STATE OF NEW YORK

6340

2023-2024 Regular Sessions

IN SENATE

April 17, 2023

Introduced by Sen. KRUEGER -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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; and to amend chapter 122 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:

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, 2023 are enacted.

§ 2. Section 2 of chapter 121 of the laws of 2023, relating to making appropriations for the support of government, as amended by chapter 122 of the laws of 2023, 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, 2023.

ALL STATE DEPARTMENTS AND AGENCIES

For the purpose of making payments for personal service, including liabilities

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

LBD12008-01-3

incurred prior to April 1, 2023, on the payrolls scheduled to be paid during the period April 1 through April [~~17~~] **20**, 2023 to state officers and employees of the 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 ..... [~~458,000,000~~] **714,000,000**

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§ 3. Section 3 of chapter 121 of the laws of 2023, relating to making appropriations for the support of government, as amended by chapter 122 of the laws of 2023, 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, 2023.

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 [~~17~~] **20**, 2023, pursuant to existing state law and for purposes for which the legislature authorized the expenditure of moneys during the 2022-2023 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 2022-2023 state fiscal year shall have ceased to have force and effect ..... [~~22,000,000~~] **48,600,000**

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§ 4. Section 4 of chapter 121 of the laws of 2023, relating to making appropriations for the support of government, as amended by chapter 122 of the laws of 2023, is amended to read as follows:

§ 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, 2023.

ALL STATE DEPARTMENTS AND AGENCIES

The sum of [~~thirty million dollars ($30,000,000)~~] **one hundred seventy million dollars ($170,000,000)**, or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated for contracts and grants approved for purposes for which the legislature authorized the expenditures of money during the 2022-2023 fiscal year. An amount up to [~~thirty million dollars ($30,000,000)~~] **one hundred seventy million dollars ($170,000,000)** shall be available for the payment of capital projects liabilities incurred during the period from April 1 through April [~~17~~] **20**, 2023 for contracts and grants approved prior to April 1, 2023, 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 2022-2023 fiscal year shall have ceased to have force and effect .....
..... [~~30,000,000~~] **170,000,000**

§ 5. Section 5 of chapter 121 of the laws of 2023, relating to making appropriations for the support of government, as amended by chapter 122 of the laws of 2023, is amended to read as follows:

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

ALL STATE DEPARTMENTS AND AGENCIES

The sum of [~~five million dollars~~

~~($5,000,000)~~] **thirty million dollars ($30,000,000)**, or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated for contracts and grants approved for which the legislature authorized the expenditures of money during the 2022-2023 fiscal year. An amount up to [~~five million dollars ($5,000,000)~~] **thirty million dollars ($30,000,000)** shall be available for the payment of capital projects liabilities incurred during the period from April 1 through April [~~17~~] **20**, 2023 for contracts and grants approved after April 1, 2023, 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 2022-2023 fiscal year shall have ceased to have force and effect ..... [~~5,000,000~~] **30,000,000**

§ 6. Section 6 of chapter 121 of the laws of 2023, relating to making appropriations for the support of government, as amended by chapter 122 of the laws of 2023, is amended to read as follows:

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

MISCELLANEOUS -- ALL STATE DEPARTMENTS AND AGENCIES

GENERAL STATE CHARGES

STATE OPERATIONS

GENERAL STATE CHARGES ..... [~~524,660,000~~] **559,815,000**

General Fund
State Purposes Account - 10050

For employee fringe benefits according to the following project schedule including those benefits which are related to employees paid from funds, accounts, or programs where the division of the budget has issued waivers ..... [~~522,460,000~~] **556,440,000**

Project Schedule

PROJECT	AMOUNT
For the state's contribution to the social security contribution fund .... [~~42,000,000~~]	**70,000,000**
For the state's share of contributions to the voluntary defined contribution plan made on behalf of eligible employees pursuant to chapter 18 of the laws of 2012 who elect to participate in such plan and who are not otherwise eligible to participate in the SUNY optional retirement program ..... [~~460,000~~]	**690,000**
For the state's contribution to the health insurance fund and deposit into the retiree health benefit trust fund pursuant to section 99-aa of the state finance law. The state's share of the health insurance program dividends shall be available to pay for the premiums in 2023-24 ..	400,000,000
For payments to the state insurance fund for workers' compensation benefits and other related workers' compensation costs prior to or after they become incurred including but not limited to the benefits defined in chapters 302 and 303 of the laws of 1985	45,000,000
For the state's contribution to employee benefit fund programs	35,000,000
For the state's contribution to the dental insurance plan ...	**4,250,000**
For the state's contribution to the vision care plan	**1,500,000**
Project schedule total ... . [~~522,460,000~~]	**556,440,000**

