

S. 7529

A. 10740

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

April 19, 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, as amended by chapter 35
10 of the laws of 2010, is amended to read as follows:
11 S 2. The sum of [five] EIGHT hundred [sixty] TWENTY-FIVE million
12 [nine] FOUR hundred [fifteen] FORTY-SIX thousand dollars
13 [(\$560,915,000)] (\$825,446,000), 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.

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incurred prior to April 1, 2010, on the payrolls scheduled to be paid during the period April 1 through April [22] 28, 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; consistent with section 8 of part A of chapter 10 of the laws of 2008, section 3 of chapter 114 of the laws of 2008 and section 4 of chapter 49 of the laws of 2008, and notwithstanding any contrary provision of law, including provisions of article 14 of the civil service law or collective bargaining agreement entered into by the state pursuant thereto, the amounts to be paid to state officers and employees of the executive branch for personal service shall not be based on amounts applicable pursuant to subparagraph (4) of paragraph a of subdivision 1, subparagraph (4) of paragraph c of subdivision 1, or subparagraph (4) of paragraph e of subdivision 1 of section 130 of the civil service law; or subparagraph (4) of paragraph a of subdivision 2, or subparagraph (8) of paragraph a of subdivision 2 of section 215 of the executive law; or subparagraph (4) of paragraph a of subdivision 2 of section 216 of the executive law, insofar as such subparagraphs provide for a general salary increase of four percent ... [560,915,000] 825,446,000

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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 35 of the laws of 2010, is amended to read as follows:

S 3. The sum of [fifty-four] SEVENTY-SIX million [nine] THREE hundred [fifty-one] EIGHTY-ONE thousand dollars [(\$54,951,000)] (\$76,381,000), 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 April [22] 28, 2010, including liabilities incurred prior to April 1, 2010

1 [54,951,000] 76,381,000
2 =====

3 S 4. Section 4 of chapter 20 of the laws of 2010, relating to making
4 appropriations for the support of government, as amended by chapter 35
5 of the laws of 2010, is amended to read as follows:

6 S 4. The sum of [twenty-seven] FIFTY-TWO thousand dollars [(\$27,000)]
7 (\$52,000), 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 [27,000] 52,000
19 =====

20 S 5. Section 5 of chapter 20 of the laws of 2010, relating to making
21 appropriations for the support of government, as amended by chapter 35
22 of the laws of 2010, is amended to read as 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
32 the ordinary course of business, during
33 the period April 1 through April [18] 25,
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 [45,000,000] 55,000,000
51 =====

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

THE JUDICIARY

For the payment of state operations nonpersonal service liabilities, the sum of ten million dollars (\$10,000,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated to the judiciary out of any moneys in the general fund to the credit of the state purposes account not otherwise appropriated. The comptroller is hereby authorized and directed to utilize this appropriation for the purpose of making payments for nonpersonal service liabilities incurred by the judiciary from April 1 through April 25, 2010

10,000,000
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S 7. Section 6 of chapter 20 of the laws of 2010, relating to making appropriations for the support of government, as amended by chapter 35 of the laws of 2010, is amended to read as follows:

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

AMERICAN RECOVERY AND REINVESTMENT ACT (CCP) ...	[60,000,000]	80,000,000

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

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

[30,000,000]	40,000,000
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1 The sum of [thirty] FORTY million dollars [(\$30,000,000)]
2 (\$40,000,000), or so much thereof as shall be sufficient to accomplish
3 the purpose designated, is hereby appropriated for contracts approved
4 for purposes for which the legislature authorized the expenditures of
5 money during the 2009-2010 fiscal year. An amount up to [thirty] FORTY
6 million dollars [(\$30,000,000)] (\$40,000,000) shall be available for the
7 payment by the state of the federal share of related transportation
8 capital projects liabilities, funded by the American Recovery and Rein-
9 vestment Act of 2009 incurred in the ordinary course of business during
10 the period from April 1 through April [18] 25, 2010 for contracts
11 approved during the period April 1 through April [18] 25, 2010,
12 provided, however, that nothing contained herein shall be deemed to
13 limit or restrict the power or authority of state departments or agen-
14 cies to conduct their activities or operations in accordance with exist-
15 ing law, and further provided that nothing contained herein shall be
16 deemed to supersede, nullify, or modify the provisions of section 40 of
17 the state finance law prescribing when appropriations made for the
18 2009-2010 fiscal year shall have ceased to have force and effect. Funds
19 appropriated herein shall be subject to all applicable reporting and
20 accountability requirements contained in such act
21 [30,000,000] 40,000,000
22 =====

