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

S. 7924 A. 11173

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

May 24, 2010

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

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

AN ACT making appropriations for the support of government; to amend chapter 20 of the laws of 2010, relating to making appropriations for the support of government; to amend chapter 46 of the laws of 2010, relating to making appropriations for the support of government; to amend chapter 47 of the laws of 2010, relating to making appropriations for the support of government; and to amend chapter 75 of the laws of 2010, relating to making appropriations for the support of government

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

S 2. The sum of one billion [six] EIGHT hundred [fifty-three] EIGHTEEN million [six] THREE hundred [thirty-six] SIX thousand dollars [($1,653,636,000)] ($1,818,306,000), 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.

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

LBD12243-02-0

ALL STATE DEPARTMENTS AND AGENCIES

For the purpose of making payments for personal service, including liabilities incurred prior to April 1, 2010, on the payrolls scheduled to be paid during the period April 1 through [May 26] JUNE 3, 2010 to state officers and employees of the executive branch, including the governor, lieutenant governor, comptroller and attorney general; to officers and employees of the judiciary; and to officers and employees of the legislature, including payments to the members of the senate and assembly under sections 5 and 5-a of the legislative law; and payments for services performed by mentally ill or developmentally disabled persons who are employed in state-operated special employment, work-for-pay or sheltered workshop programs ..... [1,653,636,000] 1,818,306,000

S 3. Section 3 of chapter 20 of the laws of 2010, relating to making appropriations for the support of government, as amended by chapter 80 of the laws of 2010, is amended to read as follows:

S 3. The sum of one hundred [fifty] SIXTY-SIX million [six hundred seventy-nine] SEVEN HUNDRED NINETY thousand dollars [($150,679,000)] ($166,790,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated out of any moneys in the general fund to the credit of the state purposes account not otherwise appropriated for the purpose of paying to the social security contribution fund, the state's share, as employer, of the payroll tax for payrolls scheduled to be paid during the period April 1 through [May 26] JUNE 3, 2010, including liabilities incurred prior to April 1, 2010 ..... [150,679,000] 166,790,000

S 4. Section 4 of chapter 20 of the laws of 2010, relating to making appropriations for the support of government, as amended by chapter 80 of the laws of 2010, is amended to read as follows:

S 4. The sum of one hundred [three] FOUR thousand dollars [($103,000)] ($104,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated out of any moneys in the general fund to the credit of the state purposes account not otherwise appropriated for payments to the teachers insurance and annuity association and college retirement equities fund associated with individuals working in the education department, the higher education services corporation, and the state university of New York construction fund. Notwithstanding any other provisions of law to the contrary, the comptroller is hereby authorized and directed to utilize this appropriation for the purpose of making scheduled teachers insurance and annuity association and college retirement equities fund payments ..... [103,000] 104,000

S 5. Section 6 of chapter 46 of the laws of 2010, relating to making appropriations for the support of government, as amended by chapter 80 of the laws of 2010, is amended to read as follows:

S 6. The [amount] SEVERAL AMOUNTS specified in this section, or so much thereof as shall be sufficient to accomplish the [purpose] PURPOSES designated, [is] ARE hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the [purpose] SEVERAL PURPOSES specified, which [amount] AMOUNTS 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 [forty-three] FORTY-FIVE million dollars [($43,000,000)] ($45,000,000), 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 May [23] 31, 2010 ..... [43,000,000] 45,000,000

THE SUM OF FOUR MILLION DOLLARS ($4,000,000), 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 SPECIAL REVENUE FUNDS - OTHER / AID TO LOCALITIES, COURT FACILITY INCENTIVE AID FUND - 340 FOR SERVICES AND EXPENSES RELATED TO COURT CLEANING AND MINOR REPAIRS, INTEREST AID, APPELLATE AID AND JUDICIAL INSTITUTE FINANCING PAYMENTS 4,000,000

S 6. Section 5 of chapter 20 of the laws of 2010, relating to making appropriations for the support of government, as amended by chapter 80 of the laws of 2010, is amended to read as follows:

S 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 liabilities incurred in the ordinary course of business, during the period April 1 through May [23] 31, 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 authori-

ty 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 ..... [125,000,000] 145,000,000

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

S 6. 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.

AMERICAN RECOVERY AND REINVESTMENT ACT (CCP) 100,000,000

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

The sum of sixty million dollars ($60,000,000), 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 May [23] 31, 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 60,000,000

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 RELATED 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 May [23] 31, 2010 for contracts approved during the period April 1 through May [23] 31, 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 80 of the laws of 2010, is amended to read as follows:

S 7. The [amount] SEVERAL AMOUNTS specified in this section, or so much thereof as shall be sufficient to accomplish the [purpose] PURPOSES 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.

