

STATE OF NEW YORK

6440

2023-2024 Regular Sessions

IN SENATE

April 20, 2023

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

AN ACT making appropriations for the support of government; to amend
chapter 121 of the laws of 2023 relating to making appropriations for
the support of government, in relation thereto; 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 Assem-
bly, do enact as follows:

1 Section 1. Legislative intent. The legislature hereby finds and
2 declares that the enactment of these appropriations provides sufficient
3 authority to the comptroller for the purpose of making payments for the
4 purposes described herein until such time as appropriation bills submit-
5 ted by the governor pursuant to article VII of the state constitution
6 for the support of government for the state fiscal year beginning April
7 1, 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.

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

LBD12009-01-3

1 ALL STATE DEPARTMENTS AND AGENCIES

2 For the purpose of making payments for
3 personal service, including liabilities
4 incurred prior to April 1, 2023, on the
5 payrolls scheduled to be paid during the
6 period April 1 through April ~~20~~ 24, 2023
7 to state officers and employees of the
8 executive branch, including the governor,
9 lieutenant governor, comptroller, and
10 attorney general, and to employees of the
11 legislature. This appropriation also
12 includes funding for payment of health
13 care and mental hygiene bonuses to eligi-
14 ble state employees, and payments for
15 services performed by mentally ill or
16 developmentally disabled persons who are
17 employed in state-operated special employ-
18 ment, work-for-pay or sheltered workshop
19 programs [~~714,000,000~~] 716,700,000
20 -----

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

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

29 ALL STATE DEPARTMENTS AND AGENCIES

30 For the payment of state operations non
31 personal service liabilities to the execu-
32 tive branch, including the comptroller,
33 and the attorney general, and legislature,
34 incurred in the ordinary course of busi-
35 ness, during the period April 1 through
36 April ~~20~~ 24, 2023, pursuant to existing
37 state law and for purposes for which the
38 legislature authorized the expenditure of
39 moneys during the 2022-2023 state fiscal
40 year; provided, however, that nothing
41 contained herein shall be deemed to limit
42 or restrict the power or authority of
43 state departments or agencies to conduct
44 their activities or operations in accord-
45 ance with existing law, and further
46 provided that nothing contained herein
47 shall be deemed to supersede, nullify or
48 modify the provisions of section 40 of the
49 state finance law prescribing when appro-
50 priations made for the 2022-2023 state
51 fiscal year shall have ceased to have
52 force and effect 48,600,000

1

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

5 § 4. 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

ALL STATE DEPARTMENTS AND AGENCIES

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

38

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

42 § 5. The several amounts specified in this section, or so much thereof
43 as shall be sufficient to accomplish the purposes designated, are hereby
44 appropriated and authorized to be paid as hereinafter provided, to the
45 respective public officers and for the several purposes specified, which
46 amounts shall be available for the state fiscal year beginning April 1,
47 2023.

48

ALL STATE DEPARTMENTS AND AGENCIES

49 The sum of thirty million dollars
50 (\$30,000,000), or so much thereof as shall

be sufficient to accomplish the purpose designated, is hereby appropriated for contracts and grants approved for which the legislature authorized the expenditures of money during the 2022-2023 fiscal year. An amount up to 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

