S T A T E O F N E W Y O R K

S. 7605 A. 10847

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

April 26, 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; and to amend chapter 46 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:

Section 1. Legislative intent. The legislature hereby finds and declares that the enactment of these appropriations provides sufficient authority to the comptroller for the purpose of making payments for the purposes described herein until such time as 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 are enacted.

S 2. Section 2 of chapter 20 of the laws of 2010, relating to making appropriations for the support of government, as amended by chapter 46 of the laws of 2010, is amended to read as follows:

S 2. The sum of [eight] NINE hundred [twenty-five] EIGHTY-SEVEN million four hundred [forty-six] SEVENTY-THREE thousand dollars [($825,446,000)] ($987,473,000), 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.

ALL STATE DEPARTMENTS AND AGENCIES

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

LBD12217-01-0

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 [April 28] MAY 6, 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 ...	[825,446,000]	987,473,000
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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 46 of the laws of 2010, is amended to read as follows:

S 3. The sum of [seventy-six] NINETY-TWO million [three] ONE hundred [eighty-one] FIFTY-ONE thousand dollars [($76,381,000)] ($92,151,000), 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 28] MAY 6, 2010, including liabilities incurred prior to April 1, 2010 .... [76,381,000] 92,151,000

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

S 4. The sum of [fifty-two] FIFTY-THREE thousand dollars [($52,000)] ($53,000), 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 .... [52,000] 53,000

S 5. Section 5 of chapter 20 of the laws of 2010, relating to making appropriations for the support of government, as amended by chapter 46 of the laws of 2010, is amended to read as follows:

S 5. 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.

ALL STATE DEPARTMENTS AND AGENCIES

For the payment of state operations nonpersonal service liabilities, including the legislature, incurred in the ordinary course of business, during the period April 1 through [April 25] MAY 2, 2010, pursuant to existing state law and for purposes for which the legislature authorized the expenditure of moneys during the 2009-2010 state 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 state fiscal year shall have ceased to have force and effect .....

..... [55,000,000] 65,000,000

S 6. Section 6 of chapter 46 of the laws of 2010, relating to making appropriations for the support of government, 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 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] THIRTY-SEVEN million dollars [($10,000,000)] ($37,000,000), 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] MAY 2, 2010 .....
..... [10,000,000] 37,000,000

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 46 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) 80,000,000

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

The sum of forty million dollars ($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 25] MAY 2, 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 40,000,000
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The sum of forty million dollars ($40,000,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated for contracts approved for purposes for which the legislature authorized the expenditures of money during the 2009-2010 fiscal year. An amount up to forty million dollars ($40,000,000) shall be available for the payment by the state of the federal share of related transportation capital projects liabilities, funded by the American Recovery and Reinvestment Act of 2009 incurred in the ordinary course of business during the period from April 1 through [April 25] MAY 2, 2010 for contracts approved during the period April 1 through [April 25] MAY 2, 2010, 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 40,000,000
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S 8. Section 7 of chapter 20 of the laws of 2010, relating to making appropriations for the support of government, as amended by chapter 46 of the laws of 2010, is amended to read as follows:

S 7. 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.

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 for contracts approved in accordance with section 112 of the state finance law for purposes for which the legislature authorized the expenditures of money during the 2009-2010 fiscal year. An amount up to ten million dollars ($10,000,000) shall be available for the payment of capital projects liabilities, including any contractual services liabilities of the engineering services fund, incurred to address emergency health and safety needs as certified by the director of budget during the period from April 1 through [April 25] MAY 2, 2010 for contracts approved during the period April 1 through [April 25] MAY 2, 2010, 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 10,000,000
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S 9. 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 TRANSPORTATION

FEDERAL AID HIGHWAYS FEDERAL PURPOSE 40,000,000

Federal Capital Projects Fund - 291
Federal Aid Highways Purpose

The sum of forty million dollars ($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 as provided for in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and any successive legislation incurred in the ordinary course of business from April 1 through May 2, 2010, for projects that do not contain any state funding shares, 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 not be available for the payment of liabilities funded by the American Recovery and Reinvestment Act of 2009 40,000,000

S 10. The amount specified in this section, or so much thereof as shall be sufficient to accomplish the purposes designated, is hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the several purposes specified, which amount shall be available for the state fiscal year beginning April 1, 2010.

EDUCATION DEPARTMENT

ELEMENTARY, MIDDLE, SECONDARY AND CONTINUING EDUCATION PROGRAM .....
..... 2,574,086,000

General Fund / Aid to Localities
Local Assistance Account - 001

The sum of two billion five-hundred seventy-three million dollars ($2,573,000,000), 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 general support for public schools, including support for excess cost aid payments 2,573,000,000

The sum of one million eighty-six thousand ($1,086,000), 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 advances to HURD city school districts pursuant to the provisions of chapter 280 of the laws of 1978 1,086,000

S 11. 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.

