

S. 2009--C

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S E N A T E - A S S E M B L Y

January 23, 2017

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); to amend the tax law and the administrative code of the city of New York, in relation to the school tax reduction credit for residents of a city with a population of one million or more; and to repeal section 54-f of the state finance law relating thereto (Part C); intentionally omitted (Part D); intentionally omitted (Part E); to amend the real property tax law, in relation to authorizing partial payments of property taxes (Part F); to amend the tax law, in relation to the STAR personal income tax credit (Part G); to amend the real property tax law and the tax law, in relation to the applicability of the STAR credit to cooperative apartment corporations; and repealing certain provisions of the tax law relating thereto (Part H); to amend chapter 540 of the laws of 1992, amending the real property tax law relating to oil and gas charges, in relation to the effectiveness thereof (Part I); to amend the state finance law, in relation to the veterans' home assistance fund (Part J); to amend the economic development law and the tax law, in relation to life sciences companies (Part K); to amend the economic development law, in relation to the employee training incentive program (Part L); to amend the tax law, in relation to extending the empire state film production credit and empire state

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

film post production credit for three years (Part M); to amend the labor law and the tax law, in relation to a program to provide tax incentives for employers employing at risk youth (Subpart A); and to amend the labor law and the tax law, in relation to establishing the empire state apprenticeship tax credit program (Subpart B) (Part N); to amend the tax law, in relation to extending the alternative fuels and electric vehicle recharging property credit for five years (Part O); to amend the tax law, in relation to the investment tax credit (Part P); to amend the tax law, in relation to the treatment of single member limited liability companies that are disregarded entities in determining eligibility for tax credits (Part Q); to amend the tax law, in relation to extending the top personal income tax rate for two years; and to repeal subparagraph (B) of paragraph 1 of subsection (a), subparagraph (B) of paragraph 1 of subsection (b) and subparagraph (B) of paragraph 1 of subsection (c) of section 601 of the tax law, relating to the imposition of tax (Part R); to amend the tax law and the administrative code of the city of New York, in relation to extending the high income charitable contribution deduction limitation (Part S); to amend the tax law, in relation to increasing the child and dependent care tax credit (Part T); to amend the tax law, in relation to the financial institution data match system for state tax collection purposes; and providing for the repeal of such provisions upon expiration thereof (Part U); intentionally omitted (Part V); intentionally omitted (Part W); to amend chapter 59 of the laws of 2013, amending the tax law relating to serving an income execution with respect to individual tax debtors without filing a warrant, in relation to extending the provisions authorizing service of income executions on individual tax debtors without filing a warrant (Part X); intentionally omitted (Part Y); to amend the tax law, in relation to the definition of New York source income (Part Z); to amend the tax law, in relation to closing the nonresident partnership asset sale loophole (Part AA); intentionally omitted (Part BB); to amend the tax law, in relation to closing the existing tax loopholes for transactions between related entities under article 28 and pursuant to the authority of article 29 of such law (Part CC); to amend the tax law, in relation to clarifying the imposition of sales tax on gas service or electric service of whatever nature (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); intentionally omitted (Part KK); to amend the racing, pari-mutuel wagering and breeding law, in relation to modifying the funding of and improve the operation of drug testing in horse racing (Part LL); to amend the executive law, in relation to the powers and duties of the state bingo control commission; and to amend the general municipal law, in relation to bingo games (Part MM); to amend the racing, pari-mutuel wagering and breeding law, in relation to allowing for the reprivatization of NYRA (Part NN); to amend the racing, pari-mutuel wagering and breeding law, in relation to licenses for simulcast facilities, sums relating to track simulcast, simulcast of out-of state thoroughbred races, simulcasting of races run by out-of-state harness tracks and distributions of wagers; to amend chapter 281 of the laws of 1994 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting; to amend chapter 346 of the laws of 1990 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting and the imposition of certain taxes, in relation to

extending certain provisions thereof; and to amend the racing, pari-mutuel wagering and breeding law, in relation to extending certain provisions thereof (Part OO); to amend the tax law, in relation to vendor fees paid to vendor tracks (Part PP); to amend the tax law, in relation to capital awards to vendor tracks (Part QQ); intentionally omitted (Part RR); to amend the racing, pari-mutuel wagering and breeding law and the workers' compensation law, in relation to the New York Jockey Injury Compensation Fund, Inc. (Part SS); to amend the tax law and the real property tax law, in relation to changing the calculation of STAR credit (Part TT); to amend the tax law, in relation to the prepaid sales tax on motor fuel and diesel motor fuel under article 28 thereof (Part UU); to amend the tax law and the administrative code of the city of New York, in relation to qualified financial instruments of RICS and REITS (Part VV); to amend the tax law, in relation to exempting certain monuments from sales and use taxes (Part WW); to amend the New York state urban development corporation act, in relation to certain qualified entities (Part XX); to amend the economic development law, in relation to excelsior research and development tax credits (Part YY); to amend the economic development law, in relation to eligibility to participate in the excelsior jobs program (Part ZZ); to amend the vehicle and traffic law, the insurance law, the executive law, the general municipal law and the tax law, in relation to the regulation of transportation network company services; to establish the New York State TNC Accessibility Task Force and the New York state transportation network company review board; and providing for the repeal of certain provisions relating thereto (Part AAA); to establish the county-wide shared services property tax savings law (Part BBB); to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the minority and women-owned business enterprise program (Part CCC); to amend the tax law, in relation to the establishment of a tax credit for farm donations to food pantries (Part DDD); to amend the tax law, in relation to the imposition of a surcharge on prepaid wireless communications service and to repeal certain provisions of the county law relating thereto (Part EEE); to amend the public health law, in relation to the health care facility transformation program (Part FFF); to amend the public health law, in relation to managed long term care plans and demonstrations (Part GGG); to amend the education law, in relation to establishing the excelsior scholarship (Part HHH); to amend the education law, in relation to establishing enhanced tuition assistance program awards (Part III); to amend the education law, in relation to the NY-SUNY 2020 challenge grant program act; and to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part JJJ); to amend the education law, in relation to a New York state part-time scholarship award program (Part KKK); requiring the president of the higher education services corporation to report on options to make college more affordable for New York students and providing for the repeal of such provisions upon expiration thereof (Part LLL); to amend the education law, in relation to establishing the New York state child welfare worker incentive scholarship program and the New York state child welfare worker loan forgiveness incentive program (Part MMM); to amend the workers' compensation law, in relation to the schedule of compen-

sation in the case of injury, and in relation to appeals (Subpart A); to amend the workers' compensation law, in relation to requiring the drafting of permanency impairment guidelines (Subpart B); to amend the workers' compensation law, in relation to a comprehensive pharmacy benefit plan and prescription drug formulary (Subpart C); to amend the workers' compensation law, in relation to penalties for failure to pay compensation (Subpart D); to amend the workers' compensation law, in relation to assumption of workers' compensation liability policies (Subpart E); to amend chapter 11 of the laws of 2008 amending the workers' compensation law, the insurance law, the volunteer ambulance workers' benefit law and the volunteer firefighters' benefit law relating to rates for workers' compensation insurance and setting forth conditions for workers' compensation rate service organization, in relation to the effectiveness thereof; and to amend the insurance law, in relation to workers' compensation rate service organizations (Subpart F); to amend the workers' compensation law, in relation to requiring a study on independent medical examinations (Subpart G); and to amend the workers' compensation law, in relation to security for payment of compensation (Subpart H); to amend the workers' compensation law, in relation to liability for compensation (Subpart I); and to amend the workers' compensation law, in relation to assessments for annual expenses; and providing for the repeal of certain provisions upon expiration thereof (Subpart J) (Part NNN); to amend the tax law, in relation to allowing an additional New York itemized deduction for union dues not included in federal itemized deductions (Part OOO); to amend the executive law and the criminal procedure law, in relation to the establishment of the office of the inspector general of New York for transportation (Part PPP); authorizing the transfer of certain expenditures and disbursements; and to repeal a chapter of the laws of 2017 making appropriations for the support of government, as proposed in legislative bills numbers S.5492 and A.7068 relating thereto (Part QQQ); to amend the infrastructure investment act, in relation to the definition of an authorized entity that may utilize design-build contracts, and in relation to the effectiveness thereof (Part RRR); to amend the retirement and social security law, in relation to disability benefits for certain members of the New York city police pension fund (Part SSS); to amend the real property tax law, in relation to the affordable New York housing program and to repeal certain provisions of such law relating thereto (Part TTT); to amend the economic development law, in relation to comprehensive economic development reporting; and to repeal section 438 of the economic development law relating thereto (Part UUU); to amend the criminal procedure law, the family court act and the executive law, in relation to statements of those accused of crimes and eyewitness identifications, to enhance criminal investigations and prosecutions and to promote confidence in the criminal justice system of this state; to amend the county law and the executive law, in relation to the implementation of a plan regarding indigent legal services (Part VVV); to amend the criminal procedure law, the penal law, the executive law, the family court act, the social services law, the correction law, the county law and the state finance law, in relation to proceedings against juvenile and adolescent offenders and the age of juvenile and adolescent offenders and to repeal certain provisions of the criminal procedure law relating thereto (Part WWW); to provide for the administration of certain funds and accounts related to the 2017-18 budget and authorizing certain payments and transfers; to amend the state finance law, in

relation to the school tax relief fund and payments, transfers and deposits; to amend chapter 62 of the laws of 2003 amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, in relation to the deposit provisions of the tobacco settlement financing corporation act; to amend the state finance law, in relation to establishing the retiree health benefit trust fund; to amend chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, in relation to funding project costs undertaken by non-public schools; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority; to amend chapter 61 of the laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the issuance of bonds; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program and increasing the bonding limit for certain state and municipal facilities; to amend chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to increasing the bonding limit for certain public protection facilities; to amend chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of peace bridge and transportation capital projects; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the New York state medical care facilities finance agency act, in relation to bonds and mental health facilities improvement notes; to amend the state finance law and the public authorities law, in relation to funding certain capital projects and the issuance of bonds; to repeal sections 58, 59 and 60 of the state finance law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part XXX); and to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to requiring the commissioner of education to include certain information in the official score report of all students; to amend the education law, in relation to charter school tuition and facility aid for charter schools; relating to apportionment to the Haverstraw-Stony Point central school district; relating to penalties

arising from late final cost reports; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend the education law, in relation to English language learner pupils; to amend chapter 101 of the laws of 2003, amending the education law relating to the implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend the education law, in relation to transportable classroom units; to amend chapter 507 of the laws of 1974 relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the state's immunization program; to amend the education law, in relation to grants for hiring teachers; to amend the education law, in relation to foundation aid; to amend the education law, in relation to education of Native American pupils; to amend the education law, in relation to additional expanded prekindergarten; to amend the education law, in relation to conforming foundation aid base change to accommodate pulling out community schools; to amend the education law, in relation to establishing a foundation aid phase-in; and in relation to maintenance of effort reduction; and in relation to general aid for public schools; to amend the education law, in relation to state aid adjustments; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; relating to the Hendrick Hudson reserve fund; to amend the education law, in relation to approved reimbursement for preschool integrated special class programs; to amend part B of chapter 57 of the laws of 2008 amending the education law relating to the universal pre-kindergarten program, in relation to the effectiveness thereof; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to certain apportionments; to amend the general municipal law, in relation to contracts for the purchase of certain produce; to amend chapter 472 of the laws of 1998 amending the education law relating to the lease of school buses by school districts in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2017-2018 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, in relation to reimbursement to such school district and in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending

the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; relating to school bus driver training; relating to special apportionment for salary expenses and public pension accruals; relating to suballocations of appropriations; relating to the city school district of the city of Rochester; relating to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2017-2018 school year; relating to support of public libraries; to amend chapter 57 of the laws of 2004, relating to the support of education, in relation to the effectiveness thereof; to amend chapter 658 of the laws of 2002, amending the education law, relating to citizenship requirements for permanent certification as a teacher, in relation to extending the effectiveness thereof; to amend the education law, in relation to serving persons twenty-one years of age or older (Part YYY)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act enacts into law major components of legislation
 2 which are necessary to implement the state fiscal plan for the 2017-2018
 3 state fiscal year. Each component is wholly contained within a Part
 4 identified as Parts A through YYY. The effective date for each partic-
 5 ular provision contained within such Part is set forth in the last
 6 section of such Part. Any provision in any section contained within a
 7 Part, including the effective date of the Part, which makes a reference
 8 to a section "of this act", when used in connection with that particular
 9 component, shall be deemed to mean and refer to the corresponding
 10 section of the Part in which it is found. Section three of this act sets
 11 forth the general effective date of this act.

12 PART A

13 Intentionally Omitted

14 PART B

15 Intentionally Omitted

16 PART C

17 Section 1. Section 54-f of the state finance law is REPEALED.
 18 S 2. Subsection (ggg) of section 606 of the tax law, as added by
 19 section 1 of part E of chapter 60 of the laws of 2016, and as relettered
 20 by section 1 of part A of chapter 73 of the laws of 2016, is amended to
 21 read as follows:
 22 (ggg) School tax reduction credit for residents of a city with a popu-
 23 lation over one million. (1) For taxable years beginning after two thou-
 24 sand fifteen, a school tax reduction credit shall be allowed to a resi-
 25 dent individual of the state who is a resident of a city with a
 26 population over one million, as provided below. The credit shall be
 27 allowed against the taxes authorized by this article reduced by the
 28 credits permitted by this article. If the credit exceeds the tax as so
 29 reduced, the excess shall be treated as an overpayment of tax to be

1 credited or refunded in accordance with the provisions of section six
2 hundred eighty-six of this article, provided however, that no interest
3 will be paid thereon. For purposes of this subsection, no credit shall
4 be granted to an individual with respect to whom a deduction under
5 subsection (c) of section one hundred fifty-one of the internal revenue
6 code is allowable to another taxpayer for the taxable year.

7 (2) The amount of the credit under this [paragraph] SUBSECTION shall
8 be determined based upon the taxpayer's income as defined in subpara-
9 graph (ii) of paragraph (b) of subdivision four of section four hundred
10 twenty-five of the real property tax law.

11 (3) For TAXABLE YEARS BEGINNING IN TWO THOUSAND SIXTEEN, THE CREDIT
12 SHALL BE DETERMINED AS PROVIDED IN THIS PARAGRAPH, PROVIDED THAT FOR the
13 purposes of this paragraph, any taxpayer under subparagraphs (A) and (B)
14 of this paragraph with income of more than two hundred fifty thousand
15 dollars shall not receive a credit.

16 (A) Married individuals filing joint returns and surviving spouses. In
17 the case of married individuals who make a single return jointly and of
18 a surviving spouse, the credit shall be one hundred twenty-five dollars.

19 (B) All others. In the case of an unmarried individual, a head of a
20 household or a married individual filing a separate return, the credit
21 shall be sixty-two dollars and fifty cents.

22 [(3)] (4) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND SIXTEEN, THE
23 CREDIT SHALL EQUAL THE "FIXED" AMOUNT PROVIDED BY PARAGRAPH (4-A) OF
24 THIS SUBSECTION PLUS THE "RATE REDUCTION" AMOUNT PROVIDED BY PARAGRAPH
25 (4-B) OF THIS SUBSECTION.

26 (4-A) THE "FIXED" AMOUNT OF THE CREDIT SHALL BE DETERMINED AS PROVIDED
27 IN THIS PARAGRAPH, PROVIDED THAT ANY TAXPAYER WITH INCOME OF MORE THAN
28 TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL NOT RECEIVE SUCH AMOUNT.

29 (A) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES. IN
30 THE CASE OF MARRIED INDIVIDUALS WHO MAKE A SINGLE RETURN JOINTLY AND OF
31 A SURVIVING SPOUSE, THE "FIXED" AMOUNT OF THE CREDIT SHALL BE ONE
32 HUNDRED TWENTY-FIVE DOLLARS.

33 (B) ALL OTHERS. IN THE CASE OF AN UNMARRIED INDIVIDUAL, A HEAD OF A
34 HOUSEHOLD OR A MARRIED INDIVIDUAL FILING A SEPARATE RETURN, THE "FIXED"
35 AMOUNT OF THE CREDIT SHALL BE SIXTY-TWO DOLLARS AND FIFTY CENTS.

36 (4-B) THE "RATE REDUCTION" AMOUNT OF THE CREDIT SHALL BE DETERMINED AS
37 PROVIDED IN THIS PARAGRAPH, PROVIDED THAT ANY TAXPAYER WITH INCOME OF
38 MORE THAN FIVE HUNDRED THOUSAND DOLLARS SHALL NOT RECEIVE SUCH AMOUNT.

39 (A) FOR MARRIED INDIVIDUALS WHO MAKE A SINGLE RETURN JOINTLY AND FOR A
40 SURVIVING SPOUSE:

41 IF THE CITY TAXABLE INCOME IS:	THE "RATE REDUCTION" AMOUNT IS:
42 NOT OVER \$21,600	0.171% OF THE CITY TAXABLE INCOME
43 OVER \$21,600 BUT NOT OVER \$500,000	\$37 PLUS 0.228% OF EXCESS OVER
44	\$21,600
45 OVER \$500,000	NOT APPLICABLE

46 (B) FOR A HEAD OF HOUSEHOLD:	
47 IF THE CITY TAXABLE INCOME IS:	THE "RATE REDUCTION" AMOUNT IS:
48 NOT OVER \$14,400	0.171% OF THE CITY TAXABLE INCOME
49 OVER \$14,400 BUT NOT OVER \$500,000	\$25 PLUS 0.228% OF EXCESS OVER
50	\$14,400
51 OVER \$500,000	NOT APPLICABLE

52 (C) FOR AN UNMARRIED INDIVIDUAL OR A MARRIED INDIVIDUAL FILING
53 A SEPARATE RETURN:

54 IF THE CITY TAXABLE INCOME IS:	THE "RATE REDUCTION" AMOUNT IS:
55 NOT OVER \$12,000	0.171% OF THE CITY TAXABLE INCOME
56 OVER \$12,000 BUT NOT OVER \$500,000	\$21 PLUS 0.228% OF EXCESS OVER

\$12,000

OVER \$500,000

NOT APPLICABLE

(5) Part-year residents. If a taxpayer changes status during the taxable year from resident to nonresident, or from nonresident to resident, the school tax reduction credit authorized by this subsection shall be prorated according to the number of months in the period of residence.

S 3. Paragraphs 1, 2 and 3 of subsection (a) of section 1304 of the tax law, as amended by section 2 of part B of chapter 59 of the laws of 2015, are amended to read as follows:

(1) Resident married individuals filing joint returns and resident surviving spouses. The tax under this section for each taxable year on the city taxable income of every city resident married individual who makes a single return jointly with his or her spouse under subsection (b) of section thirteen hundred six of this article and on the city taxable income of every city resident surviving spouse shall be determined in accordance with the following tables:

(A) For taxable years beginning after two thousand [fourteen] SIXTEEN:

IF THE CITY TAXABLE INCOME IS:

THE TAX IS:

NOT OVER \$21,600

2.7% OF THE CITY TAXABLE INCOME

OVER \$21,600 BUT NOT

\$583 PLUS 3.3% OF EXCESS

OVER \$45,000

OVER \$21,600

OVER \$45,000 BUT NOT

\$1,355 PLUS 3.35% OF EXCESS

OVER \$90,000

OVER \$45,000

OVER \$90,000

\$2,863 PLUS 3.4% OF EXCESS

OVER \$90,000

(B) FOR TAXABLE YEAR BEGINNING AFTER TWO THOUSAND FOURTEEN AND BEFORE TWO THOUSAND SEVENTEEN:

If the city taxable income is:

The tax is:

Not over \$21,600

2.55% of the city taxable income

Over \$21,600 but not

\$551 plus 3.1% of excess

over \$45,000

over \$21,600

Over \$45,000 but not

\$1,276 plus 3.15% of excess

over \$90,000

over \$45,000

Over \$90,000 but not

\$2,694 plus 3.2% of excess

over \$500,000

over \$90,000

Over \$500,000

\$16,803 plus 3.4% of excess

over \$500,000

[(B)] (C) For taxable years beginning after two thousand nine and before two thousand fifteen:

If the city taxable income is:

The tax is:

Not over \$21,600

2.55% of the city taxable income

Over \$21,600 but not

\$551 plus 3.1% of excess

over \$45,000

over \$21,600

Over \$45,000 but not

\$1,276 plus 3.15% of excess

over \$90,000

over \$45,000

Over \$90,000 but not

\$2,694 plus 3.2% of excess

over \$500,000

over \$90,000

Over \$500,000

\$15,814 plus 3.4% of excess

over \$500,000

1 (2) Resident heads of households. The tax under this section for each
 2 taxable year on the city taxable income of every city resident head of a
 3 household shall be determined in accordance with the following tables:

4 (A) For taxable years beginning after two thousand [fourteen] SIXTEEN:

5 IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
6 NOT OVER \$14,400	2.7% OF THE CITY TAXABLE INCOME
7 OVER \$14,400 BUT NOT	\$389 PLUS 3.3% OF EXCESS
8 OVER \$30,000	OVER \$14,400
9 OVER \$30,000 BUT NOT	\$904 PLUS 3.35% OF EXCESS
10 OVER \$60,000	OVER \$30,000
11 OVER \$60,000	\$1,909 PLUS 3.4% OF EXCESS
12	OVER \$60,000

13 (B) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND FOURTEEN AND BEFORE
 14 TWO THOUSAND SEVENTEEN:

15 If the city taxable income is:	The tax is:
16 Not over \$14,400	2.55% of the city taxable income
17 Over \$14,400 but not	\$367 plus 3.1% of excess
18 over \$30,000	over \$14,400
19 Over \$30,000 but not	\$851 plus 3.15% of excess
20 over \$60,000	over \$30,000
21 Over \$60,000 but not	\$1,796 plus 3.2% of excess
22 over \$500,000	over \$60,000
23 Over \$500,000	\$16,869 plus 3.4% of excess
24	over \$500,000

25 [(B)] (C) For taxable years beginning after two thousand nine and before
 26 two thousand fifteen:

27 If the city taxable income is:	The tax is:
28 Not over \$14,400	2.55% of the city taxable income
29 Over \$14,400 but not	\$367 plus 3.1% of excess
30 over \$30,000	over \$14,400
31 Over \$30,000 but not	\$851 plus 3.15% of excess
32 over \$60,000	over \$30,000
33 Over \$60,000 but not	\$1,796 plus 3.2% of excess
34 over \$500,000	over \$60,000
35 Over \$500,000	\$15,876 plus 3.4% of excess
36	Over \$500,000

37 (3) Resident unmarried individuals, resident married individuals
 38 filing separate returns and resident estates and trusts. The tax under
 39 this section for each taxable year on the city taxable income of every
 40 city resident individual who is not a city resident married individual
 41 who makes a single return jointly with his or her spouse under
 42 subsection (b) of section thirteen hundred six of this article or a city
 43 resident head of household or a city resident surviving spouse, and on
 44 the city taxable income of every city resident estate and trust shall be
 45 determined in accordance with the following tables:

46 (A) For taxable years beginning after two thousand [fourteen] SIXTEEN:

47 IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
48 NOT OVER \$12,000	2.7% OF THE CITY TAXABLE INCOME

1	OVER \$12,000 BUT NOT	\$324 PLUS 3.3% OF EXCESS
2	OVER \$25,000	OVER \$12,000
3	OVER \$25,000 BUT NOT	\$753 PLUS 3.35% OF EXCESS
4	OVER \$50,000	OVER \$25,000
5	OVER \$50,000	\$1,591 PLUS 3.4% OF EXCESS
6		OVER \$50,000

7 (B) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND FOURTEEN AND BEFORE
8 TWO THOUSAND SEVENTEEN:

9	If the city taxable income is:	The tax is:
10	Not over \$12,000	2.55% of the city taxable income
11	Over \$12,000 but not	\$306 plus 3.1% of excess
12	over \$25,000	over \$12,000
13	Over \$25,000 but not	\$709 plus 3.15% of excess
14	over \$50,000	over \$25,000
15	Over \$50,000 but not	\$1,497 plus 3.2% of excess
16	over \$500,000	over \$50,000
17	Over \$500,000	\$16,891 plus 3.4%
18		of excess over \$500,000

19 [(B)] (C) For taxable years beginning after two thousand nine and
20 before two thousand fifteen:

21	If the city taxable income is:	The tax is:
22	Not over \$12,000	2.55% of the city taxable income
23	Over \$12,000 but not	\$306 plus 3.1% of excess
24	over \$25,000	over \$12,000
25	Over \$25,000 but not	\$709 plus 3.15% of excess
26	over \$50,000	over \$25,000
27	Over \$50,000 but not	\$1,497 plus 3.2% of excess
28	over \$500,000	over \$50,000
29	Over \$500,000	\$15,897 plus 3.4%
30		of excess over \$500,000

31 S 4. Paragraphs 1, 2 and 3 of subsection (a) of section 11-1701 of the
32 administrative code of the city of New York, as amended by section 3 of
33 part B of chapter 59 of the laws of 2015, are amended to read as
34 follows:

35 (1) Resident married individuals filing joint returns and resident
36 surviving spouses. The tax under this section for each taxable year on
37 the city taxable income of every city resident married individual who
38 makes a single return jointly with his or her spouse under subdivision
39 (b) of section 11-1751 of this chapter and on the city taxable income of
40 every city resident surviving spouse shall be determined in accordance
41 with the following tables:

42 (A) For taxable years beginning after two thousand [fourteen] SIXTEEN:

43	IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
44	NOT OVER \$21,600	2.7% OF THE CITY TAXABLE INCOME
45	OVER \$21,600 BUT NOT	\$583 PLUS 3.3% OF EXCESS
46	OVER \$45,000	OVER \$21,600
47	OVER \$45,000 BUT NOT	\$1,355 PLUS 3.35% OF EXCESS
48	OVER \$90,000	OVER \$45,000
49	OVER \$90,000	\$2,863 PLUS 3.4% OF EXCESS
50		OVER \$90,000

1 (B) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND FOURTEEN AND BEFORE
2 TWO THOUSAND SEVENTEEN:

3	If the city taxable income is:	The tax is:
4	Not over \$21,600	2.55% of the city taxable income
5	Over \$21,600 but not	\$551 plus 3.1% of excess
6	over \$45,000	over \$21,600
7	Over \$45,000 but not	\$1,276 plus 3.15% of excess
8	over \$90,000	over \$45,000
9	Over \$90,000 but not	\$2,694 plus 3.2% of excess
10	over \$500,000	over \$90,000
11	Over \$500,000	\$16,803 plus 3.4% of excess
12		over \$500,000

13 [(B)] (C) For taxable years beginning after two thousand nine and
14 before two thousand fifteen:

15	If the city taxable income is:	The tax is:
16	Not over \$21,600	2.55% of the city taxable income
17	Over \$21,600 but not	\$551 plus 3.1% of excess
18	over \$45,000	over \$21,600
19	Over \$45,000 but not	\$1,276 plus 3.15% of excess
20	over \$90,000	over \$45,000
21	Over \$90,000 but not	\$2,694 plus 3.2% of excess
22	over \$500,000	over \$90,000
23	Over \$500,000	\$15,814 plus 3.4% of excess
24		over \$500,000

25 (2) Resident heads of households. The tax under this section for each
26 taxable year on the city taxable income of every city resident head of a
27 household shall be determined in accordance with the following tables:

28 (A) For taxable years beginning after two thousand [fourteen] SIXTEEN:

29	IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
30	NOT OVER \$14,400	2.7% OF THE CITY TAXABLE INCOME
31	OVER \$14,400 BUT NOT	\$389 PLUS 3.3% OF EXCESS
32	OVER \$30,000	OVER \$14,400
33	OVER \$30,000 BUT NOT	\$904 PLUS 3.35% OF EXCESS
34	OVER \$60,000	OVER \$30,000
35	OVER \$60,000	\$1,909 PLUS 3.4% OF EXCESS
36		OVER \$60,000

37 (B) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND FOURTEEN AND BEFORE
38 TWO THOUSAND SEVENTEEN:

39	If the city taxable income is:	The tax is:
40	Not over \$14,400	2.55% of the city taxable income
41	Over \$14,400 but not	\$367 plus 3.1% of excess
42	over \$30,000	over \$14,400
43	Over \$30,000 but not	\$851 plus 3.15% of excess
44	over \$60,000	over \$30,000
45	Over \$60,000 but not	\$1,796 plus 3.2% of excess
46	over \$500,000	over \$60,000
47	Over \$500,000	\$16,869 plus 3.4% of excess
48		over \$500,000

49 [(B)] (C) For taxable years beginning after two thousand nine and
50 before two thousand fifteen:

1	If the city taxable income is:	The tax is:
2	Not over \$14,400	2.55% of the city taxable income
3	Over \$14,400 but not	\$367 plus 3.1% of excess
4	over \$30,000	over \$14,400
5	Over \$30,000 but not	\$851 plus 3.15% of excess
6	over \$60,000	over \$30,000
7	Over \$60,000 but not	\$1,796 plus 3.2% of excess
8	over \$500,000	over \$60,000
9	Over \$500,000	\$15,876 plus 3.4% of excess
10		over \$500,000

11 (3) Resident unmarried individuals, resident married individuals
 12 filing separate returns and resident estates and trusts. The tax under
 13 this section for each taxable year on the city taxable income of every
 14 city resident individual who is not a married individual who makes a
 15 single return jointly with his or her spouse under subdivision (b) of
 16 section 11-1751 of this chapter or a city resident head of a household
 17 or a city resident surviving spouse, and on the city taxable income of
 18 every city resident estate and trust shall be determined in accordance
 19 with the following tables:

20 (A) For taxable years beginning after two thousand [fourteen] SIXTEEN:

21	IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
22	NOT OVER \$12,000	2.7% OF THE CITY TAXABLE INCOME
23	OVER \$12,000 BUT NOT	\$324 PLUS 3.3% OF EXCESS
24	OVER \$25,000	OVER \$12,000
25	OVER \$25,000 BUT NOT	\$753 PLUS 3.35% OF EXCESS
26	OVER \$50,000	OVER \$25,000
27	OVER \$50,000	\$1,591 PLUS 3.4% OF EXCESS
28		OVER \$50,000

29 (B) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND FOURTEEN AND BEFORE
 30 TWO THOUSAND SEVENTEEN:

31	If the city taxable income is:	The tax is:
32	Not over \$12,000	2.55% of the city taxable income
33	Over \$12,000 but not	\$306 plus 3.1% of excess
34	over \$25,000	over \$12,000
35	Over \$25,000 but not	\$709 plus 3.15% of excess
36	over \$50,000	over \$25,000
37	Over \$50,000 but not	\$1,497 plus 3.2% of excess
38	over \$500,000	over \$50,000
39	Over \$500,000	\$16,891 plus 3.4% of excess
40		over \$500,000

41 [(B)] (C) For taxable years beginning after two thousand nine and
 42 before two thousand fifteen:

43	If the city taxable income is:	The tax is:
44	Not over \$12,000	2.55% of the city taxable income
45	Over \$12,000 but not	\$306 plus 3.1% of excess
46	over \$25,000	over \$12,000
47	Over \$25,000 but not	\$709 plus 3.15% of excess
48	over \$50,000	over \$25,000
49	Over \$50,000 but not	\$1,497 plus 3.2% of excess
50	over \$500,000	over \$50,000
51	Over \$500,000	\$15,897 plus 3.4% of excess

1 over \$500,000

2 S 5. Notwithstanding any provision of law to the contrary, the method
3 of determining the amount to be deducted and withheld from wages on
4 account of taxes imposed by or pursuant to the authority of article 30
5 of the tax law in connection with the implementation of the provisions
6 of this act shall be prescribed by the commissioner of taxation and
7 finance with due consideration to the effect such withholding tables and
8 methods would have on the receipt and amount of revenue. The commission-
9 er of taxation and finance shall adjust such withholding tables and
10 methods in regard to taxable years beginning in 2017 and after in such
11 manner as to result, so far as practicable, in withholding from an
12 employee's wages an amount substantially equivalent to the tax reason-
13 ably estimated to be due for such taxable years as a result of the
14 provisions of this act. Provided, however, for tax year 2017 the with-
15 holding tables shall reflect as accurately as practicable the full
16 amount of tax year 2017 liability so that such amount is withheld by
17 December 31, 2017. In carrying out his or her duties and responsibil-
18 ities under this section, the commissioner of taxation and finance may
19 prescribe a similar procedure with respect to the taxes required to be
20 deducted and withheld by local laws imposing taxes pursuant to the
21 authority of articles 30, 30-A and 30-B of the tax law, the provisions
22 of any other law in relation to such a procedure to the contrary
23 notwithstanding.

24 S 6. 1. Notwithstanding any provision of law to the contrary, no addi-
25 tion to tax shall be imposed for failure to pay the estimated tax in
26 subsection (c) of section 685 of the tax law and subdivision (c) of
27 section 11-1785 of the administrative code of the city of New York with
28 respect to any underpayment of a required installment due prior to, or
29 within thirty days of, the effective date of this act to the extent that
30 such underpayment was created or increased by the amendments made by
31 this act, provided, however, that the taxpayer remits the amount of any
32 underpayment prior to or with his or her next quarterly estimated tax
33 payment.

34 2. The commissioner of taxation and finance shall take steps to publi-
35 cize the necessary adjustments to estimated tax and, to the extent
36 reasonably possible, to inform the taxpayer of the tax liability changes
37 made by this act.

38 S 7. This act shall take effect immediately and shall apply to taxable
39 years beginning on and after January 1, 2017.

40 PART D

41 Intentionally Omitted

42 PART E

43 Intentionally Omitted

44 PART F

45 Section 1. Section 928-a of the real property tax law, as added by
46 chapter 680 of the laws of 1994, subdivision 1 as further amended by
47 subdivision (b) of section 1 of part W of chapter 56 of the laws of 2010
48 and subdivision 2 as amended by chapter 199 of the laws of 1997, is
49 amended to read as follows:

1 S 928-a. Partial payment of taxes. 1. (A) Notwithstanding the
2 provisions of any general or special law to the contrary, [the board of
3 supervisors or the county legislature of any county may by resolution
4 authorize the collecting officers in one or more of the classes of
5 municipal corporations described herein] EACH COLLECTING OFFICER IS
6 HEREBY AUTHORIZED to accept from any taxpayer at any time partial
7 payments for or on account of taxes, special ad valorem levies or
8 special assessments [in such amount or manner] and apply such payments
9 on THE account [thereof in such manner as may be prescribed by such
10 resolution; provided, however, that such resolution], FOLLOWING THE
11 ADOPTION OF A RESOLUTION BY THE GOVERNING BODY OF THE MUNICIPAL CORPO-
12 RATION THAT EMPLOYS THE COLLECTING OFFICER ALLOWING PARTIAL PAYMENTS.
13 SUCH RESOLUTION MAY LIMIT THE CONDITIONS UNDER WHICH PARTIAL PAYMENTS
14 WILL BE ACCEPTED, IN WHICH CASE PARTIAL PAYMENTS SHALL BE ACCEPTED IN
15 ACCORDANCE WITH THE CONDITIONS SET FORTH IN THE RESOLUTION.

16 (B) SUCH RESOLUTION MAY REQUIRE A SERVICE CHARGE NOT TO EXCEED TEN
17 DOLLARS TO BE PAID WITH EACH PARTIAL PAYMENT. SUCH SERVICE CHARGE SHALL
18 BELONG TO THE MUNICIPAL CORPORATION THAT EMPLOYS THE COLLECTING OFFICER.

19 (C) WHERE SCHOOL DISTRICT TAXES ARE PAYABLE TO THE COLLECTING OFFICER
20 OF A CITY OR TOWN THAT HAS ACTED TO ALLOW PARTIAL PAYMENTS, THE GOVERN-
21 ING BODY OF THE SCHOOL DISTRICT MAY PASS A RESOLUTION ALLOWING PARTIAL
22 PAYMENTS FOR SCHOOL DISTRICT PURPOSES. SUCH RESOLUTION MAY LIMIT THE
23 CONDITIONS UNDER WHICH PARTIAL PAYMENTS MAY BE ACCEPTED. WHERE A SCHOOL
24 DISTRICT HAS PASSED A RESOLUTION ALLOWING PARTIAL PAYMENTS, AND HAS
25 PROVIDED A COPY TO THE COLLECTING OFFICER AT LEAST SIXTY DAYS BEFORE THE
26 LAST DATE SET BY LAW FOR THE DELIVERY OF THE TAX ROLL TO THE COLLECTING
27 OFFICER, THE COLLECTING OFFICER SHALL BE AUTHORIZED TO ACCEPT PARTIAL
28 PAYMENTS OF SCHOOL DISTRICT TAXES UNDER THE CONDITIONS SPECIFIED IN THE
29 SCHOOL DISTRICT'S RESOLUTION, SUBJECT TO THE FOLLOWING:

30 (I) IF THE CONDITIONS SET BY THE SCHOOL DISTRICT UPON PARTIAL PAYMENTS
31 DIFFER FROM THOSE SET BY THE CITY OR TOWN, AND IN THE JUDGMENT OF THE
32 COLLECTING OFFICER IT WOULD BE BURDENSOME TO ADMINISTER THEM, THE
33 COLLECTING OFFICER MAY NOTIFY THE SCHOOL DISTRICT THAT THE SCHOOL
34 DISTRICT'S CONDITIONS ARE NOT ACCEPTABLE. SUCH NOTICE SHALL BE PROVIDED
35 NO LATER THAN FIFTEEN DAYS AFTER THE DATE ON WHICH THE COLLECTING OFFI-
36 CER RECEIVED A COPY OF THE SCHOOL DISTRICT RESOLUTION, OR FORTY-FIVE
37 DAYS BEFORE THE LAST DATE SET BY LAW FOR THE DELIVERY OF THE TAX ROLL TO
38 THE COLLECTING OFFICER, WHICHEVER IS LATER.

39 (II) WHERE SUCH NOTICE HAS BEEN PROVIDED, THE COLLECTING OFFICER SHALL
40 BE AUTHORIZED TO ACCEPT PARTIAL PAYMENTS OF SCHOOL DISTRICT TAXES UNDER
41 THE SAME CONDITIONS AS MAY APPLY TO CITY OR TOWN TAXES, UNLESS THE
42 SCHOOL DISTRICT NOTIFIES THE COLLECTING OFFICER THAT THE CITY OR TOWN'S
43 CONDITIONS ARE NOT ACCEPTABLE. SUCH NOTICE SHALL BE PROVIDED NO LATER
44 THAN FIFTEEN DAYS AFTER THE DATE ON WHICH THE SCHOOL DISTRICT RECEIVED
45 THE COLLECTING OFFICER'S NOTICE, OR THIRTY DAYS BEFORE THAT LAST DATE
46 SET BY LAW FOR THE DELIVERY OF THE TAX ROLL TO THE COLLECTING OFFICER,
47 WHICHEVER IS LATER.

48 (III) WHERE SUCH NOTICE HAS BEEN PROVIDED, THE COLLECTING OFFICER
49 SHALL NOT BE AUTHORIZED TO ACCEPT PARTIAL PAYMENTS OF SCHOOL DISTRICT
50 TAXES.

51 (D) ANY RESOLUTION ADOPTED PURSUANT TO THIS SECTION shall be adopted
52 AT LEAST SIXTY DAYS prior to the preparation and delivery of the tax
53 rolls to the appropriate collecting officers. A copy of any resolution
54 [enacting, amending or repealing any such partial payment program]
55 ADOPTED PURSUANT TO THIS SECTION, OR AMENDING OR REPEALING A RESOLUTION
56 ADOPTED PURSUANT TO THIS SECTION, shall be filed with the commissioner

1 AND, IN THE CASE OF A RESOLUTION ADOPTED BY A SCHOOL DISTRICT, WITH THE
2 CITY OR TOWN CLERK, no later than thirty days after the adoption there-
3 of.

4 2. [Such resolution shall apply to one or more of the following class-
5 es of municipal corporations: (a) all towns within the county; (b) all
6 cities for which the county enforces the collection of delinquent taxes;
7 or (c) all villages for which the county enforces the collection of
8 delinquent taxes. If the resolution does not specify the class or class-
9 es of municipal corporations to which it applies, it shall be deemed to
10 apply only to the towns in the county.

11 3.] After any partial payment authorized pursuant to this section has
12 been paid, interest and penalties shall be charged against the unpaid
13 balance only. The acceptance of a partial payment by any official pursu-
14 ant to this section shall not be deemed to affect any liens and powers
15 of any [county] MUNICIPAL CORPORATION conferred in any general or
16 special act, but such rights and powers shall remain in full force and
17 effect to enforce collection of the unpaid balance of such tax or tax
18 liens together with interest, penalties and other lawful charges.

19 3. A COLLECTING OFFICER WHO IS AUTHORIZED TO ACCEPT PARTIAL PAYMENTS
20 PURSUANT TO THIS SECTION MAY NOT DECLINE TO DO SO.

21 4. NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO AUTHORIZE A COLLECT-
22 ING OFFICER TO ACCEPT A PARTIAL PAYMENT AFTER THE EXPIRATION OF HIS OR
23 HER WARRANT, OR AT ANY OTHER TIME THAT SUCH COLLECTING OFFICER IS NOT
24 AUTHORIZED TO ACCEPT TAX PAYMENTS.

25 5. NOTHING CONTAINED HEREIN SHALL LIMIT THE ABILITY OF A COLLECTING
26 OFFICER TO ACCEPT PARTIAL PAYMENTS OF TAXES AUTHORIZED UNDER ANY OTHER
27 GENERAL OR SPECIAL LAW.

28 S 2. This act shall take effect immediately, provided, however, that
29 in the case of a county that had adopted a resolution pursuant to
30 section 928-a of the real property tax law as such section read on the
31 date immediately preceding the effective date of this act, the former
32 provisions of such section 928-a shall remain in effect until such
33 resolution shall be repealed by the county.

34

PART G

35 Section 1. Paragraph 7 of subsection (eee) of section 606 of the tax
36 law, as amended by section 8 of part A of chapter 73 of the laws of
37 2016, is amended to read as follows:

38 (7) Disclosure of incomes AND OTHER INFORMATION. (A) Where the
39 commissioner has denied a taxpayer's claim for the credit authorized by
40 this subsection in whole or in part on the grounds that the affiliated
41 income of the parcel in question exceeds the applicable limit, the
42 commissioner shall have the authority to reveal to that taxpayer the
43 names and incomes of the other taxpayers whose incomes were included in
44 the computation of such affiliated income.

45 (B) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE NAMES
46 AND ADDRESSES OF INDIVIDUALS WHO HAVE APPLIED FOR OR ARE RECEIVING THE
47 CREDIT AUTHORIZED BY THIS SUBSECTION MAY BE DISCLOSED TO ASSESSORS AND
48 COUNTY DIRECTORS OF REAL PROPERTY TAX SERVICES. IN ADDITION, WHERE AN
49 AGREEMENT IS IN PLACE BETWEEN THE COMMISSIONER AND THE HEAD OF THE TAX
50 DEPARTMENT OF ANOTHER STATE, SUCH INFORMATION MAY BE DISCLOSED TO SUCH
51 OFFICIAL OR HIS OR HER DESIGNEES. SUCH INFORMATION SHALL BE CONSIDERED
52 CONFIDENTIAL AND SHALL NOT BE SUBJECT TO FURTHER DISCLOSURE PURSUANT TO
53 THE FREEDOM OF INFORMATION LAW OR OTHERWISE.

54 S 2. This act shall take effect immediately.

1

PART H

2 Section 1. Subparagraph (ii) of paragraph (k) of subdivision 2 of
3 section 425 of the real property tax law, as amended by section 2 of
4 part A of chapter 405 of the laws of 1999, is amended to read as
5 follows:

6 (ii) That proportion of the assessment of such real property owned by
7 a cooperative apartment corporation determined by the relationship of
8 such real property vested in such tenant-stockholder to such entire
9 parcel and the buildings thereon owned by such cooperative apartment
10 corporation in which such tenant-stockholder resides shall be subject to
11 exemption from taxation pursuant to this section and any exemption so
12 granted shall be credited by the appropriate taxing authority against
13 the assessed valuation of such real property. Upon the completion of the
14 final assessment roll, or as soon thereafter as is practicable, the
15 assessor shall forward to the cooperative apartment corporation a state-
16 ment setting forth the exemption attributable to each eligible tenant-
17 stockholder. The reduction in real property taxes attributable to each
18 eligible tenant-stockholder shall be credited by the cooperative apart-
19 ment corporation against the amount of such taxes otherwise payable by
20 or chargeable to such tenant-stockholder. THE ASSESSOR SHALL ALSO
21 FORWARD TO THE COMMISSIONER, AT THE TIME AND IN THE MANNER PRESCRIBED BY
22 THE COMMISSIONER, A STATEMENT SETTING FORTH THE TAXABLE ASSESSED VALUE
23 ATTRIBUTABLE TO EACH TENANT-STOCKHOLDER, WITHOUT REGARD TO THE
24 EXEMPTION, AND SUCH OTHER INFORMATION AS THE COMMISSIONER SHALL DEEM
25 NECESSARY TO PROPERLY CALCULATE THE STAR CREDIT AUTHORIZED BY SUBSECTION
26 (EEE) OF SECTION SIX HUNDRED SIX OF THE TAX LAW FOR THOSE TENANT-STOCK-
27 HOLDERS WHO QUALIFY FOR IT.

28 S 2. Subparagraph (E) of paragraph 1 of subsection (eee) of section
29 606 of the tax law, as amended by section 8 of part A of chapter 73 of
30 the laws of 2016, is amended to read as follows:

31 (E) "Qualifying taxes" means the school district taxes that were
32 levied upon the taxpayer's primary residence for the associated fiscal
33 year that were actually paid by the taxpayer during the taxable year;
34 or, in the case of a city school district that is subject to article
35 fifty-two of the education law, the combined city and school district
36 taxes that were levied upon the taxpayer's primary residence for the
37 associated fiscal year that were actually paid by the taxpayer during
38 the taxable year. PROVIDED, HOWEVER, THAT IN THE CASE OF A COOPERATIVE
39 APARTMENT, "QUALIFYING TAXES" MEANS THE SCHOOL DISTRICT TAXES THAT WOULD
40 HAVE BEEN LEVIED UPON THE TENANT-STOCKHOLDER'S PRIMARY RESIDENCE IF IT
41 WERE SEPARATELY ASSESSED, AS DETERMINED BY THE COMMISSIONER BASED ON THE
42 STATEMENT PROVIDED BY THE ASSESSOR PURSUANT TO SUBPARAGRAPH (II) OF
43 PARAGRAPH (K) OF SUBDIVISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF
44 THE REAL PROPERTY TAX LAW, OR IN THE CASE OF A COOPERATIVE APARTMENT
45 CORPORATION THAT IS DESCRIBED IN SUBPARAGRAPH (IV) OF PARAGRAPH (K) OF
46 SUBDIVISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY
47 TAX LAW, ONE THIRD OF SUCH AMOUNT. In no case shall the term "qualifying
48 taxes" be construed to include penalties or interest.

49 S 3. Subparagraph (A) of paragraph 6 of subsection (eee) of section
50 606 of the tax law is REPEALED.

51 S 4. This act shall take effect immediately, provided that section one
52 of this act shall apply to final assessment rolls used to levy school
53 taxes for school years beginning on and after July 1, 2017, and provided
54 further that sections two and three of this act shall apply to taxable
55 years beginning on and after January 1, 2017.

1

PART I

2 Section 1. Section 2 of chapter 540 of the laws of 1992, amending the
3 real property tax law relating to oil and gas charges, as amended by
4 section 1 of part C of chapter 59 of the laws of 2014, is amended to
5 read as follows:

6 S 2. This act shall take effect immediately and shall be deemed to
7 have been in full force and effect on and after April 1, 1992; provided,
8 however that any charges imposed by section 593 of the real property tax
9 law as added by section one of this act shall first be due for values
10 for assessment rolls with tentative completion dates after July 1, 1992,
11 and provided further, that this act shall remain in full force and
12 effect until March 31, [2018] 2021, at which time section 593 of the
13 real property tax law as added by section one of this act shall be
14 repealed.

15 S 2. This act shall take effect immediately.

16

PART J

17 Section 1. Subdivision 5 of section 81 of the state finance law, as
18 added by chapter 432 of the laws of 2016, is amended to read as follows:

19 5. Moneys shall be payable from the fund on the audit and warrant of
20 the comptroller on vouchers approved and certified by the commissioner
21 of health, for veterans' homes operated by the department of health, and
22 by the [commissioner of education] CHANCELLOR OF THE STATE UNIVERSITY OF
23 NEW YORK, for the veterans' home operated by the state university of New
24 York.

25 S 2. This act shall take effect immediately and shall be deemed to
26 have been in full force and effect on and after November 14, 2016.

27

PART K

28 Section 1. Section 352 of the economic development law, as added by
29 section 1 of part MM of chapter 59 of the laws of 2010, subdivisions 7,
30 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 as amended and
31 subdivision 11 as added by section 1 of part K of chapter 59 of the laws
32 of 2015, is amended to read as follows:

33 S 352. Definitions. For the purposes of this article:

34 1. "Agriculture" means both agricultural production (establishments
35 performing the complete farm or ranch operation, such as farm owner-op-
36 erators, tenant farm operators, and sharecroppers) and agricultural
37 support (establishments that perform one or more activities associated
38 with farm operation, such as soil preparation, planting, harvesting, and
39 management, on a contract or fee basis).

40 2. "Back office operations" means a business function that may include
41 one or more of the following activities: customer service, information
42 technology and data processing, human resources, accounting and related
43 administrative functions.

44 3. "Benefit-cost ratio" means the following calculation: the numerator
45 is the sum of (i) the value of all remuneration projected to be paid for
46 all net new jobs during the period of participation in the program, and
47 (ii) the value of capital investments to be made by the business enter-
48 prise during the period of participation in the program, and the denomi-
49 nator is the amount of total tax benefits under this article that will
50 be used and refunded.

1 4. "Certificate of eligibility" means the document issued by the
2 department to an applicant that has completed an application to be
3 admitted into the excelsior jobs program and has been accepted into the
4 program by the department. Possession of a certificate of eligibility
5 does not by itself guarantee the eligibility to claim the tax credit.

6 5. "Certificate of tax credit" means the document issued to a partic-
7 ipant by the department, after the department has verified that the
8 participant has met all applicable eligibility criteria in this article.
9 The certificate shall be issued annually if such criteria are satisfied
10 and shall specify the exact amount of each of the tax credit components
11 under this article that a participant may claim, pursuant to section
12 three hundred fifty-five of this article, and shall specify the taxable
13 year in which such credit may be claimed.

14 6. "Distribution center" means a large scale facility involving proc-
15 essing, repackaging and/or movement of finished or semi-finished goods
16 to retail locations across a multi-state area.

17 7. "Entertainment company" means a corporation, partnership, limited
18 partnership, or other entity principally engaged in the production or
19 post production of (i) motion pictures, which shall include feature-
20 length films and television films, (ii) instructional videos, (iii)
21 televised commercial advertisements, (iv) animated films or cartoons,
22 (v) music videos, (vi) television programs, which shall include, but not
23 be limited to, television series, television pilots, and single tele-
24 vision episodes, or (vii) programs primarily intended for radio broad-
25 cast. "Entertainment company" shall not include an entity (i) principal-
26 ly engaged in the live performance of events, including, but not limited
27 to, theatrical productions, concerts, circuses, and sporting events,
28 (ii) principally engaged in the production of content intended primarily
29 for industrial, corporate or institutional end-users, (iii) principally
30 engaged in the production of fundraising films or programs, or (iv)
31 engaged in the production of content for which records are required
32 under section 2257 of title 18, United States code, to be maintained
33 with respect to any performer in such production.

34 8. "Financial services data centers or financial services customer
35 back office operations" means operations that manage the data or
36 accounts of existing customers or provide product or service information
37 and support to customers of financial services companies, including
38 banks, other lenders, securities and commodities brokers and dealers,
39 investment banks, portfolio managers, trust offices, and insurance
40 companies.

41 9. "Investment zone" shall mean an area within the state that had been
42 designated under paragraph (i) of subdivision (a) and subdivision (d) of
43 section nine hundred fifty-eight of the general municipal law that was
44 wholly contained within up to four distinct and separate contiguous
45 areas as of the date immediately preceding the date the designation of
46 such area expired pursuant to section nine hundred sixty-nine of the
47 general municipal law.

48 10. "LIFE SCIENCES" MEANS AGRICULTURAL BIOTECHNOLOGY, BIOGENERICs,
49 BIOINFORMATICS, BIOMEDICAL ENGINEERING, BIOPHARMACEUTICALS, ACADEMIC
50 MEDICAL CENTERS, BIOTECHNOLOGY, CHEMICAL SYNTHESIS, CHEMISTRY TECHNOLO-
51 GY, MEDICAL DIAGNOSTICS, GENOMICS, MEDICAL IMAGE ANALYSIS, MARINE BIOLO-
52 GY, MEDICAL DEVICES, MEDICAL NANOTECHNOLOGY, NATURAL PRODUCT PHARMACEU-
53 TICALS, PROTEOMICS, REGENERATIVE MEDICINE, RNA INTERFERENCE, STEM CELL
54 RESEARCH, MEDICAL AND NEUROLOGICAL CLINICAL TRIALS, HEALTH ROBOTICS AND
55 VETERINARY SCIENCE.

1 11. "LIFE SCIENCES COMPANY" MEANS A BUSINESS ENTITY OR AN ORGANIZATION
2 OR INSTITUTION THAT DEVOTES THE MAJORITY OF ITS EFFORTS IN THE VARIOUS
3 STAGES OF RESEARCH, DEVELOPMENT, TECHNOLOGY TRANSFER AND COMMERCIALIZA-
4 TION RELATED TO ANY LIFE SCIENCES FIELD.

5 12. "Manufacturing" means the process of working raw materials into
6 products suitable for use or which gives new shapes, new quality or new
7 combinations to matter which has already gone through some artificial
8 process by the use of machinery, tools, appliances, or other similar
9 equipment. "Manufacturing" does not include an operation that involves
10 only the assembly of components, provided, however, the assembly of
11 motor vehicles or other high value-added products shall be considered
12 manufacturing.

13 [11.] 13. "Music production" means the process of creating sound
14 recordings of at least eight minutes, recorded in professional sound
15 studios, intended for commercial release. "Music production" does not
16 include recording of live concerts, or recordings that are primarily
17 spoken word or wildlife or nature sounds, or produced for instructional
18 use or advertising or promotional purposes.

19 [12.] 14. "Net new jobs" means:

20 (a) jobs created in this state that (i) are new to the state,
21 (ii) have not been transferred from employment with another business
22 located in this state including from a related person in this state,
23 (iii) are either full-time wage-paying jobs or equivalent to a full-
24 time wage-paying job requiring at least thirty-five hours per week, and
25 (iv) are filled for more than six months; or
26 (b) jobs obtained by an entertainment company in this state (i) as a
27 result of the termination of a licensing agreement with another enter-
28 tainment company, (ii) that the commissioner determines to be at risk of
29 leaving the state as a direct result of the termination, (iii) that are
30 either full-time wage-paying jobs or equivalent to a full-time wage-pay-
31 ing job requiring at least thirty-five hours per week, and (iv) that are
32 filled for more than six months.

33 [13.] 15. "Participant" means a business entity that:

34 (a) has completed an application prescribed by the department to be
35 admitted into the program;
36 (b) has been issued a certificate of eligibility by the department;
37 (c) has demonstrated that it meets the eligibility criteria in section
38 three hundred fifty-three and subdivision two of section three hundred
39 fifty-four of this article; and
40 (d) has been certified as a participant by the commissioner.

41 [14.] 16. "Preliminary schedule of benefits" means the maximum aggre-
42 gate amount of each component of the tax credit that a participant in
43 the excelsior jobs program is eligible to receive pursuant to this arti-
44 cle. The schedule shall indicate the annual amount of each component of
45 the credit a participant may claim in each of its ten years of eligibil-
46 ity. The preliminary schedule of benefits shall be issued by the
47 department when the department approves the application for admission
48 into the program. The commissioner may amend that schedule, provided
49 that the commissioner complies with the credit caps in section three
50 hundred fifty-nine of this article.

51 [15.] 17. "Qualified investment" means an investment in tangible prop-
52 erty (including a building or a structural component of a building)
53 owned by a business enterprise which:

54 (a) is depreciable pursuant to section one hundred sixty-seven of the
55 internal revenue code;

56 (b) has a useful life of four years or more;

1 (c) is acquired by purchase as defined in section one hundred seven-
2 ty-nine (d) of the internal revenue code;

3 (d) has a situs in this state; and

4 (e) is placed in service in the state on or after the date the certif-
5 icate of eligibility is issued to the business enterprise.

6 [16.] 18. "Regionally significant project" means (a) a manufacturer
7 creating at least fifty net new jobs in the state and making significant
8 capital investment in the state; (b) a business creating at least twenty
9 net new jobs in agriculture in the state and making significant capital
10 investment in the state, (c) a financial services firm, distribution
11 center, or back office operation creating at least three hundred net new
12 jobs in the state and making significant capital investment in the
13 state, (d) a scientific research and development firm creating at least
14 twenty net new jobs in the state, and making significant capital invest-
15 ment in the state, (E) A LIFE SCIENCES COMPANY CREATING AT LEAST TWENTY
16 NET NEW JOBS IN THE STATE AND MAKING SIGNIFICANT CAPITAL INVESTMENT IN
17 THE STATE or [(e)] (F) an entertainment company creating or obtaining at
18 least two hundred net new jobs in the state and making significant capi-
19 tal investment in the state. Other businesses creating three hundred or
20 more net new jobs in the state and making significant capital investment
21 in the state may be considered eligible as a regionally significant
22 project by the commissioner as well. The commissioner shall promulgate
23 regulations pursuant to section three hundred fifty-six of this article
24 to determine what constitutes significant capital investment for each of
25 the project categories indicated in this subdivision and what additional
26 criteria a business must meet to be eligible as a regionally significant
27 project, including, but not limited to, whether a business exports a
28 substantial portion of its products or services outside of the state or
29 outside of a metropolitan statistical area or county within the state.

30 [17.] 19. "Related person" means a "related person" pursuant to
31 subparagraph (c) of paragraph three of subsection (b) of section four
32 hundred sixty-five of the internal revenue code.

33 [18.] 20. "Remuneration" means wages and benefits paid to an employee
34 by a participant in the excelsior jobs program.

35 [19.] 21. "Research and development expenditures" mean the expenses of
36 the business enterprise that are qualified research expenses under the
37 federal research and development credit under section forty-one of the
38 internal revenue code and are attributable to activities conducted in
39 the state. If the federal research and development credit has expired,
40 then the research and development expenditures shall be calculated as if
41 the federal research and development credit structure and definition in
42 effect in federal tax year two thousand nine were still in effect.

43 [20.] 22. "Scientific research and development" means conducting
44 research and experimental development in the physical, engineering, and
45 life sciences, including but not limited to agriculture, electronics,
46 environmental, biology, botany, biotechnology, computers, chemistry,
47 food, fisheries, forests, geology, health, mathematics, medicine, ocean-
48 ography, pharmacy, physics, veterinary, and other allied subjects. For
49 the purposes of this article, scientific research and development does
50 not include medical or veterinary laboratory testing facilities.

51 [21.] 23. "Software development" means the creation of coded computer
52 instructions or production or post-production of video games, as defined
53 in subdivision one-a of section six hundred eleven of the general busi-
54 ness law, other than those embedded and used exclusively in advertising,
55 promotional websites or microsites, and also includes new media as
56 defined by the commissioner in regulations.

1 S 2. Subdivisions 1 and 3 of section 353 of the economic development
2 law, as amended by section 2 of part K of chapter 59 of the laws of
3 2015, are amended to read as follows:

4 1. To be a participant in the excelsior jobs program, a business enti-
5 ty shall operate in New York state predominantly:

6 (a) as a financial services data center or a financial services back
7 office operation;

8 (b) in manufacturing;

9 (c) in software development and new media;

10 (d) in scientific research and development;

11 (e) in agriculture;

12 (f) in the creation or expansion of back office operations in the
13 state;

14 (g) in a distribution center;

15 (h) in an industry with significant potential for private-sector
16 economic growth and development in this state as established by the
17 commissioner in regulations promulgated pursuant to this article. In
18 promulgating such regulations the commissioner shall include job and
19 investment criteria;

20 (i) as an entertainment company; [or]

21 (j) in music production; OR

22 (K) AS A LIFE SCIENCES COMPANY.

23 3. For the purposes of this article, in order to participate in the
24 excelsior jobs program, a business entity operating predominantly in
25 manufacturing must create at least ten net new jobs; a business entity
26 operating predominately in agriculture must create at least five net new
27 jobs; a business entity operating predominantly as a financial service
28 data center or financial services customer back office operation must
29 create at least fifty net new jobs; a business entity operating predomi-
30 nantly in scientific research and development must create at least five
31 net new jobs; a business entity operating predominantly in software
32 development must create at least five net new jobs; a business entity
33 creating or expanding back office operations must create at least fifty
34 net new jobs; a business entity operating predominately in music
35 production must create at least five net new jobs; a business entity
36 operating predominantly as an entertainment company must create or
37 obtain at least one hundred net new jobs; or a business entity operating
38 predominantly as a distribution center in the state must create at least
39 seventy-five net new jobs, notwithstanding subdivision five of this
40 section; OR A BUSINESS ENTITY OPERATING PREDOMINATELY AS A LIFE SCIENCES
41 COMPANY MUST CREATE AT LEAST FIVE NET NEW JOBS; or a business entity
42 must be a regionally significant project as defined in this article; or

43 S 3. Subdivision 4 of section 353 of the economic development law, as
44 amended by section 1 of part C of chapter 68 of the laws of 2013, is
45 amended to read as follows:

46 4. A business entity operating predominantly in one of the industries
47 referenced in paragraphs (a) through (h) OR IN PARAGRAPH (K) of subdivi-
48 sion one of this section but which does not meet the job requirements of
49 subdivision three of this section must have at least twenty-five full-
50 time job equivalents unless such business is a business entity operating
51 predominantly in manufacturing then it must have at least ten full-time
52 job equivalents and must demonstrate that its benefit-cost ratio is at
53 least ten to one.

54 S 4. Subdivision 5 of section 354 of the economic development law, as
55 amended by section 2 of part O of chapter 60 of the laws of 2016, is
56 amended to read as follows:

1 5. A participant may claim tax benefits commencing in the first tax-
 2 ble year that the business enterprise receives a certificate of tax
 3 credit or the first taxable year listed on its preliminary schedule of
 4 benefits, whichever is later. A participant may claim such benefits for
 5 the next nine consecutive taxable years, provided that the participant
 6 demonstrates to the department that it continues to satisfy the eligi-
 7 bility criteria specified in section three hundred fifty-three of this
 8 article and subdivision two of this section in each of those taxable
 9 years, and provided that no tax credits may be allowed for taxable years
 10 beginning on or after January first, two thousand [twenty-seven] THIRTY.
 11 If, in any given year, a participant who has satisfied the eligibility
 12 criteria specified in section three hundred fifty-three of this article
 13 realizes job creation less than the estimated amount, the credit shall
 14 be reduced by the proportion of actual job creation to the estimated
 15 amount, provided the proportion is at least seventy-five percent of the
 16 jobs estimated.

17 S 5. Section 359 of the economic development law, as amended by
 18 section 1 of part 0 of chapter 60 of the laws of 2016, is amended to
 19 read as follows:

20 S 359. Cap on tax credit. The total amount of tax credits listed on
 21 certificates of tax credit issued by the commissioner for any taxable
 22 year may not exceed the limitations set forth in this section. One-half
 23 of any amount of tax credits not awarded for a particular taxable year
 24 in years two thousand eleven through two thousand twenty-four may be
 25 used by the commissioner to award tax credits in another taxable year.

26 Credit components in the aggregate
 27 shall not exceed:

With respect to taxable
 years beginning in:

28	\$ 50 million	2011
29	\$ 100 million	2012
30	\$ 150 million	2013
31	\$ 200 million	2014
32	\$ 250 million	2015
33	\$ 183 million	2016
34	\$ 183 million	2017
35	\$ 183 million	2018
36	\$ 183 million	2019
37	\$ 183 million	2020
38	\$ 183 million	2021
39	\$ 133 million	2022
40	\$ 83 million	2023
41	\$ 36 million	2024

42 Twenty-five percent of tax credits shall be allocated to businesses
 43 accepted into the program under subdivision four of section three
 44 hundred fifty-three of this article and seventy-five percent of tax
 45 credits shall be allocated to businesses accepted into the program under
 46 subdivision three of section three hundred fifty-three of this article.

47 Provided, however, if by September thirtieth of a calendar year, the
 48 department has not allocated the full amount of credits available in
 49 that year to either: (i) businesses accepted into the program under
 50 subdivision four of section three hundred fifty-three of this article or
 51 (ii) businesses accepted into the program under subdivision three of
 52 section three hundred fifty-three of this article, the commissioner may
 53 allocate any remaining tax credits to businesses referenced in this

1 paragraph as needed; provided, however, that under no circumstances may
2 the aggregate statutory cap for all program years be exceeded. One
3 hundred percent of the unawarded amounts remaining at the end of two
4 thousand twenty-four may be allocated in subsequent years, notwithstand-
5 ing the fifty percent limitation on any amounts of tax credits not
6 awarded in taxable years two thousand eleven through two thousand twen-
7 ty-four. Provided, however, no tax credits may be allowed for taxable
8 years beginning on or after January first, two thousand [twenty-seven]
9 THIRTY.

10 S 6. Subdivision (b) of section 31 of the tax law, as amended by
11 section 3 of part 0 of chapter 60 of the laws of 2016, is amended to
12 read as follows:

13 (b) To be eligible for the excelsior jobs program credit, the taxpayer
14 shall have been issued a "certificate of tax credit" by the department
15 of economic development pursuant to subdivision four of section three
16 hundred fifty-four of the economic development law, which certificate
17 shall set forth the amount of each credit component that may be claimed
18 for the taxable year. A taxpayer may claim such credit for ten consec-
19 utive taxable years commencing in the first taxable year that the
20 taxpayer receives a certificate of tax credit or the first taxable year
21 listed on its preliminary schedule of benefits, whichever is later,
22 provided that no tax credits may be allowed for taxable years beginning
23 on or after January first, two thousand [twenty-seven] THIRTY. The
24 taxpayer shall be allowed to claim only the amount listed on the certif-
25 icate of tax credit for that taxable year. Such certificate must be
26 attached to the taxpayer's return. No cost or expense paid or incurred
27 by the taxpayer shall be the basis for more than one component of this
28 credit or any other tax credit, except as provided in section three
29 hundred fifty-five of the economic development law.

30 S 7. The tax law is amended by adding a new section 43 to read as
31 follows:

32 S 43. LIFE SCIENCES RESEARCH AND DEVELOPMENT TAX CREDIT. (A) ALLOWANCE
33 OF CREDIT. (1) A TAXPAYER THAT IS A QUALIFIED LIFE SCIENCES COMPANY, OR
34 THAT IS A SOLE PROPRIETOR OF OR A PARTNER IN A PARTNERSHIP THAT IS A
35 QUALIFIED LIFE SCIENCES COMPANY OR A SHAREHOLDER OF A NEW YORK S CORPO-
36 RATION THAT IS A QUALIFIED LIFE SCIENCES COMPANY, AND IS SUBJECT TO TAX
37 UNDER ARTICLE NINE-A OR TWENTY-TWO OF THIS CHAPTER, SHALL BE ALLOWED A
38 CREDIT AGAINST SUCH TAX, PURSUANT TO THE PROVISIONS REFERRED TO IN
39 SUBDIVISION (E) OF THIS SECTION, FOR A PERIOD OF THREE YEARS, AS
40 PROVIDED IN SUBPARAGRAPH (II) OF PARAGRAPH TWO OF THIS SUBDIVISION, TO
41 BE COMPUTED AS PROVIDED IN THIS SECTION, PROVIDED THAT NO CREDIT SHALL
42 BE ALLOWED FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO
43 THOUSAND TWENTY-EIGHT. SUCH CREDIT MAY BE CLAIMED IN THE TAXABLE YEAR
44 SPECIFIED ON THE CERTIFICATE OF TAX CREDIT ISSUED TO THE QUALIFIED LIFE
45 SCIENCES COMPANY.

46 (2)(I) FOR A QUALIFIED LIFE SCIENCES COMPANY THAT EMPLOYS TEN OR MORE
47 PERSONS DURING THE TAXABLE YEAR, THE AMOUNT OF THE CREDIT SHALL BE EQUAL
48 TO FIFTEEN PERCENT OF SUCH QUALIFIED LIFE SCIENCES COMPANY'S RESEARCH
49 AND DEVELOPMENT EXPENDITURES IN THIS STATE FOR THE TAXABLE YEAR. FOR A
50 QUALIFIED LIFE SCIENCES COMPANY THAT EMPLOYS LESS THAN TEN PERSONS
51 DURING THE TAXABLE YEAR, THE AMOUNT OF THE CREDIT SHALL BE EQUAL TO
52 TWENTY PERCENT OF SUCH QUALIFIED LIFE SCIENCES COMPANY'S RESEARCH AND
53 DEVELOPMENT EXPENDITURES IN THIS STATE FOR THE TAXABLE YEAR.

54 (II) THE CREDIT SHALL BE ALLOWED ONLY WITH RESPECT TO THE FIRST TAXA-
55 BLE YEAR DURING WHICH THE CRITERIA SET FORTH IN THIS SUBDIVISION ARE
56 SATISFIED, AND WITH RESPECT TO EACH OF THE TWO TAXABLE YEARS NEXT

1 FOLLOWING (BUT ONLY, WITH RESPECT TO EACH OF SUCH YEARS, IF SUCH CRITE-
2 RIA ARE SATISFIED). SUBSEQUENT CERTIFICATIONS OF THE LIFE SCIENCES
3 COMPANY BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT PURSUANT TO THIS
4 SECTION SHALL NOT EXTEND THE THREE TAXABLE YEAR TIME LIMITATION ON THE
5 ALLOWANCE OF THE CREDIT SET FORTH IN THE PRECEDING SENTENCE.

6 (3) THE TOTAL AMOUNT OF CREDIT ALLOWABLE TO A QUALIFIED LIFE SCIENCES
7 COMPANY, OR, IF THE LIFE SCIENCES COMPANY IS PROPERLY INCLUDED OR
8 REQUIRED TO BE INCLUDED IN A COMBINED REPORT, TO THE COMBINED GROUP,
9 TAKEN IN THE AGGREGATE, SHALL NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS
10 IN ANY TAXABLE YEAR. IF THE LIFE SCIENCES COMPANY IS A PARTNER IN A
11 PARTNERSHIP OR SHAREHOLDER OF A NEW YORK S CORPORATION, THEN THE TOTAL
12 AMOUNT OF CREDIT ALLOWABLE SHALL BE APPLIED AT THE ENTITY LEVEL, SO THAT
13 THE TOTAL AMOUNT OF CREDIT ALLOWABLE TO ALL THE PARTNERS OR SHAREHOLDERS
14 OF EACH SUCH ENTITY, TAKEN IN THE AGGREGATE, DOES NOT EXCEED FIVE
15 HUNDRED THOUSAND DOLLARS IN ANY TAXABLE YEAR.

16 (4) NO RESEARCH AND DEVELOPMENT EXPENDITURES MADE BY THE LIFE SCIENCES
17 COMPANY AND USED EITHER AS THE BASIS FOR THE ALLOWANCE OF THE CREDIT
18 PROVIDED FOR PURSUANT TO THIS SECTION OR USED IN THE CALCULATION OF THE
19 CREDIT PROVIDED PURSUANT TO THIS SECTION SHALL BE USED TO CLAIM ANY
20 OTHER CREDIT ALLOWED PURSUANT TO THIS CHAPTER OR BE USED IN THE CALCU-
21 LATION OF ANY OTHER CREDIT ALLOWED PURSUANT TO THIS CHAPTER.

22 (B) MAXIMUM AMOUNT OF CREDITS. THE AGGREGATE AMOUNT OF TAX CREDITS
23 ALLOWED UNDER THIS SECTION TO TAXPAYERS SUBJECT TO TAX UNDER ARTICLES
24 NINE-A AND TWENTY-TWO OF THIS CHAPTER IN ANY TAXABLE YEAR SHALL BE TEN
25 MILLION DOLLARS, AND SHALL BE ALLOTTED FROM THE FUNDS AVAILABLE FOR TAX
26 CREDITS UNDER ARTICLE SEVENTEEN OF THE ECONOMIC DEVELOPMENT LAW. SUCH
27 AGGREGATE AMOUNT OF CREDITS SHALL BE ALLOCATED BY THE DEPARTMENT OF
28 ECONOMIC DEVELOPMENT AMONG TAXPAYERS IN ORDER OF PRIORITY BASED UPON THE
29 DATE OF FILING AN APPLICATION FOR ALLOCATION OF LIFE SCIENCES RESEARCH
30 AND DEVELOPMENT TAX CREDIT WITH SUCH DEPARTMENT. IF THE TOTAL AMOUNT OF
31 ALLOCATED CREDITS APPLIED FOR IN ANY PARTICULAR YEAR EXCEEDS THE AGGRE-
32 GATE AMOUNT OF TAX CREDITS ALLOWED FOR SUCH YEAR UNDER THIS SECTION,
33 SUCH EXCESS SHALL BE TREATED AS HAVING BEEN APPLIED FOR ON THE FIRST DAY
34 OF THE SUBSEQUENT YEAR.

35 (C) DEFINITIONS. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL
36 HAVE THE FOLLOWING MEANINGS:

37 (1) "CERTIFICATE OF TAX CREDIT" MEANS THE DOCUMENT ISSUED TO A QUALI-
38 FIED LIFE SCIENCES COMPANY BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT,
39 AFTER THE DEPARTMENT OF ECONOMIC DEVELOPMENT HAS VERIFIED THAT SUCH LIFE
40 SCIENCES COMPANY HAS MET ALL APPLICABLE CRITERIA IN THIS SECTION TO BE
41 ELIGIBLE FOR THE LIFE SCIENCES RESEARCH AND DEVELOPMENT TAX CREDIT
42 ALLOWED UNDER THIS SECTION, INCLUDING BUT NOT LIMITED TO VERIFYING THAT
43 THE LIFE SCIENCES COMPANY IS A NEW BUSINESS. THE CERTIFICATE SHALL BE
44 ISSUED ANNUALLY IF SUCH CRITERIA ARE SATISFIED AND SHALL SPECIFY THE
45 EXACT AMOUNT OF THE LIFE SCIENCES RESEARCH AND DEVELOPMENT TAX CREDIT
46 THAT MAY BE CLAIMED BY SUCH QUALIFIED LIFE SCIENCES COMPANY, PURSUANT TO
47 THIS SECTION, AND SHALL SPECIFY THE TAXABLE YEAR IN WHICH SUCH CREDIT
48 MAY BE CLAIMED.

49 (2) "NEW BUSINESS" MEANS ANY BUSINESS THAT QUALIFIES AS A NEW BUSINESS
50 UNDER EITHER PARAGRAPH (F) OF SUBDIVISION ONE OF SECTION TWO HUNDRED
51 TEN-B OR PARAGRAPH TEN OF SUBSECTION ONE OF SECTION SIX HUNDRED SIX OF
52 THIS CHAPTER.

53 (3) "QUALIFIED LIFE SCIENCES COMPANY" MEANS A LIFE SCIENCES COMPANY,
54 AS DEFINED IN SUBDIVISION ELEVEN OF SECTION THREE HUNDRED FIFTY-TWO OF
55 THE ECONOMIC DEVELOPMENT LAW, THAT HAS BEEN CERTIFIED BY THE DEPARTMENT
56 OF ECONOMIC DEVELOPMENT AS A LIFE SCIENCES COMPANY AND IS A NEW BUSI-

1 NESS. PROVIDED HOWEVER, FOR PURPOSES OF THE CREDIT AUTHORIZED UNDER
2 THIS SECTION, THE DEPARTMENT OF ECONOMIC DEVELOPMENT SHALL NOT CERTIFY
3 AS A LIFE SCIENCES COMPANY ANY CORPORATION, PARTNERSHIP, LIMITED PART-
4 NERSHIP, OR OTHER ENTITY THAT HAS BEEN WITHIN THE IMMEDIATELY PRECEDING
5 SIXTY MONTHS A RELATED PERSON TO AN ENTITY THAT IS A LIFE SCIENCES
6 COMPANY OR AN ENTITY THAT IS ENGAGED IN SCIENTIFIC RESEARCH AND DEVELOP-
7 MENT AS DEFINED IN SUBDIVISION TWENTY-TWO OF SECTION THREE HUNDRED
8 FIFTY-TWO OF THE ECONOMIC DEVELOPMENT LAW.

9 (4) "RESEARCH AND DEVELOPMENT EXPENDITURES" MEANS QUALIFIED RESEARCH
10 EXPENSES AS DEFINED IN SUBSECTION (B) OF SECTION 41 OF THE INTERNAL
11 REVENUE CODE, PROVIDED, HOWEVER, THAT SUCH QUALIFIED RESEARCH EXPENSES
12 SHALL NOT INCLUDE AMOUNTS UNDER SUBPARAGRAPH (B) OF PARAGRAPH 1 OF
13 SUBSECTION (B) OF SECTION 41 OF THE INTERNAL REVENUE CODE AND AS FURTHER
14 DESCRIBED IN PARAGRAPH 3 OF SUBSECTION (B) OF SECTION 41 OF THE INTERNAL
15 REVENUE CODE. IF SECTION 41 OF THE INTERNAL REVENUE CODE HAS EXPIRED,
16 THEN THE RESEARCH AND DEVELOPMENT EXPENSES SHALL BE CALCULATED AS IF THE
17 FEDERAL RESEARCH AND DEVELOPMENT CREDIT STRUCTURE AND DEFINITION IN
18 EFFECT IN SECTION 41 IN FEDERAL TAX YEAR TWO THOUSAND NINE WERE STILL IN
19 EFFECT.

20 (5) "RELATED PERSON" MEANS A RELATED PERSON AS DEFINED IN SUBPARAGRAPH
21 (C) OF PARAGRAPH THREE OF SUBSECTION (B) OF SECTION 465 OF THE INTERNAL
22 REVENUE CODE. FOR THIS PURPOSE, A "RELATED PERSON" SHALL INCLUDE AN
23 ENTITY THAT WOULD HAVE QUALIFIED AS A "RELATED PERSON" IF IT HAD NOT
24 BEEN DISSOLVED, LIQUIDATED, MERGED WITH ANOTHER ENTITY OR OTHERWISE
25 CEASED TO EXIST OR OPERATE.

26 (D)(1) FOR PURPOSES OF THIS SECTION, IN ORDER TO BE ELIGIBLE FOR THE
27 LIFE SCIENCES RESEARCH AND DEVELOPMENT TAX CREDIT ALLOWED UNDER THIS
28 SECTION, A LIFE SCIENCES COMPANY MUST BE ISSUED A CERTIFICATE OF TAX
29 CREDIT BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT. THE DEPARTMENT OF
30 ECONOMIC DEVELOPMENT SHALL VERIFY THAT SUCH LIFE SCIENCES COMPANY HAS
31 MET ALL APPLICABLE ELIGIBILITY CRITERIA IN THIS SECTION BEFORE ISSUING A
32 CERTIFICATE OF TAX CREDIT, INCLUDING BUT NOT LIMITED TO VERIFYING THAT
33 THE LIFE SCIENCES COMPANY IS A NEW BUSINESS.

34 (2) THE COMMISSIONER OF ECONOMIC DEVELOPMENT, AFTER CONSULTING WITH
35 THE COMMISSIONER, SHALL PROMULGATE REGULATIONS BY OCTOBER THIRTY-FIRST,
36 TWO THOUSAND SEVENTEEN TO ESTABLISH PROCEDURES FOR THE ALLOCATION OF TAX
37 CREDITS ALLOWED UNDER THIS SECTION. SUCH RULES AND REGULATIONS SHALL
38 INCLUDE PROVISIONS DESCRIBING THE APPLICATION PROCESS FOR THE CREDIT
39 ALLOWED UNDER THIS SECTION, THE DUE DATES FOR SUCH APPLICATIONS, THE
40 ELIGIBILITY STANDARDS FOR QUALIFIED LIFE SCIENCES COMPANIES, THE STAND-
41 ARDS WHICH SHALL BE USED TO EVALUATE THE APPLICATIONS, THE DOCUMENTATION
42 THAT WILL BE PROVIDED TO TAXPAYERS TO SUBSTANTIATE TO THE DEPARTMENT THE
43 AMOUNT OF TAX CREDITS ALLOCATED TO SUCH TAXPAYERS, AND SUCH OTHER
44 PROVISIONS AS DEEMED NECESSARY AND APPROPRIATE. NOTWITHSTANDING ANY
45 OTHER PROVISIONS TO THE CONTRARY IN THE STATE ADMINISTRATIVE PROCEDURE
46 ACT, SUCH RULES AND REGULATIONS MAY BE ADOPTED ON AN EMERGENCY BASIS IF
47 NECESSARY TO MEET SUCH OCTOBER THIRTY-FIRST, TWO THOUSAND SEVENTEEN
48 DEADLINE.

49 (E) CROSS-REFERENCES. FOR APPLICATION OF THE CREDIT PROVIDED FOR IN
50 THIS SECTION, SEE THE FOLLOWING PROVISIONS OF THIS CHAPTER:

51 (1) ARTICLE 9-A: SECTION 210-B: SUBDIVISION 52.

52 (2) ARTICLE 22: SECTION 606: SUBSECTION (HHH).

53 (F) NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER, (I) EMPLOYEES AND
54 OFFICERS OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND THE DEPARTMENT
55 SHALL BE ALLOWED AND ARE DIRECTED TO SHARE AND EXCHANGE INFORMATION
56 REGARDING THE CREDITS APPLIED FOR, ALLOWED, OR CLAIMED PURSUANT TO THIS

1 SECTION AND TAXPAYERS WHO ARE APPLYING FOR CREDITS OR WHO ARE CLAIMING
2 CREDITS, INCLUDING INFORMATION CONTAINED IN OR DERIVED FROM CREDIT CLAIM
3 FORMS SUBMITTED TO THE DEPARTMENT AND APPLICATIONS FOR CERTIFICATION
4 SUBMITTED TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT, AND (II) THE
5 COMMISSIONER AND THE COMMISSIONER OF THE DEPARTMENT OF ECONOMIC DEVELOP-
6 MENT MAY RELEASE THE NAMES AND ADDRESSES OF ANY TAXPAYER CLAIMING THE
7 CREDIT ALLOWED UNDER THIS SECTION AND THE AMOUNT OF THE CREDIT EARNED BY
8 THE TAXPAYER. PROVIDED, HOWEVER, IF A TAXPAYER CLAIMS SUCH CREDIT
9 BECAUSE IT IS A MEMBER OF A LIMITED LIABILITY COMPANY OR A PARTNER IN A
10 PARTNERSHIP, ONLY THE AMOUNT OF CREDIT EARNED BY THE ENTITY AND NOT THE
11 AMOUNT OF CREDIT CLAIMED BY THE TAXPAYER MAY BE RELEASED.

12 (G) FOR PURPOSES OF THE CREDIT ALLOWED UNDER THIS SECTION, THE NUMBER
13 OF PERSONS EMPLOYED BY A QUALIFIED LIFE SCIENCES COMPANY DURING THE
14 TAXABLE YEAR SHALL BE DETERMINED BY ASCERTAINING THE NUMBER OF SUCH
15 INDIVIDUALS EMPLOYED FULL-TIME BY SUCH COMPANY, EXCLUDING GENERAL EXECU-
16 TIVE OFFICERS, ON THE THIRTY-FIRST DAY OF MARCH, THE THIRTIETH DAY OF
17 JUNE, THE THIRTIETH DAY OF SEPTEMBER AND THE THIRTY-FIRST DAY OF DECEM-
18 BER DURING EACH TAXABLE YEAR, BY ADDING TOGETHER THE NUMBER OF SUCH
19 INDIVIDUALS ASCERTAINED ON EACH OF SUCH DATES AND DIVIDING THE SUM SO
20 OBTAINED BY THE NUMBER OF SUCH DATES OCCURRING WITHIN SUCH TAXABLE YEAR.
21 AN INDIVIDUAL EMPLOYED FULL-TIME MEANS AN EMPLOYEE IN A JOB CONSISTING
22 OF AT LEAST THIRTY-FIVE HOURS PER WEEK, OR TWO OR MORE EMPLOYEES WHO ARE
23 IN JOBS THAT TOGETHER CONSTITUTE THE EQUIVALENT OF A JOB OF AT LEAST
24 THIRTY-FIVE HOURS PER WEEK (FULL-TIME EQUIVALENT).

25 S 8. Section 210-B of the tax law is amended by adding a new subdivi-
26 sion 52 to read as follows:

27 52. LIFE SCIENCES RESEARCH AND DEVELOPMENT TAX CREDIT. (A) ALLOWANCE
28 OF CREDIT. A TAXPAYER THAT IS ELIGIBLE PURSUANT TO SECTION FORTY-THREE
29 OF THIS CHAPTER SHALL BE ALLOWED A CREDIT TO BE COMPUTED AS PROVIDED IN
30 SUCH SECTION AGAINST THE TAX IMPOSED BY THIS ARTICLE.

31 (B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION
32 FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS
33 THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF
34 SECTION TWO HUNDRED TEN OF THIS ARTICLE. PROVIDED, HOWEVER, THAT IF THE
35 AMOUNT OF THE CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR ANY TAXABLE
36 YEAR REDUCES THE TAX TO SUCH AMOUNT OR IF THE TAXPAYER OTHERWISE PAYS
37 TAX BASED ON THE FIXED DOLLAR MINIMUM AMOUNT, THE EXCESS SHALL BE TREAT-
38 ED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE
39 WITH THE PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER.
40 PROVIDED, FURTHER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOU-
41 SAND EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE
42 PAID THEREON.

43 S 9. Section 606 of the tax law is amended by adding a new subsection
44 (hhh) to read as follows:

45 (HHH) LIFE SCIENCES RESEARCH AND DEVELOPMENT TAX CREDIT. (1) ALLOWANCE
46 OF CREDIT. A TAXPAYER WHO IS ELIGIBLE PURSUANT TO SECTION FORTY-THREE OF
47 THIS CHAPTER SHALL BE ALLOWED A CREDIT TO BE COMPUTED AS PROVIDED IN
48 SUCH SECTION AGAINST THE TAX IMPOSED BY THIS ARTICLE.

49 (2) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT ALLOWABLE UNDER
50 THIS SUBSECTION FOR ANY TAXABLE YEAR EXCEEDS THE TAXPAYER'S TAX FOR SUCH
51 YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDIT-
52 ED OR REFUNDED AS PROVIDED IN SECTION SIX HUNDRED EIGHTY-SIX OF THIS
53 ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

54 S 10. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
55 of the tax law is amended by adding a new clause (xliii) to read as
56 follows:

1 (XLIII) LIFE SCIENCES RESEARCH AND AMOUNT OF CREDIT UNDER
2 DEVELOPMENT TAX CREDIT UNDER SUBDIVISION FIFTY-TWO OF
3 SUBSECTION (HHH) SECTION TWO HUNDRED TEN-B

4 S 11. This act shall take effect immediately, and shall apply to taxa-
5 ble years beginning on or after January 1, 2018.

6 PART L

7 Section 1. Section 441 of the economic development law, as added by
8 section 1 of part 0 of chapter 59 of the laws of 2015, is amended to
9 read as follows:

10 S 441. Definitions. As used in this article, the following terms shall
11 have the following meanings:

12 1. "Approved provider" means an entity meeting such criteria as shall
13 be established by the commissioner in rules and regulations promulgated
14 pursuant to this article, that may provide eligible training to employ-
15 ees of a business entity participating in the employee training incen-
16 tive program; provided that, for internship programs, the business enti-
17 ty shall be an approved provider or an approved provider in contract
18 with such business entity. Such criteria shall ensure that any approved
19 provider possess adequate credentials to provide the training described
20 in an application by a business entity to the commissioner to partic-
21 ipate in the employee training incentive program.

22 2. "Commissioner" means the commissioner of economic development.

23 3. "Eligible training" means (a) training provided by an approved
24 provider that is:

25 (i) to upgrade, retrain or improve the productivity of employees;

26 (ii) provided to employees [filling net new jobs, or to existing
27 employees] in connection with a significant capital investment by a
28 participating business entity;

29 (iii) determined by the commissioner to satisfy a business need on the
30 part of a participating business entity;

31 (iv) not designed to train or upgrade skills as required by a federal
32 or state entity;

33 (v) not training the completion of which may result in the awarding of
34 a license or certificate required by law in order to perform a job func-
35 tion; and

36 (vi) not culturally focused training; or

37 (b) an internship program in advanced technology OR LIFE SCIENCES
38 approved by the commissioner and provided by an approved provider, on or
39 after August first, two thousand fifteen, to provide employment and
40 experience opportunities for current students, recent graduates, and
41 recent members of the armed forces.

42 4. ["Net new job" means a job created in this state that:

43 (a) is new to the state;

44 (b) has not been transferred from employment with another business
45 located in this state through an acquisition, merger, consolidation or
46 other reorganization of businesses or the acquisition of assets of
47 another business, and has not been transferred from employment with a
48 related person in this state;

49 (c) is either a full-time wage-paying job or equivalent to a full-time
50 wage-paying job requiring at least thirty-five hours per week;

51 (d) is filled for more than six months;

52 (e) is filled by a person who has received eligible training; and

1 (f) is comprised of tasks the performance of which required the person
2 filling the job to undergo eligible training.] "LIFE SCIENCES" MEANS
3 AGRICULTURAL BIOTECHNOLOGY, BIOGENERICS, BIOINFORMATICS, BIOMEDICAL
4 ENGINEERING, BIOPHARMACEUTICALS, ACADEMIC MEDICAL CENTERS, BIOTECHNOLO-
5 GY, CHEMICAL SYNTHESIS, CHEMISTRY TECHNOLOGY, MEDICAL DIAGNOSTICS,
6 GENOMICS, MEDICAL IMAGE ANALYSIS, MARINE BIOLOGY, MEDICAL DEVICES,
7 MEDICAL NANOTECHNOLOGY, NATURAL PRODUCT PHARMACEUTICALS, PROTEOMICS,
8 REGENERATIVE MEDICINE, RNA INTERFERENCE, STEM CELL RESEARCH, MEDICAL AND
9 NEUROLOGICAL CLINICAL TRIALS, HEALTH ROBOTICS AND VETERINARY SCIENCE.
10 "LIFE SCIENCES COMPANY" IS A BUSINESS ENTITY OR AN ORGANIZATION OR
11 INSTITUTION THAT DEVOTES THE MAJORITY OF ITS EFFORTS IN THE VARIOUS
12 STAGES OF RESEARCH, DEVELOPMENT, TECHNOLOGY TRANSFER AND COMMERCIALIZA-
13 TION RELATED TO ANY LIFE SCIENCES FIELD.

14 5. "Significant capital investment" means a capital investment [of at
15 least one million dollars] in new business processes or equipment, THE
16 COST OF WHICH IS EQUAL TO OR EXCEEDS TEN DOLLARS FOR EVERY ONE DOLLAR OF
17 TAX CREDIT ALLOWED TO AN ELIGIBLE BUSINESS ENTITY UNDER THIS PROGRAM
18 PURSUANT TO SUBDIVISION FIFTY OF SECTION TWO HUNDRED TEN-B OR SUBSECTION
19 (DDD) OF SECTION SIX HUNDRED SIX OF THE TAX LAW.

20 6. "Strategic industry" means an industry in this state, as estab-
21 lished by the commissioner in regulations promulgated pursuant to this
22 article, based upon the following criteria:

- 23 (a) shortages of workers trained to work within the industry;
- 24 (b) technological disruption in the industry, requiring significant
25 capital investment for existing businesses to remain competitive;
- 26 (c) the ability of businesses in the industry to relocate outside of
27 the state in order to attract talent;
- 28 (d) the potential to recruit minorities and women to be trained to
29 work in the industry in which they are traditionally underrepresented;
- 30 (e) the potential to create jobs in economically distressed areas,
31 which shall be based on criteria indicative of economic distress,
32 including poverty rates, numbers of persons receiving public assistance,
33 and unemployment rates; or
- 34 (f) such other criteria as shall be developed by the commissioner in
35 consultation with the commissioner of labor.

36 S 2. Section 442 of the economic development law, as added by section
37 1 of part 0 of chapter 59 of the laws of 2015, is amended to read as
38 follows:

39 S 442. Eligibility criteria. In order to participate in the employee
40 training incentive program, a business entity must satisfy the following
41 criteria:

- 42 1. (a) The business entity must operate in the state predominantly in
43 a strategic industry;
- 44 (b) The business entity must demonstrate that it is obtaining eligible
45 training from an approved provider;
- 46 (c) The business entity must [create at least ten net new jobs or]
47 make a significant capital investment in connection with the eligible
48 training; and
- 49 (d) The business entity must be in compliance with all worker
50 protection and environmental laws and regulations. In addition, the
51 business entity may not owe past due state taxes or local property
52 taxes; or
- 53 2. (a) The business entity, or an approved provider in contract with
54 such business entity, must be approved by the commissioner to provide
55 eligible training in the form of an internship program in advanced tech-

1 nology OR AT A LIFE SCIENCES COMPANY pursuant to paragraph (b) of subdi-
2 vision three of section four hundred forty-one of this article;
3 (b) The business entity must be located in the state;
4 (c) The business entity must be in compliance with all worker
5 protection and environmental laws and regulations. In addition, the
6 business entity must not have past due state taxes or local property
7 taxes;
8 (d) The internship program shall not displace regular employees;
9 (e) The business entity must have less than one hundred employees; and
10 (f) Participation of an individual in an internship program shall not
11 last more than a total of twelve months.
12 S 3. This act shall take effect immediately.

PART M

13
14 Section 1. Paragraph 5 of subdivision (a) of section 24 of the tax
15 law, as amended by chapter 420 of the laws of 2016, is amended to read
16 as follows:

17 (5) For the period two thousand fifteen through two thousand [nine-
18 teen] TWENTY-TWO, in addition to the amount of credit established in
19 paragraph two of this subdivision, a taxpayer shall be allowed a credit
20 equal to the product (or pro rata share of the product, in the case of a
21 member of a partnership) of ten percent and the amount of wages or sala-
22 ries paid to individuals directly employed (excluding those employed as
23 writers, directors, music directors, producers and performers, including
24 background actors with no scripted lines) by a qualified film production
25 company or a qualified independent film production company for services
26 performed by those individuals in one of the counties specified in this
27 paragraph in connection with a qualified film with a minimum budget of
28 five hundred thousand dollars. For purposes of this additional credit,
29 the services must be performed in one or more of the following counties:
30 Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung,
31 Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex,
32 Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis,
33 Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga,
34 Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Saratoga,
35 Schenectady, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben,
36 [Suffolk,] Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne,
37 Wyoming, or Yates. The aggregate amount of tax credits allowed pursuant
38 to the authority of this paragraph shall be five million dollars each
39 year during the period two thousand fifteen through two thousand [nine-
40 teen] TWENTY-TWO of the annual allocation made available to the program
41 pursuant to paragraph four of subdivision (e) of this section. Such
42 aggregate amount of credits shall be allocated by the governor's office
43 for motion picture and television development among taxpayers in order
44 of priority based upon the date of filing an application for allocation
45 of film production credit with such office. If the total amount of allo-
46 cated credits applied for under this paragraph in any year exceeds the
47 aggregate amount of tax credits allowed for such year under this para-
48 graph, such excess shall be treated as having been applied for on the
49 first day of the next year. If the total amount of allocated tax credits
50 applied for under this paragraph at the conclusion of any year is less
51 than five million dollars, the remainder shall be treated as part of the
52 annual allocation made available to the program pursuant to paragraph
53 four of subdivision (e) of this section. However, in no event may the
54 total of the credits allocated under this paragraph and the credits

1 allocated under paragraph five of subdivision (a) of section thirty-one
2 of this article exceed five million dollars in any year during the peri-
3 od two thousand fifteen through two thousand [nineteen] TWENTY-TWO.

4 S 2. Paragraph 4 of subdivision (e) of section 24 of the tax law, as
5 amended by section 1-a of part P of chapter 60 of the laws of 2016, is
6 amended to read as follows:

7 (4) Additional pool 2 - The aggregate amount of tax credits allowed in
8 subdivision (a) of this section shall be increased by an additional four
9 hundred twenty million dollars in each year starting in two thousand ten
10 through two thousand [nineteen] TWENTY-TWO provided however, seven
11 million dollars of the annual allocation shall be available for the
12 empire state film post production credit pursuant to section thirty-one
13 of this article in two thousand thirteen and two thousand fourteen and
14 twenty-five million dollars of the annual allocation shall be available
15 for the empire state film post production credit pursuant to section
16 thirty-one of this article in each year starting in two thousand fifteen
17 through two thousand [nineteen] TWENTY-TWO. This amount shall be allo-
18 cated by the governor's office for motion picture and television devel-
19 opment among taxpayers in accordance with subdivision (a) of this
20 section. If the commissioner of economic development determines that the
21 aggregate amount of tax credits available from additional pool 2 for the
22 empire state film production tax credit have been previously allocated,
23 and determines that the pending applications from eligible applicants
24 for the empire state film post production tax credit pursuant to section
25 thirty-one of this article is insufficient to utilize the balance of
26 unallocated empire state film post production tax credits from such
27 pool, the remainder, after such pending applications are considered,
28 shall be made available for allocation in the empire state film tax
29 credit pursuant to this section, subdivision twenty of section two
30 hundred ten-B and subsection (gg) of section six hundred six of this
31 chapter. Also, if the commissioner of economic development determines
32 that the aggregate amount of tax credits available from additional pool
33 2 for the empire state film post production tax credit have been previ-
34 ously allocated, and determines that the pending applications from
35 eligible applicants for the empire state film production tax credit
36 pursuant to this section is insufficient to utilize the balance of unal-
37 located film production tax credits from such pool, then all or part of
38 the remainder, after such pending applications are considered, shall be
39 made available for allocation for the empire state film post production
40 credit pursuant to this section, subdivision thirty-two of section two
41 hundred ten-B and subsection (qq) of section six hundred six of this
42 chapter. The governor's office for motion picture and television devel-
43 opment must notify taxpayers of their allocation year and include the
44 allocation year on the certificate of tax credit. Taxpayers eligible to
45 claim a credit must report the allocation year directly on their empire
46 state film production credit tax form for each year a credit is claimed
47 and include a copy of the certificate with their tax return. In the case
48 of a qualified film that receives funds from additional pool 2, no
49 empire state film production credit shall be claimed before the later of
50 the taxable year the production of the qualified film is complete, or
51 the taxable year immediately following the allocation year for which the
52 film has been allocated credit by the governor's office for motion
53 picture and television development.

54 S 3. Paragraph 6 of subdivision (a) of section 31 of the tax law, as
55 amended by section 2 of part JJ of chapter 59 of the laws of 2014, is
56 amended to read as follows:

1 (6) For the period two thousand fifteen through two thousand [nine-
2 teen] TWENTY-TWO, in addition to the amount of credit established in
3 paragraph two of subdivision (a) of this section, a taxpayer shall be
4 allowed a credit equal to the product (or pro rata share of the product,
5 in the case of a member of a partnership) of ten percent and the amount
6 of wages or salaries paid to individuals directly employed (excluding
7 those employed as writers, directors, music directors, producers and
8 performers, including background actors with no scripted lines) for
9 services performed by those individuals in one of the counties specified
10 in this paragraph in connection with the post production work on a qual-
11 ified film with a minimum budget of five hundred thousand dollars at a
12 qualified post production facility in one of the counties listed in this
13 paragraph. For purposes of this additional credit, the services must be
14 performed in one or more of the following counties: Albany, Allegany,
15 Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton,
16 Cortland, Delaware, Erie, Essex, Franklin, Fulton, Genesee, Hamilton,
17 Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery,
18 Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, Schenecta-
19 dy, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Tioga, Tompkins,
20 Wayne, Wyoming, or Yates. The aggregate amount of tax credits allowed
21 pursuant to the authority of this paragraph shall be five million
22 dollars each year during the period two thousand fifteen through two
23 thousand [nineteen] TWENTY-TWO of the annual allocation made available
24 to the empire state film post production credit pursuant to paragraph
25 four of subdivision (e) of section twenty-four of this article. Such
26 aggregate amount of credits shall be allocated by the governor's office
27 for motion picture and television development among taxpayers in order
28 of priority based upon the date of filing an application for allocation
29 of post production credit with such office. If the total amount of allo-
30 cated credits applied for under this paragraph in any year exceeds the
31 aggregate amount of tax credits allowed for such year under this para-
32 graph, such excess shall be treated as having been applied for on the
33 first day of the next year. If the total amount of allocated tax credits
34 applied for under this paragraph at the conclusion of any year is less
35 than five million dollars, the remainder shall be treated as part of the
36 annual allocation for two thousand seventeen made available to the
37 empire state film post production credit pursuant to paragraph four of
38 subdivision (e) of section twenty-four of this article. However, in no
39 event may the total of the credits allocated under this paragraph and
40 the credits allocated under paragraph five of subdivision (a) of section
41 twenty-four of this article exceed five million dollars in any year
42 during the period two thousand fifteen through two thousand [nineteen]
43 TWENTY-TWO.

44 S 4. This act shall take effect immediately.

45

PART N

46 Section 1. This part enacts into law major components of legislation
47 relating to the New York youth jobs program tax credit and the empire
48 state apprenticeship tax credit program. Each component is wholly
49 contained within a Subpart identified as Subparts A through B. The
50 effective date for each particular provision contained within a Subpart
51 is set forth in the last section of such Subpart. Any provision in any
52 section contained within a Subpart, including the effective date of the
53 Subpart, which makes reference to a section "of this act", when used in
54 connection with that particular component, shall be deemed to mean and

1 refer to the corresponding section of the Subpart in which it is found.
2 Section three of this part sets forth the general effective date of this
3 part.

4 SUBPART A

5 Section 1. The section heading and subdivisions (a), (d) and (e) of
6 section 25-a of the labor law, the section heading and subdivisions (d)
7 and (e) as amended by section 1 of part AA of chapter 56 of the laws of
8 2015, and subdivision (a) as amended by section 1 of part VV of chapter
9 60 of the laws of 2016 are amended to read as follows:

10 Power to administer the [urban] NEW YORK youth jobs program tax cred-
11 it.

12 (a) The commissioner is authorized to establish and administer the
13 program established under this section to provide tax incentives to
14 employers for employing at risk youth in part-time and full-time posi-
15 tions. There will be [five] TEN distinct pools of tax incentives.
16 Program one will cover tax incentives allocated for two thousand twelve
17 and two thousand thirteen. Program two will cover tax incentives allo-
18 cated in two thousand fourteen. Program three will cover tax incentives
19 allocated in two thousand fifteen. Program four will cover tax incen-
20 tives allocated in two thousand sixteen. Program five will cover tax
21 incentives allocated in two thousand seventeen. PROGRAM SIX WILL COVER
22 TAX INCENTIVES ALLOCATED IN TWO THOUSAND EIGHTEEN. PROGRAM SEVEN WILL
23 COVER TAX INCENTIVES ALLOCATED IN TWO THOUSAND NINETEEN. PROGRAM EIGHT
24 WILL COVER TAX INCENTIVES ALLOCATED IN TWO THOUSAND TWENTY. PROGRAM
25 NINE WILL COVER TAX INCENTIVES ALLOCATED IN TWO THOUSAND TWENTY-ONE.
26 PROGRAM TEN WILL COVER TAX INCENTIVES ALLOCATED IN TWO THOUSAND
27 TWO. The commissioner is authorized to allocate up to twenty-five
28 million dollars of tax credits under program one, ten million dollars of
29 tax credits under program two, twenty million dollars of tax credits
30 under program three, [and] fifty million dollars of tax credits under
31 each of programs four and five, AND FORTY MILLION DOLLARS OF TAX CREDITS
32 UNDER PROGRAMS SIX, SEVEN, EIGHT, NINE AND TEN.

33 (d) To participate in the program established under this section, an
34 employer must submit an application (in a form prescribed by the commis-
35 sioner) to the commissioner after January first, two thousand twelve but
36 no later than November thirtieth, two thousand twelve for program one,
37 after January first, two thousand fourteen but no later than November
38 thirtieth, two thousand fourteen for program two, after January first,
39 two thousand fifteen but no later than November thirtieth, two thousand
40 fifteen for program three, after January first, two thousand sixteen but
41 no later than November thirtieth, two thousand sixteen for program four,
42 [and] after January first, two thousand seventeen but no later than
43 November thirtieth, two thousand seventeen for program five, AFTER JANU-
44 ARY FIRST, TWO THOUSAND EIGHTEEN BUT NO LATER THAN NOVEMBER THIRTIETH,
45 TWO THOUSAND EIGHTEEN FOR PROGRAM SIX, AFTER JANUARY FIRST, TWO THOUSAND
46 NINETEEN BUT NO LATER THAN NOVEMBER THIRTIETH, TWO THOUSAND NINETEEN FOR
47 PROGRAM SEVEN, AFTER JANUARY FIRST, TWO THOUSAND TWENTY BUT NO LATER
48 THAN NOVEMBER THIRTIETH, TWO THOUSAND TWENTY FOR PROGRAM EIGHT, AFTER
49 JANUARY FIRST, TWO THOUSAND TWENTY-ONE BUT NO LATER THAN NOVEMBER THIR-
50 TIETH, TWO THOUSAND TWENTY-ONE FOR PROGRAM NINE, AND AFTER JANUARY
51 FIRST, TWO THOUSAND TWENTY-TWO BUT NO LATER THAN NOVEMBER THIRTIETH, TWO
52 THOUSAND TWENTY-TWO FOR PROGRAM TEN. The qualified employees must start
53 their employment on or after January first, two thousand twelve but no
54 later than December thirty-first, two thousand twelve for program one,

1 on or after January first, two thousand fourteen but no later than
2 December thirty-first, two thousand fourteen for program two, on or
3 after January first, two thousand fifteen but no later than December
4 thirty-first, two thousand fifteen for program three, on or after Janu-
5 ary first, two thousand sixteen but no later than December thirty-first,
6 two thousand sixteen for program four, [and] on or after January first,
7 two thousand seventeen but no later than December thirty-first, two
8 thousand seventeen for program five, ON OR AFTER JANUARY FIRST, TWO
9 THOUSAND EIGHTEEN BUT NO LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND
10 EIGHTEEN FOR PROGRAM SIX, ON OR AFTER JANUARY FIRST, TWO THOUSAND NINE-
11 TEEN BUT NO LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND NINETEEN FOR
12 PROGRAM SEVEN, ON OR AFTER JANUARY FIRST, TWO THOUSAND TWENTY BUT NO
13 LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND TWENTY FOR PROGRAM EIGHT,
14 ON OR AFTER JANUARY FIRST, TWO THOUSAND TWENTY-ONE BUT NO LATER THAN
15 DECEMBER THIRTY-FIRST, TWO THOUSAND TWENTY-ONE FOR PROGRAM NINE, AND ON
16 OR AFTER JANUARY FIRST, TWO THOUSAND TWENTY-TWO BUT NO LATER THAN DECEM-
17 BER THIRTY-FIRST, TWO THOUSAND TWENTY-TWO FOR PROGRAM TEN. The commis-
18 sioner shall establish guidelines and criteria that specify requirements
19 for employers to participate in the program including criteria for
20 certifying qualified employees, ENSURING THAT THE PROCESS ESTABLISHED
21 WILL MINIMIZE ANY UNDUE DELAY IN ISSUING THE CERTIFICATE OF ELIGIBILITY.
22 Any regulations that the commissioner determines are necessary may be
23 adopted on an emergency basis notwithstanding anything to the contrary
24 in section two hundred two of the state administrative procedure act.
25 Such requirements may include the types of industries that the employers
26 are engaged in. The commissioner may give preference to employers that
27 are engaged in demand occupations or industries, or in regional growth
28 sectors, including BUT NOT LIMITED TO those identified by the regional
29 economic development councils, such as clean energy, healthcare,
30 advanced manufacturing and conservation. In addition, the commissioner
31 shall give preference to employers who offer advancement and employee
32 benefit packages to the qualified individuals.

33 (e) If, after reviewing the application submitted by an employer, the
34 commissioner determines that such employer is eligible to participate in
35 the program established under this section, the commissioner shall issue
36 the employer a certificate of eligibility that establishes the employer
37 as a qualified employer. The certificate of eligibility shall specify
38 the maximum amount of tax credit that the employer will be allowed to
39 claim AND THE PROGRAM YEAR UNDER WHICH IT CAN BE CLAIMED.

40 S 1-a. Subdivision (b) of section 25-a of the labor law is amended by
41 adding a new paragraph 4 to read as follows:

42 (4) FOR PROGRAMS SIX, SEVEN, EIGHT, NINE AND TEN, THE TAX CREDIT UNDER
43 EACH PROGRAM SHALL BE ALLOCATED AS FOLLOWS: (I) TWENTY MILLION DOLLARS
44 OF TAX CREDIT FOR QUALIFIED EMPLOYEES; AND (II) TWENTY MILLION DOLLARS
45 OF TAX CREDIT FOR INDIVIDUALS WHO MEET ALL OF THE REQUIREMENTS FOR A
46 QUALIFIED EMPLOYEE EXCEPT FOR THE RESIDENCY REQUIREMENT OF SUBPARAGRAPH
47 (II) OF PARAGRAPH TWO OF THIS SUBDIVISION, WHICH INDIVIDUALS SHALL BE
48 DEEMED TO MEET THE RESIDENCY REQUIREMENTS OF SUBPARAGRAPH (II) OF PARA-
49 GRAPH TWO OF THIS SUBDIVISION IF THEY RESIDE IN NEW YORK STATE.

50 S 2. The subdivision heading of subdivision 36 of section 210-B of the
51 tax law, as amended by section 2 of part AA of chapter 56 of the laws of
52 2015, is amended to read as follows:

53 [Urban] NEW YORK youth jobs program tax credit.

54 S 3. The subsection heading of subsection (tt) of section 606 of the
55 tax law, as amended by section 3 of part AA of chapter 56 of the laws of
56 2015, is amended to read as follows:

1 [Urban] NEW YORK youth jobs program tax credit.

2 S 4. Clause (xxxiii) of subparagraph (B) of paragraph 1 of subsection
3 (i) of section 606 of the tax law, as amended by section 4 of part AA of
4 chapter 56 of the laws of 2015, is amended to read as follows:

5 (xxxiii) [Urban] NEW YORK youth Amount of credit under
6 jobs program tax credit subdivision thirty-six
7 of section two hundred ten-B

8 S 5. This act shall take effect immediately.

9

SUBPART B

10 Section 1. The labor law is amended by adding a new section 25-c to
11 read as follows:

12 S 25-C. POWER TO ADMINISTER THE EMPIRE STATE APPRENTICESHIP TAX CREDIT
13 PROGRAM. (A) THE COMMISSIONER IS AUTHORIZED TO ESTABLISH AND ADMINISTER
14 THE EMPIRE STATE APPRENTICESHIP TAX CREDIT PROGRAM TO PROVIDE TAX INCEN-
15 TIVES TO CERTIFIED EMPLOYERS FOR EMPLOYING QUALIFIED APPRENTICES PURSU-
16 ANT TO AN APPRENTICESHIP AGREEMENT REGISTERED WITH THE DEPARTMENT PURSU-
17 ANT TO PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION EIGHT HUNDRED ELEVEN
18 OF THIS CHAPTER. THE COMMISSIONER IS AUTHORIZED TO ALLOCATE UP TO TEN
19 MILLION DOLLARS OF TAX CREDITS ANNUALLY, BEGINNING IN TWO THOUSAND EIGH-
20 TEEN AND ENDING BEFORE TWO THOUSAND TWENTY-THREE. ANY UNUSED ANNUAL
21 ALLOCATION OF THE CREDIT SHALL BE MADE AVAILABLE IN EACH OF THE SUBSE-
22 QUENT YEARS BEFORE TWO THOUSAND TWENTY-THREE.

23 (B) DEFINITIONS. (1) THE TERM "QUALIFIED APPRENTICESHIP AGREEMENT"
24 MEANS AN APPRENTICESHIP AGREEMENT AS DEFINED BY SECTION EIGHT HUNDRED
25 SIXTEEN OF THIS CHAPTER THAT HAS BEEN REGISTERED WITH, AND APPROVED BY,
26 THE COMMISSIONER, FOR A TRADE OTHER THAN A CONSTRUCTION TRADE.

27 (2) THE TERM "QUALIFIED EMPLOYER" MEANS AN EMPLOYER THAT HAS OR
28 PARTICIPATES IN A COMMISSIONER APPROVED REGISTERED APPRENTICESHIP
29 PROGRAM.

30 (3) THE TERM "CONSTRUCTION" MEANS CONSTRUCTING, RECONSTRUCTING, ALTER-
31 ING, MAINTAINING, MOVING, REHABILITATING, REPAIRING, RENOVATING, FABRI-
32 CATING, SERVICING, OR DEMOLITION OF ANY BUILDING, STRUCTURE, OR IMPROVE-
33 MENT, OR COMPONENT, OR RELATING TO THE EXCAVATION OF OR OTHER
34 DEVELOPMENT OR IMPROVEMENT TO LAND.

35 (4) THE TERM "PARTICIPATING EMPLOYER" MEANS A QUALIFIED EMPLOYER THAT
36 HAS APPLIED TO PARTICIPATE IN THE EMPIRE STATE APPRENTICESHIP TAX CREDIT
37 PROGRAM AND RECEIVED A PRELIMINARY CERTIFICATE OF TAX CREDIT FROM THE
38 COMMISSIONER. THE PRELIMINARY CERTIFICATE SHALL STATE THE MAXIMUM AMOUNT
39 OF THE TAX CREDIT THAT THE EMPLOYER MAY BE ABLE TO CLAIM IF THE APPLI-
40 CANT BECOMES A "CERTIFIED EMPLOYER."

41 (5) THE TERM "CERTIFIED EMPLOYER" MEANS A QUALIFIED EMPLOYER THAT HAS
42 RECEIVED A FINAL CERTIFICATE OF ELIGIBILITY FROM THE COMMISSIONER AFTER
43 THE COMMISSIONER HAS DETERMINED THAT THE QUALIFIED EMPLOYER HAS
44 FULFILLED ALL THE REQUISITE ELIGIBILITY CRITERIA TO PARTICIPATE IN THE
45 EMPIRE STATE APPRENTICESHIP TAX CREDIT PROGRAM ESTABLISHED IN THIS
46 SECTION. THE FINAL CERTIFICATE OF ELIGIBILITY SHALL STATE THE ACTUAL
47 AMOUNT OF TAX CREDIT THAT A CERTIFIED EMPLOYER IS ENTITLED TO CLAIM AND
48 THE ALLOCATION YEAR OF THE CREDIT.

49 (6) THE TERM "QUALIFIED APPRENTICE" MEANS AN INDIVIDUAL EMPLOYED BY A
50 PARTICIPATING EMPLOYER IN A FULL TIME POSITION FOR AT LEAST SIX MONTHS
51 OF A CALENDAR YEAR PURSUANT TO A QUALIFIED APPRENTICESHIP AGREEMENT WITH
52 A QUALIFIED EMPLOYER. NO INDIVIDUAL EMPLOYED BY A QUALIFIED EMPLOYER
53 SHALL BE DEEMED A QUALIFIED APPRENTICE IF SUCH INDIVIDUAL HAS NOT

1 COMPLETED THEIR APPRENTICESHIP TRAINING PROGRAM WITHIN ONE YEAR OF THEIR
2 EXPECTED DATE OF COMPLETION OF THEIR PROGRAM.

3 (7) THE TERM "DISADVANTAGED YOUTH" MEANS AN INDIVIDUAL:

4 (I) WHO IS BETWEEN THE AGES OF SIXTEEN AND TWENTY-FOUR WHEN THE YOUTH
5 BEGINS THE APPRENTICESHIP; AND

6 (II) WHO IS LOW-INCOME OR AT-RISK, AS THOSE TERMS ARE DEFINED BY THE
7 COMMISSIONER.

8 (8) THE TERM "MENTOR" MEANS AN INDIVIDUAL WHO PROVIDES INSTRUCTION,
9 GUIDANCE, AND SUPPORT TO THE APPRENTICE ON A REGULAR BASIS THROUGHOUT
10 THE APPRENTICE'S COMPLETION OF THE APPRENTICESHIP AS THE APPRENTICE
11 SEEKS EMPLOYMENT IN THE FIELD OR INDUSTRY OF THE APPRENTICESHIP. THE
12 GOAL OF THE MENTOR IS TO HELP TRAIN THE APPRENTICE IN HIS OR HER TRADE
13 AND TO HELP THE APPRENTICE SUCCESSFULLY COMPLETE THE APPRENTICESHIP AND
14 TO SECURE AND RETAIN EMPLOYMENT.

15 (C)(1) A CERTIFIED EMPLOYER SHALL BE ENTITLED TO A TAX CREDIT AGAINST
16 INCOME OR FRANCHISE TAX FOR EACH QUALIFIED APPRENTICE. THE BASE CREDIT
17 ALLOWED UNDER THIS PROGRAM SHALL BE COMPUTED AS FOLLOWS:

18 (A) (1) TWO THOUSAND DOLLARS FOR EACH FIRST YEAR APPRENTICE; (2) THREE
19 THOUSAND DOLLARS FOR EACH SECOND YEAR APPRENTICE; (3) FOUR THOUSAND
20 DOLLARS FOR EACH THIRD YEAR APPRENTICE; (4) FIVE THOUSAND DOLLARS FOR
21 EACH FOURTH YEAR APPRENTICE; AND (5) SIX THOUSAND DOLLARS FOR EACH FIFTH
22 YEAR APPRENTICE. THE APPRENTICE'S STATUS AS A FIRST, SECOND, THIRD,
23 FOURTH OR FIFTH YEAR APPRENTICE WILL BE DETERMINED ON THE LAST DAY OF
24 THE CALENDAR YEAR, OR IF THE APPRENTICE IS NO LONGER EMPLOYED BY THE
25 PARTICIPATING EMPLOYER ON THE LAST DAY OF THE CALENDAR YEAR, ON THE LAST
26 DAY OF THE APPRENTICE'S EMPLOYMENT WITH THE PARTICIPATING EMPLOYER; OR

27 (B) IN LIEU OF THE CREDIT SPECIFIED IN SUBPARAGRAPH (A) OF THIS PARA-
28 GRAPH, FOR EACH QUALIFIED APPRENTICE WHO IS CONSIDERED A DISADVANTAGED
29 YOUTH FOR EACH TAX YEAR: (1) FIVE THOUSAND DOLLARS FOR EACH FIRST YEAR
30 APPRENTICE; (2) SIX THOUSAND DOLLARS FOR EACH SECOND YEAR APPRENTICE;
31 AND (3) SEVEN THOUSAND DOLLARS FOR EACH THIRD, FOURTH, OR FIFTH YEAR
32 APPRENTICE. THE APPRENTICE'S STATUS AS A FIRST, SECOND, THIRD, FOURTH OR
33 FIFTH YEAR APPRENTICE WILL BE DETERMINED ON THE LAST DAY OF THE CALENDAR
34 YEAR, OR IF THE APPRENTICE IS NO LONGER EMPLOYED BY THE PARTICIPATING
35 EMPLOYER ON THE LAST DAY OF THE CALENDAR YEAR, ON THE LAST DAY OF THE
36 APPRENTICE'S EMPLOYMENT WITH THE PARTICIPATING EMPLOYER. IF A DISADVAN-
37 TAGED YOUTH BEGINS AN APPRENTICESHIP BEFORE THE AGE OF TWENTY-FIVE, A
38 CERTIFIED EMPLOYER SHALL BE ELIGIBLE TO CONTINUE TO RECEIVE THE TAX
39 CREDIT FOR SUCH YOUTH UNDER THIS SUBPARAGRAPH UNTIL THAT APPRENTICE
40 COMPLETES THE APPRENTICESHIP.

41 (2) IF AN APPRENTICE HAS BEEN TRAINED IN HIS OR HER TRADE BY A MENTOR
42 FOR THE ENTIRETY OF THE CALENDAR YEAR, THE BASE CREDIT AMOUNTS DESCRIBED
43 IN PARAGRAPH ONE OF THIS SUBDIVISION SHALL BE INCREASED BY FIVE HUNDRED
44 DOLLARS.

45 (3) THE CERTIFIED EMPLOYER SHALL NOT BE ALLOWED A TAX CREDIT UNDER
46 THIS PROGRAM FOR ANY APPRENTICE, IF THAT APPRENTICE IS THE BASIS FOR ANY
47 OTHER STATE TAX CREDIT.

48 (D) APPLICATION AND APPROVAL PROCESS. (1) TO PARTICIPATE IN THE
49 PROGRAM ESTABLISHED UNDER THIS SECTION, A QUALIFIED EMPLOYER MUST SUBMIT
50 TO THE COMMISSIONER AN APPLICATION IN A FORM PRESCRIBED BY THE COMMIS-
51 SIONER. AS PART OF SUCH APPLICATION, A QUALIFIED EMPLOYER MUST:

52 (A) AGREE TO ALLOW THE DEPARTMENT OF TAXATION AND FINANCE TO SHARE ITS
53 TAX INFORMATION WITH THE DEPARTMENT. HOWEVER, ANY INFORMATION SHARED AS
54 A RESULT OF THIS AGREEMENT SHALL NOT BE AVAILABLE FOR DISCLOSURE OR
55 INSPECTION UNDER THE STATE FREEDOM OF INFORMATION LAW.

1 (B) ALLOW THE DEPARTMENT AND ITS AGENTS ACCESS TO ANY AND ALL BOOKS
2 AND RECORDS THE DEPARTMENT MAY REQUIRE TO MONITOR COMPLIANCE.

3 (2) AFTER REVIEWING A QUALIFIED EMPLOYER'S COMPLETED APPLICATION AND
4 DETERMINING THAT THE QUALIFIED EMPLOYER WILL MEET THE ELIGIBILITY CONDI-
5 TIONS SET FORTH UNDER THIS SECTION AND ANY APPLICABLE REGULATIONS
6 PROMULGATED BY THE COMMISSIONER, THE COMMISSIONER MAY ADMIT THE APPLI-
7 CANT INTO THE PROGRAM AS A PARTICIPATING EMPLOYER AND PROVIDE THE APPLI-
8 CANT WITH A PRELIMINARY CERTIFICATE OF ELIGIBILITY ESTABLISHING THE
9 QUALIFIED EMPLOYER AS A PARTICIPATING EMPLOYER AND STATING THE MAXIMUM
10 AMOUNT OF CREDIT FOR WHICH THE APPLICANT MAY BE ELIGIBLE.

11 (3) TO RECEIVE A FINAL CERTIFICATE OF TAX CREDIT, THE PARTICIPATING
12 EMPLOYER MUST ANNUALLY SUBMIT A FINAL REPORT TO THE COMMISSIONER, IN A
13 FORM PRESCRIBED BY THE COMMISSIONER. THE REPORT MUST DEMONSTRATE THAT
14 THE APPLICANT HAS SATISFIED ALL ELIGIBILITY REQUIREMENTS AND PROVIDED
15 ALL THE INFORMATION NECESSARY FOR THE COMMISSIONER TO COMPUTE AN ACTUAL
16 AMOUNT OF CREDIT ALLOWED FOR THAT CALENDAR YEAR, NOTWITHSTANDING THE
17 FACT THAT A PARTICIPATING EMPLOYER'S TAXABLE YEAR MAY BE A FISCAL YEAR,
18 AS DEFINED IN SUBDIVISION TEN OF SECTION TWO HUNDRED EIGHT OF THE TAX
19 LAW.

20 (4) AFTER REVIEWING THE FINAL REPORT AND FINDING IT SUFFICIENT, THE
21 COMMISSIONER SHALL CERTIFY THE PARTICIPATING EMPLOYER AS A CERTIFIED
22 EMPLOYER AND ISSUE A FINAL CERTIFICATE OF TAX CREDIT. SUCH CERTIFICATE
23 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

24 (A) THE NAME AND EMPLOYER IDENTIFICATION NUMBER OF THE CERTIFIED
25 EMPLOYER;

26 (B) THE ACTUAL AMOUNT OF CREDIT TO WHICH THE CERTIFIED EMPLOYER IS
27 ENTITLED FOR THAT CALENDAR YEAR, WHICH ACTUAL AMOUNT CANNOT EXCEED THE
28 AMOUNT OF CREDIT LISTED ON THE PRELIMINARY CERTIFICATE BUT MAY BE LESS
29 THAN SUCH AMOUNT;

30 (C) THE ALLOCATION YEAR OF THE CREDIT.

31 (5) IF A CERTIFIED EMPLOYER'S TAXABLE YEAR IS A FISCAL YEAR, IT SHALL
32 BE ENTITLED TO CLAIM THE CREDIT ON THE RETURN FOR THE FISCAL YEAR THAT
33 INCLUDES THE LAST DAY OF THE CALENDAR YEAR COVERED BY THE FINAL CERTIF-
34 ICATE OF TAX CREDIT.

35 (E) THE COMMISSIONER SHALL ESTABLISH GUIDELINES AND CRITERIA THAT
36 SPECIFY REQUIREMENTS FOR QUALIFIED EMPLOYERS TO PARTICIPATE IN THE
37 PROGRAM INCLUDING CRITERIA FOR CERTIFYING QUALIFIED APPRENTICES. ANY
38 REGULATIONS THAT THE COMMISSIONER DETERMINES ARE NECESSARY AND ARE
39 CONSISTENT WITH THE PURPOSE OF THIS ARTICLE MAY BE ADOPTED ON AN EMER-
40 GENY BASIS NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY IN THE STATE
41 ADMINISTRATIVE PROCEDURE ACT. THE COMMISSIONER MAY GIVE PREFERENCE TO
42 QUALIFIED EMPLOYERS THAT HIRE AND TRAIN DISADVANTAGED YOUTH THROUGH
43 QUALIFIED APPRENTICESHIP AGREEMENTS, AND QUALIFIED EMPLOYERS THAT ARE
44 ENGAGED IN DEMAND OCCUPATIONS OR INDUSTRIES, OR IN REGIONAL GROWTH
45 SECTORS, INCLUDING THOSE IDENTIFIED BY THE DEPARTMENT, SUCH AS CLEAN
46 ENERGY, HEALTH CARE, TECHNOLOGY, INCLUDING SOFTWARE ENGINEERING AND WEB
47 DEVELOPMENT, ADVANCED MANUFACTURING AND CONSERVATION. IN ADDITION, THE
48 COMMISSIONER MAY GIVE PREFERENCE TO EMPLOYERS THAT EMPLOY APPRENTICES IN
49 NEWLY ESTABLISHED APPRENTICESHIP PROGRAMS. THE COMMISSIONER ALSO MAY
50 TAKE THE FOLLOWING FACTORS INTO CONSIDERATION WHEN EVALUATING WHETHER TO
51 APPROVE AN APPLICATION IN A YEAR SUBSEQUENT TO THE YEAR IN WHICH A QUAL-
52 IFIED EMPLOYER WAS DETERMINED TO BE A CERTIFIED EMPLOYER:

53 (1) THE LENGTH OF THE QUALIFIED APPRENTICESHIP AGREEMENT THE EMPLOYER
54 HAS ENTERED INTO;

1 (2) HOW MANY APPRENTICES HAVE GRADUATED FROM THE APPRENTICESHIP
2 PROGRAM TO WHICH THE QUALIFIED APPRENTICE EMPLOYED BY THE EMPLOYER
3 BELONGS;

4 (3) HOW MANY APPRENTICES IN THE APPRENTICESHIP PROGRAM THE QUALIFIED
5 EMPLOYER HAS HIRED; AND

6 (4) ANY OTHER FACTORS THE COMMISSIONER DEEMS RELEVANT.

7 (F) THE COMMISSIONER SHALL ANNUALLY PUBLISH A REPORT. SUCH REPORT MUST
8 CONTAIN THE NAMES AND ADDRESSES OF ANY CERTIFIED EMPLOYER ISSUED A FINAL
9 CERTIFICATE OF ELIGIBILITY UNDER THIS SECTION, THE WORK LOCATION OF EACH
10 APPRENTICE GENERATING CREDIT, THE AMOUNT OF EMPIRE STATE APPRENTICESHIP
11 TAX CREDIT ALLOWED TO THE CERTIFIED EMPLOYER AS SPECIFIED ON SUCH FINAL
12 CERTIFICATE OF ELIGIBILITY, AND THE NUMBER OF EACH OF THE FIRST YEAR
13 APPRENTICES, SECOND YEAR APPRENTICES, THIRD YEAR APPRENTICES, FOURTH
14 YEAR APPRENTICES, AND FIFTH YEAR APPRENTICES, AND HOW MANY OF EACH OF
15 THOSE TYPES ARE CONSIDERED DISADVANTAGED YOUTH. THE COMMISSIONER SHALL
16 INCLUDE IN SUCH REPORT THE RELEVANT INDUSTRIES OF CERTIFIED EMPLOYERS
17 AND RECOMMENDATIONS FOR LEGISLATIVE OR OTHER ACTION TO FURTHER THE
18 INTENT AND PURPOSE OF THE EMPIRE STATE APPRENTICESHIP TAX CREDIT
19 PROGRAM.

20 (G) THE COMMISSIONER SHALL PROMOTE, PUBLISH AND DISSEMINATE INFORMA-
21 TION CONCERNING THE EMPIRE STATE APPRENTICESHIP TAX CREDIT AND OTHER
22 AVAILABLE FUNDING, PARTICULARLY TARGETING INDUSTRIES AND FIELDS OF BUSI-
23 NESS NOT CURRENTLY TAKING ADVANTAGE OF APPRENTICESHIPS.

24 S 2. Section 210-B of the tax law is amended by adding a new subdivi-
25 sion 49 to read as follows:

26 49. EMPIRE STATE APPRENTICESHIP TAX CREDIT. (A) A TAXPAYER THAT HAS
27 BEEN CERTIFIED BY THE COMMISSIONER OF LABOR AS A CERTIFIED EMPLOYER
28 PURSUANT TO SECTION TWENTY-FIVE-C OF THE LABOR LAW SHALL BE ALLOWED A
29 CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE EQUAL TO THE AMOUNT SPEC-
30 IFIED UNDER SUBDIVISION (C) OF SECTION TWENTY-FIVE-C OF THE LABOR LAW.
31 IN NO EVENT SHALL THE TAXPAYER BE ALLOWED A CREDIT GREATER THAN THE
32 AMOUNT OF THE CREDIT LISTED ON THE FINAL CERTIFICATE OF ELIGIBILITY.

33 (B) THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR MAY
34 NOT REDUCE THE TAX DUE FOR THAT YEAR TO LESS THAN THE AMOUNT PRESCRIBED
35 IN PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION TWO HUNDRED TEN OF THIS
36 ARTICLE. HOWEVER, IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBDI-
37 VISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO THAT AMOUNT OR IF THE
38 TAXPAYER OTHERWISE PAYS TAX BASED ON THE FIXED DOLLAR MINIMUM AMOUNT,
39 ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN THAT TAXABLE YEAR WILL BE TREATED
40 AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH
41 THE PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER.
42 PROVIDED, HOWEVER, NO INTEREST WILL BE PAID THEREON.

43 S 3. Section 606 of the tax law is amended by adding a new subsection
44 (vvv) to read as follows:

45 (VVV) EMPIRE STATE APPRENTICESHIP TAX CREDIT. (1)(A) A TAXPAYER THAT
46 HAS BEEN CERTIFIED BY THE COMMISSIONER OF LABOR AS A CERTIFIED EMPLOYER
47 PURSUANT TO SECTION TWENTY-FIVE-C OF THE LABOR LAW SHALL BE ALLOWED A
48 CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE EQUAL TO THE AMOUNT SPEC-
49 IFIED UNDER SUBDIVISION (C) OF SECTION TWENTY-FIVE-C OF THE LABOR LAW.
50 IN NO EVENT SHALL THE TAXPAYER BE ALLOWED A CREDIT GREATER THAN THE
51 AMOUNT OF THE CREDIT LISTED ON THE FINAL CERTIFICATE OF TAX CREDIT.

52 (B) A TAXPAYER THAT IS A PARTNER IN A PARTNERSHIP, MEMBER OF A LIMITED
53 LIABILITY COMPANY OR SHAREHOLDER IN AN S CORPORATION THAT HAS BEEN
54 CERTIFIED BY THE COMMISSIONER OF LABOR AS A CERTIFIED EMPLOYER PURSUANT
55 TO SECTION TWENTY-FIVE-C OF THE LABOR LAW SHALL BE ALLOWED ITS PRO RATA

1 SHARE OF THE CREDIT EARNED BY THE PARTNERSHIP, LIMITED LIABILITY COMPANY
2 OR S CORPORATION.

3 (2) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION EXCEEDS
4 THE TAXPAYER'S TAX FOR THE TAXABLE YEAR, ANY AMOUNT OF CREDIT NOT DEDUC-
5 TIBLE IN THAT TAXABLE YEAR WILL BE TREATED AS AN OVERPAYMENT OF TAX TO
6 BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX
7 HUNDRED EIGHTY-SIX OF THIS ARTICLE. PROVIDED, HOWEVER, NO INTEREST WILL
8 BE PAID THEREON.

9 S 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
10 of the tax law is amended by adding a new clause (xlirii) to read as
11 follows:

12 (XLIIII) EMPIRE STATE APPRENTICESHIP	AMOUNT OF CREDIT UNDER
13 TAX CREDIT UNDER SUBSECTION (VVV)	SUBDIVISION FORTY-NINE OF
14	SECTION TWO HUNDRED TEN-B

15 S 5. This act shall take effect immediately and shall apply to taxable
16 years commencing on or after January 1, 2018.

17 S 2. Severability. If any clause, sentence, paragraph, subdivision or
18 section of this part shall be adjudged by any court of competent juris-
19 diction to be invalid, such judgment shall not affect, impair, or inval-
20 idate the remainder thereof, but shall be confined in its operation to
21 the clause, sentence, paragraph, subdivision or section thereof directly
22 involved in the controversy in which such judgment shall have been
23 rendered. It is hereby declared to be the intent of the legislature that
24 this part would have been enacted even if such invalid provisions had
25 not been included herein.

26 S 3. This act shall take effect immediately; provided, however, that
27 the applicable effective date of Subparts A and B of this part shall be
28 as specifically set forth in the last section of such Subparts.

29 PART O

30 Section 1. Subdivision 6 of section 187-b of the tax law, as amended
31 by section 1 of part G of chapter 59 of the laws of 2013, is amended to
32 read as follows:

33 6. Termination. The credit allowed by subdivision two of this section
34 shall not apply in taxable years beginning after December thirty-first,
35 two thousand [seventeen] TWENTY-TWO.

36 S 2. Paragraph (f) of subdivision 30 of section 210-B of the tax law,
37 as added by section 17 of part A of chapter 59 of the laws of 2014, is
38 amended to read as follows:

39 (f) Termination. The credit allowed by paragraph (b) of this subdivi-
40 sion shall not apply in taxable years beginning after December thirty-
41 first, two thousand [seventeen] TWENTY-TWO.

42 S 3. Paragraph 6 of subsection (p) of section 606 of the tax law, as
43 amended by section 3 of part G of chapter 59 of the laws of 2013, is
44 amended to read as follows:

45 (6) Termination. The credit allowed by this subsection shall not apply
46 in taxable years beginning after December thirty-first, two thousand
47 [seventeen] TWENTY-TWO.

48 S 4. This act shall take effect immediately.

49 PART P

50 Section 1. Legislative findings. The legislature finds and declares
51 that this act does not alter the meaning of the statutes amended herein;
52 instead, it is the intent of the legislature to confirm the long-stand-

1 ing position of the department of taxation and finance interpreting
2 these statutes, as well as relevant prior statutes, as not allowing the
3 investment tax credit where tangible personal property and other tangi-
4 ble property is principally used by the taxpayer in the production or
5 distribution of electricity or steam, the delivery of natural gas after
6 extraction from wells and the production and delivery of water through
7 pipes and mains.