ALL STATE DEPARTMENTS AND AGENCIES

The sum of [twenty] TWENTY-FIVE million dollars [($20,000,000)] ($25,000,000), 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 [twenty] TWENTY-FIVE million dollars [($20,000,000)] ($25,000,000) 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 May [23] 31, 2010 for contracts approved prior to, on, or after April 1, 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 ..... [20,000,000] 25,000,000
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THE SUM OF FIFTEEN MILLION DOLLARS ($15,000,000), 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 FIFTEEN MILLION DOLLARS ($15,000,000) SHALL BE AVAILABLE FOR THE PAYMENT OF CAPITAL PROJECTS LIABILITIES INCURRED DURING THE PERIOD FROM APRIL 1 THROUGH APRIL 11, 2010 FOR CONTRACTS APPROVED PRIOR TO APRIL 1, 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 15,000,000

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S 9. Section 9 of chapter 47 of the laws of 2010, relating to making appropriations for the support of government, as amended by chapter 80 of the laws of 2010, is amended to read as follows:

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

DEPARTMENT OF TRANSPORTATION

FEDERAL AID HIGHWAYS FEDERAL PURPOSE ..... [60,000,000] 100,000,000

Federal Capital Projects Fund - 291
Federal Aid Highways Purpose

The sum of [forty] EIGHTY million dollars [($40,000,000)] ($80,000,000), 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 [23] 31, 2010, for projects that do not contain any state funding shares, and from April 1 through April [18] 25, for projects containing state funding shares that are eligible to be funded by bond proceeds, and only to the extent that bond proceeds are available, 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] 80,000,000

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The sum of twenty million dollars ($20,000,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated for contracts approved during the period from April 1 through May [23] 31, 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 [23] 31, 2010, for projects that do not contain any state funding shares OR FOR PROJECTS CONTAINING BOTH STATE FUNDING SHARES THAT ARE ELIGIBLE TO BE FUNDED BY BOND PROCEEDS TO THE EXTENT THAT SUCH BOND PROCEEDS ARE AVAILABLE AND FEDERAL SHARES FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, 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 20,000,000

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NEW YORK STATE AGENCY FUND (CCP) ..... [5,000,000] 10,000,000

Fiduciary Funds/Capital Projects
Highway Costs Improvement Accounts
Non-Federal Aided Highway Purpose

The sum of [five] TEN million dollars [($5,000,000)] ($10,000,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated for contracts approved prior to, ON OR AFTER April 1, 2010 for the payment of transportation related capital projects liabilities incurred by the department of transportation on behalf of entities other than state departments or agencies pursuant to the highway law or transportation law incurred in the ordinary course of business from April 1 through May [23] 31, 2010 ..... [5,000,000] 10,000,000

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S 9-a. Section 9-a of chapter 75 of the laws of 2010, relating to making appropriations for the support of government, as amended by chapter 80 of the laws of 2010, is amended to read as follows:

S 9-a. 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 purpose specified, which amount shall be available for the state fiscal year beginning April 1, 2010.

DEPARTMENT OF TRANSPORTATION

The sum of [ten] FIFTEEN million dollars [($10,000,000)] ($15,000,000), 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 state share of transportation related capital projects liabilities including construction inspection, funded by the dedicated highway and bridge

trust fund - non-federal aided highway purpose and preparation of plans purpose and/or the [New York] rebuild and renew New York transportation bond act of 2005 - highway facilities purpose incurred in the ordinary course of business from April 1 through April [18] 25, 2010 only for the shares of projects that are eligible to be funded by bond proceeds, and only to the extent that bond proceeds are available, 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 ..... [10,000,000] 15,000,000

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S 9-b. 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 purpose specified, which amount shall be available for the state fiscal year beginning April 1, 2010.

DEPARTMENT OF TRANSPORTATION

The sum of one million dollars ($1,000,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated for contracts approved during the period from April 1, 2010 through May 31, 2010, for the payment by the state of the state share of transportation related capital projects liabilities incurred in the ordinary course of business from April 1, 2010 through May 31, 2010, including construction inspection, funded by the dedicated highway and bridge trust fund - non-federal aided highway purpose and preparation of plans purpose and/or the rebuild and renew New York transportation bond act of 2005 - highway facilities purpose, only for the shares of projects that are eligible to be funded by bond proceeds, only to the extent that bond proceeds are available, and only for capital projects that contain funding shares from the American Recovery and Reinvestment Act of 2009, 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 1,000,000

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S 10. 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

ELDERLY PHARMACEUTICAL INSURANCE COVERAGE PROGRAM 17,000,000

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

For services and expenses of the program for elderly pharmaceutical insurance coverage, including reimbursement to pharmacies participating in such program.
The moneys hereby appropriated shall be available for payment of financial assistance heretofore accrued or hereafter to accrue 17,000,000

MEDICAL ASSISTANCE PROGRAM 1,450,000,000

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

Program account subtotal 600,000,000

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

Program account subtotal 660,000,000

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

S 11. 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 195,000,000

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 195,000,000

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 purpose specified, which amount shall be available for the state fiscal year beginning April 1, 2010.

