

STATE OF NEW YORK

6773

2021-2022 Regular Sessions

IN ASSEMBLY

April 6, 2021

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

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, 2021 are enacted.

7
8 § 2. The amount specified in this section, or so much thereof as shall
9 be sufficient to accomplish the purpose designated, is hereby appropriated and authorized to be paid as hereinafter provided, to the public
10 officers and for the purpose specified, which amount shall be available
11 for the state fiscal year beginning April 1, 2021.
12

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, 2021, on the
17 payrolls scheduled to be paid during the
18 period April 1 through April 8, 2021 to
19 state officers and employees of the executive branch, including the governor, lieutenant governor, comptroller and attorney
20 general; to officers and employees of the
21 judiciary; to officers and employees of
22 the legislature, including payments to the
23
24

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

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1 members of the senate and assembly under
2 sections 5 and 5-a of the legislative law;
3 and payments for services performed by
4 mentally ill or developmentally disabled
5 persons who are employed in state-operated
6 special employment, work-for-pay or shel-
7 tered workshop programs 471,000,000
8 -----

9 § 3. The amount specified in this section, or so much thereof as shall
10 be sufficient to accomplish the purpose designated, is hereby appropri-
11 ated and authorized to be paid as hereinafter provided, to the public
12 officers and for the purpose specified, which amount shall be available
13 for the state fiscal year beginning April 1, 2021.

14 ALL STATE DEPARTMENTS AND AGENCIES

15 For the purpose of state agencies making
16 payments for fringe benefit and indirect
17 cost assessments incurred against personal
18 service liabilities prior to April 1,
19 2021, and during the period April 1
20 through April 8, 2021 65,000,000
21 -----

22 § 4. The amount specified in this section, or so much thereof as shall
23 be sufficient to accomplish the purpose designated, is hereby appropri-
24 ated and authorized to be paid as hereinafter provided, to the public
25 officers and for the purpose specified, which amount shall be available
26 for the state fiscal year beginning April 1, 2021.

27 ALL STATE DEPARTMENTS AND AGENCIES

28 For the payment of state operations nonper-
29 sonal service liabilities to the executive
30 branch, including the comptroller, the
31 attorney general, and the legislature,
32 incurred in the ordinary course of busi-
33 ness, during the period April 1 through
34 April 8, 2021, pursuant to existing state
35 law and for purposes for which the legis-
36 lature authorized the expenditure of
37 moneys during the 2020-2021 state fiscal
38 year; provided, however, that nothing
39 contained herein shall be deemed to limit
40 or restrict the power or authority of
41 state departments or agencies to conduct
42 their activities or operations in accord-
43 ance with existing law, and further
44 provided that nothing contained herein
45 shall be deemed to supersede, nullify or
46 modify the provisions of section 40 of the
47 state finance law prescribing when appro-
48 priations made for the 2020-2021 state
49 fiscal year shall have ceased to have
50 force and effect 22,000,000

1

2 § 5. The amount specified in this section, or so much thereof as shall
3 be sufficient to accomplish the purpose designated, is hereby appropri-
4 ated and authorized to be paid as hereinafter provided, to the public
5 officers and for the purpose specified, which amount shall be available
6 for the state fiscal year beginning April 1, 2021.

7

ALL STATE DEPARTMENTS AND AGENCIES

8 The sum of thirty seven million dollars
9 (\$37,000,000), or so much thereof as shall
10 be sufficient to accomplish the purpose
11 designated, is hereby appropriated for
12 contracts approved in accordance with
13 section 112 of the state finance law for
14 purposes for which the legislature author-
15 ized the expenditures of money during the
16 2020-2021 fiscal year. An amount up to
17 thirty seven million dollars (\$37,000,000)
18 shall be available for the payment of
19 capital projects liabilities incurred
20 during the period from April 1 through
21 April 8, 2021 for contracts approved prior
22 to April 1, 2021, provided, however, that
23 nothing contained herein shall be deemed
24 to limit or restrict the power or authori-
25 ty of state departments or agencies to
26 conduct their activities or operations in
27 accordance with existing law, and further
28 provided that nothing contained herein
29 shall be deemed to supersede, nullify, or
30 modify the provisions of section 40 of the
31 state finance law prescribing when appro-
32 priations made for the 2020-2021 fiscal
33 year shall have ceased to have force and
34 effect 37,000,000
35 -----

36 § 6. The amount specified in this section, or so much thereof as shall
37 be sufficient to accomplish the purpose designated, is hereby appropri-
38 ated and authorized to be paid as hereinafter provided, to the public
39 officers and for the purpose specified, which amount shall be available
40 for the state fiscal year beginning April 1, 2021.

41

ALL STATE DEPARTMENTS AND AGENCIES

42 The sum of three million dollars
43 (\$3,000,000), or so much thereof as shall
44 be sufficient to accomplish the purpose
45 designated, is hereby appropriated for
46 contracts approved in accordance with
47 section 112 of the state finance law for
48 purposes for which the legislature author-
49 ized the expenditures of money during the
50 2020-2021 fiscal year. An amount up to

1 three million dollars (\$3,000,000) shall
2 be available for the payment of capital
3 projects liabilities incurred during the
4 period from April 1 through April 8, 2021
5 for contracts approved after April 1,
6 2021, provided, however, that nothing
7 contained herein shall be deemed to limit
8 or restrict the power or authority of
9 state departments or agencies to conduct
10 their activities or operations in accord-
11 ance with existing law, and further
12 provided that nothing contained herein
13 shall be deemed to supersede, nullify, or
14 modify the provisions of section 40 of the
15 state finance law prescribing when appro-
16 priations made for the 2020-2021 fiscal
17 year shall have ceased to have force and
18 effect 3,000,000
19 -----

20 § 7. The amounts specified in this section, or so much thereof as
21 shall be sufficient to accomplish the purposes designated, is hereby
22 appropriated and authorized to be paid as hereinafter provided, to the
23 public officers and for the purposes specified, which amount shall be
24 available for the state fiscal year beginning April 1, 2021.

