

STATE OF NEW YORK

9771

IN ASSEMBLY

April 7, 2024

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

AN ACT making appropriations for the support of government and to amend chapter 111 of the laws of 2024 relating to making appropriations for the support of government, in relation thereto; and to amend chapter 113 of the laws of 2024 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:

Section 1. Legislative intent. The legislature hereby finds and declares that the enactment of these appropriations provides sufficient authority to the comptroller for the purpose of making payments for the purposes described herein until such time as appropriation bills submitted by the governor pursuant to article VII of the state constitution for the support of government for the state fiscal year beginning April 1, 2024 are enacted.

§ 2. Section 2 of chapter 111 of the laws of 2024, relating to making appropriations for the support of government, as amended by chapter 113 of the laws of 2024, is amended to read as follows:

§ 2. 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 purpose specified, which amount shall be available for the state fiscal year beginning April 1, 2024.

ALL STATE DEPARTMENTS AND AGENCIES

For the purpose of making payments for personal service, including liabilities incurred prior to April 1, 2024, on the payrolls scheduled to be paid during the period April 1 through April ~~8~~ 11, 2024 to state officers and employees of the

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

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executive branch, including the governor, lieutenant governor, comptroller, and attorney general, and to employees of the legislature. This appropriation also includes funding for payment of health care and mental hygiene bonuses to eligible state employees, and payments for services performed by mentally ill or developmentally disabled persons who are employed in state-operated special employment, work-for-pay or sheltered workshop programs [~~220,500,000~~] 475,000,000

§ 3. Section 3 of chapter 111 of the laws of 2024, relating to making appropriations for the support of government, as amended by chapter 113 of the laws of 2024, is amended to read as follows:

§ 3. 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, 2024.

ALL STATE DEPARTMENTS AND AGENCIES

For the payment of state operations non personal service liabilities to the executive branch, including the comptroller, and the attorney general, and legislature, incurred in the ordinary course of business, during the period April 1 through April [~~8~~] 11, 2024, pursuant to existing state law and for purposes for which the legislature authorized the expenditure of moneys during the 2023-2024 state fiscal year; provided, however, that nothing contained herein shall be deemed to limit or restrict the power or authority of state departments or agencies to conduct their activities or operations in accordance with existing law, and further provided that nothing contained herein shall be deemed to supersede, nullify or modify the provisions of section 40 of the state finance law prescribing when appropriations made for the 2023-2024 state fiscal year shall have ceased to have force and effect [~~20,000,000~~] 22,000,000

§ 4. 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, 2024.

1

JUDICIARY

2 For the purpose of making payments for
3 personal service, including liabilities
4 incurred prior to April 1, 2024, on the
5 payrolls scheduled to be paid during the
6 period April 1 through April 11, 2024 to
7 officers and employees of the judiciary 80,000,000

8 For the payment of state operations nonper-
9 sonal service liabilities, the sum of
10 seventeen million dollars (\$17,000,000),
11 or so much thereof as shall be sufficient
12 to accomplish the purpose designated, is
13 hereby appropriated to the judiciary out
14 of any moneys in the general fund or other
15 funds to the credit of the state purposes
16 account not otherwise appropriated. The
17 comptroller is hereby authorized and
18 directed to utilize this appropriation for
19 the purpose of making payments for non-
20 personal service liabilities incurred by
21 the judiciary from April 1 through April
22 11, 2024 17,000,000

23 For the payment of aid to localities liabil-
24 ities, the sum of twelve million five
25 hundred thousand dollars (\$12,500,000), or
26 so much thereof as shall be sufficient to
27 accomplish the purpose designated, is
28 hereby appropriated to the judiciary out
29 of any moneys in the general fund or other
30 funds to the credit of the state purposes
31 account not otherwise appropriated. The
32 comptroller is hereby authorized and
33 directed to utilize this appropriation for
34 the purpose of making payments for aid to
35 localities liabilities incurred by the
36 judiciary from April 1 through April 11,
37 2024 12,500,000