For the payment of the metropolitan commuter transportation mobility tax pursuant to article 23 of the tax law as added by chapter 25 of the laws of 2009 on behalf of the state employees employed in the

metropolitan commuter transportation district ..... [~~2,200,000~~] **3,300,000**

For payment of claims for damage to personal or real property or for bodily injuries or wrongful death caused by officers, employees, or other authorized persons providing service to state government while providing such service, and the state university construction fund while acting within the scope of their employment, and while operating motor vehicles, and for any individuals operating motor vehicles which are assigned on a permanent basis with unrestricted use to state officers and employees when the person is permanently assigned the motor vehicle (80559) **75,000**

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§ 7. Section 7 of chapter 121 of the laws of 2023, relating to making appropriations for the support of government, as amended by chapter 122 of the laws of 2023, is amended to read as follows:

§ 7. 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, 2023.

JUDICIARY

For the purpose of making payments for personal service, including liabilities incurred prior to April 1, 2023, on the payrolls scheduled to be paid during the period April 1 through April [~~17~~] **20**, 2023 to officers and employees of the judiciary 65,000,000

For the payment of state operations nonpersonal service liabilities, the sum of fifty million dollars ($50,000,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated to the judiciary out of any moneys in the general fund or other funds to the credit of the state purposes account not otherwise appropriated. The comptroller is hereby authorized and directed to utilize this appropriation for the purpose of making payments for nonpersonal service liabilities incurred by the judiciary from April 1 through April [~~17~~] **20**, 2023 50,000,000

For the payment of aid to localities liabilities, the sum of fifteen million dollars ($15,000,000), or so much thereof as shall

be sufficient to accomplish the purpose designated, is hereby appropriated to the judiciary out of any moneys in the general fund or other funds to the credit of the state purposes account not otherwise appropriated. The comptroller is hereby authorized and directed to utilize this appropriation for the purpose of making payments for aid to localities liabilities incurred by the judiciary from April 1 through April [~~17~~] **20**, 2023 15,000,000

For the payment of employee fringe benefit programs including, but not limited to, the judiciary's contributions to the health insurance fund, the employees' retirement system pension accumulation fund, the social security contribution fund, employee benefit fund programs, the dental insurance plan, the vision care plan, the unemployment insurance fund, and for workers' compensation benefits, the sum of [~~seventy-five million dollars ($75,000,000)~~] **two hundred eighty-one million dollars ($281,000,000)**, or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated to the judiciary out of any moneys in the general fund or other funds to the credit of the state purposes account not otherwise appropriated. The comptroller is hereby authorized and directed to utilize this appropriation for the purpose of making payments for employee fringe benefit liabilities incurred by the judiciary from April 1 through April [~~10~~] **20**, 2023 ..... [~~75,000,000~~] **281,000,000**

§ 8. Section 8 of chapter 122 of the laws of 2023, relating to making appropriations for the support of government, is amended to read as follows:

§ 8. 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, 2023.

DEPARTMENT OF FAMILY ASSISTANCE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