8 S 2. Subparagraph (i) of paragraph (b) of subdivision 1 of section
9 210-B of the tax law, as amended by section 31 of part T of chapter 59
10 of the laws of 2015, is amended to read as follows:

11 (i) A credit shall be allowed under this subdivision with respect to
12 tangible personal property and other tangible property, including build-
13 ings and structural components of buildings, which are: depreciable
14 pursuant to section one hundred sixty-seven of the internal revenue
15 code, have a useful life of four years or more, are acquired by purchase
16 as defined in section one hundred seventy-nine (d) of the internal
17 revenue code, have a situs in this state and are (A) principally used by
18 the taxpayer in the production of goods by manufacturing, processing,
19 assembling, refining, mining, extracting, farming, agriculture, horti-
20 culture, floriculture, viticulture or commercial fishing, (B) industrial
21 waste treatment facilities or air pollution control facilities, used in
22 the taxpayer's trade or business, (C) research and development property,
23 or (D) principally used in the ordinary course of the taxpayer's trade
24 or business as a broker or dealer in connection with the purchase or
25 sale (which shall include but not be limited to the issuance, entering
26 into, assumption, offset, assignment, termination, or transfer) of
27 stocks, bonds or other securities as defined in section four hundred
28 seventy-five (c)(2) of the Internal Revenue Code, or of commodities as
29 defined in section four hundred seventy-five (e) of the Internal Revenue
30 Code, (E) principally used in the ordinary course of the taxpayer's
31 trade or business of providing investment advisory services for a regu-
32 lated investment company as defined in section eight hundred fifty-one
33 of the Internal Revenue Code, or lending, loan arrangement or loan orig-
34 ination services to customers in connection with the purchase or sale
35 (which shall include but not be limited to the issuance, entering into,
36 assumption, offset, assignment, termination, or transfer) of securities
37 as defined in section four hundred seventy-five (c)(2) of the Internal
38 Revenue Code, (F) principally used in the ordinary course of the taxpay-
39 er's business as an exchange registered as a national securities
40 exchange within the meaning of sections 3(a)(1) and 6(a) of the Securi-
41 ties Exchange Act of 1934 or a board of trade as defined in subparagraph
42 one of paragraph (a) of section fourteen hundred ten of the not-for-pro-
43 fit corporation law or as an entity that is wholly owned by one or more
44 such national securities exchanges or boards of trade and that provides
45 automation or technical services thereto, or (G) principally used as a
46 qualified film production facility including qualified film production
47 facilities having a situs in an empire zone designated as such pursuant
48 to article eighteen-B of the general municipal law, where the taxpayer
49 is providing three or more services to any qualified film production
50 company using the facility, including such services as a studio lighting
51 grid, lighting and grip equipment, multi-line phone service, broadband
52 information technology access, industrial scale electrical capacity,
53 food services, security services, and heating, ventilation and air
54 conditioning. For purposes of clauses (D), (E) and (F) of this subpara-
55 graph, property purchased by a taxpayer affiliated with a regulated
56 broker, dealer, registered investment advisor, national securities

1 exchange or board of trade, is allowed a credit under this subdivision
2 if the property is used by its affiliated regulated broker, dealer,
3 registered investment advisor, national securities exchange or board of
4 trade in accordance with this subdivision. For purposes of determining
5 if the property is principally used in qualifying uses, the uses by the
6 taxpayer described in clauses (D) and (E) of this subparagraph may be
7 aggregated. In addition, the uses by the taxpayer, its affiliated regu-
8 lated broker, dealer and registered investment advisor under either or
9 both of those clauses may be aggregated. Provided, however, a taxpayer
10 shall not be allowed the credit provided by clauses (D), (E) and (F) of
11 this subparagraph unless the property is first placed in service before
12 October first, two thousand fifteen and (i) eighty percent or more of
13 the employees performing the administrative and support functions
14 resulting from or related to the qualifying uses of such equipment are
15 located in this state or (ii) the average number of employees that
16 perform the administrative and support functions resulting from or
17 related to the qualifying uses of such equipment and are located in this
18 state during the taxable year for which the credit is claimed is equal
19 to or greater than ninety-five percent of the average number of employ-
20 ees that perform these functions and are located in this state during
21 the thirty-six months immediately preceding the year for which the cred-
22 it is claimed, or (iii) the number of employees located in this state
23 during the taxable year for which the credit is claimed is equal to or
24 greater than ninety percent of the number of employees located in this
25 state on December thirty-first, nineteen hundred ninety-eight or, if the
26 taxpayer was not a calendar year taxpayer in nineteen hundred ninety-
27 eight, the last day of its first taxable year ending after December
28 thirty-first, nineteen hundred ninety-eight. If the taxpayer becomes
29 subject to tax in this state after the taxable year beginning in nine-
30 teen hundred ninety-eight, then the taxpayer is not required to satisfy
31 the employment test provided in the preceding sentence of this subpara-
32 graph for its first taxable year. For purposes of clause (iii) of this
33 subparagraph the employment test will be based on the number of employ-
34 ees located in this state on the last day of the first taxable year the
35 taxpayer is subject to tax in this state. If the uses of the property
36 must be aggregated to determine whether the property is principally used
37 in qualifying uses, then either each affiliate using the property must
38 satisfy this employment test or this employment test must be satisfied
39 through the aggregation of the employees of the taxpayer, its affiliated
40 regulated broker, dealer, and registered investment advisor using the
41 property. For purposes of [this subdivision, the term "goods" shall not
42 include electricity] CLAUSE (A) OF THIS SUBPARAGRAPH, TANGIBLE PERSONAL
43 PROPERTY AND OTHER TANGIBLE PROPERTY SHALL NOT INCLUDE PROPERTY PRINCI-
44 PALLY USED BY THE TAXPAYER IN THE PRODUCTION OR DISTRIBUTION OF ELEC-
45 TRICITY, NATURAL GAS AFTER EXTRACTION FROM WELLS, STEAM, OR WATER DELIV-
46 ERED THROUGH PIPES AND MAINS.

47 S 3. Subparagraph (A) of paragraph 2 of subsection (a) of section 606
48 of the tax law, as amended by chapter 637 of the laws of 2008, is
49 amended to read as follows:

50 (A) A credit shall be allowed under this subsection with respect to
51 tangible personal property and other tangible property, including build-
52 ings and structural components of buildings, which are: depreciable
53 pursuant to section one hundred sixty-seven of the internal revenue
54 code, have a useful life of four years or more, are acquired by purchase
55 as defined in section one hundred seventy-nine (d) of the internal
56 revenue code, have a situs in this state and are (i) principally used by

1 the taxpayer in the production of goods by manufacturing, processing,
2 assembling, refining, mining, extracting, farming, agriculture, horti-
3 culture, floriculture, viticulture or commercial fishing, (ii) indus-
4 trial waste treatment facilities or air pollution control facilities,
5 used in the taxpayer's trade or business, (iii) research and development
6 property, (iv) principally used in the ordinary course of the taxpayer's
7 trade or business as a broker or dealer in connection with the purchase
8 or sale (which shall include but not be limited to the issuance, enter-
9 ing into, assumption, offset, assignment, termination, or transfer) of
10 stocks, bonds or other securities as defined in section four hundred
11 seventy-five (c)(2) of the Internal Revenue Code, or of commodities as
12 defined in section 475(e) of the Internal Revenue Code, (v) principally
13 used in the ordinary course of the taxpayer's trade or business of
14 providing investment advisory services for a regulated investment compa-
15 ny as defined in section eight hundred fifty-one of the Internal Revenue
16 Code, or lending, loan arrangement or loan origination services to
17 customers in connection with the purchase or sale (which shall include
18 but not be limited to the issuance, entering into, assumption, offset,
19 assignment, termination, or transfer) of securities as defined in
20 section four hundred seventy-five (c)(2) of the Internal Revenue Code,
21 or (vi) principally used as a qualified film production facility includ-
22 ing qualified film production facilities having a situs in an empire
23 zone designated as such pursuant to article eighteen-B of the general
24 municipal law, where the taxpayer is providing three or more services to
25 any qualified film production company using the facility, including such
26 services as a studio lighting grid, lighting and grip equipment, multi-
27 line phone service, broadband information technology access, industrial
28 scale electrical capacity, food services, security services, and heat-
29 ing, ventilation and air conditioning. For purposes of clauses (iv) and
30 (v) of this subparagraph, property purchased by a taxpayer affiliated
31 with a regulated broker, dealer, or registered investment adviser is
32 allowed a credit under this subsection if the property is used by its
33 affiliated regulated broker, dealer or registered investment adviser in
34 accordance with this subsection. For purposes of determining if the
35 property is principally used in qualifying uses, the uses by the taxpay-
36 er described in clauses (iv) and (v) of this subparagraph may be aggre-
37 gated. In addition, the uses by the taxpayer, its affiliated regulated
38 broker, dealer and registered investment adviser under either or both of
39 those clauses may be aggregated. Provided, however, a taxpayer shall not
40 be allowed the credit provided by clauses (iv) and (v) of this subpara-
41 graph unless (I) eighty percent or more of the employees performing the
42 administrative and support functions resulting from or related to the
43 qualifying uses of such equipment are located in this state, or (II) the
44 average number of employees that perform the administrative and support
45 functions resulting from or related to the qualifying uses of such
46 equipment and are located in this state during the taxable year for
47 which the credit is claimed is equal to or greater than ninety-five
48 percent of the average number of employees that perform these functions
49 and are located in this state during the thirty-six months immediately
50 preceding the year for which the credit is claimed, or (III) the number
51 of employees located in this state during the taxable year for which the
52 credit is claimed is equal to or greater than ninety percent of the
53 number of employees located in this state on December thirty-first,
54 nineteen hundred ninety-eight or, if the taxpayer was not a calendar
55 year taxpayer in nineteen hundred ninety-eight, the last day of its
56 first taxable year ending after December thirty-first, nineteen hundred

1 ninety-eight. If the taxpayer becomes subject to tax in this state after
2 the taxable year beginning in nineteen hundred ninety-eight, then the
3 taxpayer is not required to satisfy the employment test provided in the
4 preceding sentence of this subparagraph for its first taxable year. For
5 the purposes of clause (III) of this subparagraph the employment test
6 will be based on the number of employees located in this state on the
7 last day of the first taxable year the taxpayer is subject to tax in
8 this state. If the uses of the property must be aggregated to determine
9 whether the property is principally used in qualifying uses, then either
10 each affiliate using the property must satisfy this employment test or
11 this employment test must be satisfied through the aggregation of the
12 employees of the taxpayer, its affiliated regulated broker, dealer, and
13 registered investment adviser using the property. For purposes of [this
14 subsection, the term "goods" shall not include electricity] CLAUSE (I)
15 OF THIS SUBPARAGRAPH, TANGIBLE PERSONAL PROPERTY AND OTHER TANGIBLE
16 PROPERTY SHALL NOT INCLUDE PROPERTY PRINCIPALLY USED BY THE TAXPAYER IN
17 THE PRODUCTION OR DISTRIBUTION OF ELECTRICITY, NATURAL GAS AFTER
18 EXTRACTION FROM WELLS, STEAM, OR WATER DELIVERED THROUGH PIPES AND
19 MAINS.

20 S 4. This act shall take effect immediately.

21

PART Q

22 Section 1. Legislative findings. The legislature finds it necessary to
23 revise a decision of the tax appeals tribunal that disturbed the long-
24 standing policy of the department of taxation and finance that single
25 member limited liability companies that are treated as disregarded enti-
26 ties for federal income tax purposes also would be treated as disre-
27 garded entities for purposes of determining eligibility of the owners of
28 such entities for tax credits allowed under article 9, 9-A, 22, 32
29 (prior to its repeal) or 33 of the tax law. The decision of the tax
30 appeals tribunal, if allowed to stand, will result in the denial of tax
31 credits, such as empire zone tax credits, to taxpayers who in prior
32 years received those credits.

33 S 2. The tax law is amended by adding a new section 43 to read as
34 follows:

35 S 43. SINGLE MEMBER LIMITED LIABILITY COMPANIES AND ELIGIBILITY FOR
36 TAX CREDITS. A LIMITED LIABILITY COMPANY THAT HAS A SINGLE MEMBER AND IS
37 DISREGARDED AS AN ENTITY SEPARATE FROM ITS OWNER FOR FEDERAL INCOME TAX
38 PURPOSES (WITHOUT REFERENCE TO ANY SPECIAL RULES RELATED TO THE IMPOSI-
39 TION OF CERTAIN FEDERAL TAXES, INCLUDING BUT NOT LIMITED TO CERTAIN
40 EMPLOYMENT AND EXCISE TAXES) SHALL BE DISREGARDED AS AN ENTITY SEPARATE
41 FROM ITS OWNER FOR PURPOSES OF DETERMINING WHETHER OR NOT THE TAXPAYER
42 THAT IS THE SINGLE MEMBER OF SUCH LIMITED LIABILITY COMPANY SATISFIES
43 THE REQUIREMENTS TO BE ELIGIBLE FOR ANY TAX CREDIT ALLOWED UNDER ARTICLE
44 NINE, NINE-A, TWENTY-TWO OR THIRTY-THREE OF THIS CHAPTER OR ALLOWED
45 UNDER ARTICLE THIRTY-TWO OF THIS CHAPTER PRIOR TO THE REPEAL OF SUCH
46 ARTICLE. SUCH REQUIREMENTS, INCLUDING BUT NOT LIMITED TO ANY NECESSARY
47 CERTIFICATION, EMPLOYMENT OR INVESTMENT THRESHOLDS, PAYMENT OBLIGATIONS,
48 AND ANY TIME PERIOD FOR ELIGIBILITY, SHALL BE IMPOSED ON THE TAXPAYER
49 AND THE DETERMINATION OF WHETHER OR NOT SUCH REQUIREMENTS HAVE BEEN
50 SATISFIED AND THE COMPUTATION OF THE CREDIT SHALL BE MADE BY DEEMING
51 SUCH TAXPAYER AND SUCH LIMITED LIABILITY COMPANY TO BE A SINGLE ENTITY.
52 IF THE TAXPAYER IS THE SINGLE MEMBER OF MORE THAN ONE LIMITED LIABILITY
53 COMPANY THAT IS DISREGARDED AS AN ENTITY SEPARATE FROM ITS OWNER, THE
54 DETERMINATION OF WHETHER OR NOT THE REQUIREMENTS TO BE ELIGIBLE FOR ANY

1 TAX CREDIT ALLOWED UNDER ARTICLE NINE, NINE-A, TWENTY-TWO OR
 2 THIRTY-THREE OF THIS CHAPTER OR ALLOWED UNDER ARTICLE THIRTY-TWO OF THIS
 3 CHAPTER PRIOR TO THE REPEAL OF SUCH ARTICLE HAVE BEEN SATISFIED AND THE
 4 COMPUTATION OF THE CREDIT SHALL BE MADE BY DEEMING SUCH TAXPAYER AND
 5 SUCH LIMITED LIABILITY COMPANIES TO BE A SINGLE ENTITY.

6 S 3. This act shall take effect immediately; provided however, that
 7 section 43 of the tax law, as added by section two of this act, shall
 8 apply to all taxable years for which the statute of limitations for
 9 seeking a refund or assessing additional tax is still open.

10 PART R

11 Section 1. Subparagraph (B) of paragraph 1 of subsection (a) of
 12 section 601 of the tax law is REPEALED and a new subparagraph (B) is
 13 added to read as follows:

14 (B)(I) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND EIGHTEEN THE
 15 FOLLOWING RATES SHALL APPLY:

16 IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
17 NOT OVER \$17,150	4% OF THE NEW YORK TAXABLE 18 INCOME
19 OVER \$17,150 BUT NOT OVER \$23,600	\$686 PLUS 4.5% OF EXCESS OVER 20 \$17,150
21 OVER \$23,600 BUT NOT OVER \$27,900	\$976 PLUS 5.25% OF EXCESS OVER 22 \$23,600
23 OVER \$27,900 BUT NOT OVER \$43,000	\$1,202 PLUS 5.9% OF EXCESS OVER 24 \$27,900
25 OVER \$43,000 BUT NOT OVER \$161,550	\$2,093 PLUS 6.33% OF EXCESS OVER 26 \$43,000
27 OVER \$161,550 BUT NOT OVER \$323,200	\$9,597 PLUS 6.57% OF EXCESS OVER 28 \$161,550
29 OVER \$323,200 BUT NOT OVER \$2,155,350	\$20,218 PLUS 6.85% OF EXCESS OVER 30 \$323,200
31 OVER \$2,155,350	\$145,720 PLUS 8.82% OF EXCESS OVER 32 \$2,155,350

33 (II) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND NINETEEN THE FOLLOW-
 34 ING RATES SHALL APPLY:

35 IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
36 NOT OVER \$17,150	4% OF THE NEW YORK TAXABLE 37 INCOME
38 OVER \$17,150 BUT NOT OVER \$23,600	\$686 PLUS 4.5% OF EXCESS OVER 39 \$17,150
40 OVER \$23,600 BUT NOT OVER \$27,900	\$976 PLUS 5.25% OF EXCESS OVER 41 \$23,600
42 OVER \$27,900 BUT NOT OVER \$43,000	\$1,202 PLUS 5.9% OF EXCESS OVER 43 \$27,900
44 OVER \$43,000 BUT NOT OVER \$161,550	\$2,093 PLUS 6.21% OF EXCESS OVER 45 \$43,000
46 OVER \$161,550 BUT NOT OVER \$323,200	\$9,455 PLUS 6.49% OF EXCESS OVER 47 \$161,550
48 OVER \$323,200 BUT NOT OVER \$2,155,350	\$19,946 PLUS 6.85% OF EXCESS OVER 49 \$323,200
50 OVER \$2,155,350	\$145,448 PLUS 8.82% OF EXCESS OVER 51 \$2,155,350

52 (III) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND TWENTY THE FOLLOWING
 53 RATES SHALL APPLY:

1	IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
2	NOT OVER \$17,150	4% OF THE NEW YORK TAXABLE INCOME
3	OVER \$17,150 BUT NOT OVER \$23,600	\$686 PLUS 4.5% OF EXCESS OVER
4		\$17,150
5	OVER \$23,600 BUT NOT OVER \$27,900	\$976 PLUS 5.25% OF EXCESS OVER
6		\$23,600
7	OVER \$27,900 BUT NOT OVER \$43,000	\$1,202 PLUS 5.9% OF EXCESS OVER
8		\$27,900
9	OVER \$43,000 BUT NOT OVER \$161,550	\$2,093 PLUS 6.09% OF EXCESS OVER
10		\$43,000
11	OVER \$161,550 BUT NOT OVER \$323,200	\$9,313 PLUS 6.41% OF EXCESS OVER
12		\$161,550
13	OVER \$323,200	\$19,674 PLUS 6.85% OF EXCESS OVER
14		\$323,200

15 (IV) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND TWENTY-ONE THE
 16 FOLLOWING RATES SHALL APPLY:

17	IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
18	NOT OVER \$17,150	4% OF THE NEW YORK TAXABLE INCOME
19	OVER \$17,150 BUT NOT OVER \$23,600	\$686 PLUS 4.5% OF EXCESS OVER
20		\$17,150
21	OVER \$23,600 BUT NOT OVER \$27,900	\$976 PLUS 5.25% OF EXCESS OVER
22		\$23,600
23	OVER \$27,900 BUT NOT OVER \$43,000	\$1,202 PLUS 5.9% OF EXCESS OVER
24		\$27,900
25	OVER \$43,000 BUT NOT OVER \$161,550	\$2,093 PLUS 5.97% OF EXCESS OVER
26		\$43,000
27	OVER \$161,550 BUT NOT OVER \$323,200	\$9,170 PLUS 6.33% OF EXCESS OVER
28		\$161,550
29	OVER \$323,200	\$19,403 PLUS 6.85% OF EXCESS OVER
30		\$323,200

31 (V) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND TWENTY-TWO THE FOLLOW-
 32 ING RATES SHALL APPLY:

33	IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
34	NOT OVER \$17,150	4% OF THE NEW YORK TAXABLE INCOME
35	OVER \$17,150 BUT NOT OVER \$23,600	\$686 PLUS 4.5% OF EXCESS OVER
36		\$17,150
37	OVER \$23,600 BUT NOT OVER \$27,900	\$976 PLUS 5.25% OF EXCESS OVER
38		\$23,600
39	OVER \$27,900 BUT NOT OVER \$161,550	\$1,202 PLUS 5.85% OF EXCESS OVER
40		\$27,900
41	OVER \$161,550 BUT NOT OVER \$323,200	\$9,021 PLUS 6.25% OF EXCESS OVER
42		\$161,550
43	OVER \$323,200	\$19,124 PLUS 6.85% OF EXCESS OVER
44		\$323,200

45 (VI) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND TWENTY-THREE THE
 46 FOLLOWING RATES SHALL APPLY:

47	IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
48	NOT OVER \$17,150	4% OF THE NEW YORK TAXABLE INCOME
49	OVER \$17,150 BUT NOT OVER \$23,600	\$686 PLUS 4.5% OF EXCESS OVER
50		\$17,150
51	OVER \$23,600 BUT NOT OVER \$27,900	\$976 PLUS 5.25% OF EXCESS OVER
52		\$23,600
53	OVER \$27,900 BUT NOT OVER \$161,550	\$1,202 PLUS 5.73% OF EXCESS OVER
54		\$27,900
55	OVER \$161,550 BUT NOT OVER \$323,200	\$8,860 PLUS 6.17% OF EXCESS OVER

1 \$161,550
 2 OVER \$323,200 \$18,834 PLUS 6.85% OF EXCESS OVER
 3 \$323,200
 4 (VII) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND TWENTY-FOUR THE
 5 FOLLOWING RATES SHALL APPLY:
 6 IF THE NEW YORK TAXABLE INCOME IS: THE TAX IS:
 7 NOT OVER \$17,150 4% OF THE NEW YORK TAXABLE INCOME
 8 OVER \$17,150 BUT NOT OVER \$23,600 \$686 PLUS 4.5% OF EXCESS OVER
 9 \$17,150
 10 OVER \$23,600 BUT NOT OVER \$27,900 \$976 PLUS 5.25% OF EXCESS OVER
 11 \$23,600
 12 OVER \$27,900 BUT NOT OVER \$161,550 \$1,202 PLUS 5.61% OF EXCESS OVER
 13 \$27,900
 14 OVER \$161,550 BUT NOT OVER \$323,200 \$8,700 PLUS 6.09% OF EXCESS OVER
 15 \$161,550
 16 OVER \$323,200 \$18,544 PLUS 6.85% OF EXCESS OVER
 17 \$323,200

18 (VIII) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND TWENTY-FOUR THE
 19 FOLLOWING RATES SHALL APPLY:
 20 IF THE NEW YORK TAXABLE INCOME IS: THE TAX IS:
 21 NOT OVER \$17,150 4% OF THE NEW YORK TAXABLE INCOME
 22 OVER \$17,150 BUT NOT OVER \$23,600 \$686 PLUS 4.5% OF EXCESS OVER
 23 \$17,150
 24 OVER \$23,600 BUT NOT OVER \$27,900 \$976 PLUS 5.25% OF EXCESS OVER
 25 \$23,600
 26 OVER \$27,900 BUT NOT OVER \$161,550 \$1,202 PLUS 5.5% OF EXCESS OVER
 27 \$27,900
 28 OVER \$161,550 BUT NOT OVER \$323,200 \$8,553 PLUS 6.00% OF EXCESS OVER
 29 \$161,550
 30 OVER \$323,200 \$18,252 PLUS 6.85% OF EXCESS OVER
 31 \$323,200

32 S 2. Subparagraph (B) of paragraph 1 of subsection (b) of section 601
 33 of the tax law is REPEALED and a new subparagraph (B) is added to read
 34 as follows:

35 (B)(I) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND EIGHTEEN THE
 36 FOLLOWING RATES SHALL APPLY:
 37 IF THE NEW YORK TAXABLE INCOME IS: THE TAX IS:
 38 NOT OVER \$12,800 4% OF THE NEW YORK TAXABLE INCOME
 39 OVER \$12,800 BUT NOT OVER \$17,650 \$512 PLUS 4.5% OF EXCESS OVER \$12,800
 40 OVER \$17,650 BUT NOT OVER \$20,900 \$730 PLUS 5.25% OF EXCESS OVER
 41 \$17,650
 42 OVER \$20,900 BUT NOT OVER \$32,200 \$901 PLUS 5.9% OF EXCESS OVER \$20,900
 43 OVER \$32,200 BUT NOT OVER \$107,650 \$1,568 PLUS 6.33% OF EXCESS OVER
 44 \$32,200
 45 OVER \$107,650 BUT NOT OVER \$269,300 \$6,344 PLUS 6.57% OF EXCESS OVER
 46 \$107,650
 47 OVER \$269,300 BUT NOT OVER \$1,616,450 \$16,964 PLUS 6.85% OF EXCESS OVER
 48 \$269,300
 49 OVER \$1,616,450 \$109,244 PLUS 8.82% OF EXCESS OVER
 50 \$1,616,450

51 (II) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND NINETEEN THE FOLLOW-
 52 ING RATES SHALL APPLY:
 53 IF THE NEW YORK TAXABLE INCOME IS: THE TAX IS:
 54 NOT OVER \$12,800 4% OF THE NEW YORK TAXABLE INCOME
 55 OVER \$12,800 BUT NOT OVER \$17,650 \$512 PLUS 4.5% OF EXCESS OVER \$12,800
 56 OVER \$17,650 BUT NOT OVER \$20,900 \$730 PLUS 5.25% OF EXCESS OVER

1		\$17,650
2	OVER \$20,900 BUT NOT OVER \$32,200	\$901 PLUS 5.9% OF EXCESS OVER \$20,900
3	OVER \$32,200 BUT NOT OVER \$107,650	\$1,568 PLUS 6.21% OF EXCESS OVER
4		\$32,200
5	OVER \$107,650 BUT NOT OVER \$269,300	\$6,253 PLUS 6.49% OF EXCESS OVER
6		\$107,650
7	OVER \$269,300 BUT NOT OVER \$1,616,450	\$16,744 PLUS 6.85% OF EXCESS OVER
8		\$269,300
9	OVER \$1,616,450	\$109,024 PLUS 8.82% OF EXCESS OVER
10		\$1,616,450

11 (III) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND TWENTY THE FOLLOWING
12 RATES SHALL APPLY:

13	IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
14	NOT OVER \$12,800	4% OF THE NEW YORK TAXABLE INCOME
15	OVER \$12,800 BUT NOT OVER \$17,650	\$512 PLUS 4.5% OF EXCESS OVER \$12,800
16	OVER \$17,650 BUT NOT OVER \$20,900	\$730 PLUS 5.25% OF EXCESS OVER
17		\$17,650
18	OVER \$20,900 BUT NOT OVER \$32,200	\$901 PLUS 5.9% OF EXCESS OVER \$20,900
19	OVER \$32,200 BUT NOT OVER \$107,650	\$1,568 PLUS 6.09% OF EXCESS OVER
20		\$32,200
21	OVER \$107,650 BUT NOT OVER \$269,300	\$6,162 PLUS 6.41% OF EXCESS OVER
22		\$107,650
23	OVER \$269,300	\$16,524 PLUS 6.85% OF EXCESS OVER
24		\$269,300

25 (IV) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND TWENTY-ONE THE
26 FOLLOWING RATES SHALL APPLY:

27	IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
28	NOT OVER \$12,800	4% OF THE NEW YORK TAXABLE INCOME
29	OVER \$12,800 BUT NOT OVER \$17,650	\$512 PLUS 4.5% OF EXCESS OVER
30		\$12,800
31	OVER \$17,650 BUT NOT OVER \$20,900	\$730 PLUS 5.25% OF EXCESS OVER
32		\$17,650
33	OVER \$20,900 BUT NOT OVER \$32,200	\$901 PLUS 5.9% OF EXCESS OVER
34		\$20,900
35	OVER \$32,200 BUT NOT OVER \$107,650	\$1,568 PLUS 5.97% OF EXCESS OVER
36		\$32,200
37	OVER \$107,650 BUT NOT OVER \$269,300	\$6,072 PLUS 6.33% OF EXCESS OVER
38		\$107,650
39	OVER \$269,300	\$16,304 PLUS 6.85% OF EXCESS OVER
40		\$269,300

41 (V) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND TWENTY-TWO THE FOLLOW-
42 ING RATES SHALL APPLY:

43	IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
44	NOT OVER \$12,800	4% OF THE NEW YORK TAXABLE INCOME
45	OVER \$12,800 BUT NOT OVER \$17,650	\$512 PLUS 4.5% OF EXCESS OVER
46		\$12,800
47	OVER \$17,650 BUT NOT OVER \$20,900	\$730 PLUS 5.25% OF EXCESS OVER
48		\$17,650
49	OVER \$20,900 BUT NOT OVER \$107,650	\$901 PLUS 5.85% OF EXCESS OVER
50		\$20,900
51	OVER \$107,650 BUT NOT OVER \$269,300	\$5,976 PLUS 6.25% OF EXCESS OVER
52		\$107,650
53	OVER \$269,300	\$16,079 PLUS 6.85% OF EXCESS OVER
54		\$269,300

55 (VI) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND TWENTY-THREE THE
56 FOLLOWING RATES SHALL APPLY:

1	IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
2	NOT OVER \$12,800	4% OF THE NEW YORK TAXABLE INCOME
3	OVER \$12,800 BUT NOT OVER \$17,650	\$512 PLUS 4.5% OF EXCESS OVER
4		\$12,800
5	OVER \$17,650 BUT NOT OVER \$20,900	\$730 PLUS 5.25% OF EXCESS OVER
6		\$17,650
7	OVER \$20,900 BUT NOT OVER \$107,650	\$901 PLUS 5.73% OF EXCESS OVER
8		\$20,900
9	OVER \$107,650 BUT NOT OVER \$269,300	\$5,872 PLUS 6.17% OF EXCESS OVER
10		\$107,650
11	OVER \$269,300	\$15,845 PLUS 6.85% OF EXCESS OVER
12		\$269,300

13 (VII) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND TWENTY-FOUR THE
 14 FOLLOWING RATES SHALL APPLY:

15	IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
16	NOT OVER \$12,800	4% OF THE NEW YORK TAXABLE INCOME
17	OVER \$12,800 BUT NOT OVER \$17,650	\$512 PLUS 4.5% OF EXCESS OVER
18		\$12,800
19	OVER \$17,650 BUT NOT OVER \$20,900	\$730 PLUS 5.25% OF EXCESS OVER
20		\$17,650
21	OVER \$20,900 BUT NOT OVER \$107,650	\$901 PLUS 5.61% OF EXCESS OVER
22		\$20,900
23	OVER \$107,650 BUT NOT OVER \$269,300	\$5,768 PLUS 6.09% OF EXCESS OVER
24		\$107,650
25	OVER \$269,300	\$15,612 PLUS 6.85% OF EXCESS OVER
26		\$269,300

27 (VIII) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND TWENTY-FOUR THE
 28 FOLLOWING RATES SHALL APPLY:

29	IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
30	NOT OVER \$12,800	4% OF THE NEW YORK TAXABLE INCOME
31	OVER \$12,800 BUT NOT OVER \$17,650	\$512 PLUS 4.5% OF EXCESS OVER
32		\$12,800
33	OVER \$17,650 BUT NOT OVER \$20,900	\$730 PLUS 5.25% OF EXCESS OVER
34		\$17,650
35	OVER \$20,900 BUT NOT OVER \$107,650	\$901 PLUS 5.5% OF EXCESS OVER
36		\$20,900
37	OVER \$107,650 BUT NOT OVER \$269,300	\$5,672 PLUS 6.00% OF EXCESS OVER
38		\$107,650
39	OVER \$269,300	\$15,371 PLUS 6.85% OF EXCESS OVER
40		\$269,300

41 S 3. Subparagraph (B) of paragraph 1 of subsection (c) of section 601
 42 of the tax law is REPEALED and a new subparagraph (B) is added to read
 43 as follows:

44 (B)(I) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND EIGHTEEN THE
 45 FOLLOWING RATES SHALL APPLY:

46	IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
47	NOT OVER \$8,500	4% OF THE NEW YORK TAXABLE INCOME
48	OVER \$8,500 BUT NOT OVER \$11,700	\$340 PLUS 4.5% OF EXCESS OVER
49		\$8,500
50	OVER \$11,700 BUT NOT OVER \$13,900	\$484 PLUS 5.25% OF EXCESS OVER
51		\$11,700
52	OVER \$13,900 BUT NOT OVER \$21,400	\$600 PLUS 5.9% OF EXCESS OVER
53		\$13,900
54	OVER \$21,400 BUT NOT OVER \$80,650	\$1,042 PLUS 6.33% OF EXCESS OVER
55		\$21,400
56	OVER \$80,650 BUT NOT OVER \$215,400	\$4,793 PLUS 6.57% OF EXCESS OVER

1 \$80,650
2 OVER \$215,400 BUT NOT OVER \$1,077,550 \$13,646 PLUS 6.85% OF EXCESS OVER
3 \$215,400
4 OVER \$1,077,550 \$72,703 PLUS 8.82% OF EXCESS OVER
5 \$1,077,550

6 (II) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND NINETEEN THE FOLLOW-
7 ING RATES SHALL APPLY:

8 IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
9 NOT OVER \$8,500	4% OF THE NEW YORK TAXABLE INCOME
10 OVER \$8,500 BUT NOT OVER \$11,700	\$340 PLUS 4.5% OF EXCESS OVER
11	\$8,500
12 OVER \$11,700 BUT NOT OVER \$13,900	\$484 PLUS 5.25% OF EXCESS OVER
13	\$11,700
14 OVER \$13,900 BUT NOT OVER \$21,400	\$600 PLUS 5.9% OF EXCESS OVER
15	\$13,900
16 OVER \$21,400 BUT NOT OVER \$80,650	\$1,042 PLUS 6.21% OF EXCESS OVER
17	\$21,400
18 OVER \$80,650 BUT NOT OVER \$215,400	\$4,721 PLUS 6.49% OF EXCESS OVER
19	\$80,650
20 OVER \$215,400 BUT NOT OVER \$1,077,550	\$13,467 PLUS 6.85% OF EXCESS OVER
21	\$215,400
22 OVER \$1,077,550	\$72,524 PLUS 8.82% OF EXCESS OVER
23	\$1,077,550

24 (III) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND TWENTY THE FOLLOWING
25 RATES SHALL APPLY:

26 IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
27 NOT OVER \$8,500	4% OF THE NEW YORK TAXABLE INCOME
28 OVER \$8,500 BUT NOT OVER \$11,700	\$340 PLUS 4.5% OF EXCESS OVER
29	\$8,500
30 OVER \$11,700 BUT NOT OVER \$13,900	\$484 PLUS 5.25% OF EXCESS OVER
31	\$11,700
32 OVER \$13,900 BUT NOT OVER \$21,400	\$600 PLUS 5.9% OF EXCESS OVER
33	\$13,900
34 OVER \$21,400 BUT NOT OVER \$80,650	\$1,042 PLUS 6.09% OF EXCESS OVER
35	\$21,400
36 OVER \$80,650 BUT NOT OVER \$215,400	\$4,650 PLUS 6.41% OF EXCESS OVER
37	\$80,650
38 OVER \$215,400	\$13,288 PLUS 6.85% OF EXCESS OVER
39	\$215,400

40 (IV) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND TWENTY-ONE THE
41 FOLLOWING RATES SHALL APPLY:

42 IF THE NEW YORK TAXABLE INCOME IS:	THE TAX IS:
43 NOT OVER \$8,500	4% OF THE NEW YORK TAXABLE INCOME
44 OVER \$8,500 BUT NOT OVER \$11,700	\$340 PLUS 4.5% OF EXCESS OVER
45	\$8,500
46 OVER \$11,700 BUT NOT OVER \$13,900	\$484 PLUS 5.25% OF EXCESS OVER
47	\$11,700
48 OVER \$13,900 BUT NOT OVER \$21,400	\$600 PLUS 5.9% OF EXCESS OVER
49	\$13,900
50 OVER \$21,400 BUT NOT OVER \$80,650	\$1,042 PLUS 5.97% OF EXCESS OVER
51	\$21,400
52 OVER \$80,650 BUT NOT OVER \$215,400	\$4,579 PLUS 6.33% OF EXCESS OVER
53	\$80,650
54 OVER \$215,400	\$13,109 PLUS 6.85% OF EXCESS OVER
55	\$215,400

1 (V) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND TWENTY-TWO THE FOLLOW-
2 ING RATES SHALL APPLY:
3 IF THE NEW YORK TAXABLE INCOME IS: THE TAX IS:
4 NOT OVER \$8,500 4% OF THE NEW YORK TAXABLE INCOME
5 OVER \$8,500 BUT NOT OVER \$11,700 \$340 PLUS 4.5% OF EXCESS OVER
6 \$8,500
7 OVER \$11,700 BUT NOT OVER \$13,900 \$484 PLUS 5.25% OF EXCESS OVER
8 \$11,700
9 OVER \$13,900 BUT NOT OVER \$80,650 \$600 PLUS 5.85% OF EXCESS OVER
10 \$13,900
11 OVER \$80,650 BUT NOT OVER \$215,400 \$4,504 PLUS 6.25% OF EXCESS OVER
12 \$80,650
13 OVER \$215,400 \$12,926 PLUS 6.85% OF EXCESS OVER
14 \$215,400

15 (VI) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND TWENTY-THREE THE
16 FOLLOWING RATES SHALL APPLY:
17 IF THE NEW YORK TAXABLE INCOME IS: THE TAX IS:
18 NOT OVER \$8,500 4% OF THE NEW YORK TAXABLE INCOME
19 OVER \$8,500 BUT NOT OVER \$11,700 \$340 PLUS 4.5% OF EXCESS OVER
20 \$8,500
21 OVER \$11,700 BUT NOT OVER \$13,900 \$484 PLUS 5.25% OF EXCESS OVER
22 \$11,700
23 OVER \$13,900 BUT NOT OVER \$80,650 \$600 PLUS 5.73% OF EXCESS OVER
24 \$13,900
25 OVER \$80,650 BUT NOT OVER \$215,400 \$4,424 PLUS 6.17% OF EXCESS OVER
26 \$80,650
27 OVER \$215,400 \$12,738 PLUS 6.85% OF EXCESS OVER
28 \$215,400

29 (VII) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND TWENTY-FOUR THE
30 FOLLOWING RATES SHALL APPLY:
31 IF THE NEW YORK TAXABLE INCOME IS: THE TAX IS:
32 NOT OVER \$8,500 4% OF THE NEW YORK TAXABLE INCOME
33 OVER \$8,500 BUT NOT OVER \$11,700 \$340 PLUS 4.5% OF EXCESS OVER
34 \$8,500
35 OVER \$11,700 BUT NOT OVER \$13,900 \$484 PLUS 5.25% OF EXCESS OVER
36 \$11,700
37 OVER \$13,900 BUT NOT OVER \$80,650 \$600 PLUS 5.61% OF EXCESS OVER
38 \$13,900
39 OVER \$80,650 BUT NOT OVER \$215,400 \$4,344 PLUS 6.09% OF EXCESS OVER
40 \$80,650
41 OVER \$215,400 \$12,550 PLUS 6.85% OF EXCESS OVER
42 \$215,400

43 (VIII) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND TWENTY-FOUR THE
44 FOLLOWING RATES SHALL APPLY:
45 IF THE NEW YORK TAXABLE INCOME IS: THE TAX IS:
46 NOT OVER \$8,500 4% OF THE NEW YORK TAXABLE INCOME
47 OVER \$8,500 BUT NOT OVER \$11,700 \$340 PLUS 4.5% OF EXCESS OVER
48 \$8,500
49 OVER \$11,700 BUT NOT OVER \$13,900 \$484 PLUS 5.25% OF EXCESS OVER
50 \$11,700
51 OVER \$13,900 BUT NOT OVER \$80,650 \$600 PLUS 5.50% OF EXCESS OVER
52 \$13,900
53 OVER \$80,650 BUT NOT OVER \$215,400 \$4,271 PLUS 6.00% OF EXCESS OVER
54 \$80,650
55 OVER \$215,400 \$12,356 PLUS 6.85% OF EXCESS OVER
56 \$215,400

1 S 4. Subparagraph (D) of paragraph 1 of subsection (d-1) of section
2 601 of the tax law, as amended by section 5 of part FF of chapter 59 of
3 the laws of 2013, is amended to read as follows:

4 (D) The tax table benefit is the difference between (i) the amount of
5 taxable income set forth in the tax table in paragraph one of subsection
6 (a) of this section not subject to the 8.82 percent rate of tax for the
7 taxable year multiplied by such rate and (ii) the dollar denominated tax
8 for such amount of taxable income set forth in the tax table applicable
9 to the taxable year in paragraph one of subsection (a) of this section
10 less the sum of the tax table benefits in subparagraphs (A), (B) and (C)
11 of this paragraph. The fraction for this subparagraph is computed as
12 follows: the numerator is the lesser of fifty thousand dollars or the
13 excess of New York adjusted gross income for the taxable year over two
14 million dollars and the denominator is fifty thousand dollars. This
15 subparagraph shall apply only to taxable years beginning on or after
16 January first, two thousand twelve and before January first, two thou-
17 sand [eighteen] TWENTY.

18 S 5. Subparagraph (C) of paragraph 2 of subsection (d-1) of section
19 601 of the tax law, as amended by section 6 of part FF of chapter 59 of
20 the laws of 2013, is amended to read as follows:

21 (C) The tax table benefit is the difference between (i) the amount of
22 taxable income set forth in the tax table in paragraph one of subsection
23 (b) of this section not subject to the 8.82 percent rate of tax for the
24 taxable year multiplied by such rate and (ii) the dollar denominated tax
25 for such amount of taxable income set forth in the tax table applicable
26 to the taxable year in paragraph one of subsection (b) of this section
27 less the sum of the tax table benefits in subparagraphs (A) and (B) of
28 this paragraph. The fraction for this subparagraph is computed as
29 follows: the numerator is the lesser of fifty thousand dollars or the
30 excess of New York adjusted gross income for the taxable year over one
31 million five hundred thousand dollars and the denominator is fifty thou-
32 sand dollars. This subparagraph shall apply only to taxable years begin-
33 ning on or after January first, two thousand twelve and before January
34 first, two thousand [eighteen] TWENTY.

35 S 6. Subparagraph (C) of paragraph 3 of subsection (d-1) of section
36 601 of the tax law, as amended by section 7 of part FF of chapter 59 of
37 the laws of 2013, is amended to read as follows:

38 (C) The tax table benefit is the difference between (i) the amount of
39 taxable income set forth in the tax table in paragraph one of subsection
40 (c) of this section not subject to the 8.82 percent rate of tax for the
41 taxable year multiplied by such rate and (ii) the dollar denominated tax
42 for such amount of taxable income set forth in the tax table applicable
43 to the taxable year in paragraph one of subsection (c) of this section
44 less the sum of the tax table benefits in subparagraphs (A) and (B) of
45 this paragraph. The fraction for this subparagraph is computed as
46 follows: the numerator is the lesser of fifty thousand dollars or the
47 excess of New York adjusted gross income for the taxable year over one
48 million dollars and the denominator is fifty thousand dollars. This
49 subparagraph shall apply only to taxable years beginning on or after
50 January first, two thousand twelve and before January first, two thou-
51 sand [eighteen] TWENTY.

52 S 7. This act shall take effect immediately.

1 Section 1. Subsection (g) of section 615 of the tax law, as amended by
2 section 1 of part H of chapter 59 of the laws of 2015, is amended to
3 read as follows:

4 (g)(1) With respect to an individual whose New York adjusted gross
5 income is over one million dollars and no more than ten million dollars,
6 the New York itemized deduction shall be an amount equal to fifty
7 percent of any charitable contribution deduction allowed under section
8 one hundred seventy of the internal revenue code for taxable years
9 beginning after two thousand nine and before two thousand [eighteen]
10 TWENTY. With respect to an individual whose New York adjusted gross
11 income is over one million dollars, the New York itemized deduction
12 shall be an amount equal to fifty percent of any charitable contribution
13 deduction allowed under section one hundred seventy of the internal
14 revenue code for taxable years beginning in two thousand nine or after
15 two thousand [seventeen] NINETEEN.

16 (2) With respect to an individual whose New York adjusted gross income
17 is over ten million dollars, the New York itemized deduction shall be an
18 amount equal to twenty-five percent of any charitable contribution
19 deduction allowed under section one hundred seventy of the internal
20 revenue code for taxable years beginning after two thousand nine and
21 ending before two thousand [eighteen] TWENTY.

22 S 2. Subdivision (g) of section 11-1715 of the administrative code of
23 the city of New York, as amended by section 2 of part H of chapter 59 of
24 the laws of 2015, is amended to read as follows:

25 (g) (1) With respect to an individual whose New York adjusted gross
26 income is over one million dollars but no more than ten million dollars,
27 the New York itemized deduction shall be an amount equal to fifty
28 percent of any charitable contribution deduction allowed under section
29 one hundred seventy of the internal revenue code for taxable years
30 beginning after two thousand nine and before two thousand [eighteen]
31 TWENTY. With respect to an individual whose New York adjusted gross
32 income is over one million dollars, the New York itemized deduction
33 shall be an amount equal to fifty percent of any charitable contribution
34 deduction allowed under section one hundred seventy of the internal
35 revenue code for taxable years beginning in two thousand nine or after
36 two thousand [seventeen] NINETEEN.

37 (2) With respect to an individual whose New York adjusted gross income
38 is over ten million dollars, the New York itemized deduction shall be an
39 amount equal to twenty-five percent of any charitable contribution
40 deduction allowed under section one hundred seventy of the internal
41 revenue code for taxable years beginning after two thousand nine and
42 ending before two thousand [eighteen] TWENTY.

43 S 3. This act shall take effect immediately.

44

PART T

45 Section 1. Subsection (c) of section 606 of the tax law is amended by
46 adding a new paragraph 1-a to read as follows:

47 (1-A) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND SEVENTEEN, FOR A
48 TAXPAYER WITH NEW YORK ADJUSTED GROSS INCOME OF AT LEAST FIFTY THOUSAND
49 DOLLARS BUT LESS THAN ONE HUNDRED FIFTY THOUSAND DOLLARS, THE APPLICABLE
50 PERCENTAGE SHALL BE THE APPLICABLE PERCENTAGE OTHERWISE COMPUTED UNDER
51 PARAGRAPH ONE OF THIS SUBSECTION MULTIPLIED BY A FACTOR AS FOLLOWS:

52 IF NEW YORK ADJUSTED GROSS
53 INCOME IS:

THE FACTOR IS:

54 AT LEAST \$50,000 AND LESS

1	THAN \$55,000	1.1682
2	AT LEAST \$55,000 AND LESS	
3	THAN \$60,000	1.2733
4	AT LEAST \$60,000 AND LESS	
5	THAN \$65,000	2.322
6	AT LEAST \$65,000 AND LESS	
7	THAN \$150,000	3.000

8 S 2. Subsection (c) of section 606 of the tax law is amended by adding
9 a new paragraph 1-b to read as follows:

10 (1-B) NOTWITHSTANDING ANYTHING IN THIS SUBSECTION TO THE CONTRARY, A
11 TAXPAYER SHALL BE ALLOWED A CREDIT AS PROVIDED IN THIS SUBSECTION EQUAL
12 TO THE APPLICABLE PERCENTAGE OF THE CREDIT ALLOWABLE UNDER SECTION TWEN-
13 TY-ONE OF THE INTERNAL REVENUE CODE FOR THE SAME TAXABLE YEAR (WITHOUT
14 REGARD TO WHETHER THE TAXPAYER IN FACT CLAIMED THE CREDIT UNDER SUCH
15 SECTION TWENTY-ONE FOR SUCH TAXABLE YEAR) THAT WOULD HAVE BEEN ALLOWED
16 ABSENT THE APPLICATION OF SECTION 21(C) OF SUCH CODE FOR TAXPAYERS WITH
17 MORE THAN TWO QUALIFYING INDIVIDUALS, PROVIDED HOWEVER, THAT THE CREDIT
18 SHALL BE CALCULATED AS IF THE DOLLAR LIMIT ON AMOUNT CREDITABLE SHALL
19 NOT EXCEED SEVEN THOUSAND FIVE HUNDRED DOLLARS IF THERE ARE THREE QUALI-
20 FYING INDIVIDUALS, EIGHT THOUSAND FIVE HUNDRED DOLLARS IF THERE ARE FOUR
21 QUALIFYING INDIVIDUALS, AND NINE THOUSAND DOLLARS IF THERE ARE FIVE OR
22 MORE QUALIFYING INDIVIDUALS.

23 S 3. This act shall take effect immediately; provided, however, that
24 section two of this act shall apply to taxable years beginning on or
25 after January 1, 2018.

26

PART U

27 Section 1. Paragraph (a) of subdivision 1 and paragraph (a) of subdi-
28 vision 2 of section 1701 of the tax law, as added by section 1 of part
29 CC-1 of chapter 57 of the laws of 2008, are amended to read as follows:

30 (a) "Debt" means [all] PAST-DUE TAX liabilities, including unpaid tax,
31 interest, and penalty, that the commissioner is required by law to
32 collect and that have [been reduced to judgment by the docketing of a
33 New York state tax warrant in the office of a county clerk located in
34 the state of New York or by the filing of a copy of the warrant in the
35 office of the department of state] BECOME FIXED AND FINAL SUCH THAT THE
36 TAXPAYER NO LONGER HAS ANY RIGHT TO ADMINISTRATIVE OR JUDICIAL REVIEW.

37 (a) To assist the commissioner in the collection of debts, the depart-
38 ment must develop and operate a financial institution data match system
39 for the purpose of identifying and seizing the non-exempt assets of tax
40 debtors as identified by the commissioner. The commissioner is author-
41 ized to designate a third party to develop and operate this system.
42 NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER, THE COMMISSIONER
43 IS AUTHORIZED TO DISCLOSE THE DEBT AND THE DEBTOR INFORMATION TO SUCH
44 THIRD PARTY AND TO FINANCIAL INSTITUTIONS FOR PURPOSES OF THIS SYSTEM.
45 Any third party designated by the commissioner to develop and operate a
46 financial data match system must keep all information it obtains from
47 both the department and the financial institution confidential, and any
48 employee, agent or representative of that third party is prohibited from
49 disclosing that information to anyone other than the department or the
50 financial institution.

51 S 2. This act shall take effect immediately and shall expire April 1,
52 2020 when upon such date the provisions of this act shall be deemed
53 repealed.

1 PART V

2 Intentionally Omitted

3 PART W

4 Intentionally Omitted

5 PART X

6 Section 1. Section 2 of part Q of chapter 59 of the laws of 2013,
7 amending the tax law, relating to serving an income execution with
8 respect to individual tax debtors without filing a warrant, as amended
9 by section 1 of part DD of chapter 59 of the laws of 2015, is amended to
10 read as follows:

11 S 2. This act shall take effect immediately and shall expire and be
12 deemed repealed on and after April 1, [2017] 2020.

13 S 2. This act shall take effect immediately and shall be deemed to
14 have been in full force and effect on and after April 1, 2017.

15 PART Y

16 Intentionally Omitted

17 PART Z

18 Section 1. Clause 1 of subparagraph (A) of paragraph 1 of subsection
19 (b) of section 631 of the tax law, as added by section 1 of part F-1 of
20 chapter 57 of the laws of 2009, is amended to read as follows:

21 (1) For purposes of this subparagraph, the term "real property located
22 in this state" includes an interest in a partnership, limited liability
23 corporation, S corporation, or non-publicly traded C corporation with
24 one hundred or fewer shareholders (hereinafter the "entity") that owns
25 real property that is located in New York [and has a fair market value
26 that] OR OWNS SHARES OF STOCK IN A COOPERATIVE HOUSING CORPORATION WHERE
27 THE COOPERATIVE UNITS RELATING TO THE SHARES ARE LOCATED IN NEW YORK;
28 PROVIDED, THAT THE SUM OF THE FAIR MARKET VALUES OF SUCH REAL PROPERTY,
29 COOPERATIVE SHARES, AND RELATED COOPERATIVE UNITS equals or exceeds
30 fifty percent of all the assets of the entity on the date of sale or
31 exchange of the taxpayer's interest in the entity. Only those assets
32 that the entity owned for at least two years before the date of the sale
33 or exchange of the taxpayer's interest in the entity are to be used in
34 determining the fair market value of all the assets of the entity on the
35 date of sale or exchange. The gain or loss derived from New York sources
36 from the taxpayer's sale or exchange of an interest in an entity that is
37 subject to the provisions of this subparagraph is the total gain or loss
38 for federal income tax purposes from that sale or exchange multiplied by
39 a fraction, the numerator of which is the fair market value of the real
40 property, AND THE COOPERATIVE HOUSING CORPORATION STOCK AND RELATED
41 COOPERATIVE UNITS located in New York on the date of sale or exchange
42 and the denominator of which is the fair market value of all the assets
43 of the entity on the date of sale or exchange.

44 S 2. This act shall take effect immediately and shall apply to taxable
45 years beginning on or after January 1, 2017.

46 PART AA

1 Section 1. Paragraph 1 of subsection (a) of section 632 of the tax
2 law, as amended by chapter 28 of the laws of 1987, is amended to read as
3 follows:

4 (1) In determining New York source income of a nonresident partner of
5 any partnership, there shall be included only the portion derived from
6 or connected with New York sources of such partner's distributive share
7 of items of partnership income, gain, loss and deduction entering into
8 his federal adjusted gross income, as such portion shall be determined
9 under regulations of the tax commission consistent with the applicable
10 rules of section six hundred thirty-one OF THIS PART. IF A NONRESIDENT
11 IS A PARTNER IN A PARTNERSHIP WHERE A SALE OR TRANSFER OF THE MEMBERSHIP
12 INTEREST OF THE PARTNER IS SUBJECT TO THE PROVISIONS OF SECTION
13 ONE-THOUSAND SIXTY OF THE INTERNAL REVENUE CODE, THEN ANY GAIN RECOG-
14 NIZED ON THE SALE OR TRANSFER FOR FEDERAL INCOME TAX PURPOSES SHALL BE
15 TREATED AS NEW YORK SOURCE INCOME ALLOCATED IN A MANNER CONSISTENT WITH
16 THE APPLICABLE METHODS AND RULES FOR ALLOCATION UNDER THIS ARTICLE IN
17 THE YEAR THAT THE ASSETS WERE SOLD OR TRANSFERRED.

18 S 2. This act shall take effect immediately.

19 PART BB

20 Intentionally Omitted

21 PART CC

22 Section 1. Paragraph 4 of subdivision (b) of section 1101 of the tax
23 law is amended by adding a new subparagraph (v) to read as follows:

24 (V) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARA-
25 GRAPH, THE FOLLOWING SALES OF TANGIBLE PERSONAL PROPERTY SHALL BE DEEMED
26 TO BE RETAIL SALES: (A) A SALE TO A SINGLE MEMBER LIMITED LIABILITY
27 COMPANY OR A SUBSIDIARY FOR RESALE TO ITS MEMBER OR OWNER, WHERE SUCH
28 SINGLE MEMBER LIMITED LIABILITY COMPANY OR SUBSIDIARY IS DISREGARDED AS
29 AN ENTITY SEPARATE FROM ITS OWNER FOR FEDERAL INCOME TAX PURPOSES (WITH-
30 OUT REFERENCE TO ANY SPECIAL RULES RELATED TO THE IMPOSITION OF CERTAIN
31 FEDERAL TAXES), INCLUDING BUT NOT LIMITED TO CERTAIN EMPLOYMENT AND
32 EXCISE TAXES; (B) A SALE TO A PARTNERSHIP FOR RESALE TO ONE OR MORE OF
33 ITS PARTNERS; OR (C) A SALE TO A TRUSTEE OF A TRUST FOR RESALE TO ONE OR
34 MORE BENEFICIARIES OF SUCH TRUST.

35 S 2. Subdivision 2 of section 1118 of the tax law, as amended by
36 section 4 of subpart B of part S of chapter 57 of the laws of 2010, is
37 amended to read as follows:

38 (2)(A) In respect to the use of property or services purchased by the
39 user while a nonresident of this state, except in the case of tangible
40 personal property or services which the user, in the performance of a
41 contract, incorporates into real property located in the state. A person
42 while engaged in any manner in carrying on in this state any employment,
43 trade, business or profession, shall not be deemed a nonresident with
44 respect to the use in this state of property or services in such employ-
45 ment, trade, business or profession. This exemption does not apply to
46 the use of qualified property where the qualified property is purchased
47 primarily to carry individuals, whether or not for hire, who are agents,
48 employees, officers, shareholders, members, managers, partners, or
49 directors of (A) the purchaser, where any of those individuals was a
50 resident of this state when the qualified property was purchased or (B)
51 any affiliated person that was a resident when the qualified property
52 was purchased. For purposes of this subdivision: (i) persons are affil-

1 iated persons with respect to each other where one of the persons has an
2 ownership interest of more than five percent, whether direct or indi-
3 rect, in the other, or where an ownership interest of more than five
4 percent, whether direct or indirect, is held in each of the persons by
5 another person or by a group of other persons that are affiliated
6 persons with respect to each other; (ii) "qualified property" means
7 [aircraft,] vessels and motor vehicles; and (iii) "carry" means to take
8 any person from one point to another, whether for the business purposes
9 or pleasure of that person. For an exception to the exclusions from the
10 definition of "retail sale" applicable to [aircraft and] vessels, see
11 subdivision (q) of section eleven hundred eleven of this article.

12 (B) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, THE
13 EXCLUSION IN PARAGRAPH (A) OF THIS SUBDIVISION SHALL NOT APPLY TO THE
14 USE WITHIN THE STATE OF PROPERTY OR A SERVICE PURCHASED OUTSIDE THIS
15 STATE BY A NONRESIDENT THAT IS NOT AN INDIVIDUAL, UNLESS SUCH NONRESI-
16 DENT HAS BEEN DOING BUSINESS OUTSIDE THE STATE FOR AT LEAST SIX MONTHS
17 PRIOR TO THE DATE SUCH NONRESIDENT BROUGHT SUCH PROPERTY OR SERVICE INTO
18 THIS STATE.

19 S 3. This act shall take effect immediately.

20

PART DD

21 Section 1. Section 1105-C of the tax law, as added by section 24-a of
22 part Y of chapter 63 of the laws of 2000, and subdivision (d) as added
23 by section 1 of part B of chapter 85 of the laws of 2002, is amended to
24 read as follows:

25 S 1105-C. Reduced tax rates with respect to certain gas service and
26 electric service. Notwithstanding any other provisions of this article
27 or article twenty-nine of this chapter:

28 (a) The rates of taxes imposed by this article and pursuant to the
29 authority of article twenty-nine of this chapter on receipts from every
30 sale of gas service or electric service of whatever nature (including
31 the transportation, transmission or distribution of gas or electricity,
32 but not including gas or electricity) shall be [reduced each year on
33 September first, beginning in the year two thousand, and each year ther-
34 eafter, at the rate per year of twenty-five percent of the rates in
35 effect on September first, two thousand, so that the rates of such taxes
36 on such receipts shall be] zero percent [on and after September first,
37 two thousand three] UNLESS THE CHARGE IS BY THE VENDOR FOR TRANSPORTA-
38 TION, TRANSMISSION OR DISTRIBUTION, REGARDLESS OF WHETHER SUCH CHARGES
39 ARE SEPARATELY STATED IN THE WRITTEN CONTRACT, IF ANY, OR ON THE BILL
40 RENDERED TO SUCH PURCHASER AND REGARDLESS OF WHETHER SUCH TRANSPORTA-
41 TION, TRANSMISSION, OR DISTRIBUTION IS PROVIDED BY SUCH VENDOR OR A
42 THIRD PARTY.

43 (b) [The provisions of subdivision (b) of section eleven hundred six
44 of this article shall apply to the reduced rates described in subdivi-
45 sion (a) of this section, as if such section referred to this section,
46 provided that any reference in subdivision (b) of such section eleven
47 hundred six to the date August first, nineteen hundred sixty-five, shall
48 be deemed to refer, respectively, to September first of the applicable
49 years described in subdivision (a) of this section, and any reference in
50 subdivision (b) of such section eleven hundred six to July thirty-first,
51 nineteen hundred sixty-five, shall be deemed to refer to the day imme-
52 diately preceding each such September first, respectively.

53 (c) Nothing in this section shall be deemed to exempt from the taxes
54 imposed under this article or pursuant to the authority of article twen-

1 ty-nine of this chapter any transaction which may not be subject to the
 2 reduced rates of such taxes, each year, as set forth in subdivision (a)
 3 of this section in effect on the respective September first.
 4 (d)] For [the purpose] PURPOSES of [the reduced rate of tax provided
 5 by] subdivision (a) of this section, [the following shall apply to a
 6 sale, other than a sale for resale, of the] WHERE THE transportation,
 7 transmission or distribution of gas or electricity [by a vendor not
 8 subject to the supervision of the public service commission where such
 9 transportation, transmission or distribution service being] IS sold [is]
 10 wholly within a service area of the state wherein the public service
 11 commission [shall have] HAS approved by formal order a single retailer
 12 model for the regulated utility which has the responsibility to serve
 13 that area[. Where such a vendor makes a sale, other than a sale for
 14 resale, of gas or electricity to be delivered to a customer within such
 15 service area and, for the purpose of transporting, transmitting or
 16 distributing such gas or electricity, also makes a sale of transporta-
 17 tion, transmission or distribution service to such customer], the charge
 18 for [the] SUCH transportation, transmission or distribution [of gas or
 19 electricity wholly within such service area made by such vendor,
 20 notwithstanding paragraph three of subdivision (b) of section eleven
 21 hundred one of this article, shall not be included in the receipt for
 22 such gas or electricity, and, therefore,] WHEN MADE BY THE PROVIDER WHO
 23 ALSO SELLS, OTHER THAN AS A SALE FOR RESALE, THE GAS OR ELECTRICITY,
 24 shall qualify for such reduced rate.
 25 S 2. This act shall take effect immediately.

- 26 PART EE
- 27 Intentionally Omitted
- 28 PART FF
- 29 Intentionally Omitted
- 30 PART GG
- 31 Intentionally Omitted
- 32 PART HH
- 33 Intentionally Omitted
- 34 PART II
- 35 Intentionally Omitted
- 36 PART JJ
- 37 Intentionally Omitted
- 38 PART KK
- 39 Intentionally Omitted
- 40 PART LL

1 Section 1. Subdivision 2 of section 902 of the racing, pari-mutuel
2 wagering and breeding law, as amended by chapter 18 of the laws of 2008,
3 is amended and four new subdivisions 3, 4, 5 and 6 are added to read as
4 follows:

5 2. Notwithstanding any inconsistent provision of THE law, all costs
6 and expenses of the [state racing and wagering board] GAMING COMMISSION
7 for equine drug testing and research shall be paid from an appropriation
8 from the state treasury, on the certification of the [chairman of the
9 state racing and wagering board] EXECUTIVE DIRECTOR OF THE COMMISSION,
10 upon the audit and warrant of the comptroller and pursuant to a plan
11 developed by the [state racing and wagering board] COMMISSION as
12 approved by the director of the budget; PROVIDED, HOWEVER, THE COMMIS-
13 SION MAY DIRECT THE ASSESSMENT IMPOSED PURSUANT TO SUBDIVISION THREE OF
14 THIS SECTION TO BE PAID DIRECTLY TO THE LABORATORY AUTHORIZED TO CONDUCT
15 EQUINE DRUG TESTING PURSUANT TO SUBDIVISION ONE OF THIS SECTION,
16 PROVIDED HOWEVER, UPON DIRECTION OF THE COMMISSION, ANY AMOUNTS DIRECTLY
17 PAID TO SUCH LABORATORY SHALL CONSTITUTE AN ENCUMBRANCE OF
18 APPROPRIATION.

19 3. (A) THE COMMISSION MAY IMPOSE AN ASSESSMENT ON EACH RACE TRACK
20 LICENSED OR FRANCHISED PURSUANT TO THIS CHAPTER, AND AN ADDITIONAL PER
21 START FEE, FOR ANY ADDITIONAL COSTS AND EXPENSES OF EQUINE DRUG TESTING
22 AND RESEARCH CONDUCTED AT A LABORATORY AUTHORIZED PURSUANT TO SUBDIVI-
23 SION ONE OF THIS SECTION, AFTER ALL OTHER FUNDS FOR SUCH PURPOSE HAVE
24 BEEN EXPENDED.

25 (B) (I) THE COMMISSION SHALL ESTABLISH AN ASSESSABLE AMOUNT BY MAY
26 FIRST OF EACH YEAR BASED ON THE PROJECTED DEFICIT OF REVENUES DEPOSITED
27 INTO THE RACING REGULATION ACCOUNT ESTABLISHED BY SECTION NINETY-NINE-I
28 OF THE STATE FINANCE LAW, INCLUDING FUNDS DEPOSITED PURSUANT TO SECTIONS
29 ONE HUNDRED FIFTEEN, TWO HUNDRED THIRTY-SIX, TWO HUNDRED THIRTY-EIGHT,
30 THREE HUNDRED SEVEN, THREE HUNDRED EIGHT, THREE HUNDRED EIGHTEEN, FIVE
31 HUNDRED TWENTY-SEVEN, ONE THOUSAND SEVEN, ONE THOUSAND EIGHT, ONE THOU-
32 SAND NINE, ONE THOUSAND FOURTEEN, ONE THOUSAND FIFTEEN, ONE THOUSAND
33 SIXTEEN, AND ONE THOUSAND EIGHTEEN OF THIS CHAPTER IN RELATION TO THE
34 CONDUCT OF RACING, THE AMOUNT OF FUNDS PAID FOR EQUIPMENT PURSUANT TO
35 SUBDIVISION TWO OF SECTION TWO HUNDRED TWENTY-EIGHT OF THIS CHAPTER, THE
36 AMOUNT OF FUNDS RECEIVED BY THE COMMISSION FROM THE PURSE ENHANCEMENT
37 ACCOUNT FOR EQUINE HEALTH AND SAFETY PURSUANT TO PARAGRAPH TWO OF SUBDI-
38 VISION B OF SECTION SIXTEEN HUNDRED TWELVE OF THE TAX LAW IN RELATION TO
39 VIDEO LOTTERY TERMINAL FACILITIES AT RACE TRACKS LICENSED PURSUANT TO
40 ARTICLES TWO AND THREE OF THIS CHAPTER, AND BY THE AMOUNT OF FUNDS
41 GENERATED BY ANY OTHER EXISTING FEES, TAXES AND ASSESSMENTS PAID BY RACE
42 TRACKS OR OWNERS LICENSED PURSUANT TO ARTICLES TWO AND THREE OF THIS
43 CHAPTER FOR THE PURPOSE OF EQUINE DRUG TESTING, COMPARED TO EXPENSES IN
44 THE RACING REGULATION ACCOUNT. THE COMMISSION SHALL IMPOSE THE ASSESSA-
45 BLE AMOUNT AS AN ASSESSMENT UPON EACH RACE TRACK, AND AS AN ADDITIONAL
46 PER START FEE ON EACH OWNER. IN NO EVENT SHALL THE TOTAL ASSESSABLE
47 AMOUNT EXCEED THE TOTAL EXPENSE PROJECTED BY THE COMMISSION FOR EQUINE
48 DRUG TESTING AND RESEARCH CONDUCTED AT A LABORATORY AUTHORIZED PURSUANT
49 TO SUBDIVISION ONE OF THIS SECTION DURING THAT YEAR.

50 (II) THE TOTAL VALUE OF THE ASSESSMENT IMPOSED UPON ALL RACE TRACKS
51 SHALL BE FIFTY PERCENT OF THE ASSESSABLE AMOUNT CALCULATED BY SUBPARA-
52 GRAPH (I) OF THIS PARAGRAPH, AND SHALL BE ASSESSED IN A MANNER THAT IS
53 PROPORTIONAL TO THE NUMBER OF STARTS AT EACH RACE TRACK DURING THE
54 PREVIOUS YEAR. IN NO EVENT SHALL ANY RACE TRACK IMPOSE THE COST OF SUCH
55 ASSESSMENT, IN PART OR IN WHOLE, ON ANY OWNER OR TRAINER.

1 (III) THE TOTAL VALUE OF THE ADDITIONAL PER START FEE IMPOSED ON
2 OWNERS LICENSED PURSUANT TO THIS CHAPTER AS AN ADDITIONAL PER START FEE
3 SHALL BE FIFTY PERCENT OF THE ASSESSABLE AMOUNT CALCULATED BY SUBPARA-
4 GRAPH (I) OF THIS PARAGRAPH DIVIDED BY THE TOTAL NUMBER OF STARTS IN THE
5 PREVIOUS YEAR, AND SHALL BE ASSESSED AND PAID IN THE SAME MANNER, AND IN
6 ADDITION TO, THE FEE FOR THE START OF A HORSE IN NEW YORK STATE PARI-MU-
7 TUEL RACES PROVIDED BY SECTION ONE HUNDRED FIFTEEN-A OF THIS CHAPTER.

8 4. PAYMENT OF THE ASSESSMENT IMPOSED BY THIS SECTION SHALL BE MADE TO
9 THE COMMISSION, OR TO THE LABORATORY AUTHORIZED TO CONDUCT EQUINE DRUG
10 TESTING IF DIRECTED BY THE COMMISSION, BY EACH ENTITY REQUIRED TO MAKE
11 SUCH PAYMENTS. PAYMENTS OF SUCH ASSESSMENT SHALL BE MADE ON THE LAST
12 BUSINESS DAY OF EACH MONTH AND SHALL COVER ONE-TWELFTH OF THE ANNUAL
13 ASSESSMENT, PROVIDED HOWEVER THAT ALL SUCH PAYMENTS REQUIRED TO BE MADE
14 ON THE LAST DAY OF APRIL SHALL BE DUE WITH THE MAY PAYMENT. A PENALTY OF
15 FIVE PERCENT, AND INTEREST AT THE RATE OF ONE PERCENT PER MONTH FROM THE
16 DATE THE ASSESSMENT, IS DUE TO THE DATE OF THE PAYMENT OF THE ASSESS-
17 MENT, AND SHALL BE PAYABLE IN CASE ANY ASSESSMENT IMPOSED BY THIS CHAP-
18 TER IS NOT PAID WHEN DUE. IF THE COMMISSION DETERMINES THAT ANY PAYMENT
19 RECEIVED UNDER THIS SECTION WAS PAID IN ERROR, THE COMMISSION MAY CAUSE
20 THE SAME TO BE REFUNDED WITHOUT INTEREST OUT OF ANY MONIES COLLECTED
21 THEREUNDER, PROVIDED AN APPLICATION THEREFOR IS FILED WITH THE COMMIS-
22 SION WITHIN ONE YEAR FROM THE TIME THE ERRONEOUS PAYMENT IS MADE.

23 5. ANY DEFICIT IN THE RACING REGULATION ACCOUNT ON MARCH THIRTY-FIRST
24 OF EACH YEAR, EXCLUDING ANY DEFICIT ATTRIBUTED TO THE NEGATIVE FUND
25 BALANCE AS OF MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN, SHALL BE ADDED
26 TO THE ASSESSABLE AMOUNT FOR THE FOLLOWING YEAR. FIFTY PERCENT OF ANY
27 SURPLUS IN SUCH ACCOUNT AS OF MARCH THIRTY-FIRST OF EACH YEAR, NOT TO
28 EXCEED THE AMOUNT OF THE ASSESSMENT IMPOSED ON RACE TRACKS IN THAT YEAR,
29 SHALL BE USED TO REDUCE THE ASSESSMENT IMPOSED ON EACH RACE TRACK IN THE
30 FOLLOWING YEAR IN PROPORTION TO THE AMOUNT PAID BY EACH RACE TRACK IN
31 THE YEAR OF THE SURPLUS. FIFTY PERCENT OF ANY SURPLUS IN SUCH ACCOUNT
32 AS OF MARCH THIRTY-FIRST OF EACH YEAR, NOT TO EXCEED THE TOTAL AMOUNT OF
33 THE ADDITIONAL START FEES IN THAT YEAR, SHALL BE USED TO REDUCE THE
34 ADDITIONAL PER START FEE IN THE FOLLOWING YEAR. SUCH REDUCTION SHALL BE
35 CALCULATED IN THE SAME MANNER AS THE ADDITIONAL PER START FEE.

36 6. NOT LATER THAN MAY FIRST, EACH YEAR, THE COMMISSION SHALL SUBMIT TO
37 THE DIRECTOR OF THE BUDGET, THE TEMPORARY PRESIDENT OF THE SENATE AND
38 THE SPEAKER OF THE ASSEMBLY A REPORT ON THE REVENUE GENERATED BY THE
39 ASSESSMENT, THE TOTAL COST OF EQUINE DRUG TESTING, AND ANY PROJECTED
40 DEFICIT OR SURPLUS IN THE RACING REGULATION ACCOUNT. THE COMMISSION
41 SHALL ALSO PUBLISH SUCH REPORT ON THE COMMISSION'S WEBSITE AS SOON AS
42 PRACTICABLE.

43 S 2. This act shall take effect immediately.

44 PART MM

45 Section 1. Paragraph (b) of subdivision 2 of section 435 of the execu-
46 tive law, as amended by chapter 164 of the laws of 2003, is amended to
47 read as follows:

48 (b) No person, firm or corporation, other than an organization [which]
49 THAT is or has been during the preceding twelve months duly licensed to
50 conduct bingo games, shall sell or distribute bingo supplies or equip-
51 ment without having first obtained a license therefor upon A written OR
52 ELECTRONIC application made, verified and filed with the commission in
53 the form prescribed by the rules and regulations of the commission. As a
54 part of its determination concerning the applicant's suitability for

1 licensing as a bingo supplier, the [New York state racing and wagering
 2 board] COMMISSION shall require the applicant to furnish to such board
 3 two sets of fingerprints. Such fingerprints shall be submitted to the
 4 division of criminal justice services for a state criminal history
 5 record check, as defined in subdivision one of section three thousand
 6 thirty-five of the education law, and may be submitted to the federal
 7 bureau of investigation for a national criminal history record check.
 8 In each such application for a license under this section shall be stat-
 9 ed the name and address of the applicant; the names and addresses of its
 10 officers, directors, shareholders or partners; the amount of gross
 11 receipts realized on the sale or distribution of bingo supplies and
 12 equipment to duly licensed organizations during the last preceding
 13 calendar or fiscal year, and such other information as shall be
 14 prescribed by such rules and regulations. The fee for such license shall
 15 be a sum equal to twenty-five dollars plus an amount based upon the
 16 gross sales, if any, of bingo equipment and supplies to authorized
 17 organizations by the applicant during the preceding calendar year, or
 18 fiscal year if the applicant maintains his OR HER accounts on a fiscal
 19 year basis, and determined in accordance with the following schedule:

20	gross sales of \$1,000 to \$4,999.....	\$10.00
21	gross sales of \$5,000 to \$19,999.....	\$50.00
22	gross sales of \$20,000 to \$49,999.....	\$200.00
23	gross sales of \$50,000 to \$100,000.....	\$500.00
24	gross sales in excess of \$100,000.....	\$1,000.00

25 S 2. Section 476 of the general municipal law is amended by adding a
 26 new subdivision 13 to read as follows:

27 13. "ANCILLARY NON-GAMING ACTIVITY" SHALL MEAN ANY ACTIVITY NOT
 28 DIRECTLY RELATED TO THE CONDUCT OR OUTCOME OF ANY GAME OF BINGO, AND
 29 SHALL INCLUDE ASSISTING AT ANY FOOD CONCESSION, CLEANING, MAINTENANCE
 30 AND SITE PREPARATION AT THE LOCATION WHERE GAMES OF BINGO ARE CONDUCTED.

31 S 3. Subdivisions 5 and 6 of section 479 of the general municipal law,
 32 as amended by chapter 328 of the laws of 1994, are amended to read as
 33 follows:

34 5. No prize shall exceed the sum or value of [one] FIVE thousand
 35 dollars in any single game of bingo.

36 6. No series of prizes on any one bingo occasion shall aggregate more
 37 than [three] FIFTEEN thousand dollars.

38 S 4. Section 480 of the general municipal law, as amended by chapter
 39 438 of the laws of 1962, paragraph (a) of subdivision 1 as amended by
 40 chapter 611 of the laws of 1963, paragraph (b) of subdivision 2 as
 41 amended by chapter 413 of the laws of 1963, is amended to read as
 42 follows:

43 S 480. Application for license. 1. To conduct bingo. (a) Each appli-
 44 cant for a license TO CONDUCT BINGO shall, after obtaining an identifi-
 45 cation number from the control commission, file with the clerk of the
 46 municipality a written OR ELECTRONIC application therefor in the form
 47 prescribed in the rules and regulations of the control commission, duly
 48 executed and verified, in which SUCH APPLICANT shall [be stated] STATE:

49 (1) the name and address of the applicant together with sufficient
 50 facts relating to [its] SUCH APPLICANT'S incorporation and organization
 51 to enable the governing body of the municipality to determine whether or
 52 not [it] THE APPLICANT is a bona fide authorized organization;

53 (2) the names and addresses of [its] THE APPLICANT'S officers; the
 54 place or places where, AND the date or dates and the time or times when,
 55 the applicant intends to conduct bingo under the license applied for;

1 (3) in case the applicant intends to lease premises for this purpose
2 from other than an authorized organization, the name and address of the
3 licensed commercial lessor of such premises, and the capacity or poten-
4 tial capacity for public assembly purposes of space in any premises
5 presently owned or occupied by the applicant;

6 (4) the amount of rent to be paid or other consideration to be given
7 directly or indirectly for each occasion for use of the premises of
8 another authorized organization licensed under this article to conduct
9 bingo or for use of the premises of a licensed commercial lessor;

10 (5) all other items of expense intended to be incurred or paid in
11 connection with the holding, operating and conducting of such games of
12 bingo and the names and addresses of the persons to whom, and the
13 purposes for which, they are to be paid;

14 (6) the specific purposes to which the entire net proceeds of such
15 games OF BINGO are to be devoted and in what manner; that no commission,
16 salary, compensation, reward or recompense will be paid to any person
17 for conducting such bingo game or games or for assisting therein except
18 as in this article otherwise provided; and such other information as
19 shall be prescribed by [such] THE rules and regulations OF THE COMMIS-
20 SION.

21 (b) In each application there shall be designated an active member or
22 members of the applicant organization under whom the game or games of
23 bingo will be conducted and to the application shall be appended a
24 statement executed by the member or members so designated, that he, SHE
25 or they will be responsible for the conduct of such bingo games in
26 accordance with the terms of the license, [and] the rules and regu-
27 lations of the commission and [of] this article.

28 2. Commercial lessor. (a) Each applicant for a license to lease prem-
29 ises to a licensed organization for the purposes of conducting bingo
30 therein shall file with the clerk of the municipality [a written] AN
31 application therefor in a form prescribed in the rules and regulations
32 of the control commission duly executed and verified, which shall set
33 forth the name and address of the applicant; designation and address of
34 the premises intended to be covered by the license sought; lawful capac-
35 ity for public assembly purposes; cost of premises and assessed valu-
36 ation for real estate tax purposes, or annual net lease rent, whichever
37 is applicable; gross rentals received and itemized expenses for the
38 immediately preceding calendar or fiscal year, if any; gross rentals, if
39 any, derived from bingo during the last preceding calendar or fiscal
40 year; computation by which proposed rental schedule was determined;
41 number of occasions on which applicant anticipates receiving rent for
42 bingo during the ensuing year or shorter period if applicable; proposed
43 rent for each such occasion; estimated gross rental income from all
44 other sources during the ensuing year; estimated expenses itemized for
45 ensuing year and amount of each item allocated to bingo rentals; a
46 statement that the applicant in all respects conforms with the specifi-
47 cations contained in the definition of "authorized commercial lessor"
48 set forth in section four hundred seventy-six of this article, and such
49 other information as shall be prescribed by [such] THE rules and regu-
50 lations OF THE COMMISSION.

51 (b) At the end of the license period, a recapitulation, in a manner
52 prescribed in the rules and regulations of the commission, shall be made
53 as between the licensee and the municipal governing body in respect of
54 the gross rental actually received during the license period and the fee
55 paid therefor[, and any]. THE LICENSEE SHALL PAY ANY deficiency of fee
56 thereby shown to be due [shall be paid by the licensee] and any excess

1 of fee thereby shown to have been paid shall be credited to [said] SUCH
2 licensee, in such manner as the commission by rules and regulations
3 shall prescribe.

4 S 5. Paragraph (a) of subdivision 1 of section 481 of the general
5 municipal law, as amended by section 17 of part LL of chapter 56 of the
6 laws of 2010, is amended to read as follows:

7 (a) Issuance of licenses to conduct bingo. If the governing body of
8 the municipality [shall determine] DETERMINES that the applicant is duly
9 qualified to be licensed to conduct bingo under this article; that the
10 member or members of the applicant designated in the application to
11 conduct bingo are bona fide active members of the applicant and are
12 persons of good moral character and have never been convicted of a crime
13 or, if convicted, have received a pardon or a certificate of good
14 conduct or a certificate of relief from disabilities pursuant to article
15 twenty-three of the correction law; that such games OF BINGO are to be
16 conducted in accordance with the provisions of this article and in
17 accordance with the rules and regulations of the commission, and that
18 the proceeds thereof are to be disposed of as provided by this article,
19 and if the governing body is satisfied that no commission, salary,
20 compensation, reward or recompense [whatever] WHAT SO EVER will be paid
21 or given to any person holding, operating or conducting or assisting in
22 the holding, operation and conduct of any such games OF BINGO except as
23 in this article otherwise provided; and that no prize will be offered
24 and given in excess of the sum or value of [one] FIVE thousand dollars
25 in any single game and that the aggregate of all prizes offered and
26 given in all of such games conducted on a single occasion, under said
27 license shall not exceed the sum or value of [three] FIFTEEN thousand
28 dollars, [it] THEN THE MUNICIPALITY shall issue a license to the appli-
29 cant for the conduct of bingo upon payment of a license fee of eighteen
30 dollars and seventy-five cents for each bingo occasion; provided, howev-
31 er, that the governing body shall refuse to issue a license to an appli-
32 cant seeking to conduct bingo in premises of a licensed commercial
33 lessor where [it] SUCH GOVERNING BODY determines that the premises pres-
34 ently owned or occupied by [said] SUCH applicant are in every respect
35 adequate and suitable for conducting bingo games.

36 S 6. Section 486 of the general municipal law, as amended by chapter
37 438 of the laws of 1962, is amended to read as follow:

38 S 486. Participation by persons under THE AGE OF eighteen. No person
39 under the age of eighteen years shall be permitted to play any game or
40 games of bingo conducted pursuant to any license issued under this arti-
41 cle [unless accompanied by an adult]. No person under the age of eigh-
42 teen years shall be permitted to conduct, OPERATE or assist in the
43 conduct of any game of bingo conducted pursuant to any license issued
44 [under] PURSUANT TO this article. NOTHING IN THIS SECTION SHALL PREVENT
45 A PERSON SIXTEEN YEARS OF AGE OR OLDER FROM PERFORMING ANCILLARY
46 NON-GAMING ACTIVITIES CONDUCTED IN CONJUNCTION WITH ANY GAME OF BINGO
47 CONDUCTED PURSUANT TO ANY LICENSE PURSUANT TO THIS ARTICLE.

48 S 7. Intentionally omitted.

49 S 8. Section 490 of the general municipal law, as amended by chapter
50 99 of the laws of 1988, is amended to read as follows:

51 S 490. Advertising of bingo games. A licensee may advertise the
52 conduct of an occasion of bingo to the general public by means of news-
53 paper, radio, circular, handbill and poster, [and] by one sign not
54 exceeding sixty square feet in area, which may be displayed on or adja-
55 cent to the premises owned or occupied by a licensed authorized organ-
56 ization, [and when] AND THROUGH THE INTERNET OR TELEVISION AS MAY BE

1 REGULATED BY THE RULES AND REGULATIONS OF THE COMMISSION. WHEN an organ-
2 ization is licensed to conduct bingo occasions on the premises of another
3 licensed authorized organization or of a licensed commercial lessor,
4 one additional such sign may be displayed on or adjacent to the premises
5 in which the occasions are to be conducted. Additional signs may be
6 displayed upon any firefighting OR AMBULANCE equipment belonging to any
7 licensed authorized organization which is a volunteer fire company,
8 VOLUNTEER AMBULANCE CORPS or upon any equipment of a first aid or rescue
9 squad in and throughout the community served by such volunteer fire
10 company, VOLUNTEER AMBULANCE CORPS or such first aid or rescue squad, as
11 the case may be. All advertisements shall be limited to the description
12 of such event as "bingo", the name of the licensed authorized organiza-
13 tion conducting such BINGO occasions, the license number of the author-
14 ized organization as assigned by the clerk; THE PRIZES OFFERED and the
15 date, location and time of the bingo occasion.

16 S 9. Subdivision 1 of section 491 of the general municipal law, as
17 amended by chapter 667 of the laws of 1980, is amended to read as
18 follows:

19 1. Within seven days after the conclusion of any occasion of bingo,
20 the authorized organization [which] THAT conducted the same, and [its]
21 SUCH AUTHORIZED ORGANIZATION'S members who were in charge thereof, and
22 when applicable the authorized organization [which] THAT rented its
23 premises therefor, shall each furnish to the clerk of the municipality a
24 statement subscribed by the member in charge and affirmed by [him] SUCH
25 PERSON as true, under the penalties of perjury, showing the amount of
26 the gross receipts derived therefrom and each item of expense incurred,
27 or paid, and each item of expenditure made or to be made, the name and
28 address of each person to whom each such item has been paid, or is to be
29 paid, with a detailed description of the merchandise purchased or the
30 services rendered therefor, the net proceeds derived from such game or
31 rental, as the case may be, and the use to which such proceeds have been
32 or are to be applied and a list of prizes offered and given, with the
33 respective values thereof[, and it]. A CLERK MAY MAKE PROVISIONS FOR THE
34 OPTION FOR THE ELECTRONIC FILING OF SUCH STATEMENT. IT shall be the duty
35 of each licensee to maintain and keep such books and records as may be
36 necessary to substantiate the particulars of each such statement and
37 within fifteen days after the end of each calendar quarter during which
38 there has been any occasion of bingo, a summary statement of such infor-
39 mation, in form prescribed by the [state] COMMISSION, shall be furnished
40 in the same manner to the [state racing and wagering board] COMMISSION.

41 S 10. Subdivision 3-b and paragraph (c) of subdivision 5 of section
42 186 of the general municipal law, as amended by subdivision 3-b as added
43 by chapter 550 of the laws of 1994, paragraph (c) of subdivision 5 as
44 amended by chapter 881 of the laws of 1981, are amended to read as
45 follows:

46 3-b. "Raffle" shall mean and include those games of chance in which a
47 participant pays money in return for a ticket or other receipt and in
48 which a prize is awarded on the basis of a winning number or numbers,
49 color or colors, or symbol or symbols designated on the ticket or
50 receipt, determined by chance as a result of:

51 (A) a drawing from among those tickets or receipts previously sold; OR

52 (B) A RANDOM EVENT, THE RESULTS OF WHICH CORRESPOND WITH TICKETS OR
53 RECEIPTS PREVIOUSLY SOLD.

54 (c) Those [which shall] THAT otherwise lessen the burdens borne by
55 government or [which] THAT are voluntarily undertaken by an authorized
56 organization to augment or supplement services which government would

1 normally render to the people, including, in the case of volunteer
2 [firemen's] FIREFIGHTERS OR VOLUNTARY EMERGENCY MEDICAL SERVICE activ-
3 ities, the purchase, erection or maintenance of a building for a fire-
4 house OR A VOLUNTEER AMBULANCE CORPS BUILDING, activities open to the
5 public for the enhancement of membership[,] and the purchase of equip-
6 ment [which] THAT can reasonably be expected to increase the efficiency
7 of response to fires, accidents, MEDICAL EMERGENCIES, public calamities
8 and other emergencies.

9 S 11. Subdivisions 5, 6 and 13 of section 189 of the general municipal
10 law, subdivision 5 as amended by chapter 434 of the laws of 2016, subdi-
11 vision 6 as amended by chapter 302 of the laws of 2010, and subdivision
12 13 as amended by chapter 252 of the laws of 1998, are amended to read as
13 follows:

14 5. (A) No single prize awarded by games of chance other than raffle
15 shall exceed the sum or value of three hundred dollars, except that for
16 merchandise wheels, no single prize shall exceed the sum or value of two
17 hundred fifty dollars, AND FOR BELL JAR, NO SINGLE PRIZE SHALL EXCEED
18 THE SUM OR VALUE OF ONE THOUSAND DOLLARS.

19 (B) No single prize awarded by raffle shall exceed the sum or value of
20 three hundred thousand dollars.

21 (C) No single wager shall exceed six dollars and for bell jars, coin
22 boards[,] or merchandise boards, no single prize shall exceed [five
23 hundred] ONE THOUSAND dollars, provided, however, that such limitation
24 shall not apply to the amount of money or value paid by the participant
25 in a raffle in return for a ticket or other receipt.

26 (D) For coin boards and merchandise boards, the value of a prize shall
27 be determined by [its costs] THE COST OF SUCH PRIZE to the authorized
28 organization or, if donated, [its] THE fair market value OF SUCH PRIZE.

29 6. (A) No authorized organization shall award a series of prizes
30 consisting of cash or of merchandise with an aggregate value in excess
31 of:

32 (1) ten thousand dollars during the successive operations of any one
33 merchandise wheel[,] ; and

34 (2) [three] SIX thousand dollars during the successive operations of
35 any bell jar, coin board[,] or merchandise board.

36 (B) No series of prizes awarded by raffle shall have an aggregate
37 value in excess of five hundred thousand dollars.

38 (C) For coin boards and merchandise boards, the value of a prize shall
39 be determined by [its cost] THE COST OF SUCH PRIZE to the authorized
40 organization or, if donated, [its] THE fair market value OF SUCH PRIZE.

41 13. (A) No game of chance, OTHER THAN A RAFFLE THAT COMPLIES WITH
42 PARAGRAPH (B) OF THIS SUBDIVISION, shall be conducted on other than the
43 premises of an authorized organization or an authorized games of chance
44 lessor. [Nothing herein shall prohibit the sale of raffle]

45 (B) RAFFLE tickets MAY BE SOLD to the public, AND A RAFFLE DRAWING MAY
46 OCCUR, outside the premises of an authorized organization or an author-
47 ized games of chance lessor[; or in municipalities which have] IF SUCH
48 SALES OCCUR, OR SUCH DRAWING OCCURS, IN A MUNICIPALITY THAT:

49 (1) HAS passed a local law, ordinance or resolution in accordance with
50 sections one hundred eighty-seven and one hundred eighty-eight of this
51 article approving the conduct of games of chance;

52 (2) [that are] IS located in the county in which the municipality
53 issuing the RAFFLE license is located [and] OR in [the counties which
54 are] A COUNTY THAT IS contiguous to the county in which the municipality
55 issuing the raffle license is located[, provided those municipalities

1 have authorized the licensee, in writing, to sell such raffle tickets
2 therein and provided, however, that no];

3 (3) HAS NOT OBJECTED TO SUCH SALES AFTER THE GAMING COMMISSION GIVES
4 NOTICE TO SUCH MUNICIPALITY OF AN AUTHORIZED ORGANIZATION'S REQUEST TO
5 SELL SUCH RAFFLE TICKETS IN SUCH MUNICIPALITY; AND

6 (4) HAS NOT OBJECTED TO THE LOCATION IN SUCH MUNICIPALITY THAT SUCH
7 DRAWING IS PROPOSED TO OCCUR, AFTER THE COMMISSION GIVES NOTICE TO SUCH
8 MUNICIPALITY OF AN AUTHORIZED ORGANIZATION'S REQUEST TO CONDUCT SUCH
9 DRAWING IN SUCH MUNICIPALITY. A LOCATION OF A DRAWING MAY BE ON
10 STATE-OWNED PROPERTY SO LONG AS THE AUTHORIZED ORGANIZATION CONDUCTING
11 THE RAFFLE OBTAINS ALL REQUIRED AUTHORIZATIONS TO DO SO AND COMPLIES
12 WITH THIS PARAGRAPH.

13 (C) THE GAMING COMMISSION MAY BY REGULATION PRESCRIBE THE ADVANCE
14 NOTICE AN AUTHORIZED ORGANIZATION MUST PROVIDE TO THE GAMING COMMISSION
15 IN ORDER TO TAKE ADVANTAGE OF THE PROVISIONS OF PARAGRAPH (B) OF THIS
16 SUBDIVISION, FORMS IN WHICH SUCH A REQUEST SHALL BE MADE AND THE TIME
17 PERIOD IN WHICH A MUNICIPALITY MUST COMMUNICATE AN OBJECTION TO THE
18 GAMING COMMISSION.

19 (D) NO sale of raffle tickets shall be made more than one hundred
20 eighty days prior to the date scheduled for the occasion at which the
21 raffle will be conducted.

22 (E) The winner of any single prize in a raffle shall not be required
23 to be present at the time such raffle is conducted.

24 S 12. Subdivisions 1 and 2 of section 190-a of the general municipal
25 law, as amended by chapter 400 of the laws of 2005, are amended to read
26 as follows:

27 1. Notwithstanding the licensing requirements set forth in this arti-
28 cle and their filing requirements set forth in subdivision four of
29 section one hundred ninety of this article, an authorized organization
30 may conduct a raffle without complying with such licensing requirements
31 or such filing requirements, provided, that such organization shall
32 derive net proceeds from raffles in an amount less than five thousand
33 dollars during the conduct of one raffle and shall derive net proceeds
34 from raffles in an amount less than [twenty] THIRTY thousand dollars
35 during one calendar year.

36 2. (a) For the purposes of this section, "authorized organization"
37 shall mean and include any bona fide religious or charitable organiza-
38 tion or bona fide educational, fraternal or service organization or bona
39 fide organization of veterans [or], volunteer [firefighter, which] FIRE-
40 FIGHTERS OR VOLUNTEER AMBULANCE WORKERS THAT by its charter, certificate
41 of incorporation, constitution, or act of the legislature, [shall have]
42 HAS among its dominant purposes one or more of the lawful purposes as
43 defined in this article, provided that each shall operate without profit
44 to its members[,] and provided that each such organization has engaged
45 in serving one or more of the lawful purposes as defined in this article
46 for a period of [three years] ONE YEAR immediately prior to being grant-
47 ed the filing requirement exemption contained in subdivision one of this
48 section.

49 (b) No organization shall be deemed an authorized organization [which]
50 THAT is formed primarily for the purpose of conducting games of chance
51 and [which] THAT does not devote at least seventy-five percent of its
52 activities to other than conducting games of chance. No political party
53 shall be deemed an authorized organization.

54 S 13. Section 195-d of the general municipal law, as amended by chap-
55 ter 637 of the laws of 1999, is amended to read as follows:

1 S 195-d. Charge for admission and participation; amount of prizes;
2 award of prizes. 1. A fee may be charged by any licensee for admission
3 to any game or games of chance conducted under any license issued under
4 this article. The clerk or department may in its discretion fix a mini-
5 mum fee.

6 2. With the exception of bell jars, coin boards, seal cards, merchan-
7 dise boards[,] and raffles, every winner shall be determined and every
8 prize shall be awarded and delivered within the same calendar day as
9 that upon which the game was played. No alcoholic beverage shall be
10 offered or given as a prize in any game of chance.

11 3. A PLAYER MAY PURCHASE A CHANCE WITH CASH OR, IF THE AUTHORIZED
12 ORGANIZATION WISHES, WITH A PERSONAL CHECK.

13 S 14. Section 195-e of the general municipal law, as amended by
14 section 94 of the laws of 1981, is amended to read as follows:

15 S 195-e. Advertising games. A licensee may advertise the conduct of
16 games of chance to the general public by means of newspaper, circular,
17 handbill and poster, and by one sign not exceeding sixty square feet in
18 area, which may be displayed on or adjacent to the premises owned or
19 occupied by a licensed authorized organization, [and when] THROUGH THE
20 INTERNET OR TELEVISION AS MAY BE REGULATED BY THE RULES AND REGULATIONS
21 OF THE COMMISSION. WHEN an organization is licensed OR AUTHORIZED to
22 conduct games of chance on THE premises of an authorized games of chance
23 lessor, one additional such sign may be displayed on or adjacent to the
24 premises in which the games are to be conducted. Additional signs may
25 be displayed upon any [fire fighting] FIREFIGHTING OR AMBULANCE equip-
26 ment belonging to any licensed authorized organization [which] THAT is a
27 volunteer fire company, VOLUNTEER AMBULANCE CORPS or upon any equipment
28 of a first aid or rescue squad in and throughout the community served by
29 such volunteer fire company, VOLUNTEER AMBULANCE CORPS or such first aid
30 or rescue squad, as the case may be. All advertisements shall be limited
31 to the description of such event as "Games of chance" or "Las Vegas
32 Night", the name of the authorized organization conducting such games,
33 the license number of the authorized organization as assigned by the
34 clerk or department, THE PRIZES OFFERED and the date, location and time
35 of the event.

36 S 15. Subdivision 2 of section 195-f of the general municipal law, as
37 amended by chapter 678 of the laws of 2004, is amended to read as
38 follows:

39 2. Within thirty days after the conclusion of an occasion during which
40 a raffle was conducted, the authorized organization conducting such
41 raffle and the members in charge of such raffle, and, when applicable,
42 the authorized games of chance lessor [which] THAT rented its premises
43 therefor, shall each furnish to the clerk or department a statement on a
44 form prescribed by the [board] GAMING COMMISSION, subscribed by the
45 member in charge and affirmed by him OR HER as true, under the penalties
46 of perjury, showing the number of tickets printed, the number of tickets
47 sold, the price, and the number of tickets returned to or retained by
48 the authorized organization as unsold, a description and statement of
49 the fair market value for each prize actually awarded, the amount of the
50 gross receipts derived therefrom, each item of expenditure made or to be
51 made other than prizes, the name and address of each person to whom each
52 such item of expense has been paid, or is to be paid, a detailed
53 description of the merchandise purchased or the services rendered there-
54 for, the net proceeds derived from the raffle at such occasion, the use
55 to which the proceeds have been or are to be applied [and]. IT shall be
56 the duty of each licensee to maintain and keep such books and records as

1 may be necessary to substantiate the particulars of each such statement,
2 provided, however, where the cumulative net proceeds or net profits
3 derived from the conduct of a raffle or raffles are less than thirty
4 thousand dollars during any one occasion, in such case, the reporting
5 requirement shall be satisfied by the filing within thirty days of the
6 conclusion of such occasion a verified statement prescribed by the
7 [board] GAMING COMMISSION attesting to the amount of such net proceeds
8 or net profits and the distribution thereof for lawful purposes with the
9 clerk or department and a copy with the [board] GAMING COMMISSION, and
10 provided further, however, where the cumulative net proceeds derived
11 from the conduct of a raffle or raffles are less than five thousand
12 dollars during any one occasion and less than [twenty] THIRTY thousand
13 dollars during one calendar year, no reporting shall be required.

14 S 16. Subdivision 5 of section 195-o of the general municipal law, as
15 amended by section 637 of the laws of 1999, is amended to read as
16 follows:

17 5. Reports. A distributor shall report quarterly to the [board] GAMING
18 COMMISSION, on a form prescribed by the [board] GAMING COMMISSION, its
19 sales of each type of bell jar deal or tickets. This report shall be
20 filed quarterly on or before the twentieth day of the month succeeding
21 the end of the quarter in which the sale was made. The [board] GAMING
22 COMMISSION may require that a distributor submit the quarterly report
23 and invoices required by this section via [magnetic] ELECTRONIC media or
24 electronic data transfer.

25 S 17. This act shall take effect on the ninetieth day after it shall
26 have become a law.

27

PART NN

28 Section 1. Section 207 of the racing, pari-mutuel wagering and breed-
29 ing law, as added by chapter 18 of the laws of 2008, paragraphs a, b and
30 c of subdivision 1 as added by section 4, paragraph c of subdivision 1
31 as added by section 5 and subdivision 5 as added by section 6 of chapter
32 457 of the laws of 2012, and paragraph d of subdivision 1 as amended by
33 section 1 of part C of chapter 73 of the laws of 2016, is amended to
34 read as follows:

35 S 207. Board of directors of a franchised corporation. 1. a. The
36 board of directors, to be called the New York racing association [reor-
37 ganization] board, shall consist of seventeen members[, five of whom
38 shall be elected by the present class A directors of The New York Racing
39 Association, Inc., eight to be] WHO SHALL HAVE EQUAL VOTING RIGHTS: TWO
40 appointed by the governor, two [to be] appointed by the temporary presi-
41 dent of the senate and two [to be] appointed by the speaker of the
42 assembly; EIGHT APPOINTED BY THE EXECUTIVE COMMITTEE OF THE NEW YORK
43 RACING ASSOCIATION REORGANIZATION BOARD OF DIRECTORS CONSTITUTED PURSU-
44 ANT TO CHAPTER FOUR HUNDRED FIFTY-SEVEN OF THE LAWS OF TWO THOUSAND
45 TWELVE, WHICH SHALL CONTINUE TO EXIST UNTIL SUCH TIME AS THE APPOINT-
46 MENTS REQUIRED HEREUNDER ARE MADE. THE NEW YORK RACING ASSOCIATION WILL
47 INCLUDE KNOWLEDGE OF THE MARKETPLACE AND COMMUNITIES IN WHICH THE NEW
48 YORK RACING ASSOCIATION OPERATES AS A FACTOR IN BOARD SELECTION; ONE WHO
49 SHALL BE THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE FRANCHISED
50 CORPORATION, EX OFFICIO AND WITHOUT TERM LIMITATION; ONE APPOINTED BY
51 THE NEW YORK THOROUGHBRED BREEDERS, INC.; AND ONE APPOINTED BY THE NEW
52 YORK THOROUGHBRED HORSEMEN'S ASSOCIATION REPRESENTING AT LEAST FIFTY-ONE
53 PERCENT OF THE HORSEMEN USING THE FACILITIES OF THE FRANCHISED CORPO-
54 RATION. THE NEW YORK RACING ASSOCIATION BOARD MAY INCLUDE ADDITIONAL EX

1 OFFICIO, NON-VOTING MEMBERS AS APPOINTED PURSUANT TO A MAJORITY VOTE OF
2 THE BOARD. ALL PUBLIC APPOINTED MEMBERS OF THE BOARD SHALL BE A RESIDENT
3 OF NEW YORK STATE.

4 (i) The governor shall nominate a member to serve as chair FOR AN
5 INITIAL TERM OF THREE YEARS, WHO SHALL SERVE AT THE PLEASURE OF THE
6 GOVERNOR, subject to confirmation by majority vote of the board [of
7 directors. All non-ex officio members shall have equal voting rights].
8 THEREAFTER, THE BOARD SHALL ELECT ITS CHAIR, WHO SHALL SERVE AT THE
9 PLEASURE OF THE BOARD, FROM AMONG ITS MEMBERS.

10 (ii) THE TERM OF VOTING MEMBERSHIP ON THE NEW YORK RACING ASSOCIATION
11 BOARD SHALL BE THREE YEARS. INDIVIDUAL APPOINTEES SHALL BE LIMITED TO
12 SERVING AS A VOTING MEMBER THE LESSER OF THREE TERMS OR NINE YEARS.
13 NOTWITHSTANDING THE FOREGOING, THE INITIAL TERM OF ONE MEMBER APPOINTED
14 BY EACH OF THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, AND SPEAKER
15 OF THE ASSEMBLY, THE MEMBER APPOINTED BY THE NEW YORK THOROUGHBRED
16 HORSEMEN'S ASSOCIATION, AND THE MEMBER APPOINTED BY THE NEW YORK
17 THOROUGHBRED BREEDERS, INC. SHALL EXPIRE MARCH THIRTY-FIRST, TWO THOU-
18 SAND EIGHTEEN; THE INITIAL TERM OF THE REMAINING MEMBERS APPOINTED BY
19 EACH OF THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, AND SPEAKER OF
20 THE ASSEMBLY AND TWO MEMBERS APPOINTED BY THE NEW YORK RACING ASSOCI-
21 ATION REORGANIZATION BOARD SHALL EXPIRE ON MARCH THIRTY-FIRST, TWO THOU-
22 SAND NINETEEN; AND THE REMAINING MEMBERS SHALL SERVE FULL THREE-YEAR
23 TERMS.

24 (III) In the event of a member vacancy occurring by death, resignation
25 or otherwise, the respective appointing [officer or officers] AUTHORITY
26 shall appoint a successor who shall hold office for the unexpired
27 portion of the term. [A vacancy from the members appointed from the
28 present board of The New York Racing Association, Inc., shall be filled
29 by the remaining such members] IN THE CASE OF VACANCIES AMONG MEMBERS
30 APPOINTED BY THE EXECUTIVE COMMITTEE OF THE NEW YORK RACING ASSOCIATION
31 REORGANIZATION BOARD OF DIRECTORS CONSTITUTED PURSUANT TO CHAPTER FOUR
32 HUNDRED FIFTY-SEVEN OF THE LAWS OF TWO THOUSAND TWELVE, APPOINTMENTS
33 THEREAFTER SHALL BE MADE BY THE EXECUTIVE COMMITTEE OF THE NEW YORK
34 RACING ASSOCIATION BOARD AS CONSTITUTED BY THE CHAPTER OF THE LAWS OF
35 TWO THOUSAND SEVENTEEN THAT AMENDED THIS SECTION.

36 b. The franchised corporation shall establish a compensation committee
37 to fix salary guidelines, such guidelines to be consistent with an oper-
38 ation of other first class thoroughbred racing operations in the United
39 States; a finance AND AUDIT committee, to review annual operating and
40 capital budgets for each of the three racetracks; a nominating AND
41 GOVERNANCE committee, to nominate any new directors to be designated by
42 the franchised corporation to replace its existing directors AND BE
43 RESPONSIBLE FOR ALL ISSUES AFFECTING THE GOVERNANCE OF THE FRANCHISED
44 CORPORATION; AN EQUINE SAFETY COMMITTEE TO REVIEW INDUSTRY BEST PRAC-
45 TICES TO IMPROVE THE SAFETY OF HORSE RACING OF THE THREE RACETRACKS; A
46 RACING COMMITTEE TO ADDRESS ALL ISSUES RELATED TO RACING OPERATIONS; and
47 an executive committee. Each of the compensation, finance, nominating
48 and executive committees shall include at least one [of] PUBLIC MEMBER
49 FROM AMONG the directors appointed by the governor[, and the executive
50 committee shall include at least one of the directors appointed by the
51 temporary president of the senate and at least one of the directors
52 appointed by the speaker of the assembly].

53 [b. In addition to these voting members, the board shall have two ex
54 officio members to advise on critical economic and equine health
55 concerns of the racing industry, one appointed by the New York Thorough-
56 bred Breeders Inc., and one appointed by the New York thoroughbred

1 horsemen's association (or such other entity as is certified and
2 approved pursuant to section two hundred twenty-eight of this article).
3 c. All directors shall serve at the pleasure of their appointing
4 authority.]

5 c. Upon the effective date of this paragraph, the structure of the NEW
6 YORK RACING ASSOCIATION board [of the franchised corporation] shall be
7 deemed to be incorporated within and made part of the certificate of
8 incorporation of the franchised corporation, and no amendment to such
9 certificate of incorporation shall be necessary to give effect to any
10 such provision, and any provision contained within such certificate
11 inconsistent in any manner shall be superseded by the provisions of this
12 section. Such board shall, however, make appropriate conforming changes
13 to all governing documents of the franchised corporation including but
14 not limited to corporate by-laws. Following such conforming changes,
15 amendments to the by-laws of the franchised corporation shall [only] be
16 made ONLY by unanimous vote of the board.

17 [d. The board, which shall become effective upon appointment of a
18 majority of public members, shall terminate five years from its date of
19 creation.]

20 2. Members of the NEW YORK RACING ASSOCIATION board [of directors]
21 shall serve without compensation for their services, but [publicly
22 appointed members of the board] shall be entitled to reimbursement from
23 the franchised corporation for actual and necessary expenses incurred in
24 the performance of their [official] duties FOR THE BOARD.

25 3. Members of the NEW YORK RACING ASSOCIATION board [of directors],
26 except as otherwise provided by law, may engage in private employment,
27 or in a profession or business, however no member shall have any direct
28 or indirect economic interest in any video lottery gaming facility,
29 excluding incidental benefits based on purses or awards won in the ordi-
30 nary conduct of racing operations, or any direct or indirect interest in
31 any development undertaken at the racetracks of the state racing fran-
32 chise INCLUDING REAL ESTATE DEVELOPMENT PARCELS AS DEFINED IN THE FRAN-
33 CHISE AGREEMENT.

34 4. The affirmative vote of a majority of members of the NEW YORK
35 RACING ASSOCIATION board [of directors] shall be necessary for the tran-
36 saction of any business or the exercise of any power or function of the
37 franchised corporation. The franchised corporation may delegate on an
38 annual basis to one or more of its members, or its officers, agents or
39 employees, such powers and duties as it may deem proper.

40 5. Each voting member of the NEW YORK RACING ASSOCIATION board [of
41 directors] of the franchised corporation shall annually make a written
42 disclosure to [the] SUCH board of any interest held by the director,
43 such director's spouse or unemancipated child, in any entity undertaking
44 business in the racing or breeding industry. Such interest disclosure
45 shall be promptly updated, in writing, in the event of any material
46 change.

47 The NEW YORK RACING ASSOCIATION board shall establish parameters for
48 the reporting and disclosure of such director interests.

49 6. EACH VOTING MEMBER OF THE NEW YORK RACING ASSOCIATION BOARD
50 APPOINTED BY THE EXECUTIVE COMMITTEE OF THE NEW YORK RACING ASSOCIATION
51 REORGANIZATION BOARD OF DIRECTORS SHALL SEEK A RACETRACK MANAGEMENT
52 LICENSE ISSUED BY THE GAMING COMMISSION, ANY FEES FOR WHICH SHALL BE
53 WAIVED BY THE COMMISSION. NO VOTING MEMBER OF THE BOARD REQUIRED BY THE
54 FOREGOING TO SEEK A RACETRACK MANAGEMENT LICENSE MAY VOTE ON ANY BOARD
55 MATTER UNTIL SUCH LICENSE IS ISSUED.

1 7. FOR PURPOSES OF SECTION TWO HUNDRED TWELVE OF THIS ARTICLE, THE
2 ESTABLISHMENT OF THE NEW YORK RACING ASSOCIATION, INC. BOARD OF DIREC-
3 TORS UNDER THIS SECTION SHALL NOT CONSTITUTE THE ASSUMPTION OF THE FRAN-
4 CHISE BY A SUCCESSOR ENTITY.

5 8. THE FRANCHISE CORPORATION SHALL NOT HAVE ANY DIRECT OR INDIRECT
6 OWNERSHIP, CONTROL, INFLUENCE, OR INVESTMENT, IN ANY FRANCHISE OVERSIGHT
7 BOARD APPROVED DEVELOPMENT OR SUCH ALTERNATIVE USE AS MAY BE APPROVED BY
8 THE FRANCHISE OVERSIGHT BOARD CONDUCTED ON THE REAL ESTATE DEVELOPMENT
9 PARCELS AS DEFINED IN THE FRANCHISE AGREEMENT.

10 S 2. Subparagraphs (ii), (iii), (vii) and (xvii) of paragraph a of
11 subdivision 8 of section 212 of the racing, pari-mutuel wagering and
12 breeding law, as added by chapter 18 of the laws of 2008, are amended,
13 subparagraph (xviii) is renumbered subparagraph (xx) and two new subpar-
14 agraphs (xviii) and (xix) are added to read as follows:

15 (ii) monitor and enforce compliance with definitive documents that
16 comprise the franchise agreement between the franchised corporation and
17 the state of New York governing the franchised corporation's operation
18 of thoroughbred racing and pari-mutuel wagering at the racetracks. The
19 franchise agreement shall contain objective performance standards that
20 shall allow contract review in a manner consistent with this chapter.
21 The franchise oversight board shall notify the franchised corporation
22 authorized by this chapter in writing of any material breach of the
23 performance standards or repeated non-material breaches which the fran-
24 chise oversight board may determine collectively constitute a material
25 breach of the performance standards. Prior to taking any action against
26 such franchised corporation, the franchise oversight board shall provide
27 the franchised corporation with the reasonable opportunity to cure any
28 material breach of the performance standards or repeated non-material
29 breaches which the franchise oversight board may determine collectively
30 constitute a material breach of the performance standards. Upon a writ-
31 ten finding of a material breach of the performance standards or
32 repeated non-material breaches which the franchise oversight board may
33 determine collectively constitute a material breach of the performance
34 standards, the franchise oversight board may recommend that the fran-
35 chise agreement be terminated. The franchise oversight board shall refer
36 such recommendation to the [racing and wagering board] COMMISSION for a
37 hearing conducted pursuant to section two hundred forty-five of this
38 article for a determination of whether to terminate the franchise agree-
39 ment with the franchised corporation;

40 (iii) oversee, monitor and review all significant transactions and
41 operations of the franchised corporation authorized by this chapter;
42 provided, however, that nothing in this section shall be deemed to
43 reduce, diminish or impede the authority of the [state racing and wager-
44 ing board] COMMISSION to, pursuant to article one of this chapter,
45 determine and enforce compliance by the franchised corporation with
46 terms of racing laws and regulations. Such oversight shall include, but
47 not be limited to:

48 (A) review and make recommendations concerning the annual operating
49 budgets of such franchised corporation;

50 (B) review and make recommendations concerning operating revenues and
51 the establishment of a financial plan;

52 (C) review and make recommendations concerning accounting, internal
53 control systems and security procedures;

54 (D) review such franchised corporation's revenue and expenditure
55 [policies] POLICIES which shall include collective bargaining agreements

1 management and employee compensation plans, vendor contracts and capital
2 improvement plans;

3 (E) review such franchise corporation's compliance with the laws,
4 rules and regulations applicable to its activities;

5 (F) make recommendations for establishing model governance principles
6 to improve accountability and transparency; and

7 (G) receive, review, approve or disapprove capital expense plans
8 submitted annually by the franchised corporation.

9 (vii) review and provide any recommendations on all simulcasting
10 contracts (buy and sell) that are also subject to prior approval of the
11 [racing and wagering board] COMMISSION;

12 (xvii) request and accept the assistance of any state agency, includ-
13 ing but not limited to, the [racing and wagering board, the division of
14 the lottery] COMMISSION, office of parks, recreation and historic pres-
15 ervation, the department of environmental conservation and the depart-
16 ment of taxation and finance, in obtaining information related to the
17 franchised corporation's compliance with the terms of the franchise
18 agreement;[and]

19 (XVIII) WHEN THE FRANCHISE OVERSIGHT BOARD DETERMINES THE FINANCIAL
20 POSITION OF THE FRANCHISED CORPORATION HAS DEVIATED MATERIALLY FROM THE
21 FRANCHISED CORPORATION'S FINANCIAL PLAN, OR OTHER SUCH RELATED DOCUMENTS
22 PROVIDED TO THE FRANCHISE OVERSIGHT BOARD, AND SUCH DEVIATION IS NOT
23 MITIGATED BY THE FRANCHISED CORPORATION WITHIN ONE HUNDRED EIGHTY DAYS
24 OF THE FRANCHISE OVERSIGHT BOARD PROVIDING NOTICE OF SUCH DETERMINATION
25 TO THE FRANCHISED CORPORATION, OR WHEN THE IMPLEMENTATION OF SUCH PLAN
26 WOULD, IN THE OPINION OF THE FRANCHISE OVERSIGHT BOARD, POSE A SIGNIF-
27 ICANT RISK TO THE LIQUIDITY OF THE FRANCHISED CORPORATION, IN ANY ORDER
28 OR COMBINATION:

29 (A) HIRE, AT THE EXPENSE OF THE FRANCHISED CORPORATION, AN INDEPENDENT
30 FINANCIAL ADVISER TO EVALUATE THE FINANCIAL POSITION OF THE FRANCHISED
31 CORPORATION AND REPORT ON SUCH TO THE FRANCHISE OVERSIGHT BOARD; AND

32 (B) REQUIRE THE FRANCHISED CORPORATION TO SUBMIT FOR THE FRANCHISE
33 OVERSIGHT BOARD'S APPROVAL A CORRECTIVE ACTION PLAN ADDRESSING ANY
34 CONCERNS IDENTIFIED AS RISKS BY THE FRANCHISE OVERSIGHT BOARD.

35 (XIX) WHEN THE FRANCHISE OVERSIGHT BOARD FINDS THE FRANCHISED CORPO-
36 RATION HAS EXPERIENCED TWO CONSECUTIVE YEARS OF MATERIAL LOSSES DUE TO
37 CIRCUMSTANCES WITHIN THE CONTROL OF THE FRANCHISED CORPORATION, AS
38 DETERMINED BY THE FRANCHISE OVERSIGHT BOARD, AND WHEN THE FRANCHISED
39 CORPORATION HAS FAILED TO ADDRESS CONCERNS IDENTIFIED BY THE FRANCHISE
40 OVERSIGHT BOARD PURSUANT TO SUBPARAGRAPH (XVIII) OF THIS PARAGRAPH, THE
41 BOARD MAY BY UNANIMOUS VOTE REQUEST THE DIRECTOR OF THE BUDGET TO
42 IMPOUND AND ESCROW RACING SUPPORT PAYMENTS ACCRUING TO THE BENEFIT OF
43 THE FRANCHISED CORPORATION PURSUANT TO PARAGRAPHS THREE AND FOUR OF
44 SUBDIVISION F OF SECTION SIXTEEN HUNDRED TWELVE OF THE TAX LAW. THE
45 DIRECTOR OF THE BUDGET SHALL RELEASE SUCH IMPOUNDED AND ESCROWED RACING
46 SUPPORT PAYMENTS UPON NOTICE FROM THE FRANCHISE OVERSIGHT BOARD THAT THE
47 FRANCHISED CORPORATION HAS ACHIEVED THE GOALS OF A NEW CORRECTIVE ACTION
48 PLAN APPROVED BY THE BOARD.

49 THE DIRECTOR OF THE BUDGET SHALL, UPON WARRANT OF THE FRANCHISE OVER-
50 SIGHT BOARD, APPROVE THE USE OF WITHHELD RACING SUPPORT PAYMENTS NECES-
51 SARY TO SATISFY FINANCIAL INSTRUMENTS USED TO FUND BOARD-APPROVED CAPI-
52 TAL INVESTMENTS, AS APPROVED BY THE FRANCHISE OVERSIGHT BOARD.

53 S 3. Subparagraph (i) of paragraph (d) of subdivision 1 of section 238
54 of the racing, pari-mutuel wagering and breeding law, as amended by
55 section 2 of part BB of chapter 60 of the laws of 2016, is amended to
56 read as follows:

1 (i) The pari-mutuel tax rate authorized by paragraph (a) of this
2 subdivision shall be effective so long as a franchised corporation noti-
3 fies the gaming commission by August fifteenth of each year that such
4 pari-mutuel tax rate is effective of its intent to conduct a race meet-
5 ing at Aqueduct racetrack during the months of December, January, Febru-
6 ary, March and April. For purposes of this paragraph such race meeting
7 shall consist of not less than ninety-five days of racing UNLESS OTHER-
8 WISE AGREED TO IN WRITING BY THE NEW YORK THOROUGHBRED BREEDERS INC.,
9 THE NEW YORK THOROUGHBRED HORSEMEN'S ASSOCIATION (OR SUCH OTHER ENTITY
10 AS IS CERTIFIED AND APPROVED PURSUANT TO SECTION TWO HUNDRED
11 TWENTY-EIGHT OF THIS ARTICLE) AND APPROVED BY THE COMMISSION. Not later
12 than May first of each year that such pari-mutuel tax rate is effective,
13 the gaming commission shall determine whether a race meeting at Aqueduct
14 racetrack consisted of the number of days as required by this paragraph.
15 In determining the number of race days, cancellation of a race day
16 because of an act of God that the gaming commission approves or because
17 of weather conditions that are unsafe or hazardous which the gaming
18 commission approves shall not be construed as a failure to conduct a
19 race day. Additionally, cancellation of a race day because of circum-
20 stances beyond the control of such franchised corporation for which the
21 gaming commission gives approval shall not be construed as a failure to
22 conduct a race day. If the gaming commission determines that the number
23 of days of racing as required by this paragraph have not occurred then
24 the pari-mutuel tax rate in paragraph (a) of this subdivision shall
25 revert to the pari-mutuel tax rates in effect prior to January first,
26 nineteen hundred ninety-five.

27 S 4. This act shall take effect April 1, 2017; provided, however, that
28 section one of this act shall take effect upon the appointment of a
29 majority of board members; provided, further, that the state franchise
30 oversight board shall notify the legislative bill drafting commission
31 upon the occurrence of such appointments in order that the commission
32 may maintain an accurate and timely effective data base of the official
33 text of the laws of the state of New York in furtherance of effectuating
34 the provisions of section 44 of the legislative law and section 70-b of
35 the public officers law; provided further that the amendments to section
36 212 of the racing, pari-mutuel wagering and breeding law made by section
37 two of this act shall not affect the repeal of such section and shall be
38 deemed repealed therewith.

39

PART 00

40 Section 1. Paragraph (a) of subdivision 1 of section 1003 of the
41 racing, pari-mutuel wagering and breeding law, as amended by section 1
42 of part FF of chapter 60 of the laws of 2016, is amended to read as
43 follows:

44 (a) Any racing association or corporation or regional off-track
45 betting corporation, authorized to conduct pari-mutuel wagering under
46 this chapter, desiring to display the simulcast of horse races on which
47 pari-mutuel betting shall be permitted in the manner and subject to the
48 conditions provided for in this article may apply to the commission for
49 a license so to do. Applications for licenses shall be in such form as
50 may be prescribed by the commission and shall contain such information
51 or other material or evidence as the commission may require. No license
52 shall be issued by the commission authorizing the simulcast transmission
53 of thoroughbred races from a track located in Suffolk county. The fee
54 for such licenses shall be five hundred dollars per simulcast facility

1 and for account wagering licensees that do not operate either a simul-
2 cast facility that is open to the public within the state of New York or
3 a licensed racetrack within the state, twenty thousand dollars per year
4 payable by the licensee to the commission for deposit into the general
5 fund. Except as provided in this section, the commission shall not
6 approve any application to conduct simulcasting into individual or group
7 residences, homes or other areas for the purposes of or in connection
8 with pari-mutuel wagering. The commission may approve simulcasting into
9 residences, homes or other areas to be conducted jointly by one or more
10 regional off-track betting corporations and one or more of the follow-
11 ing: a franchised corporation, thoroughbred racing corporation or a
12 harness racing corporation or association; provided (i) the simulcasting
13 consists only of those races on which pari-mutuel betting is authorized
14 by this chapter at one or more simulcast facilities for each of the
15 contracting off-track betting corporations which shall include wagers
16 made in accordance with section one thousand fifteen, one thousand
17 sixteen and one thousand seventeen of this article; provided further
18 that the contract provisions or other simulcast arrangements for such
19 simulcast facility shall be no less favorable than those in effect on
20 January first, two thousand five; (ii) that each off-track betting
21 corporation having within its geographic boundaries such residences,
22 homes or other areas technically capable of receiving the simulcast
23 signal shall be a contracting party; (iii) the distribution of revenues
24 shall be subject to contractual agreement of the parties except that
25 statutory payments to non-contracting parties, if any, may not be
26 reduced; provided, however, that nothing herein to the contrary shall
27 prevent a track from televising its races on an irregular basis primari-
28 ly for promotional or marketing purposes as found by the commission. For
29 purposes of this paragraph, the provisions of section one thousand thir-
30 teen of this article shall not apply. Any agreement authorizing an
31 in-home simulcasting experiment commencing prior to May fifteenth, nine-
32 teen hundred ninety-five, may, and all its terms, be extended until June
33 thirtieth, two thousand [seventeen] EIGHTEEN; provided, however, that
34 any party to such agreement may elect to terminate such agreement upon
35 conveying written notice to all other parties of such agreement at least
36 forty-five days prior to the effective date of the termination, via
37 registered mail. Any party to an agreement receiving such notice of an
38 intent to terminate, may request the commission to mediate between the
39 parties new terms and conditions in a replacement agreement between the
40 parties as will permit continuation of an in-home experiment until June
41 thirtieth, two thousand [seventeen] EIGHTEEN; and (iv) no in-home simul-
42 casting in the thoroughbred special betting district shall occur without
43 the approval of the regional thoroughbred track.

44 S 2. Subparagraph (iii) of paragraph d of subdivision 3 of section
45 1007 of the racing, pari-mutuel wagering and breeding law, as amended by
46 section 2 of part FF of chapter 60 of the laws of 2016, is amended to
47 read as follows:

48 (iii) Of the sums retained by a receiving track located in Westchester
49 county on races received from a franchised corporation, for the period
50 commencing January first, two thousand eight and continuing through June
51 thirtieth, two thousand [seventeen] EIGHTEEN, the amount used exclusive-
52 ly for purses to be awarded at races conducted by such receiving track
53 shall be computed as follows: of the sums so retained, two and one-half
54 percent of the total pools. Such amount shall be increased or decreased
55 in the amount of fifty percent of the difference in total commissions
56 determined by comparing the total commissions available after July twen-

1 ty-first, nineteen hundred ninety-five to the total commissions that
2 would have been available to such track prior to July twenty-first,
3 nineteen hundred ninety-five.

4 S 3. The opening paragraph of subdivision 1 of section 1014 of the
5 racing, pari-mutuel wagering and breeding law, as amended by section 3
6 of part FF of chapter 60 of the laws of 2016, is amended to read as
7 follows:

8 The provisions of this section shall govern the simulcasting of races
9 conducted at thoroughbred tracks located in another state or country on
10 any day during which a franchised corporation is conducting a race meet-
11 ing in Saratoga county at Saratoga thoroughbred racetrack until June
12 thirtieth, two thousand [seventeen] EIGHTEEN and on any day regardless
13 of whether or not a franchised corporation is conducting a race meeting
14 in Saratoga county at Saratoga thoroughbred racetrack after June thirti-
15 eth, two thousand [seventeen] EIGHTEEN. On any day on which a fran-
16 chised corporation has not scheduled a racing program but a thoroughbred
17 racing corporation located within the state is conducting racing, every
18 off-track betting corporation branch office and every simulcasting
19 facility licensed in accordance with section one thousand seven (that
20 have entered into a written agreement with such facility's represen-
21 tative horsemen's organization, as approved by the commission), one
22 thousand eight, or one thousand nine of this article shall be authorized
23 to accept wagers and display the live simulcast signal from thoroughbred
24 tracks located in another state or foreign country subject to the
25 following provisions:

26 S 4. Subdivision 1 of section 1015 of the racing, pari-mutuel wagering
27 and breeding law, as amended by section 4 of part FF of chapter 60 of
28 the laws of 2016, is amended to read as follows:

29 1. The provisions of this section shall govern the simulcasting of
30 races conducted at harness tracks located in another state or country
31 during the period July first, nineteen hundred ninety-four through June
32 thirtieth, two thousand [seventeen] EIGHTEEN. This section shall super-
33 sede all inconsistent provisions of this chapter.

34 S 5. The opening paragraph of subdivision 1 of section 1016 of the
35 racing, pari-mutuel wagering and breeding law, as amended by section 5
36 of part FF of chapter 60 of the laws of 2016, is amended to read as
37 follows:

38 The provisions of this section shall govern the simulcasting of races
39 conducted at thoroughbred tracks located in another state or country on
40 any day during which a franchised corporation is not conducting a race
41 meeting in Saratoga county at Saratoga thoroughbred racetrack until June
42 thirtieth, two thousand [seventeen] EIGHTEEN. Every off-track betting
43 corporation branch office and every simulcasting facility licensed in
44 accordance with section one thousand seven that have entered into a
45 written agreement with such facility's representative horsemen's organ-
46 ization as approved by the commission, one thousand eight or one thou-
47 sand nine of this article shall be authorized to accept wagers and
48 display the live full-card simulcast signal of thoroughbred tracks
49 (which may include quarter horse or mixed meetings provided that all
50 such wagering on such races shall be construed to be thoroughbred races)
51 located in another state or foreign country, subject to the following
52 provisions; provided, however, no such written agreement shall be
53 required of a franchised corporation licensed in accordance with section
54 one thousand seven of this article:

1 S 6. The opening paragraph of section 1018 of the racing, pari-mutuel
2 wagering and breeding law, as amended by section 6 of part FF of chapter
3 60 of the laws of 2016, is amended to read as follows:

4 Notwithstanding any other provision of this chapter, for the period
5 July twenty-fifth, two thousand one through September eighth, two thou-
6 sand [sixteen] SEVENTEEN, when a franchised corporation is conducting a
7 race meeting within the state at Saratoga Race Course, every off-track
8 betting corporation branch office and every simulcasting facility
9 licensed in accordance with section one thousand seven (that has entered
10 into a written agreement with such facility's representative horsemen's
11 organization as approved by the commission), one thousand eight or one
12 thousand nine of this article shall be authorized to accept wagers and
13 display the live simulcast signal from thoroughbred tracks located in
14 another state, provided that such facility shall accept wagers on races
15 run at all in-state thoroughbred tracks which are conducting racing
16 programs subject to the following provisions; provided, however, no such
17 written agreement shall be required of a franchised corporation licensed
18 in accordance with section one thousand seven of this article.

19 S 7. Section 32 of chapter 281 of the laws of 1994, amending the
20 racing, pari-mutuel wagering and breeding law and other laws relating
21 to simulcasting, as amended by section 7 of part FF of chapter 60 of the
22 laws of 2016, is amended to read as follows:

23 S 32. This act shall take effect immediately and the pari-mutuel tax
24 reductions in section six of this act shall expire and be deemed
25 repealed on July 1, [2017] 2018; provided, however, that nothing
26 contained herein shall be deemed to affect the application, qualifica-
27 tion, expiration, or repeal of any provision of law amended by any
28 section of this act, and such provisions shall be applied or qualified
29 or shall expire or be deemed repealed in the same manner, to the same
30 extent and on the same date as the case may be as otherwise provided by
31 law; provided further, however, that sections twenty-three and twenty-
32 five of this act shall remain in full force and effect only until May 1,
33 1997 and at such time shall be deemed to be repealed.

34 S 8. Section 54 of chapter 346 of the laws of 1990, amending the
35 racing, pari-mutuel wagering and breeding law and other laws relating to
36 simulcasting and the imposition of certain taxes, as amended by section
37 8 of part FF of chapter 60 of the laws of 2016, is amended to read as
38 follows:

39 S 54. This act shall take effect immediately; provided, however,
40 sections three through twelve of this act shall take effect on January
41 1, 1991, and section 1013 of the racing, pari-mutuel wagering and breed-
42 ing law, as added by section thirty-eight of this act, shall expire and
43 be deemed repealed on July 1, [2017] 2018; and section eighteen of this
44 act shall take effect on July 1, 2008 and sections fifty-one and fifty-
45 two of this act shall take effect as of the same date as chapter 772 of
46 the laws of 1989 took effect.

47 S 9. Paragraph (a) of subdivision 1 of section 238 of the racing,
48 pari-mutuel wagering and breeding law, as amended by section 9 of part
49 FF of chapter 60 of the laws of 2016, is amended to read as follows:

50 (a) The franchised corporation authorized under this chapter to
51 conduct pari-mutuel betting at a race meeting or races run thereat shall
52 distribute all sums deposited in any pari-mutuel pool to the holders of
53 winning tickets therein, provided such tickets be presented for payment
54 before April first of the year following the year of their purchase,
55 less an amount which shall be established and retained by such fran-
56 chised corporation of between twelve to seventeen per centum of the

1 total deposits in pools resulting from on-track regular bets, and four-
2 teen to twenty-one per centum of the total deposits in pools resulting
3 from on-track multiple bets and fifteen to twenty-five per centum of the
4 total deposits in pools resulting from on-track exotic bets and fifteen
5 to thirty-six per centum of the total deposits in pools resulting from
6 on-track super exotic bets, plus the breaks. The retention rate to be
7 established is subject to the prior approval of the gaming commission.
8 Such rate may not be changed more than once per calendar quarter to be
9 effective on the first day of the calendar quarter. "Exotic bets" and
10 "multiple bets" shall have the meanings set forth in section five
11 hundred nineteen of this chapter. "Super exotic bets" shall have the
12 meaning set forth in section three hundred one of this chapter. For
13 purposes of this section, a "pick six bet" shall mean a single bet or
14 wager on the outcomes of six races. The breaks are hereby defined as the
15 odd cents over any multiple of five for payoffs greater than one dollar
16 five cents but less than five dollars, over any multiple of ten for
17 payoffs greater than five dollars but less than twenty-five dollars,
18 over any multiple of twenty-five for payoffs greater than twenty-five
19 dollars but less than two hundred fifty dollars, or over any multiple of
20 fifty for payoffs over two hundred fifty dollars. Out of the amount so
21 retained there shall be paid by such franchised corporation to the
22 commissioner of taxation and finance, as a reasonable tax by the state
23 for the privilege of conducting pari-mutuel betting on the races run at
24 the race meetings held by such franchised corporation, the following
25 percentages of the total pool for regular and multiple bets five per
26 centum of regular bets and four per centum of multiple bets plus twenty
27 per centum of the breaks; for exotic wagers seven and one-half per
28 centum plus twenty per centum of the breaks, and for super exotic bets
29 seven and one-half per centum plus fifty per centum of the breaks. For
30 the period June first, nineteen hundred ninety-five through September
31 ninth, nineteen hundred ninety-nine, such tax on regular wagers shall be
32 three per centum and such tax on multiple wagers shall be two and one-
33 half per centum, plus twenty per centum of the breaks. For the period
34 September tenth, nineteen hundred ninety-nine through March thirty-
35 first, two thousand one, such tax on all wagers shall be two and six-
36 tenths per centum and for the period April first, two thousand one
37 through December thirty-first, two thousand [seventeen] EIGHTEEN, such
38 tax on all wagers shall be one and six-tenths per centum, plus, in each
39 such period, twenty per centum of the breaks. Payment to the New York
40 state thoroughbred breeding and development fund by such franchised
41 corporation shall be one-half of one per centum of total daily on-track
42 pari-mutuel pools resulting from regular, multiple and exotic bets and
43 three per centum of super exotic bets provided, however, that for the
44 period September tenth, nineteen hundred ninety-nine through March thir-
45 ty-first, two thousand one, such payment shall be six-tenths of one per
46 centum of regular, multiple and exotic pools and for the period April
47 first, two thousand one through December thirty-first, two thousand
48 [seventeen] EIGHTEEN, such payment shall be seven-tenths of one per
49 centum of such pools.

50 S 10. This act shall take effect immediately.

51

PART PP

52 Section 1. Clause (F) of subparagraph (ii) of paragraph 1 of subdivi-
53 sion b of section 1612 of the tax law, as amended by section 1 of part
54 EE of chapter 60 of the laws of 2016, is amended to read as follows:

1 (F) notwithstanding clauses (A), (B), (C), (D) and (E) of this subpar-
2 agraph, when a vendor track, is located in Sullivan county and within
3 sixty miles from any gaming facility in a contiguous state such vendor
4 fee shall, for a period of [nine] TEN years commencing April first, two
5 thousand eight, be at a rate of forty-one percent of the total revenue
6 wagered at the vendor track after payout for prizes pursuant to this
7 chapter, after which time such rate shall be as for all tracks in clause
8 (C) of this subparagraph.

9 S 2. This act shall take effect immediately and shall be deemed to
10 have been in full force and effect on and after April 1, 2017.

11

PART QQ

12 Section 1. Clause (H) of subparagraph (ii) of paragraph 1 of subdivi-
13 sion b of section 1612 of the tax law, as separately amended by section
14 1 of part GG and section 2 of part SS of chapter 60 of the laws of 2016,
15 is amended to read as follows:

16 (H) notwithstanding clauses (A), (B), (C), (D), (E), (F) and (G) of
17 this subparagraph, the track operator of a vendor track and in the case
18 of Aqueduct, the video lottery terminal facility operator, shall be
19 eligible for a vendor's capital award of up to four percent of the total
20 revenue wagered at the vendor track after payout for prizes pursuant to
21 this chapter, which shall be used exclusively for capital project
22 investments to improve the facilities of the vendor track which promote
23 or encourage increased attendance at the video lottery gaming facility
24 including, but not limited to hotels, other lodging facilities, enter-
25 tainment facilities, retail facilities, dining facilities, events
26 arenas, parking garages and other improvements that enhance facility
27 amenities; provided that such capital investments shall be approved by
28 the division, in consultation with the state racing and wagering board,
29 and that such vendor track demonstrates that such capital expenditures
30 will increase patronage at such vendor track's facilities and increase
31 the amount of revenue generated to support state education programs. The
32 annual amount of such vendor's capital awards that a vendor track shall
33 be eligible to receive shall be limited to two million five hundred
34 thousand dollars, except for Aqueduct racetrack, for which there shall
35 be no annual limit, provided, however, that any such capital award for
36 the Aqueduct video lottery terminal facility operator shall be one
37 percent of the total revenue wagered at the video lottery terminal
38 facility after payout for prizes pursuant to this chapter until the
39 earlier of the designation of one thousand video lottery devices as
40 hosted pursuant to paragraph four of subdivision a of section sixteen
41 hundred seventeen-a of this chapter or April first, two thousand nine-
42 teen and shall then be four percent of the total revenue wagered at the
43 video lottery terminal facility after payout for prizes pursuant to this
44 chapter, provided, further, that such capital award shall only be
45 provided pursuant to an agreement with the operator to construct an
46 expansion of the facility, hotel, and convention and exhibition space
47 requiring a minimum capital investment of three hundred million dollars.
48 Except for tracks having less than one thousand one hundred video gaming
49 machines, and except for a vendor track located west of State Route 14
50 from Sodus Point to the Pennsylvania border within New York, and except
51 for Aqueduct racetrack each track operator shall be required to co-in-
52 vest an amount of capital expenditure equal to its cumulative vendor's
53 capital award. For all tracks, except for Aqueduct racetrack, the amount
54 of any vendor's capital award that is not used during any one year peri-

1 od may be carried over into subsequent years ending before April first,
2 two thousand [seventeen] EIGHTEEN. Any amount attributable to a capital
3 expenditure approved prior to April first, two thousand [seventeen]
4 EIGHTEEN and completed before April first, two thousand [nineteen] TWEN-
5 TY; or approved prior to April first, two thousand [twenty-one] TWENTY-
6 TWO and completed before April first, two thousand [twenty-three] TWEN-
7 TY-FOUR for a vendor track located west of State Route 14 from Sodus
8 Point to the Pennsylvania border within New York, shall be eligible to
9 receive the vendor's capital award. In the event that a vendor track's
10 capital expenditures, approved by the division prior to April first, two
11 thousand [seventeen] EIGHTEEN and completed prior to April first, two
12 thousand [nineteen] TWENTY, exceed the vendor track's cumulative capital
13 award during the five year period ending April first, two thousand
14 [seventeen] EIGHTEEN, the vendor shall continue to receive the capital
15 award after April first, two thousand [seventeen] EIGHTEEN until such
16 approved capital expenditures are paid to the vendor track subject to
17 any required co-investment. In no event shall any vendor track that
18 receives a vendor fee pursuant to clause (F) or (G) of this subparagraph
19 be eligible for a vendor's capital award under this section. Any opera-
20 tor of a vendor track which has received a vendor's capital award,
21 choosing to divest the capital improvement toward which the award was
22 applied, prior to the full depreciation of the capital improvement in
23 accordance with generally accepted accounting principles, shall reim-
24 burse the state in amounts equal to the total of any such awards. Any
25 capital award not approved for a capital expenditure at a video lottery
26 gaming facility by April first, two thousand [seventeen] EIGHTEEN shall
27 be deposited into the state lottery fund for education aid; and
28 S 2. This act shall take effect immediately.

