

STATE OF NEW YORK

6480

2023-2024 Regular Sessions

IN SENATE

April 24, 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; to amend chapter 124 of the laws of 2023, relating to making appropriations for the support of government, in relation thereto; and to amend chapter 125 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 125
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.

LBD12010-03-3

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 ~~24~~ 28, 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 ~~716,700,000~~ 1,069,700,000
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 125
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 ~~24~~ 28, 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 125
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 [24] 28, 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 125
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 ~~24~~ 28, 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 6 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:

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

MISCELLANEOUS -- ALL STATE DEPARTMENTS AND AGENCIES

GENERAL STATE CHARGES

STATE OPERATIONS

GENERAL STATE CHARGES [~~559,815,000~~] 582,940,000

General Fund

State Purposes Account - 10050

For employee fringe benefits according to the following project schedule including those benefits which are related to employees paid from funds, accounts, or programs where the division of the budget has issued waivers [~~556,440,000~~] 570,670,000

Project Schedule

PROJECT	AMOUNT
---------	--------

1	For the state's contribution	
2	to the social security	
3	contribution fund	
4	..... [70,000,000]	<u>84,000,000</u>
5	For the state's share of	
6	contributions to the volun-	
7	tary defined contribution	
8	plan made on behalf of	
9	eligible employees pursuant	
10	to chapter 18 of the laws of	
11	2012 who elect to partic-	
12	ipate in such plan and who	
13	are not otherwise eligible	
14	to participate in the SUNY	
15	optional retirement program	
16	..... [690,000]	<u>920,000</u>
17	For the state's contribution	
18	to the health insurance fund	
19	and deposit into the retiree	
20	health benefit trust fund	
21	pursuant to section 99-aa of	
22	the state finance law. The	
23	state's share of the health	
24	insurance program dividends	
25	shall be available to pay	
26	for the premiums in 2023-24 ..	400,000,000
27	For payments to the state	
28	insurance fund for workers'	
29	compensation benefits and	
30	other related workers'	
31	compensation costs prior to	
32	or after they become	
33	incurred including but not	
34	limited to the benefits	
35	defined in chapters 302 and	
36	303 of the laws of 1985	45,000,000
37	For the state's contribution	
38	to employee benefit fund	
39	programs	35,000,000
40	For the state's contribution	
41	to the dental insurance plan ...	4,250,000
42	For the state's contribution	
43	to the vision care plan	1,500,000
44		-----
45	Project schedule total ...	
46	..... [556,440,000]	<u>570,670,000</u>
47		-----
48	<u>For payments in accordance with section 19-a</u>	
49	<u>of the public lands law (80567)</u>	<u>7,720,000</u>
50		=====
51	For the payment of the metropolitan commuter	
52	transportation mobility tax pursuant to	
53	article 23 of the tax law as added by	
54	chapter 25 of the laws of 2009 on behalf	
55	of the state employees employed in the	

1	metropolitan commuter transportation	
2	district	[3,300,000]
3	-----	<u>4,400,000</u>
4	For payment of claims for damage to personal	
5	or real property or for bodily injuries or	
6	wrongful death caused by officers, employ-	
7	ees, or other authorized persons providing	
8	service to state government while provid-	
9	ing such service, and the state university	
10	construction fund while acting within the	
11	scope of their employment, and while oper-	
12	ating motor vehicles, and for any individ-	
13	uals operating motor vehicles which are	
14	assigned on a permanent basis with unre-	
15	stricted use to state officers and employ-	
16	ees when the person is permanently	
17	assigned the motor vehicle (80559)	
18	.....	[75,000]
19	-----	<u>150,000</u>

20 § 7. Section 7 of chapter 121 of the laws of 2023, relating to making
 21 appropriations for the support of government, as amended by chapter 125
 22 of the laws of 2023, is amended to read as follows:

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

28 JUDICIARY

29	For the purpose of making payments for	
30	personal service, including liabilities	
31	incurred prior to April 1, 2023, on the	
32	payrolls scheduled to be paid during the	
33	period April 1 through April [24 28, 2023	
34	to officers and employees of the judiciary	
35	.....	[65,000,000]
36	For the payment of state operations nonper-	<u>157,000,000</u>
37	sonal service liabilities, the sum of	
38	fifty million dollars (\$50,000,000), or so	
39	much thereof as shall be sufficient to	
40	accomplish the purpose designated, is	
41	hereby appropriated to the judiciary out	
42	of any moneys in the general fund or other	
43	funds to the credit of the state purposes	
44	account not otherwise appropriated. The	
45	comptroller is hereby authorized and	
46	directed to utilize this appropriation for	
47	the purpose of making payments for non-	
48	personal service liabilities incurred by	
49	the judiciary from April 1 through April	
50	[24 28, 2023	50,000,000
51	For the payment of aid to localities liabil-	
52	ities, 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 [24] 28, 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 [24] 28, 2023 ... 281,000,000

