

# STATE OF NEW YORK

6595

2023-2024 Regular Sessions

## IN ASSEMBLY

April 24, 2023

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; to amend chapter 121 of the laws of 2023 relating to making appropriations for the support of government, in relation thereto; to amend chapter 122 of the laws of 2023, relating to making appropriations for the support of government, in relation thereto; to amend chapter 124 of the laws of 2023, relating to making appropriations for the support of government, in relation thereto; and to amend chapter 125 of the laws of 2023, relating to making appropriations for the support of government, in relation thereto, 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 submit-  
5 ted by the governor pursuant to article VII of the state constitution  
6 for the support of government for the state fiscal year beginning April  
7 1, 2023 are enacted.

8 § 2. Section 2 of chapter 121 of the laws of 2023, relating to making  
9 appropriations for the support of government, as amended by chapter 125  
10 of the laws of 2023, is amended to read as follows:

11 § 2. The amounts specified in this section, or so much thereof as  
12 shall be sufficient to accomplish the purposes designated, is hereby  
13 appropriated and authorized to be paid as hereinafter provided, to the  
14 public officers and for the purpose specified, which amount shall be  
15 available for the state fiscal year beginning April 1, 2023.

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

LBD12010-03-3

1 ALL STATE DEPARTMENTS AND AGENCIES

2 For the purpose of making payments for  
3 personal service, including liabilities  
4 incurred prior to April 1, 2023, on the  
5 payrolls scheduled to be paid during the  
6 period April 1 through April [~~24~~ 28, 2023  
7 to state officers and employees of the  
8 executive branch, including the governor,  
9 lieutenant governor, comptroller, and  
10 attorney general, and to employees of the  
11 legislature. This appropriation also  
12 includes funding for payment of health  
13 care and mental hygiene bonuses to eligi-  
14 ble state employees, and payments for  
15 services performed by mentally ill or  
16 developmentally disabled persons who are  
17 employed in state-operated special employ-  
18 ment, work-for-pay or sheltered workshop  
19 programs ..... [~~716,700,000~~] 1,069,700,000  
20 -----

21 § 3. Section 3 of chapter 121 of the laws of 2023, relating to making  
22 appropriations for the support of government, as amended by chapter 125  
23 of the laws of 2023, is amended to read as follows:

24 § 3. The amount specified in this section, or so much thereof as shall  
25 be sufficient to accomplish the purpose designated, is hereby appropri-  
26 ated and authorized to be paid as hereinafter provided, to the public  
27 officers and for the purpose specified, which amount shall be available  
28 for the state fiscal year beginning April 1, 2023.

29 ALL STATE DEPARTMENTS AND AGENCIES

30 For the payment of state operations non  
31 personal service liabilities to the execu-  
32 tive branch, including the comptroller,  
33 and the attorney general, and legislature,  
34 incurred in the ordinary course of busi-  
35 ness, during the period April 1 through  
36 April [~~24~~ 28, 2023, pursuant to existing  
37 state law and for purposes for which the  
38 legislature authorized the expenditure of  
39 moneys during the 2022-2023 state fiscal  
40 year; provided, however, that nothing  
41 contained herein shall be deemed to limit  
42 or restrict the power or authority of  
43 state departments or agencies to conduct  
44 their activities or operations in accord-  
45 ance with existing law, and further  
46 provided that nothing contained herein  
47 shall be deemed to supersede, nullify or  
48 modify the provisions of section 40 of the  
49 state finance law prescribing when appro-  
50 priations made for the 2022-2023 state  
51 fiscal year shall have ceased to have  
52 force and effect ..... 48,600,000

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2 § 4. Section 4 of chapter 121 of the laws of 2023, relating to making  
3 appropriations for the support of government, as amended by chapter 125  
4 of the laws of 2023, is amended to read as follows:

5 § 4. The amounts specified in this section, or so much thereof as  
6 shall be sufficient to accomplish the purposes designated, is hereby  
7 appropriated and authorized to be paid as hereinafter provided, to the  
8 public officers and for the purposes specified, which amount shall be  
9 available for the state fiscal year beginning April 1, 2023.

10

ALL STATE DEPARTMENTS AND AGENCIES

11 The sum of one hundred seventy million  
12 dollars (\$170,000,000), or so much thereof  
13 as shall be sufficient to accomplish the  
14 purpose designated, is hereby appropriated  
15 for contracts and grants approved for  
16 purposes for which the legislature author-  
17 ized the expenditures of money during the  
18 2022-2023 fiscal year. An amount up to one  
19 hundred seventy million dollars  
20 (\$170,000,000) shall be available for the  
21 payment of capital projects liabilities  
22 incurred during the period from April 1  
23 through April ~~24~~ 28, 2023 for contracts  
24 and grants approved prior to April 1,  
25 2023, provided, however, that nothing  
26 contained herein shall be deemed to limit  
27 or restrict the power or authority of  
28 state departments or agencies to conduct  
29 their activities or operations in accord-  
30 ance with existing law, and further  
31 provided that nothing contained herein  
32 shall be deemed to supersede, nullify, or  
33 modify the provisions of section 40 of the  
34 state finance law prescribing when appro-  
35 priations made for the 2022-2023 fiscal  
36 year shall have ceased to have force and  
37 effect ..... 170,000,000

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39 § 5. Section 5 of chapter 121 of the laws of 2023, relating to making  
40 appropriations for the support of government, as amended by chapter 125  
41 of the laws of 2023, is amended to read as follows:

42 § 5. The several amounts specified in this section, or so much thereof  
43 as shall be sufficient to accomplish the purposes designated, are hereby  
44 appropriated and authorized to be paid as hereinafter provided, to the  
45 respective public officers and for the several purposes specified, which  
46 amounts shall be available for the state fiscal year beginning April 1,  
47 2023.