AID TO LOCALITIES

EMPLOYMENT AND INCOME SUPPORT PROGRAM 235,416,000

General Fund
Local Assistance Account - 10000

For state reimbursement of the safety net assistance program as established pursuant to chapter 436 of the laws of 1997. Notwithstanding section 153 of the social services law or any other inconsistent provision of law, funds appropriated herein shall reimburse 29 percent of safety net assistance expenditures, including the cost of providing shelter supplements for safety net assistance households at local option, including eligible households containing a household member who has been released from prison, in order to prevent eviction and address homelessness in accordance with social services district plans approved by the office of temporary and disability assistance and the director of the budget, provided, however, that in social services districts with a population over five million no shelter supplements other than [~~those to prevent eviction~~] **the family homelessness and eviction prevention supplement** shall be reimbursed, **provided however funds appropriated herein shall only be used to reimburse rental costs up to the maximum rent levels in place as of January 1, 2021, then adjusted consistent with the annual year-over-year percentage changes in fair market rent, provided, however, in the event of a decrease in fair market rent the value of the maximum rent levels reimbursed with funds appropriated herein shall not decrease and shall be set at the maximum rent levels established during the prior year,** and further provided that such supplements shall not be part of the standard of need pursuant to section 131-a of the social services law. Funds appropriated herein shall also reimburse 29 percent of safety net assistance expenditures, in social services districts with a population over five million, for emergency shelter, transportation, or nutrition payments which the district determines are necessary to establish or maintain independent living arrangements among persons living with medically diagnosed HIV infection as defined by the AIDS institute of the state department of health and who are homeless or facing homelessness and for whom no viable and less costly alternative to housing is available; provided, however, that funds appropriated herein may only be used for such purposes if the cost of such allowances are not eligible

for reimbursement under medical assistance or other programs. Funds appropriated herein shall reimburse 29 percent of safety net assistance expenditures, in social services districts with a population of five million or fewer, for emergency shelter payments promulgated by the office of temporary and disability assistance which the district determines are necessary to establish or maintain independent living arrangements among persons living with medically diagnosed HIV infection as defined by the AIDS institute of the state department of health and who are homeless or facing homelessness and for whom no viable and less costly alternative to housing is available; provided, however, that funds appropriated herein may only be used for such purposes if the cost of such allowances are not eligible for reimbursement under medical assistance or other programs. Funds appropriated herein shall reimburse 29 percent of safety net assistance expenditures, in social services districts with a population of five million or fewer, for emergency shelter payments in excess of those promulgated by the office of temporary and disability assistance but not exceeding an amount reasonably approximate to 100 percent of fair market rent, at local option which the district determines are necessary to establish or maintain independent living arrangements among persons living with medically diagnosed HIV infection as defined by the AIDS institute of the State department of health and who are homeless or facing homelessness and for whom no viable and less costly alternative to housing is available; provided, however, that funds appropriated herein may only be used for such purposes if the cost of such allowances are not eligible for reimbursement under medical assistance or other programs. Such emergency shelter payments shall only be made at local option and in accordance with a plan approved by the office of temporary and disability assistance and the director of the budget. Provided, however, notwithstanding section 153 of the social services law or any other inconsistent provision of law, if necessary funding, as determined by the director of the budget, is secured in a social services district from the medical assistance program by reducing the capita-

tion rates paid to medicaid managed care organizations by the amount of savings resulting from stably housing individuals living with medically diagnosed HIV infection as defined by the AIDS institute of the state department of health, the social services district shall make such emergency shelter payments in excess of those promulgated by the office of temporary and disability assistance but not exceeding an amount reasonably approximate to 100 percent of fair market rent, and the savings shall be used to reimburse 100 percent of the cost of such excess emergency shelter payments for cases reimbursed under the safety net assistance or family assistance programs in social services districts with a population of five million or fewer, in accordance with a plan approved by the office of temporary and disability assistance and the director of the budget; provided further that reimbursement shall be provided to medicaid managed care organizations through adjustments to capitation rates should actual gross savings not be realized as determined by the director of the budget. For persons living with medically diagnosed HIV infection as defined by the AIDS institute of the state department of health living in social service districts with a population over five million who are receiving public assistance, funds appropriated herein shall be used to reimburse 29 percent of the additional rental costs determined based on limiting such person's earned and/or unearned income contribution to 30 percent. For persons living with medically diagnosed HIV infection as defined by the AIDS institute of the state department of health living in social services districts with a population of five million or fewer who are receiving public assistance, funds appropriated herein may be used to reimburse up to 100 percent of the additional rental costs determined based on limiting such person's earned and/or unearned income contribution to 30 percent. Such payments of additional rental costs shall only be made at local option and in accordance with a plan approved by the office of temporary and disability assistance and the director of the budget. Provided, however, notwithstanding section 153 of the social services law or any other

