

# PROGRAM BILL # 9

Legislative Bill Drafting Commission  
12041-01-2

S. -----  
Senate  
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IN SENATE--Introduced by Sen

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

----- A.  
Assembly  
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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 appropri-  
ation for the period April 1, 2022  
through April 7, 2022)

Emergency Approp. 4/1-4/7

## AN ACT

making appropriations for the  
support of government; and providing  
for the repeal of such provisions  
upon expiration thereof

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

## 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	s17 Felder	s07 Kaplan	s58 O'Mara	s10 Sanders
s52 Akshar	s59 Gallivan	s26 Kavanagh	s62 Ortt	s23 Savino
s36 Bailey	s05 Gaughran	s63 Kennedy	s01 Palumbo	s32 Sepulveda
s34 Biaggi	s12 Gianaris	s28 Krueger	s21 Parker	s41 Serino
s57 Borrello	s22 Gounardes	s24 Lanza	s19 Persaud	s29 Serrano
s04 Boyle	s47 Griffo	s11 Liu	s13 Ramos	s39 Skoufis
s44 Breslin	s40 Harekham	s50 Mannion	s61 Rath	s16 Stavisky
s25 Brisport	s54 Helming	s42 Martucci	s38 Reichlin-	s45 Stec
s08 Brooks	s46 Hinchey	s02 Mattera	Melnick	s35 Stewart-
s55 Brouk	s27 Hoylman	s53 May	s48 Ritchie	Cousins
s30 Cleare	s31 Jackson	s37 Mayer	s33 Rivera	s49 Tedisco
s14 Comrie	s43 Jordan	s20 Myrie	s60 Ryan	s06 Thomas
s56 Cooney	s09 Kaminsky	s51 Oberacker	s18 Salazar	s03 Weik

## 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:

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

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).

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, 2022 are enacted.

8 § 2. The amounts specified in this section, or so much thereof as  
9 shall be sufficient to accomplish the purposes designated, is hereby  
10 appropriated and authorized to be paid as hereinafter provided, to the  
11 public officers and for the purpose specified, which amount shall be  
12 available for the state fiscal year beginning April 1, 2022.

13 ALL STATE DEPARTMENTS AND AGENCIES

14 For the purpose of making payments for  
15 personal service, including liabilities  
16 incurred prior to April 1, 2022, on the  
17 payrolls scheduled to be paid during the  
18 period April 1 through April 7, 2022 to  
19 state officers and employees of the execu-  
20 tive branch, including the governor, lieu-  
21 tenant governor, comptroller and attorney  
22 general; and payments for services  
23 performed by mentally ill or develop-  
24 mentally disabled persons who are employed  
25 in state-operated special employment,

1 work-for-pay or sheltered workshop  
 2 programs ..... 186,000,000  
 3 For the purpose of state agencies making  
 4 payments for fringe benefits assessments  
 5 incurred for personal service liabilities  
 6 incurred prior to April 1, 2022, and  
 7 during the period April 1 through April 7,  
 8 2022 ..... 70,000,000  
 9 For the purpose of state agencies making  
 10 payments for indirect cost assessments  
 11 incurred for personal service liabilities  
 12 incurred prior to April 1, 2022, and  
 13 during the period April 1 through April 7,  
 14 2022 ..... 4,500,000  
 15 .....

16 § 3. The amount specified in this section, or so much thereof as shall  
 17 be sufficient to accomplish the purpose designated, is hereby appropri-  
 18 ated and authorized to be paid as hereinafter provided, to the public  
 19 officers and for the purpose specified, which amount shall be available  
 20 for the state fiscal year beginning April 1, 2022.

21 ALL STATE DEPARTMENTS AND AGENCIES

22 For the payment of state operations non  
 23 personal service liabilities to the execu-  
 24 tive branch, including the comptroller,  
 25 and the attorney general, incurred in the

1 ordinary course of business, during the  
 2 period April 1 through April 5, 2022,  
 3 pursuant to existing state law and for  
 4 purposes for which the legislature author-  
 5 ized the expenditure of moneys during the  
 6 2021-2022 state fiscal year; provided,  
 7 however, that nothing contained herein  
 8 shall be deemed to limit or restrict the  
 9 power or authority of state departments or  
 10 agencies to conduct their activities or  
 11 operations in accordance with existing  
 12 law, and further provided that nothing  
 13 contained herein shall be deemed to super-  
 14 sede, nullify or modify the provisions of  
 15 section 40 of the state finance law  
 16 prescribing when appropriations made for  
 17 the 2021-2022 state fiscal year shall have  
 18 ceased to have force and effect ..... 11,250,000  
 19 .....

