

Legislative Bill Drafting Commission
12009-01-3

S. Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed, and when printed to be committed to the Committee on

A. Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the Committee on

\*APPR\* (Provides for emergency appropriation for the period April 1, 2023 through April 24, 2023)

Emergency Approp. 4/1-4/24

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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship of this proposal:

- s15 Addabbo s34 Fernandez s28 Krueger s01 Palumbo s42 Skoufis
s43 Ashby s60 Gallivan s24 Lanza s21 Parker s11 Stavisky
s36 Bailey s12 Gianaris s16 Liu s19 Persaud s45 Stec
s57 Borrello s59 Gonzalez s50 Mannion s13 Ramos s35 Stewart-
s46 Breslin s26 Gounardes s04 Martinez s05 Rhoads Cousins
s25 Brisport s53 Griffo s07 Martins s33 Rivera s44 Tedisco
s55 Brouk s40 Harckham s02 Mattera s39 Rolison s06 Thomas
s09 Canzoneri- s54 Helming s48 May s61 Ryan s49 Walczyk
Fitzpatrick s41 Hinchey s37 Mayer s18 Salazar s52 Webb
s17 Chu s47 Hoylman- s03 Murray s10 Sanders s38 Weber
s30 Cleare Sigal s20 Myrie s23 Scarcella s08 Weik
s14 Comrie s31 Jackson s51 Oberacker Spanton
s56 Cooney s27 Kavanagh s58 O'Mara s32 Sepulveda
s22 Felder s63 Kennedy s62 Ortt s29 Serrano

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal:

- a078 Alvarez a140 Conrad a150 Goodell a017 Mikulin a016 Sillitti
a031 Anderson a032 Cook a116 Gray a122 Miller a052 Simon
a121 Angelino a039 Cruz a100 Gunther a051 Mitaynes a075 Simone
a037 Ardila a043 Cunningham a139 Hawley a145 Morinello a114 Simpson
a035 Aubry a021 Curran a083 Heastie a144 Norris a094 Slater
a120 Barclay a018 Darling a028 Hevesi a045 Novakhov a005 Smith
a106 Barrett a053 Davila a128 Hunter a069 O'Donnell a118 Smullen
a105 Beephan a072 De Los Santos a029 Hyndman a091 Otis a022 Solages
a107 Bendett a003 DeStefano a079 Jackson a132 Palmesano a110 Steck
a082 Benedetto a070 Dickens a104 Jacobson a088 Paulin a010 Stern
a042 Bichotte a054 Dilan a011 Jean-Pierre a141 Peoples- a127 Stirpe
Hermelyn a081 Dinowitz a134 Jensen Stokes a102 Tague
a117 Blankenbush a147 DiPietro a115 Jones a023 Pheffer a064 Tannousis
a015 Blumencranz a009 Durso a077 Joyner Amato a086 Tapia
a073 Bores a099 Eachus a125 Kelles a063 Pirozzolo a071 Taylor
a098 Brabenec a048 Eichenstein a040 Kim a089 Pretlow a001 Thiele
a026 Braunstein a074 Epstein a013 Lavine a019 Ra a033 Vanel
a138 Bronson a109 Fahy a065 Lee a030 Raga a055 Walker
a046 Brook-Krasny a061 Fall a126 Lemondes a038 Rajkumar a143 Wallace
a020 Brown, E. a008 Fitzpatrick a095 Levenberg a006 Ramos a112 Walsh
a012 Brown, K. a004 Flood a060 Lucas a062 Reilly a041 Weinstein
a093 Burdick a057 Forrest a135 Lunsford a087 Reyes a024 Weprin
a085 Burgos a124 Friend a123 Lupardo a149 Rivera a059 Williams
a142 Burke a050 Gallagher a129 Magnarelli a027 Rosenthal, D. a113 Woerner
a119 Buttenschon a131 Gallahan a101 Maher a067 Rosenthal, L. a080 Zaccaro
a133 Byrnes a007 Gandolfo a036 Mamdani a025 Rozic a096 Zebrowski
a044 Carroll a068 Gibbs a130 Manktelow a111 Santabarbara a056 Zinerman
a058 Chandler- a002 Giglio, J.A. a108 McDonald a090 Sayegh
Waterman a148 Giglio, J.M. a014 McDonough a076 Seawright
a049 Chang a066 Glick a097 McGowan a084 Septimo
a136 Clark a034 Gonzalez- a146 McMahan a092 Shimsky
a047 Colton Rojas a137 Meeks a103 Shrestha

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and: in Assembly 2 copies of memorandum in support, in Senate 4 copies of memorandum in support (single house); or 4 signed copies of bill and 6 copies of memorandum in support (uni-bill).