inconsistent provision of law, if necessary funding, as determined by the director of the budget, is secured in a social services district from the medical assistance program by reducing the capitation rates paid to medicaid managed care organizations by the amount of savings resulting from stably housing individuals living with medically diagnosed HIV infection as defined by the AIDS institute of the state department of health, the social services district shall make such payments of additional rental costs, for cases reimbursed under the safety net assistance and family assistance program, and the savings shall be used to reimburse 100 percent of the cost of the additional rental costs determined based on limiting such person's earned and/or unearned income contribution to 30 percent in social services districts with a population of five million or fewer, in accordance with a plan approved by **the office of temporary and disability assistance and** the director of the budget**;** **provided further that reimbursement shall be provided to medicaid managed care organizations through adjustments to capitation rates should actual gross savings not be realized as determined by the director of the budget**. Amounts appropriated herein may be used to enter into contracts with persons or entities authorized pursuant to subdivision [~~(i)~~] **(j)** of section 17 of the social services law consistent with federal law and requirements. Such contracts will be consistent with subdivision [~~(i)~~] **(j)** of section 17 of the social services law. Notwithstanding section 153 of the social services law or any other inconsistent provision of law, the office may reduce reimbursement otherwise payable to social services districts to recover 29 percent of costs incurred by the office for expenditures related to subdivision [~~(i)~~] **(j)** of section 17 of the social services law. Such funds are to be available for payment of aid heretofore accrued or hereafter to accrue to municipalities. Subject to the approval of the director of the budget, such funds shall be available to the office of temporary and disability assistance net of disallowances, refunds, reimbursements, and credits, including those related to title IV-E of the social security act; and including, but not

limited to, additional federal funds resulting from any changes in federal cost allocation methodologies. Notwithstanding any inconsistent provision of law, the amount herein appropriated may be increased or decreased by interchange with any other appropriation within the office of temporary and disability assistance general fund - local assistance account with the approval of the director of the budget, who shall file such approval with the department of audit and control and copies thereof with the chairman of the senate finance committee and the chairman of the assembly ways and means committee. Social services districts shall be required to report to the office of temporary and disability assistance on an annual basis, information, as determined and requested by the office, related to services and expenditures for which reimbursement is sought for providing temporary housing assistance to homeless individuals and families. Such information shall be submitted electronically to the extent feasible as determined by the office, and shall be used to evaluate expenditures by such social services districts for the provision of temporary housing assistance for homeless individuals and families. Notwithstanding section 153 of the social services law, or any other inconsistent provision of law, the office of temporary and disability assistance may withhold or deny reimbursement, in whole or in part, to any social services district that fails to develop or submit a homeless services plan subject to the approval of the office of temporary and disability assistance, fails to provide homeless services and outreach in accordance with its approved homeless services plan, or fails to develop or submit homeless services outcome reports, consistent with those requirements promulgated by the office of temporary and disability assistance. Notwithstanding section 153 of the social services law, or any other inconsistent provision of law, such appropriation shall be available for reimbursement of eligible costs incurred on or after January 1, 2023 and before January 1, 2024, that are otherwise reimbursable by the state on or after April 1, 2023, that are claimed by March 1, 2024.

Such reimbursement shall constitute total state reimbursement for activities funded herein in state fiscal year 2023-24 (52203) 52,083,000

For expenditures for additional state payments for eligible aged, blind, and disabled persons related to supplemental security income and for expenditures made pursuant to title 8 of article 5 of the social services law. Such funds are available for payment of aid heretofore accrued or hereafter to accrue. Notwithstanding any inconsistent provision of law, the amount herein appropriated may be increased or decreased by interchange with any other appropriation within the office of temporary and disability assistance general fund - local assistance account with the approval of the director of the budget, who shall file such approval with the department of audit and control and copies thereof with the chairman of the senate finance committee and the chairman of the assembly ways and means committee (52311) 58,333,000

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

For reimbursement of the cost of the family assistance and the emergency assistance to families programs. Notwithstanding section 153 of the social services law or any inconsistent provision of law, funds appropriated herein shall be provided without state or local participation except that for social services districts with a population of five million or more, reimbursement will be eighty-five percent. Funds appropriated herein shall also include the cost of providing shelter supplements for family assistance households at local option, including eligible households containing a household member who has been released from prison, in order to prevent eviction and address homelessness in accordance with social services district plans approved by the office of temporary and disability assistance and the director of the budget, provided, however, that in social services districts with a population over five million no shelter supplements other than [~~those to prevent eviction~~] **the family homelessness and eviction prevention**

