

**Legislative Bill Drafting Commission**  
12010-03-3

S.               -----  
                  Senate  
                  -----

IN SENATE--Introduced by Sen

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

----- A.  
Assembly  
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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, 2023  
through April 28, 2023)

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Emergency Approp. 4/1-4/28

**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

**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 McMahon	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).

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 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 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.

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 [24] 28, 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 ..... [716,700,000] 1,069,700,000  
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 125  
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 [24] 28, 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 125  
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 [24] 28, 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 125  
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 [24] 28, 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 6 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 § 6. 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 MISCELLANEOUS -- ALL STATE DEPARTMENTS AND AGENCIES

25 GENERAL STATE CHARGES



## 1 STATE OPERATIONS

2 GENERAL STATE CHARGES ..... [559,815,000] 582,940,000

3 -----

4 General Fund

5 State Purposes Account - 10050

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

## 12 Project Schedule

13 PROJECT AMOUNT

14 -----

15 For the state's contribution  
16 to the social security  
17 contribution fund .....  
18 ..... [70,000,000] 84,000,000

19 For the state's share of  
20 contributions to the volun-  
21 tary defined contribution  
22 plan made on behalf of  
23 eligible employees pursuant  
24 to chapter 18 of the laws of  
25 2012 who elect to partic-

1     ipate in such plan   and   who  
2     are   not   otherwise eligible  
3     to   participate in the   SUNY  
4     optional retirement   program  
5     ..... [690,000]         920,000  
6   For   the   state's contribution  
7     to the health insurance fund  
8     and deposit into the retiree  
9     health benefit trust fund  
10    pursuant to section 99-aa of  
11    the   state   finance law. The  
12    state's share of the health  
13    insurance program dividends  
14    shall be available to pay  
15    for the premiums in 2023-24 .. 400,000,000  
16   For   payments to the state  
17    insurance fund for workers'  
18    compensation benefits and  
19    other   related   workers'  
20    compensation costs prior to  
21    or   after   they   become  
22    incurred including but not  
23    limited to the benefits  
24    defined in chapters 302 and  
25    303 of the laws of 1985 ..... 45,000,000  
26   For the state's contribution  
27    to   employee benefit fund  
28    programs ..... 35,000,000

1 For the state's contribution  
2 to the dental insurance plan ... 4,250,000  
3 For the state's contribution  
4 to the vision care plan ..... 1,500,000  
5 -----  
6 Project schedule total ...  
7 ..... [556,440,000] 570,670,000  
8 -----  
  
9 For payments in accordance with section 19-a  
10 of the public lands law (80567) ..... 7,720,000  
11 -----  
12 For the payment of the metropolitan commuter  
13 transportation mobility tax pursuant to  
14 article 23 of the tax law as added by  
15 chapter 25 of the laws of 2009 on behalf  
16 of the state employees employed in the  
17 metropolitan commuter transportation  
18 district ..... [3,300,000] 4,400,000  
19 -----  
  
20 For payment of claims for damage to personal  
21 or real property or for bodily injuries or  
22 wrongful death caused by officers, employ-  
23 ees, or other authorized persons providing  
24 service to state government while provid-  
25 ing such service, and the state university  
26 construction fund while acting within the

1 scope of their employment, and while oper-  
2 ating motor vehicles, and for any individ-  
3 uals operating motor vehicles which are  
4 assigned on a permanent basis with unre-  
5 stricted use to state officers and employ-  
6 ees when the person is permanently  
7 assigned the motor vehicle (80559) .....  
8 ..... [75,000] 150,000  
9 .....

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

13 § 7. 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 JUDICIARY

19 For the purpose of making payments for  
20 personal service, including liabilities  
21 incurred prior to April 1, 2023, on the  
22 payrolls scheduled to be paid during the  
23 period April 1 through April [24] 28, 2023  
24 to officers and employees of the judiciary

1 ..... [65,000,000] 157,000,000

2 For the payment of state operations nonper-  
3 sonal service liabilities, the sum of  
4 fifty million dollars (\$50,000,000), or so  
5 much thereof as shall be sufficient to  
6 accomplish the purpose designated, is  
7 hereby appropriated to the judiciary out  
8 of any moneys in the general fund or other  
9 funds to the credit of the state purposes  
10 account not otherwise appropriated. The  
11 comptroller is hereby authorized and  
12 directed to utilize this appropriation for  
13 the purpose of making payments for non-  
14 personal service liabilities incurred by  
15 the judiciary from April 1 through April  
16 [24] 28, 2023 ..... 50,000,000