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 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.

16 ALL STATE DEPARTMENTS AND AGENCIES

17 For the purpose of making payments for  
18 personal service, including liabilities  
19 incurred prior to April 1, 2023, on the  
20 payrolls scheduled to be paid during the  
21 period April 1 through April [20] 24, 2023  
22 to state officers and employees of the  
23 executive branch, including the governor,  
24 lieutenant governor, comptroller, and  
25 attorney general, and to employees of the  
26 legislature. This appropriation also

1 includes funding for payment of health  
 2 care and mental hygiene bonuses to eligi-  
 3 ble state employees, and payments for  
 4 services performed by mentally ill or  
 5 developmentally disabled persons who are  
 6 employed in state-operated special employ-  
 7 ment, work-for-pay or sheltered workshop  
 8 programs ..... [714,000,000] 716,700,000  
 9 .....

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

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

18 ALL STATE DEPARTMENTS AND AGENCIES

19 For the payment of state operations non  
 20 personal service liabilities to the execu-  
 21 tive branch, including the comptroller,  
 22 and the attorney general, and legislature,  
 23 incurred in the ordinary course of busi-  
 24 ness, during the period April 1 through  
 25 April [20] 24, 2023, pursuant to existing

1 state law and for purposes for which the  
 2 legislature authorized the expenditure of  
 3 moneys during the 2022-2023 state fiscal  
 4 year; provided, however, that nothing  
 5 contained herein shall be deemed to limit  
 6 or restrict the power or authority of  
 7 state departments or agencies to conduct  
 8 their activities or operations in accord-  
 9 ance with existing law, and further  
 10 provided that nothing contained herein  
 11 shall be deemed to supersede, nullify or  
 12 modify the provisions of section 40 of the  
 13 state finance law prescribing when appro-  
 14 priations made for the 2022-2023 state  
 15 fiscal year shall have ceased to have  
 16 force and effect ..... 48,600,000  
 17 .....

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

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

1 ALL STATE DEPARTMENTS AND AGENCIES

2 The sum of one hundred seventy million  
3 dollars (\$170,000,000), or so much thereof  
4 as shall be sufficient to accomplish the  
5 purpose designated, is hereby appropriated  
6 for contracts and grants approved for  
7 purposes for which the legislature author-  
8 ized the expenditures of money during the  
9 2022-2023 fiscal year. An amount up to one  
10 hundred seventy million dollars  
11 (\$170,000,000) shall be available for the  
12 payment of capital projects liabilities  
13 incurred during the period from April 1  
14 through April [20] 24, 2023 for contracts  
15 and grants approved prior to April 1,  
16 2023, provided, however, that nothing  
17 contained herein shall be deemed to limit  
18 or restrict the power or authority of  
19 state departments or agencies to conduct  
20 their activities or operations in accord-  
21 ance with existing law, and further  
22 provided that nothing contained herein  
23 shall be deemed to supersede, nullify, or  
24 modify the provisions of section 40 of the  
25 state finance law prescribing when appro-  
26 priations made for the 2022-2023 fiscal

1 year shall have ceased to have force and  
 2 effect ..... 170,000,000  
 3 .....

