

S. 7924

A. 11173

S E N A T E - A S S E M B L Y

May 24, 2010

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IN SENATE -- 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

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (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; to amend chapter 20 of the laws of 2010, relating to making appropriations for the support of government; to amend chapter 46 of the laws of 2010, relating to making appropriations for the support of government; to amend chapter 47 of the laws of 2010, relating to making appropriations for the support of government; and to amend chapter 75 of the laws of 2010, relating to 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  
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, 2010 are enacted.

8     S 2. Section 2 of chapter 20 of the laws of 2010, relating to making  
9     appropriations for the support of government, as amended by chapter 80  
10    of the laws of 2010, is amended to read as follows:

11    S 2. The sum of one billion [six] EIGHT hundred [fifty-three] EIGHTEEN  
12    million [six] THREE hundred [thirty-six] SIX thousand dollars  
13    [(\$1,653,636,000)] (\$1,818,306,000), or so much thereof as shall be  
14    sufficient to accomplish the purpose designated, is hereby appropriated  
15    and authorized to be paid as hereinafter provided, to the public officers  
16    and for the purposes specified, which amount shall be available for  
17    the state fiscal year beginning April 1, 2010.

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

LBD12243-02-0

## ALL STATE DEPARTMENTS AND AGENCIES

For the purpose of making payments for personal service, including liabilities incurred prior to April 1, 2010, on the payrolls scheduled to be paid during the period April 1 through [May 26] JUNE 3, 2010 to state officers and employees of the executive branch, including the governor, lieutenant governor, comptroller and attorney general; to officers and employees of the judiciary; and to officers and employees of the legislature, including payments to the members of the senate and assembly under sections 5 and 5-a of the legislative law; and payments for services performed by mentally ill or developmentally disabled persons who are employed in state-operated special employment, work-for-pay or sheltered workshop programs ..... [1,653,636,000] 1,818,306,000  
=====

S 3. Section 3 of chapter 20 of the laws of 2010, relating to making appropriations for the support of government, as amended by chapter 80 of the laws of 2010, is amended to read as follows:

S 3. The sum of one hundred [fifty] SIXTY-SIX million [six hundred seventy-nine] SEVEN HUNDRED NINETY thousand dollars [(\$150,679,000)] (\$166,790,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated out of any moneys in the general fund to the credit of the state purposes account not otherwise appropriated for the purpose of paying to the social security contribution fund, the state's share, as employer, of the payroll tax for payrolls scheduled to be paid during the period April 1 through [May 26] JUNE 3, 2010, including liabilities incurred prior to April 1, 2010 .... [150,679,000] 166,790,000  
=====

S 4. Section 4 of chapter 20 of the laws of 2010, relating to making appropriations for the support of government, as amended by chapter 80 of the laws of 2010, is amended to read as follows:

S 4. The sum of one hundred [three] FOUR thousand dollars [(\$103,000)] (\$104,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated out of any moneys in the general fund to the credit of the state purposes account not otherwise appropriated for payments to the teachers insurance and annuity association and college retirement equities fund associated with individuals working in the education department, the higher education services corporation, and the state university of New York construction fund. Notwithstanding any other provisions of law to the contrary, the comptroller is hereby authorized and directed to utilize this appropriation for the purpose of making scheduled teachers insurance and annuity association and college retirement equities fund payments ..... [103,000] 104,000  
=====

1 S 5. Section 6 of chapter 46 of the laws of 2010, relating to making  
2 appropriations for the support of government, as amended by chapter 80  
3 of the laws of 2010, is amended to read as follows:

4 S 6. The [amount] SEVERAL AMOUNTS specified in this section, or so  
5 much thereof as shall be sufficient to accomplish the [purpose] PURPOSES  
6 designated, [is] ARE hereby appropriated and authorized to be paid as  
7 hereinafter provided, to the respective public officers and for the  
8 [purpose] SEVERAL PURPOSES specified, which [amount] AMOUNTS shall be  
9 available for the state fiscal year beginning April 1, 2010.

#### 10 THE JUDICIARY

11 For the payment of state operations nonpersonal service liabilities,  
12 the sum of [forty-three] FORTY-FIVE million dollars [(\$43,000,000)]  
13 (\$45,000,000), or so much thereof as shall be sufficient to accomplish  
14 the purpose designated, is hereby appropriated to the judiciary out of  
15 any moneys in the general fund to the credit of the state purposes  
16 account not otherwise appropriated. The comptroller is hereby authorized  
17 and directed to utilize this appropriation for the purpose of making  
18 payments for nonpersonal service liabilities incurred by the judiciary  
19 from April 1 through May [23] 31, 2010 ..... [43,000,000] 45,000,000  
20 =====