25 THE JUDICIARY

26 For the payment of state operations nonper-
27 sonal service liabilities, the sum of
28 thirty-five million (\$35,000,000), or so
29 much thereof as shall be sufficient to
30 accomplish the purpose designated, is
31 hereby appropriated to the judiciary out
32 of any moneys in the general fund or other
33 funds to the credit of the state purposes
34 account not otherwise appropriated. The
35 comptroller is hereby authorized and
36 directed to utilize this appropriation for
37 the purpose of making payments for non-
38 personal service liabilities incurred by
39 the judiciary from April 1 through April
40 8, 2021 35,000,000

41 For the payment of aid to localities liabil-
42 ities, the sum of one hundred thousand
43 dollars (\$100,000), or so much thereof as
44 shall be sufficient to accomplish the
45 purpose designated, is hereby appropriated
46 to the judiciary out of any moneys in the
47 general fund or other funds to the credit
48 of the state purposes account not other-
49 wise appropriated. The comptroller is
50 hereby authorized and directed to utilize
51 this appropriation for the purpose of
52 making payments for aid to localities

1 liabilities incurred by the judiciary from
2 April 1 through April 8, 2021 100,000
3 For suballocation to the office of indigent
4 legal services, at the direction of the
5 chief administrator of the courts, for
6 payment pursuant to law to New York city,
7 pursuant to an agreement with such city,
8 for services and expenses related to
9 implementation of caseload standards for
10 institutional providers representing indi-
11 gent clients in criminal cases in such
12 city. Notwithstanding any other provision
13 of law, monies received by the office of
14 indigent legal services pursuant to this
15 suballocation may be distributed to New
16 York city only to the extent necessary to
17 enable compliance with section 127.7 of
18 the rules of the chief administrator of
19 the court (22 NYCRR § 127.7).
20 Criminal Caseload Reduction program 47,000,000
21 For the payment of employee fringe benefit
22 programs including, but not limited to,
23 the judiciary's contributions to the
24 health insurance fund, the employees'
25 retirement system pension accumulation
26 fund, the social security contribution
27 fund, employee benefit fund programs, the
28 dental insurance plan, the vision care
29 plan, the unemployment insurance fund, and
30 for workers' compensation benefits, the
31 sum of five million dollars (\$5,000,000),
32 or so much thereof as shall be sufficient
33 to accomplish the purpose designated, is
34 hereby appropriated to the judiciary out
35 of any moneys in the general fund or other
36 funds to the credit of the state purposes
37 account not otherwise appropriated. The
38 comptroller is hereby authorized and
39 directed to utilize this appropriation for
40 the purpose of making payments for employ-
41 ee fringe benefit liabilities incurred by
42 the judiciary from April 1 through April
43 8, 2021 5,000,000
44 -----

45 § 8. The amount specified in this section, or so much thereof as shall
46 be sufficient to accomplish the purposes designated, is hereby appropri-
47 ated and authorized to be paid as hereinafter provided, to the public
48 officers and for the purposes specified, which amount shall be available
49 for the state fiscal year beginning April 1, 2021.

50 MISCELLANEOUS -- ALL STATE DEPARTMENTS AND AGENCIES

51 GENERAL STATE CHARGES

52 STATE OPERATIONS

1 GENERAL STATE CHARGES 600,350,000
 2 -----

3 General Fund
 4 State Purposes Account - 10050

5 For employee fringe benefits according to
 6 the following project schedule including
 7 those benefits which are related to
 8 employees paid from funds, accounts, or
 9 programs where the division of the budget
 10 has issued waivers 570,300,000

11	PROJECT SCHEDULE	
12	PROJECT	AMOUNT
13	-----	
14	For the state's contribution	
15	to the health insurance	
16	fund. The state's share of	
17	the health insurance program	
18	dividends shall be available	
19	to pay for the premiums in	
20	2021-22	400,000,000
21	For the state's contribution	
22	to the social security	
23	contribution fund	75,000,000
24	For payments to the state	
25	insurance fund for workers'	
26	compensation benefits and	
27	other related workers'	
28	compensation costs prior to	
29	or after they become	
30	incurred including but not	
31	limited to the benefits	
32	defined in chapters 302 and	
33	303 of the laws of 1985	50,500,000
34	For the state's contribution	
35	to employee benefit fund	
36	programs	35,000,000
37	For the state's contribution	
38	to the dental insurance plan ...	6,000,000
39	For reimbursement to the unem-	
40	ployment insurance fund for	
41	payments made to claimants	
42	formerly employed by the	
43	state of New York	2,000,000
44	For the state's contribution	
45	to the vision care plan	1,000,000
46	For the state's share of	
47	contributions to the volun-	
48	tary defined contribution	
49	plan made on behalf of	
50	eligible employees pursuant	
51	to chapter 18 of the laws of	
52	2012 who elect to partic-	

1 ipate in such plan and who
2 are not otherwise eligible
3 to participate in the SUNY
4 optional retirement program 500,000
5 For payments for the income
6 protection plans of current
7 and prior years 300,000
8 -----
9 Project schedule total 570,300,000
10 -----

11 For judgments against the state pursuant to
12 section 20 of the court of claims act and
13 for judgments pursuant to actions brought
14 in the court of claims against public
15 benefit corporations indemnified by the
16 state, exclusive of the payment of any
17 judgments arising out of actions or
18 proceedings brought to obtain payment for
19 wages, salaries or other employee bene-
20 fits. The moneys hereby appropriated are
21 available for payment of any liabilities
22 or obligations incurred prior to April 1,
23 2021 in addition to current liabilities 25,000,000
24 For the payment of the defense by private
25 counsel and the indemnification or payment
26 on behalf of state officers and employees
27 in civil judicial proceedings in accord-
28 ance with the provisions of section 17 of
29 the public officers law; the payment on
30 behalf of the state, exclusive of the
31 payment for wages, salaries or other
32 employee benefits, in civil judicial
33 proceedings where a state officer or
34 employee entitled to a defense in accord-
35 ance with section 17 of the public offi-
36 cers law was dismissed from the civil
37 judicial proceeding; the payment on behalf
38 of the state, exclusive of the payment for
39 wages, salaries or other employment bene-
40 fits, and in civil judicial proceedings
41 brought pursuant to Title VI of the Civil
42 Rights Act of 1964, 42 USC § 2000d et
43 seq., Title VII of the Civil Rights Act of
44 1964, 42 USC § 2000e et seq., Title IX of
45 the Education Amendments of 1972, 20 USC §
46 1681 et seq., Titles II, III, and/or V of
47 the Americans With Disabilities Act of
48 1990, 42 USC § 12101 et seq., of the Reha-
49 bilitation Act of 1973, 29 USC § 791 et
50 seq., the state human rights law and other
51 employment related causes of action; and
52 in criminal proceedings in accordance with
53 the provisions of section 19 of the public
54 officers law. The moneys hereby appropri-

