10, 2023 ..... 10,000,000

35 For the payment of employee fringe benefit  
36 programs including, but not limited to,  
37 the judiciary's contributions to the  
38 health insurance fund, the employees'  
39 retirement system pension accumulation  
40 fund, the social security contribution  
41 fund, employee benefit fund programs, the  
42 dental insurance plan, the vision care  
43 plan, the unemployment insurance fund, and  
44 for workers' compensation benefits, the  
45 sum of seventy-five million dollars  
46 (\$75,000,000), or so much thereof as shall  
47 be sufficient to accomplish the purpose  
48 designated, is hereby appropriated to the  
49 judiciary out of any moneys in the general  
50 fund or other funds to the credit of the  
51 state purposes account not otherwise  
52 appropriated. The comptroller is hereby  
53 authorized and directed to utilize this

1 appropriation for the purpose of making  
 2 payments for employee fringe benefit  
 3 liabilities incurred by the judiciary from  
 4 April 1 through April 10, 2023 ..... 75,000,000

5 § 8. The amounts specified in this section, or so much thereof as  
 6 shall be sufficient to accomplish the purposes designated, is hereby  
 7 appropriated and authorized to be paid as hereinafter provided, to the  
 8 public officers and for the purposes specified, which amount shall be  
 9 available for the state fiscal year beginning April 1, 2023.

10 DEPARTMENT OF HEALTH

11 AID TO LOCALITIES

12 CENTER FOR COMMUNITY HEALTH PROGRAM ..... 13,867,000  
 13 -----

14 General Fund  
 15 Local Assistance Account - 10000

16 For services and expenses related to the  
 17 Indian health program. The moneys hereby  
 18 appropriated shall be for payment of  
 19 financial assistance heretofore accrued or  
 20 hereafter to accrue (26840) ..... 3,200,000  
 21 -----

22 Special Revenue Funds - Federal  
 23 Federal USDA-Food and Nutrition Services Fund  
 24 Federal Food and Nutrition Services Account - 25022

25 For various federal food and nutritional  
 26 services. The moneys hereby appropriated  
 27 shall be available for payment of finan-  
 28 cial assistance heretofore accrued (26986) .. 10,667,000  
 29 -----

30 § 9. The amounts specified in this section, or so much thereof as  
 31 shall be sufficient to accomplish the purposes designated, is hereby  
 32 appropriated and authorized to be paid as hereinafter provided, to the  
 33 public officers and for the purposes specified, which amount shall be  
 34 available for the state fiscal year beginning April 1, 2023.

35 JUSTICE CENTER FOR THE PROTECTION

36 OF PEOPLE WITH SPECIAL NEEDS

37 AID TO LOCALITIES

38 COMMUNITY SUPPORT PROGRAMS ..... 105,000  
 39 -----

40 General Fund  
 41 Local Assistance Account - 10000

1 Notwithstanding any other provision of law,  
2 the money hereby appropriated may be  
3 increased or decreased by interchange,  
4 with any appropriation of the justice  
5 center for the protection of people with  
6 special needs, and may be increased or  
7 decreased by transfer or suballocation  
8 between these appropriated amounts and  
9 appropriations of the office of mental  
10 health, office for people with develop-  
11 mental disabilities, office of addiction  
12 services and supports, department of  
13 health, and the office of children and  
14 family services with the approval of the  
15 director of the budget who shall file such  
16 approval with the department of audit and  
17 control and copies thereof with the chair-  
18 man of the senate finance committee and  
19 the chairman of the assembly ways and  
20 means committee. For surrogate decision-  
21 making committee program contracts with  
22 local service providers (48926) ..... 105,000  
23 -----

24 § 10. The amount specified in this section, or so much thereof as  
25 shall be sufficient to accomplish the purpose designated, is hereby  
26 appropriated and authorized to be paid as hereinafter provided, to the  
27 public officers and for the purpose specified, which amount shall be  
28 available for the state fiscal year beginning April 1, 2023.

29 DEPARTMENT OF MENTAL HYGIENE

30 OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

31 AID TO LOCALITIES

32 COMMUNITY SERVICES PROGRAM ..... 173,054,000  
33 -----

34 General Fund  
35 Local Assistance Account - 10000

36 For services and expenses of the community  
37 services program, net of disallowances,  
38 for community programs for people with  
39 developmental disabilities pursuant to  
40 article 41 of the mental hygiene law,  
41 and/or chapter 620 of the laws of 1974,  
42 chapter 660 of the laws of 1977, chapter  
43 412 of the laws of 1981, chapter 27 of the  
44 laws of 1987, chapter 729 of the laws of  
45 1989, chapter 329 of the laws of 1993 and  
46 other provisions of the mental hygiene  
47 law. Notwithstanding any inconsistent  
48 provision of law, the following appropri-  
49 ation shall be net of prior and/or current

1 year refunds, rebates, reimbursements, and  
2 credits.

