

STATE OF NEW YORK

6585

2023-2024 Regular Sessions

IN ASSEMBLY

April 20, 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; to amend chapter 121 of the laws of 2023 relating to making appropriations for the support of government, in relation thereto; to amend chapter 122 of the laws of 2023, relating to making appropriations for the support of government, in relation thereto; and to amend chapter 124 of the laws of 2023, relating to making appropriations for the support of government, in relation thereto, and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

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.

8 § 2. Section 2 of chapter 121 of the laws of 2023, relating to making
9 appropriations for the support of government, as amended by chapter 124
10 of the laws of 2023, 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, 2023.

16 ALL STATE DEPARTMENTS AND AGENCIES

17 For the purpose of making payments for

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

LBD12009-01-3

personal service, including liabilities incurred prior to April 1, 2023, on the payrolls scheduled to be paid during the period April 1 through April ~~20~~ 24, 2023 to state officers and employees of the executive branch, including the governor, lieutenant governor, comptroller, and attorney general, and to employees of the legislature. This appropriation also includes funding for payment of health care and mental hygiene bonuses to eligible state employees, and payments for services performed by mentally ill or developmentally disabled persons who are employed in state-operated special employment, work-for-pay or sheltered workshop programs ~~714,000,000~~ 716,700,000

§ 3. Section 3 of chapter 121 of the laws of 2023, relating to making appropriations for the support of government, as amended by chapter 124 of the laws of 2023, is amended to read as follows:

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

ALL STATE DEPARTMENTS AND AGENCIES

For the payment of state operations non personal service liabilities to the executive branch, including the comptroller, and the attorney general, and legislature, incurred in the ordinary course of business, during the period April 1 through April ~~20~~ 24, 2023, pursuant to existing state law and for purposes for which the legislature authorized the expenditure of moneys during the 2022-2023 state fiscal year; provided, however, that nothing contained herein shall be deemed to limit or restrict the power or authority of state departments or agencies to conduct their activities or operations in accordance with existing law, and further provided that nothing contained herein shall be deemed to supersede, nullify or modify the provisions of section 40 of the state finance law prescribing when appropriations made for the 2022-2023 state fiscal year shall have ceased to have force and effect 48,600,000

1 § 4. Section 4 of chapter 121 of the laws of 2023, relating to making
2 appropriations for the support of government, as amended by chapter 124
3 of the laws of 2023, is amended to read as follows:

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

9 ALL STATE DEPARTMENTS AND AGENCIES

10 The sum of one hundred seventy million
11 dollars (\$170,000,000), or so much thereof
12 as shall be sufficient to accomplish the
13 purpose designated, is hereby appropriated
14 for contracts and grants approved for
15 purposes for which the legislature author-
16 ized the expenditures of money during the
17 2022-2023 fiscal year. An amount up to one
18 hundred seventy million dollars
19 (\$170,000,000) shall be available for the
20 payment of capital projects liabilities
21 incurred during the period from April 1
22 through April ~~20~~ 24, 2023 for contracts
23 and grants approved prior to April 1,
24 2023, provided, however, that nothing
25 contained herein shall be deemed to limit
26 or restrict the power or authority of
27 state departments or agencies to conduct
28 their activities or operations in accord-
29 ance with existing law, and further
30 provided that nothing contained herein
31 shall be deemed to supersede, nullify, or
32 modify the provisions of section 40 of the
33 state finance law prescribing when appro-
34 priations made for the 2022-2023 fiscal
35 year shall have ceased to have force and
36 effect 170,000,000
37 -----

38 § 5. Section 5 of chapter 121 of the laws of 2023, relating to making
39 appropriations for the support of government, as amended by chapter 124
40 of the laws of 2023, is amended to read as follows:

41 § 5. The several amounts specified in this section, or so much thereof
42 as shall be sufficient to accomplish the purposes designated, are hereby
43 appropriated and authorized to be paid as hereinafter provided, to the
44 respective public officers and for the several purposes specified, which
45 amounts shall be available for the state fiscal year beginning April 1,
46 2023.

