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:

- 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.
- 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
- 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.

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to state officers and employees of the 2 executive branch, including the governor, lieutenant governor, comptroller, and 3 4 attorney general, and to employees of the 5 This appropriation <u>legislature</u>. 6 includes funding for payment of health care and mental hygiene bonuses to eligi-7 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 appropriations for the support of government, as amended by chapter 113 17 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 22 for the state fiscal year beginning April 1, 2024.

ALL STATE DEPARTMENTS AND AGENCIES

24 For the payment of state operations non 25 personal service liabilities to the executive branch, including the comptroller, and the attorney general, and legislature, 26 27 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 moneys during the 2023-2024 state fiscal 33 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 accordexisting law, and further 39 ance with 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

4. The amounts specified in this section, or so much thereof as 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.

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JUDICIARY
   For the purpose of making payments for
 5
     personal service, including liabilities
     incurred prior to April 1, 2024, on the
 6
 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
   For the payment of state operations nonper-
10
     sonal service liabilities, the sum of
11
     seventeen million dollars ($17,000,000),
12
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
     funds to the credit of the state purposes
17
18
     account not otherwise appropriated. The
19
     comptroller is hereby authorized
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,
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
     comptroller is hereby authorized
34
35
     directed to utilize this appropriation for
36
     the purpose of making payments for aid to
37
     localities liabilities incurred by the
      judiciary from April 1 through April 11,
38
39
      2024 ...... 12,500,000
40
   For the payment of employee fringe benefit
41
     programs including, but not limited to,
     the judiciary's contributions to
42
43
     health insurance fund, the employees'
     retirement system pension accumulation
44
45
     fund, the social security contribution
46
     fund, employee benefit fund programs, the
47
     dental insurance plan, the vision care
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     plan, the unemployment insurance fund, and
49
     for workers' compensation benefits, the
50
           of
                sixty-seven
                             million
                                       dollars
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     ($67,000,000), or so much thereof as shall
52
     be sufficient to accomplish the purpose
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     designated, is hereby appropriated to the
54
     judiciary out of any moneys in the general
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fund or other funds to the credit of the
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     state purposes account not otherwise
     appropriated. The comptroller is hereby
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 4
     authorized and directed to utilize this
     appropriation for the purpose of making
 5
 6
     payments for employee fringe benefit
 7
     liabilities incurred by the judiciary from
     April 1 through April 11, 2024 ..... 67,000,000
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     § 5. Section 5 of chapter 111 of the laws of 2024, relating to making
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11 appropriations for the support of government, as amended by chapter 113
   of the laws of 2024, is amended to read as follows:
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     § 5. The amounts specified in this section, or so much thereof
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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
     Indian health program. The moneys hereby
25
     appropriated shall be for payment
26
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
     services. The moneys hereby appropriated
34
     shall be available for payment of finan-
35
     cial assistance heretofore accrued (26986)
36
     37
                                                11,770,000
38
                               _____
     § 6. The amounts specified in this section, or so much thereof as
39
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
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43 available for the state fiscal year beginning April 1, 2024.

1 2	JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS
3	AID TO LOCALITIES
4 5	COMMUNITY SUPPORT PROGRAMS
6 7	General Fund Local Assistance Account - 10000
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	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 developmental 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 chairman 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)
32 33 34 35 36 37 38 39	§ 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.
40	DEPARTMENT OF LABOR
41	AID TO LOCALITIES
42 43	UNEMPLOYMENT INSURANCE BENEFIT PROGRAM [210,000,000]
44 45 46	Enterprise Funds Unemployment Insurance Benefit Fund Unemployment Insurance Benefit Account - 50650

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For payment of unemployment insurance bene-
     fits pursuant to article 18 of the labor
     law or as authorized by the federal
 3
 4
     government through the disaster unemploy-
 5
     ment assistance program, the emergency
 6
     unemployment compensation program,
     extended
 7
               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
     § 8. The amounts specified in this section, or so much thereof as
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   shall be sufficient to accomplish the purposes designated, is hereby
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   appropriated and authorized to be paid as hereinafter provided, to the
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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
21
22
     General Fund
23
     Local Assistance Account - 10000
24 For services and expenses of the community
25
     services program, net of disallowances,
     for community programs for people with
26
27
     developmental disabilities pursuant to
     article 41 of the mental hygiene law,
28
     and/or chapter 620 of the laws of 1974,
29
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
     1989, chapter 329 of the laws of 1993 and
33
34
     other provisions of the mental hygiene
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     law. Notwithstanding any inconsistent
     provision of law, the following appropri-
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     ation shall be net of prior and/or current
37
     year refunds, rebates, reimbursements, and
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39
     credits.
40 Notwithstanding any other provision of law,
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     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-
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     et. The moneys hereby appropriated are
     available to reimburse or advance locali-
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     ties and voluntary non-profit agencies for
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expenditures made during local fiscal periods commencing January 1, 2024, April 1, 2024 or July 1, 2024, and for advances for the 3 month period beginning January 1, 2025.

