

S. 7443

A. 10610

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

April 12, 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; and to amend chapter 20 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 by the governor pursuant to article VII of the state constitution
5 for the support of government for the state fiscal year beginning April
6 1, 2010 are enacted.

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

11 S 2. The sum of [three] FIVE hundred [seventy-six] SIXTY million
12 [eight] NINE hundred [fifty-two] FIFTEEN thousand dollars
13 [(\$376,852,000)] (\$560,915,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated and
14 authorized to be paid as hereinafter provided, to the public officers
15 and for the purposes specified, which amount shall be available for the
16 state fiscal year beginning April 1, 2010.

18 ALL STATE DEPARTMENTS AND AGENCIES

19 For the purpose of making payments for
20 personal service, including liabilities

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

LBD12209-02-0

1 incurred prior to April 1, 2010, on the
2 payrolls scheduled to be paid during the
3 period April 1 through April [14] 22, 2010
4 to state officers and employees of the
5 executive branch, including the governor,
6 lieutenant governor, comptroller and
7 attorney general; to officers and employ-
8 ees of the judiciary; and to officers and
9 employees of the legislature, including
10 payments to the members of the senate and
11 assembly under sections 5 and 5-a of the
12 legislative law; and payments for services
13 performed by mentally ill or develop-
14 mentally disabled persons who are employed
15 in state-operated special employment,
16 work-for-pay or sheltered workshop
17 programs; CONSISTENT WITH SECTION 8 OF
18 PART A OF CHAPTER 10 OF THE LAWS OF 2008,
19 SECTION 3 OF CHAPTER 114 OF THE LAWS OF
20 2008 AND SECTION 4 OF CHAPTER 49 OF THE
21 LAWS OF 2008, AND NOTWITHSTANDING ANY
22 CONTRARY PROVISION OF LAW, INCLUDING
23 PROVISIONS OF ARTICLE 14 OF THE CIVIL
24 SERVICE LAW OR COLLECTIVE BARGAINING
25 AGREEMENT ENTERED INTO BY THE STATE PURSU-
26 ANT THERETO, THE AMOUNTS TO BE PAID TO
27 STATE OFFICERS AND EMPLOYEES OF THE EXECU-
28 TIVE BRANCH FOR PERSONAL SERVICE SHALL NOT
29 BE BASED ON AMOUNTS APPLICABLE PURSUANT TO
30 SUBPARAGRAPH (4) OF PARAGRAPH A OF SUBDI-
31 VISION 1, SUBPARAGRAPH (4) OF PARAGRAPH C
32 OF SUBDIVISION 1, OR SUBPARAGRAPH (4) OF
33 PARAGRAPH E OF SUBDIVISION 1 OF SECTION
34 130 OF THE CIVIL SERVICE LAW; OR SUBPARA-
35 GRAPH (4) OF PARAGRAPH A OF SUBDIVISION 2,
36 OR SUBPARAGRAPH (8) OF PARAGRAPH A OF
37 SUBDIVISION 2 OF SECTION 215 OF THE EXECU-
38 TIVE LAW; OR SUBPARAGRAPH (4) OF PARAGRAPH
39 A OF SUBDIVISION 2 OF SECTION 216 OF THE
40 EXECUTIVE LAW, INsofar AS SUCH SUBPARA-
41 GRAPHS PROVIDE FOR A GENERAL SALARY
42 INCREASE OF FOUR PERCENT ... [376,852,000] 560,915,000
43 =====

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

47 S 3. The sum of [thirty-eight] FIFTY-FOUR million [eight] NINE hundred
48 [nine] FIFTY-ONE thousand dollars [(\$38,809,000)] (\$54,951,000), or so
49 much thereof as shall be sufficient to accomplish the purpose desig-
50 nated, is hereby appropriated out of any moneys in the general fund to
51 the credit of the state purposes account not otherwise appropriated for
52 the purpose of paying to the social security contribution fund, the
53 state's share, as employer, of the payroll tax for payrolls scheduled to
54 be paid during the period April 1 through April [14] 22, 2010, including
55 liabilities incurred prior to April 1, 2010

1 [38,809,000] 54,951,000
2 =====

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

6 S 4. The sum of [twenty-six] TWENTY-SEVEN thousand dollars [(\$26,000)]
7 (\$27,000), or so much thereof as shall be sufficient to accomplish the
8 purpose designated, is hereby appropriated out of any moneys in the
9 general fund to the credit of the state purposes account not otherwise
10 appropriated for payments to the teachers insurance and annuity associ-
11 ation and college retirement equities fund associated with individuals
12 working in the education department, the higher education services
13 corporation, and the state university of New York construction fund.
14 Notwithstanding any other provisions of law to the contrary, the comp-
15 troller is hereby authorized and directed to utilize this appropriation
16 for the purpose of making scheduled teachers insurance and annuity asso-
17 ciation and college retirement equities fund payments
18 [26,000] 27,000
19 =====