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

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

13 ALL STATE DEPARTMENTS AND AGENCIES

14 The sum of thirty million dollars  
 15 (\$30,000,000), or so much thereof as shall  
 16 be sufficient to accomplish the purpose  
 17 designated, is hereby appropriated for  
 18 contracts and grants approved for which  
 19 the legislature authorized the expendi-  
 20 tures of money during the 2022-2023 fiscal  
 21 year. An amount up to thirty million  
 22 dollars (\$30,000,000) shall be available  
 23 for the payment of capital projects  
 24 liabilities incurred during the period  
 25 from April 1 through April [20] 24, 2023

1 for contracts and grants approved after  
 2 April 1, 2023, provided, however, that  
 3 nothing contained herein shall be deemed  
 4 to limit or restrict the power or authori-  
 5 ty of state departments or agencies to  
 6 conduct their activities or operations in  
 7 accordance with existing law, and further  
 8 provided that nothing contained herein  
 9 shall be deemed to supersede, nullify, or  
 10 modify the provisions of section 40 of the  
 11 state finance law prescribing when appro-  
 12 priations made for the 2022-2023 fiscal  
 13 year shall have ceased to have force and  
 14 effect ..... 30,000,000  
 15 .....

16 § 6. Section 7 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 § 7. 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 JUDICIARY

25 For the purpose of making payments for



1 personal service, including liabilities  
 2 incurred prior to April 1, 2023, on the  
 3 payrolls scheduled to be paid during the  
 4 period April 1 through April [20] 24, 2023  
 5 to officers and employees of the judiciary .. 65,000,000

6 For the payment of state operations nonper-  
 7 sonal service liabilities, the sum of  
 8 fifty million dollars (\$50,000,000), or so  
 9 much thereof as shall be sufficient to  
 10 accomplish the purpose designated, is  
 11 hereby appropriated to the judiciary out  
 12 of any moneys in the general fund or other  
 13 funds to the credit of the state purposes  
 14 account not otherwise appropriated. The  
 15 comptroller is hereby authorized and  
 16 directed to utilize this appropriation for  
 17 the purpose of making payments for non-  
 18 personal service liabilities incurred by  
 19 the judiciary from April 1 through April  
 20 [20] 24, 2023 ..... 50,000,000

21 For the payment of aid to localities liabil-  
 22 ities, the sum of fifteen million dollars  
 23 (\$15,000,000), or so much thereof as shall  
 24 be sufficient to accomplish the purpose  
 25 designated, is hereby appropriated to the  
 26 judiciary out of any moneys in the general  
 27 fund or other funds to the credit of the  
 28 state purposes account not otherwise

1 appropriated. The comptroller is hereby  
 2 authorized and directed to utilize this  
 3 appropriation for the purpose of making  
 4 payments for aid to localities liabilities  
 5 incurred by the judiciary from April 1  
 6 through April [20] 24, 2023 ..... 15,000,000

7 For the payment of employee fringe benefit  
 8 programs including, but not limited to,  
 9 the judiciary's contributions to the  
 10 health insurance fund, the employees'  
 11 retirement system pension accumulation  
 12 fund, the social security contribution  
 13 fund, employee benefit fund programs, the  
 14 dental insurance plan, the vision care  
 15 plan, the unemployment insurance fund, and  
 16 for workers' compensation benefits, the  
 17 sum of two hundred eighty-one million  
 18 dollars (\$281,000,000), or so much thereof  
 19 as shall be sufficient to accomplish the  
 20 purpose designated, is hereby appropriated  
 21 to the judiciary out of any moneys in the  
 22 general fund or other funds to the credit  
 23 of the state purposes account not other-  
 24 wise appropriated. The comptroller is  
 25 hereby authorized and directed to utilize  
 26 this appropriation for the purpose of  
 27 making payments for employee fringe bene-

1 fit liabilities incurred by the judiciary  
 2 from April 1 through April [20] 24, 2023 ... 281,000,000

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

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

11 DEPARTMENT OF AGRICULTURE AND MARKETS

12 AID TO LOCALITIES

13 AGRICULTURAL BUSINESS SERVICES PROGRAM ..... [348,000] 812,000  
 14 .....

15 General Fund

16 Local Assistance Account - 10000

17 Notwithstanding any law to the contrary, for  
 18 services, expenses and grants, including  
 19 but not limited to (a) the New York state  
 20 veterinary diagnostic laboratory, (b)  
 21 research and development at Cornell  
 22 university, (c) education and outreach at

1 Cornell university, (d) the New York farm  
 2 viability institute, (e) the promotion of  
 3 agricultural economic development, and (f)  
 4 agricultural access, education and work-  
 5 force support, pursuant to a plan prepared  
 6 by the commissioner of the department of  
 7 agriculture and markets and approved by  
 8 the director of the budget. Funds hereby  
 9 appropriated shall be available to the  
 10 program net of refunds, rebates,  
 11 reimbursements and credits. All or a  
 12 portion of this appropriation may be  
 13 suballocated to any state department,  
 14 agency, or public authority ..... [348,000] 812,000  
 15 .....

