

S. 7932

A. 11182

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

May 24, 2010

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.

LBD12248-01-0

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

25 NEW YORK STATE URBAN DEVELOPMENT CORPORATION
26 STATE OPERATIONS AND AID TO LOCALITIES

27 ECONOMIC DEVELOPMENT PROGRAM

28 General Fund / Aid to Localities
29 Local Assistance Account - 001

30 For services and expenses of a working capital loan to
31 the New York Racing Association, Inc. for expenses at
32 Aqueduct, Belmont and Saratoga racetracks. Such moneys
33 shall be repaid by the New York Racing Association,
34 Inc. by the earlier of March 31, 2011 or 30 days after
35 the execution of a memorandum of understanding with
36 the operator of a video lottery facility at Aqueduct
37 racetrack pursuant to subdivision e of section 1612 of
38 the tax law.

39 Notwithstanding any other law to the contrary, in the
40 event that the New York Racing Association does not
41 repay such moneys by the earlier of March 31, 2011 or
42 30 days after the execution of a memorandum of under-
43 standing with the operator of a video lottery facility
44 at Aqueduct racetrack pursuant to subdivision e of
45 section 1612 of the tax law, the division of the
46 lottery shall repay such moneys, in accordance with a
47 plan approved by the director of the division of the
48 Budget, from portions of the vendor fee that would
49 otherwise be due on or after that date to the New York
50 Racing Association, Inc. pursuant to paragraphs 3 and

1 4 of subdivision f of section 1612 of the tax law on
2 account of video lottery revenues from a video lottery
3 facility at Aqueduct racetrack. The division of
4 lottery shall report upon any such approved repayment
5 plan, including information detailing the progress of
6 repayment of loan liabilities, to the governor, the
7 temporary president of the senate, and the speaker of
8 the assembly quarterly until such loan is fully repaid
9 25,000,000
10 -----

11 NEW YORK STATE URBAN DEVELOPMENT CORPORATION

12 CAPITAL PROJECTS - REAPPROPRIATIONS 2009-10

13 ECONOMIC DEVELOPMENT (CCP)

14 Miscellaneous Capital Projects Fund - 387
15 New York Racing Account

16 The appropriation made by chapter 18, section 104, of the laws of 2008,
17 is hereby amended and reappropriated to read:

18 For additional services and expenses related to payments for capital
19 works or purposes, including, but not limited to, costs for the
20 design, acquisition, construction and equipment of such structures
21 as may be necessary to properly house video lottery terminal gaming
22 at Aqueduct racetrack including, but not limited to, the costs of
23 property acquisition, studies, appraisals, surveys, testing, envi-
24 ronmental impact statements, infrastructure, facility design,
25 construction and equipment, cost of leasing space, professional fees
26 and costs of issuance, as authorized pursuant to a chapter of the
27 laws of 2008. Provided, however, that these funds may be suballo-
28 cated or transferred to any department, agency, or public authority
29 (91AQ0809) ... [250,000,000] 225,000,000
30 (re. \$225,000,000)

31 CONTINGENT AND OTHER APPROPRIATIONS

32 NEW YORK STATE URBAN DEVELOPMENT CORPORATION

33 CAPITAL PROJECTS

34 ECONOMIC DEVELOPMENT (CCP)

35 Miscellaneous Capital Projects Fund - 387
36 New York Racing Account

37 Notwithstanding any inconsistent provision of law, the
38 following appropriation is hereby made to the New York
39 state urban development corporation for services and
40 expenses related to payments for capital works or
41 purposes, including, but not limited to, costs for the
42 design, acquisition, construction and equipment of such
43 structures as may be necessary to properly house video
44 lottery terminal gaming at Aqueduct racetrack including,

but not limited to, the costs of property acquisition, studies, appraisals, surveys, testing, environmental impact statements, infrastructure, facility design, construction and equipment, cost of leasing space, professional fees and costs of issuance, as authorized pursuant to chapter 18 of the laws of 2008, as amended by chapter 140 of the laws of 2008. No moneys of the state in the state treasury or any of its funds shall be expended from this appropriation, and no state-supported debt shall be issued to finance the purposes of this appropriation, until a working capital loan, as authorized pursuant to a chapter of the laws of 2010, is repaid to the state's general fund by the earlier of March 31, 2011 or 30 days after the execution of a memorandum of understanding with the operator of a video lottery facility at Aqueduct racetrack pursuant to subdivision e of section 1612 of the tax law, or, a repayment plan is approved by the director of the division of the Budget providing for such repayment from portions of the vendor fee that would otherwise be due on or after that date to the New York Racing Association, Inc. pursuant to paragraphs 3 and 4 of subdivision f of section 1612 of the tax law on account of video lottery revenues from a video lottery facility at Aqueduct racetrack. The division of lottery shall report upon any such approved repayment plan, including information detailing the progress of repayment of loan liabilities, to the governor, the temporary president of the senate, and the speaker of the assembly quarterly until such loan is fully repaid. These funds may be suballocated or transferred to any department, agency, or public authority 25,000,000

S 16. No expenditure may be made from any appropriation in this act, until a certificate of approval has been issued by the director of the budget and a copy of such certificate shall have been filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee provided, however, that any expenditures from any appropriation in this act made by the legislature or judiciary shall not require such certificate.

S 17. All expenditures and disbursements made against the appropriations in this act shall, upon final action by the legislature on appropriation bills submitted by the governor pursuant to article VII of the state constitution for the support of government for the state fiscal year beginning April 1, 2010, be transferred by the comptroller as expenditures and disbursements to such appropriations for all state departments, agencies, the legislature and the judiciary, as applicable, in amounts equal to the amounts charged against the appropriations in this act for each such department, agency, the legislature and the judiciary.

S 18. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect,

1 impair, or invalidate the remainder thereof, but shall be confined in
2 its operation to the clause, sentence, paragraph, subdivision, section
3 or part thereof directly involved in the controversy in which such judg-
4 ment shall have been rendered. It is hereby declared to be the intent of
5 the legislature that this act would have been enacted even if such
6 invalid provisions had not been included herein.

7 S 19. This act shall take effect immediately and shall be deemed to
8 have been in full force and effect on and after April 1, 2010; provided,
9 however, that upon the transfer of expenditures and disbursements by the
10 comptroller as provided in section seventeen of this act, the appropri-
11 ations made by this act and subject to such section shall be deemed
12 repealed.