29 PART RR

30 Intentionally Omitted

31 PART SS

32 Section 1. Subdivision 6 of section 221 of the racing, pari-mutuel
33 wagering and breeding law, as amended by chapter 325 of the laws of 2004
34 and such section as renumbered by chapter 18 of the laws of 2008, is
35 amended to read as follows:

36 6. (A) The fund shall secure workers' compensation insurance coverage
37 on a blanket basis for the benefit of all jockeys, apprentice jockeys
38 and exercise persons licensed pursuant to this article or article four
39 of this chapter who are employees under section two of the workers'
40 compensation law, AND MAY ELECT, WITH THE APPROVAL OF THE GAMING COMMIS-
41 SION, TO SECURE WORKERS' COMPENSATION INSURANCE FOR EMPLOYEES OF
42 LICENSED TRAINERS OR OWNERS. IN THE EVENT THE FUND ELECTS, WITH THE
43 APPROVAL OF THE GAMING COMMISSION, TO SECURE WORKERS' COMPENSATION
44 INSURANCE FOR EMPLOYEES OF LICENSED TRAINERS OR OWNERS, THE FUND MAY
45 DISCONTINUE TO SECURE WORKERS' COMPENSATION INSURANCE FOR EMPLOYEES OF
46 LICENSED TRAINERS OR OWNERS ONLY UPON PRIOR APPROVAL OF THE GAMING
47 COMMISSION.

48 (B) THE FUND MAY ELECT, WITH THE APPROVAL OF THE GAMING COMMISSION, TO
49 SECURE WORKERS' COMPENSATION INSURANCE COVERAGE THROUGH A FORM OF SELF-
50 INSURANCE, PROVIDED THAT THE FUND HAS MET THE REQUIREMENTS OF THE WORK-
51 ERS' COMPENSATION BOARD, INCLUDING, WITHOUT LIMITATION, SUBDIVISION
52 THREE OF SECTION FIFTY OF THE WORKERS' COMPENSATION LAW.

1 S 2. Subdivision 7 of section 221 of the racing, pari-mutuel wagering
2 and breeding law, as amended by chapter 18 of the laws of 2008 and the
3 opening paragraph as amended by section 1 of part PP of chapter 60 of
4 the laws of 2016, is amended to read as follows:

5 7. In order to pay the costs of the insurance required by this section
6 and by the workers' compensation law and to carry out its other powers
7 and duties and to pay for any of its liabilities under section four-
8 teen-a of the workers' compensation law, the New York Jockey Injury
9 Compensation Fund, Inc. shall ascertain the total funding necessary and
10 establish the sums that are to be paid by all owners and trainers
11 licensed or required to be licensed under section two hundred twenty of
12 this article, to obtain the total funding amount required annually. In
13 order to provide that any sum required to be paid by an owner or trainer
14 is equitable, the fund shall establish payment schedules which reflect
15 such factors as are appropriate, including where applicable, the
16 geographic location of the racing corporation at which the owner or
17 trainer participates, the duration of such participation, the amount of
18 any purse earnings, the number of horses involved, or such other factors
19 as the fund shall determine to be fair, equitable and in the best inter-
20 ests of racing. In no event shall the amount deducted from an owner's
21 share of purses exceed two per centum; provided, however, for two thou-
22 sand [sixteen] SEVENTEEN the New York Jockey Injury Compensation Fund,
23 Inc. may use up to two million dollars from the account established
24 pursuant to subdivision nine of section two hundred eight of this arti-
25 cle to pay the annual costs required by this section and the funds from
26 such account shall not count against the two per centum of purses
27 deducted from an owner's share of purses. The amount deducted from an
28 owner's share of purses shall not exceed one per centum after April
29 first, two thousand [seventeen] TWENTY. In the cases of multiple owner-
30 ships and limited racing appearances, the fund shall equitably adjust
31 the sum required.

32 The [state racing and wagering board] GAMING COMMISSION shall, as a
33 condition of racing, require any racing corporation or any quarterhorse
34 racing association or corporation authorized under this chapter to
35 conduct pari-mutuel betting at a race meeting or races run thereat, to
36 require that each trainer utilizing the facilities of such association
37 or corporation and each owner racing a horse shall place or have placed
38 on deposit with the horsemen's bookkeeper of such racing association or
39 corporation, an amount to be established and paid in a manner to be
40 determined by the fund.

41 Should the fund determine that the amount which has been collected in
42 the manner prescribed is inadequate to pay the annual costs required by
43 this section, it shall notify the [state racing and wagering board]
44 GAMING COMMISSION of the deficiency and the amount of the additional sum
45 or sums necessary to be paid by each owner and/or trainer in order to
46 cover such deficiency. The [state racing and wagering board] GAMING
47 COMMISSION shall, as an additional condition of racing, direct any
48 racing corporation or any quarterhorse racing association or corporation
49 authorized under this chapter to conduct pari-mutuel betting at a race
50 meeting or races run thereat, to require each trainer and owner to place
51 such additional sum or sums on deposit with the respective horsemen's
52 bookkeeper.

53 All amounts collected by a horsemen's bookkeeper pursuant to this
54 section shall be transferred to the fund created under this section and
55 shall be used by the fund to purchase workers' compensation insurance
56 for jockeys, apprentice jockeys and exercise persons licensed pursuant

1 to this article or article four of this chapter who are employees under
2 section two of the workers' compensation law, AND AT THE ELECTION OF THE
3 FUND, WITH THE APPROVAL OF THE GAMING COMMISSION, TO SECURE WORKERS'
4 COMPENSATION INSURANCE FOR EMPLOYEES OF LICENSED TRAINERS OR OWNERS to
5 pay for any of its liabilities under section fourteen-a of the workers'
6 compensation law and to administer the workers' compensation program for
7 such jockeys, apprentice jockeys and exercise persons AND, IF APPROVED
8 BY THE GAMING COMMISSION, EMPLOYEES OF LICENSED TRAINERS OR OWNERS
9 required by this section and the workers' compensation law.

10 IN THE EVENT THE FUND ELECTS, WITH THE APPROVAL OF THE GAMING COMMIS-
11 SION, TO SECURE WORKERS' COMPENSATION INSURANCE FOR EMPLOYEES OF
12 LICENSED TRAINERS OR OWNERS, THE FUND MAY ELECT TO HAVE THE SUM REQUIRED
13 TO BE PAID BY AN OWNER OR TRAINER PURSUANT TO THIS SECTION BE SUBJECT TO
14 AN EXAMINATION OF WORKERS' COMPENSATION CLAIMS ATTRIBUTABLE UNDER THE
15 FUND TO EACH SUCH OWNER OR TRAINER, INCLUDING THE FREQUENCY AND SEVERITY
16 OF ACCIDENTS AND INJURIES.

17 S 3. Subdivision 12 of section 221 of the racing, pari-mutuel wagering
18 and breeding law, as amended by chapter 325 of the laws of 2004 and such
19 section as renumbered by chapter 18 of the laws of 2008, is amended and
20 two new subdivisions 13 and 14 are added to read as follows:

21 12. [The fund and the state racing and wagering board shall have such
22 power as is necessary to implement the provisions of this section.] FOR
23 PURPOSES OF THIS SECTION, THE TERM "EMPLOYEES OF LICENSED TRAINERS OR
24 OWNERS" SHALL HAVE THE SAME MEANING AS SUBDIVISION TWENTY-FOUR OF
25 SECTION TWO OF THE WORKERS' COMPENSATION LAW.

26 13. A. THERE IS CREATED A RACING SAFETY COMMITTEE TO REVIEW THE RISK
27 MANAGEMENT REPORT SUBMITTED TO THE COMMISSION BY THE FUND ON OR ABOUT
28 SEPTEMBER THIRTIETH, TWO THOUSAND SIXTEEN AND TO MAKE NON-BINDING RECOM-
29 MENDATIONS FOR THE IMPLEMENTATION OF THE SAFETY PROPOSALS AND INITI-
30 ATIVES SET FORTH IN SUCH REPORT. SUCH COMMITTEE SHALL CONSIST OF SEVEN
31 MEMBERS, EACH TO SERVE A TERM OF THREE YEARS, WITH ONE MEMBER EACH
32 APPOINTED BY:

33 (I) THE FUND;

34 (II) THE GAMING COMMISSION;

35 (III) THE FRANCHISED CORPORATION;

36 (IV) THE RACING ASSOCIATION OR CORPORATION LICENSED PURSUANT TO THIS
37 ARTICLE OR ARTICLE FOUR OF THIS CHAPTER TO OPERATE THE RACING AND TRAIN-
38 ING FACILITIES AT FINGER LAKES RACETRACK;

39 (V) THE HORSEMEN'S ORGANIZATION REPRESENTING AT LEAST FIFTY-ONE
40 PERCENT OF THE OWNERS AND TRAINERS USING THE FACILITIES OF THE FRAN-
41 CHISED CORPORATION;

42 (VI) THE HORSEMEN'S ORGANIZATION REPRESENTING AT LEAST FIFTY-ONE
43 PERCENT OF THE OWNERS AND TRAINERS USING THE FACILITIES OF THE FINGER
44 LAKES RACETRACK; AND

45 (VII) THE JOCKEYS' GUILD.

46 THE MEMBER OF THE RACING SAFETY COMMITTEE APPOINTED BY THE FUND SHALL
47 SERVE AS CHAIRPERSON AND THE MEMBER OF THE RACING SAFETY COMMITTEE
48 APPOINTED BY THE COMMISSION SHALL SERVE AS VICE-CHAIRPERSON. MEMBERS OF
49 THE RACING SAFETY COMMITTEE SHALL HAVE EQUAL VOTING RIGHTS.

50 B. THE RACING SAFETY COMMITTEE SHALL MEET WITHIN NINETY DAYS FOLLOWING
51 THE EFFECTIVE DATE OF THIS SUBDIVISION TO REVIEW AND DISCUSS THE IMPL-
52 MENTATION OF THE RECOMMENDATIONS CONTAINED IN THE RISK MANAGEMENT REPORT
53 SUBMITTED TO THE GAMING COMMISSION BY THE FUND ON OR ABOUT SEPTEMBER
54 THIRTIETH, TWO THOUSAND SIXTEEN. THE RACING SAFETY COMMITTEE SHALL MEET
55 ON OR AFTER JULY FIRST, TWO THOUSAND SEVENTEEN, AND AT LEAST ANNUALLY
56 THEREAFTER, TO REVIEW THE WORKERS' COMPENSATION LOSS INFORMATION AND THE

1 STATUS OF SAFETY-RELATED FINDINGS AND RECOMMENDATIONS AND TO DEVELOP AN
2 ANNUAL STRATEGIC PLAN TO ADDRESS IDENTIFIED SAFETY ISSUES.

3 C. THE MEMBERS APPOINTED PURSUANT TO SUBPARAGRAPH (III) AND (IV) OF
4 PARAGRAPH A OF THIS SUBDIVISION, IN CONSULTATION WITH THE OTHER MEMBERS
5 OF THE RACING SAFETY COMMITTEE, SHALL:

6 (I) WITHIN ONE HUNDRED EIGHTY DAYS FOLLOWING THE EFFECTIVE DATE OF
7 THIS SUBDIVISION, FOR EACH TRACK, DEVELOP SAFETY RULES FOR TRAINING
8 ACTIVITIES TO BE DOCUMENTED AND COMMUNICATED, IN BOTH ENGLISH AND SPAN-
9 ISH, TO JOCKEYS, APPRENTICE JOCKEYS, AND EXERCISE PERSONS LICENSED
10 PURSUANT TO THIS ARTICLE OR ARTICLE FOUR OF THIS CHAPTER WHO ARE EMPLOY-
11 EES UNDER SECTION TWO OF THE WORKERS' COMPENSATION LAW, AND AT THE
12 ELECTION OF THE FUND, WITH THE APPROVAL OF THE GAMING COMMISSION,
13 EMPLOYEES OF LICENSED TRAINERS OR OWNERS. SUCH SAFETY RULES SHALL
14 INCLUDE, BUT NOT BE LIMITED TO, PROPER USAGE OF PERSONAL PROTECTIVE
15 EQUIPMENT, REQUIRED RESPONSE TO LOOSE HORSES, PROHIBITION OF CELL PHONE
16 USE WHILE MOUNTED ON A HORSE, GENERAL REQUIREMENTS FOR JOGGING, GALLOP-
17 ING, BREEZING, PONYING A HORSE, AND STARTING GATE SAFETY PROTOCOLS.
18 REFRESHER TRAINING RELATED TO SUCH SAFETY RULES SHALL BE REQUIRED AT THE
19 START OF EACH MEET.

20 (II) PRIOR TO THE START OF EACH MEET, FOLLOWING THE EFFECTIVE DATE OF
21 THIS SUBDIVISION, MEET WITH TRAINERS OR THEIR REPRESENTATIVES TO DISCUSS
22 AND ADDRESS IDENTIFIED SAFETY ISSUES.

23 (III) WITHIN ONE HUNDRED EIGHTY DAYS FOLLOWING THE EFFECTIVE DATE OF
24 THIS SUBDIVISION, FOR EACH TRACK, DEVELOP A WRITTEN, DOCUMENTED EMERGEN-
25 CY RESPONSE PLAN TO ADDRESS RESPONSE PROTOCOLS TO ON-TRACK ACCIDENTS AND
26 INCIDENTS, WHICH, AT A MINIMUM, SHALL INCLUDE DETAILED INFORMATION
27 REGARDING ROLES AND RESPONSIBILITIES FOR INDIVIDUALS WHO ARE RESPONSIBLE
28 FOR TRACK-RELATED ACCIDENTS AND INCIDENTS, INCLUDING, BUT NOT LIMITED
29 TO, OUTRIDERS, EMERGENCY MEDICAL TECHNICIANS/PARAMEDICS, AMBULANCE DRIV-
30 ERS, SECURITY, AND VETERINARY STAFF AND CLOCKERS.

31 (IV) WITHIN TWO HUNDRED TEN DAYS FOLLOWING THE EFFECTIVE DATE OF THIS
32 SUBDIVISION, COMMUNICATE THE EMERGENCY RESPONSE PLAN TO ALL ON-TRACK
33 PERSONNEL AS PART OF NEW HIRE ORIENTATION AND JOB ASSIGNMENT.

34 (V) WITHIN TWO HUNDRED TEN DAYS FOLLOWING THE EFFECTIVE DATE OF THIS
35 SUBDIVISION, AND AT LEAST ONCE ANNUALLY THEREAFTER, FOR EACH TRACK,
36 CONDUCT A MOCK EMERGENCY RESPONSE DRILL FOR ON-TRACK ACCIDENTS PRIOR TO
37 THE OPENING OF EACH RACE MEET. SUCH EMERGENCY RESPONSE DRILL SHALL BE
38 FILMED AND USED FOR EDUCATION AND TRAINING PURPOSES FOR PERSONNEL,
39 INCLUDING IN NEW HIRE ORIENTATION, AND TO ASSESS THE PERFORMANCE OF
40 INDIVIDUALS INVOLVED IN THE EMERGENCY RESPONSE.

41 (VI) WITHIN ONE HUNDRED EIGHTY DAYS FOLLOWING THE EFFECTIVE DATE OF
42 THIS SUBDIVISION, UPGRADE THE CURRENT LEVEL OF EMERGENCY MEDICAL RESPON-
43 DERS FROM EMERGENCY MEDICAL TECHNICIANS TO PARAMEDICS.

44 14. THE FUND AND THE GAMING COMMISSION SHALL HAVE SUCH POWER AS IS
45 NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

46 S 4. Section 2 of the workers' compensation law is amended by adding a
47 new subdivision 24 to read as follows:

48 24. "EMPLOYEES OF LICENSED TRAINERS OR OWNERS" MEANS ASSISTANT TRAIN-
49 ERS, FOREMEN, WATCHMEN AND STABLE EMPLOYEES, INCLUDING GROOMS AND
50 HOT-WALKERS, EMPLOYED BY A TRAINER OR OWNER LICENSED PURSUANT TO ARTICLE
51 TWO OR FOUR OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW.

52 S 5. The second undesignated paragraph of subdivision 3 of section 2
53 of the workers' compensation law, as amended by chapter 392 of the laws
54 of 2008, is amended to read as follows:

55 Notwithstanding any other provision of this chapter and for purposes
56 of this chapter only, "employer" shall mean, with respect to a jockey,

1 apprentice jockey or exercise person licensed under article two or four
2 of the racing, pari-mutuel wagering and breeding law, AND AT THE
3 ELECTION OF THE NEW YORK JOCKEY INJURY COMPENSATION FUND, INC., WITH THE
4 APPROVAL OF THE NEW YORK STATE GAMING COMMISSION, EMPLOYEES OF LICENSED
5 TRAINERS OR OWNERS, performing services for an owner or trainer in
6 connection with the training or racing of a horse at a facility of a
7 racing association or corporation subject to article two or four of the
8 racing, pari-mutuel wagering and breeding law and subject to the juris-
9 diction of the New York state [racing and wagering board] GAMING COMMIS-
10 SION, The New York Jockey Injury Compensation Fund, Inc. and all owners
11 and trainers who are licensed or required to be licensed under article
12 two or four of the racing, pari-mutuel wagering and breeding law at the
13 time of any occurrence for which benefits are payable pursuant to this
14 chapter in respect to the injury or death of such jockey, apprentice
15 jockey [or], exercise person OR, IF APPROVED BY THE NEW YORK STATE
16 GAMING COMMISSION, EMPLOYEE OF A LICENSED TRAINER OR OWNER.

17 S 6. The fifth undesignated paragraph of subdivision 4 of section 2 of
18 the workers' compensation law, as amended by chapter 169 of the laws of
19 2007, is amended to read as follows:

20 Notwithstanding any other provision of this chapter, and for purposes
21 of this chapter only, a jockey, apprentice jockey or exercise person
22 licensed under article two or four of the racing, pari-mutuel wagering
23 and breeding law, AND AT THE ELECTION OF THE NEW YORK JOCKEY INJURY
24 COMPENSATION FUND, INC., WITH THE APPROVAL OF THE NEW YORK STATE GAMING
25 COMMISSION, EMPLOYEES OF LICENSED TRAINERS OR OWNERS, performing
26 services for an owner or trainer in connection with the training or
27 racing of a horse at a facility of a racing association or corporation
28 subject to article two or four of the racing, pari-mutuel wagering and
29 breeding law and subject to the jurisdiction of the New York state
30 [racing and wagering board] GAMING COMMISSION shall be regarded as the
31 "employee" not solely of such owner or trainer, but shall instead be
32 conclusively presumed to be the "employee" of The New York Jockey Injury
33 Compensation Fund, Inc. and also of all owners and trainers who are
34 licensed or required to be licensed under article two or four of the
35 racing, pari-mutuel wagering and breeding law at the time of any occur-
36 rence for which benefits are payable pursuant to this chapter in respect
37 of the injury or death of such jockey, apprentice jockey [or], exercise
38 person OR, IF APPROVED BY THE NEW YORK STATE GAMING COMMISSION, EMPLOYEE
39 OF A LICENSED TRAINER OR OWNER.

40 S 7. The third undesignated paragraph of subdivision 5 of section 2 of
41 the workers' compensation law, as amended by chapter 392 of the laws of
42 2008, is amended to read as follows:

43 Notwithstanding any other provision of this chapter, and for purposes
44 of this chapter only, a jockey, apprentice jockey or exercise person
45 licensed under article two or four of the racing, pari-mutuel wagering
46 and breeding law, AND AT THE ELECTION OF THE NEW YORK JOCKEY INJURY
47 COMPENSATION FUND, INC., WITH THE APPROVAL OF THE NEW YORK STATE GAMING
48 COMMISSION, EMPLOYEES OF LICENSED TRAINERS OR OWNERS, performing
49 services for an owner or trainer in connection with the training or
50 racing of a horse at a facility of a racing association or corporation
51 subject to article two or four of the racing, pari-mutuel wagering and
52 breeding law and subject to the jurisdiction of the New York state
53 [racing and wagering board] GAMING COMMISSION shall be regarded as in
54 the "employment" not solely of such owner and trainer, but shall instead
55 be conclusively presumed to be in the "employment" of The New York Jock-
56 ey Injury Compensation Fund, Inc. and of all owners and trainers who are

1 licensed or required to be licensed under article two or four of the
2 racing, pari-mutuel wagering and breeding law, at the time of any occur-
3 rence for which benefits are payable pursuant to this chapter in respect
4 of the injury or death of such jockey, apprentice jockey [or], exercise
5 person OR, IF APPROVED BY THE NEW YORK STATE GAMING COMMISSION, EMPLOYEE
6 OF A LICENSED TRAINER OR OWNER. For the purpose of this chapter only,
7 whether a livery driver's performance of covered services, as those
8 terms are defined in article six-G of the executive law, constitutes
9 "employment" shall be determined in accordance with section eighteen-c
10 of this chapter.

11 S 8. The opening paragraph of section 11 of the workers' compensation
12 law, as amended by chapter 169 of the laws of 2007, is amended to read
13 as follows:

14 The liability of an employer prescribed by the last preceding section
15 shall be exclusive and in place of any other liability whatsoever, to
16 such employee, his or her personal representatives, spouse, parents,
17 dependents, distributees, or any person otherwise entitled to recover
18 damages, contribution or indemnity, at common law or otherwise, on
19 account of such injury or death or liability arising therefrom, except
20 that if an employer fails to secure the payment of compensation for his
21 or her injured employees and their dependents as provided in section
22 fifty of this chapter, an injured employee, or his or her legal repre-
23 sentative in case of death results from the injury, may, at his or her
24 option, elect to claim compensation under this chapter, or to maintain
25 an action in the courts for damages on account of such injury; and in
26 such an action it shall not be necessary to plead or prove freedom from
27 contributory negligence nor may the defendant plead as a defense that
28 the injury was caused by the negligence of a fellow servant nor that the
29 employee assumed the risk of his or her employment, nor that the injury
30 was due to the contributory negligence of the employee. The liability
31 under this chapter of The New York Jockey Injury Compensation Fund, Inc.
32 created under section two hundred [thirteen-a] TWENTY-ONE of the racing,
33 pari-mutuel wagering and breeding law shall be limited to the provision
34 of workers' compensation coverage to jockeys, apprentice jockeys [and],
35 exercise persons, AND AT THE ELECTION OF THE NEW YORK JOCKEY INJURY
36 COMPENSATION FUND, INC., WITH THE APPROVAL OF THE NEW YORK STATE GAMING
37 COMMISSION, EMPLOYEES OF LICENSED TRAINERS OR OWNERS licensed under
38 article two or four of the racing, pari-mutuel wagering and breeding law
39 and any statutory penalties resulting from the failure to provide such
40 coverage.

41 S 9. Subdivision 4 of section 14-a of the workers' compensation law,
42 as amended by chapter 169 of the laws of 2007, is amended to read as
43 follows:

44 4. With respect to a jockey, apprentice jockey or exercise person
45 licensed under article two or four of the racing, pari-mutuel wagering
46 and breeding law, AND AT THE ELECTION OF THE NEW YORK JOCKEY INJURY
47 COMPENSATION FUND, INC., WITH THE APPROVAL OF THE NEW YORK STATE GAMING
48 COMMISSION, AN EMPLOYEE OF A LICENSED TRAINER OR OWNER, who, pursuant to
49 section two of this chapter, is an employee of all owners and trainers
50 licensed or required to be licensed under article two or four of the
51 racing, pari-mutuel wagering and breeding law and The New York Jockey
52 Injury Compensation Fund, Inc., the owner or trainer for whom such jock-
53 ey, apprentice jockey [or], exercise person OR, IF APPROVED BY THE NEW
54 YORK STATE GAMING COMMISSION, EMPLOYEE OF A LICENSED TRAINER OR OWNER
55 was performing services at the time of the accident shall be solely
56 responsible for the double payments described in subdivision one of this

1 section, to the extent that such payments exceed any amounts otherwise
2 payable with respect to such jockey, apprentice jockey [or], exercise
3 person OR, IF APPROVED BY THE NEW YORK STATE GAMING COMMISSION, EMPLOYEE
4 OF A LICENSED TRAINER OR OWNER under any other section of this chapter,
5 and the New York Jockey Injury Compensation Fund, Inc. shall have no
6 responsibility for such excess payments, unless there shall be a failure
7 of the responsible owner or trainer to pay such award within the time
8 provided under this chapter. In the event of such failure to pay and the
9 board requires the fund to pay the award on behalf of such owner or
10 trainer who has been found to have violated this section, the fund shall
11 be entitled to an award against such owner or trainer for the amount so
12 paid which shall be collected in the same manner as an award of compen-
13 sation.

14 S 10. Section 18-a of the workers' compensation law, as amended by
15 chapter 169 of the laws of 2007, is amended to read as follows:

16 S 18-a. Notice: The New York Jockey Injury Compensation Fund, Inc.
17 Wherever in this chapter it shall be required that notice be given to an
18 employer, except for claims involving section fourteen-a of the workers'
19 compensation law such notice requirement shall be deemed satisfied by
20 giving notice to the New York Jockey Injury Compensation Fund, Inc., in
21 connection with an injury to a jockey, apprentice jockey or exercise
22 person licensed under article two or four of the racing, pari-mutuel
23 wagering and breeding law, AND AT THE ELECTION OF THE NEW YORK JOCKEY
24 INJURY COMPENSATION FUND, INC., WITH THE APPROVAL OF THE NEW YORK STATE
25 GAMING COMMISSION, AN EMPLOYEE OF A LICENSED TRAINER OR OWNER, who,
26 pursuant to section two of this chapter, is an employee of all owners
27 and trainers licensed or required to be licensed under article two or
28 four of the racing, pari-mutuel wagering and breeding law and of the
29 fund. In a claim involving section fourteen-a of the workers' compen-
30 sation law such required notice shall be given to the employing owner
31 and/or trainer of the fund.

32 S 11. Subdivision 8 of section 50 of the workers' compensation law, as
33 amended by chapter 169 of the laws of 2007, is amended to read as
34 follows:

35 8. The requirements of section ten of this chapter regarding the
36 provision of workers' compensation insurance as to owners and trainers
37 governed by the racing, pari-mutuel wagering and breeding law who are
38 employers under section two of this chapter are satisfied in full by
39 compliance with the requirements imposed upon owners and trainers by
40 section two hundred [thirteen-a] TWENTY-ONE of the racing, pari-mutuel
41 wagering and breeding law, provided that in the event double compen-
42 sation, death benefits, or awards are payable with respect to an injured
43 employee under section fourteen-a of this chapter, the owner or trainer
44 for whom the injured jockey, apprentice jockey or exercise person
45 licensed under article two or four of the racing, pari-mutuel wagering
46 and breeding law, AND AT THE ELECTION OF THE NEW YORK JOCKEY INJURY
47 COMPENSATION FUND, INC., WITH THE APPROVAL OF THE NEW YORK STATE GAMING
48 COMMISSION, EMPLOYEE OF A LICENSED TRAINER OR OWNER, is performing
49 services as a jockey, apprentice jockey or exercise person so licensed
50 at the time of the accident OR, IF APPROVED BY THE NEW YORK STATE GAMING
51 COMMISSION, AN EMPLOYEE OF A LICENSED TRAINER OR OWNER shall bear the
52 sole responsibility for the amount payable pursuant to such section
53 fourteen-a in excess of the amount otherwise payable under this chapter,
54 unless there shall be a failure of the responsible owner or trainer to
55 pay such award within the time provided under this chapter. In the event
56 of such failure to pay and the board requires the fund to pay the award

1 on behalf of such owner or trainer who has been found to have violated
2 section fourteen-a OF THIS CHAPTER, the fund shall be entitled to an
3 award against such owner or trainer for the amount so paid which shall
4 be collected in the same manner as an award of compensation. Coverage
5 directly procured by any owner or trainer for the purpose of satisfying
6 the requirements of this chapter with respect to employees of the owner
7 or trainer shall not include coverage on any jockey, apprentice jockey
8 or exercise person licensed under article two or four of the racing,
9 pari-mutuel wagering and breeding law, AND AT THE ELECTION OF THE NEW
10 YORK JOCKEY INJURY COMPENSATION FUND, INC., WITH THE APPROVAL OF THE NEW
11 YORK STATE GAMING COMMISSION, ANY EMPLOYEE OF A LICENSED TRAINER OR
12 OWNER, to the extent that such jockey, apprentice jockey [or], exercise
13 person OR, IF APPROVED BY THE NEW YORK STATE GAMING COMMISSION, EMPLOYEE
14 OF A LICENSED TRAINER OR OWNER is also covered under coverage procured
15 by The New York Jockey Injury Compensation Fund, Inc. pursuant to the
16 requirements of section two hundred [thirteen-a] TWENTY-ONE of the
17 racing, pari-mutuel wagering and breeding law, and to that extent,
18 coverage procured by the fund pursuant to the requirements of the
19 racing, pari-mutuel wagering and breeding law shall be considered prima-
20 ry.

21 S 12. This act shall take effect immediately.

22

PART TT

23 Section 1. Subsection (eee) of section 606 of the tax law is amended
24 by adding a new paragraph 13 to read as follows:

25 (13) (A) NOTHING HEREIN SHALL BE CONSTRUED TO PRECLUDE THE COMMISSION-
26 ER FROM MAKING A PRELIMINARY ADVANCE PAYMENT OF THE CREDIT BASED UPON AN
27 ESTIMATE OF THE STAR TAX SAVINGS APPLICABLE TO A SCHOOL DISTRICT
28 PORTION, WHERE HE OR SHE FINDS THAT ATTEMPTING TO ASCERTAIN THE ACTUAL
29 STAR TAX SAVINGS APPLICABLE TO THE SCHOOL DISTRICT PORTION WOULD JEOP-
30 ARDIZE THE TIMELY ISSUANCE OF THE PAYMENT. WHEN MAKING SUCH AN ESTIMATE,
31 THE COMMISSIONER SHALL CONSIDER THE STAR TAX SAVINGS APPLICABLE IN THE
32 SCHOOL DISTRICT FISCAL YEAR PRECEDING THE ASSOCIATED FISCAL YEAR, THE
33 ALLOWABLE LEVY GROWTH FACTOR APPLICABLE TO THE CALCULATION OF THE TAX
34 LEVY LIMIT FOR THE ASSOCIATED FISCAL YEAR PURSUANT TO PARAGRAPH A OF
35 SUBDIVISION TWO OF SECTION TWO THOUSAND TWENTY-THREE-A OF THE EDUCATION
36 LAW, TAXABLE ASSESSED VALUE WHERE APPROPRIATE, AND SUCH OTHER INFORMA-
37 TION THAT IN HIS OR HER JUDGMENT WILL HELP MAKE THE ESTIMATE AS ACCURATE
38 AS POSSIBLE.

39 (B) NOTHING HEREIN SHALL BE CONSTRUED TO PRECLUDE THE COMMISSIONER
40 FROM MAKING A PRELIMINARY ADVANCE PAYMENT OF THE CREDIT WITHOUT ATTEMPT-
41 ING TO ASCERTAIN THE TAXPAYER'S QUALIFYING TAXES, WHERE HE OR SHE FINDS
42 THAT ATTEMPTING TO ASCERTAIN THE TAXPAYER'S QUALIFYING TAXES WOULD JEOP-
43 ARDIZE THE TIMELY ISSUANCE OF THE PAYMENT.

44 (C) IF THE COMMISSIONER DETERMINES THAT A TAXPAYER RECEIVED A PRELIMI-
45 NARY ADVANCE PAYMENT THAT IS ABOVE OR BELOW THE ADVANCE PAYMENT TO WHICH
46 HE OR SHE WAS ENTITLED UNDER THIS SUBSECTION, THE COMMISSIONER SHALL
47 PROVIDE NOTICE TO SUCH TAXPAYER THAT THE NEXT ADVANCE PAYMENT DUE TO
48 SUCH TAXPAYER UNDER THIS SUBSECTION SHALL BE ADJUSTED TO RECONCILE SUCH
49 UNDERPAYMENT OR OVERPAYMENT; PROVIDED, HOWEVER, THE COMMISSIONER SHALL
50 PERMIT A TAXPAYER TO REQUEST THAT SUCH ADJUSTMENT BE MADE ON AN
51 ORIGINALLY FILED TIMELY INCOME TAX RETURN FOR THE TAX YEAR IN WHICH SUCH
52 OVERPAYMENT OR UNDERPAYMENT OCCURRED, PROVIDED SUCH RETURN IS FILED ON
53 OR BEFORE THE DUE DATE FOR SUCH RETURN, DETERMINED WITHOUT REGARD TO
54 EXTENSIONS.

1 (D) A TAXPAYER WHO RECEIVED A PRELIMINARY ADVANCE PAYMENT THAT CONSTI-
2 TUTES AN OVERPAYMENT SHALL NOT BE REQUIRED TO PAY INTEREST ON THE AMOUNT
3 OF THE OVERPAYMENT.

4 S 2. Subparagraph (B) of paragraph 10 of subsection (eee) of section
5 606 of the tax law, as amended by section 8 of part A of chapter 73 of
6 the laws of 2016, is amended to read as follows:

7 (B) On or before [September fifteenth of each year] THE DATE SPECIFIED
8 BELOW, or as soon thereafter as practicable, the commissioner shall
9 determine the eligibility of taxpayers for this credit utilizing the
10 information available to him or her as obtained from the applications
11 submitted on or before July first of that year, or such later date as
12 may have been prescribed by the commissioner for that purpose, and from
13 such other sources as the commissioner deems reliable and appropriate.
14 For those taxpayers whom the commissioner has determined eligible for
15 this credit, the commissioner shall advance a payment in the amount
16 specified in paragraph three, four or six of this subsection, whichever
17 is applicable. Such payment shall be issued by [September thirtieth of
18 the year the credit is allowed] THE DATE SPECIFIED BELOW, or as soon
19 thereafter as is practicable; PROVIDED THAT IF SUCH PAYMENT IS ISSUED
20 AFTER SUCH DATE, IT SHALL BE SUBJECT TO INTEREST AT THE RATE PRESCRIBED
21 BY SUBPARAGRAPH (A) OF PARAGRAPH TWO OF SUBSECTION (J) OF SECTION SIX
22 HUNDRED NINETY-SEVEN OF THIS ARTICLE. Nothing contained herein shall be
23 deemed to preclude the commissioner from issuing payments after [Septem-
24 ber thirtieth] SUCH DATE to qualified taxpayers whose applications were
25 made after July first of that year, or such later date as may have been
26 prescribed by the commissioner for such purpose.

27 (I) THE APPLICABLE DATES FOR THIS PURPOSE ARE AS FOLLOWS:

28 (I) IF THE SCHOOL DISTRICT TAX ROLL IS FILED WITH THE COMMISSIONER ON
29 OR BEFORE JULY FIRST, THE DETERMINATION OF ELIGIBILITY SHALL BE MADE BY
30 JULY FIFTEENTH, OR AS SOON THEREAFTER AS IS PRACTICABLE, AND THE ADVANCE
31 PAYMENT SHALL BE ISSUED BY JULY THIRTIETH, OR AS SOON THEREAFTER AS IS
32 PRACTICABLE.

33 (II) IF THE SCHOOL DISTRICT TAX ROLL IS FILED WITH THE COMMISSIONER
34 AFTER JULY FIRST AND ON OR BEFORE SEPTEMBER FIRST, THE DETERMINATION OF
35 ELIGIBILITY SHALL BE MADE BY SEPTEMBER FIFTEENTH, OR AS SOON THEREAFTER
36 AS IS PRACTICABLE, AND THE ADVANCE PAYMENT SHALL BE ISSUED BY SEPTEMBER
37 THIRTIETH, OR AS SOON THEREAFTER AS IS PRACTICABLE.

38 (III) IF THE SCHOOL DISTRICT TAX ROLL IS FILED WITH THE COMMISSIONER
39 AFTER SEPTEMBER FIRST, THE DETERMINATION OF ELIGIBILITY SHALL BE MADE BY
40 THE FIFTEENTH DAY AFTER SUCH FILING, OR AS SOON THEREAFTER AS IS PRACTI-
41 CABLE, AND THE ADVANCE PAYMENT SHALL BE ISSUED BY THE THIRTIETH DAY
42 AFTER SUCH FILING, OR AS SOON THEREAFTER AS IS PRACTICABLE.

43 (II) NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBPARAGRAPH, IN
44 THE CASE OF TAXPAYERS WHOSE PRIMARY RESIDENCE IS A COOPERATIVE APARTMENT
45 OR A MOBILE HOME THAT IS SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (A)
46 OR (B) OF PARAGRAPH SIX OF THIS SUBSECTION, THE PAYMENT SHALL BE ISSUED
47 BY THE SIXTIETH DAY FOLLOWING RECEIPT OF ALL OF THE DATA NEEDED TO PROP-
48 ERLY CALCULATE THE CREDIT, OR AS SOON THEREAFTER AS IS PRACTICABLE.

49 S 3. Subdivision 6 of section 1306-a of the real property tax law, as
50 amended by section 7 of part A of chapter 73 of the laws of 2016, is
51 amended to read as follows:

52 6. When the commissioner determines, at least [thirty] TWENTY days
53 prior to the levy of school district taxes, that an advance credit of
54 the personal income tax credit authorized by subsection (eee) of section
55 six hundred six of the tax law will be provided to the owners of a
56 parcel in that school district, he or she shall so notify the assessor,

1 the county director of real property tax services, and the authorities
2 of the school district, who shall cause a statement to be placed on the
3 tax bill for the parcel in substantially the following form: ["A STAR
4 check of \$ will be mailed to you upon issuance by the NYS Tax
5 Department". The commissioner shall advise such officials of the amount
6 to be entered therein.] "AN ESTIMATED STAR CHECK WILL BE MAILED TO YOU
7 UPON ISSUANCE BY THE NYS TAX DEPARTMENT. ANY OVERPAYMENT OR UNDERPAYMENT
8 CAN BE RECONCILED ON YOUR NEXT TAX RETURN OR STAR CREDIT CHECK."

9 Notwithstanding any provision of law to the contrary, in the event
10 that the parcel in question had been granted a STAR exemption on the
11 assessment roll upon which school district taxes are to be levied, such
12 exemption shall be deemed null and void, shall be removed from the
13 assessment roll, and shall be disregarded when the parcel's tax liabil-
14 ity is determined. The assessor or other local official or officials
15 having custody and control of the data file used to generate school
16 district tax rolls and tax bills shall be authorized and directed to
17 change such file as necessary to enable the school district authorities
18 to discharge the duties imposed upon them by this subdivision.

19 S 4. This act shall take effect immediately.

20 PART UU

21 Section 1. Paragraph 2 of subdivision (e) of section 1111 of the tax
22 law, as amended by section 1 of part LL of chapter 59 of the laws of
23 2014, is amended to read as follows:

24 (2) (i) Where the motor fuel is imported, manufactured or sold in, or
25 diesel motor fuel is sold or used in the region referred to in subpara-
26 graph (i) of paragraph one of this subdivision, the tax required to be
27 prepaid pursuant to section eleven hundred two of this article on each
28 gallon of such fuel shall be [seventeen and one-half] SIXTEEN cents.

29 (ii) Where motor fuel is imported, manufactured or sold in, or diesel
30 motor fuel is sold or used in the region referred to in subparagraph
31 (ii) of paragraph one of this subdivision, the tax required to be
32 prepaid pursuant to section eleven hundred two of this article on each
33 gallon of such fuel shall be [twenty-one] SIXTEEN cents.

34 (iii) Where motor fuel is imported, manufactured or sold in, or diesel
35 motor fuel is sold or used in the region referred to in subparagraph
36 (iii) of paragraph one of this subdivision, the tax required to be
37 prepaid pursuant to section eleven hundred two of this article on each
38 gallon of such fuel shall be [sixteen] FIFTEEN cents.

39 S 2. Subdivision (e) of section 1111 of the tax law is amended by
40 adding two new paragraphs 4 and 5 to read as follows:

41 (4) THE COMMISSIONER IS AUTHORIZED TO ADJUST THE RATES IN PARAGRAPH
42 TWO OF THIS SUBDIVISION AND SHALL PRESCRIBE A SCHEDULE OF SUCH RATES FOR
43 EACH REGION DESCRIBED IN PARAGRAPH ONE OF THIS SUBDIVISION AS PROVIDED
44 IN THIS PARAGRAPH.

45 (I) THE SCHEDULE REQUIRED BY THIS PARAGRAPH SHALL BE REVIEWED SEMIAN-
46 NUALLY DURING THE MONTHS OF APRIL AND OCTOBER OF EACH YEAR, BEGINNING IN
47 OCTOBER, TWO THOUSAND SEVENTEEN. THE COMMISSIONER SHALL DETERMINE A
48 TENTATIVE RATE OF TAX THAT WOULD BE REQUIRED TO BE PREPAID PURSUANT TO
49 SECTION ELEVEN HUNDRED TWO OF THIS ARTICLE ON EACH GALLON OF MOTOR FUEL
50 OR DIESEL MOTOR FUEL SOLD OR USED BY MULTIPLYING THE REGIONAL AVERAGE
51 RETAIL SALES PRICES FOR SUCH FUEL FOR EACH REGION DESCRIBED IN PARAGRAPH
52 ONE OF THIS SUBDIVISION BY A NUMBER THAT IS SEVENTY-FIVE PERCENT OF THE
53 AVERAGE LOCAL SALES TAX RATE IN EACH SUCH REGION AND ADDING TO THE PROD-
54 UCT THEREOF THE TAXES IMPOSED BY PARAGRAPHS ONE AND TWO OF SUBDIVISION

1 (M) OF THIS SECTION. THE REGIONAL AVERAGE RETAIL SALES PRICE SHALL BE
2 DETERMINED FOR PURPOSES OF THIS SUBDIVISION USING DATA REGARDING SALES
3 PRICES, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, SALES PRICES AS
4 COMPILED BY GOVERNMENT OR INDUSTRY SURVEYS AND SOURCES, TAKING INTO
5 CONSIDERATION WITH RESPECT TO MOTOR FUEL, THE VOLUMES AND PRICES OF
6 UNLEADED MOTOR FUELS, INCLUDING REFORMULATED OR LIKE MOTOR FUELS, SOLD
7 IN THIS STATE AND WITH RESPECT TO BOTH MOTOR FUEL AND DIESEL MOTOR FUEL,
8 THE VOLUME AND PRICES OF SUCH FUELS SOLD AT FULL SERVICE AND SELF-SER-
9 VICE PUMPS FOR SUCH FUELS, DURING AN IMMEDIATELY PRECEDING PERIOD OF UP
10 TO TWELVE MONTHS ENDING THE LAST DAY OF MARCH IN THE CASE OF THE APRIL
11 SEMIANNUAL REVIEW AND ENDING THE LAST DAY OF SEPTEMBER IN THE CASE OF
12 THE OCTOBER SEMIANNUAL REVIEW; PROVIDED, HOWEVER, THAT THE REGIONAL
13 AVERAGE RETAIL SALES PRICES FOR BOTH MOTOR FUEL AND DIESEL MOTOR FUEL
14 SHALL REPRESENT THE RETAIL SALES PRICES UPON WHICH THE TAX UNDER THIS
15 ARTICLE AND PURSUANT TO THE AUTHORITY OF ARTICLE TWENTY-NINE OF THIS
16 CHAPTER IS COMPUTED (INCLUDING ALL FEDERAL AND STATE AND ANY LOCAL TAXES
17 INCLUDED IN SUCH PRICE) FOR SUCH PERIOD.

18 (II) IF UPON SUCH REVIEW, IT IS DETERMINED THAT THE TENTATIVE RATE OF
19 TAX THAT WOULD BE REQUIRED TO BE PREPAID FOR MOTOR FUEL OR DIESEL MOTOR
20 FUEL IN ANY OF THE REGIONS DESCRIBED IN PARAGRAPH ONE OF THIS SUBDIVI-
21 SION WOULD INCREASE OR DECREASE THE RATE FOR SUCH REGION THEN IN EFFECT
22 BY TWO OR MORE CENTS PER GALLON, THE COMMISSIONER SHALL ADJUST SUCH RATE
23 TO BE EQUAL TO THE TENTATIVE RATE, WHICH SHALL TAKE EFFECT ON THE FIRST
24 DAY OF JUNE OR THE FIRST DAY OF DECEMBER, RESPECTIVELY. PROVIDED, HOWEV-
25 ER, THE COMMISSIONER SHALL SET THE RATE OF TAX REQUIRED TO BE PREPAID IN
26 THE REGION DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH ONE OF THIS
27 SUBDIVISION EQUAL TO THE RATE SET FORTH IN SUBPARAGRAPH (I) OF SUCH
28 PARAGRAPH, UNLESS THE REGIONAL AVERAGE RETAIL SALES PRICE IN THE METRO-
29 POLITAN COMMUTER TRANSPORTATION DISTRICT EXCEEDS FOUR DOLLARS PER
30 GALLON. IN SUCH EVENT, THE COMMISSIONER IS AUTHORIZED TO ESTABLISH A
31 SEPARATE RATE IN THE REGION DESCRIBED IN SUCH SUBPARAGRAPH (II) AND
32 SHALL COMPUTE SUCH RATE BY MULTIPLYING THE REGIONAL AVERAGE RETAIL SALES
33 PRICES FOR MOTOR FUEL AND DIESEL MOTOR FUEL IN SUCH REGION BY A NUMBER
34 THAT IS EIGHTY-FIVE PERCENT OF THE AVERAGE LOCAL SALES TAX RATE IN SUCH
35 REGION AND ADDING TO THE PRODUCT THEREOF THE TAXES IMPOSED BY PARAGRAPHS
36 ONE AND TWO OF SUBDIVISION (M) OF THIS SECTION.

37 (III) THE COMMISSIONER SHALL CAUSE TO BE PUBLISHED ON THE DEPARTMENT'S
38 WEBSITE THE SCHEDULE OF RATES AND THE REGIONAL AVERAGE RETAIL SALES
39 PRICES OF MOTOR FUEL AND DIESEL MOTOR FUEL FIXED BY THIS SECTION, NO
40 LATER THAN TEN DAYS PRIOR TO THE EFFECTIVE DATE OF SUCH RATES. NOTWITH-
41 STANDING ANY OTHER PROVISION OF LAW, THE CALCULATION AND PUBLICATION OF
42 THE RATES SO FIXED BY THE PROVISIONS OF THIS SECTION SHALL NOT BE
43 INCLUDED WITHIN PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION ONE HUNDRED
44 TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT RELATING TO THE DEFINITION
45 OF A RULE.

46 (5) WHERE A NEW RATE OF TAX REQUIRED TO BE PREPAID FOR MOTOR FUEL OR
47 DIESEL MOTOR FUEL IS DETERMINED BY THE COMMISSIONER, (I) IF SUCH NEW
48 RATE IS LESS THAN THE RATE THEN IN EFFECT, ON THE DATE THE RATE BECOMES
49 EFFECTIVE (A) A REGISTERED DISTRIBUTOR SHALL BE ENTITLED TO A CREDIT IN
50 AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE AMOUNT OF THE PREPAID TAX
51 PAID OR INCURRED BY HIM OR HER WITH RESPECT TO MOTOR FUEL WHICH HE OR
52 SHE IMPORTED AND WHICH HE OR SHE HAS IN INVENTORY AT THE TIME SUCH NEW
53 RATE BECOMES EFFECTIVE AND THE AMOUNT OF TAX WHICH WOULD BE DUE ON SUCH
54 INVENTORY IF THE PREPAID TAX WERE CALCULATED BASED ON SUCH NEW AVERAGE
55 PRICE FOR THE REGION IN WHICH SUCH MOTOR FUEL WAS IMPORTED AND (B) SUCH
56 INVENTORY SHALL THEN BE DEEMED TO HAVE BEEN TAXED BASED ON THE RATE AND

1 ALL CERTIFICATIONS OF TAX PAYMENT GIVEN BY THE DISTRIBUTOR WITH RESPECT
2 TO MOTOR FUEL IN SUCH INVENTORY SHALL INDICATE A PASS THROUGH OF THE
3 PREPAID TAX BASED ON SUCH NEW PRICE, (II) IF SUCH NEW RATE IS GREATER
4 THAN THE EXISTING RATE, ON THE DATE SUCH NEW RATE BECOMES EFFECTIVE (A)
5 SUCH DISTRIBUTOR SHALL BECOME LIABLE TO PAY AN ADDITIONAL TAX EQUAL TO
6 THE DIFFERENCE BETWEEN THE AMOUNT OF TAX WHICH WOULD BE DUE WITH RESPECT
7 TO MOTOR FUEL WHICH HE OR SHE IMPORTED AND WHICH HE OR SHE HAS IN INVEN-
8 TORY AT THE TIME SUCH NEW RATE BECOMES EFFECTIVE IF THE PREPAID TAX ON
9 SUCH MOTOR FUEL WERE CALCULATED BASED ON SUCH NEW AVERAGE PRICE FOR THE
10 REGION IN WHICH SUCH MOTOR FUEL WAS IMPORTED AND THE AMOUNT OF PREPAID
11 TAX PAID OR ACTUALLY INCURRED BY SUCH DISTRIBUTOR WITH RESPECT TO SUCH
12 MOTOR FUEL AND (B) SUCH INVENTORY SHALL THEN BE DEEMED TO HAVE BEEN
13 TAXED BASED ON THE NEW RATE AND ALL CERTIFICATIONS OF TAX PAYMENT GIVEN
14 BY THE DISTRIBUTOR WITH RESPECT TO MOTOR FUEL IN SUCH INVENTORY SHALL
15 INDICATE A PASS THROUGH OF THE PREPAID TAX BASED ON SUCH NEW RATE. SUCH
16 CREDIT SHALL BE ALLOWED WITH RESPECT TO OR SUCH TAX SHALL BE PAID WITH
17 THE RETURN COVERING THE MONTH IMMEDIATELY PRECEDING THE MONTH IN WHICH
18 SUCH NEW RATE BECOMES EFFECTIVE. ANY CARRYOVER CREDIT MAY BE APPLIED TO
19 SUBSEQUENT PERIODS. THE AMOUNT TO BE REPORTED AS ADDITIONAL TAX SHALL
20 BE PAID AND DISPOSED OF IN THE SAME MANNER AS THE TAX REQUIRED TO BE
21 PREPAID BY SECTION ELEVEN HUNDRED TWO OF THIS ARTICLE. SUCH ADDITIONAL
22 TAX SHALL BE DETERMINED, ASSESSED, COLLECTED AND ENFORCED IN THE SAME
23 MANNER AS THE TAX REQUIRED TO BE PREPAID BY SECTION ELEVEN HUNDRED TWO
24 OF THIS ARTICLE.

25 S 3. This act shall take effect September 1, 2017.

26

PART VV

27 Section 1. The opening paragraph of paragraph (a) of subdivision 5 of
28 section 210-A of the tax law, as amended by section 4 of part P of chap-
29 ter 60 of the laws of 2016, is amended to read as follows:

30 A financial instrument is a "nonqualified financial instrument" if it
31 is not a qualified financial instrument. A qualified financial instru-
32 ment means a financial instrument that is of a type described in any of
33 clauses (A), (B), (C), (D), (G), (H) or (I) of subparagraph two of this
34 paragraph and that has been marked to market in the taxable year by the
35 taxpayer under section 475 or section 1256 of the internal revenue code.
36 Further, if the taxpayer has in the taxable year marked to market a
37 financial instrument of the type described in any of the clauses (A),
38 (B), (C), (D), (G), (H) or (I) of subparagraph two of this paragraph,
39 then any financial instrument within that type described in the above
40 specified clause or clauses that has not been marked to market by the
41 taxpayer under section 475 or section 1256 of the internal revenue code
42 is a qualified financial instrument in the taxable year. Notwithstanding
43 the two preceding sentences, (i) a loan secured by real property shall
44 not be a qualified financial instrument, (ii) if the only loans that are
45 marked to market by the taxpayer under section 475 or section 1256 of
46 the internal revenue code are loans secured by real property, then no
47 loans shall be qualified financial instruments, (iii) stock that is
48 investment capital as defined in paragraph (a) of subdivision five of
49 section two hundred eight of this article shall not be a qualified
50 financial instrument, and (iv) stock that generates other exempt income
51 as defined in subdivision six-a of section two hundred eight of this
52 article and that is not marked to market under section 475 or section
53 1256 of the internal revenue code shall not constitute a qualified
54 financial instrument with respect to the income from that stock that is

1 described in such subdivision six-a. If a corporation is included in a
 2 combined report, the definition of qualified financial instrument shall
 3 be determined on a combined basis. IN THE CASE OF A RIC OR A REIT THAT
 4 IS NOT A CAPTIVE RIC OR A CAPTIVE REIT, A QUALIFIED FINANCIAL INSTRUMENT
 5 MEANS A FINANCIAL INSTRUMENT THAT IS OF A TYPE DESCRIBED IN ANY OF
 6 CLAUSES (A), (B), (C), (D), (G), (H) OR (I) OF SUBPARAGRAPH TWO OF THIS
 7 PARAGRAPH, OTHER THAN (I) A LOAN SECURED BY REAL PROPERTY, (II) STOCK
 8 THAT IS INVESTMENT CAPITAL AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION
 9 FIVE OF SECTION TWO HUNDRED EIGHT OF THIS ARTICLE, AND (III) STOCK THAT
 10 GENERATES OTHER EXEMPT INCOME AS DEFINED IN SUBDIVISION SIX-A OF SECTION
 11 TWO HUNDRED EIGHT OF THIS ARTICLE WITH RESPECT TO THE INCOME FROM THAT
 12 STOCK THAT IS DESCRIBED IN SUCH SUBDIVISION SIX-A.

13 S 2. Clause (D) of subparagraph 1 of paragraph (d) of subdivision 1 of
 14 section 210 of the tax law, as amended by section 19 of part T of chap-
 15 ter 59 of the laws of 2015, is amended to read as follows:

16 (D) Otherwise, for all other taxpayers not covered by clauses (A), (B)
 17 [and], (C) AND (D-1) of this subparagraph, the amount prescribed by this
 18 paragraph will be determined in accordance with the following table:

19 If New York receipts are:	The fixed dollar minimum tax is:
20 not more than \$100,000	\$ 25
21 more than \$100,000 but not over \$250,000	\$ 75
22 more than \$250,000 but not over \$500,000	\$ 175
23 more than \$500,000 but not over \$1,000,000	\$ 500
24 more than \$1,000,000 but not over \$5,000,000	\$1,500
25 more than \$5,000,000 but not over \$25,000,000	\$3,500
26 more than \$25,000,000 but not over \$50,000,000	\$5,000
27 more than \$50,000,000 but not over \$100,000,000	\$10,000
28 more than \$100,000,000 but not over \$250,000,000	\$20,000
29 more than \$250,000,000 but not over \$500,000,000	\$50,000
30 more than \$500,000,000 but not over \$1,000,000,000	\$100,000
31 Over \$1,000,000,000	\$200,000

32 S 3. Subparagraph 1 of paragraph (d) of subdivision 1 of section 210
 33 of the tax law is amended by adding a new clause (D-1) to read as
 34 follows:

35 (D-1) IN THE CASE OF A REIT OR A RIC THAT IS NOT A CAPTIVE REIT OR
 36 CAPTIVE RIC, THE AMOUNT PRESCRIBED BY THIS PARAGRAPH WILL BE DETERMINED
 37 IN ACCORDANCE WITH THE FOLLOWING TABLE:

38 IF NEW YORK RECEIPTS ARE:	THE FIXED DOLLAR MINIMUM TAX IS:
39 NOT MORE THAN \$100,000	\$ 25
40 MORE THAN \$100,000 BUT NOT OVER \$250,000	\$ 75
41 MORE THAN \$250,000 BUT NOT OVER \$500,000	\$ 175
42 MORE THAN \$500,000	\$ 500

43 S 4. The opening paragraph of paragraph (a) of subdivision 5 of
 44 section 11-654.2 of the administrative code of the city of New York, as
 45 amended by section 16 of part P of chapter 60 of the laws of 2016, is
 46 amended to read as follows:

47 A financial instrument is a "nonqualified financial instrument" if it
 48 is not a qualified financial instrument. A qualified financial instru-
 49 ment means a financial instrument that is of a type described in any of
 50 [clause] CLAUSES (i), (ii), (iii), (iv), (vii), (viii) or (ix) of
 51 subparagraph two of this paragraph and that has been marked to market in
 52 the taxable year by the taxpayer under section 475 or section 1256 of

1 the internal revenue code. Further, if the taxpayer has in the taxable
2 year marked to market a financial instrument of the type described in
3 any of [clause] CLAUSES (i), (ii), (iii), (iv), (vii), (viii) or (ix) of
4 subparagraph two of this paragraph, then any financial instrument within
5 that type described in the above specified clause or clauses that has
6 not been marked to market by the taxpayer under section 475 or section
7 1256 of the internal revenue code is a qualified financial instrument in
8 the taxable year. Notwithstanding the two preceding sentences, (i) a
9 loan secured by real property shall not be a qualified financial instru-
10 ment, (ii) if the only loans that are marked to market by the taxpayer
11 under section 475 or section 1256 of the internal revenue code are loans
12 secured by real property, then no loans shall be qualified financial
13 instruments, (iii) stock that is investment capital as defined in para-
14 graph (a) of subdivision four of section 11-652 of this subchapter shall
15 not be a qualified financial instrument, and (iv) stock that generates
16 other exempt income as defined in subdivision five-a of section 11-652
17 of this subchapter and that is not marked to market under section 475 or
18 section 1256 of the internal revenue code shall not constitute a quali-
19 fied financial instrument with respect to the income from that stock
20 that is described in such subdivision five-a. If a corporation is
21 included in a combined report, the definition of qualified financial
22 instrument shall be determined on a combined basis. IN THE CASE OF A
23 RIC OR A REIT THAT IS NOT A CAPTIVE RIC OR A CAPTIVE REIT, A QUALIFIED
24 FINANCIAL INSTRUMENT MEANS A FINANCIAL INSTRUMENT THAT IS OF A TYPE
25 DESCRIBED IN ANY OF CLAUSES (I), (II), (III), (IV), (VII), (VIII) OR
26 (IX) OF SUBPARAGRAPH TWO OF THIS PARAGRAPH, OTHER THAN (I) A LOAN
27 SECURED BY REAL PROPERTY, (II) STOCK THAT IS INVESTMENT CAPITAL AS
28 DEFINED IN PARAGRAPH (A) OF SUBDIVISION FOUR OF SECTION 11-652 OF THIS
29 SUBCHAPTER, AND (III) STOCK THAT GENERATES OTHER EXEMPT INCOME AS
30 DEFINED IN SUBDIVISION FIVE-A OF SECTION 11-652 OF THIS SUBCHAPTER WITH
31 RESPECT TO THE INCOME FROM THAT STOCK THAT IS DESCRIBED IN SUCH SUBDIVI-
32 SION FIVE-A.

33 S 5. This act shall take effect immediately and shall apply to taxable
34 years beginning on or after January 1, 2016.

35 PART WW

36 Section 1. Subdivision (a) of section 1115 of the tax law is amended
37 by adding a new paragraph 44 to read as follows:

38 (44) MONUMENTS AS THAT TERM IS DEFINED IN SUBDIVISION (F) OF SECTION
39 FIFTEEN HUNDRED TWO OF THE NOT-FOR-PROFIT CORPORATION LAW.

40 S 2. This act shall take effect on the first day of a sales tax quar-
41 terly period, as described in subdivision (b) of section 1136 of the tax
42 law, beginning at least ninety days after the date this act shall have
43 become a law and shall apply to sales made on or after such date.

44 PART XX

45 Section 1. Subdivision 3 of section 16-v of section 1 of chapter 174
46 of the laws of 1968, constituting the New York state urban development
47 corporation act, is amended by adding a new paragraph (e) to read as
48 follows:

49 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A
50 QUALIFIED ENTITY THAT HAS PREVIOUSLY BEEN DESIGNATED AS A NEW YORK STATE
51 INCUBATOR AND HAS NOT FULLY DISBURSED ANY GRANTS AWARDED PURSUANT TO

1 THIS SECTION, SHALL CONTINUE BEING DESIGNATED AS SUCH BY THE CORPORATION
2 FOR AN ADDITIONAL THREE YEARS.

3 S 2. This act shall take effect immediately.

4 PART YY

5 Section 1. Subdivision 3 of section 355 of the economic development
6 law, as amended by section 4 of part G of chapter 61 of the laws of
7 2011, is amended to read as follows:

8 3. Excelsior research and development tax credit component. A partic-
9 ipant in the excelsior jobs program shall be eligible to claim a credit
10 equal to fifty percent of the portion of the participant's federal
11 research and development tax credit that relates to the participant's
12 research and development expenditures in New York state during the taxa-
13 ble year; provided however, the excelsior research and development tax
14 credit shall not exceed [three] SIX percent of the qualified research
15 and development expenditures attributable to activities conducted in New
16 York state. If the federal research and development credit has expired,
17 then the research and development expenditures relating to the federal
18 research and development credit shall be calculated as if the federal
19 research and development credit structure and definition in effect in
20 two thousand nine were still in effect. Notwithstanding any other
21 provision of this chapter to the contrary, research and development
22 expenditures in this state, including salary or wage expenses for jobs
23 related to research and development activities in this state, may be
24 used as the basis for the excelsior research and development tax credit
25 component and the qualified emerging technology company facilities,
26 operations and training credit under the tax law.

27 S 2. This act shall take effect immediately and shall apply to taxable
28 years beginning on or after January 1, 2018.

29 PART ZZ

30 Section 1. Subdivision 16 of section 352 of the economic development
31 law, as amended by section 1 of part K of chapter 59 of the laws of
32 2015, is amended and a new subdivision 20-a is added to read as follows:

33 16. "Regionally significant project" means (a) a manufacturer creating
34 at least [fifty] TEN net new jobs in the state and making significant
35 capital investment in the state; (b) a business creating at least [twen-
36 ty] TEN net new jobs in agriculture in the state and making significant
37 capital investment in the state, (c) a financial services firm, distrib-
38 ution center, or back office operation creating at least [three] ONE
39 hundred net new jobs in the state and making significant capital invest-
40 ment in the state, (d) a scientific research and development firm creat-
41 ing at least [twenty] TEN net new jobs in the state, and making signif-
42 icant capital investment in the state or (e) an entertainment company
43 creating or obtaining at least two hundred net new jobs in the state and
44 making significant capital investment in the state. Other businesses
45 creating [three] ONE hundred FIFTY or more net new jobs in the state and
46 making significant capital investment in the state may be considered
47 eligible as a regionally significant project by the commissioner as
48 well. The commissioner shall promulgate regulations pursuant to section
49 three hundred fifty-six of this article to determine [what constitutes
50 significant capital investment for each of the project categories indi-
51 cated in this subdivision and] what additional criteria a business must
52 meet to be eligible as a regionally significant project, including, but

1 not limited to, whether a business exports a substantial portion of its
2 products or services outside of the state or outside of a metropolitan
3 statistical area or county within the state.

4 20-A. "SIGNIFICANT CAPITAL INVESTMENT" MEANS A PROJECT WHICH WILL BE
5 EITHER A NEWLY CONSTRUCTED FACILITY OR A NEWLY CONSTRUCTED ADDITION TO,
6 EXPANSION OF OR IMPROVEMENT OF A FACILITY, CONSISTING OF TANGIBLE
7 PERSONAL PROPERTY AND OTHER TANGIBLE PROPERTY, INCLUDING BUILDINGS AND
8 STRUCTURAL COMPONENTS OF BUILDINGS, THAT ARE DEPRECIABLE PURSUANT TO
9 SECTION ONE HUNDRED SIXTY-SEVEN OF THE INTERNAL REVENUE CODE, HAVE A
10 USEFUL LIFE OF FOUR YEARS OR MORE, ARE ACQUIRED BY PURCHASE AS DEFINED
11 IN SECTION ONE HUNDRED SEVENTY-NINE (D) OF THE INTERNAL REVENUE CODE,
12 AND THAT IS EQUAL TO OR EXCEEDS (A) ONE MILLION DOLLARS FOR A MANUFAC-
13 Turer; (B) TWO HUNDRED FIFTY THOUSAND DOLLARS FOR AN AGRICULTURE BUSI-
14 ness; (C) THREE MILLION DOLLARS FOR A FINANCIAL SERVICES FIRM OR BACK
15 OFFICE OPERATION; (D) FIFTEEN MILLION DOLLARS FOR A DISTRIBUTION CENTER;
16 (E) THREE MILLION DOLLARS FOR A SCIENTIFIC RESEARCH AND DEVELOPMENT
17 FIRM; OR (F) THREE MILLION DOLLARS FOR OTHER BUSINESSES.

18 S 2. Subdivisions 3 and 4 of section 353 of the economic development
19 law, subdivision 3 as amended by section 2 of part K of chapter 59 of
20 the laws of 2015 and subdivision 4 as amended by section 1 of part C of
21 chapter 68 of the laws of 2013, are amended to read as follows:

22 3. For the purposes of this article, in order to participate in the
23 excelsior jobs program, a business entity operating predominantly in
24 manufacturing must create at least [ten] FIVE net new jobs; a business
25 entity operating predominately in agriculture must create at least five
26 net new jobs; a business entity operating predominantly as a financial
27 service data center or financial services customer back office operation
28 must create at least [fifty] TWENTY-FIVE net new jobs; a business entity
29 operating predominantly in scientific research and development must
30 create at least five net new jobs; a business entity operating predomi-
31 nantly in software development must create at least five net new jobs; a
32 business entity creating or expanding back office operations must create
33 at least [fifty] TWENTY-FIVE net new jobs; a business entity operating
34 predominately in music production must create at least five net new
35 jobs; a business entity operating predominantly as an entertainment
36 company must create or obtain at least one hundred net new jobs; or a
37 business entity operating predominantly as a distribution center in the
38 state must create at least [seventy-five] FIFTY net new jobs, notwith-
39 standing subdivision five of this section; or a business entity must be
40 a regionally significant project as defined in this article; or

41 4. A business entity operating predominantly in one of the industries
42 referenced in paragraphs (a) through (h) of subdivision one of this
43 section but which does not meet the job requirements of subdivision
44 three of this section must have at least twenty-five full-time job
45 equivalents unless such business is a business entity operating predomi-
46 nantly in manufacturing then it must have at least [ten] FIVE full-time
47 job equivalents and must demonstrate that its benefit-cost ratio is at
48 least ten to one.

49 S 3. This act shall take effect immediately.

50

PART AAA

51 Section 1. Legislative intent. The purpose of this act is to ensure
52 the safety, reliability, and cost-effectiveness of transportation
53 network company (TNC) services within the state of New York and to

1 preserve and enhance access to these important transportation options
2 for residents and visitors to the state.

3 S 2. The vehicle and traffic law is amended by adding a new article
4 44-B to read as follows:

5 ARTICLE 44-B

6 TRANSPORTATION NETWORK COMPANY SERVICES

7 SECTION 1691. DEFINITIONS.

8 1692. GENERAL PROVISIONS.

9 1693. FINANCIAL RESPONSIBILITY OF TRANSPORTATION NETWORK COMPA-
10 NIES.

11 1694. DISCLOSURES.

12 1695. INSURANCE PROVISIONS.

13 1696. DRIVER AND VEHICLE REQUIREMENTS.

14 1697. MAINTENANCE OF RECORDS.

15 1698. AUDIT PROCEDURES; CONFIDENTIALITY OF RECORDS.

16 1699. CRIMINAL HISTORY BACKGROUND CHECK OF TRANSPORTATION
17 NETWORK COMPANY DRIVERS.

18 1700. CONTROLLING AUTHORITY.

19 S 1691. DEFINITIONS. AS USED IN THIS ARTICLE: 1. "TRANSPORTATION
20 NETWORK COMPANY VEHICLE" OR "TNC VEHICLE" MEANS A VEHICLE THAT IS:

21 (A) USED BY A TRANSPORTATION NETWORK COMPANY DRIVER TO PROVIDE A TNC
22 PREARRANGED TRIP ORIGINATING WITHIN THE STATE OF NEW YORK; AND

23 (B) OWNED, LEASED OR OTHERWISE AUTHORIZED FOR USE BY THE TRANSPORTA-
24 TION NETWORK COMPANY DRIVER;

25 (C) SUCH TERM SHALL NOT INCLUDE:

26 (I) A TAXICAB, AS DEFINED IN SECTION ONE HUNDRED FORTY-EIGHT-A OF THIS
27 CHAPTER AND SECTION 19-502 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW
28 YORK, OR AS OTHERWISE DEFINED IN LOCAL LAW;

29 (II) A LIVERY VEHICLE, AS DEFINED IN SECTION ONE HUNDRED TWENTY-ONE-E
30 OF THIS CHAPTER, OR AS OTHERWISE DEFINED IN LOCAL LAW;

31 (III) A BLACK CAR, LIMOUSINE, OR LUXURY LIMOUSINE, AS DEFINED IN
32 SECTION 19-502 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, OR AS
33 OTHERWISE DEFINED IN LOCAL LAW;

34 (IV) A FOR-HIRE VEHICLE, AS DEFINED IN SECTION 19-502 OF THE ADMINIS-
35 TRATIVE CODE OF THE CITY OF NEW YORK, OR AS OTHERWISE DEFINED IN LOCAL
36 LAW;

37 (V) A BUS, AS DEFINED IN SECTION ONE HUNDRED FOUR OF THIS CHAPTER;

38 (VI) ANY MOTOR VEHICLE WEIGHING MORE THAN SIX THOUSAND FIVE HUNDRED
39 POUNDS UNLOADED;

40 (VII) ANY MOTOR VEHICLE HAVING A SEATING CAPACITY OF MORE THAN SEVEN
41 PASSENGERS; AND

42 (VIII) ANY MOTOR VEHICLE SUBJECT TO SECTION THREE HUNDRED SEVENTY OF
43 THIS CHAPTER.

44 2. "DIGITAL NETWORK" MEANS ANY SYSTEM OR SERVICE OFFERED OR UTILIZED
45 BY A TRANSPORTATION NETWORK COMPANY THAT ENABLES TNC PREARRANGED TRIPS
46 WITH TRANSPORTATION NETWORK COMPANY DRIVERS.

47 3. "TRANSPORTATION NETWORK COMPANY" OR "TNC" MEANS A PERSON, CORPO-
48 RATION, PARTNERSHIP, SOLE PROPRIETORSHIP, OR OTHER ENTITY THAT IS
49 LICENSED PURSUANT TO THIS ARTICLE AND IS OPERATING IN NEW YORK STATE
50 EXCLUSIVELY USING A DIGITAL NETWORK TO CONNECT TRANSPORTATION NETWORK
51 COMPANY PASSENGERS TO TRANSPORTATION NETWORK COMPANY DRIVERS WHO PROVIDE
52 TNC PREARRANGED TRIPS.

53 4. "TRANSPORTATION NETWORK COMPANY DRIVER" OR "TNC DRIVER" MEANS AN
54 INDIVIDUAL WHO:

1 (A) RECEIVES CONNECTIONS TO POTENTIAL PASSENGERS AND RELATED SERVICES
2 FROM A TRANSPORTATION NETWORK COMPANY IN EXCHANGE FOR PAYMENT OF A FEE
3 TO THE TRANSPORTATION NETWORK COMPANY; AND

4 (B) USES A TNC VEHICLE TO OFFER OR PROVIDE A TNC PREARRANGED TRIP TO
5 TRANSPORTATION NETWORK COMPANY PASSENGERS UPON CONNECTION THROUGH A
6 DIGITAL NETWORK CONTROLLED BY A TRANSPORTATION NETWORK COMPANY IN
7 EXCHANGE FOR COMPENSATION OR PAYMENT OF A FEE.

8 5. "TRANSPORTATION NETWORK COMPANY PASSENGER" OR "PASSENGER" MEANS A
9 PERSON OR PERSONS WHO USE A TRANSPORTATION NETWORK COMPANY'S DIGITAL
10 NETWORK TO CONNECT WITH A TRANSPORTATION NETWORK COMPANY DRIVER WHO
11 PROVIDES TNC PREARRANGED TRIPS TO THE PASSENGER IN THE TNC VEHICLE
12 BETWEEN POINTS CHOSEN BY THE PASSENGER.

13 6. (A) "TNC PREARRANGED TRIP" OR "TRIP" MEANS THE PROVISION OF TRANS-
14 PORTATION BY A TRANSPORTATION NETWORK COMPANY DRIVER TO A PASSENGER
15 PROVIDED THROUGH THE USE OF A TNC'S DIGITAL NETWORK:

16 (I) BEGINNING WHEN A TRANSPORTATION NETWORK COMPANY DRIVER ACCEPTS A
17 PASSENGER'S REQUEST FOR A TRIP THROUGH A DIGITAL NETWORK CONTROLLED BY A
18 TRANSPORTATION NETWORK COMPANY;

19 (II) CONTINUING WHILE THE TRANSPORTATION NETWORK COMPANY DRIVER TRANS-
20 PORTS THE REQUESTING PASSENGER IN A TNC VEHICLE; AND

21 (III) ENDING WHEN THE LAST REQUESTING PASSENGER DEPARTS FROM THE TNC
22 VEHICLE.

23 (B) THE TERM "TNC PREARRANGED TRIP" DOES NOT INCLUDE TRANSPORTATION
24 PROVIDED THROUGH ANY OF THE FOLLOWING:

25 (I) SHARED EXPENSE CARPOOL OR VANPOOL ARRANGEMENTS, INCLUDING THOSE AS
26 DEFINED IN SECTION ONE HUNDRED FIFTY-EIGHT-B OF THIS CHAPTER; AND

27 (II) USE OF A TAXICAB, LIVERY, LUXURY LIMOUSINE, OR OTHER FOR-HIRE
28 VEHICLE, AS DEFINED IN THIS CHAPTER, SECTION 19-502 OF THE ADMINISTRA-
29 TIVE CODE OF THE CITY OF NEW YORK, OR AS OTHERWISE DEFINED IN LOCAL LAW.

30 7. "GROUP POLICY" MEANS AN INSURANCE POLICY ISSUED PURSUANT TO SECTION
31 THREE THOUSAND FOUR HUNDRED FIFTY-FIVE OF THE INSURANCE LAW.

32 S 1692. GENERAL PROVISIONS. 1. A TNC OR A TNC DRIVER SHALL NOT BE
33 DEEMED A COMMON CARRIER, AS DEFINED IN SUBDIVISION SIX OF SECTION TWO OF
34 THE TRANSPORTATION LAW; A CONTRACT CARRIER OF PASSENGERS BY MOTOR VEHI-
35 CLE, AS DEFINED IN SUBDIVISION NINE OF SECTION TWO OF THE TRANSPORTATION
36 LAW; OR A MOTOR CARRIER, AS DEFINED IN SUBDIVISION SEVENTEEN OF SECTION
37 TWO OF THE TRANSPORTATION LAW. NEITHER A TNC NOR A TNC DRIVER SHALL BE
38 DEEMED TO PROVIDE TAXICAB OR FOR-HIRE VEHICLE SERVICE WHILE OPERATING AS
39 A TNC OR TNC DRIVER PURSUANT TO THIS ARTICLE. MOREOVER, A TNC DRIVER
40 SHALL NOT BE REQUIRED TO REGISTER THE TNC VEHICLE SUCH TNC DRIVER USES
41 FOR TNC PREARRANGED TRIPS AS A COMMERCIAL OR FOR-HIRE VEHICLE, AS SET
42 FORTH IN ARTICLE FOURTEEN OF THIS CHAPTER.

43 2. (A) A TNC MAY NOT OPERATE IN THE STATE OF NEW YORK WITHOUT FIRST
44 HAVING OBTAINED A LICENSE ISSUED BY THE DEPARTMENT IN A FORM AND MANNER
45 AND WITH APPLICABLE FEES AS PROVIDED FOR BY REGULATIONS PROMULGATED BY
46 THE COMMISSIONER. AS A CONDITION OF OBTAINING A LICENSE, A TNC SHALL BE
47 REQUIRED TO SUBMIT TO THE DEPARTMENT PROOF OF A GROUP POLICY ISSUED
48 PURSUANT TO SECTION THREE THOUSAND FOUR HUNDRED FIFTY-FIVE OF THE INSUR-
49 ANCE LAW. FAILURE OF A TNC TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE
50 MAY RESULT IN APPLICABLE PENALTIES, WHICH MAY INCLUDE, BUT ARE NOT
51 LIMITED TO FINES, SUSPENSION OR REVOCATION OF LICENSE OR A COMBINATION
52 THEREOF AS OTHERWISE PROVIDED BY LAW. NO LICENSE SHALL BE SUSPENDED OR
53 REVOKED EXCEPT UPON NOTICE TO THE TNC AND AFTER AN OPPORTUNITY TO BE
54 HEARD.

55 (B) FAILURE OF A TNC TO OBTAIN A LICENSE BEFORE OPERATION, PURSUANT TO
56 THIS SUBDIVISION SHALL CONSTITUTE A MISDEMEANOR.

1 3. A TNC MUST MAINTAIN AN AGENT FOR SERVICE OF PROCESS IN THE STATE OF
2 NEW YORK.

3 4. ON BEHALF OF A TNC DRIVER, A TNC MAY CHARGE A FARE FOR THE SERVICES
4 RENDERED TO PASSENGERS; PROVIDED THAT, IF A FARE IS COLLECTED FROM A
5 PASSENGER, THE TNC SHALL DISCLOSE TO SUCH PASSENGER THE FARE WITHIN THE
6 TNC'S DIGITAL NETWORK. THE TNC SHALL ALSO PROVIDE PASSENGERS, BEFORE
7 SUCH PASSENGERS ENTER A TNC VEHICLE, THE ACTUAL FARE OR AN ESTIMATED
8 FARE FOR SUCH TNC PREARRANGED TRIP THROUGH THE TNC'S DIGITAL NETWORK.
9 THE TNC SHALL ALSO POST THE FAIR CALCULATION METHOD ON ITS WEBSITE.

10 5. A TNC'S DIGITAL NETWORK SHALL DISPLAY A PICTURE OF THE TNC DRIVER,
11 AND PROVIDE THE MAKE, MODEL, COLOR AND LICENSE PLATE NUMBER OF THE TNC
12 VEHICLE UTILIZED FOR PROVIDING THE TNC PREARRANGED TRIP BEFORE THE
13 PASSENGER ENTERS THE TNC VEHICLE.

14 6. WITHIN A REASONABLE PERIOD OF TIME FOLLOWING THE COMPLETION OF A
15 TRIP, A TNC SHALL TRANSMIT AN ELECTRONIC RECEIPT TO THE PASSENGER ON
16 BEHALF OF THE TNC DRIVER THAT LISTS:

17 (A) THE ORIGIN AND DESTINATION OF THE TRIP;

18 (B) THE TOTAL TIME AND DISTANCE OF THE TRIP;

19 (C) AN ITEMIZATION OF THE TOTAL FARE PAID, IF ANY;

20 (D) A SEPARATE STATEMENT OF THE APPLICABLE ASSESSMENT FEE AND
21 SURCHARGE; AND

22 (E) THE TNC NAME AND OPERATING LICENSE NUMBER.

23 7. A TNC DRIVER SHALL NOT SOLICIT OR ACCEPT STREET HAILS.

24 8. A TNC SHALL ADOPT A POLICY PROHIBITING SOLICITATION OR ACCEPTANCE
25 OF CASH PAYMENTS FOR THE FARES CHARGED TO PASSENGERS FOR TNC PREARRANGED
26 TRIPS AND NOTIFY TNC DRIVERS OF SUCH POLICY. TNC DRIVERS SHALL NOT
27 SOLICIT OR ACCEPT CASH PAYMENTS FROM PASSENGERS.

28 9. A TNC SHALL PREVENT A TNC DRIVER FROM ACCEPTING TNC PREARRANGED
29 TRIPS WITHIN A CITY OF A POPULATION OF ONE MILLION OR MORE AND ANY COUN-
30 TY OR CITY THAT HAS ENACTED A LOCAL LAW OR ORDINANCE PURSUANT TO SECTION
31 ONE HUNDRED EIGHTY-TWO OF THE GENERAL MUNICIPAL LAW AND HAS NOT REPEALED
32 SUCH LOCAL LAW OR ORDINANCE, EXCEPT WHERE THE ACCEPTANCE OF A PREAR-
33 RANGED TRIP IS AUTHORIZED PURSUANT TO AN EXISTING RECIPROCITY AGREEMENT.

34 10. NOTHING IN THIS ARTICLE SHALL APPLY TO CITIES WITH A POPULATION OF
35 ONE MILLION OR MORE.

36 S 1693. FINANCIAL RESPONSIBILITY OF TRANSPORTATION NETWORK COMPANIES.

37 1. A TNC DRIVER, OR TNC ON THE TNC DRIVER'S BEHALF THROUGH A GROUP POLI-
38 CY, SHALL MAINTAIN INSURANCE THAT RECOGNIZES THAT THE DRIVER IS A TNC
39 DRIVER AND PROVIDES FINANCIAL RESPONSIBILITY COVERAGE:

40 (A) WHILE THE TNC DRIVER IS LOGGED ONTO THE TNC'S DIGITAL NETWORK; AND

41 (B) WHILE THE TNC DRIVER IS ENGAGED IN A TNC PREARRANGED TRIP.

42 2. (A) THE FOLLOWING AUTOMOBILE FINANCIAL RESPONSIBILITY INSURANCE
43 REQUIREMENTS SHALL APPLY WHILE A TNC DRIVER IS LOGGED ONTO THE TNC'S
44 DIGITAL NETWORK BUT IS NOT ENGAGED IN A TNC PREARRANGED TRIP: INSURANCE
45 AGAINST LOSS FROM THE LIABILITY IMPOSED BY LAW FOR DAMAGES, INCLUDING
46 DAMAGES FOR CARE AND LOSS OF SERVICES, BECAUSE OF BODILY INJURY TO OR
47 DEATH OF ANY PERSON, AND INJURY TO OR DESTRUCTION OF PROPERTY ARISING
48 OUT OF THE OWNERSHIP, MAINTENANCE, USE OR OPERATION OF A PERSONAL VEHI-
49 CLE OR VEHICLES WITHIN THIS STATE, OR ELSEWHERE IN THE UNITED STATES IN
50 NORTH AMERICA OR CANADA, SUBJECT TO A LIMIT, EXCLUSIVE OF INTEREST AND
51 COSTS, WITH RESPECT TO EACH SUCH OCCURRENCE, OF AT LEAST SEVENTY-FIVE
52 THOUSAND DOLLARS BECAUSE OF BODILY INJURY TO OR DEATH OF ONE PERSON IN
53 ANY ONE ACCIDENT AND, SUBJECT TO SAID LIMIT FOR ONE PERSON, TO A LIMIT
54 OF AT LEAST ONE HUNDRED FIFTY THOUSAND DOLLARS BECAUSE OF BODILY INJURY
55 TO OR DEATH OF TWO OR MORE PERSONS IN ANY ONE ACCIDENT, AND TO A LIMIT
56 OF AT LEAST TWENTY-FIVE THOUSAND DOLLARS BECAUSE OF INJURY TO OR

1 DESTRUCTION OF PROPERTY OF OTHERS IN ANY ONE ACCIDENT, PROVIDED HOWEVER,
2 THAT SUCH POLICY NEED NOT BE FOR A PERIOD COTERMINOUS WITH THE REGISTRA-
3 TION PERIOD OF THE PERSONAL VEHICLE INSURED, AND COVERAGE IN SATISFAC-
4 TION OF THE FINANCIAL RESPONSIBILITY REQUIREMENTS SET FORTH IN SECTION
5 THREE THOUSAND FOUR HUNDRED TWENTY OF THE INSURANCE LAW, ARTICLE FIFTY-
6 ONE OF THE INSURANCE LAW, AND SUCH OTHER REQUIREMENTS OR REGULATIONS
7 THAT MAY APPLY FOR THE PURPOSES OF SATISFYING THE FINANCIAL RESPONSIBIL-
8 ITY REQUIREMENTS WITH RESPECT TO THE USE OR OPERATION OF A MOTOR VEHI-
9 CLE.

10 (B) THE COVERAGE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION MAY
11 BE SATISFIED BY ANY OF THE FOLLOWING:

12 (I) INSURANCE MAINTAINED BY THE TNC DRIVER; OR

13 (II) INSURANCE PROVIDED THROUGH A GROUP POLICY MAINTAINED BY THE TNC;
14 OR

15 (III) A COMBINATION OF SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH.

16 3. (A) THE FOLLOWING AUTOMOBILE FINANCIAL RESPONSIBILITY INSURANCE
17 REQUIREMENTS SHALL APPLY WHILE A TNC DRIVER IS ENGAGED IN A TNC PREAR-
18 RANGED TRIP: INSURANCE AGAINST LOSS FROM THE LIABILITY IMPOSED BY LAW
19 FOR DAMAGES, INCLUDING DAMAGES FOR CARE AND LOSS OF SERVICES, BECAUSE OF
20 BODILY INJURY TO OR DEATH OF ANY PERSON, AND INJURY TO OR DESTRUCTION OF
21 PROPERTY ARISING OUT OF THE OWNERSHIP, MAINTENANCE, USE, OR OPERATION OF
22 A SPECIFIC PERSONAL VEHICLE OR VEHICLES WITHIN THIS STATE, OR ELSEWHERE
23 IN THE UNITED STATES IN NORTH AMERICA OR CANADA, SUBJECT TO A LIMIT,
24 EXCLUSIVE OF INTEREST AND COSTS, WITH RESPECT TO EACH SUCH OCCURRENCE,
25 OF AT LEAST ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS BECAUSE OF
26 BODILY INJURY TO OR DEATH OF ANY PERSON, AND INJURY TO OR DESTRUCTION OF
27 PROPERTY PROVIDED HOWEVER, THAT SUCH POLICY NEED NOT BE FOR A PERIOD
28 COTERMINOUS WITH THE REGISTRATION PERIOD OF THE PERSONAL VEHICLE
29 INSURED, AND COVERAGE IN SATISFACTION OF THE FINANCIAL RESPONSIBILITY
30 REQUIREMENTS SET FORTH IN SECTION THREE THOUSAND FOUR HUNDRED TWENTY OF
31 THE INSURANCE LAW, ARTICLE FIFTY-ONE OF THE INSURANCE LAW; COVERAGE
32 PROVIDED IN ACCORDANCE WITH SUBSECTION (F) OF SECTION THREE THOUSAND
33 FOUR HUNDRED TWENTY OF THE INSURANCE LAW, PROVIDING SUPPLEMENTARY
34 UNINSURED/UNDERINSURED MOTORIST INSURANCE FOR BODILY INJURY, IN THE
35 AMOUNT OF ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS BECAUSE OF
36 BODILY INJURY TO OR DEATH OF ANY PERSON IN ANY ONE ACCIDENT; AND SUCH
37 OTHER REQUIREMENTS OR REGULATIONS THAT MAY APPLY FOR THE PURPOSES OF
38 SATISFYING THE FINANCIAL RESPONSIBILITY REQUIREMENTS WITH RESPECT TO THE
39 USE OR OPERATION OF A MOTOR VEHICLE.

40 (B) THE COVERAGE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION MAY
41 BE SATISFIED BY ANY OF THE FOLLOWING:

42 (I) INSURANCE MAINTAINED BY THE TNC DRIVER; OR

43 (II) INSURANCE PROVIDED THROUGH A GROUP POLICY MAINTAINED BY THE TNC;
44 OR

45 (III) A COMBINATION OF SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH.

46 4. A TNC SHALL, UPON ENTERING INTO A CONTRACTUAL AGREEMENT WITH A TNC
47 DRIVER, PROVIDE NOTICE TO THE TNC DRIVER THAT HE OR SHE MAY NEED ADDI-
48 TIONAL INSURANCE COVERAGE INCLUDING MOTOR VEHICLE PHYSICAL DAMAGE COVER-
49 AGE AS DESCRIBED IN PARAGRAPH NINETEEN OF SUBSECTION (A) OF SECTION ONE
50 THOUSAND ONE HUNDRED THIRTEEN OF THE INSURANCE LAW IF THE TNC VEHICLE
51 BEING USED BY THE TNC DRIVER IS SUBJECT TO A LEASE OR LOAN. A TNC SHALL
52 ALSO POST THIS NOTICE ON ITS WEBSITE IN A PROMINENT PLACE, AND PROVIDE
53 CONTACT INFORMATION FOR THE DEPARTMENT OF FINANCIAL SERVICES.

54 5. IF INSURANCE MAINTAINED BY A TNC DRIVER PURSUANT TO SUBDIVISIONS
55 TWO AND THREE OF THIS SECTION HAS LAPSED OR DOES NOT PROVIDE THE
56 REQUIRED COVERAGE, THEN THE GROUP POLICY MAINTAINED BY A TNC SHALL

1 PROVIDE THE COVERAGE REQUIRED BY THIS SECTION BEGINNING WITH THE FIRST
2 DOLLAR OF A CLAIM AND HAVE THE DUTY TO DEFEND SUCH CLAIM.

3 6. COVERAGE UNDER A GROUP POLICY MAINTAINED BY THE TNC SHALL NOT BE
4 DEPENDENT ON THE DENIAL OF A CLAIM BY THE INSURER THAT ISSUED THE INSUR-
5 ANCE POLICY USED TO REGISTER THE TNC VEHICLE, NOR SHALL THAT INSURER BE
6 REQUIRED TO FIRST DENY A CLAIM.

7 7. (A) EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, A
8 GROUP POLICY MAINTAINED BY A TNC PURSUANT TO SUBPARAGRAPH (II) OF PARA-
9 GRAPH (B) OF SUBDIVISIONS TWO OR THREE OF THIS SECTION SHALL BE PLACED
10 WITH AN INSURER AUTHORIZED TO WRITE INSURANCE IN THIS STATE.

11 (B) IF A TNC IS UNABLE TO PURCHASE A GROUP POLICY PURSUANT TO SUBPARA-
12 GRAPH (II) OF PARAGRAPH (B) OF SUBDIVISIONS TWO OR THREE OF THIS SECTION
13 BECAUSE SUCH INSURANCE IS UNAVAILABLE FROM AUTHORIZED INSURERS THE TNC
14 MAY ACQUIRE SUCH GROUP INSURANCE WITH AN EXCESS LINE BROKER PURSUANT TO
15 SECTION TWO THOUSAND ONE HUNDRED EIGHTEEN OF THE INSURANCE LAW.

16 (C) THE OBLIGATION TO DETERMINE WHETHER THE INSURANCE REQUIRED BY THIS
17 SECTION IS UNAVAILABLE FROM INSURERS AUTHORIZED TO WRITE INSURANCE IN
18 THIS STATE SHALL BE MADE PRIOR TO THE INITIAL PLACEMENT AND AT EACH
19 RENEWAL OF A POLICY.

20 8. A TNC DRIVER WHO, WHILE OPERATING A TNC VEHICLE WAS LOGGED ON TO
21 THE TNC'S DIGITAL NETWORK BUT NOT ENGAGED IN A TNC PREARRANGED TRIP OR
22 WAS ENGAGED IN A TNC PREARRANGED TRIP, AND HAS IN EFFECT THE INSURANCE
23 REQUIRED PURSUANT TO THIS ARTICLE, SHALL NOT BE DEEMED TO BE IN
24 VIOLATION OF ARTICLE SIX OF THIS CHAPTER DURING SUCH TIME THAT HE OR SHE
25 WAS LOGGED ON TO THE TNC'S DIGITAL NETWORK BUT NOT ENGAGED IN A TNC
26 PREARRANGED TRIP OR WAS ENGAGED IN A TNC PREARRANGED TRIP.

27 9. A TNC DRIVER SHALL CARRY PROOF OF COVERAGE SATISFYING SUBDIVISIONS
28 TWO AND THREE OF THIS SECTION WITH HIM OR HER AT ALL TIMES DURING HIS OR
29 HER USE OR OPERATION OF A TNC VEHICLE IN CONNECTION WITH A TNC'S DIGITAL
30 NETWORK. SUCH PROOF OF COVERAGE SHALL BE IN SUCH FORM AS THE COMMISSION-
31 ER SHALL PRESCRIBE, WHICH MAY BE IN THE FORM OF AN INSURANCE IDENTIFICA-
32 TION CARD AS DEFINED IN SECTION THREE HUNDRED ELEVEN OF THIS CHAPTER.
33 ANY INSURANCE IDENTIFICATION CARD ISSUED PURSUANT TO THE PROVISIONS OF
34 THIS ARTICLE SHALL BE IN ADDITION TO THE INSURANCE IDENTIFICATION CARD
35 REQUIRED PURSUANT TO ARTICLE SIX OF THIS CHAPTER, AND NOTHING CONTAINED
36 IN THIS ARTICLE SHALL BE DEEMED TO SUPERSEDE THE REQUIREMENTS OF SUCH
37 ARTICLE SIX. WHENEVER THE PRODUCTION OF AN INSURANCE IDENTIFICATION CARD
38 IS REQUIRED BY LAW, A TNC DRIVER SHALL (A) PRODUCE THE INSURANCE IDEN-
39 TIFICATION CARD ISSUED PURSUANT TO ARTICLE SIX OF THIS CHAPTER AND, (B)
40 IF SUCH DRIVER (I) WAS LOGGED ON TO THE TNC'S DIGITAL NETWORK BUT NOT
41 ENGAGED IN A TNC PREARRANGED TRIP OR (II) WAS ENGAGED IN A TNC PREAR-
42 RANGED TRIP, SUCH DRIVER SHALL ALSO PRODUCE THE INSURANCE IDENTIFICATION
43 CARD REQUIRED PURSUANT TO THIS ARTICLE.

44 10. THE SUPERINTENDENT OF FINANCIAL SERVICES IS AUTHORIZED TO ISSUE
45 SUCH RULES AND REGULATIONS NECESSARY TO IMPLEMENT THIS SECTION.

46 11. THE SUPERINTENDENT OF FINANCIAL SERVICES MAY PROMULGATE REGU-
47 LATIONS TO ADDRESS INSURANCE COVERAGE UNDER THIS SECTION AND SECTION
48 SIXTEEN HUNDRED NINETY-FIVE OF THIS ARTICLE WHEN A TNC DRIVER USES
49 MULTIPLE DIGITAL NETWORKS SIMULTANEOUSLY.

50 12. NOTHING IN THIS SECTION SHALL IMPOSE FINANCIAL RESPONSIBILITY
51 REQUIREMENTS UPON ANY ENTITIES OPERATING AS VEHICLES FOR HIRE IN A CITY
52 WITH A POPULATION OF ONE MILLION OR MORE.

53 13. AN INSURER SHALL NOT INCLUDE A MANDATORY ARBITRATION CLAUSE IN A
54 POLICY ISSUED PURSUANT TO THIS SECTION. NOTHING IN THIS SECTION SUPER-
55 CEDES THE MANDATORY ARBITRATION REQUIREMENTS CONTAINED IN SECTION FIVE
56 THOUSAND ONE HUNDRED FIVE OF THE INSURANCE LAW.

1 S 1694. DISCLOSURES. A TNC SHALL DISCLOSE IN WRITING TO TNC DRIVERS
2 THE FOLLOWING BEFORE THEY ARE ALLOWED TO ACCEPT A REQUEST FOR A TNC
3 PREARRANGED TRIP ON THE TNC'S DIGITAL NETWORK:

4 1. THE INSURANCE COVERAGE, INCLUDING THE TYPES OF COVERAGE AND THE
5 LIMITS FOR EACH COVERAGE, THAT THE TNC PROVIDES WHILE THE TNC DRIVER
6 USES A TNC VEHICLE IN CONNECTION WITH A TNC'S DIGITAL NETWORK;

7 2. THAT THE TNC DRIVER'S OWN AUTOMOBILE INSURANCE POLICY MIGHT NOT
8 PROVIDE ANY COVERAGE WHILE THE TNC DRIVER IS LOGGED ON TO THE TNC'S
9 DIGITAL NETWORK OR IS ENGAGED IN A TNC PREARRANGED TRIP, DEPENDING ON
10 ITS TERMS; AND

11 3. THAT, IF A TNC VEHICLE HAS A LIEN AGAINST IT, THEN THE CONTINUED
12 USE OF SUCH TNC VEHICLE BY ITS TNC DRIVER WITHOUT PHYSICAL DAMAGE COVER-
13 AGE MAY VIOLATE THE TERMS OF THE CONTRACT WITH THE LIENHOLDER.

14 S 1695. INSURANCE PROVISIONS. 1. INSURERS THAT WRITE MOTOR VEHICLE
15 INSURANCE IN THIS STATE MAY, IN THE INSURANCE POLICY, EXCLUDE ANY AND
16 ALL COVERAGE AFFORDED UNDER THE POLICY ISSUED TO AN OWNER OR OPERATOR OF
17 A TNC VEHICLE FOR ANY LOSS OR INJURY THAT OCCURS WHILE A TNC DRIVER IS
18 LOGGED ON TO A TNC'S DIGITAL NETWORK OR WHILE A DRIVER PROVIDES A TNC
19 PREARRANGED TRIP, INCLUDING:

20 (A) LIABILITY COVERAGE FOR BODILY INJURY AND PROPERTY DAMAGE;

21 (B) COVERAGE PROVIDED PURSUANT TO ARTICLE FIFTY-ONE OF THE INSURANCE
22 LAW;

23 (C) UNINSURED MOTORIST COVERAGE;

24 (D) SUPPLEMENTARY UNINSURED/UNDERINSURED MOTORIST COVERAGE; AND

25 (E) MOTOR VEHICLE PHYSICAL DAMAGE COVERAGE AS DESCRIBED IN PARAGRAPH
26 NINETEEN OF SUBSECTION (A) OF SECTION ONE THOUSAND ONE HUNDRED THIRTEEN
27 OF THE INSURANCE LAW.

28 2. SUCH EXCLUSIONS SHALL APPLY NOTWITHSTANDING ANY REQUIREMENT UNDER
29 THE LAW TO THE CONTRARY. NOTHING IN THIS SECTION IMPLIES OR REQUIRES
30 THAT AN OWNER'S POLICY OF LIABILITY INSURANCE OR OTHER MOTOR VEHICLE
31 INSURANCE POLICY PROVIDE COVERAGE WHILE THE TNC DRIVER IS LOGGED ON TO
32 THE TNC'S DIGITAL NETWORK, WHILE THE TNC DRIVER IS ENGAGED IN A TNC
33 PREARRANGED TRIP OR WHILE THE TNC DRIVER OTHERWISE USES OR OPERATES A
34 TNC VEHICLE TO TRANSPORT PASSENGERS FOR COMPENSATION.

35 3. NOTHING SHALL BE DEEMED TO PRECLUDE AN INSURER FROM PROVIDING
36 PRIMARY, EXCESS, OR UMBRELLA COVERAGE FOR THE TNC DRIVER'S TNC VEHICLE,
37 IF IT CHOSE TO DO SO BY CONTRACT OR ENDORSEMENT.

38 4. MOTOR VEHICLE INSURERS THAT EXCLUDE THE COVERAGE DESCRIBED IN THIS
39 ARTICLE SHALL HAVE NO DUTY TO DEFEND OR INDEMNIFY ANY CLAIM EXPRESSLY
40 EXCLUDED THEREUNDER. NOTHING IN THIS ARTICLE SHALL BE DEEMED TO INVALI-
41 DATE OR LIMIT AN EXCLUSION CONTAINED IN A POLICY INCLUDING ANY POLICY IN
42 USE OR APPROVED FOR USE IN THIS STATE PRIOR TO THE EFFECTIVE DATE OF
43 THIS SECTION.

44 5. A MOTOR VEHICLE INSURER THAT DEFENDS OR INDEMNIFIES A CLAIM AGAINST
45 A TNC DRIVER THAT IS EXCLUDED UNDER THE TERMS OF ITS POLICY SHALL HAVE A
46 RIGHT OF CONTRIBUTION AGAINST OTHER INSURERS THAT PROVIDE MOTOR VEHICLE
47 INSURANCE TO THE SAME DRIVER IN SATISFACTION OF THE COVERAGE REQUIRE-
48 MENTS OF THE PROVISIONS OF THIS ARTICLE.

49 6. IN A CLAIMS COVERAGE INVESTIGATION, A TNC AND ANY INSURER PROVIDING
50 COVERAGE UNDER THIS ARTICLE SHALL, WITHIN FIFTEEN DAYS AFTER A CLAIM HAS
51 BEEN FILED, FACILITATE THE EXCHANGE OF RELEVANT INFORMATION WITH DIRECT-
52 LY INVOLVED PARTIES AND ANY INSURER OF THE TNC DRIVER IF APPLICABLE,
53 INCLUDING THE PRECISE TIMES THAT A TNC DRIVER LOGGED ON AND OFF OF THE
54 TNC'S DIGITAL NETWORK IN THE TWELVE HOUR PERIOD IMMEDIATELY PRECEDING
55 AND IN THE TWELVE HOUR PERIOD IMMEDIATELY FOLLOWING THE ACCIDENT AND
56 DISCLOSE TO ONE ANOTHER A CLEAR DESCRIPTION OF THE COVERAGE, EXCLUSIONS

1 AND LIMITS PROVIDED UNDER ANY MOTOR VEHICLE INSURANCE MAINTAINED UNDER
2 THIS ARTICLE.

3 7. THE SUPERINTENDENT OF FINANCIAL SERVICES MAY PROMULGATE SUCH RULES
4 AND REGULATIONS THAT THE SUPERINTENDENT DEEMS NECESSARY TO FACILITATE
5 THE SHARING OF INFORMATION BETWEEN INSURERS, WHEN A MOTOR VEHICLE ACCI-
6 DENT OCCURS AND AT LEAST ONE OF THE INSURERS IS PROVIDING FINANCIAL
7 RESPONSIBILITY COVERAGE TO A TNC VEHICLE PURSUANT TO THIS ARTICLE.

8 8. THE COMMISSIONER SHALL PROVIDE RELEVANT INSURANCE COVERAGE INFORMA-
9 TION REQUIRED BY THIS ARTICLE TO THE FOLLOWING PERSONS UPON REQUEST:

10 (A) A PERSON TO WHOM AN ACCIDENT REPORT PERTAINS OR WHO IS NAMED IN
11 SUCH REPORT, OR HIS OR HER AUTHORIZED REPRESENTATIVE; AND

12 (B) ANY OTHER PERSON OR HIS OR HER AUTHORIZED REPRESENTATIVE WHO HAS
13 DEMONSTRATED TO THE SATISFACTION OF THE COMMISSIONER THAT SUCH PERSON IS
14 OR MAY BE A PARTY TO A CIVIL ACTION ARISING OUT OF THE CONDUCT DESCRIBED
15 IN SUCH ACCIDENT REPORT.

16 S 1696. DRIVER AND VEHICLE REQUIREMENTS. 1. (A) AT ALL TIMES, AN INDI-
17 VIDUAL ACTING AS A TNC DRIVER SHALL BE PERMITTED BY THE TNC AS FOLLOWS:

18 (I) THE INDIVIDUAL SHALL SUBMIT AN APPLICATION TO THE TNC, WHICH SHALL
19 INCLUDE INFORMATION REGARDING HIS OR HER ADDRESS, AGE, DRIVER'S LICENSE,
20 MOTOR VEHICLE REGISTRATION, AUTOMOBILE LIABILITY INSURANCE, AND OTHER
21 INFORMATION REQUIRED BY THE TNC;

22 (II) THE TNC SHALL CONDUCT, OR HAVE A THIRD PARTY CONDUCT, A CRIMINAL
23 BACKGROUND CHECK FOR EACH APPLICANT IN ACCORDANCE WITH SECTION SIXTEEN
24 HUNDRED NINETY-NINE OF THIS ARTICLE AND THAT SHALL REVIEW WHETHER THE
25 APPLICANT:

26 (A) IS LISTED ON THE NEW YORK STATE SEX OFFENDER REGISTRY PURSUANT TO
27 ARTICLE SIX-C OF THE CORRECTION LAW; AND

28 (B) IS A MATCH IN THE UNITED STATES DEPARTMENT OF JUSTICE NATIONAL SEX
29 OFFENDER PUBLIC WEBSITE;

30 (III) THE TNC SHALL OBTAIN AND REVIEW, OR HAVE A THIRD PARTY OBTAIN
31 AND REVIEW, A DRIVING HISTORY RESEARCH REPORT FOR SUCH INDIVIDUAL.

32 (B) THE TNC SHALL NOT PERMIT AN APPLICANT WHERE SUCH APPLICANT:

33 (I) FAILS TO MEET ALL QUALIFICATIONS PURSUANT TO SECTION SIXTEEN
34 HUNDRED NINETY-NINE OF THIS ARTICLE;

35 (II) IS A MATCH IN THE UNITED STATES DEPARTMENT OF JUSTICE NATIONAL
36 SEX OFFENDER PUBLIC WEBSITE;

37 (III) DOES NOT POSSESS A VALID NEW YORK DRIVER'S LICENSE;

38 (IV) DOES NOT POSSESS PROOF OF REGISTRATION FOR THE MOTOR VEHICLES
39 USED TO PROVIDE TNC PREARRANGED TRIPS;

40 (V) DOES NOT POSSESS PROOF OF AUTOMOBILE LIABILITY INSURANCE FOR THE
41 MOTOR VEHICLES USED TO PROVIDE TNC PREARRANGED TRIPS AS A TNC VEHICLE;
42 OR

43 (VI) IS NOT AT LEAST NINETEEN YEARS OF AGE.

44 (C) UPON REVIEW OF ALL INFORMATION RECEIVED AND RETAINED BY THE TNC
45 AND UPON VERIFYING THAT THE INDIVIDUAL IS NOT DISQUALIFIED PURSUANT TO
46 THIS SECTION FROM RECEIVING A TNC DRIVER PERMIT, A TNC MAY ISSUE A TNC
47 DRIVER PERMIT TO THE APPLICANT. THE TNC SHALL REVIEW ALL INFORMATION
48 RECEIVED RELATING TO SUCH APPLICANT AND HOLD SUCH INFORMATION FOR SIX
49 YEARS ALONG WITH A CERTIFICATION THAT SUCH APPLICANT QUALIFIES TO
50 RECEIVE A TNC DRIVER PERMIT.

51 (D) (I) A TNC THAT ISSUES A TNC DRIVER'S PERMIT PURSUANT TO THIS
52 SECTION SHALL PARTICIPATE IN THE NEW YORK LICENSE EVENT NOTIFICATION
53 SERVICE (LENS) ESTABLISHED BY THE DEPARTMENT TO OBTAIN TIMELY NOTICE
54 WHEN ANY OF THE FOLLOWING VIOLATIONS ARE ADDED TO A TNC DRIVER'S DRIVING
55 RECORD:

1 (A) UNLAWFULLY FLEEING A POLICE OFFICER IN A MOTOR VEHICLE IN
2 VIOLATION OF SECTIONS 270.25, 270.30 OR 270.35 OF THE PENAL LAW;

3 (B) RECKLESS DRIVING IN VIOLATION OF SECTION ONE THOUSAND TWO HUNDRED
4 TWELVE OF THIS CHAPTER;

5 (C) OPERATING WHILE LICENSE OR PRIVILEGE IS SUSPENDED OR REVOKED IN
6 VIOLATION OF SECTION FIVE HUNDRED ELEVEN OF THIS CHAPTER, EXCLUDING
7 SUBDIVISION SEVEN OF SUCH SECTION;

8 (D) OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS
9 IN VIOLATION OF SECTION ONE THOUSAND ONE HUNDRED NINETY-TWO OF THIS
10 CHAPTER; AND

11 (E) LEAVING THE SCENE OF AN INCIDENT WITHOUT REPORTING IN VIOLATION OF
12 SUBDIVISION TWO OF SECTION SIX HUNDRED OF THIS CHAPTER.

13 (II) THE DEPARTMENT MAY PROMULGATE REGULATIONS AUTHORIZING ADDITIONAL
14 LENS NOTIFICATIONS AS THE COMMISSIONER DEEMS NECESSARY TO PROTECT PUBLIC
15 HEALTH AND SAFETY.

16 (III) UPON SUCH NOTICE, A TNC MAY SUSPEND OR REVOKE ANY TNC DRIVER'S
17 PERMIT AND REVOKE ACCESS TO THE TNC DIGITAL NETWORK, ONLY AFTER CONSID-
18 ERING THE NUMBER OR SEVERITY OF ANY SUCH VIOLATIONS, INCLUDING SUCH
19 FACTORS AS REQUIRED BY THIS ARTICLE FOR OBTAINING A TNC PERMIT, WHEN
20 NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY. IF, HOWEVER, SUCH A
21 NOTICE PROVIDES THAT AN APPLICANT HAS BEEN CONVICTED OF A DISQUALIFYING
22 CRIME PURSUANT TO SECTION SIXTEEN HUNDRED NINETY-NINE OF THIS ARTICLE
23 SUCH TNC DRIVER'S ACCESS TO THE TNC DIGITAL NETWORK AND SUCH TNC DRIV-
24 ER'S PERMIT SHALL BOTH IMMEDIATELY BE SUSPENDED OR REVOKED. UPON SUCH
25 REVOCATION OR SUSPENSION PURSUANT TO THIS SECTION, THE TNC SHALL PROVIDE
26 THE DRIVER WITH A COPY OF THE LENS RECORD USED TO MAKE SUCH DETERMI-
27 NATION.

28 (E) NO PERSON SHALL OPERATE A TNC VEHICLE OR OPERATE AS A TNC DRIVER
29 UNLESS SUCH PERSON HOLDS A VALID TNC DRIVER PERMIT ISSUED PURSUANT TO
30 THIS SECTION. A VIOLATION OF THIS PARAGRAPH SHALL BE A TRAFFIC INFRAC-
31 TION PUNISHABLE BY A FINE OF NOT LESS THAN SEVENTY-FIVE NOR MORE THAN
32 THREE HUNDRED DOLLARS, OR BY IMPRISONMENT FOR NOT MORE THAN FIFTEEN
33 DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

34 (F) THE NAMES AND IDENTIFYING INFORMATION OF TNC DRIVERS PROVIDED
35 PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION SHALL BE CONSIDERED INFOR-
36 MATION, WHICH IF DISCLOSED, WOULD CONSTITUTE AN UNWARRANTED INVASION OF
37 PERSONAL PRIVACY UNDER THE PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFI-
38 CERS LAW.

39 2. A TNC SHALL IMPLEMENT A ZERO-TOLERANCE POLICY REGARDING A TNC DRIV-
40 ER'S ACTIVITIES WHILE ACCESSING THE TNC'S DIGITAL NETWORK. SUCH POLICY
41 SHALL ADDRESS THE ISSUE OF OPERATING A VEHICLE UNDER THE INFLUENCE OF
42 ALCOHOL OR DRUGS WHILE A TNC DRIVER IS PROVIDING TNC PREARRANGED TRIPS
43 OR IS LOGGED ONTO THE TNC'S DIGITAL NETWORK BUT IS NOT PROVIDING TNC
44 PREARRANGED TRIPS, AND THE TNC SHALL PROVIDE NOTICE OF THIS POLICY ON
45 ITS DIGITAL NETWORK, AS WELL AS PROCEDURES TO REPORT A COMPLAINT ABOUT A
46 TNC DRIVER WITH WHOM A TNC PREARRANGED TRIP WAS COMMENCED AND WHOM THE
47 PASSENGER REASONABLY SUSPECTS WAS OPERATING A VEHICLE UNDER THE INFLU-
48 ENCE OF ALCOHOL OR DRUGS DURING THE COURSE OF THE TNC PREARRANGED TRIP.

49 3. (A) A TNC SHALL ADOPT A POLICY OF NON-DISCRIMINATION ON THE BASIS
50 OF DESTINATION, RACE, COLOR, NATIONAL ORIGIN, RELIGIOUS BELIEF, PRACTICE
51 OR AFFILIATION, SEX, DISABILITY, AGE, SEXUAL ORIENTATION, OR GENETIC
52 PREDISPOSITION WITH RESPECT TO PASSENGERS AND POTENTIAL PASSENGERS AND
53 NOTIFY TNC DRIVERS OF SUCH POLICY.

54 (B) TNC DRIVERS SHALL COMPLY WITH ALL APPLICABLE LAWS REGARDING
55 NON-DISCRIMINATION AGAINST PASSENGERS OR POTENTIAL PASSENGERS ON THE
56 BASIS OF DESTINATION, RACE, COLOR, NATIONAL ORIGIN, RELIGIOUS BELIEF,

1 PRACTICE OR AFFILIATION, SEX, DISABILITY, AGE, SEXUAL ORIENTATION, OR
2 GENETIC PREDISPOSITION WITH RESPECT TO PASSENGERS AND POTENTIAL PASSEN-
3 GERS AND NOTIFY TNC DRIVERS OF SUCH POLICY.

4 (C) TNC DRIVERS SHALL COMPLY WITH ALL APPLICABLE LAWS RELATING TO
5 ACCOMMODATION OF SERVICE ANIMALS.

6 (D) A TNC SHALL IMPLEMENT AND MAINTAIN A POLICY AND AN OVERSIGHT PROC-
7 ESS OF PROVIDING ACCESSIBILITY TO PASSENGERS OR POTENTIAL PASSENGERS
8 WITH A DISABILITY AND ACCOMMODATION OF SERVICE ANIMALS AS SUCH TERM IS
9 DEFINED IN SECTION ONE HUNDRED TWENTY-THREE-B OF THE AGRICULTURE AND
10 MARKETS LAW AND SHALL TO THE EXTENT PRACTICABLE ADOPT FINDINGS ESTAB-
11 LISHED BY THE NEW YORK STATE TNC ACCESSIBILITY TASK FORCE ADOPTED PURSU-
12 ANT TO SECTION TWENTY-ONE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND
13 SEVENTEEN THAT ADDED THIS SECTION. A TNC SHALL NOT IMPOSE ADDITIONAL
14 CHARGES FOR PROVIDING SERVICES TO PERSONS WITH PHYSICAL DISABILITIES
15 BECAUSE OF THOSE DISABILITIES.

16 (E) THE NEW YORK STATE DIVISION OF HUMAN RIGHTS SHALL BE AUTHORIZED TO
17 ACCEPT, REVIEW AND INVESTIGATE ANY POTENTIAL OR ACTUAL VIOLATIONS OF
18 THIS SUBDIVISION IN A FORM AND MANNER CONSISTENT WITH AUTHORITY UNDER
19 ARTICLE FIFTEEN OF THE EXECUTIVE LAW AND SHALL NOTIFY THE DEPARTMENT,
20 UPON A FINDING OF A VIOLATION, FOR PURPOSES OF PERMIT SUSPENSION.

21 4. A TNC SHALL REQUIRE THAT ANY OR ALL MOTOR VEHICLES THAT A TNC DRIV-
22 ER WILL USE AS A TNC VEHICLE TO PROVIDE TNC PREARRANGED TRIPS MEETS
23 APPLICABLE NEW YORK STATE VEHICLE SAFETY AND EMISSIONS REQUIREMENTS, AS
24 SET FORTH IN SECTION THREE HUNDRED ONE OF THIS CHAPTER, OR THE VEHICLE
25 SAFETY AND EMISSIONS REQUIREMENTS OF THE STATE IN WHICH THE VEHICLE IS
26 REGISTERED.

27 5. THE DEPARTMENT SHALL PROMULGATE REGULATIONS TO ENSURE THAT EACH TNC
28 VEHICLE IS EASILY IDENTIFIED AS SUCH AND THAT THE TNC FOR WHICH THE TNC
29 DRIVER IS PROVIDING THE TNC SERVICE OR TNC PREARRANGED TRIP IS DISTIN-
30 GUISHABLE. SUCH MARKING SHALL BE IN SUCH FORM AS IS APPROVED BY THE
31 COMMISSIONER, AND SHALL BE ATTACHED, AFFIXED OR DISPLAYED IN SUCH MANNER
32 AS HE OR SHE MAY PRESCRIBE BY REGULATION.

33 S 1697. MAINTENANCE OF RECORDS. A TNC SHALL MAINTAIN THE FOLLOWING
34 RECORDS:

35 1. INDIVIDUAL TRIP RECORDS FOR AT LEAST SIX YEARS FROM THE DATE EACH
36 TRIP WAS PROVIDED; AND

37 2. INDIVIDUAL RECORDS OF TNC DRIVERS AT LEAST UNTIL THE SIX YEAR ANNI-
38 VERSARY OF THE DATE ON WHICH A TNC DRIVER'S RELATIONSHIP WITH THE TNC
39 HAS ENDED.

40 S 1698. AUDIT PROCEDURES; CONFIDENTIALITY OF RECORDS. 1. FOR THE
41 PURPOSE OF VERIFYING THAT A TNC IS IN COMPLIANCE WITH THE LICENSING
42 REQUIREMENTS OF THE DEPARTMENT, THE DEPARTMENT SHALL RESERVE THE RIGHT
43 TO AUDIT A SAMPLE OF RECORDS THAT THE TNC IS REQUIRED TO MAINTAIN, UPON
44 REQUEST BY THE DEPARTMENT THAT SHALL BE FULFILLED IN NO FEWER THAN TEN
45 BUSINESS DAYS BY THE TNC. THE SAMPLE SHALL BE CHOSEN RANDOMLY BY THE
46 DEPARTMENT IN A MANNER AGREEABLE TO BOTH PARTIES. THE AUDIT SHALL TAKE
47 PLACE AT A MUTUALLY AGREED LOCATION IN NEW YORK STATE. ANY RECORD
48 FURNISHED TO THE DEPARTMENT MAY EXCLUDE INFORMATION THAT WOULD TEND TO
49 IDENTIFY SPECIFIC DRIVERS OR PASSENGERS.

50 2. THE NAMES AND IDENTIFYING INFORMATION OF TNC DRIVERS THAT ARE
51 RECEIVED PURSUANT TO THIS SECTION SHALL BE CONSIDERED INFORMATION WHICH,
52 IF DISCLOSED, WOULD CONSTITUTE AN UNWARRANTED INVASION OF PERSONAL
53 PRIVACY UNDER THE PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

54 3. THE DEPARTMENT SHALL ESTABLISH REGULATIONS FOR THE FILING OF
55 COMPLAINTS AGAINST ANY TNC DRIVER OR TNC PURSUANT TO THIS SECTION.

1 S 1699. CRIMINAL HISTORY BACKGROUND CHECK OF TRANSPORTATION NETWORK
2 COMPANY DRIVERS. 1. A TNC SHALL CONDUCT, OR HAVE A THIRD PARTY CONDUCT,
3 A CRIMINAL HISTORY BACKGROUND CHECK USING A LAWFUL METHOD APPROVED BY
4 THE DEPARTMENT PURSUANT TO PARAGRAPH (A) OF SUBDIVISION TWO OF THIS
5 SECTION FOR PERSONS APPLYING TO DRIVE FOR SUCH COMPANY.

6 2. (A) THE METHOD USED TO CONDUCT A CRIMINAL HISTORY BACKGROUND CHECK
7 PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL BE ESTABLISHED IN
8 REGULATIONS ADOPTED BY THE DEPARTMENT WITHIN THIRTY DAYS OF THE EFFEC-
9 TIVE DATE OF THIS SUBDIVISION. TO ENSURE SAFETY OF THE PASSENGERS AND
10 THE PUBLIC SUCH REGULATIONS SHALL ESTABLISH THE METHOD USED TO CONDUCT
11 SUCH BACKGROUND CHECKS AND ANY PROCESSES AND OPERATIONS NECESSARY TO
12 COMPLETE SUCH CHECKS. THE REVIEW OF CRIMINAL HISTORY INFORMATION AND
13 DETERMINATIONS ABOUT WHETHER OR NOT AN APPLICANT IS ISSUED A TNC DRIVER
14 PERMIT SHALL BE CONTROLLED BY PARAGRAPHS (B), (C) AND (D) OF THIS SUBDI-
15 VISION.

16 (B) AN APPLICANT SHALL BE DISQUALIFIED TO RECEIVE A TNC DRIVER PERMIT
17 WHERE HE OR SHE:

18 (I) STANDS CONVICTED IN THE LAST THREE YEARS OF: UNLAWFUL FLEEING A
19 POLICE OFFICER IN A MOTOR VEHICLE IN VIOLATION OF SECTIONS 270.35,
20 270.30 OR 270.25 OF THE PENAL LAW, RECKLESS DRIVING IN VIOLATION OF
21 SECTION TWELVE HUNDRED TWELVE OF THIS CHAPTER, OPERATING WHILE LICENSE
22 OR PRIVILEGE IS SUSPENDED OR REVOKED IN VIOLATION OF SECTION FIVE
23 HUNDRED ELEVEN OF THIS CHAPTER, EXCLUDING SUBDIVISION SEVEN OF SUCH
24 SECTION, A MISDEMEANOR OFFENSE OF OPERATING A MOTOR VEHICLE WHILE UNDER
25 THE INFLUENCE OF ALCOHOL OR DRUGS IN VIOLATION OF SECTION ELEVEN HUNDRED
26 NINETY-TWO OF THIS CHAPTER, OR LEAVING THE SCENE OF AN ACCIDENT IN
27 VIOLATION OF SUBDIVISION TWO OF SECTION SIX HUNDRED OF THIS CHAPTER. IN
28 CALCULATING THE THREE YEAR PERIOD UNDER THIS SUBPARAGRAPH, ANY PERIOD OF
29 TIME DURING WHICH THE PERSON WAS INCARCERATED AFTER THE COMMISSION OF
30 SUCH OFFENSE SHALL BE EXCLUDED AND SUCH THREE YEAR PERIOD SHALL BE
31 EXTENDED BY A PERIOD OR PERIODS EQUAL TO THE TIME SPENT INCARCERATED; OR

32 (II) STANDS CONVICTED IN THE LAST SEVEN YEARS OF: A SEX OFFENSE
33 DEFINED IN SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE
34 CORRECTION LAW, A FELONY OFFENSE DEFINED IN ARTICLE ONE HUNDRED TWENTY-
35 FIVE OF THE PENAL LAW, A VIOLENT FELONY OFFENSE DEFINED IN SECTION 70.02
36 OF THE PENAL LAW, A CLASS A FELONY OFFENSE DEFINED IN THE PENAL LAW, A
37 FELONY OFFENSE DEFINED IN SECTION ELEVEN HUNDRED NINETY-TWO OF THIS
38 CHAPTER, AN OFFENSE FOR WHICH REGISTRATION AS A SEX OFFENDER IS REQUIRED
39 PURSUANT TO ARTICLE SIX-C OF THE CORRECTION LAW, OR ANY CONVICTION OF AN
40 OFFENSE IN ANY OTHER JURISDICTION THAT HAS ALL THE ESSENTIAL ELEMENTS OF
41 AN OFFENSE LISTED IN THIS SUBPARAGRAPH. IN CALCULATING THE SEVEN YEAR
42 PERIOD UNDER THIS SUBPARAGRAPH, ANY PERIOD OF TIME DURING WHICH THE
43 PERSON WAS INCARCERATED AFTER THE COMMISSION OF SUCH OFFENSE SHALL BE
44 EXCLUDED AND SUCH SEVEN YEAR PERIOD SHALL BE EXTENDED BY A PERIOD OR
45 PERIODS EQUAL TO THE TIME SPENT INCARCERATED.

46 (C) A CRIMINAL HISTORY RECORD THAT CONTAINS CRIMINAL CONVICTION INFOR-
47 MATION THAT DOES NOT DISQUALIFY AN APPLICANT PURSUANT TO SUBPARAGRAPHS
48 (I) OR (II) OF PARAGRAPH (B) OF THIS SUBDIVISION, SHALL BE REVIEWED AND
49 CONSIDERED ACCORDING TO THE PROVISIONS OF ARTICLE TWENTY-THREE-A OF THE
50 CORRECTION LAW AND SUBDIVISIONS FIFTEEN AND SIXTEEN OF SECTION TWO
51 HUNDRED NINETY-SIX OF THE EXECUTIVE LAW IN DETERMINING WHETHER OR NOT
52 THE APPLICANT SHOULD BE ISSUED A TNC DRIVER'S PERMIT.

53 (D) UPON RECEIPT OF CRIMINAL CONVICTION INFORMATION PURSUANT TO THIS
54 SECTION FOR ANY APPLICANT, SUCH APPLICANT SHALL PROMPTLY BE PROVIDED
55 WITH A COPY OF SUCH INFORMATION AS WELL AS A COPY OF ARTICLE
56 TWENTY-THREE-A OF THE CORRECTION LAW. SUCH APPLICANT SHALL ALSO BE

1 INFORMED OF HIS OR HER RIGHT TO SEEK CORRECTION OF ANY INCORRECT INFOR-
2 MATION CONTAINED IN SUCH CRIMINAL HISTORY INFORMATION PURSUANT TO THE
3 REGULATIONS AND PROCEDURES ESTABLISHED BY THE DIVISION OF CRIMINAL
4 JUSTICE SERVICES.

5 (E) THE DEPARTMENT SHALL PROMULGATE REGULATIONS FOR THE PURPOSE OF
6 IMPLEMENTING THE PROVISIONS OF THIS SUBDIVISION.

7 3. A TNC SHALL UPDATE THE CRIMINAL HISTORY BACKGROUND CHECK YEARLY
8 DURING THE PERIOD IN WHICH THE PERSON IS AUTHORIZED TO DRIVE FOR THE
9 COMPANY, HOWEVER, THE COMMISSIONER MAY REQUIRE, PURSUANT TO REGULATION,
10 MORE FREQUENT CRIMINAL HISTORY BACKGROUND CHECKS.

11 4. TO ENSURE SAFETY OF THE PASSENGERS AND THE PUBLIC A TNC SHALL BE
12 RESPONSIBLE FOR ALL FEES ASSOCIATED WITH THE CRIMINAL HISTORY CHECK
13 PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

14 5. ANY TNC FOUND TO HAVE VIOLATED ANY REQUIREMENTS ESTABLISHED PURSU-
15 ANT TO THIS SECTION, SHALL ON THE FIRST INSTANCE, BE SUBJECT TO A CIVIL
16 PENALTY OF NOT MORE THAN TEN THOUSAND DOLLARS. FOR ANY SUBSEQUENT
17 INSTANCE WITHIN THE PERIOD OF TWO YEARS FROM ANY INITIAL VIOLATION, SUCH
18 TNC SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN FIFTY THOUSAND
19 DOLLARS, OR THE SUSPENSION OR REVOCATION OF ITS TNC LICENSE OR BOTH.

20 S 1700. CONTROLLING AUTHORITY. 1. NOTWITHSTANDING ANY OTHER PROVISION
21 OF LAW, THE REGULATION OF TNCS AND TNC DRIVERS IS GOVERNED EXCLUSIVELY
22 BY THE PROVISIONS OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SEVENTEEN
23 WHICH ADDED THIS SECTION AND ANY RULES PROMULGATED BY THE STATE THROUGH
24 ITS AGENCIES CONSISTENT WITH SUCH CHAPTER. NO COUNTY, TOWN, CITY OR
25 VILLAGE MAY ENACT A TAX OR ANY FEE OR OTHER SURCHARGE ON A TNC, A TNC
26 DRIVER, OR A TNC VEHICLE USED BY A TNC DRIVER OR REQUIRE A LICENSE,
27 PERMIT, OR ADDITIONAL INSURANCE COVERAGE OR ANY OTHER LIMITATIONS OR
28 RESTRICTIONS, EXCEPT FOR A PROHIBITION ON PICK-UP PURSUANT TO SECTION
29 ONE HUNDRED EIGHTY-TWO OF THE GENERAL MUNICIPAL LAW, FOR A TNC, A TNC
30 DRIVER, OR A TNC VEHICLE USED BY A TNC DRIVER, WHERE SUCH FEE,
31 SURCHARGE, UNAUTHORIZED TAX, LICENSE, PERMIT, INSURANCE COVERAGE, LIM-
32 ITATION OR RESTRICTION, RELATES TO FACILITATING OR PROVIDING TNC PREAR-
33 RANGED TRIPS, OR SUBJECTS A TNC, A TNC DRIVER, OR A TNC VEHICLE USED BY
34 A TNC DRIVER TO OPERATIONAL, OR OTHER REQUIREMENTS.

35 2. NOTHING IN THIS ARTICLE SHALL AUTHORIZE ANY TNC DRIVER TO PICK-UP A
36 PASSENGER FOR PURPOSES OF A TNC PREARRANGED TRIP IN A CITY WITH A POPU-
37 LATION OF ONE MILLION OR MORE OR WHERE A COUNTY OR CITY HAS OPTED TO
38 PROHIBIT THE SAME PURSUANT TO AUTHORITY CONSISTENT WITH SECTION ONE
39 HUNDRED EIGHTY-TWO OF THE GENERAL MUNICIPAL LAW, EXCEPT WHERE THE
40 ACCEPTANCE OF A PREARRANGED TRIP IS AUTHORIZED PURSUANT TO AN EXISTING
41 RECIPROCITY AGREEMENT.

42 3. NOTHING IN THIS ARTICLE SHALL: (A) LIMIT THE ABILITY OF A COUNTY,
43 TOWN, CITY OR VILLAGE TO ADOPT OR AMEND GENERALLY APPLICABLE LIMITATIONS
44 OR RESTRICTIONS RELATING TO LOCAL TRAFFIC OR PARKING CONTROL AS AUTHOR-
45 IZED BY STATE LAW; OR (B) PREEMPT ANY RECIPROCITY AGREEMENTS, INCLUDING
46 AGREEMENTS ENTERED INTO PURSUANT TO SECTION FOUR HUNDRED NINETY-EIGHT OF
47 THIS CHAPTER, BETWEEN A COUNTY, TOWN, CITY OR VILLAGE THAT RELATES TO
48 SERVICES REGULATED BY SECTION ONE HUNDRED EIGHTY-ONE OF THE GENERAL
49 MUNICIPAL LAW.

50 4. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT THE ABILITY OF
51 A MUNICIPALITY OR OTHER GOVERNING AUTHORITY THAT OWNS OR OPERATES AN
52 AIRPORT LOCATED OUTSIDE OF A CITY WITH A POPULATION OF ONE MILLION OR
53 MORE FROM ADOPTING REGULATIONS AND ENTERING INTO CONTRACTS OR OTHER
54 AGREEMENTS RELATING TO THE DUTIES AND RESPONSIBILITIES ON AIRPORT PROP-
55 erty OF A TRANSPORTATION NETWORK COMPANY, WHICH MAY INCLUDE THE IMPOSI-
56 TION AND PAYMENT OF REASONABLE FEES, PROVIDED THAT ANY SUCH CONTRACTS,

1 AGREEMENTS, OR REGULATIONS SHALL NOT IMPOSE ANY LICENSE OR OTHER OPERA-
2 TIONAL REQUIREMENT ON A TRANSPORTATION NETWORK COMPANY DRIVER OR TRANS-
3 PORTATION NETWORK COMPANY VEHICLE THAT IS INCONSISTENT WITH OR ADDI-
4 TIONAL TO THE REQUIREMENTS OF THIS ARTICLE.

5 S 3. Section 370 of the vehicle and traffic law is amended by adding a
6 new subdivision 8 to read as follows:

7 8. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL
8 SHALL NOT BE DEEMED TO BE ENGAGED IN THE BUSINESS OF CARRYING OR TRANS-
9 PORTING PASSENGERS FOR HIRE IF THE INDIVIDUAL DOES SO SOLELY AS A TRANS-
10 PORTATION NETWORK COMPANY DRIVER IN ACCORDANCE WITH ARTICLE FORTY-FOUR-B
11 OF THIS CHAPTER.

12 S 4. Section 600 of the vehicle and traffic law, as amended by chapter
13 49 of the laws of 2005, is amended to read as follows:

14 S 600. Leaving scene of an incident without reporting. 1. Property
15 damage. a. Any person operating a motor vehicle who, knowing or having
16 cause to know that damage has been caused to the real property or to the
17 personal property, not including animals, of another, due to an incident
18 involving the motor vehicle operated by such person shall, before leav-
19 ing the place where the damage occurred, stop, exhibit his or her
20 license and insurance identification card for such vehicle, when such
21 card is required pursuant to articles six and eight of this chapter, and
22 give his or her name, residence, including street and number, insurance
23 carrier and insurance identification information including but not
24 limited to the number and effective dates of said individual's insurance
25 policy, and license number to the party sustaining the damage, or in
26 case the person sustaining the damage is not present at the place where
27 the damage occurred then he or she shall report the same as soon as
28 physically able to the nearest police station, or judicial officer. IN
29 ADDITION TO THE FOREGOING, ANY SUCH PERSON SHALL ALSO: (I) PRODUCE THE
30 PROOF OF INSURANCE COVERAGE REQUIRED PURSUANT TO ARTICLE FORTY-FOUR-B OF
31 THIS CHAPTER IF SUCH PERSON IS A TNC DRIVER OPERATING A TNC VEHICLE
32 WHILE THE INCIDENT OCCURRED WHO WAS (A) LOGGED ON TO THE TNC'S DIGITAL
33 NETWORK BUT NOT ENGAGED IN A TNC PREARRANGED TRIP OR (B) WAS ENGAGED IN
34 A TNC PREARRANGED TRIP; AND (II) DISCLOSE WHETHER HE OR SHE, AT THE TIME
35 SUCH INCIDENT OCCURRED, WAS (A) LOGGED ON TO THE TNC'S DIGITAL NETWORK
36 BUT NOT ENGAGED IN A TNC PREARRANGED TRIP OR (B) WAS ENGAGED IN A TNC
37 PREARRANGED TRIP.

38 b. It shall be the duty of any member of a law enforcement agency who
39 is at the scene of the accident to request the said operator or opera-
40 tors of the motor vehicles, when physically capable of doing so, to
41 exchange the information required hereinabove and such member of a law
42 enforcement agency shall assist such operator or operators in making
43 such exchange of information in a reasonable and harmonious manner.

44 A violation of the provisions of paragraph a of this subdivision shall
45 constitute a traffic infraction punishable by a fine of up to two
46 hundred fifty dollars or a sentence of imprisonment for up to fifteen
47 days or both such fine and imprisonment.

48 2. Personal injury. a. Any person operating a motor vehicle who,
49 knowing or having cause to know that personal injury has been caused to
50 another person, due to an incident involving the motor vehicle operated
51 by such person shall, before leaving the place where the said personal
52 injury occurred, stop, exhibit his or her license and insurance iden-
53 tification card for such vehicle, when such card is required pursuant to
54 articles six and eight of this chapter, and give his or her name, resi-
55 dence, including street and street number, insurance carrier and insur-
56 ance identification information including but not limited to the number

1 and effective dates of said individual's insurance policy and license
2 number, to the injured party, if practical, and also to a police offi-
3 cer, or in the event that no police officer is in the vicinity of the
4 place of said injury, then, he or she shall report said incident as soon
5 as physically able to the nearest police station or judicial officer.
6 IN ADDITION TO THE FOREGOING, ANY SUCH PERSON SHALL ALSO: (I) PRODUCE
7 THE PROOF OF INSURANCE COVERAGE REQUIRED PURSUANT TO ARTICLE
8 FORTY-FOUR-B OF THIS CHAPTER IF SUCH PERSON IS A TNC DRIVER OPERATING A
9 TNC VEHICLE AT THE TIME OF THE INCIDENT WHO WAS (A) LOGGED ON TO THE
10 TNC'S DIGITAL NETWORK BUT NOT ENGAGED IN A TNC PREARRANGED TRIP OR (B)
11 WAS ENGAGED IN A TNC PREARRANGED TRIP; AND (II) DISCLOSE WHETHER HE OR
12 SHE, AT THE TIME SUCH INCIDENT OCCURRED, WAS (A) LOGGED ON TO THE TNC'S
13 DIGITAL NETWORK BUT NOT ENGAGED IN A TNC PREARRANGED TRIP OR (B) WAS
14 ENGAGED IN A TNC PREARRANGED TRIP.

15 b. It shall be the duty of any member of a law enforcement agency who
16 is at the scene of the accident to request the said operator or opera-
17 tors of the motor vehicles, when physically capable of doing so, to
18 exchange the information required hereinabove and such member of a law
19 enforcement agency shall assist such operator or operators in making
20 such exchange of information in a reasonable and harmonious manner.

21 c. A violation of the provisions of paragraph a of this subdivision
22 resulting solely from the failure of an operator to exhibit his or her
23 license and insurance identification card for the vehicle or exchange
24 the information required in such paragraph shall constitute a class B
25 misdemeanor punishable by a fine of not less than two hundred fifty nor
26 more than five hundred dollars in addition to any other penalties
27 provided by law. Any subsequent such violation shall constitute a class
28 A misdemeanor punishable by a fine of not less than five hundred nor
29 more than one thousand dollars in addition to any other penalties
30 provided by law. Any violation of the provisions of paragraph a of this
31 subdivision, other than for the mere failure of an operator to exhibit
32 his or her license and insurance identification card for such vehicle or
33 exchange the information required in such paragraph, shall constitute a
34 class A misdemeanor, punishable by a fine of not less than five hundred
35 dollars nor more than one thousand dollars in addition to any other
36 penalties provided by law. Any such violation committed by a person
37 after such person has previously been convicted of such a violation
38 shall constitute a class E felony, punishable by a fine of not less than
39 one thousand nor more than two thousand five hundred dollars in addition
40 to any other penalties provided by law. Any violation of the provisions
41 of paragraph a of this subdivision, other than for the mere failure of
42 an operator to exhibit his or her license and insurance identification
43 card for such vehicle or exchange the information required in such para-
44 graph, where the personal injury involved (i) results in serious phys-
45 ical injury, as defined in section 10.00 of the penal law, shall consti-
46 tute a class E felony, punishable by a fine of not less than one
47 thousand nor more than five thousand dollars in addition to any other
48 penalties provided by law, or (ii) results in death shall constitute a
49 class D felony punishable by a fine of not less than two thousand nor
50 more than five thousand dollars in addition to any other penalties
51 provided by law.

52 3. FOR THE PURPOSES OF THIS ARTICLE, THE TERMS "TNC", "TNC DRIVER",
53 "TNC VEHICLE", "TNC PREARRANGED TRIP" AND "DIGITAL NETWORK" SHALL HAVE
54 THE SAME MEANINGS AS SUCH TERMS ARE DEFINED IN ARTICLE FORTY-FOUR-B OF
55 THIS CHAPTER.