21 THE SUM OF FOUR MILLION DOLLARS (\$4,000,000), OR SO MUCH THEREOF AS  
22 SHALL BE SUFFICIENT TO ACCOMPLISH THE PURPOSE DESIGNATED, IS HEREBY  
23 APPROPRIATED TO THE JUDICIARY OUT OF ANY MONEYS IN THE SPECIAL REVENUE  
24 FUNDS - OTHER / AID TO LOCALITIES, COURT FACILITY INCENTIVE AID FUND -  
25 340 FOR SERVICES AND EXPENSES RELATED TO COURT CLEANING AND MINOR  
26 REPAIRS, INTEREST AID, APPELLATE AID AND JUDICIAL INSTITUTE FINANCING  
27 PAYMENTS ..... 4,000,000  
28 =====

29 S 6. Section 5 of chapter 20 of the laws of 2010, relating to making  
30 appropriations for the support of government, as amended by chapter 80  
31 of the laws of 2010, is amended to read as follows:

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

#### 37 ALL STATE DEPARTMENTS AND AGENCIES

38 For the payment of state operations nonper-  
39 sonal service liabilities, including the  
40 legislature, including contracts approved  
41 prior to, on, and after April 1, 2010 for  
42 liabilities incurred in the ordinary  
43 course of business, during the period  
44 April 1 through May [23] 31, 2010, pursu-  
45 ant to existing state law and for purposes  
46 for which the legislature authorized the  
47 expenditure of moneys during the 2009-2010  
48 state fiscal year; provided, however, that  
49 nothing contained herein shall be deemed  
50 to limit or restrict the power or authori-

1 ty of state departments or agencies to  
 2 conduct their activities or operations in  
 3 accordance with existing law, and further  
 4 provided that nothing contained herein  
 5 shall be deemed to supersede, nullify or  
 6 modify the provisions of section 40 of the  
 7 state finance law prescribing when appro-  
 8 priations made for the 2009-2010 state  
 9 fiscal year shall have ceased to have  
 10 force and effect ..... [125,000,000] 145,000,000  
 11 =====

12 S 7. Section 6 of chapter 20 of the laws of 2010, relating to making  
 13 appropriations for the support of government, as amended by chapter 80  
 14 of the laws of 2010, is amended to read as follows:

15 S 6. The several amounts specified in this section, or so much thereof  
 16 as shall be sufficient to accomplish the purposes designated, are hereby  
 17 appropriated and authorized to be paid as hereinafter provided, to the  
 18 respective public officers and for the several purposes specified, which  
 19 amounts shall be available for the state fiscal year beginning April 1,  
 20 2010.

21 AMERICAN RECOVERY AND REINVESTMENT ACT (CCP) ..... 100,000,000  
 22 -----

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

25 The sum of sixty million dollars (\$60,000,000), or so much thereof as  
 26 shall be sufficient to accomplish the purpose designated, is hereby  
 27 appropriated for contracts approved prior to April 1, 2010 for the  
 28 payment by the state of the federal share of transportation related  
 29 capital projects liabilities funded by the American Recovery and Rein-  
 30 vestment Act of 2009 incurred in the ordinary course of business from  
 31 April 1 through May [23] 31, 2010, pursuant to existing state law and  
 32 for purposes for which the legislature authorized the expenditures of  
 33 money during the 2009-2010 fiscal year; provided, however, that nothing  
 34 contained herein shall be deemed to limit or restrict the power or  
 35 authority of state departments or agencies to conduct their activities  
 36 or operations in accordance with existing law, and further provided that  
 37 nothing contained herein shall be deemed to supersede, nullify, or modi-  
 38 fy the provisions of section 40 of the state finance law prescribing  
 39 when appropriations made for the 2009-2010 fiscal year shall have ceased  
 40 to have force and effect. Funds appropriated herein shall be subject to  
 41 all applicable reporting and accountability requirements contained in  
 42 such act ..... 60,000,000  
 43 =====

44 The sum of forty million dollars (\$40,000,000), or so much thereof as  
 45 shall be sufficient to accomplish the purpose designated, is hereby  
 46 appropriated for contracts approved for purposes for which the legisla-  
 47 ture authorized the expenditures of money during the 2009-2010 fiscal  
 48 year. An amount up to forty million dollars (\$40,000,000) shall be  
 49 available for the payment by the state of the federal share of [related]  
 50 transportation RELATED capital projects liabilities, funded by the Amer-  
 51 ican Recovery and Reinvestment Act of 2009 incurred in the ordinary

1 course of business during the period from April 1 through May [23] 31,  
2 2010 for contracts approved during the period April 1 through May [23]  
3 31, 2010, provided, however, that nothing contained herein shall be  
4 deemed to limit or restrict the power or authority of state departments  
5 or agencies to conduct their activities or operations in accordance with  
6 existing law, and further provided that nothing contained herein shall  
7 be deemed to supersede, nullify, or modify the provisions of section 40  
8 of the state finance law prescribing when appropriations made for the  
9 2009-2010 fiscal year shall have ceased to have force and effect. Funds  
10 appropriated herein shall be subject to all applicable reporting and  
11 accountability requirements contained in such act ..... 40,000,000  
12 =====