48

ALL STATE DEPARTMENTS AND AGENCIES

49 The sum of thirty million dollars  
50 (\$30,000,000), or so much thereof as shall

1 be sufficient to accomplish the purpose  
 2 designated, is hereby appropriated for  
 3 contracts and grants approved for which  
 4 the legislature authorized the expendi-  
 5 tures of money during the 2022-2023 fiscal  
 6 year. An amount up to thirty million  
 7 dollars (\$30,000,000) shall be available  
 8 for the payment of capital projects  
 9 liabilities incurred during the period  
 10 from April 1 through April ~~24~~ 28, 2023  
 11 for contracts and grants approved after  
 12 April 1, 2023, provided, however, that  
 13 nothing contained herein shall be deemed  
 14 to limit or restrict the power or authori-  
 15 ty of state departments or agencies to  
 16 conduct their activities or operations in  
 17 accordance with existing law, and further  
 18 provided that nothing contained herein  
 19 shall be deemed to supersede, nullify, or  
 20 modify the provisions of section 40 of the  
 21 state finance law prescribing when appro-  
 22 priations made for the 2022-2023 fiscal  
 23 year shall have ceased to have force and  
 24 effect ..... 30,000,000  
 25 -----

26 § 6. Section 6 of chapter 121 of the laws of 2023, relating to making  
 27 appropriations for the support of government, as amended by chapter 124  
 28 of the laws of 2023, is amended to read as follows:  
 29 § 6. The amounts specified in this section, or so much thereof as  
 30 shall be sufficient to accomplish the purposes designated, is hereby  
 31 appropriated and authorized to be paid as hereinafter provided, to the  
 32 public officers and for the purposes specified, which amount shall be  
 33 available for the state fiscal year beginning April 1, 2023.

34 MISCELLANEOUS -- ALL STATE DEPARTMENTS AND AGENCIES

35 GENERAL STATE CHARGES

36 STATE OPERATIONS

37 GENERAL STATE CHARGES ..... [ ~~559,815,000~~ ] 582,940,000  
 38 -----

39 General Fund  
 40 State Purposes Account - 10050

41 For employee fringe benefits according to  
 42 the following project schedule including  
 43 those benefits which are related to  
 44 employees paid from funds, accounts, or  
 45 programs where the division of the budget  
 46 has issued waivers ..... [ ~~556,440,000~~ ] 570,670,000

47 Project Schedule  
 48 PROJECT AMOUNT  
 49 -----

1	For the state's contribution	
2	to the social security	
3	contribution fund .....	
4	..... [ <del>70,000,000</del> ]	<u>84,000,000</u>
5	For the state's share of	
6	contributions to the volun-	
7	tary defined contribution	
8	plan made on behalf of	
9	eligible employees pursuant	
10	to chapter 18 of the laws of	
11	2012 who elect to partic-	
12	ipate in such plan and who	
13	are not otherwise eligible	
14	to participate in the SUNY	
15	optional retirement program	
16	..... [ <del>690,000</del> ]	<u>920,000</u>
17	For the state's contribution	
18	to the health insurance fund	
19	and deposit into the retiree	
20	health benefit trust fund	
21	pursuant to section 99-aa of	
22	the state finance law. The	
23	state's share of the health	
24	insurance program dividends	
25	shall be available to pay	
26	for the premiums in 2023-24 ..	400,000,000
27	For payments to the state	
28	insurance fund for workers'	
29	compensation benefits and	
30	other related workers'	
31	compensation costs prior to	
32	or after they become	
33	incurred including but not	
34	limited to the benefits	
35	defined in chapters 302 and	
36	303 of the laws of 1985 .....	45,000,000
37	For the state's contribution	
38	to employee benefit fund	
39	programs .....	35,000,000
40	For the state's contribution	
41	to the dental insurance plan ...	4,250,000
42	For the state's contribution	
43	to the vision care plan .....	1,500,000
44		-----
45	Project schedule total ...	
46	..... [ <del>556,440,000</del> ]	<u>570,670,000</u>
47		-----
48	<u>For payments in accordance with section 19-a</u>	
49	<u>of the public lands law (80567) .....</u>	<u>7,720,000</u>
50		-----
51	For the payment of the metropolitan commuter	
52	transportation mobility tax pursuant to	
53	article 23 of the tax law as added by	
54	chapter 25 of the laws of 2009 on behalf	
55	of the state employees employed in the	

1	metropolitan commuter transportation	
2	district .....	[ <del>3,300,000</del> ]
3		<u>4,400,000</u>

4	For payment of claims for damage to personal	
5	or real property or for bodily injuries or	
6	wrongful death caused by officers, employ-	
7	ees, or other authorized persons providing	
8	service to state government while provid-	
9	ing such service, and the state university	
10	construction fund while acting within the	
11	scope of their employment, and while oper-	
12	ating motor vehicles, and for any individ-	
13	uals operating motor vehicles which are	
14	assigned on a permanent basis with unre-	
15	stricted use to state officers and employ-	
16	ees when the person is permanently	
17	assigned the motor vehicle (80559) .....	
18	.....	[ <del>75,000</del> ]
19		<u>150,000</u>

20 § 7. Section 7 of chapter 121 of the laws of 2023, relating to making  
 21 appropriations for the support of government, as amended by chapter 125  
 22 of the laws of 2023, is amended to read as follows:

23 § 7. The amounts specified in this section, or so much thereof as  
 24 shall be sufficient to accomplish the purposes designated, is hereby  
 25 appropriated and authorized to be paid as hereinafter provided, to the  
 26 public officers and for the purposes specified, which amount shall be  
 27 available for the state fiscal year beginning April 1, 2023.