1	ated are available for payment of any	
2	liabilities or obligations incurred prior	
3	to April 1, 2021 in addition to current	
4	liabilities	3,000,000
5	For the payment of the metropolitan commuter	
6	transportation mobility tax pursuant to	
7	article 23 of the tax law as added by	
8	chapter 25 of the laws of 2009 on behalf	
9	of the state employees employed in the	
10	metropolitan commuter transportation	
11	district	1,300,000
12	For assessments for local improvements. The	
13	moneys hereby appropriated are available	
14	for payment of any liabilities or obli-	
15	gations incurred prior to April 1, 2021 in	
16	addition to current liabilities	500,000
17	For payment of claims for damage to personal	
18	or real property or for bodily injuries or	
19	wrongful death caused by officers, employ-	
20	ees, or other authorized persons providing	
21	service to state government while provid-	
22	ing such service, and the state university	
23	construction fund while acting within the	
24	scope of their employment, and while oper-	
25	ating motor vehicles, and for any individ-	
26	uals operating motor vehicles which are	
27	assigned on a permanent basis with unre-	
28	stricted use to state officers and employ-	
29	ees when the person is permanently	
30	assigned the motor vehicle	250,000
31		-----
32	Total amount available	600,350,000
33		=====

34 § 9. The amounts specified in this section, or so much thereof as
35 shall be sufficient to accomplish the purposes designated, is hereby
36 appropriated and authorized to be paid as hereinafter provided, to the
37 public officers and for the purposes specified, which amount shall be
38 available for the state fiscal year beginning April 1, 2021.

39 DEPARTMENT OF FAMILY ASSISTANCE

40 OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

41 AID TO LOCALITIES

42	EMPLOYMENT AND INCOME SUPPORT PROGRAM	212,916,000
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44      General Fund
45      Local Assistance Account - 10000

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46 For state reimbursement of the safety net
47 assistance program as established pursuant
48 to chapter 436 of the laws of 1997.

1 Notwithstanding section 153 of the social
2 services law or any other inconsistent
3 provision of law, funds appropriated here-
4 in shall reimburse 29 percent of safety
5 net assistance expenditures, including the
6 cost of providing shelter supplements for
7 safety net assistance households at local
8 option, including eligible households
9 containing a household member who has been
10 released from prison, in order to prevent
11 eviction and address homelessness in
12 accordance with social services district
13 plans approved by the office of temporary
14 and disability assistance and the director
15 of the budget, provided, however, that in
16 social services districts with a popu-
17 lation over five million no shelter
18 supplements other than those to prevent
19 eviction shall be reimbursed unless such
20 social services district has agreed to
21 offset claims for other eligible public
22 assistance expenditures in an amount
23 commensurate with the cost of any such
24 supplements, and further provided that
25 such supplements shall not be part of the
26 standard of need pursuant to section 131-a
27 of the social services law. Funds appro-
28 priated herein shall also reimburse 29
29 percent of safety net assistance expendi-
30 tures, in social services districts with a
31 population over five million, for emergen-
32 cy shelter, transportation, or nutrition
33 payments which the district determines are
34 necessary to establish or maintain inde-
35 pendent living arrangements among persons
36 living with medically diagnosed HIV
37 infection as defined by the AIDS institute
38 of the state department of health and who
39 are homeless or facing homelessness and
40 for whom no viable and less costly alter-
41 native to housing is available; provided,
42 however, that funds appropriated herein
43 may only be used for such purposes if the
44 cost of such allowances are not eligible
45 for reimbursement under medical assistance
46 or other programs.

47 Funds appropriated herein shall reimburse 29
48 percent of safety net assistance expendi-
49 tures, in social services districts with a
50 population of five million or fewer, for
51 emergency shelter payments promulgated by
52 the office of temporary and disability
53 assistance which the district determines
54 are necessary to establish or maintain
55 independent living arrangements among
56 persons living with medically diagnosed

1 HIV infection as defined by the AIDS
2 institute of the state department of
3 health and who are homeless or facing
4 homelessness and for whom no viable and
5 less costly alternative to housing is
6 available; provided, however, that funds
7 appropriated herein may only be used for
8 such purposes if the cost of such allow-
9 ances are not eligible for reimbursement
10 under medical assistance or other
11 programs.

12 Funds appropriated herein shall reimburse 29
13 percent of safety net assistance expendi-
14 tures, in social services districts with a
15 population of five million or fewer, for
16 emergency shelter payments in excess of
17 those promulgated by the office of tempo-
18 rary and disability assistance but not
19 exceeding an amount reasonably approximate
20 to 100 percent of fair market rent, at
21 local option which the district determines
22 are necessary to establish or maintain
23 independent living arrangements among
24 persons living with medically diagnosed
25 HIV infection as defined by the AIDS
26 institute of the State department of
27 health and who are homeless or facing
28 homelessness and for whom no viable and
29 less costly alternative to housing is
30 available; provided, however, that funds
31 appropriated herein may only be used for
32 such purposes if the cost of such allow-
33 ances are not eligible for reimbursement
34 under medical assistance or other
35 programs. Such emergency shelter payments
36 shall only be made at local option and in
37 accordance with a plan approved by the
38 office of temporary and disability assist-
39 ance and the director of the budget.
40 Provided, however, notwithstanding section
41 153 of the social services law or any
42 other inconsistent provision of law, if
43 necessary funding, as determined by the
44 director of the budget, is secured in a
45 social services district from the medical
46 assistance program by reducing the capita-
47 tion rates paid to medicaid managed care
48 organizations by the amount of savings
49 resulting from stably housing individuals
50 living with medically diagnosed HIV
51 infection as defined by the AIDS institute
52 of the state department of health, the
53 social services district shall make such
54 emergency shelter payments in excess of
55 those promulgated by the office of tempo-
56 rary and disability assistance but not