20 S 5. Section 5 of chapter 20 of the laws of 2010, relating to making
21 appropriations for the support of government, is amended to read as
22 follows:

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

28 ALL STATE DEPARTMENTS AND AGENCIES

29 For the payment of state operations nonper-
30 sonal service liabilities, including the
31 legislature and judiciary, incurred in the
32 ordinary course of business, during the
33 period April 1 through April [11] 18,
34 2010, pursuant to existing state law and
35 for purposes for which the legislature
36 authorized the expenditure of moneys
37 during the 2009-2010 state fiscal year;
38 provided, however, that nothing contained
39 herein shall be deemed to limit or
40 restrict the power or authority of state
41 departments or agencies to conduct their
42 activities or operations in accordance
43 with existing law, and further provided
44 that nothing contained herein shall be
45 deemed to supersede, nullify or modify the
46 provisions of section 40 of the state
47 finance law prescribing when appropri-
48 ations made for the 2009-2010 state fiscal
49 year shall have ceased to have force and
50 effect [30,000,000] 45,000,000
51 =====

1 S 6. Section 6 of chapter 20 of the laws of 2010, relating to making
2 appropriations for the support of government, is amended to read as
3 follows:

4 S 6. The amount specified in this section, or so much thereof as shall
5 be sufficient to accomplish the purpose designated, is hereby appropri-
6 ated and authorized to be paid as hereinafter provided, to the public
7 officers and for the purposes specified, which amount shall be available
8 for the state fiscal year beginning April 1, 2010.

9 AMERICAN RECOVERY AND REINVESTMENT ACT (CCP) ... [40,000,000] 60,000,000
10 -----

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

13 The sum of [twenty] THIRTY million dollars [(\$20,000,000)]
14 (\$30,000,000), or so much thereof as shall be sufficient to accomplish
15 the purpose designated, is hereby appropriated for contracts approved
16 prior to April 1, 2010 for the payment by the state of the federal share
17 of transportation related capital projects liabilities funded by the
18 American Recovery and Reinvestment Act of 2009 incurred in the ordinary
19 course of business from April 1 through April [11] 18, 2010, pursuant to
20 existing state law and for purposes for which the legislature authorized
21 the expenditures of money during the 2009-2010 fiscal year; provided,
22 however, that nothing contained herein shall be deemed to limit or
23 restrict the power or authority of state departments or agencies to
24 conduct their activities or operations in accordance with existing law,
25 and further provided that nothing contained herein shall be deemed to
26 supersede, nullify, or modify the provisions of section 40 of the state
27 finance law prescribing when appropriations made for the 2009-2010
28 fiscal year shall have ceased to have force and effect. Funds appropri-
29 ated herein shall be subject to all applicable reporting and account-
30 ability requirements contained in such act
31 [20,000,000] 30,000,000
32 =====

33 The sum of [twenty] THIRTY million dollars [(\$20,000,000)]
34 (\$30,000,000), or so much thereof as shall be sufficient to accomplish
35 the purpose designated, is hereby appropriated for contracts approved
36 for purposes for which the legislature authorized the expenditures of
37 money during the 2009-2010 fiscal year. An amount up to [twenty] THIRTY
38 million dollars [(\$20,000,000)] (\$30,000,000) shall be available for the
39 payment by the state of the federal share of related transportation
40 capital projects liabilities, funded by the American Recovery and Rein-
41 vestment Act of 2009 incurred in the ordinary course of business during
42 the period from April 1 through April [11] 18, 2010 for contracts
43 approved during the period April 1 through April [11] 18, 2010,
44 provided, however, that nothing contained herein shall be deemed to
45 limit or restrict the power or authority of state departments or agen-
46 cies to conduct their activities or operations in accordance with exist-
47 ing law, and further provided that nothing contained herein shall be
48 deemed to supersede, nullify, or modify the provisions of section 40 of
49 the state finance law prescribing when appropriations made for the
50 2009-2010 fiscal year shall have ceased to have force and effect. Funds
51 appropriated herein shall be subject to all applicable reporting and
52 accountability requirements contained in such act

1 [20,000,000] 30,000,000
2 =====

3 S 7. Section 7 of chapter 20 of the laws of 2010, relating to making
4 appropriations for the support of government, is amended to read as
5 follows:

6 S 7. The amount specified in this section, or so much thereof as shall
7 be sufficient to accomplish the purpose designated, is hereby appropri-
8 ated and authorized to be paid as hereinafter provided, to the public
9 officers and for the purposes specified, which amount shall be available
10 for the state fiscal year beginning April 1, 2010.