28 JUDICIARY

29	For the purpose of making payments for	
30	personal service, including liabilities	
31	incurred prior to April 1, 2023, on the	
32	payrolls scheduled to be paid during the	
33	period April 1 through April [24] 28, 2023	
34	to officers and employees of the judiciary	
35	.....	[ <del>65,000,000</del> ]
36		<u>157,000,000</u>

36	For the payment of state operations nonper-	
37	sonal service liabilities, the sum of	
38	fifty million dollars (\$50,000,000), or so	
39	much thereof as shall be sufficient to	
40	accomplish the purpose designated, is	
41	hereby appropriated to the judiciary out	
42	of any moneys in the general fund or other	
43	funds to the credit of the state purposes	
44	account not otherwise appropriated. The	
45	comptroller is hereby authorized and	
46	directed to utilize this appropriation for	
47	the purpose of making payments for non-	
48	personal service liabilities incurred by	
49	the judiciary from April 1 through April	
50	[24] 28, 2023 .....	50,000,000

51 For the payment of aid to localities liabil-  
 52 ities, the sum of fifteen million dollars

1 (\$15,000,000), or so much thereof as shall  
 2 be sufficient to accomplish the purpose  
 3 designated, is hereby appropriated to the  
 4 judiciary out of any moneys in the general  
 5 fund or other funds to the credit of the  
 6 state purposes account not otherwise  
 7 appropriated. The comptroller is hereby  
 8 authorized and directed to utilize this  
 9 appropriation for the purpose of making  
 10 payments for aid to localities liabilities  
 11 incurred by the judiciary from April 1  
 12 through April [24] 28, 2023 ..... 15,000,000

13 For the payment of employee fringe benefit  
 14 programs including, but not limited to,  
 15 the judiciary's contributions to the  
 16 health insurance fund, the employees'  
 17 retirement system pension accumulation  
 18 fund, the social security contribution  
 19 fund, employee benefit fund programs, the  
 20 dental insurance plan, the vision care  
 21 plan, the unemployment insurance fund, and  
 22 for workers' compensation benefits, the  
 23 sum of two hundred eighty-one million  
 24 dollars (\$281,000,000), or so much thereof  
 25 as shall be sufficient to accomplish the  
 26 purpose designated, is hereby appropriated  
 27 to the judiciary out of any moneys in the  
 28 general fund or other funds to the credit  
 29 of the state purposes account not other-  
 30 wise appropriated. The comptroller is  
 31 hereby authorized and directed to utilize  
 32 this appropriation for the purpose of  
 33 making payments for employee fringe bene-  
 34 fit liabilities incurred by the judiciary  
 35 from April 1 through April [24] 28, 2023 ... 281,000,000

36 § 8. Section 9 of chapter 124 of the laws of 2023, relating to making  
 37 appropriations for the support of government, as amended by chapter 125  
 38 of the laws of 2023, is amended to read as follows:

39 § 9. The amounts specified in this section, or so much thereof as  
 40 shall be sufficient to accomplish the purposes designated, is hereby  
 41 appropriated and authorized to be paid as hereinafter provided, to the  
 42 public officers and for the purposes specified, which amount shall be  
 43 available for the state fiscal year beginning April 1, 2023.

44 DEPARTMENT OF AGRICULTURE AND MARKETS

45 AID TO LOCALITIES

46 AGRICULTURAL BUSINESS SERVICES PROGRAM ..... [812,000] 1,276,000  
 47 -----

48 General Fund  
 49 Local Assistance Account - 10000

1 Notwithstanding any law to the contrary, for  
 2 services, expenses and grants, including  
 3 but not limited to (a) the New York state  
 4 veterinary diagnostic laboratory, (b)  
 5 research and development at Cornell  
 6 university, (c) education and outreach at  
 7 Cornell university, (d) the New York farm  
 8 viability institute, (e) the promotion of  
 9 agricultural economic development, and (f)  
 10 agricultural access, education and work-  
 11 force support, pursuant to a plan prepared  
 12 by the commissioner of the department of  
 13 agriculture and markets and approved by  
 14 the director of the budget. Funds hereby  
 15 appropriated shall be available to the  
 16 program net of refunds, rebates,  
 17 reimbursements and credits. All or a  
 18 portion of this appropriation may be  
 19 suballocated to any state department,  
 20 agency, or public authority ..... [~~812,000~~] 1,276,000  
 21 -----

22 § 9. Section 8 of chapter 125 of the laws of 2023, relating to making  
 23 appropriations for the support of government, is amended to read as  
 24 follows:

25 § 8. The amounts specified in this section, or so much thereof as  
 26 shall be sufficient to accomplish the purposes designated, is hereby  
 27 appropriated and authorized to be paid as hereinafter provided, to the  
 28 public officers and for the purposes specified, which amount shall be  
 29 available for the state fiscal year beginning April 1, 2023.