13 S 8. Section 7 of chapter 20 of the laws of 2010, relating to making  
14 appropriations for the support of government, as amended by chapter 80  
15 of the laws of 2010, is amended to read as follows:

16 S 7. The [amount] SEVERAL AMOUNTS specified in this section, or so  
17 much thereof as shall be sufficient to accomplish the [purpose] PURPOSES  
18 designated, [is] ARE hereby appropriated and authorized to be paid as  
19 hereinafter provided, to the RESPECTIVE public officers and for the  
20 SEVERAL purposes specified, which [amount] AMOUNTS shall be available  
21 for the state fiscal year beginning April 1, 2010.

22 ALL STATE DEPARTMENTS AND AGENCIES

23 The sum of [twenty] TWENTY-FIVE million dollars [(\$20,000,000)]  
24 (\$25,000,000), or so much thereof as shall be sufficient to accomplish  
25 the purpose designated, is hereby appropriated for contracts approved in  
26 accordance with section 112 of the state finance law for purposes for  
27 which the legislature authorized the expenditures of money during the  
28 2009-2010 fiscal year. An amount up to [twenty] TWENTY-FIVE million  
29 dollars [(\$20,000,000)] (\$25,000,000) shall be available for the payment  
30 of capital projects liabilities, including any contractual services  
31 liabilities of the engineering services fund, incurred to address emer-  
32 gency health and safety needs as certified by the director of budget  
33 during the period from April 1 through May [23] 31, 2010 for contracts  
34 approved prior to, on, or after April 1, 2010, provided, however, that  
35 nothing contained herein shall be deemed to limit or restrict the power  
36 or authority of state departments or agencies to conduct their activ-  
37 ities or operations in accordance with existing law, and further  
38 provided that nothing contained herein shall be deemed to supersede,  
39 nullify, or modify the provisions of section 40 of the state finance law  
40 prescribing when appropriations made for the 2009-2010 fiscal year shall  
41 have ceased to have force and effect ..... [20,000,000] 25,000,000  
42 =====

43 THE SUM OF FIFTEEN MILLION DOLLARS (\$15,000,000), OR SO MUCH THEREOF  
44 AS SHALL BE SUFFICIENT TO ACCOMPLISH THE PURPOSE DESIGNATED, IS HEREBY  
45 APPROPRIATED FOR CONTRACTS APPROVED IN ACCORDANCE WITH SECTION 112 OF  
46 THE STATE FINANCE LAW FOR PURPOSES FOR WHICH THE LEGISLATURE AUTHORIZED  
47 THE EXPENDITURES OF MONEY DURING THE 2009-2010 FISCAL YEAR. AN AMOUNT UP  
48 TO FIFTEEN MILLION DOLLARS (\$15,000,000) SHALL BE AVAILABLE FOR THE  
49 PAYMENT OF CAPITAL PROJECTS LIABILITIES INCURRED DURING THE PERIOD FROM  
50 APRIL 1 THROUGH APRIL 11, 2010 FOR CONTRACTS APPROVED PRIOR TO APRIL 1,  
51 2010, PROVIDED, HOWEVER, THAT NOTHING CONTAINED HEREIN SHALL BE DEEMED  
52 TO LIMIT OR RESTRICT THE POWER OR AUTHORITY OF STATE DEPARTMENTS OR

1 AGENCIES TO CONDUCT THEIR ACTIVITIES OR OPERATIONS IN ACCORDANCE WITH  
2 EXISTING LAW, AND FURTHER PROVIDED THAT NOTHING CONTAINED HEREIN SHALL  
3 BE DEEMED TO SUPERSEDE, NULLIFY, OR MODIFY THE PROVISIONS OF SECTION 40  
4 OF THE STATE FINANCE LAW PRESCRIBING WHEN APPROPRIATIONS MADE FOR THE  
5 2009-2010 FISCAL YEAR SHALL HAVE CEASED TO HAVE FORCE AND EFFECT .....  
6 ..... 15,000,000  
7 =====

8 S 9. Section 9 of chapter 47 of the laws of 2010, relating to making  
9 appropriations for the support of government, as amended by chapter 80  
10 of the laws of 2010, is amended to read as follows:

11 S 9. The several amounts specified in this section, or so much thereof  
12 as shall be sufficient to accomplish the purposes designated, are hereby  
13 appropriated and authorized to be paid as hereinafter provided, to the  
14 respective public officers and for the several purposes specified, which  
15 amounts shall be available for the state fiscal year beginning April 1,  
16 2010.