supplement shall be reimbursed, provided however funds appropriated herein shall only be used to reimburse rental costs up to the maximum rent levels in place as of January 1, 2021, then adjusted consistent with the annual year-over-year percentage changes in fair market rent, provided, however, in the event of a decrease in fair market rent the value of the maximum rent levels reimbursed with funds appropriated herein shall not decrease and shall be set at the maximum rent levels established during the prior year, and further provided that such supplements shall not be part of the standard of need pursuant to section 131-a of the social services law. Funds appropriated herein shall also reimburse for family assistance expenditures for emergency shelter, transportation, or nutrition payments which the district determines are necessary to establish or maintain independent living arrangements among persons living with medically diagnosed HIV infection as defined by the AIDS institute of the State department of health and who are homeless or facing homelessness and for whom no viable and less costly alternative to housing is available; provided, however, that funds appropriated herein may only be used for such purposes if the cost of such allowances are not eligible for reimbursement under medical assistance or other programs. For persons living with medically diagnosed HIV infection as defined by the AIDS institute of the state department of health who are receiving public assistance funds appropriated herein shall not be used to reimburse the additional rental costs determined based on limiting such person's earned and/or unearned income contribution to 30 percent. Amounts appropriated herein may be used to enter into contracts with persons or entities authorized pursuant to subdivision [~~(i)~~] (j) of section 17 of the social services law consistent with federal law and requirements. Such contracts will be made consistent with subdivision [~~(i)~~] (j) of section 17 of the social services law. Notwithstanding section 153 of the social services law or any other inconsistent provision of law, the office may reduce reimbursement otherwise payable to social services districts to recover the federal share of costs incurred by the

office for expenditures related to subdivision [~~(i)~~] (j) of section 17 of the social services law. Such funds are to be available for payment of aid heretofore accrued or hereafter to accrue to municipalities. Subject to the approval of the director of the budget, such funds shall be available to the office of temporary and disability assistance net of disallowances, refunds, reimbursements, and credits including, but not limited to, additional federal funds resulting from any changes in federal cost allocation methodologies. Notwithstanding any inconsistent provision of law, the amount herein appropriated may be increased or decreased by interchange with any other appropriation within the office of temporary and disability assistance federal fund - local assistance account with the approval of the director of the budget, who shall file such approval with the department of audit and control and copies thereof with the chairman of the senate finance committee and the chairman of the assembly ways and means committee. Social services districts shall be required to report to the office of temporary and disability assistance on an annual basis, information, as determined and requested by the office, related to services and expenditures for which reimbursement is sought for providing temporary housing assistance to homeless individuals and families. Such information shall be submitted electronically to the extent feasible as determined by the office, and shall be used to evaluate expenditures by such social services districts for the provision of temporary housing assistance for homeless individuals and families. Notwithstanding section 153 of the social services law, or any other inconsistent provision of law, the office of temporary and disability assistance may withhold or deny reimbursement, in whole or in part, to any social services district that fails to develop or submit a homeless services plan subject to the approval of the office of temporary and disability assistance, fails to provide homeless services and outreach in accordance with its approved homeless services plan, or fails to develop or submit homeless services outcome reports, consistent with those requirements promulgated by the office of temporary and disa-

bility assistance. Notwithstanding section 153 of the social services law, or any other inconsistent provision of law, such appropriation shall be available for reimbursement of eligible costs incurred on or after January 1, 2023 and before January 1, 2024, that are otherwise reimbursable by the state on or after April 1, 2023, that are claimed by March 1, 2024. Such reimbursement shall constitute total federal reimbursement for activities funded herein in state fiscal year 2023-24 (52203) 125,000,000

§ 9. 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, 2023.

DEPARTMENT OF AGRICULTURE AND MARKETS

AID TO LOCALITIES

AGRICULTURAL BUSINESS SERVICES PROGRAM 348,000

General Fund
Local Assistance Account - 10000

Notwithstanding any law to the contrary, for services, expenses and grants, including but not limited to (a) the New York state veterinary diagnostic laboratory, (b) research and development at Cornell university, (c) education and outreach at Cornell university, (d) the New York farm viability institute, (e) the promotion of agricultural economic development, and (f) agricultural access, education and workforce support, pursuant to a plan prepared by the commissioner of the department of agriculture and markets and approved by the director of the budget. Funds hereby appropriated shall be available to the program net of refunds, rebates, reimbursements and credits. All or a portion of this appropriation may be suballocated to any state department, agency, or public authority 348,000

§ 10. Section 8 of chapter 121 of the laws of 2023, relating to making appropriations for the support of government, as amended by chapter 122 of the laws of 2023, is amended to read as follows:

§ 8. 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, 2023.