47 ALL STATE DEPARTMENTS AND AGENCIES

48 The sum of thirty million dollars
49 (\$30,000,000), or so much thereof as shall
50 be sufficient to accomplish the purpose
51 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 thirty million dollars (\$30,000,000) shall be available for the payment of capital projects liabilities incurred during the period from April 1 through April ~~20~~ 24, 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 30,000,000

§ 6. Section 7 of chapter 121 of the laws of 2023, relating to making appropriations for the support of government, as amended by chapter 124 of the laws of 2023, is amended to read as follows:

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

JUDICIARY

For the purpose of making payments for personal service, including liabilities incurred prior to April 1, 2023, on the payrolls scheduled to be paid during the period April 1 through April ~~20~~ 24, 2023 to officers and employees of the judiciary .. 65,000,000

For the payment of state operations nonpersonal service liabilities, the sum of fifty million dollars (\$50,000,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated to the judiciary out of any moneys in the general fund or other funds to the credit of the state purposes account not otherwise appropriated. The comptroller is hereby authorized and directed to utilize this appropriation for the purpose of making payments for nonpersonal service liabilities incurred by the judiciary from April 1 through April ~~20~~ 24, 2023 50,000,000

For the payment of aid to localities liabilities, the sum of fifteen million dollars (\$15,000,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated to the judiciary out of any moneys in the general fund or other funds to the credit of the state purposes account not otherwise appropriated. The comptroller is hereby authorized and directed to utilize this appropriation for the purpose of making payments for aid to localities liabilities incurred by the judiciary from April 1 through April ~~20~~ 24, 2023 15,000,000

For the payment of employee fringe benefit programs including, but not limited to, the judiciary's contributions to the health insurance fund, the employees' retirement system pension accumulation fund, the social security contribution fund, employee benefit fund programs, the dental insurance plan, the vision care plan, the unemployment insurance fund, and for workers' compensation benefits, the sum of two hundred eighty-one million dollars (\$281,000,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated to the judiciary out of any moneys in the general fund or other funds to the credit of the state purposes account not otherwise appropriated. The comptroller is hereby authorized and directed to utilize this appropriation for the purpose of making payments for employee fringe benefit liabilities incurred by the judiciary from April 1 through April ~~20~~ 24, 2023 ... 281,000,000

§ 7. Section 9 of chapter 124 of the laws of 2023, relating to making appropriations for the support of government, is amended to read as follows:

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

DEPARTMENT OF AGRICULTURE AND MARKETS

AID TO LOCALITIES

AGRICULTURAL BUSINESS SERVICES PROGRAM ~~[348,000]~~ 812,000

General Fund

Local Assistance Account - 10000

1 Notwithstanding any law to the contrary, for
 2 services, expenses and grants, including
 3 but not limited to (a) the New York state
 4 veterinary diagnostic laboratory, (b)
 5 research and development at Cornell
 6 university, (c) education and outreach at
 7 Cornell university, (d) the New York farm
 8 viability institute, (e) the promotion of
 9 agricultural economic development, and (f)
 10 agricultural access, education and work-
 11 force support, pursuant to a plan prepared
 12 by the commissioner of the department of
 13 agriculture and markets and approved by
 14 the director of the budget. Funds hereby
 15 appropriated shall be available to the
 16 program net of refunds, rebates,
 17 reimbursements and credits. All or a
 18 portion of this appropriation may be
 19 suballocated to any state department,
 20 agency, or public authority [~~348,000~~] 812,000
 21 -----