38 For the payment of employee fringe benefit
39 programs including, but not limited to,
40 the judiciary's contributions to the
41 health insurance fund, the employees'
42 retirement system pension accumulation
43 fund, the social security contribution
44 fund, employee benefit fund programs, the
45 dental insurance plan, the vision care
46 plan, the unemployment insurance fund, and
47 for workers' compensation benefits, the
48 sum of sixty-seven million dollars
49 (\$67,000,000), or so much thereof as shall
50 be sufficient to accomplish the purpose
51 designated, is hereby appropriated to the
52 judiciary out of any moneys in the general
53 fund or other funds to the credit of the
54 state purposes account not otherwise
55 appropriated. The comptroller is hereby

1 authorized and directed to utilize this
2 appropriation for the purpose of making
3 payments for employee fringe benefit
4 liabilities incurred by the judiciary from
5 April 1 through April 11, 2024 67,000,000
6 -----

7 § 5. Section 5 of chapter 111 of the laws of 2024, relating to making
8 appropriations for the support of government, as amended by chapter 113
9 of the laws of 2024, is amended to read as follows:

10 § 5. The amounts specified in this section, or so much thereof as
11 shall be sufficient to accomplish the purposes designated, is hereby
12 appropriated and authorized to be paid as hereinafter provided, to the
13 public officers and for the purposes specified, which amount shall be
14 available for the state fiscal year beginning April 1, 2024.

15 DEPARTMENT OF HEALTH

16 AID TO LOCALITIES

17 CENTER FOR COMMUNITY HEALTH PROGRAM [~~14,960,000~~] 18,170,000
18 -----

19 General Fund

20 Local Assistance Account - 10000

21 For services and expenses related to the
22 Indian health program. The moneys hereby
23 appropriated shall be for payment of
24 financial assistance heretofore accrued or
25 hereafter to accrue (26840) 6,400,000
26 -----

27 Special Revenue Funds - Federal

28 Federal USDA-Food and Nutrition Services Fund

29 Federal Food and Nutrition Services Account - 25022

30 For various federal food and nutritional
31 services. The moneys hereby appropriated
32 shall be available for payment of finan-
33 cial assistance heretofore accrued (26986)
34 [~~8,560,000~~] 11,770,000
35 -----

36 § 6. The amounts specified in this section, or so much thereof as
37 shall be sufficient to accomplish the purposes designated, is hereby
38 appropriated and authorized to be paid as hereinafter provided, to the
39 public officers and for the purposes specified, which amount shall be
40 available for the state fiscal year beginning April 1, 2024.

41 JUSTICE CENTER FOR THE PROTECTION
42 OF PEOPLE WITH SPECIAL NEEDS

1 AID TO LOCALITIES

2 COMMUNITY SUPPORT PROGRAMS 105,000

3 -----

4 General Fund

5 Local Assistance Account - 10000

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

29 -----

30 § 7. Section 6 of chapter 111 of the laws of 2024, relating to making
31 appropriations for the support of government, as amended by chapter 113
32 of the laws of 2024, is amended to read as follows:

33 § 6. The amounts specified in this section, or so much thereof as
34 shall be sufficient to accomplish the purposes designated, is hereby
35 appropriated and authorized to be paid as hereinafter provided, to the
36 public officers and for the purposes specified, which amount shall be
37 available for the state fiscal year beginning April 1, 2024.

38 DEPARTMENT OF LABOR

39 AID TO LOCALITIES

40 UNEMPLOYMENT INSURANCE BENEFIT PROGRAM [~~210,000,000~~] 375,000,000

41 -----

42 Enterprise Funds

43 Unemployment Insurance Benefit Fund

44 Unemployment Insurance Benefit Account - 50650

45 For payment of unemployment insurance bene-
46 fits pursuant to article 18 of the labor
47 law or as authorized by the federal

1 government through the disaster unemploy-
 2 ment assistance program, the emergency
 3 unemployment compensation program, the
 4 extended benefit program, the federal
 5 additional compensation program or any
 6 other federally funded unemployment bene-
 7 fit program (34787) [~~210,000,000~~] 375,000,000
 8 -----

9 § 8. The amounts specified in this section, or so much thereof as
 10 shall be sufficient to accomplish the purposes designated, is hereby
 11 appropriated and authorized to be paid as hereinafter provided, to the
 12 public officers and for the purposes specified, which amount shall be
 13 available for the state fiscal year beginning April 1, 2024.