20 § 4. The amounts specified in this section, or so much thereof as  
 21 shall be sufficient to accomplish the purposes designated, is hereby  
 22 appropriated and authorized to be paid as hereinafter provided, to the  
 23 public officers and for the purposes specified, which amount shall be  
 24 available for the state fiscal year beginning April 1, 2022.

1 MISCELLANEOUS -- ALL STATE DEPARTMENTS AND AGENCIES

2 GENERAL STATE CHARGES

3 STATE OPERATIONS

4 GENERAL STATE CHARGES ..... 56,600,000

5 .....

6 General Fund

7 State Purposes Account - 10050

8 For employee fringe benefits according to  
 9 the following project schedule including  
 10 those benefits which are related to  
 11 employees paid from funds, accounts, or  
 12 programs where the division of the budget  
 13 has issued waivers ..... 55,300,000

14 Project Schedule

15 PROJECT	AMOUNT
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16 .....

17 For the state's contribution	
18 to employee benefit fund	
19 programs .....	35,000,000

20 For the state's contribution	
21 to the social security	
22 contribution fund .....	20,000,000

1 For the state's share of  
 2 contributions to the volun-  
 3 tary defined contribution  
 4 plan made on behalf of  
 5 eligible employees pursuant  
 6 to chapter 18 of the laws of  
 7 2012 who elect to partic-  
 8 ipate in such plan and who  
 9 are not otherwise eligible  
 10 to participate in the SUNY  
 11 optional retirement program ..... 300,000  
 12 .....  
 13 Project schedule total .... 55,300,000  
 14 .....

15 For the payment of the metropolitan commuter  
 16 transportation mobility tax pursuant to  
 17 article 23 of the tax law as added by  
 18 chapter 25 of the laws of 2009 on behalf  
 19 of the state employees employed in the  
 20 metropolitan commuter transportation  
 21 district ..... 1,300,000  
 22 .....

23 § 5. 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

1 public officers and for the purposes specified, which amount shall be  
2 available for the state fiscal year beginning April 1, 2022.

3 DEPARTMENT OF HEALTH

4 AID TO LOCALITIES

5 CENTER FOR COMMUNITY HEALTH PROGRAM ..... 11,200,000  
6 .....

7 General Fund

8 Local Assistance Account - 10000

9 For services and expenses related to the  
10 Indian health program. The moneys hereby  
11 appropriated shall be for payment of  
12 financial assistance heretofore accrued or  
13 hereafter to accrue (26840) ..... 3,200,000  
14 .....

15 Special Revenue Funds - Federal

16 Federal USDA-Food and Nutrition Services Fund

17 Federal Food and Nutrition Services Account - 25022

18 For various federal food and nutritional  
19 services. The moneys hereby appropriated  
20 shall be available for payment of finan-  
21 cial assistance heretofore accrued (26986) ... 8,000,000

1

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2 § 6. The amounts specified in this section, or so much thereof as  
 3 shall be sufficient to accomplish the purposes designated, is hereby  
 4 appropriated and authorized to be paid as hereinafter provided, to the  
 5 public officers and for the purposes specified, which amount shall be  
 6 available for the state fiscal year beginning April 1, 2022.