11 The sum of ten million dollars (\$10,000,000), or so much thereof as
12 shall be sufficient to accomplish the purpose designated, is hereby
13 appropriated for contracts approved in accordance with section 112 of
14 the state finance law for purposes for which the legislature authorized
15 the expenditures of money during the 2009-2010 fiscal year. An amount up
16 to ten million dollars (\$10,000,000) shall be available for the payment
17 of capital projects liabilities, including any contractual services
18 liabilities of the engineering services fund, incurred to address emer-
19 gency health and safety needs as certified by the director of budget
20 during the period from April 1 through April [11] 18, 2010 for contracts
21 approved during the period April 1 through April [11] 18, 2010,
22 provided, however, that nothing contained herein shall be deemed to
23 limit or restrict the power or authority of state departments or agen-
24 cies to conduct their activities or operations in accordance with exist-
25 ing law, and further provided that nothing contained herein shall be
26 deemed to supersede, nullify, or modify the provisions of section 40 of
27 the state finance law prescribing when appropriations made for the
28 2009-2010 fiscal year shall have ceased to have force and effect
29 10,000,000
30 =====

31 S 8. The several amounts specified in this section, or so much thereof
32 as shall be sufficient to accomplish the purposes designated, are hereby
33 appropriated and authorized to be paid as hereinafter provided, to the
34 respective public officers and for the several purposes specified, which
35 amounts shall be available for the state fiscal year beginning April 1,
36 2010.

37 DEPARTMENT OF STATE

38 LOCAL GOVERNMENT AND COMMUNITY SERVICE PROGRAM 15,700,000
39 -----

40 Special Revenue Funds - Federal / Aid to Localities
41 Federal Operating Grants Fund - 265
42 Federal Health and Human Services Account

43 For allocations from the community services
44 block grant to community action agencies
45 and other eligible entities, including
46 suballocation to other state departments
47 and agencies, as funded by the American
48 recovery and reinvestment act of 2009.

Funds appropriated herein shall be subject
to all applicable reporting and account-
ability requirements contained in such act
..... 15,700,000

Program account subtotal 15,700,000

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

EDUCATION DEPARTMENT

ELEMENTARY, MIDDLE, SECONDARY AND CONTINUING EDUCATION PROGRAM
..... 6,000,000

General Fund / Aid to Localities
Local Assistance Account - 001

The sum of six million dollars (\$6,000,000), or so much thereof as
shall be sufficient to accomplish the purpose designated, is hereby
appropriated to the state education department out of any moneys in the
general fund to the credit of the local assistance account not otherwise
appropriated. The comptroller is hereby authorized and directed to
utilize this appropriation for the purpose of making mandated payments
for the state fiscal year beginning April 1, 2010 for the 2009-2010
school year for support for excess cost aid payments 6,000,000

Program account subtotal 6,000,000

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

DEPARTMENT OF HEALTH

CHILD HEALTH INSURANCE PROGRAM 170,000,000

Special Revenue Funds - Federal / Aid to Localities
Federal Health and Human Services Fund - 265
Children's Health Insurance Account

The money hereby appropriated is available
for payment of aid heretofore accrued or
hereafter accrued.

1 For services and expenses related to the
2 children's health insurance program,
3 pursuant to title XXI of the federal
4 social security act. 130,000,000
5 -----
6 Program account subtotal 130,000,000
7 -----

8 Special Revenue Funds - Other / Aid to Localities
9 HCRA Resources Fund - 061
10 Children's Health Insurance Account

11 The money hereby appropriated is available
12 for payment of aid heretofore accrued or
13 hereafter accrued.
14 For services and expenses related to the
15 children's health insurance program
16 authorized pursuant to title 1-A of arti-
17 cle 25 of the public health law 40,000,000
18 -----
19 Program account subtotal 40,000,000
20 -----

21 ELDERLY PHARMACEUTICAL INSURANCE COVERAGE PROGRAM 35,000,000
22 -----

23 Special Revenue Funds - Other / Aid to Localities
24 Miscellaneous Special Revenue Fund - 339
25 EPIC Premium Account

26 For services and expenses of the program for
27 elderly pharmaceutical insurance coverage,
28 including reimbursement to pharmacies
29 participating in such program.
30 The moneys hereby appropriated shall be
31 available for payment of financial assist-
32 ance heretofore accrued or hereafter to
33 accrue 35,000,000
34 -----
35 Program account subtotal 35,000,000
36 -----

37 MEDICAL ASSISTANCE PROGRAM 1,450,000,000
38 -----

39 General Fund / Aid to Localities
40 Local Assistance Account - 001

41 Medical assistance program, exclusive of
42 expenses incurred by local districts for
43 administration of the medical assistance
44 program and for medical care rates for
45 authorized child care agencies.
46 The money hereby appropriated is to be
47 available for payment of aid heretofore
48 accrued to municipalities, and to provid-