23 S 8. Section 7 of chapter 20 of the laws of 2010, relating to making
24 appropriations for the support of government, as amended by chapter 35
25 of the laws of 2010, is amended to read as follows:

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

31 The sum of ten million dollars (\$10,000,000), or so much thereof as
32 shall be sufficient to accomplish the purpose designated, is hereby
33 appropriated for contracts approved in accordance with section 112 of
34 the state finance law for purposes for which the legislature authorized
35 the expenditures of money during the 2009-2010 fiscal year. An amount up
36 to ten million dollars (\$10,000,000) shall be available for the payment
37 of capital projects liabilities, including any contractual services
38 liabilities of the engineering services fund, incurred to address emer-
39 gency health and safety needs as certified by the director of budget
40 during the period from April 1 through April [18] 25, 2010 for contracts
41 approved during the period April 1 through April [18] 25, 2010,
42 provided, however, that nothing contained herein shall be deemed to
43 limit or restrict the power or authority of state departments or agen-
44 cies to conduct their activities or operations in accordance with exist-
45 ing law, and further provided that nothing contained herein shall be
46 deemed to supersede, nullify, or modify the provisions of section 40 of
47 the state finance law prescribing when appropriations made for the
48 2009-2010 fiscal year shall have ceased to have force and effect
49 10,000,000
50 =====

51 S 9. The amount specified in this section, or so much thereof as shall
52 be sufficient to accomplish the purposes designated, is hereby appropri-
53 ated and authorized to be paid as hereinafter provided, to the respec-

1 tive public officers and for the several purposes specified, which
2 amount shall be available for the state fiscal year beginning April 1,
3 2010.

4 EDUCATION DEPARTMENT

5 ELEMENTARY, MIDDLE, SECONDARY AND CONTINUING EDUCATION PROGRAM
6 1,000,000
7 -----

8 General Fund / Aid to Localities
9 Local Assistance Account - 001

10 The sum of one million dollars (\$1,000,000), or so much thereof as
11 shall be sufficient to accomplish the purpose designated, is hereby
12 appropriated to the state education department out of any moneys in the
13 general fund to the credit of the local assistance account not otherwise
14 appropriated. The comptroller is hereby authorized and directed to
15 utilize this appropriation for the purpose of making mandated payments
16 for the state fiscal year beginning April 1, 2010 for the 2009-2010
17 school year for support for excess cost aid payments 1,000,000
18 -----

19 S 10. The several amounts specified in this section, or so much there-
20 of 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 DEPARTMENT OF HEALTH

26 MEDICAL ASSISTANCE PROGRAM 1,450,000,000
27 -----

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

30 Medical assistance program, exclusive of
31 expenses incurred by local districts for
32 administration of the medical assistance
33 program and for medical care rates for
34 authorized child care agencies.
35 The money hereby appropriated is to be
36 available for payment of aid heretofore
37 accrued to municipalities, and to provid-
38 ers of medical services pursuant to
39 section 367-b of the social services law,
40 and for payment of state aid to munici-
41 palities and to providers of family care
42 where payment systems through the fiscal
43 intermediaries are not operational, and
44 shall be available to the department net
45 of disallowances, refunds, reimbursements,
46 and credits.