17 DEPARTMENT OF TRANSPORTATION

18 FEDERAL AID HIGHWAYS FEDERAL PURPOSE ..... [60,000,000] 100,000,000  
19 -----

20 Federal Capital Projects Fund - 291  
21 Federal Aid Highways Purpose

22 The sum of [forty] EIGHTY million dollars [(\$40,000,000)]  
23 (\$80,000,000), or so much thereof as shall be sufficient to accomplish  
24 the purpose designated, is hereby appropriated for contracts approved  
25 prior to April 1, 2010 for the payment by the state of the federal share  
26 of transportation related capital projects liabilities as provided for  
27 in the Safe, Accountable, Flexible, Efficient Transportation Equity Act:  
28 A Legacy for Users and any successive legislation incurred in the ordi-  
29 nary course of business from April 1 through May [23] 31, 2010, for  
30 projects that do not contain any state funding shares, and from April 1  
31 through April [18] 25, for projects containing state funding shares that  
32 are eligible to be funded by bond proceeds, and only to the extent that  
33 bond proceeds are available, pursuant to existing state law and for  
34 purposes for which the legislature authorized the expenditures of money  
35 during the 2009-2010 fiscal year; provided, however, that nothing  
36 contained herein shall be deemed to limit or restrict the power or  
37 authority of state departments or agencies to conduct their activities  
38 or operations in accordance with existing law, and further provided that  
39 nothing contained herein shall be deemed to supersede, nullify, or modi-  
40 fy the provisions of section 40 of the state finance law prescribing  
41 when appropriations made for the 2009-2010 fiscal year shall have ceased  
42 to have force and effect. Funds appropriated herein shall not be avail-  
43 able for the payment of liabilities funded by the American Recovery and  
44 Reinvestment Act of 2009 ..... [40,000,000] 80,000,000  
45 =====

46 The sum of twenty million dollars (\$20,000,000), or so much thereof as  
47 shall be sufficient to accomplish the purpose designated, is hereby  
48 appropriated for contracts approved during the period from April 1  
49 through May [23] 31, 2010 for the payment by the state of the federal  
50 share of transportation related capital projects liabilities as provided

1 for in the Safe, Accountable, Flexible, Efficient Transportation Equity  
 2 Act: A Legacy for Users and any successive legislation incurred in the  
 3 ordinary course of business from April 1 through May [23] 31, 2010, for  
 4 projects that do not contain any state funding shares OR FOR PROJECTS  
 5 CONTAINING BOTH STATE FUNDING SHARES THAT ARE ELIGIBLE TO BE FUNDED BY  
 6 BOND PROCEEDS TO THE EXTENT THAT SUCH BOND PROCEEDS ARE AVAILABLE AND  
 7 FEDERAL SHARES FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF  
 8 2009, pursuant to existing state law and for purposes for which the  
 9 legislature authorized the expenditures of money during the 2009-2010  
 10 fiscal year; provided, however, that nothing contained herein shall be  
 11 deemed to limit or restrict the power or authority of state departments  
 12 or agencies to conduct their activities or operations in accordance with  
 13 existing law, and further provided that nothing contained herein shall  
 14 be deemed to supersede, nullify, or modify the provisions of section 40  
 15 of the state finance law prescribing when appropriations made for the  
 16 2009-2010 fiscal year shall have ceased to have force and effect. Funds  
 17 appropriated herein shall not be available for the payment of liabil-  
 18 ities funded by the American Recovery and Reinvestment Act of 2009 .....  
 19 ..... 20,000,000  
 20 =====

21 NEW YORK STATE AGENCY FUND (CCP) ..... [5,000,000] 10,000,000  
 22 -----

23 Fiduciary Funds/Capital Projects  
 24 Highway Costs Improvement Accounts  
 25 Non-Federal Aided Highway Purpose

26 The sum of [five] TEN million dollars [(\$5,000,000)] (\$10,000,000), or  
 27 so much thereof as shall be sufficient to accomplish the purpose desig-  
 28 nated, is hereby appropriated for contracts approved prior to, ON OR  
 29 AFTER April 1, 2010 for the payment of transportation related capital  
 30 projects liabilities incurred by the department of transportation on  
 31 behalf of entities other than state departments or agencies pursuant to  
 32 the highway law or transportation law incurred in the ordinary course of  
 33 business from April 1 through May [23] 31, 2010 .....  
 34 ..... [5,000,000] 10,000,000  
 35 =====

36 S 9-a. Section 9-a of chapter 75 of the laws of 2010, relating to  
 37 making appropriations for the support of government, as amended by chap-  
 38 ter 80 of the laws of 2010, is amended to read as follows:  
 39 S 9-a. The amount specified in this section, or so much thereof as  
 40 shall be sufficient to accomplish the purpose designated, is hereby  
 41 appropriated and authorized to be paid as hereinafter provided, to the  
 42 public officers and for the purpose specified, which amount shall be  
 43 available for the state fiscal year beginning April 1, 2010.

