

# STATE OF NEW YORK

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9766

## IN ASSEMBLY

April 4, 2022

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Introduced by M. of A. WEINSTEIN -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT making appropriations for the support of government; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative intent. The legislature hereby finds and  
2 declares that the enactment of these appropriations provides sufficient  
3 authority to the comptroller for the purpose of making payments for the  
4 purposes described herein until such time as appropriation bills submitted by the governor pursuant to article VII of the state constitution  
5 for the support of government for the state fiscal year beginning April  
6 1, 2022 are enacted.

7  
8 § 2. The amounts specified in this section, or so much thereof as  
9 shall be sufficient to accomplish the purposes designated, is hereby  
10 appropriated and authorized to be paid as hereinafter provided, to the  
11 public officers and for the purpose specified, which amount shall be  
12 available for the state fiscal year beginning April 1, 2022.

### ALL STATE DEPARTMENTS AND AGENCIES

13  
14 For the purpose of making payments for  
15 personal service, including liabilities  
16 incurred prior to April 1, 2022, on the  
17 payrolls scheduled to be paid during the  
18 period April 1 through April 7, 2022 to  
19 state officers and employees of the executive branch, including the governor, lieutenant governor, comptroller and attorney general; and payments for services  
20 performed by mentally ill or developmentally disabled persons who are employed  
21 in state-operated special employment,  
22  
23  
24  
25

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

LBD12041-01-2

1 work-for-pay or sheltered workshop  
2 programs ..... 186,000,000  
3 For the purpose of state agencies making  
4 payments for fringe benefits assessments  
5 incurred for personal service liabilities  
6 incurred prior to April 1, 2022, and  
7 during the period April 1 through April 7,  
8 2022 ..... 70,000,000  
9 For the purpose of state agencies making  
10 payments for indirect cost assessments  
11 incurred for personal service liabilities  
12 incurred prior to April 1, 2022, and  
13 during the period April 1 through April 7,  
14 2022 ..... 4,500,000  
15 -----

16 § 3. The amount specified in this section, or so much thereof as shall  
17 be sufficient to accomplish the purpose designated, is hereby appropri-  
18 ated and authorized to be paid as hereinafter provided, to the public  
19 officers and for the purpose specified, which amount shall be available  
20 for the state fiscal year beginning April 1, 2022.

21 ALL STATE DEPARTMENTS AND AGENCIES

22 For the payment of state operations non  
23 personal service liabilities to the execu-  
24 tive branch, including the comptroller,  
25 and the attorney general, incurred in the  
26 ordinary course of business, during the  
27 period April 1 through April 5, 2022,  
28 pursuant to existing state law and for  
29 purposes for which the legislature author-  
30 ized the expenditure of moneys during the  
31 2021-2022 state fiscal year; provided,  
32 however, that nothing contained herein  
33 shall be deemed to limit or restrict the  
34 power or authority of state departments or  
35 agencies to conduct their activities or  
36 operations in accordance with existing  
37 law, and further provided that nothing  
38 contained herein shall be deemed to super-  
39 sede, nullify or modify the provisions of  
40 section 40 of the state finance law  
41 prescribing when appropriations made for  
42 the 2021-2022 state fiscal year shall have  
43 ceased to have force and effect ..... 11,250,000  
44 -----

45 § 4. The amounts specified in this section, or so much thereof as  
46 shall be sufficient to accomplish the purposes designated, is hereby  
47 appropriated and authorized to be paid as hereinafter provided, to the  
48 public officers and for the purposes specified, which amount shall be  
49 available for the state fiscal year beginning April 1, 2022.