1 Notwithstanding any inconsistent provision
2 of law, moneys hereby appropriated may be
3 used for transfer to the federal revenue
4 maximization contract fund, pursuant to
5 the provisions of the state finance law.
6 Notwithstanding any inconsistent provision
7 of law, the moneys hereby appropriated may
8 be increased or decreased by interchange
9 with any appropriation of the department
10 of health medical assistance adminis-
11 tration program and/or medical assistance
12 program, and may be increased or decreased
13 by transfer or suballocation between these
14 appropriated amounts and appropriations of
15 the department of social services or its
16 successor agencies with the approval of
17 the director of the budget, who shall file
18 such approval with the department of audit
19 and control and copies thereof with the
20 chairman of the senate finance committee
21 and the chairman of the assembly ways and
22 means committee.
23 Notwithstanding any inconsistent provision
24 of law, the money hereby appropriated
25 shall not be used for any existing rates,
26 fees, fee schedules, or procedures which
27 may affect the cost of care and services
28 provided by personal care providers, case
29 managers, health maintenance organiza-
30 tions, out of state medical facilities
31 which provide care and services to resi-
32 dents of the state, providers of transpor-
33 tation services, that are altered,
34 amended, adjusted or otherwise changed by
35 a local social services district unless
36 previously approved by the department of
37 health and the director of the budget.
38 For services and expenses of the medical
39 assistance program including hospital
40 inpatient services 82,000,000
41 For services and expenses of the medical
42 assistance program including hospital
43 outpatient and emergency room services 15,000,000
44 For services and expenses of the medical
45 assistance program including clinic
46 services 14,000,000
47 For services and expenses of the medical
48 assistance program including nursing home
49 services 148,000,000
50 For services and expenses of the medical
51 assistance program including other long
52 term care services 111,000,000
53 For services and expenses of the medical
54 assistance program including managed care
55 services 124,000,000
56 For services and expenses of the medical

1 assistance program including pharmacy
2 services 65,000,000
3 For services and expenses of the medical
4 assistance program including transporta-
5 tion services 6,000,000
6 For services and expenses of the medical
7 assistance program including dental
8 services 3,000,000
9 For services and expenses of the medical
10 assistance program including non-institu-
11 tional and other spending 32,000,000
12 -----
13 Program account subtotal 600,000,000
14 -----

15 Special Revenue Funds - Federal / Aid to Localities
16 Federal Health, Education and Human Services Fund - 265
17 Medicaid Direct Account

18 For services and expenses for the medical
19 assistance program, excluding administra-
20 tive expenses, pursuant to title XIX of
21 the federal social security act or its
22 successor program.
23 The moneys hereby appropriated are to be
24 available for payment of aid heretofore
25 accrued to municipalities, and to provid-
26 ers of medical services pursuant to
27 section 367-b of the social services law,
28 and for payment of state aid to munici-
29 palities and to providers of family care
30 where payment systems through the fiscal
31 intermediaries are not operational, and
32 shall be available to the department net
33 of disallowances, refunds, reimbursements,
34 and credits.

35 For services and expenses of the medical
36 assistance program including hospital
37 inpatient services 90,000,000
38 For services and expenses of the medical
39 assistance program including hospital
40 outpatient and emergency room services 15,000,000
41 For services and expenses of the medical
42 assistance program including clinic
43 services 15,000,000
44 For services and expenses of the medical
45 assistance program including nursing home
46 services 163,000,000
47 For services and expenses of the medical
48 assistance program including other long
49 term care services 123,000,000
50 For services and expenses of the medical
51 assistance program including managed care
52 services 137,000,000
53 For services and expenses of the medical

1 assistance program including pharmacy
2 services 72,000,000
3 For services and expenses of the medical
4 assistance program including transporta-
5 tion services 6,000,000
6 For services and expenses of the medical
7 assistance program including dental
8 services 4,000,000
9 For services and expenses of the medical
10 assistance program including non-institu-
11 tional and other spending 35,000,000
12 -----
13 Program account subtotal 660,000,000
14 -----

