

S T A T E   O F   N E W   Y O R K

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S. 7777

A. 11011

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

May 10, 2010

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IN SENATE -- Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT making appropriations for the support of government; to amend chapter 20 of the laws of 2010, relating to making appropriations for the support of government; to amend chapter 46 of the laws of 2010, relating to making appropriations for the support of government; and to amend chapter 47 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 68  
10    of the laws of 2010, is amended to read as follows:

11    S 2. The sum of one billion [two] THREE hundred [thirty-nine] NINETY-  
12    NINE million [three] SEVEN hundred [seventy-eight] NINETY-ONE thousand  
13    dollars [(\$1,239,378,000)] (\$1,399,791,000), or so much thereof as shall  
14    be sufficient to accomplish the purpose designated, is hereby appropriated  
15    and authorized to be paid as hereinafter provided, to the public  
16    officers and for the purposes specified, which amount shall be available  
17    for the state fiscal year beginning April 1, 2010.

18                   ALL STATE DEPARTMENTS AND AGENCIES

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

LBD12225-03-0

1 For the purpose of making payments for  
2 personal service, including liabilities  
3 incurred prior to April 1, 2010, on the  
4 payrolls scheduled to be paid during the  
5 period April 1 through May [12] 20, 2010  
6 to state officers and employees of the  
7 executive branch, including the governor,  
8 lieutenant governor, comptroller and  
9 attorney general; to officers and employ-  
10 ees of the judiciary; and to officers and  
11 employees of the legislature, including  
12 payments to the members of the senate and  
13 assembly under sections 5 and 5-a of the  
14 legislative law; and payments for services  
15 performed by mentally ill or develop-  
16 mentally disabled persons who are employed  
17 in state-operated special employment,  
18 work-for-pay or sheltered workshop  
19 programs; consistent with section 8 of  
20 part A of chapter 10 of the laws of 2008,  
21 section 3 of chapter 114 of the laws of  
22 2008 and section 4 of chapter 49 of the  
23 laws of 2008, and notwithstanding any  
24 contrary provision of law, including  
25 provisions of article 14 of the civil  
26 service law or collective bargaining  
27 agreement entered into by the state pursu-  
28 ant thereto, the amounts to be paid to  
29 state officers and employees of the execu-  
30 tive branch for personal service shall not  
31 be based on amounts applicable pursuant to  
32 subparagraph (4) of paragraph a of subdivi-  
33 sion 1, subparagraph (4) of paragraph c  
34 of subdivision 1, or subparagraph (4) of  
35 paragraph e of subdivision 1 of section  
36 130 of the civil service law; or subpara-  
37 graph (4) of paragraph a of subdivision 2,  
38 or subparagraph (8) of paragraph a of  
39 subdivision 2 of section 215 of the execu-  
40 tive law; or subparagraph (4) of paragraph  
41 a of subdivision 2 of section 216 of the  
42 executive law, insofar as such subpara-  
43 graphs provide for a general salary  
44 increase of four percent. NOTWITHSTANDING  
45 ANY OTHER PROVISION OF LAW, INCLUDING  
46 ARTICLE 14 OF THE CIVIL SERVICE LAW,  
47 COLLECTIVE BARGAINING AGREEMENT OR OTHER  
48 ANALOGOUS CONTRACT OR BINDING INTEREST  
49 ARBITRATION AWARD, THE WORK WEEK OF OFFI-  
50 CERS AND EMPLOYEES IN THE EXECUTIVE  
51 BRANCH, INCLUDING TEMPORARY AND SEASONAL  
52 EMPLOYEES AND EMPLOYEES OF THE CITY  
53 UNIVERSITY OF NEW YORK AS DEFINED IN  
54 SUBDIVISION 2 OF SECTION 6202 OF THE  
55 EDUCATION LAW, SHALL BE REDUCED BY  
56 ONE-FIFTH DURING THE WEEK COMMENCING MAY