#### 44 DEPARTMENT OF TRANSPORTATION

45 The sum of [ten] FIFTEEN million dollars [(\$10,000,000)]  
 46 (\$15,000,000), or so much thereof as shall be sufficient to accomplish  
 47 the purpose designated, is hereby appropriated for contracts approved  
 48 prior to April 1, 2010 for the payment by the state of the state share  
 49 of transportation related capital projects liabilities including  
 50 construction inspection, funded by the dedicated highway and bridge

1 trust fund - non-federal aided highway purpose and preparation of plans  
2 purpose and/or the [New York] rebuild and renew New York transportation  
3 bond act of 2005 - highway facilities purpose incurred in the ordinary  
4 course of business from April 1 through April [18] 25, 2010 only for the  
5 shares of projects that are eligible to be funded by bond proceeds, and  
6 only to the extent that bond proceeds are available, pursuant to exist-  
7 ing state law and for purposes for which the legislature authorized the  
8 expenditures of money during the 2009-2010 fiscal year; provided, howev-  
9 er, that nothing contained herein shall be deemed to limit or restrict  
10 the power or authority of state departments or agencies to conduct their  
11 activities or operations in accordance with existing law, and further  
12 provided that nothing contained herein shall be deemed to supersede,  
13 nullify, or modify the provisions of section 40 of the state finance law  
14 prescribing when appropriations made for the 2009-2010 fiscal year shall  
15 have ceased to have force and effect ..... [10,000,000] 15,000,000  
16 =====

17 S 9-b. The amount specified in this section, or so much thereof as  
18 shall be sufficient to accomplish the purpose designated, is hereby  
19 appropriated and authorized to be paid as hereinafter provided, to the  
20 public officers and for the purpose specified, which amount shall be  
21 available for the state fiscal year beginning April 1, 2010.

22 DEPARTMENT OF TRANSPORTATION

23 The sum of one million dollars (\$1,000,000), or so much thereof as  
24 shall be sufficient to accomplish the purpose designated, is hereby  
25 appropriated for contracts approved during the period from April 1, 2010  
26 through May 31, 2010, for the payment by the state of the state share of  
27 transportation related capital projects liabilities incurred in the  
28 ordinary course of business from April 1, 2010 through May 31, 2010,  
29 including construction inspection, funded by the dedicated highway and  
30 bridge trust fund - non-federal aided highway purpose and preparation of  
31 plans purpose and/or the rebuild and renew New York transportation bond  
32 act of 2005 - highway facilities purpose, only for the shares of  
33 projects that are eligible to be funded by bond proceeds, only to the  
34 extent that bond proceeds are available, and only for capital projects  
35 that contain funding shares from the American Recovery and Reinvestment  
36 Act of 2009, pursuant to existing state law and for purposes for which  
37 the legislature authorized the expenditures of money during the  
38 2009-2010 fiscal year; provided, however, that nothing contained herein  
39 shall be deemed to limit or restrict the power or authority of state  
40 departments or agencies to conduct their activities or operations in  
41 accordance with existing law, and further provided that nothing  
42 contained herein shall be deemed to supersede, nullify, or modify the  
43 provisions of section 40 of the state finance law prescribing when  
44 appropriations made for the 2009-2010 fiscal year shall have ceased to  
45 have force and effect ..... 1,000,000  
46 =====

47 S 10. The several amounts specified in this section, or so much there-  
48 of as shall be sufficient to accomplish the purposes designated, are  
49 hereby appropriated and authorized to be paid as hereinafter provided,  
50 to the respective public officers and for the several purposes speci-  
51 fied, which amounts shall be available for the state fiscal year begin-  
52 ning April 1, 2010.



1 DEPARTMENT OF HEALTH

2 ELDERLY PHARMACEUTICAL INSURANCE COVERAGE PROGRAM ..... 17,000,000  
3 -----

4 Special Revenue Funds - Other / Aid to Localities  
5 Miscellaneous Special Revenue Fund - 339  
6 EPIC Premium Account

7 For services and expenses of the program for  
8 elderly pharmaceutical insurance coverage,  
9 including reimbursement to pharmacies  
10 participating in such program.  
11 The moneys hereby appropriated shall be  
12 available for payment of financial assist-  
13 ance heretofore accrued or hereafter to  
14 accrue ..... 17,000,000  
15 -----