DEPARTMENT OF HEALTH

MEDICAL ASSISTANCE PROGRAM 2,516,100,000

General Fund / Aid to Localities
Local Assistance Account - 001

For the medical assistance program, exclusive of expenses incurred by local districts for administration of the medical assistance program and for medical care rates for authorized child care agencies.

The money hereby appropriated is to be available for payment of aid heretofore accrued to municipalities, and to providers 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 assistance program including nursing home services 148,000,000

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

For services and expenses of the medical assistance program including managed care services 124,000,000

For services and expenses of the medical assistance program including pharmacy services 65,000,000

For services and expenses of the medical assistance program including transportation services 6,000,000

For services and expenses of the medical assistance program including dental services 3,000,000
For services and expenses of the medical assistance program including non-institutional and other spending 32,000,000
For services and expenses of the medical assistance program including medical services provided at state facilities operated by the office of mental health, the office of mental retardation and developmental disabilities and the office of alcoholism and substance abuse services 400,000,000

Program account subtotal 1,000,000,000

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

For services and expenses for the medical assistance program, excluding administrative expenses, pursuant to title XIX of the federal social security act or its successor program.
The moneys hereby appropriated are to be available for payment of aid heretofore accrued to municipalities, and to providers 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.

For services and expenses of the medical assistance program including hospital inpatient services 90,000,000
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 15,000,000
For services and expenses of the medical assistance program including nursing home services 163,000,000
For services and expenses of the medical assistance program including other long term care services 123,000,000
For services and expenses of the medical

assistance program including managed care services 137,000,000
For services and expenses of the medical assistance program including pharmacy services 72,000,000
For services and expenses of the medical assistance program including transportation services 6,000,000
For services and expenses of the medical assistance program including dental services 4,000,000
For services and expenses of the medical assistance program including non-institutional and other spending 35,000,000
For services and expenses of the medical assistance program including medical services provided at state facilities operated by the office of mental health, the office of mental retardation and developmental disabilities and the office of alcoholism and substance abuse services 500,000,000

Program account subtotal 1,160,000,000

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

For services and expenses of the medical assistance program including hospital inpatient, hospital outpatient and emergency room, clinic, nursing home, other long term care, managed care, pharmacy, transportation, dental, non-institutional and other spending, medical services provided at state facilities operated by the office of mental health, the office of mental retardation and developmental disabilities and the office of alcoholism and substance abuse services and for any other medical assistance services resulting from an increase in the federal medical assistance percentage 190,000,000

Program account subtotal 190,000,000

Special Revenue Funds - Other / Aid to Localities
HCRA Resources Fund - 061
Medical Assistance Account

For the purpose of making payments, the money hereby appropriated is available for payment of aid heretofore accrued or here-

after accrued, to providers of medical care pursuant to section 367-b of the social services law, and for payment of state aid to municipalities and the federal government where payment systems through fiscal intermediaries are not operational, to reimburse such providers for costs attributable to the provision of care to patients eligible for medical assistance.

For services and expenses related to the medical assistance program 38,000,000

For services and expenses of the medical assistance program related to providing distributions for supplemental medical insurance for medicare part B premiums, physician services, outpatient services, medical equipment, supplies and other health services 22,700,000

Program account subtotal 60,700,000

Special Revenue Funds - Other / Aid to Localities
HCRA Resources Fund - 061
Indigent Care Account

For the purpose of making payments to providers of medical care pursuant to section 367-b of the social services law, and for payment of state aid to municipalities where payment systems through fiscal intermediaries are not operational, to reimburse such providers for costs attributable to the provision of care to patients eligible for medical assistance. Payments from this appropriation to general hospitals related to bad debt and charity care pursuant to article 28 of the public health law respectively, when combined with federal funds for services and expenses for the medical assistance program pursuant to title XIX of the federal social security act or its successor program, shall equal the amount of the funds received related to bad debt and charity care allowances and surcharges pursuant to article 28 of the public health law and deposited to this account less any such amounts withheld pursuant to subdivision 21 of section 2807-c of the public health law 105,400,000

Program account subtotal 105,400,000

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

DEPARTMENT OF LABOR

UNEMPLOYMENT INSURANCE BENEFIT PROGRAM 202,000,000

Enterprise Funds / State Operations
Unemployment Insurance Benefit Fund - 481

For payment of unemployment insurance benefits pursuant to article 18 of the labor law or as authorized by the Federal government through the disaster unemployment assistance program 202,000,000

S 13. 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

ADMINISTRATION PROGRAM 2,000

General Fund / Aid to Localities
Local Assistance Account - 001

For payment of supplemental burial benefits to eligible families of military personnel killed in combat, pursuant to section 354-b of the executive law, and for transfer of such amounts as are necessary to state operations for related administrative expenses 2,000

S 14. 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 15. 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 16. 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 17. 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 fifteen of this act, the appropriations made by this act and subject to such section shall be deemed repealed.