17, 2010 AND ENDING ON MAY 23, 2010 AS PROVIDED HEREIN. APPOINTING AUTHORITIES SHALL ENSURE THAT EVERY EMPLOYEE AND EVERY OFFICER IS SCHEDULED FOR SUCH WORK WEEK REDUCTION, EXCEPT THOSE EMPLOYEES WHO SERVE IN A POSITION THAT HAS BEEN DESIGNATED AS MANAGERIAL OR CONFIDENTIAL PURSUANT TO ARTICLE 14 OF THE CIVIL SERVICE LAW, THOSE EMPLOYEES WHOSE POSITION IS ONE HUNDRED PERCENT FUNDED BY THE FEDERAL GOVERNMENT, OR THOSE EMPLOYEES DESIGNATED BY THE APPOINTING AUTHORITY AS WITHIN A TITLE AND POSITION THAT IS RESPONSIBLE FOR PROVIDING DIRECT CARE OR IS ENGAGED IN FUNCTIONS NECESSARY FOR THE PRESERVATION OF HEALTH OR SAFETY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, INCLUDING SECTION 200 OF THE STATE FINANCE LAW, THE WAGES AND SALARIES PAID TO EMPLOYEES WHOSE WORK WEEK WAS REDUCED SHALL BE REDUCED BY THE SAME PERCENTAGE REDUCTION THAT WAS MADE TO THE EMPLOYEE'S WORK SCHEDULE DURING THE RELEVANT PAYROLL PERIOD, AND IN NO EVENT SHALL AN OFFICER OR EMPLOYEE WHOSE WORK WEEK IS REDUCED BE PERMITTED TO OFFSET ANY REDUCTION IN PAYMENT THROUGH THE UTILIZATION OF ANY ACCRUED LEAVE CREDITS. NOTWITHSTANDING SECTION 6221 OF THE EDUCATION LAW OR ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, AID PAYABLE TO NEW YORK CITY FOR PRE-FINANCING THE NET OPERATING COSTS OF THE SENIOR COLLEGES OF THE CITY UNIVERSITY FOR THE PERIOD JULY 1, 2009 THROUGH JUNE 30, 2010 SHALL BE REDUCED BY AN AMOUNT EQUAL TO THE SAVINGS IN WAGES AND SALARIES ATTRIBUTABLE TO THE REDUCTION IN WORK WEEK DURING THE WEEK COMMENCING MAY 17, 2010. NEW YORK CITY IS AUTHORIZED AND DIRECTED TO WITHHOLD PAYMENT TO THE CITY UNIVERSITY IN AN AMOUNT EQUAL TO THE SAVINGS ATTRIBUTABLE TO THE WAGES AND SALARIES OF THOSE EMPLOYEES WHOSE WORK WEEK WAS REDUCED. THE REDUCTION IN WORK WEEK PROVIDED HEREIN SHALL NOT APPLY TO EMPLOYEES WHO ARE SUBJECT TO AN AGREEMENT NEGOTIATED PURSUANT TO ARTICLE 14 OF THE CIVIL SERVICE LAW AFTER THE EFFECTIVE DATE OF THIS ACT THAT PROVIDES FOR COMPARABLE PERSONAL SERVICE SAVINGS ..... [1,239,378,000] 1,399,791,000  
=====

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

1 S 3. The sum of one hundred [thirteen] TWENTY-EIGHT million [forty-  
2 four] SEVEN HUNDRED SEVENTEEN thousand dollars [(\$113,044,000)]  
3 (\$128,717,000), or so much thereof as shall be sufficient to accomplish  
4 the purpose designated, is hereby appropriated out of any moneys in the  
5 general fund to the credit of the state purposes account not otherwise  
6 appropriated for the purpose of paying to the social security contrib-  
7 ution fund, the state's share, as employer, of the payroll tax for  
8 payrolls scheduled to be paid during the period April 1 through May [12]  
9 20, 2010, including liabilities incurred prior to April 1, 2010 .....  
10 ..... [113,044,000] 128,717,000  
11 =====

12 S 4. Section 4 of chapter 20 of the laws of 2010, relating to making  
13 appropriations for the support of government, as amended by chapter 68  
14 of the laws of 2010, is amended to read as follows:

15 S 4. The sum of [seventy-seven] SEVENTY-EIGHT thousand dollars  
16 [(\$77,000)] (\$78,000), or so much thereof as shall be sufficient to  
17 accomplish the purpose designated, is hereby appropriated out of any  
18 moneys in the general fund to the credit of the state purposes account  
19 not otherwise appropriated for payments to the teachers insurance and  
20 annuity association and college retirement equities fund associated with  
21 individuals working in the education department, the higher education  
22 services corporation, and the state university of New York construction  
23 fund. Notwithstanding any other provisions of law to the contrary, the  
24 comptroller is hereby authorized and directed to utilize this appropri-  
25 ation for the purpose of making scheduled teachers insurance and annuity  
26 association and college retirement equities fund payments .....  
27 ..... [77,000] 78,000  
28 =====

29 S 5. Section 6 of chapter 46 of the laws of 2010, relating to making  
30 appropriations for the support of government, as amended by chapter 68  
31 of the laws of 2010, is amended to read as follows:

32 S 6. 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 respective  
35 public officers and for the purpose specified, which amount shall be  
36 available for the state fiscal year beginning April 1, 2010.

#### 37 THE JUDICIARY

38 For the payment of state operations nonpersonal service liabilities,  
39 the sum of [thirty-nine] FORTY-ONE million dollars [(\$39,000,000)]  
40 (\$41,000,000), or so much thereof as shall be sufficient to accomplish  
41 the purpose designated, is hereby appropriated to the judiciary out of  
42 any moneys in the general fund to the credit of the state purposes  
43 account not otherwise appropriated. The comptroller is hereby authorized  
44 and directed to utilize this appropriation for the purpose of making  
45 payments for nonpersonal service liabilities incurred by the judiciary  
46 from April 1 through May [9] 16, 2010 ..... [39,000,000] 41,000,000  
47 =====

48 S 6. Section 5 of chapter 20 of the laws of 2010, relating to making  
49 appropriations for the support of government, as amended by chapter 68  
50 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, including contracts approved prior to, on, and after April 1, 2010 for [project] liabilities incurred in the ordinary course of business, during the period April 1 through May [9] 16, 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 .....

|                    |             |
|--------------------|-------------|
| ..... [85,000,000] | 105,000,000 |
| =====              |             |

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

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

|                                                  |              |            |
|--------------------------------------------------|--------------|------------|
| AMERICAN RECOVERY AND REINVESTMENT ACT (CCP) ... | [80,000,000] | 90,000,000 |
|                                                  | -----        |            |

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

The sum of [forty] FIFTY million dollars [(\$40,000,000)] (\$50,000,000), 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

1 course of business from April 1 through May [9] 16, 2010, pursuant to  
2 existing state law and for purposes for which the legislature authorized  
3 the expenditures of money during the 2009-2010 fiscal year; provided,  
4 however, that nothing contained herein shall be deemed to limit or  
5 restrict the power or authority of state departments or agencies to  
6 conduct their activities or operations in accordance with existing law,  
7 and further provided that nothing contained herein shall be deemed to  
8 supersede, nullify, or modify the provisions of section 40 of the state  
9 finance law prescribing when appropriations made for the 2009-2010  
10 fiscal year shall have ceased to have force and effect. Funds appropri-  
11 ated herein shall be subject to all applicable reporting and account-  
12 ability requirements contained in such act ..... [40,000,000] 50,000,000  
13 =====

14 The sum of forty million dollars (\$40,000,000), or so much thereof as  
15 shall be sufficient to accomplish the purpose designated, is hereby  
16 appropriated for contracts approved for purposes for which the legisla-  
17 ture authorized the expenditures of money during the 2009-2010 fiscal  
18 year. An amount up to forty million dollars (\$40,000,000) shall be  
19 available for the payment by the state of the federal share of related  
20 transportation capital projects liabilities, funded by the American  
21 Recovery and Reinvestment Act of 2009 incurred in the ordinary course of  
22 business during the period from April 1 through May [9] 16, 2010 for  
23 contracts approved during the period April 1 through May [9] 16, 2010,  
24 provided, however, that nothing contained herein shall be deemed to  
25 limit or restrict the power or authority of state departments or agen-  
26 cies to conduct their activities or operations in accordance with exist-  
27 ing law, and further provided that nothing contained herein shall be  
28 deemed to supersede, nullify, or modify the provisions of section 40 of  
29 the state finance law prescribing when appropriations made for the  
30 2009-2010 fiscal year shall have ceased to have force and effect. Funds  
31 appropriated herein shall be subject to all applicable reporting and  
32 accountability requirements contained in such act ..... 40,000,000  
33 =====

