

STATE OF NEW YORK

8986

IN SENATE

April 7, 2024

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 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:

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, 2024 are enacted.

8 § 2. Section 2 of chapter 111 of the laws of 2024, relating to making
9 appropriations for the support of government, as amended by chapter 113
10 of the laws of 2024, 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, 2024.

16 ALL STATE DEPARTMENTS AND AGENCIES

17 For the purpose of making payments for
18 personal service, including liabilities
19 incurred prior to April 1, 2024, on the
20 payrolls scheduled to be paid during the
21 period April 1 through April [~~8~~ 11, 2024

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

LBD12032-01-4

1 to state officers and employees of the
 2 executive branch, including the governor,
 3 lieutenant governor, comptroller, and
 4 attorney general, and to employees of the
 5 legislature. This appropriation also
 6 includes funding for payment of health
 7 care and mental hygiene bonuses to eligi-
 8 ble state employees, and payments for
 9 services performed by mentally ill or
 10 developmentally disabled persons who are
 11 employed in state-operated special employ-
 12 ment, work-for-pay or sheltered workshop
 13 programs [~~220,500,000~~] 475,000,000
 14 -----

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

18 § 3. The amount specified in this section, or so much thereof as shall
 19 be sufficient to accomplish the purpose designated, is hereby appropri-
 20 ated and authorized to be paid as hereinafter provided, to the public
 21 officers and for the purpose specified, which amount shall be available
 22 for the state fiscal year beginning April 1, 2024.

23 ALL STATE DEPARTMENTS AND AGENCIES

24 For the payment of state operations non
 25 personal service liabilities to the execu-
 26 tive branch, including the comptroller,
 27 and the attorney general, and legislature,
 28 incurred in the ordinary course of busi-
 29 ness, during the period April 1 through
 30 April [~~8~~] 11, 2024, pursuant to existing
 31 state law and for purposes for which the
 32 legislature authorized the expenditure of
 33 moneys during the 2023-2024 state fiscal
 34 year; provided, however, that nothing
 35 contained herein shall be deemed to limit
 36 or restrict the power or authority of
 37 state departments or agencies to conduct
 38 their activities or operations in accord-
 39 ance with existing law, and further
 40 provided that nothing contained herein
 41 shall be deemed to supersede, nullify or
 42 modify the provisions of section 40 of the
 43 state finance law prescribing when appro-
 44 priations made for the 2023-2024 state
 45 fiscal year shall have ceased to have
 46 force and effect
 47 [~~20,000,000~~] 22,000,000
 48 -----

49 § 4. The amounts specified in this section, or so much thereof as
 50 shall be sufficient to accomplish the purposes designated, is hereby
 51 appropriated and authorized to be paid as hereinafter provided, to the

1 public officers and for the purposes specified, which amount shall be
2 available for the state fiscal year beginning April 1, 2024.

3 JUDICIARY

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

10 For the payment of state operations nonper-
11 sonal service liabilities, the sum of
12 seventeen million dollars (\$17,000,000),
13 or so much thereof as shall be sufficient
14 to accomplish the purpose designated, is
15 hereby appropriated to the judiciary out
16 of any moneys in the general fund or other
17 funds to the credit of the state purposes
18 account not otherwise appropriated. The
19 comptroller is hereby authorized and
20 directed to utilize this appropriation for
21 the purpose of making payments for non-
22 personal service liabilities incurred by
23 the judiciary from April 1 through April
24 11, 2024 17,000,000

25 For the payment of aid to localities liabil-
26 ities, the sum of twelve million five
27 hundred thousand dollars (\$12,500,000), or
28 so much thereof as shall be sufficient to
29 accomplish the purpose designated, is
30 hereby appropriated to the judiciary out
31 of any moneys in the general fund or other
32 funds to the credit of the state purposes
33 account not otherwise appropriated. The
34 comptroller is hereby authorized and
35 directed to utilize this appropriation for
36 the purpose of making payments for aid to
37 localities liabilities incurred by the
38 judiciary from April 1 through April 11,
39 2024 12,500,000

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

1 fund or other funds to the credit of the
 2 state purposes account not otherwise
 3 appropriated. The comptroller is hereby
 4 authorized and directed to utilize this
 5 appropriation for the purpose of making
 6 payments for employee fringe benefit
 7 liabilities incurred by the judiciary from
 8 April 1 through April 11, 2024 67,000,000
 9 -----