17 For the payment of aid to localities liabil-  
18 ities, the sum of fifteen million dollars  
19 (\$15,000,000), or so much thereof as shall  
20 be sufficient to accomplish the purpose  
21 designated, is hereby appropriated to the  
22 judiciary out of any moneys in the general  
23 fund or other funds to the credit of the  
24 state purposes account not otherwise  
25 appropriated. The comptroller is hereby  
26 authorized and directed to utilize this  
27 appropriation for the purpose of making  
28 payments for aid to localities liabilities

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

1 § 8. Section 9 of chapter 124 of the laws of 2023, relating to making  
2 appropriations for the support of government, as amended by chapter 125  
3 of the laws of 2023, is amended to read as follows:

4 § 9. 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 AGRICULTURE AND MARKETS

10 AID TO LOCALITIES

11 AGRICULTURAL BUSINESS SERVICES PROGRAM ..... [812,000] 1,276,000

12 -----

13 General Fund

14 Local Assistance Account - 10000

15 Notwithstanding any law to the contrary, for  
16 services, expenses and grants, including  
17 but not limited to (a) the New York state  
18 veterinary diagnostic laboratory, (b)  
19 research and development at Cornell  
20 university, (c) education and outreach at  
21 Cornell university, (d) the New York farm  
22 viability institute, (e) the promotion of  
23 agricultural economic development, and (f)

1 agricultural access, education and work-  
2 force support, pursuant to a plan prepared  
3 by the commissioner of the department of  
4 agriculture and markets and approved by  
5 the director of the budget. Funds hereby  
6 appropriated shall be available to the  
7 program net of refunds, rebates,  
8 reimbursements and credits. All or a  
9 portion of this appropriation may be  
10 suballocated to any state department,  
11 agency, or public authority ..... [812,000] 1,276,000  
12 -----

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

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 -----

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 (21701) ..... 1,390,000,000  
5 ..... -----

6 § 10. 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 OFFICE OF CHILDREN AND FAMILY SERVICES

12 AID TO LOCALITIES

13 ADOPTION SUBSIDY PROGRAM ..... 15,271,000  
14 ..... -----

15 General Fund

16 Local Assistance Account - 10000

17 For services and expenses for the adoption  
18 subsidy program pursuant to title 9 of  
19 article 6 of the social services law.  
20 Notwithstanding any inconsistent provision  
21 of law, the liability of the state to

1 social services districts and the amount  
2 to be distributed or otherwise expended by  
3 the state to reimburse social services  
4 districts pursuant to section 456 of the  
5 social services law shall be 62 percent of  
6 eligible social services district expendi-  
7 tures.

8 The amount hereby appropriated is to be  
9 available for payment of aid heretofore  
10 accrued or hereafter to accrue to munici-  
11 palities. Subject to the approval of the  
12 director of the budget, such funds shall  
13 be available to the office net of disal-  
14 lowances, refunds, reimbursements, and  
15 credits.

16 Notwithstanding any inconsistent provision  
17 of law, the amount herein appropriated may  
18 be transferred to any other appropriation  
19 within the office of children and family  
20 services and/or the office of temporary  
21 and disability assistance and/or suballo-  
22 cated to the office of temporary and disa-  
23 bility assistance for the purpose of  
24 paying local social services districts'  
25 costs of the above program and may be  
26 increased or decreased by interchange with  
27 any other appropriation or with any other  
28 item or items within the amounts appropri-

1     ated within the office of children and  
2     family services general fund - local  
3     assistance account with the approval of  
4     the director of the budget who shall file  
5     such approval with the department of audit  
6     and control and copies thereof with the  
7     chairman of the senate finance committee  
8     and the chairman of the assembly ways and  
9     means committee.

10  Notwithstanding any inconsistent provision  
11  of law, in lieu of payments authorized by  
12  the social services law, or payments of  
13  federal funds otherwise due to the local  
14  social services districts for programs  
15  provided under the federal social security  
16  act or the federal food stamp act, funds  
17  herein appropriated, in amounts certified  
18  by the state commissioner or the state  
19  commissioner of health as due from local  
20  social services districts each month as  
21  their share of payments made pursuant to  
22  section 367-b of the social services law  
23  may be set aside by the state comptroller  
24  in an interest-bearing account with such  
25  interest accruing to the credit of the  
26  locality in order to ensure the orderly  
27  and prompt payment of providers under  
28  section 367-b of the social services law

1 pursuant to an estimate provided by the  
2 commissioner of health of each local  
3 social services district's share of  
4 payments made pursuant to section 367-b of  
5 the social services law.

6 The amounts appropriated herein shall be  
7 available for reimbursement of local  
8 district claims only to the extent that  
9 such claims are submitted within twenty-  
10 four months of the last day of the state  
11 fiscal year in which the expenditures were  
12 incurred, unless waived for good cause by  
13 the commissioner subject to the approval  
14 of the director of the budget.