16 § 8. 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 EDUCATION DEPARTMENT

22 AID TO LOCALITIES

23 OFFICE OF PREKINDERGARTEN THROUGH GRADE TWELVE EDUCATION  
 24 PROGRAM ..... 1,390,000,000

1

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2 General Fund

3 Local Assistance Account - 10000

4 For remaining 2022-23 and prior school year  
5 obligations, including aid for such school  
6 years payable pursuant to section 3609-d  
7 of the education law, provided that  
8 notwithstanding any provision of law to  
9 the contrary, subject to the approval of  
10 the director of the budget, funds appro-  
11 priated herein may be interchanged with  
12 any other item of appropriation for gener-  
13 al support for public schools within the  
14 general fund local assistance account  
15 office of prekindergarten through grade  
16 twelve education program.

17 Notwithstanding any other law, rule or regu-  
18 lation to the contrary, funds appropriated  
19 herein shall be available for payment of  
20 financial assistance net of any disallow-  
21 ances, refunds, reimbursement and credits,  
22 and may be suballocated to other depart-  
23 ments and agencies to accomplish the  
24 intent of this appropriation subject to  
25 the approval of the director of the budg-  
26 et. Notwithstanding any provision of law

1 to the contrary, funds appropriated herein  
 2 shall be available for payment of liabil-  
 3 ities heretofore accrued or hereafter to  
 4 accrue ..... 1,390,000,000  
 5 .....

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

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

14 DEPARTMENT OF HEALTH

15 AID TO LOCALITIES

16 CENTER FOR COMMUNITY HEALTH PROGRAM ..... [35,093,000] 31,017,000  
 17 .....

18 General Fund

19 Local Assistance Account - 10000

20 For services and expenses related to the  
 21 Indian health program. The moneys hereby  
 22 appropriated shall be for payment of

1 financial assistance heretofore accrued or  
 2 hereafter to accrue (26840) ..... 6,400,000

3 -----

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

7 For various federal food and nutritional  
 8 services. The moneys hereby appropriated  
 9 shall be available for payment of finan-  
 10 cial assistance heretofore accrued (26986)  
 11 ..... [19,693,000] 24,617,000

12 -----

13 HEALTH CARE REFORM ACT PROGRAM ..... 9,000,000

14 -----

15 Special Revenue Funds - Other  
 16 HCRA Resources Fund  
 17 HCRA Program Account - 20807

18 For transfer to health research incorporated  
 19 (HRI) for the AIDS drug assistance  
 20 program, including payments to Ryan White  
 21 centers (29880) ..... 9,000,000

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

4 § 10. 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 DEPARTMENT OF LABOR

10 AID TO LOCALITIES

11 UNEMPLOYMENT INSURANCE BENEFIT PROGRAM ..... [544,000,000] 592,000,000  
 12 .....

- 13 Enterprise Funds
- 14 Unemployment Insurance Benefit Fund
- 15 Unemployment Insurance Benefit Account - 50650

16 For payment of unemployment insurance bene-  
 17 fits pursuant to article 18 of the labor  
 18 law or as authorized by the federal  
 19 government through the disaster unemploy-  
 20 ment assistance program, the emergency  
 21 unemployment compensation program, the  
 22 extended benefit program, the federal  
 23 additional compensation program or any



1 other federally funded unemployment bene-  
 2 fit program (34787) ..... [544,000,000] 592,000,000