34 S 8. Section 7 of chapter 20 of the laws of 2010, relating to making  
35 appropriations for the support of government, as amended by chapter 68  
36 of the laws of 2010, is amended to read as follows:

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

42 The sum of twenty million dollars (\$20,000,000), or so much thereof as  
43 shall be sufficient to accomplish the purpose designated, is hereby  
44 appropriated for contracts approved in accordance with section 112 of  
45 the state finance law for purposes for which the legislature authorized  
46 the expenditures of money during the 2009-2010 fiscal year. An amount up  
47 to twenty million dollars (\$20,000,000) shall be available for the  
48 payment of capital projects liabilities, including any contractual  
49 services liabilities of the engineering services fund, incurred to  
50 address emergency health and safety needs as certified by the director  
51 of budget during the period from April 1 through May [9] 16, 2010 FOR  
52 CONTRACTS APPROVED PRIOR TO, ON, OR AFTER APRIL 1, 2010, provided,  
53 however, that nothing contained herein shall be deemed to limit or

1 restrict the power or authority of state departments or agencies to  
2 conduct their activities or operations in accordance with existing law,  
3 and further provided that nothing contained herein shall be deemed to  
4 supersede, nullify, or modify the provisions of section 40 of the state  
5 finance law prescribing when appropriations made for the 2009-2010  
6 fiscal year shall have ceased to have force and effect ..... 20,000,000  
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 68  
10 of the laws of 2010, is amended to read as follows:

11 S 9. The [amount] SEVERAL AMOUNTS specified in this section, or so  
12 much thereof as shall be sufficient to accomplish the [purpose] PURPOSES  
13 designated, [is] ARE hereby appropriated and authorized to be paid as  
14 hereinafter provided, to the RESPECTIVE public officers and for the  
15 SEVERAL purposes specified, which [amount] AMOUNTS shall be available  
16 for the state fiscal year beginning April 1, 2010.

17 DEPARTMENT OF TRANSPORTATION

18 FEDERAL AID HIGHWAYS FEDERAL PURPOSE ..... [40,000,000] 60,000,000  
19 -----

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

22 The sum of forty million dollars (\$40,000,000), or so much thereof as  
23 shall be sufficient to accomplish the purpose designated, is hereby  
24 appropriated for contracts approved prior to April 1, 2010 for the  
25 payment by the state of the federal share of transportation related  
26 capital projects liabilities as provided for in the Safe, Accountable,  
27 Flexible, Efficient Transportation Equity Act: A Legacy for Users and  
28 any successive legislation incurred in the ordinary course of business  
29 from April 1 through May [9] 16, 2010, for projects that do not contain  
30 any state funding shares, AND FROM APRIL 1 THROUGH APRIL 11, FOR  
31 PROJECTS CONTAINING STATE FUNDING SHARES THAT ARE ELIGIBLE TO BE FUNDED  
32 BY BOND PROCEEDS, AND ONLY TO THE EXTENT THAT BOND PROCEEDS ARE AVAIL-  
33 ABLE, pursuant to existing state law and for purposes for which the  
34 legislature authorized the expenditures of money during the 2009-2010  
35 fiscal year; provided, however, that nothing contained herein shall be  
36 deemed to limit or restrict the power or authority of state departments  
37 or agencies to conduct their activities or operations in accordance with  
38 existing law, and further provided that nothing contained herein shall  
39 be deemed to supersede, nullify, or modify the provisions of section 40  
40 of the state finance law prescribing when appropriations made for the  
41 2009-2010 fiscal year shall have ceased to have force and effect. Funds  
42 appropriated herein shall not be available for the payment of liabil-  
43 ities funded by the American Recovery and Reinvestment Act of 2009 .....  
44 ..... 40,000,000  
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 16, 2010 FOR THE PAYMENT BY THE STATE OF THE FEDERAL SHARE  
50 OF TRANSPORTATION RELATED CAPITAL PROJECTS LIABILITIES AS PROVIDED FOR

