

STATE OF NEW YORK

6063

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

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

AN ACT making appropriations for the support of government; 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 submitted by the governor pursuant to article VII of the state constitution
5 for the support of government for the state fiscal year beginning April
6 1, 2023 are enacted.

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

13 ALL STATE DEPARTMENTS AND AGENCIES

14 For the purpose of making payments for
15 personal service, including liabilities
16 incurred prior to April 1, 2023, on the
17 payrolls scheduled to be paid during the
18 period April 1 through April 10, 2023 to
19 state officers and employees of the executive branch. This appropriation also
20 includes funding for payment of health
21 care and mental hygiene bonuses to eligible
22 state employees, and payments for
23

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

LBD12005-01-3

1 services performed by mentally ill or
2 developmentally disabled persons who are
3 employed in state-operated special employ-
4 ment, work-for-pay or sheltered workshop
5 programs 215,500,000
6 -----

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

12 ALL STATE DEPARTMENTS AND AGENCIES

13 For the payment of state operations non
14 personal service liabilities to the execu-
15 tive branch, including the comptroller,
16 and the attorney general, incurred in the
17 ordinary course of business, during the
18 period April 1 through April 10, 2023,
19 pursuant to existing state law and for
20 purposes for which the legislature author-
21 ized the expenditure of moneys during the
22 2022-2023 state fiscal year; provided,
23 however, that nothing contained herein
24 shall be deemed to limit or restrict the
25 power or authority of state departments or
26 agencies to conduct their activities or
27 operations in accordance with existing
28 law, and further provided that nothing
29 contained herein shall be deemed to super-
30 sede, nullify or modify the provisions of
31 section 40 of the state finance law
32 prescribing when appropriations made for
33 the 2022-2023 state fiscal year shall have
34 ceased to have force and effect 13,300,000
35 -----

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

41 ALL STATE DEPARTMENTS AND AGENCIES

42 The sum of twelve million eight hundred
43 sixty thousand dollars (\$12,860,000), or
44 so much thereof as shall be sufficient to
45 accomplish the purpose designated, is
46 hereby appropriated for contracts and
47 grants approved for purposes for which the
48 legislature authorized the expenditures of
49 money during the 2022-2023 fiscal year. An
50 amount up to twelve million eight hundred

sixty thousand dollars (\$12,860,000) shall be available for the payment of capital projects liabilities incurred during the period from April 1 through April 10, 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 12,860,000

§ 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 two million one hundred forty thousand dollars (\$2,140,000), 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 two million one hundred forty thousand dollars (\$2,140,000) shall be available for the payment of capital projects liabilities incurred during the period from April 1 through April 10, 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 ... 2,140,000

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

6 MISCELLANEOUS -- ALL STATE DEPARTMENTS AND AGENCIES

7 GENERAL STATE CHARGES

8 STATE OPERATIONS

9 GENERAL STATE CHARGES 43,330,000
 10 -----

11 General Fund

12 State Purposes Account - 10050

13 For employee fringe benefits according to
 14 the following project schedule including
 15 those benefits which are related to
 16 employees paid from funds, accounts, or
 17 programs where the division of the budget
 18 has issued waivers 42,230,000

19 Project Schedule

20 PROJECT AMOUNT

21 -----

22 For the state's contribution
 23 to the social security
 24 contribution fund 42,000,000

25 For the state's share of
 26 contributions to the volun-
 27 tary defined contribution
 28 plan made on behalf of
 29 eligible employees pursuant
 30 to chapter 18 of the laws of
 31 2012 who elect to partic-
 32 ipate in such plan and who
 33 are not otherwise eligible
 34 to participate in the SUNY
 35 optional retirement program 230,000

36 -----

37 Project schedule total 42,230,000

38 -----

39 For the payment of the metropolitan commuter
 40 transportation mobility tax pursuant to
 41 article 23 of the tax law as added by
 42 chapter 25 of the laws of 2009 on behalf
 43 of the state employees employed in the
 44 metropolitan commuter transportation
 45 district 1,100,000
 46 -----

47 § 7. The amounts specified in this section, or so much thereof as
 48 shall be sufficient to accomplish the purposes designated, is hereby

1 appropriated and authorized to be paid as hereinafter provided, to the
2 public officers and for the purposes specified, which amount shall be
3 available for the state fiscal year beginning April 1, 2023.