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

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

Notwithstanding any inconsistent provision of law, the moneys hereby appropriated may be increased or decreased by interchange with any appropriation of the department of health medical assistance administration program and/or medical assistance program, and may be increased or decreased by transfer or suballocation between these appropriated amounts and appropriations of the department of social services or its successor agencies with the approval of the director of the budget, who shall file such approval with the department of audit and control and copies thereof with the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

Notwithstanding any inconsistent provision of law, the money hereby appropriated shall not be used for any existing rates, fees, fee schedules, or procedures which may affect the cost of care and services provided by personal care providers, case managers, health maintenance organizations, out of state medical facilities which provide care and services to residents of the state, providers of transportation services, that are altered, amended, adjusted or otherwise changed by a local social services district unless previously approved by the department of health and the director of the budget.

For services and expenses of the medical assistance program including hospital inpatient services	82,000,000
For services and expenses of the medical assistance program including hospital outpatient and emergency room services	15,000,000
For services and expenses of the medical assistance program including clinic services	14,000,000
For services and expenses of the medical	

1	assistance program including nursing home	
2	services	148,000,000
3	For services and expenses of the medical	
4	assistance program including other long	
5	term care services	111,000,000
6	For services and expenses of the medical	
7	assistance program including managed care	
8	services	124,000,000
9	For services and expenses of the medical	
10	assistance program including pharmacy	
11	services	65,000,000
12	For services and expenses of the medical	
13	assistance program including transporta-	
14	tion services	6,000,000
15	For services and expenses of the medical	
16	assistance program including dental	
17	services	3,000,000
18	For services and expenses of the medical	
19	assistance program including non-institu-	
20	tional and other spending	32,000,000
21		-----
22	Program account subtotal	600,000,000
23		-----

24 Special Revenue Funds - Federal / Aid to Localities
25 Federal Health, Education and Human Services Fund - 265
26 Medicaid Direct Account

27 For services and expenses for the medical
28 assistance program, excluding administra-
29 tive expenses, pursuant to title XIX of
30 the federal social security act or its
31 successor program.

32 The moneys hereby appropriated are to be
33 available for payment of aid heretofore
34 accrued to municipalities, and to provid-
35 ers of medical services pursuant to
36 section 367-b of the social services law,
37 and for payment of state aid to munici-
38 palities and to providers of family care
39 where payment systems through the fiscal
40 intermediaries are not operational, and
41 shall be available to the department net
42 of disallowances, refunds, reimbursements,
43 and credits.

44	For services and expenses of the medical	
45	assistance program including hospital	
46	inpatient services	90,000,000
47	For services and expenses of the medical	
48	assistance program including hospital	
49	outpatient and emergency room services	15,000,000
50	For services and expenses of the medical	
51	assistance program including clinic	
52	services	15,000,000
53	For services and expenses of the medical	

1	assistance program including nursing home	
2	services	163,000,000
3	For services and expenses of the medical	
4	assistance program including other long	
5	term care services	123,000,000
6	For services and expenses of the medical	
7	assistance program including managed care	
8	services	137,000,000
9	For services and expenses of the medical	
10	assistance program including pharmacy	
11	services	72,000,000
12	For services and expenses of the medical	
13	assistance program including transporta-	
14	tion services	6,000,000
15	For services and expenses of the medical	
16	assistance program including dental	
17	services	4,000,000
18	For services and expenses of the medical	
19	assistance program including non-institu-	
20	tional and other spending	35,000,000
21		-----
22	Program account subtotal	660,000,000
23		-----

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

27	For services and expenses of the medical	
28	assistance program including hospital	
29	inpatient, hospital outpatient and emer-	
30	gency room, clinic, nursing home, other	
31	long term care, managed care, pharmacy,	
32	transportation, dental, non-institutional	
33	and other spending, medical services	
34	provided at state facilities operated by	
35	the office of mental health, the office of	
36	mental retardation and developmental disa-	
37	bilities and the office of alcoholism and	
38	substance abuse services and for any other	
39	medical assistance services resulting from	
40	an increase in the federal medical assist-	
41	ance percentage	190,000,000
42		-----
43	Program account subtotal	190,000,000
44		-----

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

DEPARTMENT OF LABOR

UNEMPLOYMENT INSURANCE BENEFIT PROGRAM 204,000,000

Enterprise Funds / State Operations
Unemployment Insurance Benefit Fund - 481

For payment of unemployment insurance bene-
fits pursuant to article 18 of the labor
law or as authorized by the Federal
government through the disaster unemploy-
ment assistance program 204,000,000

Program fund subtotal 204,000,000

S 12. 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 13. 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 14. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 15. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010; provided, however, that upon the transfer of expenditures and disbursements by the comptroller as provided in section thirteen of this act, the appropriations made by this act and subject to such section shall be deemed repealed.