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 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.

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, ronmental modifications, adaptive technol-10 11 appraisals, property options, 12 feasibility studies and preoperational 13 expenses.

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Notwithstanding any inconsistent provision of law except pursuant to chapter 57 of the laws of 2023 authorizing a 4.0 percent cost of living adjustment, for the period commencing on April 1, 2023 and ending March 31, 2024 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, authorized to provide such tasks as OPWDD may specify when performed under 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 other provision of law 2 to the contrary, funds appropriated herein are available to reimburse in- and out-of-3 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 the age of 21 years of age, provided 11 the amount paid for residential 12 services and/or maintenance costs is net of any supplemental security income bene-13 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 maximum reimbursement for appropriate day 18 delivered by the office for 19 services 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 finance law, section 142 of the economic 26 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 state aid, loans or grants, which shall be 47 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

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For services and expenses related to the
     provision of day program services to
     people with developmental disabilities
 3
 4
     (37803) ..... 6,627,000
 5
   For services and expenses related to the
     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-
     opmental disabilities. Notwithstanding any
12
     other provision of law, up to $800,000 of
13
     this appropriation may be transferred to
14
15
     the New York State Education Departments'
16
     Adult Career and Continuing Education
17
     Services

    Vocational

                              Rehabilitation
     (ACCES-VR) program to support the Long-
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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-
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     28
29
     § 9. The amounts specified in this section, or so much thereof as
   shall be sufficient to accomplish the purposes designated, is hereby
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31
   appropriated and authorized to be paid as hereinafter provided, to the
   public officers and for the purposes specified, which amount shall be
33 available for the state fiscal year beginning April 1, 2024.
                       DEPARTMENT OF TRANSPORTATION
34
35
                             AID TO LOCALITIES
36
   DEDICATED MASS TRANSPORTATION TRUST FUND PROGRAM ...... 51,000,000
37
38
     Special Revenue Funds - Other
     Dedicated Mass Transportation Trust Fund
39
     Railroad Account - 20852
40
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
     transit operating authority,
46
                                   and
47
            Island rapid transit operating
     Staten
48
     authority, the Long Island rail road
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     company and the Metro-North commuter rail-
     road company which includes the New York
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state portion of the Harlem, Hudson, Port Jervis, Pascack, and the New Haven commuter railroad service regardless of whether the services are provided directly or pursuant to joint service agreements. No expenditure shall be made hereunder until a certificate of approval has been issued by the director of the budget and a copy

of such certificate filed with the state 9 10 comptroller, the chairperson of the senate 11 finance committee and the chairperson of 12 the assembly ways and means committee.

Moneys appropriated herein may be made 13 available at such times and upon such 14 15 conditions as may be deemed appropriate by 16 the commissioner of transportation and the

17 director of the budget in accordance with the following:

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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 railroad services regardless of whether 26 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 the expenses of the New York city transit 37 38 authority, the Manhattan and Bronx surface transit operating authority, and the 39 Staten Island rapid transit operating 40 41 authority, the Long Island rail road company and the Metro-North commuter rail-42 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 a certificate of approval has been issued by the director of the budget and a copy of such certificate filed with the state comptroller, the chairperson of the senate finance committee and the chairperson of

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the assembly ways and means committee.
     Moneys appropriated herein may be made
 2
 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
      § 10. Section 7 of chapter 113 of the laws of 2024, relating to making
15
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
   shall be sufficient to accomplish the purposes designated, is hereby
19
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]
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
      ..... [<del>112,000</del>]
                                                    154,000
34
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- § 11. 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.
- § 12. 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, 2024, 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.

- § 13. Severability clause. If any clause, sentence, paragraph, subdi4 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 judg9 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
 1 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.