4 JUDICIARY

5 For the payment of state operations nonper-
6 sonal service liabilities, the sum of
7 thirty-three million three hundred and
8 thirty thousand dollars (\$33,330,000), or
9 so much thereof as shall be sufficient to
10 accomplish the purpose designated, is
11 hereby appropriated to the judiciary out
12 of any moneys in the general fund or other
13 funds to the credit of the state purposes
14 account not otherwise appropriated. The
15 comptroller is hereby authorized and
16 directed to utilize this appropriation for
17 the purpose of making payments for non-
18 personal service liabilities incurred by
19 the judiciary from April 1 through April
20 10, 2023 33,330,000
21 For the payment of aid to localities liabil-
22 ities, the sum of ten million dollars
23 (\$10,000,000), or so much thereof as shall
24 be sufficient to accomplish the purpose
25 designated, is hereby appropriated to the
26 judiciary out of any moneys in the general
27 fund or other funds to the credit of the
28 state purposes account not otherwise
29 appropriated. The comptroller is hereby
30 authorized and directed to utilize this
31 appropriation for the purpose of making
32 payments for aid to localities liabilities
33 incurred by the judiciary from April 1
34 through April 10, 2023 10,000,000
35 For the payment of employee fringe benefit
36 programs including, but not limited to,
37 the judiciary's contributions to the
38 health insurance fund, the employees'
39 retirement system pension accumulation
40 fund, the social security contribution
41 fund, employee benefit fund programs, the
42 dental insurance plan, the vision care
43 plan, the unemployment insurance fund, and
44 for workers' compensation benefits, the
45 sum of seventy-five million dollars
46 (\$75,000,000), or so much thereof as shall
47 be sufficient to accomplish the purpose
48 designated, is hereby appropriated to the
49 judiciary out of any moneys in the general
50 fund or other funds to the credit of the
51 state purposes account not otherwise
52 appropriated. The comptroller is hereby
53 authorized and directed to utilize this

1 appropriation for the purpose of making
2 payments for employee fringe benefit
3 liabilities incurred by the judiciary from
4 April 1 through April 10, 2023 75,000,000

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

10 DEPARTMENT OF HEALTH

11 AID TO LOCALITIES

12 CENTER FOR COMMUNITY HEALTH PROGRAM 13,867,000
13 -----

14 General Fund
15 Local Assistance Account - 10000

16 For services and expenses related to the
17 Indian health program. The moneys hereby
18 appropriated shall be for payment of
19 financial assistance heretofore accrued or
20 hereafter to accrue (26840) 3,200,000
21 -----

22 Special Revenue Funds - Federal
23 Federal USDA-Food and Nutrition Services Fund
24 Federal Food and Nutrition Services Account - 25022

25 For various federal food and nutritional
26 services. The moneys hereby appropriated
27 shall be available for payment of finan-
28 cial assistance heretofore accrued (26986) .. 10,667,000
29 -----

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

35 JUSTICE CENTER FOR THE PROTECTION

36 OF PEOPLE WITH SPECIAL NEEDS

37 AID TO LOCALITIES

38 COMMUNITY SUPPORT PROGRAMS 105,000
39 -----

40 General Fund
41 Local Assistance Account - 10000

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

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

29 DEPARTMENT OF MENTAL HYGIENE

30 OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

31 AID TO LOCALITIES

32 COMMUNITY SERVICES PROGRAM 173,054,000
 33 -----

34 General Fund

35 Local Assistance Account - 10000

36 For services and expenses of the community
 37 services program, net of disallowances,
 38 for community programs for people with
 39 developmental disabilities pursuant to
 40 article 41 of the mental hygiene law,
 41 and/or chapter 620 of the laws of 1974,
 42 chapter 660 of the laws of 1977, chapter
 43 412 of the laws of 1981, chapter 27 of the
 44 laws of 1987, chapter 729 of the laws of
 45 1989, chapter 329 of the laws of 1993 and
 46 other provisions of the mental hygiene
 47 law. Notwithstanding any inconsistent
 48 provision of law, the following appropri-
 49 ation shall be net of prior and/or current

1 year refunds, rebates, reimbursements, and
2 credits.

3 Notwithstanding any other provision of law,
4 advances and reimbursement made pursuant
5 to subdivision (d) of section 41.15 and
6 section 41.18 of the mental hygiene law
7 shall be allocated pursuant to a plan and
8 in a manner prescribed by the agency head
9 and approved by the director of the budg-
10 et. The moneys hereby appropriated are
11 available to reimburse or advance locali-
12 ties and voluntary non-profit agencies for
13 expenditures made during local fiscal
14 periods commencing January 1, 2022, April
15 1, 2022 or July 1, 2022, and for advances
16 for the 3 month period beginning January
17 1, 2023.