3 Notwithstanding any other provision of law,  
4 advances and reimbursement made pursuant  
5 to subdivision (d) of section 41.15 and  
6 section 41.18 of the mental hygiene law  
7 shall be allocated pursuant to a plan and  
8 in a manner prescribed by the agency head  
9 and approved by the director of the budg-  
10 et. The moneys hereby appropriated are  
11 available to reimburse or advance locali-  
12 ties and voluntary non-profit agencies for  
13 expenditures made during local fiscal  
14 periods commencing January 1, 2022, April  
15 1, 2022 or July 1, 2022, and for advances  
16 for the 3 month period beginning January  
17 1, 2023.

18 Notwithstanding the provisions of article 41  
19 of the mental hygiene law or any other  
20 inconsistent provision of law, rule or  
21 regulation, the commissioner, pursuant to  
22 such contract and in the manner provided  
23 therein, may pay all or a portion of the  
24 expenses incurred by such voluntary agen-  
25 cies arising out of loans which are funded  
26 from the proceeds of bonds and notes  
27 issued by the dormitory authority of the  
28 state of New York.

29 Notwithstanding any other provision of law,  
30 the money hereby appropriated may be  
31 transferred to state operations and/or any  
32 appropriation of the office for people  
33 with developmental disabilities with the  
34 approval of the director of the budget.

35 Notwithstanding any inconsistent provision  
36 of law, moneys from this appropriation may  
37 be used for state aid of up to 100 percent  
38 of the net deficit costs of day training  
39 programs and family support services.

40 Notwithstanding the provisions of section  
41 16.23 of the mental hygiene law and any  
42 other inconsistent provision of law, with  
43 relation to the operation of certified  
44 family care homes, including family care  
45 homes sponsored by voluntary not-for-pro-  
46 fit agencies, moneys from this appropri-  
47 ation may be used for payments to purchase  
48 general services including but not limited  
49 to respite providers, up to a maximum of  
50 14 days, at rates to be established by the  
51 commissioner and approved by the director  
52 of the budget in consideration of factors  
53 including, but not limited to, geographic  
54 area and number of clients cared for in  
55 the home and for payment in an amount  
56 determined by the commissioner for the

1 personal needs of each client residing in  
2 the family care home.

3 Notwithstanding the provisions of subdivi-  
4 sion 12 of section 8 of the state finance  
5 law and any other inconsistent provision  
6 of law, moneys from this appropriation may  
7 be used for expenses of family care homes  
8 including payments to operators of certi-  
9 fied family care homes for damages caused  
10 by clients to personal and real property  
11 in accordance with standards established  
12 by the commissioner and approved by the  
13 director of the budget.

14 Notwithstanding any inconsistent provision  
15 of law, moneys from this appropriation may  
16 be used for appropriate day program  
17 services and residential services includ-  
18 ing, but not limited to, direct housing  
19 subsidies to individuals, start-up  
20 expenses for family care providers, envi-  
21 ronmental modifications, adaptive technol-  
22 ogies, appraisals, property options,  
23 feasibility studies and preoperational  
24 expenses.

25 Notwithstanding any inconsistent provision  
26 of law except pursuant to a chapter of the  
27 laws of 2022 authorizing a 5.4 percent  
28 cost of living adjustment, for the period  
29 commencing on April 1, 2022 and ending  
30 March 31, 2023 the commissioner shall not  
31 apply any other cost of living adjustment  
32 for the purpose of establishing rates of  
33 payments, contracts or any other form of  
34 reimbursement.

35 Notwithstanding section 6908 of the educa-  
36 tion law and any other provision of law,  
37 rule or regulation to the contrary, direct  
38 support staff in programs certified or  
39 approved by the office for people with  
40 developmental disabilities, including the  
41 home and community based services waiver  
42 programs that the office for people with  
43 developmental disabilities is authorized  
44 to administer with federal approval pursu-  
45 ant to subdivision (c) of section 1915 of  
46 the federal social security act, are  
47 authorized to provide such tasks as OPWDD  
48 may specify when performed under the  
49 supervision, training and periodic  
50 inspection of a registered professional  
51 nurse and in accordance with an authorized  
52 practitioner's ordered care.