1 IN THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT:  
2 A LEGACY FOR USERS AND ANY SUCCESSIVE LEGISLATION INCURRED IN THE ORDI-  
3 NARY COURSE OF BUSINESS FROM APRIL 1 THROUGH MAY 16, 2010, FOR PROJECTS  
4 THAT DO NOT CONTAIN ANY STATE FUNDING SHARES, PURSUANT TO EXISTING STATE  
5 LAW AND FOR PURPOSES FOR WHICH THE LEGISLATURE AUTHORIZED THE EXPENDI-  
6 TURES OF MONEY DURING THE 2009-2010 FISCAL YEAR; PROVIDED, HOWEVER, THAT  
7 NOTHING CONTAINED HEREIN SHALL BE DEEMED TO LIMIT OR RESTRICT THE POWER  
8 OR AUTHORITY OF STATE DEPARTMENTS OR AGENCIES TO CONDUCT THEIR ACTIV-  
9 ITIES OR OPERATIONS IN ACCORDANCE WITH EXISTING LAW, AND FURTHER  
10 PROVIDED THAT NOTHING CONTAINED HEREIN SHALL BE DEEMED TO SUPERSEDE,  
11 NULLIFY, OR MODIFY THE PROVISIONS OF SECTION 40 OF THE STATE FINANCE LAW  
12 PRESCRIBING WHEN APPROPRIATIONS MADE FOR THE 2009-2010 FISCAL YEAR SHALL  
13 HAVE CEASED TO HAVE FORCE AND EFFECT. FUNDS APPROPRIATED HEREIN SHALL  
14 NOT BE AVAILABLE FOR THE PAYMENT OF LIABILITIES FUNDED BY THE AMERICAN  
15 RECOVERY AND REINVESTMENT ACT OF 2009 ..... 20,000,000  
16 =====

17 NEW YORK STATE AGENCY FUND (CCP) ..... 5,000,000  
18 -----

19 FIDUCIARY FUNDS/CAPITAL PROJECTS  
20 HIGHWAY COSTS IMPROVEMENT ACCOUNTS  
21 NON-FEDERAL AIDED HIGHWAY PURPOSE

22 THE SUM OF FIVE MILLION DOLLARS (\$5,000,000), OR SO MUCH THEREOF AS  
23 SHALL BE SUFFICIENT TO ACCOMPLISH THE PURPOSE DESIGNATED, IS HEREBY  
24 APPROPRIATED FOR CONTRACTS APPROVED PRIOR TO APRIL 1, 2010 FOR THE  
25 PAYMENT OF TRANSPORTATION RELATED CAPITAL PROJECTS LIABILITIES INCURRED  
26 BY THE DEPARTMENT OF TRANSPORTATION ON BEHALF OF ENTITIES OTHER THAN  
27 STATE DEPARTMENTS OR AGENCIES PURSUANT TO THE HIGHWAY LAW OR TRANSPORTA-  
28 TION LAW INCURRED IN THE ORDINARY COURSE OF BUSINESS FROM APRIL 1  
29 THROUGH MAY 16, 2010 ..... 5,000,000  
30 =====

31 S 9-a. The amount specified in this section, or so much thereof as  
32 shall be sufficient to accomplish the purpose designated, is hereby  
33 appropriated and authorized to be paid as hereinafter provided, to the  
34 public officers and for the purpose specified, which amount shall be  
35 available for the state fiscal year beginning April 1, 2010.