§ 8. Section 9 of chapter 124 of the laws of 2023, relating to making appropriations for the support of government, as amended by chapter 125 of the laws of 2023, 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 [812,000] 1,276,000

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 [~~812,000~~] 1,276,000
 21 -----

22 § 9. Section 8 of chapter 125 of the laws of 2023, relating to making
 23 appropriations for the support of government, is amended to read as
 24 follows:

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

30 EDUCATION DEPARTMENT

31 AID TO LOCALITIES

32 OFFICE OF PREKINDERGARTEN THROUGH GRADE TWELVE EDUCATION
 33 PROGRAM 1,390,000,000
 34 -----

35 General Fund

36 Local Assistance Account - 10000

37 For remaining 2022-23 and prior school year
 38 obligations, including aid for such school
 39 years payable pursuant to section 3609-d
 40 of the education law, provided that
 41 notwithstanding any provision of law to
 42 the contrary, subject to the approval of
 43 the director of the budget, funds appro-
 44 priated herein may be interchanged with
 45 any other item of appropriation for gener-
 46 al support for public schools within the
 47 general fund local assistance account
 48 office of prekindergarten through grade
 49 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 (21701) 1,390,000,000
 15 -----

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

21 OFFICE OF CHILDREN AND FAMILY SERVICES

22 AID TO LOCALITIES

23 ADOPTION SUBSIDY PROGRAM 15,271,000
 24 -----

25 General Fund

26 Local Assistance Account - 10000

27 For services and expenses for the adoption
 28 subsidy program pursuant to title 9 of
 29 article 6 of the social services law.

30 Notwithstanding any inconsistent provision
 31 of law, the liability of the state to
 32 social services districts and the amount
 33 to be distributed or otherwise expended by
 34 the state to reimburse social services
 35 districts pursuant to section 456 of the
 36 social services law shall be 62 percent of
 37 eligible social services district expendi-
 38 tures.

39 The amount hereby appropriated is to be
 40 available for payment of aid heretofore
 41 accrued or hereafter to accrue to munici-
 42 palities. Subject to the approval of the
 43 director of the budget, such funds shall
 44 be available to the office net of disal-
 45 lowances, refunds, reimbursements, and
 46 credits.

47 Notwithstanding any inconsistent provision
 48 of law, the amount herein appropriated may
 49 be transferred to any other appropriation

1 within the office of children and family
2 services and/or the office of temporary
3 and disability assistance and/or suballo-
4 cated to the office of temporary and disa-
5 bility assistance for the purpose of
6 paying local social services districts'
7 costs of the above program and may be
8 increased or decreased by interchange with
9 any other appropriation or with any other
10 item or items within the amounts appropri-
11 ated within the office of children and
12 family services general fund - local
13 assistance account with the approval of
14 the director of the budget who shall file
15 such approval with the department of audit
16 and control and copies thereof with the
17 chairman of the senate finance committee
18 and the chairman of the assembly ways and
19 means committee.

20 Notwithstanding any inconsistent provision
21 of law, in lieu of payments authorized by
22 the social services law, or payments of
23 federal funds otherwise due to the local
24 social services districts for programs
25 provided under the federal social security
26 act or the federal food stamp act, funds
27 herein appropriated, in amounts certified
28 by the state commissioner or the state
29 commissioner of health as due from local
30 social services districts each month as
31 their share of payments made pursuant to
32 section 367-b of the social services law
33 may be set aside by the state comptroller
34 in an interest-bearing account with such
35 interest accruing to the credit of the
36 locality in order to ensure the orderly
37 and prompt payment of providers under
38 section 367-b of the social services law
39 pursuant to an estimate provided by the
40 commissioner of health of each local
41 social services district's share of
42 payments made pursuant to section 367-b of
43 the social services law.

44 The amounts appropriated herein shall be
45 available for reimbursement of local
46 district claims only to the extent that
47 such claims are submitted within twenty-
48 four months of the last day of the state
49 fiscal year in which the expenditures were
50 incurred, unless waived for good cause by
51 the commissioner subject to the approval
52 of the director of the budget.