53 Notwithstanding any other provision of law  
54 to the contrary, and consistent with  
55 section 33.07 of the mental hygiene law,  
56 the directors of facilities licensed but

1 not operated by the office for people with  
2 developmental disabilities who act as  
3 federally-appointed representative payees  
4 and who assume management responsibility  
5 over the funds of a resident may continue  
6 to use such funds for the cost of the  
7 resident's care and treatment, consistent  
8 with federal law and regulations.

9 Funds appropriated herein shall be available  
10 in accordance with the following:

11 Notwithstanding any inconsistent provision  
12 of law, the director of the budget is  
13 authorized to make suballocations from  
14 this appropriation to the department of  
15 health medical assistance program.

16 Notwithstanding any inconsistent provision  
17 of law, and pursuant to criteria estab-  
18 lished by the commissioner of the office  
19 for people with developmental disabilities  
20 and approved by the director of the budg-  
21 et, expenditures may be made from this  
22 appropriation for residential facilities  
23 which are pending recertification as  
24 intermediate care facilities for people  
25 with developmental disabilities.

26 Notwithstanding the provisions of section  
27 41.36 of the mental hygiene law and any  
28 other inconsistent provision of law,  
29 moneys from this appropriation may be used  
30 for payment up to \$250 per year per  
31 client, at such times and in such manner  
32 as determined by the commissioner on the  
33 basis of financial need for the personal  
34 needs of each client residing in voluntary  
35 operated community residences and volun-  
36 tary-operated community residential alter-  
37 natives, including individualized residen-  
38 tial alternatives under the home and  
39 community based services waiver. The  
40 commissioner shall, subject to the  
41 approval of the director of the budget,  
42 alter existing advance payment schedules  
43 for voluntary-operated community resi-  
44 dences established pursuant to section  
45 41.36 of the mental hygiene law. Notwith-  
46 standing any inconsistent provision of law  
47 moneys from this appropriation may be used  
48 for the operation of clinics licensed  
49 pursuant to article 16 of the mental  
50 hygiene law including, but not limited to,  
51 supportive and habilitative services  
52 consistent with the home and community  
53 based services waiver. Notwithstanding  
54 sections 112 and 163 of the state finance  
55 law and section 142 of the economic devel-  
56 opment law, or any other inconsistent

1 provision of law, funds appropriated to  
2 the department of health in accordance  
3 with a schedule based upon approved Medi-  
4 caid claims for eligible home and communi-  
5 ty-based services, or other approved  
6 services as defined in section nine thou-  
7 sand eight hundred and seventeen of the  
8 American rescue plan act of 2021, from  
9 April 1, 2021 through March 31, 2023 and  
10 made available by the department of health  
11 via sub-allocation or transfer of up to  
12 \$740,000,000 may be allocated and distrib-  
13 uted by the commissioner of the office for  
14 people with developmental disabilities,  
15 subject to approval of the director of the  
16 budget, without a competitive bid or  
17 request for proposal process for the  
18 services and expenses of qualified appli-  
19 cants. All awards will be granted utiliz-  
20 ing criteria established by the commis-  
21 sioner of the office for people with  
22 developmental disabilities to strengthen  
23 and enhance home and community-based  
24 services consistent with the American  
25 rescue plan act of 2021.

26 For the state share of medical assistance  
27 services expenses incurred by the depart-  
28 ment of health for the provision of  
29 medical assistance services to people with  
30 developmental disabilities (37835) ..... 152,106,000

31 For services and expenses of the community  
32 services program, net of disallowances,  
33 for community programs for people with  
34 developmental disabilities pursuant to  
35 article 41 of the mental hygiene law,  
36 and/or chapter 620 of the laws of 1974,  
37 chapter 660 of the laws of 1977, chapter  
38 412 of the laws of 1981, chapter 27 of the  
39 laws of 1987, chapter 729 of the laws of  
40 1989, chapter 329 of the laws of 1993 and  
41 other provisions of the mental hygiene  
42 law. Notwithstanding any inconsistent  
43 provision of law, the following appropri-  
44 ation shall be net of prior and/or current  
45 year refunds, rebates, reimbursements, and  
46 credits.

47 Notwithstanding any other provision of law,  
48 advances and reimbursement made pursuant  
49 to subdivision (d) of section 41.15 and  
50 section 41.18 of the mental hygiene law  
51 shall be allocated pursuant to a plan and  
52 in a manner prescribed by the agency head  
53 and approved by the director of the budg-  
54 et. The moneys hereby appropriated are  
55 available to reimburse or advance locali-  
56 ties and voluntary non-profit agencies for

1 expenditures made during local fiscal  
2 periods commencing January 1, 2022, April  
3 1, 2022 or July 1, 2022, and for advances  
4 for the 3 month period beginning January  
5 1, 2023.