1 the judiciary from April 1 through April
 2 [~~20~~] 24, 2023 50,000,000
 3 For the payment of aid to localities liabil-
 4 ities, the sum of fifteen million dollars
 5 (\$15,000,000), or so much thereof as shall
 6 be sufficient to accomplish the purpose
 7 designated, is hereby appropriated to the
 8 judiciary out of any moneys in the general
 9 fund or other funds to the credit of the
 10 state purposes account not otherwise
 11 appropriated. The comptroller is hereby
 12 authorized and directed to utilize this
 13 appropriation for the purpose of making
 14 payments for aid to localities liabilities
 15 incurred by the judiciary from April 1
 16 through April [~~20~~] 24, 2023 15,000,000
 17 For the payment of employee fringe benefit
 18 programs including, but not limited to,
 19 the judiciary's contributions to the
 20 health insurance fund, the employees'
 21 retirement system pension accumulation
 22 fund, the social security contribution
 23 fund, employee benefit fund programs, the
 24 dental insurance plan, the vision care
 25 plan, the unemployment insurance fund, and
 26 for workers' compensation benefits, the
 27 sum of two hundred eighty-one million
 28 dollars (\$281,000,000), or so much thereof
 29 as shall be sufficient to accomplish the
 30 purpose designated, is hereby appropriated
 31 to the judiciary out of any moneys in the
 32 general fund or other funds to the credit
 33 of the state purposes account not other-
 34 wise appropriated. The comptroller is
 35 hereby authorized and directed to utilize
 36 this appropriation for the purpose of
 37 making payments for employee fringe bene-
 38 fit liabilities incurred by the judiciary
 39 from April 1 through April [~~20~~] 24, 2023 ... 281,000,000

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

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

48 DEPARTMENT OF AGRICULTURE AND MARKETS

49 AID TO LOCALITIES

50 AGRICULTURAL BUSINESS SERVICES PROGRAM [~~348,000~~] 812,000
 51 -----

1 General Fund
 2 Local Assistance Account - 10000

3 Notwithstanding any law to the contrary, for
 4 services, expenses and grants, including
 5 but not limited to (a) the New York state
 6 veterinary diagnostic laboratory, (b)
 7 research and development at Cornell
 8 university, (c) education and outreach at
 9 Cornell university, (d) the New York farm
 10 viability institute, (e) the promotion of
 11 agricultural economic development, and (f)
 12 agricultural access, education and work-
 13 force support, pursuant to a plan prepared
 14 by the commissioner of the department of
 15 agriculture and markets and approved by
 16 the director of the budget. Funds hereby
 17 appropriated shall be available to the
 18 program net of refunds, rebates,
 19 reimbursements and credits. All or a
 20 portion of this appropriation may be
 21 suballocated to any state department,
 22 agency, or public authority [~~348,000~~] 812,000
 23 -----

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

29 EDUCATION DEPARTMENT

30 AID TO LOCALITIES

31 OFFICE OF PREKINDERGARTEN THROUGH GRADE TWELVE EDUCATION
 32 PROGRAM 1,390,000,000
 33 -----

34 General Fund
 35 Local Assistance Account - 10000

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

1 Notwithstanding any other law, rule or regu-
2 lation to the contrary, funds appropriated
3 herein shall be available for payment of
4 financial assistance net of any disallow-
5 ances, refunds, reimbursement and credits,
6 and may be suballocated to other depart-
7 ments and agencies to accomplish the
8 intent of this appropriation subject to
9 the approval of the director of the budg-
10 et. Notwithstanding any provision of law
11 to the contrary, funds appropriated herein
12 shall be available for payment of liabil-
13 ities heretofore accrued or hereafter to
14 accrue 1,390,000,000
15 -----

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

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

24 DEPARTMENT OF HEALTH

25 AID TO LOCALITIES

26 CENTER FOR COMMUNITY HEALTH PROGRAM [~~35,093,000~~] 31,017,000
27 -----

28 General Fund

29 Local Assistance Account - 10000

30 For services and expenses related to the
31 Indian health program. The moneys hereby
32 appropriated shall be for payment of
33 financial assistance heretofore accrued or
34 hereafter to accrue (26840) 6,400,000
35 -----

36 Special Revenue Funds - Federal

37 Federal USDA-Food and Nutrition Services Fund

38 Federal Food and Nutrition Services Account - 25022

39 For various federal food and nutritional
40 services. The moneys hereby appropriated
41 shall be available for payment of finan-
42 cial assistance heretofore accrued (26986)
43 [~~19,693,000~~] 24,617,000
44 -----