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

13 § 5. 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 HEALTH

19 AID TO LOCALITIES

20 CENTER FOR COMMUNITY HEALTH PROGRAM [~~14,960,000~~] 18,170,000
 21 -----

22 General Fund
 23 Local Assistance Account - 10000

24 For services and expenses related to the
 25 Indian health program. The moneys hereby
 26 appropriated shall be for payment of
 27 financial assistance heretofore accrued or
 28 hereafter to accrue (26840) 6,400,000
 29 -----

30 Special Revenue Funds - Federal
 31 Federal USDA-Food and Nutrition Services Fund
 32 Federal Food and Nutrition Services Account - 25022

33 For various federal food and nutritional
 34 services. The moneys hereby appropriated
 35 shall be available for payment of finan-
 36 cial assistance heretofore accrued (26986)
 37 [~~8,560,000~~] 11,770,000
 38 -----

39 § 6. 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, 2024.

JUSTICE CENTER FOR THE PROTECTION
OF PEOPLE WITH SPECIAL NEEDS

AID TO LOCALITIES

COMMUNITY SUPPORT PROGRAMS 105,000

General Fund
Local Assistance Account - 10000

Notwithstanding any other provision of law,
the money hereby appropriated may be
increased or decreased by interchange,
with any appropriation of the justice
center for the protection of people with
special needs, and may be increased or
decreased by transfer or suballocation
between these appropriated amounts and
appropriations of the office of mental
health, office for people with develop-
mental disabilities, office of addiction
services and supports, department of
health, and the office of children and
family services 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 chair-
man of the senate finance committee and
the chairman of the assembly ways and
means committee.

For surrogate decision-making committee
program contracts with local service
providers (48926) 105,000

§ 7. Section 6 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:

§ 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, 2024.

DEPARTMENT OF LABOR

AID TO LOCALITIES

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

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

1 For payment of unemployment insurance bene-
 2 fits pursuant to article 18 of the labor
 3 law or as authorized by the federal
 4 government through the disaster unemploy-
 5 ment assistance program, the emergency
 6 unemployment compensation program, the
 7 extended benefit program, the federal
 8 additional compensation program or any
 9 other federally funded unemployment bene-
 10 fit program (34787) [~~210,000,000~~] 375,000,000
 11 -----

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

17 DEPARTMENT OF MENTAL HYGIENE

18 OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

19 AID TO LOCALITIES

20 COMMUNITY SERVICES PROGRAM 49,450,000
 21 -----

22 General Fund
 23 Local Assistance Account - 10000

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

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

1 expenditures made during local fiscal
2 periods commencing January 1, 2024, April
3 1, 2024 or July 1, 2024, and for advances
4 for the 3 month period beginning January
5 1, 2025.

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

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

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

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

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

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

3 Notwithstanding any inconsistent provision
4 of law, moneys from this appropriation may
5 be used for appropriate day program
6 services and residential services includ-
7 ing, but not limited to, direct housing
8 subsidies to individuals, start-up
9 expenses for family care providers, envi-
10 ronmental modifications, adaptive technol-
11 ogies, appraisals, property options,
12 feasibility studies and preoperational
13 expenses.

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

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

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

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

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

25 Notwithstanding section 163 of the state
 26 finance law, section 142 of the economic
 27 development law, and article 41 of the
 28 mental hygiene law, the commissioner of
 29 the office for people with developmental
 30 disabilities may make the funds appropri-
 31 ated herein available as state aid, a loan
 32 or a grant, pursuant to terms and condi-
 33 tions established by the commissioner of
 34 the office for people with developmental
 35 disabilities, to cover a portion of the
 36 development costs of private, public
 37 and/or non-profit organizations, including
 38 corporations and partnerships established
 39 pursuant to the private housing finance
 40 law and/or any other statutory provisions,
 41 for supportive housing units that have
 42 been set aside for individuals with intel-
 43 lectual and developmental disabilities.
 44 Further, the office for people with devel-
 45 opmental disabilities shall have a lien on
 46 the real property developed with such
 47 state aid, loans or grants, which shall be
 48 in the amount of the loan or grant, for a
 49 maximum term of 30 years, or other longer
 50 term consistent with the requirements of
 51 another regulatory agency.