7

DEPARTMENT OF MENTAL HYGIENE

8

OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

9

AID TO LOCALITIES

10 COMMUNITY SERVICES PROGRAM ..... 19,909,000

11

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12 For services and expenses of the community  
 13 services program, net of disallowances,  
 14 for community programs for people with  
 15 developmental disabilities pursuant to  
 16 article 41 of the mental hygiene law,  
 17 and/or chapter 620 of the laws of 1974,  
 18 chapter 660 of the laws of 1977, chapter  
 19 412 of the laws of 1981, chapter 27 of the  
 20 laws of 1987, chapter 729 of the laws of  
 21 1989, chapter 329 of the laws of 1993 and  
 22 other provisions of the mental hygiene



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

6 Notwithstanding any other provision of law,  
7 advances and reimbursement made pursuant  
8 to subdivision (d) of section 41.15 and  
9 section 41.18 of the mental hygiene law  
10 shall be allocated pursuant to a plan and  
11 in a manner prescribed by the agency head  
12 and approved by the director of the budg-  
13 et. The moneys hereby appropriated are  
14 available to reimburse or advance locali-  
15 ties and voluntary non-profit agencies for  
16 expenditures made during local fiscal  
17 periods commencing January 1, 2021, April  
18 1, 2021 or July 1, 2021, and for advances  
19 for the 3 month period beginning January  
20 1, 2022.

21 Notwithstanding the provisions of article 41  
22 of the mental hygiene law or any other  
23 inconsistent provision of law, rule or  
24 regulation, the commissioner, pursuant to  
25 such contract and in the manner provided  
26 therein, may pay all or a portion of the  
27 expenses incurred by such voluntary agen-  
28 cies arising out of loans which are funded

1 from the proceeds of bonds and notes  
2 issued by the dormitory authority of the  
3 state of New York.

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

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

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

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

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

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

1 Notwithstanding any inconsistent provision  
2 of law except pursuant to a chapter of the  
3 laws of 2021 authorizing a 1 percent cost  
4 of living adjustment, for the period  
5 commencing on April 1, 2021 and ending  
6 March 31, 2022 the commissioner shall not  
7 apply any other cost of living adjustment  
8 for the purpose of establishing rates of  
9 payments, contracts or any other form of  
10 reimbursement.

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

1 nurse and in accordance with an authorized  
2 practitioner's ordered care.

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

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

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

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

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

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

12 For services and expenses related to the  
 13 provision of residential services to  
 14 people with developmental disabilities  
 15 (37802) ..... 11,014,000

16 For services and expenses related to the  
 17 provision of day program services to  
 18 people with developmental disabilities  
 19 (37803) ..... 2,674,000

20 For services and expenses related to the  
 21 provision of family support services to  
 22 people with developmental disabilities  
 23 (37804) ..... 3,732,000

24 For services and expenses related to the  
 25 provision of workshop, day training and  
 26 employment services to people with devel-  
 27 opmental disabilities. Notwithstanding any  
 28 other provision of law, up to \$800,000 of

1 this appropriation may be transferred to  
 2 the New York State Education Departments'  
 3 Adult Career and Continuing Education  
 4 Services - Vocational Rehabilitation  
 5 (ACCES-VR) program to support the Long-  
 6 Term Sheltered Employment program operated  
 7 by FEDCAP Rehabilitation Services, Inc.  
 8 (37805) ..... 2,154,000

9 For other services and expenses provided to  
 10 people with developmental disabilities  
 11 including but not limited to hepatitis B,  
 12 care at home waiver, epilepsy services,  
 13 Special Olympics New York, Inc. and volun-  
 14 tary fingerprinting (37806) ..... 335,000  
 15 .....

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

23 § 8. All expenditures and disbursements made against the appropri-  
 24 ations in this act shall, upon final action by the legislature on appro-  
 25 priation bills submitted by the governor pursuant to article VII of the  
 26 state constitution for the support of government for the state fiscal



1 year beginning April 1, 2022, be transferred by the comptroller as  
2 expenditures and disbursements to such appropriations for all state  
3 departments and agencies, as applicable, in amounts equal to the amounts  
4 charged against the appropriations in this act for each such department  
5 and agency.

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

15 § 10. This act shall take effect immediately and shall be deemed to  
16 have been in full force and effect on and after April 1, 2022. Provided  
17 however sections three, five, and six of this act shall cease to have  
18 force and effect after April 5, 2022 or upon the transfer of expendi-  
19 tures and disbursements by the comptroller as provided in section eight  
20 of this act, whichever is sooner. Provided further however, sections two  
21 and four of this act shall cease to have force and effect after April 7,  
22 2022 or upon the transfer of expenditures and disbursements by the comp-  
23 troller as provided in section eight of this act, whichever is sooner.  
24 This act shall be deemed repealed after April 7, 2022.