1 exceeding an amount reasonably approximate
2 to 100 percent of fair market rent, and
3 the savings shall be used to reimburse 100
4 percent of the cost of such excess emer-
5 gency shelter payments for cases reim-
6 bursed under the safety net assistance or
7 family assistance programs in social
8 services districts with a population of
9 five million or fewer, in accordance with
10 a plan approved by the office of temporary
11 and disability assistance and the director
12 of the budget; provided further that
13 reimbursement shall be provided to medi-
14 caid managed care organizations through
15 adjustments to capitation rates should
16 actual gross savings not be realized as
17 determined by the director of the budget.

18 For persons living with medically diagnosed
19 HIV infection as defined by the AIDS
20 institute of the state department of
21 health living in social service districts
22 with a population over five million who
23 are receiving public assistance, funds
24 appropriated herein shall be used to reim-
25 burse 29 percent of the additional rental
26 costs determined based on limiting such
27 person's earned and/or unearned income
28 contribution to 30 percent.

29 For persons living with medically diagnosed
30 HIV infection as defined by the AIDS
31 institute of the state department of
32 health living in social services districts
33 with a population of five million or fewer
34 who are receiving public assistance, funds
35 appropriated herein may be used to reim-
36 burse up to 100 percent of the additional
37 rental costs determined based on limiting
38 such person's earned and/or unearned
39 income contribution to 30 percent. Such
40 payments of additional rental costs shall
41 only be made at local option and in
42 accordance with a plan approved by the
43 office of temporary and disability assist-
44 ance and the director of the budget.
45 Provided, however, notwithstanding section
46 153 of the social services law or any
47 other inconsistent provision of law, if
48 necessary funding, as determined by the
49 director of the budget, is secured in a
50 social services district from the medical
51 assistance program by reducing the capita-
52 tion rates paid to medicaid managed care
53 organizations by the amount of savings
54 resulting from stably housing individuals
55 living with medically diagnosed HIV
56 infection as defined by the AIDS institute

1 of the state department of health, the
2 social services district shall make such
3 payments of additional rental costs, for
4 cases reimbursed under the safety net
5 assistance and family assistance program,
6 and the savings shall be used to reimburse
7 100 percent of the cost of the additional
8 rental costs determined based on limiting
9 such person's earned and/or unearned
10 income contribution to 30 percent in
11 social services districts with a popu-
12 lation of five million or fewer, in
13 accordance with a plan approved by the
14 office of temporary and disability assist-
15 ance and the director of the budget;
16 provided further that reimbursement shall
17 be provided to medicaid managed care
18 organizations through adjustments to capi-
19 tation rates should actual gross savings
20 not be realized as determined by the
21 director of the budget.

22 Amounts appropriated herein may be used to
23 enter into contracts with persons or enti-
24 ties authorized pursuant to subdivision
25 (i) of section 17 of the social services
26 law consistent with federal law and
27 requirements. Such contracts will be
28 consistent with subdivision (i) of section
29 17 of the social services law. Notwith-
30 standing section 153 of the social
31 services law or any other inconsistent
32 provision of law, the office may reduce
33 reimbursement otherwise payable to social
34 services districts to recover 29 percent
35 of costs incurred by the office for
36 expenditures related to subdivision (i) of
37 section 17 of the social services law.

38 Such funds are to be available for payment
39 of aid heretofore accrued or hereafter to
40 accrue to municipalities. Subject to the
41 approval of the director of the budget,
42 such funds shall be available to the
43 office of temporary and disability assist-
44 ance net of disallowances, refunds,
45 reimbursements, and credits, including
46 those related to title IV-E of the social
47 security act; and including, but not
48 limited to, additional federal funds
49 resulting from any changes in federal cost
50 allocation methodologies.

51 Notwithstanding any inconsistent provision
52 of law, the amount herein appropriated may
53 be increased or decreased by interchange
54 with any other appropriation within the
55 office of temporary and disability assist-
56 ance general fund - local assistance

1 account with the approval of the director
2 of the budget, who shall file such
3 approval with the department of audit and
4 control and copies thereof with the chair-
5 man of the senate finance committee and
6 the chairman of the assembly ways and
7 means committee.

8 Social services districts shall be required
9 to report to the office of temporary and
10 disability assistance on an annual basis,
11 information, as determined and requested
12 by the office, related to services and
13 expenditures for which reimbursement is
14 sought for providing temporary housing
15 assistance to homeless individuals and
16 families. Such information shall be
17 submitted electronically to the extent
18 feasible as determined by the office, and
19 shall be used to evaluate expenditures by
20 such social services districts for the
21 provision of temporary housing assistance
22 for homeless individuals and families.

23 Notwithstanding section 153 of the social
24 services law, or any other inconsistent
25 provision of law, the office of temporary
26 and disability assistance may withhold or
27 deny reimbursement, in whole or in part,
28 to any social services district that fails
29 to develop or submit a homeless services
30 plan subject to the approval of the office
31 of temporary and disability assistance,
32 fails to provide homeless services and
33 outreach in accordance with its approved
34 homeless services plan, or fails to devel-
35 op or submit homeless services outcome
36 reports, consistent with those require-
37 ments promulgated by the office of tempo-
38 rary and disability assistance.