30 EDUCATION DEPARTMENT

31 AID TO LOCALITIES

32 OFFICE OF PREKINDERGARTEN THROUGH GRADE TWELVE EDUCATION  
 33 PROGRAM ..... 1,390,000,000  
 34 -----

35 General Fund  
 36 Local Assistance Account - 10000

37 For remaining 2022-23 and prior school year  
 38 obligations, including aid for such school  
 39 years payable pursuant to section 3609-d  
 40 of the education law, provided that  
 41 notwithstanding any provision of law to  
 42 the contrary, subject to the approval of  
 43 the director of the budget, funds appro-  
 44 priated herein may be interchanged with  
 45 any other item of appropriation for gener-  
 46 al support for public schools within the  
 47 general fund local assistance account  
 48 office of prekindergarten through grade  
 49 twelve education program.

1 Notwithstanding any other law, rule or regu-  
 2 lation to the contrary, funds appropriated  
 3 herein shall be available for payment of  
 4 financial assistance net of any disallow-  
 5 ances, refunds, reimbursement and credits,  
 6 and may be suballocated to other depart-  
 7 ments and agencies to accomplish the  
 8 intent of this appropriation subject to  
 9 the approval of the director of the budg-  
 10 et. Notwithstanding any provision of law  
 11 to the contrary, funds appropriated herein  
 12 shall be available for payment of liabil-  
 13 ities heretofore accrued or hereafter to  
 14 accrue (21701) ..... 1,390,000,000  
 15 -----

16 § 10. The amounts specified in this section, or so much thereof as  
 17 shall be sufficient to accomplish the purposes designated, is hereby  
 18 appropriated and authorized to be paid as hereinafter provided, to the  
 19 public officers and for the purposes specified, which amount shall be  
 20 available for the state fiscal year beginning April 1, 2023.

21 OFFICE OF CHILDREN AND FAMILY SERVICES

22 AID TO LOCALITIES

23 ADOPTION SUBSIDY PROGRAM ..... 15,271,000  
 24 -----

25 General Fund  
 26 Local Assistance Account - 10000

27 For services and expenses for the adoption  
 28 subsidy program pursuant to title 9 of  
 29 article 6 of the social services law.

30 Notwithstanding any inconsistent provision  
 31 of law, the liability of the state to  
 32 social services districts and the amount  
 33 to be distributed or otherwise expended by  
 34 the state to reimburse social services  
 35 districts pursuant to section 456 of the  
 36 social services law shall be 62 percent of  
 37 eligible social services district expendi-  
 38 tures.

39 The amount hereby appropriated is to be  
 40 available for payment of aid heretofore  
 41 accrued or hereafter to accrue to munici-  
 42 palities. Subject to the approval of the  
 43 director of the budget, such funds shall  
 44 be available to the office net of disal-  
 45 lowances, refunds, reimbursements, and  
 46 credits.

47 Notwithstanding any inconsistent provision  
 48 of law, the amount herein appropriated may  
 49 be transferred to any other appropriation

1 within the office of children and family  
2 services and/or the office of temporary  
3 and disability assistance and/or suballo-  
4 cated to the office of temporary and disa-  
5 bility assistance for the purpose of  
6 paying local social services districts'  
7 costs of the above program and may be  
8 increased or decreased by interchange with  
9 any other appropriation or with any other  
10 item or items within the amounts appropri-  
11 ated within the office of children and  
12 family services general fund - local  
13 assistance account with the approval of  
14 the director of the budget who shall file  
15 such approval with the department of audit  
16 and control and copies thereof with the  
17 chairman of the senate finance committee  
18 and the chairman of the assembly ways and  
19 means committee.

20 Notwithstanding any inconsistent provision  
21 of law, in lieu of payments authorized by  
22 the social services law, or payments of  
23 federal funds otherwise due to the local  
24 social services districts for programs  
25 provided under the federal social security  
26 act or the federal food stamp act, funds  
27 herein appropriated, in amounts certified  
28 by the state commissioner or the state  
29 commissioner of health as due from local  
30 social services districts each month as  
31 their share of payments made pursuant to  
32 section 367-b of the social services law  
33 may be set aside by the state comptroller  
34 in an interest-bearing account with such  
35 interest accruing to the credit of the  
36 locality in order to ensure the orderly  
37 and prompt payment of providers under  
38 section 367-b of the social services law  
39 pursuant to an estimate provided by the  
40 commissioner of health of each local  
41 social services district's share of  
42 payments made pursuant to section 367-b of  
43 the social services law.

44 The amounts appropriated herein shall be  
45 available for reimbursement of local  
46 district claims only to the extent that  
47 such claims are submitted within twenty-  
48 four months of the last day of the state  
49 fiscal year in which the expenditures were  
50 incurred, unless waived for good cause by  
51 the commissioner subject to the approval  
52 of the director of the budget.