1 S 5. Section 601 of the vehicle and traffic law, as amended by chapter
2 672 of the laws of 2004, is amended to read as follows:

3 S 601. Leaving scene of injury to certain animals without reporting.
4 Any person operating a motor vehicle which shall strike and injure any
5 horse, dog, cat or animal classified as cattle shall stop and endeavor
6 to locate the owner or custodian of such animal or a police, peace or
7 judicial officer of the vicinity, and take any other reasonable and
8 appropriate action so that the animal may have necessary attention, and
9 shall also promptly report the matter to such owner, custodian or offi-
10 cer (or if no one of such has been located, then to a police officer of
11 some other nearby community), exhibiting his or her license and insur-
12 ance identification card for such vehicle, when such card is required
13 pursuant to articles six and eight of this chapter, giving his or her
14 name and residence, including street and street number, insurance carri-
15 er and insurance identification information and license number. IN ADDI-
16 TION TO THE FOREGOING, ANY SUCH PERSON SHALL ALSO: (I) PRODUCE THE PROOF
17 OF INSURANCE COVERAGE REQUIRED PURSUANT TO ARTICLE FORTY-FOUR-B OF THIS
18 CHAPTER IF SUCH PERSON IS A TNC DRIVER OPERATING A TNC VEHICLE AT THE
19 TIME OF THE INCIDENT WHO WAS (A) LOGGED ON TO THE TNC'S DIGITAL NETWORK
20 BUT NOT ENGAGED IN A TNC PREARRANGED TRIP OR (B) WAS ENGAGED IN A TNC
21 PREARRANGED TRIP; AND (II) DISCLOSE WHETHER HE OR SHE, AT THE TIME SUCH
22 INCIDENT OCCURRED, WAS (A) LOGGED ON TO THE TNC'S DIGITAL NETWORK BUT
23 NOT ENGAGED IN A TNC PREARRANGED TRIP OR (B) WAS ENGAGED IN A TNC PREAR-
24 RANGED TRIP. Violation of this section shall be punishable by a fine of
25 not more than one hundred dollars for a first offense and by a fine of
26 not less than fifty nor more than one hundred fifty dollars for a second
27 offense and each subsequent offense; provided, however where the animal
28 that has been struck and injured is a guide dog, hearing dog or service
29 dog, as such terms are defined in section forty-seven-b of the civil
30 rights law which is actually engaged in aiding or guiding a person with
31 a disability, a violation of this section shall be [publishable] PUNISH-
32 ABLE by a fine of not less than fifty nor more than one hundred fifty
33 dollars for a first offense and by a fine of not less than one hundred
34 fifty dollars nor more than three hundred dollars for a second offense
35 and each subsequent offense.

36 S 6. The insurance law is amended by adding two new sections 3455 and
37 3456 to read as follows:

38 S 3455. TRANSPORTATION NETWORK COMPANY GROUP INSURANCE POLICIES. (A)
39 FOR PURPOSES OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL APPLY:

40 (1) "TRANSPORTATION NETWORK COMPANY" SHALL HAVE THE SAME MEANING AS
41 SET FORTH IN ARTICLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW.

42 (2) "CERTIFICATE" OR "CERTIFICATE OF INSURANCE" MEANS ANY POLICY,
43 CONTRACT OR OTHER EVIDENCE OF INSURANCE, OR ENDORSEMENT THERETO, ISSUED
44 TO A GROUP MEMBER UNDER A TRANSPORTATION NETWORK COMPANY GROUP POLICY.

45 (3) "TRANSPORTATION NETWORK COMPANY GROUP POLICY" OR "GROUP POLICY"
46 MEANS A GROUP POLICY, INCLUDING CERTIFICATES ISSUED TO THE GROUP
47 MEMBERS, WHERE THE GROUP POLICYHOLDER IS A TRANSPORTATION NETWORK COMPA-
48 NY AND THE POLICY PROVIDES INSURANCE TO THE TRANSPORTATION NETWORK
49 COMPANY AND TO GROUP MEMBERS:

50 (A) IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE FORTY-FOUR-B OF THE
51 VEHICLE AND TRAFFIC LAW;

52 (B) OF THE TYPE DESCRIBED IN PARAGRAPH THIRTEEN, FOURTEEN, OR NINETEEN
53 OF SUBSECTION (A) OF SECTION ONE THOUSAND ONE HUNDRED THIRTEEN OF THIS
54 CHAPTER; AND

55 (C) IN SATISFACTION OF THE FINANCIAL RESPONSIBILITY REQUIREMENTS SET
56 FORTH IN SECTION THREE THOUSAND FOUR HUNDRED TWENTY OF THIS ARTICLE,

1 SUBDIVISION FOUR OF SECTION THREE HUNDRED ELEVEN OF THE VEHICLE AND
2 TRAFFIC LAW, ARTICLE FIFTY-ONE OF THIS CHAPTER, AND SUCH OTHER REQUIRE-
3 MENTS OR REGULATIONS THAT MAY APPLY FOR THE PURPOSES OF SATISFYING THE
4 FINANCIAL RESPONSIBILITY REQUIREMENTS WITH RESPECT TO THE USE OR OPERA-
5 TION OF A MOTOR VEHICLE.

6 (4) "GROUP MEMBER" MEANS A TRANSPORTATION NETWORK COMPANY DRIVER AS
7 DEFINED IN ARTICLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW.

8 (5) "GROUP POLICYHOLDER" MEANS A TRANSPORTATION NETWORK COMPANY.

9 (6) "TNC VEHICLE" SHALL HAVE THE MEANING SET FORTH IN ARTICLE
10 FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW.

11 (B) AN INSURER MAY ISSUE OR ISSUE FOR DELIVERY IN THIS STATE A TRANS-
12 PORTATION NETWORK COMPANY GROUP POLICY TO A TRANSPORTATION NETWORK
13 COMPANY AS A GROUP POLICYHOLDER ONLY IN ACCORDANCE WITH THE PROVISIONS
14 OF THIS SECTION.

15 (C)(1) A TRANSPORTATION NETWORK COMPANY GROUP POLICY SHALL PROVIDE
16 COVERAGE FOR A TNC VEHICLE IN ACCORDANCE WITH THE REQUIREMENTS OF ARTI-
17 CLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW.

18 (2) A TRANSPORTATION NETWORK COMPANY GROUP POLICY MAY PROVIDE:

19 (A) COVERAGE FOR LIMITS HIGHER THAN THE MINIMUM LIMITS REQUIRED PURSU-
20 ANT TO ARTICLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW.

21 (B) SUPPLEMENTARY UNINSURED/UNDERINSURED MOTORISTS INSURANCE FOR BODI-
22 LY INJURY PURSUANT TO PARAGRAPH TWO OF SUBSECTION (F) OF SECTION THREE
23 THOUSAND FOUR HUNDRED TWENTY OF THIS ARTICLE;

24 (C) SUPPLEMENTAL SPOUSAL LIABILITY INSURANCE PURSUANT TO SUBSECTION
25 (G) OF SECTION THREE THOUSAND FOUR HUNDRED TWENTY OF THIS CHAPTER; AND

26 (D) MOTOR VEHICLE PHYSICAL DAMAGE COVERAGE AS DESCRIBED IN PARAGRAPH
27 NINETEEN OF SUBSECTION (A) OF SECTION ONE THOUSAND ONE HUNDRED THIRTEEN
28 OF THIS CHAPTER.

29 (3) THE COVERAGE DESCRIBED IN PARAGRAPHS ONE AND TWO OF THIS
30 SUBSECTION MAY BE PROVIDED IN ONE GROUP POLICY OR IN SEPARATE GROUP
31 POLICIES.

32 (4) A TRANSPORTATION NETWORK COMPANY GROUP POLICY, INCLUDING CERTIF-
33 ICATES, SHALL BE ISSUED BY AUTHORIZED INSURERS OR FROM EXCESS LINE
34 BROKERS PURSUANT TO SECTION SIXTEEN SIX HUNDRED NINETY-THREE OF THE
35 VEHICLE AND TRAFFIC LAW.

36 (5) A POLICYHOLDER ALSO MAY BE AN INSURED UNDER A GROUP POLICY.

37 (D) THE PREMIUM FOR THE TRANSPORTATION NETWORK COMPANY GROUP POLICY,
38 INCLUDING CERTIFICATES MAY BE PAID BY THE GROUP POLICYHOLDER FROM THE
39 FUNDS CONTRIBUTED:

40 (1) WHOLLY BY THE GROUP POLICYHOLDER;

41 (2) WHOLLY BY THE GROUP MEMBERS; OR

42 (3) JOINTLY BY THE GROUP POLICYHOLDER AND THE GROUP MEMBERS.

43 (E) (1) ANY POLICY DIVIDEND, RETROSPECTIVE PREMIUM CREDIT, OR RETRO-
44 SPECTIVE PREMIUM REFUND IN RESPECT OF PREMIUMS PAID BY THE GROUP POLICY-
45 HOLDER MAY:

46 (A) BE APPLIED TO REDUCE THE PREMIUM CONTRIBUTION OF THE GROUP POLICY-
47 HOLDER, BUT NOT IN EXCESS OF THE PROPORTION TO ITS CONTRIBUTION; OR

48 (B) BE RETAINED BY THE GROUP POLICYHOLDER.

49 (2) ANY POLICY DIVIDEND, RETROSPECTIVE PREMIUM CREDIT, OR RETROSPEC-
50 TIVE PREMIUM REFUND NOT DISTRIBUTED UNDER PARAGRAPH ONE OF THIS
51 SUBSECTION SHALL BE:

52 (A) APPLIED TO REDUCE FUTURE PREMIUMS AND, ACCORDINGLY, FUTURE
53 CONTRIBUTIONS, OF EXISTING OR FUTURE GROUP MEMBERS, OR BOTH; OR

54 (B) PAID OR REFUNDED TO THOSE GROUP MEMBERS INSURED ON THE DATE THE
55 PAYMENT OR REFUND IS MADE TO THE GROUP POLICYHOLDER, IF DISTRIBUTED BY

1 THE GROUP POLICYHOLDER, OR ON THE DATE OF MAILING, IF DISTRIBUTED
2 DIRECTLY BY THE INSURER, SUBJECT TO THE FOLLOWING REQUIREMENTS:

3 (I) THE INSURER SHALL BE RESPONSIBLE FOR DETERMINING THE ALLOCATION OF
4 THE PAYMENT OF REFUND TO THE GROUP MEMBERS;

5 (II) IF THE GROUP POLICYHOLDER DISTRIBUTES THE PAYMENT OR REFUND, THE
6 INSURER SHALL BE RESPONSIBLE FOR AUDIT TO ASCERTAIN THAT THE PAYMENT OR
7 REFUND IS ACTUALLY MADE IN ACCORDANCE WITH THE ALLOCATION PROCEDURE; AND

8 (III) IF THE GROUP POLICYHOLDER FAILS TO MAKE THE PAYMENT OR REFUND,
9 THE INSURER SHALL MAKE THE PAYMENT OR REFUND DIRECTLY OR USE THE METHOD
10 PROVIDED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH.

11 (3) NOTWITHSTANDING PARAGRAPHS ONE AND TWO OF THIS SUBSECTION, IF A
12 DIVIDEND ACCRUES UPON TERMINATION OF COVERAGE UNDER A TRANSPORTATION
13 NETWORK COMPANY GROUP POLICY, THE PREMIUM FOR WHICH WAS PAID OUT OF
14 FUNDS CONTRIBUTED BY GROUP MEMBERS SPECIFICALLY FOR THE COVERAGE, THE
15 DIVIDEND SHALL BE PAID OR REFUNDED BY THE GROUP POLICYHOLDER TO THE
16 GROUP MEMBERS INSURED ON THE DATE THE PAYMENT OR REFUND IS MADE TO THE
17 GROUP POLICYHOLDER, NET OF REASONABLE EXPENSES INCURRED BY THE GROUP
18 POLICYHOLDER IN PAYING OR REFUNDING THE DIVIDEND TO SUCH GROUP MEMBERS.

19 (4) FOR THE PURPOSES OF THIS SUBSECTION, "DIVIDEND" MEANS A RETURN BY
20 THE INSURER OF A TRANSPORTATION NETWORK COMPANY GROUP POLICY OF EXCESS
21 PREMIUMS TO THE GROUP POLICYHOLDER IN LIGHT OF FAVORABLE LOSS EXPERI-
22 ENCE, INCLUDING RETROSPECTIVE PREMIUM CREDITS OR RETROSPECTIVE PREMIUM
23 REFUNDS. THE TERM "DIVIDEND" DOES NOT INCLUDE REIMBURSEMENTS OR FEES
24 RECEIVED BY A GROUP POLICYHOLDER IN CONNECTION WITH THE OPERATION OR
25 ADMINISTRATION OF A TRANSPORTATION NETWORK COMPANY GROUP POLICY, INCLUD-
26 ING ADMINISTRATIVE REIMBURSEMENTS, FEES FOR SERVICES PROVIDED BY THE
27 GROUP POLICYHOLDER, OR TRANSACTIONAL SERVICE FEES.

28 (F) THE INSURER SHALL TREAT IN LIKE MANNER ALL ELIGIBLE GROUP MEMBERS
29 OF THE SAME CLASS AND STATUS.

30 (G) EACH POLICY WRITTEN PURSUANT TO THIS SECTION SHALL PROVIDE PER
31 OCCURRENCE LIMITS OF COVERAGE FOR EACH GROUP MEMBER IN AN AMOUNT NOT
32 LESS THAN THAT REQUIRED BY THIS ARTICLE, AND MAY PROVIDE COVERAGE FOR
33 LIMITS HIGHER THAN THE MINIMUM LIMITS REQUIRED UNDER THE LAW.

34 (H) (1) THE INSURER SHALL BE RESPONSIBLE FOR MAILING OR DELIVERY OF A
35 CERTIFICATE OF INSURANCE TO EACH GROUP MEMBER INSURED UNDER THE TRANS-
36 PORTATION NETWORK COMPANY GROUP POLICY, PROVIDED, HOWEVER, THAT THE
37 INSURER MAY DELEGATE THE MAILING OR DELIVERY TO THE TRANSPORTATION
38 NETWORK COMPANY. THE INSURER SHALL ALSO BE RESPONSIBLE FOR THE MAILING
39 OR DELIVERY TO EACH GROUP MEMBER OF AN AMENDED CERTIFICATE OF INSURANCE
40 OR ENDORSEMENT TO THE CERTIFICATE, WHENEVER THERE IS A CHANGE IN LIMITS;
41 CHANGE IN TYPE OF COVERAGE; ADDITION, REDUCTION, OR ELIMINATION OF
42 COVERAGE; OR ADDITION OF EXCLUSION, UNDER THE TRANSPORTATION NETWORK
43 COMPANY GROUP POLICY OR CERTIFICATE.

44 (2) THE CERTIFICATE SHALL CONTAIN IN SUBSTANCE ALL MATERIAL TERMS AND
45 CONDITIONS OF COVERAGE AFFORDED TO GROUP MEMBERS, UNLESS THE TRANSPORTA-
46 TION NETWORK COMPANY GROUP POLICY IS INCORPORATED BY REFERENCE AND A
47 COPY OF THE GROUP POLICY ACCOMPANIES THE CERTIFICATE.

48 (3) IF ANY COVERAGE AFFORDED TO THE GROUP MEMBER IS EXCESS OF APPLICA-
49 BLE INSURANCE COVERAGE, THE CERTIFICATE SHALL CONTAIN A NOTICE ADVISING
50 THE GROUP MEMBERS THAT, IF THE MEMBER HAS OTHER INSURANCE COVERAGE,
51 SPECIFIED COVERAGES UNDER THE TRANSPORTATION NETWORK COMPANY GROUP POLI-
52 CY WILL BE EXCESS OVER THE OTHER INSURANCE.

53 (I) A GROUP POLICYHOLDER SHALL COMPLY WITH THE PROVISIONS OF SECTION
54 TWO THOUSAND ONE HUNDRED TWENTY-TWO OF THIS CHAPTER, IN THE SAME MANNER
55 AS AN AGENT OR BROKER, IN ANY ADVERTISEMENT, SIGN, PAMPHLET, CIRCULAR,

1 CARD, OR OTHER PUBLIC ANNOUNCEMENT REFERRING TO COVERAGE UNDER A TRANS-
2 PORTATION NETWORK COMPANY GROUP POLICY OR CERTIFICATE.

3 (J) A TRANSPORTATION NETWORK COMPANY GROUP POLICY SHALL NOT BE SUBJECT
4 TO SECTION THREE THOUSAND FOUR HUNDRED TWENTY-FIVE OR SECTION THREE
5 THOUSAND FOUR HUNDRED TWENTY-SIX OF THIS ARTICLE; PROVIDED THAT THE
6 FOLLOWING REQUIREMENTS SHALL APPLY WITH REGARD TO TERMINATION OF COVER-
7 AGE:

8 (1)(A) AN INSURER MAY TERMINATE A GROUP POLICY OR CERTIFICATE ONLY IF
9 CANCELLATION IS BASED ON ONE OR MORE OF THE REASONS SET FORTH IN SUBPAR-
10 AGRAPH (A) THROUGH (D) OR (F) THROUGH (H) OF PARAGRAPH ONE OF SUBSECTION
11 (C) OF SECTION THREE THOUSAND FOUR HUNDRED TWENTY-SIX OF THIS ARTICLE;
12 PROVIDED, HOWEVER, THAT AN ACT OR OMISSION BY A GROUP MEMBER THAT WOULD
13 CONSTITUTE THE BASIS FOR CANCELLATION OF AN INDIVIDUAL CERTIFICATE SHALL
14 NOT CONSTITUTE THE BASIS FOR CANCELLATION OF THE GROUP POLICY.

15 (B) WHERE THE PREMIUM IS DERIVED WHOLLY FROM FUNDS CONTRIBUTED BY THE
16 GROUP POLICYHOLDER, AN INSURER MAY CANCEL AN INDIVIDUAL CERTIFICATE ONLY
17 IF CANCELLATION IS BASED ON ONE OR MORE OF THE REASONS SET FORTH IN
18 SUBPARAGRAPH (B), (C) OR (H) OF PARAGRAPH ONE OF SUBSECTION (C) OF
19 SECTION THREE THOUSAND FOUR HUNDRED TWENTY-SIX OF THIS ARTICLE.

20 (2) (A) AN INSURER'S CANCELLATION OF A GROUP POLICY, INCLUDING ALL
21 CERTIFICATES, SHALL NOT BECOME EFFECTIVE UNTIL THIRTY DAYS AFTER THE
22 INSURER MAILS OR DELIVERS WRITTEN NOTICE OF CANCELLATION TO THE GROUP
23 POLICYHOLDER AT THE MAILING ADDRESS SHOWN IN THE POLICY.

24 (I) WHERE ALL OR PART OF THE PREMIUM IS DERIVED FROM FUNDS CONTRIBUTED
25 BY THE GROUP MEMBER SPECIFICALLY FOR THE COVERAGE, THE INSURER SHALL
26 ALSO MAIL OR DELIVER WRITTEN NOTICE OF CANCELLATION OF THE GROUP POLICY
27 TO THE GROUP MEMBER AT THE GROUP MEMBER'S MAILING ADDRESS. SUCH CANCEL-
28 LATION SHALL NOT BECOME EFFECTIVE UNTIL THIRTY DAYS AFTER THE INSURER
29 MAILS OR DELIVERS THE WRITTEN NOTICE TO THE GROUP MEMBER.

30 (II) WHERE NONE OF THE PREMIUM IS DERIVED FROM FUNDS CONTRIBUTED BY A
31 GROUP MEMBER SPECIFICALLY FOR THE COVERAGE, THE GROUP POLICY HOLDER
32 SHALL MAIL OR DELIVER WRITTEN NOTICE TO THE GROUP MEMBER ADVISING THE
33 GROUP MEMBER OF THE CANCELLATION OF THE GROUP POLICY AND THE EFFECTIVE
34 DATE OF CANCELLATION. THE GROUP POLICY HOLDER SHALL MAIL OR DELIVER THE
35 WRITTEN NOTICE WITHIN NINETY DAYS AFTER RECEIVING NOTICE OF CANCELLATION
36 FROM THE INSURER.

37 (B) AN INSURER'S CANCELLATION OF AN INDIVIDUAL CERTIFICATE SHALL NOT
38 BECOME EFFECTIVE UNTIL THIRTY DAYS AFTER THE INSURER MAILS OR DELIVERS
39 WRITTEN NOTICE OF CANCELLATION TO THE GROUP MEMBER AT THE GROUP MEMBER'S
40 MAILING ADDRESS AND TO THE GROUP POLICYHOLDER AT THE MAILING ADDRESS
41 SHOWN IN THE GROUP POLICY.

42 (3) (A) A GROUP POLICYHOLDER MAY CANCEL A GROUP POLICY, INCLUDING ALL
43 CERTIFICATES, OR ANY INDIVIDUAL CERTIFICATE, FOR ANY REASON UPON THIRTY
44 DAYS WRITTEN NOTICE TO THE INSURER AND EACH GROUP MEMBER; AND

45 (B) THE GROUP POLICYHOLDER SHALL MAIL OR DELIVER WRITTEN NOTICE TO
46 EACH AFFECTED GROUP MEMBER OF THE GROUP POLICYHOLDER'S CANCELLATION OF
47 THE GROUP POLICY OR CERTIFICATE AND THE EFFECTIVE DATE OF CANCELLATION.
48 THE GROUP POLICYHOLDER SHALL MAIL OR DELIVER THE WRITTEN NOTICE TO THE
49 GROUP MEMBER'S MAILING ADDRESS AT LEAST THIRTY DAYS PRIOR TO THE EFFEC-
50 TIVE DATE OF CANCELLATION.

51 (4) (A) UNLESS A GROUP POLICY PROVIDES FOR A LONGER POLICY PERIOD, THE
52 POLICY AND ALL CERTIFICATES SHALL BE ISSUED OR RENEWED FOR A ONE-YEAR
53 POLICY PERIOD.

54 (B) THE GROUP POLICYHOLDER SHALL BE ENTITLED TO RENEW THE GROUP POLICY
55 AND ALL CERTIFICATES UPON TIMELY PAYMENT OF THE PREMIUM BILLED TO THE
56 GROUP POLICYHOLDER FOR THE RENEWAL, UNLESS:

1 (I) THE INSURER MAILS OR DELIVERS TO THE GROUP POLICYHOLDER AND ALL
2 GROUP MEMBERS WRITTEN NOTICE OF NONRENEWAL, OR CONDITIONAL RENEWAL; AND

3 (II) THE INSURER MAILS OR DELIVERS THE WRITTEN NOTICE AT LEAST THIRTY,
4 BUT NOT MORE THAN ONE HUNDRED TWENTY DAYS PRIOR TO THE EXPIRATION DATE
5 SPECIFIED IN THE POLICY OR, IF NO DATE IS SPECIFIED, THE NEXT ANNIVER-
6 SARY DATE OF THE POLICY.

7 (5) WHERE THE GROUP POLICYHOLDER NONRENEWS THE GROUP POLICY, THE GROUP
8 POLICYHOLDER SHALL MAIL OR DELIVER WRITTEN NOTICE TO EACH GROUP MEMBER
9 ADVISING THE GROUP MEMBER OF NONRENEWAL OF THE GROUP POLICY AND THE
10 EFFECTIVE DATE OF NONRENEWAL. THE GROUP POLICYHOLDER SHALL MAIL OR
11 DELIVER WRITTEN NOTICE AT LEAST THIRTY DAYS PRIOR TO THE NONRENEWAL.

12 (6) EVERY NOTICE OF CANCELLATION, NONRENEWAL, OR CONDITIONAL RENEWAL
13 SHALL SET FORTH THE SPECIFIC REASON OR REASONS FOR CANCELLATION, NONRE-
14 NEWAL, OR CONDITIONAL RENEWAL.

15 (7) (A) AN INSURER SHALL NOT BE REQUIRED UNDER THIS SUBSECTION TO GIVE
16 NOTICE TO A GROUP MEMBER IF THE INSURER HAS BEEN ADVISED BY EITHER THE
17 GROUP POLICYHOLDER OR ANOTHER INSURER THAT SUBSTANTIALLY SIMILAR COVER-
18 AGE HAS BEEN OBTAINED FROM THE OTHER INSURER WITHOUT LAPSE OF COVERAGE.

19 (B) A GROUP POLICYHOLDER SHALL NOT BE REQUIRED UNDER THIS SUBSECTION
20 TO GIVE NOTICE TO A GROUP MEMBER IF SUBSTANTIALLY SIMILAR COVERAGE HAS
21 BEEN OBTAINED FROM ANOTHER INSURER WITHOUT LAPSE OF COVERAGE.

22 (8) (A) IF, PRIOR TO THE EFFECTIVE DATE OF CANCELLATION, NONRENEWAL,
23 OR CONDITIONAL RENEWAL OF THE GROUP POLICY, OR A CERTIFICATE, WHETHER
24 INITIATED BY THE INSURER, GROUP POLICYHOLDER OR BY THE GROUP MEMBER IN
25 REGARD TO THE GROUP MEMBER'S CERTIFICATE, COVERAGE ATTACHES PURSUANT TO
26 THE TERMS OF A GROUP POLICY, THEN THE COVERAGE SHALL BE EFFECTIVE UNTIL
27 EXPIRATION OF THE APPLICABLE PERIOD OF COVERAGE PROVIDED IN THE GROUP
28 POLICY NOTWITHSTANDING THE CANCELLATION, NONRENEWAL OR CONDITIONAL
29 NONRENEWAL OF THE GROUP POLICY.

30 (B) NOTWITHSTANDING SUBPARAGRAPH (A) OF THIS PARAGRAPH, AN INSURER MAY
31 TERMINATE COVERAGE UNDER AN INDIVIDUAL CERTIFICATE ON THE EFFECTIVE DATE
32 OF CANCELLATION, IF THE CERTIFICATE IS CANCELLED IN ACCORDANCE WITH THE
33 PROVISIONS OF SUBPARAGRAPH (B) OF PARAGRAPH ONE OF THIS SUBSECTION.

34 (K) ANY MAILING OR DELIVERY TO A GROUP MEMBER REQUIRED OR PERMITTED
35 UNDER THIS SECTION MAY BE MADE BY ELECTRONIC MAIL IF CONSENT TO SUCH
36 METHOD OF DELIVERY HAS BEEN PREVIOUSLY RECEIVED FROM SUCH GROUP MEMBER.

37 (L) AN INSURER MAY ISSUE A TRANSPORTATION NETWORK COMPANY GROUP POLICY
38 TO A TRANSPORTATION NETWORK COMPANY, NOTWITHSTANDING THAT IT MAY BE A
39 CONDITION OF OPERATING A VEHICLE ON THE TRANSPORTATION NETWORK COMPANY'S
40 DIGITAL NETWORK FOR THE TNC DRIVER TO PARTICIPATE IN SUCH GROUP POLICY.

41 (M) AN INSURER SHALL NOT INCLUDE A MANDATORY ARBITRATION CLAUSE IN A
42 POLICY THAT PROVIDES FINANCIAL RESPONSIBILITY COVERAGE UNDER THIS
43 SECTION EXCEPT AS PERMITTED IN SECTION FIVE THOUSAND ONE HUNDRED FIVE OF
44 THE INSURANCE LAW.

45 S 3456. PROHIBITION AGAINST CANCELLATION OF POLICY WHEN MOTOR VEHICLE
46 IS USED OR OPERATED THROUGH A TRANSPORTATION NETWORK COMPANY PROGRAM.

47 (A) AN INSURER SHALL NOT CANCEL AN EXISTING MOTOR VEHICLE INSURANCE
48 POLICY SOLELY ON THE BASIS THAT THE MOTOR VEHICLE COVERED BY THE INSUR-
49 ANCE HAS BEEN MADE AVAILABLE PURSUANT TO A TRANSPORTATION NETWORK COMPA-
50 NY PROGRAM IN COMPLIANCE WITH ARTICLE FORTY-FOUR-B OF THE VEHICLE AND
51 TRAFFIC LAW.

52 (B) THE DEFINITIONS SET FORTH IN SECTION THREE THOUSAND FOUR HUNDRED
53 FIFTY-FIVE OF THIS ARTICLE SHALL APPLY TO THIS SECTION.

54 S 6-a. Subsection (g) of section 5102 of the insurance law is amended
55 to read as follows:

1 (g) "Insurer" means the insurance company or self-insurer, as the case
2 may be, which provides the financial security required by article six
3 [or], eight, OR FORTY-FOUR-B of the vehicle and traffic law.

4 S 7. Subsection (b) of section 5103 of the insurance law is amended by
5 adding a new paragraph 4 to read as follows:

6 (4) IS INJURED WHILE A MOTOR VEHICLE IS BEING USED OR OPERATED BY A
7 TNC DRIVER PURSUANT TO ARTICLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC
8 LAW, PROVIDED, HOWEVER, THAT ONLY THE INSURER ISSUING THE OWNER'S POLICY
9 OF LIABILITY INSURANCE PROVIDING COVERAGE FOR THE MOTOR VEHICLE BEING
10 OPERATED BY A TNC DRIVER MAY EXCLUDE SUCH COVERAGE AND AN INSURER MAY
11 NOT INCLUDE THIS EXCLUSION IN A POLICY USED TO SATISFY THE REQUIREMENTS
12 UNDER ARTICLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW.

13 S 8. Subsection (d) of section 5106 of the insurance law, as added by
14 chapter 452 of the laws of 2005, is amended to read as follows:

15 (d) [Where] (1) EXCEPT AS PROVIDED IN PARAGRAPH TWO OF THIS
16 SUBSECTION, WHERE there is reasonable belief more than one insurer would
17 be the source of first party benefits, the insurers may agree among
18 themselves, if there is a valid basis therefor, that one of them will
19 accept and pay the claim initially. If there is no such agreement, then
20 the first insurer to whom notice of claim is given shall be responsible
21 for payment. Any such dispute shall be resolved in accordance with the
22 arbitration procedures established pursuant to section five thousand one
23 hundred five of this article and [regulation] REGULATIONS as promulgated
24 by the superintendent, and any insurer paying first-party benefits shall
25 be reimbursed by other insurers for their proportionate share of the
26 costs of the claim and the allocated expenses of processing the claim,
27 in accordance with the provisions entitled "other coverage" contained in
28 regulation and the provisions entitled "other sources of first-party
29 benefits" contained in regulation. If there is no such insurer and the
30 motor vehicle accident occurs in this state, then an applicant who is a
31 qualified person as defined in article fifty-two of this chapter shall
32 institute the claim against THE motor vehicle accident indemnification
33 corporation.

34 (2) A GROUP POLICY ISSUED PURSUANT TO SECTION THREE THOUSAND FOUR
35 HUNDRED FIFTY-FIVE OF THIS CHAPTER SHALL PROVIDE FIRST PARTY BENEFITS
36 WHEN A DISPUTE EXISTS AS TO WHETHER A DRIVER WAS USING OR OPERATING A
37 MOTOR VEHICLE IN CONNECTION WITH A TRANSPORTATION NETWORK COMPANY WHEN
38 LOSS, DAMAGE, INJURY, OR DEATH OCCURS. A TRANSPORTATION NETWORK COMPANY
39 SHALL NOTIFY THE INSURER THAT ISSUED THE OWNER'S POLICY OF LIABILITY
40 INSURANCE OF THE DISPUTE WITHIN TEN BUSINESS DAYS OF BECOMING AWARE THAT
41 THE DISPUTE EXISTS. WHEN THERE IS A DISPUTE, THE GROUP INSURER LIABLE
42 FOR THE PAYMENT OF FIRST PARTY BENEFITS UNDER A GROUP POLICY SHALL HAVE
43 THE RIGHT TO RECOVER THE AMOUNT PAID FROM THE DRIVER'S INSURER TO THE
44 EXTENT THAT THE DRIVER WOULD HAVE BEEN LIABLE TO PAY DAMAGES IN AN
45 ACTION AT LAW.

46 S 9. Subsection (b) of section 2305 of the insurance law, as amended
47 by chapter 11 of the laws of 2008, paragraph 13 as amended by chapter
48 136 of the laws of 2008, is amended to read as follows:

49 (b) rate filings for:

50 (1) workers' compensation insurance;

51 (2) motor vehicle insurance, or surety bonds, required by section
52 three hundred seventy of the vehicle and traffic law OR ARTICLE
53 FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW;

54 (3) joint underwriting;

55 (4) motor vehicle assigned risk insurance;

1 (5) insurance issued by the New York Property Insurance Underwriting
2 Association;
3 (6) risk sharing plans authorized by section two thousand three
4 hundred eighteen of this article;
5 (7) title insurance;
6 (8) medical malpractice liability insurance;
7 (9) insurance issued by the Medical Malpractice Insurance Association;
8 (10) mortgage guaranty insurance;
9 (11) credit property insurance, as defined in section two thousand
10 three hundred forty of this article; [and]

11 (12) gap insurance; AND
12 (13) [Private] PRIVATE passenger automobile insurance, except as
13 provided in section two thousand three hundred fifty of this article[.],
14 shall be filed with the superintendent and shall not become effective
15 unless either the filing has been approved or thirty days, which the
16 superintendent may with cause extend an additional thirty days and with
17 further cause extend an additional fifteen days, have elapsed and the
18 filing has not been disapproved as failing to meet the requirements of
19 this article, including the standard that rates be not otherwise unrea-
20 sonable. After a rate filing becomes effective, the filing and support-
21 ing information shall be open to public inspection. If a filing is
22 disapproved, THEN notice of such disapproval order shall be given, spec-
23 ifying in what respects such filing fails to meet the requirements of
24 this article. Upon his or her request, the superintendent shall be
25 provided with support and assistance from the workers' compensation
26 board and other state agencies and departments with appropriate juris-
27 diction. The loss cost multiplier for each insurer providing coverage
28 for workers' compensation, as defined by regulation promulgated by the
29 superintendent, shall be promptly displayed on the department's website
30 and updated in the event of any change.

31 S 10. Paragraph 1 of subsection (a) of section 3425 of the insurance
32 law, as amended by chapter 235 of the laws of 1989, is amended to read
33 as follows:

34 (1) "Covered policy" means a contract of insurance, referred to in
35 this section as "automobile insurance", issued or issued for delivery in
36 this state, on a risk located or resident in this state, insuring
37 against losses or liabilities arising out of the ownership, operation,
38 or use of a motor vehicle, predominantly used for non-business purposes,
39 when a natural person is the named insured under the policy of automo-
40 bile insurance; PROVIDED, HOWEVER, THAT THE USE OR OPERATION OF THE
41 MOTOR VEHICLE BY A TRANSPORTATION NETWORK DRIVER AS A TNC VEHICLE IN
42 ACCORDANCE WITH ARTICLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW
43 SHALL NOT BE INCLUDED IN DETERMINING WHETHER THE MOTOR VEHICLE IS BEING
44 USED PREDOMINANTLY FOR NON-BUSINESS PURPOSES.

45 S 11. Subdivisions 1 and 3 of section 160-cc of the executive law, as
46 added by chapter 49 of the laws of 1999, are amended and a new subdivi-
47 sion 10 is added to read as follows:

48 1. "Black car operator" means the registered owner of a for-hire vehi-
49 cle, or a driver designated by such registered owner to operate the
50 registered owner's for-hire vehicle as the registered owner's authorized
51 designee, whose injury arose out of and in the course of providing
52 covered services to a central dispatch facility that is a registered
53 member of the New York black car operators' injury compensation fund,
54 inc.

55 (A) FOR THE PURPOSES OF THE ADMINISTRATION OF THIS ARTICLE, A BLACK
56 CAR OPERATOR SHALL INCLUDE A TNC DRIVER THAT IS ENGAGED IN A TNC PREAR-

1 RANGED TRIP. FOR THE PURPOSES OF THIS ARTICLE, THE TERMS "TNC DRIVER",
2 "TNC PREARRANGED TRIP" AND "DIGITAL NETWORK" SHALL HAVE THE SAME MEAN-
3 INGS AS SUCH TERMS ARE DEFINED IN ARTICLE FORTY-FOUR-B OF THE VEHICLE
4 AND TRAFFIC LAW.

5 (B) FOR THE PURPOSES OF THE ADMINISTRATION OF THIS ARTICLE, A BLACK
6 CAR OPERATOR SHALL INCLUDE A TNC DRIVER THAT IS LOGGED ONTO A TNC
7 DIGITAL NETWORK AND IS NOT ENGAGED IN A TNC PREARRANGED TRIP BUT IS
8 ENGAGED IN AN ACTIVITY REASONABLY RELATED TO DRIVING AS A TNC DRIVER
9 TAKING INTO CONSIDERATION THE TIME, PLACE AND MANNER OF SUCH ACTIVITY,
10 HOWEVER, THAT THIS PARAGRAPH SHALL ONLY APPLY TO A TNC DRIVER PERMITTED
11 PURSUANT TO ARTICLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW WITHIN
12 TWELVE MONTHS OF THE EFFECTIVE DATE OF THIS PARAGRAPH.

13 3. "Central dispatch facility" means a central facility, wherever
14 located, INCLUDING A TRANSPORTATION NETWORK COMPANY, that (a) dispatches
15 the registered owners of for-hire vehicles, or drivers acting as the
16 designated agent of such registered owners, to both pick-up and
17 discharge passengers in the state, and (b) has certified to the satis-
18 faction of the department of state that more than ninety percent of its
19 for-hire business is on a payment basis other than direct cash payment
20 by a passenger; provided, however, that a central dispatch facility
21 shall not include any such central facility that owns fifty percent or
22 more of the cars it dispatches. FOR THE PURPOSES OF ADMINISTRATION OF
23 THIS ARTICLE, CENTRAL DISPATCH FACILITY SHALL INCLUDE TNC PREARRANGED
24 TRIP AS DEFINED IN ARTICLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW.

25 10. "TRANSPORTATION NETWORK COMPANY" OR "TNC" SHALL HAVE THE SAME
26 MEANING AS THE TERM IS DEFINED IN ARTICLE FORTY-FOUR-B OF THE VEHICLE
27 AND TRAFFIC LAW.

28 S 12. Subdivision 1 of section 160-ff of the executive law, as added
29 by chapter 49 of the laws of 1999, is amended to read as follows:

30 1. [Within thirty days of the effective date of this article, there]
31 THERE shall be appointed a board of directors of the fund, consisting of
32 [nine] ELEVEN directors, [five] SIX of whom shall be selected by the
33 black car assistance corporation; [three] FOUR of whom shall be chosen
34 by the governor, including one chosen upon the recommendation of the
35 temporary president of the senate and one chosen upon the recommendation
36 of the speaker of the assembly; ONE CHOSEN TO REPRESENT A TRANSPORTATION
37 NETWORK COMPANY AS DEFINED BY ARTICLE FORTY-FOUR-B OF THE VEHICLE AND
38 TRAFFIC LAW; and one of whom shall be the secretary, who shall serve ex
39 officio. [The initial terms of directors other than the secretary shall
40 be staggered, the three directors appointed by the governor serving for
41 initial terms of three years from the effective date of this article,
42 three of the remaining five directors serving for initial terms of two
43 years from the effective date of this article and two directors serving
44 for initial terms of one year from the effective date of this article]
45 THE GOVERNOR SHALL APPOINT THE DIRECTOR CHOSEN TO REPRESENT A TRANSPOR-
46 TATION NETWORK COMPANY NO LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND
47 SEVENTEEN. The [subsequent] terms of all directors other than the secre-
48 tary shall be three years. The board shall have the power to remove for
49 cause any director other than the secretary.

50 S 13. Subdivision 3 of section 160-jj of the executive law, as added
51 by chapter 49 of the laws of 1999, is amended to read as follows:

52 3. No local licensing authority or the department OR THE NEW YORK
53 STATE DEPARTMENT OF MOTOR VEHICLES shall issue, continue or renew any
54 license or registration certificate, OR PERMIT for the operation of any
55 central dispatch facility unless such central dispatch facility, as a
56 condition of maintaining its license and/or registration certificate,

1 adds the surcharge required by this section to every invoice and billing
2 for covered services sent to, and every credit payment for covered
3 services received from, its customers and pays to the fund no later than
4 the fifteenth day of each month the total surcharges due pursuant to
5 this article.

6 S 14. The general municipal law is amended by adding a new section 182
7 to read as follows:

8 S 182. LOCAL REGULATION OF TRANSPORTATION NETWORK COMPANIES. 1. EVERY
9 COUNTY, AND ANY CITY WITH A POPULATION OF ONE HUNDRED THOUSAND OR MORE
10 AS OF THE LAST DECENNIAL CENSUS, MAY PROHIBIT THE PICK-UP OF ANY PERSON
11 BY A TRANSPORTATION NETWORK COMPANY AS DEFINED BY ARTICLE FORTY-FOUR-B
12 OF THE VEHICLE AND TRAFFIC LAW WITHIN THEIR GEOGRAPHIC BOUNDARIES PURSU-
13 ANT TO THE ENACTMENT OF A LOCAL LAW OR ORDINANCE, EXCEPT THAT ANY COUNTY
14 THAT CONTAINS A CITY WITH A POPULATION OF ONE HUNDRED THOUSAND OR MORE
15 AS OF THE LAST DECENNIAL CENSUS SHALL ONLY BE AUTHORIZED TO PROHIBIT THE
16 PICK-UP OF ANY PERSON BY A TRANSPORTATION NETWORK COMPANY AS DEFINED BY
17 ARTICLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW OUTSIDE OF THE
18 GEOGRAPHIC BOUNDARIES OF SUCH CITY.

19 2. ANY COUNTY OR CITY THAT ENACTS A LOCAL LAW OR ORDINANCE PURSUANT TO
20 THIS SECTION OR REPEALS SUCH LOCAL LAW OR ORDINANCE SHALL NOTIFY THE
21 DEPARTMENT OF MOTOR VEHICLES. SUCH DEPARTMENT SHALL MAINTAIN ON ITS
22 PUBLIC WEBSITE A LIST OF ALL COUNTIES AND CITIES THAT HAVE ENACTED A
23 LOCAL LAW OR ORDINANCE PURSUANT TO THIS SECTION AND SHALL REMOVE FROM
24 SUCH LIST ANY COUNTY OR CITY THAT REPEALS SUCH LOCAL LAW OR ORDINANCE.

25 3. THIS SECTION SHALL NOT APPLY TO A CITY WITH A POPULATION OF ONE
26 MILLION OR MORE.

27 S 15. Subdivision 1 of section 171-a of the tax law, as amended by
28 chapter 90 of the laws of 2014, is amended to read as follows:

29 1. All taxes, interest, penalties and fees collected or received by
30 the commissioner or the commissioner's duly authorized agent under arti-
31 cles nine (except section one hundred eighty-two-a thereof and except as
32 otherwise provided in section two hundred five thereof), nine-A,
33 twelve-A (except as otherwise provided in section two hundred eighty-
34 four-d thereof), thirteen, thirteen-A (except as otherwise provided in
35 section three hundred twelve thereof), eighteen, nineteen, twenty
36 (except as otherwise provided in section four hundred eighty-two there-
37 of), twenty-B, twenty-one, twenty-two, twenty-six, [twenty-six-B,] twen-
38 ty-eight (except as otherwise provided in section eleven hundred two or
39 eleven hundred three thereof), twenty-eight-A, TWENTY-NINE-B, thirty-one
40 (except as otherwise provided in section fourteen hundred twenty-one
41 thereof), thirty-three and thirty-three-A of this chapter shall be
42 deposited daily in one account with such responsible banks, banking
43 houses or trust companies as may be designated by the comptroller, to
44 the credit of the comptroller. Such an account may be established in one
45 or more of such depositories. Such deposits shall be kept separate and
46 apart from all other money in the possession of the comptroller. The
47 comptroller shall require adequate security from all such depositories.
48 Of the total revenue collected or received under such articles of this
49 chapter, the comptroller shall retain in the comptroller's hands such
50 amount as the commissioner may determine to be necessary for refunds or
51 reimbursements under such articles of this chapter out of which amount
52 the comptroller shall pay any refunds or reimbursements to which taxpay-
53 ers shall be entitled under the provisions of such articles of this
54 chapter. The commissioner and the comptroller shall maintain a system of
55 accounts showing the amount of revenue collected or received from each
56 of the taxes imposed by such articles. The comptroller, after reserving

1 the amount to pay such refunds or reimbursements, shall, on or before
2 the tenth day of each month, pay into the state treasury to the credit
3 of the general fund all revenue deposited under this section during the
4 preceding calendar month and remaining to the comptroller's credit on
5 the last day of such preceding month, (i) except that the comptroller
6 shall pay to the state department of social services that amount of
7 overpayments of tax imposed by article twenty-two of this chapter and
8 the interest on such amount which is certified to the comptroller by the
9 commissioner as the amount to be credited against past-due support
10 pursuant to subdivision six of section one hundred seventy-one-c of this
11 article, (ii) and except that the comptroller shall pay to the New York
12 state higher education services corporation and the state university of
13 New York or the city university of New York respectively that amount of
14 overpayments of tax imposed by article twenty-two of this chapter and
15 the interest on such amount which is certified to the comptroller by the
16 commissioner as the amount to be credited against the amount of defaults
17 in repayment of guaranteed student loans and state university loans or
18 city university loans pursuant to subdivision five of section one
19 hundred seventy-one-d and subdivision six of section one hundred seven-
20 ty-one-e of this article, (iii) and except further that, notwithstanding
21 any law, the comptroller shall credit to the revenue arrearage account,
22 pursuant to section ninety-one-a of the state finance law, that amount
23 of overpayment of tax imposed by article nine, nine-A, twenty-two, thir-
24 ty, thirty-A, thirty-B or thirty-three of this chapter, and any interest
25 thereon, which is certified to the comptroller by the commissioner as
26 the amount to be credited against a past-due legally enforceable debt
27 owed to a state agency pursuant to paragraph (a) of subdivision six of
28 section one hundred seventy-one-f of this article, provided, however, he
29 shall credit to the special offset fiduciary account, pursuant to
30 section ninety-one-c of the state finance law, any such amount credita-
31 ble as a liability as set forth in paragraph (b) of subdivision six of
32 section one hundred seventy-one-f of this article, (iv) and except
33 further that the comptroller shall pay to the city of New York that
34 amount of overpayment of tax imposed by article nine, nine-A, twenty-
35 two, thirty, thirty-A, thirty-B or thirty-three of this chapter and any
36 interest thereon that is certified to the comptroller by the commission-
37 er as the amount to be credited against city of New York tax warrant
38 judgment debt pursuant to section one hundred seventy-one-l of this
39 article, (v) and except further that the comptroller shall pay to a
40 non-obligated spouse that amount of overpayment of tax imposed by arti-
41 cle twenty-two of this chapter and the interest on such amount which has
42 been credited pursuant to section one hundred seventy-one-c, one hundred
43 seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or
44 one hundred seventy-one-l of this article and which is certified to the
45 comptroller by the commissioner as the amount due such non-obligated
46 spouse pursuant to paragraph six of subsection (b) of section six
47 hundred fifty-one of this chapter; and (vi) the comptroller shall deduct
48 a like amount which the comptroller shall pay into the treasury to the
49 credit of the general fund from amounts subsequently payable to the
50 department of social services, the state university of New York, the
51 city university of New York, or the higher education services corpo-
52 ration, or the revenue arrearage account or special offset fiduciary
53 account pursuant to section ninety-one-a or ninety-one-c of the state
54 finance law, as the case may be, whichever had been credited the amount
55 originally withheld from such overpayment, and (vii) with respect to
56 amounts originally withheld from such overpayment pursuant to section

1 one hundred seventy-one-l of this article and paid to the city of New
2 York, the comptroller shall collect a like amount from the city of New
3 York.

4 S 16. Subdivision 1 of section 171-a of the tax law, as amended by
5 section 54 of part A of chapter 59 of the laws of 2014, is amended to
6 read as follows:

7 1. All taxes, interest, penalties and fees collected or received by
8 the commissioner or the commissioner's duly authorized agent under arti-
9 cles nine (except section one hundred eighty-two-a thereof and except as
10 otherwise provided in section two hundred five thereof), nine-A,
11 twelve-A (except as otherwise provided in section two hundred eighty-
12 four-d thereof), thirteen, thirteen-A (except as otherwise provided in
13 section three hundred twelve thereof), eighteen, nineteen, twenty
14 (except as otherwise provided in section four hundred eighty-two there-
15 of), twenty-one, twenty-two, twenty-six, [twenty-six-B,] twenty-eight
16 (except as otherwise provided in section eleven hundred two or eleven
17 hundred three thereof), twenty-eight-A, TWENTY-NINE-B, thirty-one
18 (except as otherwise provided in section fourteen hundred twenty-one
19 thereof), thirty-three and thirty-three-A of this chapter shall be
20 deposited daily in one account with such responsible banks, banking
21 houses or trust companies as may be designated by the comptroller, to
22 the credit of the comptroller. Such an account may be established in one
23 or more of such depositories. Such deposits shall be kept separate and
24 apart from all other money in the possession of the comptroller. The
25 comptroller shall require adequate security from all such depositories.
26 Of the total revenue collected or received under such articles of this
27 chapter, the comptroller shall retain in the comptroller's hands such
28 amount as the commissioner may determine to be necessary for refunds or
29 reimbursements under such articles of this chapter out of which amount
30 the comptroller shall pay any refunds or reimbursements to which taxpay-
31 ers shall be entitled under the provisions of such articles of this
32 chapter. The commissioner and the comptroller shall maintain a system of
33 accounts showing the amount of revenue collected or received from each
34 of the taxes imposed by such articles. The comptroller, after reserving
35 the amount to pay such refunds or reimbursements, shall, on or before
36 the tenth day of each month, pay into the state treasury to the credit
37 of the general fund all revenue deposited under this section during the
38 preceding calendar month and remaining to the comptroller's credit on
39 the last day of such preceding month, (i) except that the comptroller
40 shall pay to the state department of social services that amount of
41 overpayments of tax imposed by article twenty-two of this chapter and
42 the interest on such amount which is certified to the comptroller by the
43 commissioner as the amount to be credited against past-due support
44 pursuant to subdivision six of section one hundred seventy-one-c of this
45 article, (ii) and except that the comptroller shall pay to the New York
46 state higher education services corporation and the state university of
47 New York or the city university of New York respectively that amount of
48 overpayments of tax imposed by article twenty-two of this chapter and
49 the interest on such amount which is certified to the comptroller by the
50 commissioner as the amount to be credited against the amount of defaults
51 in repayment of guaranteed student loans and state university loans or
52 city university loans pursuant to subdivision five of section one
53 hundred seventy-one-d and subdivision six of section one hundred seven-
54 ty-one-e of this article, (iii) and except further that, notwithstanding
55 any law, the comptroller shall credit to the revenue arrearage account,
56 pursuant to section ninety-one-a of the state finance law, that amount

1 of overpayment of tax imposed by article nine, nine-A, twenty-two, thir-
2 ty, thirty-A, thirty-B or thirty-three of this chapter, and any interest
3 thereon, which is certified to the comptroller by the commissioner as
4 the amount to be credited against a past-due legally enforceable debt
5 owed to a state agency pursuant to paragraph (a) of subdivision six of
6 section one hundred seventy-one-f of this article, provided, however, he
7 shall credit to the special offset fiduciary account, pursuant to
8 section ninety-one-c of the state finance law, any such amount credita-
9 ble as a liability as set forth in paragraph (b) of subdivision six of
10 section one hundred seventy-one-f of this article, (iv) and except
11 further that the comptroller shall pay to the city of New York that
12 amount of overpayment of tax imposed by article nine, nine-A, twenty-
13 two, thirty, thirty-A, thirty-B or thirty-three of this chapter and any
14 interest thereon that is certified to the comptroller by the commission-
15 er as the amount to be credited against city of New York tax warrant
16 judgment debt pursuant to section one hundred seventy-one-l of this
17 article, (v) and except further that the comptroller shall pay to a
18 non-obligated spouse that amount of overpayment of tax imposed by arti-
19 cle twenty-two of this chapter and the interest on such amount which has
20 been credited pursuant to section one hundred seventy-one-c, one hundred
21 seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or
22 one hundred seventy-one-l of this article and which is certified to the
23 comptroller by the commissioner as the amount due such non-obligated
24 spouse pursuant to paragraph six of subsection (b) of section six
25 hundred fifty-one of this chapter; and (vi) the comptroller shall deduct
26 a like amount which the comptroller shall pay into the treasury to the
27 credit of the general fund from amounts subsequently payable to the
28 department of social services, the state university of New York, the
29 city university of New York, or the higher education services corpo-
30 ration, or the revenue arrearage account or special offset fiduciary
31 account pursuant to section ninety-one-a or ninety-one-c of the state
32 finance law, as the case may be, whichever had been credited the amount
33 originally withheld from such overpayment, and (vii) with respect to
34 amounts originally withheld from such overpayment pursuant to section
35 one hundred seventy-one-l of this article and paid to the city of New
36 York, the comptroller shall collect a like amount from the city of New
37 York.

38 S 17. Paragraph 34 of subdivision (b) of section 1101 of the tax law,
39 as amended by section 1 of part WW of chapter 57 of the laws of 2010, is
40 amended to read as follows:

41 (34) Transportation service. The service of transporting, carrying or
42 conveying a person or persons by livery service; whether to a single
43 destination or to multiple destinations; and whether the compensation
44 paid by or on behalf of the passenger is based on mileage, trip, time
45 consumed or any other basis. A service that begins and ends in this
46 state is deemed intra-state even if it passes outside this state during
47 a portion of the trip. However, transportation service does not include
48 transportation of persons in connection with funerals. Transportation
49 service includes transporting, carrying, or conveying property of the
50 person being transported, whether owned by or in the care of such
51 person. NOTWITHSTANDING THE FOREGOING, TRANSPORTATION SERVICE SHALL NOT
52 INCLUDE A TNC PREARRANGED TRIP, AS THAT TERM IS DEFINED IN ARTICLE
53 FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW, THAT IS SUBJECT TO TAX
54 UNDER ARTICLE TWENTY-NINE-B OF THIS CHAPTER. In addition to what is
55 included in the definition of "receipt" in paragraph three of this
56 subdivision, receipts from the sale of transportation service subject to

1 tax include any handling, carrying, baggage, booking service, adminis-
 2 trative, mark-up, additional, or other charge, of any nature, made in
 3 conjunction with the transportation service. Livery service means
 4 service provided by limousine, black car or other motor vehicle, with a
 5 driver, but excluding (i) a taxicab, (ii) a bus, and (iii), in a city of
 6 one million or more in this state, an affiliated livery vehicle, and
 7 excluding any scheduled public service. Limousine means a vehicle with a
 8 seating capacity of up to fourteen persons, excluding the driver. Black
 9 car means a for-hire vehicle dispatched from a central facility. "Affil-
 10 iated livery vehicle" means a for-hire motor vehicle with a seating
 11 capacity of up to six persons, including the driver, other than a black
 12 car or luxury limousine, that is authorized and licensed by the taxi and
 13 limousine commission of a city of one million or more to be dispatched
 14 by a base station located in such a city and regulated by such taxi and
 15 limousine commission; and the charges for service provided by an affil-
 16 iated livery vehicle are on the basis of flat rate, time, mileage, or
 17 zones and not on a garage to garage basis.

18 S 18. The tax law is amended by adding a new article 29-B to read as
 19 follows:

20 ARTICLE 29-B

21 STATE ASSESSMENT FEE ON TRANSPORTATION NETWORK COMPANY
 22 PREARRANGED TRIPS

23 SECTION 1291. DEFINITIONS.

24 1292. IMPOSITION.

25 1293. PRESUMPTION.

26 1294. RETURNS AND PAYMENT OF STATE ASSESSMENT FEE.

27 1295. RECORDS TO BE KEPT.

28 1296. SECRECY OF RETURNS AND REPORTS.

29 1297. PRACTICE AND PROCEDURE.

30 1298. DEPOSIT AND DISPOSITION OF REVENUE.

31 S 1291. DEFINITIONS. (A) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP,
 32 LIMITED LIABILITY COMPANY, SOCIETY, ASSOCIATION, JOINT STOCK COMPANY,
 33 CORPORATION, ESTATE, RECEIVER, TRUSTEE, ASSIGNEE, REFEREE OR ANY OTHER
 34 PERSON ACTING IN A FIDUCIARY OR REPRESENTATIVE CAPACITY, WHETHER
 35 APPOINTED BY A COURT OR OTHERWISE, ANY COMBINATION OF INDIVIDUALS AND
 36 ANY OTHER FORM OF UNINCORPORATED ENTERPRISE OWNED OR CONDUCTED BY TWO OR
 37 MORE PERSONS.

38 (B) "CITY" MEANS A CITY OF A MILLION OR MORE LOCATED IN THE METROPOL-
 39 ITAN COMMUTER TRANSPORTATION DISTRICT ESTABLISHED BY SECTION TWELVE
 40 HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW.

41 (C) "TRANSPORTATION NETWORK COMPANY" OR "TNC" SHALL HAVE THE SAME
 42 MEANING AS THE TERM IS DEFINED IN ARTICLE FORTY-FOUR-B OF THE VEHICLE
 43 AND TRAFFIC LAW.

44 (D) "TNC PREARRANGED TRIP" SHALL HAVE THE SAME MEANING AS THE TERM IS
 45 DEFINED IN ARTICLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW.

46 (E) "TNC DRIVER" SHALL HAVE THE SAME MEANING AS THE TERM IS DEFINED IN
 47 ARTICLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW.

48 (F) "TNC VEHICLE" SHALL HAVE THE SAME MEANING AS THE TERM IS DEFINED
 49 IN ARTICLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW.

50 (G) "GROSS TRIP FARE" MEANS THE SUM OF THE BASE FARE CHARGE, DISTANCE
 51 CHARGE AND TIME CHARGE FOR A COMPLETE TNC PREARRANGED TRIP AT THE APPLI-
 52 CABLE RATE CHARGED BY THE TNC AT THE TIME SUCH TRIP IS ARRANGED.

53 S 1292. IMPOSITION. THERE IS HEREBY IMPOSED ON EVERY TNC A STATE
 54 ASSESSMENT FEE OF 4% OF THE GROSS TRIP FARE OF EVERY TNC PREARRANGED
 55 TRIP PROVIDED BY SUCH TNC THAT ORIGINATES ANYWHERE IN THE STATE OUTSIDE
 56 THE CITY AND TERMINATES ANYWHERE IN THIS STATE.

1 S 1293. PRESUMPTION. FOR THE PURPOSE OF THE PROPER ADMINISTRATION OF
2 THIS ARTICLE AND TO PREVENT EVASION OF THE STATE ASSESSMENT FEE IMPOSED
3 BY THIS ARTICLE, IT SHALL BE PRESUMED THAT EVERY TNC PREARRANGED TRIP
4 THAT ORIGINATES ANYWHERE IN THE STATE OUTSIDE THE CITY IS SUBJECT TO THE
5 STATE ASSESSMENT FEE. THIS PRESUMPTION SHALL PREVAIL UNTIL THE CONTRARY
6 IS PROVEN BY THE PERSON LIABLE FOR THE FEE.

7 S 1294. RETURNS AND PAYMENT OF STATE ASSESSMENT FEE. (A) EVERY PERSON
8 LIABLE FOR THE STATE ASSESSMENT FEE IMPOSED BY THIS ARTICLE SHALL FILE A
9 RETURN ON A CALENDAR-QUARTERLY BASIS WITH THE COMMISSIONER. EACH RETURN
10 SHALL SHOW THE NUMBER OF TNC PREARRANGED TRIPS, THE TOTAL GROSS TRIP
11 FARES AND THE AMOUNT OF FEES DUE THEREON IN THE QUARTER FOR WHICH THE
12 RETURN IS FILED, TOGETHER WITH SUCH OTHER INFORMATION AS THE COMMISSION-
13 ER MAY REQUIRE. THE RETURNS REQUIRED BY THIS SECTION SHALL BE FILED
14 WITHIN THIRTY DAYS AFTER THE END OF THE QUARTERLY PERIOD COVERED THERE-
15 BY. IF THE COMMISSIONER DEEMS IT NECESSARY IN ORDER TO ENSURE THE
16 PAYMENT OF THE STATE ASSESSMENT FEE IMPOSED BY THIS ARTICLE, THE COMMIS-
17 SIONER MAY REQUIRE RETURNS TO BE MADE FOR SHORTER PERIODS THAN
18 PRESCRIBED BY THE FOREGOING PROVISIONS OF THIS SECTION, AND UPON SUCH
19 DATES AS THE COMMISSIONER MAY SPECIFY. THE FORM OF RETURNS SHALL BE
20 PRESCRIBED BY THE COMMISSIONER AND SHALL CONTAIN SUCH INFORMATION AS THE
21 COMMISSIONER MAY DEEM NECESSARY FOR THE PROPER ADMINISTRATION OF THIS
22 ARTICLE. THE COMMISSIONER MAY REQUIRE AMENDED RETURNS TO BE FILED WITHIN
23 THIRTY DAYS AFTER NOTICE AND TO CONTAIN THE INFORMATION SPECIFIED IN THE
24 NOTICE. THE COMMISSIONER MAY REQUIRE THAT THE RETURNS BE FILED ELECTRON-
25 ICALLY.

26 (B) EVERY PERSON REQUIRED TO FILE A RETURN UNDER THIS ARTICLE SHALL,
27 AT THE TIME OF FILING SUCH RETURN, PAY TO THE COMMISSIONER THE TOTAL OF
28 ALL STATE ASSESSMENT FEES ON THE CORRECT NUMBER OF TRIPS SUBJECT TO SUCH
29 FEE UNDER THIS ARTICLE. THE AMOUNT SO PAYABLE TO THE COMMISSIONER FOR
30 THE PERIOD FOR WHICH A RETURN IS REQUIRED TO BE FILED SHALL BE DUE AND
31 PAYABLE TO THE COMMISSIONER ON THE DATE SPECIFIED FOR THE FILING OF THE
32 RETURN FOR SUCH PERIOD, WITHOUT REGARD TO WHETHER A RETURN IS FILED OR
33 WHETHER THE RETURN THAT IS FILED CORRECTLY SHOWS THE CORRECT NUMBER OF
34 TRIPS, GROSS TRIP FARES OR AMOUNT OF FEES DUE THEREON. THE COMMISSIONER
35 MAY REQUIRE THAT THE FEE BE PAID ELECTRONICALLY.

36 S 1295. RECORDS TO BE KEPT. EVERY PERSON LIABLE FOR THE STATE ASSESS-
37 MENT FEE IMPOSED BY THIS ARTICLE SHALL KEEP:

38 (A) RECORDS OF EVERY TNC PREARRANGED TRIP SUBJECT TO THE STATE ASSESS-
39 MENT FEE UNDER THIS ARTICLE, AND OF ALL AMOUNTS PAID, CHARGED OR DUE
40 THEREON, IN SUCH FORM AS THE COMMISSIONER MAY REQUIRE;

41 (B) TRUE AND COMPLETE COPIES, INCLUDING ELECTRONIC COPIES, OF ANY
42 RECORDS REQUIRED TO BE KEPT BY A STATE AGENCY THAT IS AUTHORIZED TO
43 PERMIT OR REGULATE A TNC; AND

44 (C) SUCH OTHER RECORDS AND INFORMATION AS THE COMMISSIONER MAY REQUIRE
45 TO PERFORM HIS OR HER DUTIES UNDER THIS ARTICLE.

46 S 1296. SECRECY OF RETURNS AND REPORTS. (A) EXCEPT IN ACCORDANCE WITH
47 PROPER JUDICIAL ORDER OR AS OTHERWISE PROVIDED BY LAW, IT SHALL BE
48 UNLAWFUL FOR THE COMMISSIONER, ANY OFFICER OR EMPLOYEE OF THE DEPART-
49 MENT, ANY PERSON ENGAGED OR RETAINED BY THE DEPARTMENT ON AN INDEPENDENT
50 CONTRACT BASIS, OR ANY PERSON WHO IN ANY MANNER MAY ACQUIRE KNOWLEDGE OF
51 THE CONTENTS OF A RETURN OR REPORT FILED WITH THE COMMISSIONER PURSUANT
52 TO THIS ARTICLE, TO DIVULGE OR MAKE KNOWN IN ANY MANNER ANY PARTICULARS
53 SET FORTH OR DISCLOSED IN ANY SUCH RETURN OR REPORT. THE OFFICERS
54 CHARGED WITH THE CUSTODY OF SUCH RETURNS AND REPORTS SHALL NOT BE
55 REQUIRED TO PRODUCE ANY OF THEM OR EVIDENCE OF ANYTHING CONTAINED IN
56 THEM IN ANY ACTION OR PROCEEDING IN ANY COURT, EXCEPT ON BEHALF OF THE

1 COMMISSIONER IN AN ACTION OR PROCEEDING UNDER THE PROVISIONS OF THIS
2 CHAPTER OR IN ANY OTHER ACTION OR PROCEEDING INVOLVING THE COLLECTION OF
3 A STATE ASSESSMENT FEE DUE UNDER THIS ARTICLE TO WHICH THE STATE OR THE
4 COMMISSIONER IS A PARTY OR A CLAIMANT, OR ON BEHALF OF ANY PARTY TO ANY
5 ACTION, PROCEEDING OR HEARING UNDER THE PROVISIONS OF THIS ARTICLE WHEN
6 THE RETURNS, REPORTS OR FACTS SHOWN THEREBY ARE DIRECTLY INVOLVED IN
7 SUCH ACTION, PROCEEDING OR HEARING, IN ANY OF WHICH EVENTS THE COURT, OR
8 IN THE CASE OF A HEARING, THE DIVISION OF TAX APPEALS MAY REQUIRE THE
9 PRODUCTION OF, AND MAY ADMIT INTO EVIDENCE, SO MUCH OF SAID RETURNS,
10 REPORTS OR OF THE FACTS SHOWN THEREBY, AS ARE PERTINENT TO THE ACTION,
11 PROCEEDING OR HEARING AND NO MORE. THE COMMISSIONER OR THE DIVISION OF
12 TAX APPEALS MAY, NEVERTHELESS, PUBLISH A COPY OR A SUMMARY OF ANY DECI-
13 SION RENDERED AFTER A HEARING REQUIRED BY THIS ARTICLE. NOTHING IN THIS
14 SECTION SHALL BE CONSTRUED TO PROHIBIT THE DELIVERY TO A PERSON WHO HAS
15 FILED A RETURN OR REPORT OR TO SUCH PERSON'S DULY AUTHORIZED REPRESENTATIVE
16 OF A CERTIFIED COPY OF ANY RETURN OR REPORT FILED IN CONNECTION
17 WITH SUCH PERSON'S STATE ASSESSMENT FEE. NOR SHALL ANYTHING IN THIS
18 SECTION BE CONSTRUED TO PROHIBIT THE PUBLICATION OF STATISTICS SO CLAS-
19 SIFIED AS TO PREVENT THE IDENTIFICATION OF PARTICULAR RETURNS OR REPORTS
20 AND THE ITEMS THEREOF, OR THE INSPECTION BY THE ATTORNEY GENERAL OR
21 OTHER LEGAL REPRESENTATIVES OF THE STATE OF THE RETURN OR REPORT OF ANY
22 PERSON REQUIRED TO PAY THE STATE ASSESSMENT FEE WHO SHALL BRING ACTION
23 TO REVIEW THE STATE ASSESSMENT FEE BASED THEREON, OR AGAINST WHOM AN
24 ACTION OR PROCEEDING UNDER THIS CHAPTER HAS BEEN RECOMMENDED BY THE
25 COMMISSIONER OR THE ATTORNEY GENERAL OR HAS BEEN INSTITUTED, OR THE
26 INSPECTION OF THE RETURNS OR REPORTS REQUIRED UNDER THIS ARTICLE BY THE
27 COMPTROLLER OR DULY DESIGNATED OFFICER OR EMPLOYEE OF THE STATE DEPART-
28 MENT OF AUDIT AND CONTROL, FOR PURPOSES OF THE AUDIT OF A REFUND OF ANY
29 STATE ASSESSMENT FEE PAID BY A PERSON REQUIRED TO PAY THE STATE ASSESS-
30 MENT FEE UNDER THIS ARTICLE. PROVIDED, FURTHER, NOTHING IN THIS SECTION
31 SHALL BE CONSTRUED TO PROHIBIT THE DISCLOSURE, IN SUCH MANNER AS THE
32 COMMISSIONER DEEMS APPROPRIATE, OF THE NAMES AND OTHER APPROPRIATE IDEN-
33 TIFYING INFORMATION OF THOSE PERSONS REQUIRED TO PAY STATE ASSESSMENT
34 FEE UNDER THIS ARTICLE.

35 (B) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION (A) OF THIS SECTION,
36 THE COMMISSIONER, IN HIS OR HER DISCRETION, MAY REQUIRE OR PERMIT ANY OR
37 ALL PERSONS LIABLE FOR ANY STATE ASSESSMENT FEE IMPOSED BY THIS ARTICLE,
38 TO MAKE PAYMENT TO BANKS, BANKING HOUSES OR TRUST COMPANIES DESIGNATED
39 BY THE COMMISSIONER AND TO FILE RETURNS WITH SUCH BANKS, BANKING HOUSES
40 OR TRUST COMPANIES AS AGENTS OF THE COMMISSIONER, IN LIEU OF PAYING ANY
41 SUCH STATE ASSESSMENT FEE DIRECTLY TO THE COMMISSIONER. HOWEVER, THE
42 COMMISSIONER SHALL DESIGNATE ONLY SUCH BANKS, BANKING HOUSES OR TRUST
43 COMPANIES AS ARE ALREADY DESIGNATED BY THE COMPTROLLER AS DEPOSITORIES
44 PURSUANT TO SECTION TWELVE HUNDRED EIGHTY-EIGHT OF THIS CHAPTER.

45 (C) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION (A) OF THIS SECTION,
46 THE COMMISSIONER MAY PERMIT THE SECRETARY OF THE TREASURY OF THE UNITED
47 STATES OR SUCH SECRETARY'S DELEGATE, OR THE AUTHORIZED REPRESENTATIVE OF
48 EITHER SUCH OFFICER, TO INSPECT ANY RETURN FILED UNDER THIS ARTICLE, OR
49 MAY FURNISH TO SUCH OFFICER OR SUCH OFFICER'S AUTHORIZED REPRESENTATIVE
50 AN ABSTRACT OF ANY SUCH RETURN OR SUPPLY SUCH PERSON WITH INFORMATION
51 CONCERNING AN ITEM CONTAINED IN ANY SUCH RETURN, OR DISCLOSED BY ANY
52 INVESTIGATION OF LIABILITY UNDER THIS ARTICLE, BUT SUCH PERMISSION SHALL
53 BE GRANTED OR SUCH INFORMATION FURNISHED ONLY IF THE LAWS OF THE UNITED
54 STATES GRANT SUBSTANTIALLY SIMILAR PRIVILEGES TO THE COMMISSIONER OR
55 OFFICER OF THIS STATE CHARGED WITH THE ADMINISTRATION OF THE STATE
56 ASSESSMENT FEE IMPOSED BY THIS ARTICLE, AND ONLY IF SUCH INFORMATION IS

1 TO BE USED FOR PURPOSES OF TAX ADMINISTRATION ONLY; AND PROVIDED FURTHER
2 THE COMMISSIONER MAY FURNISH TO THE COMMISSIONER OF INTERNAL REVENUE OR
3 SUCH COMMISSIONER'S AUTHORIZED REPRESENTATIVE SUCH RETURNS FILED UNDER
4 THIS ARTICLE AND OTHER TAX INFORMATION, AS SUCH COMMISSIONER MAY CONSID-
5 ER PROPER, FOR USE IN COURT ACTIONS OR PROCEEDINGS UNDER THE INTERNAL
6 REVENUE CODE, WHETHER CIVIL OR CRIMINAL, WHERE A WRITTEN REQUEST THERE-
7 FOR HAS BEEN MADE TO THE COMMISSIONER BY THE SECRETARY OF THE TREASURY
8 OF THE UNITED STATES OR SUCH SECRETARY'S DELEGATE, PROVIDED THE LAWS OF
9 THE UNITED STATES GRANT SUBSTANTIALLY SIMILAR POWERS TO THE SECRETARY OF
10 THE TREASURY OF THE UNITED STATES OR HIS OR HER DELEGATE. WHERE THE
11 COMMISSIONER HAS SO AUTHORIZED USE OF RETURNS AND OTHER INFORMATION IN
12 SUCH ACTIONS OR PROCEEDINGS, OFFICERS AND EMPLOYEES OF THE DEPARTMENT
13 MAY TESTIFY IN SUCH ACTIONS OR PROCEEDINGS IN RESPECT TO SUCH RETURNS OR
14 OTHER INFORMATION.

15 (D) RETURNS AND REPORTS FILED UNDER THIS ARTICLE SHALL BE PRESERVED
16 FOR THREE YEARS AND THEREAFTER UNTIL THE COMMISSIONER ORDERS THEM TO BE
17 DESTROYED.

18 (E) (1) ANY OFFICER OR EMPLOYEE OF THE STATE WHO WILLFULLY VIOLATES
19 THE PROVISIONS OF SUBDIVISION (A) OF THIS SECTION SHALL BE DISMISSED
20 FROM OFFICE AND BE INCAPABLE OF HOLDING ANY PUBLIC OFFICE FOR A PERIOD
21 OF FIVE YEARS THEREAFTER.

22 (2) CROSS-REFERENCE: FOR CRIMINAL PENALTIES, SEE ARTICLE THIRTY-SEVEN
23 OF THIS CHAPTER.

24 S 1297. PRACTICE AND PROCEDURE. THE PROVISIONS OF ARTICLE TWENTY-SEVEN
25 OF THIS CHAPTER SHALL APPLY WITH RESPECT TO THE ADMINISTRATION OF AND
26 PROCEDURE WITH RESPECT TO THE STATE ASSESSMENT FEE IMPOSED BY THIS ARTI-
27 CLE IN THE SAME MANNER AND WITH THE SAME FORCE AND EFFECT AS IF THE
28 LANGUAGE OF SUCH ARTICLE TWENTY-SEVEN HAD BEEN INCORPORATED IN FULL INTO
29 THIS ARTICLE AND HAD EXPRESSLY REFERRED TO THE STATE ASSESSMENT FEE
30 UNDER THIS ARTICLE, EXCEPT TO THE EXTENT THAT ANY SUCH PROVISION IS
31 EITHER INCONSISTENT WITH A PROVISION OF THIS ARTICLE OR IS NOT RELEVANT
32 TO THIS ARTICLE.

33 S 1298. DEPOSIT AND DISPOSITION OF REVENUE. ALL TAXES, FEES, INTEREST
34 AND PENALTIES COLLECTED OR RECEIVED BY THE COMMISSIONER UNDER THIS ARTI-
35 CLE SHALL BE DEPOSITED AND DISPOSED OF PURSUANT TO THE PROVISIONS OF
36 SECTION ONE HUNDRED SEVENTY-ONE-A OF THIS CHAPTER.

37 S 19. The tax law is amended by adding a new section 1822 to read as
38 follows:

39 S 1822. VIOLATION OF THE STATE ASSESSMENT FEE ON TRANSPORTATION
40 NETWORK COMPANY PREARRANGED TRIPS. ANY WILLFUL ACT OR OMISSION BY ANY
41 PERSON THAT CONSTITUTES A VIOLATION OF ANY PROVISION OF ARTICLE TWENTY-
42 NINE-B OF THIS CHAPTER SHALL CONSTITUTE A MISDEMEANOR.

43 S 20. Section 1825 of the tax law, as amended by section 89 of part A
44 of chapter 59 of the laws of 2014, is amended to read as follows:

45 S 1825. Violation of secrecy provisions of the tax law.--Any person
46 who violates the provisions of subdivision (b) of section twenty-one,
47 subdivision one of section two hundred two, subdivision eight of section
48 two hundred eleven, subdivision (a) of section three hundred fourteen,
49 subdivision one or two of section four hundred thirty-seven, section
50 four hundred eighty-seven, subdivision one or two of section five
51 hundred fourteen, subsection (e) of section six hundred ninety-seven,
52 subsection (a) of section nine hundred ninety-four, subdivision (a) of
53 section eleven hundred forty-six, section twelve hundred eighty-seven,
54 SECTION TWELVE HUNDRED NINETY-SIX, subdivision (a) of section fourteen
55 hundred eighteen, subdivision (a) of section fifteen hundred eighteen,
56 subdivision (a) of section fifteen hundred fifty-five of this chapter,

1 and subdivision (e) of section 11-1797 of the administrative code of the
2 city of New York shall be guilty of a misdemeanor.

3 S 21. 1. For purposes of this section, transportation network company
4 shall mean a transportation network company as defined by article
5 forty-four-B of the vehicle and traffic law.

6 2. There is hereby established the New York State Transportation
7 Network Company Accessibility Task Force to analyze and advise on how to
8 maximize effective and integrated transportation services for persons
9 with disabilities in the transportation network company market. The New
10 York State Transportation Network Company Accessibility Task Force shall
11 consist of eleven members. Two members of the New York State Transporta-
12 tion Network Company Accessibility Task Force shall be appointed by the
13 speaker of the assembly. Two members of the New York State Transporta-
14 tion Network Company Accessibility Task Force shall be appointed by the
15 temporary president of the senate. Seven members of the New York State
16 Transportation Network Company Accessibility Task Force shall be
17 appointed by the governor and shall include, but not be limited to, two
18 representatives of groups who serve persons with disabilities and two
19 representatives from a transportation network company. The governor
20 shall designate two chairpersons to the New York State Transportation
21 Network Company Accessibility Task Force.

22 3. The New York State Transportation Network Company Accessibility
23 Task Force shall study the demand responsive transportation marketplace
24 and shall, in addition to any responsibilities assigned by the governor:
25 (a) conduct a needs assessment concerning the demand for demand respon-
26 sive accessible transportation; (b) conduct a resource assessment
27 concerning the availability of accessible demand responsive transporta-
28 tion services for persons with disabilities; (c) identify opportunities
29 for, and barriers to, increasing accessible demand responsive transpor-
30 tation service for persons with mobility disabilities; (d) propose stra-
31 tegies for increasing accessible demand responsive transportation
32 service for persons with disabilities; and (e) any other issues deter-
33 mined important to the task force in establishing a recommendation
34 pursuant to subdivision five of this section.

35 4. The New York State Transportation Network Company Accessibility
36 Task Force shall hold public hearings and provide an opportunity for
37 public comment on the activities described in subdivision two of this
38 section.

39 5. The New York State Transportation Network Company Accessibility
40 Task Force shall complete a report addressing the activities described
41 in subdivision two of this section and make a recommendation, supported
42 by such activities, recommending the amount of accessibility necessary
43 for adequate transportation for disabled passengers in order to utilize
44 such services and present such findings at a public meeting where its
45 members shall accept such report, pursuant to majority vote of the task
46 force, and present such report to the governor, the speaker of the
47 assembly and the temporary president of the senate, and make such report
48 publicly available for review on or before January first, two thousand
49 nineteen.

50 6. Upon making the report described in subdivision five of this
51 section, the New York State Transportation Network Company Accessibility
52 Task Force shall be deemed dissolved.

53 S 22. 1. For purposes of this section, transportation network company
54 ("TNC") and TNC driver shall have the same meaning as such terms are
55 defined by article 44-B of the vehicle and traffic law. Region shall

1 mean one or more of the following named areas comprised of the counties
2 indicated:

3 (a) Western New York: Allegany, Cattaraugus, Chautauqua, Erie, and
4 Niagara counties;

5 (b) Finger Lakes: Genesee, Livingston, Monroe, Ontario, Orleans, Sene-
6 ca, Wayne, Wyoming, and Yates counties;

7 (c) Southern Tier: Broome, Chemung, Chenango, Delaware, Schuyler,
8 Steuben, Tioga, and Tompkins counties;

9 (d) Central New York: Cayuga, Cortland, Madison, Onondaga, and Oswego
10 counties;

11 (e) Mohawk Valley: Fulton, Herkimer, Montgomery, Oneida, Otsego, and
12 Schoharie counties;

13 (f) North Country: Clinton, Essex, Franklin, Hamilton, Jefferson,
14 Lewis, and St. Lawrence counties;

15 (g) Capital Region: Albany, Columbia, Greene, Rensselaer, Saratoga,
16 Schenectady, Warren, and Washington counties;

17 (h) Mid-Hudson: Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster,
18 and Westchester counties; and

19 (i) Long Island: Nassau, and Suffolk counties.

20 2. (a) There is hereby established the New York State Transportation
21 Network Company Review Board. The board shall consist of 16 members who
22 shall be selected as follows:

23 (i) one shall be the commissioner of the department of motor vehicles
24 or his or her designee who shall serve as the chairperson;

25 (ii) one shall be the superintendent of the department of financial
26 services or his or her designee;

27 (iii) one shall be the commissioner of the department of labor or his
28 or her designee;

29 (iv) one shall be the superintendent of the New York state police or
30 his or her designee;

31 (v) one shall be the commissioner of the New York state department of
32 economic development or his or her designee;

33 (vi) eleven shall be appointed by the governor; provided, however,
34 that one shall be a representative of the New York black car operators'
35 injury compensation fund inc., one shall be a representative of a trans-
36 portation network company, and all regions as provided for in subdivi-
37 sion 1 of this section shall be represented;

38 (vii) three of such representatives of regions shall be appointed upon
39 recommendation of the temporary president of the senate; and

40 (viii) three of such representatives of regions shall be appointed
41 upon recommendation of the speaker of the assembly.

42 (b) The regional members appointed shall represent cities with a popu-
43 lation over one hundred thousand and a county contained within a region
44 as provided for in subdivision 1 of this section; provided, however,
45 that no two members shall represent the same region. Such cities shall
46 not include a city with a population of one million or more.

47 3. The New York state transportation network company review board
48 shall review issues related to the general operation of TNCs within the
49 state. Such issues shall include, but not be limited to: (a) TNC licens-
50 ing; (b) TNC Driver permitting; (c) geographic operation; (d) consumer
51 protection; (e) economic impact; (f) anti-discrimination; (g) workers'
52 compensation; (h) local government related impact; (i) public safety;
53 (j) surge pricing; and (k) any other issue deemed appropriate and proper
54 by the board.

55 4. The New York state transportation network company review board
56 shall hold no more than four public hearings and provide an opportunity

1 for the public, local government officials, and other interested parties
2 to comment on areas pertinent to the activities of the board. The New
3 York state transportation network company review board shall complete
4 and submit a comprehensive report addressing the activities described in
5 subdivision three of this section on or before January 1, 2019. Upon
6 formal adoption by the review board, such report shall be presented to
7 the governor, the speaker of the assembly and the temporary president of
8 the senate. Upon the presentation of such report, the New York state
9 transportation network review board shall be deemed dissolved.

10 S 23. Severability clause. If any provision of this act or the appli-
11 cation thereof is held invalid, such invalidity shall not affect other
12 provisions or applications of this act which can be given effect without
13 the invalid provision or application, and to this end the provisions of
14 this act are declared to be severable.

15 S 24. Each agency that is designated to perform any function or duty
16 pursuant to this act shall be authorized to establish rules and regu-
17 lations for the administration and execution of such authority in a
18 manner consistent with the provisions of this act and for the protection
19 of the public, health, safety and welfare of persons within this state.

20 S 25. The New York black car operators injury compensation fund, inc.
21 shall complete a study on the impact of the inclusion of TNC drivers on
22 such fund no later than ten months from the effective date of this act.

23 S 26. This act shall take effect on the ninetieth day after it shall
24 have become a law; provided that the amendments to subdivision 1 of
25 section 171-a of the tax law made by section fifteen of this act shall
26 not affect the expiration of such subdivision and shall expire there-
27 with, when upon such date the provisions of section sixteen of this act
28 shall take effect; provided however that coverage provided pursuant to
29 paragraph (b) of subdivision 1 of section 160-cc of the executive law as
30 added by section eleven of this act shall be deemed repealed one year
31 from the effective date of this act; provided, further, that any TNC
32 driver permitted to operate prior to the repeal of such paragraph shall
33 not see a reduction in coverage.

34 PART BBB

35 Section 1. County-wide shared services property tax savings plan. 1.
36 Notwithstanding the provisions of the municipal home rule law, the
37 alternative county government law, or any other general, special or
38 local law to the contrary, the chief executive officer of each county
39 outside of a city of one million or more shall prepare a property tax
40 savings plan for shared, coordinated and efficient services among the
41 county, cities, towns and villages within such county.

42 Such plan may include school districts, boards of cooperative educa-
43 tional services, and special improvement districts within such county if
44 the school district, board of cooperative educational services, or
45 special improvement district has a representative on the shared services
46 panel.

47 2. a. There shall be a shared services panel in each county consisting
48 of the chief executive officer of the county, who shall serve as chair,
49 and one representative from each city, town, and village in the county.

50 b. The chief executive officer of each town, city and village shall be
51 the representative to the shared services panel and shall be the mayor,
52 if a city or a village, or shall be the supervisor, if a town.

53 c. The chief executive officer of the county may invite any school
54 district, any board of cooperative educational services, and/or any

1 special improvement district in the county to participate in the coun-
2 ty-wide shared services property tax savings plan. Upon such invitation,
3 the governing body of such school district, board of cooperative educa-
4 tional services, and/or a special improvement district may accept such
5 invitation by selecting a representative of such governing body, by
6 majority vote, to serve as a member of the shared services panel.

7 d. In the development of the county-wide shared services property tax
8 savings plan, the chief executive officer of the county shall regularly
9 consult with, and take recommendations from, all the representatives of
10 the shared services panel, as well as with and from the representative
11 of each collective bargaining unit of the county and the cities, towns,
12 and villages as well as from the representative of each collective
13 bargaining unit of any participating school district, board of cooper-
14 ative educational services and special improvement district.

15 3. Public input, as well as input from civic, business, labor, and
16 community leaders, shall be accepted by the chief executive officer, the
17 county legislative body and the shared services panel on the proposed
18 county-wide shared services property tax savings plan. To facilitate
19 such input, three or more public hearings shall be arranged to be held
20 within the county. All such public hearings shall be conducted prior to
21 the submission of the county-wide shared services property tax savings
22 plan to a vote of the shared services panel, and public notice of all
23 such hearings shall be provided at least one week prior in the manner
24 prescribed in subdivision 1 of section 104 of the public officers law.
25 Civic, business, labor, and community leaders, as well as members of the
26 public, shall be permitted to provided public testimony at any such
27 hearings.

28 4. a. Such property tax savings plan shall contain new recurring prop-
29 erty tax savings through actions such as, but not limited to, the elimi-
30 nation of duplicative services; shared services, such as joint purchas-
31 ing, shared highway equipment, shared storage facilities, shared plowing
32 services, and energy and insurance purchasing cooperatives; reduction in
33 back office administrative overhead; and better coordination of
34 services.

35 b. The chief executive officer of the county shall submit such proper-
36 ty tax savings plan to the county legislative body no later than August
37 first, two thousand seventeen. Such property tax savings plan shall be
38 accompanied by a certification as to the accuracy of the savings
39 contained therein.

40 c. The county legislative body shall review and consider the county-
41 wide shared services plan submitted to it in accordance with paragraph b
42 of this subdivision. A majority of the members of such body may issue an
43 advisory report making recommendations as deemed necessary. The chief
44 executive officer may make modifications to the plan based on such
45 recommendations. If modifications are made by the chief executive offi-
46 cer, he or she shall produce an updated certification as to the accuracy
47 of the savings contained therein.

48 d. The county shared services panel shall consider the county-wide
49 shared services tax savings plan. A majority vote of the panel shall be
50 required for approval of such plan, provided however that each member of
51 the panel may, prior to the panel-wide vote, cause to be removed from
52 the plan any proposed action that affects the unit of local government
53 represented by the respective member. Written notice of such removal
54 shall be provided to the chief executive officer of the county prior to
55 the panel-wide vote on the plan.

1 e. If a county does not achieve an approved county-wide shared
 2 services property tax savings plan by the deadlines required for 2017,
 3 then it shall release to the public a report on the proposal, the vote
 4 of the panel which vote shall require each panel member, in writing to
 5 state the reason for such vote. The county shall then follow the same
 6 procedures defined in this section to attempt to produce an approved
 7 county-wide shared services property tax savings plan by the deadlines
 8 required for 2018.

9 5. a. Upon approval of the shared services panel, the chief executive
 10 officer of the county shall finalize the county-wide shared services
 11 property tax savings plan and shall transmit to the director of the
 12 division of the budget a certification of the plan and its property tax
 13 savings plan. The chief executive officer of the county shall finalize
 14 any such approved county-wide shared services property tax savings plan
 15 no later than September fifteenth, two thousand seventeen, and any such
 16 plan shall be publicly disseminated to residents of the county in a
 17 concise, clear, and coherent manner using words with common and everyday
 18 meanings.

19 b. The beginning of the plan publicly disseminated shall contain the
 20 information and shall be in the form set forth hereinbelow:

21 County-wide Shared Services Property Tax Savings Plan Summary

22	Row 1	Participating Cities	(insert number of cities in the
23			county as well as the number and list
24			of such cities with a representative
25			on the panel who voted on such plan)
26	Row 2	Participating Towns	(insert number of towns in the county
27			as well as the number and list of
28			such towns with a representative
29			on the panel who voted on such plan)
30	Row 3	Participating Villages	(insert number of villages in the
31			county as well as the number and list of
32			such villages with a representative
33			on the panel who voted on such plan)
34	Row 4	Participating school	(insert number of school districts,
35		districts, BOCES, and	BOCES, and special improvement
36		special improvement	districts in the county as
37		districts	well as the number and list of
38			such school districts, BOCES, and
39			special improvement districts
40			with a representative on the
41			panel who voted on such plan)
42	Row 5	2017 Local	(insert sum total of property
43		Government property	taxes levied in the year
44		taxes	2017 by the county, cities, towns,
45			villages, school districts,
46			BOCES, and special improvement
47			districts within such county)
48	Row 6	2017 Participating	(insert sum total of property
49		Entities property	taxes levied in the year 2017 by the
50		taxes	county, any cities, towns, villages,
51			school districts, BOCES, and
52			special improvements districts
53			identified as participating in
54			the panel in rows one through

1		four above)
2	Row 7	Total Anticipated
3		Savings
4		(insert sum total of net
5		savings in such plan certified
6		as being anticipated in calendar
7	Row 8	year 2018, calendar year 2019,
8		and annually thereafter)
9		(insert sum total of net
10		savings in such plan
11		certified as being anticipated
12		in calendar year 2018 as a
13		percentage of the sum total in
14		Row 6, calendar year 2019
15		as a percentage of the sum total
16		in Row 6, and annually
17	Row 9	thereafter as a percentage of the
18		sum total in Row 6)
19		(insert the amount of the
20		savings that the average
21		taxpayer in the county
22		will realize in calendar year
23		2018, calendar year 2019,
24		and annually thereafter if the
25	Row 10	net savings certified
26		in the plan are realized)
27		(insert the percentage amount a
28		homeowner can expect his or her
29		property taxes to increase or
30		decrease in calendar year 2018,
31		calendar year 2019, and
32		annually thereafter if
33	Row 11	the net savings certified in the
34		plan are realized)
35		(insert the percentage amount a
36		business can expect its property
37		taxes to increase or decrease in
38		calendar year 2018, calendar year
39		2019, and annually thereafter if
40		the net savings certified in the
41		plan are realized)

40 c. The chief executive officer of the county shall conduct a public
41 presentation of the plan no later than October 15, 2017. Public notice
42 of such public presentation shall be provided at least one week prior in
43 the manner prescribed in subdivision 1 of section 104 of the public
44 officers law.

45 d. Any such finalized property tax savings plan which would have the
46 effect of transferring or abolishing a function or duty of the county or
47 of the cities, towns, villages, districts or other units of government
48 wholly contained in the county, shall not become operative unless and
49 until it is approved in accordance with subdivision (h) of section one
50 of article nine of the state constitution.

51 6. a. If the county-wide property tax savings plan shall fail to
52 obtain the approval of the shared services panel, voting on the plan in
53 accordance with this section, the chief executive officer of the county
54 shall resubmit such plan to the shared services panel, in accordance
55 with the procedures established for first consideration of the plan

1 outlined by this section, no later than August first, two thousand eigh-
2 teen.

3 b. Any proposed county-wide shared services property tax savings plan
4 prepared for reconsideration by the shared services panel, shall follow
5 the same procedures prescribed in this section for original consider-
6 ation in two thousand seventeen. No county-wide shared services property
7 tax savings plan shall be deemed approved, or may be finalized, without
8 approval of such plan by the shared services panel.

9 c. If the shared services panel approves the proposed county-wide
10 shared services property tax savings plan for 2018, the chief executive
11 officer of the county shall finalize any such approved county-wide
12 shared services property tax savings plan no later than September
13 fifteenth, two thousand eighteen, and any such plan shall be publicly
14 disseminated to residents of the county in a concise, clear, and coher-
15 ent manner using words with common and everyday meanings.

16 d. The beginning of the plan publicly disseminated shall contain the
17 information and shall be in the form set forth hereinbelow:

18 County-wide Shared Services Property Tax Savings Plan Summary

19	Row 1	Participating Cities	(insert number of cities in the
20			county as well as the number
21			and list of such cities with
22			a representative on the
23			panel who voted on such plan)
24	Row 2	Participating Towns	(insert number of towns in the
25			county as well as the number
26			and list of such towns with
27			a representative on the
28			panel who voted on such plan)
29	Row 3	Participating Villages	(insert number of villages in the
30			county as well as the number
31			and list of such villages with
32			a representative on the
33			panel who voted on such plan)
34	Row 4	Participating school	(insert number of school
35		districts, BOCES, and	districts, BOCES, and special
36		special improvement	improvement
37		districts	districts in the county
38			as well as the number
39			and list of such school districts,
40			BOCES, and special improvement
41			districts with a representative
42			one the panel who voted on
43			such plan)
44	Row 5	2018 Local Government	(insert sum total of property taxes
45		property	levied in the year 2018 by the
46		taxes	county, cities, towns, villages,
47			school districts, BOCES, and
48			special improvement districts
49			within such county)
50	Row 6	2018 Participating	(insert sum total of property taxes
51		Entities property	levied in the year 2018 by the
52		taxes	county, any cities, towns, villages,
53			school districts, BOCES,
54			and special improvement districts
55			identified as participating

1			in the panel in
2			rows one through four above)
3	Row 7	Total Anticipated	(insert sum total of net savings in
4		Savings	such plan certified as being
5			anticipated in calendar year 2019,
6			calendar year 2020, and annually
7			thereafter)
8	Row 8	Anticipated Savings	(insert sum total of net savings in
9		as a Percentage	such plan certified as being
10		of Participating	anticipated in calendar year 2019
11		Entities property	as a percentage of the
12		taxes	sum total in Row 6, calendar
13			year 2020 as a percentage of the
14			sum total in Row 6, and annually
15			thereafter as a percentage
16			of the sum total in Row 6)
17	Row 9	Anticipated Savings	(insert the amount of
18		to the Average	the savings that the average
19		Taxpayer	taxpayer in the county will
20			realize in calendar year 2019,
21			calendar year 2020, and
22			annually thereafter if the net
23			savings certified in the plan
24			are realized)
25	Row 10	Anticipated	(insert the percentage amount a
26		Costs/Savings to	homeowner can expect his or her
27		the Average	property taxes to increase or
28		Homeowner	decrease in calendar year
29		2019, calendar year	
30			2020, and annually thereafter if
31			the net savings certified in the
32			plan are realized)
33	Row 11	Anticipated	(insert the percentage amount a
34		Costs/Savings to	business can expect its property
35		the Average	taxes to increase or decrease in
36		Business	calendar year 2019, calendar year
37			2020, and annually thereafter if
38			the net savings certified in the
39			plan are realized)

40 e. The chief executive officer of the county shall conduct a public
41 presentation of the plan no later than October 15, 2018. Public notice
42 of such public presentation shall be provided at least one week prior in
43 the manner prescribed in subdivision 1 of section 104 of the public
44 officers law.

45 f. Any such finalized property tax savings plan which would have the
46 effect of transferring or abolishing a function or duty of the county or
47 of the cities, towns, villages, districts or other units of government
48 wholly contained in the county, shall not become operative unless and
49 until it is approved in accordance with subdivision (h) of section one
50 of article nine of the state constitution.

51 7. For the purposes of this part "chief executive officer" means the
52 county executive, county manager or other chief executive of the county,
53 or where none, the chair of the county legislative body.

54 8. Each county plan may be eligible for one-time funding to match
55 savings in such plan, subject to available appropriation. The secretary
56 of state shall develop an application, approved by the director of the

1 budget, with any necessary requirements to receive such matching fund-
2 ing. Savings that are actually and demonstrably realized by the partic-
3 ipating local governments are eligible for matching funding. For actions
4 that are a part of an approved plan finalized in 2017, savings from new
5 actions implemented on or after January 1, 2018 are eligible for match-
6 ing funding. For actions that are a part of an approved plan finalized
7 in 2017, savings achieved from January 1, 2018 through December 31, 2018
8 are eligible for matching funding. For actions that are a part of an
9 approved plan finalized in 2018, savings from new actions implemented on
10 or after January 1, 2019 are eligible for matching funding. For actions
11 that are a part of an approved plan finalized in 2018, savings achieved
12 from January 1, 2019 through December 31, 2019 are eligible for matching
13 funding. Only net savings between local governments for each action
14 would be eligible for matching funding. Savings from internal efficien-
15 cies or any other actions taken by a local government without the
16 participation of another local government are not eligible for matching
17 funding. Each county and all of the local governments within the county
18 that are part of any action to be implemented as part of the approved
19 plan must collectively apply for the matching funding and agree on the
20 distribution and use of any matching funding in order to qualify for
21 matching funding.

22 9. Where the implementation of any component of such finalized proper-
23 ty tax savings plan is, by any other general or special law, subject to
24 a public hearing, a mandatory or permissive referendum, consents of
25 governmental agencies, or other requirements applicable to the making of
26 contracts, then implementation of such component shall be conditioned on
27 compliance with such requirements.

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

37 S 2. School district and board of cooperative educational services
38 participation in county-wide shared services property tax savings plans.
39 Notwithstanding any provision of the education law, or any other
40 provision of law, rule or regulation, to the contrary, any school
41 district or board of cooperative educational services may participate in
42 a county-wide shared services property tax savings plan established
43 pursuant to the provisions of this chapter, and may further participate
44 in any of the activities listed in paragraph a of subdivision 4 of
45 section one of this act with any participating county, town, city,
46 village, special improvement district, school district and/or board of
47 cooperative educational services participating in such county-wide
48 shared services property tax saving plan.

49 S 3. This act shall take effect immediately.

50

PART CCC

51 Section 1. The opening paragraph of subdivision (h) of section 121 of
52 chapter 261 of the laws of 1988, amending the state finance law and
53 other laws relating to the New York state infrastructure trust fund, as

1 amended by section 2 of part Q of chapter 58 of the laws of 2015, is
2 amended to read as follows:

3 The provisions of [section] SECTIONS sixty-two through sixty-six of
4 this act shall expire APRIL FIFTEENTH, TWO THOUSAND EIGHTEEN, PROVIDED,
5 HOWEVER, THAT IF THE STATEWIDE DISPARITY STUDY REGARDING THE PARTIC-
6 IPATION OF MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES IN STATE
7 CONTRACTS REQUIRED PURSUANT TO SUBDIVISION ONE OF SECTION THREE HUNDRED
8 TWELVE-A OF THE EXECUTIVE LAW IS COMPLETED AND DELIVERED TO THE GOVERNOR
9 AND THE LEGISLATURE ON OR BEFORE JUNE THIRTIETH, TWO THOUSAND SEVENTEEN,
10 THEN THE PROVISIONS OF SECTIONS SIXTY-TWO THROUGH SIXTY-SIX OF THIS ACT
11 SHALL EXPIRE on December thirty-first, two thousand [seventeen]
12 EIGHTEEN, except that:

13 S 2. This act shall take effect immediately.

14

PART DDD

15 Section 1. Section 606 of the tax law is amended by adding a new
16 subsection (n-2) to read as follows:

17 (N-2) CREDIT FOR FARM DONATIONS TO FOOD PANTRIES. (1) GENERAL. IN THE
18 CASE OF A TAXPAYER WHO IS AN ELIGIBLE FARMER, THERE SHALL BE ALLOWED A
19 CREDIT, TO BE COMPUTED AS HEREINAFTER PROVIDED, AGAINST THE TAX IMPOSED
20 BY THIS ARTICLE FOR TAXABLE YEARS BEGINNING ON AND AFTER JANUARY FIRST,
21 TWO THOUSAND EIGHTEEN. THE AMOUNT OF THE CREDIT SHALL BE TWENTY-FIVE
22 PERCENT OF THE FAIR MARKET VALUE OF THE TAXPAYER'S QUALIFIED DONATIONS
23 MADE TO ANY ELIGIBLE FOOD PANTRY DURING THE TAXABLE YEAR, NOT TO EXCEED
24 FIVE THOUSAND DOLLARS PER TAXABLE YEAR. IF THE TAXPAYER IS A PARTNER IN
25 A PARTNERSHIP OR A SHAREHOLDER OF A NEW YORK S CORPORATION, THEN THE CAP
26 IMPOSED BY THE PRECEDING SENTENCE SHALL BE APPLIED AT THE ENTITY LEVEL,
27 SO THAT THE AGGREGATE CREDIT ALLOWED TO ALL PARTNERS OR SHAREHOLDERS OF
28 SUCH ENTITY IN THE TAXABLE YEAR DOES NOT EXCEED FIVE THOUSAND DOLLARS.

29 (2) ELIGIBLE FARMER. FOR PURPOSES OF THIS SUBSECTION, THE TERM "ELIGI-
30 BLE FARMER" MEANS A TAXPAYER WHOSE FEDERAL GROSS INCOME FROM FARMING FOR
31 THE TAXABLE YEAR IS AT LEAST TWO-THIRDS OF EXCESS FEDERAL GROSS INCOME.
32 EXCESS FEDERAL GROSS INCOME MEANS THE AMOUNT OF FEDERAL GROSS INCOME
33 FROM ALL SOURCES FOR THE TAXABLE YEAR REDUCED BY THE SUM (NOT TO EXCEED
34 THIRTY THOUSAND DOLLARS) OF THOSE ITEMS INCLUDED IN FEDERAL GROSS INCOME
35 THAT CONSIST OF: (I) EARNED INCOME, (II) PENSION PAYMENTS, INCLUDING
36 SOCIAL SECURITY PAYMENTS, (III) INTEREST, AND (IV) DIVIDENDS. FOR
37 PURPOSES OF THIS PARAGRAPH, THE TERM "EARNED INCOME" SHALL MEAN WAGES,
38 SALARIES, TIPS AND OTHER EMPLOYEE COMPENSATION, AND THOSE ITEMS OF GROSS
39 INCOME THAT ARE INCLUDIBLE IN THE COMPUTATION OF NET EARNINGS FROM
40 SELF-EMPLOYMENT. FOR THE PURPOSES OF THIS PARAGRAPH, PAYMENTS FROM THE
41 STATE'S FARMLAND PROTECTION PROGRAM, ADMINISTERED BY THE DEPARTMENT OF
42 AGRICULTURE AND MARKETS, SHALL BE INCLUDED AS FEDERAL GROSS INCOME FROM
43 FARMING FOR OTHERWISE ELIGIBLE FARMERS.

44 (3) QUALIFIED DONATION. FOR PURPOSES OF THIS SUBSECTION, THE TERM
45 "QUALIFIED DONATION" MEANS A DONATION OF ANY APPARENTLY WHOLESOME FOOD,
46 AS DEFINED IN SECTION 170(E)(3)(C)(VI) OF THE INTERNAL REVENUE CODE,
47 GROWN OR PRODUCED WITHIN THIS STATE, BY AN ELIGIBLE FARMER TO AN ELIGI-
48 BLE FOOD PANTRY.

49 (4) ELIGIBLE FOOD PANTRY. FOR PURPOSES OF THIS SUBSECTION, THE TERM
50 "ELIGIBLE FOOD PANTRY" MEANS ANY FOOD PANTRY, FOOD BANK, OR OTHER EMER-
51 GENY FOOD PROGRAM OPERATING WITHIN THIS STATE THAT HAS QUALIFIED FOR
52 TAX EXEMPTION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE.

53 (5) DETERMINATION OF FAIR MARKET VALUE. FOR PURPOSES OF THIS
54 SUBSECTION, TO DETERMINE THE FAIR MARKET VALUE OF APPARENTLY WHOLESOME

1 FOOD DONATED TO AN ELIGIBLE FOOD PANTRY, THE STANDARDS SET FORTH UNDER
2 SECTION 170(E)(3)(C)(V) OF THE INTERNAL REVENUE CODE SHALL APPLY.

3 (6) RECORD OF DONATION. TO CLAIM A CREDIT UNDER THIS SUBSECTION, A
4 TAXPAYER MUST GET AND KEEP A RECEIPT FROM THE ELIGIBLE FOOD PANTRY SHOW-
5 ING: (I) THE NAME OF THE ELIGIBLE FOOD PANTRY; (II) THE DATE AND
6 LOCATION OF THE QUALIFIED DONATION; AND (III) A REASONABLY DETAILED
7 DESCRIPTION OF THE QUALIFIED DONATION. A LETTER OR OTHER WRITTEN COMMU-
8 NICATION FROM THE ELIGIBLE FOOD PANTRY ACKNOWLEDGING RECEIPT OF THE
9 CONTRIBUTION AND CONTAINING THE INFORMATION IN SUBPARAGRAPHS (I), (II),
10 AND (III) OF THIS PARAGRAPH WILL SERVE AS A RECEIPT.

11 (7) APPLICATION OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT UNDER
12 THIS SUBSECTION AGAINST THE TAX IMPOSED BY THIS ARTICLE. HOWEVER, IF THE
13 AMOUNT OF CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR
14 EXCEEDS THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS WILL BE TREATED AS
15 AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE
16 PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE. PROVIDED,
17 HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION SIX HUNDRED EIGHT-
18 Y-EIGHT OF THIS ARTICLE NOTWITHSTANDING, NO INTEREST WILL BE PAID THERE-
19 ON.

20 S 2. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
21 of the tax law is amended by adding a new clause (xlirii) to read as
22 follows:

23 (XLIIII) FARM DONATIONS TO FOOD	AMOUNT OF CREDIT UNDER
24 PANTRIES CREDIT UNDER	SUBDIVISION FIFTY-TWO OF
25 SUBSECTION (N-2)	SECTION TWO HUNDRED TEN-B

26 S 3. Subsection (c) of section 615 of the tax law is amended by adding
27 a new paragraph 9 to read as follows:

28 (9) WITH RESPECT TO A TAXPAYER WHO HAS CLAIMED THE FARM DONATIONS TO
29 FOOD PANTRIES CREDIT PURSUANT TO SUBSECTION (N-2) OF SECTION SIX HUNDRED
30 SIX OF THIS ARTICLE, THE TAXPAYER'S NEW YORK ITEMIZED DEDUCTIONS SHALL
31 BE REDUCED BY ANY CHARITABLE CONTRIBUTION DEDUCTION ALLOWED UNDER
32 SECTION ONE HUNDRED SEVENTY OF THE INTERNAL REVENUE CODE WITH RESPECT TO
33 SUCH DONATIONS.

34 S 4. Section 210-B of the tax law is amended by adding a new subdivi-
35 sion 52 to read as follows:

36 52. CREDIT FOR FARM DONATIONS TO FOOD PANTRIES. (A) GENERAL. IN THE
37 CASE OF A TAXPAYER THAT IS AN ELIGIBLE FARMER, THERE SHALL BE ALLOWED A
38 CREDIT, TO BE COMPUTED AS HEREINAFTER PROVIDED AGAINST THE TAX IMPOSED
39 BY THIS ARTICLE FOR TAXABLE YEARS BEGINNING ON AND AFTER JANUARY FIRST,
40 TWO THOUSAND EIGHTEEN. THE AMOUNT OF THE CREDIT SHALL BE TWENTY-FIVE
41 PERCENT OF THE FAIR MARKET VALUE OF THE TAXPAYER'S QUALIFIED DONATIONS
42 MADE TO ANY ELIGIBLE FOOD PANTRY DURING THE TAXABLE YEAR, NOT TO EXCEED
43 FIVE THOUSAND DOLLARS PER TAXABLE YEAR. IF THE TAXPAYER IS A PARTNER IN
44 A PARTNERSHIP, THEN THE CAP IMPOSED BY THE PRECEDING SENTENCE SHALL BE
45 APPLIED AT THE ENTITY LEVEL, SO THAT THE AGGREGATE CREDIT ALLOWED TO ALL
46 PARTNERS OF SUCH ENTITY IN THE TAXABLE YEAR DOES NOT EXCEED FIVE THOU-
47 SAND DOLLARS.

48 (B) ELIGIBLE FARMER. FOR PURPOSES OF THIS SUBDIVISION, THE TERM
49 "ELIGIBLE FARMER" MEANS A TAXPAYER WHOSE FEDERAL GROSS INCOME FROM FARM-
50 ING FOR THE TAXABLE YEAR IS AT LEAST TWO-THIRDS OF EXCESS FEDERAL GROSS
51 INCOME. EXCESS FEDERAL GROSS INCOME MEANS THE AMOUNT OF FEDERAL GROSS
52 INCOME FROM ALL SOURCES FOR THE TAXABLE YEAR IN EXCESS OF THIRTY THOU-
53 SAND DOLLARS. FOR PURPOSES OF THIS PARAGRAPH, PAYMENTS FROM THE STATE'S
54 FARMLAND PROTECTION PROGRAM, ADMINISTERED BY THE DEPARTMENT OF AGRICUL-

1 TURE AND MARKETS, SHALL BE INCLUDED AS FEDERAL GROSS INCOME FROM FARMING
2 FOR OTHERWISE ELIGIBLE FARMERS.

3 (C) QUALIFIED DONATION. FOR PURPOSES OF THIS SUBDIVISION, THE TERM
4 "QUALIFIED DONATION" MEANS A DONATION OF APPARENTLY WHOLESOME FOOD, AS
5 DEFINED IN SECTION 170(E)(3)(C)(VI) OF THE INTERNAL REVENUE CODE, GROWN
6 OR PRODUCED WITHIN THIS STATE, BY AN ELIGIBLE FARMER TO AN ELIGIBLE FOOD
7 PANTRY.

8 (D) ELIGIBLE FOOD PANTRY. FOR PURPOSES OF THIS SUBDIVISION, THE TERM
9 "ELIGIBLE FOOD PANTRY" MEANS ANY FOOD PANTRY, FOOD BANK, OR OTHER EMER-
10 GENY FOOD PROGRAM OPERATING WITHIN THIS STATE THAT HAS QUALIFIED FOR
11 TAX EXEMPTION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE.

12 (E) DETERMINATION OF FAIR MARKET VALUE. FOR PURPOSES OF THIS SUBDIVI-
13 SION, TO DETERMINE THE FAIR MARKET VALUE OF APPARENTLY WHOLESOME FOOD
14 DONATED TO AN ELIGIBLE FOOD PANTRY, THE STANDARDS SET FORTH UNDER
15 SECTION 170(E)(3)(C)(V) OF THE INTERNAL REVENUE CODE SHALL APPLY.

16 (F) RECORD OF DONATION. TO CLAIM A CREDIT UNDER THIS SUBDIVISION, A
17 TAXPAYER MUST GET AND KEEP A RECEIPT FROM THE ELIGIBLE FOOD PANTRY SHOW-
18 ING: (I) THE NAME OF THE ELIGIBLE FOOD PANTRY; (II) THE DATE AND
19 LOCATION OF THE QUALIFIED DONATION; AND (III) A REASONABLY DETAILED
20 DESCRIPTION OF THE QUALIFIED DONATION. A LETTER OR OTHER WRITTEN COMMU-
21 NICATION FROM THE ELIGIBLE FOOD PANTRY ACKNOWLEDGING RECEIPT OF THE
22 CONTRIBUTION AND CONTAINING THE INFORMATION IN SUBPARAGRAPHS (I), (II),
23 AND (III) OF THIS PARAGRAPH WILL SERVE AS A RECEIPT.

24 (G) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION
25 FOR ANY TAXABLE YEAR WILL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS
26 THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF
27 SECTION TWO HUNDRED TEN OF THIS ARTICLE. HOWEVER, IF THE AMOUNT OF CRED-
28 IT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX
29 TO SUCH AMOUNT OR IF THE TAXPAYER OTHERWISE PAYS TAX BASED ON THE FIXED
30 DOLLAR MINIMUM AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH
31 TAXABLE YEAR WILL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR
32 REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND
33 EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF
34 SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER
35 NOTWITHSTANDING, NO INTEREST WILL BE PAID THEREON.

36 S 5. Paragraph (b) of subdivision 9 of section 208 of the tax law is
37 amended by adding a new subparagraph 22 to read as follows:

38 (22) THE AMOUNT OF ANY DEDUCTION FOR CHARITABLE CONTRIBUTIONS ALLOWED
39 UNDER SECTION ONE HUNDRED SEVENTY OF THE INTERNAL REVENUE CODE TO THE
40 EXTENT SUCH CONTRIBUTIONS ARE USED AS THE BASIS OF THE CALCULATION OF
41 THE FARM DONATIONS TO FOOD PANTRIES CREDIT UNDER SUBDIVISION FIFTY-TWO
42 OF SECTION TWO HUNDRED TEN-B OF THIS ARTICLE.

43 S 6. This act shall take effect immediately.

44

PART EEE

45 Section 1. Subdivisions 1, 2, 3 and 4 of section 186-f of the tax law,
46 as added by section 3 of part B of chapter 56 of the laws of 2009, are
47 amended to read as follows:

48 1. Definitions. As used in this section, where not otherwise specif-
49 ically defined and unless a different meaning is clearly required:

50 (a) "Place of primary use" has the same meaning as that term is
51 defined in paragraph twenty-six of subdivision (b) of section eleven
52 hundred one of this chapter.

53 (b) "Wireless communications customer" means mobile telecommunications
54 customer as defined in subparagraph (i) of paragraph twenty-seven of

1 subdivision (b) of section eleven hundred one of this chapter, who
2 contracts for or is the end user of wireless communications service.

3 (c) "Wireless communications device" means any equipment used to
4 access a wireless communications service.

5 (d) "Wireless communications service" means all commercial mobile
6 services, as that term is defined in section 332(d) of title 47 of the
7 United States Code, as amended from time to time, including, but not
8 limited to, all broadband personal communications services, wireless
9 radio telephone services, geographic area specialized and enhanced
10 specialized mobile radio services, and incumbent-wide area specialized
11 mobile radio licensees, which offer real time, two-way voice or data
12 service that is interconnected with the public switched telephone
13 network or otherwise provides access to emergency communications
14 services.

15 (e) "Wireless communications service supplier" means a home service
16 provider as defined in subparagraph (ii) of paragraph twenty-seven of
17 subdivision (b) of section eleven hundred one of this chapter, provided
18 that the home service provider provides wireless communications service
19 and has one or more wireless communications customers in New York state.

20 (F) "PREPAID WIRELESS COMMUNICATIONS SELLER" MEANS A PERSON MAKING A
21 RETAIL SALE OF PREPAID WIRELESS COMMUNICATIONS SERVICE.

22 (G) "PREPAID WIRELESS COMMUNICATIONS SERVICE" MEANS A PREPAID MOBILE
23 CALLING SERVICE AS DEFINED IN PARAGRAPH TWENTY-TWO OF SUBDIVISION (B) OF
24 SECTION ELEVEN HUNDRED ONE OF THIS CHAPTER.

25 2. Public safety communications surcharge. (a) (1) A surcharge on
26 wireless communications service provided to a wireless communications
27 customer with a place of primary use in this state is imposed at the
28 rate of one dollar and twenty cents per month on each wireless communi-
29 cations device in service during any part of each month. The surcharge
30 must be reflected and made payable on bills rendered to the wireless
31 communications customer for wireless communication service.

32 (2) A SURCHARGE IS IMPOSED ON THE RETAIL SALE OF EACH PREPAID WIRELESS
33 COMMUNICATIONS SERVICE, WHETHER OR NOT ANY TANGIBLE PERSONAL PROPERTY IS
34 SOLD THEREWITH, AT THE RATE OF NINETY CENTS PER RETAIL SALE. A SALE OF A
35 PREPAID WIRELESS COMMUNICATIONS SERVICE OCCURS IN THIS STATE IF THE SALE
36 TAKES PLACE AT A SELLER'S BUSINESS LOCATION IN THE STATE. IF THE SALE
37 DOES NOT TAKE PLACE AT THE SELLER'S PLACE OF BUSINESS, IT SHALL BE
38 CONCLUSIVELY DETERMINED TO TAKE PLACE AT THE PURCHASER'S SHIPPING
39 ADDRESS OR, IF THERE IS NO ITEM SHIPPED, AT THE PURCHASER'S BILLING
40 ADDRESS, OR, IF THE SELLER DOES NOT HAVE THAT ADDRESS, AT SUCH ADDRESS
41 AS APPROVED BY THE COMMISSIONER THAT REASONABLY REFLECTS THE CUSTOMER'S
42 LOCATION AT THE TIME OF THE SALE OF THE PREPAID WIRELESS COMMUNICATIONS
43 SERVICE.

44 (b) [Each wireless communications service supplier providing wireless
45 communications service in New York state must act as a collection agent
46 for the state for the collection of the surcharge. The wireless communi-
47 cations service supplier has no legal obligation to enforce the
48 collection of the surcharge from its customers. However, each wireless
49 communications service supplier must collect and retain the name and
50 address of any wireless communications customer with a place of primary
51 use in this state that refuses or fails to pay the surcharge, as well as
52 the cumulative amount of the surcharge remaining unpaid, and must
53 provide this information to the commissioner at the time and according
54 to the procedures the commissioner may provide.] The [surcharge]
55 SURCHARGES must be reported and paid to the commissioner on a quarterly
56 basis on or before the [fifteenth] TWENTIETH day of the month following

1 each quarterly period ending on the last day of February, May, August
2 and November, respectively. The payments must be accompanied by a return
3 in the form and containing the information the commissioner may
4 prescribe.

5 (c) The [surcharge] SURCHARGES must be added as a separate line item
6 to bills furnished by a wireless communications service supplier to its
7 customers, OR MUST BE ADDED AS A SEPARATE LINE ITEM TO A SALES SLIP,
8 INVOICE, RECEIPT, OR OTHER STATEMENT OF THE PRICE, IF ANY, THAT IS
9 FURNISHED BY A PREPAID WIRELESS COMMUNICATIONS SELLER TO A PURCHASER,
10 and must be identified as the "public safety communications surcharge".
11 [Each wireless communications customer who is subject to the provisions
12 of this section remains liable to the state for the surcharge due under
13 this section until it has been paid to the state, except that payment to
14 a wireless communications service supplier is sufficient to relieve the
15 customer from further liability for the surcharge.]

16 (d) Each wireless communications service supplier AND PREPAID WIRELESS
17 COMMUNICATIONS SELLER is entitled to retain, as an administrative fee,
18 an amount equal to [two] THREE percent of fifty-eight and three-tenths
19 percent of the total collections of the [surcharge] SURCHARGES imposed
20 by this section, provided that the supplier OR SELLER files any required
21 return and remits the surcharge due to the commissioner on or before its
22 due date.

23 3. [Applicability of article twenty-seven. For purposes of article
24 twenty-seven of this chapter as applied to this section by section two
25 hundred seven-b of this article, the term "taxpayer" in article twenty-
26 seven refers to a wireless communications service supplier subject to
27 this section or a wireless communications customer subject to this
28 section, as the case may be, and the term "tax" in article twenty-seven
29 refers to the surcharge imposed by this section.

30 4. Exemptions. The state of New York and any of its agencies, instru-
31 mentalities and political subdivisions are] EXEMPTION. LIFELINE CONSUM-
32 ERS SHALL BE exempt from the [surcharge] SURCHARGES imposed by this
33 section.

34 4. APPLICABLE PROVISIONS. (A) EXCEPT AS OTHERWISE PROVIDED IN THIS
35 SECTION, THE SURCHARGES IMPOSED UNDER THIS SECTION SHALL BE ADMINISTERED
36 AND COLLECTED BY THE COMMISSIONER IN A LIKE MANNER AS THE TAXES IMPOSED
37 BY ARTICLE TWENTY-EIGHT OF THIS CHAPTER. ALL THE PROVISIONS OF ARTICLE
38 TWENTY-EIGHT OF THIS CHAPTER, INCLUDING THE PROVISIONS RELATING TO DEFINI-
39 TIONS, EXEMPTIONS, RETURNS, PERSONAL LIABILITY FOR THE TAX, COLLECTION
40 OF TAX FROM THE CUSTOMER, PAYMENT OF TAX, AND THE ADMINISTRATION OF THE
41 TAXES IMPOSED BY SUCH ARTICLE, SHALL APPLY TO THE SURCHARGES IMPOSED
42 UNDER THE AUTHORITY OF THIS SECTION SO FAR AS THOSE PROVISIONS CAN BE
43 MADE APPLICABLE TO THE SURCHARGES IMPOSED BY THIS SECTION, WITH SUCH
44 MODIFICATIONS AS MAY BE NECESSARY IN ORDER TO ADAPT THE LANGUAGE OF
45 THOSE PROVISIONS TO THE SURCHARGES IMPOSED BY THIS SECTION. THOSE
46 PROVISIONS SHALL APPLY WITH THE SAME FORCE AND EFFECT AS IF THE LANGUAGE
47 OF THOSE PROVISIONS HAD BEEN SET FORTH IN FULL IN THIS SECTION, EXCEPT
48 TO THE EXTENT THAT ANY OF THOSE PROVISIONS IS EITHER INCONSISTENT WITH A
49 PROVISION OF THIS SECTION OR IS NOT RELEVANT TO THE SURCHARGE IMPOSED BY
50 THIS SECTION. FOR PURPOSES OF THIS SECTION, ANY REFERENCE IN THIS CHAP-
51 TER TO A TAX OR THE TAXES IMPOSED BY ARTICLE TWENTY-EIGHT OF THIS CHAP-
52 TER SHALL BE DEEMED ALSO TO REFER TO THE SURCHARGES IMPOSED BY THIS
53 SECTION UNLESS A DIFFERENT MEANING IS CLEARLY REQUIRED.

54 (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-
55 SION:

1 (1) THE EXEMPTIONS PROVIDED FOR IN SECTION ELEVEN HUNDRED SIXTEEN OF
2 THIS CHAPTER, OTHER THAN THE EXEMPTIONS IN PARAGRAPHS ONE, TWO AND THREE
3 OF SUBDIVISION (A) OF THAT SECTION, SHALL NOT APPLY TO THE SURCHARGES
4 IMPOSED BY THIS SECTION.

5 (2) THE CREDIT PROVIDED IN SUBDIVISION (F) OF SECTION ELEVEN HUNDRED
6 THIRTY-SEVEN OF THIS CHAPTER SHALL NOT APPLY TO THIS SECTION.

7 S 2. Sections 308-a, 308-b, 308-c, 309-d, 308-e, 308-f, 308-g, 308-h,
8 308-k, 308-l, 308-m, 308-n, 308-p, 308-q, 308-r, 308-s, 308-t, 308-u,
9 308-v, 308-w, 308-x and 308-y of the county law are REPEALED.

10 S 3. The tax law is amended by adding a new section 186-g to read as
11 follows:

12 S 186-G. WIRELESS COMMUNICATIONS SURCHARGE AUTHORIZED. 1. DEFINITIONS.
13 AS USED IN THIS SECTION, WHERE NOT OTHERWISE SPECIFICALLY DEFINED AND
14 UNLESS A DIFFERENT MEANING IS CLEARLY REQUIRED, ALL OF THE DEFINITIONS
15 OF SECTION ONE HUNDRED EIGHTY-SIX-F OF THIS ARTICLE SHALL APPLY TO THE
16 SURCHARGES AUTHORIZED BY THIS SECTION.

17 2. IMPOSITION OF SURCHARGE. (A) NOTWITHSTANDING ANY OTHER PROVISION OF
18 LAW TO THE CONTRARY, AND IN ADDITION TO ANY OTHER TAX OR FEE IMPOSED BY
19 THIS CHAPTER OR ANY OTHER LAW, A CITY HAVING A POPULATION OF A MILLION
20 OR MORE, AND A COUNTY, OTHER THAN A COUNTY WHOLLY WITHIN SUCH A CITY,
21 ACTING THROUGH ITS LOCAL LEGISLATIVE BODY, IS HEREBY AUTHORIZED AND
22 EMPOWERED TO ADOPT AND AMEND LOCAL LAWS, ORDINANCES OR RESOLUTIONS
23 IMPOSING A SURCHARGE WITHIN THE TERRITORIAL LIMITS OF SUCH CITY OR COUN-
24 TY TO TAKE EFFECT ON OR AFTER DECEMBER FIRST, TWO THOUSAND SEVENTEEN
25 THAT SHALL INCLUDE BOTH (I) WIRELESS COMMUNICATIONS SERVICE, AS
26 DESCRIBED IN PARAGRAPH (B) OF THIS SUBDIVISION; AND (II) PREPAID WIRE-
27 LESS COMMUNICATIONS SERVICE, AS DESCRIBED IN PARAGRAPH (C) OF THIS
28 SUBDIVISION.

29 (B) SUCH SURCHARGE ON WIRELESS COMMUNICATIONS SERVICE PROVIDED TO A
30 WIRELESS COMMUNICATIONS CUSTOMER WITH A PLACE OF PRIMARY USE IN A CITY
31 OR COUNTY AUTHORIZED TO IMPOSE THE SURCHARGE BY THIS SUBDIVISION SHALL
32 BE IMPOSED AT THE RATE OF THIRTY CENTS PER MONTH ON EACH WIRELESS COMMU-
33 NICATIONS DEVICE IN SERVICE DURING ANY PART OF THE MONTH. THE SURCHARGE
34 MUST BE REFLECTED AND MADE PAYABLE ON BILLS RENDERED TO THE WIRELESS
35 COMMUNICATIONS CUSTOMER FOR WIRELESS COMMUNICATIONS SERVICE.

36 (C) SUCH SURCHARGE ON THE RETAIL SALE OF EACH PREPAID WIRELESS COMMU-
37 NICATIONS SERVICE, WHETHER OR NOT ANY TANGIBLE PERSONAL PROPERTY IS SOLD
38 THEREWITH, SHALL BE IMPOSED AT THE RATE OF THIRTY CENTS PER RETAIL SALE
39 WITHIN A CITY OR COUNTY AUTHORIZED TO IMPOSE THE SURCHARGE BY THIS
40 SUBDIVISION. A SALE OF A PREPAID WIRELESS COMMUNICATIONS SERVICE OCCURS
41 IN SUCH CITY OR COUNTY IF THE SALE TAKES PLACE AT A SELLER'S BUSINESS
42 LOCATION IN SUCH CITY OR COUNTY. IF THE SALE DOES NOT TAKE PLACE AT THE
43 SELLER'S PLACE OF BUSINESS, IT SHALL BE CONCLUSIVELY DETERMINED TO TAKE
44 PLACE AT THE PURCHASER'S SHIPPING ADDRESS IN SUCH CITY OR COUNTY OR, IF
45 THERE IS NO ITEM SHIPPED, AT THE PURCHASER'S BILLING ADDRESS IN SUCH
46 CITY OR COUNTY, OR, IF THE SELLER DOES NOT HAVE THAT ADDRESS, AT SUCH
47 ADDRESS THAT REASONABLY REFLECTS THE CUSTOMER'S LOCATION AT THE TIME OF
48 THE SALE OF THE PREPAID WIRELESS COMMUNICATIONS SERVICE.

49 3. ANY SUCH LOCAL LAW, ORDINANCE OR RESOLUTION ADOPTED PURSUANT TO
50 THIS SECTION SHALL STATE THE AMOUNT OF THE SURCHARGES AND THE DATE ON
51 WHICH BOTH THE WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL BEGIN TO
52 ADD SUCH SURCHARGE TO THE BILLINGS OF ITS CUSTOMERS AND THE PREPAID
53 WIRELESS COMMUNICATIONS SELLER SHALL BEGIN TO COLLECT SUCH SURCHARGE
54 FROM ITS CUSTOMERS. NO SUCH LOCAL LAW, ORDINANCE OR RESOLUTION SHALL BE
55 EFFECTIVE UNLESS A CERTIFIED COPY OF SUCH LAW, ORDINANCE OR RESOLUTION
56 IS MAILED BY REGISTERED OR CERTIFIED MAIL TO THE COMMISSIONER IN ACCORD-

1 ANCE WITH THE PROVISIONS OF SUBDIVISIONS (D) AND (E) OF SECTION TWELVE
2 HUNDRED TEN OF THIS CHAPTER.

3 4. EXEMPTION. LIFELINE CONSUMERS SHALL BE EXEMPT FROM THE SURCHARGES
4 IMPOSED BY THIS SECTION.

5 5. THE SURCHARGES MUST BE REPORTED AND PAID TO THE COMMISSIONER ON A
6 QUARTERLY BASIS ON OR BEFORE THE TWENTIETH DAY OF THE MONTH FOLLOWING
7 EACH QUARTERLY PERIOD ENDING ON THE LAST DAY OF FEBRUARY, MAY, AUGUST
8 AND NOVEMBER, RESPECTIVELY. THE PAYMENTS MUST BE ACCOMPANIED BY A RETURN
9 IN THE FORM AND CONTAINING THE INFORMATION THE COMMISSIONER MAY
10 PRESCRIBE.

11 6. THE SURCHARGES MUST BE ADDED AS A SEPARATE LINE ITEM TO BILLS
12 FURNISHED BY A WIRELESS COMMUNICATIONS SERVICE SUPPLIER TO ITS CUSTOM-
13 ERS, OR MUST BE ADDED AS A SEPARATE LINE ITEM TO A SALES SLIP, INVOICE,
14 RECEIPT, OR OTHER STATEMENT OF THE PRICE, IF ANY, THAT IS FURNISHED BY A
15 PREPAID WIRELESS COMMUNICATIONS SELLER TO A PURCHASER, AND MUST BE IDEN-
16 TIFIED AS THE "PUBLIC SAFETY COMMUNICATIONS SURCHARGE".

17 7. EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER AND PREPAID WIRELESS
18 COMMUNICATIONS SELLER IS ENTITLED TO RETAIN, AS AN ADMINISTRATIVE FEE,
19 AN AMOUNT EQUAL TO THREE PERCENT OF ITS COLLECTIONS OF THE SURCHARGES
20 IMPOSED UNDER THE AUTHORITY OF THIS SECTION, PROVIDED THAT THE SUPPLIER
21 OR SELLER FILES ANY REQUIRED RETURN AND REMITS THE SURCHARGE DUE TO THE
22 COMMISSIONER ON OR BEFORE ITS DUE DATE.

23 8. APPLICABLE PROVISIONS. (A) EXCEPT AS OTHERWISE PROVIDED IN THIS
24 SECTION, ANY SURCHARGE IMPOSED UNDER THE AUTHORITY OF THIS SECTION SHALL
25 BE ADMINISTERED AND COLLECTED BY THE COMMISSIONER IN A LIKE MANNER AS
26 THE TAXES IMPOSED BY ARTICLES TWENTY-EIGHT AND TWENTY-NINE OF THIS CHAP-
27 TER. ALL THE PROVISIONS OF ARTICLE TWENTY-EIGHT AND TWENTY-NINE OF THIS
28 CHAPTER, INCLUDING THE PROVISIONS RELATING TO DEFINITIONS, EXEMPTIONS,
29 RETURNS, PERSONAL LIABILITY FOR THE TAX, COLLECTION OF TAX FROM THE
30 CUSTOMER, PAYMENT OF TAX, AND THE ADMINISTRATION OF THE TAXES IMPOSED BY
31 SUCH ARTICLE, SHALL APPLY TO THE SURCHARGES IMPOSED UNDER THE AUTHORITY
32 OF THIS SECTION SO FAR AS THOSE PROVISIONS CAN BE MADE APPLICABLE TO THE
33 SURCHARGES IMPOSED UNDER THE AUTHORITY OF THIS SECTION, WITH SUCH
34 MODIFICATIONS AS MAY BE NECESSARY IN ORDER TO ADAPT THE LANGUAGE OF
35 THOSE PROVISIONS TO THE SURCHARGES IMPOSED UNDER THE AUTHORITY OF THIS
36 SECTION. THOSE PROVISIONS SHALL APPLY WITH THE SAME FORCE AND EFFECT AS
37 IF THE LANGUAGE OF THOSE PROVISIONS HAD BEEN SET FORTH IN FULL IN THIS
38 SECTION, EXCEPT TO THE EXTENT THAT ANY OF THOSE PROVISIONS IS EITHER
39 INCONSISTENT WITH A PROVISION OF THIS SECTION OR IS NOT RELEVANT TO THE
40 SURCHARGE IMPOSED UNDER THE AUTHORITY OF THIS SECTION. FOR PURPOSES OF
41 THIS SECTION, ANY REFERENCE IN THIS CHAPTER TO A TAX OR THE TAXES
42 IMPOSED BY ARTICLES TWENTY-EIGHT AND TWENTY-NINE OF THIS CHAPTER SHALL
43 BE DEEMED ALSO TO REFER TO THE SURCHARGES IMPOSED UNDER THE AUTHORITY OF
44 THIS SECTION UNLESS A DIFFERENT MEANING IS CLEARLY REQUIRED.

45 (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-
46 SION:

47 (1) THE EXEMPTIONS PROVIDED FOR IN SECTION ELEVEN HUNDRED SIXTEEN OF
48 THIS CHAPTER, OTHER THAN THE EXEMPTIONS IN PARAGRAPHS ONE, TWO AND THREE
49 OF SUBDIVISION (A) OF THAT SECTION, SHALL NOT APPLY TO THE SURCHARGES
50 IMPOSED UNDER THE AUTHORITY OF THIS SECTION;

51 (2) THE CREDIT PROVIDED IN SUBDIVISION (F) OF SECTION ELEVEN HUNDRED
52 THIRTY-SEVEN OF THIS CHAPTER SHALL NOT APPLY TO THIS SECTION.

53 9. ALL SURCHARGE MONIES REMITTED TO THE COMMISSIONER UNDER THIS
54 SECTION SHALL BE EXPENDED ONLY UPON AUTHORIZATION OF THE LEGISLATIVE
55 BODY OF A CITY OR COUNTY THAT IMPOSES THE SURCHARGES PURSUANT TO THE
56 AUTHORITY OF SUBDIVISION TWO OF THIS SECTION, AND ONLY FOR PAYMENT OF

1 SYSTEM COSTS, ELIGIBLE WIRELESS 911 SERVICE COSTS, OR OTHER COSTS ASSO-
2 CIATED WITH THE ADMINISTRATION, DESIGN, INSTALLATION, CONSTRUCTION,
3 OPERATION, OR MAINTENANCE OF PUBLIC SAFETY COMMUNICATIONS NETWORKS OR A
4 SYSTEM TO PROVIDE ENHANCED WIRELESS 911 SERVICE SERVING SUCH CITY OR
5 COUNTY, INCLUDING, BUT NOT LIMITED TO, HARDWARE, SOFTWARE, CONSULTANTS,
6 FINANCING AND OTHER ACQUISITION COSTS. SUCH CITY OR COUNTY SHALL SEPA-
7 RATELY ACCOUNT FOR AND KEEP ADEQUATE BOOKS AND RECORDS OF THE AMOUNT AND
8 OBJECT OR PURPOSE OF ALL EXPENDITURES OF ALL SUCH MONIES. IF, AT THE END
9 OF ANY FISCAL YEAR, THE TOTAL AMOUNT OF ALL SUCH MONIES EXCEEDS THE
10 AMOUNT NECESSARY FOR PAYMENT OF THE ABOVE MENTIONED COSTS IN SUCH FISCAL
11 YEAR, SUCH EXCESS SHALL BE RESERVED AND CARRIED OVER FOR THE PAYMENT OF
12 THOSE COSTS IN THE FOLLOWING FISCAL YEAR.

13 S 4. This act shall take effect immediately; provided, however,
14 sections one and two of this act shall take effect December 1, 2017; and
15 section one of this act shall apply to wireless communications service
16 and prepaid wireless communications service provided on and after that
17 date.

18

PART FFF

19 Section 1. The public health law is amended by adding a new section
20 2825-e to read as follows:

21 S 2825-E. HEALTH CARE FACILITY TRANSFORMATION PROGRAM: STATEWIDE II.
22 1. A STATEWIDE HEALTH CARE FACILITY TRANSFORMATION PROGRAM IS HEREBY
23 ESTABLISHED UNDER THE JOINT ADMINISTRATION OF THE COMMISSIONER AND THE
24 PRESIDENT OF THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK FOR THE
25 PURPOSE OF STRENGTHENING AND PROTECTING CONTINUED ACCESS TO HEALTH CARE
26 SERVICES IN COMMUNITIES. THE PROGRAM SHALL PROVIDE FUNDING IN SUPPORT OF
27 CAPITAL PROJECTS, DEBT RETIREMENT, WORKING CAPITAL OR OTHER NON-CAPITAL
28 PROJECTS THAT FACILITATE HEALTH CARE TRANSFORMATION ACTIVITIES INCLUD-
29 ING, BUT NOT LIMITED TO, MERGER, CONSOLIDATION, ACQUISITION OR OTHER
30 ACTIVITIES INTENDED TO CREATE FINANCIALLY SUSTAINABLE SYSTEMS OF CARE OR
31 PRESERVE OR EXPAND ESSENTIAL HEALTH CARE SERVICES. GRANTS SHALL NOT BE
32 AVAILABLE TO SUPPORT GENERAL OPERATING EXPENSES. THE ISSUANCE OF ANY
33 BONDS OR NOTES HEREUNDER SHALL BE SUBJECT TO SECTION SIXTEEN HUNDRED
34 EIGHTY-R OF THE PUBLIC AUTHORITIES LAW AND THE APPROVAL OF THE DIRECTOR
35 OF THE DIVISION OF THE BUDGET, AND ANY PROJECTS FUNDED THROUGH THE ISSU-
36 ANCE OF BONDS OR NOTES HEREUNDER SHALL BE APPROVED BY THE NEW YORK STATE
37 PUBLIC AUTHORITIES CONTROL BOARD, AS REQUIRED UNDER SECTION FIFTY-ONE OF
38 THE PUBLIC AUTHORITIES LAW.