39 Notwithstanding section 153 of the social
40 services law, or any other inconsistent
41 provision of law, such appropriation shall
42 be available for reimbursement of eligible
43 costs incurred on or after January 1, 2021
44 and before January 1, 2022, that are
45 otherwise reimbursable by the state on or
46 after April 1, 2021, that are claimed by
47 March 1, 2022. Such reimbursement shall
48 constitute total state reimbursement for
49 activities funded herein in state fiscal
50 year 2021-22 (52203) 46,250,000

51 For expenditures for additional state
52 payments for eligible aged, blind, and
53 disabled persons related to supplemental
54 security income and for expenditures made
55 pursuant to title 8 of article 5 of the
56 social services law. Such funds are avail-

1 able for payment of aid heretofore accrued
2 or hereafter to accrue. Notwithstanding
3 any inconsistent provision of law, the
4 amount herein appropriated may be
5 increased or decreased by interchange with
6 any other appropriation within the office
7 of temporary and disability assistance
8 general fund - local assistance account
9 with the approval of the director of the
10 budget, who shall file such approval with
11 the department of audit and control and
12 copies thereof with the chairman of the
13 senate finance committee and the chairman
14 of the assembly ways and means committee
15 (52311) 58,333,000
16 -----
17 Program account subtotal 104,583,000
18 -----

19 Special Revenue Funds - Federal
20 Federal Health and Human Services Fund
21 Temporary Assistance for Needy Families Account - 25178

22 For reimbursement of the cost of the family
23 assistance and the emergency assistance to
24 families programs. Notwithstanding section
25 153 of the social services law or any
26 inconsistent provision of law, funds
27 appropriated herein shall be provided
28 without state or local participation
29 except that for social services districts
30 with a population of five million or more,
31 reimbursement will be eighty-five percent.
32 Funds appropriated herein shall also
33 include the cost of providing shelter
34 supplements for family assistance house-
35 holds at local option, including eligible
36 households containing a household member
37 who has been released from prison, in
38 order to prevent eviction and address
39 homelessness in accordance with social
40 services district plans approved by the
41 office of temporary and disability assist-
42 ance and the director of the budget,
43 provided, however, that in social services
44 districts with a population over five
45 million no shelter supplements other than
46 those to prevent eviction shall be reim-
47 bursed unless such social services
48 district has agreed to offset claims for
49 other eligible public assistance expendi-
50 tures in an amount commensurate with the
51 cost of any such supplement, and further
52 provided that such supplements shall not
53 be part of the standard of need pursuant

1 to section 131-a of the social services
2 law.
3 Funds appropriated herein shall also reim-
4 burse for family assistance expenditures
5 for emergency shelter, transportation, or
6 nutrition payments which the district
7 determines are necessary to establish or
8 maintain independent living arrangements
9 among persons living with medically diag-
10 nosed HIV infection as defined by the AIDS
11 institute of the State department of
12 health and who are homeless or facing
13 homelessness and for whom no viable and
14 less costly alternative to housing is
15 available; provided, however, that funds
16 appropriated herein may only be used for
17 such purposes if the cost of such allow-
18 ances are not eligible for reimbursement
19 under medical assistance or other
20 programs.
21 For persons living with medically diagnosed
22 HIV infection as defined by the AIDS
23 institute of the state department of
24 health who are receiving public assistance
25 funds appropriated herein shall not be
26 used to reimburse the additional rental
27 costs determined based on limiting such
28 person's earned and/or unearned income
29 contribution to 30 percent.
30 Amounts appropriated herein may be used to
31 enter into contracts with persons or enti-
32 ties authorized pursuant to subdivision
33 (i) of section 17 of the social services
34 law consistent with federal law and
35 requirements. Such contracts will be made
36 consistent with subdivision (i) of section
37 17 of the social services law. Notwith-
38 standing section 153 of the social
39 services law or any other inconsistent
40 provision of law, the office may reduce
41 reimbursement otherwise payable to social
42 services districts to recover the federal
43 share of costs incurred by the office for
44 expenditures related to subdivision (i) of
45 section 17 of the social services law.
46 Such funds are to be available for payment
47 of aid heretofore accrued or hereafter to
48 accrue to municipalities. Subject to the
49 approval of the director of the budget,
50 such funds shall be available to the
51 office of temporary and disability assist-
52 ance net of disallowances, refunds,
53 reimbursements, and credits including, but
54 not limited to, additional federal funds
55 resulting from any changes in federal cost
56 allocation methodologies.

1 Notwithstanding any inconsistent provision
2 of law, the amount herein appropriated may
3 be increased or decreased by interchange
4 with any other appropriation within the
5 office of temporary and disability assist-
6 ance federal fund - local assistance
7 account with the approval of the director
8 of the budget, who shall file such
9 approval with the department of audit and
10 control and copies thereof with the chair-
11 man of the senate finance committee and
12 the chairman of the assembly ways and
13 means committee.

14 Social services districts shall be required
15 to report to the office of temporary and
16 disability assistance on an annual basis,
17 information, as determined and requested
18 by the office, related to services and
19 expenditures for which reimbursement is
20 sought for providing temporary housing
21 assistance to homeless individuals and
22 families. Such information shall be
23 submitted electronically to the extent
24 feasible as determined by the office, and
25 shall be used to evaluate expenditures by
26 such social services districts for the
27 provision of temporary housing assistance
28 for homeless individuals and families.

29 Notwithstanding section 153 of the social
30 services law, or any other inconsistent
31 provision of law, the office of temporary
32 and disability assistance may withhold or
33 deny reimbursement, in whole or in part,
34 to any social services district that fails
35 to develop or submit a homeless services
36 plan subject to the approval of the office
37 of temporary and disability assistance,
38 fails to provide homeless services and
39 outreach in accordance with its approved
40 homeless services plan, or fails to devel-
41 op or submit homeless services outcome
42 reports, consistent with those require-
43 ments promulgated by the office of tempo-
44 rary and disability assistance.