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

18 For services and expenses of the medical
19 assistance program including hospital
20 inpatient, hospital outpatient and emer-
21 gency room, clinic, nursing home, other
22 long term care, managed care, pharmacy,
23 transportation, dental, non-institutional
24 and other spending, medical services
25 provided at state facilities operated by
26 the office of mental health, the office of
27 mental retardation and developmental disa-
28 bilities and the office of alcoholism and
29 substance abuse services and for any other
30 medical assistance services resulting from
31 an increase in the federal medical assist-
32 ance percentage 190,000,000
33 -----

34 S 11. The amount specified in this section, or so much thereof as
35 shall be sufficient to accomplish the purposes designated, is hereby
36 appropriated and authorized to be paid as hereinafter provided, to the
37 respective public officers and for the several purposes specified, which
38 amount shall be available for the state fiscal year beginning April 1,
39 2010.

40 DEPARTMENT OF LABOR

41 UNEMPLOYMENT INSURANCE BENEFIT PROGRAM 202,000,000
42 -----
43 Enterprise Funds / State Operations
44 Unemployment Insurance Benefit Fund - 481
45 For payment of unemployment insurance bene-
46 fits pursuant to article 18 of the labor
47 law or as authorized by the Federal
48 government through the disaster unemploy-
49 ment assistance program 202,000,000
50 -----

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

DEPARTMENT OF FAMILY ASSISTANCE

OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

CHILD WELL BEING PROGRAM 17,000,000

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

For reimbursement of administrative expenses for child support and establishment of paternity pursuant to title IV-D of the social security act, and for expenditures within the office of temporary and disability assistance related to the direct support of social services districts, consistent with the purposes and rules established in the American Recovery and Reinvestment Act of 2009. Funds appropriated herein shall be subject to all applicable reporting and accountability requirements contained in such act. Such funds are to be available for payment of aid heretofore accrued or hereafter to accrue to municipalities to the extent authorized by such act. Notwithstanding any inconsistent provision of law, and subject to the approval of the director of the budget, the amount appropriated herein may be increased or decreased through transfer or interchange with any other federal appropriation within the office of temporary and disability assistance 17,000,000

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

S 14. 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.

OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

OLYMPIC FACILITIES OPERATIONS PROGRAM [1,250,000] 2,811,000

General Fund / State Operations
State Purposes Account - 003

The sum of [one] TWO million [two] EIGHT hundred [fifty] ELEVEN thousand dollars [(\$1,250,000)] (\$2,811,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated to the olympic regional development authority out of any moneys in the general fund to the credit of the state purposes account not otherwise appropriated, for payment of staff salaries and other related expenses of such authority [1,250,000] 2,811,000

S 14. The amount specified in this section, or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated and authorized to be paid as hereinafter provided, to the public officers and for the purposes specified, which amount shall be available for the state fiscal year beginning April 1, 2010.

DIVISION OF VETERANS' AFFAIRS

BLIND VETERAN ANNUITY ASSISTANCE PROGRAM 500,000

General Fund / Aid to Localities
Local Assistance Account - 001

For payment of annuities to blind veterans and eligible surviving spouses. Up to \$15,000 of this appropriation may be transferred to state operations for post-age costs associated with this program 500,000

S 15. 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 16. 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.

1 S 17. Severability clause. If any clause, sentence, paragraph, subdi-
2 vision, section or part of this act shall be adjudged by any court of
3 competent jurisdiction to be invalid, such judgment shall not affect,
4 impair, or invalidate the remainder thereof, but shall be confined in
5 its operation to the clause, sentence, paragraph, subdivision, section
6 or part thereof directly involved in the controversy in which such judg-
7 ment shall have been rendered. It is hereby declared to be the intent of
8 the legislature that this act would have been enacted even if such
9 invalid provisions had not been included herein.

10 S 18. This act shall take effect immediately and shall be deemed to
11 have been in full force and effect on and after April 1, 2010; provided,
12 however, that upon the transfer of expenditures and disbursements by the
13 comptroller as provided in section sixteen of this act, the appropri-
14 ations made by this act and subject to such section shall be deemed
15 repealed.