39 2. THE COMMISSIONER AND THE PRESIDENT OF THE DORMITORY AUTHORITY SHALL
40 ENTER INTO AN AGREEMENT, SUBJECT TO APPROVAL BY THE DIRECTOR OF THE
41 BUDGET, AND SUBJECT TO SECTION SIXTEEN HUNDRED EIGHTY-R OF THE PUBLIC
42 AUTHORITIES LAW, FOR THE PURPOSES OF AWARDING, DISTRIBUTING, AND ADMIN-
43 ISTERING THE FUNDS MADE AVAILABLE PURSUANT TO THIS SECTION. SUCH FUNDS
44 MAY BE DISTRIBUTED BY THE COMMISSIONER FOR CAPITAL GRANTS TO GENERAL
45 HOSPITALS, RESIDENTIAL HEALTH CARE FACILITIES, DIAGNOSTIC AND TREATMENT
46 CENTERS AND CLINICS LICENSED PURSUANT TO THIS CHAPTER OR THE MENTAL
47 HYGIENE LAW, AND COMMUNITY-BASED HEALTH CARE PROVIDERS AS DEFINED IN
48 SUBDIVISION THREE OF THIS SECTION FOR WORKS OR PURPOSES THAT SUPPORT THE
49 PURPOSES SET FORTH IN THIS SECTION. A COPY OF SUCH AGREEMENT, AND ANY
50 AMENDMENTS THERETO, SHALL BE PROVIDED TO THE CHAIR OF THE SENATE FINANCE
51 COMMITTEE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, AND THE
52 DIRECTOR OF THE DIVISION OF THE BUDGET NO LATER THAN THIRTY DAYS PRIOR
53 TO THE RELEASE OF A REQUEST FOR APPLICATIONS FOR FUNDING UNDER THIS
54 PROGRAM. PRIORITY SHALL BE GIVEN TO NEW APPLICATIONS FOR PROJECTS NOT

1 FUNDED UNDER SECTION TWENTY-EIGHT HUNDRED TWENTY-FIVE-D OF THIS ARTICLE.
2 PROJECTS AWARDED, IN WHOLE OR PART, UNDER SECTIONS TWENTY-EIGHT HUNDRED
3 TWENTY-FIVE-A AND TWENTY-EIGHT HUNDRED TWENTY-FIVE-B OF THIS ARTICLE
4 SHALL NOT BE ELIGIBLE FOR GRANTS OR AWARDS MADE AVAILABLE UNDER THIS
5 SECTION.

6 3. NOTWITHSTANDING SECTION ONE HUNDRED SIXTY-THREE OF THE STATE
7 FINANCE LAW OR ANY INCONSISTENT PROVISION OF LAW TO THE CONTRARY, UP TO
8 FIVE HUNDRED MILLION DOLLARS OF THE FUNDS APPROPRIATED FOR THIS PROGRAM
9 SHALL BE AWARDED WITHOUT A COMPETITIVE BID OR REQUEST FOR PROPOSAL PROC-
10 ESS FOR GRANTS TO HEALTH CARE PROVIDERS (HEREAFTER "APPLICANTS").
11 PROVIDED, HOWEVER, THAT A MINIMUM OF SEVENTY-FIVE MILLION DOLLARS OF
12 TOTAL AWARDED FUNDS SHALL BE MADE TO COMMUNITY-BASED HEALTH CARE PROVID-
13 ERS, WHICH FOR PURPOSES OF THIS SECTION SHALL BE DEFINED AS A DIAGNOSTIC
14 AND TREATMENT CENTER LICENSED OR GRANTED AN OPERATING CERTIFICATE UNDER
15 THIS ARTICLE; A MENTAL HEALTH CLINIC LICENSED OR GRANTED AN OPERATING
16 CERTIFICATE UNDER ARTICLE THIRTY-ONE OF THE MENTAL HYGIENE LAW; AN ALCO-
17 HOL AND SUBSTANCE ABUSE TREATMENT CLINIC LICENSED OR GRANTED AN OPERAT-
18 ING CERTIFICATE UNDER ARTICLE THIRTY-TWO OF THE MENTAL HYGIENE LAW; A
19 PRIMARY CARE PROVIDER OR A HOME CARE PROVIDER CERTIFIED OR LICENSED
20 PURSUANT TO ARTICLE THIRTY-SIX OF THIS CHAPTER; OR OTHER PURPOSES AND
21 COMMUNITY-BASED PROVIDERS DESIGNATED BY THE COMMISSIONER PURSUANT TO
22 INFORMATION OBTAINED PURSUANT TO SUBDIVISION FOUR-A OF THIS SECTION.
23 ELIGIBLE APPLICANTS SHALL BE THOSE DEEMED BY THE COMMISSIONER TO BE A
24 PROVIDER THAT FULFILLS OR WILL FULFILL A HEALTH CARE NEED FOR ACUTE
25 INPATIENT, OUTPATIENT, PRIMARY, HOME CARE OR RESIDENTIAL HEALTH CARE
26 SERVICES IN A COMMUNITY.

27 4. NOTWITHSTANDING SUBDIVISION TWO OF THIS SECTION OR ANY INCONSISTENT
28 PROVISION OF LAW TO THE CONTRARY, AND UPON APPROVAL OF THE DIRECTOR OF
29 THE BUDGET, THE COMMISSIONER MAY AWARD UP TO THREE HUNDRED MILLION
30 DOLLARS OF THE FUNDS MADE AVAILABLE PURSUANT TO THIS SECTION FOR
31 UNFUNDED PROJECT APPLICATIONS SUBMITTED IN RESPONSE TO THE REQUEST FOR
32 APPLICATIONS NUMBER 1607010255 ISSUED BY THE DEPARTMENT ON JULY TWENTI-
33 ETH, TWO THOUSAND SIXTEEN PURSUANT TO SECTION TWENTY-EIGHT HUNDRED TWEN-
34 TY-FIVE-D OF THIS ARTICLE, PROVIDED HOWEVER THAT THE PROVISIONS OF
35 SUBDIVISION THREE OF THIS SECTION SHALL APPLY.

36 4-A. AUTHORIZED AMOUNTS TO BE AWARDED PURSUANT TO APPLICATIONS SUBMIT-
37 TED IN RESPONSE TO THE REQUEST FOR APPLICATION NUMBER 1607010255 SHALL
38 BE AWARDED NO LATER THAN MAY FIRST, TWO THOUSAND SEVENTEEN. THE COMMIS-
39 SIONER SHALL NOT ISSUE A REQUEST FOR APPLICATION FOR THE REMAINING
40 APPROPRIATED AMOUNTS ON OR BEFORE JUNE FIRST, TWO THOUSAND SEVENTEEN TO
41 ALLOW STAKEHOLDER, COMMUNITY, AND LEGISLATIVE INPUT REGARDING PROGRAM
42 ELIGIBILITY, AWARD CRITERIA AND THE PROCESS BY WHICH THE REMAINING FUNDS
43 WILL BE AWARDED.

44 5. IN DETERMINING AWARDS FOR ELIGIBLE APPLICANTS UNDER THIS SECTION,
45 THE COMMISSIONER SHALL CONSIDER STAKEHOLDER, COMMUNITY, AND LEGISLATIVE
46 INPUT PURSUANT TO SUBDIVISION FOUR-A OF THIS SECTION, AND OTHER CRITERIA
47 INCLUDING, BUT NOT LIMITED TO:

48 (A) THE EXTENT TO WHICH THE PROPOSED PROJECT WILL CONTRIBUTE TO THE
49 INTEGRATION OF HEALTH CARE SERVICES OR THE LONG TERM SUSTAINABILITY OF
50 THE APPLICANT OR PRESERVATION OF ESSENTIAL HEALTH SERVICES IN THE COMMU-
51 NITY OR COMMUNITIES SERVED BY THE APPLICANT;

52 (B) THE EXTENT TO WHICH THE PROPOSED PROJECT OR PURPOSE IS ALIGNED
53 WITH DELIVERY SYSTEM REFORM INCENTIVE PAYMENT ("DSRIP") PROGRAM GOALS
54 AND OBJECTIVES;

55 (C) CONSIDERATION OF GEOGRAPHIC DISTRIBUTION OF FUNDS;

1 (D) THE RELATIONSHIP BETWEEN THE PROPOSED PROJECT AND IDENTIFIED
2 COMMUNITY NEED;

3 (E) THE EXTENT TO WHICH THE APPLICANT HAS ACCESS TO ALTERNATIVE
4 FINANCING;

5 (F) THE EXTENT THAT THE PROPOSED PROJECT FURTHERS THE DEVELOPMENT OF
6 PRIMARY CARE AND OTHER OUTPATIENT SERVICES;

7 (G) THE EXTENT TO WHICH THE PROPOSED PROJECT BENEFITS MEDICAID ENROL-
8 LEES AND UNINSURED INDIVIDUALS;

9 (H) THE EXTENT TO WHICH THE APPLICANT HAS ENGAGED THE COMMUNITY
10 AFFECTED BY THE PROPOSED PROJECT AND THE MANNER IN WHICH COMMUNITY
11 ENGAGEMENT HAS SHAPED SUCH PROJECT; AND

12 (I) THE EXTENT TO WHICH THE PROPOSED PROJECT ADDRESSES POTENTIAL RISK
13 TO PATIENT SAFETY AND WELFARE.

14 6. DISBURSEMENT OF AWARDS MADE PURSUANT TO THIS SECTION SHALL BE
15 CONDITIONED ON THE AWARDEE ACHIEVING CERTAIN PROCESS AND PERFORMANCE
16 METRICS AND MILESTONES AS DETERMINED IN THE SOLE DISCRETION OF THE
17 COMMISSIONER. SUCH METRICS AND MILESTONES SHALL BE STRUCTURED TO ENSURE
18 THAT THE GOALS OF THE PROJECT ARE ACHIEVED, AND SUCH METRICS AND MILE-
19 STONES SHALL BE INCLUDED IN GRANT DISBURSEMENT AGREEMENTS OR OTHER
20 CONTRACTUAL DOCUMENTS AS REQUIRED BY THE COMMISSIONER.

21 7. THE DEPARTMENT SHALL PROVIDE A REPORT ON A QUARTERLY BASIS TO THE
22 CHAIRS OF THE SENATE FINANCE, ASSEMBLY WAYS AND MEANS, AND SENATE HEALTH
23 AND ASSEMBLY HEALTH COMMITTEES. SUCH REPORTS SHALL BE SUBMITTED NO LATER
24 THAN SIXTY DAYS AFTER THE CLOSE OF THE QUARTER, AND SHALL INCLUDE, FOR
25 EACH AWARD, THE NAME OF THE APPLICANT, A DESCRIPTION OF THE PROJECT OR
26 PURPOSE, THE AMOUNT OF THE AWARD, DISBURSEMENT DATE, AND STATUS OF
27 ACHIEVEMENT OF PROCESS AND PERFORMANCE METRICS AND MILESTONES PURSUANT
28 TO SUBDIVISION FIVE OF THIS SECTION.

29 S 2. This act shall take effect immediately and shall be deemed to
30 have been in full force and effect on and after April 1, 2017.

31 PART GGG

32 Section 1. Subparagraph (i) of paragraph (g) of subdivision 7 of
33 section 4403-f of the public health law, as amended by section 41-b of
34 part H of chapter 59 of the laws of 2011, is amended to read as follows:

35 (i) Managed long term care plans and demonstrations may enroll eligi-
36 ble persons in the plan or demonstration upon the completion of a
37 comprehensive assessment that shall include, but not be limited to, an
38 evaluation of the medical, social, COGNITIVE, and environmental needs of
39 each prospective enrollee in such program. This assessment shall also
40 serve as the basis for the development and provision of an appropriate
41 plan of care for the enrollee. Upon approval of federal waivers pursuant
42 to paragraph (b) of this subdivision which require medical assistance
43 recipients who require community-based long term care services to enroll
44 in a plan, and upon approval of the commissioner, a plan may enroll an
45 applicant who is currently receiving home and community-based services
46 and complete the comprehensive assessment within thirty days of enroll-
47 ment provided that the plan continues to cover transitional care until
48 such time as the assessment is completed.

49 S 2. This act shall take effect immediately; provided, however, that
50 the amendments to subparagraph (i) of paragraph (g) of subdivision 7 of
51 section 4403-f of the public health law made by section one of this act
52 shall not affect the expiration and reversion of such subparagraph and
53 shall be deemed to expire therewith; provided, further that the amend-
54 ments to subparagraph (i) of paragraph (g) of subdivision 7 of section

1 4403-f of the public health law made by section one of this act shall
2 not affect the repeal of such section and shall be deemed repealed ther-
3 ewith.

4 PART HHH

5 Section 1. The education law is amended by adding a new section 669-h
6 to read as follows:

7 S 669-H. EXCELSIOR SCHOLARSHIP. 1. ELIGIBILITY. AN EXCELSIOR SCHOLAR-
8 SHIP AWARD SHALL BE MADE TO AN APPLICANT WHO: (A) IS MATRICULATED IN AN
9 APPROVED PROGRAM LEADING TO AN UNDERGRADUATE DEGREE AT A NEW YORK STATE
10 PUBLIC INSTITUTION OF HIGHER EDUCATION; (B) IF ENROLLED IN (I) A PUBLIC
11 INSTITUTION OF HIGHER EDUCATION PRIOR TO APPLICATION, HAS COMPLETED AT
12 LEAST THIRTY COMBINED CREDITS PER YEAR FOLLOWING THE STUDENT'S START
13 DATE, OR ITS EQUIVALENT, APPLICABLE TO HIS OR HER PROGRAM OR PROGRAMS OF
14 STUDY OR (II) AN INSTITUTION OF HIGHER EDUCATION PRIOR TO APPLICATION,
15 HAS COMPLETED AT LEAST THIRTY COMBINED CREDITS PER YEAR FOLLOWING THE
16 STUDENT'S START DATE, OR ITS EQUIVALENT, APPLICABLE TO HIS OR HER
17 PROGRAM OR PROGRAMS OF STUDY AND WHICH WERE ACCEPTED UPON TRANSFER TO A
18 PUBLIC INSTITUTION OF HIGHER EDUCATION; (C) ENROLLS IN AT LEAST TWELVE
19 CREDITS PER SEMESTER AND COMPLETES AT LEAST THIRTY COMBINED CREDITS PER
20 YEAR FOLLOWING THE STUDENT'S START DATE, OR ITS EQUIVALENT, APPLICABLE
21 TO HIS OR HER PROGRAM OR PROGRAMS OF STUDY EXCEPT IN LIMITED CIRCUM-
22 STANCES AS PRESCRIBED BY THE CORPORATION IN REGULATION. NOTWITHSTANDING,
23 IN THE STUDENT'S LAST SEMESTER, THE STUDENT MAY TAKE AT LEAST ONE COURSE
24 NEEDED TO MEET HIS OR HER GRADUATION REQUIREMENTS AND ENROLL IN AND
25 COMPLETE AT LEAST TWELVE CREDIT HOURS OR ITS EQUIVALENT. FOR STUDENTS
26 WHO ARE DISABLED AS DEFINED BY THE AMERICANS WITH DISABILITIES ACT OF
27 1990, 42 USC 12101, THE CORPORATION SHALL PRESCRIBE RULES AND REGU-
28 LATIONS THAT ALLOW APPLICANTS WHO ARE DISABLED TO BE ELIGIBLE FOR AN
29 AWARD PURSUANT TO THIS SECTION BASED ON MODIFIED CRITERIA; (D) HAS AN
30 ADJUSTED GROSS INCOME, AS DEFINED IN THIS SUBDIVISION, EQUAL TO OR LESS
31 THAN: (I) ONE HUNDRED THOUSAND DOLLARS FOR RECIPIENTS RECEIVING AN AWARD
32 IN THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN ACADEMIC YEAR; (II)
33 ONE HUNDRED TEN THOUSAND DOLLARS FOR RECIPIENTS RECEIVING AN AWARD IN
34 THE TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN ACADEMIC YEAR; AND
35 (III) ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS FOR RECIPIENTS RECEIVING
36 AN AWARD IN THE TWO THOUSAND NINETEEN--TWO THOUSAND TWENTY ACADEMIC YEAR
37 AND THEREAFTER; AND (E) COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS
38 ARTICLE AND ALL REQUIREMENTS PROMULGATED BY THE CORPORATION FOR THE
39 ADMINISTRATION OF THE PROGRAM. ADJUSTED GROSS INCOME SHALL BE THE TOTAL
40 OF THE COMBINED ADJUSTED GROSS INCOME OF THE APPLICANT AND THE APPLI-
41 CANT'S PARENTS OR THE APPLICANT AND THE APPLICANT'S SPOUSE, IF MARRIED,
42 AS REPORTED ON THE FEDERAL INCOME TAX RETURN, OR AS OTHERWISE OBTAINED
43 BY THE CORPORATION, FOR THE CALENDAR YEAR COINCIDING WITH THE TAX YEAR
44 ESTABLISHED BY THE U.S. DEPARTMENT OF EDUCATION TO QUALIFY APPLICANTS
45 FOR FEDERAL STUDENT FINANCIAL AID PROGRAMS AUTHORIZED BY TITLE IV OF THE
46 HIGHER EDUCATION ACT OF NINETEEN HUNDRED SIXTY-FIVE, AS AMENDED, FOR THE
47 SCHOOL YEAR IN WHICH APPLICATION FOR ASSISTANCE IS MADE.

48 2. AMOUNT. WITHIN AMOUNTS APPROPRIATED THEREFOR AND BASED ON AVAIL-
49 ABILITY OF FUNDS, AWARDS SHALL BE GRANTED BEGINNING WITH THE TWO THOU-
50 SAND SEVENTEEN--TWO THOUSAND EIGHTEEN ACADEMIC YEAR AND THEREAFTER TO
51 APPLICANTS THAT THE CORPORATION HAS DETERMINED ARE ELIGIBLE TO RECEIVE
52 SUCH AWARDS. THE CORPORATION SHALL GRANT SUCH AWARDS IN AN AMOUNT UP TO
53 FIVE THOUSAND FIVE HUNDRED DOLLARS OR ACTUAL TUITION, WHICHEVER IS LESS;
54 PROVIDED, HOWEVER, (A) A STUDENT WHO RECEIVES EDUCATIONAL GRANTS AND/OR

1 SCHOLARSHIPS THAT COVER THE STUDENT'S FULL COST OF ATTENDANCE SHALL NOT
2 BE ELIGIBLE FOR AN AWARD UNDER THIS PROGRAM; AND (B) AN AWARD UNDER THIS
3 PROGRAM SHALL BE APPLIED TO TUITION AFTER THE APPLICATION OF PAYMENTS
4 RECEIVED UNDER THE TUITION ASSISTANCE PROGRAM PURSUANT TO SECTION SIX
5 HUNDRED SIXTY-SEVEN OF THIS SUBPART, TUITION CREDITS PURSUANT TO SECTION
6 SIX HUNDRED EIGHTY-NINE-A OF THIS ARTICLE, FEDERAL PELL GRANT PURSUANT
7 TO SECTION ONE THOUSAND SEVENTY OF TITLE TWENTY OF THE UNITED STATES
8 CODE, ET. SEQ., AND ANY OTHER PROGRAM THAT COVERS THE COST OF ATTEND-
9 ANCE, AND THE AWARD UNDER THIS PROGRAM SHALL BE REDUCED IN THE AMOUNT
10 EQUAL TO SUCH PAYMENTS, PROVIDED THAT THE COMBINED BENEFITS DO NOT
11 EXCEED FIVE THOUSAND FIVE HUNDRED DOLLARS. UPON NOTIFICATION OF AN AWARD
12 UNDER THIS PROGRAM, THE INSTITUTION SHALL DEFER THE AMOUNT OF TUITION.
13 NOTWITHSTANDING PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED
14 FIFTY-FIVE AND PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIX THOU-
15 SAND TWO HUNDRED SIX OF THIS CHAPTER, AND ANY OTHER LAW, RULE OR REGU-
16 LATION TO THE CONTRARY, THE UNDERGRADUATE TUITION CHARGED BY THE INSTI-
17 TUTION TO RECIPIENTS OF AN AWARD SHALL NOT EXCEED THE TUITION RATE
18 ESTABLISHED BY THE INSTITUTION FOR THE TWO THOUSAND SIXTEEN--TWO THOU-
19 SAND SEVENTEEN ACADEMIC YEAR PROVIDED, HOWEVER, THAT IN THE TWO THOUSAND
20 TWENTY-ONE--TWO THOUSAND TWENTY-TWO ACADEMIC YEAR AND EVERY FOUR YEARS
21 THEREAFTER, THE UNDERGRADUATE TUITION CHARGED BY THE INSTITUTION TO
22 RECIPIENTS OF AN AWARD SHALL BE RESET TO EQUAL THE TUITION RATE ESTAB-
23 LISHED BY THE INSTITUTION FOR THE FORTHCOMING ACADEMIC YEAR, PROVIDED
24 FURTHER THAT THE TUITION CREDIT CALCULATED PURSUANT TO SECTION SIX
25 HUNDRED EIGHTY-NINE-A OF THIS ARTICLE SHALL BE APPLIED TOWARD THE
26 TUITION RATE CHARGED FOR RECIPIENTS OF AN AWARD UNDER THIS PROGRAM.
27 PROVIDED FURTHER THAT THE STATE UNIVERSITY OF NEW YORK AND THE CITY
28 UNIVERSITY OF NEW YORK SHALL PROVIDE AN ADDITIONAL TUITION CREDIT TO
29 STUDENTS RECEIVING AN AWARD TO COVER THE REMAINING COST OF TUITION.

30 3. DURATION. AN ELIGIBLE RECIPIENT SHALL NOT RECEIVE AN AWARD FOR MORE
31 THAN FOUR ACADEMIC YEARS OF FULL-TIME UNDERGRADUATE STUDY OR FIVE
32 ACADEMIC YEARS IF THE PROGRAM OF STUDY NORMALLY REQUIRES FIVE YEARS. AN
33 ELIGIBLE RECIPIENT ENROLLED IN AN ELIGIBLE TWO YEAR PROGRAM OF STUDY
34 SHALL NOT RECEIVE AN AWARD FOR MORE THAN TWO ACADEMIC YEARS. NOTWITH-
35 STANDING, SUCH DURATION MAY BE EXTENDED FOR AN ALLOWABLE INTERRUPTION OF
36 STUDY INCLUDING, BUT NOT LIMITED TO, DEATH OF A FAMILY MEMBER, MEDICAL
37 LEAVE, MILITARY SERVICE, AND PARENTAL LEAVE, AS ESTABLISHED BY THE
38 CORPORATION IN REGULATION.

39 4. CONDITIONS. (A) AN APPLICANT WHO WOULD BE ELIGIBLE FOR A NEW YORK
40 STATE TUITION ASSISTANCE PROGRAM AWARD PURSUANT TO SECTION SIX HUNDRED
41 SIXTY-SEVEN OF THIS SUBPART AND/OR A FEDERAL PELL GRANT PURSUANT TO
42 SECTION ONE THOUSAND SEVENTY OF TITLE TWENTY OF THE UNITED STATES CODE,
43 ET. SEQ., IS REQUIRED TO APPLY FOR EACH SUCH AWARD.

44 (B) AN APPLICANT WHO HAS EARNED A BACHELOR'S DEGREE IS INELIGIBLE TO
45 RECEIVE AN AWARD PURSUANT TO THIS SECTION.

46 (C) AN APPLICANT WHO HAS EARNED AN ASSOCIATE'S DEGREE IS INELIGIBLE TO
47 RECEIVE AN AWARD FOR A TWO YEAR PROGRAM OF STUDY PURSUANT TO THIS
48 SECTION.

49 (D) NOTWITHSTANDING PARAGRAPH C OF SUBDIVISION FOUR OF SECTION SIX
50 HUNDRED SIXTY-ONE OF THIS PART, A SCHOOL SHALL CERTIFY THAT A RECIPIENT
51 HAS ACHIEVED A GRADE POINT AVERAGE NECESSARY FOR SUCCESSFUL COMPLETION
52 OF HIS OR HER COURSEWORK TO RECEIVE PAYMENT UNDER THE AWARD.

53 (E) A RECIPIENT SHALL AGREE TO RESIDE EXCLUSIVELY IN NEW YORK STATE,
54 AND SHALL NOT BE EMPLOYED IN ANY OTHER STATE, FOR A CONTINUOUS NUMBER OF
55 YEARS EQUAL TO THE DURATION OF THE AWARD RECEIVED WITHIN SIX MONTHS OF
56 RECEIPT OF HIS OR HER FINAL AWARD PAYMENT, AND SIGN A CONTRACT WITH THE

1 CORPORATION TO HAVE HIS OR HER FULL AWARD CONVERTED TO A STUDENT LOAN
2 ACCORDING TO A SCHEDULE TO BE DETERMINED BY THE CORPORATION IF SUCH
3 STUDENT FAILS TO FULFILL THIS REQUIREMENT. THE TERMS AND CONDITIONS OF
4 THIS PARAGRAPH MAY, AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE
5 CORPORATION, BE DEFERRED: (I) TO COMPLETE UNDERGRADUATE STUDY; OR (II)
6 TO ATTEND GRADUATE SCHOOL ON AT LEAST A HALF-TIME BASIS. ANY OBLIGATION
7 TO COMPLY WITH SUCH PROVISIONS AS OUTLINED IN THIS PARAGRAPH MAY BE
8 CANCELLED UPON THE DEATH OF THE RECIPIENT. NOTWITHSTANDING ANY
9 PROVISIONS OF THIS PARAGRAPH TO THE CONTRARY, THE CORPORATION IS AUTHOR-
10 IZED TO PROMULGATE RULES AND REGULATIONS TO PROVIDE FOR THE WAIVER OR
11 SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARD-
12 SHIP.

13 (F) NOTWITHSTANDING PARAGRAPH (C) OF SUBDIVISION ONE OF THIS SECTION,
14 A STUDENT WHO OTHERWISE SATISFIES ALL OF THE REQUIREMENTS UNDER THIS
15 SECTION BUT FAILS TO COMPLETE AT LEAST THIRTY COMBINED CREDITS, OR ITS
16 EQUIVALENT, APPLICABLE TO HIS OR HER PROGRAM OR PROGRAMS OF STUDY IN ANY
17 YEAR SHALL BE ELIGIBLE TO RECEIVE AN AWARD PAYMENT FOR THE FIRST SEMES-
18 TER OF SUCH YEAR, PROVIDED HOWEVER, THE STUDENT SHALL BE INELIGIBLE FOR
19 ANY FURTHER PAYMENTS UNDER THIS SECTION.

20 5. RECIPIENT SELECTION. THE PRESIDENT MAY ESTABLISH: (A) AN APPLICA-
21 TION DEADLINE AND (B) A METHOD OF SELECTING RECIPIENTS IF IN ANY GIVEN
22 YEAR THERE ARE INSUFFICIENT FUNDS TO COVER THE NEEDS OF ALL THE APPLI-
23 CANTS PROVIDED THAT PRIORITY SHALL BE GIVEN TO ELIGIBLE APPLICANTS WHO
24 ARE CURRENTLY IN ATTENDANCE AT A PUBLIC INSTITUTION OF HIGHER EDUCATION.

25 6. RULES AND REGULATIONS. THE CORPORATION IS AUTHORIZED TO PROMULGATE
26 RULES AND REGULATIONS, AND MAY PROMULGATE EMERGENCY REGULATIONS, NECES-
27 SARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION INCLUDING,
28 BUT NOT LIMITED TO, THE CRITERIA FOR DISTRIBUTING THE AWARDS, WHICH MAY
29 INCLUDE A LOTTERY OR OTHER FORM OF RANDOM SELECTION.

30 S 2. This act shall take effect immediately.

31

PART III

32 Section 1. The education law is amended by adding a new section 667-d
33 to read as follows:

34 S 667-D. ENHANCED TUITION AWARDS. 1. RECIPIENT QUALIFICATIONS. A.
35 ESTABLISHMENT. ENHANCED TUITION AWARDS ARE AVAILABLE FOR STUDENTS WHO
36 ARE ENROLLED IN APPROVED PROGRAMS IN PRIVATE NOT-FOR-PROFIT DEGREE
37 GRANTING INSTITUTIONS EXCEPT THOSE INSTITUTIONS SET FORTH IN PARAGRAPH B
38 OF SUBDIVISION FOUR OF SECTION SIX HUNDRED SIXTY-ONE OF THIS PART AND
39 WHO DEMONSTRATE THE ABILITY TO COMPLETE SUCH COURSES, IN ACCORDANCE WITH
40 STANDARDS ESTABLISHED BY THE COMMISSIONER; PROVIDED, THAT, NO AWARD
41 SHALL EXCEED ONE HUNDRED PERCENT OF THE AMOUNT OF TUITION CHARGED.

42 B. APPLICATION FOR OTHER AWARDS. A STUDENT WHO WOULD BE ELIGIBLE FOR A
43 TUITION ASSISTANCE PROGRAM AWARD PURSUANT TO SECTION SIX HUNDRED SIXTY-
44 SEVEN OF THIS SUBPART AND/OR A FEDERAL PELL GRANT PURSUANT TO SECTION
45 ONE THOUSAND SEVENTY OF TITLE TWENTY OF THE UNITED STATES CODE, ET.
46 SEQ., IS REQUIRED TO APPLY FOR EACH SUCH AWARD. ANY AWARD SHALL BE
47 APPLIED TO TUITION AFTER THE APPLICATION OF PAYMENTS RECEIVED UNDER THE
48 TUITION ASSISTANCE PROGRAM PURSUANT TO SECTION SIX HUNDRED SIXTY-SEVEN
49 OF THIS SUBPART.

50 C. GPA REQUIREMENTS. NOTWITHSTANDING PARAGRAPH C OF SUBDIVISION FOUR
51 OF SECTION SIX HUNDRED SIXTY-ONE OF THIS PART, A SCHOOL SHALL CERTIFY
52 THAT A RECIPIENT HAS ACHIEVED A GRADE POINT AVERAGE NECESSARY FOR
53 SUCCESSFUL COMPLETION OF HIS OR HER COURSEWORK TO RECEIVE PAYMENT UNDER
54 THE AWARD.

1 D. CREDIT REQUIREMENTS. AN AWARD SHALL BE MADE TO AN APPLICANT WHO:
2 (I) IF ENROLLED IN (A) A PRIVATE INSTITUTION OF HIGHER EDUCATION PRIOR
3 TO APPLICATION, HAS COMPLETED AT LEAST THIRTY COMBINED CREDITS PER YEAR
4 FOLLOWING THE STUDENT'S START DATE, OR ITS EQUIVALENT, APPLICABLE TO HIS
5 OR HER PROGRAM OR PROGRAMS OF STUDY OR (B) A PUBLIC INSTITUTION OF HIGH-
6 ER EDUCATION PRIOR TO APPLICATION, HAS COMPLETED AT LEAST THIRTY
7 COMBINED CREDITS PER YEAR FOLLOWING THE STUDENT'S START DATE, OR ITS
8 EQUIVALENT, APPLICABLE TO HIS OR HER PROGRAM OR PROGRAMS OF STUDY AND
9 WHICH WERE ACCEPTED UPON TRANSFER TO A PRIVATE INSTITUTION OF HIGHER
10 EDUCATION; (II) ENROLLS IN AT LEAST TWELVE CREDITS PER SEMESTER AND
11 COMPLETES AT LEAST THIRTY COMBINED CREDITS PER YEAR FOLLOWING THE
12 STUDENT'S START DATE, OR ITS EQUIVALENT, APPLICABLE TO HIS OR HER
13 PROGRAM OR PROGRAMS OF STUDY EXCEPT IN LIMITED CIRCUMSTANCES AS
14 PRESCRIBED BY THE CORPORATION IN REGULATION. NOTWITHSTANDING, IN THE
15 STUDENT'S LAST SEMESTER, THE STUDENT MAY TAKE AT LEAST ONE COURSE NEEDED
16 TO MEET HIS OR HER GRADUATION REQUIREMENTS AND ENROLL IN AND COMPLETE AT
17 LEAST TWELVE CREDIT HOURS OR ITS EQUIVALENT. FOR STUDENTS WHO ARE DISA-
18 BLED AS DEFINED BY THE AMERICANS WITH DISABILITIES ACT OF 1990, 42 USC
19 12101, THE CORPORATION SHALL PRESCRIBE RULES AND REGULATIONS THAT ALLOW
20 APPLICANTS WHO ARE DISABLED TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS
21 SECTION BASED ON MODIFIED CRITERIA.

22 E. NOTWITHSTANDING PARAGRAPH D OF THIS SUBDIVISION, A STUDENT WHO
23 OTHERWISE SATISFIES ALL OF THE REQUIREMENTS UNDER THIS SECTION BUT FAILS
24 TO COMPLETE AT LEAST THIRTY COMBINED CREDITS, OR ITS EQUIVALENT, APPLI-
25 CABLE TO HIS OR HER PROGRAM OR PROGRAMS OF STUDY IN ANY YEAR SHALL BE
26 ELIGIBLE TO RECEIVE AN AWARD PAYMENT FOR THE FIRST SEMESTER OF SUCH
27 YEAR, PROVIDED HOWEVER, THE STUDENT SHALL BE INELIGIBLE FOR ANY FURTHER
28 PAYMENTS UNDER THIS SECTION.

29 F. ADDITIONAL REQUIREMENTS. A RECIPIENT SHALL AGREE TO RESIDE EXCLU-
30 SIVELY IN NEW YORK STATE, AND SHALL NOT BE EMPLOYED IN ANY OTHER STATE,
31 FOR A CONTINUOUS NUMBER OF YEARS EQUAL TO THE DURATION OF THE AWARD
32 RECEIVED WITHIN SIX MONTHS OF RECEIPT OF HIS OR HER FINAL AWARD PAYMENT,
33 AND SIGN A CONTRACT WITH THE CORPORATION TO HAVE HIS OR HER FULL AWARD
34 CONVERTED TO A STUDENT LOAN ACCORDING TO A SCHEDULE TO BE DETERMINED BY
35 THE CORPORATION IF SUCH STUDENT FAILS TO FULFILL THIS REQUIREMENT. THE
36 TERMS AND CONDITIONS OF THIS PARAGRAPH MAY, AS ESTABLISHED BY THE RULES
37 AND REGULATIONS OF THE CORPORATION, BE DEFERRED: (I) TO COMPLETE UNDER-
38 GRADUATE STUDY; OR (II) TO ATTEND GRADUATE SCHOOL ON AT LEAST A
39 HALF-TIME BASIS. ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS
40 OUTLINED IN THIS PARAGRAPH MAY BE CANCELLED UPON THE DEATH OF THE RECIP-
41 IENT. NOTWITHSTANDING ANY PROVISIONS OF THIS PARAGRAPH TO THE CONTRARY,
42 THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO
43 PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH
44 WOULD INVOLVE EXTREME HARDSHIP.

45 G. FAILURE TO MEET THE CONDITIONS OF THE AWARD SHALL NOT OTHERWISE
46 DISQUALIFY A STUDENT'S ELIGIBILITY TO RECEIVE AN AWARD UNDER SECTION SIX
47 HUNDRED SIXTY-SEVEN OF THIS SUBPART.

48 2. DURATION. NO UNDERGRADUATE SHALL BE ELIGIBLE FOR MORE THAN FOUR
49 ACADEMIC YEARS OF STUDY, OR FIVE ACADEMIC YEARS IF THE PROGRAM OF STUDY
50 NORMALLY REQUIRES FIVE YEARS. AN UNDERGRADUATE STUDENT ENROLLED IN AN
51 ELIGIBLE TWO-YEAR PROGRAM APPROVED BY THE COMMISSIONER SHALL BE ELIGIBLE
52 FOR NO MORE THAN TWO ACADEMIC YEARS. UNDER NO CIRCUMSTANCES SHALL A
53 STUDENT RECEIVE AN AWARD FOR A TWO-YEAR PROGRAM FOR MORE THAN TWO
54 CONSECUTIVE YEARS OF ACADEMIC STUDY OR FOUR CONSECUTIVE SEMESTERS OF
55 ACADEMIC STUDY; OR AT A FOUR OR FIVE-YEAR PROGRAM, FOR MORE THAN FOUR
56 CONSECUTIVE YEARS OR EIGHT CONSECUTIVE SEMESTERS OF ACADEMIC STUDY OR

1 FIVE CONSECUTIVE YEARS, OR TEN CONSECUTIVE SEMESTERS OF STUDY IF THE
2 PROGRAM NORMALLY REQUIRES FIVE YEARS. NOTWITHSTANDING, SUCH DURATION
3 MAY BE EXTENDED FOR AN ALLOWABLE INTERRUPTION OF STUDY INCLUDING, BUT
4 NOT LIMITED TO, DEATH OF A FAMILY MEMBER, MEDICAL LEAVE, MILITARY
5 SERVICE, AND PARENTAL LEAVE, AS ESTABLISHED BY THE CORPORATION IN REGU-
6 LATION.

7 3. INCOME. AN AWARD SHALL BE MADE TO AN APPLICANT WHO HAS AN ADJUSTED
8 GROSS INCOME, AS DEFINED IN THIS SUBDIVISION, EQUAL TO OR LESS THAN: (I)
9 ONE HUNDRED THOUSAND DOLLARS FOR RECIPIENTS RECEIVING AN AWARD IN THE
10 TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN ACADEMIC YEAR; (II) ONE
11 HUNDRED TEN THOUSAND DOLLARS FOR RECIPIENTS RECEIVING AN AWARD IN THE
12 TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN ACADEMIC YEAR; AND (III)
13 ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS FOR RECIPIENTS RECEIVING AN
14 AWARD IN THE TWO THOUSAND NINETEEN--TWO THOUSAND TWENTY ACADEMIC YEAR
15 AND THEREAFTER. ADJUSTED GROSS INCOME SHALL BE THE TOTAL OF THE COMBINED
16 ADJUSTED GROSS INCOME OF THE APPLICANT AND THE APPLICANT'S PARENTS OR
17 THE APPLICANT AND THE APPLICANT'S SPOUSE, IF MARRIED, AS REPORTED ON THE
18 FEDERAL INCOME TAX RETURN, OR AS OTHERWISE OBTAINED BY THE CORPORATION,
19 FOR THE CALENDAR YEAR COINCIDING WITH THE TAX YEAR ESTABLISHED BY THE
20 U.S. DEPARTMENT OF EDUCATION TO QUALIFY APPLICANTS FOR FEDERAL STUDENT
21 FINANCIAL AID PROGRAMS AUTHORIZED BY TITLE IV OF THE HIGHER EDUCATION
22 ACT OF NINETEEN HUNDRED SIXTY-FIVE, AS AMENDED, FOR THE SCHOOL YEAR IN
23 WHICH APPLICATION FOR ASSISTANCE IS MADE.

24 4. AMOUNT. WITHIN THE AMOUNTS APPROPRIATED THEREFOR AND BASED ON
25 AVAILABILITY OF FUNDS, AWARDS SHALL BE GRANTED BEGINNING WITH THE TWO
26 THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN ACADEMIC YEAR AND THEREAFTER
27 TO APPLICANTS THAT THE CORPORATION HAS DETERMINED ARE ELIGIBLE TO
28 RECEIVE SUCH AWARDS. THE AMOUNT OF THE AWARD UNDER THIS PROGRAM SHALL BE
29 SUCH THAT THE SUM OF THE AWARD PLUS A STUDENT'S TUITION ASSISTANCE
30 PROGRAM AWARD PURSUANT TO SECTION SIX HUNDRED SIXTY-SEVEN OF THIS
31 SUBPART PLUS THE INSTITUTION'S MATCHING AWARD PURSUANT TO SUBDIVISION
32 FIVE OF THIS SECTION SHALL EQUAL SIX THOUSAND DOLLARS.

33 5. MATCHING AWARDS. COMMENCING WITH THE TWO THOUSAND SEVENTEEN--TWO
34 THOUSAND EIGHTEEN ACADEMIC YEAR AND THEREAFTER, PARTICIPATING INSTI-
35 TUTIONS SHALL CREDIT EACH RECIPIENT'S REMAINING TUITION EXPENSES IN AN
36 AMOUNT EQUAL TO THE RECIPIENT'S AWARD UNDER THIS SECTION. SUCH CREDIT
37 SHALL BE APPLIED AFTER THE RECIPIENT HAS RECEIVED AN INSTITUTIONAL AID
38 PACKAGE, IF ANY, TO ENSURE THAT THIS PROGRAM DOES NOT REDUCE INSTITU-
39 TIONAL AID THAT WOULD OTHERWISE BE GRANTED.

40 6. TUITION. THE RATE OF TUITION CHARGED TO AN INDIVIDUAL RECEIVING AN
41 AWARD SHALL NOT BE INCREASED FOR THE DURATION OF TIME THAT SUCH INDIVID-
42 UAL RECEIVES AN AWARD.

43 7. COLLEGE OPTION. AN INSTITUTION MAY CHOOSE NOT TO PARTICIPATE IN THE
44 PROGRAM AND STUDENTS ATTENDING ANY NON-PARTICIPATING COLLEGE MAY STILL
45 BE ELIGIBLE TO RECEIVE AN AWARD PURSUANT TO SECTION SIX HUNDRED
46 SIXTY-SEVEN OF THIS SUBPART.

47 8. RECIPIENT SELECTION. THE PRESIDENT MAY ESTABLISH: A. AN APPLICATION
48 DEADLINE AND B. A METHOD OF SELECTING RECIPIENTS IF IN ANY GIVEN YEAR
49 THERE ARE INSUFFICIENT FUNDS TO COVER THE NEEDS OF ALL THE APPLICANTS
50 PROVIDED THAT PRIORITY SHALL BE GIVEN TO ELIGIBLE APPLICANTS WHO ARE
51 CURRENTLY IN ATTENDANCE AT AN INSTITUTION OF HIGHER EDUCATION.

52 9. RULES AND REGULATIONS. THE CORPORATION IS AUTHORIZED TO PROMULGATE
53 RULES AND REGULATIONS, AND MAY PROMULGATE EMERGENCY REGULATIONS, NECES-
54 SARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION INCLUDING,
55 BUT NOT LIMITED TO, THE CRITERIA FOR DISTRIBUTING THE AWARDS, WHICH MAY
56 INCLUDE A LOTTERY OR OTHER FORM OF RANDOM SELECTION.

1 S 2. This act shall take effect immediately.

2 PART JJJ

3 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
4 355 of the education law, as amended by section 1 of part D of chapter
5 54 of the laws of 2016, is amended to read as follows:

6 (4) The trustees shall not impose a differential tuition charge based
7 upon need or income. Except as hereinafter provided, all students
8 enrolled in programs leading to like degrees at state-operated insti-
9 tutions of the state university shall be charged a uniform rate of
10 tuition except for differential tuition rates based on state residency.
11 Provided, however, that the trustees may authorize the presidents of the
12 colleges of technology and the colleges of agriculture and technology to
13 set differing rates of tuition for each of the colleges for students
14 enrolled in degree-granting programs leading to an associate degree and
15 non-degree granting programs so long as such tuition rate does not
16 exceed the tuition rate charged to students who are enrolled in like
17 degree programs or degree-granting undergraduate programs leading to a
18 baccalaureate degree at other state-operated institutions of the state
19 university of New York. Notwithstanding any other provision of this
20 subparagraph, the trustees may authorize the setting of a separate cate-
21 gory of tuition rate, that shall be greater than the tuition rate for
22 resident students and less than the tuition rate for non-resident
23 students, only for students enrolled in distance learning courses who
24 are not residents of the state. Except as otherwise authorized in this
25 subparagraph, the trustees shall not adopt changes affecting tuition
26 charges prior to the enactment of the annual budget, provided however
27 that:

28 (i) Commencing with the two thousand eleven--two thousand twelve
29 academic year and ending in the two thousand fifteen--two thousand
30 sixteen academic year the state university of New York board of trustees
31 shall be empowered to increase the resident undergraduate rate of
32 tuition by not more than three hundred dollars over the resident under-
33 graduate rate of tuition adopted by the board of trustees in the prior
34 academic year, provided however that commencing with the two thousand
35 eleven--two thousand twelve academic year [and each year thereafter] AND
36 ENDING IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN ACADEMIC YEAR
37 if the annual resident undergraduate rate of tuition would exceed five
38 thousand dollars, then a tuition credit for each eligible student, as
39 determined and calculated by the New York state higher education
40 services corporation pursuant to section six hundred eighty-nine-a of
41 this title, shall be applied toward the tuition charged for each semes-
42 ter, quarter or term of study. Tuition for each semester, quarter or
43 term of study shall not be due for any student eligible to receive such
44 tuition credit until the tuition credit is calculated and applied
45 against the tuition charged for the corresponding semester, quarter or
46 term.

47 (ii) COMMENCING WITH THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN
48 ACADEMIC YEAR AND ENDING IN THE TWO THOUSAND TWENTY--TWO THOUSAND TWEN-
49 TY-ONE ACADEMIC YEAR THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES
50 SHALL BE EMPOWERED TO INCREASE THE RESIDENT UNDERGRADUATE RATE OF
51 TUITION BY NOT MORE THAN TWO HUNDRED DOLLARS OVER THE RESIDENT UNDER-
52 GRADUATE RATE OF TUITION ADOPTED BY THE BOARD OF TRUSTEES IN THE PRIOR
53 ACADEMIC YEAR, PROVIDED, HOWEVER THAT IF THE ANNUAL RESIDENT UNDERGRADU-
54 ATE RATE OF TUITION WOULD EXCEED FIVE THOUSAND DOLLARS, THEN A TUITION

1 CREDIT FOR EACH ELIGIBLE STUDENT, AS DETERMINED AND CALCULATED BY THE
2 NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION PURSUANT TO SECTION
3 SIX HUNDRED EIGHTY-NINE-A OF THIS TITLE, SHALL BE APPLIED TOWARD THE
4 TUITION CHARGED FOR EACH SEMESTER, QUARTER OR TERM OF STUDY. TUITION FOR
5 EACH SEMESTER, QUARTER OR TERM OF STUDY SHALL NOT BE DUE FOR ANY STUDENT
6 ELIGIBLE TO RECEIVE SUCH TUITION CREDIT UNTIL THE TUITION CREDIT IS
7 CALCULATED AND APPLIED AGAINST THE TUITION CHARGED FOR THE CORRESPONDING
8 SEMESTER, QUARTER OR TERM. PROVIDED, FURTHER THAT THE REVENUE RESULTING
9 FROM AN INCREASE IN THE RATE OF TUITION SHALL BE ALLOCATED TO EACH
10 CAMPUS PURSUANT TO A PLAN APPROVED BY THE BOARD OF TRUSTEES TO SUPPORT
11 INVESTMENTS IN NEW CLASSROOM FACULTY, INSTRUCTION, INITIATIVES TO
12 IMPROVE STUDENT SUCCESS AND ON-TIME COMPLETION AND A TUITION CREDIT FOR
13 EACH ELIGIBLE STUDENT.

14 (III) On or before November thirtieth, two thousand [eleven]
15 SEVENTEEN, the trustees shall approve and submit to the chairs of the
16 assembly ways and means committee and the senate finance committee and
17 to the director of the budget a master tuition plan setting forth the
18 tuition rates that the trustees propose for resident undergraduate
19 students for the [five] FOUR year period commencing with the two thou-
20 sand [eleven] SEVENTEEN--two thousand [twelve] EIGHTEEN academic year
21 and ending in the two thousand [fifteen] TWENTY--two thousand [sixteen]
22 TWENTY-ONE academic year, and shall submit any proposed amendments to
23 such plan by November thirtieth of each subsequent year thereafter
24 through November thirtieth, two thousand [fifteen] TWENTY, and provided
25 further, that with the approval of the board of trustees, each universi-
26 ty center may increase non-resident undergraduate tuition rates each
27 year by not more than ten percent over the tuition rates of the prior
28 academic year for a six year period commencing with the two thousand
29 eleven--two thousand twelve academic year and ending in the two thousand
30 sixteen--two thousand seventeen academic year.

31 [(iii)] (IV) Beginning in state fiscal year two thousand twelve-two
32 thousand thirteen and ending in state fiscal year two thousand fifteen-
33 -two thousand sixteen, the state shall appropriate and make available
34 general fund operating support, including fringe benefits, for the state
35 university in an amount not less than the amount appropriated and made
36 available in the prior state fiscal year; provided, however, that if the
37 governor declares a fiscal emergency, and communicates such emergency to
38 the temporary president of the senate and speaker of the assembly, state
39 support for operating expenses at the state university and city univer-
40 sity may be reduced in a manner proportionate to one another, and the
41 aforementioned provisions shall not apply.

42 (V) BEGINNING IN STATE FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOU-
43 SAND EIGHTEEN AND ENDING IN STATE FISCAL YEAR TWO THOUSAND TWENTY--TWO
44 THOUSAND TWENTY-ONE, THE STATE SHALL APPROPRIATE AND MAKE AVAILABLE
45 GENERAL FUND OPERATING SUPPORT, INCLUDING FRINGE BENEFITS, FOR THE STATE
46 UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE
47 AVAILABLE IN THE PRIOR STATE FISCAL YEAR; PROVIDED, HOWEVER, THAT IF THE
48 GOVERNOR DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMERGENCY TO
49 THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, STATE
50 SUPPORT FOR OPERATING EXPENSES AT THE STATE UNIVERSITY AND CITY UNIVER-
51 SITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND THE
52 AFOREMENTIONED PROVISIONS SHALL NOT APPLY; PROVIDED FURTHER, THE STATE
53 SHALL APPROPRIATE AND MAKE AVAILABLE GENERAL FUND SUPPORT TO FULLY FUND
54 THE TUITION CREDIT PURSUANT TO SUBDIVISION TWO OF SECTION SIX HUNDRED
55 SIXTY-NINE-H OF THIS TITLE.

1 [(iv)] (VI) For the state university fiscal years commencing two thou-
2 sand eleven--two thousand twelve and ending two thousand fifteen--two
3 thousand sixteen, each university center may set aside a portion of its
4 tuition revenues derived from tuition increases to provide increased
5 financial aid for New York state resident undergraduate students whose
6 net taxable income is eighty thousand dollars or more subject to the
7 approval of a NY-SUNY 2020 proposal by the governor and the chancellor
8 of the state university of New York. Nothing in this paragraph shall be
9 construed as to authorize that students whose net taxable income is
10 eighty thousand dollars or more are eligible for tuition assistance
11 program awards pursuant to section six hundred sixty-seven of this chap-
12 ter.

13 S. 2. Paragraph (a) of subdivision 7 of section 6206 of the education
14 law, as amended by section 2 of part D of chapter 54 of the laws of
15 2016, is amended to read as follows:

16 (a) The board of trustees shall establish positions, departments,
17 divisions and faculties; appoint and in accordance with the provisions
18 of law fix salaries of instructional and non-instructional employees
19 therein; establish and conduct courses and curricula; prescribe condi-
20 tions of student admission, attendance and discharge; and shall have the
21 power to determine in its discretion whether tuition shall be charged
22 and to regulate tuition charges, and other instructional and non-in-
23 structional fees and other fees and charges at the educational units of
24 the city university. The trustees shall review any proposed community
25 college tuition increase and the justification for such increase. The
26 justification provided by the community college for such increase shall
27 include a detailed analysis of ongoing operating costs, capital, debt
28 service expenditures, and all revenues. The trustees shall not impose a
29 differential tuition charge based upon need or income. All students
30 enrolled in programs leading to like degrees at the senior colleges
31 shall be charged a uniform rate of tuition, except for differential
32 tuition rates based on state residency. Notwithstanding any other
33 provision of this paragraph, the trustees may authorize the setting of a
34 separate category of tuition rate, that shall be greater than the
35 tuition rate for resident students and less than the tuition rate for
36 non-resident students, only for students enrolled in distance learning
37 courses who are not residents of the state; provided, however, that:

38 (i) Commencing with the two thousand eleven--two thousand twelve
39 academic year and ending in the two thousand fifteen--two thousand
40 sixteen academic year, the city university of New York board of trustees
41 shall be empowered to increase the resident undergraduate rate of
42 tuition by not more than three hundred dollars over the resident under-
43 graduate rate of tuition adopted by the board of trustees in the prior
44 academic year, provided however that commencing with the two thousand
45 eleven--two thousand twelve academic year and [each year thereafter]
46 ENDING WITH THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN ACADEMIC
47 YEAR if the annual resident undergraduate rate of tuition would exceed
48 five thousand dollars, then a tuition credit for each eligible student,
49 as determined and calculated by the New York state higher education
50 services corporation pursuant to section six hundred eighty-nine-a of
51 this chapter, shall be applied toward the tuition charged for each
52 semester, quarter or term of study. Tuition for each semester, quarter
53 or term of study shall not be due for any student eligible to receive
54 such tuition credit until the tuition credit is calculated and applied
55 against the tuition charged for the corresponding semester, quarter or
56 term.

1 (ii) COMMENCING WITH THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN
2 ACADEMIC YEAR AND ENDING IN THE TWO THOUSAND TWENTY--TWO THOUSAND TWEN-
3 TY-ONE ACADEMIC YEAR THE CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES
4 SHALL BE EMPOWERED TO INCREASE THE RESIDENT UNDERGRADUATE RATE OF
5 TUITION BY NOT MORE THAN TWO HUNDRED DOLLARS OVER THE RESIDENT UNDER-
6 GRADUATE RATE OF TUITION ADOPTED BY THE BOARD OF TRUSTEES IN THE PRIOR
7 ACADEMIC YEAR, PROVIDED HOWEVER THAT IF THE ANNUAL RESIDENT UNDERGRADU-
8 ATE RATE OF TUITION WOULD EXCEED FIVE THOUSAND DOLLARS, THEN A TUITION
9 CREDIT FOR EACH ELIGIBLE STUDENT, AS DETERMINED AND CALCULATED BY THE
10 NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION PURSUANT TO SECTION
11 SIX HUNDRED EIGHTY-NINE-A OF THIS TITLE, SHALL BE APPLIED TOWARD THE
12 TUITION CHARGED FOR EACH SEMESTER, QUARTER OR TERM OF STUDY. TUITION FOR
13 EACH SEMESTER, QUARTER OR TERM OF STUDY SHALL NOT BE DUE FOR ANY STUDENT
14 ELIGIBLE TO RECEIVE SUCH TUITION CREDIT UNTIL THE TUITION CREDIT IS
15 CALCULATED AND APPLIED AGAINST THE TUITION CHARGED FOR THE CORRESPONDING
16 SEMESTER, QUARTER OR TERM. PROVIDED, FURTHER THAT THE REVENUE RESULTING
17 FROM AN INCREASE IN THE RATE OF TUITION SHALL BE ALLOCATED TO EACH
18 CAMPUS PURSUANT TO A PLAN APPROVED BY THE BOARD OF TRUSTEES TO SUPPORT
19 INVESTMENTS IN NEW CLASSROOM FACULTY, INSTRUCTION, INITIATIVES TO
20 IMPROVE STUDENT SUCCESS AND ON-TIME COMPLETION AND A TUITION CREDIT FOR
21 EACH ELIGIBLE STUDENT.

22 (III) On or before November thirtieth, two thousand [eleven]
23 SEVENTEEN, the trustees shall approve and submit to the chairs of the
24 assembly ways and means committee and the senate finance committee and
25 to the director of the budget a master tuition plan setting forth the
26 tuition rates that the trustees propose for resident undergraduate
27 students for the [five] FOUR year period commencing with the two thou-
28 sand [eleven] SEVENTEEN--two thousand [twelve] EIGHTEEN academic year
29 and ending in the two thousand [fifteen] TWENTY--two thousand [sixteen]
30 TWENTY-ONE academic year, and shall submit any proposed amendments to
31 such plan by November thirtieth of each subsequent year thereafter
32 through November thirtieth, two thousand [fifteen] TWENTY.

33 [(iii)] (IV) Beginning in state fiscal year two thousand twelve--two
34 thousand thirteen and ending in state fiscal year two thousand fifteen-
35 -two thousand sixteen, the state shall appropriate and make available
36 state support for operating expenses, including fringe benefits, for the
37 city university in an amount not less than the amount appropriated and
38 made available in the prior state fiscal year; provided, however, that
39 if the governor declares a fiscal emergency, and communicates such emer-
40 gency to the temporary president of the senate and speaker of the assem-
41 bly, state support for operating expenses of the state university and
42 city university may be reduced in a manner proportionate to one another,
43 and the aforementioned provisions shall not apply.

44 (V) BEGINNING IN STATE FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOU-
45 SAND EIGHTEEN AND ENDING IN STATE FISCAL YEAR TWO THOUSAND TWENTY--TWO
46 THOUSAND TWENTY-ONE, THE STATE SHALL APPROPRIATE AND MAKE AVAILABLE
47 GENERAL FUND OPERATING SUPPORT, INCLUDING FRINGE BENEFITS, FOR THE CITY
48 UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE
49 AVAILABLE IN THE PRIOR STATE FISCAL YEAR; PROVIDED, HOWEVER, THAT IF THE
50 GOVERNOR DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMERGENCY TO
51 THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, STATE
52 SUPPORT FOR OPERATING EXPENSES AT THE STATE UNIVERSITY AND CITY UNIVER-
53 SITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND THE
54 AFOREMENTIONED PROVISIONS SHALL NOT APPLY; PROVIDED FURTHER, THE STATE
55 SHALL APPROPRIATE AND MAKE AVAILABLE GENERAL FUND SUPPORT TO FULLY FUND

1 THE TUITION CREDIT PURSUANT TO SUBDIVISION TWO OF SECTION SIX HUNDRED
2 SIXTY-NINE-H OF THIS CHAPTER.

3 S 3. Section 359 of the education law is amended by adding a new
4 subdivision 6 to read as follows:

5 6. THE STATE UNIVERSITY TRUSTEES SHALL ANNUALLY REPORT ON HOW THE
6 REVENUE GENERATED HAS BEEN INVESTED IN FACULTY, INSTRUCTION, INITIATIVES
7 TO IMPROVE STUDENT SUCCESS AND ON-TIME COMPLETION AND STUDENT FINANCIAL
8 ASSISTANCE FOR THE DURATION OF THE FOUR YEAR TUITION PLAN. THE TRUSTEES
9 SHALL SUBMIT THE REPORT BY SEPTEMBER FIRST OF EACH SUBSEQUENT YEAR.

10 S 4. Section 6206 of the education law is amended by adding a new
11 subdivision 19 to read as follows:

12 19. THE CITY UNIVERSITY TRUSTEES SHALL ANNUALLY REPORT ON HOW THE
13 REVENUE GENERATED HAS BEEN INVESTED IN FACULTY, INSTRUCTION, INITIATIVES
14 TO IMPROVE STUDENT SUCCESS AND ON-TIME COMPLETION AND STUDENT FINANCIAL
15 ASSISTANCE FOR THE DURATION OF THE FOUR YEAR TUITION PLAN. THE TRUSTEES
16 SHALL SUBMIT THE REPORT BY SEPTEMBER FIRST OF EACH SUBSEQUENT YEAR.

17 S 5. Section 16 of chapter 260 of the laws of 2011 amending the educa-
18 tion law and the New York state urban development corporation act relat-
19 ing to establishing components of the NY-SUNY 2020 challenge grant
20 program, as amended by section 5 of part D of chapter 54 of the laws of
21 2016, is amended to read as follows:

22 S 16. This act shall take effect July 1, 2011; provided that sections
23 one, two, three, four, five, six, eight, nine, ten, eleven, twelve and
24 thirteen of this act shall expire [6] 10 years after such effective date
25 when upon such date the provisions of this act shall be deemed repealed;
26 and provided further that sections fourteen and fifteen of this act
27 shall expire 5 years after such effective date when upon such date the
28 provisions of this act shall be deemed repealed.

29 S 6. This act shall take effect immediately; provided that the amend-
30 ments to subparagraph 4 of paragraph h of subdivision 2 of section 355
31 of the education law made by section one of this act and the amendments
32 to paragraph (a) of subdivision 7 of section 6206 of the education law
33 made by section two of this act shall not affect the expiration of such
34 provisions and shall be deemed to expire therewith.

35

PART KKK

36 Section 1. The education law is amended by adding a new section
37 667-c-1 to read as follows:

38 S 667-C-1. NEW YORK STATE PART-TIME SCHOLARSHIP (PTS) AWARD PROGRAM.
39 1. THE NEW YORK STATE PART-TIME SCHOLARSHIP (PTS) AWARD PROGRAM IS HERE-
40 BY ESTABLISHED FOR THE PURPOSE OF PROVIDING SCHOLARSHIP AWARDS TO
41 STUDENTS WHO ATTEND A COMMUNITY COLLEGE AT THE STATE UNIVERSITY OF NEW
42 YORK (SUNY) OR THE CITY UNIVERSITY OF NEW YORK (CUNY) ON A PART-TIME
43 BASIS.

44 2. TO BE ELIGIBLE, AN APPLICANT MUST MEET THE QUALIFICATIONS OF SUBDI-
45 VISIONS THREE AND FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS ARTICLE,
46 ENROLL IN AT LEAST SIX BUT LESS THEN TWELVE CREDIT HOURS AT A SUNY OR
47 CUNY COMMUNITY COLLEGE IN THE 2017-2018 ACADEMIC YEAR, OR THEREAFTER,
48 AND MAINTAIN A GRADE POINT AVERAGE OF 2.0.

49 3. A. SUCH AWARDS SHALL BE MADE TO ELIGIBLE APPLICANTS IN THE FOLLOW-
50 ING PRIORITY:

51 (I) FIRST, TO APPLICANTS WHO HAVE RECEIVED PAYMENT OF AN AWARD PURSU-
52 ANT TO THIS SECTION IN A PRIOR YEAR AND REMAIN IN GOOD ACADEMIC STAND-
53 ING; AND

1 (II) SECOND, TO APPLICANTS IN DESCENDING ORDER BASED ON FINANCIAL NEED
2 AS DETERMINED BY THE CORPORATION AND; PROVIDED THAT AWARDS MADE SHALL BE
3 PROPORTIONATE TO THE TOTAL APPLICATIONS RECEIVED FOR STUDENTS ACCEPTED
4 FOR UNDERGRADUATE STUDY AT SUNY AND CUNY RESPECTIVELY. PROVIDED, HOWEV-
5 ER, IN THE PROGRAM'S FIRST YEAR, FIRST PRIORITY SHALL BE IN ACCORDANCE
6 WITH THIS SUBPARAGRAPH.

7 B. IN THE EVENT THAT THERE ARE MORE APPLICANTS WHO HAVE THE SAME
8 PRIORITY THAN THERE ARE REMAINING SCHOLARSHIPS, THE PRESIDENT SHALL
9 DISTRIBUTE THE REMAINING NUMBER OF SUCH SCHOLARSHIPS BY MEANS OF A
10 LOTTERY OR OTHER FORM OF RANDOM SELECTION.

11 4. WITHIN AMOUNTS APPROPRIATED THEREFOR, THE PRESIDENT SHALL GRANT
12 AWARDS TO ELIGIBLE APPLICANTS TO COVER THE COST OF SIX CREDIT HOURS PER
13 SEMESTER AT A SUNY OR CUNY COMMUNITY COLLEGE, PROVIDED HOWEVER, THAT NO
14 SUCH AWARD SHALL EXCEED FIFTEEN HUNDRED DOLLARS PER SEMESTER.

15 5. PTS AWARDS SHALL BE GRANTED PURSUANT TO THIS SECTION FOR NO MORE
16 THAN FOUR CONSECUTIVE ACADEMIC SEMESTERS PURSUANT TO FUTURE APPROPRI-
17 ATIONS FOR THE CONTINUATION OF THIS PROGRAM.

18 6. THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS,
19 AND MAY PROMULGATE EMERGENCY REGULATIONS, NECESSARY FOR THE IMPLEMENTA-
20 TION OF THE PROVISIONS OF THIS SECTION.

21 S 2. This act shall take effect immediately.

22 PART LLL

23 Section 1. On or before June 30, 2018, the president of the higher
24 education services corporation shall report on options to make college
25 more affordable for New York students and their families and shall issue
26 such report to the governor, the temporary president of the senate, the
27 speaker of the assembly, the senate finance committee, the assembly ways
28 and means committee and the higher education committees of the legisla-
29 ture.

30 S 2. The report shall, at a minimum: (1) explore options for a program
31 to allow qualified residents to refinance student loan debt at favorable
32 interest rates including options to refinance student loan debt for
33 individuals who have been out of college for at least ten years; (2)
34 analyze alternative methods to provide student loan debt relief which
35 shall include a review of other states' policies on minimizing such
36 debt; (3) review student housing at the state university of New York and
37 city university of New York which shall include a comparison of student
38 charges and facility operational costs, as well as occupancy policies
39 and requirements; (4) review programs and options to enable families to
40 prepare for college costs through various programs including pre-paid
41 tuition programs and other college savings programs; (5) examine afford-
42 ability initiatives at public and private colleges which may include but
43 not be limited to textbook affordability, reducing the cost of student
44 housing, student transportation, reduction of administrative costs, and
45 the creation of on-campus or community job opportunity for students; (6)
46 and in consultation with the chancellor of the state university of New
47 York and the chancellor of the city university of New York examine the
48 process by which students, who are receiving support through opportunity
49 programs or other programs that provide additional academic support, are
50 able to maintain such support when such students transfer to a different
51 campus or transfer from a community college to a senior or state oper-
52 ated college. Information presented in the report will allow colleges
53 to explore opportunities to implement college affordability options.

1 S 3. This act shall take effect immediately and shall expire and be
2 deemed repealed January 1, 2019.

3 PART MMM

4 Section 1. Legislative intent. The legislature hereby recognizes the
5 need to invest in individuals committed to working in the field of child
6 welfare by providing higher education incentives for current and
7 prospective employees. This workforce is in charge of ensuring the
8 health, safety, and well-being of our state's most vulnerable children
9 and families. By providing current and prospective employees the oppor-
10 tunity for affordable higher education, we are enhancing their ability
11 to meet the needs of the children and youth in care, many of whom have
12 experienced profound trauma, as well as providing the skills needed to
13 operate in today's changing health landscape.

14 S 2. The education law is amended by adding a new section 679-h to
15 read as follows:

16 S 679-H. NEW YORK STATE CHILD WELFARE WORKER INCENTIVE SCHOLARSHIP
17 PROGRAM. 1. PURPOSE. THE PRESIDENT SHALL GRANT SCHOLARSHIP AWARDS FOR
18 THE PURPOSE OF ENHANCING THE PROFICIENCY OF CURRENT CHILD WELFARE WORK-
19 ERS IN NEW YORK STATE. SUCH AWARDS SHALL BE MADE ON A COMPETITIVE BASIS
20 TO APPLICANTS WHO ARE CURRENTLY EMPLOYED AT A VOLUNTARY NOT-FOR-PROFIT
21 CHILD WELFARE AGENCY IN NEW YORK STATE LICENSED BY THE OFFICE OF CHIL-
22 DREN AND FAMILY SERVICES, OR EMPLOYED WITHIN SUCH STATE AGENCY AS A
23 CHILD WELFARE WORKER, WITH AT LEAST TWO YEARS' EXPERIENCE AND ARE
24 ENROLLING IN AN APPROVED PROGRAM TO OBTAIN A DEGREE THAT WILL ENHANCE
25 THEIR ABILITY TO WORK IN SUCH AGENCY.

26 2. ELIGIBILITY. TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SECTION,
27 APPLICANTS SHALL: A. BE CURRENTLY EMPLOYED AT A VOLUNTARY NOT-FOR-PRO-
28 FIT CHILD WELFARE AGENCY IN NEW YORK STATE LICENSED BY THE OFFICE OF
29 CHILDREN AND FAMILY SERVICES, WITH AT LEAST TWO YEARS OF QUALIFIED EXPE-
30 RIENCE;

31 B. BE MATRICULATED IN AN UNDERGRADUATE OR GRADUATE DEGREE PROGRAM AT
32 AN INSTITUTION OF HIGHER EDUCATION LOCATED WITHIN NEW YORK STATE IN A
33 PROGRAM OF STUDY THAT WOULD ENHANCE THEIR ABILITY TO WORK IN SUCH AGENCY
34 AS DETERMINED BY THE PRESIDENT;

35 C. AGREE TO WORK IN A VOLUNTARY NOT-FOR-PROFIT CHILD WELFARE AGENCY IN
36 NEW YORK STATE LICENSED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES AS
37 A CHILD WELFARE WORKER ON A FULL TIME BASIS FOR A PERIOD OF NO LESS THAN
38 FIVE CONTINUOUS YEARS UPON COMPLETION OF SUCH DEGREE PROGRAM WITHIN A
39 REASONABLE PERIOD OF TIME AND MAINTAIN RESIDENCY IN NEW YORK STATE FOR
40 SUCH PERIOD OF EMPLOYMENT; AND

41 D. COMPLY WITH SUBDIVISIONS THREE AND FIVE OF SECTION SIX HUNDRED
42 SIXTY-ONE OF THIS PART.

43 3. AWARD CONDITIONS AND REQUIREMENTS. A. WITHIN AMOUNTS APPROPRIATED
44 THEREFORE AND BASED ON AVAILABILITY OF FUNDS, SCHOLARSHIPS SHALL BE
45 GRANTED BEGINNING WITH THE TWO THOUSAND SEVENTEEN -- TWO THOUSAND EIGH-
46 TEEN ACADEMIC YEAR AND THEREAFTER ON A COMPETITIVE BASIS TO APPLICANTS
47 WHOM THE CORPORATION HAS CERTIFIED ARE ELIGIBLE TO RECEIVE SUCH AWARDS;
48 AND WHO AGREE TO WORK IN A VOLUNTARY NOT-FOR-PROFIT CHILD WELFARE AGENCY
49 IN NEW YORK STATE LICENSED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES
50 AS A CHILD WELFARE WORKER ON A FULL TIME BASIS FOR A PERIOD OF NO LESS
51 THAN FIVE CONTINUOUS YEARS UPON COMPLETION OF SUCH DEGREE WITHIN A
52 REASONABLE PERIOD OF TIME AND MAINTAIN RESIDENCY IN NEW YORK STATE FOR
53 SUCH PERIOD OF EMPLOYMENT.

1 B. AN APPLICANT MUST MAKE EVERY REASONABLE EFFORT TO OBTAIN EMPLOYMENT
2 IN A VOLUNTARY NOT-FOR-PROFIT CHILD WELFARE AGENCY IN NEW YORK STATE
3 LICENSED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES AS A CHILD
4 WELFARE WORKER UPON GRADUATION.

5 4. AMOUNT. THE CORPORATION SHALL GRANT SUCH AWARDS WITHIN THE AMOUNTS
6 APPROPRIATED FOR SUCH PURPOSE AND BASED ON AVAILABILITY OF FUNDS ACCORD-
7 ING TO A SCHEDULE TO BE DETERMINED BY THE CORPORATION IN AN AMOUNT:

8 A. EQUAL TO THE TUITION CHARGED TO STATE RESIDENT STUDENTS ATTENDING
9 AN UNDERGRADUATE OR GRADUATE DEGREE PROGRAM, AS APPLICABLE, AT THE STATE
10 UNIVERSITY OF NEW YORK; THE AVERAGE MANDATORY FEES CHARGED AT THE STATE
11 UNIVERSITY OF NEW YORK, OR THE ACTUAL TUITION AND FEES CHARGED TO THE
12 RECIPIENT, WHICHEVER IS LESS; AND THE AVERAGE NON-TUITION COST OF
13 ATTENDANCE, AS DETERMINED BY THE CORPORATION AND AS APPROVED BY THE
14 DIRECTOR OF THE BUDGET, FOR A STUDENT AT THE STATE UNIVERSITY OF NEW
15 YORK OR ACTUAL NON-TUITION COST OF ATTENDANCE AT SUCH INSTITUTION,
16 WHICHEVER IS LESS PROVIDED THAT THE SCHOLARSHIP SHALL NOT EXCEED AN
17 AMOUNT THAT IS EQUAL TO THE TOTAL COST OF ATTENDANCE DETERMINED FOR
18 FEDERAL TITLE IV STUDENT FINANCIAL AID PURPOSES, LESS ALL OTHER SCHOLAR-
19 SHIPS AND GRANTS PROVIDED BY NEW YORK STATE, OTHER STATES, THE FEDERAL
20 GOVERNMENT, OR OTHER GOVERNMENTS, AND THE AMOUNT OF EDUCATIONAL BENEFITS
21 PAID UNDER ANY PROGRAM THAT WOULD DUPLICATE THE PURPOSES OF THIS
22 PROGRAM, PROVIDED THAT ANY SCHOLARSHIPS OR GRANTS PROVIDED TO A RECIPI-
23 ENT BY THE INSTITUTION WHICH ARE INTENDED TO FUND ANY PORTION OF THE
24 DIFFERENCE BETWEEN THE ANNUAL STATE AWARD AND THE ACTUAL COSTS OF
25 ATTENDANCE AT ANY SUCH INSTITUTION SHALL NOT BE CONSIDERED TO DUPLICATE
26 THE PURPOSES OF THIS PROGRAM.

27 B. NOT TO EXCEED TWENTY THOUSAND DOLLARS FOR A MASTER'S DEGREE PROGRAM
28 AT A PRIVATE INSTITUTION; THE AVERAGE MANDATORY FEES CHARGED AT THE
29 PRIVATE INSTITUTION, OR THE ACTUAL TUITION AND FEES CHARGED TO THE
30 RECIPIENT, WHICHEVER IS LESS; AND THE AVERAGE NON-TUITION COST OF
31 ATTENDANCE, AS DETERMINED BY THE CORPORATION AND AS APPROVED BY THE
32 DIRECTOR OF THE BUDGET, FOR A STUDENT AT SUCH PRIVATE INSTITUTION OR
33 ACTUAL NON-TUITION COST OF ATTENDANCE AT SUCH INSTITUTION, WHICHEVER IS
34 LESS, PROVIDED THAT THE SCHOLARSHIP SHALL NOT EXCEED AN AMOUNT THAT IS
35 EQUAL TO THE TOTAL COST OF ATTENDANCE DETERMINED FOR FEDERAL TITLE IV
36 STUDENT FINANCIAL AID PURPOSES, LESS ALL OTHER SCHOLARSHIPS AND GRANTS
37 PROVIDED BY NEW YORK STATE, OTHER STATES, THE FEDERAL GOVERNMENT, OR
38 OTHER GOVERNMENTS, AND THE AMOUNT OF EDUCATIONAL BENEFITS PAID UNDER ANY
39 PROGRAM THAT WOULD DUPLICATE THE PURPOSES OF THIS PROGRAM, PROVIDED THAT
40 ANY SCHOLARSHIPS OR GRANTS PROVIDED TO A RECIPIENT BY THE INSTITUTION
41 WHICH ARE INTENDED TO FUND ANY PORTION OF THE DIFFERENCE BETWEEN THE
42 ANNUAL STATE AWARD AND THE ACTUAL COSTS OF ATTENDANCE AT ANY SUCH INSTI-
43 TUTION SHALL NOT BE CONSIDERED TO DUPLICATE THE PURPOSES OF THIS
44 PROGRAM.

45 5. OTHER AWARDS. AWARD RECIPIENTS SHALL BE ELIGIBLE TO APPLY FOR OTHER
46 AWARDS.

47 6. DURATION. AN AWARD SHALL ENTITLE THE RECIPIENT TO ANNUAL PAYMENTS
48 FOR EITHER AN ASSOCIATE'S DEGREE, BACHELOR'S DEGREE, OR GRADUATE DEGREE.
49 AN ELIGIBLE RECIPIENT ENROLLED IN AN ELIGIBLE TWO YEAR PROGRAM OF STUDY
50 SHALL NOT RECEIVE AN AWARD FOR MORE THAN TWO ACADEMIC YEARS. AN ELIGIBLE
51 RECIPIENT ENROLLED IN AN ELIGIBLE UNDERGRADUATE PROGRAM OF STUDY SHALL
52 NOT RECEIVE AN AWARD FOR MORE THAN FOUR ACADEMIC YEARS OF UNDERGRADUATE
53 STUDY OR FIVE ACADEMIC YEARS IF THE PROGRAM OF STUDY NORMALLY REQUIRES
54 FIVE YEARS. AN ELIGIBLE RECIPIENT ENROLLED IN A GRADUATE PROGRAM OF
55 STUDY SHALL NOT RECEIVE AN AWARD FOR MORE THAN TWO ACADEMIC YEARS.

1 NOTWITHSTANDING, SUCH DURATION MAY BE EXTENDED FOR AN ALLOWABLE INTER-
2 RUPTION OF STUDY AS DETERMINED BY THE CORPORATION.

3 7. PENALTIES FOR NONCOMPLIANCE. A. THE CORPORATION MAY COLLECT THE
4 FULL AMOUNT OF THE AWARD GIVEN PURSUANT TO THIS SECTION, PLUS INTEREST,
5 ACCORDING TO A SCHEDULE TO BE DETERMINED BY THE CORPORATION, IF: (I) THE
6 RECIPIENT FAILS TO COMPLETE THEIR DEGREE PROGRAM WITHIN A REASONABLE
7 TIME AS DETERMINED BY THE CORPORATION; OR (II) ONE YEAR AFTER THE
8 COMPLETION OF THE DEGREE PROGRAM IT IS FOUND THAT A RECIPIENT DID NOT
9 BEGIN FULL-TIME EMPLOYMENT AT A VOLUNTARY NOT-FOR-PROFIT CHILD WELFARE
10 AGENCY IN NEW YORK STATE LICENSED BY THE OFFICE OF CHILDREN AND FAMILY
11 SERVICES AS A CHILD WELFARE WORKER; OR (III) THE RECIPIENT FAILS TO
12 COMPLETE FIVE CONTINUOUS YEARS OF FULL-TIME EMPLOYMENT AT A VOLUNTARY
13 NOT-FOR-PROFIT CHILD WELFARE AGENCY IN THE STATE LICENSED BY THE OFFICE
14 OF CHILDREN AND FAMILY SERVICES AS A CHILD WELFARE WORKER OR MAINTAIN
15 RESIDENCY IN NEW YORK STATE FOR SUCH PERIOD OF EMPLOYMENT; OR (IV) THE
16 RECIPIENT FAILS TO RESPOND TO REQUESTS BY THE CORPORATION FOR THE STATUS
17 OF HIS OR HER ACADEMIC OR PROFESSIONAL PROGRESS. THE TERMS AND CONDI-
18 TIONS OF THIS SUBDIVISION SHALL BE DEFERRED FOR ANY INTERRUPTION IN AN
19 UNDERGRADUATE OR GRADUATE STUDY OR EMPLOYMENT AS ESTABLISHED BY THE
20 RULES AND REGULATIONS OF THE CORPORATION. ANY OBLIGATION TO COMPLY WITH
21 SUCH PROVISIONS AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE
22 DEATH OF THE RECIPIENT. NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVI-
23 SION TO THE CONTRARY, THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES
24 AND REGULATIONS NECESSARY FOR THE WAIVER OF SUSPENSION OF ANY FINANCIAL
25 OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

26 8. RECIPIENT SELECTION. THE PRESIDENT MAY ESTABLISH:

27 A. AN APPLICATION DEADLINE; AND

28 B. A METHOD OF SELECTING RECIPIENTS IF IN ANY GIVEN YEAR THERE ARE
29 INSUFFICIENT FUNDS TO COVER THE NEEDS OF ALL APPLICANTS AND RETURNING
30 RECIPIENTS.

31 9. RULES AND REGULATIONS. THE CORPORATION IS AUTHORIZED TO PROMULGATE
32 RULES AND REGULATIONS, AND MAY PROMULGATE EMERGENCY REGULATIONS, NECES-
33 SARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION INCLUDING,
34 BUT NOT LIMITED TO, THE CRITERIA TO DISTRIBUTING THE AWARDS, WHICH MAY
35 INCLUDE A LOTTERY OR OTHER FORM OF RANDOM SELECTION, AND THE RATE OF
36 INTEREST CHARGES FOR REPAYMENT OF THE STUDENT LOAN.

37 S 3. The education law is amended by adding a new section 679-i to
38 read as follows:

39 S 679-I. NEW YORK STATE CHILD WELFARE WORKER LOAN FORGIVENESS INCEN-
40 TIVE PROGRAM. 1. PURPOSE. THE PRESIDENT SHALL GRANT STUDENT LOAN
41 FORGIVENESS AWARDS FOR THE PURPOSE OF ATTRACTING WORKERS TO BE EMPLOYED
42 IN VOLUNTARY NOT-FOR-PROFIT CHILD WELFARE AGENCIES IN NEW YORK STATE
43 LICENSED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES AS A CHILD
44 WELFARE WORKER. SUCH AWARDS SHALL BE MADE ON A COMPETITIVE BASIS, IN
45 ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE CORPORATION FOR
46 SUCH PURPOSES, TO APPLICANTS WHO MEET THE ELIGIBILITY CRITERIA.

47 2. ELIGIBILITY. TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SECTION,
48 APPLICANTS SHALL:

49 A. HAVE GRADUATED AND OBTAINED AN UNDERGRADUATE OR GRADUATE DEGREE
50 FROM A COLLEGE OR UNIVERSITY LOCATED IN NEW YORK STATE;

51 B. HAVE OUTSTANDING STUDENT LOAN DEBT FROM OBTAINING SUCH DEGREE;

52 C. AGREE TO WORK IN A VOLUNTARY NOT-FOR-PROFIT CHILD WELFARE AGENCY IN
53 NEW YORK STATE LICENSED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES AS
54 A CHILD WELFARE WORKER, ON A FULL TIME BASIS FOR A PERIOD OF NO LESS
55 THAN FIVE YEARS;

56 D. APPLY FOR THIS PROGRAM WITHIN TWO YEARS OF COLLEGE GRADUATION; AND

1 E. COMPLY WITH SUBDIVISIONS THREE AND FIVE OF SECTION SIX HUNDRED
2 SIXTY-ONE OF THIS PART.

3 3. AWARDS. AWARDS SHALL BE GRANTED TO QUALIFIED APPLICANTS IN THE
4 AMOUNT OF UP TO TEN THOUSAND DOLLARS PER YEAR, PER APPLICANT, NOT TO
5 EXCEED A DURATION OF FIVE YEARS AND NOT TO EXCEED THE TOTAL AMOUNT OF
6 SUCH APPLICANT'S STUDENT LOAN DEBT. THE CORPORATION SHALL GRANT SUCH
7 AWARDS WITHIN AMOUNTS APPROPRIATED FOR SUCH PURPOSES AND BASED ON THE
8 AVAILABILITY OF FUNDS. NO ONE APPLICANT SHALL RECEIVE MORE THAN A TOTAL
9 OF FIFTY THOUSAND DOLLARS UPON THE END OF A FIVE-YEAR PERIOD.

10 4. PRIORITY. FIRST PRIORITY SHALL BE GIVEN TO APPLICANTS WHO HAVE
11 RECEIVED PAYMENT OF AN AWARD PURSUANT TO THIS SECTION IN A PRIOR YEAR
12 AND REMAIN ELIGIBLE. SECOND PRIORITY SHALL BE GIVEN TO APPLICANTS WHO
13 ARE COMPLETING THE SECOND, THIRD, FOURTH OR FIFTH YEAR OF FULL-TIME
14 EMPLOYMENT AT A VOLUNTARY NOT-FOR-PROFIT CHILD WELFARE AGENCY IN NEW
15 YORK STATE LICENSED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES. THIRD
16 PRIORITY SHALL BE GIVEN TO AN APPLICANT WHO CAN DEMONSTRATE ECONOMIC
17 NEED BUT DID NOT RECEIVE AN AWARD DURING THE FIRST YEAR OF THIS
18 PROGRAM'S OPERATION. IF LARGER NUMBERS OF APPLICANTS ARE ELIGIBLE PURSU-
19 ANT TO THIS SUBDIVISION THAN FUNDS AVAILABLE, APPLICANTS SHALL BE CHOSEN
20 PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE CORPORATION;
21 PROVIDED, HOWEVER, THAT EACH APPLICANT CHOSEN SHALL RECEIVE AN AWARD OF
22 UP TO TEN THOUSAND DOLLARS IN EACH YEAR SUCH APPLICANT IS ACCEPTED INTO
23 THE PROGRAM.

24 5. RULES AND REGULATIONS. THE CORPORATION IS AUTHORIZED TO PROMULGATE
25 RULES AND REGULATIONS, AND MAY PROMULGATE EMERGENCY REGULATIONS, NECES-
26 SARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION.

27 S 4. This act shall take effect immediately.

28 PART NNN

29 Section 1. This act enacts into law components of legislation which
30 are necessary to implement legislation relating to workers' compensation
31 and insurance. Each component is wholly contained within a Subpart iden-
32 tified as Subparts A through J. The effective date for each particular
33 provision contained within such Subpart is set forth in the last section
34 of such Subpart. Any provision in any section contained within a
35 Subpart, including the effective date of the Subpart, which makes a
36 reference to a section "of this act", when used in connection with that
37 particular component, shall be deemed to mean and refer to the corre-
38 sponding section of the Subpart in which it is found. Section three of
39 this act sets forth the general effective date of this act.

40 SUBPART A

41 Section 1. Paragraph w of subdivision 3 of section 15 of the workers'
42 compensation law, as amended by chapter 6 of the laws of 2007, is
43 amended to read as follows:

44 w. Other cases. In all other cases of permanent partial disability,
45 the compensation shall be sixty-six and two-thirds percent of the
46 difference between the injured employee's average weekly wages and his
47 or her wage-earning capacity thereafter in the same employment or other-
48 wise. Compensation under this paragraph shall be payable during the
49 continuance of such permanent partial disability, WITHOUT THE NECESSITY
50 FOR THE CLAIMANT WHO IS ENTITLED TO BENEFITS AT THE TIME OF CLASSIFICA-
51 TION TO DEMONSTRATE ONGOING ATTACHMENT TO THE LABOR MARKET, but subject
52 to reconsideration of the degree of such impairment by the board on its

1 own motion or upon application of any party in interest however, all
2 compensation payable under this paragraph shall not exceed (i) five
3 hundred twenty-five weeks in cases in which the loss of wage-earning
4 capacity is greater than ninety-five percent; (ii) five hundred weeks in
5 cases in which the loss of wage-earning capacity is greater than ninety
6 percent but not more than ninety-five percent; (iii) four hundred seven-
7 ty-five weeks in cases in which the loss of wage-earning capacity is
8 greater than eighty-five percent but not more than ninety percent; (iv)
9 four hundred fifty weeks in cases in which the loss of wage-earning
10 capacity is greater than eighty percent but not more than eighty-five
11 percent; (v) four hundred twenty-five weeks in cases in which the loss
12 of wage-earning capacity is greater than seventy-five percent but not
13 more than eighty percent; (vi) four hundred weeks in cases in which the
14 loss of wage-earning capacity is greater than seventy percent but not
15 more than seventy-five percent; (vii) three hundred seventy-five weeks
16 in cases in which the loss of wage-earning capacity is greater than
17 sixty percent but not more than seventy percent; (viii) three hundred
18 fifty weeks in cases in which the loss of wage-earning capacity is
19 greater than fifty percent but not more than sixty percent; (ix) three
20 hundred weeks in cases in which the loss of wage-earning capacity is
21 greater than forty percent but not more than fifty percent; (x) two
22 hundred seventy-five weeks in cases in which the loss of wage-earning
23 capacity is greater than thirty percent but not more than forty percent;
24 (xi) two hundred fifty weeks in cases in which the loss of wage-earning
25 capacity is greater than fifteen percent but not more than thirty
26 percent; and (xii) two hundred twenty-five weeks in cases in which the
27 loss of wage-earning capacity is fifteen percent or less. FOR A CLAIM-
28 ANT WITH A DATE OF ACCIDENT OR DISABLEMENT AFTER THE EFFECTIVE DATE OF
29 THE CHAPTER OF THE LAWS OF TWO THOUSAND SEVENTEEN THAT AMENDED THIS
30 SUBDIVISION, WHERE THE CARRIER OR EMPLOYER HAS PROVIDED COMPENSATION
31 PURSUANT TO SUBDIVISION FIVE OF THIS SECTION BEYOND ONE HUNDRED THIRTY
32 WEEKS FROM THE DATE OF ACCIDENT OR DISABLEMENT, ALL SUBSEQUENT WEEKS IN
33 WHICH COMPENSATION WAS PAID SHALL BE CONSIDERED TO BE BENEFIT WEEKS FOR
34 PURPOSES OF THIS SECTION, WITH THE CARRIER OR EMPLOYER RECEIVING CREDIT
35 FOR ALL SUCH SUBSEQUENT WEEKS AGAINST THE AMOUNT OF MAXIMUM BENEFIT
36 WEEKS WHEN PERMANENT PARTIAL DISABILITY UNDER THIS SECTION IS DETER-
37 MINED. IN THE EVENT OF PAYMENT FOR INTERMITTENT TEMPORARY PARTIAL DISA-
38 BILITY PAID AFTER ONE HUNDRED THIRTY WEEKS FROM THE DATE OF ACCIDENT OR
39 DISABLEMENT, SUCH TIME SHALL BE REDUCED TO A NUMBER OF WEEKS, FOR WHICH
40 THE CARRIER WILL RECEIVE A CREDIT AGAINST THE MAXIMUM BENEFIT WEEKS.
41 FOR A CLAIMANT WITH A DATE OF ACCIDENT OR DISABLEMENT AFTER THE EFFEC-
42 TIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SEVENTEEN THAT
43 AMENDED THIS SUBDIVISION, WHEN PERMANENCY IS AT ISSUE, AND A CLAIMANT
44 HAS SUBMITTED MEDICAL EVIDENCE THAT HE OR SHE IS NOT AT MAXIMUM MEDICAL
45 IMPROVEMENT, AND THE CARRIER HAS PRODUCED OR HAS HAD A REASONABLE OPPOR-
46 TUNITY TO PRODUCE AN INDEPENDENT MEDICAL EXAMINATION CONCERNING MAXIMUM
47 MEDICAL IMPROVEMENT, AND THE BOARD HAS DETERMINED THAT THE CLAIMANT IS
48 NOT YET AT MAXIMUM MEDICAL IMPROVEMENT, THE CARRIER SHALL NOT RECEIVE A
49 CREDIT FOR BENEFIT WEEKS PRIOR TO A FINDING THAT THE CLAIMANT HAS
50 REACHED MAXIMUM MEDICAL IMPROVEMENT, AT WHICH TIME THE CARRIER SHALL
51 RECEIVE CREDIT FOR ANY WEEKS OF TEMPORARY DISABILITY PAID TO CLAIMANT
52 AFTER SUCH FINDING AGAINST THE MAXIMUM BENEFIT WEEKS AWARDED UNDER THIS
53 SUBDIVISION. For those claimants classified as permanently partially
54 disabled who no longer receive indemnity payments because they have
55 surpassed their number of maximum benefit weeks, the following
56 provisions will apply:

1 (1) There will be a presumption that medical services shall continue
2 notwithstanding the completion of the time period for compensation set
3 forth in this section and the burden of going forward and the burden of
4 proof will lie with the carrier, self-insured employer or state insur-
5 ance fund in any application before the board to discontinue or suspend
6 such services. Medical services will continue during the pendency of any
7 such application and any appeals thereto.

8 (2) The board is directed to promulgate regulations that establish an
9 independent review and appeal by an outside agent or entity of the
10 board's choosing of any administrative law judge's determination to
11 discontinue or suspend medical services before a final determination of
12 the board.

13 S 2. Subdivisions 3 and 4 of section 35 of the workers' compensation
14 law, as added by chapter 6 of the laws of 2007, the opening paragraph of
15 subdivision 4 as further amended by section 104 of part A of chapter 62
16 of the laws of 2011, are amended to read as follows:

17 3. Extreme hardship redetermination. In cases where the loss of wage-
18 earning capacity is greater than [eighty] SEVENTY-FIVE percent, a claim-
19 ant may request, within the year prior to the scheduled exhaustion of
20 indemnity benefits under paragraph w of subdivision three of section
21 fifteen of this article, that the board reclassify the claimant to
22 permanent total disability or total industrial disability due to factors
23 reflecting extreme hardship.

24 4. Annual safety net reporting. The [commissioner of labor] BOARD, in
25 conjunction with the [board] COMMISSIONER OF LABOR and the superinten-
26 dent of financial services, shall track all claimants who have been
27 awarded permanent partial disability status and report annually on
28 December first, beginning in two thousand eight, to the governor, the
29 speaker of the assembly, the majority leader of the senate, and the
30 chairs of the labor, ways and means and finance committees of the assem-
31 bly and senate:

32 (i) The number of said claimants who have:

33 (1) returned to gainful employment;

34 (2) been recategorized as being totally industrially disabled;

35 (3) remain subject to duration limitations set forth in paragraph w of
36 subdivision three of section fifteen of this article; and

37 (4) not returned to work, and whose indemnity payments have expired.

38 (ii) The additional steps the commissioner contemplates are necessary
39 to minimize the number of workers who have neither returned to work nor
40 been recategorized from permanent partial disability.

41 S 3. Section 23 of the workers' compensation law, as amended by
42 section 10 of part GG of chapter 57 of the laws of 2013, is amended to
43 read as follows:

44 S 23. Appeals. An award or decision of the board shall be final and
45 conclusive upon all questions within its jurisdiction, as against the
46 state fund or between the parties, unless reversed or modified on appeal
47 therefrom as hereinafter provided. Any party may within thirty days
48 after notice of the filing of an award or decision of a referee, file
49 with the board an application in writing for a modification or rescis-
50 sion or review of such award or decision, as provided in this chapter.
51 The board shall render its decision upon such application in writing and
52 shall include in such decision a statement of the facts which formed the
53 basis of its action on the issues raised before it on such application.
54 Within thirty days after notice of the decision of the board upon such
55 application has been served upon the parties, or within thirty days
56 after notice of an administrative redetermination review decision by the

1 chair pursuant to subdivision five of section fifty-two, section one
2 hundred thirty-one or section one hundred forty-one-a of this chapter
3 has been served upon any party in interest, an appeal may be taken ther-
4 efrom to the appellate division of the supreme court, third department,
5 by any party in interest, including an employer insured in the state
6 fund; provided, however, that any party in interest may within thirty
7 days after notice of the filing of the board panel's decision with the
8 secretary of the board, make application in writing for review thereof
9 by the full board. If the decision or determination was that of a panel
10 of the board and there was a dissent from such decision or determination
11 other than a dissent the sole basis of which is to refer the case to an
12 impartial specialist, OR IF THERE WAS A DECISION OR DETERMINATION BY THE
13 PANEL WHICH REDUCED THE LOSS OF WAGE EARNING CAPACITY FINDING MADE BY A
14 COMPENSATION CLAIMS REFEREE PURSUANT TO SUBPARAGRAPH W OF SUBDIVISION
15 THREE OF SECTION FIFTEEN OF THIS ARTICLE FROM A PERCENTAGE AT OR ABOVE
16 THE PERCENTAGE SET FORTH IN SUBDIVISION THREE OF SECTION THIRTY-FIVE OF
17 THIS ARTICLE WHEREBY A CLAIMANT WOULD BE ELIGIBLE TO APPLY FOR AN
18 EXTREME HARDSHIP REDETERMINATION TO A PERCENTAGE BELOW THE THRESHOLD,
19 the full board shall review and affirm, modify or rescind such decision
20 or determination in the same manner as herein above provided for an
21 award or decision of a referee. If the decision or determination was
22 that of a unanimous panel of the board, or there was a dissent from such
23 decision or determination the sole basis of which is to refer the case
24 to an impartial specialist, the board may in its sole discretion review
25 and affirm, modify or rescind such decision or determination in the same
26 manner as herein above provided for an award or decision of a referee.
27 Failure to apply for review by the full board shall not bar any party in
28 interest from taking an appeal directly to the court as above provided.
29 The board may also, in its discretion certify to such appellate division
30 of the supreme court, questions of law involved in its decision. Such
31 appeals and the question so certified shall be heard in a summary manner
32 and shall have precedence over all other civil cases in such court. The
33 board shall be deemed a party to every such appeal from its decision
34 upon such application, and the chair shall be deemed a party to every
35 such appeal from an administrative redetermination review decision
36 pursuant to subdivision five of section fifty-two of this chapter. The
37 attorney general shall represent the board and the chair thereon. An
38 appeal may also be taken to the court of appeals in the same manner and
39 subject to the same limitations not inconsistent herewith as is now
40 provided in the civil practice law and rules. It shall not be necessary
41 to file exceptions to the rulings of the board. An appeal to the appel-
42 late division of the supreme court, third department, or to the court of
43 appeals, shall not operate as a stay of the payment of compensation
44 required by the terms of the award or of the payment of the cost of such
45 medical, dental, surgical, optometric or other attendance, treatment,
46 devices, apparatus or other necessary items the employer is required to
47 provide pursuant to section thirteen of this article which are found to
48 be fair and reasonable. Where such award is modified or rescinded upon
49 appeal, the appellant shall be entitled to reimbursement in a sum equal
50 to the compensation in dispute paid to the respondent in addition to a
51 sum equal to the cost of such medical, dental, surgical, optometric or
52 other attendance, treatment, devices, apparatus or other necessary items
53 the employer is required to provide pursuant to section thirteen of this
54 article paid by the appellant pending adjudication of the appeal. Such
55 reimbursement shall be paid from administration expenses as provided in
56 section one hundred fifty-one of this chapter upon audit and warrant of

1 the comptroller upon vouchers approved by the chair. Where such award is
2 subject to the provisions of section twenty-seven of this article, the
3 appellant shall pay directly to the claimant all compensation as it
4 becomes due during the pendency of the appeal, and upon affirmance shall
5 be entitled to credit for such payments. Neither the chair, the board,
6 the commissioners of the state insurance fund nor the claimant shall be
7 required to file a bond upon an appeal to the court of appeals. Upon
8 final determination of such an appeal, the board or chair, as the case
9 may be, shall enter an order in accordance therewith. Whenever a notice
10 of appeal is served or an application made to the board by the employer
11 or insurance carrier for a modification or rescission or review of an
12 award or decision, and the board shall find that such notice of appeal
13 was served or such application was made for the purpose of delay or upon
14 frivolous grounds, the board shall impose a penalty in the amount of
15 five hundred dollars upon the employer or insurance carrier, which
16 penalty shall be added to the compensation and paid to the claimant. The
17 penalties provided herein shall be collected in like manner as compen-
18 sation. A party against whom an award of compensation shall be made may
19 appeal from a part of such award. In such a case the payment of such
20 part of the award as is not appealed from shall not prejudice any rights
21 of such party on appeal, nor be taken as an admission against such
22 party. Any appeal by an employer from an administrative redetermination
23 review decision pursuant to subdivision five of section fifty-two of
24 this chapter shall in no way serve to relieve the employer from the
25 obligation to timely pay compensation and benefits otherwise payable in
26 accordance with the provisions of this chapter.

27 Nothing contained in this section shall be construed to inhibit the
28 continuing jurisdiction of the board as provided in section one hundred
29 twenty-three of this chapter.

30 S 4. This act shall take effect immediately.

31

SUBPART B

32 Section 1. Subdivision 3 of section 15 of the workers' compensation
33 law is amended by adding a new paragraph x to read as follows:

34 X. IMPAIRMENT GUIDELINES. THE CHAIR SHALL CONSULT WITH REPRESENTATIVES
35 OF LABOR, BUSINESS, MEDICAL PROVIDERS, INSURANCE CARRIERS, AND SELF-IN-
36 SURED EMPLOYERS REGARDING REVISIONS TO PERMANENCY IMPAIRMENT GUIDELINES,
37 INCLUDING PERMITTING REVIEW AND COMMENT BY SUCH REPRESENTATIVES' CHOSEN
38 MEDICAL ADVISORS, AND AFTER CONSULTATION SHALL, IN ACCORDANCE WITH THE
39 STATE ADMINISTRATIVE PROCEDURE ACT, PROPOSE FOR PUBLIC COMMENT REVISED
40 PERMANENCY GUIDELINES CONCERNING MEDICAL EVALUATION OF IMPAIRMENT AND
41 THE DETERMINATION OF PERMANENCY AS SET FORTH IN PARAGRAPHS A THROUGH V
42 OF THIS SUBDIVISION BY SEPTEMBER FIRST, TWO THOUSAND SEVENTEEN, WITH
43 SUCH GUIDELINES TO BE ADOPTED BY THE CHAIR BY JANUARY FIRST, TWO THOU-
44 SAND EIGHTEEN. THE PERMANENCY IMPAIRMENT GUIDELINES SHALL BE REFLECTIVE
45 OF ADVANCES IN MODERN MEDICINE THAT ENHANCE HEALING AND RESULT IN BETTER
46 OUTCOMES. IN THE EVENT THE CHAIR FAILS TO ADOPT SUCH PERMANENCY GUIDE-
47 LINES TO BE EFFECTIVE BY JANUARY FIRST, TWO THOUSAND EIGHTEEN, THE CHAIR
48 SHALL ADOPT, BY EMERGENCY REGULATION, PERMANENCY IMPAIRMENT GUIDELINES.
49 THE PERMANENCY IMPAIRMENT GUIDELINES ADOPTED BY EMERGENCY REGULATION
50 SHALL BE EITHER THE IMPAIRMENT GUIDELINES PROPOSED BY THE CHAIR ON
51 SEPTEMBER FIRST, TWO THOUSAND SEVENTEEN OR THE PERMANENCY IMPAIRMENT
52 GUIDELINES CREATED BY THE CONSULTANT TO THE BOARD AND SUBMITTED TO
53 REPRESENTATIVES OF LABOR, BUSINESS, MEDICAL PROVIDERS, INSURANCE CARRI-
54 ERS, AND SELF-INSURED EMPLOYERS, AS VOTED ON IN AN EMERGENCY MEETING OF

1 THE BOARD TO BE HELD ON DECEMBER TWENTY-NINTH, TWO THOUSAND SEVENTEEN.
2 IN THE EVENT THE BOARD IS UNABLE TO REACH A DECISION AT SUCH MEETING,
3 THE CHAIR SHALL SELECT THE PERMANENCY GUIDELINES TO BE ADOPTED BY EMER-
4 GENCY REGULATIONS. EMERGENCY REGULATIONS SHALL BE IN EFFECT FOR NINETY
5 DAYS OR UNTIL SUCH TIME AS PERMANENT REGULATIONS ARE ADOPTED BY THE
6 CHAIR. AS OF JANUARY FIRST, TWO THOUSAND EIGHTEEN THE 2012 PERMANENCY
7 IMPAIRMENT GUIDELINES PERTAINING TO PARAGRAPHS A THROUGH V OF SUBDIVI-
8 SION THREE OF SECTION FIFTEEN OF THIS ARTICLE ARE REPEALED, AND SHALL
9 HAVE NO EFFECT. THE BOARD SHALL TRAIN ADJUDICATION AND OTHER STAFF TO
10 ENSURE TIMELY AND EFFECTIVE IMPLEMENTATION.
11 S 2. This act shall take effect immediately.

12 SUBPART C

13 Section 1. The workers' compensation law is amended by adding a new
14 section 13-p to read as follows:
15 S 13-P. COMPREHENSIVE PRESCRIPTION DRUG FORMULARY. THE CHAIR SHALL
16 ESTABLISH A COMPREHENSIVE PRESCRIPTION DRUG FORMULARY ON OR BEFORE
17 DECEMBER THIRTY-FIRST, TWO THOUSAND SEVENTEEN. THE PRESCRIPTION DRUG
18 FORMULARY SHALL INCLUDE A TIERED LIST OF HIGH-QUALITY, COST-EFFECTIVE
19 MEDICATIONS THAT ARE PRE-APPROVED TO BE PRESCRIBED AND DISPENSED, AS
20 WELL AS ADDITIONAL NON-PREFERRED DRUGS THAT CAN BE PRESCRIBED WITH PRIOR
21 APPROVAL. SUCH PRESCRIPTION DRUG FORMULARY, SHALL INCLUDE BUT NOT BE
22 LIMITED TO IMPLEMENTATION OF A PHARMACY REIMBURSEMENT STRATEGY, ADMINIS-
23 TRATION OF A PRESCRIPTION DRUG REBATE PROGRAM FOR FORMULARY DRUGS, A
24 PRE-APPROVAL PROGRAM, DRUG UTILIZATION REVIEW, AND LIMITATIONS ON THE
25 PRESCRIBING OF COMPOUNDED MEDICATIONS AND COMPOUNDED TOPICAL PREPARA-
26 TIONS. THE BOARD SHALL PROMULGATE REGULATIONS TO PERMIT AN INTERESTED
27 PARTY TO SUBMIT A REQUEST TO THE MEDICAL DIRECTOR OF THE BOARD TO ALTER
28 OR AMEND THE FORMULARY TO CONSIDER CHANGING THE STATUS OF A DRUG FROM
29 NON-PREFERRED TO PREFERRED. REGULATIONS MAY INCLUDE A PROVISION FOR
30 REASONABLE COSTS AND FEES ASSOCIATED WITH THE REVIEW.
31 S 2. This act shall take effect immediately.

32 SUBPART D

33 Section 1. Paragraph (a) of subdivision 2 of section 25 of the work-
34 ers' compensation law, as amended by chapter 635 of the laws of 1996, is
35 amended to read as follows:
36 (a) In case the employer decides to controvert the right to compen-
37 sation, it shall, either on or before the eighteenth day after disabili-
38 ty or within ten days after it has knowledge of the alleged accident,
39 whichever period is the greater, file a notice with the chair, on a form
40 prescribed by the chair, that compensation is not being paid, giving the
41 name of the claimant, name of the employer, date of the alleged accident
42 and the reason why compensation is not being paid. WHEN A CLAIM FOR
43 COMPENSATION IS FILED WITH MEDICAL EVIDENCE OF WORK RELATED INJURY OR
44 ILLNESS, AND THE CLAIMANT IS DISABLED AND NOT WORKING, AND THE CLAIMANT
45 IS OTHERWISE ENTITLED TO COMPENSATION, AND THE EMPLOYER IS NOT MAKING
46 PAYMENT TO THE CLAIMANT AS REQUIRED HEREIN, AND THE EMPLOYER HAS NOT
47 CONTROVERTED THE CLAIM, AND THE EFFORTS TO RESOLVE THE ISSUE WITH THE
48 CARRIER HAVE NOT BEEN SUCCESSFUL, THE CLAIMANT MAY REQUEST, IN THE
49 FORMAT PRESCRIBED BY THE CHAIR, A HEARING TO BE HELD WITHIN FORTY-FIVE
50 DAYS OF THE BOARD'S RECEIPT OF SUCH REQUEST.
51 If the insurance carrier shall fail either to file notice of contro-
52 versy or begin payment of compensation within the prescribed period or

1 within ten days after receipt of a copy of the notice required in
2 section one hundred ten of this chapter, whichever period is the great-
3 er, the board may[, after a hearing,] impose a penalty in the amount of
4 three hundred dollars, which shall be in addition to all other penalties
5 provided for in this chapter and shall be paid to the claimant. Such
6 penalty shall be collected in like manner as an award of compensation.

7 S 2. Subdivision 3 of section 25 of the workers' compensation law is
8 amended by adding a new paragraph (g) to read as follows:

9 (G) NOTWITHSTANDING ANY OTHER PROVISION IN THIS CHAPTER, THE CHAIR MAY
10 BY REGULATION ELECT TO ESTABLISH A PERFORMANCE STANDARD CONCERNING THE
11 SUBJECT OF ANY PENALTY OR ASSESSMENT PROVISION APPLICABLE TO AN INSUR-
12 ANCE CARRIER OR SELF-INSURED EMPLOYER, WHERE SUCH PENALTY OR ASSESSMENT
13 IS REMITTABLE TO THE NEW YORK STATE TREASURY, OR CHAIR, BUT NOT TO
14 CLAIMANTS OR ANY OTHER PAYEE OR FUND, AND IMPOSE A SINGLE PENALTY OR
15 ASSESSMENT UPON THE FAILURE TO MEET THAT PROMULGATED STANDARD, WITH
16 NOTICE TO THE CARRIER OR SELF-INSURED EMPLOYER. THE PENALTY OR ASSESS-
17 MENT IMPOSED IN THE AGGREGATE SHALL BE PAYABLE TO THE CHAIR. SUCH AGGRE-
18 GATE PENALTY OR ASSESSMENT SHALL BE BASED UPON THE NUMBER OF VIOLATIONS
19 AS MULTIPLIED AGAINST THE APPLICABLE PENALTY OR ASSESSMENT, BUT MAY BE
20 NEGOTIATED BY THE CHAIR'S DESIGNEE IN FULL SATISFACTION OF THE PENALTY
21 OR ASSESSMENT. A FINAL AGREEMENT BETWEEN THE CHAIR'S DESIGNEE AND THE
22 CARRIER OR SELF-INSURED EMPLOYER MAY BE SUBMITTED AND APPROVED SUBJECT
23 TO SECTION THIRTY-TWO OF THIS ARTICLE, WITHOUT NOTICE TO ANY CLAIMANT.
24 ANY AGGREGATE PENALTY OR ASSESSMENT ISSUED HEREIN SHALL BE ISSUED ADMIN-
25 ISTRATIVELY, AND THE BOARD, AND THE CHAIR MAY, BY REGULATION, SPECIFY
26 THE METHOD OF REVIEW OR REDETERMINATION, AND THE PRESENTMENT OF EVIDENCE
27 AND OBJECTIONS SHALL OCCUR SOLELY UPON THE DOCUMENTATION. THE CARRIER OR
28 SELF-INSURED EMPLOYER SHALL RECEIVE CREDIT FOR ANY INSTANCES IN WHICH
29 THE AGGREGATE PENALTY OR ASSESSMENT IS INCLUSIVE OF A PENALTY OR ASSESS-
30 MENT PREVIOUSLY ISSUED AND PAID IN AN INDIVIDUAL CLAIM OR PROCEEDING. A
31 FINAL DETERMINATION IS SUBJECT TO REVIEW UNDER SECTION TWENTY-THREE OF
32 THIS ARTICLE, EXCEPT THAT NO STAY IN PAYMENT OF THE PENALTY OR ASSESS-
33 MENT SHALL APPLY PENDING THE OUTCOME OF THE APPLICATION FOR ADMINISTRA-
34 TIVE REVIEW. FAILURE TO PAY THE FINALLY DETERMINED PENALTY OR ASSESS-
35 MENT, OR THE PENALTY OR ASSESSMENT AGREED UPON PURSUANT TO SECTION
36 THIRTY-TWO OF THIS ARTICLE, WITHIN TEN DAYS OF FILING, SHALL RESULT IN
37 THE IMPOSITION OF A TWENTY-PERCENT PENALTY, PAYABLE TO THE CHAIR. IN THE
38 EVENT OF THE CARRIER OR SELF-INSURED EMPLOYER INSTITUTING OR CONTINUING
39 AN ISSUE WITHOUT REASONABLE GROUNDS, THE PROVISIONS OF SUBDIVISION THREE
40 OF SECTION ONE HUNDRED FOURTEEN-A OF THIS CHAPTER SHALL BE APPLICABLE.
41 AGGREGATE PENALTIES SHALL BE BORNE EXCLUSIVELY BY INSURANCE CARRIERS AND
42 LICENSED REPRESENTATIVES PURSUANT TO SUBDIVISION THREE-B OF SECTION
43 FIFTY OF THIS ARTICLE AND THE COSTS SHALL NOT BE PASSED TO INSURED
44 EMPLOYERS.

45 S 3. This act shall take effect immediately.

46 SUBPART E

47 Section 1. Subdivision 3 of section 50 of the workers' compensation
48 law, as amended by section 3 of part G of chapter 57 of the laws of
49 2011, the closing paragraph as further amended by section 104 of part A
50 of chapter 62 of the laws of 2011, is amended to read as follows:

51 3. By furnishing satisfactory proof to the chair of his financial
52 ability to pay such compensation for himself, or to pay such compen-
53 sation on behalf of a group of employers in accordance with subdivision
54 ten of this section, in which case the chair shall require the deposit

1 with the chair of such securities as the chair may deem necessary of the
2 kind prescribed in subdivisions one, two, three, four and five, and
3 subparagraph (a) of paragraph three of subdivision seven of section two
4 hundred thirty-five of the banking law, or the deposit of cash, or the
5 filing of irrevocable letters of credit issued by a qualified banking
6 institution as defined by rules promulgated by the chair or the filing
7 of a bond of a surety company authorized to transact business in this
8 state, in an amount to be determined by the chair, or the posting and
9 filing as aforesaid of a combination of such securities, cash, irrev-
10 ocable letters of credit and surety bond in an amount to be determined
11 by the chair, to secure his liability to pay the compensation provided
12 in this chapter. Any such surety bond must be approved as to form by the
13 chair. If an employer or group of employers posts and files a combina-
14 tion of securities, cash, irrevocable letters of credit and surety bond
15 as aforesaid, and if it becomes necessary to use the same to pay the
16 compensation provided in this chapter, the chair shall first use such
17 securities or cash or irrevocable letters of credit and, when the full
18 amount thereof has been exhausted, he shall then require the surety to
19 pay forthwith to the chair all or any part of the penal sum of the bond
20 for that purpose. The chair may also require an agreement on the part of
21 the employer or group of employers to pay any awards commuted under
22 section twenty-seven of this chapter, into the special fund of the state
23 fund, as a condition of his being allowed to remain uninsured pursuant
24 to this section. The chair shall have the authority to deny the applica-
25 tion of an employer or group of employers to pay such compensation for
26 himself or to revoke his consent furnished, under this section at any
27 time, for good cause shown. The employer or group of employers qualify-
28 ing under this subdivision shall be known as a self-insurer.

29 If for any reason the status of an employer or group of employers
30 under this subdivision is terminated, the securities or the surety bond,
31 or the securities, cash, or irrevocable letters of credit and surety
32 bond, on deposit referred to herein shall remain in the custody of the
33 chair for such time as the chair may deem proper and warranted under the
34 circumstances. In lieu thereof, and at the discretion of the chair, the
35 employer, his or her heirs or assigns or others carrying on or liquidat-
36 ing such business, may execute an assumption of workers' compensation
37 liability insurance policy [securing] AS DESCRIBED HEREIN. SEPARATELY,
38 THE CHAIR MAY EXECUTE AN ASSUMPTION OF WORKERS' COMPENSATION LIABILITY
39 INSURANCE POLICY AS DESCRIBED HEREIN ON BEHALF OF THE SPECIAL FUNDS
40 CREATED UNDER THE PROVISIONS OF SUBDIVISIONS EIGHT AND NINE OF SECTION
41 FIFTEEN AND SECTION TWENTY-FIVE-A OF THIS CHAPTER, AND NOTWITHSTANDING
42 ANY PROVISION TO THE CONTRARY THE CHAIR MAY EXECUTE AN ASSUMPTION OF
43 WORKERS' COMPENSATION LIABILITY INSURANCE POLICY ON BEHALF OF THE UNIN-
44 SURED EMPLOYERS' FUND. AN ASSUMPTION OF WORKERS' COMPENSATION LIABILITY
45 POLICY REFERRED TO HEREIN SHALL SECURE such further and future contin-
46 gent liability as may DIRECTLY OR INDIRECTLY arise from prior injuries
47 to workers and be incurred by reason of any change in condition of such
48 workers warranting the board making subsequent awards for payment of
49 additional compensation. Such policy shall be in a form approved by the
50 superintendent of financial services and issued by the state fund or any
51 insurance company licensed to issue this class of insurance in this
52 state OR, UPON APPLICATION BY THE CHAIR, ANY OTHER INSURANCE COMPANY
53 DEEMED BY THE SUPERINTENDENT OF FINANCIAL SERVICES TO BE AN ACCEPTABLE
54 ISSUER. In the event that such policy is issued by an insurance company
55 other than the state fund, then said policy shall be deemed of the kind
56 specified in paragraph fifteen of subsection (a) of section one thousand

1 one hundred thirteen of the insurance law and covered by the workers'
2 compensation security fund as created and governed by article six-A of
3 this chapter. It shall only be issued for a single complete premium
4 payment in advance [by the employer or group of employers] and in an
5 amount deemed acceptable by the chair and the superintendent of finan-
6 cial services. In lieu of the applicable premium charge ordinarily
7 required to be imposed by a carrier, said premium shall include a
8 surcharge in an amount to be determined by the chair to: (i) satisfy all
9 assessment liability due and owing to the board and/or the chair under
10 this chapter; and (ii) satisfy all future assessment liability under
11 this section, and which surcharge shall be adjusted from time to time to
12 reflect any changes to the assessment of group self-insured employers,
13 including any changes enacted by the chapter of the laws of two thousand
14 eleven amending sections fifteen and one hundred fifty-one of this chap-
15 ter. Said surcharge shall be payable to the board simultaneous to the
16 execution of the assumption of workers' compensation liability insurance
17 policy. However, the payment of said surcharge does not relieve the
18 carrier from any other liability, including liability owed to the super-
19 intendent of financial services pursuant to article six-A of this chap-
20 ter. When issued such policy shall be non-cancellable without recourse
21 for any cause during the continuance of the liability secured and so
22 covered.

23 S 1-a. Subparagraph (b) of paragraph 2 of subdivision 3-a of section
24 50 of the workers' compensation law, as amended by section 4 of part G
25 of chapter 57 of the laws of 2011, is amended to read as follows:

26 (b) Where such plan is adopted the group self-insurer shall furnish
27 satisfactory proof to the chair of its financial ability to pay such
28 compensation for the members in the industry covered by it, its reven-
29 ues, their source and assurance of continuance. The chair shall require
30 the deposit with the chair of such securities as may be deemed necessary
31 of the kind prescribed in subdivisions one, two, three, four and five,
32 and subparagraph (a) of paragraph three of subdivision seven of section
33 two hundred thirty-five of the banking law or the deposit of cash or the
34 filing of irrevocable letters of credit issued by a qualified banking
35 institution as defined by rules promulgated by the chair or the filing
36 of a bond of a surety company authorized to transact business in this
37 state, in an amount to be determined to secure its liability to pay the
38 compensation of each employer as above provided. Such surety bond must
39 be approved as to form by the chair. The chair shall require each group
40 self-insurer to provide regular reports no less than annually, which
41 shall include but not be limited to audited financial statements, actu-
42 arial opinions and payroll information containing proof that it is fully
43 funded. Such reports shall also include a contribution year analysis
44 detailing contributions and expenses associated with each specific
45 contribution year. For purposes of this paragraph, proof that a group
46 self-insurer is fully funded shall at a minimum include proof of unre-
47 stricted cash and investments permitted by regulation of the chair of at
48 least one hundred percent of the total liabilities, including the esti-
49 mate presented in the actuarial opinion submitted by the group self-in-
50 surer in accordance with this chapter. The chair by regulation, may set
51 further financial standards for group self-insurers. Any group self-in-
52 surer that fails to show that it is fully funded shall be deemed under-
53 funded, and must submit a plan for achieving fully funded status which
54 may include a deficit assessment on members of such group self-insurer
55 which shall be subject to approval or modification by the chair. THE
56 AMOUNT OF SUCH UNDER-FUNDING, AS MEASURED BY THE ACTUARIAL OPINION OR

1 ASSUMPTION OF LOSS POLICY QUOTATION SUBMITTED BY THE GROUP, SHALL BE
2 CONSIDERED UNFUNDED CLAIMS AS SET FORTH IN SUBDIVISION TWO OF SECTION
3 SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES LAW AS ADDED BY
4 SECTION 35 OF PART GG OF CHAPTER 57 OF THE LAWS OF 2013.

5 S 2. Subdivision (i) of section 32 of the workers' compensation law,
6 as added by chapter 6 of the laws of 2007, paragraph 5 as further
7 amended by section 104 of part A of chapter 62 of the laws of 2011, is
8 amended to read as follows:

9 (i) (1) The waiver agreement management office may contract with AN
10 INSURANCE CARRIER, SELF-INSURED EMPLOYER, STATE INSURANCE FUND OR any
11 third party to ASSUME LIABILITY FOR, manage, administer, or settle
12 claims on its behalf, so long as (A) such contract is approved by the
13 special disability fund advisory committee and (B) such [third] party
14 shall agree to be subject to any guidelines or directives as the chair
15 may issue.

16 (2) The chair MAY, with approval of the special disability fund advi-
17 sory committee and on such terms as the committee deems appropriate,
18 [shall have discretion to] procure one or more private entities to
19 assume the liability for and [management, administration or settlement
20 of] MANAGE, ADMINISTER, OR SETTLE all or a portion of the claims in the
21 special disability fund INCLUDING, WITHOUT LIMITATION, BY OBTAINING "AN
22 ASSUMPTION OF WORKERS' COMPENSATION LIABILITY INSURANCE POLICY" AS
23 DEFINED IN SUBDIVISION THREE OF SECTION FIFTY OF THIS CHAPTER. ANY SUCH
24 POLICY SHALL EXPRESSLY PROVIDE AND, NOTWITHSTANDING ANY OTHER PROVISION
25 OF LAW, OPERATE TO RELEASE FROM ANY FURTHER LIABILITY (I) THE SPECIAL
26 DISABILITY FUND AND (II) THE INSURANCE CARRIER, INCLUDING AS THE CASE
27 MAY BE THE STATE INSURANCE FUND, ORIGINALLY LIABLE FOR ANY CLAIM COVERED
28 BY THE ASSUMPTION OF WORKERS' COMPENSATION LIABILITY INSURANCE POLICY
29 SECURING SUCH FURTHER AND FUTURE CONTINGENT LIABILITY AS MAY ARISE FROM
30 ANY SUCH CLAIM, INCLUDING FROM PRIOR INJURIES TO EMPLOYEES AND BE
31 INCURRED BY REASON OF ANY CHANGE IN THE CONDITION OF SUCH EMPLOYEES FOR
32 PAYMENT OF ADDITIONAL COMPENSATION. NOTWITHSTANDING ANY OTHER PROVISIONS
33 OF LAW, NO CONSULTATION OR APPROVAL OF ANY EMPLOYER, INSURANCE CARRIER,
34 SELF-INSURER OR THE STATE INSURANCE FUND SHALL BE REQUIRED BEFORE SUCH
35 OFFICE MAY ENTER INTO ANY SUCH POLICY OF WAIVER AGREEMENT, OR BEFORE THE
36 BOARD MAY APPROVE SUCH WAIVER AGREEMENT. Any such procurement shall be
37 conducted in accordance with state finance law, except as otherwise set
38 forth below. The chair shall not award any contract that has not been
39 approved by the special disability fund advisory committee. Notwith-
40 standing the foregoing, the chair of the workers' compensation board
41 may, if approved by the special disability fund advisory committee, and
42 on such terms as the committee deems appropriate:

43 (A) waive any informality in a bid, and either reject all bids and
44 again advertise for bids, or interview at least two responsible quali-
45 fied bidders and negotiate and enter into a contract with one or more of
46 such bidders; or

47 (B) group claims to be assigned, in whole or in part, based on the
48 insurance carrier, self-insured employer or state insurance fund that is
49 receiving or will receive reimbursement on those claims from the second
50 disability fund. Such grouping shall be permissible notwithstanding that
51 any insurance carrier may have greater access to information, or may be
52 able to provide better terms, in regard to claims so grouped.

53 (3) [Any such contract shall expressly provide that the special disa-
54 bility fund is no longer liable for the claims covered by the contract,
55 and require security of either cash, an indemnity policy, or such secu-
56 rity as is otherwise sufficient to cover any losses incurred as a result

1 of the failure or default of the entity or entities awarded any such
2 contract, including as a result of the insolvency of any such entity.
3 The chair may waive all or part of such security, and may impose other
4 reasonable methods of insuring payment, upon approval of the special
5 disability fund advisory committee.] ANY POLICY EXECUTED BY THE CHAIR
6 PURSUANT TO THIS SECTION SHALL BE IN THE FORM OF AN ASSUMPTION OF WORK-
7 ERS' COMPENSATION LIABILITY INSURANCE POLICY SECURING SUCH FURTHER AND
8 FUTURE CONTINGENT LIABILITY AS MAY ARISE FROM ANY CLAIM COVERED BY SUCH
9 POLICY, INCLUDING PRIOR INJURIES TO WORKERS AND BE INCURRED BY REASON OF
10 ANY CHANGE IN THE CONDITION OF SUCH WORKERS WARRANTING THE BOARD MAKING
11 SUBSEQUENT AWARDS FOR PAYMENT OF ADDITIONAL COMPENSATION. SUCH POLICY
12 SHALL BE IN A FORM APPROVED BY THE SUPERINTENDENT OF FINANCIAL SERVICES
13 AND ISSUED BY THE STATE INSURANCE FUND OR ANY INSURANCE COMPANY LICENSED
14 TO ISSUE THIS CLASS OF INSURANCE IN THIS STATE, OR DEEMED ACCEPTABLE AS
15 AN ISSUER UPON APPLICATION BY THE CHAIR TO THE SUPERINTENDENT AS SPECI-
16 FIED IN SUBDIVISION THREE OF SECTION FIFTY OF THIS CHAPTER. IN THE EVENT
17 THAT SUCH POLICY IS ISSUED BY AN INSURANCE COMPANY OTHER THAN THE STATE
18 INSURANCE FUND, THEN SAID POLICY SHALL BE DEEMED OF THE KIND SPECIFIED
19 IN PARAGRAPH FIFTEEN OF SUBSECTION (A) OF SECTION ONE THOUSAND ONE
20 HUNDRED THIRTEEN OF THE INSURANCE LAW AND COVERED BY THE WORKERS'
21 COMPENSATION SECURITY FUND AS CREATED AND GOVERNED BY ARTICLE SIX-A OF
22 THIS CHAPTER. SUCH POLICY SHALL ONLY BE ISSUED FOR A SINGLE COMPLETE
23 PREMIUM PAID IN ADVANCE AND IN AN AMOUNT DEEMED ACCEPTABLE BY THE CHAIR
24 AND THE SUPERINTENDENT OF FINANCIAL SERVICES. WHEN ISSUED SUCH POLICY
25 SHALL BE NONCANCELLABLE WITHOUT RECOURSE FOR ANY CAUSE DURING THE
26 CONTINUANCE OF THE LIABILITY SECURED AND SO COVERED.

27 (4) Notwithstanding any other provision of this article, the waiver
28 agreement management office may request in writing any information rele-
29 vant to its entry into or management of waiver agreements from (A) any
30 insurance carrier, employer, or the state insurance fund, if that entity
31 has submitted a claim for reimbursement from the special disability fund
32 as to the claimant to whom the information relates; or (B) the special
33 funds conservation committee. The party to whom the request is made
34 shall provide the requested information within fourteen days of the
35 request, unless before that date it files an objection with the board to
36 any information which is subject to a recognized privilege or whose
37 production is otherwise barred by law. The objecting party shall provide
38 the requested information within five business days of the board's
39 rejection of its objection.

40 (5) No carrier, self-insured employer or the state insurance fund
41 shall assume the liability for, or management, administration or settle-
42 ment of any claims under this section on which it holds reserves, beyond
43 such reserves as are permitted by regulation of the superintendent of
44 financial services for purposes of this provision. No carrier may assume
45 liability for any claims in the special disability fund under this para-
46 graph unless the carrier maintains, on a stand alone basis, separate
47 from its parent or any affiliated entities, an interactive financial
48 strength rating from a nationally recognized statistical rating organ-
49 ization that is considered secure or deemed acceptable by the special
50 disability fund advisory committee.

51 (6) The director of the budget shall notify in writing the chairs of
52 the senate finance committee and the assembly ways and means committee
53 of any plans to transfer all or a portion of the portfolio of claims
54 determined to be eligible for reimbursement from the special disability
55 fund or to [contract with any party to take responsibility in whole or
56 in part for the administration of a material portion of the claims,

1 including the procurement process to be used to select parties involved
2 in such transfer or contract,] ENTER INTO AN ASSUMPTION OF WORKERS'
3 COMPENSATION LIABILITY INSURANCE POLICY, not less than forty-five days
4 prior to the commencement of such process. At any time borrowing is
5 anticipated to settle claims, the chief executive officer of the dormi-
6 tory authority of the state of New York and the director of the budget
7 shall provide a report to the chairs of the senate finance committee and
8 the assembly ways and means committee on a planned bond sale of the
9 authority and such report shall include, but not be limited to: (A) the
10 maximum amount of bonds expected to be sold by the authority in
11 connection with a sale agreement; (B) the expected maximum interest rate
12 and maturity date of such bonds; (C) the expected amount of the bonds
13 that will be fixed and/or variable interest rate; (D) the estimated
14 costs of issuance; (E) the estimated level or levels of reserve fund or
15 funds, if any; (F) the estimated cost of bond issuance, if any; (G) the
16 anticipated use or uses of the proceeds; (H) the maximum expected net
17 proceeds that will be paid to the state as a result of the issuance of
18 such bonds; and (I) the process to be used to select parties to the
19 transaction. Any such expectations and estimates in the report shall not
20 be deemed a substantive limitation on the authority of the dormitory
21 authority of the state of New York.

22 S 3. This act shall take effect immediately.

23

SUBPART F

24 Section 1. Section 16 of chapter 11 of the laws of 2008 amending the
25 workers' compensation law, the insurance law, the volunteer ambulance
26 workers' benefit law and the volunteer firefighters' benefit law, relat-
27 ing to rates for workers' compensation insurance and setting forth
28 conditions for a workers' compensation rate service organization, as
29 amended by chapter 237 of the laws of 2012, is amended to read as
30 follows:

31 S 16. This act shall take effect February 1, 2008; provided that the
32 amendments to paragraph 2 of subsection (a) of section 2316 of the
33 insurance law made by section eleven of this act shall take effect on
34 the same date that section 68 of chapter 6 of the laws of 2007 takes
35 effect; provided further that the amendments to section 2316 of the
36 insurance law made by section eleven of this act shall not affect the
37 expiration of such section pursuant to section 2342 of the insurance law
38 and shall be deemed expired therewith; and provided further that section
39 ten of this act shall expire and be deemed repealed June 2, [2018] 2028.

40 S 2. Subsection (e) of section 2305 of the insurance law, as amended
41 by chapter 237 of the laws of 2012, is amended to read as follows:

42 (e) The superintendent: (1) by regulation may, in lieu of the waiting
43 period set forth in subsection (b) of this section, require workers'
44 compensation insurance rate filings to be specifically approved before
45 they become effective; and (2) shall hold a public hearing if a rate
46 service organization makes a loss cost filing for workers' compensation
47 that is an increase of [seven] FIVE percent or more over the approved
48 loss costs from the prior year. Until June second, two thousand [eigh-
49 teen] TWENTY-EIGHT, a rate service organization for workers' compen-
50 sation shall make a loss cost filing every year on or before June first,
51 or such earlier date as is set by the superintendent.

52 S 3. Paragraph 4 of subdivision (t) of section 2313 of the insurance
53 law, as added by chapter 11 of the laws of 2008, is amended to read as
54 follows:

1 (4) A workers' compensation rate service organization shall have an
2 actuarial committee. It shall be the responsibility of the actuarial
3 committee to review methodology and data collection processes used to
4 develop loss costs. The American Federation of Labor - Congress of
5 Industrial Organizations of New York State and the Business Council of
6 New York State, Inc. shall together appoint one independent casualty
7 actuary who is a fellow or associate of the casualty actuarial society
8 to serve as a member of the actuarial committee. The appointment of such
9 actuary, and his or her compensation and terms and conditions of
10 retention, shall be subject to the approval of the superintendent as
11 reasonable and customary for such professional. The actuary shall be
12 paid by the workers' compensation rate service organization. Such actu-
13 ary shall have the same access to the workers' compensation rate service
14 organization data and documents as the other members of that committee.
15 The governing body of a workers' compensation rate service organization
16 shall select a chief actuary of the actuarial committee, who shall serve
17 at the pleasure of the governing body and whose terms and conditions of
18 employment shall be approved by the governing body. THE PUBLIC ACTUARY
19 SHALL ISSUE A REPORT ON OR BEFORE JUNE FIRST, TWO THOUSAND EIGHTEEN AND
20 EACH OF THE NEXT TEN YEARS, INDICATING THE OVERALL SAVINGS IN THE WORK-
21 ERS' COMPENSATION SYSTEM AS A RESULT OF THE TWO THOUSAND SEVENTEEN
22 REFORMS.

23 S 4. The New York compensation insurance rating board shall make a
24 filing with the New York state department of financial services requir-
25 ing that the final premiums charged (i) on workers' compensation poli-
26 cies with an effective date between the effective date of this section
27 and September 30, 2017, and (ii) on the unexpired portion of workers'
28 compensation policies in force after the effective date of this section
29 with an effective date on or after October 1, 2016, shall reflect such
30 cost impact. Differences between premiums charged and the final premium
31 on such policies shall be settled between the insurance carrier and the
32 policyholder by or before December 31, 2018.

33 S 5. This act shall take effect immediately; provided, however that
34 the amendments to subdivision (t) of section 2313 of the insurance law
35 made by section three of this act shall not affect the repeal of such
36 subdivision and shall be deemed repealed therewith.

37

SUBPART G

38 Section 1. Section 137 of the workers' compensation law is amended by
39 adding a new subdivision 12 to read as follows:

40 12. THE CHAIR SHALL CONDUCT A THOROUGH STUDY OF THE UTILIZATION OF
41 INDEPENDENT MEDICAL EXAMINATIONS UNDER THIS CHAPTER, TO OCCUR WITHIN
42 CALENDAR YEAR TWO THOUSAND EIGHTEEN, AND SHALL CONVENE AND PRESENT A
43 PRELIMINARY REPORT BASED ON THE STUDY TO AN ADVISORY COMMITTEE SET TO
44 COMMENCE ON OR ABOUT JANUARY FIRST, TWO THOUSAND NINETEEN. THE ADVISORY
45 COMMITTEE IS TO CONSIST OF REPRESENTATIVES OF ORGANIZED LABOR, BUSINESS,
46 CARRIERS, SELF-INSURED EMPLOYERS, MEDICAL PROVIDERS, AND OTHER STAKE-
47 HOLDERS AND EXPERTS AS THE CHAIR MAY DEEM FIT TO INCLUDE. THE ADVISORY
48 COMMITTEE SHALL MEET QUARTERLY, OR MORE FREQUENTLY IF DIRECTED BY THE
49 CHAIR. BY DECEMBER THIRTY-FIRST, TWO THOUSAND NINETEEN, THE COMMITTEE
50 SHALL PRESENT DETAILED RECOMMENDATIONS TO THE GOVERNOR, SPEAKER OF THE
51 ASSEMBLY, AND MAJORITY LEADER OF THE SENATE, REGARDING ADMINISTRATIVE
52 IMPROVEMENTS, AND REGULATORY AND STATUTORY PROPOSALS, THAT WILL ENSURE
53 FAIRNESS, AND HIGHEST MEDICAL QUALITY, WHILE IMPROVING METHODS OF
54 COMBATING FRAUD. THE COMMITTEE SHALL REVIEW AND ANALYZE LEADING

1 STUDIES, BOTH IN NEW YORK STATE AND NATIONALLY. THE COMPENSATION INSUR-
2 ANCE RATING BOARD SHALL PROVIDE DATA, AND COOPERATE WITH THE CHAIR AND
3 COMMITTEE IN IDENTIFYING POTENTIAL ABUSE AND FRAUD. THE REPORT SHALL
4 CONSIDER, AMONG OTHER ITEMS, THE FEASIBILITY OF NEW METHODS OF ASSIGN-
5 ING INDEPENDENT MEDICAL EXAMINATIONS, SUCH AS THROUGH ROTATING PROVIDERS
6 OR PANELS, STATEWIDE NETWORKS, OR OTHER ARRANGEMENTS.

7 S 2. This act shall take effect immediately.

8

SUBPART H

9 Section 1. Subparagraph 1 of paragraph c of subdivision 5 of section
10 50 of the workers' compensation law, as amended by chapter 139 of the
11 laws of 2008, is amended to read as follows:

12 (1) The chair and the department of audit and control as soon as prac-
13 ticable after May first, nineteen hundred sixty, and annually thereaft-
14 er, as soon as practicable after April first in each succeeding year,
15 shall ascertain the total amount of net expenses, including (a) adminis-
16 trative expenses, which shall include the direct costs of personal
17 services, the cost of maintenance and operation, the cost of retirement
18 contributions made and workers' compensation premiums paid by the State
19 for or on account of personnel, rentals for space occupied in state
20 owned or state leased buildings, and (b) all direct or indirect costs
21 incurred by the board during the preceding fiscal year in carrying out
22 the provisions of subdivision three and three-a of this section. Such
23 expenses shall be adjusted [quarterly] ANNUALLY to reflect any change in
24 circumstances, and shall be assessed against all private self-insured
25 employers, including for this purpose active and terminated group self-
26 insurers, active individual self-insured employers, and individual self-
27 insured employers who have ceased to exercise the privilege of self-in-
28 surance.

29 S 2. This act shall take effect immediately.

30

SUBPART I

31 Section 1. Subdivision 3 of section 10 of the workers' compensation
32 law, as amended by section 173 of subpart B of part C of chapter 62 of
33 the laws of 2011, is amended to read as follows:

34 3. (A) Notwithstanding any other provisions of this chapter, where a
35 public safety worker, including but not limited to a firefighter, emer-
36 gency medical technician, police officer, correction officer, civilian
37 employee of the department of corrections and community supervision or
38 other person employed by the state to work within a correctional facili-
39 ty maintained by the department of corrections and community super-
40 vision, driver and medical observer, in the course of performing his or
41 her duties, is exposed to the blood or other bodily fluids of another
42 individual or individuals, the executive officer of the appropriate
43 ambulance, fire or police district may authorize such public safety
44 worker to obtain the care and treatment, including diagnosis, recom-
45 mended medicine and other medical care needed to ascertain whether such
46 individual was exposed to or contracted any communicable disease and
47 such care and treatment shall be the responsibility of the insurance
48 carrier of the appropriate ambulance, fire or police district or, if a
49 public safety worker was not so exposed in the course of performing his
50 or her duties for such a district, then such person shall be covered for
51 the treatment provided for in this subdivision by the carrier of his or
52 her employer when such person is acting in the scope of his or her

1 employment. For the purpose of this subdivision, the term "public safety
2 worker" shall include persons who act for payment or who act as volun-
3 teers in an organized group such as a rescue squad, police department,
4 correctional facility, ambulance corps, fire department, or fire compa-
5 ny.

6 (B) WHERE A POLICE OFFICER OR FIREFIGHTER SUBJECT TO SECTION THIRTY OF
7 THIS ARTICLE, OR EMERGENCY MEDICAL TECHNICIAN, PARAMEDIC, OR OTHER
8 PERSON CERTIFIED TO PROVIDE MEDICAL CARE IN EMERGENCIES, OR EMERGENCY
9 DISPATCHER FILES A CLAIM FOR MENTAL INJURY PREMISED UPON EXTRAORDINARY
10 WORK-RELATED STRESS INCURRED IN A WORK-RELATED EMERGENCY, THE BOARD MAY
11 NOT DISALLOW THE CLAIM, UPON A FACTUAL FINDING THAT THE STRESS WAS NOT
12 GREATER THAN THAT WHICH USUALLY OCCURS IN THE NORMAL WORK ENVIRONMENT.