45 Notwithstanding section 153 of the social
46 services law, or any other inconsistent
47 provision of law, such appropriation shall
48 be available for reimbursement of eligible
49 costs incurred on or after January 1, 2021
50 and before January 1, 2022, that are
51 otherwise reimbursable by the state on or
52 after April 1, 2021, that are claimed by
53 March 1, 2022. Such reimbursement shall
54 constitute total federal reimbursement for
55 activities funded herein in state fiscal
56 year 2021-22 (52203) 108,333,000

Program account subtotal 108,333,000

§ 10. 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, 2021.

DEPARTMENT OF HEALTH

AID TO LOCALITIES

CENTER FOR COMMUNITY HEALTH PROGRAM 19,200,000

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

Program account subtotal 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 financial assistance heretofore accrued (26986) .. 16,000,000

Program account subtotal 16,000,000

§ 11. 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, 2021.

JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS

AID TO LOCALITIES

COMMUNITY SUPPORT PROGRAMS 105,000

Special Revenue Funds - Other

1 Miscellaneous Special Revenue Fund
2 Federal Salary Sharing Account - 22056

3 Notwithstanding any other provision of law,
4 the money hereby appropriated may be
5 increased or decreased by interchange,
6 with any appropriation of the justice
7 center for the protection of people with
8 special needs, and may be increased or
9 decreased by transfer or suballocation
10 between these appropriated amounts and
11 appropriations of the commission on quality
12 of care and advocacy for persons with
13 disabilities, office of mental health,
14 office for people with developmental disabilities,
15 office of addiction services and supports,
16 department of health, and the
17 office of children and family services
18 with the approval of the director of the
19 budget who shall file such approval with
20 the department of audit and control and
21 copies thereof with the chairman of the
22 senate finance committee and the chairman
23 of the assembly ways and means committee.
24 For surrogate decision-making committee
25 program contracts with local service
26 providers (48926) 105,000
27 -----

28 § 12. The amount specified in this section, or so much thereof as
29 shall be sufficient to accomplish the purpose designated, is hereby
30 appropriated and authorized to be paid as hereinafter provided, to the
31 public officers and for the purpose specified, which amount shall be
32 available for the state fiscal year beginning April 1, 2021.

33 DEPARTMENT OF LABOR

34 AID TO LOCALITIES

35 UNEMPLOYMENT INSURANCE BENEFIT PROGRAM 5,000,000,000
36 -----

37 Enterprise Funds
38 Unemployment Insurance Benefit Fund
39 Unemployment Insurance Benefit Account - 50650

40 For payment of unemployment insurance bene-
41 fits pursuant to article 18 of the labor
42 law or as authorized by the federal
43 government through the disaster unemploy-
44 ment assistance program, the emergency
45 unemployment compensation program, the
46 extended benefit program, the federal
47 additional compensation program or any
48 other federally funded unemployment bene-
49 fit program (34787) 5,000,000,000

1

2 § 13. The amounts specified in this section, or so much thereof as
3 shall be sufficient to accomplish the purposes designated, is hereby
4 appropriated and authorized to be paid as hereinafter provided, to the
5 public officers and for the purposes specified, which amount shall be
6 available for the state fiscal year beginning April 1, 2021.

7

DEPARTMENT OF MENTAL HYGIENE

8

OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

9

AID TO LOCALITIES

10 COMMUNITY SERVICES PROGRAM 98,034,000
11 -----

12 General Fund

13 Local Assistance Account - 10000

14 For services and expenses of the community
15 services program, net of disallowances,
16 for community programs for people with
17 developmental disabilities pursuant to
18 article 41 of the mental hygiene law,
19 and/or chapter 620 of the laws of 1974,
20 chapter 660 of the laws of 1977, chapter
21 412 of the laws of 1981, chapter 27 of the
22 laws of 1987, chapter 729 of the laws of
23 1989, chapter 329 of the laws of 1993 and
24 other provisions of the mental hygiene
25 law. Notwithstanding any inconsistent
26 provision of law, the following appropri-
27 ation shall be net of prior and/or current
28 year refunds, rebates, reimbursements, and
29 credits.

30 Notwithstanding any other provision of law,
31 advances and reimbursement made pursuant
32 to subdivision (d) of section 41.15 and
33 section 41.18 of the mental hygiene law
34 shall be allocated pursuant to a plan and
35 in a manner prescribed by the agency head
36 and approved by the director of the budg-
37 et. The moneys hereby appropriated are
38 available to reimburse or advance locali-
39 ties and voluntary non-profit agencies for
40 expenditures made during local fiscal
41 periods commencing January 1, 2020, April
42 1, 2020 or July 1, 2020, and for advances
43 for the 3 month period beginning January
44 1, 2021.

45 Notwithstanding the provisions of article 41
46 of the mental hygiene law or any other
47 inconsistent provision of law, rule or
48 regulation, the commissioner, pursuant to
49 such contract and in the manner provided

1 therein, may pay all or a portion of the
2 expenses incurred by such voluntary agen-
3 cies arising out of loans which are funded
4 from the proceeds of bonds and notes
5 issued by the dormitory authority of the
6 state of New York.

7 Notwithstanding any other provision of law,
8 the money hereby appropriated may be
9 transferred to state operations and/or any
10 appropriation of the office for people
11 with developmental disabilities with the
12 approval of the director of the budget.

13 Notwithstanding any inconsistent provision
14 of law, moneys from this appropriation may
15 be used for state aid of up to 100 percent
16 of the net deficit costs of day training
17 programs and family support services.

18 Notwithstanding the provisions of section
19 16.23 of the mental hygiene law and any
20 other inconsistent provision of law, with
21 relation to the operation of certified
22 family care homes, including family care
23 homes sponsored by voluntary not-for-pro-
24 fit agencies, moneys from this appropri-
25 ation may be used for payments to purchase
26 general services including but not limited
27 to respite providers, up to a maximum of 7
28 days, at rates to be established by the
29 commissioner and approved by the director
30 of the budget in consideration of factors
31 including, but not limited to, geographic
32 area and number of clients cared for in
33 the home and for payment in an amount
34 determined by the commissioner for the
35 personal needs of each client residing in
36 the family care home.