18 Notwithstanding the provisions of article 41
19 of the mental hygiene law or any other
20 inconsistent provision of law, rule or
21 regulation, the commissioner, pursuant to
22 such contract and in the manner provided
23 therein, may pay all or a portion of the
24 expenses incurred by such voluntary agen-
25 cies arising out of loans which are funded
26 from the proceeds of bonds and notes
27 issued by the dormitory authority of the
28 state of New York.

29 Notwithstanding any other provision of law,
30 the money hereby appropriated may be
31 transferred to state operations and/or any
32 appropriation of the office for people
33 with developmental disabilities with the
34 approval of the director of the budget.

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

40 Notwithstanding the provisions of section
41 16.23 of the mental hygiene law and any
42 other inconsistent provision of law, with
43 relation to the operation of certified
44 family care homes, including family care
45 homes sponsored by voluntary not-for-pro-
46 fit agencies, moneys from this appropri-
47 ation may be used for payments to purchase
48 general services including but not limited
49 to respite providers, up to a maximum of
50 14 days, at rates to be established by the
51 commissioner and approved by the director
52 of the budget in consideration of factors
53 including, but not limited to, geographic
54 area and number of clients cared for in
55 the home and for payment in an amount
56 determined by the commissioner for the

1 personal needs of each client residing in
2 the family care home.

3 Notwithstanding the provisions of subdivi-
4 sion 12 of section 8 of the state finance
5 law and any other inconsistent provision
6 of law, moneys from this appropriation may
7 be used for expenses of family care homes
8 including payments to operators of certi-
9 fied family care homes for damages caused
10 by clients to personal and real property
11 in accordance with standards established
12 by the commissioner and approved by the
13 director of the budget.

14 Notwithstanding any inconsistent provision
15 of law, moneys from this appropriation may
16 be used for appropriate day program
17 services and residential services includ-
18 ing, but not limited to, direct housing
19 subsidies to individuals, start-up
20 expenses for family care providers, envi-
21 ronmental modifications, adaptive technol-
22 ogies, appraisals, property options,
23 feasibility studies and preoperational
24 expenses.

25 Notwithstanding any inconsistent provision
26 of law except pursuant to a chapter of the
27 laws of 2022 authorizing a 5.4 percent
28 cost of living adjustment, for the period
29 commencing on April 1, 2022 and ending
30 March 31, 2023 the commissioner shall not
31 apply any other cost of living adjustment
32 for the purpose of establishing rates of
33 payments, contracts or any other form of
34 reimbursement.

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

53 Notwithstanding any other provision of law
54 to the contrary, and consistent with
55 section 33.07 of the mental hygiene law,
56 the directors of facilities licensed but

1 not operated by the office for people with
2 developmental disabilities who act as
3 federally-appointed representative payees
4 and who assume management responsibility
5 over the funds of a resident may continue
6 to use such funds for the cost of the
7 resident's care and treatment, consistent
8 with federal law and regulations.

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

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

16 Notwithstanding any inconsistent provision
17 of law, and pursuant to criteria estab-
18 lished by the commissioner of the office
19 for people with developmental disabilities
20 and approved by the director of the budg-
21 et, expenditures may be made from this
22 appropriation for residential facilities
23 which are pending recertification as
24 intermediate care facilities for people
25 with developmental disabilities.

26 Notwithstanding the provisions of section
27 41.36 of the mental hygiene law and any
28 other inconsistent provision of law,
29 moneys from this appropriation may be used
30 for payment up to \$250 per year per
31 client, at such times and in such manner
32 as determined by the commissioner on the
33 basis of financial need for the personal
34 needs of each client residing in voluntary
35 operated community residences and volun-
36 tary-operated community residential alter-
37 natives, including individualized residen-
38 tial alternatives under the home and
39 community based services waiver. The
40 commissioner shall, subject to the
41 approval of the director of the budget,
42 alter existing advance payment schedules
43 for voluntary-operated community resi-
44 dences established pursuant to section
45 41.36 of the mental hygiene law. Notwith-
46 standing any inconsistent provision of law
47 moneys from this appropriation may be used
48 for the operation of clinics licensed
49 pursuant to article 16 of the mental
50 hygiene law including, but not limited to,
51 supportive and habilitative services
52 consistent with the home and community
53 based services waiver. Notwithstanding
54 sections 112 and 163 of the state finance
55 law and section 142 of the economic devel-
56 opment law, or any other inconsistent

1 provision of law, funds appropriated to
2 the department of health in accordance
3 with a schedule based upon approved Medi-
4 caid claims for eligible home and communi-
5 ty-based services, or other approved
6 services as defined in section nine thou-
7 sand eight hundred and seventeen of the
8 American rescue plan act of 2021, from
9 April 1, 2021 through March 31, 2023 and
10 made available by the department of health
11 via sub-allocation or transfer of up to
12 \$740,000,000 may be allocated and distrib-
13 uted by the commissioner of the office for
14 people with developmental disabilities,
15 subject to approval of the director of the
16 budget, without a competitive bid or
17 request for proposal process for the
18 services and expenses of qualified appli-
19 cants. All awards will be granted utiliz-
20 ing criteria established by the commis-
21 sioner of the office for people with
22 developmental disabilities to strengthen
23 and enhance home and community-based
24 services consistent with the American
25 rescue plan act of 2021.