45 HEALTH CARE REFORM ACT PROGRAM 9,000,000
46 -----

1 Special Revenue Funds - Other
2 HCRA Resources Fund
3 HCRA Program Account - 20807

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

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

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

16 DEPARTMENT OF LABOR

17 AID TO LOCALITIES

18 UNEMPLOYMENT INSURANCE BENEFIT PROGRAM [~~544,000,000~~] 592,000,000
19 -----

20 Enterprise Funds
21 Unemployment Insurance Benefit Fund
22 Unemployment Insurance Benefit Account - 50650

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

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

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

1 DEPARTMENT OF MENTAL HYGIENE
2 OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES
3 AID TO LOCALITIES
4 COMMUNITY SERVICES PROGRAM [~~177,545,000~~] 183,533,000
5 -----
6 General Fund
7 Local Assistance Account - 10000
8 For services and expenses of the community
9 services program, net of disallowances,
10 for community programs for people with
11 developmental disabilities pursuant to
12 article 41 of the mental hygiene law,
13 and/or chapter 620 of the laws of 1974,
14 chapter 660 of the laws of 1977, chapter
15 412 of the laws of 1981, chapter 27 of the
16 laws of 1987, chapter 729 of the laws of
17 1989, chapter 329 of the laws of 1993 and
18 other provisions of the mental hygiene
19 law. Notwithstanding any inconsistent
20 provision of law, the following appropri-
21 ation shall be net of prior and/or current
22 year refunds, rebates, reimbursements, and
23 credits.
24 Notwithstanding any other provision of law,
25 advances and reimbursement made pursuant
26 to subdivision (d) of section 41.15 and
27 section 41.18 of the mental hygiene law
28 shall be allocated pursuant to a plan and
29 in a manner prescribed by the agency head
30 and approved by the director of the budg-
31 et. The moneys hereby appropriated are
32 available to reimburse or advance locali-
33 ties and voluntary non-profit agencies for
34 expenditures made during local fiscal
35 periods commencing January 1, 2022, April
36 1, 2022 or July 1, 2022, and for advances
37 for the 3 month period beginning January
38 1, 2023.
39 Notwithstanding the provisions of article 41
40 of the mental hygiene law or any other
41 inconsistent provision of law, rule or
42 regulation, the commissioner, pursuant to
43 such contract and in the manner provided
44 therein, may pay all or a portion of the
45 expenses incurred by such voluntary agen-
46 cies arising out of loans which are funded
47 from the proceeds of bonds and notes
48 issued by the dormitory authority of the
49 state of New York.
50 Notwithstanding any other provision of law,
51 the money hereby appropriated may be

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

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

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

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

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

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

1 apply any other cost of living adjustment
2 for the purpose of establishing rates of
3 payments, contracts or any other form of
4 reimbursement.

5 Notwithstanding section 6908 of the educa-
6 tion law and any other provision of law,
7 rule or regulation to the contrary, direct
8 support staff in programs certified or
9 approved by the office for people with
10 developmental disabilities, including the
11 home and community based services waiver
12 programs that the office for people with
13 developmental disabilities is authorized
14 to administer with federal approval pursu-
15 ant to subdivision (c) of section 1915 of
16 the federal social security act, are
17 authorized to provide such tasks as OPWDD
18 may specify when performed under the
19 supervision, training and periodic
20 inspection of a registered professional
21 nurse and in accordance with an authorized
22 practitioner's ordered care.

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

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

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

42 Notwithstanding any inconsistent provision
43 of law, and pursuant to criteria estab-
44 lished by the commissioner of the office
45 for people with developmental disabilities
46 and approved by the director of the budg-
47 et, expenditures may be made from this
48 appropriation for residential facilities
49 which are pending recertification as
50 intermediate care facilities for people
51 with developmental disabilities.

52 Notwithstanding the provisions of section
53 41.36 of the mental hygiene law and any
54 other inconsistent provision of law,
55 moneys from this appropriation may be used
56 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

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 5
8 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 2021 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 the office for people with developmental disabilities may specify when performed under the supervision, training and periodic inspection of a registered professional nurse and in accordance with an authorized practitioner's ordered care.