6 Notwithstanding the provisions of article 41  
7 of the mental hygiene law or any other  
8 inconsistent provision of law, rule or  
9 regulation, the commissioner, pursuant to  
10 such contract and in the manner provided  
11 therein, may pay all or a portion of the  
12 expenses incurred by such voluntary agen-  
13 cies arising out of loans which are funded  
14 from the proceeds of bonds and notes  
15 issued by the dormitory authority of the  
16 state of New York.

17 Notwithstanding any other provision of law,  
18 the money hereby appropriated may be  
19 transferred to state operations and/or any  
20 appropriation of the office for people  
21 with developmental disabilities with the  
22 approval of the director of the budget.

23 Notwithstanding any inconsistent provision  
24 of law, moneys from this appropriation may  
25 be used for state aid of up to 100 percent  
26 of the net deficit costs of day training  
27 programs and family support services.

28 Notwithstanding the provisions of section  
29 16.23 of the mental hygiene law and any  
30 other inconsistent provision of law, with  
31 relation to the operation of certified  
32 family care homes, including family care  
33 homes sponsored by voluntary not-for-pro-  
34 fit agencies, moneys from this appropri-  
35 ation may be used for payments to purchase  
36 general services including but not limited  
37 to respite providers, up to a maximum of 5  
38 days, at rates to be established by the  
39 commissioner and approved by the director  
40 of the budget in consideration of factors  
41 including, but not limited to, geographic  
42 area and number of clients cared for in  
43 the home and for payment in an amount  
44 determined by the commissioner for the  
45 personal needs of each client residing in  
46 the family care home.

47 Notwithstanding the provisions of subdivi-  
48 sion 12 of section 8 of the state finance  
49 law and any other inconsistent provision  
50 of law, moneys from this appropriation may  
51 be used for expenses of family care homes  
52 including payments to operators of certi-  
53 fied family care homes for damages caused  
54 by clients to personal and real property  
55 in accordance with standards established

1 by the commissioner and approved by the  
2 director of the budget.

3 Notwithstanding any inconsistent provision  
4 of law, moneys from this appropriation may  
5 be used for appropriate day program  
6 services and residential services includ-  
7 ing, but not limited to, direct housing  
8 subsidies to individuals, start-up  
9 expenses for family care providers, envi-  
10 ronmental modifications, adaptive technol-  
11 ogies, appraisals, property options,  
12 feasibility studies and preoperational  
13 expenses.

14 Notwithstanding any inconsistent provision  
15 of law except pursuant to a chapter of the  
16 laws of 2021 authorizing a 5.4 percent  
17 cost of living adjustment, for the period  
18 commencing on April 1, 2022 and ending  
19 March 31, 2023 the commissioner shall not  
20 apply any other cost of living adjustment  
21 for the purpose of establishing rates of  
22 payments, contracts or any other form of  
23 reimbursement.

24 Notwithstanding section 6908 of the educa-  
25 tion law and any other provision of law,  
26 rule or regulation to the contrary, direct  
27 support staff in programs certified or  
28 approved by the office for people with  
29 developmental disabilities, including the  
30 home and community based services waiver  
31 programs that the office for people with  
32 developmental disabilities is authorized  
33 to administer with federal approval pursu-  
34 ant to subdivision (c) of section 1915 of  
35 the federal social security act, are  
36 authorized to provide such tasks as the  
37 office for people with developmental disa-  
38 bilities may specify when performed under  
39 the supervision, training and periodic  
40 inspection of a registered professional  
41 nurse and in accordance with an authorized  
42 practitioner's ordered care.

43 Notwithstanding any other provision of law  
44 to the contrary, and consistent with  
45 section 33.07 of the mental hygiene law,  
46 the directors of facilities licensed but  
47 not operated by the office for people with  
48 developmental disabilities who act as  
49 federally-appointed representative payees  
50 and who assume management responsibility  
51 over the funds of a resident may continue  
52 to use such funds for the cost of the  
53 resident's care and treatment, consistent  
54 with federal law and regulations.