DEPARTMENT OF MENTAL HYGIENE

OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

COMMUNITY SERVICES PROGRAM 2,000,000

Notwithstanding the provisions of section 16.23 of the mental hygiene law and any other inconsistent provision of law, with relation to the operation of certified family care homes, including family care homes sponsored by voluntary not-for-profit agencies, moneys from this appropriation may be used for payments to purchase general services including but not limited to respite providers, up to a maximum of 14 days, at rates to be established by the commissioner and approved by the director of the budget in consideration of factors including, but not limited to, geographic area and number of clients cared for in the home and for payment at the rate of $600 per year on the basis of financial need for the personal needs of each client residing in the family care home.

Notwithstanding the provisions of subdivision 12 of section 8 of the state finance law and any other inconsistent provision of law, moneys from this appropriation may be used for expenses of family care homes including payments to operators of certified family care homes for damages caused by clients to personal and real property in accordance with standards established by the commissioner and approved by the director of the budget.

For services and expenses related to the provision of family care services 2,000,000

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 purpose specified, which amount shall be available for the state fiscal year beginning April 1, 2010.

LOCAL GOVERNMENT ASSISTANCE

AID AND INCENTIVES FOR MUNICIPALITIES 11,138,869

General Fund / Aid to Localities
Local Assistance Account - 001

For payment to local governments under the aid and incentives for municipalities program pursuant to section 54 of the state finance law in accordance with the following:

For base level grants to municipalities 11,138,869

Notwithstanding any provision of law to the contrary, moneys paid pursuant to this appropriation shall be due and payable on or before June 25, 2010 within amounts appropriated therefor.

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.

EDUCATION DEPARTMENT

ELEMENTARY, MIDDLE, SECONDARY AND CONTINUING EDUCATION PROGRAM 1,497,000,000

General Fund / Aid to Localities
Local Assistance Account - 001

The sum of one billion two hundred and fifty-seven million dollars ($1,257,000,000), 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 boards of cooperative educational services, payments of excess cost aid made pursuant to paragraphs a and a-1 of subdivision 1 of section 3609-b of the education law, and payments made to the Roosevelt Union Free School District pursuant to section 5 of chapter 121 of the laws of 1996, as amended. Notwithstanding any other provision of law to the contrary, in the event the director of the budget determines that there are insufficient state funds to make all payments calculated by the commissioner of education pursuant to clause (v) of subparagraph (3) of paragraph b of subdivision 1 of section 3609-a of the education law, subdivision 1 of section 3609-d of the education law, or paragraph b of section 5 of chapter 121 of the laws of 1996, as amended by chapter 33 of the laws of 2002, the commissioner shall make payments on a prorated basis amongst all school districts scheduled to receive an unpaid balance of a payment pursuant to such provisions based on a plan approved by the director of the budget. Notwithstanding any provision of law to the contrary, all moneys paid pursuant to clause (v) of subparagraph (3) of paragraph b of subdivision 1 of section 3609-a of the education law, subdivision 1 of section 3609-d of the education law, and paragraph b of section 5 of chapter 121 of the laws of 1996 shall be due and payable on or before June 30, 2010 within amounts appropriated therefor 1,257,000,000

Special Revenue Funds - Other / Aid to Localities

State Lottery Fund - 160

The sum of two hundred forty million dollars ($240,000,000), 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 state lottery fund. The comptroller is hereby authorized and directed to utilize this appropriation for the purposes of making mandated June payments for the 2009-10 school year for general support for public schools. Notwithstanding any other provision of law to the contrary, in the event the director of the budget determines that there are insufficient state funds to make all payments pursuant to this appropriation, the commissioner shall make such payments on a prorated basis amongst all school districts scheduled to receive a payment pursuant to this appropriation based upon a plan approved by the director of the budget. Notwithstanding any provision of law to the contrary, all moneys paid pursuant to this appropriation shall be due and payable on or before June 30, 2010 within amounts appropriated therefor 240,000,000
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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.

S 17. 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 18. 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 sixteen of this act, the appropriations made by this act and subject to such section shall be deemed repealed.