52 For services and expenses related to the
 53 provision of residential services to
 54 people with developmental disabilities
 55 (37802) 28,968,000

1 For services and expenses related to the
2 provision of day program services to
3 people with developmental disabilities
4 (37803) 6,627,000
5 For services and expenses related to the
6 provision of family support services to
7 people with developmental disabilities
8 (37804) 8,087,000
9 For services and expenses related to the
10 provision of workshop, day training and
11 employment services to people with devel-
12 opmental disabilities. Notwithstanding any
13 other provision of law, up to \$800,000 of
14 this appropriation may be transferred to
15 the New York State Education Departments'
16 Adult Career and Continuing Education
17 Services - Vocational Rehabilitation
18 (ACCES-VR) program to support the Long-
19 Term Sheltered Employment program operated
20 by FEDCAP Rehabilitation Services, Inc.
21 (37805) 4,667,000
22 For other services and expenses provided to
23 people with developmental disabilities
24 including but not limited to hepatitis B,
25 care at home waiver, epilepsy services,
26 Special Olympics New York, Inc. and volun-
27 tary fingerprinting (37806) 1,101,000
28 -----

29 § 9. 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, 2024.

34 DEPARTMENT OF TRANSPORTATION

35 AID TO LOCALITIES

36 DEDICATED MASS TRANSPORTATION TRUST FUND PROGRAM 51,000,000
37 -----

38 Special Revenue Funds - Other
39 Dedicated Mass Transportation Trust Fund
40 Railroad Account - 20852

41 To the metropolitan transportation authority
42 for deposit in the metropolitan transpor-
43 tation authority dedicated tax fund for
44 the expenses of the New York city transit
45 authority, the Manhattan and Bronx surface
46 transit operating authority, and the
47 Staten Island rapid transit operating
48 authority, the Long Island rail road
49 company and the Metro-North commuter rail-
50 road company which includes the New York

1 state portion of the Harlem, Hudson, Port
 2 Jervis, Pascack, and the New Haven commu-
 3 ter railroad service regardless of whether
 4 the services are provided directly or
 5 pursuant to joint service agreements.

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

19 To the metropolitan transportation authority
 20 for the operating expenses of the Long
 21 Island rail road company and the Metro-
 22 North commuter railroad company which
 23 include operating expenses for the New
 24 York state portion of Harlem, Hudson, Port
 25 Jervis, Pascack, and New Haven commuter
 26 railroad services regardless of whether
 27 such services are provided directly or
 28 pursuant to joint service agreements
 29 (54282) 7,700,000
 30 -----

31 Special Revenue Funds - Other
 32 Dedicated Mass Transportation Trust Fund
 33 Transit Authorities Account - 20851

34 To the metropolitan transportation authority
 35 for deposit in the metropolitan transpor-
 36 tation authority dedicated tax fund for
 37 the expenses of the New York city transit
 38 authority, the Manhattan and Bronx surface
 39 transit operating authority, and the
 40 Staten Island rapid transit operating
 41 authority, the Long Island rail road
 42 company and the Metro-North commuter rail-
 43 road company which includes the New York
 44 state portion of the Harlem, Hudson, Port
 45 Jervis, Pascack, and the New Haven commu-
 46 ter railroad service regardless of whether
 47 the services are provided directly or
 48 pursuant to joint service agreements.
 49 No expenditure shall be made hereunder until
 50 a certificate of approval has been issued
 51 by the director of the budget and a copy
 52 of such certificate filed with the state
 53 comptroller, the chairperson of the senate
 54 finance committee and the chairperson of

1 the assembly ways and means committee.
 2 Moneys appropriated herein may be made
 3 available at such times and upon such
 4 conditions as may be deemed appropriate by
 5 the commissioner of transportation and the
 6 director of the budget in accordance with
 7 the following:
 8 To the metropolitan transportation authority
 9 for the operating expenses of the New York
 10 city transit authority, the Manhattan and
 11 Bronx surface transit operating authority,
 12 and the Staten Island rapid transit oper-
 13 ating authority (53173) 43,300,000
 14 -----

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

18 § 7. The amounts specified in this section, or so much thereof as
 19 shall be sufficient to accomplish the purposes designated, is hereby
 20 appropriated and authorized to be paid as hereinafter provided, to the
 21 public officers and for the purposes specified, which amount shall be
 22 available for the state fiscal year beginning April 1, 2024.

23 DEPARTMENT OF VETERANS' SERVICES

24 AID TO LOCALITIES

25 VETERANS' BENEFITS ADVISING PROGRAM [~~112,000~~] 154,000
 26 -----

27 Special Revenue Funds - Other
 28 Homeless Veterans Assistance Fund
 29 Homeless Veterans Assistance Account - 20204

30 For services and expenses related to home-
 31 less veterans' housing, including liabil-
 32 ities incurred prior to April 5, 2024
 33 [~~112,000~~] 154,000
 34 -----

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

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

1 charged against the appropriations in this act for each such department,
2 agency, and the legislature and the judiciary.

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

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