1 For services and expenses related to provid-  
2 ing health care and mental hygiene worker  
3 bonuses.  
4 Funds appropriated herein shall be available  
5 in accordance with the following:  
6 Notwithstanding any other provision of law  
7 to the contrary, funds appropriated herein  
8 are available to reimburse in- and out-of-  
9 state private residential schools, pursu-  
10 ant to subdivision (c) of section 13.37-a  
11 and subdivision (g) of section 13.38 of  
12 the mental hygiene law, for costs of  
13 supporting the residential and day program  
14 services available to individuals who are  
15 over the age of 21 years of age, provided  
16 that the amount paid for residential  
17 services and/or maintenance costs is net  
18 of any supplemental security income bene-  
19 fit to which the individual receiving  
20 services is eligible, and provided further  
21 that funding for nonresidential services  
22 will be in an amount not to exceed the  
23 maximum reimbursement for appropriate day  
24 services delivered by the office for  
25 people with developmental disabilities  
26 certified or approved providers other than  
27 in- and out-of-state private residential  
28 schools, unless otherwise authorized by  
29 the director of the budget.  
30 Notwithstanding section 163 of the state  
31 finance law, section 142 of the economic  
32 development law, and article 41 of the  
33 mental hygiene law, the commissioner of  
34 the office for people with developmental  
35 disabilities may make the funds appropri-  
36 ated herein available as state aid, a loan  
37 or a grant, pursuant to terms and condi-  
38 tions established by the commissioner of  
39 the office for people with developmental  
40 disabilities, to cover a portion of the  
41 development costs of private, public  
42 and/or non-profit organizations, including  
43 corporations and partnerships established  
44 pursuant to the private housing finance  
45 law and/or any other statutory provisions,  
46 for supportive housing units that have  
47 been set aside for individuals with intel-  
48 lectual and developmental disabilities.  
49 Further, the office for people with devel-  
50 opmental disabilities shall have a lien on  
51 the real property developed with such  
52 state aid, loans or grants, which shall be  
53 in the amount of the loan or grant, for a  
54 maximum term of 30 years, or other longer  
55 term consistent with the requirements of  
56 another regulatory agency.

1	For services and expenses related to the	
2	provision of residential services to	
3	people with developmental disabilities	
4	(37802) .....	11,880,000
5	For services and expenses related to the	
6	provision of day program services to	
7	people with developmental disabilities	
8	(37803) .....	2,674,000
9	For services and expenses related to the	
10	provision of family support services to	
11	people with developmental disabilities	
12	(37804) .....	3,732,000
13	For services and expenses related to the	
14	provision of workshop, day training and	
15	employment services to people with devel-	
16	opmental disabilities. Notwithstanding any	
17	other provision of law, up to \$800,000 of	
18	this appropriation may be transferred to	
19	the New York State Education Departments'	
20	Adult Career and Continuing Education	
21	Services - Vocational Rehabilitation	
22	(ACCES-VR) program to support the Long-	
23	Term Sheltered Employment program operated	
24	by FEDCAP Rehabilitation Services, Inc.	
25	(37805) .....	2,154,000
26	For other services and expenses provided to	
27	people with developmental disabilities	
28	including but not limited to hepatitis B,	
29	care at home waiver, epilepsy services,	
30	Special Olympics New York, Inc. and volun-	
31	tary fingerprinting (37806) .....	508,000
32		-----

33 § 11. No expenditure may be made from any appropriation in this act,  
34 until a certificate of approval has been issued by the director of the  
35 budget and a copy of such certificate shall have been filed with the  
36 state comptroller, the chairman of the senate finance committee and the  
37 chairman of the assembly ways and means committee provided, however,  
38 that any expenditures from any appropriation in this act made by the  
39 legislature or judiciary shall not require such certificate.

40 § 12. All expenditures and disbursements made against the appropri-  
41 ations in this act shall, upon final action by the legislature on appro-  
42 priation bills submitted by the governor pursuant to article VII of the  
43 state constitution for the support of government for the state fiscal  
44 year beginning April 1, 2023, be transferred by the comptroller as  
45 expenditures and disbursements to such appropriations for all state  
46 departments and agencies, as applicable, in amounts equal to the amounts  
47 charged against the appropriations in this act for each such department,  
48 agency, and the legislature and the judiciary.

49 § 13. Severability clause. If any clause, sentence, paragraph, subdi-  
50 vision, section or part of this act shall be adjudged by any court of  
51 competent jurisdiction to be invalid, such judgment shall not affect,  
52 impair, or invalidate the remainder thereof, but shall be confined in  
53 its operation to the clause, sentence, paragraph, subdivision, section

1 or part thereof directly involved in the controversy in which such judg-  
2 ment shall have been rendered. It is hereby declared to be the intent of  
3 the legislature that this act would have been enacted even if such  
4 invalid provisions had not been included herein.

5 § 14. This act shall take effect immediately and shall be deemed to  
6 have been in full force and effect on and after April 1, 2023; provided,  
7 however, that upon the transfer of expenditures and disbursements by the  
8 comptroller as provided in section twelve of this act, the appropri-  
9 ations made by this act and subject to such section shall be deemed  
10 repealed.