36 DEPARTMENT OF TRANSPORTATION

37 The sum of five million dollars (\$5,000,000), or so much thereof as  
38 shall be sufficient to accomplish the purpose designated, is hereby  
39 appropriated for contracts approved prior to April 1, 2010 for the  
40 payment by the state of the state share of transportation related capi-  
41 tal projects liabilities including construction inspection, funded by  
42 the dedicated highway and bridge trust fund - non-federal aided highway  
43 purpose and preparation of plans purpose and/or the New York rebuild and  
44 renew New York transportation bond act of 2005 - highway facilities  
45 purpose incurred in the ordinary course of business from April 1 through  
46 April 11, 2010 only for the shares of projects that are eligible to be  
47 funded by bond proceeds, and only to the extent that bond proceeds are  
48 available, pursuant to existing state law and for purposes for which the  
49 legislature authorized the expenditures of money during the 2009-2010  
50 fiscal year; provided, however, that nothing contained herein shall be



1 deemed to limit or restrict the power or authority of state departments  
2 or agencies to conduct their activities or operations in accordance with  
3 existing law, and further provided that nothing contained herein shall  
4 be deemed to supersede, nullify, or modify the provisions of section 40  
5 of the state finance law prescribing when appropriations made for the  
6 2009-2010 fiscal year shall have ceased to have force and effect .....

7 ..... 5,000,000  
8 =====

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

15 DEPARTMENT OF HEALTH

16 CHILD HEALTH INSURANCE PROGRAM ..... 40,000,000  
17 -----

18 Special Revenue Funds - Other / Aid to Localities  
19 HCRA Resources Fund - 061  
20 Children's Health Insurance Account

21 The money hereby appropriated is available  
22 for payment of aid heretofore accrued or  
23 hereafter accrued.  
24 For services and expenses related to the  
25 children's health insurance program  
26 authorized pursuant to title 1-A of arti-  
27 cle 25 of the public health law ..... 40,000,000  
28 -----

29 MEDICAL ASSISTANCE PROGRAM ..... 1,450,000,000  
30 -----

31 General Fund / Aid to Localities  
32 Local Assistance Account - 001

33 For the medical assistance program, exclu-  
34 sive of expenses incurred by local  
35 districts for administration of the  
36 medical assistance program and for medical  
37 care rates for authorized child care agen-  
38 cies.

39 The money hereby appropriated is to be  
40 available for payment of aid heretofore  
41 accrued to municipalities, and to provid-  
42 ers of medical services pursuant to  
43 section 367-b of the social services law,  
44 and for payment of state aid to munici-  
45 palities and to providers of family care  
46 where payment systems through the fiscal  
47 intermediaries are not operational, and  
48 shall be available to the department net

1 of disallowances, refunds, reimbursements,  
2 and credits.

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

8 Notwithstanding any inconsistent provision  
9 of law, the moneys hereby appropriated may  
10 be increased or decreased by interchange  
11 with any appropriation of the department  
12 of health medical assistance adminis-  
13 tration program and/or medical assistance  
14 program, and may be increased or decreased  
15 by transfer or suballocation between these  
16 appropriated amounts and appropriations of  
17 the department of social services or its  
18 successor agencies with the approval of  
19 the director of the budget, who shall file  
20 such approval with the department of audit  
21 and control and copies thereof with the  
22 chairman of the senate finance committee  
23 and the chairman of the assembly ways and  
24 means committee.

25 Notwithstanding any inconsistent provision  
26 of law, the money hereby appropriated  
27 shall not be used for any existing rates,  
28 fees, fee schedules, or procedures which  
29 may affect the cost of care and services  
30 provided by personal care providers, case  
31 managers, health maintenance organiza-  
32 tions, out of state medical facilities  
33 which provide care and services to resi-  
34 dents of the state, providers of transpor-  
35 tation services, that are altered,  
36 amended, adjusted or otherwise changed by  
37 a local social services district unless  
38 previously approved by the department of  
39 health and the director of the budget.

40 For services and expenses of the medical  
41 assistance program including hospital  
42 inpatient services ..... 82,000,000

43 For services and expenses of the medical  
44 assistance program including hospital  
45 outpatient and emergency room services ..... 15,000,000

46 For services and expenses of the medical  
47 assistance program including clinic  
48 services ..... 14,000,000

49 For services and expenses of the medical  
50 assistance program including nursing home  
51 services ..... 148,000,000