1 MISCELLANEOUS -- ALL STATE DEPARTMENTS AND AGENCIES

2 GENERAL STATE CHARGES

3 STATE OPERATIONS

4 GENERAL STATE CHARGES ..... 56,600,000

5 -----

6 General Fund

7 State Purposes Account - 10050

8 For employee fringe benefits according to

9 the following project schedule including

10 those benefits which are related to

11 employees paid from funds, accounts, or

12 programs where the division of the budget

13 has issued waivers ..... 55,300,000

14 Project Schedule

15 PROJECT AMOUNT

16 -----

17 For the state's contribution

18 to employee benefit fund

19 programs ..... 35,000,000

20 For the state's contribution

21 to the social security

22 contribution fund ..... 20,000,000

23 For the state's share of

24 contributions to the volun-

25 tary defined contribution

26 plan made on behalf of

27 eligible employees pursuant

28 to chapter 18 of the laws of

29 2012 who elect to partic-

30 ipate in such plan and who

31 are not otherwise eligible

32 to participate in the SUNY

33 optional retirement program ..... 300,000

34 -----

35 Project schedule total .... 55,300,000

36 -----

37 For the payment of the metropolitan commuter

38 transportation mobility tax pursuant to

39 article 23 of the tax law as added by

40 chapter 25 of the laws of 2009 on behalf

41 of the state employees employed in the

42 metropolitan commuter transportation

43 district ..... 1,300,000

44 -----

45 § 5. The amounts specified in this section, or so much thereof as

46 shall be sufficient to accomplish the purposes designated, is hereby

47 appropriated and authorized to be paid as hereinafter provided, to the

48 public officers and for the purposes specified, which amount shall be

49 available for the state fiscal year beginning April 1, 2022.

## DEPARTMENT OF HEALTH

## AID TO LOCALITIES

CENTER FOR COMMUNITY HEALTH PROGRAM ..... 11,200,000

General Fund

Local Assistance Account - 10000

For services and expenses related to the  
Indian health program. The moneys hereby  
appropriated shall be for payment of  
financial assistance heretofore accrued or  
hereafter to accrue (26840) ..... 3,200,000

Special Revenue Funds - Federal

Federal USDA-Food and Nutrition Services Fund

Federal Food and Nutrition Services Account - 25022

For various federal food and nutritional  
services. The moneys hereby appropriated  
shall be available for payment of finan-  
cial assistance heretofore accrued (26986) ... 8,000,000

§ 6. The amounts 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  
public officers and for the purposes specified, which amount shall be  
available for the state fiscal year beginning April 1, 2022.

## DEPARTMENT OF MENTAL HYGIENE

## OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

## AID TO LOCALITIES

COMMUNITY SERVICES PROGRAM ..... 19,909,000

For services and expenses of the community  
services program, net of disallowances,  
for community programs for people with  
developmental disabilities pursuant to  
article 41 of the mental hygiene law,  
and/or chapter 620 of the laws of 1974,  
chapter 660 of the laws of 1977, chapter  
412 of the laws of 1981, chapter 27 of the  
laws of 1987, chapter 729 of the laws of  
1989, chapter 329 of the laws of 1993 and  
other provisions of the mental hygiene  
law. Notwithstanding any inconsistent  
provision of law, the following appropri-  
ation shall be net of prior and/or current

1 year refunds, rebates, reimbursements, and  
2 credits.

3 Notwithstanding any other provision of law,  
4 advances and reimbursement made pursuant  
5 to subdivision (d) of section 41.15 and  
6 section 41.18 of the mental hygiene law  
7 shall be allocated pursuant to a plan and  
8 in a manner prescribed by the agency head  
9 and approved by the director of the budg-  
10 et. The moneys hereby appropriated are  
11 available to reimburse or advance locali-  
12 ties and voluntary non-profit agencies for  
13 expenditures made during local fiscal  
14 periods commencing January 1, 2021, April  
15 1, 2021 or July 1, 2021, and for advances  
16 for the 3 month period beginning January  
17 1, 2022.

18 Notwithstanding the provisions of article 41  
19 of the mental hygiene law or any other  
20 inconsistent provision of law, rule or  
21 regulation, the commissioner, pursuant to  
22 such contract and in the manner provided  
23 therein, may pay all or a portion of the  
24 expenses incurred by such voluntary agen-  
25 cies arising out of loans which are funded  
26 from the proceeds of bonds and notes  
27 issued by the dormitory authority of the  
28 state of New York.