14 DEPARTMENT OF MENTAL HYGIENE

15 OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

16 AID TO LOCALITIES

17 COMMUNITY SERVICES PROGRAM 49,450,000
 18 -----

19 General Fund

20 Local Assistance Account - 10000

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

37 Notwithstanding any other provision of law,
 38 advances and reimbursement made pursuant
 39 to subdivision (d) of section 41.15 and
 40 section 41.18 of the mental hygiene law
 41 shall be allocated pursuant to a plan and
 42 in a manner prescribed by the agency head
 43 and approved by the director of the budg-
 44 et. The moneys hereby appropriated are
 45 available to reimburse or advance locali-
 46 ties and voluntary non-profit agencies for
 47 expenditures made during local fiscal
 48 periods commencing January 1, 2024, April
 49 1, 2024 or July 1, 2024, and for advances

1 for the 3 month period beginning January
2 1, 2025.

3 Notwithstanding the provisions of article 41
4 of the mental hygiene law or any other
5 inconsistent provision of law, rule or
6 regulation, the commissioner, pursuant to
7 such contract and in the manner provided
8 therein, may pay all or a portion of the
9 expenses incurred by such voluntary agen-
10 cies arising out of loans which are funded
11 from the proceeds of bonds and notes
12 issued by the dormitory authority of the
13 state of New York.

14 Notwithstanding any other provision of law,
15 the money hereby appropriated may be
16 transferred to state operations and/or any
17 appropriation of the office for people
18 with developmental disabilities with the
19 approval of the director of the budget.

20 Notwithstanding any inconsistent provision
21 of law, moneys from this appropriation may
22 be used for state aid of up to 100 percent
23 of the net deficit costs of day training
24 programs and family support services.

25 Notwithstanding the provisions of section
26 16.23 of the mental hygiene law and any
27 other inconsistent provision of law, with
28 relation to the operation of certified
29 family care homes, including family care
30 homes sponsored by voluntary not-for-pro-
31 fit agencies, moneys from this appropri-
32 ation may be used for payments to purchase
33 general services including but not limited
34 to respite providers, up to a maximum of
35 14 days, at rates to be established by the
36 commissioner and approved by the director
37 of the budget in consideration of factors
38 including, but not limited to, geographic
39 area and number of clients cared for in
40 the home and for payment in an amount
41 determined by the commissioner for the
42 personal needs of each client residing in
43 the family care home.

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

55 Notwithstanding any inconsistent provision
56 of law, moneys from this appropriation may

1 be used for appropriate day program
2 services and residential services includ-
3 ing, but not limited to, direct housing
4 subsidies to individuals, start-up
5 expenses for family care providers, envi-
6 ronmental modifications, adaptive technol-
7 ogies, appraisals, property options,
8 feasibility studies and preoperational
9 expenses.

10 Notwithstanding any inconsistent provision
11 of law except pursuant to chapter 57 of
12 the laws of 2023 authorizing a 4.0 percent
13 cost of living adjustment, for the period
14 commencing on April 1, 2023 and ending
15 March 31, 2024 the commissioner shall not
16 apply any other cost of living adjustment
17 for the purpose of establishing rates of
18 payments, contracts or any other form of
19 reimbursement.

20 Notwithstanding section 6908 of the educa-
21 tion law and any other provision of law,
22 rule or regulation to the contrary, direct
23 support staff in programs certified or
24 approved by the office for people with
25 developmental disabilities, including the
26 home and community based services waiver
27 programs that the office for people with
28 developmental disabilities is authorized
29 to administer with federal approval pursu-
30 ant to subdivision (c) of section 1915 of
31 the federal social security act, are
32 authorized to provide such tasks as OPWDD
33 may specify when performed under the
34 supervision, training and periodic
35 inspection of a registered professional
36 nurse and in accordance with an authorized
37 practitioner's ordered care.