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

55 For services and expenses of the medical

|    |                                           |             |
|----|-------------------------------------------|-------------|
| 1  | assistance program including managed care |             |
| 2  | services .....                            | 124,000,000 |
| 3  | For services and expenses of the medical  |             |
| 4  | assistance program including pharmacy     |             |
| 5  | services .....                            | 65,000,000  |
| 6  | For services and expenses of the medical  |             |
| 7  | assistance program including transporta-  |             |
| 8  | tion services .....                       | 6,000,000   |
| 9  | For services and expenses of the medical  |             |
| 10 | assistance program including dental       |             |
| 11 | services .....                            | 3,000,000   |
| 12 | For services and expenses of the medical  |             |
| 13 | assistance program including non-institu- |             |
| 14 | tional and other spending .....           | 32,000,000  |
| 15 |                                           | -----       |
| 16 | Program account subtotal .....            | 600,000,000 |
| 17 |                                           | -----       |

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

21 For services and expenses for the medical  
22 assistance program, excluding administra-  
23 tive expenses, pursuant to title XIX of  
24 the federal social security act or its  
25 successor program.

26 The moneys hereby appropriated are 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 | For services and expenses of the medical     |             |
| 39 | assistance program including hospital        |             |
| 40 | inpatient services .....                     | 90,000,000  |
| 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 .....                               | 15,000,000  |
| 47 | For services and expenses of the medical     |             |
| 48 | assistance program including nursing home    |             |
| 49 | services .....                               | 163,000,000 |
| 50 | For services and expenses of the medical     |             |
| 51 | assistance program including other long      |             |
| 52 | term care services .....                     | 123,000,000 |
| 53 | For services and expenses of the medical     |             |

|    |                                           |             |
|----|-------------------------------------------|-------------|
| 1  | assistance program including managed care |             |
| 2  | services .....                            | 137,000,000 |
| 3  | For services and expenses of the medical  |             |
| 4  | assistance program including pharmacy     |             |
| 5  | services .....                            | 72,000,000  |
| 6  | For services and expenses of the medical  |             |
| 7  | assistance program including transporta-  |             |
| 8  | tion services .....                       | 6,000,000   |
| 9  | For services and expenses of the medical  |             |
| 10 | assistance program including dental       |             |
| 11 | services .....                            | 4,000,000   |
| 12 | For services and expenses of the medical  |             |
| 13 | assistance program including non-institu- |             |
| 14 | tional and other spending .....           | 35,000,000  |
| 15 |                                           | -----       |
| 16 | Program account subtotal .....            | 660,000,000 |
| 17 |                                           | -----       |

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

|    |                                            |             |
|----|--------------------------------------------|-------------|
| 21 | For services and expenses of the medical   |             |
| 22 | assistance program including hospital      |             |
| 23 | inpatient, hospital outpatient and emer-   |             |
| 24 | gency room, clinic, nursing home, other    |             |
| 25 | long term care, managed care, pharmacy,    |             |
| 26 | transportation, dental, non-institutional  |             |
| 27 | and other spending, medical services       |             |
| 28 | provided at state facilities operated by   |             |
| 29 | the office of mental health, the office of |             |
| 30 | mental retardation and developmental disa- |             |
| 31 | bilities and the office of alcoholism and  |             |
| 32 | substance abuse services and for any other |             |
| 33 | medical assistance services resulting from |             |
| 34 | an increase in the federal medical assist- |             |
| 35 | ance percentage .....                      | 190,000,000 |
| 36 |                                            | -----       |
| 37 | Program account subtotal .....             | 190,000,000 |
| 38 |                                            | -----       |

39 S 11. The amount specified in this section, or so much thereof as  
40 shall be sufficient to accomplish the purposes designated, is hereby  
41 appropriated and authorized to be paid as hereinafter provided, to the  
42 respective public officers and for the several purposes specified, which  
43 amount shall be available for the state fiscal year beginning April 1,  
44 2010.