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

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

11 DEPARTMENT OF MENTAL HYGIENE

12 OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

13 AID TO LOCALITIES

14 COMMUNITY SERVICES PROGRAM ..... [177,545,000] 183,533,000  
 15 .....

16 General Fund

17 Local Assistance Account - 10000

18 For services and expenses of the community  
 19 services program, net of disallowances,  
 20 for community programs for people with  
 21 developmental disabilities pursuant to

1 article 41 of the mental hygiene law,  
2 and/or chapter 620 of the laws of 1974,  
3 chapter 660 of the laws of 1977, chapter  
4 412 of the laws of 1981, chapter 27 of the  
5 laws of 1987, chapter 729 of the laws of  
6 1989, chapter 329 of the laws of 1993 and  
7 other provisions of the mental hygiene  
8 law. Notwithstanding any inconsistent  
9 provision of law, the following appropri-  
10 ation shall be net of prior and/or current  
11 year refunds, rebates, reimbursements, and  
12 credits.

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

1 Notwithstanding the provisions of article 41  
2 of the mental hygiene law or any other  
3 inconsistent provision of law, rule or  
4 regulation, the commissioner, pursuant to  
5 such contract and in the manner provided  
6 therein, may pay all or a portion of the  
7 expenses incurred by such voluntary agen-  
8 cies arising out of loans which are funded  
9 from the proceeds of bonds and notes  
10 issued by the dormitory authority of the  
11 state of New York.

12 Notwithstanding any other provision of law,  
13 the money hereby appropriated may be  
14 transferred to state operations and/or any  
15 appropriation of the office for people  
16 with developmental disabilities with the  
17 approval of the director of the budget.

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

23 Notwithstanding the provisions of section  
24 16.23 of the mental hygiene law and any  
25 other inconsistent provision of law, with  
26 relation to the operation of certified  
27 family care homes, including family care  
28 homes sponsored by voluntary not-for-pro-

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

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

25 Notwithstanding any inconsistent provision  
26 of law, moneys from this appropriation may  
27 be used for appropriate day program  
28 services and residential services includ-

1 ing, but not limited to, direct housing  
2 subsidies to individuals, start-up  
3 expenses for family care providers, envi-  
4 ronmental modifications, adaptive technol-  
5 ogies, appraisals, property options,  
6 feasibility studies and preoperational  
7 expenses.

8 Notwithstanding any inconsistent provision  
9 of law except pursuant to a chapter of the  
10 laws of 2022 authorizing a 5.4 percent  
11 cost of living adjustment, for the period  
12 commencing on April 1, 2022 and ending  
13 March 31, 2023 the commissioner shall not  
14 apply any other cost of living adjustment  
15 for the purpose of establishing rates of  
16 payments, contracts or any other form of  
17 reimbursement.

18 Notwithstanding section 6908 of the educa-  
19 tion law and any other provision of law,  
20 rule or regulation to the contrary, direct  
21 support staff in programs certified or  
22 approved by the office for people with  
23 developmental disabilities, including the  
24 home and community based services waiver  
25 programs that the office for people with  
26 developmental disabilities is authorized  
27 to administer with federal approval pursu-  
28 ant to subdivision (c) of section 1915 of

1 the federal social security act, are  
2 authorized to provide such tasks as OPWDD  
3 may specify when performed under the  
4 supervision, training and periodic  
5 inspection of a registered professional  
6 nurse and in accordance with an authorized  
7 practitioner's ordered care.

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

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

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

27 Notwithstanding any inconsistent provision  
28 of law, and pursuant to criteria estab-

1 lished by the commissioner of the office  
2 for people with developmental disabilities  
3 and approved by the director of the budg-  
4 et, expenditures may be made from this  
5 appropriation for residential facilities  
6 which are pending recertification as  
7 intermediate care facilities for people  
8 with developmental disabilities.