53 Notwithstanding any other provision of law  
54 to the contrary, amounts due and owing to  
55 a social services district under this  
56 appropriation, may be reduced up to such

1 amounts due and owing to the state under  
 2 section 529 of the executive law (13917) .... 15,271,000  
 3 -----

4 § 11. Section 8 of chapter 121 of the laws of 2023, relating to making  
 5 appropriations for the support of government, as amended by chapter 125  
 6 of the laws of 2023, is amended to read as follows:

7 § 8. The amounts specified in this section, or so much thereof as  
 8 shall be sufficient to accomplish the purposes designated, is hereby  
 9 appropriated and authorized to be paid as hereinafter provided, to the  
 10 public officers and for the purposes specified, which amount shall be  
 11 available for the state fiscal year beginning April 1, 2023.

DEPARTMENT OF HEALTH

AID TO LOCALITIES

14 CENTER FOR COMMUNITY HEALTH PROGRAM ..... [~~31,017,000~~] 35,941,000  
 15 -----

16 General Fund  
 17 Local Assistance Account - 10000

18 For services and expenses related to the  
 19 Indian health program. The moneys hereby  
 20 appropriated shall be for payment of  
 21 financial assistance heretofore accrued or  
 22 hereafter to accrue (26840) ..... 6,400,000  
 23 -----

24 Special Revenue Funds - Federal  
 25 Federal USDA-Food and Nutrition Services Fund  
 26 Federal Food and Nutrition Services Account - 25022

27 For various federal food and nutritional  
 28 services. The moneys hereby appropriated  
 29 shall be available for payment of finan-  
 30 cial assistance heretofore accrued (26986)  
 31 ..... [~~24,617,000~~] 29,541,000  
 32 -----

33 ELDERLY PHARMACEUTICAL INSURANCE COVERAGE PROGRAM ..... 7,800,000  
 34 -----

35 Special Revenue Funds - Other  
 36 HCRA Resources Fund  
 37 EPIC Premium Account - 20818

38 For services and expenses of the program for  
 39 elderly pharmaceutical insurance coverage,  
 40 including reimbursement to pharmacies  
 41 participating in such program. The moneys  
 42 hereby appropriated shall be available for  
 43 payment of financial assistance heretofore  
 44 accrued (26803) ..... 7,800,000  
 45 -----

1 HEALTH CARE REFORM ACT PROGRAM ..... 9,000,000  
 2 -----  
 3 Special Revenue Funds - Other  
 4 HCRA Resources Fund  
 5 HCRA Program Account - 20807  
 6 For transfer to health research incorporated  
 7 (HRI) for the AIDS drug assistance  
 8 program, including payments to Ryan White  
 9 centers (29880) ..... 9,000,000

10 § 12. Section 10 of chapter 122 of the laws of 2023, relating to  
 11 making appropriations for the support of government, as amended by chap-  
 12 ter 125 of the laws of 2023, is amended to read as follows:

13 § 10. The amounts specified in this section, or so much thereof as  
 14 shall be sufficient to accomplish the purposes designated, is hereby  
 15 appropriated and authorized to be paid as hereinafter provided, to the  
 16 public officers and for the purposes specified, which amount shall be  
 17 available for the state fiscal year beginning April 1, 2023.

18 DEPARTMENT OF LABOR

19 AID TO LOCALITIES

20 UNEMPLOYMENT INSURANCE BENEFIT PROGRAM ..... [~~592,000,000~~] 760,000,000  
 21 -----

22 Enterprise Funds  
 23 Unemployment Insurance Benefit Fund  
 24 Unemployment Insurance Benefit Account - 50650

25 For payment of unemployment insurance bene-  
 26 fits pursuant to article 18 of the labor  
 27 law or as authorized by the federal  
 28 government through the disaster unemploy-  
 29 ment assistance program, the emergency  
 30 unemployment compensation program, the  
 31 extended benefit program, the federal  
 32 additional compensation program or any  
 33 other federally funded unemployment bene-  
 34 fit program (34787) ..... [~~592,000,000~~] 760,000,000

35 § 13. Section 10 of chapter 121 of the laws of 2023, relating to  
 36 making appropriations for the support of government, as amended by chap-  
 37 ter 125 of the laws of 2023, is amended to read as follows:

38 § 10. The amount specified in this section, or so much thereof as  
 39 shall be sufficient to accomplish the purpose designated, is hereby  
 40 appropriated and authorized to be paid as hereinafter provided, to the  
 41 public officers and for the purpose specified, which amount shall be  
 42 available for the state fiscal year beginning April 1, 2023.

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DEPARTMENT OF MENTAL HYGIENE

OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

AID TO LOCALITIES

COMMUNITY SERVICES PROGRAM ..... [~~183,533,000~~] 189,521,000

General Fund  
Local Assistance Account - 10000

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 appropriation shall be net of prior and/or current year refunds, rebates, reimbursements, and credits.

Notwithstanding any other provision of law, advances and reimbursement made pursuant to subdivision (d) of section 41.15 and section 41.18 of the mental hygiene law shall be allocated pursuant to a plan and in a manner prescribed by the agency head and approved by the director of the budget. The moneys hereby appropriated are available to reimburse or advance localities and voluntary non-profit agencies for expenditures made during local fiscal periods commencing January 1, 2022, April 1, 2022 or July 1, 2022, and for advances for the 3 month period beginning January 1, 2023.

Notwithstanding the provisions of article 41 of the mental hygiene law or any other inconsistent provision of law, rule or regulation, the commissioner, pursuant to such contract and in the manner provided therein, may pay all or a portion of the expenses incurred by such voluntary agencies arising out of loans which are funded from the proceeds of bonds and notes issued by the dormitory authority of the state of New York.