37 Notwithstanding the provisions of subdivi-
38 sion 12 of section 8 of the state finance
39 law and any other inconsistent provision
40 of law, moneys from this appropriation may
41 be used for expenses of family care homes
42 including payments to operators of certi-
43 fied family care homes for damages caused
44 by clients to personal and real property
45 in accordance with standards established
46 by the commissioner and approved by the
47 director of the budget.

48 Notwithstanding any inconsistent provision
49 of law, moneys from this appropriation may
50 be used for appropriate day program
51 services and residential services includ-
52 ing, but not limited to, direct housing
53 subsidies to individuals, start-up
54 expenses for family care providers, envi-
55 ronmental modifications, adaptive technol-
56 ogies, appraisals, property options,

1 feasibility studies and preoperational
2 expenses.
3 Notwithstanding any inconsistent provision
4 of law, for the period commencing on April
5 1, 2020 and ending March 31, 2021 the
6 commissioner shall not apply any cost of
7 living adjustment for the purpose of
8 establishing rates of payments, contracts
9 or any other form of reimbursement.
10 Notwithstanding section 6908 of the educa-
11 tion law and any other provision of law,
12 rule or regulation to the contrary, direct
13 support staff in programs certified or
14 approved by the office for people with
15 developmental disabilities, including the
16 home and community based services waiver
17 programs that the office for people with
18 developmental disabilities is authorized
19 to administer with federal approval pursu-
20 ant to subdivision (c) of section 1915 of
21 the federal social security act, are
22 authorized to provide such tasks as OPWDD
23 may specify when performed under the
24 supervision, training and periodic
25 inspection of a registered professional
26 nurse and in accordance with an authorized
27 practitioner's ordered care.
28 Funds appropriated herein shall be available
29 in accordance with the following:
30 Notwithstanding any inconsistent provision
31 of law, the director of the budget is
32 authorized to make suballocations from
33 this appropriation to the department of
34 health medical assistance program.
35 Notwithstanding any inconsistent provision
36 of law, and pursuant to criteria estab-
37 lished by the commissioner of the office
38 for people with developmental disabilities
39 and approved by the director of the budg-
40 et, expenditures may be made from this
41 appropriation for residential facilities
42 which are pending recertification as
43 intermediate care facilities for people
44 with developmental disabilities.
45 Notwithstanding the provisions of section
46 41.36 of the mental hygiene law and any
47 other inconsistent provision of law,
48 moneys from this appropriation may be used
49 for payment up to \$250 per year per
50 client, at such times and in such manner
51 as determined by the commissioner on the
52 basis of financial need for the personal
53 needs of each client residing in volun-
54 tary-operated community residences and volun-
55 tary-operated community residential alter-
56 natives, including individualized

1 residential alternatives under the home
2 and community based services waiver. The
3 commissioner shall, subject to the
4 approval of the director of the budget,
5 alter existing advance payment schedules
6 for voluntary-operated community resi-
7 dences established pursuant to section
8 41.36 of the mental hygiene law.

9 Notwithstanding any inconsistent provision
10 of law, moneys from this appropriation may
11 be used for the operation of clinics
12 licensed pursuant to article 16 of the
13 mental hygiene law including, but not
14 limited to, supportive and habilitative
15 services consistent with the home and
16 community based services waiver.

17 For the state share of medical assistance
18 services expenses incurred by the depart-
19 ment of health for the provision of
20 medical assistance services to people with
21 developmental disabilities (37835) 77,480,000

22 For services and expenses of the community
23 services program, net of disallowances,
24 for community programs for people with
25 developmental disabilities pursuant to
26 article 41 of the mental hygiene law,
27 and/or chapter 620 of the laws of 1974,
28 chapter 660 of the laws of 1977, chapter
29 412 of the laws of 1981, chapter 27 of the
30 laws of 1987, chapter 729 of the laws of
31 1989, chapter 329 of the laws of 1993 and
32 other provisions of the mental hygiene
33 law. Notwithstanding any inconsistent
34 provision of law, the following appropri-
35 ation shall be net of prior and/or current
36 year refunds, rebates, reimbursements, and
37 credits.

38 Notwithstanding any other provision of law,
39 advances and reimbursement made pursuant
40 to subdivision (d) of section 41.15 and
41 section 41.18 of the mental hygiene law
42 shall be allocated pursuant to a plan and
43 in a manner prescribed by the agency head
44 and approved by the director of the budg-
45 et. The moneys hereby appropriated are
46 available to reimburse or advance locali-
47 ties and voluntary non-profit agencies for
48 expenditures made during local fiscal
49 periods commencing January 1, 2020, April
50 1, 2020 or July 1, 2020, and for advances
51 for the 3 month period beginning January
52 1, 2021.

53 Notwithstanding the provisions of article 41
54 of the mental hygiene law or any other
55 inconsistent provision of law, rule or
56 regulation, the commissioner, pursuant to

1 such contract and in the manner provided
2 therein, may pay all or a portion of the
3 expenses incurred by such voluntary agen-
4 cies arising out of loans which are funded
5 from the proceeds of bonds and notes
6 issued by the dormitory authority of the
7 state of New York.

8 Notwithstanding any other provision of law,
9 the money hereby appropriated may be
10 transferred to state operations and/or any
11 appropriation of the office for people
12 with developmental disabilities with the
13 approval of the director of the budget.

14 Notwithstanding any inconsistent provision
15 of law, moneys from this appropriation may
16 be used for state aid of up to 100 percent
17 of the net deficit costs of day training
18 programs and family support services.

19 Notwithstanding the provisions of section
20 16.23 of the mental hygiene law and any
21 other inconsistent provision of law, with
22 relation to the operation of certified
23 family care homes, including family care
24 homes sponsored by voluntary not-for-pro-
25 fit agencies, moneys from this appropri-
26 ation may be used for payments to purchase
27 general services including but not limited
28 to respite providers, up to a maximum of 7
29 days, at rates to be established by the
30 commissioner and approved by the director
31 of the budget in consideration of factors
32 including, but not limited to, geographic
33 area and number of clients cared for in
34 the home and for payment in an amount
35 determined by the commissioner for the
36 personal needs of each client residing in
37 the family care home.