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

27 EDUCATION DEPARTMENT

28 AID TO LOCALITIES

29 OFFICE OF PREKINDERGARTEN THROUGH GRADE TWELVE EDUCATION
 30 PROGRAM 1,390,000,000
 31 -----

32 General Fund

33 Local Assistance Account - 10000

34 For remaining 2022-23 and prior school year
 35 obligations, including aid for such school
 36 years payable pursuant to section 3609-d
 37 of the education law, provided that
 38 notwithstanding any provision of law to
 39 the contrary, subject to the approval of
 40 the director of the budget, funds appro-
 41 priated herein may be interchanged with
 42 any other item of appropriation for gener-
 43 al support for public schools within the
 44 general fund local assistance account
 45 office of prekindergarten through grade
 46 twelve education program.
 47 Notwithstanding any other law, rule or regu-
 48 lation to the contrary, funds appropriated
 49 herein shall be available for payment of
 50 financial assistance net of any disallow-

ances, refunds, reimbursement and credits,
and may be suballocated to other depart-
ments and agencies to accomplish the
intent of this appropriation subject to
the approval of the director of the budg-
et. Notwithstanding any provision of law
to the contrary, funds appropriated herein
shall be available for payment of liabil-
ities heretofore accrued or hereafter to
accrue 1,390,000,000

12 § 9. Section 8 of chapter 121 of the laws of 2023, relating to making
13 appropriations for the support of government, as amended by chapter 124
14 of the laws of 2023, is amended to read as follows:

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

20 DEPARTMENT OF HEALTH

21 AID TO LOCALITIES

22 CENTER FOR COMMUNITY HEALTH PROGRAM [~~35,093,000~~] 31,017,000
23 -----

24	General Fund
25	Local Assistance Account - 10000

26 For services and expenses related to the
27 Indian health program. The moneys hereby
28 appropriated shall be for payment of
29 financial assistance heretofore accrued or
30 hereafter to accrue (26840) 6,400,000
31 -----

32 Special Revenue Funds - Federal
33 Federal USDA-Food and Nutrition Services Fund
34 Federal Food and Nutrition Services Account - 25022

35 For various federal food and nutritional
36 services. The moneys hereby appropriated
37 shall be available for payment of finan-
38 cial assistance heretofore accrued (26986)
39 [~~19,693,000~~] 24,617,000
40 -----

41	HEALTH CARE REFORM ACT PROGRAM	9,000,000
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43 Special Revenue Funds - Other
44 HCRA Resources Fund
45 HCRA Program Account - 20807

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

5 § 10. Section 10 of chapter 122 of the laws of 2023, relating to
6 making appropriations for the support of government, as amended by chap-
7 ter 124 of the laws of 2023, is amended to read as follows:

8 § 10. 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 purposes specified, which amount shall be
12 available for the state fiscal year beginning April 1, 2023.

13 DEPARTMENT OF LABOR

14 AID TO LOCALITIES

15 UNEMPLOYMENT INSURANCE BENEFIT PROGRAM [~~544,000,000~~] 592,000,000
16 -----

17 Enterprise Funds
18 Unemployment Insurance Benefit Fund
19 Unemployment Insurance Benefit Account - 50650

20 For payment of unemployment insurance bene-
21 fits pursuant to article 18 of the labor
22 law or as authorized by the federal
23 government through the disaster unemploy-
24 ment assistance program, the emergency
25 unemployment compensation program, the
26 extended benefit program, the federal
27 additional compensation program or any
28 other federally funded unemployment bene-
29 fit program (34787) [~~544,000,000~~] 592,000,000

30 § 11. Section 10 of chapter 121 of the laws of 2023, relating to
31 making appropriations for the support of government, as amended by chap-
32 ter 124 of the laws of 2023, is amended to read as follows:

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

38 DEPARTMENT OF MENTAL HYGIENE

39 OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

40 AID TO LOCALITIES

41 COMMUNITY SERVICES PROGRAM [~~177,545,000~~] 183,533,000
42 -----

43 General Fund
44 Local Assistance Account - 10000

1 For services and expenses of the community
2 services program, net of disallowances,
3 for community programs for people with
4 developmental disabilities pursuant to
5 article 41 of the mental hygiene law,
6 and/or chapter 620 of the laws of 1974,
7 chapter 660 of the laws of 1977, chapter
8 412 of the laws of 1981, chapter 27 of the
9 laws of 1987, chapter 729 of the laws of
10 1989, chapter 329 of the laws of 1993 and
11 other provisions of the mental hygiene
12 law. Notwithstanding any inconsistent
13 provision of law, the following appropri-
14 ation shall be net of prior and/or current
15 year refunds, rebates, reimbursements, and
16 credits.