DEPARTMENT OF HEALTH

AID TO LOCALITIES

CENTER FOR COMMUNITY HEALTH PROGRAM ..... [~~19,200,000~~] **35,093,000**

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~~] **6,400,000**

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~~] **19,693,000**

[~~MEDICAL ASSISTANCE PROGRAM~~] **HEALTH CARE REFORM ACT PROGRAM** .. 9,000,000

[~~General Fund~~
~~Local Assistance Account - 10000~~]
Special Revenue Funds - Other
HCRA Resources Fund
HCRA Program Account - 20807

For transfer to health research incorporated (HRI) for the AIDS drug assistance program, including payments to Ryan White centers (29880) 9,000,000

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

§ 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, 2023.

DEPARTMENT OF LABOR

AID TO LOCALITIES

UNEMPLOYMENT INSURANCE BENEFIT PROGRAM ..... [~~400,000,000~~] **544,000,000**

Enterprise Funds
Unemployment Insurance Benefit Fund
Unemployment Insurance Benefit Account - 50650

For payment of unemployment insurance benefits pursuant to article 18 of the labor law or as authorized by the federal government through the disaster unemployment assistance program, the emergency unemployment compensation program, the extended benefit program, the federal additional compensation program or any other federally funded unemployment benefit program (34787) ..... [~~400,000,000~~] **544,000,000**

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

§ 10. 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, 2023.

DEPARTMENT OF MENTAL HYGIENE

OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

AID TO LOCALITIES

COMMUNITY SERVICES PROGRAM ..... [~~173,054,000~~] **177,545,000**

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 appropri-

ation 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 transferred to state operations and/or any appropriation of the office for people with developmental disabilities with the approval of the director of the budget.

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

Notwithstanding the provisions of section 16.23 of the mental hygiene law and any other inconsistent provision of law, with relation to the operation of certified family care homes, including family care homes sponsored by voluntary not-for-profit agencies, moneys from this appropriation may be used for payments to purchase general services including but not limited to respite providers, up to a maximum of 14 days, at rates to be established by the commissioner and approved by the director of the budget in consideration of factors including, but not limited to, geographic area and number of clients cared for in the home and for payment in an amount

determined by the commissioner for the personal needs of each client residing in the family care home.

Notwithstanding the provisions of subdivision 12 of section 8 of the state finance law and any other inconsistent provision of law, moneys from this appropriation may be used for expenses of family care homes including payments to operators of certified family care homes for damages caused by clients to personal and real property in accordance with standards established by the commissioner and approved by the director of the budget.

Notwithstanding any inconsistent provision of law, moneys from this appropriation may be used for appropriate day program services and residential services including, but not limited to, direct housing subsidies to individuals, start-up expenses for family care providers, environmental modifications, adaptive technologies, appraisals, property options, feasibility studies and preoperational expenses.

Notwithstanding any inconsistent provision of law except pursuant to a chapter of the laws of 2022 authorizing a 5.4 percent cost of living adjustment, for the period commencing on April 1, 2022 and ending March 31, 2023 the commissioner shall not apply any other 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.

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

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

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

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

Notwithstanding any inconsistent provision of law, and pursuant to criteria established by the commissioner of the office for people with developmental disabilities and approved by the director of the budget, expenditures may be made from this appropriation for residential facilities which are pending recertification as intermediate care facilities for people with developmental disabilities.

Notwithstanding the provisions of section 41.36 of the mental hygiene law and any other inconsistent provision of law, moneys from this appropriation may be used for payment up to $250 per year per client, at such times and in such manner as determined by the commissioner on the basis of financial need for the personal needs of each client residing in voluntary operated community residences and voluntary-operated community residential alternatives, including individualized residential alternatives under the home and community based services waiver. The commissioner shall, subject to the approval of the director of the budget, alter existing advance payment schedules for voluntary-operated community residences established pursuant to section 41.36 of the mental hygiene law. Notwithstanding any inconsistent provision of law moneys from this appropriation may be used for the operation of clinics licensed pursuant to article 16 of the mental hygiene law including, but not limited to, supportive and habilitative services consistent with the home and community based services waiver. Notwithstanding sections 112 and 163 of the state finance law and section 142 of the economic devel-