29 Notwithstanding any other provision of law,  
30 the money hereby appropriated may be  
31 transferred to state operations and/or any  
32 appropriation of the office for people  
33 with developmental disabilities with the  
34 approval of the director of the budget.

35 Notwithstanding any inconsistent provision  
36 of law, moneys from this appropriation may  
37 be used for state aid of up to 100 percent  
38 of the net deficit costs of day training  
39 programs and family support services.

40 Notwithstanding the provisions of section  
41 16.23 of the mental hygiene law and any  
42 other inconsistent provision of law, with  
43 relation to the operation of certified  
44 family care homes, including family care  
45 homes sponsored by voluntary not-for-pro-  
46 fit agencies, moneys from this appropri-  
47 ation may be used for payments to purchase  
48 general services including but not limited  
49 to respite providers, up to a maximum of 5  
50 days, at rates to be established by the  
51 commissioner and approved by the director  
52 of the budget in consideration of factors  
53 including, but not limited to, geographic  
54 area and number of clients cared for in  
55 the home and for payment in an amount  
56 determined by the commissioner for the

1 personal needs of each client residing in  
2 the family care home.

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

14 Notwithstanding any inconsistent provision  
15 of law, moneys from this appropriation may  
16 be used for appropriate day program  
17 services and residential services includ-  
18 ing, but not limited to, direct housing  
19 subsidies to individuals, start-up  
20 expenses for family care providers, envi-  
21 ronmental modifications, adaptive technol-  
22 ogies, appraisals, property options,  
23 feasibility studies and preoperational  
24 expenses.

25 Notwithstanding any inconsistent provision  
26 of law except pursuant to a chapter of the  
27 laws of 2021 authorizing a 1 percent cost  
28 of living adjustment, for the period  
29 commencing on April 1, 2021 and ending  
30 March 31, 2022 the commissioner shall not  
31 apply any other cost of living adjustment  
32 for the purpose of establishing rates of  
33 payments, contracts or any other form of  
34 reimbursement.

35 Notwithstanding section 6908 of the educa-  
36 tion law and any other provision of law,  
37 rule or regulation to the contrary, direct  
38 support staff in programs certified or  
39 approved by the office for people with  
40 developmental disabilities, including the  
41 home and community based services waiver  
42 programs that the office for people with  
43 developmental disabilities is authorized  
44 to administer with federal approval pursu-  
45 ant to subdivision (c) of section 1915 of  
46 the federal social security act, are  
47 authorized to provide such tasks as the  
48 office for people with developmental disa-  
49 bilities may specify when performed under  
50 the supervision, training and periodic  
51 inspection of a registered professional  
52 nurse and in accordance with an authorized  
53 practitioner's ordered care.

54 Notwithstanding any other provision of law  
55 to the contrary, and consistent with  
56 section 33.07 of the mental hygiene law,

1 the directors of facilities licensed but  
2 not operated by the office for people with  
3 developmental disabilities who act as  
4 federally-appointed representative payees  
5 and who assume management responsibility  
6 over the funds of a resident may continue  
7 to use such funds for the cost of the  
8 resident's care and treatment, consistent  
9 with federal law and regulations.

10 Funds appropriated herein shall be available  
11 in accordance with the following:

12 Notwithstanding any other provision of law  
13 to the contrary, funds appropriated herein  
14 are available to reimburse in- and out-of-  
15 state private residential schools, pursu-  
16 ant to subdivision (c) of section 13.37-a  
17 and subdivision (g) of section 13.38 of  
18 the mental hygiene law, for costs of  
19 supporting the residential and day program  
20 services available to individuals who are  
21 over the age of 21 years of age, provided  
22 that the amount paid for residential  
23 services and/or maintenance costs is net  
24 of any supplemental security income bene-  
25 fit to which the individual receiving  
26 services is eligible, and provided further  
27 that funding for nonresidential services  
28 will be in an amount not to exceed the  
29 maximum reimbursement for appropriate day  
30 services delivered by the office for  
31 people with developmental disabilities  
32 certified or approved providers other than  
33 in- and out-of-state private residential  
34 schools, unless otherwise authorized by  
35 the director of the budget.