17 Notwithstanding any other provision of law,
18 advances and reimbursement made pursuant
19 to subdivision (d) of section 41.15 and
20 section 41.18 of the mental hygiene law
21 shall be allocated pursuant to a plan and
22 in a manner prescribed by the agency head
23 and approved by the director of the budg-
24 et. The moneys hereby appropriated are
25 available to reimburse or advance locali-
26 ties and voluntary non-profit agencies for
27 expenditures made during local fiscal
28 periods commencing January 1, 2022, April
29 1, 2022 or July 1, 2022, and for advances
30 for the 3 month period beginning January
31 1, 2023.

32 Notwithstanding the provisions of article 41
33 of the mental hygiene law or any other
34 inconsistent provision of law, rule or
35 regulation, the commissioner, pursuant to
36 such contract and in the manner provided
37 therein, may pay all or a portion of the
38 expenses incurred by such voluntary agen-
39 cies arising out of loans which are funded
40 from the proceeds of bonds and notes
41 issued by the dormitory authority of the
42 state of New York.

43 Notwithstanding any other provision of law,
44 the money hereby appropriated may be
45 transferred to state operations and/or any
46 appropriation of the office for people
47 with developmental disabilities with the
48 approval of the director of the budget.

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

54 Notwithstanding the provisions of section
55 16.23 of the mental hygiene law and any
56 other inconsistent provision of law, with

1 relation to the operation of certified
2 family care homes, including family care
3 homes sponsored by voluntary not-for-pro-
4 fit agencies, moneys from this appropri-
5 ation may be used for payments to purchase
6 general services including but not limited
7 to respite providers, up to a maximum of
8 14 days, at rates to be established by the
9 commissioner and approved by the director
10 of the budget in consideration of factors
11 including, but not limited to, geographic
12 area and number of clients cared for in
13 the home and for payment in an amount
14 determined by the commissioner for the
15 personal needs of each client residing in
16 the family care home.

17 Notwithstanding the provisions of subdivi-
18 sion 12 of section 8 of the state finance
19 law and any other inconsistent provision
20 of law, moneys from this appropriation may
21 be used for expenses of family care homes
22 including payments to operators of certi-
23 fied family care homes for damages caused
24 by clients to personal and real property
25 in accordance with standards established
26 by the commissioner and approved by the
27 director of the budget.

28 Notwithstanding any inconsistent provision
29 of law, moneys from this appropriation may
30 be used for appropriate day program
31 services and residential services includ-
32 ing, but not limited to, direct housing
33 subsidies to individuals, start-up
34 expenses for family care providers, envi-
35 ronmental modifications, adaptive technol-
36 ogies, appraisals, property options,
37 feasibility studies and preoperational
38 expenses.

39 Notwithstanding any inconsistent provision
40 of law except pursuant to a chapter of the
41 laws of 2022 authorizing a 5.4 percent
42 cost of living adjustment, for the period
43 commencing on April 1, 2022 and ending
44 March 31, 2023 the commissioner shall not
45 apply any other cost of living adjustment
46 for the purpose of establishing rates of
47 payments, contracts or any other form of
48 reimbursement.

49 Notwithstanding section 6908 of the educa-
50 tion law and any other provision of law,
51 rule or regulation to the contrary, direct
52 support staff in programs certified or
53 approved by the office for people with
54 developmental disabilities, including the
55 home and community based services waiver
56 programs that the office for people with

developmental disabilities is authorized to administer with federal approval pursuant to subdivision (c) of section 1915 of the federal social security act, are authorized to provide such tasks as OPWDD may specify when performed under the supervision, training and periodic inspection of a registered professional nurse and in accordance with an authorized practitioner's ordered care.