9 Notwithstanding the provisions of section  
10 41.36 of the mental hygiene law and any  
11 other inconsistent provision of law,  
12 moneys from this appropriation may be used  
13 for payment up to \$250 per year per  
14 client, at such times and in such manner  
15 as determined by the commissioner on the  
16 basis of financial need for the personal  
17 needs of each client residing in voluntary  
18 operated community residences and volun-  
19 tary-operated community residential alter-  
20 natives, including individualized residen-  
21 tial alternatives under the home and  
22 community based services waiver. The  
23 commissioner shall, subject to the  
24 approval of the director of the budget,  
25 alter existing advance payment schedules  
26 for voluntary-operated community resi-  
27 dences established pursuant to section  
28 41.36 of the mental hygiene law. Notwith-

1 standing any inconsistent provision of law  
2 moneys from this appropriation may be used  
3 for the operation of clinics licensed  
4 pursuant to article 16 of the mental  
5 hygiene law including, but not limited to,  
6 supportive and habilitative services  
7 consistent with the home and community  
8 based services waiver. Notwithstanding  
9 sections 112 and 163 of the state finance  
10 law and section 142 of the economic devel-  
11 opment law, or any other inconsistent  
12 provision of law, funds appropriated to  
13 the department of health in accordance  
14 with a schedule based upon approved Medi-  
15 caid claims for eligible home and communi-  
16 ty-based services, or other approved  
17 services as defined in section nine thou-  
18 sand eight hundred and seventeen of the  
19 American rescue plan act of 2021, from  
20 April 1, 2021 through March 31, 2023 and  
21 made available by the department of health  
22 via sub-allocation or transfer of up to  
23 \$740,000,000 may be allocated and distrib-  
24 uted by the commissioner of the office for  
25 people with developmental disabilities,  
26 subject to approval of the director of the  
27 budget, without a competitive bid or  
28 request for proposal process for the



1 services and expenses of qualified appli-  
2 cants. All awards will be granted utiliz-  
3 ing criteria established by the commis-  
4 sioner of the office for people with  
5 developmental disabilities to strengthen  
6 and enhance home and community-based  
7 services consistent with the American  
8 rescue plan act of 2021.

9 For the state share of medical assistance  
10 services expenses incurred by the depart-  
11 ment of health for the provision of  
12 medical assistance services to people with  
13 developmental disabilities (37835) ..... 152,106,000

14 For services and expenses of the community  
15 services program, net of disallowances,  
16 for community programs for people with  
17 developmental disabilities pursuant to  
18 article 41 of the mental hygiene law,  
19 and/or chapter 620 of the laws of 1974,  
20 chapter 660 of the laws of 1977, chapter  
21 412 of the laws of 1981, chapter 27 of the  
22 laws of 1987, chapter 729 of the laws of  
23 1989, chapter 329 of the laws of 1993 and  
24 other provisions of the mental hygiene  
25 law. Notwithstanding any inconsistent  
26 provision of law, the following appropri-  
27 ation shall be net of prior and/or current

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

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

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

1 Notwithstanding any other provision of law,  
2 the money hereby appropriated may be  
3 transferred to state operations and/or any  
4 appropriation of the office for people  
5 with developmental disabilities with the  
6 approval of the director of the budget.

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

12 Notwithstanding the provisions of section  
13 16.23 of the mental hygiene law and any  
14 other inconsistent provision of law, with  
15 relation to the operation of certified  
16 family care homes, including family care  
17 homes sponsored by voluntary not-for-pro-  
18 fit agencies, moneys from this appropri-  
19 ation may be used for payments to purchase  
20 general services including but not limited  
21 to respite providers, up to a maximum of 5  
22 days, at rates to be established by the  
23 commissioner and approved by the director  
24 of the budget in consideration of factors  
25 including, but not limited to, geographic  
26 area and number of clients cared for in  
27 the home and for payment in an amount  
28 determined by the commissioner for the

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

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

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

25 Notwithstanding any inconsistent provision  
26 of law except pursuant to a chapter of the  
27 laws of 2021 authorizing a 5.4 percent  
28 cost of living adjustment, for the period

1 commencing on April 1, 2022 and ending  
2 March 31, 2023 the commissioner shall not  
3 apply any other cost of living adjustment  
4 for the purpose of establishing rates of  
5 payments, contracts or any other form of  
6 reimbursement.