53 Notwithstanding any other provision of law
54 to the contrary, amounts due and owing to
55 a social services district under this
56 appropriation, may be reduced up to such

amounts due and owing to the state under
 section 529 of the executive law (13917) 15,271,000

§ 11. Section 8 of chapter 121 of the laws of 2023, relating to making
 appropriations for the support of government, as amended by chapter 125
 of the laws of 2023, is amended to read as follows:

§ 8. 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 HEALTH

AID TO LOCALITIES

CENTER FOR COMMUNITY HEALTH PROGRAM [~~31,017,000~~] 35,941,000

General Fund
 Local Assistance Account - 10000

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

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

For various federal food and nutritional
 services. The moneys hereby appropriated
 shall be available for payment of finan-
 cial assistance heretofore accrued (26986)
 [~~24,617,000~~] 29,541,000

ELDERLY PHARMACEUTICAL INSURANCE COVERAGE PROGRAM 7,800,000

Special Revenue Funds - Other
HCRA Resources Fund
EPIC Premium Account - 20818

For services and expenses of the program for
elderly pharmaceutical insurance coverage,
including reimbursement to pharmacies
participating in such program. The moneys
hereby appropriated shall be available for
payment of financial assistance heretofore
accrued (26803) 7,800,000

1 HEALTH CARE REFORM ACT PROGRAM 9,000,000
 2 -----
 3 Special Revenue Funds - Other
 4 HCRA Resources Fund
 5 HCRA Program Account - 20807
 6 For transfer to health research incorporated
 7 (HRI) for the AIDS drug assistance
 8 program, including payments to Ryan White
 9 centers (29880) 9,000,000

10 § 12. Section 10 of chapter 122 of the laws of 2023, relating to
 11 making appropriations for the support of government, as amended by chap-
 12 ter 125 of the laws of 2023, is amended to read as follows:

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

18 DEPARTMENT OF LABOR

19 AID TO LOCALITIES

20 UNEMPLOYMENT INSURANCE BENEFIT PROGRAM [~~592,000,000~~] 760,000,000
 21 -----

22 Enterprise Funds
 23 Unemployment Insurance Benefit Fund
 24 Unemployment Insurance Benefit Account - 50650

25 For payment of unemployment insurance bene-
 26 fits pursuant to article 18 of the labor
 27 law or as authorized by the federal
 28 government through the disaster unemploy-
 29 ment assistance program, the emergency
 30 unemployment compensation program, the
 31 extended benefit program, the federal
 32 additional compensation program or any
 33 other federally funded unemployment bene-
 34 fit program (34787) [~~592,000,000~~] 760,000,000

35 § 13. Section 10 of chapter 121 of the laws of 2023, relating to
 36 making appropriations for the support of government, as amended by chap-
 37 ter 125 of the laws of 2023, is amended to read as follows:

38 § 10. The amount specified in this section, or so much thereof as
 39 shall be sufficient to accomplish the purpose designated, is hereby
 40 appropriated and authorized to be paid as hereinafter provided, to the
 41 public officers and for the purpose specified, which amount shall be
 42 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 [~~183,533,000~~] 189,521,000
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) [~~17,823,000~~] 21,219,000
 28 For services and expenses related to the
 29 provision of day program services to
 30 people with developmental disabilities
 31 (37803) [~~4,011,000~~] 4,775,000
 32 For services and expenses related to the
 33 provision of family support services to
 34 people with developmental disabilities
 35 (37804) [~~5,601,000~~] 6,669,000
 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) [~~3,232,000~~] 3,848,000
 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) [~~760,000~~] 904,000
 55 -----

1 § 14. No expenditure may be made from any appropriation in this act,
2 until a certificate of approval has been issued by the director of the
3 budget and a copy of such certificate shall have been filed with the
4 state comptroller, the chairman of the senate finance committee and the
5 chairman of the assembly ways and means committee provided, however,
6 that any expenditures from any appropriation in this act made by the
7 legislature or judiciary shall not require such certificate.

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

17 § 16. Severability clause. If any clause, sentence, paragraph, subdi-
18 vision, section or part of this act shall be adjudged by any court of
19 competent jurisdiction to be invalid, such judgment shall not affect,
20 impair, or invalidate the remainder thereof, but shall be confined in
21 its operation to the clause, sentence, paragraph, subdivision, section
22 or part thereof directly involved in the controversy in which such judg-
23 ment shall have been rendered. It is hereby declared to be the intent of
24 the legislature that this act would have been enacted even if such
25 invalid provisions had not been included herein.

26 § 17. This act shall take effect immediately and shall be deemed to
27 have been in full force and effect on and after April 1, 2023; provided,
28 however, that upon the transfer of expenditures and disbursements by the
29 comptroller as provided in section fifteen of this act, the appropri-
30 ations made by this act and subject to such section shall be deemed
31 repealed.