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

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

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

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

Notwithstanding the provisions of section 41.36 of the mental hygiene law and any other inconsistent provision of law, moneys from this appropriation may be used for payment up to \$250 per year per client, at such times and in such manner as determined by the commissioner on the basis of financial need for the personal needs of each client residing in voluntary operated community residences and voluntary-operated community residential alternatives, including individualized residential alternatives under the home and community based services waiver. The commissioner shall, subject to the approval of the director of the budget, alter existing advance payment schedules

for voluntary-operated community residences established pursuant to section 41.36 of the mental hygiene law. Notwithstanding any inconsistent provision of law moneys from this appropriation may be used for the operation of clinics licensed pursuant to article 16 of the mental hygiene law including, but not limited to, supportive and habilitative services consistent with the home and community based services waiver. Notwithstanding sections 112 and 163 of the state finance law and section 142 of the economic development law, or any other inconsistent provision of law, funds appropriated to the department of health in accordance with a schedule based upon approved Medicaid claims for eligible home and community-based services, or other approved services as defined in section nine thousand eight hundred and seventeen of the American rescue plan act of 2021, from April 1, 2021 through March 31, 2023 and made available by the department of health via sub-allocation or transfer of up to \$740,000,000 may be allocated and distributed by the commissioner of the office for people with developmental disabilities, subject to approval of the director of the budget, without a competitive bid or request for proposal process for the services and expenses of qualified applicants. All awards will be granted utilizing criteria established by the commissioner of the office for people with developmental disabilities to strengthen and enhance home and community-based services consistent with the American rescue plan act of 2021.

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

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

1 provision of law, the following appropri-
2 ation shall be net of prior and/or current
3 year refunds, rebates, reimbursements, and
4 credits.

5 Notwithstanding any other provision of law,
6 advances and reimbursement made pursuant
7 to subdivision (d) of section 41.15 and
8 section 41.18 of the mental hygiene law
9 shall be allocated pursuant to a plan and
10 in a manner prescribed by the agency head
11 and approved by the director of the budg-
12 et. The moneys hereby appropriated are
13 available to reimburse or advance locali-
14 ties and voluntary non-profit agencies for
15 expenditures made during local fiscal
16 periods commencing January 1, 2022, April
17 1, 2022 or July 1, 2022, and for advances
18 for the 3 month period beginning January
19 1, 2023.

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

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

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

42 Notwithstanding the provisions of section
43 16.23 of the mental hygiene law and any
44 other inconsistent provision of law, with
45 relation to the operation of certified
46 family care homes, including family care
47 homes sponsored by voluntary not-for-pro-
48 fit agencies, moneys from this appropri-
49 ation may be used for payments to purchase
50 general services including but not limited
51 to respite providers, up to a maximum of 5
52 days, at rates to be established by the
53 commissioner and approved by the director
54 of the budget in consideration of factors
55 including, but not limited to, geographic
56 area and number of clients cared for in

1 the home and for payment in an amount
2 determined by the commissioner for the
3 personal needs of each client residing in
4 the family care home.

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

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

27 Notwithstanding any inconsistent provision
28 of law except pursuant to a chapter of the
29 laws of 2021 authorizing a 5.4 percent
30 cost of living adjustment, for the period
31 commencing on April 1, 2022 and ending
32 March 31, 2023 the commissioner shall not
33 apply any other cost of living adjustment
34 for the purpose of establishing rates of
35 payments, contracts or any other form of
36 reimbursement.