15 Notwithstanding any other provision of law  
16 to the contrary, amounts due and owing to  
17 a social services district under this  
18 appropriation, may be reduced up to such  
19 amounts due and owing to the state under  
20 section 529 of the executive law (13917) .... 15,271,000

21 .....

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

1 public officers and for the purposes specified, which amount shall be  
2 available for the state fiscal year beginning April 1, 2023.

3 DEPARTMENT OF HEALTH

4 AID TO LOCALITIES

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

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) ..... 6,400,000  
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-

1      cial assistance heretofore accrued (26986)  
2      ..... [24,617,000]      29,541,000  
3      -----  
4      ELDERLY PHARMACEUTICAL INSURANCE COVERAGE PROGRAM ..... 7,800,000  
5      -----  
  
6      Special Revenue Funds - Other  
7      HCRA Resources Fund  
8      EPIC Premium Account - 20818  
  
9      For services and expenses of the program for  
10      elderly pharmaceutical insurance coverage,  
11      including reimbursement to pharmacies  
12      participating in such program. The moneys  
13      hereby appropriated shall be available for  
14      payment of financial assistance heretofore  
15      accrued (26803) ..... 7,800,000  
16      -----  
  
17      HEALTH CARE REFORM ACT PROGRAM ..... 9,000,000  
18      -----  
  
19      Special Revenue Funds - Other  
20      HCRA Resources Fund  
21      HCRA Program Account - 20807  
  
22      For transfer to health research incorporated  
23      (HRI) for the AIDS drug assistance

1 program, including payments to Ryan White  
2 centers (29880) ..... 9,000,000

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

6 § 10. 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 LABOR

12 AID TO LOCALITIES

13 UNEMPLOYMENT INSURANCE BENEFIT PROGRAM ..... [592,000,000] 760,000,000

14 -----

15 Enterprise Funds

16 Unemployment Insurance Benefit Fund

17 Unemployment Insurance Benefit Account - 50650

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



1 unemployment compensation program, the  
2 extended benefit program, the federal  
3 additional compensation program or any  
4 other federally funded unemployment bene-  
5 fit program (34787) ..... [592,000,000] 760,000,000

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

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

14 DEPARTMENT OF MENTAL HYGIENE

15 OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

16 AID TO LOCALITIES

17 COMMUNITY SERVICES PROGRAM ..... [183,533,000] 189,521,000

18 -----

19 General Fund

20 Local Assistance Account - 10000

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

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

1 1, 2022 or July 1, 2022, and for advances  
2 for the 3 month period beginning January  
3 1, 2023.

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

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

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

26 Notwithstanding the provisions of section  
27 16.23 of the mental hygiene law and any  
28 other inconsistent provision of law, with

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

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

1 Notwithstanding any inconsistent provision  
2 of law, moneys from this appropriation may  
3 be used for appropriate day program  
4 services and residential services includ-  
5 ing, but not limited to, direct housing  
6 subsidies to individuals, start-up  
7 expenses for family care providers, envi-  
8 ronmental modifications, adaptive technol-  
9 ogies, appraisals, property options,  
10 feasibility studies and preoperational  
11 expenses.

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

22 Notwithstanding section 6908 of the educa-  
23 tion law and any other provision of law,  
24 rule or regulation to the contrary, direct  
25 support staff in programs certified or  
26 approved by the office for people with  
27 developmental disabilities, including the  
28 home and community based services waiver

1 programs that the office for people with  
2 developmental disabilities is authorized  
3 to administer with federal approval pursu-  
4 ant to subdivision (c) of section 1915 of  
5 the federal social security act, are  
6 authorized to provide such tasks as OPWDD  
7 may specify when performed under the  
8 supervision, training and periodic  
9 inspection of a registered professional  
10 nurse and in accordance with an authorized  
11 practitioner's ordered care.

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

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

26 Notwithstanding any inconsistent provision  
27 of law, the director of the budget is  
28 authorized to make suballocations from

1     this appropriation to the department of  
2     health medical assistance program.

3     Notwithstanding any inconsistent provision  
4     of law, and pursuant to criteria estab-  
5     lished by the commissioner of the office  
6     for people with developmental disabilities  
7     and approved by the director of the budg-  
8     et, expenditures may be made from this  
9     appropriation for residential facilities  
10    which are pending recertification as  
11    intermediate care facilities for people  
12    with developmental disabilities.