Notwithstanding any other provision of law, the money hereby appropriated may be

1 transferred to state operations and/or any  
2 appropriation of the office for people  
3 with developmental disabilities with the  
4 approval of the director of the budget.  
5 Notwithstanding any inconsistent provision  
6 of law, moneys from this appropriation may  
7 be used for state aid of up to 100 percent  
8 of the net deficit costs of day training  
9 programs and family support services.  
10 Notwithstanding the provisions of section  
11 16.23 of the mental hygiene law and any  
12 other inconsistent provision of law, with  
13 relation to the operation of certified  
14 family care homes, including family care  
15 homes sponsored by voluntary not-for-pro-  
16 fit agencies, moneys from this appropri-  
17 ation may be used for payments to purchase  
18 general services including but not limited  
19 to respite providers, up to a maximum of  
20 14 days, at rates to be established by the  
21 commissioner and approved by the director  
22 of the budget in consideration of factors  
23 including, but not limited to, geographic  
24 area and number of clients cared for in  
25 the home and for payment in an amount  
26 determined by the commissioner for the  
27 personal needs of each client residing in  
28 the family care home.  
29 Notwithstanding the provisions of subdivi-  
30 sion 12 of section 8 of the state finance  
31 law and any other inconsistent provision  
32 of law, moneys from this appropriation may  
33 be used for expenses of family care homes  
34 including payments to operators of certi-  
35 fied family care homes for damages caused  
36 by clients to personal and real property  
37 in accordance with standards established  
38 by the commissioner and approved by the  
39 director of the budget.  
40 Notwithstanding any inconsistent provision  
41 of law, moneys from this appropriation may  
42 be used for appropriate day program  
43 services and residential services includ-  
44 ing, but not limited to, direct housing  
45 subsidies to individuals, start-up  
46 expenses for family care providers, envi-  
47 ronmental modifications, adaptive technol-  
48 ogies, appraisals, property options,  
49 feasibility studies and preoperational  
50 expenses.  
51 Notwithstanding any inconsistent provision  
52 of law except pursuant to a chapter of the  
53 laws of 2022 authorizing a 5.4 percent  
54 cost of living adjustment, for the period  
55 commencing on April 1, 2022 and ending  
56 March 31, 2023 the commissioner shall not

1 apply any other cost of living adjustment  
2 for the purpose of establishing rates of  
3 payments, contracts or any other form of  
4 reimbursement.

5 Notwithstanding section 6908 of the educa-  
6 tion law and any other provision of law,  
7 rule or regulation to the contrary, direct  
8 support staff in programs certified or  
9 approved by the office for people with  
10 developmental disabilities, including the  
11 home and community based services waiver  
12 programs that the office for people with  
13 developmental disabilities is authorized  
14 to administer with federal approval pursu-  
15 ant to subdivision (c) of section 1915 of  
16 the federal social security act, are  
17 authorized to provide such tasks as OPWDD  
18 may specify when performed under the  
19 supervision, training and periodic  
20 inspection of a registered professional  
21 nurse and in accordance with an authorized  
22 practitioner's ordered care.

23 Notwithstanding any other provision of law  
24 to the contrary, and consistent with  
25 section 33.07 of the mental hygiene law,  
26 the directors of facilities licensed but  
27 not operated by the office for people with  
28 developmental disabilities who act as  
29 federally-appointed representative payees  
30 and who assume management responsibility  
31 over the funds of a resident may continue  
32 to use such funds for the cost of the  
33 resident's care and treatment, consistent  
34 with federal law and regulations.

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

37 Notwithstanding any inconsistent provision  
38 of law, the director of the budget is  
39 authorized to make suballocations from  
40 this appropriation to the department of  
41 health medical assistance program.

42 Notwithstanding any inconsistent provision  
43 of law, and pursuant to criteria estab-  
44 lished by the commissioner of the office  
45 for people with developmental disabilities  
46 and approved by the director of the budg-  
47 et, expenditures may be made from this  
48 appropriation for residential facilities  
49 which are pending recertification as  
50 intermediate care facilities for people  
51 with developmental disabilities.

52 Notwithstanding the provisions of section  
53 41.36 of the mental hygiene law and any  
54 other inconsistent provision of law,  
55 moneys from this appropriation may be used  
56 for payment up to \$250 per year per

1 client, at such times and in such manner  
2 as determined by the commissioner on the  
3 basis of financial need for the personal  
4 needs of each client residing in voluntary  
5 operated community residences and volun-  
6 tary-operated community residential alter-  
7 natives, including individualized residen-  
8 tial alternatives under the home and  
9 community based services waiver. The  
10 commissioner shall, subject to the  
11 approval of the director of the budget,  
12 alter existing advance payment schedules  
13 for voluntary-operated community resi-  
14 dences established pursuant to section  
15 41.36 of the mental hygiene law. Notwith-  
16 standing any inconsistent provision of law  
17 moneys from this appropriation may be used  
18 for the operation of clinics licensed  
19 pursuant to article 16 of the mental  
20 hygiene law including, but not limited to,  
21 supportive and habilitative services  
22 consistent with the home and community  
23 based services waiver. Notwithstanding  
24 sections 112 and 163 of the state finance  
25 law and section 142 of the economic devel-  
26 opment law, or any other inconsistent  
27 provision of law, funds appropriated to  
28 the department of health in accordance  
29 with a schedule based upon approved Medi-  
30 caid claims for eligible home and communi-  
31 ty-based services, or other approved  
32 services as defined in section nine thou-  
33 sand eight hundred and seventeen of the  
34 American rescue plan act of 2021, from  
35 April 1, 2021 through March 31, 2023 and  
36 made available by the department of health  
37 via sub-allocation or transfer of up to  
38 \$740,000,000 may be allocated and distrib-  
39 uted by the commissioner of the office for  
40 people with developmental disabilities,  
41 subject to approval of the director of the  
42 budget, without a competitive bid or  
43 request for proposal process for the  
44 services and expenses of qualified appli-  
45 cants. All awards will be granted utiliz-  
46 ing criteria established by the commis-  
47 sioner of the office for people with  
48 developmental disabilities to strengthen  
49 and enhance home and community-based  
50 services consistent with the American  
51 rescue plan act of 2021.