opment law, or any other inconsistent provision of law, funds appropriated to the department of health in accordance with a schedule based upon approved Medicaid claims for eligible home and community-based services, or other approved services as defined in section nine thousand eight hundred and seventeen of the American rescue plan act of 2021, from April 1, 2021 through March 31, 2023 and made available by the department of health via sub-allocation or transfer of up to $740,000,000 may be allocated and distributed by the commissioner of the office for people with developmental disabilities, subject to approval of the director of the budget, without a competitive bid or request for proposal process for the services and expenses of qualified applicants. All awards will be granted utilizing criteria established by the commissioner of the office for people with developmental disabilities to strengthen and enhance home and community-based services consistent with the American rescue plan act of 2021.

For the state share of medical assistance services expenses incurred by the department of health for the provision of medical assistance services to people with developmental disabilities (37835) 152,106,000

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

ties 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 transferred to state operations and/or any appropriation of the office for people with developmental disabilities with the approval of the director of the budget.

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

Notwithstanding the provisions of section 16.23 of the mental hygiene law and any other inconsistent provision of law, with relation to the operation of certified family care homes, including family care homes sponsored by voluntary not-for-profit agencies, moneys from this appropriation may be used for payments to purchase general services including but not limited to respite providers, up to a maximum of 5 days, at rates to be established by the commissioner and approved by the director of the budget in consideration of factors including, but not limited to, geographic area and number of clients cared for in the home and for payment in an amount determined by the commissioner for the personal needs of each client residing in the family care home.

Notwithstanding the provisions of subdivision 12 of section 8 of the state finance law and any other inconsistent provision of law, moneys from this appropriation may be used for expenses of family care homes including payments to operators of certified family care homes for damages caused by clients to personal and real property in accordance with standards established

by the commissioner and approved by the director of the budget.

Notwithstanding any inconsistent provision of law, moneys from this appropriation may be used for appropriate day program services and residential services including, but not limited to, direct housing subsidies to individuals, start-up expenses for family care providers, environmental modifications, adaptive technologies, appraisals, property options, feasibility studies and preoperational expenses.

Notwithstanding any inconsistent provision of law except pursuant to a chapter of the laws of 2021 authorizing a 5.4 percent cost of living adjustment, for the period commencing on April 1, 2022 and ending March 31, 2023 the commissioner shall not apply any other 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 the office for people with developmental disabilities 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.

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

For services and expenses related to providing health care and mental hygiene worker bonuses.

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 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) ..... [~~11,880,000~~] **14,427,000**

For services and expenses related to the provision of day program services to people with developmental disabilities (37803) ..... [~~2,674,000~~] **3,247,000**

For services and expenses related to the provision of family support services to people with developmental disabilities (37804) ..... [~~3,732,000~~] **4,533,000**

For services and expenses related to the provision of workshop, day training and employment services to people with developmental disabilities. Notwithstanding any other provision of law, up to $800,000 of this appropriation may be transferred to the New York State Education Departments' Adult Career and Continuing Education Services - Vocational Rehabilitation (ACCES-VR) program to support the Long-Term Sheltered Employment program operated by FEDCAP Rehabilitation Services, Inc. (37805) ..... [~~2,154,000~~] **2,616,000**

For other services and expenses provided to people with developmental disabilities including but not limited to hepatitis B, care at home waiver, epilepsy services, Special Olympics New York, Inc. and voluntary fingerprinting (37806) ..... [~~508,000~~] **616,000**

§ 13. 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, 2023.

DEPARTMENT OF STATE

AID TO LOCALITIES

LOCAL GOVERNMENT AND COMMUNITY SERVICES PROGRAM 541,000

Special Revenue Funds - Federal
Federal Health and Human Services Fund
Federal Health and Human Services Account - 25127

For allocations from the community services block grant to community action agencies and other eligible entities, including suballocation to other state departments and agencies provided however, each recipient of funds from this appropriation

shall not be required to secure a local share equivalent (51019) 541,000

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

§ 15. All expenditures and disbursements made against the appropriations in this act shall, upon final action by the legislature on 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, 2023, be transferred by the comptroller as expenditures and disbursements to such appropriations for all state departments and agencies, as applicable, in amounts equal to the amounts charged against the appropriations in this act for each such department, agency, and the legislature and the judiciary.

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

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