38 Notwithstanding any other provision of law
39 to the contrary, and consistent with
40 section 33.07 of the mental hygiene law,
41 the directors of facilities licensed but
42 not operated by the office for people with
43 developmental disabilities who act as
44 federally-appointed representative payees
45 and who assume management responsibility
46 over the funds of a resident may continue
47 to use such funds for the cost of the
48 resident's care and treatment, consistent
49 with federal law and regulations.

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

52 Notwithstanding any other provision of law
53 to the contrary, funds appropriated herein
54 are available to reimburse in- and out-of-
55 state private residential schools, pursu-
56 ant 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 development law, and article 41 of the mental hygiene law, the commissioner of the office for people with developmental disabilities may make the funds appropriated herein available as state aid, a loan or a grant, pursuant to terms and conditions established by the commissioner of the office for people with developmental disabilities, to cover a portion of the development costs of private, public and/or non-profit organizations, including corporations and partnerships established pursuant to the private housing finance law and/or any other statutory provisions, for supportive housing units that have been set aside for individuals with intellectual and developmental disabilities. Further, the office for people with developmental disabilities shall have a lien on the real property developed with such state aid, loans or grants, which shall be in the amount of the loan or grant, for a maximum term of 30 years, or other longer term consistent with the requirements of another regulatory agency.

For services and expenses related to the provision of residential services to people with developmental disabilities (37802)	28,968,000
For services and expenses related to the provision of day program services to people with developmental disabilities (37803)	6,627,000
For services and expenses related to the provision of family support services to	

1 people with developmental disabilities
2 (37804) 8,087,000
3 For services and expenses related to the
4 provision of workshop, day training and
5 employment services to people with devel-
6 opmental disabilities. Notwithstanding any
7 other provision of law, up to \$800,000 of
8 this appropriation may be transferred to
9 the New York State Education Departments'
10 Adult Career and Continuing Education
11 Services - Vocational Rehabilitation
12 (ACCES-VR) program to support the Long-
13 Term Sheltered Employment program operated
14 by FEDCAP Rehabilitation Services, Inc.
15 (37805) 4,667,000
16 For other services and expenses provided to
17 people with developmental disabilities
18 including but not limited to hepatitis B,
19 care at home waiver, epilepsy services,
20 Special Olympics New York, Inc. and volun-
21 tary fingerprinting (37806) 1,101,000
22 -----

23 § 9. 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, 2024.

28 DEPARTMENT OF TRANSPORTATION

29 AID TO LOCALITIES

30 DEDICATED MASS TRANSPORTATION TRUST FUND PROGRAM 51,000,000
31 -----

32 Special Revenue Funds - Other
33 Dedicated Mass Transportation Trust Fund
34 Railroad Account - 20852

35 To the metropolitan transportation authority
36 for deposit in the metropolitan transpor-
37 tation authority dedicated tax fund for
38 the expenses of the New York city transit
39 authority, the Manhattan and Bronx surface
40 transit operating authority, and the
41 Staten Island rapid transit operating
42 authority, the Long Island rail road
43 company and the Metro-North commuter rail-
44 road company which includes the New York
45 state portion of the Harlem, Hudson, Port
46 Jervis, Pascack, and the New Haven commu-
47 ter railroad service regardless of whether
48 the services are provided directly or
49 pursuant to joint service agreements.