52 For the state share of medical assistance  
53 services expenses incurred by the depart-  
54 ment of health for the provision of  
55 medical assistance services to people with  
56 developmental disabilities (37835) ..... 152,106,000

1 For services and expenses of the community  
2 services program, net of disallowances,  
3 for community programs for people with  
4 developmental disabilities pursuant to  
5 article 41 of the mental hygiene law,  
6 and/or chapter 620 of the laws of 1974,  
7 chapter 660 of the laws of 1977, chapter  
8 412 of the laws of 1981, chapter 27 of the  
9 laws of 1987, chapter 729 of the laws of  
10 1989, chapter 329 of the laws of 1993 and  
11 other provisions of the mental hygiene  
12 law. Notwithstanding any inconsistent  
13 provision of law, the following appropri-  
14 ation shall be net of prior and/or current  
15 year refunds, rebates, reimbursements, and  
16 credits.

17 Notwithstanding any other provision of law,  
18 advances and reimbursement made pursuant  
19 to subdivision (d) of section 41.15 and  
20 section 41.18 of the mental hygiene law  
21 shall be allocated pursuant to a plan and  
22 in a manner prescribed by the agency head  
23 and approved by the director of the budg-  
24 et. The moneys hereby appropriated are  
25 available to reimburse or advance locali-  
26 ties and voluntary non-profit agencies for  
27 expenditures made during local fiscal  
28 periods commencing January 1, 2022, April  
29 1, 2022 or July 1, 2022, and for advances  
30 for the 3 month period beginning January  
31 1, 2023.

32 Notwithstanding the provisions of article 41  
33 of the mental hygiene law or any other  
34 inconsistent provision of law, rule or  
35 regulation, the commissioner, pursuant to  
36 such contract and in the manner provided  
37 therein, may pay all or a portion of the  
38 expenses incurred by such voluntary agen-  
39 cies arising out of loans which are funded  
40 from the proceeds of bonds and notes  
41 issued by the dormitory authority of the  
42 state of New York.

43 Notwithstanding any other provision of law,  
44 the money hereby appropriated may be  
45 transferred to state operations and/or any  
46 appropriation of the office for people  
47 with developmental disabilities with the  
48 approval of the director of the budget.

49 Notwithstanding any inconsistent provision  
50 of law, moneys from this appropriation may  
51 be used for state aid of up to 100 percent  
52 of the net deficit costs of day training  
53 programs and family support services.

54 Notwithstanding the provisions of section  
55 16.23 of the mental hygiene law and any  
56 other inconsistent provision of law, with

1 relation to the operation of certified  
2 family care homes, including family care  
3 homes sponsored by voluntary not-for-pro-  
4 fit agencies, moneys from this appropri-  
5 ation may be used for payments to purchase  
6 general services including but not limited  
7 to respite providers, up to a maximum of 5  
8 days, at rates to be established by the  
9 commissioner and approved by the director  
10 of the budget in consideration of factors  
11 including, but not limited to, geographic  
12 area and number of clients cared for in  
13 the home and for payment in an amount  
14 determined by the commissioner for the  
15 personal needs of each client residing in  
16 the family care home.

17 Notwithstanding the provisions of subdivi-  
18 sion 12 of section 8 of the state finance  
19 law and any other inconsistent provision  
20 of law, moneys from this appropriation may  
21 be used for expenses of family care homes  
22 including payments to operators of certi-  
23 fied family care homes for damages caused  
24 by clients to personal and real property  
25 in accordance with standards established  
26 by the commissioner and approved by the  
27 director of the budget.

28 Notwithstanding any inconsistent provision  
29 of law, moneys from this appropriation may  
30 be used for appropriate day program  
31 services and residential services includ-  
32 ing, but not limited to, direct housing  
33 subsidies to individuals, start-up  
34 expenses for family care providers, envi-  
35 ronmental modifications, adaptive technol-  
36 ogies, appraisals, property options,  
37 feasibility studies and preoperational  
38 expenses.

39 Notwithstanding any inconsistent provision  
40 of law except pursuant to a chapter of the  
41 laws of 2021 authorizing a 5.4 percent  
42 cost of living adjustment, for the period  
43 commencing on April 1, 2022 and ending  
44 March 31, 2023 the commissioner shall not  
45 apply any other cost of living adjustment  
46 for the purpose of establishing rates of  
47 payments, contracts or any other form of  
48 reimbursement.