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

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

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

Notwithstanding any other provision of law to the contrary, funds appropriated herein are available to reimburse in- and out-of-state private residential schools, pursuant to subdivision (c) of section 13.37-a and subdivision (g) of section 13.38 of the mental hygiene law, for costs of supporting the residential and day program services available to individuals who are over the age of 21 years of age, provided that the amount paid for residential services and/or maintenance costs is net of any supplemental security income benefit to which the individual receiving services is eligible, and provided further that funding for nonresidential services will be in an amount not to exceed the maximum reimbursement for appropriate day services delivered by the office for people with developmental disabilities certified or approved providers other than in- and out-of-state private residential schools, unless otherwise authorized by the director of the budget.

Notwithstanding section 163 of the state finance law, section 142 of the economic development law, and article 41 of the mental hygiene law, the commissioner of

1 the office for people with developmental
 2 disabilities may make the funds appropri-
 3 ated herein available as state aid, a loan
 4 or a grant, pursuant to terms and condi-
 5 tions established by the commissioner of
 6 the office for people with developmental
 7 disabilities, to cover a portion of the
 8 development costs of private, public
 9 and/or non-profit organizations, including
 10 corporations and partnerships established
 11 pursuant to the private housing finance
 12 law and/or any other statutory provisions,
 13 for supportive housing units that have
 14 been set aside for individuals with intel-
 15 lectual and developmental disabilities.
 16 Further, the office for people with devel-
 17 opmental disabilities shall have a lien on
 18 the real property developed with such
 19 state aid, loans or grants, which shall be
 20 in the amount of the loan or grant, for a
 21 maximum term of 30 years, or other longer
 22 term consistent with the requirements of
 23 another regulatory agency.
 24 For services and expenses related to the
 25 provision of residential services to
 26 people with developmental disabilities
 27 (37802) [~~14,427,000~~] 17,823,000
 28 For services and expenses related to the
 29 provision of day program services to
 30 people with developmental disabilities
 31 (37803) [~~3,247,000~~] 4,011,000
 32 For services and expenses related to the
 33 provision of family support services to
 34 people with developmental disabilities
 35 (37804) [~~4,533,000~~] 5,601,000
 36 For services and expenses related to the
 37 provision of workshop, day training and
 38 employment services to people with devel-
 39 opmental disabilities. Notwithstanding any
 40 other provision of law, up to \$800,000 of
 41 this appropriation may be transferred to
 42 the New York State Education Departments'
 43 Adult Career and Continuing Education
 44 Services - Vocational Rehabilitation
 45 (ACCES-VR) program to support the Long-
 46 Term Sheltered Employment program operated
 47 by FEDCAP Rehabilitation Services, Inc.
 48 (37805) [~~2,616,000~~] 3,232,000
 49 For other services and expenses provided to
 50 people with developmental disabilities
 51 including but not limited to hepatitis B,
 52 care at home waiver, epilepsy services,
 53 Special Olympics New York, Inc. and volun-
 54 tary fingerprinting (37806) [~~616,000~~] 760,000
 55 -----

1 § 12. 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.

DEPARTMENT OF TRANSPORTATION

AID TO LOCALITIES

METROPOLITAN TRANSPORTATION AUTHORITY SUPPORT PROGRAM 12,752,000

Special Revenue Funds - Other
Metropolitan Transportation Authority Financial Assist-
ance Fund
New York Central Business District Trust Fund - 23653

To the metropolitan transportation authority
pursuant to section 99-ff of the state
finance law for deposit in the central
business district tolling capital lockbox
established pursuant to section 553-j of
the public authorities law (54298) 12,752,000

§ 13. 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.

§ 14. All expenditures and disbursements made against the appropriations in this act shall, upon final action by the legislature on appropriation bills submitted by the governor pursuant to article VII of the state constitution for the support of government for the state fiscal year beginning April 1, 2023, be transferred by the comptroller as expenditures and disbursements to such appropriations for all state departments and agencies, as applicable, in amounts equal to the amounts charged against the appropriations in this act for each such department, agency, and the legislature and the judiciary.

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

§ 16. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2023; provided,

1 however, that upon the transfer of expenditures and disbursements by the
2 comptroller as provided in section fourteen of this act, the appropri-
3 ations made by this act and subject to such section shall be deemed
4 repealed.