1 No expenditure shall be made hereunder until
2 a certificate of approval has been issued
3 by the director of the budget and a copy
4 of such certificate filed with the state
5 comptroller, the chairperson of the senate
6 finance committee and the chairperson of
7 the assembly ways and means committee.
8 Moneys appropriated herein may be made
9 available at such times and upon such
10 conditions as may be deemed appropriate by
11 the commissioner of transportation and the
12 director of the budget in accordance with
13 the following:

14 To the metropolitan transportation authority
15 for the operating expenses of the Long
16 Island rail road company and the Metro-
17 North commuter railroad company which
18 include operating expenses for the New
19 York state portion of Harlem, Hudson, Port
20 Jervis, Pascack, and New Haven commuter
21 railroad services regardless of whether
22 such services are provided directly or
23 pursuant to joint service agreements
24 (54282) 7,700,000
25 -----

26 Special Revenue Funds - Other
27 Dedicated Mass Transportation Trust Fund
28 Transit Authorities Account - 20851

29 To the metropolitan transportation authority
30 for deposit in the metropolitan transpor-
31 tation authority dedicated tax fund for
32 the expenses of the New York city transit
33 authority, the Manhattan and Bronx surface
34 transit operating authority, and the
35 Staten Island rapid transit operating
36 authority, the Long Island rail road
37 company and the Metro-North commuter rail-
38 road company which includes the New York
39 state portion of the Harlem, Hudson, Port
40 Jervis, Pascack, and the New Haven commu-
41 ter railroad service regardless of whether
42 the services are provided directly or
43 pursuant to joint service agreements.

44 No expenditure shall be made hereunder until
45 a certificate of approval has been issued
46 by the director of the budget and a copy
47 of such certificate filed with the state
48 comptroller, the chairperson of the senate
49 finance committee and the chairperson of
50 the assembly ways and means committee.
51 Moneys appropriated herein may be made
52 available at such times and upon such
53 conditions as may be deemed appropriate by
54 the commissioner of transportation and the

1 director of the budget in accordance with
 2 the following:
 3 To the metropolitan transportation authority
 4 for the operating expenses of the New York
 5 city transit authority, the Manhattan and
 6 Bronx surface transit operating authority,
 7 and the Staten Island rapid transit oper-
 8 ating authority (53173) 43,300,000
 9 -----

10 § 10. Section 7 of chapter 113 of the laws of 2024, relating to making
 11 appropriations for the support of government, is amended to read as
 12 follows:

13 § 7. 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, 2024.

18 DEPARTMENT OF VETERANS' SERVICES

19 AID TO LOCALITIES

20 VETERANS' BENEFITS ADVISING PROGRAM [~~112,000~~] 154,000
 21 -----

22 Special Revenue Funds - Other
 23 Homeless Veterans Assistance Fund
 24 Homeless Veterans Assistance Account - 20204

25 For services and expenses related to home-
 26 less veterans' housing, including liabil-
 27 ities incurred prior to April 5, 2024
 28 [~~112,000~~] 154,000
 29 -----

30 § 11. No expenditure may be made from any appropriation in this act,
 31 until a certificate of approval has been issued by the director of the
 32 budget and a copy of such certificate shall have been filed with the
 33 state comptroller, the chairman of the senate finance committee and the
 34 chairman of the assembly ways and means committee provided, however,
 35 that any expenditures from any appropriation in this act made by the
 36 legislature or judiciary shall not require such certificate.

37 § 12. All expenditures and disbursements made against the appropri-
 38 ations in this act shall, upon final action by the legislature on appro-
 39 priation bills submitted by the governor pursuant to article VII of the
 40 state constitution for the support of government for the state fiscal
 41 year beginning April 1, 2024, be transferred by the comptroller as
 42 expenditures and disbursements to such appropriations for all state
 43 departments and agencies, as applicable, in amounts equal to the amounts
 44 charged against the appropriations in this act for each such department,
 45 agency, and the legislature and the judiciary.

46 § 13. Severability clause. If any clause, sentence, paragraph, subdi-
 47 vision, section or part of this act shall be adjudged by any court of

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

8 § 14. This act shall take effect immediately and shall be deemed to
9 have been in full force and effect on and after April 1, 2024; provided,
10 however, that upon the transfer of expenditures and disbursements by the
11 comptroller as provided in section twelve of this act, the appropri-
12 ations made by this act and subject to such section shall be deemed
13 repealed.