16 MEDICAL ASSISTANCE PROGRAM ..... 1,450,000,000  
17 -----

18 General Fund / Aid to Localities  
19 Local Assistance Account - 001

20 For the medical assistance program, exclu-  
21 sive of expenses incurred by local  
22 districts for administration of the  
23 medical assistance program and for medical  
24 care rates for authorized child care agen-  
25 cies.  
26 The money hereby appropriated is to be  
27 available for payment of aid heretofore  
28 accrued to municipalities, and to provid-  
29 ers of medical services pursuant to  
30 section 367-b of the social services law,  
31 and for payment of state aid to munici-  
32 palities and to providers of family care  
33 where payment systems through the fiscal  
34 intermediaries are not operational, and  
35 shall be available to the department net  
36 of disallowances, refunds, reimbursements,  
37 and credits.  
38 Notwithstanding any inconsistent provision  
39 of law, moneys hereby appropriated may be  
40 used for transfer to the federal revenue  
41 maximization contract fund, pursuant to  
42 the provisions of the state finance law.  
43 Notwithstanding any inconsistent provision  
44 of law, the moneys hereby appropriated may  
45 be increased or decreased by interchange  
46 with any appropriation of the department  
47 of health medical assistance adminis-  
48 tration program and/or medical assistance  
49 program, and may be increased or decreased  
50 by transfer or suballocation between these

1 appropriated amounts and appropriations of  
2 the department of social services or its  
3 successor agencies with the approval of  
4 the director of the budget, who shall file  
5 such approval with the department of audit  
6 and control and copies thereof with the  
7 chairman of the senate finance committee  
8 and the chairman of the assembly ways and  
9 means committee.

10 Notwithstanding any inconsistent provision  
11 of law, the money hereby appropriated  
12 shall not be used for any existing rates,  
13 fees, fee schedules, or procedures which  
14 may affect the cost of care and services  
15 provided by personal care providers, case  
16 managers, health maintenance organiza-  
17 tions, out of state medical facilities  
18 which provide care and services to resi-  
19 dents of the state, providers of transpor-  
20 tation services, that are altered,  
21 amended, adjusted or otherwise changed by  
22 a local social services district unless  
23 previously approved by the department of  
24 health and the director of the budget.

25 For services and expenses of the medical  
26 assistance program including hospital  
27 inpatient services ..... 82,000,000

28 For services and expenses of the medical  
29 assistance program including hospital  
30 outpatient and emergency room services ..... 15,000,000

31 For services and expenses of the medical  
32 assistance program including clinic  
33 services ..... 14,000,000

34 For services and expenses of the medical  
35 assistance program including nursing home  
36 services ..... 148,000,000

37 For services and expenses of the medical  
38 assistance program including other long  
39 term care services ..... 111,000,000

40 For services and expenses of the medical  
41 assistance program including managed care  
42 services ..... 124,000,000

43 For services and expenses of the medical  
44 assistance program including pharmacy  
45 services ..... 65,000,000

46 For services and expenses of the medical  
47 assistance program including transporta-  
48 tion services ..... 6,000,000

49 For services and expenses of the medical  
50 assistance program including dental  
51 services ..... 3,000,000

52 For services and expenses of the medical  
53 assistance program including non-institu-  
54 tional and other spending ..... 32,000,000  
55 -----

1       Program account subtotal ..... 600,000,000  
2       -----

3       Special Revenue Funds - Federal / Aid to Localities  
4       Federal Health, Education and Human Services Fund - 265  
5       Medicaid Direct Account

6       For services and expenses for the medical  
7       assistance program, excluding administra-  
8       tive expenses, pursuant to title XIX of  
9       the federal social security act or its  
10      successor program.  
11      The moneys hereby appropriated are to be  
12      available for payment of aid heretofore  
13      accrued to municipalities, and to provid-  
14      ers of medical services pursuant to  
15      section 367-b of the social services law,  
16      and for payment of state aid to munici-  
17      palities and to providers of family care  
18      where payment systems through the fiscal  
19      intermediaries are not operational, and  
20      shall be available to the department net  
21      of disallowances, refunds, reimbursements,  
22      and credits.

23      For services and expenses of the medical  
24      assistance program including hospital  
25      inpatient services ..... 90,000,000  
26      For services and expenses of the medical  
27      assistance program including hospital  
28      outpatient and emergency room services ..... 15,000,000  
29      For services and expenses of the medical  
30      assistance program including clinic  
31      services ..... 15,000,000  
32      For services and expenses of the medical  
33      assistance program including nursing home  
34      services ..... 163,000,000  
35      For services and expenses of the medical  
36      assistance program including other long  
37      term care services ..... 123,000,000  
38      For services and expenses of the medical  
39      assistance program including managed care  
40      services ..... 137,000,000  
41      For services and expenses of the medical  
42      assistance program including pharmacy  
43      services ..... 72,000,000  
44      For services and expenses of the medical  
45      assistance program including transporta-  
46      tion services ..... 6,000,000  
47      For services and expenses of the medical  
48      assistance program including dental  
49      services ..... 4,000,000  
50      For services and expenses of the medical  
51      assistance program including non-institu-  
52      tional and other spending ..... 35,000,000  
53      -----