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

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

13 For services and expenses related to provid-
14 ing health care and mental hygiene worker
15 bonuses.

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

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

42 Notwithstanding section 163 of the state
43 finance law, section 142 of the economic
44 development law, and article 41 of the
45 mental hygiene law, the commissioner of
46 the office for people with developmental
47 disabilities may make the funds appropri-
48 ated herein available as state aid, a loan
49 or a grant, pursuant to terms and condi-
50 tions established by the commissioner of
51 the office for people with developmental
52 disabilities, to cover a portion of the
53 development costs of private, public
54 and/or non-profit organizations, including
55 corporations and partnerships established
56 pursuant to the private housing finance

1 law and/or any other statutory provisions,
 2 for supportive housing units that have
 3 been set aside for individuals with intel-
 4 lectual and developmental disabilities.
 5 Further, the office for people with devel-
 6 opmental disabilities shall have a lien on
 7 the real property developed with such
 8 state aid, loans or grants, which shall be
 9 in the amount of the loan or grant, for a
 10 maximum term of 30 years, or other longer
 11 term consistent with the requirements of
 12 another regulatory agency.
 13 For services and expenses related to the
 14 provision of residential services to
 15 people with developmental disabilities
 16 (37802) [~~14,427,000~~] 17,823,000
 17 For services and expenses related to the
 18 provision of day program services to
 19 people with developmental disabilities
 20 (37803) [~~3,247,000~~] 4,011,000
 21 For services and expenses related to the
 22 provision of family support services to
 23 people with developmental disabilities
 24 (37804) [~~4,533,000~~] 5,601,000
 25 For services and expenses related to the
 26 provision of workshop, day training and
 27 employment services to people with devel-
 28 opmental disabilities. Notwithstanding any
 29 other provision of law, up to \$800,000 of
 30 this appropriation may be transferred to
 31 the New York State Education Departments'
 32 Adult Career and Continuing Education
 33 Services - Vocational Rehabilitation
 34 (ACCES-VR) program to support the Long-
 35 Term Sheltered Employment program operated
 36 by FEDCAP Rehabilitation Services, Inc.
 37 (37805) [~~2,616,000~~] 3,232,000
 38 For other services and expenses provided to
 39 people with developmental disabilities
 40 including but not limited to hepatitis B,
 41 care at home waiver, epilepsy services,
 42 Special Olympics New York, Inc. and volun-
 43 tary fingerprinting (37806) [~~616,000~~] 760,000
 44 -----

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

50 DEPARTMENT OF TRANSPORTATION

51 AID TO LOCALITIES

1 METROPOLITAN TRANSPORTATION AUTHORITY SUPPORT PROGRAM 12,752,000
 2 -----
 3 Special Revenue Funds - Other
 4 Metropolitan Transportation Authority Financial Assist-
 5 ance Fund
 6 New York Central Business District Trust Fund - 23653
 7 To the metropolitan transportation authority
 8 pursuant to section 99-ff of the state
 9 finance law for deposit in the central
 10 business district tolling capital lockbox
 11 established pursuant to section 553-j of
 12 the public authorities law (54298) 12,752,000
 13 -----

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

21 § 14. All expenditures and disbursements made against the appropri-
 22 ations in this act shall, upon final action by the legislature on appro-
 23 priation bills submitted by the governor pursuant to article VII of the
 24 state constitution for the support of government for the state fiscal
 25 year beginning April 1, 2023, be transferred by the comptroller as
 26 expenditures and disbursements to such appropriations for all state
 27 departments and agencies, as applicable, in amounts equal to the amounts
 28 charged against the appropriations in this act for each such department,
 29 agency, and the legislature and the judiciary.

30 § 15. Severability clause. If any clause, sentence, paragraph, subdi-
 31 vision, section or part of this act shall be adjudged by any court of
 32 competent jurisdiction to be invalid, such judgment shall not affect,
 33 impair, or invalidate the remainder thereof, but shall be confined in
 34 its operation to the clause, sentence, paragraph, subdivision, section
 35 or part thereof directly involved in the controversy in which such judg-
 36 ment shall have been rendered. It is hereby declared to be the intent of
 37 the legislature that this act would have been enacted even if such
 38 invalid provisions had not been included herein.

39 § 16. This act shall take effect immediately and shall be deemed to
 40 have been in full force and effect on and after April 1, 2023; provided,
 41 however, that upon the transfer of expenditures and disbursements by the
 42 comptroller as provided in section fourteen of this act, the appropri-
 43 ations made by this act and subject to such section shall be deemed
 44 repealed.