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

26 Notwithstanding any other provision of law  
27 to the contrary, and consistent with  
28 section 33.07 of the mental hygiene law,

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

10 For services and expenses related to provid-  
11 ing health care and mental hygiene worker  
12 bonuses.

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

15 Notwithstanding any other provision of law  
16 to the contrary, funds appropriated herein  
17 are available to reimburse in- and out-of-  
18 state private residential schools, pursu-  
19 ant to subdivision (c) of section 13.37-a  
20 and subdivision (g) of section 13.38 of  
21 the mental hygiene law, for costs of  
22 supporting the residential and day program  
23 services available to individuals who are  
24 over the age of 21 years of age, provided  
25 that the amount paid for residential  
26 services and/or maintenance costs is net  
27 of any supplemental security income bene-  
28 fit to which the individual receiving

1 services is eligible, and provided further  
2 that funding for nonresidential services  
3 will be in an amount not to exceed the  
4 maximum reimbursement for appropriate day  
5 services delivered by the office for  
6 people with developmental disabilities  
7 certified or approved providers other than  
8 in- and out-of-state private residential  
9 schools, unless otherwise authorized by  
10 the director of the budget.

11 Notwithstanding section 163 of the state  
12 finance law, section 142 of the economic  
13 development law, and article 41 of the  
14 mental hygiene law, the commissioner of  
15 the office for people with developmental  
16 disabilities may make the funds appropri-  
17 ated herein available as state aid, a loan  
18 or a grant, pursuant to terms and condi-  
19 tions established by the commissioner of  
20 the office for people with developmental  
21 disabilities, to cover a portion of the  
22 development costs of private, public  
23 and/or non-profit organizations, including  
24 corporations and partnerships established  
25 pursuant to the private housing finance  
26 law and/or any other statutory provisions,  
27 for supportive housing units that have  
28 been set aside for individuals with intel-

1 lectual and developmental disabilities.  
 2 Further, the office for people with devel-  
 3 opmental disabilities shall have a lien on  
 4 the real property developed with such  
 5 state aid, loans or grants, which shall be  
 6 in the amount of the loan or grant, for a  
 7 maximum term of 30 years, or other longer  
 8 term consistent with the requirements of  
 9 another regulatory agency.

10 For services and expenses related to the  
 11 provision of residential services to  
 12 people with developmental disabilities  
 13 (37802) ..... [14,427,000] 17,823,000

14 For services and expenses related to the  
 15 provision of day program services to  
 16 people with developmental disabilities  
 17 (37803) ..... [3,247,000] 4,011,000

18 For services and expenses related to the  
 19 provision of family support services to  
 20 people with developmental disabilities  
 21 (37804) ..... [4,533,000] 5,601,000

22 For services and expenses related to the  
 23 provision of workshop, day training and  
 24 employment services to people with devel-  
 25 opmental disabilities. Notwithstanding any  
 26 other provision of law, up to \$800,000 of  
 27 this appropriation may be transferred to  
 28 the New York State Education Departments'



1 Adult Career and Continuing Education  
 2 Services - Vocational Rehabilitation  
 3 (ACCES-VR) program to support the Long-  
 4 Term Sheltered Employment program operated  
 5 by FEDCAP Rehabilitation Services, Inc.  
 6 (37805) ..... [2,616,000] 3,232,000  
 7 For other services and expenses provided to  
 8 people with developmental disabilities  
 9 including but not limited to hepatitis B,  
 10 care at home waiver, epilepsy services,  
 11 Special Olympics New York, Inc. and volun-  
 12 tary fingerprinting (37806) ..... [616,000] 760,000  
 13 .....

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

19 DEPARTMENT OF TRANSPORTATION

20 AID TO LOCALITIES

21 METROPOLITAN TRANSPORTATION AUTHORITY SUPPORT PROGRAM ..... 12,752,000  
 22 .....

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

5 To the metropolitan transportation authority  
 6 pursuant to section 99-ff of the state  
 7 finance law for deposit in the central  
 8 business district tolling capital lockbox  
 9 established pursuant to section 553-j of  
 10 the public authorities law (54298) ..... 12,752,000  
 11 .....

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

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

1 charged against the appropriations in this act for each such department,  
2 agency, and the legislature and the judiciary.

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

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