1       Program account subtotal ..... 660,000,000  
2       -----  
3       Special Revenue Funds - Federal / Aid to Localities  
4       Federal Health and Human Services Fund - 265  
5       Medicaid Direct Account  
6       For services and expenses of the medical  
7       assistance program including hospital  
8       inpatient, hospital outpatient and emer-  
9       gency room, clinic, nursing home, other  
10      long term care, managed care, pharmacy,  
11      transportation, dental, non-institutional  
12      and other spending, medical services  
13      provided at state facilities operated by  
14      the office of mental health, the office of  
15      mental retardation and developmental disa-  
16      bilities and the office of alcoholism and  
17      substance abuse services and for any other  
18      medical assistance services resulting from  
19      an increase in the federal medical assist-  
20      ance percentage ..... 190,000,000  
21      -----  
22      Program account subtotal ..... 190,000,000  
23      -----

24      S 11. The amount specified in this section, or so much thereof as  
25      shall be sufficient to accomplish the purposes designated, is hereby  
26      appropriated and authorized to be paid as hereinafter provided, to the  
27      respective public officers and for the several purposes specified, which  
28      amount shall be available for the state fiscal year beginning April 1,  
29      2010.

30                                   DEPARTMENT OF LABOR

31      UNEMPLOYMENT INSURANCE BENEFIT PROGRAM ..... 195,000,000  
32      -----  
33      Enterprise Funds / State Operations  
34      Unemployment Insurance Benefit Fund - 481  
35      For payment of unemployment insurance bene-  
36      fits pursuant to article 18 of the labor  
37      law or as authorized by the Federal  
38      government through the disaster unemploy-  
39      ment assistance program ..... 195,000,000  
40      -----

41      S 12. The amount specified in this section, or so much thereof as  
42      shall be sufficient to accomplish the purpose designated, is hereby  
43      appropriated and authorized to be paid as hereinafter provided, to the  
44      public officers and for the purpose specified, which amount shall be  
45      available for the state fiscal year beginning April 1, 2010.

46                                   DEPARTMENT OF MENTAL HYGIENE

47                                   OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

1 COMMUNITY SERVICES PROGRAM ..... 2,000,000  
2 -----

3 Notwithstanding the provisions of section  
4 16.23 of the mental hygiene law and any  
5 other inconsistent provision of law, with  
6 relation to the operation of certified  
7 family care homes, including family care  
8 homes sponsored by voluntary not-for-pro-  
9 fit agencies, moneys from this appropri-  
10 ation may be used for payments to purchase  
11 general services including but not limited  
12 to respite providers, up to a maximum of  
13 14 days, at rates to be established by the  
14 commissioner and approved by the director  
15 of the budget in consideration of factors  
16 including, but not limited to, geographic  
17 area and number of clients cared for in  
18 the home and for payment at the rate of  
19 \$600 per year on the basis of financial  
20 need for the personal needs of each client  
21 residing in the family care home.

22 Notwithstanding the provisions of subdivi-  
23 sion 12 of section 8 of the state finance  
24 law and any other inconsistent provision  
25 of law, moneys from this appropriation may  
26 be used for expenses of family care homes  
27 including payments to operators of certi-  
28 fied family care homes for damages caused  
29 by clients to personal and real property  
30 in accordance with standards established  
31 by the commissioner and approved by the  
32 director of the budget.

33 For services and expenses related to the  
34 provision of family care services ..... 2,000,000  
35 -----

36 S 13. The amount specified in this section, or so much thereof as  
37 shall be sufficient to accomplish the purpose designated, is hereby  
38 appropriated and authorized to be paid as hereinafter provided, to the  
39 public officers and for the purpose specified, which amount shall be  
40 available for the state fiscal year beginning April 1, 2010.

41 LOCAL GOVERNMENT ASSISTANCE

42 AID AND INCENTIVES FOR MUNICIPALITIES ..... 11,138,869  
43 -----

44 General Fund / Aid to Localities  
45 Local Assistance Account - 001

46 For payment to local governments under the  
47 aid and incentives for municipalities  
48 program pursuant to section 54 of the  
49 state finance law in accordance with the  
50 following:

1 For base level grants to municipalities ..... 11,138,869

2 -----

3 Notwithstanding any provision of law to the  
4 contrary, moneys paid pursuant to this  
5 appropriation shall be due and payable on  
6 or before June 25, 2010 within amounts  
7 appropriated therefor.