13 S 2. This act shall take effect immediately.

14

SUBPART J

15 Section 1. Subdivision 3 of section 151 of the workers' compensation
16 law, as added by section 22 of part GG of chapter 57 of the laws of
17 2013, is amended to read as follows:

18 3. The chair and department of audit and control annually as soon as
19 practicable after the first of April of each year shall ascertain the
20 actual total amount of expenses, including in addition to the direct
21 costs of personal service, the cost of maintenance and operation, the
22 cost of retirement contributions made and workers' compensation premiums
23 paid by the state for or on account of personnel, rentals for space
24 occupied in state owned or state leased buildings, such additional sum
25 as may be certified to the chair and the department of audit and control
26 as a reasonable compensation for services rendered by the department of
27 law and expenses incurred by such department, for transfer into the
28 training and educational program on occupational safety and health fund
29 created pursuant to chapter eight hundred eighty-six of the laws of
30 nineteen hundred eighty-five and section ninety-seven-c of the state
31 finance law, for the New York state occupational health clinics network,
32 for the department of labor occupational safety and health program and
33 for transfer into the uninsured employers' fund pursuant to subdivision
34 two of section twenty-six-a of this chapter, and all other direct or
35 indirect costs, incurred by the board in connection with the adminis-
36 tration of this chapter, except those expenses for which an assessment
37 is authorized for self-insurance pursuant to subdivision five of section
38 fifty of this chapter. Assessments pursuant to subparagraph four of
39 paragraph (h) of subdivision eight of section fifteen of this chapter
40 for the special disability fund, pursuant to section fifty-c of this
41 chapter for the self insurer offset fund, pursuant to subdivision three
42 of section twenty-five-a of this chapter for the fund for reopened
43 cases, and pursuant to section two hundred fourteen of this chapter for
44 the special fund for disability benefits shall be included in the total
45 amount of expenses for the purposes of this subdivision. Any overpayment
46 of annual assessments resulting from the requirements of this subdivi-
47 sion shall be applied as a credit against the future assessment rate
48 provided the fund balance shall not be reduced below [ten] FIVE percent
49 of the total amount assessed.

50 S 2. There is hereby created a fiduciary fund, known as the workers'
51 compensation rate stabilization fund, which shall be established in the
52 joint custody of the comptroller and the chair of the workers' compen-
53 sation board. Such stabilization fund shall serve as the repository for
54 the funds released due to the reduction in the maximum fund balance,

1 provided pursuant to subdivision 3 of section 151 of the workers'
2 compensation law, from ten percent to five percent. Such funds shall be
3 used by the chair of the workers' compensation board over the next five
4 years to ensure assessment rate stability. The board shall ensure that
5 all funds in the stabilization fund are utilized no later than the 2022
6 assessment rate year. By April 1, 2018 and by April first in each of the
7 next four years, the chair shall be required to report to the governor,
8 the speaker of the assembly, the majority leader of the senate, the
9 senate coalition leader, the committee chairs of the assembly ways and
10 means committee, the assembly labor committee, the senate labor commit-
11 tee, and the committee chair and vice chair of the senate finance
12 committee on the opening fund balance, amount used to subsidize the
13 current rate year, remaining fund balance, and the impact the subsidy
14 had on the overall assessment rate.

15 S 3. This act shall take effect immediately; provided, however, that
16 section two of this act shall expire and be deemed repealed March 31,
17 2024.

18 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
19 sion, section or part of this act shall be adjudged by a court of compe-
20 tent jurisdiction to be invalid, such judgment shall not affect, impair,
21 or invalidate the remainder thereof, but shall be confined in its opera-
22 tion to the clause, sentence, paragraph, subdivision, section or part
23 thereof directly involved in the controversy in which such judgment
24 shall have been rendered. It is hereby declared to be the intent of the
25 legislature that this act would have been enacted even if such invalid
26 provisions had not been included herein.

27 S 3. This act shall take effect immediately provided, however, that
28 the applicable effective date of Subparts A through J of this act shall
29 be as specifically set forth in the last section of such Subparts.

30

PART 000

31 Section 1. Subsection (d) of section 615 of the tax law is amended by
32 adding a new paragraph 5 to read as follows:

33 (5) THE FULL AMOUNT OF UNION DUES PAID DURING THE TAXABLE YEAR IF THE
34 TAXPAYER WAS NOT ALLOWED FEDERAL MISCELLANEOUS ITEMIZED DEDUCTIONS BY
35 OPERATION OF SECTION 67 OF THE INTERNAL REVENUE CODE. IF ANY AMOUNT OF
36 UNION DUES REPRESENTING FEDERAL MISCELLANEOUS ITEMIZED DEDUCTIONS WAS
37 ALLOWED, THEN THE AMOUNT ALLOWED AS A NEW YORK ITEMIZED DEDUCTION FOR
38 UNION DUES PAID SHALL BE A PERCENTAGE OF THE UNION DUES DISALLOWED BY
39 THE OPERATION OF SECTION 67 OF THE INTERNAL REVENUE CODE COMPUTED AS
40 FOLLOWS. THE AMOUNT ALLOWED AS A NEW YORK ITEMIZED DEDUCTION SHALL BE
41 COMPUTED BY MULTIPLYING THE TOTAL UNION DUES PAID BY THE TAXPAYER DURING
42 THE TAXABLE YEAR BY A PERCENTAGE DETERMINED BY SUBTRACTING FROM ONE, A
43 FRACTION WHERE THE NUMERATOR IS THE AMOUNT OF FEDERAL MISCELLANEOUS
44 DEDUCTIONS ALLOWED AND THE DENOMINATOR IS THE AGGREGATE FEDERAL MISCEL-
45 LANEOUS ITEMIZED DEDUCTIONS BEFORE APPLICATION OF THE TWO-PERCENT FLOOR
46 UNDER SECTION 67 OF THE INTERNAL REVENUE CODE. FOR THE PURPOSES OF THIS
47 PARAGRAPH, UNION DUES ARE THOSE AMOUNTS THAT ARE DEDUCTIBLE AS UNION
48 DUES AND AGENCY SHOP FEES UNDER SECTION 162 OF THE INTERNAL REVENUE
49 CODE.

50 S 2. This act shall take effect immediately and shall apply to taxable
51 years beginning on or after January 1, 2018.

52

PART PPP

1 Section 1. The executive law is amended by adding a new article 4-B to
2 read as follows:

3 ARTICLE 4-B

4 OFFICE OF THE INSPECTOR GENERAL OF NEW YORK FOR TRANSPORTATION
5 SECTION 56. JURISDICTION.

6 57. ESTABLISHMENT AND ORGANIZATION.

7 58. FUNCTIONS AND DUTIES.

8 S 56. JURISDICTION. 1. THIS ARTICLE SHALL, SUBJECT TO THE LIMITATIONS
9 CONTAINED HEREIN, CONFER UPON THE OFFICE OF THE INSPECTOR GENERAL OF NEW
10 YORK FOR TRANSPORTATION INVESTIGATIVE AND PROSECUTORIAL POWER OVER CRIM-
11 INAL AND UNETHICAL CONDUCT INVOLVING INDIVIDUALS SERVING AT A SENIOR
12 LEVEL IN OPERATIONS, FINANCING OR MANAGEMENT OF A TRANSPORTATION ENTITY
13 LOCATED IN A CITY OF A POPULATION OF ONE MILLION OR MORE WHERE SUCH
14 ACTION OR ACTIONS OCCURRED WITHIN THE STATE; AND INVESTIGATIVE AND
15 PROSECUTORIAL POWER OF CRIMINAL AND UNETHICAL CONDUCT INVOLVING MANAGE-
16 RIAL APPOINTEES OR MANAGERIAL EMPLOYEES OF ANY TRANSPORTATION ENTITY
17 WHERE SUCH ACTION OR ACTIONS OCCURRED WITHIN THE STATE.

18 2. FOR THE PURPOSES OF THIS ARTICLE: (A) "TRANSPORTATION ENTITY" SHALL
19 MEAN ANY PUBLIC ENTITY LOCATED WITHIN A CITY OF ONE MILLION OR MORE
20 INVOLVED IN THE TRANSPORTATION OF PERSONS, GOODS OR OTHER ITEMS WITHIN
21 OR TO AND FROM THE STATE OF NEW YORK WHERE AT LEAST ONE INDIVIDUAL
22 INVOLVED AT A SENIOR LEVEL IN OPERATIONS, FINANCING OR MANAGEMENT OF
23 SUCH ENTITY IS APPOINTED BY THE GOVERNOR;

24 (B) "INDIVIDUALS INVOLVED AT A SENIOR LEVEL IN OPERATIONS, FINANCING
25 OR MANAGEMENT" SHALL MEAN INDIVIDUALS THAT EXERT FULL OR PARTIAL CONTROL
26 OVER FORMAL ACTIONS TAKEN BY A TRANSPORTATION ENTITY OR ON BEHALF OF
27 SUCH ENTITY, OR EXERT INDEPENDENT JUDGMENT IN THE FULFILLMENT OF THEIR
28 DUTIES AND OBLIGATIONS, BUT SHALL NOT INCLUDE INDIVIDUALS WHOSE ACTIONS
29 ARE OF A ROUTINE OR CLERICAL NATURE; AND

30 (C) "MANAGERIAL APPOINTEE" OR "MANAGERIAL EMPLOYEE" SHALL MEAN ANY
31 INDIVIDUAL WHO (I) PARTICIPATES DIRECTLY OR AS PART OF A TEAM IN FORMU-
32 LATING POLICY; (II) MAY REASONABLY BE REQUIRED TO ASSIST DIRECTLY IN THE
33 PREPARATION FOR AND CONDUCT OF NEGOTIATIONS CONCERNING MAJOR FISCAL
34 MATTERS, PROCUREMENTS OR EXPENDITURES IN EXCESS OF ONE HUNDRED THOUSAND
35 DOLLARS PROVIDED THAT SUCH ROLE IS NOT OF A ROUTINE OR CLERICAL NATURE
36 AND REQUIRES THE EXERCISE OF INDEPENDENT JUDGMENT; OR (III) HAS A MAJOR
37 ROLE IN THE ADMINISTRATION OF PERSONNEL AGREEMENTS OR IN PERSONNEL
38 ADMINISTRATION, PROVIDED THAT SUCH ROLE IS NOT OF A ROUTINE OR CLERICAL
39 NATURE AND REQUIRES THE EXERCISE OF INDEPENDENT JUDGMENT.

40 3. NOTHING CONTAINED IN THIS SECTION SHALL REPLACE OR DIMINISH THE
41 JURISDICTION OF THE ATTORNEY GENERAL OR ANY DISTRICT ATTORNEY, OR THE
42 INSPECTOR GENERAL OF ANY TRANSPORTATION ENTITY.

43 4. THE INSPECTOR GENERAL SHALL BE AUTHORIZED TO:

44 (A) RECEIVE, INVESTIGATE AND PROSECUTE COMPLAINTS REGARDING ANY INDI-
45 VIDUALS INVOLVED AT A SENIOR LEVEL IN OPERATIONS, FINANCING OR MANAGE-
46 MENT OR MANAGERIAL APPOINTEE OR MANAGERIAL EMPLOYEE OF ANY TRANSPORTA-
47 TION ENTITY CONCERNING CORRUPTION, CONFLICTS OF INTEREST, FRAUD, WASTE
48 AND ABUSE, RECUSALS OR FAILURE TO RECUSE, OR CRIMINAL ACTIVITY IN ANY
49 CASE WHERE SUCH CONDUCT, ACTION OR FAILURE OCCURRED BEFORE OR AFTER THE
50 EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SEVENTEEN THAT
51 ADDED THIS ARTICLE AND WHERE SUCH CONDUCT, ACTION OR FAILURE OCCURRED IN
52 NEW YORK;

53 (B) REPRESENT THE STATE IN ANY ADMINISTRATIVE HEARING OR ADMINISTRA-
54 TIVE PROCEEDING INVOLVING ANY CRIMINAL OR UNETHICAL CONDUCT OF INDIVID-
55 UALS INVOLVED AT A SENIOR LEVEL IN OPERATIONS, FINANCING OR MANAGEMENT

1 OR A MANAGERIAL APPOINTEE OR MANAGERIAL EMPLOYEE OF A TRANSPORTATION
2 ENTITY WHERE SUCH CONDUCT OCCURRED IN NEW YORK; AND

3 (C) REPRESENT THE STATE IN CIVIL ACTIONS INVOLVING ANY CRIMINAL OR
4 UNETHICAL CONDUCT OF INDIVIDUALS INVOLVED AT A SENIOR LEVEL IN OPER-
5 ATIONS, FINANCING OR MANAGEMENT OR A MANAGERIAL APPOINTEE OR MANAGERIAL
6 EMPLOYEE OF A TRANSPORTATION ENTITY WHERE SUCH CONDUCT OCCURRED IN NEW
7 YORK.

8 S 57. ESTABLISHMENT AND ORGANIZATION. 1. THERE SHALL BE AN OFFICE OF
9 THE INSPECTOR GENERAL OF NEW YORK FOR TRANSPORTATION IN THE EXECUTIVE
10 DEPARTMENT. THE HEAD OF THE OFFICE SHALL BE THE INSPECTOR GENERAL OF NEW
11 YORK FOR TRANSPORTATION.

12 2. THE INSPECTOR GENERAL SHALL BE APPOINTED BY THE GOVERNOR AND SHALL
13 HOLD OFFICE UNTIL THE END OF THE TERM OF THE GOVERNOR BY WHOM HE OR SHE
14 IS APPOINTED AND UNTIL HIS OR HER SUCCESSOR IS APPOINTED.

15 3. THE INSPECTOR GENERAL MAY APPOINT A DEPUTY INSPECTOR GENERAL TO
16 SERVE AT HIS OR HER PLEASURE, WHO SHALL BE RESPONSIBLE FOR CONDUCTING
17 INVESTIGATIONS AND PROSECUTING VIOLATIONS OF LAW. THE INSPECTOR GENERAL
18 SHALL IDENTIFY A PROCESS FOR A COORDINATED APPROACH WITH PROSECUTORS TO
19 AVOID DUPLICATION AND PROVIDE FOR A TIMELY RESPONSE TO ALLEGED
20 VIOLATIONS.

21 4. THE SALARY OF THE INSPECTOR GENERAL SHALL BE ESTABLISHED BY THE
22 GOVERNOR WITHIN THE LIMIT OF FUNDS AVAILABLE THEREFORE.

23 S 58. FUNCTIONS AND DUTIES. THE INSPECTOR GENERAL OF NEW YORK FOR
24 TRANSPORTATION SHALL HAVE THE FOLLOWING DUTIES AND RESPONSIBILITIES:

25 1. RECEIVE, INVESTIGATE, AND PROSECUTE COMPLAINTS FROM ANY SOURCE, OR
26 UPON HIS OR HER OWN INITIATIVE, CONCERNING ALLEGATIONS OF CORRUPTION,
27 CONFLICTS OF INTEREST, FRAUD, WASTE AND ABUSE, RECUSALS OR FAILURE TO
28 RECUSE, OR CRIMINAL ACTIVITY REGARDING ANY TRANSPORTATION ENTITY,
29 CONDUCT OR ACTIVITY OR FAILURE TO ACT BY ANY INDIVIDUALS INVOLVED AT A
30 SENIOR LEVEL IN OPERATIONS, FINANCING OR MANAGEMENT OR MANAGERIAL
31 APPOINTEE OR MANAGERIAL EMPLOYEE OF A TRANSPORTATION ENTITY OCCURRING
32 BEFORE OR AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO
33 THOUSAND SEVENTEEN THAT ADDED THIS ARTICLE, IN VIOLATION OF NEW YORK LAW
34 AND OCCURRING IN NEW YORK;

35 2. INFORM THE TRANSPORTATION ENTITY OF SUCH ALLEGATIONS AND THE
36 PROGRESS OF INVESTIGATIONS RELATED THERETO, UNLESS SPECIAL CIRCUMSTANCES
37 REQUIRE CONFIDENTIALITY, PROVIDED THAT THE INSPECTOR GENERAL SHALL MAIN-
38 TAIN A WRITTEN RECORD THAT SPECIFIES THE REASON CONFIDENTIALITY IS
39 NECESSARY UNDER THIS PARAGRAPH;

40 3. ISSUE A SUBPOENA OR SUBPOENAS REQUIRING A PERSON OR PERSONS TO
41 APPEAR BEFORE THE GRAND JURY, TRIAL COURT, PRODUCE DOCUMENTS, PROVIDE A
42 SWORN STATEMENT UNDER OATH AND BE EXAMINED IN REFERENCE TO ANY MATTER
43 WITHIN THE JURISDICTION OF THE INSPECTOR GENERAL. A SUBPOENA ISSUED
44 UNDER THIS SECTION SHALL BE GOVERNED BY ARTICLE TWENTY-THREE OF THE
45 CIVIL PRACTICE LAW AND RULES OR ARTICLES ONE HUNDRED NINETY OR SIX
46 HUNDRED TEN OF THE CRIMINAL PROCEDURE LAW. THE INSPECTOR GENERAL OR HIS
47 OR HER DEPUTY OR ANY PERSON DESIGNATED IN WRITING BY THEM MAY ADMINISTER
48 AN OATH TO A WITNESS IN ANY SUCH INVESTIGATION OR PROSECUTION AND MAY
49 SEEK TO CONFER IMMUNITY FOR COMPELLED TESTIMONY PURSUANT TO ARTICLE
50 FIFTY OF THE CRIMINAL PROCEDURE LAW;

51 4. DETERMINE WITH RESPECT TO SUCH ALLEGATIONS WHETHER TO INITIATE
52 CIVIL OR CRIMINAL PROSECUTION, OR MAKE A REFERRAL FOR FURTHER INVESTI-
53 GATION BY AN APPROPRIATE FEDERAL, STATE OR LOCAL AGENCY OR ANY OTHER
54 OFFICE OF INSPECTOR GENERAL AS IS WARRANTED, AND TO ASSIST IN SUCH
55 INVESTIGATIONS; AND

1 5. PREPARE AND RELEASE TO THE PUBLIC WRITTEN REPORTS OF SUCH INVESTI-
2 GATIONS, AS APPROPRIATE AND TO THE EXTENT PERMITTED BY LAW, SUBJECT TO
3 REDACTION TO PROTECT THE CONFIDENTIALITY OF WITNESSES. THE RELEASE OF
4 ALL OR PORTIONS OF SUCH REPORTS MAY BE DEFERRED TO PROTECT THE CONFIDEN-
5 TIALITY OF ONGOING INVESTIGATIONS, PROVIDED THAT THE INSPECTOR GENERAL
6 SHALL MAINTAIN A WRITTEN RECORD THAT SPECIFIES THE REASON CONFIDENTIALI-
7 TY IS NECESSARY UNDER THIS SUBDIVISION.

8 S 2. Subdivision 32 of section 1.20 of the criminal procedure law, as
9 amended by section 4 of part A of chapter 501 of the laws of 2012, is
10 amended to read as follows:

11 32. "District attorney" means a district attorney, an assistant
12 district attorney or a special district attorney, and, where appropri-
13 ate, the attorney general, an assistant attorney general, a deputy
14 attorney general, a special deputy attorney general, or the special
15 prosecutor and inspector general for the protection of people with
16 special needs or his or her assistants when acting pursuant to their
17 duties in matters arising under article twenty of the executive law, OR
18 THE INSPECTOR GENERAL OF NEW YORK FOR TRANSPORTATION OR HIS OR HER DEPU-
19 TIES WHEN ACTING PURSUANT TO ARTICLE FOUR-B OF THE EXECUTIVE LAW.

20 S 3. Severability. The provisions of this act shall be severable, and
21 if the application of any clause, sentence, paragraph, subdivision,
22 section or part of this act to any person or circumstance shall be
23 adjudged by any court of competent jurisdiction to be invalid, such
24 judgment shall not necessarily affect, impair or invalidate the applica-
25 tion of any such clause, sentence, paragraph, subdivision, section, or
26 part of this act or remainder thereof, as the case may be, to any other
27 person or circumstance, but shall be confined in its operation to the
28 clause, sentence, paragraph, subdivision, section or part thereof
29 directly involved in the controversy in which such judgment shall have
30 been rendered.

31 S 4. This act shall take effect immediately; provided, however, that
32 sections one and two of this act shall take effect on the thirtieth day
33 after it shall have become a law.

34 PART QQQ

35 Section 1. All expenditures and disbursements made against the appro-
36 priations contained in the chapter of the laws of 2017 making appropri-
37 ations for the support of government as proposed in legislative bills
38 numbers S.5492 and A.7068 shall, upon final action by the legislature on
39 appropriation bills submitted by the governor pursuant to article VII of
40 the state constitution for the support of government for the state
41 fiscal year beginning April 1, 2017, as contained in legislative bills
42 numbers S.2000-D/A.3000-D, S.2001/A.3001, S.2003-D/A.3003-D, and
43 S.2004-D/A.3004-D, be transferred by the comptroller as expenditures and
44 disbursements to such appropriations for all state departments, agen-
45 cies, the legislature and the judiciary, as applicable, in amounts equal
46 to the amounts charged against those appropriations in the chapter of
47 the laws of 2017 making appropriations for the support of government as
48 proposed in legislative bills numbers S.5492 and A.7068 for each such
49 department, agency, the legislature and the judiciary.

50 S 2. A chapter of the laws of 2017 making appropriations for the
51 support of government, as proposed in legislative bills numbers S.5492
52 and A.7068, is REPEALED upon the passage of legislative bills numbers
53 S.2000-D and A.3000-D.

1 S 3. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2017.

3 PART RRR

4 Section 1. Subdivision (a) of section 2 of part F of chapter 60 of the
5 laws of 2015 constituting the infrastructure investment act, is amended
6 to read as follows:

7 (a) (I) "authorized state entity" shall mean the New York state thru-
8 way authority, the department of transportation, the office of parks,
9 recreation and historic preservation, the department of environmental
10 conservation and the New York state bridge authority.

11 (II) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION 26 OF SECTION 1678
12 OF THE PUBLIC AUTHORITIES LAW, SECTION 8 OF THE PUBLIC BUILDINGS LAW,
13 SECTIONS 8 AND 9 OF SECTION 1 OF CHAPTER 359 OF THE LAWS OF 1968 AS
14 AMENDED, SECTION 103 OF THE GENERAL MUNICIPAL LAW, AND THE PROVISIONS OF
15 ANY OTHER LAW TO THE CONTRARY, THE TERM "AUTHORIZED STATE ENTITY" SHALL
16 ALSO REFER TO ONLY THOSE AGENCIES OR AUTHORITIES IDENTIFIED BELOW SOLELY
17 IN CONNECTION WITH THE FOLLOWING AUTHORIZED PROJECTS, PROVIDED THAT SUCH
18 AN AUTHORIZED STATE ENTITY MAY UTILIZE THE ALTERNATIVE DELIVERY METHOD
19 REFERRED TO AS DESIGN-BUILD CONTRACTS SOLELY IN CONNECTION WITH THE
20 FOLLOWING AUTHORIZED PROJECTS SHOULD THE TOTAL COST OF EACH SUCH PROJECT
21 NOT BE LESS THAN FIVE MILLION DOLLARS (\$5,000,000):

AUTHORIZED PROJECTS	AUTHORIZED STATE ENTITY
1. FRONTIER TOWN	URBAN DEVELOPMENT CORPORATION
2. LIFE SCIENCES LABORATORY	DORMITORY AUTHORITY & URBAN DEVELOPMENT CORPORATION
3. WHITEFACE TRANSFORMATIVE PROJECTS	NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY
4. GORE TRANSFORMATIVE PROJECTS	NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY
5. BELLEAYRE TRANSFORMATIVE PROJECTS	NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY
6. MT. VAN HOEVENBERG TRANSFORMATIVE PROJECTS	NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY
7. STATE FAIR REVITALIZATION PROJECTS	OFFICE OF GENERAL SERVICES
8. STATE POLICE FORENSIC LABORATORY	OFFICE OF GENERAL SERVICES

36 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ALL RIGHTS OR
37 BENEFITS, INCLUDING TERMS AND CONDITIONS OF EMPLOYMENT, AND PROTECTION
38 OF CIVIL SERVICE AND COLLECTIVE BARGAINING STATUS OF ALL EXISTING
39 EMPLOYEES OF AUTHORIZED STATE ENTITIES SOLELY IN CONNECTION WITH THE
40 AUTHORIZED PROJECTS LISTED ABOVE, SHALL BE PRESERVED AND PROTECTED.
41 NOTHING IN THIS SECTION SHALL RESULT IN THE: (1) DISPLACEMENT OF ANY
42 CURRENTLY EMPLOYED WORKER OR LOSS OF POSITION (INCLUDING PARTIAL
43 DISPLACEMENT SUCH AS A REDUCTION IN THE HOURS OF NON-OVERTIME WORK,
44 WAGES, OR EMPLOYMENT BENEFITS) OR RESULT IN THE IMPAIRMENT OF EXISTING
45 COLLECTIVE BARGAINING AGREEMENTS; AND (2) TRANSFER OF EXISTING DUTIES
46 AND FUNCTIONS RELATED TO MAINTENANCE AND OPERATIONS CURRENTLY PERFORMED

1 BY EXISTING EMPLOYEES OF AUTHORIZED STATE ENTITIES TO A CONTRACTING
2 ENTITY. NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO AFFECT (A) THE
3 EXISTING RIGHTS OF EMPLOYEES PURSUANT TO AN EXISTING COLLECTIVE BARGAIN-
4 ING AGREEMENT, AND (B) THE EXISTING REPRESENTATIONAL RELATIONSHIPS AMONG
5 EMPLOYEE ORGANIZATIONS OR THE BARGAINING RELATIONSHIPS BETWEEN THE
6 EMPLOYER AND AN EMPLOYEE ORGANIZATION.

7 IF OTHERWISE APPLICABLE, AUTHORIZED PROJECTS UNDERTAKEN BY THE AUTHOR-
8 IZED STATE ENTITIES LISTED ABOVE SOLELY IN CONNECTION WITH THE
9 PROVISIONS OF THIS ACT SHALL BE SUBJECT TO SECTION 135 OF THE STATE
10 FINANCE LAW, SECTION 101 OF THE GENERAL MUNICIPAL LAW, AND SECTION 222
11 OF THE LABOR LAW; PROVIDED, HOWEVER, THAT AN AUTHORIZED STATE ENTITY MAY
12 FULFILL ITS OBLIGATIONS UNDER SECTION 135 OF THE STATE FINANCE LAW OR
13 SECTION 101 OF THE GENERAL MUNICIPAL LAW BY REQUIRING THE CONTRACTOR TO
14 PREPARE SEPARATE SPECIFICATIONS IN ACCORDANCE WITH SECTION 135 OF THE
15 STATE FINANCE LAW OR SECTION 101 OF THE GENERAL MUNICIPAL LAW, AS THE
16 CASE MAY BE.

17 S 2. Intentionally omitted.

18 S 3. Section 3 of part F of chapter 60 of the laws of 2015 constitut-
19 ing the infrastructure investment act, is amended to read as follows:

20 S 3. Notwithstanding the provisions of section 38 of the highway law,
21 section 136-a of the state finance law, section 359 of the public
22 authorities law, section 7210 of the education law, and the provisions
23 of any other law to the contrary, and in conformity with the require-
24 ments of this act, an authorized state entity may utilize the alterna-
25 tive delivery method referred to as design-build contracts, in consulta-
26 tion with relevant local labor organizations and construction industry,
27 for capital projects related to the state's physical infrastructure,
28 including, but not limited to, the state's highways, bridges, dams,
29 flood control projects, canals, and parks, including, but not limited
30 to, to repair damage caused by natural disaster, to correct health and
31 safety defects, to comply with federal and state laws, standards, and
32 regulations, to extend the useful life of or replace the state's high-
33 ways, bridges, dams, flood control projects, canals, and parks or to
34 improve or add to the state's highways, bridges, dams, flood control
35 projects, canals, and parks; provided that for the contracts executed by
36 the department of transportation, the office of parks, recreation and
37 historic preservation, or the department of environmental conservation,
38 the total cost of each such project shall not be less than [one] TEN
39 million [two hundred thousand] dollars [(\$1,200,000)] (\$10,000,000).

40 S 4. Section 4 of part F of chapter 60 of the laws of 2015 constitut-
41 ing the infrastructure investment act, is amended to read as follows:

42 S 4. An entity selected by an authorized state entity to enter into a
43 design-build contract shall be selected through a two-step method, as
44 follows:

45 (a) Step one. Generation of a list of entities that have demonstrated
46 the general capability to perform the design-build contract. Such list
47 shall consist of a specified number of entities, as determined by an
48 authorized state entity, and shall be generated based upon the author-
49 ized state entity's review of responses to a publicly advertised request
50 for qualifications. The authorized state entity's request for qualifica-
51 tions shall include a general description of the project, the maximum
52 number of entities to be included on the list, [and] the selection
53 criteria to be used AND THE RELATIVE WEIGHT OF EACH CRITERIA in generat-
54 ing the list. Such selection criteria shall include the qualifications
55 and experience of the design and construction team, organization, demon-
56 strated responsibility, ability of the team or of a member or members of

1 the team to comply with applicable requirements, including the
2 provisions of articles 145, 147 and 148 of the education law, past
3 record of compliance with the labor law, and such other qualifications
4 the authorized state entity deems appropriate which may include but are
5 not limited to project understanding, financial capability and record of
6 past performance. The authorized state entity shall evaluate and rate
7 all entities responding to the request for qualifications. Based upon
8 such ratings, the authorized state entity shall list the entities that
9 shall receive a request for proposals in accordance with subdivision (b)
10 of this section. To the extent consistent with applicable federal law,
11 the authorized state entity shall consider, when awarding any contract
12 pursuant to this section, the participation of: (i) firms certified
13 pursuant to article 15-A of the executive law as minority or women-owned
14 businesses and the ability of other businesses under consideration to
15 work with minority and women-owned businesses so as to promote and
16 assist participation by such businesses; and (ii) small business
17 concerns identified pursuant to subdivision (b) of section 139-g of the
18 state finance law.

19 (b) Step two. Selection of the proposal which is the best value to the
20 [state] AUTHORIZED STATE ENTITY. The authorized state entity shall
21 issue a request for proposals to the entities listed pursuant to subdi-
22 vision (a) of this section. If such an entity consists of a team of
23 separate entities, the entities that comprise such a team must remain
24 unchanged from the entity as listed pursuant to subdivision (a) of this
25 section unless otherwise approved by the authorized state entity. The
26 request for proposals shall set forth the project's scope of work, and
27 other requirements, as determined by the authorized state entity. The
28 request for proposals shall specify the criteria to be used to evaluate
29 the responses and the relative weight of each such criteria. Such
30 criteria shall include the proposal's cost, the quality of the
31 proposal's solution, the qualifications and experience of the design-
32 build entity, and other factors deemed pertinent by the authorized state
33 entity, which may include, but shall not be limited to, the proposal's
34 project implementation, ability to complete the work in a timely and
35 satisfactory manner, maintenance costs of the completed project, mainte-
36 nance of traffic approach, and community impact. Any contract awarded
37 pursuant to this act shall be awarded to a responsive and responsible
38 entity that submits the proposal, which, in consideration of these and
39 other specified criteria deemed pertinent to the project, offers the
40 best value to the [state] AUTHORIZED STATE ENTITY, as determined by the
41 authorized state entity. THE REQUEST FOR PROPOSALS SHALL INCLUDE A
42 STATEMENT THAT ENTITIES SHALL DESIGNATE IN WRITING THOSE PORTIONS OF THE
43 PROPOSAL THAT CONTAIN TRADE SECRETS OR OTHER PROPRIETARY INFORMATION
44 THAT ARE TO REMAIN CONFIDENTIAL; THAT THE MATERIAL DESIGNATED AS CONFIDENTIAL
45 SHALL BE READILY SEPARABLE FROM THE ENTITY'S PROPOSAL. Nothing
46 herein shall be construed to prohibit the authorized entity from negoti-
47 ating final contract terms and conditions including cost. ALL PROPOSALS
48 SUBMITTED SHALL BE SCORED ACCORDING TO THE CRITERIA LISTED IN THE
49 REQUEST FOR PROPOSALS AND SUCH FINAL SCORES SHALL BE PUBLISHED ON THE
50 AUTHORIZED STATE ENTITY'S WEBSITE.

51 S 5. Intentionally omitted.
52 S 6. Intentionally omitted.
53 S 7. Intentionally omitted.
54 S 8. Intentionally omitted.
55 S 9. Intentionally omitted.
56 S 10. Intentionally omitted.

1 S 11. Section 13 of part F of chapter 60 of the laws of 2015 consti-
2 tuting the infrastructure investment act, is amended to read as follows:

3 S 13. Alternative construction awarding processes. (a) Notwithstand-
4 ing the provisions of any other law to the contrary, the authorized
5 state entity may award a construction contract:

6 1. To the contractor offering the best value; or

7 2. Utilizing a cost-plus not to exceed guaranteed maximum price form
8 of contract in which the authorized state entity shall be entitled to
9 monitor and audit all project costs. In establishing the schedule and
10 process for determining a guaranteed maximum price, the contract between
11 the authorized state entity and the contractor shall:

12 (i) describe the scope of the work and the cost of performing such
13 work;

14 (ii) include a detailed line item cost breakdown;

15 (iii) include a list of all drawings, specifications and other infor-
16 mation on which the guaranteed maximum price is based;

17 (iv) include the dates for substantial and final completion on which
18 the guaranteed maximum price is based; and

19 (v) include a schedule of unit prices; or

20 3. Utilizing a lump sum contract in which the contractor agrees to
21 accept a set dollar amount for a contract which comprises a single bid
22 without providing a cost breakdown for all costs such as for equipment,
23 labor, materials, as well as such contractor's profit for completing all
24 items of work comprising the project.

25 (b) Capital projects undertaken by an authorized state entity may
26 include an incentive clause in the contract for various performance
27 objectives, but the incentive clause shall not include an incentive that
28 exceeds the quantifiable value of the benefit received by the [state]
29 AUTHORIZED STATE ENTITY. The authorized state entity shall establish
30 such performance and payment bonds as it deems necessary.

31 S 12. Intentionally omitted.

32 S 13. Intentionally omitted.

33 S 14. Section 17 of part F of chapter 60 of the laws of 2015 consti-
34 tuting the infrastructure investment act, is amended to read as follows:

35 S 17. This act shall take effect immediately and shall expire and be
36 deemed repealed [2] 4 years after such date, provided that, projects
37 with requests for qualifications issued prior to such repeal shall be
38 permitted to continue under this act notwithstanding such repeal.

39 S 15. This act shall take effect immediately; provided, however that
40 the amendments to the infrastructure investment act made by sections one
41 through thirteen of this act shall not affect the repeal of such act and
42 shall be deemed repealed therewith.

43 PART SSS

44 Section 1. Subdivision 28 of section 501 of the retirement and social
45 security law, as added by chapter 298 of the laws of 2016, is amended to
46 read as follows:

47 28. "New York city enhanced plan member" shall mean (a) a New York
48 city police/fire revised plan member who becomes subject to the
49 provisions of this article on or after June fifteenth, two thousand
50 sixteen and who is a member of the New York city fire department pension
51 fund, (b) a police/fire member who is a member of the New York city fire
52 department pension fund and who makes an election, which shall be irrev-
53 ocable and shall be duly executed and filed with the administrative head
54 of such pension fund no later than one hundred twenty days after the

1 effective date of this subdivision, to be subject to the provisions of
2 this article related to New York city enhanced plan members, [or] (c) a
3 New York city police/fire revised plan member who became subject to the
4 provisions of this article before June fifteenth, two thousand sixteen,
5 who is a member of the New York city fire department pension fund, and
6 who makes an election, which shall be irrevocable and shall be duly
7 executed and filed with the administrative head of such pension fund no
8 later than one hundred twenty days after the effective date of this
9 subdivision, to be subject to the provisions of this article related to
10 New York city enhanced plan members, (D) A NEW YORK CITY POLICE/FIRE
11 REVISED PLAN MEMBER WHO BECOMES SUBJECT TO THE PROVISIONS OF THIS ARTI-
12 CLE ON OR AFTER APRIL FIRST, TWO THOUSAND SEVENTEEN AND WHO IS A MEMBER
13 OF THE NEW YORK CITY POLICE PENSION FUND, (E) A POLICE/FIRE MEMBER WHO
14 IS A MEMBER OF THE NEW YORK CITY POLICE PENSION FUND AND WHO MAKES AN
15 ELECTION, WHICH SHALL BE IRREVOCABLE AND SHALL BE DULY EXECUTED AND
16 FILED WITH THE ADMINISTRATIVE HEAD OF SUCH PENSION FUND NO LATER THAN
17 ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE
18 LAWS OF TWO THOUSAND SEVENTEEN WHICH AMENDED THIS SUBDIVISION, TO BE
19 SUBJECT TO THE PROVISIONS OF THIS ARTICLE RELATED TO NEW YORK CITY
20 ENHANCED PLAN MEMBERS, OR (F) A NEW YORK CITY POLICE/FIRE REVISED PLAN
21 MEMBER WHO BECAME SUBJECT TO THE PROVISIONS OF THIS ARTICLE BEFORE APRIL
22 FIRST, TWO THOUSAND SEVENTEEN, WHO IS A MEMBER OF THE NEW YORK CITY
23 POLICE PENSION FUND, AND WHO MAKES AN ELECTION, WHICH SHALL BE IRREV-
24 OCABLE AND SHALL BE DULY EXECUTED AND FILED WITH THE ADMINISTRATIVE HEAD
25 OF SUCH PENSION FUND NO LATER THAN ONE HUNDRED TWENTY DAYS AFTER THE
26 EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SEVENTEEN
27 WHICH AMENDED THIS SUBDIVISION, TO BE SUBJECT TO THE PROVISIONS OF THIS
28 ARTICLE RELATED TO NEW YORK CITY ENHANCED PLAN MEMBERS.

29 S 2. Subdivision h of section 517 of the retirement and social securi-
30 ty law, as added by chapter 298 of the laws of 2016, is amended to read
31 as follows:

32 h. Notwithstanding any inconsistent provision of subdivision a of this
33 section, New York city enhanced plan members WHO ARE MEMBERS OF THE NEW
34 YORK CITY FIRE DEPARTMENT PENSION FUND shall, as of the effective date
35 of this subdivision PURSUANT TO CHAPTER TWO HUNDRED NINETY-EIGHT OF THE
36 LAWS OF TWO THOUSAND SIXTEEN, contribute three percent of annual wages
37 to the pension fund in which they have membership, plus an additional
38 percentage of annual wages as set forth in the chapter of the laws of
39 two thousand sixteen which added this subdivision.

40 S 3. Section 517 of the retirement and social security law is amended
41 by adding a new subdivision i to read as follows:

42 I. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF SUBDIVISION A OF THIS
43 SECTION, NEW YORK CITY ENHANCED PLAN MEMBERS WHO ARE MEMBERS OF THE NEW
44 YORK CITY POLICE PENSION FUND SHALL, AS OF THE EFFECTIVE DATE OF THIS
45 SUBDIVISION, CONTRIBUTE THREE PERCENT OF ANNUAL WAGES TO THE PENSION
46 FUND IN WHICH THEY HAVE MEMBERSHIP, PLUS AN ADDITIONAL PERCENTAGE OF
47 ANNUAL WAGES AS SET FORTH IN THE CHAPTER OF THE LAWS OF TWO THOUSAND
48 SEVENTEEN WHICH ADDED THIS SUBDIVISION.

49 S 4. New York city enhanced plan members, as defined in section 501 of
50 the retirement and social security law as amended by section one of this
51 act, shall contribute, pursuant to subdivision i of section 517 of the
52 retirement and social security law as added by section three of this
53 act, an additional one percent of annual wages to the pension fund in
54 which they have membership. Every three years from the effective date of
55 this act, the actuary of such pension fund shall prepare an analysis,
56 using current actuarial methods and assumptions in effect as of the date

1 of such analysis, assessing the total cost of providing the benefits
2 established by this act expressed as an employee contribution of a
3 percentage of annual wages of New York City enhanced plan members which
4 would require no additional employer contribution. On the basis of such
5 analysis, the additional percentage of annual wages provided for herein
6 shall be adjusted to equal one percent of annual wages plus any amount
7 by which the employee contribution calculated in such analysis exceeds
8 2.2 percent of annual wages, provided, however, that in no event shall
9 the additional percentage of annual wages exceed 3 percent.

10 S 5. Section 81 of chapter 18 of the laws of 2012 shall not apply to
11 this act.

12 S 6. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

PROVISIONS OF PROPOSED LEGISLATION: The proposed legislation would amend provisions of the Retirement and Social Security Law (RSSL) to permit existing New York City Police Pension Fund (POLICE) Tier 3 and Revised Tier 3 POLICE Members to elect to join the RSSL Article 14 Enhanced Plan, and require participation for those POLICE Members who become subject to Article 14 on or after April 1, 2017. The Enhanced Plan provides changes to Accidental Disability Retirement (ADR) and Ordinary Disability Retirement (ODR) benefits, and includes a formula for adjusting increased contribution rates within defined parameters. The proposed legislation would also allow eligible POLICE Members to utilize applicable statutory presumptions for purposes of ADR.

The Effective Date of the proposed legislation would be the date of enactment.

For purposes of this Fiscal Note, all POLICE members subject to Article 14 of the RSSL will be referred to as "Tier 3 POLICE Members." Tier 3 POLICE Members who have a date of membership prior to April 1, 2012 will be referred to as "Original Tier 3 POLICE Members." Tier 3 POLICE Members who have a date of membership on or after April 1, 2012 will be referred to as "Revised Tier 3 POLICE Members."

Tier 3 POLICE Members who are Members prior to April 1, 2017 would have the option of remaining under the current benefit structure or irrevocably electing, within 120 days of the effective date of the proposed legislation, to be covered under the benefit structure contained in the proposed legislation. Tier 3 POLICE Members who become Members on and after April 1, 2017 would be subject to the benefit structure contained in the proposed legislation. Tier 3 POLICE Members who elect the benefits of this proposed legislation, and Tier 3 POLICE Members who are subject to mandatory participation, are referred to as "POLICE Enhanced Plan Members."

POLICE Enhanced Plan Members would, in addition to paying the current contribution rate of 3% of annual wages, be required to contribute additional contributions initially at 1% of annual wages and, in the future, ranging from 1% to 3% of annual wage depending on specified future cost calculations of providing POLICE Enhanced Plan benefits.

CURRENT ODR BENEFITS PAYABLE: The current ODR benefits for Tier 3 POLICE Members are equal to the greater of:

* 33 1/3% of Final Average Salary (FAS), or

* 2% of FAS multiplied by years of credited service (not in excess of 22 years),

Reduced by:

* 50% of the Primary Social Security Disability benefits (determined under RSSL Section 511), and

* 100% of Workers' Compensation benefits (if any).

FAS is a Three-Year Average (FAS3) for Original Tier 3 POLICE Members and a Five-Year Average (FAS5) for Revised Tier 3 POLICE Members.

It is the understanding of the Actuary that POLICE Members are not covered by Workers' Compensation.

IMPACT ON ODR BENEFITS PAYABLE: Under the proposed legislation, the ODR benefits for POLICE Enhanced Plan Members would be revised to be equal to the greater of:

- * 33 1/3% of FAS5, or

- * 2% of FAS5 multiplied by years of credited service (not in excess of 22 years).

Reduced by:

- * 100% of Workers' Compensation benefits (if any).

It is the understanding of the Actuary that POLICE Members are not covered by Workers' Compensation.

Eligibility for ODR benefits for Enhanced Plan Members would remain the same.

In addition, the proposed legislation would NOT apply the Escalation available under RSSL Section 510 to ODR benefits for POLICE Enhanced Plan Members. However, such ODR benefits would still be eligible for Cost-of-Living Adjustments (COLA) under Chapter 125 of the Laws of 2000.

CURRENT ADR BENEFITS PAYABLE: The current ADR benefits for Tier 3 POLICE Members is equal to:

- * 50% multiplied by FAS,

Reduced by:

- * 50% of Primary Social Security disability benefit or Primary Social Security benefits, whichever begins first (determined under RSSL Section 511), and

- * 100% of Workers' Compensation benefits (if any).

FAS is a FAS3 for Original Tier 3 POLICE Members and a FAS5 for Revised Tier 3 POLICE Members.

It is the understanding of the Actuary that POLICE Members are not covered by Workers' Compensation.

IMPACT ON ADR BENEFITS PAYABLE: Under the proposed legislation, the eligibility requirements for ADR benefits for POLICE Enhanced Plan Members would be the same as current Tier 3 POLICE Members. However, these Members would also become eligible to utilize applicable statutory presumptions (e.g., certain heart conditions) for purposes of ADR.

Under the proposed legislation, the ADR benefits for Enhanced Plan Members would be revised to equal a retirement allowance of:

- * 75% multiplied by FAS5,

Reduced by:

- * 100% of Workers' Compensation benefits (if any).

It is the understanding of the Actuary that POLICE Members are not covered by Workers' Compensation.

In addition, the proposed legislation would NOT apply the Escalation available under RSSL Section 510 to ADR benefits for Enhanced Plan Members. However, such ADR benefits would still be eligible for COLA under Chapter 125 of the Laws of 2000.

FINANCIAL IMPACT - CHANGES IN PROJECTED ACTUARIAL PRESENT VALUE OF FUTURE EMPLOYER CONTRIBUTIONS AND PROJECTED EMPLOYER CONTRIBUTIONS: For purposes of this Fiscal Note, it is assumed that the changes in the Actuarial Present Value (APV) of benefits (APVB), APV of member contributions, the Unfunded Actuarial Accrued Liability (UAAL) and APV of future employer contributions would be reflected for the first time in the June 30, 2016 actuarial valuation of POLICE. Under the One-Year Lag Methodology (OYLM), the first year in which changes in benefits for

Enhanced Plan Members could impact employer contributions to POLICE would be Fiscal Year 2018.

The estimated increases in employer contributions shown in Table 1 are based upon the following projection assumptions:

- * Level workforce (i.e., new employees are hired to replace those who leave active status).

- * Salary increases consistent with those used in projections to be presented to the New York City Office of Management and Budget in April, 2017 (Preliminary Projections).

- * New entrant salaries consistent with those used in the Preliminary Projections.

OTHER COSTS: Not measured in this Fiscal Note are the following:

- * The initial, additional administrative costs of POLICE to implement the proposed legislation.

- * The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

CENSUS DATA: The starting census data used for the calculations presented herein is the census data used in the Preliminary June 30, 2016 (Lag) actuarial valuation of POLICE to determine the Preliminary Fiscal Year 2018 employer contributions.

The 3,211 Original Tier 3 POLICE members who have a date of membership prior to April 1, 2012 had an average age of approximately 31.3, average service of approximately 5.2 years and an average salary of approximately \$87,300 as of June 30, 2016. The 7,998 Revised Tier 3 POLICE Members who have a date of membership on or after April 1, 2012 had an average age of approximately 28.4, average service of approximately 1.8 years and an average salary of approximately \$58,400 as of June 30, 2016.

ACTUARIAL ASSUMPTIONS AND METHODS: The additional employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the Preliminary June 30, 2016 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2018 employer contributions of POLICE.

In determining the change in employer contributions, the probabilities of accidental disability used for Tier 3 POLICE members equal those currently used for Tier 2 POLICE members who are not eligible for World Trade Center benefits.

It has been further assumed that all Tier 3 POLICE members who became members prior to April 1, 2017 will choose the new disability provisions.

The actuarial valuation methodology does not include a calculation of the value of an offset for Workers' Compensation benefits for Tier 3 POLICE members as it is the understanding of the Actuary that these members are not covered by such benefits.

Employer contributions under current methodology have been estimated assuming the additional APVB would be financed through future normal contributions including an amortization of the new UAAL attributable to this proposed legislation over a 15-year period (14 payments under the OYLM Methodology).

New entrants were projected to replace the members expected to leave the active population to maintain a steady-state population.

For purposes of estimating the financial impact of the changes described above, an assumed Escalation rate of 2.5% was used for current Tier 3 Police Member benefits, which is consistent with the underlying Consumer Price Inflation (CPI) assumption of 2.5% per year. Consistent with Chapter 125 of the Laws of 2000, a COLA rate of 1.5% per year (i.e., 50% of CPI adjusted to recognize a 1.0% minimum and 3.0% maximum)

on the first \$18,000 of benefit was assumed for purposes of valuing proposed Enhanced Plan benefits.

In accordance with ACNY Section 13.638.2(k-2), new UAAL attributable to benefit changes are to be amortized as determined by the Actuary but generally over the remaining working lifetime of those impacted by the benefit changes. As of June 30, 2016, the remaining working lifetime of the Tier 3 POLICE members is approximately 18 years. Recognizing that this period will decrease over time as the group of Enhanced Plan Members matures, the Actuary would likely choose to amortize the new UAAL attributable to this proposed legislation over a 15-year to 20-year period (between 14 and 19 payments under the OYLM Methodology). For purposes of this Fiscal Note, the Actuary has elected to amortize the change in UAAL over a 15-year period (14 payments).

Table 1 presents an estimate of the increases in the APV of future employer contributions and in employer contributions to POLICE for Fiscal Years 2018 through 2022 due to the changes in ODR and ARD provisions for Enhanced Plan Members based on the applicable actuarial assumptions and methods noted herein:

Table 1

Estimated Financial Impact on POLICE
If certain Revisions are Made to
Provisions for ODR and ADR Benefits for Tier 3 POLICE Members

(\$ Millions)

Fiscal Year	Increase in APV of Future Employer Contributions	Increase In Employer Contributions
2018	\$69.4	\$13.1
2019	74.2	14.1
2020	77.7	15.1
2021	79.7	15.9
2022	80.7	16.3

Table 2 presents the total number of active employees of POLICE used in the projections, assuming a level work force, and the cumulative number (i.e., net of withdrawals) of Tier 3 Members as of each June 30 from 2016 thorough 2020.

Table 2

Surviving Actives from Census Data on June 30, 2016
and
Cumulative Tier 3 POLICE Members from 2016
Used in the Projections*

June 30	Tier 1 & 2	Tier 3	Total
2016	24,752	11,209	35,961
2017	22,798	13,163	35,961
2018	20,785	15,176	35,961
2019	18,976	16,985	35,961
2020	17,532	18,429	35,961

* Total active members included in the projections assume a level work force based on the June 30, 2016 (Lag) actuarial valuation census data.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Pension Funds and Retirement Systems. I am a Fellow of the Society of Actuaries, a Fellow of the Conference of Consulting Actuaries and a Member of the American Academy of Actuaries. I meet the Qualifications Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2017-04 dated April 3, 2017 was prepared by the Chief Actuary for the New York City POLICE Pension Fund. This estimate is intended for use only during the 2017 Legislative Session.

1

PART TTT

2 Section 1. The section heading of section 421-a of the real property
3 tax law, as amended by chapter 857 of the laws of 1975 and such section
4 as renumbered by chapter 110 of the laws of 1977, is amended to read as
5 follows:

6 [Exemption of new multiple dwellings from local taxation.] AFFORDABLE
7 NEW YORK HOUSING PROGRAM.

8 S 2. Subparagraphs (i) and (iii) of paragraph (a) of subdivision 10 of
9 section 421-a of the real property tax law, as amended by chapter 15 of
10 the laws of 2008, are amended to read as follows:

11 (i) all rent stabilization registrations required to be filed on or
12 after January first, two thousand eight shall contain a designation
13 which identifies all units that are subject to the provisions of this
14 section as "[421-a] AFFORDABLE NEW YORK HOUSING PROGRAM units" and
15 specifically identifies affordable units created pursuant to this
16 section and units which are required to be occupied by persons or fami-
17 lies who meet specified income limits pursuant to the provisions of a
18 local law enacted pursuant to this section as "[421-a] AFFORDABLE NEW
19 YORK HOUSING PROGRAM affordable units" and shall contain an explanation
20 of the requirements that apply to all such units. The owner of a unit
21 that is subject to the provisions of this section shall, in addition to
22 complying with the requirements of section 26-517 of the rent stabiliza-
23 tion law, file a copy of the rent registration for each such unit with
24 the local housing agency;

25 (iii) the local housing agency shall create a report which, at a mini-
26 mum, contains the following information for every building which
27 receives benefits pursuant to this section: address, commencement and
28 termination date of the benefits, total number of residential units,
29 number of "[421-a] AFFORDABLE NEW YORK HOUSING PROGRAM units" and number
30 of "[421-a] AFFORDABLE NEW YORK HOUSING PROGRAM affordable units",
31 apartment number or other designation of such units and the rent for
32 each of such units. The local housing agency with the cooperation of the
33 division of housing and community renewal shall maintain, and update
34 such report no less than annually, with information secured from annual
35 registrations. Such reports shall be available for public inspection in
36 a form that assigns a unique designation to each unit other than its
37 actual apartment number to maintain the privacy of such information; and

38 S 3. Subdivision 16 of section 421-a of the real property tax law, as
39 added by section 63-c of part A of chapter 20 of the laws of 2015, is
40 amended to read as follows:

41 16. (a) Definitions. For the purposes of this subdivision:

- 1 (i) "[421-a] AFFORDABLE NEW YORK HOUSING PROGRAM benefits" shall mean
2 exemption from real property taxation pursuant to this subdivision.
- 3 (ii) "Affordability option A" shall mean that, within any eligible
4 site: (A) not less than ten percent of the dwelling units are affor-
5 dable housing forty percent units; (B) not less than an additional ten
6 percent of the dwelling units are affordable housing sixty percent
7 units; (C) not less than an additional five percent of the dwelling
8 units are affordable housing one hundred thirty percent units; and (D)
9 such eligible site is developed without the substantial assistance of
10 grants, loans or subsidies provided by a federal, state or local govern-
11 mental agency or instrumentality pursuant to a program for the develop-
12 ment of affordable housing, except that such eligible site may receive
13 tax exempt bond proceeds and four percent tax credits.
- 14 (iii) "Affordability option B" shall mean that, within any eligible
15 site, (A) not less than ten percent of the dwelling units are affordable
16 housing seventy percent units, and (B) not less than an additional twen-
17 ty percent of the dwelling units are affordable housing one hundred
18 thirty percent units.
- 19 (iv) "Affordability option C" shall mean that, within any eligible
20 site excluding the geographic area south of ninety-sixth street in the
21 borough of Manhattan, and all other geographic areas in the city of New
22 York excluded pursuant to local law, (A) not less than thirty percent of
23 the dwelling units are affordable housing one hundred thirty percent
24 units, and (B) such eligible site is developed without the substantial
25 assistance of grants, loans or subsidies provided by a federal, state or
26 local governmental agency or instrumentality pursuant to a program for
27 the development of affordable housing.
- 28 (v) "Affordability option D" shall only apply to a homeownership
29 project, of which one hundred percent of the units shall have an average
30 assessed value not to exceed sixty-five thousand dollars upon the first
31 assessment following the completion date and where each owner of any
32 such unit shall agree, in writing, to maintain such unit as their prima-
33 ry residence for no less than five years from the acquisition of such
34 unit.
- 35 (VI) "AFFORDABILITY OPTION E" SHALL MEAN THAT, WITHIN ANY ELIGIBLE
36 SITE WITHIN THE ENHANCED AFFORDABILITY AREA, SUCH SITE MUST CONSIST OF
37 NO LESS THAN THREE HUNDRED RENTAL DWELLING UNITS OF WHICH (A) NOT LESS
38 THAN TEN PERCENT OF THE RENTAL DWELLING UNITS ARE AFFORDABLE HOUSING
39 FORTY PERCENT UNITS; (B) NOT LESS THAN AN ADDITIONAL TEN PERCENT OF THE
40 RENTAL DWELLING UNITS ARE AFFORDABLE HOUSING SIXTY PERCENT UNITS; (C)
41 NOT LESS THAN AN ADDITIONAL FIVE PERCENT OF THE RENTAL DWELLING UNITS
42 ARE AFFORDABLE HOUSING ONE HUNDRED TWENTY PERCENT UNITS; AND (D) SUCH
43 ELIGIBLE SITE IS DEVELOPED WITHOUT THE SUBSTANTIAL ASSISTANCE OF GRANTS,
44 LOANS OR SUBSIDIES PROVIDED BY A FEDERAL, STATE OR LOCAL GOVERNMENTAL
45 AGENCY OR INSTRUMENTALITY PURSUANT TO A PROGRAM FOR THE DEVELOPMENT OF
46 AFFORDABLE HOUSING, EXCEPT THAT SUCH ELIGIBLE SITE MAY RECEIVE TAX
47 EXEMPT BOND PROCEEDS AND FOUR PERCENT TAX CREDITS.
- 48 (VII) "AFFORDABILITY OPTION F" SHALL MEAN THAT, WITHIN ANY ELIGIBLE
49 SITE WITHIN THE ENHANCED AFFORDABILITY AREA, SUCH SITE MUST CONSIST OF
50 NO LESS THAN THREE HUNDRED RENTAL DWELLING UNITS OF WHICH (A) NOT LESS
51 THAN TEN PERCENT OF THE RENTAL DWELLING UNITS ARE AFFORDABLE HOUSING
52 SEVENTY PERCENT UNITS; AND (B) NOT LESS THAN AN ADDITIONAL TWENTY
53 PERCENT OF THE RENTAL DWELLING UNITS ARE AFFORDABLE HOUSING ONE HUNDRED
54 THIRTY PERCENT UNITS.
- 55 (VIII) "AFFORDABILITY OPTION G" SHALL MEAN THAT, WITHIN ANY ELIGIBLE
56 SITE LOCATED WITHIN THE BROOKLYN ENHANCED AFFORDABILITY AREA OR THE

1 QUEENS ENHANCED AFFORDABILITY AREA, SUCH SITE MUST CONSIST OF NO LESS
2 THAN THREE HUNDRED RENTAL DWELLING UNITS OF WHICH (A) NOT LESS THAN
3 THIRTY PERCENT OF THE RENTAL DWELLING UNITS ARE AFFORDABLE HOUSING ONE-
4 HUNDRED THIRTY PERCENT UNITS; AND (B) SUCH ELIGIBLE SITE IS DEVELOPED
5 WITHOUT THE SUBSTANTIAL ASSISTANCE OF GRANTS, LOANS OR SUBSIDIES
6 PROVIDED BY A FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCY OR INSTRUMEN-
7 TALIY PURSUANT TO A PROGRAM FOR THE DEVELOPMENT OF AFFORDABLE HOUSING.

8 [(vi)] (IX) "Affordability percentage" shall mean a fraction, the
9 numerator of which is the number of affordable housing units in an
10 eligible site and the denominator of which is the total number of dwell-
11 ing units in such eligible site.

12 [(vii)] (X) "Affordable housing forty percent unit" shall mean a
13 dwelling unit that: (A) is situated within the eligible site for which
14 [421-a] AFFORDABLE NEW YORK HOUSING PROGRAM benefits are granted; and
15 (B) upon initial rental and upon each subsequent rental following a
16 vacancy during the restriction period OR EXTENDED RESTRICTION PERIOD, AS
17 APPLICABLE, is affordable to and restricted to occupancy by individuals
18 or families whose household income does not exceed forty percent of the
19 area median income, adjusted for family size, at the time that such
20 household initially occupies such dwelling unit.

21 [(viii)] (XI) "Affordable housing sixty percent unit" shall mean a
22 dwelling unit that: (A) is situated within the eligible site for which
23 [421-a] AFFORDABLE NEW YORK HOUSING PROGRAM benefits are granted; and
24 (B) upon initial rental and upon each subsequent rental following a
25 vacancy during the restriction period OR EXTENDED RESTRICTION PERIOD, AS
26 APPLICABLE, is affordable to and restricted to occupancy by individuals
27 or families whose household income does not exceed sixty percent of the
28 area median income, adjusted for family size, at the time that such
29 household initially occupies such dwelling unit.

30 [(ix)] (XII) "Affordable housing seventy percent unit" shall mean a
31 dwelling unit that: (A) is situated within the eligible site for which
32 [421-a] AFFORDABLE NEW YORK HOUSING PROGRAM benefits are granted; and
33 (B) upon initial rental and upon each subsequent rental following a
34 vacancy during the restriction period OR EXTENDED RESTRICTION PERIOD, AS
35 APPLICABLE, is affordable to and restricted to occupancy by individuals
36 or families whose household income does not exceed seventy percent of
37 the area median income, adjusted for family size, at the time that such
38 household initially occupies such dwelling unit.

39 (XIII) "AFFORDABLE HOUSING ONE HUNDRED TWENTY PERCENT UNIT" SHALL MEAN
40 A DWELLING UNIT THAT: (A) IS SITUATED WITHIN THE ELIGIBLE SITE FOR WHICH
41 AFFORDABLE NEW YORK HOUSING PROGRAM BENEFITS ARE GRANTED; AND (B) UPON
42 INITIAL RENTAL AND UPON EACH SUBSEQUENT RENTAL FOLLOWING A VACANCY
43 DURING THE EXTENDED RESTRICTION PERIOD, IS AFFORDABLE TO AND RESTRICTED
44 TO OCCUPANCY BY INDIVIDUALS OR FAMILIES WHOSE HOUSEHOLD INCOME DOES NOT
45 EXCEED ONE HUNDRED TWENTY PERCENT OF THE AREA MEDIAN INCOME, ADJUSTED
46 FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD INITIALLY OCCUPIES SUCH
47 DWELLING UNIT.

48 [(x)] (XIV) "Affordable housing one hundred thirty percent unit" shall
49 mean a dwelling unit that: (A) is situated within the eligible site for
50 which [421-a] AFFORDABLE NEW YORK HOUSING PROGRAM benefits are granted;
51 and (B) upon initial rental and upon each subsequent rental following a
52 vacancy during the restriction period OR EXTENDED RESTRICTION PERIOD, AS
53 APPLICABLE, is affordable to and restricted to occupancy by individuals
54 or families whose household income does not exceed one hundred thirty
55 percent of the area median income, adjusted for family size, at the time
56 that such household initially occupies such dwelling unit.

1 [(xi)] (XV) "Affordable housing unit" shall mean, collectively and
2 individually, affordable housing forty percent units, affordable housing
3 sixty percent units, affordable housing seventy percent units, AFFORDA-
4 BLE HOUSING ONE HUNDRED TWENTY PERCENT UNITS and affordable housing one
5 hundred thirty percent units.

6 [(xii)] (XVI) "Agency" shall mean the department of housing preserva-
7 tion and development.

8 [(xiii)] (XVII) "Application" shall mean an application for [421-a]
9 AFFORDABLE NEW YORK HOUSING PROGRAM benefits.

10 [(xiv)] (XVIII) "AVERAGE HOURLY WAGE" SHALL MEAN THE AMOUNT EQUAL TO
11 THE AGGREGATE AMOUNT OF ALL WAGES AND ALL EMPLOYEE BENEFITS PAID TO, OR
12 ON BEHALF OF, CONSTRUCTION WORKERS FOR CONSTRUCTION WORK DIVIDED BY THE
13 AGGREGATE NUMBER OF HOURS OF CONSTRUCTION WORK.

14 (XIX) "BROOKLYN ENHANCED AFFORDABILITY AREA" SHALL MEAN ANY TAX LOTS
15 NOW EXISTING OR HEREAFTER CREATED WHICH ARE LOCATED ENTIRELY WITHIN
16 COMMUNITY BOARDS ONE OR TWO OF THE BOROUGH OF BROOKLYN BOUNDED AND
17 DESCRIBED AS FOLLOWS: ALL THAT PIECE OR PARCEL OF LAND SITUATE AND BEING
18 IN THE BOROUGHS OF QUEENS AND BROOKLYN, NEW YORK. BEGINNING AT THE POINT
19 OF INTERSECTION OF THE CENTERLINE OF NEWTOWN CREEK AND THE WESTERLY
20 BOUNDS OF THE EAST RIVER; THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF
21 NEWTOWN CREEK, SAID CENTERLINE ALSO BEING THE BOUNDARY BETWEEN QUEENS
22 COUNTY TO THE NORTHEAST AND KINGS COUNTY TO THE SOUTHWEST, TO THE POINT
23 OF INTERSECTION WITH GREENPOINT AVENUE; THENCE SOUTHWESTERLY ALONG
24 GREENPOINT AVENUE, TO THE INTERSECTION WITH KINGS LAND AVENUE; THENCE
25 SOUTHERLY ALONG KINGSLAND AVENUE TO THE INTERSECTION WITH MEEKER AVENUE;
26 THENCE SOUTHWESTERLY ALONG MEEKER AVENUE TO THE INTERSECTION WITH
27 LEONARD STREET; THENCE SOUTHERLY ALONG LEONARD STREET TO THE INTER-
28 SECTION WITH METROPOLITAN AVENUE; THENCE WESTERLY ALONG METROPOLITAN
29 AVENUE TO THE INTERSECTION WITH LORIMER STREET; THENCE SOUTHERLY ALONG
30 LORIMER STREET TO THE INTERSECTION WITH MONTROSE AVENUE; THENCE WESTERLY
31 ALONG MONTROSE AVENUE TO THE INTERSECTION WITH UNION AVENUE; THENCE
32 SOUTHERLY ALONG UNION AVENUE TO THE INTERSECTION WITH JOHNSON AVENUE;
33 THENCE WESTERLY ALONG JOHNSON AVENUE TO THE INTERSECTION WITH BROADWAY;
34 THENCE NORTHWESTERLY ALONG BROADWAY TO THE INTERSECTION WITH RUTLEDGE
35 STREET; THENCE SOUTHWESTERLY ALONG RUTLEDGE STREET TO THE INTERSECTION
36 WITH KENT AVENUE AND CLASSON AVENUE; THENCE SOUTHWESTERLY AND SOUTHERLY
37 ALONG CLASSON AVENUE TO THE INTERSECTION WITH DEKALB AVENUE; THENCE
38 WESTERLY ALONG DEKALB AVENUE TO THE INTERSECTION WITH BOND STREET;
39 THENCE SOUTHWESTERLY ALONG BOND STREET TO THE INTERSECTION WITH WYCKOFF
40 STREET; THENCE NORTHWESTERLY ALONG WYCKOFF STREET TO THE INTERSECTION
41 WITH HOYT STREET; THENCE SOUTHWESTERLY ALONG HOYT STREET TO THE INTER-
42 SECTION WITH WARREN STREET; THENCE NORTHWESTERLY ALONG WARREN STREET TO
43 THE INTERSECTION WITH COURT STREET; THENCE NORTHEASTERLY ALONG COURT
44 STREET TO THE INTERSECTION WITH ATLANTIC AVENUE; THENCE NORTHWESTERLY
45 ALONG ATLANTIC AVENUE, CROSSING UNDER THE BROOKLYN QUEENS EXPRESSWAY
46 (AKA INTERSTATE 278), TO THE TERMINUS OF ATLANTIC AVENUE AT THE BROOKLYN
47 BRIDGE PARK/PIER 6; THENCE NORTHWESTERLY PASSING THROUGH THE BROOKLYN
48 BRIDGE PARK TO THE BULKHEAD OF THE EAST RIVER AT PIER 6; THENCE IN A
49 GENERAL NORTHEASTERLY DIRECTION ALONG THE EASTERLY BULKHEAD OR SHORELINE
50 OF THE EAST RIVER TO THE INTERSECTION WITH THE CENTERLINE OF NEWTOWN
51 CREEK, AND THE POINT OR PLACE OF BEGINNING.

52 (XX) "Building service employee" shall mean any person who is regular-
53 ly employed at, and performs work in connection with the care or mainte-
54 nance of, an eligible site, including, but not limited to, a watchman,
55 guard, doorman, building cleaner, porter, handyman, janitor, gardener,
56 groundskeeper, elevator operator and starter, and window cleaner, but

1 not including persons regularly scheduled to work fewer than eight hours
2 per week at the eligible site.

3 [(xv)] (XXI) "Commencement date" shall mean, with respect to any
4 eligible multiple dwelling, the date upon which excavation and
5 construction of initial footings and foundations lawfully begins in good
6 faith or, for an eligible conversion, the date upon which the actual
7 construction of the conversion, alteration or improvement of the pre-ex-
8 isting building or structure lawfully begins in good faith.

9 [(xvi)] (XXII) "Completion date" shall mean, WITH RESPECT TO ANY
10 ELIGIBLE MULTIPLE DWELLING, the date upon which the local department of
11 buildings issues the first temporary or permanent certificate of occu-
12 pancy covering all residential areas of an eligible multiple dwelling.

13 [(xvii)] (XXIII) "Construction period" shall mean, with respect to any
14 eligible multiple dwelling, a period: (A) beginning on the later of the
15 commencement date of such eligible multiple dwelling or three years
16 before the completion date of such eligible multiple dwelling; and (B)
17 ending on the day preceding the completion date of such eligible multi-
18 ple dwelling.

19 (XXIV) "CONSTRUCTION WORK" SHALL MEAN THE PROVISION OF LABOR PERFORMED
20 ON AN ELIGIBLE SITE BETWEEN THE COMMENCEMENT DATE AND THE COMPLETION
21 DATE, WHEREBY MATERIALS AND CONSTITUENT PARTS ARE COMBINED TO INITIALLY
22 FORM, MAKE OR BUILD AN ELIGIBLE MULTIPLE DWELLING, INCLUDING WITHOUT
23 LIMITATION, PAINTING, OR PROVIDING OF MATERIAL, ARTICLES, SUPPLIES OR
24 EQUIPMENT IN THE ELIGIBLE MULTIPLE DWELLING, BUT EXCLUDING SECURITY
25 PERSONNEL AND WORK RELATED TO THE FIT-OUT OF COMMERCIAL SPACES.

26 (XXV) "CONSTRUCTION WORKERS" SHALL MEAN ALL PERSONS PERFORMING
27 CONSTRUCTION WORK WHO (A) ARE PAID ON AN HOURLY BASIS AND (B) ARE NOT IN
28 A MANAGEMENT OR EXECUTIVE ROLE OR POSITION.

29 (XXVI) "CONTRACTOR CERTIFIED PAYROLL REPORT" SHALL MEAN AN ORIGINAL
30 PAYROLL REPORT SUBMITTED BY A CONTRACTOR OR SUB-CONTRACTOR TO THE INDE-
31 PENDENT MONITOR SETTING FORTH TO THE BEST OF THE CONTRACTOR'S OR
32 SUB-CONTRACTOR'S KNOWLEDGE, THE TOTAL NUMBER OF HOURS OF CONSTRUCTION
33 WORK PERFORMED BY CONSTRUCTION WORKERS, THE AMOUNT OF WAGES AND EMPLOYEE
34 BENEFITS PAID TO CONSTRUCTION WORKERS FOR CONSTRUCTION WORK.

35 [(xviii)] (XXVII) "Eligible conversion" shall mean the conversion,
36 alteration or improvement of a pre-existing building or structure
37 resulting in a multiple dwelling in which no more than forty-nine
38 percent of the floor area consists of such pre-existing building or
39 structure.

40 [(xix)] (XXVIII) "Eligible multiple dwelling" shall mean a multiple
41 dwelling or homeownership project containing six or more dwelling units
42 created through new construction or eligible conversion for which the
43 commencement date is after December thirty-first, two thousand fifteen
44 and on or before June fifteenth, two thousand [nineteen] TWENTY-TWO, and
45 for which the completion date is on or before June fifteenth, two thou-
46 sand [twenty-three] TWENTY-SIX.

47 [(xx)] (XXIX) "Eligible site" shall mean either: (A) a tax lot
48 containing an eligible multiple dwelling; or (B) a zoning lot containing
49 two or more eligible multiple dwellings that are part of a single appli-
50 cation.

51 (XXX) "EMPLOYEE BENEFITS" SHALL MEAN ALL SUPPLEMENTAL COMPENSATION
52 PAID BY THE EMPLOYER, ON BEHALF OF CONSTRUCTION WORKERS, OTHER THAN
53 WAGES, INCLUDING, WITHOUT LIMITATION, ANY PREMIUMS OR CONTRIBUTIONS MADE
54 INTO PLANS OR FUNDS THAT PROVIDE HEALTH, WELFARE, NON-OCCUPATIONAL DISA-
55 BILITY COVERAGE, RETIREMENT, VACATION BENEFITS, HOLIDAY PAY, LIFE INSUR-
56 ANCE AND APPRENTICESHIP TRAINING. THE VALUE OF ANY EMPLOYEE BENEFITS

1 RECEIVED SHALL BE DETERMINED BASED ON THE PRORATED HOURLY COST TO THE
2 EMPLOYER OF THE EMPLOYEE BENEFITS RECEIVED BY CONSTRUCTION WORKERS.

3 (XXXI) "ENHANCED AFFORDABILITY AREA" SHALL MEAN THE MANHATTAN ENHANCED
4 AFFORDABILITY AREA, THE BROOKLYN ENHANCED AFFORDABILITY AREA AND THE
5 QUEENS ENHANCED AFFORDABILITY AREA.

6 (XXXII) "ENHANCED THIRTY-FIVE YEAR BENEFIT" SHALL MEAN: (A) FOR THE
7 CONSTRUCTION PERIOD, A ONE HUNDRED PERCENT EXEMPTION FROM REAL PROPERTY
8 TAXATION, OTHER THAN ASSESSMENTS FOR LOCAL IMPROVEMENTS; AND (B) FOR THE
9 NEXT THIRTY-FIVE YEARS OF THE EXTENDED RESTRICTION PERIOD, A ONE HUNDRED
10 PERCENT EXEMPTION FROM REAL PROPERTY TAXATION, OTHER THAN ASSESSMENTS
11 FOR LOCAL IMPROVEMENTS.

12 (XXXIII) "EXTENDED RESTRICTION PERIOD" SHALL MEAN A PERIOD COMMENCING
13 ON THE COMPLETION DATE AND EXPIRING ON THE FORTIETH ANNIVERSARY OF THE
14 COMPLETION DATE, NOTWITHSTANDING ANY EARLIER TERMINATION OR REVOCATION
15 OF AFFORDABLE NEW YORK HOUSING PROGRAM BENEFITS.

16 [(xxi)] (XXXIV) "Fiscal officer" shall mean the comptroller or other
17 analogous officer in a city having a population of one million or more.

18 [(xxii)] (XXXV) "Floor area" shall mean the horizontal areas of the
19 several floors, or any portion thereof, of a dwelling or dwellings, and
20 accessory structures on a lot measured from the exterior faces of exte-
21 rior walls, or from the center line of party walls.

22 [(xxiii)] (XXXVI) "Four percent tax credits" shall mean federal low
23 income housing tax credits computed in accordance with clause (ii) of
24 subparagraph (B) of paragraph (1) of subsection (b) of section forty-two
25 of the internal revenue code of nineteen hundred eighty-six, as amended.

26 [(xxiv)] (XXXVII) "Homeownership project" shall mean a multiple dwell-
27 ing or portion thereof operated as condominium or cooperative housing,
28 however, it shall not include a multiple dwelling or portion thereof
29 operated as cooperative or condominium housing located within the
30 borough of Manhattan, and shall not include a multiple dwelling that
31 contains more than thirty-five units.

32 [(xxv)] (XXXVIII) "INDEPENDENT MONITOR" SHALL MEAN AN ACCOUNTANT
33 LICENSED AND IN GOOD STANDING PURSUANT TO ARTICLE ONE HUNDRED FORTY-NINE
34 OF THE EDUCATION LAW.

35 (XXXIX) "JOB ACTION" SHALL MEAN ANY DELAY, INTERRUPTION OR INTERFER-
36 ENCE WITH THE CONSTRUCTION WORK CAUSED BY THE ACTIONS OF ANY LABOR
37 ORGANIZATION OR CONCERTED ACTION OF ANY EMPLOYEES AT THE ELIGIBLE SITE,
38 INCLUDING WITHOUT LIMITATION, STRIKES, SYMPATHY STRIKES, WORK STOPPAGES,
39 WALK OUTS, SLOWDOWNS, PICKETING, BANNERING, HAND BILLING, DEMON-
40 STRATIONS, SICKOUTS, REFUSALS TO CROSS A PICKET LINE, REFUSALS TO HANDLE
41 STRUCK BUSINESS, AND USE OF THE RAT OR OTHER INFLATABLE BALLOONS OR
42 SIMILAR DISPLAYS.

43 (XL) "Market unit" shall mean a dwelling unit in an eligible multiple
44 dwelling other than an affordable housing unit.

45 [(xxvi)] (XLI) "Multiple dwelling" shall have the meaning set forth in
46 the multiple dwelling law.

47 [(xxvii)] (XLII) "Non-residential tax lot" shall mean a tax lot that
48 does not contain any dwelling units.

49 [(xxviii)] (XLIII) "MANHATTAN ENHANCED AFFORDABILITY AREA" SHALL MEAN
50 ANY TAX LOTS NOW EXISTING OR HEREAFTER CREATED LOCATED ENTIRELY SOUTH OF
51 96TH STREET IN THE BOROUGH OF MANHATTAN.

52 (XLIV) "PROJECT LABOR AGREEMENT" SHALL MEAN A PRE-HIRE COLLECTIVE
53 BARGAINING AGREEMENT SETTING FORTH THE TERMS AND CONDITIONS OF EMPLOY-
54 MENT FOR THE CONSTRUCTION WORKERS ON AN ELIGIBLE SITE.

55 (XLV) "PROJECT-WIDE CERTIFIED PAYROLL REPORT" SHALL MEAN A CERTIFIED
56 PAYROLL REPORT SUBMITTED BY THE INDEPENDENT MONITOR TO THE FISCAL OFFI-

1 CER BASED ON EACH CONTRACTOR CERTIFIED PAYROLL REPORT WHICH SETS FORTH
2 THE TOTAL NUMBER OF HOURS OF CONSTRUCTION WORK PERFORMED BY CONSTRUCTION
3 WORKERS, THE AGGREGATE AMOUNT OF WAGES AND EMPLOYEE BENEFITS PAID TO
4 CONSTRUCTION WORKERS FOR CONSTRUCTION WORK AND THE AVERAGE HOURLY WAGE.

5 (XLVI) "QUEENS ENHANCED AFFORDABILITY AREA" SHALL MEAN ANY TAX LOTS
6 NOW EXISTING OR HEREAFTER CREATED WHICH ARE LOCATED ENTIRELY WITHIN
7 COMMUNITY BOARDS ONE OR TWO OF THE BOROUGH OF QUEENS BOUNDED AND
8 DESCRIBED AS FOLLOWS: ALL THAT PIECE OR PARCEL OF LAND SITUATE AND BEING
9 IN THE BOROUGHS OF QUEENS AND BROOKLYN, NEW YORK. BEGINNING AT THE POINT
10 BEING THE INTERSECTION OF THE EASTERLY SHORE OF THE EAST RIVER WITH A
11 LINE OF PROLONGATION OF 20TH AVENUE PROJECTED NORTHWESTERLY; THENCE
12 SOUTHEASTERLY ON THE LINE OF PROLONGATION OF 20TH AVENUE AND ALONG 20TH
13 AVENUE TO THE INTERSECTION WITH 31ST STREET; THENCE SOUTHWESTERLY ALONG
14 31ST STREET TO THE INTERSECTION WITH NORTHERN BOULEVARD; THENCE SOUTH-
15 WESTERLY ALONG NORTHERN BOULEVARD TO THE INTERSECTION WITH QUEENS BOULE-
16 VARD (AKA ROUTE 25); THENCE SOUTHEASTERLY ALONG QUEENS BOULEVARD TO THE
17 INTERSECTION WITH VAN DAM STREET; THENCE SOUTHERLY ALONG VAN DAM STREET
18 TO THE INTERSECTION WITH BORDEN AVENUE; THENCE SOUTHWESTERLY ALONG VAN
19 DAM STREET TO THE INTERSECTION WITH GREENPOINT AVENUE AND REVIEW AVENUE;
20 THENCE SOUTHWESTERLY ALONG GREENPOINT AVENUE TO THE POINT OF INTER-
21 SECTION WITH THE CENTERLINE OF NEWTOWN CREEK, SAID CENTERLINE OF NEWTOWN
22 CREEK ALSO BEING THE BOUNDARY BETWEEN QUEENS COUNTY TO THE NORTH AND
23 KINGS COUNTY TO THE SOUTH; THENCE NORTHWESTERLY ALONG THE CENTERLINE OF
24 NEWTOWN CREEK, ALSO BEING THE BOUNDARY BETWEEN QUEENS COUNTY AND KINGS
25 COUNTY TO ITS INTERSECTION WITH THE EASTERLY BOUNDS OF THE EAST RIVER;
26 THENCE IN A GENERAL NORTHEASTERLY DIRECTION ALONG THE EASTERLY BULKHEAD
27 OR SHORELINE OF THE EAST RIVER TO THE POINT OR PLACE OF BEGINNING.

28 (XLVII) "Rent stabilization" shall mean, collectively, the rent
29 stabilization law of nineteen hundred sixty-nine, the rent stabilization
30 code, and the emergency tenant protection act of nineteen seventy-four,
31 all as in effect as of the effective date of the chapter of the laws of
32 two thousand fifteen that added this subdivision or as amended thereaft-
33 er, together with any successor statutes or regulations addressing
34 substantially the same subject matter.

35 [(xxix)] (XLVIII) "Rental project" shall mean an eligible site in
36 which all dwelling units included in any application are operated as
37 rental housing.

38 [(xxx)] (XLIX) "Residential tax lot" shall mean a tax lot that
39 contains dwelling units.

40 [(xxxii)] (L) "Restriction period" shall mean a period commencing on
41 the completion date and expiring on the thirty-fifth anniversary of the
42 completion date, notwithstanding any earlier termination or revocation
43 of [421-a] AFFORDABLE NEW YORK HOUSING PROGRAM benefits.

44 [(xxxiii)] (LI) "Tax exempt bond proceeds" shall mean the proceeds of
45 an exempt facility bond, as defined in paragraph (7) of subsection (a)
46 of section one hundred forty-two of the internal revenue code of nine-
47 teen hundred eighty-six, as amended, the interest upon which is exempt
48 from taxation under section one hundred three of the internal revenue
49 code of nineteen hundred eighty-six, as amended.

50 (LII) "THIRD PARTY FUND ADMINISTRATOR" SHALL BE A PERSON OR ENTITY
51 THAT RECEIVES FUNDS PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION AND
52 OVERSEES AND MANAGES THE DISBURSAL OF SUCH FUNDS TO CONSTRUCTION WORK-
53 ERS. THE THIRD PARTY FUND ADMINISTRATOR SHALL BE A PERSON OR ENTITY
54 APPROVED BY THE FISCAL OFFICER AND RECOMMENDED BY ONE, OR MORE, REPRE-
55 SENTATIVE OR REPRESENTATIVES OF THE LARGEST TRADE ASSOCIATION OF RESI-
56 DENTIAL REAL ESTATE DEVELOPERS, EITHER FOR PROFIT OR NOT-FOR-PROFIT, IN

1 NEW YORK CITY AND ONE, OR MORE, REPRESENTATIVE OR REPRESENTATIVES OF THE
2 LARGEST TRADE LABOR ASSOCIATION REPRESENTING BUILDING AND CONSTRUCTION
3 WORKERS, WITH MEMBERSHIP IN NEW YORK CITY. THE THIRD PARTY FUND ADMIN-
4 ISTRATOR SHALL BE APPOINTED FOR A TERM OF THREE YEARS, PROVIDED, HOWEV-
5 ER, THAT THE ADMINISTRATOR IN PLACE AT THE END OF A THREE YEAR TERM
6 SHALL CONTINUE TO SERVE BEYOND THE END OF THE TERM UNTIL A REPLACEMENT
7 ADMINISTRATOR IS APPOINTED. THE FISCAL OFFICER AFTER PROVIDING NOTICE
8 AND AFTER MEETING WITH THE THIRD PARTY FUND ADMINISTRATOR, MAY REMOVE
9 SUCH ADMINISTRATOR FOR CAUSE UPON A FISCAL OFFICER DETERMINATION THAT
10 THE ADMINISTRATOR HAS BEEN INEFFECTIVE AT OVERSEEING OR MANAGING THE
11 DISBURSAL OF FUNDS TO THE CONSTRUCTION WORKERS. THE THIRD PARTY FUND
12 ADMINISTRATOR SHALL, AT THE REQUEST OF THE FISCAL OFFICER, SUBMIT
13 REPORTS TO THE FISCAL OFFICER.

14 [(xxxiii)] (LIII) "Thirty-five year benefit" shall mean: (A) for the
15 construction period, a one hundred percent exemption from real property
16 taxation, other than assessments for local improvements; (B) for the
17 first twenty-five years of the restriction period, a one hundred percent
18 exemption from real property taxation, other than assessments for local
19 improvements; and (C) for the final ten years of the restriction period,
20 an exemption from real property taxation, other than assessments for
21 local improvements, equal to the affordability percentage.

22 [(xxxiv)] (LIV) "Twenty year benefit" shall mean: (A) for the
23 construction period, a one hundred percent exemption from real property
24 taxation, other than assessments for local improvements; (B) for the
25 first fourteen years of the restriction period, a one hundred percent
26 exemption from real property taxation, other than assessments for local
27 improvements, provided, however, that no exemption shall be given for
28 any portion of a unit's assessed value that exceeds \$65,000; and (C) for
29 the [final] NEXT six years of the restriction period, a twenty-five
30 percent exemption from real property taxation, other than assessments
31 for local improvements, provided, however, that no exemption shall be
32 given for any portion of a unit's assessed value that exceeds \$65,000.

33 (LV) "WAGES" SHALL MEAN ALL COMPENSATION, REMUNERATION OR PAYMENTS OF
34 ANY KIND PAID TO, OR ON BEHALF OF, CONSTRUCTION WORKERS, INCLUDING,
35 WITHOUT LIMITATION, ANY HOURLY COMPENSATION PAID DIRECTLY TO THE
36 CONSTRUCTION WORKER, TOGETHER WITH EMPLOYEE BENEFITS, SUCH AS HEALTH,
37 WELFARE, NON-OCCUPATIONAL DISABILITY COVERAGE, RETIREMENT, VACATION
38 BENEFITS, HOLIDAY PAY, LIFE INSURANCE AND APPRENTICESHIP TRAINING, AND
39 PAYROLL TAXES, INCLUDING, TO THE EXTENT PERMISSIBLE BY LAW, ALL AMOUNTS
40 PAID FOR NEW YORK STATE UNEMPLOYMENT INSURANCE, NEW YORK STATE DISABILI-
41 TY INSURANCE, METROPOLITAN COMMUTER TRANSPORTATION MOBILITY TAX, FEDERAL
42 UNEMPLOYMENT INSURANCE AND PURSUANT TO THE FEDERAL INSURANCE CONTRIB-
43 UTIONS ACT OR ANY OTHER PAYROLL TAX THAT IS PAID BY THE EMPLOYER.

44 (b) Benefit. In cities having a population of one million or more,
45 notwithstanding the provisions of any other subdivision of this section
46 or of any general, special or local law to the contrary, new eligible
47 sites, except hotels, that comply with the provisions of this subdivi-
48 sion shall be exempt from real property taxation, other than assessments
49 for local improvements, in the amounts and for the periods specified in
50 this paragraph. A rental project that meets all of the requirements of
51 this subdivision shall receive a thirty-five year benefit and a homeown-
52 ership project that meets all of the requirements of this subdivision
53 shall receive a twenty year benefit. A RENTAL PROJECT THAT ALSO MEETS
54 ALL OF THE REQUIREMENTS OF PARAGRAPH (C) OF THIS SUBDIVISION SHALL
55 RECEIVE AN ENHANCED THIRTY-FIVE YEAR BENEFIT.

1 (C) IN ADDITION TO ALL OTHER REQUIREMENTS SET FORTH IN THIS SUBDIVI-
2 SION, RENTAL PROJECTS CONTAINING THREE HUNDRED OR MORE RENTAL DWELLING
3 UNITS LOCATED WITHIN THE ENHANCED AFFORDABILITY AREA SHALL COMPLY WITH
4 THE REQUIREMENTS SET FORTH IN THIS PARAGRAPH. FOR PURPOSES OF THIS PARA-
5 GRAPH, "CONTRACTOR" SHALL MEAN ANY ENTITY WHICH BY AGREEMENT WITH ANOTH-
6 ER PARTY (INCLUDING SUBCONTRACTORS) UNDERTAKES TO PERFORM CONSTRUCTION
7 WORK AT AN ELIGIBLE SITE AND "APPLICANT" SHALL MEAN AN APPLICANT FOR
8 AFFORDABLE NEW YORK HOUSING PROGRAM BENEFITS AND ANY SUCCESSOR THERETO.

9 (I) SUCH RENTAL PROJECT SHALL COMPLY WITH EITHER AFFORDABILITY OPTION
10 E, AFFORDABILITY OPTION F OR AFFORDABILITY OPTION G.

11 (II) THE MINIMUM AVERAGE HOURLY WAGE PAID TO CONSTRUCTION WORKERS ON
12 AN ELIGIBLE SITE WITHIN THE MANHATTAN ENHANCED AFFORDABILITY AREA SHALL
13 BE NO LESS THAN SIXTY DOLLARS PER HOUR. THREE YEARS FROM THE EFFECTIVE
14 DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SEVENTEEN THAT ADDED
15 THIS PARAGRAPH AND EVERY THREE YEARS THEREAFTER, THE MINIMUM AVERAGE
16 HOURLY WAGE SHALL BE INCREASED BY FIVE PERCENT; PROVIDED, HOWEVER, THAT
17 ANY BUILDING WITH A COMMENCEMENT DATE PRIOR TO THE DATE OF SUCH INCREASE
18 SHALL BE REQUIRED TO PAY THE MINIMUM AVERAGE HOURLY WAGE AS REQUIRED ON
19 ITS COMMENCEMENT DATE.

20 (III) THE MINIMUM AVERAGE HOURLY WAGE PAID TO CONSTRUCTION WORKERS ON
21 AN ELIGIBLE SITE WITHIN THE BROOKLYN ENHANCED AFFORDABILITY AREA OR THE
22 QUEENS ENHANCED AFFORDABILITY AREA SHALL BE NO LESS THAN FORTY-FIVE
23 DOLLARS PER HOUR. THREE YEARS FROM THE EFFECTIVE DATE OF THE CHAPTER OF
24 THE LAWS OF TWO THOUSAND SEVENTEEN THAT ADDED THIS PARAGRAPH AND EVERY
25 THREE YEARS THEREAFTER, THE MINIMUM AVERAGE HOURLY WAGE SHALL BE
26 INCREASED BY FIVE PERCENT; PROVIDED, HOWEVER, THAT ANY BUILDING WITH A
27 COMMENCEMENT DATE PRIOR TO THE DATE OF SUCH INCREASE SHALL BE REQUIRED
28 TO PAY THE MINIMUM AVERAGE HOURLY WAGE AS REQUIRED ON ITS COMMENCEMENT
29 DATE.

30 (IV) THE REQUIREMENTS OF SUBPARAGRAPHS (II) AND (III) OF THIS PARA-
31 GRAPH SHALL NOT BE APPLICABLE TO:

32 (A) AN ELIGIBLE MULTIPLE DWELLING IN WHICH AT LEAST FIFTY PERCENT OF
33 THE DWELLING UNITS UPON INITIAL RENTAL AND UPON EACH SUBSEQUENT RENTAL
34 FOLLOWING A VACANCY DURING THE EXTENDED RESTRICTION PERIOD, ARE AFFORDA-
35 BLE TO AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES WHOSE
36 HOUSEHOLD INCOME DOES NOT EXCEED ONE HUNDRED TWENTY-FIVE PERCENT OF THE
37 AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH
38 HOUSEHOLD INITIALLY OCCUPIES SUCH DWELLING UNIT;

39 (B) ANY PORTION OF AN ELIGIBLE MULTIPLE DWELLING WHICH IS OWNED AND
40 OPERATED AS A CONDOMINIUM OR COOPERATIVE; OR

41 (C) AT THE OPTION OF THE APPLICANT, TO AN ELIGIBLE SITE SUBJECT TO A
42 PROJECT LABOR AGREEMENT.

43 (V) THE APPLICANT SHALL CONTRACT WITH AN INDEPENDENT MONITOR. SUCH
44 INDEPENDENT MONITOR SHALL SUBMIT TO THE FISCAL OFFICER WITHIN ONE YEAR
45 OF THE COMPLETION DATE A PROJECT-WIDE CERTIFIED PAYROLL REPORT. IN THE
46 EVENT SUCH PROJECT-WIDE CERTIFIED PAYROLL REPORT IS NOT SUBMITTED TO THE
47 FISCAL OFFICER WITHIN THE REQUISITE TIME, THE APPLICANT SHALL BE SUBJECT
48 TO A FINE OF ONE THOUSAND DOLLARS PER WEEK, OR ANY PORTION THEREOF;
49 PROVIDED THAT THE MAXIMUM FINE SHALL BE SEVENTY-FIVE THOUSAND DOLLARS.
50 IN THE EVENT THAT THE AVERAGE HOURLY WAGE IS LESS THAN THE MINIMUM AVER-
51 AGE HOURLY WAGE SET FORTH IN SUBPARAGRAPH (II) OR (III) OF THIS PARA-
52 GRAPH AS APPLICABLE, THE PROJECT-WIDE CERTIFIED PAYROLL REPORT SHALL
53 ALSO SET FORTH THE AGGREGATE AMOUNT OF SUCH DEFICIENCY.

54 (VI) THE CONTRACTOR CERTIFIED PAYROLL REPORT SHALL BE SUBMITTED BY
55 EACH CONTRACTOR AND SUB-CONTRACTOR NO LATER THAN NINETY DAYS AFTER THE
56 COMPLETION OF CONSTRUCTION WORK BY SUCH CONTRACTOR OR SUB-CONTRACTOR. IN

1 THE EVENT THAT A CONTRACTOR OR SUB-CONTRACTOR FAILS OR REFUSES TO SUBMIT
2 THE CONTRACTOR CERTIFIED PAYROLL REPORT WITHIN THE TIME PRESCRIBED IN
3 THIS SUBPARAGRAPH, THE INDEPENDENT MONITOR SHALL NOTIFY THE FISCAL OFFI-
4 CER AND THE FISCAL OFFICER SHALL BE AUTHORIZED TO FINE SUCH CONTRACTOR
5 OR SUB-CONTRACTOR IN THE AMOUNT OF ONE THOUSAND DOLLARS PER WEEK, OR ANY
6 PORTION THEREOF, PROVIDED THAT THE MAXIMUM FINE SHALL BE SEVENTY-FIVE
7 THOUSAND DOLLARS.

8 (VII) IN THE EVENT THAT THE PROJECT-WIDE CERTIFIED PAYROLL REPORT
9 SHOWS THAT THE AVERAGE HOURLY WAGE AS REQUIRED BY SUBPARAGRAPH (II) OR
10 (III) OF THIS PARAGRAPH, AS APPLICABLE, WAS NOT PAID, (A) IF THE AVERAGE
11 HOURLY WAGE IS WITHIN FIFTEEN PERCENT OF THE AVERAGE HOURLY WAGE
12 REQUIRED BY SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH, AS APPLICABLE,
13 THEN NO LATER THAN ONE HUNDRED TWENTY DAYS FROM THE DATE OF SUBMISSION
14 OF SUCH PROJECT-WIDE CERTIFIED PAYROLL REPORT, THE APPLICANT SHALL PAY
15 TO THE THIRD PARTY FUND ADMINISTRATOR AN AMOUNT EQUAL TO THE AMOUNT OF
16 THE DEFICIENCY SET FORTH IN THE PROJECT-WIDE CERTIFIED PAYROLL REPORT.
17 THE THIRD PARTY FUND ADMINISTRATOR SHALL DISTRIBUTE SUCH PAYMENT TO THE
18 CONSTRUCTION WORKERS WHO PERFORMED CONSTRUCTION WORK ON SUCH ELIGIBLE
19 SITE. PRIOR TO MAKING SUCH REPAYMENT, THE THIRD PARTY FUND ADMINISTRATOR
20 SHALL SUBMIT TO THE FISCAL OFFICER A PLAN SUBJECT TO THE FISCAL OFFI-
21 CER'S APPROVAL SETTING FORTH THE MANNER IN WHICH THE THIRD PARTY FUND
22 ADMINISTRATOR WILL REACH THE REQUIRED AVERAGE WAGE WITHIN ONE HUNDRED
23 FIFTY DAYS OF RECEIVING THE PAYMENT FROM THE APPLICANT AND HOW ANY
24 REMAINING FUNDS WILL BE DISBURSED IN THE EVENT THAT THE THIRD PARTY FUND
25 ADMINISTRATOR CANNOT DISTRIBUTE THE FUNDS TO THE CONSTRUCTION WORKERS
26 WITHIN ONE YEAR OF RECEIVING FISCAL OFFICER APPROVAL. IN THE EVENT THAT
27 THE APPLICANT FAILS TO MAKE SUCH PAYMENT WITHIN THE TIME PERIOD
28 PRESCRIBED IN THIS SUBPARAGRAPH, THE APPLICANT SHALL BE SUBJECT TO A
29 FINE OF ONE THOUSAND DOLLARS PER WEEK PROVIDED THAT THE MAXIMUM FINE
30 SHALL BE SEVENTY-FIVE THOUSAND DOLLARS; OR (B) IF THE AVERAGE HOURLY
31 WAGE IS MORE THAN FIFTEEN PERCENT BELOW THE MINIMUM AVERAGE HOURLY WAGE
32 REQUIRED BY SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH, AS APPLICABLE,
33 THEN NO LATER THAN ONE HUNDRED TWENTY DAYS FROM THE DATE OF SUBMISSION
34 OF SUCH PROJECT-WIDE CERTIFIED PAYROLL REPORT, THE APPLICANT SHALL PAY
35 TO THE THIRD PARTY FUND ADMINISTRATOR AN AMOUNT EQUAL TO THE AMOUNT OF
36 THE DEFICIENCY SET FORTH IN THE PROJECT-WIDE PAYROLL REPORT. THE THIRD
37 PARTY FUND ADMINISTRATOR SHALL DISTRIBUTE SUCH PAYMENT TO THE
38 CONSTRUCTION WORKERS WHO PERFORMED CONSTRUCTION WORK ON SUCH ELIGIBLE
39 SITE. PRIOR TO MAKING SUCH REPAYMENT, THE THIRD PARTY FUND ADMINISTRATOR
40 SHALL SUBMIT TO THE FISCAL OFFICER A PLAN SUBJECT TO THE FISCAL OFFI-
41 CER'S APPROVAL SETTING FORTH THE MANNER IN WHICH THE THIRD PARTY FUND
42 ADMINISTRATOR WILL REACH THE REQUIRED AVERAGE WAGE WITHIN ONE HUNDRED
43 FIFTY DAYS OF RECEIVING THE PAYMENT FROM THE APPLICANT AND HOW ANY
44 REMAINING FUNDS WILL BE DISBURSED IN THE EVENT THAT THE THIRD PARTY FUND
45 ADMINISTRATOR CANNOT DISTRIBUTE THE FUNDS TO THE CONSTRUCTION WORKERS
46 WITHIN ONE YEAR OF RECEIVING FISCAL OFFICER APPROVAL. IN ADDITION, THE
47 FISCAL OFFICER SHALL IMPOSE A PENALTY ON THE APPLICANT IN AN AMOUNT
48 EQUAL TO TWENTY-FIVE PERCENT OF THE AMOUNT OF THE DEFICIENCY, PROVIDED,
49 HOWEVER, THAT THE FISCAL OFFICER SHALL NOT IMPOSE SUCH PENALTY WHERE THE
50 ELIGIBLE MULTIPLE DWELLING HAS BEEN THE SUBJECT OF A JOB ACTION WHICH
51 RESULTS IN A WORK DELAY. IN THE EVENT THAT THE APPLICANT FAILS TO MAKE
52 SUCH PAYMENT WITHIN THE TIME PERIOD PRESCRIBED IN THIS SUBPARAGRAPH, THE
53 APPLICANT SHALL BE SUBJECT TO A FINE OF ONE THOUSAND DOLLARS PER WEEK,
54 PROVIDED THAT THE MAXIMUM FINE SHALL BE SEVENTY-FIVE THOUSAND DOLLARS.
55 NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH, THE APPLICANT SHALL NOT
56 BE LIABLE IN ANY RESPECT WHATSOEVER FOR ANY PAYMENTS, FINES OR PENALTIES

1 RELATED TO OR RESULTING FROM CONTRACTOR FRAUD, MISTAKE, OR NEGLIGENCE OR
2 FOR FRAUDULENT OR INACCURATE CONTRACTOR CERTIFIED PAYROLL REPORTS OR FOR
3 FRAUDULENT OR INACCURATE PROJECT-WIDE CERTIFIED PAYROLL REPORTS,
4 PROVIDED, HOWEVER, THAT PAYMENT TO THE THIRD PARTY FUND ADMINISTRATOR IN
5 THE AMOUNT SET FORTH IN THE PROJECT-WIDE CERTIFIED PAYROLL REPORT AS
6 DESCRIBED IN THIS SUBPARAGRAPH SHALL STILL BE MADE BY THE CONTRACTOR OR
7 SUB-CONTRACTOR IN THE EVENT OF UNDERPAYMENT RESULTING FROM OR CAUSED BY
8 THE CONTRACTOR OR SUB-CONTRACTOR, AND THAT THE APPLICANT WILL BE LIABLE
9 FOR UNDERPAYMENT TO THE THIRD PARTY FUND ADMINISTRATOR UNLESS THE FISCAL
10 OFFICER DETERMINES, IN ITS SOLE DISCRETION, THAT THE UNDERPAYMENT WAS
11 THE RESULT OF, OR CAUSED BY, CONTRACTOR FRAUD, MISTAKE OR NEGLIGENCE
12 AND/OR FOR FRAUDULENT OR INACCURATE CONTRACTOR CERTIFIED PAYROLL REPORTS
13 AND/OR PROJECT-WIDE CERTIFIED PAYROLL REPORTS. THE APPLICANT SHALL
14 OTHERWISE NOT BE LIABLE IN ANY WAY WHATSOEVER ONCE THE PAYMENT TO THE
15 THIRD PARTY FUND ADMINISTRATOR HAS BEEN MADE IN THE AMOUNT SET FORTH IN
16 THE PROJECT-WIDE CERTIFIED PAYROLL REPORT. OTHER THAN THE UNDERPAYMENT,
17 WHICH MUST BE PAID TO THE THIRD PARTY FUND ADMINISTRATOR, ALL FINES AND
18 PENALTIES SET FORTH IN THIS PARAGRAPH IMPOSED BY THE FISCAL OFFICER
19 SHALL BE PAID TO THE AGENCY AND USED BY THE AGENCY TO PROVIDE AFFORDABLE
20 HOUSING.

21 (VIII) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO CONFER A
22 PRIVATE RIGHT OF ACTION TO ENFORCE THE PROVISIONS OF THIS PARAGRAPH,
23 PROVIDED, HOWEVER, THAT THIS SENTENCE SHALL NOT BE CONSTRUED AS A WAIVER
24 OF ANY EXISTING RIGHTS OF CONSTRUCTION WORKERS OR THEIR REPRESENTATIVES
25 RELATED TO WAGE AND BENEFIT COLLECTION, WAGE THEFT OR OTHER LABOR
26 PROTECTIONS OR RIGHTS AND PROVIDED, FURTHER, THAT NOTHING IN THIS PARA-
27 GRAPH RELIEVES ANY OBLIGATIONS PURSUANT TO A COLLECTIVE BARGAINING
28 AGREEMENT.

29 (IX) A RENTAL PROJECT CONTAINING THREE HUNDRED OR MORE RESIDENTIAL
30 DWELLING UNITS NOT LOCATED WITHIN THE ENHANCED AFFORDABILITY AREA MAY
31 ELECT TO COMPLY WITH THE REQUIREMENTS OF THIS PARAGRAPH AND BE ELIGIBLE
32 TO RECEIVE AN ENHANCED THIRTY-FIVE YEAR BENEFIT. SUCH ELECTION SHALL BE
33 MADE IN THE APPLICATION AND SHALL NOT THEREAFTER BE CHANGED. SUCH RENTAL
34 PROJECT SHALL COMPLY WITH ALL OF THE REQUIREMENTS OF THIS PARAGRAPH AND
35 SHALL BE DEEMED TO BE LOCATED WITHIN THE BROOKLYN ENHANCED AFFORDABILITY
36 AREA OR THE QUEENS ENHANCED AFFORDABILITY AREA FOR THE PURPOSES OF THIS
37 PARAGRAPH.

38 (X) THE FISCAL OFFICER SHALL HAVE THE SOLE AUTHORITY TO DETERMINE AND
39 ENFORCE ANY LIABILITY FOR UNDERPAYMENT OWING TO THE THIRD PARTY FUND
40 ADMINISTRATOR FROM THE APPLICANT AND/OR THE CONTRACTOR (AS A RESULT OF
41 CONTRACTOR FRAUD, MISTAKE OR NEGLIGENCE AND/OR FOR FRAUDULENT OR INACCU-
42 RATE CONTRACTOR CERTIFIED PAYROLL REPORTS AND/OR PROJECT-WIDE CERTIFIED
43 PAYROLL REPORTS), AS SET FORTH IN SUBPARAGRAPH (VII) OF THIS PARAGRAPH.
44 THE FISCAL OFFICER SHALL EXPEDITIOUSLY CONDUCT AN INVESTIGATION AND
45 HEARING AT THE NEW YORK CITY OFFICE OF ADMINISTRATIVE TRIALS AND HEAR-
46 INGS, SHALL DETERMINE THE ISSUES RAISED THEREON AND SHALL MAKE AND FILE
47 AN ORDER IN HIS OR HER OFFICE STATING SUCH DETERMINATION AND FORTHWITH
48 SERVE A COPY OF SUCH ORDER, EITHER PERSONALLY OR BY MAIL, TOGETHER WITH
49 NOTICE OF FILING, UPON THE PARTIES TO SUCH PROCEEDINGS. THE FISCAL
50 OFFICER IN SUCH AN INVESTIGATION SHALL BE DEEMED TO BE ACTING IN A JUDI-
51 CIAL CAPACITY AND SHALL HAVE THE RIGHTS TO ISSUE SUBPOENAS, ADMINISTER
52 OATHS AND EXAMINE WITNESSES. THE ENFORCEMENT OF A SUBPOENA ISSUED UNDER
53 THIS SUBPARAGRAPH SHALL BE REGULATED BY THE CIVIL PRACTICE LAW AND
54 RULES. THE FILING OF SUCH ORDER SHALL HAVE THE FULL FORCE AND EFFECT OF
55 A JUDGMENT DULY DOCKETED IN THE OFFICE OF THE COUNTY CLERK. THE ORDER
56 MAY BE ENFORCED BY AND IN THE NAME OF THE FISCAL OFFICER IN THE SAME

1 MANNER, AND WITH LIKE EFFECT, AS THAT PRESCRIBED BY THE CIVIL PRACTICE
2 LAW AND RULES FOR THE ENFORCEMENT OF A MONEY JUDGMENT.

3 [(c)] (D) Tax payments. In addition to any other amounts payable
4 pursuant to this subdivision, the owner of any eligible site receiving
5 [421-a] AFFORDABLE NEW YORK HOUSING PROGRAM benefits shall pay, in each
6 tax year in which such [421-a] AFFORDABLE NEW YORK HOUSING PROGRAM bene-
7 fits are in effect, real property taxes and assessments as follows:

8 (i) with respect to each eligible multiple dwelling constructed on
9 such eligible site, real property taxes on the assessed valuation of
10 such land and any improvements thereon in effect during the tax year
11 prior to the commencement date of such eligible multiple dwelling, with-
12 out regard to any exemption from or abatement of real property taxation
13 in effect during such tax year, which real property taxes shall be
14 calculated using the tax rate in effect at the time such taxes are due;
15 and

16 (ii) all assessments for local improvements.

17 [(d)] (E) Limitation on benefits for non-residential space. If the
18 aggregate floor area of commercial, community facility and accessory use
19 space in an eligible site, other than parking which is located not more
20 than twenty-three feet above the curb level, exceeds twelve percent of
21 the aggregate floor area in such eligible site, any [421-a] AFFORDABLE
22 NEW YORK HOUSING PROGRAM benefits shall be reduced by a percentage equal
23 to such excess. If an eligible site contains multiple tax lots, the tax
24 arising out of such reduction in [421-a] AFFORDABLE NEW YORK HOUSING
25 PROGRAM benefits shall first be apportioned pro rata among any non-resi-
26 dential tax lots. After any such non-residential tax lots are fully
27 taxable, the remainder of the tax arising out of such reduction in
28 [421-a] AFFORDABLE NEW YORK HOUSING PROGRAM benefits, if any, shall be
29 apportioned pro rata among the remaining residential tax lots.

30 [(e)] (F) Calculation of benefit. Based on the certification of the
31 agency certifying the applicant's eligibility for [421-a] AFFORDABLE NEW
32 YORK HOUSING PROGRAM benefits, the assessors shall certify to the
33 collecting officer the amount of taxes to be exempted.

34 [(f)] (G) Affordability requirements. During the restriction period, a
35 rental project shall comply with either affordability option A, affor-
36 dability option B, or affordability option C or for purposes of a homeown-
37 ership project, such project shall comply with affordability option D.
38 Such election shall be made in the application and shall not thereafter
39 be changed. The rental project shall also comply with all provisions of
40 this paragraph during the restriction period and with subparagraph (iii)
41 of this paragraph both during and after the restriction period to the
42 extent provided in such subparagraph. A RENTAL PROJECT CONTAINING THREE
43 HUNDRED OR MORE RENTAL DWELLING UNITS LOCATED IN THE ENHANCED AFFORDA-
44 BILITY AREA OR A RENTAL PROJECT CONTAINING THREE HUNDRED OR MORE RENTAL
45 DWELLING UNITS NOT LOCATED WITHIN THE ENHANCED AFFORDABILITY AREA WHICH
46 ELECTS TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (C) OF THIS SUBDIVI-
47 SION SHALL COMPLY WITH EITHER AFFORDABILITY OPTION E, AFFORDABILITY
48 OPTION F, OR AFFORDABILITY OPTION G. SUCH ELECTION SHALL BE MADE IN THE
49 APPLICATION AND SHALL NOT THEREAFTER BE CHANGED. SUCH RENTAL PROJECT
50 SHALL ALSO COMPLY WITH ALL PROVISIONS OF THIS PARAGRAPH DURING THE
51 EXTENDED RESTRICTION PERIOD AND WITH SUBPARAGRAPH (III) OF THIS PARA-
52 GRAPH BOTH DURING AND AFTER THE EXTENDED RESTRICTION PERIOD TO THE
53 EXTENT PROVIDED IN SUCH PARAGRAPH.

54 (i) [Affordable units] ALL RENTAL DWELLING UNITS IN AN ELIGIBLE MULTI-
55 PLE DWELLING shall share the same common entrances and common areas as
56 market rate units IN SUCH ELIGIBLE MULTIPLE DWELLING, and shall not be

1 isolated to a specific floor or area of [a building] AN ELIGIBLE MULTI-
2 PLE DWELLING. Common entrances shall mean any area regularly used by
3 any resident OF A RENTAL DWELLING UNIT IN THE ELIGIBLE MULTIPLE DWELLING
4 for ingress and egress from [a] SUCH ELIGIBLE multiple dwelling; and

5 (ii) Unless preempted by the requirements of a federal, state or local
6 housing program, either (A) the affordable housing units in an eligible
7 site shall have a unit mix proportional to the market units, or (B) at
8 least fifty percent of the affordable housing units in an eligible site
9 shall have two or more bedrooms and no more than twenty-five percent of
10 the affordable housing units shall have less than one bedroom.

11 (iii) Notwithstanding any provision of rent stabilization to the
12 contrary, all affordable housing units shall be fully subject to rent
13 stabilization during the restriction period OR EXTENDED RESTRICTION
14 PERIOD, AS APPLICABLE, provided that tenants holding a lease and in
15 occupancy of such affordable housing units at the expiration of the
16 restriction period OR EXTENDED RESTRICTION PERIOD, AS APPLICABLE, shall
17 have the right to remain as rent stabilized tenants for the duration of
18 their occupancy.

19 (iv) All rent stabilization registrations required to be filed pursu-
20 ant to subparagraph (iii) of this paragraph shall contain a designation
21 that specifically identifies affordable housing units created pursuant
22 to this subdivision as "[421-a] AFFORDABLE NEW YORK HOUSING PROGRAM
23 affordable housing units" and shall contain an explanation of the
24 requirements that apply to all such affordable housing units.

25 (v) Failure to comply with the provisions of this paragraph that
26 require the creation, maintenance, rent stabilization compliance and
27 occupancy of affordable housing units or for purposes of a homeownership
28 project the failure to comply with affordability option D shall result
29 in revocation of any [421-a] AFFORDABLE NEW YORK HOUSING PROGRAM bene-
30 fits for the period of such non-compliance.

31 (vi) Nothing in this subdivision shall (A) prohibit the occupancy of
32 an affordable housing unit by individuals or families whose income at
33 any time is less than the maximum percentage of the area median income,
34 adjusted for family size, specified for such affordable housing unit
35 pursuant to this subdivision, or (B) prohibit the owner of an eligible
36 site from requiring, upon initial rental or upon any rental following a
37 vacancy, the occupancy of any affordable housing unit by such lower
38 income individuals or families.

39 (vii) Following issuance of a temporary certificate of occupancy and
40 upon each vacancy thereafter, an affordable housing unit shall promptly
41 be offered for rental by individuals or families whose income does not
42 exceed the maximum percentage of the area median income, adjusted for
43 family size, specified for such affordable housing unit pursuant to this
44 subdivision and who intend to occupy such affordable housing unit as
45 their primary residence. An affordable housing unit shall not be (A)
46 rented to a corporation, partnership or other entity, or (B) held off
47 the market for a period longer than is reasonably necessary to perform
48 repairs needed to make such affordable housing unit available for occu-
49 pancy.

50 (viii) An affordable housing unit shall not be rented on a temporary,
51 transient or short-term basis. Every lease and renewal thereof for an
52 affordable housing unit shall be for a term of one or two years, at the
53 option of the tenant.

54 (ix) An affordable housing unit shall not be converted to cooperative
55 or condominium ownership.

1 (x) The agency may establish by rule such requirements as the agency
2 deems necessary or appropriate for (A) the marketing of affordable hous-
3 ing units, both upon initial occupancy and upon any vacancy, (B) moni-
4 toring compliance with the provisions of this paragraph and (C) the
5 marketing and monitoring of any homeownership project that is granted an
6 exemption pursuant to this subdivision. Such requirements may include,
7 but need not be limited to, retaining a monitor approved by the agency
8 and paid for by the owner.

9 (xi) Notwithstanding any provision of this subdivision to the contra-
10 ry, a market unit shall be subject to rent stabilization unless, in the
11 absence of [421-a] AFFORDABLE NEW YORK HOUSING PROGRAM benefits, the
12 owner would be entitled to remove such market unit from rent stabiliza-
13 tion upon vacancy by reason of the monthly rent exceeding any limit
14 established thereunder.

15 [(g)] (H) Building service employees. (i) For the purposes of this
16 paragraph, "applicant" shall mean an applicant for [421-a] AFFORDABLE
17 NEW YORK HOUSING PROGRAM benefits, any successor to such applicant, or
18 any employer of building service employees for such applicant, includ-
19 ing, but not limited to, a property management company or contractor.

20 (ii) All building service employees employed by the applicant at the
21 eligible site shall receive the applicable prevailing wage for the
22 entire restriction period OR EXTENDED RESTRICTION PERIOD, AS APPLICABLE.

23 (iii) The fiscal officer shall have the power to enforce the
24 provisions of this paragraph. In enforcing such provisions, the fiscal
25 officer shall have the power:

26 (A) to investigate or cause an investigation to be made to determine
27 the prevailing wages for building service employees; in making such
28 investigation, the fiscal officer may utilize wage and fringe benefit
29 data from various sources, including, but not limited to, data and
30 determinations of federal, state or other governmental agencies;

31 (B) to institute and conduct inspections at the site of the work or
32 elsewhere;

33 (C) to examine the books, documents and records pertaining to the
34 wages paid to, and the hours of work performed by, building service
35 employees;

36 (D) to hold hearings and, in connection therewith, to issue subpoenas,
37 administer oaths and examine witnesses; the enforcement of a subpoena
38 issued under this paragraph shall be regulated by the civil practice law
39 and rules;

40 (E) to make a classification by craft, trade or other generally recog-
41 nized occupational category of the building service employees and to
42 determine whether such work has been performed by the building service
43 employees in such classification;

44 (F) to require the applicant to file with the fiscal officer a record
45 of the wages actually paid by such applicant to the building service
46 employees and of their hours of work;

47 (G) to delegate any of the foregoing powers to his or her deputy or
48 other authorized representative; and

49 (H) to promulgate rules as he or she shall consider necessary for the
50 proper execution of the duties, responsibilities and powers conferred
51 upon him or her by the provisions of this subparagraph.

52 (iv) If the fiscal officer finds that the applicant has failed to
53 comply with the provisions of this paragraph, he or she shall present
54 evidence of such noncompliance to the agency.

55 (v) Subparagraph (ii) of this paragraph shall not be applicable to:

1 (A) an eligible multiple dwelling containing less than thirty dwelling
2 units; or
3 (B) an eligible multiple dwelling in which all of the dwelling units
4 are affordable housing units and not less than fifty percent of such
5 affordable housing units, upon initial rental and upon each subsequent
6 rental following a vacancy during the restriction period OR EXTENDED
7 RESTRICTION PERIOD, AS APPLICABLE, are affordable to and restricted to
8 occupancy by individuals or families whose household income does not
9 exceed one hundred twenty-five percent of the area median income,
10 adjusted for family size, at the time that such household initially
11 occupies such dwelling unit.

12 [(h)] (I) Replacement ratio. If the land on which an eligible site is
13 located contained any dwelling units three years prior to the commence-
14 ment date of the first eligible multiple dwelling thereon, then such
15 eligible site shall contain at least one affordable housing unit for
16 each dwelling unit that existed on such date and was thereafter demol-
17 ished, removed or reconfigured.

18 [(i)] (J) Concurrent exemptions or abatements. An eligible multiple
19 dwelling receiving [421-a] AFFORDABLE NEW YORK HOUSING PROGRAM benefits
20 shall not receive any exemption from or abatement of real property taxa-
21 tion under any other law.

22 [(j)] (K) Voluntary renunciation or termination. Notwithstanding the
23 provisions of any general, special or local law to the contrary, an
24 owner shall not be entitled to voluntarily renounce or terminate any
25 [421-a] AFFORDABLE NEW YORK HOUSING PROGRAM benefits unless the agency
26 authorizes such renunciation or termination in connection with the
27 commencement of a new tax exemption pursuant to either the private hous-
28 ing finance law or section four hundred twenty-c of this title.

29 [(k)] (L) Termination or revocation. The agency may terminate or
30 revoke [421-a] AFFORDABLE NEW YORK HOUSING PROGRAM benefits for noncom-
31 pliance with this subdivision, PROVIDED, HOWEVER, THAT THE AGENCY SHALL
32 NOT TERMINATE OR REVOKE AFFORDABLE NEW YORK HOUSING PROGRAM BENEFITS FOR
33 A FAILURE TO COMPLY WITH PARAGRAPH (C) OF THIS SUBDIVISION. If [421-a]
34 AFFORDABLE NEW YORK HOUSING PROGRAM benefits are terminated or revoked
35 for noncompliance with this subdivision, [all of the affordable housing
36 units shall remain subject to rent stabilization or for a homeownership
37 project such project shall continue to comply with affordability option
38 D of this subdivision and all other requirements of this subdivision for
39 the restriction period and any additional period expressly provided in
40 this subdivision, as if the 421-a benefits had not been terminated or
41 revoked] (I) ALL OF THE AFFORDABLE HOUSING UNITS SHALL REMAIN SUBJECT TO
42 RENT STABILIZATION AND ALL OTHER REQUIREMENTS OF THIS SUBDIVISION FOR
43 THE RESTRICTION PERIOD OR EXTENDED RESTRICTION PERIOD, AS APPLICABLE,
44 AND ANY ADDITIONAL PERIOD EXPRESSLY PROVIDED IN THIS SUBDIVISION, AS IF
45 THE AFFORDABLE NEW YORK HOUSING PROGRAM BENEFITS HAD NOT BEEN TERMINATED
46 OR REVOKED; (II) ALL OF THE MARKET RATE HOUSING UNITS SHALL REMAIN
47 SUBJECT TO RENT STABILIZATION AND ALL OTHER REQUIREMENTS OF THIS SUBDI-
48 VISION FOR THE RESTRICTION PERIOD OR EXTENDED RESTRICTION PERIOD, AS
49 APPLICABLE, AND ANY ADDITIONAL PERIOD EXPRESSLY PROVIDED IN THIS SUBDI-
50 VISION, AS IF THE AFFORDABLE NEW YORK HOUSING PROGRAM BENEFITS HAD NOT
51 BEEN TERMINATED OR REVOKED, PROVIDED, HOWEVER, THAT THE OWNER SHALL
52 STILL BE ENTITLED TO REMOVE SUCH MARKET UNIT FROM RENT STABILIZATION
53 UPON VACANCY BY REASON OF THE MONTHLY RENT EXCEEDING ANY LIMIT ESTAB-
54 LISHED THEREUNDER; (III) OR FOR A HOMEOWNERSHIP PROJECT SUCH PROJECT
55 SHALL CONTINUE TO COMPLY WITH AFFORDABILITY OPTION D OF THIS SUBDIVISION
56 AND ALL OTHER REQUIREMENTS OF THIS SUBDIVISION FOR THE RESTRICTION PERI-

1 OD AND ANY ADDITIONAL PERIOD EXPRESSLY PROVIDED IN THIS SUBDIVISION, AS
2 IF THE AFFORDABLE NEW YORK HOUSING PROGRAM BENEFITS HAD NOT BEEN TERMI-
3 NATED OR REVOKED.

4 [(l)] (M) Powers cumulative. The enforcement provisions of this subdi-
5 vision shall not be exclusive, and are in addition to any other rights,
6 remedies, or enforcement powers set forth in any other law or available
7 at law or in equity.

8 [(m)] (N) Multiple tax lots. If an eligible site contains multiple tax
9 lots, an application may be submitted with respect to one or more of
10 such tax lots. The agency shall determine eligibility for [421-a]
11 AFFORDABLE NEW YORK HOUSING PROGRAM benefits based upon the tax lots
12 included in such application AND BENEFITS FOR EACH MULTIPLE DWELLING
13 SHALL BE BASED UPON THE COMPLETION DATE OF SUCH MULTIPLE DWELLING.

14 [(n)] (O) Applications. (i) The application with respect to any eligi-
15 ble multiple dwelling shall be filed with the agency not later than one
16 year after the completion date of such eligible multiple dwelling.

17 (ii) Notwithstanding the provisions of any general, special or local
18 law to the contrary, the agency may require by rule that applications be
19 filed electronically.

20 (iii) The agency may rely on certification by an architect or engineer
21 submitted by an applicant in connection with the filing of an applica-
22 tion. A false certification by such architect or engineer shall be
23 deemed to be professional misconduct pursuant to section sixty-five
24 hundred nine of the education law. Any licensee found guilty of such
25 misconduct under the procedures prescribed in section sixty-five hundred
26 ten of the education law shall be subject to the penalties prescribed in
27 section sixty-five hundred eleven of the education law, and shall there-
28 after be ineligible to submit a certification pursuant to this subdivi-
29 sion.

30 (IV) THE AGENCY SHALL NOT REQUIRE THAT THE APPLICANT DEMONSTRATE
31 COMPLIANCE WITH THE REQUIREMENTS OF PARAGRAPH (C) OF THIS SUBDIVISION AS
32 A CONDITION TO APPROVAL OF THE APPLICATION.

33 [(o)] (P) Filing fee. The agency may require a filing fee of three
34 thousand dollars per dwelling unit in connection with any application.
35 However, the agency may promulgate rules imposing a lesser fee for
36 eligible sites containing eligible multiple dwellings constructed with
37 the substantial assistance of grants, loans or subsidies provided by a
38 federal, state or local governmental agency or instrumentality pursuant
39 to a program for the development of affordable housing.

40 [(p)] (Q) Rules.

41 [The agency] EXCEPT AS PROVIDED IN PARAGRAPHS (C) AND (H) OF THIS
42 SUBDIVISION, THE AGENCY SHALL HAVE THE SOLE AUTHORITY TO ENFORCE THE
43 PROVISIONS OF THIS SUBDIVISION AND may promulgate rules to carry out the
44 provisions of this subdivision.

45 [(q) Authority of city to enact local law. Except as otherwise speci-
46 fied in this subdivision, a city to which this subdivision is applicable
47 may enact a local law to restrict, limit or condition the eligibility
48 for or the scope or amount of 421-a benefits in any manner, provided
49 that such local law may not grant 421-a benefits beyond those provided
50 in this subdivision and provided further that such local law shall not
51 take effect sooner than one year after it is enacted. The provisions of
52 sections 11-245 and 11-245.1 of the administrative code of the city of
53 New York or of any other local law of the city of New York that were
54 enacted on or before the effective date of the chapter of the laws of
55 two thousand fifteen which added this paragraph shall not restrict,

1 limit or condition the eligibility for or the scope or amount of 421-a
2 benefits pursuant to this subdivision.]

3 (r) Election. Notwithstanding anything in this subdivision to the
4 contrary, [if a memorandum of understanding pursuant to subdivision
5 sixteen-a of this section has been executed and noticed,] a rental
6 project or homeownership project with a commencement date on or before
7 December thirty-first, two thousand fifteen that has not received bene-
8 fits pursuant to this section prior to the effective date of the chapter
9 of the laws of two thousand fifteen that added this subdivision may
10 elect to comply with this subdivision and receive [421-a] AFFORDABLE NEW
11 YORK HOUSING PROGRAM benefits pursuant to this subdivision.

12 S 4. Subdivision 16-a of section 421-a of the real property tax law is
13 REPEALED.

14 S 5. On or before May 31, 2021 the commissioner of the division of
15 housing and community renewal shall issue a report to the governor, the
16 temporary president of the senate and the speaker of the assembly exam-
17 ining the economic impact of the Affordable New York Housing Program on
18 the development of affordable dwelling units, jobs and social opportu-
19 nities created by the Affordable New York Housing Program, the cost of
20 the Affordable New York Housing Program, the impact on communities with
21 Affordable New York Housing Program developments, and other such factors
22 as the commissioner of the division of housing and community renewal
23 deems appropriate. The division of housing and community renewal may
24 exercise all authority granted to it by this or any other statute. The
25 division of housing and community renewal may request and shall receive
26 cooperation and assistance from all departments, divisions, boards,
27 bureaus, commissions, public benefit corporations or agencies of the
28 state of New York, the city of New York or any other political subdivi-
29 sions thereof, or any entity receiving benefits pursuant to section
30 421-a of the real property tax law.

31 S 6. Severability clause. If any clause, sentence, paragraph, subdivi-
32 sion, section or part of this act shall be adjudged by any court of
33 competent jurisdiction to be invalid, such judgment shall not affect,
34 impair, or invalidate the remainder thereof, but shall be confined in
35 its operation to the clause, sentence, paragraph, subdivision, section
36 or part thereof directly involved in the controversy in which such judg-
37 ment shall have been rendered. It is hereby declared to be the intent of
38 the legislature that this act would have been enacted even if such
39 invalid provisions had not been included herein.

40 S 7. This act shall take effect immediately; and provided, however,
41 that sections one, two, and three of this act shall be deemed to have
42 been in full force and effect on and after January 1, 2016.

43

PART UUU

44 Section 1. The economic development law is amended by adding a new
45 section 100-a to read as follows:

46 S 100-A. COMPREHENSIVE ECONOMIC DEVELOPMENT REPORTING. THE DEPARTMENT
47 SHALL PREPARE AN ANNUAL COMPREHENSIVE ECONOMIC DEVELOPMENT REPORT, NO
48 LATER THAN DECEMBER THIRTY-FIRST OF EACH YEAR, LISTING ECONOMIC DEVELOP-
49 MENT ASSISTANCE PROVIDED BY THE NEW YORK STATE URBAN DEVELOPMENT CORPO-
50 RATION AND THE DEPARTMENT, INCLUDING BUT NOT LIMITED TO TAX EXPENDI-
51 TURES, MARKETING AND ADVERTISING, GRANTS, AWARDS AND LOANS. SUCH
52 COMPREHENSIVE REPORT SHALL INCLUDE AGGREGATE TOTALS FOR EACH ECONOMIC
53 DEVELOPMENT PROGRAM ADMINISTERED BY THE NEW YORK STATE URBAN DEVELOPMENT
54 CORPORATION AND THE DEPARTMENT, INCLUDING BUT NOT LIMITED TO PROGRAM

1 PROGRESS, PROGRAM PARTICIPATION RATES, ECONOMIC IMPACT, REGIONAL
2 DISTRIBUTION, INDUSTRY TRENDS, AND ANY OTHER INFORMATION DEEMED NECES-
3 SARY BY THE COMMISSIONER. THE DEPARTMENT SHALL PROMINENTLY POST THE
4 COMPREHENSIVE ECONOMIC DEVELOPMENT REPORT ON ITS WEBSITE NO LATER THAN
5 JANUARY FIRST OF EACH YEAR.

6 S 2. Section 438 of the economic development law is REPEALED.

7 S 3. Subdivision 1 of section 433 of the economic development law, as
8 added by section 1 of part A of chapter 68 of the laws of 2013, is
9 amended to read as follows:

10 1. In order to participate in the START-UP NY program, a business must
11 satisfy all of the following criteria.

12 (a) The mission and activities of the business must align with or
13 further the academic mission of the campus, college or university spon-
14 soring the tax-free NY area in which it seeks to locate, and the busi-
15 ness's participation in the START-UP NY program must have positive
16 community and economic benefits.

17 (b) The business must demonstrate that it will, in its first year of
18 operation, create net new jobs. After its first year of operation, the
19 business must maintain net new jobs. In addition, the average number of
20 employees of the business and its related persons in the state during
21 the year must equal or exceed the sum of: (i) the average number of
22 employees of the business and its related persons in the state during
23 the year immediately preceding the year in which the business submits
24 its application to locate in a tax-free NY area; and (ii) net new jobs
25 of the business in the tax-free NY area during the year. The average
26 number of employees of the business and its related persons in the state
27 shall be determined by adding together the total number of employees of
28 the business and its related persons in the state on March thirty-first,
29 June thirtieth, September thirtieth and December thirty-first and divid-
30 ing the total by the number of such dates occurring within such year.

31 (c) Except as provided in paragraphs [(g)] (F) and [(h)] (G) of this
32 subdivision, at the time it submits its application for the START-UP NY
33 program, the business must be a new business to the state.

34 (d) The business may be organized as a corporation, a partnership,
35 limited liability company or a sole proprietorship.

36 [(e) Upon completion of its first year in the START-UP NY program and
37 thereafter, the business must complete and timely file the annual report
38 required under section four hundred thirty-eight of this article.

39 [(f)] (E) Except as provided in paragraphs [(g)] (F) and [(h)] (G) of
40 this subdivision, the business must not be engaged in a line of business
41 that is currently or was previously conducted by the business or a
42 related person in the last five years in New York state.

43 [(g)] (F) If a business does not satisfy the eligibility standard set
44 forth in paragraph (c) or [(f)] (E) of this subdivision, because at one
45 point in time it operated in New York state but moved its operations out
46 of New York state on or before June first, two thousand thirteen, the
47 commissioner shall grant that business permission to apply to partic-
48 ipate in the START-UP NY program if the commissioner determines that the
49 business has demonstrated that it will substantially restore the jobs in
50 New York state that it previously had moved out of state.

51 [(h)] (G) If a business seeks to expand its current operations in New
52 York state into a tax-free NY area but the business does not qualify as
53 a new business because it does not satisfy the criteria in paragraph (c)
54 of subdivision six of section four hundred thirty-one of this article or
55 the business does not satisfy the eligibility standard set forth in
56 paragraph [(f)] (E) of this subdivision, the commissioner shall grant

1 the business permission to apply to participate in the START-UP NY
2 program if the commissioner determines that the business has demon-
3 strated that it will create net new jobs in the tax-free NY area and
4 that it or any related person has not eliminated any jobs in the state
5 in connection with this expansion.

6 S 4. This act shall take effect immediately.

7

PART VVV

8 Section 1. Section 60.45 of the criminal procedure law is amended by
9 adding a new subdivision 3 to read as follows:

10 3. (A) WHERE A PERSON IS SUBJECT TO CUSTODIAL INTERROGATION BY A
11 PUBLIC SERVANT AT A DETENTION FACILITY, THE ENTIRE CUSTODIAL INTERRO-
12 GATION, INCLUDING THE GIVING OF ANY REQUIRED ADVICE OF THE RIGHTS OF THE
13 INDIVIDUAL BEING QUESTIONED, AND THE WAIVER OF ANY RIGHTS BY THE INDI-
14 VIDUAL, SHALL BE RECORDED BY AN APPROPRIATE VIDEO RECORDING DEVICE IF
15 THE INTERROGATION INVOLVES A CLASS A-1 FELONY, EXCEPT ONE DEFINED IN
16 ARTICLE TWO HUNDRED TWENTY OF THE PENAL LAW; FELONY OFFENSES DEFINED IN
17 SECTION 130.95 AND 130.96 OF THE PENAL LAW; OR A FELONY OFFENSE DEFINED
18 IN ARTICLE ONE HUNDRED TWENTY-FIVE OR ONE HUNDRED THIRTY OF SUCH LAW
19 THAT IS DEFINED AS A CLASS B VIOLENT FELONY OFFENSE IN SECTION 70.02 OF
20 THE PENAL LAW. FOR PURPOSES OF THIS PARAGRAPH, THE TERM "DETENTION
21 FACILITY" SHALL MEAN A POLICE STATION, CORRECTIONAL FACILITY, HOLDING
22 FACILITY FOR PRISONERS, PROSECUTOR'S OFFICE OR OTHER FACILITY WHERE
23 PERSONS ARE HELD IN DETENTION IN CONNECTION WITH CRIMINAL CHARGES THAT
24 HAVE BEEN OR MAY BE FILED AGAINST THEM.

25 (B) NO CONFESSION, ADMISSION OR OTHER STATEMENT SHALL BE SUBJECT TO A
26 MOTION TO SUPPRESS PURSUANT TO SUBDIVISION THREE OF SECTION 710.20 OF
27 THIS CHAPTER BASED SOLELY UPON THE FAILURE TO VIDEO RECORD SUCH INTERRO-
28 GATION IN A DETENTION FACILITY AS DEFINED IN PARAGRAPH (A) OF THIS
29 SUBDIVISION. HOWEVER, WHERE THE PEOPLE OFFER INTO EVIDENCE A CONFESSION,
30 ADMISSION OR OTHER STATEMENT MADE BY A PERSON IN CUSTODY WITH RESPECT TO
31 HIS OR HER PARTICIPATION OR LACK OF PARTICIPATION IN AN OFFENSE SPECI-
32 FIED IN PARAGRAPH (A) OF THIS SUBDIVISION, THAT HAS NOT BEEN VIDEO
33 RECORDED, THE COURT SHALL CONSIDER THE FAILURE TO RECORD AS A FACTOR,
34 BUT NOT AS THE SOLE FACTOR, IN ACCORDANCE WITH PARAGRAPH (C) OF THIS
35 SUBDIVISION IN DETERMINING WHETHER SUCH CONFESSION, ADMISSION OR OTHER
36 STATEMENT SHALL BE ADMISSIBLE.

37 (C) NOTWITHSTANDING THE REQUIREMENT OF PARAGRAPH (A) OF THIS SUBDIVI-
38 SION, UPON A SHOWING OF GOOD CAUSE BY THE PROSECUTOR, THE CUSTODIAL
39 INTERROGATION NEED NOT BE RECORDED. GOOD CAUSE SHALL INCLUDE, BUT NOT BE
40 LIMITED TO:

41 (I) IF ELECTRONIC RECORDING EQUIPMENT MALFUNCTIONS.

42 (II) IF ELECTRONIC RECORDING EQUIPMENT IS NOT AVAILABLE BECAUSE IT WAS
43 OTHERWISE BEING USED.

44 (III) IF STATEMENTS ARE MADE IN RESPONSE TO QUESTIONS THAT ARE
45 ROUTINELY ASKED DURING ARREST PROCESSING.

46 (IV) IF THE STATEMENT IS SPONTANEOUSLY MADE BY THE SUSPECT AND NOT IN
47 RESPONSE TO POLICE QUESTIONING.

48 (V) IF THE STATEMENT IS MADE DURING AN INTERROGATION THAT IS CONDUCTED
49 WHEN THE INTERVIEWER IS UNAWARE THAT A QUALIFYING OFFENSE HAS OCCURRED.

50 (VI) IF THE STATEMENT IS MADE AT A LOCATION OTHER THAN THE "INTERVIEW
51 ROOM" BECAUSE THE SUSPECT CANNOT BE BROUGHT TO SUCH ROOM, E.G., THE
52 SUSPECT IS IN A HOSPITAL OR THE SUSPECT IS OUT OF STATE AND THAT STATE
53 IS NOT GOVERNED BY A LAW REQUIRING THE RECORDATION OF AN INTERROGATION.

1 (VII) IF THE STATEMENT IS MADE AFTER A SUSPECT HAS REFUSED TO PARTIC-
2 IPATE IN THE INTERROGATION IF IT IS RECORDED, AND APPROPRIATE EFFORT TO
3 DOCUMENT SUCH REFUSAL IS MADE.

4 (VIII) IF SUCH STATEMENT IS NOT RECORDED AS A RESULT OF AN INADVERTENT
5 ERROR OR OVERSIGHT, NOT THE RESULT OF ANY INTENTIONAL CONDUCT BY LAW
6 ENFORCEMENT PERSONNEL.

7 (IX) IF IT IS LAW ENFORCEMENT'S REASONABLE BELIEF THAT SUCH RECORDING
8 WOULD JEOPARDIZE THE SAFETY OF ANY PERSON OR REVEAL THE IDENTITY OF A
9 CONFIDENTIAL INFORMANT.

10 (X) IF SUCH STATEMENT IS MADE AT A LOCATION NOT EQUIPPED WITH A VIDEO
11 RECORDING DEVICE AND THE REASON FOR USING THAT LOCATION IS NOT TO
12 SUBVERT THE INTENT OF THE LAW. FOR PURPOSES OF THIS SECTION, THE TERM
13 "LOCATION" SHALL INCLUDE THOSE LOCATIONS SPECIFIED IN PARAGRAPH (B) OF
14 SUBDIVISION FOUR OF SECTION 305.2 OF THE FAMILY COURT ACT.