45 DEPARTMENT OF LABOR

|    |                                              |             |
|----|----------------------------------------------|-------------|
| 46 | UNEMPLOYMENT INSURANCE BENEFIT PROGRAM ..... | 195,000,000 |
| 47 |                                              | -----       |
| 48 | Enterprise Funds / State Operations          |             |
| 49 | Unemployment Insurance Benefit Fund - 481    |             |

1 For payment of unemployment insurance bene-  
2 fits pursuant to article 18 of the labor  
3 law or as authorized by the Federal  
4 government through the disaster unemploy-  
5 ment assistance program ..... 195,000,000  
6 -----

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

12 DEPARTMENT OF FAMILY ASSISTANCE  
13 OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

14 EMPLOYMENT AND ECONOMIC SUPPORT PROGRAM ..... 60,000,000  
15 -----

16 General Fund / Aid to Localities  
17 Local Assistance Account - 001

18 For expenditures made pursuant to title 8 of  
19 article 5 of the social services law and  
20 for expenditures for additional state  
21 payments for eligible aged, blind, and  
22 disabled persons related to supplemental  
23 security income ..... 60,000,000  
24 -----

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

30 DEPARTMENT OF MENTAL HYGIENE  
31 OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

32 COMMUNITY SERVICES PROGRAM ..... 2,000,000  
33 -----

34 General Fund / Aid to Localities  
35 Local Assistance Account - 001

36 Notwithstanding the provisions of section  
37 16.23 of the mental hygiene law and any  
38 other inconsistent provision of law, with  
39 relation to the operation of certified  
40 family care homes, including family care  
41 homes sponsored by voluntary not-for-pro-  
42 fit agencies, moneys from this appropri-  
43 ation may be used for payments to purchase  
44 general services including but not limited  
45 to respite providers, up to a maximum of  
46 14 days, at rates to be established by the

1 commissioner and approved by the director  
2 of the budget in consideration of factors  
3 including, but not limited to, geographic  
4 area and number of clients cared for in  
5 the home and for payment at the rate of  
6 \$600 per year on the basis of financial  
7 need for the personal needs of each client  
8 residing in the family care home.

9 Notwithstanding the provisions of subdivi-  
10 sion 12 of section 8 of the state finance  
11 law and any other inconsistent provision  
12 of law, moneys from this appropriation may  
13 be used for expenses of family care homes  
14 including payments to operators of certi-  
15 fied family care homes for damages caused  
16 by clients to personal and real property  
17 in accordance with standards established  
18 by the commissioner and approved by the  
19 director of the budget.

20 For services and expenses related to the  
21 provision of residential services to the  
22 developmentally disabled ..... 2,000,000  
23 -----

24 S 14. No expenditure may be made from any appropriation in this act,  
25 until a certificate of approval has been issued by the director of the  
26 budget and a copy of such certificate shall have been filed with the  
27 state comptroller, the chairman of the senate finance committee and the  
28 chairman of the assembly ways and means committee provided, however,  
29 that any expenditures from any appropriation in this act made by the  
30 legislature or judiciary shall not require such certificate.

31 S 15. All expenditures and disbursements made against the appropri-  
32 ations in this act shall, upon final action by the legislature on appro-  
33 priation bills submitted by the governor pursuant to article VII of the  
34 state constitution for the support of government for the state fiscal  
35 year beginning April 1, 2010, be transferred by the comptroller as  
36 expenditures and disbursements to such appropriations for all state  
37 departments, agencies, the legislature and the judiciary, as applicable,  
38 in amounts equal to the amounts charged against the appropriations in  
39 this act for each such department, agency, the legislature and the judi-  
40 ciary.

41 S 16. Severability clause. If any clause, sentence, paragraph, subdivi-  
42 sion, section or part of this act shall be adjudged by any court of  
43 competent jurisdiction to be invalid, such judgment shall not affect,  
44 impair, or invalidate the remainder thereof, but shall be confined in  
45 its operation to the clause, sentence, paragraph, subdivision, section  
46 or part thereof directly involved in the controversy in which such judg-  
47 ment shall have been rendered. It is hereby declared to be the intent of  
48 the legislature that this act would have been enacted even if such  
49 invalid provisions had not been included herein.

50 S 17. This act shall take effect immediately and shall be deemed to  
51 have been in full force and effect on and after April 1, 2010; provided,  
52 however, that upon the transfer of expenditures and disbursements by the

1 comptroller as provided in section fifteen of this act, the appropri-  
2 ations made by this act and subject to such section shall be deemed  
3 repealed.