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

14 EDUCATION DEPARTMENT

15 ELEMENTARY, MIDDLE, SECONDARY AND CONTINUING EDUCATION  
16 PROGRAM ..... 1,497,000,000  
17 -----

18 General Fund / Aid to Localities  
19 Local Assistance Account - 001

20 The sum of one billion two hundred and fifty-seven million dollars  
21 (\$1,257,000,000), or so much thereof as shall be sufficient to accom-  
22 plish the purpose designated, is hereby appropriated to the state educa-  
23 tion department out of any moneys in the general fund to the credit of  
24 the local assistance account not otherwise appropriated. The comptroller  
25 is hereby authorized and directed to utilize this appropriation for the  
26 purpose of making mandated payments for the state fiscal year beginning  
27 April 1, 2010 for the 2009-2010 school year for general support for  
28 public schools, including support for boards of cooperative educational  
29 services, payments of excess cost aid made pursuant to paragraphs a and  
30 a-1 of subdivision 1 of section 3609-b of the education law, and  
31 payments made to the Roosevelt Union Free School District pursuant to  
32 section 5 of chapter 121 of the laws of 1996, as amended. Notwithstand-  
33 ing any other provision of law to the contrary, in the event the direc-  
34 tor of the budget determines that there are insufficient state funds to  
35 make all payments calculated by the commissioner of education pursuant  
36 to clause (v) of subparagraph (3) of paragraph b of subdivision 1 of  
37 section 3609-a of the education law, subdivision 1 of section 3609-d of  
38 the education law, or paragraph b of section 5 of chapter 121 of the  
39 laws of 1996, as amended by chapter 33 of the laws of 2002, the commis-  
40 sioner shall make payments on a prorated basis amongst all school  
41 districts scheduled to receive an unpaid balance of a payment pursuant  
42 to such provisions based on a plan approved by the director of the budg-  
43 et. Notwithstanding any provision of law to the contrary, all moneys  
44 paid pursuant to clause (v) of subparagraph (3) of paragraph b of subdivi-  
45 sion 1 of section 3609-a of the education law, subdivision 1 of  
46 section 3609-d of the education law, and paragraph b of section 5 of  
47 chapter 121 of the laws of 1996 shall be due and payable on or before  
48 June 30, 2010 within amounts appropriated therefor ..... 1,257,000,000  
49 =====

50 Special Revenue Funds - Other / Aid to Localities

## 1 State Lottery Fund - 160

2 The sum of two hundred forty million dollars (\$240,000,000), or so  
3 much thereof as shall be sufficient to accomplish the purpose desig-  
4 nated, is hereby appropriated to the state education department out of  
5 any moneys in the state lottery fund. The comptroller is hereby author-  
6 ized and directed to utilize this appropriation for the purposes of  
7 making mandated June payments for the 2009-10 school year for general  
8 support for public schools. Notwithstanding any other provision of law  
9 to the contrary, in the event the director of the budget determines that  
10 there are insufficient state funds to make all payments pursuant to this  
11 appropriation, the commissioner shall make such payments on a prorated  
12 basis amongst all school districts scheduled to receive a payment pursu-  
13 ant to this appropriation based upon a plan approved by the director of  
14 the budget. Notwithstanding any provision of law to the contrary, all  
15 moneys paid pursuant to this appropriation shall be due and payable on  
16 or before June 30, 2010 within amounts appropriated therefor .....  
17 ..... 240,000,000  
18 =====

19 S 15. No expenditure may be made from any appropriation in this act,  
20 until a certificate of approval has been issued by the director of the  
21 budget and a copy of such certificate shall have been filed with the  
22 state comptroller, the chairman of the senate finance committee and the  
23 chairman of the assembly ways and means committee provided, however,  
24 that any expenditures from any appropriation in this act made by the  
25 legislature or judiciary shall not require such certificate.

26 S 16. All expenditures and disbursements made against the appropri-  
27 ations in this act shall, upon final action by the legislature on appro-  
28 priation bills submitted by the governor pursuant to article VII of the  
29 state constitution for the support of government for the state fiscal  
30 year beginning April 1, 2010, be transferred by the comptroller as  
31 expenditures and disbursements to such appropriations for all state  
32 departments, agencies, the legislature and the judiciary, as applicable,  
33 in amounts equal to the amounts charged against the appropriations in  
34 this act for each such department, agency, the legislature and the judi-  
35 ciary.

36 S 17. Severability clause. If any clause, sentence, paragraph, subdi-  
37 vision, section or part of this act shall be adjudged by any court of  
38 competent jurisdiction to be invalid, such judgment shall not affect,  
39 impair, or invalidate the remainder thereof, but shall be confined in  
40 its operation to the clause, sentence, paragraph, subdivision, section  
41 or part thereof directly involved in the controversy in which such judg-  
42 ment shall have been rendered. It is hereby declared to be the intent of  
43 the legislature that this act would have been enacted even if such  
44 invalid provisions had not been included herein.

45 S 18. This act shall take effect immediately and shall be deemed to  
46 have been in full force and effect on and after April 1, 2010; provided,  
47 however, that upon the transfer of expenditures and disbursements by the  
48 comptroller as provided in section sixteen of this act, the appropri-  
49 ations made by this act and subject to such section shall be deemed  
50 repealed.