15 (D) IN THE EVENT THE COURT FINDS THAT THE PEOPLE HAVE NOT SHOWN GOOD
16 CAUSE FOR THE NON-RECORDING OF THE CONFESSION, ADMISSION, OR OTHER
17 STATEMENT, BUT DETERMINES THAT A NON-RECORDED CONFESSION, ADMISSION OR
18 OTHER STATEMENT IS NEVERTHELESS ADMISSIBLE BECAUSE IT WAS VOLUNTARILY
19 MADE THEN, UPON REQUEST OF THE DEFENDANT, THE COURT MUST INSTRUCT THE
20 JURY THAT THE PEOPLE'S FAILURE TO RECORD THE DEFENDANT'S CONFESSION,
21 ADMISSION OR OTHER STATEMENT AS REQUIRED BY THIS SECTION MAY BE WEIGHED
22 AS A FACTOR, BUT NOT AS THE SOLE FACTOR, IN DETERMINING WHETHER SUCH
23 CONFESSION, ADMISSION OR OTHER STATEMENT WAS VOLUNTARILY MADE, OR WAS
24 MADE AT ALL.

25 (E) VIDEO RECORDING AS REQUIRED BY THIS SECTION SHALL BE CONDUCTED IN
26 ACCORDANCE WITH STANDARDS ESTABLISHED BY RULE OF THE DIVISION OF CRIMI-
27 NAL JUSTICE SERVICES.

28 S 2. Subdivision 3 of section 344.2 of the family court act is renum-
29 bered subdivision 4 and a new subdivision 3 is added to read as follows:

30 3. WHERE A RESPONDENT IS SUBJECT TO CUSTODIAL INTERROGATION BY A
31 PUBLIC SERVANT AT A FACILITY SPECIFIED IN SUBDIVISION FOUR OF SECTION
32 305.2 OF THIS ARTICLE, THE ENTIRE CUSTODIAL INTERROGATION, INCLUDING THE
33 GIVING OF ANY REQUIRED ADVICE OF THE RIGHTS OF THE INDIVIDUAL BEING
34 QUESTIONED, AND THE WAIVER OF ANY RIGHTS BY THE INDIVIDUAL, SHALL BE
35 RECORDED AND GOVERNED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPHS
36 (A), (B), (C), (D) AND (E) OF SUBDIVISION THREE OF SECTION 60.45 OF THE
37 CRIMINAL PROCEDURE LAW.

38 S 3. Section 60.25 of the criminal procedure law, subparagraph (ii) of
39 paragraph (a) of subdivision 1 as amended by chapter 479 of the laws of
40 1977, is amended to read as follows:

41 S 60.25 Rules of evidence; identification by means of previous recogni-
42 tion, in absence of present identification.

43 1. In any criminal proceeding in which the defendant's commission of
44 an offense is in issue, testimony as provided in subdivision two may be
45 given by a witness when:

46 (a) Such witness testifies that:

47 (i) He OR SHE observed the person claimed by the people to be the
48 defendant either at the time and place of the commission of the offense
49 or upon some other occasion relevant to the case; and

50 (ii) On a subsequent occasion he OR SHE observed, under circumstances
51 consistent with such rights as an accused person may derive under the
52 constitution of this state or of the United States, a person OR, WHERE
53 THE OBSERVATION IS MADE PURSUANT TO A BLIND OR BLINDED PROCEDURE AS
54 DEFINED IN PARAGRAPH (C) OF THIS SUBDIVISION, A PICTORIAL, PHOTOGRAPHIC,
55 ELECTRONIC, FILMED OR VIDEO RECORDED REPRODUCTION OF A PERSON whom he OR

1 SHE recognized as the same person whom he OR SHE had observed on the
2 first or incriminating occasion; and

3 (iii) He OR SHE is unable at the proceeding to state, on the basis of
4 present recollection, whether or not the defendant is the person in
5 question; and

6 (b) It is established that the defendant is in fact the person whom
7 the witness observed and recognized OR WHOSE PICTORIAL, PHOTOGRAPHIC,
8 ELECTRONIC, FILMED OR VIDEO RECORDED REPRODUCTION THE WITNESS OBSERVED
9 AND RECOGNIZED on the second occasion. Such fact may be established by
10 testimony of another person or persons to whom the witness promptly
11 declared his OR HER recognition on such occasion AND BY SUCH PICTORIAL,
12 PHOTOGRAPHIC, ELECTRONIC, FILMED OR VIDEO RECORDED REPRODUCTION.

13 (C) FOR PURPOSES OF THIS SECTION, A "BLIND OR BLINDED PROCEDURE" IS
14 ONE IN WHICH THE WITNESS IDENTIFIES A PERSON IN AN ARRAY OF PICTORIAL,
15 PHOTOGRAPHIC, ELECTRONIC, FILMED OR VIDEO RECORDED REPRODUCTIONS UNDER
16 CIRCUMSTANCES WHERE, AT THE TIME THE IDENTIFICATION IS MADE, THE PUBLIC
17 SERVANT ADMINISTERING SUCH PROCEDURE: (I) DOES NOT KNOW WHICH PERSON IN
18 THE ARRAY IS THE SUSPECT, OR (II) DOES NOT KNOW WHERE THE SUSPECT IS IN
19 THE ARRAY VIEWED BY THE WITNESS. THE FAILURE OF A PUBLIC SERVANT TO
20 FOLLOW SUCH A PROCEDURE SHALL BE ASSESSED SOLELY FOR PURPOSES OF THIS
21 ARTICLE AND SHALL RESULT IN THE PRECLUSION OF TESTIMONY REGARDING THE
22 IDENTIFICATION PROCEDURE AS EVIDENCE IN CHIEF, BUT SHALL NOT CONSTITUTE
23 A LEGAL BASIS TO SUPPRESS EVIDENCE MADE PURSUANT TO SUBDIVISION SIX OF
24 SECTION 710.20 OF THIS CHAPTER. THIS ARTICLE NEITHER LIMITS NOR EXPANDS
25 SUBDIVISION SIX OF SECTION 710.20 OF THIS CHAPTER.

26 2. Under circumstances prescribed in subdivision one OF THIS SECTION,
27 such witness may testify at the criminal proceeding that the person whom
28 he OR SHE observed and recognized OR WHOSE PICTORIAL, PHOTOGRAPHIC,
29 ELECTRONIC, FILMED OR VIDEO RECORDED REPRODUCTION HE OR SHE OBSERVED AND
30 RECOGNIZED on the second occasion is the same person whom he OR SHE
31 observed on the first or incriminating occasion. Such testimony,
32 together with the evidence that the defendant is in fact the person whom
33 the witness observed and recognized OR WHOSE PICTORIAL, PHOTOGRAPHIC,
34 ELECTRONIC, FILMED OR VIDEO RECORDED REPRODUCTION HE OR SHE OBSERVED AND
35 RECOGNIZED on the second occasion, constitutes evidence in chief.

36 S 4. Section 60.30 of the criminal procedure law, as amended by chap-
37 ter 479 of the laws of 1977, is amended to read as follows:

38 S 60.30 Rules of evidence; identification by means of previous recogni-
39 tion, in addition to present identification.

40 In any criminal proceeding in which the defendant's commission of an
41 offense is in issue, a witness who testifies that (a) he OR SHE observed
42 the person claimed by the people to be the defendant either at the time
43 and place of the commission of the offense or upon some other occasion
44 relevant to the case, and (b) on the basis of present recollection, the
45 defendant is the person in question and (c) on a subsequent occasion he
46 OR SHE observed the defendant, OR WHERE THE OBSERVATION IS MADE PURSUANT
47 TO A BLIND OR BLINDED PROCEDURE, AS DEFINED IN PARAGRAPH (C) OF SUBDIVI-
48 SION ONE OF SECTION 60.25 OF THIS ARTICLE, A PICTORIAL, PHOTOGRAPHIC,
49 ELECTRONIC, FILMED OR VIDEO RECORDED REPRODUCTION OF THE DEFENDANT,
50 under circumstances consistent with such rights as an accused person may
51 derive under the constitution of this state or of the United States, and
52 then also recognized him OR HER OR THE PICTORIAL, PHOTOGRAPHIC, ELEC-
53 TRONIC, FILMED OR VIDEO RECORDED REPRODUCTION OF HIM OR HER as the same
54 person whom he OR SHE had observed on the first or incriminating occa-
55 sion, may, in addition to making an identification of the defendant at
56 the criminal proceeding on the basis of present recollection as the

1 person whom he OR SHE observed on the first or incriminating occasion,
2 also describe his OR HER previous recognition of the defendant and
3 testify that the person whom he OR SHE observed OR WHOSE PICTORIAL,
4 PHOTOGRAPHIC, ELECTRONIC, FILMED OR VIDEO RECORDED REPRODUCTION HE OR
5 SHE OBSERVED on such second occasion is the same person whom he OR SHE
6 had observed on the first or incriminating occasion. Such testimony AND
7 SUCH PICTORIAL, PHOTOGRAPHIC, ELECTRONIC, FILMED OR VIDEO RECORDED
8 REPRODUCTION constitutes evidence in chief.

9 S 5. Subdivision 6 of section 710.20 of the criminal procedure law, as
10 amended by chapter 8 of the laws of 1976 and as renumbered by chapter
11 481 of the laws of 1983, is amended to read as follows:

12 6. Consists of potential testimony regarding an observation of the
13 defendant either at the time or place of the commission of the offense
14 or upon some other occasion relevant to the case, which potential testi-
15 mony would not be admissible upon the prospective trial of such charge
16 owing to an improperly made previous identification of the defendant OR
17 OF A PICTORIAL, PHOTOGRAPHIC, ELECTRONIC, FILMED OR VIDEO RECORDED
18 REPRODUCTION OF THE DEFENDANT by the prospective witness. A CLAIM THAT
19 THE PREVIOUS IDENTIFICATION OF THE DEFENDANT OR OF A PICTORIAL, PHOTO-
20 GRAPHIC, ELECTRONIC, FILMED OR VIDEO RECORDED REPRODUCTION OF THE
21 DEFENDANT BY A PROSPECTIVE WITNESS DID NOT COMPLY WITH PARAGRAPH (C) OF
22 SUBDIVISION ONE OF SECTION 60.25 OF THIS CHAPTER OR WITH THE PROTOCOL
23 PROMULGATED IN ACCORDANCE WITH SUBDIVISION TWENTY-ONE OF SECTION EIGHT
24 HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW SHALL NOT CONSTITUTE A LEGAL
25 BASIS TO SUPPRESS EVIDENCE PURSUANT TO THIS SUBDIVISION. A CLAIM THAT A
26 PUBLIC SERVANT FAILED TO COMPLY WITH PARAGRAPH (C) OF SUBDIVISION ONE OF
27 SECTION 60.25 OF THIS CHAPTER OR OF SUBDIVISION TWENTY-ONE OF SECTION
28 EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW SHALL NEITHER EXPAND NOR
29 LIMIT THE RIGHTS AN ACCUSED PERSON MAY DERIVE UNDER THE CONSTITUTION OF
30 THIS STATE OR OF THE UNITED STATES.

31 S 6. Subdivision 1 of section 710.30 of the criminal procedure law, as
32 separately amended by chapters 8 and 194 of the laws of 1976, is amended
33 to read as follows:

34 1. Whenever the people intend to offer at a trial (a) evidence of a
35 statement made by a defendant to a public servant, which statement if
36 involuntarily made would render the evidence thereof suppressible upon
37 motion pursuant to subdivision three of section 710.20, or (b) testimony
38 regarding an observation of the defendant either at the time or place of
39 the commission of the offense or upon some other occasion relevant to
40 the case, to be given by a witness who has previously identified him OR
41 HER OR A PICTORIAL, PHOTOGRAPHIC, ELECTRONIC, FILMED OR VIDEO RECORDED
42 REPRODUCTION OF HIM OR HER as such, they must serve upon the defendant a
43 notice of such intention, specifying the evidence intended to be
44 offered.

45 S 7. Section 343.3 of the family court act, as added by chapter 920 of
46 the laws of 1982, is amended to read as follows:

47 S 343.3. Rules of evidence; identification by means of previous recog-
48 nition in absence of present identification. 1. In any juvenile delin-
49 quency proceeding in which the respondent's commission of a crime is in
50 issue, testimony as provided in subdivision two may be given by a
51 witness when:

52 (a) such witness testifies that:

53 (i) he OR SHE observed the person claimed by the presentment agency to
54 be the respondent either at the time and place of the commission of the
55 crime or upon some other occasion relevant to the case; and

1 (ii) on a subsequent occasion he OR SHE observed, under circumstances
2 consistent with such rights as an accused person may derive under the
3 constitution of this state or of the United States, a person, OR, WHERE
4 THE OBSERVATION IS MADE PURSUANT TO A BLIND OR BLINDED PROCEDURE AS
5 DEFINED HEREIN, A PICTORIAL, PHOTOGRAPHIC, ELECTRONIC, FILMED OR VIDEO
6 RECORDED REPRODUCTION OF A PERSON whom he OR SHE recognized as the same
7 person whom he OR SHE had observed on the first incriminating occasion;
8 and

9 (iii) he OR SHE is unable at the proceeding to state, on the basis of
10 present recollection, whether or not the respondent is the person in
11 question; and

12 (b) it is established that the respondent is in fact the person whom
13 the witness observed and recognized OR WHOSE PICTORIAL, PHOTOGRAPHIC,
14 ELECTRONIC, FILMED OR VIDEO RECORDED REPRODUCTION THE WITNESS OBSERVED
15 AND RECOGNIZED on the second occasion. Such fact may be established by
16 testimony of another person or persons to whom the witness promptly
17 declared his OR HER recognition on such occasion AND BY SUCH PICTORIAL,
18 PHOTOGRAPHIC, ELECTRONIC, FILMED OR VIDEO RECORDED REPRODUCTION.

19 (C) FOR PURPOSES OF THIS SECTION, A "BLIND OR BLINDED PROCEDURE" IS
20 ONE IN WHICH THE WITNESS IDENTIFIES A PERSON IN AN ARRAY OF PICTORIAL,
21 PHOTOGRAPHIC, ELECTRONIC, FILMED OR VIDEO RECORDED REPRODUCTIONS UNDER
22 CIRCUMSTANCES WHERE, AT THE TIME THE IDENTIFICATION IS MADE, THE PUBLIC
23 SERVANT ADMINISTERING SUCH PROCEDURE: (I) DOES NOT KNOW WHICH PERSON IN
24 THE ARRAY IS THE SUSPECT, OR (II) DOES NOT KNOW WHERE THE SUSPECT IS IN
25 THE ARRAY VIEWED BY THE WITNESS. THE FAILURE OF A PUBLIC SERVANT TO
26 FOLLOW SUCH A PROCEDURE SHALL BE ASSESSED SOLELY FOR PURPOSES OF THIS
27 ARTICLE AND SHALL RESULT IN THE PRECLUSION OF TESTIMONY REGARDING THE
28 IDENTIFICATION PROCEDURE AS EVIDENCE IN CHIEF, BUT SHALL NOT CONSTITUTE
29 A LEGAL BASIS TO SUPPRESS EVIDENCE MADE PURSUANT TO SUBDIVISION SIX OF
30 SECTION 710.20 OF THE CRIMINAL PROCEDURE LAW. THIS ARTICLE NEITHER
31 LIMITS NOT EXPANDS SUBDIVISION SIX OF SECTION 710.20 OF THE CRIMINAL
32 PROCEDURE LAW.

33 2. Under circumstances prescribed in subdivision one, such witness may
34 testify at the proceeding that the person whom he OR SHE observed and
35 recognized OR WHOSE PICTORIAL, PHOTOGRAPHIC, ELECTRONIC, FILMED OR VIDEO
36 RECORDED REPRODUCTION HE OR SHE OBSERVED AND RECOGNIZED on the second
37 occasion is the same person whom he OR SHE observed on the first or
38 incriminating occasion. Such testimony, together with the evidence that
39 the respondent is in fact the person whom the witness observed and
40 recognized OR WHOSE PICTORIAL, PHOTOGRAPHIC, ELECTRONIC, FILMED OR VIDEO
41 RECORDED REPRODUCTION HE OR SHE OBSERVED AND RECOGNIZED on the second
42 occasion, constitutes evidence in chief.

43 S 8. Section 343.4 of the family court act, as added by chapter 920 of
44 the laws of 1982, is amended to read as follows:

45 S 343.4. Rules of evidence; identification by means of previous recog-
46 nition, in addition to present identification. In any juvenile delin-
47 quency proceeding in which the respondent's commission of a crime is in
48 issue, a witness who testifies that: (a) he OR SHE observed the person
49 claimed by the presentment agency to be the respondent either at the
50 time and place of the commission of the crime or upon some other occa-
51 sion relevant to the case, and (b) on the basis of present recollection,
52 the respondent is the person in question, and (c) on a subsequent occa-
53 sion he OR SHE observed the respondent, OR, WHERE THE OBSERVATION IS
54 MADE PURSUANT TO A BLIND OR BLINDED PROCEDURE, A PICTORIAL, PHOTOGRAPH-
55 IC, ELECTRONIC, FILMED OR VIDEO RECORDED REPRODUCTION OF THE RESPONDENT
56 under circumstances consistent with such rights as an accused person may

1 derive under the constitution of this state or of the United States, and
2 then also recognized him OR HER OR THE PICTORIAL, PHOTOGRAPHIC, ELEC-
3 TRONIC, FILMED OR VIDEO RECORDED REPRODUCTION OF HIM OR HER as the same
4 person whom he OR SHE had observed on the first or incriminating occa-
5 sion, may, in addition to making an identification of the respondent at
6 the delinquency proceeding on the basis of present recollection as the
7 person whom he OR SHE observed on the first or incriminating occasion,
8 also describe his OR HER previous recognition of the respondent and
9 testify that the person whom he OR SHE observed OR WHOSE PICTORIAL,
10 PHOTOGRAPHIC, ELECTRONIC, FILMED OR VIDEO RECORDED REPRODUCTION HE OR
11 SHE OBSERVED on such second occasion is the same person whom he OR SHE
12 had observed on the first or incriminating occasion. Such testimony AND
13 SUCH PICTORIAL, PHOTOGRAPHIC, ELECTRONIC, FILMED OR VIDEO RECORDED
14 REPRODUCTION constitutes evidence in chief. FOR PURPOSES OF THIS
15 SECTION, A "BLIND OR BLINDED PROCEDURE" SHALL BE AS DEFINED IN PARAGRAPH
16 (C) OF SUBDIVISION ONE OF SECTION 343.3 OF THIS PART.

17 S 9. Section 837 of the executive law is amended by adding a new
18 subdivision 21 to read as follows:

19 21. PROMULGATE A STANDARDIZED AND DETAILED WRITTEN PROTOCOL THAT IS
20 GROUNDED IN EVIDENCE-BASED PRINCIPLES FOR THE ADMINISTRATION OF PHOTO-
21 GRAPHIC ARRAY AND LIVE LINEUP IDENTIFICATION PROCEDURES FOR POLICE AGEN-
22 CIES AND STANDARDIZED FORMS FOR USE BY SUCH AGENCIES IN THE REPORTING
23 AND RECORDING OF SUCH IDENTIFICATION PROCEDURE. THE PROTOCOL SHALL
24 ADDRESS THE FOLLOWING TOPICS:

25 (A) THE SELECTION OF PHOTOGRAPHIC ARRAY AND LIVE LINEUP FILLER PHOTO-
26 GRAPHS OR PARTICIPANTS;

27 (B) INSTRUCTIONS GIVEN TO A WITNESS BEFORE CONDUCTING A PHOTOGRAPHIC
28 ARRAY OR LIVE LINEUP IDENTIFICATION PROCEDURE;

29 (C) THE DOCUMENTATION AND PRESERVATION OF RESULTS OF A PHOTOGRAPHIC
30 ARRAY OR LIVE LINEUP IDENTIFICATION PROCEDURE;

31 (D) PROCEDURES FOR ELICITING AND DOCUMENTING THE WITNESS'S CONFIDENCE
32 IN HIS OR HER IDENTIFICATION FOLLOWING A PHOTOGRAPHIC ARRAY OR LIVE
33 LINEUP IDENTIFICATION PROCEDURE, IN THE EVENT THAT AN IDENTIFICATION IS
34 MADE; AND

35 (E) PROCEDURES FOR ADMINISTERING A PHOTOGRAPHIC ARRAY OR LIVE LINEUP
36 IDENTIFICATION PROCEDURE IN A MANNER DESIGNED TO PREVENT OPPORTUNITIES
37 TO INFLUENCE THE WITNESS.

38 S 10. Subdivision 4 of section 840 of the executive law is amended by
39 adding a new paragraph (c) to read as follows:

40 (C) DISSEMINATE THE WRITTEN POLICIES AND PROCEDURES PROMULGATED IN
41 ACCORDANCE WITH SUBDIVISION TWENTY-ONE OF SECTION EIGHT HUNDRED THIRTY-
42 SEVEN OF THIS ARTICLE TO ALL POLICE DEPARTMENTS IN THIS STATE AND IMPLE-
43 MENT A TRAINING PROGRAM FOR ALL CURRENT AND NEW POLICE OFFICERS REGARD-
44 ING THE POLICIES AND PROCEDURES ESTABLISHED PURSUANT TO SUCH
45 SUBDIVISION.

46 S 11. Section 722-e of the county law, as added by chapter 878 of the
47 laws of 1965, is amended to read as follows:

48 S 722-e. Expenses. All expenses for providing counsel and services
49 other than counsel hereunder shall be a county charge or in the case of
50 a county wholly located within a city a city charge to be paid out of an
51 appropriation for such purposes. PROVIDED, HOWEVER, THAT ANY SUCH ADDI-
52 TIONAL EXPENSES INCURRED FOR THE PROVISION OF COUNSEL AND SERVICES AS A
53 RESULT OF THE IMPLEMENTATION OF A PLAN ESTABLISHED PURSUANT TO SUBDIVI-
54 SION FOUR OF SECTION EIGHT HUNDRED THIRTY-TWO OF THE EXECUTIVE LAW,
55 INCLUDING ANY INTERIM STEPS TAKEN TO IMPLEMENT SUCH PLAN, SHALL BE REIM-
56 BURED BY THE STATE TO THE COUNTY OR CITY PROVIDING SUCH SERVICES. SUCH

1 PLANS SHALL BE SUBMITTED BY THE OFFICE OF INDIGENT LEGAL SERVICES TO THE
2 DIRECTOR OF THE DIVISION OF BUDGET FOR REVIEW AND APPROVAL. HOWEVER, THE
3 DIRECTOR'S APPROVAL SHALL BE LIMITED SOLELY TO THE PLAN'S PROJECTED
4 FISCAL IMPACT OF THE REQUIRED APPROPRIATION FOR THE IMPLEMENTATION OF
5 SUCH PLAN, AND HIS OR HER APPROVAL SHALL NOT BE UNREASONABLY WITHHELD.
6 THE STATE SHALL APPROPRIATE FUNDS SUFFICIENT TO PROVIDE FOR THE
7 REIMBURSEMENT REQUIRED BY THIS SECTION.

8 S 12. Section 832 of the executive law is amended by adding a new
9 subdivision 4 to read as follows:

10 4. ADDITIONAL DUTIES AND RESPONSIBILITIES. THE OFFICE SHALL, IN
11 CONSULTATION WITH THE INDIGENT LEGAL SERVICES BOARD ESTABLISHED PURSUANT
12 TO SECTION EIGHT HUNDRED THIRTY-THREE OF THIS ARTICLE, HAVE THE FOLLOW-
13 ING DUTIES AND RESPONSIBILITIES, AND ANY PLAN DEVELOPED PURSUANT TO THIS
14 SUBDIVISION SHALL BE SUBMITTED BY THE OFFICE TO THE DIRECTOR OF THE
15 DIVISION OF BUDGET FOR REVIEW AND APPROVAL, PROVIDED, HOWEVER THAT THE
16 DIRECTOR'S APPROVAL SHALL BE LIMITED SOLELY TO THE PLAN'S PROJECTED
17 FISCAL IMPACT OF THE REQUIRED APPROPRIATION FOR THE IMPLEMENTATION OF
18 SUCH PLAN AND HIS OR HER APPROVAL SHALL NOT BE UNREASONABLY WITHHELD:

19 (A) COUNSEL AT ARRAIGNMENT. DEVELOP AND IMPLEMENT A WRITTEN PLAN TO
20 ENSURE THAT EACH CRIMINAL DEFENDANT WHO IS ELIGIBLE FOR PUBLICLY FUNDED
21 LEGAL REPRESENTATION IS REPRESENTED BY COUNSEL IN PERSON AT HIS OR HER
22 ARRAIGNMENT; PROVIDED, HOWEVER, THAT A TIMELY ARRAIGNMENT WITH COUNSEL
23 SHALL NOT BE DELAYED PENDING A DETERMINATION OF A DEFENDANT'S ELIGIBIL-
24 ITY.

25 (I) FOR THE PURPOSES OF THE PLAN DEVELOPED PURSUANT TO THIS SUBDIVI-
26 SION, THE TERM "ARRAIGNMENT" SHALL MEAN THE FIRST APPEARANCE BY A PERSON
27 CHARGED WITH A CRIME BEFORE A JUDGE OR MAGISTRATE, WITH THE EXCEPTION OF
28 AN APPEARANCE WHERE NO PROSECUTOR APPEARS AND NO ACTION OCCURS OTHER
29 THAN THE ADJOURNMENT OF THE CRIMINAL PROCESS AND THE UNCONDITIONAL
30 RELEASE OF THE PERSON CHARGED (IN WHICH EVENT "ARRAIGNMENT" SHALL MEAN
31 THE PERSON'S NEXT APPEARANCE BEFORE A JUDGE OR MAGISTRATE).

32 (II) THE WRITTEN PLAN DEVELOPED PURSUANT TO THIS SUBDIVISION SHALL BE
33 COMPLETED BY DECEMBER FIRST, TWO THOUSAND SEVENTEEN AND SHALL INCLUDE
34 INTERIM STEPS FOR EACH COUNTY AND THE CITY OF NEW YORK FOR ACHIEVING
35 COMPLIANCE WITH THE PLAN.

36 (III) EACH COUNTY AND THE CITY OF NEW YORK SHALL, IN CONSULTATION WITH
37 THE OFFICE, UNDERTAKE GOOD FAITH EFFORTS TO IMPLEMENT THE PLAN AND SUCH
38 PLAN SHALL BE FULLY IMPLEMENTED AND ADHERED TO IN EACH COUNTY AND THE
39 CITY OF NEW YORK BY APRIL FIRST, TWO THOUSAND TWENTY-THREE. PURSUANT TO
40 SECTION SEVEN HUNDRED TWENTY-TWO-E OF THE COUNTY LAW, THE STATE SHALL
41 REIMBURSE EACH COUNTY AND THE CITY OF NEW YORK FOR ANY COSTS INCURRED AS
42 A RESULT OF IMPLEMENTING SUCH PLAN.

43 (IV) THE OFFICE SHALL, ON AN ONGOING BASIS, MONITOR AND PERIODICALLY
44 REPORT ON THE IMPLEMENTATION OF, AND COMPLIANCE WITH, THE PLAN IN EACH
45 COUNTY AND THE CITY OF NEW YORK.

46 (B) CASELOAD RELIEF. DEVELOP AND IMPLEMENT A WRITTEN PLAN THAT ESTAB-
47 LISHES NUMERICAL CASELOAD/WORKLOAD STANDARDS FOR EACH PROVIDER OF
48 CONSTITUTIONALLY MANDATED PUBLICLY FUNDED REPRESENTATION IN CRIMINAL
49 CASES FOR PEOPLE WHO ARE UNABLE TO AFFORD COUNSEL.

50 (I) SUCH STANDARDS SHALL APPLY TO ALL PROVIDERS WHETHER PUBLIC DEFEN-
51 DER, LEGAL AID SOCIETY, ASSIGNED COUNSEL PROGRAM OR CONFLICT DEFENDER IN
52 EACH COUNTY AND THE CITY OF NEW YORK.

53 (II) THE WRITTEN PLAN DEVELOPED PURSUANT TO THIS SUBDIVISION SHALL BE
54 COMPLETED BY DECEMBER FIRST, TWO THOUSAND SEVENTEEN AND SHALL INCLUDE
55 INTERIM STEPS FOR EACH COUNTY AND THE CITY OF NEW YORK FOR ACHIEVING
56 COMPLIANCE WITH THE PLAN. SUCH PLAN SHALL INCLUDE THE NUMBER OF ATTOR-

1 NEYS, INVESTIGATORS AND OTHER NON-ATTORNEY STAFF AND THE AMOUNT OF
2 IN-KIND RESOURCES NECESSARY FOR EACH PROVIDER OF MANDATED REPRESENTATION
3 TO IMPLEMENT SUCH PLAN.

4 (III) EACH COUNTY AND THE CITY OF NEW YORK SHALL, IN CONSULTATION
5 WITH THE OFFICE, UNDERTAKE GOOD FAITH EFFORTS TO IMPLEMENT THE
6 CASELOAD/WORKLOAD STANDARDS AND SUCH STANDARDS SHALL BE FULLY IMPL-
7 MENTED AND ADHERED TO IN EACH COUNTY AND THE CITY OF NEW YORK BY APRIL
8 FIRST, TWO THOUSAND TWENTY-THREE. PURSUANT TO SECTION SEVEN HUNDRED
9 TWENTY-TWO-E OF THE COUNTY LAW, THE STATE SHALL REIMBURSE EACH COUNTY
10 AND THE CITY OF NEW YORK FOR ANY COSTS INCURRED AS A RESULT OF IMPL-
11 MENTING SUCH PLAN.

12 (IV) THE OFFICE SHALL, ON AN ONGOING BASIS, MONITOR AND PERIODICALLY
13 REPORT ON THE IMPLEMENTATION OF, AND COMPLIANCE WITH, THE PLAN IN EACH
14 COUNTY AND THE CITY OF NEW YORK.

15 (C) INITIATIVES TO IMPROVE THE QUALITY OF INDIGENT DEFENSE. (I) DEVEL-
16 OP AND IMPLEMENT A WRITTEN PLAN TO IMPROVE THE QUALITY OF CONSTITU-
17 TIONALLY MANDATED PUBLICLY FUNDED REPRESENTATION IN CRIMINAL CASES FOR
18 PEOPLE WHO ARE UNABLE TO AFFORD COUNSEL AND ENSURE THAT ATTORNEYS
19 PROVIDING SUCH REPRESENTATION: (A) RECEIVE EFFECTIVE SUPERVISION AND
20 TRAINING; (B) HAVE ACCESS TO AND APPROPRIATELY UTILIZE INVESTIGATORS,
21 INTERPRETERS AND EXPERT WITNESSES ON BEHALF OF CLIENTS; (C) COMMUNICATE
22 EFFECTIVELY WITH THEIR CLIENTS; (D) HAVE THE NECESSARY QUALIFICATIONS
23 AND EXPERIENCE; AND (E) IN THE CASE OF ASSIGNED COUNSEL ATTORNEYS, ARE
24 ASSIGNED TO CASES IN ACCORDANCE WITH ARTICLE EIGHTEEN-B OF THE COUNTY
25 LAW AND IN A MANNER THAT ACCOUNTS FOR THE ATTORNEY'S LEVEL OF EXPERIENCE
26 AND CASELOAD/WORKLOAD.

27 (II) THE OFFICE SHALL, ON AN ONGOING BASIS, MONITOR AND PERIODICALLY
28 REPORT ON THE IMPLEMENTATION OF, AND COMPLIANCE WITH, THE PLAN IN EACH
29 COUNTY AND THE CITY OF NEW YORK.

30 (III) THE WRITTEN PLAN DEVELOPED PURSUANT TO THIS SUBDIVISION SHALL BE
31 COMPLETED BY DECEMBER FIRST, TWO THOUSAND SEVENTEEN AND SHALL INCLUDE
32 INTERIM STEPS FOR EACH COUNTY AND THE CITY OF NEW YORK FOR ACHIEVING
33 COMPLIANCE WITH THE PLAN.

34 (IV) EACH COUNTY AND THE CITY OF NEW YORK SHALL, IN CONSULTATION WITH
35 THE OFFICE, UNDERTAKE GOOD FAITH EFFORTS TO IMPLEMENT THE INITIATIVES TO
36 IMPROVE THE QUALITY OF INDIGENT DEFENSE AND SUCH INITIATIVES SHALL BE
37 FULLY IMPLEMENTED AND ADHERED TO IN EACH COUNTY AND THE CITY OF NEW YORK
38 BY APRIL FIRST, TWO THOUSAND TWENTY-THREE. PURSUANT TO SECTION SEVEN
39 HUNDRED TWENTY-TWO-E OF THE COUNTY LAW, THE STATE SHALL REIMBURSE EACH
40 COUNTY AND THE CITY OF NEW YORK FOR ANY COSTS INCURRED AS A RESULT OF
41 IMPLEMENTING SUCH PLAN.

42 (D) APPROPRIATION OF FUNDS. IN NO EVENT SHALL A COUNTY AND A CITY OF
43 NEW YORK BE OBLIGATED TO UNDERTAKE ANY STEPS TO IMPLEMENT THE WRITTEN
44 PLANS UNDER PARAGRAPHS (A), (B) AND (C) OF THIS SUBDIVISION UNTIL FUNDS
45 HAVE BEEN APPROPRIATED BY THE STATE FOR SUCH PURPOSE.

46 S 13. This act shall take effect immediately; provided, however, that
47 sections one and two of this act shall take effect April 1, 2018 and
48 shall apply to confessions, admissions or statements made on or after
49 such effective date; provided, further sections three through ten of
50 this act shall take effect July 1, 2017.

51 PART WWW

52 Section 1. Section 1.20 of the criminal procedure law is amended by
53 adding a new subdivision 44 to read as follows:

1 44. "ADOLESCENT OFFENDER" MEANS A PERSON CHARGED WITH A FELONY COMMIT-
2 TED ON OR AFTER OCTOBER FIRST, TWO THOUSAND EIGHTEEN WHEN HE OR SHE WAS
3 SIXTEEN YEARS OF AGE OR ON OR AFTER OCTOBER FIRST, TWO THOUSAND NINE-
4 TEEN, WHEN HE OR SHE WAS SEVENTEEN YEARS OF AGE.

5 S 1-a. The criminal procedure law is amended by adding a new article
6 722 to read as follows:

7 ARTICLE 722

8 PROCEEDINGS AGAINST JUVENILE OFFENDERS AND ADOLESCENT
9 OFFENDERS; ESTABLISHMENT OF YOUTH

10 PART AND RELATED PROCEDURES

11 SECTION 722.00 PROBATION CASE PLANS.

12 722.10 YOUTH PART OF THE SUPERIOR COURT ESTABLISHED.

13 722.20 PROCEEDINGS UPON FELONY COMPLAINT; JUVENILE OFFENDER.

14 722.21 PROCEEDINGS UPON FELONY COMPLAINT; ADOLESCENT OFFENDER.

15 722.22 MOTION TO REMOVE JUVENILE OFFENDER TO FAMILY COURT.

16 722.23 REMOVAL OF ADOLESCENT OFFENDERS TO FAMILY COURT.

17 722.24 APPLICABILITY OF CHAPTER TO ACTIONS AND MATTERS INVOLVING
18 JUVENILE OFFENDERS OR ADOLESCENT OFFENDERS.

19 S 722.00 PROBATION CASE PLANS.

20 1. ALL JUVENILE OFFENDERS AND ADOLESCENT OFFENDERS SHALL BE NOTIFIED
21 OF THE AVAILABILITY OF SERVICES THROUGH THE LOCAL PROBATION DEPARTMENT.
22 SUCH SERVICES SHALL INCLUDE THE ABILITY OF THE PROBATION DEPARTMENT TO
23 CONDUCT A RISK AND NEEDS ASSESSMENT, UTILIZING A VALIDATED RISK ASSESS-
24 MENT TOOL, IN ORDER TO HELP DETERMINE SUITABLE AND INDIVIDUALIZED
25 PROGRAMMING AND REFERRALS. PARTICIPATION IN SUCH RISK AND NEEDS ASSESS-
26 MENT SHALL BE VOLUNTARY AND THE ADOLESCENT OFFENDER OR JUVENILE OFFENDER
27 MAY BE ACCOMPANIED BY COUNSEL DURING ANY SUCH ASSESSMENT. BASED UPON
28 THE ASSESSMENT FINDINGS, THE PROBATION DEPARTMENT SHALL REFER THE
29 ADOLESCENT OFFENDER OR JUVENILE OFFENDER TO AVAILABLE AND APPROPRIATE
30 SERVICES.

31 2. NOTHING SHALL PRECLUDE THE PROBATION DEPARTMENT AND THE ADOLESCENT
32 OFFENDER OR JUVENILE OFFENDER FROM ENTERING INTO A VOLUNTARY SERVICE
33 PLAN WHICH MAY INCLUDE ALCOHOL, SUBSTANCE USE AND MENTAL HEALTH TREAT-
34 MENT AND SERVICES. TO THE EXTENT PRACTICABLE, SUCH SERVICES SHALL
35 CONTINUE THROUGH THE PENDENCY OF THE ACTION AND SHALL FURTHER CONTINUE
36 WHERE SUCH ACTION IS REMOVED IN ACCORDANCE WITH THIS ARTICLE.

37 3. WHEN PREPARING A PRE-SENTENCE INVESTIGATION REPORT OF ANY SUCH
38 ADOLESCENT OFFENDER OR JUVENILE OFFENDER, THE PROBATION DEPARTMENT SHALL
39 INCORPORATE A SUMMARY OF ANY ASSESSMENT FINDINGS, REFERRALS AND PROGRESS
40 WITH RESPECT TO MITIGATING RISK AND ADDRESSING ANY IDENTIFIED NEEDS.

41 4. THE PROBATION SERVICE SHALL NOT TRANSMIT OR OTHERWISE COMMUNICATE
42 TO THE DISTRICT ATTORNEY OR THE YOUTH PART ANY STATEMENT MADE BY THE
43 JUVENILE OR ADOLESCENT OFFENDER TO A PROBATION OFFICER. HOWEVER, THE
44 PROBATION SERVICE MAY MAKE A RECOMMENDATION REGARDING THE COMPLETION OF
45 HIS OR HER CASE PLAN TO THE YOUTH PART AND PROVIDE SUCH INFORMATION AS
46 IT SHALL DEEM RELEVANT.

47 5. NO STATEMENT MADE TO THE PROBATION SERVICE MAY BE ADMITTED INTO
48 EVIDENCE AT A FACT-FINDING HEARING AT ANY TIME PRIOR TO A CONVICTION.
49 S 722.10 YOUTH PART OF THE SUPERIOR COURT ESTABLISHED.

50 1. THE CHIEF ADMINISTRATOR OF THE COURTS IS HEREBY DIRECTED TO ESTAB-
51 LISH, IN A SUPERIOR COURT IN EACH COUNTY OF THE STATE, A PART OF THE
52 COURT TO BE KNOWN AS THE YOUTH PART OF THE SUPERIOR COURT FOR THE COUNTY
53 IN WHICH SUCH COURT PRESIDES. JUDGES PRESIDING IN THE YOUTH PART SHALL
54 BE FAMILY COURT JUDGES, AS DESCRIBED IN ARTICLE SIX, SECTION ONE OF THE
55 CONSTITUTION. TO AID IN THEIR WORK, SUCH JUDGES SHALL RECEIVE TRAINING
56 IN SPECIALIZED AREAS, INCLUDING, BUT NOT LIMITED TO, JUVENILE JUSTICE,

1 ADOLESCENT DEVELOPMENT, CUSTODY AND CARE OF YOUTHS AND EFFECTIVE TREAT-
2 MENT METHODS FOR REDUCING UNLAWFUL CONDUCT BY YOUTHS, AND SHALL BE
3 AUTHORIZED TO MAKE APPROPRIATE DETERMINATIONS WITHIN THE POWER OF SUCH
4 SUPERIOR COURT WITH RESPECT TO THE CASES OF YOUTHS ASSIGNED TO SUCH
5 PART. THE YOUTH PART SHALL HAVE EXCLUSIVE JURISDICTION IN ALL
6 PROCEEDINGS IN RELATION TO JUVENILE OFFENDERS AND ADOLESCENT OFFENDERS,
7 EXCEPT AS PROVIDED IN THIS ARTICLE OR ARTICLE SEVEN HUNDRED TWENTY-FIVE
8 OF THIS CHAPTER.

9 2. THE CHIEF ADMINISTRATOR OF THE COURTS SHALL ALSO DIRECT THE PRESID-
10 ING JUSTICE OF THE APPELLATE DIVISION, IN EACH JUDICIAL DEPARTMENT OF
11 THE STATE, TO DESIGNATE JUDGES AUTHORIZED BY LAW TO EXERCISE CRIMINAL
12 JURISDICTION TO SERVE AS ACCESSIBLE MAGISTRATES, FOR THE PURPOSE OF
13 ACTING IN PLACE OF THE YOUTH PART FOR CERTAIN FIRST APPEARANCE
14 PROCEEDINGS INVOLVING YOUTHS, AS PROVIDED BY LAW. WHEN DESIGNATING SUCH
15 MAGISTRATES, THE PRESIDING JUSTICE SHALL ENSURE THAT ALL AREAS OF A
16 COUNTY ARE WITHIN A REASONABLE DISTANCE OF A DESIGNATED MAGISTRATE. A
17 JUDGE AUTHORIZED TO PRESIDE AS SUCH A MAGISTRATE SHALL HAVE RECEIVED
18 TRAINING IN SPECIALIZED AREAS, INCLUDING, BUT NOT LIMITED TO, JUVENILE
19 JUSTICE, ADOLESCENT DEVELOPMENT, CUSTODY AND CARE OF YOUTHS AND EFFEC-
20 TIVE TREATMENT METHODS FOR REDUCING UNLAWFUL CONDUCT BY YOUTHS.
21 S 722.20 PROCEEDINGS UPON FELONY COMPLAINT; JUVENILE OFFENDER.

22 1. WHEN A JUVENILE OFFENDER IS ARRAIGNED BEFORE A YOUTH PART, THE
23 PROVISIONS OF THIS SECTION SHALL APPLY. IF THE YOUTH PART IS NOT IN
24 SESSION, THE DEFENDANT SHALL BE BROUGHT BEFORE THE MOST ACCESSIBLE
25 MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF THE SUPREME COURT TO
26 ACT AS A YOUTH PART FOR THE PURPOSE OF MAKING A DETERMINATION WHETHER
27 SUCH JUVENILE SHALL BE DETAINED. IF THE DEFENDANT IS ORDERED TO BE
28 DETAINED, HE OR SHE SHALL BE BROUGHT BEFORE THE NEXT SESSION OF THE
29 YOUTH PART. IF THE DEFENDANT IS NOT DETAINED, HE OR SHE SHALL BE ORDERED
30 TO APPEAR AT THE NEXT SESSION OF THE YOUTH PART.

31 2. IF THE DEFENDANT WAIVES A HEARING UPON THE FELONY COMPLAINT, THE
32 COURT MUST ORDER THAT THE DEFENDANT BE HELD FOR THE ACTION OF THE GRAND
33 JURY WITH RESPECT TO THE CHARGE OR CHARGES CONTAINED IN THE FELONY
34 COMPLAINT.

35 3. IF THERE BE A HEARING, THEN AT THE CONCLUSION OF THE HEARING, THE
36 YOUTH PART COURT MUST DISPOSE OF THE FELONY COMPLAINT AS FOLLOWS:

37 (A) IF THERE IS REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT COMMIT-
38 TED A CRIME FOR WHICH A PERSON UNDER THE AGE OF SIXTEEN IS CRIMINALLY
39 RESPONSIBLE, THE COURT MUST ORDER THAT THE DEFENDANT BE HELD FOR THE
40 ACTION OF A GRAND JURY; OR

41 (B) IF THERE IS NOT REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT
42 COMMITTED A CRIME FOR WHICH A PERSON UNDER THE AGE OF SIXTEEN IS CRIMI-
43 NALLY RESPONSIBLE BUT THERE IS REASONABLE CAUSE TO BELIEVE THAT THE
44 DEFENDANT IS A "JUVENILE DELINQUENT" AS DEFINED IN SUBDIVISION ONE OF
45 SECTION 301.2 OF THE FAMILY COURT ACT, THE COURT MUST SPECIFY THE ACT OR
46 ACTS IT FOUND REASONABLE CAUSE TO BELIEVE THE DEFENDANT DID AND DIRECT
47 THAT THE ACTION BE REMOVED TO THE FAMILY COURT IN ACCORDANCE WITH THE
48 PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS TITLE; OR

49 (C) IF THERE IS NOT REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT
50 COMMITTED ANY CRIMINAL ACT, THE COURT MUST DISMISS THE FELONY COMPLAINT
51 AND DISCHARGE THE DEFENDANT FROM CUSTODY IF HE IS IN CUSTODY, OR IF HE
52 IS AT LIBERTY ON BAIL, IT MUST EXONERATE THE BAIL.

53 4. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS TWO AND THREE OF
54 THIS SECTION, THE COURT SHALL, AT THE REQUEST OF THE DISTRICT ATTORNEY,
55 ORDER REMOVAL OF AN ACTION AGAINST A JUVENILE OFFENDER TO THE FAMILY
56 COURT PURSUANT TO THE PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF

1 THIS TITLE IF, UPON CONSIDERATION OF THE CRITERIA SPECIFIED IN SUBDIVI-
2 SION TWO OF SECTION 722.22 OF THIS ARTICLE, IT IS DETERMINED THAT TO DO
3 SO WOULD BE IN THE INTERESTS OF JUSTICE. WHERE, HOWEVER, THE FELONY
4 COMPLAINT CHARGES THE JUVENILE OFFENDER WITH MURDER IN THE SECOND DEGREE
5 AS DEFINED IN SECTION 125.25 OF THE PENAL LAW, RAPE IN THE FIRST DEGREE
6 AS DEFINED IN SUBDIVISION ONE OF SECTION 130.35 OF THE PENAL LAW, CRIMI-
7 NAL SEXUAL ACT IN THE FIRST DEGREE AS DEFINED IN SUBDIVISION ONE OF
8 SECTION 130.50 OF THE PENAL LAW, OR AN ARMED FELONY AS DEFINED IN PARA-
9 GRAPH (A) OF SUBDIVISION FORTY-ONE OF SECTION 1.20 OF THIS CHAPTER, A
10 DETERMINATION THAT SUCH ACTION BE REMOVED TO THE FAMILY COURT SHALL, IN
11 ADDITION, BE BASED UPON A FINDING OF ONE OR MORE OF THE FOLLOWING
12 FACTORS: (I) MITIGATING CIRCUMSTANCES THAT BEAR DIRECTLY UPON THE MANNER
13 IN WHICH THE CRIME WAS COMMITTED; OR (II) WHERE THE DEFENDANT WAS NOT
14 THE SOLE PARTICIPANT IN THE CRIME, THE DEFENDANT'S PARTICIPATION WAS
15 RELATIVELY MINOR ALTHOUGH NOT SO MINOR AS TO CONSTITUTE A DEFENSE TO THE
16 PROSECUTION; OR (III) POSSIBLE DEFICIENCIES IN PROOF OF THE CRIME.

17 5. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TWO, THREE, OR FOUR
18 OF THIS SECTION, IF A CURRENTLY UNDETERMINED FELONY COMPLAINT AGAINST A
19 JUVENILE OFFENDER IS PENDING, AND THE DEFENDANT HAS NOT WAIVED A HEARING
20 PURSUANT TO SUBDIVISION TWO OF THIS SECTION AND A HEARING PURSUANT TO
21 SUBDIVISION THREE OF THIS SECTION HAS NOT COMMENCED, THE DEFENDANT MAY
22 MOVE TO REMOVE THE ACTION TO FAMILY COURT PURSUANT TO 722.22 OF THIS
23 ARTICLE. THE PROCEDURAL RULES OF SUBDIVISIONS ONE AND TWO OF SECTION
24 210.45 OF THIS CHAPTER ARE APPLICABLE TO A MOTION PURSUANT TO THIS
25 SUBDIVISION. UPON SUCH MOTION, THE COURT SHALL PROCEED AND DETERMINE THE
26 MOTION AS PROVIDED IN SECTION 722.22 OF THIS ARTICLE; PROVIDED, HOWEVER,
27 THAT THE EXCEPTION PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION ONE OF
28 SECTION 722.22 OF THIS ARTICLE SHALL NOT APPLY WHEN THERE IS NOT REASON-
29 ABLE CAUSE TO BELIEVE THAT THE JUVENILE OFFENDER COMMITTED ONE OR MORE
30 OF THE CRIMES ENUMERATED THEREIN, AND IN SUCH EVENT THE PROVISIONS OF
31 PARAGRAPH (A) THEREOF SHALL APPLY.

32 6. (A) IF THE COURT ORDERS REMOVAL OF THE ACTION TO FAMILY COURT, IT
33 SHALL STATE ON THE RECORD THE FACTOR OR FACTORS UPON WHICH ITS DETERMI-
34 NATION IS BASED, AND THE COURT SHALL GIVE ITS REASONS FOR REMOVAL IN
35 DETAIL AND NOT IN CONCLUSORY TERMS.

36 (B) THE DISTRICT ATTORNEY SHALL STATE UPON THE RECORD THE REASONS FOR
37 HIS CONSENT TO REMOVAL OF THE ACTION TO THE FAMILY COURT WHERE SUCH
38 CONSENT IS REQUIRED. THE REASONS SHALL BE STATED IN DETAIL AND NOT IN
39 CONCLUSORY TERMS.

40 (C) FOR THE PURPOSE OF MAKING A DETERMINATION PURSUANT TO SUBDIVISION
41 FOUR OR FIVE OF THIS SECTION, THE COURT MAY MAKE SUCH INQUIRY AS IT
42 DEEMS NECESSARY. ANY EVIDENCE WHICH IS NOT LEGALLY PRIVILEGED MAY BE
43 INTRODUCED. IF THE DEFENDANT TESTIFIES, HIS TESTIMONY MAY NOT BE INTRO-
44 DUCED AGAINST HIM IN ANY FUTURE PROCEEDING, EXCEPT TO IMPEACH HIS TESTI-
45 MONY AT SUCH FUTURE PROCEEDING AS INCONSISTENT PRIOR TESTIMONY.

46 (D) WHERE A MOTION FOR REMOVAL BY THE DEFENDANT PURSUANT TO SUBDIVI-
47 SION FIVE OF THIS SECTION HAS BEEN DENIED, NO FURTHER MOTION PURSUANT TO
48 THIS SECTION OR SECTION 722.22 OF THIS ARTICLE MAY BE MADE BY THE JUVE-
49 NILE OFFENDER WITH RESPECT TO THE SAME OFFENSE OR OFFENSES.

50 (E) EXCEPT AS PROVIDED BY PARAGRAPH (F) OF THIS SUBDIVISION, THIS
51 SECTION SHALL NOT BE CONSTRUED TO LIMIT THE POWERS OF THE GRAND JURY.

52 (F) WHERE A MOTION BY THE DEFENDANT PURSUANT TO SUBDIVISION FIVE OF
53 THIS SECTION HAS BEEN GRANTED, THERE SHALL BE NO FURTHER PROCEEDINGS
54 AGAINST THE JUVENILE OFFENDER IN ANY LOCAL OR SUPERIOR CRIMINAL COURT
55 INCLUDING THE YOUTH PART OF THE SUPERIOR COURT FOR THE OFFENSE OR
56 OFFENSES WHICH WERE THE SUBJECT OF THE REMOVAL ORDER.

1 S 722.21 PROCEEDINGS UPON FELONY COMPLAINT; ADOLESCENT OFFENDER.

2 1. WHEN AN ADOLESCENT OFFENDER IS ARRAIGNED BEFORE A YOUTH PART, THE
3 PROVISIONS OF THIS SECTION SHALL APPLY. IF THE YOUTH PART IS NOT IN
4 SESSION, THE DEFENDANT SHALL BE BROUGHT BEFORE THE MOST ACCESSIBLE
5 MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF THE SUPREME COURT TO
6 ACT AS A YOUTH PART FOR THE PURPOSE OF MAKING A DETERMINATION WHETHER
7 SUCH ADOLESCENT OFFENDER SHALL BE DETAINED. IF THE DEFENDANT IS ORDERED
8 TO BE DETAINED, HE OR SHE SHALL BE BROUGHT BEFORE THE NEXT SESSION OF
9 THE YOUTH PART. IF THE DEFENDANT IS NOT DETAINED, HE OR SHE SHALL BE
10 ORDERED TO APPEAR AT THE NEXT SESSION OF THE YOUTH PART.

11 2. IF THE DEFENDANT WAIVES A HEARING UPON THE FELONY COMPLAINT, THE
12 COURT MUST ORDER THAT THE DEFENDANT BE HELD FOR THE ACTION OF THE GRAND
13 JURY WITH RESPECT TO THE CHARGE OR CHARGES CONTAINED IN THE FELONY
14 COMPLAINT.

15 3. IF THERE BE A HEARING, THEN AT THE CONCLUSION OF THE HEARING, THE
16 YOUTH PART COURT MUST DISPOSE OF THE FELONY COMPLAINT AS FOLLOWS:

17 (A) IF THERE IS REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT COMMIT-
18 TED A FELONY, THE COURT MUST ORDER THAT THE DEFENDANT BE HELD FOR THE
19 ACTION OF A GRAND JURY; OR

20 (B) IF THERE IS NOT REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT
21 COMMITTED A FELONY BUT THERE IS REASONABLE CAUSE TO BELIEVE THAT THE
22 DEFENDANT IS A "JUVENILE DELINQUENT" AS DEFINED IN SUBDIVISION ONE OF
23 SECTION 301.2 OF THE FAMILY COURT ACT, THE COURT MUST SPECIFY THE ACT OR
24 ACTS IT FOUND REASONABLE CAUSE TO BELIEVE THE DEFENDANT DID AND DIRECT
25 THAT THE ACTION BE TRANSFERRED TO THE FAMILY COURT IN ACCORDANCE WITH
26 THE PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS TITLE,
27 PROVIDED, HOWEVER, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SECTION
28 308.1 OF THE FAMILY COURT ACT SHALL APPLY TO ACTIONS TRANSFERRED PURSU-
29 ANT TO THIS SUBDIVISION AND SUCH ACTIONS SHALL NOT BE CONSIDERED
30 REMOVALS SUBJECT TO SUBDIVISION THIRTEEN OF SUCH SECTION 308.1; OR

31 (C) IF THERE IS NOT REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT
32 COMMITTED ANY CRIMINAL ACT, THE COURT MUST DISMISS THE FELONY COMPLAINT
33 AND DISCHARGE THE DEFENDANT FROM CUSTODY IF HE IS IN CUSTODY, OR IF HE
34 IS AT LIBERTY ON BAIL, IT MUST EXONERATE THE BAIL.

35 4. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS TWO AND THREE OF
36 THIS SECTION, WHERE THE DEFENDANT IS CHARGED WITH A FELONY, OTHER THAN A
37 CLASS A FELONY DEFINED OUTSIDE ARTICLE TWO HUNDRED TWENTY OF THE PENAL
38 LAW, A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THE PENAL LAW OR A
39 FELONY LISTED IN PARAGRAPH ONE OR TWO OF SUBDIVISION FORTY-TWO OF
40 SECTION 1.20 OF THIS CHAPTER, EXCEPT AS PROVIDED IN PARAGRAPH (C) OF
41 SUBDIVISION TWO OF SECTION 722.23 OF THIS ARTICLE, THE COURT SHALL, UPON
42 NOTICE FROM THE DISTRICT ATTORNEY THAT HE OR SHE WILL NOT FILE A MOTION
43 TO PREVENT REMOVAL PURSUANT TO SECTION 722.23 OF THIS ARTICLE, ORDER
44 TRANSFER OF AN ACTION AGAINST AN ADOLESCENT OFFENDER TO THE FAMILY COURT
45 PURSUANT TO THE PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS
46 TITLE, PROVIDED, HOWEVER, NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
47 SECTION 308.1 OF THE FAMILY COURT ACT SHALL APPLY TO ACTIONS TRANSFERRED
48 PURSUANT TO THIS SUBDIVISION AND SUCH ACTIONS SHALL NOT BE CONSIDERED
49 REMOVALS SUBJECT TO SUBDIVISION THIRTEEN OF SUCH SECTION 308.1.

50 5. NOTWITHSTANDING SUBDIVISIONS TWO AND THREE OF THIS SECTION, AT THE
51 REQUEST OF THE DISTRICT ATTORNEY, THE COURT SHALL ORDER REMOVAL OF AN
52 ACTION AGAINST AN ADOLESCENT OFFENDER CHARGED WITH AN OFFENSE LISTED IN
53 PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION 722.23 OF THIS ARTICLE, TO
54 THE FAMILY COURT PURSUANT TO THE PROVISIONS OF ARTICLE SEVEN HUNDRED
55 TWENTY-FIVE OF THIS TITLE AND UPON CONSIDERATION OF THE CRITERIA SPECI-
56 FIED IN SUBDIVISION TWO OF SECTION 722.22 OF THIS ARTICLE, IT IS DETER-

1 MINED THAT TO DO SO WOULD BE IN THE INTERESTS OF JUSTICE. WHERE, HOWEV-
2 ER, THE FELONY COMPLAINT CHARGES THE ADOLESCENT OFFENDER WITH MURDER IN
3 THE SECOND DEGREE AS DEFINED IN SECTION 125.25 OF THE PENAL LAW, RAPE IN
4 THE FIRST DEGREE AS DEFINED IN SUBDIVISION ONE OF SECTION 130.35 OF THE
5 PENAL LAW, CRIMINAL SEXUAL ACT IN THE FIRST DEGREE AS DEFINED IN SUBDI-
6 VISION ONE OF SECTION 130.50 OF THE PENAL LAW, OR AN ARMED FELONY AS
7 DEFINED IN PARAGRAPH (A) OF SUBDIVISION FORTY-ONE OF SECTION 1.20 OF
8 THIS CHAPTER, A DETERMINATION THAT SUCH ACTION BE REMOVED TO THE FAMILY
9 COURT SHALL, IN ADDITION, BE BASED UPON A FINDING OF ONE OR MORE OF THE
10 FOLLOWING FACTORS: (I) MITIGATING CIRCUMSTANCES THAT BEAR DIRECTLY UPON
11 THE MANNER IN WHICH THE CRIME WAS COMMITTED; OR (II) WHERE THE DEFENDANT
12 WAS NOT THE SOLE PARTICIPANT IN THE CRIME, THE DEFENDANT'S PARTICIPATION
13 WAS RELATIVELY MINOR ALTHOUGH NOT SO MINOR AS TO CONSTITUTE A DEFENSE TO
14 THE PROSECUTION; OR (III) POSSIBLE DEFICIENCIES IN PROOF OF THE CRIME.

15 6. (A) IF THE COURT ORDERS REMOVAL OF THE ACTION TO FAMILY COURT
16 PURSUANT TO SUBDIVISION FIVE OF THIS SECTION, IT SHALL STATE ON THE
17 RECORD THE FACTOR OR FACTORS UPON WHICH ITS DETERMINATION IS BASED, AND
18 THE COURT SHALL GIVE ITS REASONS FOR REMOVAL IN DETAIL AND NOT IN
19 CONCLUSORY TERMS.

20 (B) THE DISTRICT ATTORNEY SHALL STATE UPON THE RECORD THE REASONS FOR
21 HIS CONSENT TO REMOVAL OF THE ACTION TO THE FAMILY COURT WHERE SUCH
22 CONSENT IS REQUIRED. THE REASONS SHALL BE STATED IN DETAIL AND NOT IN
23 CONCLUSORY TERMS.

24 (C) FOR THE PURPOSE OF MAKING A DETERMINATION PURSUANT TO SUBDIVISION
25 FIVE THE COURT MAY MAKE SUCH INQUIRY AS IT DEEMS NECESSARY. ANY EVIDENCE
26 WHICH IS NOT LEGALLY PRIVILEGED MAY BE INTRODUCED. IF THE DEFENDANT
27 TESTIFIES, HIS TESTIMONY MAY NOT BE INTRODUCED AGAINST HIM IN ANY FUTURE
28 PROCEEDING, EXCEPT TO IMPEACH HIS TESTIMONY AT SUCH FUTURE PROCEEDING AS
29 INCONSISTENT PRIOR TESTIMONY.

30 (D) EXCEPT AS PROVIDED BY PARAGRAPH (E), THIS SECTION SHALL NOT BE
31 CONSTRUED TO LIMIT THE POWERS OF THE GRAND JURY.

32 (E) WHERE AN ACTION AGAINST A DEFENDANT HAS BEEN REMOVED TO THE FAMILY
33 COURT PURSUANT TO THIS SECTION, THERE SHALL BE NO FURTHER PROCEEDINGS
34 AGAINST THE ADOLESCENT OFFENDER IN ANY LOCAL OR SUPERIOR CRIMINAL COURT
35 INCLUDING THE YOUTH PART OF THE SUPERIOR COURT FOR THE OFFENSE OR
36 OFFENSES WHICH WERE THE SUBJECT OF THE REMOVAL ORDER.

37 S 722.22 MOTION TO REMOVE JUVENILE OFFENDER TO FAMILY COURT.

38 1. AFTER A MOTION BY A JUVENILE OFFENDER, PURSUANT TO SUBDIVISION FIVE
39 OF SECTION 722.20 OF THIS ARTICLE, OR AFTER ARRAIGNMENT OF A JUVENILE
40 OFFENDER UPON AN INDICTMENT, THE COURT MAY, ON MOTION OF ANY PARTY OR ON
41 ITS OWN MOTION:

42 (A) EXCEPT AS OTHERWISE PROVIDED BY PARAGRAPH (B) OF THIS SUBDIVISION,
43 ORDER REMOVAL OF THE ACTION TO THE FAMILY COURT PURSUANT TO THE
44 PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS TITLE, IF, AFTER
45 CONSIDERATION OF THE FACTORS SET FORTH IN SUBDIVISION TWO OF THIS
46 SECTION, THE COURT DETERMINES THAT TO DO SO WOULD BE IN THE INTERESTS OF
47 JUSTICE; OR

48 (B) WITH THE CONSENT OF THE DISTRICT ATTORNEY, ORDER REMOVAL OF AN
49 ACTION INVOLVING AN INDICTMENT CHARGING A JUVENILE OFFENDER WITH MURDER
50 IN THE SECOND DEGREE AS DEFINED IN SECTION 125.25 OF THE PENAL LAW; RAPE
51 IN THE FIRST DEGREE, AS DEFINED IN SUBDIVISION ONE OF SECTION 130.35 OF
52 THE PENAL LAW; CRIMINAL SEXUAL ACT IN THE FIRST DEGREE, AS DEFINED IN
53 SUBDIVISION ONE OF SECTION 130.50 OF THE PENAL LAW; OR AN ARMED FELONY
54 AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION FORTY-ONE OF SECTION 1.20 OF
55 THIS CHAPTER, TO THE FAMILY COURT PURSUANT TO THE PROVISIONS OF ARTICLE
56 SEVEN HUNDRED TWENTY-FIVE OF THIS TITLE IF THE COURT FINDS ONE OR MORE

1 OF THE FOLLOWING FACTORS: (I) MITIGATING CIRCUMSTANCES THAT BEAR DIRECT-
2 LY UPON THE MANNER IN WHICH THE CRIME WAS COMMITTED; (II) WHERE THE
3 DEFENDANT WAS NOT THE SOLE PARTICIPANT IN THE CRIME, THE DEFENDANT'S
4 PARTICIPATION WAS RELATIVELY MINOR ALTHOUGH NOT SO MINOR AS TO CONSTI-
5 TUTE A DEFENSE TO THE PROSECUTION; OR (III) POSSIBLE DEFICIENCIES IN THE
6 PROOF OF THE CRIME, AND, AFTER CONSIDERATION OF THE FACTORS SET FORTH IN
7 SUBDIVISION TWO OF THIS SECTION, THE COURT DETERMINED THAT REMOVAL OF
8 THE ACTION TO THE FAMILY COURT WOULD BE IN THE INTERESTS OF JUSTICE.

9 2. IN MAKING ITS DETERMINATION PURSUANT TO SUBDIVISION ONE OF THIS
10 SECTION THE COURT SHALL, TO THE EXTENT APPLICABLE, EXAMINE INDIVIDUALLY
11 AND COLLECTIVELY, THE FOLLOWING:

12 (A) THE SERIOUSNESS AND CIRCUMSTANCES OF THE OFFENSE;

13 (B) THE EXTENT OF HARM CAUSED BY THE OFFENSE;

14 (C) THE EVIDENCE OF GUILT, WHETHER ADMISSIBLE OR INADMISSIBLE AT
15 TRIAL;

16 (D) THE HISTORY, CHARACTER AND CONDITION OF THE DEFENDANT;

17 (E) THE PURPOSE AND EFFECT OF IMPOSING UPON THE DEFENDANT A SENTENCE
18 AUTHORIZED FOR THE OFFENSE;

19 (F) THE IMPACT OF A REMOVAL OF THE CASE TO THE FAMILY COURT ON THE
20 SAFETY OR WELFARE OF THE COMMUNITY;

21 (G) THE IMPACT OF A REMOVAL OF THE CASE TO THE FAMILY COURT UPON THE
22 CONFIDENCE OF THE PUBLIC IN THE CRIMINAL JUSTICE SYSTEM;

23 (H) WHERE THE COURT DEEMS IT APPROPRIATE, THE ATTITUDE OF THE
24 COMPLAINANT OR VICTIM WITH RESPECT TO THE MOTION; AND

25 (I) ANY OTHER RELEVANT FACT INDICATING THAT A JUDGMENT OF CONVICTION
26 IN THE CRIMINAL COURT WOULD SERVE NO USEFUL PURPOSE.

27 3. THE PROCEDURE FOR BRINGING ON A MOTION PURSUANT TO SUBDIVISION ONE
28 OF THIS SECTION, SHALL ACCORD WITH THE PROCEDURE PRESCRIBED IN SUBDIVI-
29 SIONS ONE AND TWO OF SECTION 210.45 OF THIS CHAPTER. AFTER ALL PAPERS OF
30 BOTH PARTIES HAVE BEEN FILED AND AFTER ALL DOCUMENTARY EVIDENCE, IF ANY,
31 HAS BEEN SUBMITTED, THE COURT MUST CONSIDER THE SAME FOR THE PURPOSE OF
32 DETERMINING WHETHER THE MOTION IS DETERMINABLE ON THE MOTION PAPERS
33 SUBMITTED AND, IF NOT, MAY MAKE SUCH INQUIRY AS IT DEEMS NECESSARY FOR
34 THE PURPOSE OF MAKING A DETERMINATION.

35 4. FOR THE PURPOSE OF MAKING A DETERMINATION PURSUANT TO THIS SECTION,
36 ANY EVIDENCE WHICH IS NOT LEGALLY PRIVILEGED MAY BE INTRODUCED. IF THE
37 DEFENDANT TESTIFIES, HIS TESTIMONY MAY NOT BE INTRODUCED AGAINST HIM IN
38 ANY FUTURE PROCEEDING, EXCEPT TO IMPEACH HIS TESTIMONY AT SUCH FUTURE
39 PROCEEDING AS INCONSISTENT PRIOR TESTIMONY.

40 5. A. IF THE COURT ORDERS REMOVAL OF THE ACTION TO FAMILY COURT, IT
41 SHALL STATE ON THE RECORD THE FACTOR OR FACTORS UPON WHICH ITS DETERMI-
42 NATION IS BASED, AND, THE COURT SHALL GIVE ITS REASONS FOR REMOVAL IN
43 DETAIL AND NOT IN CONCLUSORY TERMS.

44 B. THE DISTRICT ATTORNEY SHALL STATE UPON THE RECORD THE REASONS FOR
45 HIS CONSENT TO REMOVAL OF THE ACTION TO THE FAMILY COURT. THE REASONS
46 SHALL BE STATED IN DETAIL AND NOT IN CONCLUSORY TERMS.

47 S 722.23 REMOVAL OF ADOLESCENT OFFENDERS TO FAMILY COURT.

48 1. (A) FOLLOWING THE ARRAIGNMENT OF A DEFENDANT CHARGED WITH A CRIME
49 COMMITTED WHEN HE OR SHE WAS SIXTEEN, OR COMMENCING OCTOBER FIRST, TWO
50 THOUSAND NINETEEN, SEVENTEEN YEARS OF AGE, OTHER THAN ANY CLASS A FELONY
51 EXCEPT FOR THOSE DEFINED IN ARTICLE TWO HUNDRED TWENTY OF THE PENAL LAW,
52 A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THE PENAL LAW OR A FELONY
53 LISTED IN PARAGRAPH ONE OR TWO OF SUBDIVISION FORTY-TWO OF SECTION 1.20
54 OF THIS CHAPTER, OR AN OFFENSE SET FORTH IN THE VEHICLE AND TRAFFIC LAW,
55 THE COURT SHALL ORDER THE REMOVAL OF THE ACTION TO THE FAMILY COURT IN
56 ACCORDANCE WITH THE APPLICABLE PROVISIONS OF ARTICLE SEVEN HUNDRED TWEN-

1 TY-FIVE OF THIS TITLE UNLESS, WITHIN THIRTY CALENDAR DAYS OF SUCH
2 ARRAIGNMENT, THE DISTRICT ATTORNEY MAKES A MOTION TO PREVENT REMOVAL OF
3 THE ACTION PURSUANT TO THIS SUBDIVISION. IF THE DEFENDANT FAILS TO
4 REPORT TO THE PROBATION DEPARTMENT AS DIRECTED, THE THIRTY DAY TIME
5 PERIOD SHALL BE TOLLED UNTIL SUCH TIME AS HE OR SHE REPORTS TO THE
6 PROBATION DEPARTMENT.

7 (B) A MOTION TO PREVENT REMOVAL OF AN ACTION IN YOUTH PART SHALL BE
8 MADE IN WRITING AND UPON PROMPT NOTICE TO THE DEFENDANT. THE MOTION
9 SHALL CONTAIN ALLEGATIONS OF SWORN FACT BASED UPON PERSONAL KNOWLEDGE OF
10 THE AFFIANT, AND SHALL INDICATE IF THE DISTRICT ATTORNEY IS REQUESTING A
11 HEARING. THE MOTION SHALL BE NOTICED TO BE HEARD PROMPTLY.

12 (C) THE DEFENDANT SHALL BE GIVEN AN OPPORTUNITY TO REPLY. THE DEFEND-
13 ANT SHALL BE GRANTED ANY REASONABLE REQUEST FOR A DELAY. EITHER PARTY
14 MAY REQUEST A HEARING ON THE FACTS ALLEGED IN THE MOTION TO PREVENT
15 REMOVAL OF THE ACTION. THE HEARING SHALL BE HELD EXPEDITIOUSLY.

16 (D) THE COURT SHALL DENY THE MOTION TO PREVENT REMOVAL OF THE ACTION
17 IN YOUTH PART UNLESS THE COURT MAKES A DETERMINATION UPON SUCH MOTION BY
18 THE DISTRICT ATTORNEY THAT EXTRAORDINARY CIRCUMSTANCES EXIST THAT SHOULD
19 PREVENT THE TRANSFER OF THE ACTION TO FAMILY COURT.

20 (E) THE COURT SHALL MAKE A DETERMINATION IN WRITING OR ON THE RECORD
21 WITHIN FIVE DAYS OF THE CONCLUSION OF THE HEARING OR SUBMISSION BY THE
22 DEFENSE, WHICHEVER IS LATER. SUCH DETERMINATION SHALL INCLUDE FINDINGS
23 OF FACT AND TO THE EXTENT PRACTICABLE CONCLUSIONS OF LAW.

24 (F) FOR THE PURPOSES OF THIS SECTION, THERE SHALL BE A PRESUMPTION
25 AGAINST CUSTODY AND CASE PLANNING SERVICES SHALL BE MADE AVAILABLE TO
26 THE DEFENDANT.

27 (G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SECTION 308.1 OF THE
28 FAMILY COURT ACT SHALL APPLY TO ALL ACTIONS TRANSFERRED PURSUANT TO THIS
29 SECTION PROVIDED, HOWEVER, SUCH CASES SHALL NOT BE CONSIDERED REMOVALS
30 SUBJECT TO SUBDIVISION THIRTEEN OF SUCH SECTION 308.1.

31 (H) NOTHING IN THIS SUBDIVISION SHALL PRECLUDE, AND A COURT MAY ORDER,
32 THE REMOVAL OF AN ACTION TO FAMILY COURT WHERE ALL PARTIES AGREE OR
33 PURSUANT TO THIS CHAPTER.

34 2. (A) UPON THE ARRAIGNMENT OF A DEFENDANT CHARGED WITH A CRIME
35 COMMITTED WHEN HE OR SHE WAS SIXTEEN OR, COMMENCING OCTOBER FIRST, TWO
36 THOUSAND NINETEEN, SEVENTEEN YEARS OF AGE ON A CLASS A FELONY, OTHER
37 THAN THOSE DEFINED IN ARTICLE 220 OF THE PENAL LAW, OR A VIOLENT FELONY
38 DEFINED IN SECTION 70.02 OF THE PENAL LAW, THE COURT SHALL SCHEDULE AN
39 APPEARANCE NO LATER THAN SIX CALENDAR DAYS FROM SUCH ARRAIGNMENT FOR THE
40 PURPOSE OF REVIEWING THE ACCUSATORY INSTRUMENT PURSUANT TO THIS SUBDIVI-
41 SION. THE COURT SHALL NOTIFY THE DISTRICT ATTORNEY AND DEFENDANT
42 REGARDING THE PURPOSE OF SUCH APPEARANCE.

43 (B) UPON SUCH APPEARANCE, THE COURT SHALL REVIEW THE ACCUSATORY
44 INSTRUMENT AND ANY OTHER RELEVANT FACTS FOR THE PURPOSE OF MAKING A
45 DETERMINATION PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION. BOTH
46 PARTIES MAY BE HEARD AND SUBMIT INFORMATION RELEVANT TO THE DETERMI-
47 NATION.

48 (C) THE COURT SHALL ORDER THE ACTION TO PROCEED IN ACCORDANCE WITH
49 SUBDIVISION ONE OF THIS SECTION UNLESS, AFTER REVIEWING THE PAPERS AND
50 HEARING FROM THE PARTIES, THE COURT DETERMINES IN WRITING THAT THE
51 DISTRICT ATTORNEY PROVED BY A PREPONDERANCE OF THE EVIDENCE ONE OR MORE
52 OF THE FOLLOWING AS SET FORTH IN THE ACCUSATORY INSTRUMENT:

53 (I) THE DEFENDANT CAUSED SIGNIFICANT PHYSICAL INJURY TO A PERSON OTHER
54 THAN A PARTICIPANT IN THE OFFENSE; OR

55 (II) THE DEFENDANT DISPLAYED A FIREARM, SHOTGUN, RIFLE OR DEADLY WEAP-
56 ON AS DEFINED IN THE PENAL LAW IN FURTHERANCE OF SUCH OFFENSE; OR

1 (III) THE DEFENDANT UNLAWFULLY ENGAGED IN SEXUAL INTERCOURSE, ORAL
2 SEXUAL CONDUCT, ANAL SEXUAL CONDUCT OR SEXUAL CONTACT AS DEFINED IN
3 SECTION 130.00 OF THE PENAL LAW.

4 (D) WHERE THE COURT MAKES A DETERMINATION THAT THE ACTION SHALL NOT
5 PROCEED IN ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION, SUCH DETER-
6 MINATION SHALL BE MADE IN WRITING OR ON THE RECORD AND SHALL INCLUDE
7 FINDINGS OF FACT AND TO THE EXTENT PRACTICABLE CONCLUSIONS OF LAW.

8 (E) NOTHING IN THIS SUBDIVISION SHALL PRECLUDE, AND THE COURT MAY
9 ORDER, THE REMOVAL OF AN ACTION TO FAMILY COURT WHERE ALL PARTIES AGREE
10 OR PURSUANT TO THIS CHAPTER.

11 3. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW, IF AT ANY TIME ONE
12 OR MORE CHARGES IN THE ACCUSATORY INSTRUMENT ARE REDUCED, SUCH THAT THE
13 ELEMENTS OF THE HIGHEST REMAINING CHARGE WOULD BE REMOVABLE PURSUANT TO
14 SUBDIVISIONS ONE OR TWO OF THIS SECTION, THEN THE COURT, SUA SPONTE OR
15 IN RESPONSE TO A MOTION PURSUANT TO SUBDIVISIONS ONE OR TWO OF THIS
16 SECTION BY THE DEFENDANT, SHALL PROMPTLY NOTIFY THE PARTIES AND DIRECT
17 THAT THE MATTER PROCEED IN ACCORDANCE WITH SUBDIVISION ONE OF THIS
18 SECTION, PROVIDED, HOWEVER, THAT IN SUCH INSTANCE, THE DISTRICT ATTORNEY
19 MUST FILE ANY MOTION TO PREVENT REMOVAL WITHIN THIRTY DAYS OF EFFECTING
20 OR RECEIVING NOTICE OF SUCH REDUCTION.

21 4. A DEFENDANT MAY WAIVE REVIEW OF THE ACCUSATORY INSTRUMENT BY THE
22 COURT AND THE OPPORTUNITY FOR REMOVAL IN ACCORDANCE WITH THIS SECTION,
23 PROVIDED THAT SUCH WAIVER IS MADE BY THE DEFENDANT KNOWINGLY, VOLUNTAR-
24 ILY AND IN OPEN COURT, IN THE PRESENCE OF AND WITH THE APPROVAL OF HIS
25 OR HER COUNSEL AND THE COURT. AN EARLIER WAIVER SHALL NOT CONSTITUTE A
26 WAIVER OF REVIEW AND THE OPPORTUNITY FOR REMOVAL UNDER THIS SECTION.

27 S 722.24 APPLICABILITY OF CHAPTER TO ACTIONS AND MATTERS INVOLVING JUVE-
28 NILE OFFENDERS OR ADOLESCENT OFFENDERS.

29 EXCEPT WHERE INCONSISTENT WITH THIS ARTICLE, ALL PROVISIONS OF THIS
30 CHAPTER SHALL APPLY TO ALL CRIMINAL ACTIONS AND PROCEEDINGS, AND ALL
31 APPEALS AND POST-JUDGMENT MOTIONS RELATING OR ATTACHED THERETO, INVOLV-
32 ING A JUVENILE OFFENDER OR ADOLESCENT OFFENDER.

33 S 2. The opening paragraph and subdivisions 2 and 3 of section 725.05
34 of the criminal procedure law, as added by chapter 481 of the laws of
35 1978, are amended to read as follows:

36 When a [court] YOUTH PART directs that an action or charge is to be
37 removed to the family court the [court] YOUTH PART must issue an order
38 of removal in accordance with this section. Such order must be as
39 follows:

40 2. Where the direction is authorized pursuant to paragraph (b) of
41 subdivision three of [section 180.75] SECTIONS 722.20 OR 722.21 of this
42 [chapter] TITLE, it must specify the act or acts it found reasonable
43 cause to believe the defendant did.

44 3. Where the direction is authorized pursuant to subdivision four of
45 [section 180.75] SECTION 722.20 OR SECTION 722.21 of this [chapter]
46 TITLE, it must specify the act or acts it found reasonable cause to
47 allege.

48 S 3. Section 725.20 of the criminal procedure law, as added by chapter
49 481 of the laws of 1978, subdivisions 1 and 2 as amended by chapter 411
50 of the laws of 1979, is amended to read as follows:

51 S 725.20 Record of certain actions removed.

52 1. The provisions of this section shall apply in any case where an
53 order of removal to the family court is entered pursuant to a direction
54 authorized by [subdivision four of section 180.75 or section 210.43,]
55 ARTICLE 722 OF THIS TITLE, or subparagraph (iii) of paragraph [(h)] (G)

1 of subdivision five of section 220.10 of this chapter, or section 330.25
2 of this chapter.

3 2. When such an action is removed the court that directed the removal
4 must cause the following additional records to be filed with the clerk
5 of the county court or in the city of New York with the clerk of the
6 supreme court of the county wherein the action was pending and with the
7 division of criminal justice services:

8 (a) A certified copy of the order of removal;

9 (b) [Where the direction is one authorized by subdivision four of
10 section 180.75 of this chapter, a copy of the statement of the district
11 attorney made pursuant to paragraph (b) of subdivision six of section
12 180.75 of this chapter;

13 (c) Where the direction is authorized by section 180.75, a copy of
14 the portion of the minutes containing the statement by the court pursu-
15 ant to paragraph (a) of subdivision six of such section 180.75;

16 (d) Where the direction is one authorized by subparagraph (iii) of
17 paragraph [(h)] (G) of subdivision five of section 220.10 or section
18 330.25 of this chapter, a copy of the minutes of the plea of guilty,
19 including the minutes of the memorandum submitted by the district attor-
20 ney and the court;

21 [(e) Where the direction is one authorized by subdivision one of
22 section 210.43 of this chapter, a copy of that portion of the minutes
23 containing the statement by the court pursuant to paragraph (a) of
24 subdivision five of section 210.43;

25 (f) Where the direction is one authorized by paragraph (b) of subdi-
26 vision one of section 210.43 of this chapter, a copy of that portion of
27 the minutes containing the statement of the district attorney made
28 pursuant to paragraph (b) of subdivision five of section 210.43;] and

29 [(g)] (C) In addition to the records specified in this subdivision,
30 such further statement or submission of additional information pertain-
31 ing to the proceeding in criminal court in accordance with standards
32 established by the commissioner of the division of criminal justice
33 services, subject to the provisions of subdivision three of this
34 section.

35 3. It shall be the duty of said clerk to maintain a separate file for
36 copies of orders and minutes filed pursuant to this section. Upon
37 receipt of such orders and minutes the clerk must promptly delete such
38 portions as would identify the defendant, but the clerk shall neverthe-
39 less maintain a separate confidential system to enable correlation of
40 the documents so filed with identification of the defendant. After
41 making such deletions the orders and minutes shall be placed within the
42 file and must be available for public inspection. Information permit-
43 ting correlation of any such record with the identity of any defendant
44 shall not be divulged to any person except upon order of a justice of
45 the supreme court based upon a finding that the public interest or the
46 interests of justice warrant disclosure in a particular cause for a
47 particular case or for a particular purpose or use.

48 S 4. The article heading of article 100 of the criminal procedure law
49 is amended to read as follows:

50 COMMENCEMENT OF ACTION IN LOCAL
51 CRIMINAL COURT OR YOUTH PART OF A SUPERIOR COURT--[LOCAL
52 CRIMINAL COURT] ACCUSATORY INSTRUMENTS

53 S 5. The first undesignated paragraph of section 100.05 of the crimi-
54 nal procedure law is amended to read as follows:

55 A criminal action is commenced by the filing of an accusatory instru-
56 ment with a criminal court, OR, IN THE CASE OF A JUVENILE OFFENDER OR

1 ADOLESCENT OFFENDER, OTHER THAN AN ADOLESCENT OFFENDER CHARGED WITH ONLY
2 A VIOLATION OR TRAFFIC INFRACTION, THE YOUTH PART OF THE SUPERIOR COURT,
3 and if more than one such instrument is filed in the course of the same
4 criminal action, such action commences when the first of such instru-
5 ments is filed. The only way in which a criminal action can be
6 commenced in a superior court, OTHER THAN A CRIMINAL ACTION AGAINST A
7 JUVENILE OFFENDER OR ADOLESCENT OFFENDER is by the filing therewith by a
8 grand jury of an indictment against a defendant who has never been held
9 by a local criminal court for the action of such grand jury with respect
10 to any charge contained in such indictment. Otherwise, a criminal
11 action can be commenced only in a local criminal court, by the filing
12 therewith of a local criminal court accusatory instrument, namely:

13 S 6. The section heading and subdivision 5 of section 100.10 of the
14 criminal procedure law are amended to read as follows:

15 Local criminal court AND YOUTH PART OF THE SUPERIOR COURT accusatory
16 instruments; definitions thereof.

17 5. A "felony complaint" is a verified written accusation by a person,
18 filed with a local criminal court, OR YOUTH PART OF THE SUPERIOR COURT,
19 charging one or more other persons with the commission of one or more
20 felonies. It serves as a basis for the commencement of a criminal
21 action, but not as a basis for prosecution thereof.

22 S 7. The section heading of section 100.40 of the criminal procedure
23 law is amended to read as follows:

24 Local criminal court AND YOUTH PART OF THE SUPERIOR COURT accusatory
25 instruments; sufficiency on face.

26 S 8. The criminal procedure law is amended by adding a new section
27 100.60 to read as follows:

28 S 100.60 YOUTH PART OF THE SUPERIOR COURT ACCUSATORY INSTRUMENTS; IN
29 WHAT COURTS FILED.

30 ANY YOUTH PART OF THE SUPERIOR COURT ACCUSATORY INSTRUMENT MAY BE
31 FILED WITH THE YOUTH PART OF THE SUPERIOR COURT OF A PARTICULAR COUNTY
32 WHEN AN OFFENSE CHARGED THEREIN WAS ALLEGEDLY COMMITTED IN SUCH COUNTY
33 OR THAT PART THEREOF OVER WHICH SUCH COURT HAS JURISDICTION.

34 S 9. The article heading of article 110 of the criminal procedure law
35 is amended to read as follows:

36 REQUIRING DEFENDANT'S APPEARANCE
37 IN LOCAL CRIMINAL COURT OR YOUTH PART OF SUPERIOR COURT
38 FOR ARRAIGNMENT

39 S 10. Section 110.10 of the criminal procedure law is amended to read
40 as follows:

41 S 110.10 Methods of requiring defendant's appearance in local criminal
42 court OR YOUTH PART OF THE SUPERIOR COURT for arraignment;
43 in general.

44 1. After a criminal action has been commenced in a local criminal
45 court OR YOUTH PART OF THE SUPERIOR COURT by the filing of an accusatory
46 instrument therewith, a defendant who has not been arraigned in the
47 action and has not come under the control of the court may under certain
48 circumstances be compelled or required to appear for arraignment upon
49 such accusatory instrument by:

50 (a) The issuance and execution of a warrant of arrest, as provided in
51 article one hundred twenty; or

52 (b) The issuance and service upon him of a summons, as provided in
53 article one hundred thirty; or

54 (c) Procedures provided in articles five hundred sixty, five hundred
55 seventy, five hundred eighty, five hundred ninety and six hundred for

1 securing attendance of defendants in criminal actions who are not at
2 liberty within the state.

3 2. Although no criminal action against a person has been commenced in
4 any court, he may under certain circumstances be compelled or required
5 to appear in a local criminal court OR YOUTH PART OF A SUPERIOR COURT
6 for arraignment upon an accusatory instrument to be filed therewith at
7 or before the time of his appearance by:

8 (a) An arrest made without a warrant, as provided in article one
9 hundred forty; or

10 (b) The issuance and service upon him of an appearance ticket, as
11 provided in article one hundred fifty.

12 S 11. Section 110.20 of the criminal procedure law, as amended by
13 chapter 843 of the laws of 1980, is amended to read as follows:

14 S 110.20 Local criminal court OR YOUTH PART OF THE SUPERIOR COURT accu-
15 satory instruments; notice thereof to district attorney.

16 When a criminal action in which a crime is charged is commenced in a
17 local criminal court, OR YOUTH PART OF THE SUPERIOR COURT other than the
18 criminal court of the city of New York, a copy of the accusatory instru-
19 ment shall be promptly transmitted to the appropriate district attorney
20 upon or prior to the arraignment of the defendant on the accusatory
21 instrument. If a police officer or a peace officer is the complainant
22 or the filer of a simplified information, or has arrested the defendant
23 or brought him before the local criminal court OR YOUTH PART OF THE
24 SUPERIOR COURT on behalf of an arresting person pursuant to subdivision
25 one of section 140.20, such officer or his agency shall transmit the
26 copy of the accusatory instrument to the appropriate district attorney.
27 In all other cases, the clerk of the court in which the defendant is
28 arraigned shall so transmit it.

29 S 12. The opening paragraph of subdivision 1 of section 120.20 of the
30 criminal procedure law, as amended by chapter 506 of the laws of 2000,
31 is amended to read as follows:

32 When a criminal action has been commenced in a local criminal court OR
33 YOUTH PART OF THE SUPERIOR COURT by the filing therewith of an accusato-
34 ry instrument, other than a simplified traffic information, against a
35 defendant who has not been arraigned upon such accusatory instrument and
36 has not come under the control of the court with respect thereto:

37 S 13. Section 120.30 of the criminal procedure law is amended to read
38 as follows:

39 S 120.30 Warrant of arrest; by what courts issuable and in what courts
40 returnable.

41 1. A warrant of arrest may be issued only by the local criminal court
42 OR YOUTH PART OF THE SUPERIOR COURT with which the underlying accusatory
43 instrument has been filed, and it may be made returnable in such issuing
44 court only.

45 2. The particular local criminal court or courts OR YOUTH PART OF THE
46 SUPERIOR COURT with which any particular local criminal court OR YOUTH
47 PART OF THE SUPERIOR COURT accusatory instrument may be filed for the
48 purpose of obtaining a warrant of arrest are determined, generally, by
49 the provisions of section 100.55 OR 100.60 OF THIS TITLE. If, however, a
50 particular accusatory instrument may pursuant to said section 100.55 be
51 filed with a particular town court and such town court is not available
52 at the time such instrument is sought to be filed and a warrant
53 obtained, such accusatory instrument may be filed with the town court of
54 any adjoining town of the same county. If such instrument may be filed
55 pursuant to said section 100.55 with a particular village court and such
56 village court is not available at the time, it may be filed with the

1 town court of the town embracing such village, or if such town court is
2 not available either, with the town court of any adjoining town of the
3 same county.

4 S 14. Section 120.55 of the criminal procedure law, as amended by
5 section 71 of subpart B of part C of chapter 62 of the laws of 2011, is
6 amended to read as follows:

7 S 120.55 Warrant of arrest; defendant under parole or probation super-
8 vision.

9 If the defendant named within a warrant of arrest issued by a local
10 criminal court OR YOUTH PART OF THE SUPERIOR COURT pursuant to the
11 provisions of this article, or by a superior court issued pursuant to
12 subdivision three of section 210.10 of this chapter, is under the super-
13 vision of the state department of corrections and community supervision
14 or a local or state probation department, then a warrant for his or her
15 arrest may be executed by a parole officer or probation officer, when
16 authorized by his or her probation director, within his or her geograph-
17 ical area of employment. The execution of the warrant by a parole offi-
18 cer or probation officer shall be upon the same conditions and conducted
19 in the same manner as provided for execution of a warrant by a police
20 officer.

21 S 15. Subdivision 1 of section 120.70 of the criminal procedure law is
22 amended to read as follows:

23 1. A warrant of arrest issued by a district court, by the New York
24 City criminal court, THE YOUTH PART OF A SUPERIOR COURT or by a superior
25 court judge sitting as a local criminal court may be executed anywhere
26 in the state.

27 S 16. Subdivisions 1, 6 and 7 of section 120.90 of the criminal proce-
28 dure law, subdivision 1 as amended by chapter 492 of the laws of 2016,
29 subdivisions 6 and 7 as amended by chapter 424 of the laws of 1998, are
30 amended and a new subdivision 5-a is added to read as follows:

31 1. Upon arresting a defendant for any offense pursuant to a warrant of
32 arrest in the county in which the warrant is returnable or in any
33 adjoining county, or upon so arresting him or her for a felony in any
34 other county, a police officer, if he or she be one to whom the warrant
35 is addressed, must without unnecessary delay bring the defendant before
36 the local criminal court OR YOUTH PART OF THE SUPERIOR COURT in which
37 such warrant is returnable, provided that, where a local criminal court
38 OR YOUTH PART OF THE SUPERIOR COURT in the county in which the warrant
39 is returnable hereunder is operating an off-hours arraignment part
40 designated in accordance with paragraph (w) of subdivision one of
41 section two hundred twelve of the judiciary law at the time of defend-
42 ant's return, such police officer may bring the defendant before such
43 local criminal court OR YOUTH PART OF THE SUPERIOR COURT.

44 5-A. WHENEVER A POLICE OFFICER IS REQUIRED, PURSUANT TO THIS SECTION,
45 TO BRING AN ARRESTED DEFENDANT BEFORE A YOUTH PART OF A SUPERIOR COURT
46 IN WHICH A WARRANT OF ARREST IS RETURNABLE, AND IF SUCH COURT IS NOT IN
47 SESSION, SUCH OFFICER MUST BRING SUCH DEFENDANT BEFORE THE MOST ACCESSI-
48 BLE MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF THE SUPREME COURT
49 IN THE APPLICABLE DEPARTMENT TO ACT AS A YOUTH PART.

50 6. Before bringing a defendant arrested pursuant to a warrant before
51 the local criminal court OR YOUTH PART OF A SUPERIOR COURT in which such
52 warrant is returnable, a police officer must without unnecessary delay
53 perform all fingerprinting and other preliminary police duties required
54 in the particular case. In any case in which the defendant is not
55 brought by a police officer before such court but, following his arrest
56 in another county for an offense specified in subdivision one of section

1 160.10, is released by a local criminal court of such other county on
2 his own recognizance or on bail for his appearance on a specified date
3 before the local criminal court before which the warrant is returnable,
4 the latter court must, upon arraignment of the defendant before it,
5 direct that he be fingerprinted by the appropriate officer or agency,
6 and that he appear at an appropriate designated time and place for such
7 purpose.

8 7. Upon arresting a juvenile offender OR ADOLESCENT OFFENDER, the
9 police officer shall immediately notify the parent or other person
10 legally responsible for his care or the person with whom he is domi-
11 ciled, that the juvenile offender OR ADOLESCENT OFFENDER has been
12 arrested, and the location of the facility where he is being detained.

13 S 17. Subdivision 1 of section 130.10 of the criminal procedure law,
14 as amended by chapter 446 of the laws of 1993, is amended to read as
15 follows:

16 1. A summons is a process issued by a local criminal court directing a
17 defendant designated in an information, a prosecutor's information, a
18 felony complaint or a misdemeanor complaint filed with such court, OR A
19 YOUTH PART OF A SUPERIOR COURT DIRECTING A DEFENDANT DESIGNATED IN A
20 FELONY COMPLAINT, or by a superior court directing a defendant desig-
21 nated in an indictment filed with such court, to appear before it at a
22 designated future time in connection with such accusatory instrument.
23 The sole function of a summons is to achieve a defendant's court appear-
24 ance in a criminal action for the purpose of arraignment upon the accu-
25 satory instrument by which such action was commenced.

26 S 18. Section 130.30 of the criminal procedure law, as amended by
27 chapter 506 of the laws of 2000, is amended to read as follows:
28 S 130.30 Summons; when issuable.

29 A local criminal court OR YOUTH PART OF THE SUPERIOR COURT may issue a
30 summons in any case in which, pursuant to section 120.20, it is author-
31 ized to issue a warrant of arrest based upon an information, a
32 prosecutor's information, a felony complaint or a misdemeanor complaint.
33 If such information, prosecutor's information, felony complaint or
34 misdemeanor complaint is not sufficient on its face as prescribed in
35 section 100.40, and if the court is satisfied that on the basis of the
36 available facts or evidence it would be impossible to draw and file an
37 authorized accusatory instrument that is sufficient on its face, the
38 court must dismiss the accusatory instrument. A superior court may issue
39 a summons in any case in which, pursuant to section 210.10, it is
40 authorized to issue a warrant of arrest based upon an indictment.

41 S 19. Section 140.20 of the criminal procedure law is amended by
42 adding a new subdivision 8 to read as follows:

43 8. IF THE ARREST IS FOR A JUVENILE OFFENDER OR ADOLESCENT OFFENDER
44 OTHER THAN AN ARREST FOR A VIOLATION OR A TRAFFIC INFRACTION, SUCH
45 OFFENDER SHALL BE BROUGHT BEFORE THE YOUTH PART OF THE SUPERIOR COURT.
46 IF THE YOUTH PART IS NOT IN SESSION, SUCH OFFENDER SHALL BE BROUGHT
47 BEFORE THE MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE APPELLATE DIVI-
48 SION OF THE SUPREME COURT IN THE APPLICABLE DEPARTMENT TO ACT AS A YOUTH
49 PART.

50 S 20. Subdivision 6 of section 140.20 of the criminal procedure law,
51 as added by chapter 411 of the laws of 1979, is amended to read as
52 follows:

53 6. Upon arresting a juvenile offender OR A PERSON SIXTEEN OR COMMENC-
54 ING OCTOBER FIRST, TWO THOUSAND NINETEEN, SEVENTEEN YEARS OF AGE without
55 a warrant, the police officer shall immediately notify the parent or
56 other person legally responsible for his OR HER care or the person with

1 whom he OR SHE is domiciled, that [the juvenile] SUCH offender OR PERSON
2 has been arrested, and the location of the facility where he OR SHE is
3 being detained. IF THE OFFICER DETERMINES THAT IT IS NECESSARY TO QUES-
4 TION A JUVENILE OFFENDER OR SUCH PERSON, THE OFFICER MUST TAKE HIM OR
5 HER TO A FACILITY DESIGNATED BY THE CHIEF ADMINISTRATOR OF THE COURTS AS
6 A SUITABLE PLACE FOR THE QUESTIONING OF CHILDREN OR, UPON THE CONSENT OF
7 A PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE CARE OF THE JUVE-
8 NILE OR SUCH PERSON, TO HIS OR HER RESIDENCE AND THERE QUESTION HIM OR
9 HER FOR A REASONABLE PERIOD OF TIME. A JUVENILE OR SUCH PERSON SHALL NOT
10 BE QUESTIONED PURSUANT TO THIS SECTION UNLESS HE OR SHE AND A PERSON
11 REQUIRED TO BE NOTIFIED PURSUANT TO THIS SUBDIVISION, IF PRESENT, HAVE
12 BEEN ADVISED:

13 (A) OF THE JUVENILE OFFENDER'S OR SUCH PERSON'S RIGHT TO REMAIN
14 SILENT;

15 (B) THAT THE STATEMENTS MADE BY HIM OR HER MAY BE USED IN A COURT OF
16 LAW;

17 (C) OF HIS OR HER RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUESTION-
18 ING; AND

19 (D) OF HIS OR HER RIGHT TO HAVE AN ATTORNEY PROVIDED FOR HIM OR HER
20 WITHOUT CHARGE IF HE OR SHE IS UNABLE TO AFFORD COUNSEL.

21 IN DETERMINING THE SUITABILITY OF QUESTIONING AND DETERMINING THE
22 REASONABLE PERIOD OF TIME FOR QUESTIONING SUCH A JUVENILE OFFENDER OR
23 PERSON, HIS OR HER AGE, THE PRESENCE OR ABSENCE OF HIS OR HER PARENTS OR
24 OTHER PERSONS LEGALLY RESPONSIBLE FOR HIS OR HER CARE AND NOTIFICATION
25 PURSUANT TO THIS SUBDIVISION SHALL BE INCLUDED AMONG RELEVANT CONSIDER-
26 ATIONS.

27 S 21. Subdivision 2 of section 140.27 of the criminal procedure law,
28 as amended by chapter 843 of the laws of 1980, is amended to read as
29 follows:

30 2. Upon arresting a person without a warrant, a peace officer, except
31 as otherwise provided in subdivision three OR THREE-A, must without
32 unnecessary delay bring him or cause him to be brought before a local
33 criminal court, as provided in section 100.55 and subdivision one of
34 section 140.20, and must without unnecessary delay file or cause to be
35 filed therewith an appropriate accusatory instrument. If the offense
36 which is the subject of the arrest is one of those specified in subdivi-
37 sion one of section 160.10, the arrested person must be fingerprinted
38 and photographed as therein provided. In order to execute the required
39 post-arrest functions, such arresting peace officer may perform such
40 functions himself or he may enlist the aid of a police officer for the
41 performance thereof in the manner provided in subdivision one of section
42 140.20.

43 S 22. Section 140.27 of the criminal procedure law is amended by
44 adding a new subdivision 3-a to read as follows:

45 3-A. IF THE ARREST IS FOR A JUVENILE OFFENDER OR ADOLESCENT OFFENDER
46 OTHER THAN AN ARREST FOR VIOLATIONS OR TRAFFIC INFRACTIONS, SUCH OFFEN-
47 DER SHALL BE BROUGHT BEFORE THE YOUTH PART OF THE SUPERIOR COURT. IF THE
48 YOUTH PART IS NOT IN SESSION, SUCH OFFENDER SHALL BE BROUGHT BEFORE THE
49 MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF THE
50 SUPREME COURT IN THE APPLICABLE DEPARTMENT TO ACT AS A YOUTH PART.

51 S 23. Subdivision 5 of section 140.27 of the criminal procedure law,
52 as added by chapter 411 of the laws of 1979, is amended to read as
53 follows:

54 5. Upon arresting a juvenile offender OR A PERSON SIXTEEN OR COMMENC-
55 ING OCTOBER FIRST, TWO THOUSAND NINETEEN, SEVENTEEN YEARS OF AGE without
56 a warrant, the peace officer shall immediately notify the parent or

1 other person legally responsible for his OR HER care or the person with
2 whom he OR SHE is domiciled, that [the juvenile] SUCH offender OR PERSON
3 has been arrested, and the location of the facility where he OR SHE is
4 being detained. IF THE OFFICER DETERMINES THAT IT IS NECESSARY TO QUES-
5 TION A JUVENILE OFFENDER OR SUCH PERSON, THE OFFICER MUST TAKE HIM OR
6 HER TO A FACILITY DESIGNATED BY THE CHIEF ADMINISTRATOR OF THE COURTS AS
7 A SUITABLE PLACE FOR THE QUESTIONING OF CHILDREN OR, UPON THE CONSENT OF
8 A PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE CARE OF A JUVENILE
9 OFFENDER OR SUCH PERSON, TO HIS OR HER RESIDENCE AND THERE QUESTION HIM
10 OR HER FOR A REASONABLE PERIOD OF TIME. A JUVENILE OFFENDER OR SUCH
11 PERSON SHALL NOT BE QUESTIONED PURSUANT TO THIS SECTION UNLESS THE JUVE-
12 NILE OFFENDER OR SUCH PERSON AND A PERSON REQUIRED TO BE NOTIFIED PURSU-
13 ANT TO THIS SUBDIVISION, IF PRESENT, HAVE BEEN ADVISED:

14 (A) OF HIS OR HER RIGHT TO REMAIN SILENT;

15 (B) THAT THE STATEMENTS MADE BY THE JUVENILE OFFENDER OR SUCH PERSON
16 MAY BE USED IN A COURT OF LAW;

17 (C) OF HIS OR HER RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUESTION-
18 ING; AND

19 (D) OF HIS OR HER RIGHT TO HAVE AN ATTORNEY PROVIDED FOR HIM OR HER
20 WITHOUT CHARGE IF HE OR SHE IS UNABLE TO AFFORD COUNSEL.

21 IN DETERMINING THE SUITABILITY OF QUESTIONING AND DETERMINING THE
22 REASONABLE PERIOD OF TIME FOR QUESTIONING SUCH A JUVENILE OFFENDER OR
23 SUCH PERSON, HIS OR HER AGE, THE PRESENCE OR ABSENCE OF HIS OR HER
24 PARENTS OR OTHER PERSONS LEGALLY RESPONSIBLE FOR HIS OR HER CARE AND
25 NOTIFICATION PURSUANT TO THIS SUBDIVISION SHALL BE INCLUDED AMONG RELE-
26 VANT CONSIDERATIONS.

27 S 24. Subdivision 5 of section 140.40 of the criminal procedure law,
28 as added by chapter 411 of the laws of 1979, is amended to read as
29 follows:

30 5. If a police officer takes an arrested juvenile offender OR A
31 PERSON SIXTEEN OR COMMENCING OCTOBER FIRST, TWO THOUSAND NINETEEN,
32 SEVENTEEN YEARS OF AGE into custody, the police officer shall immedi-
33 ately notify the parent or other person legally responsible for his OR HER
34 care or the person with whom he OR SHE is domiciled, that [the juvenile]
35 SUCH offender OR PERSON has been arrested, and the location of the
36 facility where he OR SHE is being detained. IF THE OFFICER DETERMINES
37 THAT IT IS NECESSARY TO QUESTION A JUVENILE OFFENDER OR SUCH PERSON THE
38 OFFICER MUST TAKE HIM OR HER TO A FACILITY DESIGNATED BY THE CHIEF
39 ADMINISTRATOR OF THE COURTS AS A SUITABLE PLACE FOR THE QUESTIONING OF
40 CHILDREN OR, UPON THE CONSENT OF A PARENT OR OTHER PERSON LEGALLY
41 RESPONSIBLE FOR THE CARE OF THE JUVENILE OFFENDER OR SUCH PERSON, TO HIS
42 OR HER RESIDENCE AND THERE QUESTION HIM OR HER FOR A REASONABLE PERIOD
43 OF TIME. A JUVENILE OFFENDER OR SUCH PERSON SHALL NOT BE QUESTIONED
44 PURSUANT TO THIS SECTION UNLESS HE OR SHE AND A PERSON REQUIRED TO BE
45 NOTIFIED PURSUANT TO THIS SUBDIVISION, IF PRESENT, HAVE BEEN ADVISED:

46 (A) OF HIS OR HER RIGHT TO REMAIN SILENT;

47 (B) THAT THE STATEMENTS MADE BY THE JUVENILE OFFENDER OR SUCH PERSON
48 MAY BE USED IN A COURT OF LAW;

49 (C) OF HIS OR HER RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUESTION-
50 ING; AND

51 (D) OF HIS OR HER RIGHT TO HAVE AN ATTORNEY PROVIDED FOR HIM OR HER
52 WITHOUT CHARGE IF HE OR SHE IS UNABLE TO AFFORD COUNSEL.

53 IN DETERMINING THE SUITABILITY OF QUESTIONING AND DETERMINING THE
54 REASONABLE PERIOD OF TIME FOR QUESTIONING SUCH A JUVENILE OFFENDER OR
55 SUCH PERSON, HIS OR HER AGE, THE PRESENCE OR ABSENCE OF HIS OR HER
56 PARENTS OR OTHER PERSONS LEGALLY RESPONSIBLE FOR HIS OR HER CARE AND

1 NOTIFICATION PURSUANT TO THIS SUBDIVISION SHALL BE INCLUDED AMONG RELE-
2 VANT CONSIDERATIONS.

3 S 25. Subdivisions 2, 3, 4, 5 and 6 of section 180.75 of the criminal
4 procedure law are REPEALED.

5 S 26. Subdivision 1 of section 180.75 of the criminal procedure law,
6 as added by chapter 481 of the laws of 1978, is amended to read as
7 follows:

8 1. When a juvenile offender OR ADOLESCENT OFFENDER is arraigned before
9 [a local criminal court] THE YOUTH PART OF A SUPERIOR COURT OR THE MOST
10 ACCESSIBLE MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF THE
11 SUPREME COURT IN THE APPLICABLE DEPARTMENT TO ACT AS A YOUTH PART, the
12 provisions of [this section] ARTICLE SEVEN HUNDRED TWENTY-TWO OF THIS
13 CHAPTER shall apply in lieu of the provisions of sections 180.30, 180.50
14 and 180.70 of this article.

15 S 27. The opening paragraph of section 180.80 of the criminal proce-
16 dure law, as amended by chapter 556 of the laws of 1982, is amended to
17 read as follows:

18 Upon application of a defendant against whom a felony complaint has
19 been filed with a local criminal court OR THE YOUTH PART OF A SUPERIOR
20 COURT, and who, since the time of his arrest or subsequent thereto, has
21 been held in custody pending disposition of such felony complaint, and
22 who has been confined in such custody for a period of more than one
23 hundred twenty hours or, in the event that a Saturday, Sunday or legal
24 holiday occurs during such custody, one hundred forty-four hours, with-
25 out either a disposition of the felony complaint or commencement of a
26 hearing thereon, the [local criminal] court must release him on his own
27 recognizance unless:

28 S 27-a. Section 190.80 of the criminal procedure law, the opening
29 paragraph as amended by chapter 411 of the laws of 1979, is amended to
30 read as follows:

31 S 190.80 Grand jury; release of defendant upon failure of timely grand
32 jury action.

33 Upon application of a defendant who on the basis of a felony complaint
34 has been held by a local criminal court for the action of a grand jury,
35 and who, at the time of such order or subsequent thereto, has been
36 committed to the custody of the sheriff pending such grand jury action,
37 and who has been confined in such custody for a period of more than
38 forty-five days, or, in the case of a juvenile offender OR ADOLESCENT
39 OFFENDER, thirty days, without the occurrence of any grand jury action
40 or disposition pursuant to subdivision one, two or three of section
41 190.60, the superior court by which such grand jury was or is to be
42 impaneled must release him on his own recognizance unless:

43 (a) The lack of a grand jury disposition during such period of
44 confinement was due to the defendant's request, action or condition, or
45 occurred with his consent; or

46 (b) The people have shown good cause why such order of release should
47 not be issued. Such good cause must consist of some compelling fact or
48 circumstance which precluded grand jury action within the prescribed
49 period or rendered the same against the interest of justice.

50 S 28. Subdivision (b) of section 190.71 of the criminal procedure law,
51 as added by chapter 481 of the laws of 1978, is amended to read as
52 follows:

53 (b) A grand jury may vote to file a request to remove a charge to the
54 family court if it finds that a person [thirteen, fourteen or fifteen]
55 SIXTEEN, OR COMMENCING OCTOBER FIRST, TWO THOUSAND NINETEEN, SEVENTEEN
56 years of age OR YOUNGER did an act which, if done by a person over the

1 age of sixteen, OR COMMENCING OCTOBER FIRST, TWO THOUSAND NINETEEN,
2 SEVENTEEN, would constitute a crime provided (1) such act is one for
3 which it may not indict; (2) it does not indict such person for a crime;
4 and (3) the evidence before it is legally sufficient to establish that
5 such person did such act and competent and admissible evidence before it
6 provides reasonable cause to believe that such person did such act.

7 S 29. Subdivision 6 of section 200.20 of the criminal procedure law,
8 as added by chapter 136 of the laws of 1980, is amended to read as
9 follows:

10 6. Where an indictment charges at least one offense against a defend-
11 ant who was under the age of [sixteen] SEVENTEEN, OR COMMENCING OCTOBER
12 FIRST, TWO THOUSAND NINETEEN, EIGHTEEN at the time of the commission of
13 the crime and who did not lack criminal responsibility for such crime by
14 reason of infancy, the indictment may, in addition, charge in separate
15 counts one or more other offenses for which such person would not have
16 been criminally responsible by reason of infancy, if:

17 (a) the offense for which the defendant is criminally responsible and
18 the one or more other offenses for which he OR SHE would not have been
19 criminally responsible by reason of infancy are based upon the same act
20 or upon the same criminal transaction, as that term is defined in subdi-
21 vision two of section 40.10 of this chapter; or

22 (b) the offenses are of such nature that either proof of the first
23 offense would be material and admissible as evidence in chief upon a
24 trial of the second, or proof of the second would be material and admis-
25 sible as evidence in chief upon a trial of the first.

26 S 29-a. Subdivision 7 of section 210.30 of the criminal procedure law,
27 as added by chapter 136 of the laws of 1980, is amended to read as
28 follows:

29 7. Notwithstanding any other provision of law, where the indictment is
30 filed against a juvenile offender OR ADOLESCENT OFFENDER, the court
31 shall dismiss the indictment or count thereof where the evidence before
32 the grand jury was not legally sufficient to establish the offense
33 charged or any lesser included offense for which the defendant is crimi-
34 nally responsible. Upon such dismissal, unless the court shall authorize
35 the people to resubmit the charge to a subsequent grand jury, and upon a
36 finding that there was sufficient evidence to believe defendant is a
37 juvenile delinquent as defined in subdivision (a) of section seven
38 hundred twelve of the family court act and upon specifying the act or
39 acts it found sufficient evidence to believe defendant committed, the
40 court may direct that such matter be removed to family court in accord-
41 ance with the provisions of article seven hundred twenty-five of this
42 chapter.

43 S 30. Section 210.43 of the criminal procedure law is REPEALED.

44 S 31. Intentionally omitted.

45 S 31-a. Paragraph (a) of subdivision 1 of section 255.10 of the crimi-
46 nal procedure law, as amended by chapter 209 of the laws of 1990, is
47 amended to read as follows:

48 (a) dismissing or reducing an indictment pursuant to article 210 or
49 removing an action to the family court pursuant to [section 210.43]
50 ARTICLE 722; or

51 S 31-b. Subdivisions 1 and 2 of section 330.25 of the criminal proce-
52 dure law, subdivision 1 as added by chapter 481 of the laws of 1978 and
53 subdivision 2 as amended by chapter 920 of the laws of 1982, are amended
54 to read as follows:

55 1. Where a defendant is a juvenile offender OR AN ADOLESCENT OFFENDER
56 who does not stand convicted of murder in the second degree, upon motion

1 and with the consent of the district attorney, the action may be removed
2 to the family court in the interests of justice pursuant to article
3 seven hundred twenty-five of this chapter notwithstanding the verdict.

4 2. If the district attorney consents to the motion for removal pursu-
5 ant to this section, he shall file a subscribed memorandum with the
6 court setting forth (1) a recommendation that the interests of justice
7 would best be served by removal of the action to the family court; and
8 (2) if the conviction is of an offense set forth in paragraph (b) of
9 subdivision one of section [210.43] 722.22 of this chapter, specific
10 factors, one or more of which reasonably support the recommendation,
11 showing, (i) mitigating circumstances that bear directly upon the manner
12 in which the crime was committed, or (ii) where the defendant was not
13 the sole participant in the crime, that the defendant's participation
14 was relatively minor although not so minor as to constitute a defense to
15 prosecution, or (iii) where the juvenile offender has no previous adju-
16 dications of having committed a designated felony act, as defined in
17 subdivision eight of section 301.2 of the family court act, regardless
18 of the age of the offender at the time of commission of the act, that
19 the criminal act was not part of a pattern of criminal behavior and, in
20 view of the history of the offender, is not likely to be repeated.

21 S 32. Subdivision 2 of section 410.40 of the criminal procedure law,
22 as amended by chapter 652 of the laws of 2008, is amended to read as
23 follows:

24 2. Warrant. (A) Where the probation officer has requested that a
25 probation warrant be issued, the court shall, within seventy-two hours
26 of its receipt of the request, issue or deny the warrant or take any
27 other lawful action including issuance of a notice to appear pursuant to
28 subdivision one of this section. If at any time during the period of a
29 sentence of probation or of conditional discharge the court has reason-
30 able grounds to believe that the defendant has violated a condition of
31 the sentence, the court may issue a warrant to a police officer or to an
32 appropriate peace officer directing him or her to take the defendant
33 into custody and bring the defendant before the court without unneces-
34 sary delay; provided, however, if the court in which the warrant is
35 returnable is a superior court, and such court is not available, and the
36 warrant is addressed to a police officer or appropriate probation offi-
37 cer certified as a peace officer, such executing officer may UNLESS
38 OTHERWISE SPECIFIED UNDER PARAGRAPH (B) OF THIS SUBDIVISION, bring the
39 defendant to the local correctional facility of the county in which such
40 court sits, to be detained there until not later than the commencement
41 of the next session of such court occurring on the next business day; or
42 if the court in which the warrant is returnable is a local criminal
43 court, and such court is not available, and the warrant is addressed to
44 a police officer or appropriate probation officer certified as a peace
45 officer, such executing officer must without unnecessary delay bring the
46 defendant before an alternate local criminal court, as provided in
47 subdivision five of section 120.90 of this chapter. A court which issues
48 such a warrant may attach thereto a summary of the basis for the
49 warrant. In any case where a defendant arrested upon the warrant is
50 brought before a local criminal court other than the court in which the
51 warrant is returnable, such local criminal court shall consider such
52 summary before issuing a securing order with respect to the defendant.

53 (B) IF THE COURT IN WHICH THE WARRANT IS RETURNABLE IS A SUPERIOR
54 COURT, AND SUCH COURT IS NOT AVAILABLE, AND THE WARRANT IS ADDRESSED TO
55 A POLICE OFFICER OR APPROPRIATE PROBATION OFFICER CERTIFIED AS A PEACE
56 OFFICER, SUCH EXECUTING OFFICER SHALL, WHERE A DEFENDANT IS SIXTEEN

1 YEARS OF AGE OR YOUNGER WHO ALLEGEDLY COMMITS AN OFFENSE OR A VIOLATION
2 OF HIS OR HER PROBATION OR CONDITIONAL DISCHARGE IMPOSED FOR AN OFFENSE
3 ON OR AFTER OCTOBER FIRST, TWO THOUSAND EIGHTEEN, OR WHERE A DEFENDANT
4 IS SEVENTEEN YEARS OF AGE OR YOUNGER WHO ALLEGEDLY COMMITS AN OFFENSE OR
5 A VIOLATION OF HIS OR HER PROBATION OR CONDITIONAL DISCHARGE IMPOSED FOR
6 AN OFFENSE ON OR AFTER OCTOBER FIRST, TWO THOUSAND NINETEEN, BRING THE
7 DEFENDANT WITHOUT UNNECESSARY DELAY BEFORE THE YOUTH PART, PROVIDED,
8 HOWEVER THAT IF THE YOUTH PART IS NOT IN SESSION, THE DEFENDANT SHALL BE
9 BROUGHT BEFORE THE MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE APPEL-
10 LATE DIVISION.

11 S 33. Intentionally omitted.

12 S 34. Intentionally omitted.

13 S 35. The criminal procedure law is amended by adding a new section
14 410.90-a to read as follows:

15 S 410.90-A SUPERIOR COURT; YOUTH PART.

16 NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE, ALL PROCEEDINGS
17 RELATING TO A JUVENILE OFFENDER OR ADOLESCENT OFFENDER SHALL BE HEARD IN
18 THE YOUTH PART OF THE SUPERIOR COURT HAVING JURISDICTION AND ANY INTRA-
19 STATE TRANSFERS UNDER THIS ARTICLE SHALL BE BETWEEN COURTS DESIGNATED AS
20 A YOUTH PART PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-TWO OF THIS CHAP-
21 TER.

22 S 36. Section 510.15 of the criminal procedure law, as amended by
23 chapter 411 of the laws of 1979, subdivision 1 as designated and subdi-
24 vision 2 as added by chapter 359 of the laws of 1980, is amended to read
25 as follows:

26 S 510.15 Commitment of principal under [sixteen] SEVENTEEN OR EIGHTEEN.

27 1. When a principal who is under the age of sixteen is committed to
28 the custody of the sheriff the court must direct that the principal be
29 taken to and lodged in a place certified by the [state division for
30 youth] OFFICE OF CHILDREN AND FAMILY SERVICES as a juvenile detention
31 facility for the reception of children. WHEN A PRINCIPAL WHO (A)
32 COMMENCING OCTOBER FIRST, TWO THOUSAND EIGHTEEN, IS SIXTEEN YEARS OF
33 AGE; OR (B) COMMENCING OCTOBER FIRST, TWO THOUSAND NINETEEN, IS SIXTEEN
34 OR SEVENTEEN YEARS OF AGE, IS COMMITTED TO THE CUSTODY OF THE SHERIFF,
35 THE COURT MUST DIRECT THAT THE PRINCIPAL BE TAKEN TO AND LODGED IN A
36 PLACE CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES IN
37 CONJUNCTION WITH THE STATE COMMISSION OF CORRECTION AS A SPECIALIZED
38 SECURE JUVENILE DETENTION FACILITY FOR OLDER YOUTH. Where such a direc-
39 tion is made the sheriff shall deliver the principal in accordance ther-
40 ewith and such person shall although lodged and cared for in a juvenile
41 detention facility continue to be deemed to be in the custody of the
42 sheriff. No principal under the age [of sixteen] SPECIFIED to whom the
43 provisions of this section may apply shall be detained in any prison,
44 jail, lockup, or other place used for adults convicted of a crime or
45 under arrest and charged with the commission of a crime without the
46 approval of the [state division for youth] OFFICE OF CHILDREN AND FAMILY
47 SERVICES WHICH SHALL CONSULT WITH THE COMMISSION OF CORRECTION IF THE
48 PRINCIPAL IS SIXTEEN YEARS OF AGE OR OLDER in the case of each principal
49 and the statement of its reasons therefor. The sheriff shall not be
50 liable for any acts done to or by such principal resulting from negli-
51 gence in the detention of and care for such principal, when the princi-
52 pal is not in the actual custody of the sheriff.

53 2. Except upon consent of the defendant or for good cause shown, in
54 any case in which a new securing order is issued for a principal previ-
55 ously committed to the custody of the sheriff pursuant to this section,
56 such order shall further direct the sheriff to deliver the principal

1 from a juvenile detention facility to the person or place specified in
2 the order.

3 S 36-a. The correction law is amended by adding a new section 500-p to
4 read as follows:

5 S 500-P. PROHIBITION ON THE CUSTODY OF YOUTH IN RIKERS ISLAND FACILI-
6 TIES. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO YOUTH UNDER THE
7 AGE OF EIGHTEEN SHALL BE PLACED OR HELD IN RIKERS ISLAND CORRECTIONAL
8 FACILITY OR ANY FACILITY LOCATED ON RIKERS ISLAND LOCATED IN THE CITY OF
9 NEW YORK ON OR AFTER APRIL FIRST, TWO THOUSAND EIGHTEEN, TO THE EXTENT
10 PRACTICABLE, BUT IN NO EVENT AFTER OCTOBER FIRST, TWO THOUSAND EIGHTEEN
11 AND SUCH YOUTH SHALL BE TAKEN TO AND LODGED IN PLACES CERTIFIED BY THE
12 OFFICE OF CHILDREN AND FAMILY SERVICES IN CONJUNCTION WITH THE COMMIS-
13 SION OF CORRECTION AND OPERATED BY THE NEW YORK CITY ADMINISTRATION FOR
14 CHILDREN'S SERVICES IN CONJUNCTION WITH THE NEW YORK CITY DEPARTMENT OF
15 CORRECTIONS AS A SPECIALIZED JUVENILE DETENTION FACILITY FOR THAT
16 PURPOSE.

17 S 37. Intentionally omitted.

18 S 38. Section 30.00 of the penal law, as amended by chapter 481 of the
19 laws of 1978, subdivision 2 as amended by chapter 7 of the laws of 2007,
20 is amended to read as follows:

21 S 30.00 Infancy.

22 1. Except as provided in [subdivision] SUBDIVISIONS two AND THREE of
23 this section, a person less than [sixteen] SEVENTEEN, OR COMMENCING
24 OCTOBER FIRST, TWO THOUSAND NINETEEN, A PERSON LESS THAN EIGHTEEN years
25 old is not criminally responsible for conduct.

26 2. A person thirteen, fourteen or, fifteen years of age is criminally
27 responsible for acts constituting murder in the second degree as defined
28 in subdivisions one and two of section 125.25 and in subdivision three
29 of such section provided that the underlying crime for the murder charge
30 is one for which such person is criminally responsible or for such
31 conduct as a sexually motivated felony, where authorized pursuant to
32 section 130.91 of [the penal law] THIS CHAPTER; and a person fourteen
33 or, fifteen years of age is criminally responsible for acts constituting
34 the crimes defined in section 135.25 (kidnapping in the first degree);
35 150.20 (arson in the first degree); subdivisions one and two of section
36 120.10 (assault in the first degree); 125.20 (manslaughter in the first
37 degree); subdivisions one and two of section 130.35 (rape in the first
38 degree); subdivisions one and two of section 130.50 (criminal sexual act
39 in the first degree); 130.70 (aggravated sexual abuse in the first
40 degree); 140.30 (burglary in the first degree); subdivision one of
41 section 140.25 (burglary in the second degree); 150.15 (arson in the
42 second degree); 160.15 (robbery in the first degree); subdivision two of
43 section 160.10 (robbery in the second degree) of this chapter; or
44 section 265.03 of this chapter, where such machine gun or such firearm
45 is possessed on school grounds, as that phrase is defined in subdivision
46 fourteen of section 220.00 of this chapter; or defined in this chapter
47 as an attempt to commit murder in the second degree or kidnapping in the
48 first degree, or for such conduct as a sexually motivated felony, where
49 authorized pursuant to section 130.91 of [the penal law] THIS CHAPTER.

50 3. A PERSON SIXTEEN OR COMMENCING OCTOBER FIRST, TWO THOUSAND NINE-
51 TEEN, SEVENTEEN YEARS OF AGE IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTI-
52 TUTING:

53 (A) A FELONY, AS DEFINED IN SUBDIVISION FIVE OF SECTION 10.00 OF THIS
54 CHAPTER;

55 (B) A TRAFFIC INFRACTION, AS DEFINED IN SUBDIVISION TWO OF SECTION
56 10.00 OF THIS CHAPTER;

1 (C) A VIOLATION, AS DEFINED IN SUBDIVISION THREE OF SECTION 10.00 OF
2 THIS CHAPTER;

3 (D) A MISDEMEANOR AS DEFINED IN SUBDIVISION FOUR OF SECTION 10.00 OF
4 THIS CHAPTER, BUT ONLY WHEN THE CHARGE FOR SUCH MISDEMEANOR IS:

5 (I) ACCOMPANIED BY A FELONY CHARGE THAT IS SHOWN TO HAVE BEEN COMMIT-
6 TED AS A PART OF THE SAME CRIMINAL TRANSACTION, AS DEFINED IN SUBDIVI-
7 SION TWO OF SECTION 40.10 OF THE CRIMINAL PROCEDURE LAW;

8 (II) RESULTS FROM REDUCTION OR DISMISSAL IN SATISFACTION OF A CHARGE
9 FOR A FELONY OFFENSE, IN ACCORDANCE WITH A PLEA OF GUILTY PURSUANT TO
10 SUBDIVISION FOUR OF SECTION 220.10 OF THE CRIMINAL PROCEDURE LAW; OR

11 (III) A MISDEMEANOR DEFINED IN THE VEHICLE AND TRAFFIC LAW.

12 4. In any prosecution for an offense, lack of criminal responsibility
13 by reason of infancy, as defined in this section, is a defense.

14 S 39. Intentionally omitted.

15 S 40. Intentionally omitted.

16 S 40-a. Subdivision 5 of section 70.00 of the penal law, as amended by
17 chapter 482 of the laws of 2009, is amended to read as follows:

18 5. Life imprisonment without parole. Notwithstanding any other
19 provision of law, a defendant sentenced to life imprisonment without
20 parole shall not be or become eligible for parole or conditional
21 release. For purposes of commitment and custody, other than parole and
22 conditional release, such sentence shall be deemed to be an indetermi-
23 nate sentence. A defendant may be sentenced to life imprisonment without
24 parole upon conviction for the crime of murder in the first degree as
25 defined in section 125.27 of this chapter and in accordance with the
26 procedures provided by law for imposing a sentence for such crime. A
27 defendant WHO WAS EIGHTEEN YEARS OF AGE OR OLDER AT THE TIME OF THE
28 COMMISSION OF THE CRIME must be sentenced to life imprisonment without
29 parole upon conviction for the crime of terrorism as defined in section
30 490.25 of this chapter, where the specified offense the defendant
31 committed is a class A-I felony; the crime of criminal possession of a
32 chemical weapon or biological weapon in the first degree as defined in
33 section 490.45 of this chapter; or the crime of criminal use of a chemi-
34 cal weapon or biological weapon in the first degree as defined in
35 section 490.55 of this chapter; provided, however, that nothing in this
36 subdivision shall preclude or prevent a sentence of death when the
37 defendant is also convicted of the crime of murder in the first degree
38 as defined in section 125.27 of this chapter. A DEFENDANT WHO WAS
39 SEVENTEEN YEARS OF AGE OR YOUNGER AT THE TIME OF THE COMMISSION OF THE
40 CRIME MAY BE SENTENCED, IN ACCORDANCE WITH LAW, TO THE APPLICABLE INDE-
41 TERMINATE SENTENCE WITH A MAXIMUM TERM OF LIFE IMPRISONMENT. A defendant
42 must be sentenced to life imprisonment without parole upon conviction
43 for the crime of murder in the second degree as defined in subdivision
44 five of section 125.25 of this chapter or for the crime of aggravated
45 murder as defined in subdivision one of section 125.26 of this chapter.
46 A defendant may be sentenced to life imprisonment without parole upon
47 conviction for the crime of aggravated murder as defined in subdivision
48 two of section 125.26 of this chapter.

49 S 41. The penal law is amended by adding a new section 60.10-a to read
50 as follows:

51 S 60.10-A AUTHORIZED DISPOSITION; ADOLESCENT OFFENDER.

52 WHEN AN ADOLESCENT OFFENDER IS CONVICTED OF AN OFFENSE, THE COURT
53 SHALL SENTENCE THE DEFENDANT TO ANY SENTENCE AUTHORIZED TO BE IMPOSED ON
54 A PERSON WHO COMMITTED SUCH OFFENSE AT AGE EIGHTEEN OR OLDER. WHEN A
55 SENTENCE IS IMPOSED, THE COURT SHALL CONSIDER THE AGE OF THE DEFENDANT
56 IN EXERCISING ITS DISCRETION AT SENTENCING.

1 S 42. Intentionally omitted.

2 S 43. Subdivision 2 of section 70.20 of the penal law, as amended by
3 chapter 437 of the laws of 2013, is amended to read as follows:

4 2. [(a)] Definite sentence. Except as provided in subdivision four of
5 this section, when a definite sentence of imprisonment is imposed, the
6 court shall commit the defendant to the county or regional correctional
7 institution for the term of his sentence and until released in accord-
8 ance with the law.

9 [(b) The court in committing a defendant who is not yet eighteen years
10 of age to the local correctional facility shall inquire as to whether
11 the parents or legal guardian of the defendant, if present, will grant
12 to the minor the capacity to consent to routine medical, dental and
13 mental health services and treatment.

14 (c) Nothing in this subdivision shall preclude a parent or legal guar-
15 dian of an inmate who is not yet eighteen years of age from making a
16 motion on notice to the local correction facility pursuant to article
17 twenty-two of the civil practice law and rules and section one hundred
18 forty of the correction law, objecting to routine medical, dental or
19 mental health services and treatment being provided to such inmate under
20 the provisions of paragraph (b) of this subdivision.]

21 S 44. Paragraph (a) of subdivision 4 of section 70.20 of the penal
22 law, as amended by section 124 of subpart B of part C of chapter 62 of
23 the laws of 2011, is amended and two new paragraphs (a-1) and (a-2) are
24 added to read as follows:

25 (a) Notwithstanding any other provision of law to the contrary, a
26 juvenile offender, ADOLESCENT OFFENDER, or a juvenile offender OR
27 ADOLESCENT OFFENDER who is adjudicated a youthful offender [and], WHO IS
28 given an indeterminate, DETERMINATE or a definite sentence, AND WHO IS
29 UNDER THE AGE OF TWENTY-ONE AT THE TIME OF SENTENCING, shall be commit-
30 ted to the custody of the commissioner of the office of children and
31 family services who shall arrange for the confinement of such offender
32 in secure facilities of the office; PROVIDED, HOWEVER IF AN ADOLESCENT
33 OFFENDER WHO COMMITTED A CRIME ON OR AFTER THE YOUTH'S SIXTEENTH BIRTH-
34 DAY RECEIVES A DEFINITE SENTENCE NOT EXCEEDING ONE YEAR, THE JUDGE MAY
35 ORDER THAT THE ADOLESCENT OFFENDER SERVE SUCH SENTENCE IN A SPECIALIZED
36 SECURE JUVENILE DETENTION FACILITY FOR OLDER YOUTH CERTIFIED BY THE
37 OFFICE OF CHILDREN AND FAMILY SERVICES IN CONJUNCTION WITH THE STATE
38 COMMISSION OF CORRECTION AND OPERATED PURSUANT TO SECTION TWO HUNDRED
39 EIGHTEEN-A OF THE COUNTY LAW. The release or transfer of such JUVENILE
40 offenders OR ADOLESCENT OFFENDERS from the office of children and family
41 services shall be governed by section five hundred eight of the execu-
42 tive law.

43 (A-1) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, AN ADOLESCENT
44 OFFENDER, OR AN ADOLESCENT OFFENDER WHO IS ADJUDICATED A YOUTHFUL OFFEN-
45 DER, WHO IS GIVEN AN INDETERMINATE OR DETERMINATE SENTENCE SHALL BE
46 COMMITTED TO THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AND
47 IF SUCH PERSON IS UNDER EIGHTEEN YEARS OF AGE AT SENTENCING, HE OR SHE
48 SHALL BE PLACED IN AN ADOLESCENT OFFENDER FACILITY PURSUANT TO SECTION
49 SEVENTY-SEVEN OF THE CORRECTION LAW, OPERATED BY SUCH DEPARTMENT.

50 (A-2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A
51 PERSON SIXTEEN YEARS OF AGE WHO COMMITS A VEHICLE AND TRAFFIC LAW
52 OFFENSE THAT DOES NOT CONSTITUTE AN ADOLESCENT OFFENDER OFFENSE ON OR
53 AFTER OCTOBER FIRST, TWO THOUSAND EIGHTEEN AND A PERSON SEVENTEEN YEARS
54 OF AGE WHO COMMITS SUCH AN OFFENSE ON OR AFTER OCTOBER FIRST, TWO THOU-
55 SAND NINETEEN WHO IS SENTENCED TO A TERM OF IMPRISONMENT WHO IS UNDER
56 THE AGE OF TWENTY-ONE AT THE TIME HE OR SHE IS SENTENCED SHALL BE

1 COMMITTED TO A SPECIALIZED SECURE DETENTION FACILITY FOR OLDER YOUTH
2 CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES IN CONJUNCTION
3 WITH THE STATE COMMISSION OF CORRECTION.

4 S 44-a. Intentionally omitted.

5 S 44-b. Intentionally omitted.

6 S 45. Intentionally omitted.

7 S 46. Intentionally omitted.

8 S 47. Intentionally omitted.

9 S 48. The criminal procedure law is amended by adding a new section
10 160.59 to read as follows:

11 S 160.59 SEALING OF CERTAIN CONVICTIONS.

12 1. DEFINITIONS: AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL
13 HAVE THE FOLLOWING MEANINGS:

14 (A) "ELIGIBLE OFFENSE" SHALL MEAN ANY CRIME DEFINED IN THE LAWS OF
15 THIS STATE OTHER THAN A SEX OFFENSE DEFINED IN ARTICLE ONE HUNDRED THIR-
16 TY OF THE PENAL LAW, AN OFFENSE DEFINED IN ARTICLE TWO HUNDRED
17 SIXTY-THREE OF THE PENAL LAW, A FELONY OFFENSE DEFINED IN ARTICLE ONE
18 HUNDRED TWENTY-FIVE OF THE PENAL LAW, A VIOLENT FELONY OFFENSE DEFINED
19 IN SECTION 70.02 OF THE PENAL LAW, A CLASS A FELONY OFFENSE DEFINED IN
20 THE PENAL LAW, A FELONY OFFENSE DEFINED IN ARTICLE ONE HUNDRED FIVE OF
21 THE PENAL LAW WHERE THE UNDERLYING OFFENSE IS NOT AN ELIGIBLE OFFENSE,
22 AN ATTEMPT TO COMMIT AN OFFENSE THAT IS NOT AN ELIGIBLE OFFENSE IF THE
23 ATTEMPT IS A FELONY, OR AN OFFENSE FOR WHICH REGISTRATION AS A SEX
24 OFFENDER IS REQUIRED PURSUANT TO ARTICLE SIX-C OF THE CORRECTION LAW.
25 FOR THE PURPOSES OF THIS SECTION, WHERE THE DEFENDANT IS CONVICTED OF
26 MORE THAN ONE ELIGIBLE OFFENSE, COMMITTED AS PART OF THE SAME CRIMINAL
27 TRANSACTION AS DEFINED IN SUBDIVISION TWO OF SECTION 40.10 OF THIS CHAP-
28 TER, THOSE OFFENSES SHALL BE CONSIDERED ONE ELIGIBLE OFFENSE.

29 (B) "SENTENCING JUDGE" SHALL MEAN THE JUDGE WHO PRONOUNCED SENTENCE
30 UPON THE CONVICTION UNDER CONSIDERATION, OR IF THAT JUDGE IS NO LONGER
31 SITTING IN A COURT IN THE JURISDICTION IN WHICH THE CONVICTION WAS
32 OBTAINED, ANY OTHER JUDGE WHO IS SITTING IN THE CRIMINAL COURT WHERE THE
33 JUDGMENT OF CONVICTION WAS ENTERED.

34 1-A. THE CHIEF ADMINISTRATOR OF THE COURTS SHALL, PURSUANT TO SECTION
35 10.40 OF THIS CHAPTER, PRESCRIBE A FORM APPLICATION WHICH MAY BE USED BY
36 A DEFENDANT TO APPLY FOR SEALING PURSUANT TO THIS SECTION. SUCH FORM
37 APPLICATION SHALL INCLUDE ALL THE ESSENTIAL ELEMENTS REQUIRED BY THIS
38 SECTION TO BE INCLUDED IN AN APPLICATION FOR SEALING. NOTHING IN THIS
39 SUBDIVISION SHALL BE READ TO REQUIRE A DEFENDANT TO USE SUCH FORM APPLI-
40 CATION TO APPLY FOR SEALING.

41 2. (A) A DEFENDANT WHO HAS BEEN CONVICTED OF UP TO TWO ELIGIBLE
42 OFFENSES BUT NOT MORE THAN ONE FELONY OFFENSE MAY APPLY TO THE COURT IN
43 WHICH HE OR SHE WAS CONVICTED OF THE MOST SERIOUS OFFENSE TO HAVE SUCH
44 CONVICTION SEALED. IF ALL OFFENSES ARE OFFENSES WITH THE SAME CLASSI-
45 FICATION, THE APPLICATION SHALL BE MADE TO THE COURT IN WHICH THE
46 DEFENDANT WAS LAST CONVICTED.

