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I N A S S E M B L Y

April 16, 2013

Introduced by M. of A. WEISENBERG, GUNTHER, MILLER, GABRYSZAK, KEARNS, ROSENTHAL, ABINANTI, MAISEL, BROOK-KRASNY, KELLNER, THIELE, HEVESI, WEPRIN, CUSICK, STECK, SWEENEY, SKOUFIS, LUPARDO, LAVINE, ZEBROWSKI, MOSLEY, COOK, ENGLEBRIGHT, DINOWITZ, SCARBOROUGH, COLTON, MILLMAN, CAHILL, LIFTON, BENEDETTO, JAFFEE, SCHIMEL, TITONE, GIBSON, BRAUNSTEIN, ROBERTS, RODRIGUEZ, BARRETT, OTIS, SANTABARBARA, ROBINSON, PERRY, GOTTFRIED, HIKIND, BRONSON, ESPINAL, BARRON, RUSSELL, GALEF, CAMARA, ROSA, GANTT, HOOPER, MAGEE, RAMOS, WEINSTEIN, DenDEKKER, FARRELL, STEVENSON, O'DONNELL, HEASTIE, CYMBROWITZ, GOLDFEDER, KAVANAGH, ORTIZ, ROZIC, GLICK, KOLB -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, AUBRY, BARCLAY, BLANKENBUSH, BORELLI, BOYLAND, BRENNAN, BRINDISI, BUCHWALD, BUTLER, CERETTO, CLARK, CORWIN, CRESPO, CROUCH, CURRAN, DIPIETRO, DUPREY, FAHY, FINCH, FITZPATRICK, GARBARINO, GIGLIO, GJONAJ, GOODELL, GRAF, HAWLEY, HENNESSEY, JACOBS, JOHNS, KATZ, KIM, LALOR, LENTOL, P. LOPEZ, LUPINACCI, MAGNARELLI, MALLIOTAKIS, MARKEY, MAYER, McDONALD, McDONOUGH, McKEVITT, McLAUGHLIN, MONTESANO, MOYA, NOJAY, NOLAN, OAKS, PALMESANO, PAULIN, PRETLOW, QUART, RA, RABBITT, RAIA, REILICH, RIVERA, RYAN, SALADINO, SCHIMMINGER, SEPULVEDA, SIMANOWITZ, SIMOTAS, SKARTADOS, SOLAGES, STEC, STIRPE, TEDISCO, TENNEY, TITUS, WALTER, WRIGHT -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT making an appropriation to the office for people with developmental disabilities for the purpose of providing additional services and expenses for community programs for people with developmental disabilities

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

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

LBD10185-09-3

1 Section 1. This act shall be known and may be cited as the "People
2 with Developmental Disabilities Restoration and Reinvestment Act of
3 2013".

4 S 2. Statement of legislative intent. The legislature hereby finds
5 that providing people with developmental disabilities high quality care
6 is a critical state responsibility as affirmed in public policy includ-
7 ing federal and state court cases and legislation. Furthermore the
8 legislature recognizes that critical reductions in state funding were
9 enacted during the fiscal year 2013-2014 budget which will, if not
10 restored, erode the quality of care for these vulnerable individuals
11 over time and sabotage state and federal mandates to achieve transforma-
12 tional objectives and transition to managed care. The legislature also
13 recognizes that, in accordance with budget language enacted as part of
14 chapter 53 of the laws of 2013, substantial and laudable progress has
15 been made by the executive working in cooperation with people with
16 developmental disabilities, their families and providers toward finding
17 savings to minimize the impact of fiscal year 2013-2014 funding
18 reductions. However, it is not sufficiently clear to what extent the
19 impact of these cuts have been minimized. Therefore it is the intent of
20 the legislature to ensure that the fiscal year 2013-2014 reduction be
21 fully restored and savings generated which are attributable to program
22 reductions, administrative reductions, more efficient operations or
23 appropriate lower cost care stay within the office for people with
24 developmental disabilities' voluntary system for reinvestment towards
25 unmet needs. Finally, this bill provides a cost effective vehicle for
26 achieving its goals since it utilizes elements of the savings plan
27 developed pursuant to chapter 53 of the laws of 2013 to reduce the actu-
28 al appropriation required.

29 S 3. The sum of ninety million dollars (\$90,000,000), or so much ther-
30 eof as may be necessary, is hereby appropriated to the office for people
31 with developmental disabilities out of any moneys in the state treasury
32 in the general fund, not otherwise appropriated, and made immediately
33 available, for the purposes of this act. Such funding shall therefore
34 supplement the monies appropriated by chapter 53 of the laws of 2013 to
35 the office for people with developmental disabilities and shall be
36 subject to the same conditions and requirements as stipulated in such
37 chapter, including sub-allocations to the department of health for the
38 state's medical assistance program.

39 The amount of such monies appropriated shall be determined by the
40 commissioner of the office for people with developmental disabilities
41 and the director of the budget and shall be based on a recommendation
42 developed by the workgroup appointed pursuant to chapter 53 of the laws
43 of 2013. The workgroup shall develop its recommendation upon evaluating
44 the extent to which the savings plan it developed pursuant to budget
45 language included in chapter 53 of the laws of 2013 results in any addi-
46 tional federal funds or other funds being made available that may be
47 used to offset the requirement to appropriately use the full ninety
48 million dollars (\$90,000,000). To the extent that these additional
49 sources of funding fall short of \$90,000,000 no later than December 31,
50 2013 the director of the budget shall cause to be deposited sufficient
51 funds to make up for such shortfall to the credit of the general fund.

52 S 4. This act shall take effect immediately.