26 For the state share of medical assistance
27 services expenses incurred by the depart-
28 ment of health for the provision of
29 medical assistance services to people with
30 developmental disabilities (37835) 152,106,000

31 For services and expenses of the community
32 services program, net of disallowances,
33 for community programs for people with
34 developmental disabilities pursuant to
35 article 41 of the mental hygiene law,
36 and/or chapter 620 of the laws of 1974,
37 chapter 660 of the laws of 1977, chapter
38 412 of the laws of 1981, chapter 27 of the
39 laws of 1987, chapter 729 of the laws of
40 1989, chapter 329 of the laws of 1993 and
41 other provisions of the mental hygiene
42 law. Notwithstanding any inconsistent
43 provision of law, the following appropri-
44 ation shall be net of prior and/or current
45 year refunds, rebates, reimbursements, and
46 credits.

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

1 expenditures made during local fiscal
2 periods commencing January 1, 2022, April
3 1, 2022 or July 1, 2022, and for advances
4 for the 3 month period beginning January
5 1, 2023.

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 5
38 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 a chapter of the
16 laws of 2021 authorizing a 5.4 percent
17 cost of living adjustment, for the period
18 commencing on April 1, 2022 and ending
19 March 31, 2023 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 the
37 office for people with developmental disa-
38 bilities may specify when performed under
39 the supervision, training and periodic
40 inspection of a registered professional
41 nurse and in accordance with an authorized
42 practitioner's ordered care.

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

1 For services and expenses related to provid-
2 ing health care and mental hygiene worker
3 bonuses.

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

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

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

1 For services and expenses related to the
 2 provision of residential services to
 3 people with developmental disabilities
 4 (37802) 11,880,000
 5 For services and expenses related to the
 6 provision of day program services to
 7 people with developmental disabilities
 8 (37803) 2,674,000
 9 For services and expenses related to the
 10 provision of family support services to
 11 people with developmental disabilities
 12 (37804) 3,732,000
 13 For services and expenses related to the
 14 provision of workshop, day training and
 15 employment services to people with devel-
 16 opmental disabilities. Notwithstanding any
 17 other provision of law, up to \$800,000 of
 18 this appropriation may be transferred to
 19 the New York State Education Departments'
 20 Adult Career and Continuing Education
 21 Services - Vocational Rehabilitation
 22 (ACCES-VR) program to support the Long-
 23 Term Sheltered Employment program operated
 24 by FEDCAP Rehabilitation Services, Inc.
 25 (37805) 2,154,000
 26 For other services and expenses provided to
 27 people with developmental disabilities
 28 including but not limited to hepatitis B,
 29 care at home waiver, epilepsy services,
 30 Special Olympics New York, Inc. and volun-
 31 tary fingerprinting (37806) 508,000
 32 -----

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

40 § 12. All expenditures and disbursements made against the appropri-
 41 ations in this act shall, upon final action by the legislature on appro-
 42 priation bills submitted by the governor pursuant to article VII of the
 43 state constitution for the support of government for the state fiscal
 44 year beginning April 1, 2023, be transferred by the comptroller as
 45 expenditures and disbursements to such appropriations for all state
 46 departments and agencies, as applicable, in amounts equal to the amounts
 47 charged against the appropriations in this act for each such department,
 48 agency, and the legislature and the judiciary.

49 § 13. Severability clause. If any clause, sentence, paragraph, subdi-
 50 vision, section or part of this act shall be adjudged by any court of
 51 competent jurisdiction to be invalid, such judgment shall not affect,
 52 impair, or invalidate the remainder thereof, but shall be confined in
 53 its operation to the clause, sentence, paragraph, subdivision, section

1 or part thereof directly involved in the controversy in which such judg-
2 ment shall have been rendered. It is hereby declared to be the intent of
3 the legislature that this act would have been enacted even if such
4 invalid provisions had not been included herein.

5 § 14. This act shall take effect immediately and shall be deemed to
6 have been in full force and effect on and after April 1, 2023; provided,
7 however, that upon the transfer of expenditures and disbursements by the
8 comptroller as provided in section twelve of this act, the appropri-
9 ations made by this act and subject to such section shall be deemed
10 repealed.