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

1 alter existing advance payment schedules  
2 for voluntary-operated community resi-  
3 dences established pursuant to section  
4 41.36 of the mental hygiene law. Notwith-  
5 standing any inconsistent provision of law  
6 moneys from this appropriation may be used  
7 for the operation of clinics licensed  
8 pursuant to article 16 of the mental  
9 hygiene law including, but not limited to,  
10 supportive and habilitative services  
11 consistent with the home and community  
12 based services waiver. Notwithstanding  
13 sections 112 and 163 of the state finance  
14 law and section 142 of the economic devel-  
15 opment law, or any other inconsistent  
16 provision of law, funds appropriated to  
17 the department of health in accordance  
18 with a schedule based upon approved Medi-  
19 caid claims for eligible home and communi-  
20 ty-based services, or other approved  
21 services as defined in section nine thou-  
22 sand eight hundred and seventeen of the  
23 American rescue plan act of 2021, from  
24 April 1, 2021 through March 31, 2023 and  
25 made available by the department of health  
26 via sub-allocation or transfer of up to  
27 \$740,000,000 may be allocated and distrib-  
28 uted by the commissioner of the office for



1 people with developmental disabilities,  
2 subject to approval of the director of the  
3 budget, without a competitive bid or  
4 request for proposal process for the  
5 services and expenses of qualified appli-  
6 cants. All awards will be granted utiliz-  
7 ing criteria established by the commis-  
8 sioner of the office for people with  
9 developmental disabilities to strengthen  
10 and enhance home and community-based  
11 services consistent with the American  
12 rescue plan act of 2021.

13 For the state share of medical assistance  
14 services expenses incurred by the depart-  
15 ment of health for the provision of  
16 medical assistance services to people with  
17 developmental disabilities (37835) ..... 152,106,000

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  
22 article 41 of the mental hygiene law,  
23 and/or chapter 620 of the laws of 1974,  
24 chapter 660 of the laws of 1977, chapter  
25 412 of the laws of 1981, chapter 27 of the  
26 laws of 1987, chapter 729 of the laws of  
27 1989, chapter 329 of the laws of 1993 and  
28 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, 2022, April  
18 1, 2022 or July 1, 2022, and for advances  
19 for the 3 month period beginning January  
20 1, 2023.

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 5.4 percent  
4 cost of living adjustment, for the period  
5 commencing on April 1, 2022 and ending  
6 March 31, 2023 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 For services and expenses related to provid-  
16 ing health care and mental hygiene worker  
17 bonuses.

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

20 Notwithstanding any other provision of law  
21 to the contrary, funds appropriated herein  
22 are available to reimburse in- and out-of-  
23 state private residential schools, pursu-  
24 ant to subdivision (c) of section 13.37-a  
25 and subdivision (g) of section 13.38 of  
26 the mental hygiene law, for costs of  
27 supporting the residential and day program  
28 services available to individuals who are

1 over the age of 21 years of age, provided  
2 that the amount paid for residential  
3 services and/or maintenance costs is net  
4 of any supplemental security income bene-  
5 fit to which the individual receiving  
6 services is eligible, and provided further  
7 that funding for nonresidential services  
8 will be in an amount not to exceed the  
9 maximum reimbursement for appropriate day  
10 services delivered by the office for  
11 people with developmental disabilities  
12 certified or approved providers other than  
13 in- and out-of-state private residential  
14 schools, unless otherwise authorized by  
15 the director of the budget.

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

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

15 For services and expenses related to the  
16 provision of residential services to  
17 people with developmental disabilities  
18 (37802) ..... [17,823,000] 21,219,000

19 For services and expenses related to the  
20 provision of day program services to  
21 people with developmental disabilities  
22 (37803) ..... [4,011,000] 4,775,000

23 For services and expenses related to the  
24 provision of family support services to  
25 people with developmental disabilities  
26 (37804) ..... [5,601,000] 6,669,000

27 For services and expenses related to the  
28 provision of workshop, day training and



1 employment services to people with devel-  
2 opmental disabilities. Notwithstanding any  
3 other provision of law, up to \$800,000 of  
4 this appropriation may be transferred to  
5 the New York State Education Departments'  
6 Adult Career and Continuing Education  
7 Services - Vocational Rehabilitation  
8 (ACCES-VR) program to support the Long-  
9 Term Sheltered Employment program operated  
10 by FEDCAP Rehabilitation Services, Inc.  
11 (37805) ..... [3,232,000] 3,848,000  
12 For other services and expenses provided to  
13 people with developmental disabilities  
14 including but not limited to hepatitis B,  
15 care at home waiver, epilepsy services,  
16 Special Olympics New York, Inc. and volun-  
17 tary fingerprinting (37806) ..... [760,000] 904,000  
18 .....

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

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

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

19    § 17. This act shall take effect immediately and shall be deemed to  
20    have been in full force and effect on and after April 1, 2023; provided,  
21    however, that upon the transfer of expenditures and disbursements by the  
22    comptroller as provided in section fifteen of this act, the appropri-  
23    ations made by this act and subject to such section shall be deemed  
24    repealed.