36 Notwithstanding section 163 of the state  
37 finance law, section 142 of the economic  
38 development law, and article 41 of the  
39 mental hygiene law, the commissioner of  
40 the office for people with developmental  
41 disabilities may make the funds appropri-  
42 ated herein available as state aid, a loan  
43 or a grant, pursuant to terms and condi-  
44 tions established by the commissioner of  
45 the office for people with developmental  
46 disabilities, to cover a portion of the  
47 development costs of private, public  
48 and/or non-profit organizations, including  
49 corporations and partnerships established  
50 pursuant to the private housing finance  
51 law and/or any other statutory provisions,  
52 for supportive housing units that have  
53 been set aside for individuals with intel-  
54 lectual and developmental disabilities.  
55 Further, the office for people with devel-  
56 opmental disabilities shall have a lien on

1 the real property developed with such  
 2 state aid, loans or grants, which shall be  
 3 in the amount of the loan or grant, for a  
 4 maximum term of 30 years, or other longer  
 5 term consistent with the requirements of  
 6 another regulatory agency.

7 For services and expenses related to the  
 8 provision of residential services to  
 9 people with developmental disabilities  
 10 (37802) ..... 11,014,000

11 For services and expenses related to the  
 12 provision of day program services to  
 13 people with developmental disabilities  
 14 (37803) ..... 2,674,000

15 For services and expenses related to the  
 16 provision of family support services to  
 17 people with developmental disabilities  
 18 (37804) ..... 3,732,000

19 For services and expenses related to the  
 20 provision of workshop, day training and  
 21 employment services to people with devel-  
 22 opmental disabilities. Notwithstanding any  
 23 other provision of law, up to \$800,000 of  
 24 this appropriation may be transferred to  
 25 the New York State Education Departments'  
 26 Adult Career and Continuing Education  
 27 Services - Vocational Rehabilitation  
 28 (ACCES-VR) program to support the Long-  
 29 Term Sheltered Employment program operated  
 30 by FEDCAP Rehabilitation Services, Inc.  
 31 (37805) ..... 2,154,000

32 For other services and expenses provided to  
 33 people with developmental disabilities  
 34 including but not limited to hepatitis B,  
 35 care at home waiver, epilepsy services,  
 36 Special Olympics New York, Inc. and volun-  
 37 tary fingerprinting (37806) ..... 335,000  
 38 -----

39 § 7. No expenditure may be made from any appropriation in this act,  
 40 until a certificate of approval has been issued by the director of the  
 41 budget and a copy of such certificate shall have been filed with the  
 42 state comptroller, the chairman of the senate finance committee and the  
 43 chairman of the assembly ways and means committee provided, however,  
 44 that any expenditures from any appropriation in this act made by the  
 45 legislature or judiciary shall not require such certificate.

46 § 8. All expenditures and disbursements made against the appropri-  
 47 ations in this act shall, upon final action by the legislature on appro-  
 48 priation bills submitted by the governor pursuant to article VII of the  
 49 state constitution for the support of government for the state fiscal  
 50 year beginning April 1, 2022, be transferred by the comptroller as  
 51 expenditures and disbursements to such appropriations for all state  
 52 departments and agencies, as applicable, in amounts equal to the amounts  
 53 charged against the appropriations in this act for each such department  
 54 and agency.



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

10    § 10. This act shall take effect immediately and shall be deemed to  
11 have been in full force and effect on and after April 1, 2022. Provided  
12 however sections three, five, and six of this act shall cease to have  
13 force and effect after April 5, 2022 or upon the transfer of expendi-  
14 tures and disbursements by the comptroller as provided in section eight  
15 of this act, whichever is sooner. Provided further however, sections two  
16 and four of this act shall cease to have force and effect after April 7,  
17 2022 or upon the transfer of expenditures and disbursements by the comp-  
18 troller as provided in section eight of this act, whichever is sooner.  
19 This act shall be deemed repealed after April 7, 2022.