38 Notwithstanding the provisions of subdivi-
39 sion 12 of section 8 of the state finance
40 law and any other inconsistent provision
41 of law, moneys from this appropriation may
42 be used for expenses of family care homes
43 including payments to operators of certi-
44 fied family care homes for damages caused
45 by clients to personal and real property
46 in accordance with standards established
47 by the commissioner and approved by the
48 director of the budget.

49 Notwithstanding any inconsistent provision
50 of law, moneys from this appropriation may
51 be used for appropriate day program
52 services and residential services includ-
53 ing, but not limited to, direct housing
54 subsidies to individuals, start-up
55 expenses for family care providers, envi-
56 ronmental modifications, adaptive technol-

ogies, appraisals, property options, feasibility studies and preoperational expenses.

Notwithstanding any inconsistent provision of law, for the period commencing on April 1, 2020 and ending March 31, 2021 the commissioner shall not apply any cost of living adjustment for the purpose of establishing rates of payments, contracts or any other form of reimbursement.

Notwithstanding section 6908 of the education law and any other provision of law, rule or regulation to the contrary, direct support staff in programs certified or approved by the office for people with developmental disabilities, including the home and community based services waiver programs that the office for people with developmental disabilities is authorized to administer with federal approval pursuant to subdivision (c) of section 1915 of the federal social security act, are authorized to provide such tasks as OPWDD may specify when performed under the supervision, training and periodic inspection of a registered professional nurse and in accordance with an authorized practitioner's ordered care.

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

Notwithstanding any other provision of law to the contrary, funds appropriated herein are available to reimburse in- and out-of-state private residential schools, pursuant to subdivision (c) of section 13.37-a and subdivision (g) of section 13.38 of the mental hygiene law, for costs of supporting the residential and day program services available to individuals who are over the age of 21 years of age, provided that the amount paid for residential services and/or maintenance costs is net of any supplemental security income benefit to which the individual receiving services is eligible, and provided further that funding for nonresidential services will be in an amount not to exceed the maximum reimbursement for appropriate day services delivered by the office for people with developmental disabilities certified or approved providers other than in- and out-of-state private residential schools, unless otherwise authorized by the director of the budget.

Notwithstanding section 163 of the state finance law, section 142 of the economic

1 development law, and article 41 of the
 2 mental hygiene law, the commissioner of
 3 the office for people with developmental
 4 disabilities may make the funds appropri-
 5 ated herein available as state aid, a loan
 6 or a grant, pursuant to terms and condi-
 7 tions established by the commissioner of
 8 the office for people with developmental
 9 disabilities, to cover a portion of the
 10 development costs of private, public
 11 and/or non-profit organizations, including
 12 corporations and partnerships established
 13 pursuant to the private housing finance
 14 law and/or any other statutory provisions,
 15 for supportive housing units that have
 16 been set aside for individuals with intel-
 17 lectual and developmental disabilities.
 18 Further, the office for people with devel-
 19 opmental disabilities shall have a lien on
 20 the real property developed with such
 21 state aid, loans or grants, which shall be
 22 in the amount of the loan or grant, for a
 23 maximum term of 30 years, or other longer
 24 term consistent with the requirements of
 25 another regulatory agency.

26 For services and expenses related to the	
27 provision of residential services to	
28 people with developmental disabilities	
29 (37802)	11,659,000
30 For services and expenses related to the	
31 provision of day program services to	
32 people with developmental disabilities	
33 (37803)	2,674,000
34 For services and expenses related to the	
35 provision of family support services to	
36 people with developmental disabilities	
37 (37804)	3,732,000
38 For services and expenses related to the	
39 provision of workshop, day training and	
40 employment services to people with devel-	
41 opmental disabilities. Notwithstanding any	
42 other provision of law, up to \$800,000 of	
43 this appropriation may be transferred to	
44 the New York State Education Departments'	
45 Adult Career and Continuing Education	
46 Services - Vocational Rehabilitation	
47 (ACCES-VR) program to support the Long-	
48 Term Sheltered Employment program operated	
49 by FEDCAP Rehabilitation Services, Inc.	
50 (37805)	2,154,000
51 For other services and expenses provided to	
52 people with developmental disabilities	
53 including but not limited to hepatitis B,	
54 care at home waiver, epilepsy services,	
55 Special Olympics New York, Inc. and volun-	
56 tary fingerprinting (37806)	335,000

1

2 § 14. The amount specified in this section, or so much thereof as
3 shall be sufficient to accomplish the purpose designated, is hereby
4 appropriated and authorized to be paid as hereinafter provided, to the
5 public officers and for the purpose specified, which amount shall be
6 available for the state fiscal year beginning April 1, 2021.

7

DIVISION OF VETERANS' SERVICES

8

AID TO LOCALITIES

9 BLIND VETERAN ANNUITY ASSISTANCE PROGRAM 407,000
10 -----

11 General Fund

12 Local Assistance Account - 10000

13 For payment of annuities to blind veterans
14 and eligible surviving spouses. Up to
15 \$15,000 of this appropriation may be
16 transferred to state operations for admin-
17 istrative costs associated with this
18 program (54606) 407,000
19 -----

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

27 § 16. All expenditures and disbursements made against the appropri-
28 ations in this act shall, upon final action by the legislature on appro-
29 priation bills submitted by the governor pursuant to article VII of the
30 state constitution for the support of government for the state fiscal
31 year beginning April 1, 2021, be transferred by the comptroller as
32 expenditures and disbursements to such appropriations for all state
33 departments and agencies, the legislature and the judiciary, as applica-
34 ble, in amounts equal to the amounts charged against the appropriations
35 in this act for each such department and agency, the legislature and the
36 judiciary.

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

1 § 18. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2021; provided,
3 however, that upon the transfer of expenditures and disbursements by the
4 comptroller as provided in section sixteen of this act, the appropri-
5 ations made by this act and subject to such section shall be deemed
6 repealed.