49 Notwithstanding section 6908 of the educa-  
50 tion law and any other provision of law,  
51 rule or regulation to the contrary, direct  
52 support staff in programs certified or  
53 approved by the office for people with  
54 developmental disabilities, including the  
55 home and community based services waiver  
56 programs that the office for people with

1 developmental disabilities is authorized  
2 to administer with federal approval pursu-  
3 ant to subdivision (c) of section 1915 of  
4 the federal social security act, are  
5 authorized to provide such tasks as the  
6 office for people with developmental disa-  
7 bilities may specify when performed under  
8 the supervision, training and periodic  
9 inspection of a registered professional  
10 nurse and in accordance with an authorized  
11 practitioner's ordered care.

12 Notwithstanding any other provision of law  
13 to the contrary, and consistent with  
14 section 33.07 of the mental hygiene law,  
15 the directors of facilities licensed but  
16 not operated by the office for people with  
17 developmental disabilities who act as  
18 federally-appointed representative payees  
19 and who assume management responsibility  
20 over the funds of a resident may continue  
21 to use such funds for the cost of the  
22 resident's care and treatment, consistent  
23 with federal law and regulations.

24 For services and expenses related to provid-  
25 ing health care and mental hygiene worker  
26 bonuses.

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

29 Notwithstanding any other provision of law  
30 to the contrary, funds appropriated herein  
31 are available to reimburse in- and out-of-  
32 state private residential schools, pursu-  
33 ant to subdivision (c) of section 13.37-a  
34 and subdivision (g) of section 13.38 of  
35 the mental hygiene law, for costs of  
36 supporting the residential and day program  
37 services available to individuals who are  
38 over the age of 21 years of age, provided  
39 that the amount paid for residential  
40 services and/or maintenance costs is net  
41 of any supplemental security income bene-  
42 fit to which the individual receiving  
43 services is eligible, and provided further  
44 that funding for nonresidential services  
45 will be in an amount not to exceed the  
46 maximum reimbursement for appropriate day  
47 services delivered by the office for  
48 people with developmental disabilities  
49 certified or approved providers other than  
50 in- and out-of-state private residential  
51 schools, unless otherwise authorized by  
52 the director of the budget.

53 Notwithstanding section 163 of the state  
54 finance law, section 142 of the economic  
55 development law, and article 41 of the  
56 mental hygiene law, the commissioner of

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

24 For services and expenses related to the  
25 provision of residential services to  
26 people with developmental disabilities  
27 (37802) ..... [~~17,823,000~~] 21,219,000

28 For services and expenses related to the  
29 provision of day program services to  
30 people with developmental disabilities  
31 (37803) ..... [~~4,011,000~~] 4,775,000

32 For services and expenses related to the  
33 provision of family support services to  
34 people with developmental disabilities  
35 (37804) ..... [~~5,601,000~~] 6,669,000

36 For services and expenses related to the  
37 provision of workshop, day training and  
38 employment services to people with devel-  
39 opmental disabilities. Notwithstanding any  
40 other provision of law, up to \$800,000 of  
41 this appropriation may be transferred to  
42 the New York State Education Departments'  
43 Adult Career and Continuing Education  
44 Services - Vocational Rehabilitation  
45 (ACCES-VR) program to support the Long-  
46 Term Sheltered Employment program operated  
47 by FEDCAP Rehabilitation Services, Inc.  
48 (37805) ..... [~~3,232,000~~] 3,848,000

49 For other services and expenses provided to  
50 people with developmental disabilities  
51 including but not limited to hepatitis B,  
52 care at home waiver, epilepsy services,  
53 Special Olympics New York, Inc. and volun-  
54 tary fingerprinting (37806) ..... [~~760,000~~] 904,000

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1 § 14. No expenditure may be made from any appropriation in this act,  
2 until a certificate of approval has been issued by the director of the  
3 budget and a copy of such certificate shall have been filed with the  
4 state comptroller, the chairman of the senate finance committee and the  
5 chairman of the assembly ways and means committee provided, however,  
6 that any expenditures from any appropriation in this act made by the  
7 legislature or judiciary shall not require such certificate.

8 § 15. All expenditures and disbursements made against the appropri-  
9 ations in this act shall, upon final action by the legislature on appro-  
10 priation bills submitted by the governor pursuant to article VII of the  
11 state constitution for the support of government for the state fiscal  
12 year beginning April 1, 2023, be transferred by the comptroller as  
13 expenditures and disbursements to such appropriations for all state  
14 departments and agencies, as applicable, in amounts equal to the amounts  
15 charged against the appropriations in this act for each such department,  
16 agency, and the legislature and the judiciary.

17 § 16. Severability clause. If any clause, sentence, paragraph, subdi-  
18 vision, section or part of this act shall be adjudged by any court of  
19 competent jurisdiction to be invalid, such judgment shall not affect,  
20 impair, or invalidate the remainder thereof, but shall be confined in  
21 its operation to the clause, sentence, paragraph, subdivision, section  
22 or part thereof directly involved in the controversy in which such judg-  
23 ment shall have been rendered. It is hereby declared to be the intent of  
24 the legislature that this act would have been enacted even if such  
25 invalid provisions had not been included herein.

26 § 17. This act shall take effect immediately and shall be deemed to  
27 have been in full force and effect on and after April 1, 2023; provided,  
28 however, that upon the transfer of expenditures and disbursements by the  
29 comptroller as provided in section fifteen of this act, the appropri-  
30 ations made by this act and subject to such section shall be deemed  
31 repealed.