47 (B) AN APPLICATION SHALL CONTAIN (I) A COPY OF A CERTIFICATE OF DISPO-
48 SITION OR OTHER SIMILAR DOCUMENTATION FOR ANY OFFENSE FOR WHICH THE
49 DEFENDANT HAS BEEN CONVICTED, OR AN EXPLANATION OF WHY SUCH CERTIFICATE
50 OR OTHER DOCUMENTATION IS NOT AVAILABLE; (II) A SWORN STATEMENT OF THE
51 DEFENDANT AS TO WHETHER HE OR SHE HAS FILED, OR THEN INTENDS TO FILE,
52 ANY APPLICATION FOR SEALING OF ANY OTHER ELIGIBLE OFFENSE; (III) A COPY
53 OF ANY OTHER SUCH APPLICATION THAT HAS BEEN FILED; (IV) A SWORN STATE-
54 MENT AS TO THE CONVICTION OR CONVICTIONS FOR WHICH RELIEF IS BEING
55 SOUGHT; AND (V) A SWORN STATEMENT OF THE REASON OR REASONS WHY THE COURT

1 SHOULD, IN ITS DISCRETION, GRANT SUCH SEALING, ALONG WITH ANY SUPPORTING
2 DOCUMENTATION.

3 (C) A COPY OF ANY APPLICATION FOR SUCH SEALING SHALL BE SERVED UPON
4 THE DISTRICT ATTORNEY OF THE COUNTY IN WHICH THE CONVICTION, OR, IF MORE
5 THAN ONE, THE CONVICTIONS, WAS OR WERE OBTAINED. THE DISTRICT ATTORNEY
6 SHALL NOTIFY THE COURT WITHIN FORTY-FIVE DAYS IF HE OR SHE OBJECTS TO
7 THE APPLICATION FOR SEALING.

8 (D) WHEN SUCH APPLICATION IS FILED WITH THE COURT, IT SHALL BE
9 ASSIGNED TO THE SENTENCING JUDGE UNLESS MORE THAN ONE APPLICATION IS
10 FILED IN WHICH CASE THE APPLICATION SHALL BE ASSIGNED TO THE COUNTY
11 COURT OR THE SUPREME COURT OF THE COUNTY IN WHICH THE CRIMINAL COURT IS
12 LOCATED, WHO SHALL REQUEST AND RECEIVE FROM THE DIVISION OF CRIMINAL
13 JUSTICE SERVICES A FINGERPRINT BASED CRIMINAL HISTORY RECORD OF THE
14 DEFENDANT, INCLUDING ANY SEALED OR SUPPRESSED RECORDS. THE DIVISION OF
15 CRIMINAL JUSTICE SERVICES ALSO SHALL INCLUDE A CRIMINAL HISTORY REPORT,
16 IF ANY, FROM THE FEDERAL BUREAU OF INVESTIGATION REGARDING ANY CRIMINAL
17 HISTORY INFORMATION THAT OCCURRED IN OTHER JURISDICTIONS. THE DIVISION
18 IS HEREBY AUTHORIZED TO RECEIVE SUCH INFORMATION FROM THE FEDERAL BUREAU
19 OF INVESTIGATION FOR THIS PURPOSE, AND TO MAKE SUCH INFORMATION AVAIL-
20 ABLE TO THE COURT, WHICH MAY MAKE THIS INFORMATION AVAILABLE TO THE
21 DISTRICT ATTORNEY AND THE DEFENDANT.

22 3. THE SENTENCING JUDGE, OR COUNTY OR SUPREME COURT SHALL SUMMARILY
23 DENY THE DEFENDANT'S APPLICATION WHEN:

24 (A) THE DEFENDANT IS REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT
25 TO ARTICLE SIX-C OF THE CORRECTION LAW; OR

26 (B) THE DEFENDANT HAS PREVIOUSLY OBTAINED SEALING OF THE MAXIMUM
27 NUMBER OF CONVICTIONS ALLOWABLE UNDER SECTION 160.58 OF THE CRIMINAL
28 PROCEDURE LAW; OR

29 (C) THE DEFENDANT HAS PREVIOUSLY OBTAINED SEALING OF THE MAXIMUM
30 NUMBER OF CONVICTIONS ALLOWABLE UNDER SUBDIVISION FOUR OF THIS SECTION;
31 OR

32 (D) THE TIME PERIOD SPECIFIED IN SUBDIVISION FIVE OF THIS SECTION HAS
33 NOT YET BEEN SATISFIED; OR

34 (E) THE DEFENDANT HAS AN UNDISPOSED ARREST OR CHARGE PENDING; OR

35 (F) THE DEFENDANT WAS CONVICTED OF ANY CRIME AFTER THE DATE OF THE
36 ENTRY OF JUDGEMENT OF THE LAST CONVICTION FOR WHICH SEALING IS SOUGHT;
37 OR

38 (G) THE DEFENDANT HAS FAILED TO PROVIDE THE COURT WITH THE REQUIRED
39 SWORN STATEMENT OF THE REASONS WHY THE COURT SHOULD GRANT THE RELIEF
40 REQUESTED; OR

41 (H) THE DEFENDANT HAS BEEN CONVICTED OF TWO OR MORE FELONIES OR MORE
42 THAN TWO CRIMES.

43 4. PROVIDED THAT THE APPLICATION IS NOT SUMMARILY DENIED FOR THE
44 REASONS SET FORTH IN SUBDIVISION THREE OF THIS SECTION, A DEFENDANT WHO
45 STANDS CONVICTED OF UP TO TWO ELIGIBLE OFFENSES, MAY OBTAIN SEALING OF
46 NO MORE THAN TWO ELIGIBLE OFFENSES BUT NOT MORE THAN ONE FELONY OFFENSE.

47 5. ANY ELIGIBLE OFFENSE MAY BE SEALED ONLY AFTER AT LEAST TEN YEARS
48 HAVE PASSED SINCE THE IMPOSITION OF THE SENTENCE ON THE DEFENDANT'S
49 LATEST CONVICTION OR, IF THE DEFENDANT WAS SENTENCED TO A PERIOD OF
50 INCARCERATION, INCLUDING A PERIOD OF INCARCERATION IMPOSED IN CONJUNC-
51 TION WITH A SENTENCE OF PROBATION, THE DEFENDANT'S LATEST RELEASE FROM
52 INCARCERATION. IN CALCULATING THE TEN YEAR PERIOD UNDER THIS SUBDIVI-
53 SION, ANY PERIOD OF TIME THE DEFENDANT SPENT INCARCERATED AFTER THE
54 CONVICTION FOR WHICH THE APPLICATION FOR SEALING IS SOUGHT, SHALL BE
55 EXCLUDED AND SUCH TEN YEAR PERIOD SHALL BE EXTENDED BY A PERIOD OR PERI-
56 ODS EQUAL TO THE TIME SERVED UNDER SUCH INCARCERATION.

1 6. UPON DETERMINING THAT THE APPLICATION IS NOT SUBJECT TO MANDATORY
2 DENIAL PURSUANT TO SUBDIVISION THREE OF THIS SECTION AND THAT THE APPLI-
3 CATION IS OPPOSED BY THE DISTRICT ATTORNEY, THE SENTENCING JUDGE OR
4 COUNTY OR SUPREME COURT SHALL CONDUCT A HEARING ON THE APPLICATION IN
5 ORDER TO CONSIDER ANY EVIDENCE OFFERED BY EITHER PARTY THAT WOULD AID
6 THE SENTENCING JUDGE IN HIS OR HER DECISION WHETHER TO SEAL THE RECORDS
7 OF THE DEFENDANT'S CONVICTIONS. NO HEARING IS REQUIRED IF THE DISTRICT
8 ATTORNEY DOES NOT OPPOSE THE APPLICATION.

9 7. IN CONSIDERING ANY SUCH APPLICATION, THE SENTENCING JUDGE OR COUNTY
10 OR SUPREME COURT SHALL CONSIDER ANY RELEVANT FACTORS, INCLUDING BUT NOT
11 LIMITED TO:

12 (A) THE AMOUNT OF TIME THAT HAS ELAPSED SINCE THE DEFENDANT'S LAST
13 CONVICTION;

14 (B) THE CIRCUMSTANCES AND SERIOUSNESS OF THE OFFENSE FOR WHICH THE
15 DEFENDANT IS SEEKING RELIEF, INCLUDING WHETHER THE ARREST CHARGE WAS NOT
16 AN ELIGIBLE OFFENSE;

17 (C) THE CIRCUMSTANCES AND SERIOUSNESS OF ANY OTHER OFFENSES FOR WHICH
18 THE DEFENDANT STANDS CONVICTED;

19 (D) THE CHARACTER OF THE DEFENDANT, INCLUDING ANY MEASURES THAT THE
20 DEFENDANT HAS TAKEN TOWARD REHABILITATION, SUCH AS PARTICIPATING IN
21 TREATMENT PROGRAMS, WORK, OR SCHOOLING, AND PARTICIPATING IN COMMUNITY
22 SERVICE OR OTHER VOLUNTEER PROGRAMS;

23 (E) ANY STATEMENTS MADE BY THE VICTIM OF THE OFFENSE FOR WHICH THE
24 DEFENDANT IS SEEKING RELIEF;

25 (F) THE IMPACT OF SEALING THE DEFENDANT'S RECORD UPON HIS OR HER REHA-
26 BILITATION AND UPON HIS OR HER SUCCESSFUL AND PRODUCTIVE REENTRY AND
27 REINTEGRATION INTO SOCIETY; AND

28 (G) THE IMPACT OF SEALING THE DEFENDANT'S RECORD ON PUBLIC SAFETY AND
29 UPON THE PUBLIC'S CONFIDENCE IN AND RESPECT FOR THE LAW.

30 8. WHEN A SENTENCING JUDGE OR COUNTY OR SUPREME COURT ORDERS SEALING
31 PURSUANT TO THIS SECTION, ALL OFFICIAL RECORDS AND PAPERS RELATING TO
32 THE ARRESTS, PROSECUTIONS, AND CONVICTIONS, INCLUDING ALL DUPLICATES AND
33 COPIES THEREOF, ON FILE WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES
34 OR ANY COURT SHALL BE SEALED AND NOT MADE AVAILABLE TO ANY PERSON OR
35 PUBLIC OR PRIVATE AGENCY EXCEPT AS PROVIDED FOR IN SUBDIVISION NINE OF
36 THIS SECTION; PROVIDED, HOWEVER, THE DIVISION SHALL RETAIN ANY FINGER-
37 PRINTS, PALMPRINTS AND PHOTOGRAPHS, OR DIGITAL IMAGES OF THE SAME. THE
38 CLERK OF SUCH COURT SHALL IMMEDIATELY NOTIFY THE COMMISSIONER OF THE
39 DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE RECORDS THAT SHALL
40 BE SEALED PURSUANT TO THIS SECTION. THE CLERK ALSO SHALL NOTIFY ANY
41 COURT IN WHICH THE DEFENDANT HAS STATED, PURSUANT TO PARAGRAPH (B) OF
42 SUBDIVISION TWO OF THIS SECTION, THAT HE OR SHE HAS FILED OR INTENDS TO
43 FILE AN APPLICATION FOR SEALING OF ANY OTHER ELIGIBLE OFFENSE.

44 9. RECORDS SEALED PURSUANT TO THIS SECTION SHALL BE MADE AVAILABLE TO:

45 (A) THE DEFENDANT OR THE DEFENDANT'S DESIGNATED AGENT;

46 (B) QUALIFIED AGENCIES, AS DEFINED IN SUBDIVISION NINE OF SECTION
47 EIGHT HUNDRED THIRTY-FIVE OF THE EXECUTIVE LAW, AND FEDERAL AND STATE
48 LAW ENFORCEMENT AGENCIES, WHEN ACTING WITHIN THE SCOPE OF THEIR LAW
49 ENFORCEMENT DUTIES; OR

50 (C) ANY STATE OR LOCAL OFFICER OR AGENCY WITH RESPONSIBILITY FOR THE
51 ISSUANCE OF LICENSES TO POSSESS GUNS, WHEN THE PERSON HAS MADE APPLICA-
52 TION FOR SUCH A LICENSE; OR

53 (D) ANY PROSPECTIVE EMPLOYER OF A POLICE OFFICER OR PEACE OFFICER AS
54 THOSE TERMS ARE DEFINED IN SUBDIVISIONS THIRTY-THREE AND THIRTY-FOUR OF
55 SECTION 1.20 OF THIS CHAPTER, IN RELATION TO AN APPLICATION FOR EMPLOY-
56 MENT AS A POLICE OFFICER OR PEACE OFFICER; PROVIDED, HOWEVER, THAT EVERY

1 PERSON WHO IS AN APPLICANT FOR THE POSITION OF POLICE OFFICER OR PEACE
2 OFFICER SHALL BE FURNISHED WITH A COPY OF ALL RECORDS OBTAINED UNDER
3 THIS PARAGRAPH AND AFFORDED AN OPPORTUNITY TO MAKE AN EXPLANATION THERE-
4 TO; OR

5 (E) THE CRIMINAL JUSTICE INFORMATION SERVICES DIVISION OF THE FEDERAL
6 BUREAU OF INVESTIGATION, FOR THE PURPOSES OF RESPONDING TO QUERIES TO
7 THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM REGARDING ATTEMPTS
8 TO PURCHASE OR OTHERWISE TAKE POSSESSION OF FIREARMS, AS DEFINED IN 18
9 USC 921 (A) (3).

10 10. A CONVICTION WHICH IS SEALED PURSUANT TO THIS SECTION IS INCLUDED
11 WITHIN THE DEFINITION OF A CONVICTION FOR THE PURPOSES OF ANY CRIMINAL
12 PROCEEDING IN WHICH THE FACT OF A PRIOR CONVICTION WOULD ENHANCE A
13 PENALTY OR IS AN ELEMENT OF THE OFFENSE CHARGED.

14 11. NO DEFENDANT SHALL BE REQUIRED OR PERMITTED TO WAIVE ELIGIBILITY
15 FOR SEALING PURSUANT TO THIS SECTION AS PART OF A PLEA OF GUILTY,
16 SENTENCE OR ANY AGREEMENT RELATED TO A CONVICTION FOR AN ELIGIBLE
17 OFFENSE AND ANY SUCH WAIVER SHALL BE DEEMED VOID AND WHOLLY ENFORCEABLE.

18 S 48-a. Subdivision 16 of section 296 of the executive law, as sepa-
19 rately amended by section 3 of part N and section 14 of part AAA of
20 chapter 56 of the laws of 2009, is amended to read as follows:

21 16. It shall be an unlawful discriminatory practice, unless specif-
22 ically required or permitted by statute, for any person, agency, bureau,
23 corporation or association, including the state and any political subdivi-
24 sion thereof, to make any inquiry about, whether in any form of appli-
25 cation or otherwise, or to act upon adversely to the individual
26 involved, any arrest or criminal accusation of such individual not then
27 pending against that individual which was followed by a termination of
28 that criminal action or proceeding in favor of such individual, as
29 defined in subdivision two of section 160.50 of the criminal procedure
30 law, or by a youthful offender adjudication, as defined in subdivision
31 one of section 720.35 of the criminal procedure law, or by a conviction
32 for a violation sealed pursuant to section 160.55 of the criminal proce-
33 dure law or by a conviction which is sealed pursuant to section 160.59
34 OR 160.58 of the criminal procedure law, in connection with the licens-
35 ing, employment or providing of credit or insurance to such individual;
36 provided, further, that no person shall be required to divulge informa-
37 tion pertaining to any arrest or criminal accusation of such individual
38 not then pending against that individual which was followed by a termi-
39 nation of that criminal action or proceeding in favor of such individ-
40 ual, as defined in subdivision two of section 160.50 of the criminal
41 procedure law, or by a youthful offender adjudication, as defined in
42 subdivision one of section 720.35 of the criminal procedure law, or by a
43 conviction for a violation sealed pursuant to section 160.55 of the
44 criminal procedure law, or by a conviction which is sealed pursuant to
45 section 160.58 OR 160.59 of the criminal procedure law. The provisions
46 of this subdivision shall not apply to the licensing activities of
47 governmental bodies in relation to the regulation of guns, firearms and
48 other deadly weapons or in relation to an application for employment as
49 a police officer or peace officer as those terms are defined in subdivi-
50 sions thirty-three and thirty-four of section 1.20 of the criminal
51 procedure law; provided further that the provisions of this subdivision
52 shall not apply to an application for employment or membership in any
53 law enforcement agency with respect to any arrest or criminal accusation
54 which was followed by a youthful offender adjudication, as defined in
55 subdivision one of section 720.35 of the criminal procedure law, or by a
56 conviction for a violation sealed pursuant to section 160.55 of the

1 criminal procedure law, or by a conviction which is sealed pursuant to
2 section 160.58 OR 160.59 of the criminal procedure law.

3 S 49. Intentionally omitted.

4 S 50. Intentionally omitted.

5 S 51. Intentionally omitted.

6 S 52. Intentionally omitted.

7 S 53. Intentionally omitted.

8 S 54. Intentionally omitted.

9 S 55. Intentionally omitted.

10 S 56. Subdivision 1 of section 301.2 of the family court act, as added
11 by chapter 920 of the laws of 1982, is amended to read as follows:

12 1. "Juvenile delinquent" means a person over seven and less than
13 sixteen years of age, OR COMMENCING ON OCTOBER FIRST, TWO THOUSAND EIGH-
14 TEEN A PERSON OVER SEVEN AND LESS THAN SEVENTEEN YEARS OF AGE, AND
15 COMMENCING OCTOBER FIRST, TWO THOUSAND NINETEEN A PERSON OVER SEVEN AND
16 LESS THAN EIGHTEEN YEARS OF AGE, who, having committed an act that would
17 constitute a crime, OR A VIOLATION, WHERE SUCH VIOLATION IS ALLEGED TO
18 HAVE OCCURRED IN THE SAME TRANSACTION OR OCCURRENCE OF THE ALLEGED CRIM-
19 INAL ACT, if committed by an adult, (a) is not criminally responsible
20 for such conduct by reason of infancy, or (b) is the defendant in an
21 action ordered removed from a criminal court to the family court pursu-
22 ant to article seven hundred twenty-five of the criminal procedure law.

23 S 56-a. Section 302.1 of the family court act is amended by adding a
24 new subdivision 3 to read as follows:

25 3. WHENEVER A CRIME AND A VIOLATION ARISE OUT OF THE SAME TRANSACTION
26 OR OCCURRENCE, A CHARGE ALLEGING BOTH OFFENSES SHALL BE MADE RETURNABLE
27 BEFORE THE COURT HAVING JURISDICTION OVER THE CRIME. NOTHING HEREIN
28 PROVIDED SHALL BE CONSTRUED TO PREVENT A COURT, HAVING JURISDICTION OVER
29 A VIOLATION RELATING TO A CRIMINAL ACT FROM LAWFULLY ENTERING AN ORDER
30 IN ACCORDANCE WITH 345.1 OF THIS ARTICLE WHERE SUCH ORDER IS NOT BASED
31 UPON THE COUNT OR COUNTS OF THE PETITION ALLEGING SUCH CRIMINAL ACT.

32 S 56-b. Section 352.2 of the family court act is amended by adding a
33 new subdivision 4 to read as follows:

34 4. WHERE A YOUTH RECEIVES A JUVENILE DELINQUENCY ADJUDICATION FOR
35 CONDUCT COMMITTED WHEN THE YOUTH WAS AGE SIXTEEN OR OLDER THAT WOULD
36 CONSTITUTE A VIOLATION, THE COURT SHALL HAVE THE POWER TO ENTER AN ORDER
37 OF DISPOSITION IN ACCORDANCE WITH PARAGRAPHS (A) AND (B) OF SUBDIVISION
38 ONE OF THIS SECTION.

39 S 57. Subdivisions 8 and 9 of section 301.2 of the family court act,
40 subdivision 8 as amended by chapter 7 of the laws of 2007 and subdivi-
41 sion 9 as added by chapter 920 of the laws of 1982, are amended to read
42 as follows:

43 8. "Designated felony act" means an act which, if done by an adult,
44 would be a crime: (i) defined in sections 125.27 (murder in the first
45 degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the
46 first degree); or 150.20 (arson in the first degree) of the penal law
47 committed by a person thirteen, fourteen [or], fifteen, OR SIXTEEN, OR
48 COMMENCING OCTOBER FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years of age;
49 or such conduct committed as a sexually motivated felony, where author-
50 ized pursuant to section 130.91 of the penal law; (ii) defined in
51 sections 120.10 (assault in the first degree); 125.20 (manslaughter in
52 the first degree); 130.35 (rape in the first degree); 130.50 (criminal
53 sexual act in the first degree); 130.70 (aggravated sexual abuse in the
54 first degree); 135.20 (kidnapping in the second degree) but only where
55 the abduction involved the use or threat of use of deadly physical
56 force; 150.15 (arson in the second degree) or 160.15 (robbery in the

1 first degree) of the penal law committed by a person thirteen, fourteen
2 [or], fifteen, OR SIXTEEN, OR, COMMENCING OCTOBER FIRST, TWO THOUSAND
3 NINETEEN, SEVENTEEN years of age; or such conduct committed as a sexual-
4 ly motivated felony, where authorized pursuant to section 130.91 of the
5 penal law; (iii) defined in the penal law as an attempt to commit murder
6 in the first or second degree or kidnapping in the first degree commit-
7 ted by a person thirteen, fourteen [or], fifteen, OR SIXTEEN, OR
8 COMMENCING OCTOBER FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years of age;
9 or such conduct committed as a sexually motivated felony, where author-
10 ized pursuant to section 130.91 of the penal law; (iv) defined in
11 section 140.30 (burglary in the first degree); subdivision one of
12 section 140.25 (burglary in the second degree); subdivision two of
13 section 160.10 (robbery in the second degree) of the penal law; or
14 section 265.03 of the penal law, where such machine gun or such firearm
15 is possessed on school grounds, as that phrase is defined in subdivision
16 fourteen of section 220.00 of the penal law committed by a person four-
17 teen or fifteen years of age; or such conduct committed as a sexually
18 motivated felony, where authorized pursuant to section 130.91 of the
19 penal law; (v) defined in section 120.05 (assault in the second degree)
20 or 160.10 (robbery in the second degree) of the penal law committed by a
21 person fourteen [or], fifteen, OR SIXTEEN OR, COMMENCING OCTOBER FIRST,
22 TWO THOUSAND NINETEEN, SEVENTEEN years of age but only where there has
23 been a prior finding by a court that such person has previously commit-
24 ted an act which, if committed by an adult, would be the crime of
25 assault in the second degree, robbery in the second degree or any desig-
26 nated felony act specified in paragraph (i), (ii), or (iii) of this
27 subdivision regardless of the age of such person at the time of the
28 commission of the prior act; [or] (vi) other than a misdemeanor commit-
29 ted by a person at least seven but less than [sixteen] SEVENTEEN years
30 of age, AND COMMENCING OCTOBER FIRST, TWO THOUSAND NINETEEN, A PERSON AT
31 LEAST SEVEN BUT LESS THAN EIGHTEEN YEARS OF AGE, but only where there
32 has been two prior findings by the court that such person has committed
33 a prior felony.

34 9. "Designated class A felony act" means a designated felony act
35 [defined in paragraph (i) of subdivision eight] THAT WOULD CONSTITUTE A
36 CLASS A FELONY IF COMMITTED BY AN ADULT.

37 S 58. Intentionally omitted.

38 S 59. Section 304.1 of the family court act, as added by chapter 920
39 of the laws of 1982, subdivision 2 as amended by chapter 419 of the laws
40 of 1987, is amended to read as follows:

41 S 304.1. Detention. 1. A facility certified by the [state division for
42 youth] OFFICE OF CHILDREN AND FAMILY SERVICES as a juvenile DETENTION
43 facility must be operated in conformity with the regulations of the
44 [state division for youth and shall be subject to the visitation and
45 inspection of the state board of social welfare] OFFICE OF CHILDREN AND
46 FAMILY SERVICES.

47 2. No child to whom the provisions of this article may apply shall be
48 detained in any prison, jail, lockup, or other place used for adults
49 convicted of crime or under arrest and charged with crime without the
50 approval of the [state division for youth] OFFICE OF CHILDREN AND FAMILY
51 SERVICES in the case of each child and the statement of its reasons
52 therefor. The [state division for youth] OFFICE OF CHILDREN AND FAMILY
53 SERVICES shall promulgate and publish the rules which it shall apply in
54 determining whether approval should be granted pursuant to this subdivi-
55 sion.

1 3. The detention of a child under ten years of age in a secure
2 detention facility shall not be directed under any of the provisions of
3 this article.

4 4. A detention facility which receives a child under subdivision four
5 of section 305.2 OF THIS PART shall immediately notify the child's
6 parent or other person legally responsible for his OR HER care or, if
7 such legally responsible person is unavailable the person with whom the
8 child resides, that he OR SHE has been placed in detention.

9 S 60. Intentionally omitted.

10 S 61. Subdivision 1 of section 305.1 of the family court act, as added
11 by chapter 920 of the laws of 1982, is amended to read as follows:

12 1. A private person may take a child [under the age of sixteen] WHO
13 MAY BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE FOR COMMITTING AN ACT
14 THAT WOULD BE A CRIME IF COMMITTED BY AN ADULT into custody in cases in
15 which [he] SUCH PRIVATE PERSON may arrest an adult for a crime under
16 section 140.30 of the criminal procedure law.

17 S 62. Subdivision 2 of section 305.2 of the family court act, as added
18 by chapter 920 of the laws of 1982, is amended to read as follows:

19 2. An officer may take a child [under the age of sixteen] WHO MAY BE
20 SUBJECT TO THE PROVISIONS OF THIS ARTICLE FOR COMMITTING AN ACT THAT
21 WOULD BE A CRIME IF COMMITTED BY AN ADULT into custody without a warrant
22 in cases in which [he] THE OFFICER may arrest a person for a crime under
23 article one hundred forty of the criminal procedure law.

24 S 63. Paragraph (b) of subdivision 4 of section 305.2 of the family
25 court act, as amended by chapter 492 of the laws of 1987, is amended to
26 read as follows:

27 (b) forthwith and with all reasonable speed take the child directly,
28 and without his first being taken to the police station house, to the
29 family court located in the county in which the act occasioning the
30 taking into custody allegedly was committed, OR, WHEN THE FAMILY COURT
31 IS NOT IN SESSION, TO THE MOST ACCESSIBLE MAGISTRATE, IF ANY, DESIGNATED
32 BY THE APPELLATE DIVISION OF THE SUPREME COURT IN THE APPLICABLE DEPART-
33 MENT TO CONDUCT A HEARING UNDER SECTION 307.4 OF THIS PART, unless the
34 officer determines that it is necessary to question the child, in which
35 case he OR SHE may take the child to a facility designated by the chief
36 administrator of the courts as a suitable place for the questioning of
37 children or, upon the consent of a parent or other person legally
38 responsible for the care of the child, to the child's residence and
39 there question him OR HER for a reasonable period of time; or

40 S 64. Intentionally omitted.

41 S 65. Subdivision 4 of section 307.3 of the family court act, as added
42 by chapter 920 of the laws of 1982, is amended to read as follows:

43 4. If the agency for any reason does not release a child under this
44 section, such child shall be brought before the appropriate family
45 court, OR WHEN SUCH FAMILY COURT IS NOT IN SESSION, TO THE MOST ACCESSI-
46 BLE MAGISTRATE, IF ANY, DESIGNATED BY THE APPELLATE DIVISION OF THE
47 SUPREME COURT IN THE APPLICABLE DEPARTMENT; PROVIDED, HOWEVER, THAT IF
48 SUCH FAMILY COURT IS NOT IN SESSION AND IF A MAGISTRATE IS NOT AVAIL-
49 ABLE, SUCH YOUTH SHALL BE BROUGHT BEFORE SUCH FAMILY COURT within seven-
50 ty-two hours or the next day the court is in session, whichever is soon-
51 er. Such agency shall thereupon file an application for an order
52 pursuant to section 307.4 OF THIS PART and shall forthwith serve a copy
53 of the application upon the appropriate presentment agency. Nothing in
54 this subdivision shall preclude the adjustment of suitable cases pursu-
55 ant to section 308.1.

56 S 66. Intentionally omitted.

1 S 67. Paragraph (c) of subdivision 3 of section 311.1 of the family
2 court act, as added by chapter 920 of the laws of 1982, is amended to
3 read as follows:

4 (c) the fact that the respondent is a person [under sixteen years of]
5 OF THE NECESSARY age TO BE A JUVENILE DELINQUENT at the time of the
6 alleged act or acts;

7 S 68. Intentionally omitted.

8 S 69. Paragraphs (a) and (b) of subdivision 5 of section 322.2 of the
9 family court act, paragraph (a) as amended by chapter 37 of the laws of
10 2016 and paragraph (b) as added by chapter 920 of the laws of 1982, are
11 amended to read as follows:

12 (a) If the court finds that there is probable cause to believe that
13 the respondent committed a felony, it shall order the respondent commit-
14 ted to the custody of the commissioner of mental health or the commis-
15 sioner of THE OFFICE FOR PEOPLE WITH developmental disabilities for an
16 initial period not to exceed one year from the date of such order. Such
17 period may be extended annually upon further application to the court by
18 the commissioner having custody or his or her designee. Such application
19 must be made not more than sixty days prior to the expiration of such
20 period on forms that have been prescribed by the chief administrator of
21 the courts. At that time, the commissioner must give written notice of
22 the application to the respondent, the counsel representing the respond-
23 ent and the mental hygiene legal service if the respondent is at a resi-
24 dential facility. Upon receipt of such application, the court must
25 conduct a hearing to determine the issue of capacity. If, at the conclu-
26 sion of a hearing conducted pursuant to this subdivision, the court
27 finds that the respondent is no longer incapacitated, he or she shall be
28 returned to the family court for further proceedings pursuant to this
29 article. If the court is satisfied that the respondent continues to be
30 incapacitated, the court shall authorize continued custody of the
31 respondent by the commissioner for a period not to exceed one year. Such
32 extensions shall not continue beyond a reasonable period of time neces-
33 sary to determine whether the respondent will attain the capacity to
34 proceed to a fact finding hearing in the foreseeable future but in no
35 event shall continue beyond the respondent's eighteenth birthday OR, IF
36 THE RESPONDENT WAS AT LEAST SIXTEEN YEARS OF AGE WHEN THE ACT WAS
37 COMMITTED, BEYOND THE RESPONDENT'S TWENTY-FIRST BIRTHDAY.

38 (b) If a respondent is in the custody of the commissioner upon the
39 respondent's eighteenth birthday, OR IF THE RESPONDENT WAS AT LEAST
40 SIXTEEN YEARS OF AGE WHEN THE ACT RESULTING IN THE RESPONDENT'S PLACE-
41 MENT WAS COMMITTED, BEYOND THE RESPONDENT'S TWENTY-FIRST BIRTHDAY, the
42 commissioner shall notify the clerk of the court that the respondent was
43 in his custody on such date and the court shall dismiss the petition.

44 S 70. Subdivisions 1 and 5 of section 325.1 of the family court act,
45 subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision
46 5 as added by chapter 920 of the laws of 1982, are amended to read as
47 follows:

48 1. At the initial appearance, if the respondent denies a charge
49 contained in the petition and the court determines that [he] THE
50 RESPONDENT shall be detained for more than three days pending a fact-
51 finding hearing, the court shall schedule a probable-cause hearing to
52 determine the issues specified in section 325.3 OF THIS PART.

53 5. Where the petition consists of an order of removal pursuant to
54 article seven hundred twenty-five of the criminal procedure law, unless
55 the removal was pursuant to subdivision three of section 725.05 of such
56 law and the respondent was not afforded a probable cause hearing pursu-

1 ant to subdivision three of section [180.75] 722.20 of such law [for a
2 reason other than his waiver thereof pursuant to subdivision two of
3 section 180.75 of such law], the petition shall be deemed to be based
4 upon a determination that probable cause exists to believe the respond-
5 ent is a juvenile delinquent and the respondent shall not be entitled to
6 any further inquiry on the subject of whether probable cause exists.
7 After the filing of any such petition the court must, however, exercise
8 independent, de novo discretion with respect to release or detention as
9 set forth in section 320.5 OF THIS PART.

10 S 70-a. Section 350.3 of the family court act is amended by adding a
11 new subdivision 4 to read as follows:

12 4. THE VICTIM HAS THE RIGHT TO MAKE A STATEMENT WITH REGARD TO ANY
13 MATTER RELEVANT TO THE QUESTION OF DISPOSITION. IF THE VICTIM CHOOSES TO
14 MAKE A STATEMENT, SUCH INDIVIDUAL SHALL NOTIFY THE COURT AT LEAST TEN
15 DAYS PRIOR TO THE DATE OF THE DISPOSITIONAL HEARING. THE COURT SHALL
16 NOTIFY THE RESPONDENT NO LESS THAN SEVEN DAYS PRIOR TO THE DISPOSITIONAL
17 HEARING OF THE VICTIM'S INTENT TO MAKE A STATEMENT. THE VICTIM SHALL NOT
18 BE MADE AWARE OF THE FINAL DISPOSITION OF THE CASE.

19 S 70-b. Section 350.4 of the family court act is amended by adding a
20 new subdivision 5-a to read as follows:

21 5-A. THE VICTIM SHALL BE ALLOWED TO MAKE AN ORAL OR WRITTEN STATEMENT.

22 S 70-c. Subdivision 4 of section 351.1 of the family court act, as
23 amended by chapter 317 of the laws of 2004, is amended to read as
24 follows:

25 4. [When it appears that such information would be relevant to the
26 findings of the court or the order of disposition, each] EACH investi-
27 gation report prepared pursuant to this section shall [contain a] AFFORD
28 THE VICTIM THE RIGHT TO MAKE A STATEMENT. SUCH victim impact statement
29 [which] shall include an analysis of the victim's version of the
30 offense, the extent of injury or economic loss AND THE ACTUAL
31 OUT-OF-POCKET LOSS or damage to the victim, including the amount of
32 unreimbursed medical expenses, if any, and the views of the victim
33 relating to disposition including the amount of restitution sought by
34 the victim, subject to availability of such information. In the case [of
35 a homicide or] where the victim is unable to assist in the preparation
36 of the victim impact statement, the information may be acquired from the
37 victim's family. Nothing contained in this section shall be interpreted
38 to require that a victim or his or her family supply information for the
39 preparation of an investigation report or that the dispositional hearing
40 should be delayed in order to obtain such information.

41 S 71. Intentionally omitted.

42 S 72. The opening paragraph of subparagraph (iii) of paragraph (a) and
43 paragraph (d) of subdivision 4 of section 353.5 of the family court act,
44 as amended by section 6 of subpart A of part G of chapter 57 of the laws
45 of 2012, are amended to read as follows:

46 after the period set under subparagraph (ii) of this paragraph, the
47 respondent shall be placed in a residential facility for a period of
48 twelve months; provided, however, that if the respondent has been placed
49 from a family court in a social services district operating an approved
50 juvenile justice services close to home initiative pursuant to section
51 four hundred four of the social services law FOR AN ACT COMMITTED WHEN
52 THE RESPONDENT WAS UNDER SIXTEEN YEARS OF AGE, once the time frames in
53 subparagraph (ii) of this paragraph are met:

54 (d) Upon the expiration of the initial period of placement, or any
55 extension thereof, the placement may be extended in accordance with
56 section 355.3 on a petition of any party or the office of children and

1 family services, or, if applicable, a social services district operating
2 an approved juvenile justice services close to home initiative pursuant
3 to section four hundred four of the social services law, after a dispo-
4 sitional hearing, for an additional period not to exceed twelve months,
5 but no initial placement or extension of placement under this section
6 may continue beyond the respondent's twenty-first birthday, OR, FOR AN
7 ACT THAT WAS COMMITTED WHEN THE RESPONDENT WAS SIXTEEN YEARS OF AGE OR
8 OLDER, THE RESPONDENT'S TWENTY-THIRD BIRTHDAY.

9 S 73. Paragraph (d) of subdivision 4 of section 353.5 of the family
10 court act, as amended by chapter 398 of the laws of 1983, is amended to
11 read as follows:

12 (d) Upon the expiration of the initial period of placement, or any
13 extension thereof, the placement may be extended in accordance with
14 section 355.3 on a petition of any party or the [division for youth]
15 OFFICE OF CHILDREN AND FAMILY SERVICES after a dispositional hearing,
16 for an additional period not to exceed twelve months, but no initial
17 placement or extension of placement under this section may continue
18 beyond the respondent's twenty-first birthday, OR, FOR AN ACT THAT WAS
19 COMMITTED WHEN THE RESPONDENT WAS SIXTEEN YEARS OF AGE OR OLDER, THE
20 RESPONDENT'S TWENTY-THIRD BIRTHDAY.

21 S 74. Intentionally omitted.

22 S 75. Subdivision 6 of section 355.3 of the family court act, as
23 amended by chapter 663 of the laws of 1985, is amended to read as
24 follows:

25 6. Successive extensions of placement under this section may be grant-
26 ed, but no placement may be made or continued beyond the respondent's
27 eighteenth birthday without the child's consent FOR ACTS COMMITTED
28 BEFORE THE RESPONDENT'S SIXTEENTH BIRTHDAY and in no event past the
29 child's twenty-first birthday EXCEPT AS PROVIDED FOR IN SUBDIVISION FOUR
30 OF SECTION 353.5 OF THIS PART.

31 S 76. Paragraph (b) of subdivision 3 of section 355.5 of the family
32 court act, as amended by chapter 145 of the laws of 2000, is amended to
33 read as follows:

34 (b) subsequent permanency hearings shall be held no later than every
35 twelve months following the respondent's initial twelve months in place-
36 ment BUT IN NO EVENT PAST THE RESPONDENT'S TWENTY-FIRST BIRTHDAY;
37 provided, however, that they shall be held in conjunction with an exten-
38 sion of placement hearing held pursuant to section 355.3 of this [arti-
39 cle] PART.

40 S 77. Subdivision 6 of section 375.2 of the family court act, as added
41 by chapter 926 of the laws of 1982 and as renumbered by chapter 398 of
42 the laws of 1983, is amended to read as follows:

43 6. Such a motion cannot be filed until the respondent's sixteenth
44 birthday, OR, COMMENCING OCTOBER FIRST, TWO THOUSAND EIGHTEEN, THE
45 RESPONDENT'S SEVENTEENTH BIRTHDAY, OR COMMENCING OCTOBER FIRST, TWO
46 THOUSAND NINETEEN, THE RESPONDENT'S EIGHTEENTH BIRTHDAY.

47 S 78. Subdivisions 5 and 6 of section 371 of the social services law,
48 subdivision 5 as added by chapter 690 of the laws of 1962, and subdivi-
49 sion 6 as amended by chapter 596 of the laws of 2000, are amended to
50 read as follows:

51 5. "Juvenile delinquent" means a person [over seven and less than
52 sixteen years of age who does any act which, if done by an adult, would
53 constitute a crime] AS DEFINED IN SECTION 301.2 OF THE FAMILY COURT ACT.

54 6. "Person in need of supervision" means a person [less than eighteen
55 years of age who is habitually truant or who is incorrigible, ungoverna-
56 ble or habitually disobedient and beyond the lawful control of a parent

1 or other person legally responsible for such child's care, or other
2 lawful authority] AS DEFINED IN SECTION SEVEN HUNDRED TWELVE OF THE
3 FAMILY COURT ACT.

4 S 78-a. Subdivision 2 of section 40 of the correction law, as added by
5 chapter 865 of the laws of 1975, is amended to read as follows:

6 2. "Local correctional facility" means any county jail, county peni-
7 tentiary, county lockup, city jail, police station jail, town or village
8 jail or lockup, court detention pen [or], hospital prison ward OR
9 SPECIALIZED SECURE JUVENILE DETENTION FACILITY FOR OLDER YOUTH.

10 S 79. Subdivisions 3 and 4 of section 502 of the executive law, subdi-
11 vision 3 as amended by section 1 of subpart B of part Q of chapter 58 of
12 the laws of 2011 and subdivision 4 as added by chapter 465 of the laws
13 of 1992, are amended to read as follows:

14 3. "Detention" means the temporary care and maintenance of youth held
15 away from their homes pursuant to article three or seven of the family
16 court act, or held pending a hearing for alleged violation of the condi-
17 tions of release from an office of children and family services facility
18 or authorized agency, or held pending a hearing for alleged violation of
19 the condition of parole as a juvenile offender, YOUTHFUL OFFENDER OR
20 ADOLESCENT OFFENDER or held pending return to a jurisdiction other than
21 the one in which the youth is held, or held pursuant to a securing order
22 of a criminal court if the youth named therein as principal is charged
23 as a juvenile offender, YOUTHFUL OFFENDER OR ADOLESCENT OFFENDER or held
24 pending a hearing on an extension of placement or held pending transfer
25 to a facility upon commitment or placement by a court. Only alleged or
26 convicted juvenile offenders, YOUTHFUL OFFENDERS OR ADOLESCENT OFFENDERS
27 who have not attained their eighteenth OR, COMMENCING OCTOBER FIRST, TWO
28 THOUSAND EIGHTEEN, THEIR TWENTY-FIRST birthday shall be subject to
29 detention in a detention facility. COMMENCING OCTOBER FIRST, TWO THOU-
30 SAND EIGHTEEN, A YOUTH WHO ON OR AFTER SUCH DATE COMMITTED AN OFFENSE
31 WHEN THE YOUTH WAS SIXTEEN YEARS OF AGE; OR COMMENCING OCTOBER FIRST,
32 TWO THOUSAND NINETEEN, A YOUTH WHO COMMITTED AN OFFENSE ON OR AFTER SUCH
33 DATE WHEN THE YOUTH WAS SEVENTEEN YEARS OF AGE HELD PURSUANT TO A SECUR-
34 ING ORDER OF A CRIMINAL COURT IF THE YOUTH IS CHARGED AS AN ADOLESCENT
35 OFFENDER OR HELD PENDING A HEARING FOR ALLEGED VIOLATION OF THE CONDI-
36 TION OF PAROLE AS AN ADOLESCENT OFFENDER, MUST BE HELD IN A SPECIALIZED
37 SECURE JUVENILE DETENTION FACILITY FOR OLDER YOUTH CERTIFIED BY THE
38 STATE OFFICE OF CHILDREN AND FAMILY SERVICES IN CONJUNCTION WITH THE
39 STATE COMMISSION OF CORRECTION.

40 4. For purposes of this article, the term "youth" shall [be synonymous
41 with the term "child" and means] MEAN a person not less than seven years
42 of age and not more than twenty OR COMMENCING OCTOBER FIRST, TWO THOU-
43 SAND NINETEEN, NOT MORE THAN TWENTY-TWO years of age.

44 S 79-a. Section 503 of the executive law is amended by adding a new
45 subdivision 9 to read as follows:

46 9. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE OFFICE OF CHILDREN
47 AND FAMILY SERVICES IN CONSULTATION WITH THE STATE COMMISSION OF
48 CORRECTION SHALL JOINTLY REGULATE, CERTIFY, INSPECT AND SUPERVISE
49 SPECIALIZED SECURE DETENTION FACILITIES FOR ADOLESCENT OFFENDERS.

50 S 79-b. Paragraph (b) of subdivision 4 of section 507-a of the execu-
51 tive law, as amended by chapter 465 of the laws of 1992, is amended to
52 read as follows:

53 (b) The [division] OFFICE OF CHILDREN AND FAMILY SERVICES shall admit
54 a child placed with the [division] OFFICE to a facility of the [divi-
55 sion] OFFICE within fifteen days of the date of the order of placement
56 with the [division] OFFICE and shall admit a juvenile offender, YOUTHFUL

1 OFFENDER OR ADOLESCENT OFFENDER committed to the [division] OFFICE to a
2 facility of the [division] OFFICE within ten days of the date of the
3 order of commitment to the [division] OFFICE, except as provided in
4 section five hundred seven-b of this article.

5 S 80. Paragraph (a) of subdivision 2 and subdivision 5 of section
6 507-a of the executive law, as amended by chapter 465 of the laws of
7 1992, are amended to read as follows:

8 (a) Consistent with other provisions of law, only those youth who have
9 reached the age of seven but who have not reached the age of twenty-one
10 may be placed in[, committed to or remain in] the [division's] custody
11 OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. EXCEPT AS PROVIDED FOR IN
12 PARAGRAPH (A-1) OF THIS SUBDIVISION, NO YOUTH WHO HAS REACHED THE AGE OF
13 TWENTY-ONE MAY REMAIN IN CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY
14 SERVICES.

15 (A-1) (I) A YOUTH WHO IS COMMITTED TO THE OFFICE OF CHILDREN AND FAMI-
16 LY SERVICES AS A JUVENILE OFFENDER OR A JUVENILE OFFENDER ADJUDICATED AS
17 A YOUTHFUL OFFENDER MAY REMAIN IN THE CUSTODY OF THE OFFICE DURING THE
18 PERIOD OF HIS OR HER SENTENCE BEYOND THE AGE OF TWENTY-ONE IN ACCORDANCE
19 WITH THE PROVISIONS OF SUBDIVISION FIVE OF SECTION FIVE HUNDRED EIGHT OF
20 THIS TITLE BUT IN NO EVENT MAY SUCH A YOUTH REMAIN IN THE CUSTODY OF THE
21 OFFICE BEYOND HIS OR HER TWENTY-THIRD BIRTHDAY; AND (II) A YOUTH FOUND
22 TO HAVE COMMITTED A DESIGNATED CLASS A FELONY ACT WHO IS RESTRICTIVELY
23 PLACED WITH THE OFFICE UNDER SUBDIVISION FOUR OF SECTION 353.5 OF THE
24 FAMILY COURT ACT FOR COMMITTING AN ACT ON OR AFTER THE YOUTH'S SIXTEENTH
25 BIRTHDAY MAY REMAIN IN THE CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY
26 SERVICES UP TO THE AGE OF TWENTY-THREE IN ACCORDANCE WITH HIS OR HER
27 PLACEMENT ORDER.

28 (A-2) Whenever it shall appear to the satisfaction of the [division]
29 OFFICE OF CHILDREN AND FAMILY SERVICES that any youth placed therewith
30 is not of proper age to be so placed or is not properly placed, or is
31 mentally or physically incapable of being materially benefited by the
32 program of the [division] OFFICE, the [division] OFFICE shall cause the
33 return of such youth to the county from which placement was made.

34 5. Consistent with other provisions of law, in the discretion of the
35 [director, youth] COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY
36 SERVICES, YOUTH PLACED WITHIN THE OFFICE UNDER THE FAMILY COURT ACT who
37 attain the age of eighteen while in [division] custody OF THE OFFICE AND
38 WHO ARE NOT REQUIRED TO REMAIN IN THE PLACEMENT WITH THE OFFICE AS A
39 RESULT OF A DISPOSITIONAL ORDER OF THE FAMILY COURT may reside in a
40 non-secure facility until the age of twenty-one, provided that such
41 youth attend a full-time vocational or educational program and are like-
42 ly to benefit from such program.

43 S 81. Intentionally omitted.

44 S 81-a. The correction law is amended by adding a new section 77 to
45 read as follows:

46 S 77. ADOLESCENT OFFENDER FACILITIES. 1. (A) THE STATE SHALL ESTAB-
47 LISH ONE OR MORE FACILITIES WITH ENHANCED SECURITY FEATURES AND SPECIAL-
48 LY TRAINED STAFF TO SERVE THE ADOLESCENT OFFENDERS SENTENCED TO A DETER-
49 MINATE OR INDETERMINATE SENTENCE FOR COMMITTING OFFENSES ON OR AFTER
50 THEIR SIXTEENTH BIRTHDAY WHO ARE DETERMINED TO NEED AN ENHANCED LEVEL OF
51 SECURE CARE WHICH SHALL BE MANAGED BY THE DEPARTMENT WITH THE OFFICE OF
52 CHILDREN AND FAMILY SERVICES ASSISTANCE, AND SERVICES OR PROGRAMS.

53 (B) A COUNCIL COMPRISED OF THE COMMISSIONER, AND THE OFFICE OF CHIL-
54 DREN AND FAMILY SERVICES, THE COMMISSIONER OF THE STATE COMMISSION OF
55 CORRECTION, AND THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE
56 SERVICES SHALL BE ESTABLISHED TO ASSESS THE OPERATION OF THE FACILITY.

1 THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COUNCIL. THE COUNCIL SHALL
2 HAVE THE POWER TO PERFORM ALL ACTS NECESSARY TO CARRY OUT ITS DUTIES
3 INCLUDING MAKING UNANNOUNCED VISITS AND INSPECTIONS OF THE FACILITY AT
4 ANY TIME. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE
5 CONTRARY, THE COUNCIL MAY REQUEST AND THE DEPARTMENT SHALL SUBMIT TO THE
6 COUNCIL, TO THE EXTENT PERMITTED BY FEDERAL LAW, ALL INFORMATION IN THE
7 FORM AND MANNER AND AT SUCH TIMES AS THE COUNCIL MAY REQUIRE THAT IS
8 APPROPRIATE TO THE PURPOSES AND OPERATION OF THE COUNCIL. THE COUNCIL
9 SHALL BE SUBJECT TO THE SAME LAWS AS APPLY TO THE DEPARTMENT REGARDING
10 THE PROTECTION AND CONFIDENTIALITY OF THE INFORMATION MADE AVAILABLE TO
11 THE COUNCIL AND SHALL PREVENT ACCESS THERETO BY, OR THE DISTRIBUTION
12 THEREOF TO, PERSONS NOT AUTHORIZED BY LAW.

13 (C) APPROPRIATE STAFF WORKING IN SUCH FACILITIES SHALL RECEIVE
14 SPECIALIZED TRAINING TO ADDRESS WORKING WITH THE TYPES OF YOUTH PLACED
15 IN THE FACILITY, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO, TRAINING ON
16 TACTICAL RESPONSES AND DE-ESCALATION TECHNIQUES. ALL STAFF OF THE FACIL-
17 ITY SHALL BE SUBJECT TO RANDOM DRUG TESTS.

18 2. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL ASSIGN AN ASSIST-
19 ANT COMMISSIONER TO ASSIST THE DEPARTMENT, ON A PERMANENT BASIS, WITH
20 PROGRAMS OR SERVICES PROVIDED WITHIN SUCH FACILITIES.

21 3. THE DEPARTMENT, THE STATE COMMISSION OF CORRECTION AND THE OFFICE
22 OF CHILDREN AND FAMILY SERVICES SHALL JOINTLY ESTABLISH A PLACEMENT
23 CLASSIFICATION PROTOCOL TO BE USED TO DETERMINE THE APPROPRIATE LEVEL OF
24 CARE FOR EACH ADOLESCENT OFFENDER IN SUCH FACILITY. THE PROTOCOL SHALL
25 INCLUDE, BUT NOT NECESSARILY BE LIMITED TO, CONSIDERATION OF THE NATURE
26 OF THE YOUTH'S OFFENSE AND THE YOUTH'S HISTORY AND SERVICE NEEDS.

27 4. ANY NEW FACILITIES DEVELOPED BY THE DEPARTMENT IN CONSULTATION
28 WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES TO SERVE THE YOUTH
29 COMMITTED AS ADOLESCENT OFFENDERS AS A RESULT OF RAISING THE AGE OF
30 JUVENILE JURISDICTION SHALL, TO THE EXTENT PRACTICABLE, CONSIST OF SMALL-
31 ER, MORE HOME-LIKE FACILITIES LOCATED NEAR THE YOUTHS' HOMES AND FAMI-
32 LIES THAT PROVIDE GENDER-RESPONSIVE PROGRAMMING, SERVICES AND TREATMENT
33 IN SMALL, CLOSELY SUPERVISED GROUPS THAT OFFER EXTENSIVE AND ON-GOING
34 INDIVIDUAL ATTENTION AND ENCOURAGE SUPPORTIVE PEER RELATIONSHIPS.

35 5. ADOLESCENT OFFENDERS COMMITTED OR TRANSFERRED TO THE FACILITY, AS
36 DEFINED IN THIS SECTION FOR COMMITTING A CRIME ON OR AFTER THEIR
37 SIXTEENTH BIRTHDAY WHO STILL HAVE TIME LEFT ON THEIR SENTENCES OF IMPRI-
38 SONMENT SHALL BE TRANSFERRED TO A NON-ADOLESCENT OFFENDER FACILITY IN
39 THE DEPARTMENT FOR CONFINEMENT PURSUANT TO THIS CHAPTER AFTER COMPLETING
40 TWO YEARS IN AN ADOLESCENT OFFENDER FACILITY UNLESS THEY ARE WITHIN FOUR
41 MONTHS OF COMPLETING THE IMPRISONMENT PORTION OF THEIR SENTENCE AND THE
42 DEPARTMENT DETERMINES, IN ITS DISCRETION, ON A CASE-BY-CASE BASIS THAT
43 THE YOUTH SHOULD BE PERMITTED TO REMAIN IN SUCH FACILITY FOR THE ADDI-
44 TIONAL SHORT PERIOD OF TIME NECESSARY TO ENABLE THEM TO COMPLETE THEIR
45 SENTENCE. IN MAKING SUCH A DETERMINATION, THE FACTORS THE DEPARTMENT MAY
46 CONSIDER INCLUDE, BUT ARE NOT LIMITED TO, THE AGE OF THE YOUTH, THE
47 AMOUNT OF TIME REMAINING ON THE YOUTH'S SENTENCE OF IMPRISONMENT, THE
48 LEVEL OF THE YOUTH'S PARTICIPATION IN THE PROGRAM, THE YOUTH'S EDUCA-
49 TIONAL AND VOCATIONAL PROGRESS, THE OPPORTUNITIES AVAILABLE TO THE YOUTH
50 THROUGH THE DEPARTMENT, AND THE LENGTH OF ANY APPLICABLE POST-RELEASE
51 SUPERVISION SENTENCE. NOTHING IN THIS SUBDIVISION SHALL AUTHORIZE A
52 YOUTH TO REMAIN IN SUCH FACILITY BEYOND HIS OR HER TWENTY-THIRD BIRTH-
53 DAY.

54 S 81-b. The correction law is amended by adding a new section 78 to
55 read as follows:

1 S 78. DISCHARGE PLANS. THE DEPARTMENT, IN CONSULTATION WITH THE OFFICE
2 OF CHILDREN AND FAMILY SERVICES, SHALL PROVIDE DISCHARGE PLANS FOR JUVE-
3 NILE OFFENDERS AND ADOLESCENT OFFENDERS WHO ARE RELEASED TO PAROLE OR
4 POST-RELEASE SUPERVISION, WHICH ARE TAILORED TO ADDRESS THEIR INDIVIDUAL
5 NEEDS. SUCH PLANS SHALL INCLUDE SERVICES DESIGNED TO PROMOTE PUBLIC
6 SAFETY AND THE SUCCESSFUL AND PRODUCTIVE REENTRY OF SUCH ADOLESCENTS
7 INTO SOCIETY.

8 S 82. Subdivisions 2, 3, 7, 8 and 9 of section 508 of the executive
9 law, subdivision 2 as amended by chapter 572 of the laws of 1985, subdi-
10 vision 3 as added by chapter 481 of the laws of 1978 and renumbered by
11 chapter 465 of the laws of 1992, subdivision 7 as amended by section 97
12 of subpart B of part C of chapter 62 of the laws of 2011, subdivision 8
13 as added by chapter 560 of the laws of 1984 and subdivision 9 as amended
14 by chapter 37 of the laws of 2016, are amended to read as follows:

15 2. Juvenile offenders shall be confined in such facilities until the
16 age of twenty-one IN ACCORDANCE WITH THEIR SENTENCES, and shall not be
17 released, discharged or permitted home visits except pursuant to the
18 provisions of this section.

19 3. The [division] OFFICE OF CHILDREN AND FAMILY SERVICES shall report
20 in writing to the sentencing court and district attorney, not less than
21 once every six months during the period of confinement, on the status,
22 adjustment, programs and progress of the offender.

23 The office of children and family services may transfer an offender
24 not less than eighteen [nor more than twenty-one] years of age to the
25 department of corrections and community supervision if the commissioner
26 of the office certifies to the commissioner of corrections and community
27 supervision that there is no substantial likelihood that the youth will
28 benefit from the programs offered by office facilities.

29 7. While in the custody of the office of children and family services,
30 an offender shall be subject to the rules and regulations of the office,
31 except that his OR HER parole, temporary release and discharge shall be
32 governed by the laws applicable to inmates of state correctional facili-
33 ties and his OR HER transfer to state hospitals in the office of mental
34 health shall be governed by section five hundred nine of this chapter;
35 PROVIDED, HOWEVER, THAT AN OTHERWISE ELIGIBLE OFFENDER MAY RECEIVE THE
36 SIX-MONTH LIMITED CREDIT TIME ALLOWANCE FOR SUCCESSFUL PARTICIPATION IN
37 ONE OR MORE PROGRAMS DEVELOPED BY THE OFFICE OF CHILDREN AND FAMILY
38 SERVICES THAT ARE COMPARABLE TO THE PROGRAMS SET FORTH IN SECTION EIGHT
39 HUNDRED THREE-B OF THE CORRECTION LAW, TAKING INTO CONSIDERATION THE AGE
40 OF OFFENDERS. The commissioner of the office of children and family
41 services shall, however, establish and operate temporary release
42 programs at office of children and family services facilities for eligi-
43 ble juvenile offenders and contract with the department of corrections
44 and community supervision for the provision of parole supervision
45 services for temporary releasees. The rules and regulations for these
46 programs shall not be inconsistent with the laws for temporary release
47 applicable to inmates of state correctional facilities. For the purposes
48 of temporary release programs for juvenile offenders only, when referred
49 to or defined in article twenty-six of the correction law, "institution"
50 shall mean any facility designated by the commissioner of the office of
51 children and family services, "department" shall mean the office of
52 children and family services, "inmate" shall mean a juvenile offender
53 residing in an office of children and family services facility, and
54 "commissioner" shall mean the [director] COMMISSIONER of the office of
55 children and family services. Time spent in office of children and fami-
56 ly services facilities and in juvenile detention facilities shall be

1 credited towards the sentence imposed in the same manner and to the same
2 extent applicable to inmates of state correctional facilities.

3 8. Whenever a juvenile offender or a juvenile offender adjudicated a
4 youthful offender shall be delivered to the director of [a division for
5 youth] AN OFFICE OF CHILDREN AND FAMILY SERVICES facility pursuant to a
6 commitment to the [director of the division for youth] OFFICE OF CHIL-
7 DREN AND FAMILY SERVICES, the officer so delivering such person shall
8 deliver to such facility director a certified copy of the sentence
9 received by such officer from the clerk of the court by which such
10 person shall have been sentenced, a copy of the report of the probation
11 officer's investigation and report, any other pre-sentence memoranda
12 filed with the court, a copy of the person's fingerprint records, a
13 detailed summary of available medical records, psychiatric records and
14 reports relating to assaults, or other violent acts, attempts at suicide
15 or escape by the person while in the custody of a local detention facil-
16 ity.

17 9. Notwithstanding any provision of law, including section five
18 hundred one-c of this article, the office of children and family
19 services shall make records pertaining to a person convicted of a sex
20 offense as defined in subdivision (p) of section 10.03 of the mental
21 hygiene law available upon request to the commissioner of mental health
22 or the commissioner of THE OFFICE FOR PEOPLE WITH developmental disabil-
23 ities, as appropriate; a case review panel; and the attorney general; in
24 accordance with the provisions of article ten of the mental hygiene law.

25 S 82-a. Subdivision 2 of section 529 of the executive law, as amended
26 by chapter 430 of the laws of 1991, is amended to read as follows:

27 2. Expenditures made by the [division for youth] OFFICE OF CHILDREN
28 AND FAMILY SERVICES for care, maintenance and supervision furnished
29 youth, including alleged and adjudicated juvenile delinquents and
30 persons in need of supervision, placed or referred, pursuant to titles
31 two or three of this article, and juvenile offenders, YOUTHFUL OFFENDERS
32 AND ADOLESCENT OFFENDERS committed pursuant to [section 70.05 of] the
33 penal law, in the [division's] OFFICE'S programs and facilities, shall
34 be subject to reimbursement to the state by the social services district
35 from which the youth was placed or by the social services district in
36 which the juvenile offender resided at the time of commitment, in
37 accordance with this section and the regulations of the [division]
38 OFFICE, as follows: fifty percent of the amount expended for care, main-
39 tenance and supervision of local charges including juvenile offenders.

40 S 82-b. Subdivision A of section 218-a of the county law is amended by
41 adding a new paragraph 6 to read as follows:

42 6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, COMMENCING OCTOBER
43 FIRST, TWO THOUSAND EIGHTEEN, A COUNTY MUST PROVIDE FOR ADEQUATE
44 DETENTION OF ALLEGED OR CONVICTED ADOLESCENT OFFENDERS IN A SPECIALIZED
45 SECURE DETENTION FACILITY FOR OLDER YOUTH WHO ARE ALLEGED OR CONVICTED
46 OF COMMITTING AN OFFENSE WHEN THEY WERE SIXTEEN YEARS OF AGE AND
47 COMMENCING OCTOBER FIRST, TWO THOUSAND NINETEEN, A COUNTY MUST PROVIDE
48 FOR ADEQUATE DETENTION OF ALLEGED OR CONVICTED ADOLESCENT OFFENDERS IN A
49 SPECIALIZED SECURE DETENTION FACILITY FOR OLDER YOUTH WHO ARE ALLEGED OR
50 CONVICTED OF COMMITTING AN OFFENSE WHEN THEY WERE SIXTEEN OR SEVENTEEN
51 YEARS OF AGE. SUCH FACILITY SHALL BE CERTIFIED AND REGULATED BY THE
52 OFFICE OF CHILDREN AND FAMILY SERVICES IN CONJUNCTION WITH THE STATE
53 COMMISSION OF CORRECTION. SUCH FACILITY SHALL: (I) HAVE ENHANCED SECURI-
54 TY FEATURES AND SPECIALLY TRAINED STAFF; AND (II) BE JOINTLY ADMINIS-
55 TERED BY THE AGENCY OF COUNTY GOVERNMENT DESIGNATED IN ACCORDANCE WITH
56 SUBDIVISION A OF THIS SECTION AND THE APPLICABLE COUNTY SHERIFF, WHICH

1 BOTH SHALL HAVE THE POWER TO PERFORM ALL ACTS NECESSARY TO CARRY OUT
 2 THEIR DUTIES. THE COUNTY SHERIFF SHALL BE SUBJECT TO THE SAME LAWS THAT
 3 APPLY TO THE DESIGNATED COUNTY AGENCY REGARDING THE PROTECTION AND
 4 CONFIDENTIALITY OF THE INFORMATION ABOUT THE YOUTH IN SUCH FACILITY AND
 5 SHALL PREVENT ACCESS THERETO BY, OR THE DISTRIBUTION THEREOF TO, PERSONS
 6 NOT AUTHORIZED BY LAW.

7 S 83. Intentionally omitted.

8 S 84. Intentionally omitted.

9 S 85. Intentionally omitted.

10 S 86. Intentionally omitted.

11 S 87. Intentionally omitted.

12 S 88. Intentionally omitted.

13 S 89. Intentionally omitted.

14 S 90. Intentionally omitted.

15 S 91. Intentionally omitted.

16 S 92. Intentionally omitted.

17 S 93. Intentionally omitted.

18 S 94. Intentionally omitted.

19 S 95. Intentionally omitted.

20 S 96. Intentionally omitted.

21 S 97. Intentionally omitted.

22 S 98. Intentionally omitted.

23 S 98-a. Intentionally omitted.

24 S 98-b. Intentionally omitted.

25 S 98-c. Intentionally omitted.

26 S 99. Subdivision 1, the opening paragraph of subdivision 2 and
 27 subparagraphs (i) and (iii) of paragraph (a) of subdivision 3 of section
 28 529-b of the executive law, as added by section 3 of subpart B of part Q
 29 of chapter 58 of the laws of 2011, are amended to read as follows:

30 1. (a) Notwithstanding any provision of law to the contrary, eligible
 31 expenditures by an eligible municipality for services to divert youth at
 32 risk of, alleged to be, or adjudicated as juvenile delinquents or
 33 persons alleged or adjudicated to be in need of supervision, or youth
 34 alleged to be or convicted as juvenile offenders, YOUTHFUL OFFENDERS OR
 35 ADOLESCENT OFFENDERS from placement in detention or in residential care
 36 shall be subject to state reimbursement under the supervision and treat-
 37 ment services for juveniles program for up to sixty-two percent of the
 38 municipality's expenditures, subject to available appropriations and
 39 exclusive of any federal funds made available for such purposes, not to
 40 exceed the municipality's distribution under the supervision and treat-
 41 ment services for juveniles program.

42 (b) The state funds appropriated for the supervision and treatment
 43 services for juveniles program shall be distributed to eligible munic-
 44 ipalities by the office of children and family services based on a plan
 45 developed by the office which may consider historical information
 46 regarding the number of youth seen at probation intake for an alleged
 47 act of delinquency, the number of youth remanded to detention, the
 48 number of juvenile delinquents placed with the office, the number of
 49 juvenile delinquents and persons in need of supervision placed in resi-
 50 dential care with the municipality, the municipality's reduction in the
 51 use of detention and residential placements, and other factors as deter-
 52 mined by the office. Such plan developed by the office shall be subject
 53 to the approval of the director of the budget. The office is authorized,
 54 in its discretion, to make advance distributions to a municipality in
 55 anticipation of state reimbursement.

1 As used in this section, the term "municipality" shall mean a county,
2 or a city having a population of one million or more, and "supervision
3 and treatment services for juveniles" shall mean community-based
4 services or programs designed to safely maintain youth in the community
5 pending a family court disposition or conviction in criminal court and
6 services or programs provided to youth adjudicated as juvenile delin-
7 quents or persons in need of supervision, or youth alleged to be juve-
8 nile offenders, YOUTHFUL OFFENDERS OR ADOLESCENT OFFENDERS to prevent
9 residential placement of such youth or a return to placement where such
10 youth have been released to the community from residential placement.
11 Supervision and treatment services for juveniles may include but are not
12 limited to services or programs that:

13 (i) an analysis that identifies the neighborhoods or communities from
14 which the greatest number of juvenile delinquents and persons in need of
15 supervision are remanded to detention or residentially placed;

16 (iii) a description of how the services and programs proposed for
17 funding will reduce the number of youth from the municipality who are
18 detained and residentially OR OTHERWISE placed; how such services and
19 programs are family-focused; and whether such services and programs are
20 capable of being replicated across multiple sites;

21 S 100. The opening paragraph and paragraph (a) of subdivision 2 and
22 subdivisions 5 and 6 of section 530 of the executive law, the opening
23 paragraph of subdivision 2 as amended by section 4 of subpart B of part
24 Q of chapter 58 of the laws of 2011, paragraph (a) of subdivision 2 as
25 amended by section 1 of part M of chapter 57 of the laws of 2012, subdi-
26 vision 5 as amended by chapter 920 of the laws of 1982, subparagraphs 1,
27 2 and 4 of paragraph (a) and paragraph (b) of subdivision 5 as amended
28 by section 5 of subpart B of part Q of chapter 58 of the laws of 2011,
29 and subdivision 6 as amended by chapter 880 of the laws of 1976, are
30 amended and a new subdivision 8 is added to read as follows:

31 Expenditures made by municipalities in providing care, maintenance and
32 supervision to youth in detention facilities designated pursuant to
33 sections seven hundred twenty and SECTION 305.2 of the family court act
34 and certified by [the division for youth] OFFICE OF CHILDREN AND FAMILY
35 SERVICES, shall be subject to reimbursement by the state, as follows:

36 (a) Notwithstanding any provision of law to the contrary, eligible
37 expenditures by a municipality during a particular program year for the
38 care, maintenance and supervision in foster care programs certified by
39 the office of children and family services, certified or approved family
40 boarding homes, and non-secure detention facilities certified by the
41 office for those youth alleged to be persons in need of supervision or
42 adjudicated persons in need of supervision held pending transfer to a
43 facility upon placement; and in secure and non-secure detention facili-
44 ties certified by the office in accordance with section five hundred
45 three of this article for those youth alleged to be juvenile delin-
46 quents; adjudicated juvenile delinquents held pending transfer to a
47 facility upon placement, and juvenile delinquents held at the request of
48 the office of children and family services pending extension of place-
49 ment hearings or release revocation hearings or while awaiting disposi-
50 tion of such hearings; and youth alleged to be or convicted as juvenile
51 offenders, YOUTHFUL OFFENDERS AND ADOLESCENT OFFENDERS shall be subject
52 to state reimbursement for up to fifty percent of the municipality's
53 expenditures, exclusive of any federal funds made available for such
54 purposes, not to exceed the municipality's distribution from funds that
55 have been appropriated specifically therefor for that program year.
56 Municipalities shall implement the use of detention risk assessment

1 instruments in a manner prescribed by the office so as to inform
2 detention decisions. Notwithstanding any other provision of state law
3 to the contrary, data necessary for completion of a detention risk
4 assessment instrument may be shared among law enforcement, probation,
5 courts, detention administrators, detention providers, and the attorney
6 for the child upon retention or appointment; solely for the purpose of
7 accurate completion of such risk assessment instrument, and a copy of
8 the completed detention risk assessment instrument shall be made avail-
9 able to the applicable detention provider, the attorney for the child
10 and the court.

11 5. (a) Except as provided in paragraph (b) of this subdivision, care,
12 maintenance and supervision for the purpose of this section shall mean
13 and include only:

14 (1) temporary care, maintenance and supervision provided TO alleged
15 juvenile delinquents and persons in need of supervision in detention
16 facilities certified pursuant to sections seven hundred twenty and 305.2
17 of the family court act by the office of children and family services,
18 pending adjudication of alleged delinquency or alleged need of super-
19 vision by the family court, or pending transfer to institutions to which
20 committed or placed by such court or while awaiting disposition by such
21 court after adjudication or held pursuant to a securing order of a crim-
22 inal court if the person named therein as principal is under [sixteen]
23 SEVENTEEN YEARS OF AGE; or[,]

24 (1-A) COMMENCING ON OCTOBER FIRST, TWO THOUSAND NINETEEN, TEMPORARY
25 CARE, MAINTENANCE, AND SUPERVISION PROVIDED TO ALLEGED JUVENILE DELIN-
26 QUENTS IN DETENTION FACILITIES CERTIFIED BY THE OFFICE OF CHILDREN AND
27 FAMILY SERVICES, PENDING ADJUDICATION OF ALLEGED DELINQUENCY BY THE
28 FAMILY COURT, OR PENDING TRANSFER TO INSTITUTIONS TO WHICH COMMITTED OR
29 PLACED BY SUCH COURT OR WHILE AWAITING DISPOSITION BY SUCH COURT AFTER
30 ADJUDICATION OR HELD PURSUANT TO A SECURING ORDER OF A CRIMINAL COURT IF
31 THE PERSON NAMED THEREIN AS PRINCIPAL IS UNDER TWENTY-ONE; OR

32 (2) temporary care, maintenance and supervision provided juvenile
33 delinquents in approved detention facilities at the request of the
34 office of children and family services pending release revocation hear-
35 ings or while awaiting disposition after such hearings; or

36 (3) temporary care, maintenance and supervision in approved detention
37 facilities for youth held pursuant to the family court act or the inter-
38 state compact on juveniles, pending return to their place of residence
39 or domicile[.]; OR

40 (4) temporary care, maintenance and supervision provided youth
41 detained in foster care facilities or certified or approved family
42 boarding homes pursuant to article seven of the family court act.

43 (b) Payments made for reserved accommodations, whether or not in full
44 time use, approved AND CERTIFIED by the office of children and family
45 services and certified pursuant to sections seven hundred twenty and
46 305.2 of the family court act, in order to assure that adequate accommo-
47 dations will be available for the immediate reception and proper care
48 therein of youth for which detention costs are reimbursable pursuant to
49 paragraph (a) of this subdivision, shall be reimbursed as expenditures
50 for care, maintenance and supervision under the provisions of this
51 section, provided the office shall have given its prior approval for
52 reserving such accommodations.

53 6. The [director of the division for youth] OFFICE OF CHILDREN AND
54 FAMILY SERVICES may adopt, amend, or rescind all rules and regulations,
55 subject to the approval of the director of the budget and certification

1 to the chairmen of the senate finance and assembly ways and means
2 committees, necessary to carry out the provisions of this section.

3 8. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ON OR AFTER JANUARY FIRST,
4 TWO THOUSAND TWENTY, THE STATE SHALL NOT REIMBURSE FOR THE COST OF THE
5 DETENTION OF ANY PERSON IN NEED OF SUPERVISION UNDER ARTICLE SEVEN OF
6 THE FAMILY COURT ACT.

7 S 100-a. Section 153-k of the social services law is amended by adding
8 a new subdivision 12 to read as follows:

9 12. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ON OR AFTER JANUARY
10 FIRST, TWO THOUSAND TWENTY, THE STATE SHALL NOT REIMBURSE FOR THE COST
11 OF ANY PLACEMENT OF PERSONS IN NEED OF SUPERVISION UNDER ARTICLE SEVEN
12 OF THE FAMILY COURT ACT.

13 S 100-b. Intentionally omitted.

14 S 101. The executive law is amended by adding a new section 259-p to
15 read as follows:

16 S 259-p. INTERSTATE DETENTION. (1) NOTWITHSTANDING ANY OTHER PROVISION
17 OF LAW, A DEFENDANT SUBJECT TO SECTION TWO HUNDRED FIFTY-NINE-MM OF THIS
18 ARTICLE, MAY BE DETAINED AS AUTHORIZED BY THE INTERSTATE COMPACT FOR
19 ADULT OFFENDER SUPERVISION.

20 (2) A DEFENDANT SHALL BE DETAINED AT A LOCAL CORRECTIONAL FACILITY,
21 EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION THREE OF THIS SECTION.

22 (3) (A) A DEFENDANT SIXTEEN YEARS OF AGE OR YOUNGER, WHO ALLEGEDLY
23 COMMITS A CRIMINAL ACT OR VIOLATION OF HIS OR HER SUPERVISION ON OR
24 AFTER OCTOBER FIRST, TWO THOUSAND EIGHTEEN OR (B) A DEFENDANT SEVENTEEN
25 YEARS OF AGE OR YOUNGER WHO ALLEGEDLY COMMITS A CRIMINAL ACT OR
26 VIOLATION OF HIS OR HER SUPERVISION ON OR AFTER OCTOBER FIRST, TWO THOU-
27 SAND NINETEEN, SHALL BE DETAINED IN A JUVENILE DETENTION FACILITY.

28 S 102. Subdivision 4 of section 246 of the executive law, as amended
29 by section 10 of part D of chapter 56 of the laws of 2010, is amended to
30 read as follows:

31 4. An approved plan and compliance with standards relating to the
32 administration of probation services promulgated by the commissioner of
33 the division of criminal justice services shall be a prerequisite to
34 eligibility for state aid.

35 The commissioner of the division of criminal justice services may take
36 into consideration granting additional state aid from an appropriation
37 made for state aid for county probation services for counties or the
38 city of New York when a county or the city of New York demonstrates that
39 additional probation services were dedicated to intensive supervision
40 programs[,] AND intensive programs for sex offenders [or programs
41 defined as juvenile risk intervention services]. THE COMMISSIONER SHALL
42 GRANT ADDITIONAL STATE AID FROM AN APPROPRIATION DEDICATED TO JUVENILE
43 RISK INTERVENTION SERVICES COORDINATION BY PROBATION DEPARTMENTS WHICH
44 SHALL INCLUDE, BUT NOT BE LIMITED TO, PROBATION SERVICES PERFORMED UNDER
45 ARTICLE THREE OF THE FAMILY COURT ACT. The administration of such addi-
46 tional grants shall be made according to rules and regulations promul-
47 gated by the commissioner of the division of criminal justice services.
48 Each county and the city of New York shall certify the total amount
49 collected pursuant to section two hundred fifty-seven-c of this chapter.
50 The commissioner of the division of criminal justice services shall
51 thereupon certify to the comptroller for payment by the state out of
52 funds appropriated for that purpose, the amount to which the county or
53 the city of New York shall be entitled under this section. THE COMMIS-
54 SIONER SHALL, SUBJECT TO AN APPROPRIATION MADE AVAILABLE FOR SUCH
55 PURPOSE, ESTABLISH AND PROVIDE FUNDING TO PROBATION DEPARTMENTS FOR A
56 CONTINUUM OF EVIDENCE-BASED INTERVENTION SERVICES FOR YOUTH ALLEGED OR

1 ADJUDICATED JUVENILE DELINQUENTS PURSUANT TO ARTICLE THREE OF THE FAMILY
2 COURT ACT OR FOR ELIGIBLE YOUTH BEFORE OR SENTENCED UNDER THE YOUTH PART
3 IN ACCORDANCE WITH THE CRIMINAL PROCEDURE LAW. SUCH ADDITIONAL STATE
4 AID SHALL BE MADE IN AN AMOUNT NECESSARY TO PAY ONE HUNDRED PERCENT OF
5 THE EXPENDITURES FOR EVIDENCE-BASED PRACTICES AND JUVENILE RISK AND
6 EVIDENCE-BASED INTERVENTION SERVICES PROVIDED TO YOUTH SIXTEEN YEARS OF
7 AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED
8 ABSENT THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND SEVENTEEN
9 THAT INCREASED THE AGE OF JUVENILE JURISDICTION.

10 S 103. The second undesignated paragraph of subdivision 4 of section
11 246 of the executive law, as added by chapter 479 of the laws of 1970,
12 is amended to read as follows:

13 [The director shall thereupon certify to the comptroller for payment
14 by the state out of funds appropriated for that purpose, the amount to
15 which the county or the city of New York shall be entitled under this
16 section.]

17 THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES MAY TAKE
18 INTO CONSIDERATION GRANTING ADDITIONAL STATE AID FROM AN APPROPRIATION
19 MADE FOR STATE AID FOR COUNTY PROBATION SERVICES FOR COUNTIES OR THE
20 CITY OF NEW YORK WHEN A COUNTY OR THE CITY OF NEW YORK DEMONSTRATES THAT
21 ADDITIONAL PROBATION SERVICES WERE DEDICATED TO INTENSIVE SUPERVISION
22 PROGRAMS AND INTENSIVE PROGRAMS FOR SEX OFFENDERS. THE COMMISSIONER
23 SHALL GRANT ADDITIONAL STATE AID FROM AN APPROPRIATION DEDICATED TO
24 JUVENILE RISK INTERVENTION SERVICES COORDINATION BY PROBATION DEPART-
25 MENTS WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, PROBATION SERVICES
26 PERFORMED UNDER ARTICLE THREE OF THE FAMILY COURT ACT. THE ADMINIS-
27 TRATION OF SUCH ADDITIONAL GRANTS SHALL BE MADE ACCORDING TO RULES AND
28 REGULATIONS PROMULGATED BY THE COMMISSIONER OF THE DIVISION OF CRIMINAL
29 JUSTICE SERVICES. EACH COUNTY AND THE CITY OF NEW YORK SHALL CERTIFY THE
30 TOTAL AMOUNT COLLECTED PURSUANT TO SECTION TWO HUNDRED FIFTY-SEVEN-C OF
31 THIS CHAPTER. THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE
32 SERVICES SHALL THEREUPON CERTIFY TO THE COMPTROLLER FOR PAYMENT BY THE
33 STATE OUT OF FUNDS APPROPRIATED FOR THAT PURPOSE, THE AMOUNT TO WHICH
34 THE COUNTY OR THE CITY OF NEW YORK SHALL BE ENTITLED UNDER THIS SECTION.
35 THE COMMISSIONER SHALL, SUBJECT TO AN APPROPRIATION MADE AVAILABLE FOR
36 SUCH PURPOSE, ESTABLISH AND PROVIDE FUNDING TO PROBATION DEPARTMENTS FOR
37 A CONTINUUM OF EVIDENCE-BASED INTERVENTION SERVICES FOR YOUTH ALLEGED OR
38 ADJUDICATED JUVENILE DELINQUENTS PURSUANT TO ARTICLE THREE OF THE FAMILY
39 COURT ACT OR FOR ELIGIBLE YOUTH BEFORE OR SENTENCED UNDER THE YOUTH PART
40 IN ACCORDANCE WITH THE CRIMINAL PROCEDURE LAW.

41 S 104. The state finance law is amended by adding a new section 54-m
42 to read as follows:

43 S 54-M. LOCAL SHARE REQUIREMENTS ASSOCIATED WITH INCREASING THE AGE OF
44 JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE. NOTWITHSTANDING ANY
45 OTHER PROVISION OF LAW TO THE CONTRARY, COUNTIES AND THE CITY OF NEW
46 YORK SHALL NOT BE REQUIRED TO CONTRIBUTE A LOCAL SHARE OF ELIGIBLE
47 EXPENDITURES THAT WOULD NOT HAVE BEEN INCURRED ABSENT THE PROVISIONS OF
48 A CHAPTER OF THE LAWS OF TWO THOUSAND SEVENTEEN THAT ADDED THIS SECTION
49 UNLESS THE MOST RECENT BUDGET ADOPTED BY A COUNTY THAT IS SUBJECT TO THE
50 PROVISIONS OF SECTION THREE-C OF THE GENERAL MUNICIPAL LAW EXCEEDED THE
51 TAX LEVY LIMIT PRESCRIBED IN SUCH SECTION OR THE LOCAL GOVERNMENT IS NOT
52 SUBJECT TO THE PROVISIONS OF SECTION THREE-C OF THE GENERAL MUNICIPAL
53 LAW; PROVIDED, HOWEVER, THAT THE STATE BUDGET DIRECTOR SHALL BE AUTHOR-
54 IZED TO WAIVE ANY LOCAL SHARE OF EXPENDITURES ASSOCIATED WITH A CHAPTER
55 OF THE LAWS OF TWO THOUSAND SEVENTEEN THAT INCREASED THE AGE OF JUVENILE
56 JURISDICTION ABOVE FIFTEEN YEARS OF AGE, UPON A SHOWING OF FINANCIAL

1 HARDSHIP BY A COUNTY OR THE CITY OF NEW YORK UPON APPLICATION IN THE
2 FORM AND MANNER PRESCRIBED BY THE DIVISION OF THE BUDGET. IN EVALUATING
3 AN APPLICATION FOR A FINANCIAL HARDSHIP WAIVER, THE BUDGET DIRECTOR
4 SHALL CONSIDER THE INCREMENTAL COST TO THE LOCALITY RELATED TO INCREAS-
5 ING THE AGE OF JUVENILE JURISDICTION, CHANGES IN STATE OR FEDERAL AID
6 PAYMENTS, AND OTHER EXTRAORDINARY COSTS, INCLUDING THE OCCURRENCE OF A
7 DISASTER AS DEFINED IN PARAGRAPH A OF SUBDIVISION TWO OF SECTION TWENTY
8 OF THE EXECUTIVE LAW, REPAIR AND MAINTENANCE OF INFRASTRUCTURE, ANNUAL
9 GROWTH IN TAX RECEIPTS, INCLUDING PERSONAL INCOME, BUSINESS AND OTHER
10 TAXES, PREPAYMENT OF DEBT SERVICE AND OTHER EXPENSES, OR SUCH OTHER
11 FACTORS THAT THE DIRECTOR MAY DETERMINE.

12 S 104-a. Notwithstanding any other provision of law to the contrary,
13 in accordance with the waiver provisions set forth in section 54-m of
14 the state finance law, state funding shall be available for one hundred
15 percent of a county's costs associated with transport of youth by the
16 applicable county sheriff that would not otherwise have occurred absent
17 the provisions of the chapter of the laws of two thousand seventeen that
18 added this section.

19 S 104-b. Notwithstanding any other provision of law; state reimburse-
20 ment relating to the detention and placement of persons in need of
21 supervision shall not be available for costs on or after January 1,
22 2020.

23 S 104-c. 1. There shall be a "raise the age implementation task
24 force," members of which will be assigned by the governor. Such task
25 force will be responsible for reporting to the governor, the speaker of
26 the assembly and the temporary president of the senate one year after
27 the effective date of the chapter of the laws of 2017 that added this
28 section. The task force shall have the following duties:

29 (A) monitoring the overall effectiveness of the law by reviewing the
30 state's progress in implementing the major components;

31 (B) evaluating the effectiveness of the local adoption and adherence
32 to the provisions of the law; and

33 (C) reviewing the sealing provisions including but not limited to an
34 analysis of the number of applicants, the number of individuals granted
35 sealing, and the overall effectiveness of the law's sealing require-
36 ments.

37 2. The task force members shall receive no remuneration for their
38 services as members.

39 3. The task force may create such committees as it deems necessary.

40 4. The task force shall provide an initial report on their findings on
41 or before August 1, 2019 with respect to the first phase of implementa-
42 tion and an additional report one year after with respect to the second
43 phase of implementation.

44 S 105. Severability. If any clause, sentence, paragraph, subdivision,
45 section or part contained in any part of this act shall be adjudged by
46 any court of competent jurisdiction to be invalid, such judgment shall
47 not affect, impair, or invalidate the remainder thereof, but shall be
48 confined in its operation to the clause, sentence, paragraph, subdivi-
49 sion, section or part contained in any part thereof directly involved in
50 the controversy in which such judgment shall have been rendered. It is
51 hereby declared to be the intent of the legislature that this act would
52 have been enacted even if such invalid provisions had not been included
53 herein.

54 S 106. This act shall take effect immediately; provided that:

55 a. sections forty-eight and forty-eight-a of this act shall take
56 effect on the one hundred eightieth day after this act shall have become

1 a law and shall be deemed to apply to offenses committed prior to, on,
2 or after such effective date;

3 b. sections one through thirty, thirty-one-a, thirty-one-b, thirty-
4 two, thirty-five, thirty-six, thirty-eight, forty-a, forty-one, forty-
5 three, forty-four, fifty-six, fifty-six-a, fifty-six-b, fifty-seven,
6 fifty-nine, sixty-one through sixty-three, sixty-five, sixty-seven,
7 sixty-nine, seventy, seventy-two, seventy-five through seventy-eight,
8 seventy-nine, seventy-nine-b, eighty, eighty-one-b, eighty-two-a, nine-
9 ty-nine, one hundred, one hundred-a and one hundred one of this act
10 shall take effect October 1, 2018; provided however, that when the
11 applicability of such provisions are based on the conviction of a crime
12 or an act committed by a person who was seventeen years of age at the
13 time of such offense such provisions shall take effect October 1, 2019;

14 c. sections one hundred two and one hundred four shall take effect
15 April 1, 2018;

16 d. the amendments to subdivision 4 of section 353.5 of the family
17 court act made by section seventy-two of this act shall be subject to
18 the expiration and reversion of such subdivision pursuant to section 11
19 of subpart A of part G of chapter 57 of the laws of 2012, as amended,
20 when upon such date the provisions of section seventy-three of this act
21 shall take effect;

22 e. the amendments to the second undesignated paragraph of subdivision
23 4 of section 246 of the executive law made by section one hundred two of
24 this act shall be subject to the expiration and reversion of such undes-
25 ignated paragraph as provided in subdivision (aa) of section 427 of
26 chapter 55 of the laws of 1992, as amended, when upon such date section
27 one hundred three of this act shall take effect; provided, however if
28 such date of reversion is prior to April 1, 2018, section one hundred
29 three of this act shall take effect on April 1, 2018; and

30 f. the amendments to section 153-k of the social services law made by
31 section one hundred-a of this act shall not effect the repeal of such
32 section and shall be deemed to repeal therewith.

33

PART XXX

34 Section 1. The state comptroller is hereby authorized and directed to
35 loan money in accordance with the provisions set forth in subdivision 5
36 of section 4 of the state finance law to the following funds and/or
37 accounts:

- 38 1. Proprietary vocational school supervision account (20452).
- 39 2. Local government records management account (20501).
- 40 3. Child health plus program account (20810).
- 41 4. EPIC premium account (20818).
- 42 5. Education - New (20901).
- 43 6. VLT - Sound basic education fund (20904).
- 44 7. Sewage treatment program management and administration fund
45 (21000).
- 46 8. Hazardous bulk storage account (21061).
- 47 9. Federal grants indirect cost recovery account (21065).
- 48 10. Low level radioactive waste account (21066).
- 49 11. Recreation account (21067).
- 50 12. Public safety recovery account (21077).
- 51 13. Environmental regulatory account (21081).
- 52 14. Natural resource account (21082).
- 53 15. Mined land reclamation program account (21084).
- 54 16. Great lakes restoration initiative account (21087).

- 1 17. Environmental protection and oil spill compensation fund (21200).
- 2 18. Public transportation systems account (21401).
- 3 19. Metropolitan mass transportation (21402).
- 4 20. Operating permit program account (21451).
- 5 21. Mobile source account (21452).
- 6 22. Statewide planning and research cooperative system account
- 7 (21902).
- 8 23. New York state thruway authority account (21905).
- 9 24. Mental hygiene program fund account (21907).
- 10 25. Mental hygiene patient income account (21909).
- 11 26. Financial control board account (21911).
- 12 27. Regulation of racing account (21912).
- 13 28. New York Metropolitan Transportation Council account (21913).
- 14 29. State university dormitory income reimbursable account (21937).
- 15 30. Criminal justice improvement account (21945).
- 16 31. Environmental laboratory reference fee account (21959).
- 17 32. Clinical laboratory reference system assessment account (21962).
- 18 33. Indirect cost recovery account (21978).
- 19 34. High school equivalency program account (21979).
- 20 35. Multi-agency training account (21989).
- 21 36. Interstate reciprocity for post-secondary distance education
- 22 account (23800).
- 23 37. Bell jar collection account (22003).
- 24 38. Industry and utility service account (22004).
- 25 39. Real property disposition account (22006).
- 26 40. Parking account (22007).
- 27 41. Asbestos safety training program account (22009).
- 28 42. Batavia school for the blind account (22032).
- 29 43. Investment services account (22034).
- 30 44. Surplus property account (22036).
- 31 45. Financial oversight account (22039).
- 32 46. Regulation of Indian gaming account (22046).
- 33 47. Rome school for the deaf account (22053).
- 34 48. Seized assets account (22054).
- 35 49. Administrative adjudication account (22055).
- 36 50. Federal salary sharing account (22056).
- 37 51. New York City assessment account (22062).
- 38 52. Cultural education account (22063).
- 39 53. Local services account (22078).
- 40 54. DHCR mortgage servicing account (22085).
- 41 55. Department of motor vehicles compulsory insurance account (22087).
- 42 56. Housing indirect cost recovery account (22090).
- 43 57. DHCR-HCA application fee account (22100).
- 44 58. Low income housing monitoring account (22130).
- 45 59. Corporation administration account (22135).
- 46 60. Montrose veteran's home account (22144).
- 47 61. Deferred compensation administration account (22151).
- 48 62. Rent revenue other New York City account (22156).
- 49 63. Rent revenue account (22158).
- 50 64. Tax revenue arrearage account (22168).
- 51 65. State university general income offset account (22654).
- 52 66. Lake George park trust fund account (22751).
- 53 67. State police motor vehicle law enforcement account (22802).
- 54 68. Highway safety program account (23001).
- 55 69. DOH drinking water program account (23102).
- 56 70. NYCCC operating offset account (23151).

- 1 71. Commercial gaming revenue account (23701).
- 2 72. Commercial gaming regulation account (23702).
- 3 73. Highway use tax administration account (23801).
- 4 74. Highway and bridge capital account (30051).
- 5 75. Aviation purpose account (30053).
- 6 76. State university residence hall rehabilitation fund (30100).
- 7 77. State parks infrastructure account (30351).
- 8 78. Clean water/clean air implementation fund (30500).
- 9 79. Hazardous waste remedial cleanup account (31506).
- 10 80. Youth facilities improvement account (31701).
- 11 81. Housing assistance fund (31800).
- 12 82. Housing program fund (31850).
- 13 83. Highway facility purpose account (31951).
- 14 84. Information technology capital financing account (32215).
- 15 85. New York racing account (32213).
- 16 86. Capital miscellaneous gifts account (32214).
- 17 87. New York environmental protection and spill remediation account.
- 18 88. Mental hygiene facilities capital improvement fund (32300).
- 19 89. Correctional facilities capital improvement fund (32350).
- 20 90. New York State Storm Recovery Capital Fund (33000).
- 21 91. OGS convention center account (50318).
- 22 92. Empire Plaza Gift Shop (50327).
- 23 93. Centralized services fund (55000).
- 24 94. Archives records management account (55052).
- 25 95. Federal single audit account (55053).
- 26 96. Civil service EHS occupational health program account (55056).
- 27 97. Banking services account (55057).
- 28 98. Cultural resources survey account (55058).
- 29 99. Neighborhood work project account (55059).
- 30 100. Automation & printing chargeback account (55060).
- 31 101. OFT NYT account (55061).
- 32 102. Data center account (55062).
- 33 103. Intrusion detection account (55066).
- 34 104. Domestic violence grant account (55067).
- 35 105. Centralized technology services account (55069).
- 36 106. Labor contact center account (55071).
- 37 107. Human services contact center account (55072).
- 38 108. Tax contact center account (55073).
- 39 109. Executive direction internal audit account (55251).
- 40 110. CIO Information technology centralized services account (55252).
- 41 111. Health insurance internal service account (55300).
- 42 112. Civil service employee benefits division administrative account
- 43 (55301).
- 44 113. Correctional industries revolving fund (55350).
- 45 114. Employees health insurance account (60201).
- 46 115. Medicaid management information system escrow fund (60900).
- 47 116. Department of law civil recoveries account.
- 48 S 1-a. The state comptroller is hereby authorized and directed to loan
- 49 money in accordance with the provisions set forth in subdivision 5 of
- 50 section 4 of the state finance law to any account within the following
- 51 federal funds, provided the comptroller has made a determination that
- 52 sufficient federal grant award authority is available to reimburse such
- 53 loans:
- 54 1. Federal USDA-food and nutrition services fund (25000).
- 55 2. Federal health and human services fund (25100).
- 56 3. Federal education fund (25200).

1 4. Federal block grant fund (25250).
2 5. Federal miscellaneous operating grants fund (25300).
3 6. Federal unemployment insurance administration fund (25900).
4 7. Federal unemployment insurance occupational training fund (25950).
5 8. Federal emergency employment act fund (26000).
6 9. Federal capital projects fund (31350).
7 S 2. Notwithstanding any law to the contrary, and in accordance with
8 section 4 of the state finance law, the comptroller is hereby authorized
9 and directed to transfer, upon request of the director of the budget, on
10 or before March 31, 2018, up to the unencumbered balance or the follow-
11 ing amounts:
12 Economic Development and Public Authorities:
13 1. \$175,000 from the miscellaneous special revenue fund, underground
14 facilities safety training account (22172), to the general fund.
15 2. An amount up to the unencumbered balance from the miscellaneous
16 special revenue fund, business and licensing services account (21977),
17 to the general fund.
18 3. \$14,810,000 from the miscellaneous special revenue fund, code
19 enforcement account (21904), to the general fund.
20 4. \$3,000,000 from the general fund to the miscellaneous special
21 revenue fund, tax revenue arrearage account (22168).
22 Education:
23 1. \$2,394,714,000 from the general fund to the state lottery fund,
24 education account (20901), as reimbursement for disbursements made from
25 such fund for supplemental aid to education pursuant to section 92-c of
26 the state finance law that are in excess of the amounts deposited in
27 such fund for such purposes pursuant to section 1612 of the tax law.
28 2. \$966,634,000 from the general fund to the state lottery fund, VLT
29 education account (20904), as reimbursement for disbursements made from
30 such fund for supplemental aid to education pursuant to section 92-c of
31 the state finance law that are in excess of the amounts deposited in
32 such fund for such purposes pursuant to section 1612 of the tax law.
33 3. Moneys from the state lottery fund (20900) up to an amount deposit-
34 ed in such fund pursuant to section 1612 of the tax law in excess of the
35 current year appropriation for supplemental aid to education pursuant to
36 section 92-c of the state finance law.
37 4. \$300,000 from the New York state local government records manage-
38 ment improvement fund, local government records management account
39 (20501), to the New York state archives partnership trust fund, archives
40 partnership trust maintenance account (20351).
41 5. \$900,000 from the general fund to the miscellaneous special revenue
42 fund, Batavia school for the blind account (22032).
43 6. \$900,000 from the general fund to the miscellaneous special revenue
44 fund, Rome school for the deaf account (22053).
45 7. \$343,400,000 from the state university dormitory income fund
46 (40350) to the miscellaneous special revenue fund, state university
47 dormitory income reimbursable account (21937).
48 8. \$20,000,000 from any of the state education department special
49 revenue and internal service funds to the miscellaneous special revenue
50 fund, indirect cost recovery account (21978).
51 9. \$8,318,000 from the general fund to the state university income
52 fund, state university income offset account (22654), for the state's
53 share of repayment of the STIP loan.
54 10. \$40,000,000 from the state university income fund, state universi-
55 ty hospitals income reimbursable account (22656) to the general fund for

1 hospital debt service for the period April 1, 2017 through March 31,
2 2018.

3 11. An amount up to \$13,540,000 from the general fund to the state
4 university income fund, state university general revenue account
5 (22653).

6 Environmental Affairs:

7 1. \$16,000,000 from any of the department of environmental conserva-
8 tion's special revenue federal funds to the environmental conservation
9 special revenue fund, federal indirect recovery account (21065).

10 2. \$5,000,000 from any of the department of environmental conserva-
11 tion's special revenue federal funds to the conservation fund (21150) as
12 necessary to avoid diversion of conservation funds.

13 3. \$3,000,000 from any of the office of parks, recreation and historic
14 preservation capital projects federal funds and special revenue federal
15 funds to the miscellaneous special revenue fund, federal grant indirect
16 cost recovery account (22188).

17 4. \$1,000,000 from any of the office of parks, recreation and historic
18 preservation special revenue federal funds to the miscellaneous special
19 revenue fund, I love NY water account (21930).

20 5. \$28,000,000 from the general fund to the environmental protection
21 fund, environmental protection fund transfer account (30451).

22 6. \$1,800,000 from the general fund to the hazardous waste remedial
23 fund, hazardous waste oversight and assistance account (31505).

24 Family Assistance:

25 1. \$7,000,000 from any of the office of children and family services,
26 office of temporary and disability assistance, or department of health
27 special revenue federal funds and the general fund, in accordance with
28 agreements with social services districts, to the miscellaneous special
29 revenue fund, office of human resources development state match account
30 (21967).

31 2. \$4,000,000 from any of the office of children and family services
32 or office of temporary and disability assistance special revenue federal
33 funds to the miscellaneous special revenue fund, family preservation and
34 support services and family violence services account (22082).

35 3. \$18,670,000 from any of the office of children and family services,
36 office of temporary and disability assistance, or department of health
37 special revenue federal funds and any other miscellaneous revenues
38 generated from the operation of office of children and family services
39 programs to the general fund.

40 4. \$140,000,000 from any of the office of temporary and disability
41 assistance or department of health special revenue funds to the general
42 fund.

43 5. \$2,500,000 from any of the office of temporary and disability
44 assistance special revenue funds to the miscellaneous special revenue
45 fund, office of temporary and disability assistance program account
46 (21980).

47 6. \$7,400,000 from any of the office of children and family services,
48 office of temporary and disability assistance, department of labor, and
49 department of health special revenue federal funds to the office of
50 children and family services miscellaneous special revenue fund, multi-
51 agency training contract account (21989).

52 7. \$65,000,000 from the miscellaneous special revenue fund, youth
53 facility per diem account (22186), to the general fund.

54 8. \$621,850 from the general fund to the combined gifts, grants, and
55 bequests fund, WB Hoyt Memorial account (20128).

1 9. \$3,100,000 from the miscellaneous special revenue fund, state
2 central registry (22028), to the general fund.

3 General Government:

4 1. \$1,566,000 from the miscellaneous special revenue fund, examination
5 and miscellaneous revenue account (22065) to the general fund.

6 2. \$8,083,000 from the general fund to the health insurance revolving
7 fund (55300).

8 3. \$192,400,000 from the health insurance reserve receipts fund
9 (60550) to the general fund.

10 4. \$150,000 from the general fund to the not-for-profit revolving loan
11 fund (20650).

12 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
13 general fund.

14 6. \$3,000,000 from the miscellaneous special revenue fund, surplus
15 property account (22036), to the general fund.

16 7. \$19,000,000 from the miscellaneous special revenue fund, revenue
17 arrearage account (22024), to the general fund.

18 8. \$1,826,000 from the miscellaneous special revenue fund, revenue
19 arrearage account (22024), to the miscellaneous special revenue fund,
20 authority budget office account (22138).

21 9. \$1,000,000 from the miscellaneous special revenue fund, parking
22 services account (22007), to the general fund, for the purpose of reim-
23 bursing the costs of debt service related to state parking facilities.

24 10. \$21,783,000 from the general fund to the centralized services
25 fund, COPS account (55013).

26 11. \$8,960,000 from the general fund to the agencies internal service
27 fund, central technology services account (55069), for the purpose of
28 enterprise technology projects.

29 12. \$15,000,000 from the miscellaneous special revenue fund, workers'
30 compensation account (21995), to the miscellaneous capital projects
31 fund, workers' compensation board IT business process design fund,
32 (32218).

33 Health:

34 1. A transfer from the general fund to the combined gifts, grants and
35 bequests fund, breast cancer research and education account (20155), up
36 to an amount equal to the monies collected and deposited into that
37 account in the previous fiscal year.

38 2. A transfer from the general fund to the combined gifts, grants and
39 bequests fund, prostate cancer research, detection, and education
40 account (20183), up to an amount equal to the moneys collected and
41 deposited into that account in the previous fiscal year.

42 3. A transfer from the general fund to the combined gifts, grants and
43 bequests fund, Alzheimer's disease research and assistance account
44 (20143), up to an amount equal to the moneys collected and deposited
45 into that account in the previous fiscal year.

46 4. \$30,555,000 from the HCRA resources fund (20800) to the miscella-
47 neous special revenue fund, empire state stem cell trust fund account
48 (22161).

49 5. \$6,000,000 from the miscellaneous special revenue fund, certificate
50 of need account (21920), to the miscellaneous capital projects fund,
51 healthcare IT capital subfund (32216).

52 6. \$2,000,000 from the miscellaneous special revenue fund, vital
53 health records account (22103), to the miscellaneous capital projects
54 fund, healthcare IT capital subfund (32216)

- 1 7. \$2,000,000 from the miscellaneous special revenue fund, profes-
2 sional medical conduct account (22088), to the miscellaneous capital
3 projects fund, healthcare IT capital subfund (32216).
- 4 8. \$76,021,000 from the HCRA resources fund (20800) to the capital
5 projects fund (30000).
- 6 9. \$4,540,000 from the general fund to the medical marihuana trust
7 fund, health operation and oversight account (23755).
- 8 10. \$1,086,000 from the miscellaneous special revenue fund, certif-
9 icate of need account (21920), to the general fund.
- 10 Labor:
- 11 1. \$400,000 from the miscellaneous special revenue fund, DOL fee and
12 penalty account (21923), to the child performer's protection fund, child
13 performer protection account (20401).
- 14 2. \$8,400,000 from the miscellaneous special revenue fund, DOL fee and
15 penalty account (21923), to the general fund.
- 16 3. \$3,300,000 from the unemployment insurance interest and penalty
17 fund, unemployment insurance special interest and penalty account
18 (23601), to the general fund.
- 19 4. \$5,000,000 from the miscellaneous special revenue fund, workers'
20 compensation account (21995), to the training and education program
21 occupation safety and health fund, occupational health inspection
22 account (21252).
- 23 Mental Hygiene:
- 24 1. \$10,000,000 from the miscellaneous special revenue fund, mental
25 hygiene patient income account (21909), to the miscellaneous special
26 revenue fund, federal salary sharing account (22056).
- 27 2. \$1,800,000,000 from the general fund to the miscellaneous special
28 revenue fund, mental hygiene patient income account (21909).
- 29 3. \$1,700,000,000 from the general fund to the miscellaneous special
30 revenue fund, mental hygiene program fund account (21907).
- 31 4. \$100,000,000 from the miscellaneous special revenue fund, mental
32 hygiene program fund account (21907), to the general fund.
- 33 5. \$100,000,000 from the miscellaneous special revenue fund, mental
34 hygiene patient income account (21909), to the general fund.
- 35 6. \$3,800,000 from the miscellaneous special revenue fund, mental
36 hygiene patient income account (21909), to the agencies internal service
37 fund, civil service EHS occupational health program account (55056).
- 38 7. \$11,500,000 from the chemical dependence service fund, substance
39 abuse services fund account (22700), to the capital projects fund
40 (30000).
- 41 8. \$3,500,000 from the chemical dependence service fund, substance
42 abuse services fund account (22700), to the mental hygiene capital
43 improvement fund (32305).
- 44 9. \$15,000,000 from the chemical dependence service fund, substance
45 abuse services fund account (22700), to the miscellaneous special reven-
46 ue fund, mental hygiene program fund account (21907).
- 47 Public Protection:
- 48 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
49 management account (21944), to the general fund.
- 50 2. \$2,087,000 from the general fund to the miscellaneous special
51 revenue fund, recruitment incentive account (22171).
- 52 3. \$12,000,000 from the general fund to the correctional industries
53 revolving fund, correctional industries internal service account
54 (55350).
- 55 4. \$3,000,000 from the federal miscellaneous operating grants fund,
56 DMNA damage account (25324), to the general fund.

- 1 5. \$8,600,000 from the miscellaneous special revenue fund, criminal
2 justice improvement account (21945), to the general fund.
- 3 6. \$112,420,000 from the state police motor vehicle law enforcement
4 and motor vehicle theft and insurance fraud prevention fund, state
5 police motor vehicle enforcement account (22802), to the general fund
6 for state operation expenses of the division of state police.
- 7 7. A transfer of the unencumbered balance from the miscellaneous
8 special revenue fund, seized assets account (22061), to the miscella-
9 neous special revenue fund, seized assets account (22054).
- 10 8. \$117,500,000 from the general fund to the correctional facilities
11 capital improvement fund (32350).
- 12 9. \$5,000,000 from the general fund to the dedicated highway and
13 bridge trust fund (30050) for the purpose of work zone safety activities
14 provided by the division of state police for the department of transpor-
15 tation.
- 16 10. \$5,238,000 from the miscellaneous special revenue fund, statewide
17 public safety communications account (22123), to the capital projects
18 fund (30000).
- 19 11. \$9,545,000 from the miscellaneous special revenue fund, legal
20 services assistance account (22096), to the general fund.
- 21 12. \$1,000,000 from the general fund to the agencies internal service
22 fund, neighborhood work project account (55059).
- 23 13. \$5,940,556 from the miscellaneous special revenue fund, finger-
24 print identification & technology account (21950), to the general fund.
- 25 14. \$4,300,000 from the state police motor vehicle law enforcement and
26 motor vehicle theft and insurance fraud prevention fund, motor vehicle
27 theft and insurance fraud account (22801), to the general fund.
- 28 15. \$50,000,000 from the miscellaneous special revenue fund, public
29 safety communications account (22123), to the general fund.
- 30 16. \$2,000,000 from the general fund to the miscellaneous special
31 revenue fund, crimes against revenue program account (22015).
- 32 Transportation:
- 33 1. \$17,672,000 from the federal miscellaneous operating grants fund to
34 the miscellaneous special revenue fund, New York Metropolitan Transpor-
35 tation Council account (21913).
- 36 2. \$20,147,000 from the federal capital projects fund to the miscella-
37 neous special revenue fund, New York Metropolitan Transportation Council
38 account (21913).
- 39 3. \$15,058,017 from the general fund to the mass transportation oper-
40 ating assistance fund, public transportation systems operating assist-
41 ance account (21401), of which \$12,000,000 constitutes the base need for
42 operations.
- 43 4. \$720,000,000 from the general fund to the dedicated highway and
44 bridge trust fund (30050).
- 45 5. \$3,662,000 from the miscellaneous special revenue fund, accident
46 prevention course program account (22094), to the dedicated highway and
47 bridge trust fund (30050).
- 48 6. \$3,065,000 from the miscellaneous special revenue fund, motorcycle
49 safety account (21976), to the dedicated highway and bridge trust fund
50 (30050).
- 51 7. \$244,250,000 from the general fund to the MTA financial assistance
52 fund, mobility tax trust account (23651).
- 53 8. \$5,000,000 from the miscellaneous special revenue fund, transporta-
54 tion regulation account (22067) to the dedicated highway and bridge
55 trust fund (30050), for disbursements made from such fund for motor
56 carrier safety that are in excess of the amounts deposited in the dedi-

1 cated highway and bridge trust fund (30050) for such purpose pursuant to
2 section 94 of the transportation law.

3 9. \$114,000 from the miscellaneous special revenue fund, seized assets
4 account (21906), to the dedicated highway and bridge trust fund (30050).

5 10. \$500,000 from the clean air fund, mobile source account (21452),
6 to the general fund.

7 11. \$3,000,000 from the miscellaneous special revenue fund, traffic
8 adjudication account (22055), to the general fund.

9 12. \$121,548,000 from the mass transportation operating assistance
10 fund, metropolitan mass transportation operating assistance account
11 (21402), to the capital projects fund (30000).

12 Miscellaneous:

13 1. \$250,000,000 from the general fund to any funds or accounts for the
14 purpose of reimbursing certain outstanding accounts receivable balances.

15 2. \$500,000,000 from the general fund to the debt reduction reserve
16 fund (40000).

17 3. \$450,000,000 from the New York state storm recovery capital fund
18 (33000) to the revenue bond tax fund (40152).

19 4. \$15,500,000 from the general fund, community projects account GG
20 (10256), to the general fund, state purposes account (10050).

21 S 3. Notwithstanding any law to the contrary, and in accordance with
22 section 4 of the state finance law, the comptroller is hereby authorized
23 and directed to transfer, on or before March 31, 2018:

24 1. Upon request of the commissioner of environmental conservation, up
25 to \$12,234,600 from revenues credited to any of the department of envi-
26 ronmental conservation special revenue funds, including \$4,000,000 from
27 the environmental protection and oil spill compensation fund (21200),
28 and \$1,793,600 from the conservation fund (21150), to the environmental
29 conservation special revenue fund, indirect charges account (21060).

30 2. Upon request of the commissioner of agriculture and markets, up to
31 \$3,000,000 from any special revenue fund or enterprise fund within the
32 department of agriculture and markets to the general fund, to pay appro-
33 priate administrative expenses.

34 3. Upon request of the commissioner of agriculture and markets, up to
35 \$2,000,000 from the state exposition special fund, state fair receipts
36 account (50051) to the miscellaneous capital projects fund, state fair
37 capital improvement account (32208).

38 4. Upon request of the commissioner of the division of housing and
39 community renewal, up to \$6,221,000 from revenues credited to any divi-
40 sion of housing and community renewal federal or miscellaneous special
41 revenue fund to the miscellaneous special revenue fund, housing indirect
42 cost recovery account (22090).

43 5. Upon request of the commissioner of the division of housing and
44 community renewal, up to \$5,500,000 may be transferred from any miscel-
45 laneous special revenue fund account, to any miscellaneous special
46 revenue fund.

47 6. Upon request of the commissioner of health up to \$8,500,000 from
48 revenues credited to any of the department of health's special revenue
49 funds, to the miscellaneous special revenue fund, administration account
50 (21982).

51 S 4. On or before March 31, 2018, the comptroller is hereby authorized
52 and directed to deposit earnings that would otherwise accrue to the
53 general fund that are attributable to the operation of section 98-a of
54 the state finance law, to the agencies internal service fund, banking
55 services account (55057), for the purpose of meeting direct payments
56 from such account.

1 S 5. Notwithstanding any law to the contrary, upon the direction of
2 the director of the budget and upon requisition by the state university
3 of New York, the dormitory authority of the state of New York is
4 directed to transfer, up to \$22,000,000 in revenues generated from the
5 sale of notes or bonds, the state university income fund general revenue
6 account (22653) for reimbursement of bondable equipment for further
7 transfer to the state's general fund.

8 S 6. Notwithstanding any law to the contrary, and in accordance with
9 section 4 of the state finance law, the comptroller is hereby authorized
10 and directed to transfer, upon request of the director of the budget and
11 upon consultation with the state university chancellor or his or her
12 designee, on or before March 31, 2018, up to \$16,000,000 from the state
13 university income fund general revenue account (22653) to the state
14 general fund for debt service costs related to campus supported capital
15 project costs for the NY-SUNY 2020 challenge grant program at the
16 University at Buffalo.

17 S 7. Notwithstanding any law to the contrary, and in accordance with
18 section 4 of the state finance law, the comptroller is hereby authorized
19 and directed to transfer, upon request of the director of the budget and
20 upon consultation with the state university chancellor or his or her
21 designee, on or before March 31, 2018, up to \$6,500,000 from the state
22 university income fund general revenue account (22653) to the state
23 general fund for debt service costs related to campus supported capital
24 project costs for the NY-SUNY 2020 challenge grant program at the
25 University at Albany.

26 S 8. Notwithstanding any law to the contrary, the state university
27 chancellor or his or her designee is authorized and directed to transfer
28 estimated tuition revenue balances from the state university collection
29 fund (61000) to the state university income fund, state university
30 general revenue offset account (22655) on or before March 31, 2018.

31 S 9. Notwithstanding any law to the contrary, and in accordance with
32 section 4 of the state finance law, the comptroller is hereby authorized
33 and directed to transfer, upon request of the director of the budget, up
34 to \$78,564,000 from the general fund to the state university income
35 fund, state university hospitals income reimbursable account (22656)
36 during the period July 1, 2017 through June 30, 2018 to reflect ongoing
37 state subsidy of SUNY hospitals and to pay costs attributable to the
38 SUNY hospitals' state agency status.

39 S 10. Notwithstanding any law to the contrary, and in accordance with
40 section 4 of the state finance law, the comptroller is hereby authorized
41 and directed to transfer, upon request of the director of the budget, up
42 to \$1,015,990,300 from the general fund to the state university income
43 fund, state university general revenue offset account (22655) during the
44 period of July 1, 2017 through June 30, 2018 to support operations at
45 the state university.

46 S 11. Notwithstanding any law to the contrary, and in accordance with
47 section 4 of the state financial law, the comptroller is hereby author-
48 ized and directed to transfer, upon request of the director of the budg-
49 et, up to \$100,000 from the general fund to the state university income
50 fund, state university general revenue offset account (22655) during the
51 period of April 1, 2017 through June 30, 2017 to support operations at
52 the state university.

53 S 11-a. Notwithstanding any law to the contrary, and in accordance
54 with section 4 of the state financial law, the comptroller is hereby
55 authorized and directed to transfer, upon request of the director of the
56 budget, up to \$20,000,000 from the general fund to the state university

1 income fund, state university general revenue offset account (22655)
2 during the period of July 1, 2017 to June 30, 2018 to support operations
3 at the state university in accordance with the maintenance of effort
4 pursuant to clause (v) of subparagraph (4) of paragraph h of subdivision
5 2 of section 355 of the education law.

6 S 12. Notwithstanding any law to the contrary, and in accordance with
7 section 4 of the state finance law, the comptroller is hereby authorized
8 and directed to transfer, upon request of the state university chancel-
9 lor or his or her designee, up to \$55,000,000 from the state university
10 income fund, state university hospitals income reimbursable account
11 (22656), for services and expenses of hospital operations and capital
12 expenditures at the state university hospitals; and the state university
13 income fund, Long Island veterans' home account (22652) to the state
14 university capital projects fund (32400) on or before June 30, 2018.

15 S 13. Notwithstanding any law to the contrary, and in accordance with
16 section 4 of the state finance law, the comptroller, after consultation
17 with the state university chancellor or his or her designee, is hereby
18 authorized and directed to transfer moneys, in the first instance, from
19 the state university collection fund, Stony Brook hospital collection
20 account (61006), Brooklyn hospital collection account (61007), and Syra-
21 cuse hospital collection account (61008) to the state university income
22 fund, state university hospitals income reimbursable account (22656) in
23 the event insufficient funds are available in the state university
24 income fund, state university hospitals income reimbursable account
25 (22656) to permit the full transfer of moneys authorized for transfer,
26 to the general fund for payment of debt service related to the SUNY
27 hospitals. Notwithstanding any law to the contrary, the comptroller is
28 also hereby authorized and directed, after consultation with the state
29 university chancellor or his or her designee, to transfer moneys from
30 the state university income fund to the state university income fund,
31 state university hospitals income reimbursable account (22656) in the
32 event insufficient funds are available in the state university income
33 fund, state university hospitals income reimbursable account (22656) to
34 pay hospital operating costs or to permit the full transfer of moneys
35 authorized for transfer, to the general fund for payment of debt service
36 related to the SUNY hospitals on or before March 31, 2018.

37 S 14. Notwithstanding any law to the contrary, upon the direction of
38 the director of the budget and the chancellor of the state university of
39 New York or his or her designee, and in accordance with section 4 of the
40 state finance law, the comptroller is hereby authorized and directed to
41 transfer monies from the state university dormitory income fund (40350)
42 to the state university residence hall rehabilitation fund (30100), and
43 from the state university residence hall rehabilitation fund (30100) to
44 the state university dormitory income fund (40350), in an amount not to
45 exceed \$80 million from each fund.

46 S 15. Notwithstanding any law to the contrary, and in accordance with
47 section 4 of the state finance law, the comptroller is hereby authorized
48 and directed to transfer monies, upon request of the director of the
49 budget, on or before March 31, 2018, from and to any of the following
50 accounts: the miscellaneous special revenue fund, patient income account
51 (21909), the miscellaneous special revenue fund, mental hygiene program
52 fund account (21907), the miscellaneous special revenue fund, federal
53 salary sharing account (22056), or the general fund in any combination,
54 the aggregate of which shall not exceed \$350 million.

55 S 16. Notwithstanding any law to the contrary, and in accordance with
56 section 4 of the state finance law, the comptroller is hereby authorized

1 and directed to transfer, at the request of the director of the budget,
2 up to \$500 million from the unencumbered balance of any special revenue
3 fund or account, agency fund or account, internal service fund or
4 account, enterprise fund or account, or any combination of such funds
5 and accounts, to the general fund. The amounts transferred pursuant to
6 this authorization shall be in addition to any other transfers expressly
7 authorized in the 2017-18 budget. Transfers from federal funds, debt
8 service funds, capital projects funds, the community projects fund, or
9 funds that would result in the loss of eligibility for federal benefits
10 or federal funds pursuant to federal law, rule, or regulation as assent-
11 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
12 1951 are not permitted pursuant to this authorization.

13 S 16-a. Notwithstanding any law to the contrary, and in accordance
14 with section 4 of the state finance law, the comptroller is hereby
15 authorized and directed to transfer, at the request of the director of
16 the budget, up to twenty million dollars (\$20,000,000) from the unencum-
17 bered balance of any special revenue fund or account, or combination of
18 funds and accounts, to the community projects fund. The amounts trans-
19 ferred pursuant to this authorization shall be in addition to any other
20 transfers expressly authorized in the 2017-18 budget. Transfers from
21 federal funds, debt services funds, capital project funds, or funds that
22 would result in the loss of eligibility for federal benefits or federal
23 funds pursuant to federal law, rule, or regulation as assented to in
24 chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are
25 not permitted pursuant to this authorization. The director of the budget
26 shall (a) have received a request in writing from one or both houses of
27 the legislature, and (b) notify both houses of the legislature in writ-
28 ing prior to initiating transfers pursuant to this authorization. The
29 comptroller shall provide the director of the budget, the chair of the
30 senate finance committee, and the chair of the assembly ways and means
31 committee with an accurate accounting and report of any transfers that
32 occur pursuant to this section on or before the fifteenth day of the
33 following month in which such transfers occur.

34 S 17. Notwithstanding any law to the contrary, and in accordance with
35 section 4 of the state finance law, the comptroller is hereby authorized
36 and directed to transfer, at the request of the director of the budget,
37 up to \$100 million from any non-general fund or account, or combination
38 of funds and accounts, to the miscellaneous special revenue fund, tech-
39 nology financing account (22207), the miscellaneous capital projects
40 fund, information technology capital financing account (32215), or the
41 centralized technology services account (55069), for the purpose of
42 consolidating technology procurement and services. The amounts trans-
43 ferred to the miscellaneous special revenue fund, technology financing
44 account (22207) pursuant to this authorization shall be equal to or less
45 than the amount of such monies intended to support information technolo-
46 gy costs which are attributable, according to a plan, to such account
47 made in pursuance to an appropriation by law. Transfers to the technolo-
48 gy financing account shall be completed from amounts collected by non-
49 general funds or accounts pursuant to a fund deposit schedule or perma-
50 nent statute, and shall be transferred to the technology financing
51 account pursuant to a schedule agreed upon by the affected agency
52 commissioner. Transfers from funds that would result in the loss of
53 eligibility for federal benefits or federal funds pursuant to federal
54 law, rule, or regulation as assented to in chapter 683 of the laws of
55 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to
56 this authorization.

1 S 18. Notwithstanding any other law to the contrary, up to \$245
2 million of the assessment reserves remitted to the chair of the workers'
3 compensation board pursuant to subdivision 6 of section 151 of the work-
4 ers' compensation law shall, at the request of the director of the budg-
5 et, be transferred to the state insurance fund, for partial payment and
6 partial satisfaction of the state's obligations to the state insurance
7 fund under section 88-c of the workers' compensation law.

8 S 19. Notwithstanding any law to the contrary, and in accordance with
9 section 4 of the state finance law, the comptroller is hereby authorized
10 and directed to transfer, at the request of the director of the budget,
11 up to \$400 million from any non-general fund or account, or combination
12 of funds and accounts, to the general fund for the purpose of consol-
13 idating technology procurement and services. The amounts transferred
14 pursuant to this authorization shall be equal to or less than the amount
15 of such monies intended to support information technology costs which
16 are attributable, according to a plan, to such account made in pursuance
17 to an appropriation by law. Transfers to the general fund shall be
18 completed from amounts collected by non-general funds or accounts pursu-
19 ant to a fund deposit schedule. Transfers from funds that would result
20 in the loss of eligibility for federal benefits or federal funds pursu-
21 ant to federal law, rule, or regulation as assented to in chapter 683 of
22 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
23 pursuant to this authorization.

24 S 20. Notwithstanding any provision of law, rule or regulation to the
25 contrary, the New York state energy research and development authority
26 is authorized and directed to make the following contributions to the
27 state treasury to the credit of the general fund on or before March 31,
28 2018: (a) \$913,000; and (b) \$23,000,000 from proceeds collected by the
29 authority from the auction or sale of carbon dioxide emission allowances
30 allocated by the department of environmental conservation.

31 S 21. Subdivision 5 of section 97-rrr of the state finance law, as
32 amended by section 21 of part UU of chapter 54 of the laws of 2016, is
33 amended to read as follows:

34 5. Notwithstanding the provisions of section one hundred seventy-one-a
35 of the tax law, as separately amended by chapters four hundred eighty-
36 one and four hundred eighty-four of the laws of nineteen hundred eight-
37 y-one, and notwithstanding the provisions of chapter ninety-four of the
38 laws of two thousand eleven, or any other provisions of law to the
39 contrary, during the fiscal year beginning April first, two thousand
40 [sixteen] SEVENTEEN, the state comptroller is hereby authorized and
41 directed to deposit to the fund created pursuant to this section from
42 amounts collected pursuant to article twenty-two of the tax law and
43 pursuant to a schedule submitted by the director of the budget, up to
44 [\$3,283,844,000] \$2,679,997,000, as may be certified in such schedule as
45 necessary to meet the purposes of such fund for the fiscal year begin-
46 ning April first, two thousand [sixteen] SEVENTEEN.

47 S 22. Notwithstanding any law to the contrary, the comptroller is
48 hereby authorized and directed to transfer, upon request of the director
49 of the budget, on or before March 31, 2018, the following amounts from
50 the following special revenue accounts to the capital projects fund
51 (30000), for the purposes of reimbursement to such fund for expenses
52 related to the maintenance and preservation of state assets:

53 1. \$43,000 from the miscellaneous special revenue fund, administrative
54 program account (21982).

55 2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes
56 hospital account (22140).

1 3. \$366,000 from the miscellaneous special revenue fund, New York city
2 veterans' home account (22141).

3 4. \$513,000 from the miscellaneous special revenue fund, New York
4 state home for veterans' and their dependents at oxford account (22142).

5 5. \$159,000 from the miscellaneous special revenue fund, western New
6 York veterans' home account (22143).

7 6. \$323,000 from the miscellaneous special revenue fund, New York
8 state for veterans in the lower-hudson valley account (22144).

9 7. \$2,550,000 from the miscellaneous special revenue fund, patron
10 services account (22163).

11 8. \$41,930,000 from the miscellaneous special revenue fund, state
12 university dormitory income reimbursable account (21937).

13 9. \$830,000 from the miscellaneous special revenue fund, long island
14 veterans' home account (22652).

15 10. \$5,379,000 from the miscellaneous special revenue fund, state
16 university general income reimbursable account (22653).

17 11. \$112,556,000 from the miscellaneous special revenue fund, state
18 university revenue offset account (22655).

19 12. \$557,000 from the miscellaneous special revenue fund, state
20 university of New York tuition reimbursement account (22659).

21 S 22-a. Intentionally omitted.

22 S 22-b. Section 97-rrr of the state finance law, as amended by section
23 45 of part H of chapter 56 of the laws of 2000, is amended by adding a
24 new subdivision 4 to read as follows:

25 4. ANY AMOUNTS DISBURSED FROM SUCH FUND SHALL BE EXCLUDED FROM THE
26 CALCULATION OF ANNUAL SPENDING GROWTH IN STATE OPERATING FUNDS UNTIL
27 JUNE 30, 2019.

28 S 22-c. Subdivision 1 of section 4 of section 1 of part D3 of chapter
29 62 of the laws of 2003 amending the general business law and other laws
30 relating to implementing the state fiscal plan for the 2003-2004 state
31 fiscal year, is amended to read as follows:

32 1. The state representative, upon the execution of a sale agreement on
33 behalf of the state may sell to the corporation, and the corporation may
34 purchase, for cash or other consideration and in one or more install-
35 ments, all or a portion of the state's share. Any such agreement shall
36 provide, among other matters, that the purchase price payable by the
37 corporation to the state for such state's share or portion thereof shall
38 consist of the net proceeds of the bonds issued to finance such purchase
39 price and the residual interests, if any. [The] NOTWITHSTANDING SECTION
40 121 OF THE STATE FINANCE LAW OR ANY OTHER LAW TO THE CONTRARY, THE resi-
41 dual interests shall be deposited into [the tobacco settlement fund
42 pursuant to section 92-x of the state finance law, unless otherwise
43 directed by statute] THE MEDICAID MANAGEMENT INFORMATION SYSTEM (MMIS)
44 STATEWIDE ESCROW FUND WITHIN THIRTY DAYS UPON THE AVAILABILITY OF SUCH
45 RESIDUAL INTERESTS TO FUND A PORTION OF THE CUMULATIVE NON-FEDERAL SHARE
46 OF EXPENSES RELATED TO THE STATE TAKEOVER OF THE LOCAL SHARE OF MEDICAID
47 GROWTH PURSUANT TO PART F OF CHAPTER 56 OF THE LAWS OF 2012. SUCH
48 DEPOSIT SHALL BE IN AN AMOUNT EQUAL TO (A) THE AMOUNT OF RESIDUAL INTER-
49 ESTS SCHEDULED FOR DEPOSIT INTO THE MMIS STATEWIDE ESCROW FUND IN THE
50 APPLICABLE YEAR'S ENACTED BUDGET FINANCIAL PLAN AS UPDATED OR (B) THE
51 TOTAL AMOUNT OF RESIDUAL INTERESTS AVAILABLE IF THE TOTAL AMOUNT OF SUCH
52 RESIDUAL INTERESTS IS LESS THAN THE TOTAL AMOUNT OF RESIDUAL INTERESTS
53 SCHEDULED FOR DEPOSIT INTO THE MMIS STATEWIDE ESCROW FUND IN THE APPLI-
54 CABLE YEAR'S ENACTED BUDGET FINANCIAL PLAN AS UPDATED. AT THE DISCRETION
55 OF THE STATE REPRESENTATIVE, ANY RESIDUAL INTERESTS WHICH EXCEED THE
56 AMOUNT SCHEDULED FOR DEPOSIT INTO THE MMIS STATEWIDE ESCROW FUND IN THE

1 APPLICABLE YEAR'S ENACTED BUDGET FINANCIAL PLAN AS UPDATED MAY EITHER BE
2 DEPOSITED INTO THE (I) MMIS STATEWIDE ESCROW FUND TO FUND A PORTION, AS
3 DETERMINED BY THE STATE REPRESENTATIVE, OF THE CUMULATIVE NON-FEDERAL
4 SHARE OF EXPENSES RELATED TO THE STATE TAKEOVER OF THE LOCAL SHARE OF
5 MEDICAID GROWTH, PURSUANT TO PART F OF CHAPTER 56 OF THE LAWS OF 2012,
6 OR (II) THE STATE GENERAL FUND; provided, however that any residual
7 interest derived from other assets shall be applied as directed by stat-
8 ute. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE AMOUNT USED FROM
9 SUCH DEPOSIT TO FUND A PORTION OF THE CUMULATIVE NON-FEDERAL SHARE OF
10 EXPENSES RELATED TO THE STATE TAKEOVER OF THE LOCAL SHARE OF MEDICAID
11 GROWTH SHALL BE PAID WITHOUT APPROPRIATION. Any such sale shall be
12 pursuant to one or more sale agreements which may contain such terms and
13 conditions deemed necessary by the state representative to carry out and
14 effectuate the purposes of this section, including covenants binding the
15 state in favor of the corporation and its assignees, including the
16 owners of its bonds such as covenants with respect to the enforcement at
17 the expense of the state of the payment provisions of the master settle-
18 ment agreement, the diligent enforcement at the expense of the state of
19 the qualifying statute, the application and use of the proceeds of the
20 sale of the state's share to preserve the tax-exemption on the bonds,
21 the interest on which is intended to be exempt from federal income tax,
22 issued to finance the purchase thereof and otherwise as provided in this
23 act. Notwithstanding the foregoing, neither the state representative nor
24 the corporation shall be authorized to make any covenant, pledge, prom-
25 ise or agreement purporting to bind the state with respect to pledged
26 tobacco revenues, except as otherwise specifically authorized by this
27 act.

28 S 22-d. The state finance law is amended by adding a new section 99-aa
29 to read as follows:

30 S 99-AA. RETIREE HEALTH BENEFIT TRUST FUND. 1. THERE IS HEREBY ESTAB-
31 LISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF THE DEPARTMENT OF
32 CIVIL SERVICE AND THE STATE COMPTROLLER A SPECIAL INVESTMENT TRUST FUND
33 TO BE KNOWN AS THE RETIREE HEALTH BENEFIT TRUST FUND, WHICH SHALL BE
34 CLASSIFIED AS A FIDUCIARY FUND TYPE.

35 2. FOR PURPOSES OF THIS SECTION: (A) "COMMISSIONER" SHALL MEAN THE
36 COMMISSIONER OF THE DEPARTMENT OF CIVIL SERVICE;

37 (B) "STATE" SHALL MEAN THE STATE OF NEW YORK;

38 (C) "FUND", OR "TRUST", OR "TRUST FUND" SHALL MEAN THE RETIREE HEALTH
39 BENEFIT TRUST FUND CREATED BY THIS SECTION; AND

40 (D) "RETIREE HEALTH BENEFITS" SHALL MEAN BENEFITS, EXCEPT PENSIONS OR
41 OTHER BENEFITS FUNDED THROUGH A PUBLIC RETIREMENT SYSTEM, PROVIDED OR TO
42 BE PROVIDED BY THE STATE AS COMPENSATION, WHETHER PURSUANT TO STATUTE,
43 CONTRACT OR OTHER LAWFUL AUTHORITY, TO ITS CURRENT OR FORMER OFFICERS OR
44 EMPLOYEES, OR THEIR FAMILIES OR BENEFICIARIES, AFTER SERVICE TO THE
45 STATE HAS ENDED, INCLUDING, BUT NOT LIMITED TO, HEALTH CARE BENEFITS.

46 3. (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE RETI-
47 REE HEALTH BENEFIT TRUST FUND IS ESTABLISHED FOR THE EXCLUSIVE BENEFIT
48 OF RETIRED STATE EMPLOYEES AND THEIR DEPENDENTS.

49 (B) THE SOLE PURPOSE OF THE TRUST FUND ESTABLISHED PURSUANT TO SUBDI-
50 VISION ONE OF THIS SECTION SHALL BE TO FUND THE RETIREE HEALTH BENEFITS
51 OF RETIRED STATE EMPLOYEES AND THEIR DEPENDENTS.

52 4. (A) PAYMENTS INTO AND FROM THE TRUST FUND ESTABLISHED PURSUANT TO
53 SUBDIVISION ONE OF THIS SECTION SHALL BE MADE IN ACCORDANCE WITH THIS
54 SECTION.

55 (B) CONTRIBUTIONS TO THE TRUST, AND ANY INTEREST OR OTHER INCOME OR
56 EARNINGS ON CONTRIBUTIONS, SHALL BE IRREVOCABLE BEFORE ALL LIABILITIES

1 OF THE STATE GOVERNMENT FOR RETIREE HEALTH BENEFITS HAVE BEEN SATISFIED
2 AND SHALL BE SOLELY DEDICATED TO, AND USED SOLELY FOR, PROVIDING RETIREE
3 HEALTH BENEFITS AND PAYING APPROPRIATE AND REASONABLE EXPENSES OF ADMIN-
4 ISTERING THE TRUST. NO ASSETS, INCOME, EARNINGS OR DISTRIBUTIONS OF THE
5 TRUST SHALL BE SUBJECT TO ANY CLAIM OF CREDITORS OF THE STATE, OR TO
6 ASSIGNMENT OR EXECUTION, ATTACHMENT OR ANY OTHER CLAIM ENFORCEMENT PROC-
7 ESS INITIATED BY OR ON BEHALF OF SUCH CREDITORS. EXCEPT AS OTHERWISE
8 PROVIDED IN SUBDIVISION EIGHT OF THIS SECTION, THE COMMISSIONER SHALL
9 NOT BE RESPONSIBLE FOR THE ADEQUACY OF THE ASSETS OF THE TRUST TO MEET
10 ANY OTHER POST-EMPLOYMENT BENEFIT. THE TRUST MAY BE TERMINATED ONLY
11 WHEN ALL LIABILITIES OF THE STATE FOR RETIREE HEALTH BENEFITS HAVE BEEN
12 SATISFIED AND THERE IS NO PRESENT OR FUTURE OBLIGATION, CONTINGENT OR
13 OTHERWISE, OF THE STATE TO PROVIDE SUCH RETIREE HEALTH BENEFITS. UPON
14 SUCH TERMINATION, ANY REMAINING TRUST ASSETS, AFTER ANY PROPER EXPENSES
15 OF THE TRUST HAVE BEEN PAID, SHALL REVERT TO THE STATE.

16 (C) AT THE REQUEST OF THE DIRECTOR OF THE BUDGET, THE STATE COMP-
17 TROLLER SHALL TRANSFER MONIES FROM THE GENERAL FUND TO THE TRUST FUND UP
18 TO AND INCLUDING AN AMOUNT EQUIVALENT TO FIFTY ONE-HUNDREDTHS OF ONE PER
19 CENTUM OF THE TOTAL ACTUARIAL ACCRUED LIABILITY INCLUDED IN THE STATE OF
20 NEW YORK COMPREHENSIVE ANNUAL FINANCIAL REPORT.

21 (D) ANY USE OF FUNDS FOR RETIREE HEALTH BENEFITS FROM SUCH TRUST FUND
22 SHALL NOT BE SUBJECT TO AN APPROPRIATION AND SHALL BE TRANSFERRED BY THE
23 STATE COMPTROLLER, AT THE REQUEST OF THE DIRECTOR OF THE BUDGET, TO THE
24 EXTENT FUNDS ARE AVAILABLE IN SUCH TRUST FUND, TO THE HEALTH INSURANCE
25 FUND FOR THE SOLE AND EXCLUSIVE PURPOSE OF FUNDING RETIREE HEALTH BENE-
26 FITS. THE DIRECTOR OF THE BUDGET SHALL NOTIFY BOTH HOUSES OF THE LEGIS-
27 LATURE IN WRITING THIRTY DAYS PRIOR TO INITIATING TRANSFERS PURSUANT TO
28 THIS AUTHORIZATION.

29 5. INVESTMENTS. (A) THE COMMISSIONER MAY ESTABLISH A TRUST IN JOINT
30 CUSTODY WITH THE STATE COMPTROLLER FOR THE PURPOSE OF ACCUMULATING
31 ASSETS TO FUND THE COST OF PROVIDING RETIREE HEALTH BENEFITS.

32 (B) THE COMMISSIONER IS HEREBY DECLARED TO BE THE TRUSTEE OF THE TRUST
33 ESTABLISHED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, AND THE COMMIS-
34 SIONER SHALL DELEGATE RESPONSIBILITY FOR MANAGING THE INVESTMENTS OF THE
35 TRUST FUND ESTABLISHED PURSUANT TO SUBDIVISION ONE OF THIS SECTION TO
36 THE STATE COMPTROLLER. THE STATE COMPTROLLER SHALL MANAGE THE INVEST-
37 MENTS OF THE TRUST FUND ESTABLISHED PURSUANT TO SUBDIVISION ONE OF THIS
38 SECTION IN A CAREFUL AND PRUDENT MANNER CONSISTENT WITH THE GUIDELINES
39 AND PROVISIONS OF SECTION NINETY-EIGHT THIS ARTICLE.

40 (C) ANY INTEREST OR OTHER INCOME OR EARNINGS RESULTING FROM THE
41 INVESTMENT OF ASSETS OF THE TRUST SHALL ACCRUE TO AND BECOME PART OF THE
42 ASSETS OF THE TRUST.

43 6. IN ACCORDANCE WITH PARAGRAPH (B) OF SUBDIVISION FIVE OF THIS
44 SECTION, THE STATE COMPTROLLER SHALL DEVELOP, IN CONSULTATION WITH THE
45 STATE HEALTH INSURANCE COUNCIL, A WRITTEN INVESTMENT POLICY FOR SELECT-
46 ING INVESTMENT OPTIONS IN A MANNER CONSISTENT WITH THE INVESTMENT
47 OPTIONS PRESCRIBED IN SECTION NINETY-EIGHT OF THIS ARTICLE SO THAT THE
48 STATE COMPTROLLER MAY BE ABLE TO INVEST FUND MONIES IN ACCORDANCE WITH
49 SUCH POLICY. SUCH POLICY SHALL INCLUDE A STATEMENT OF INVESTMENT OBJEC-
50 TIVES ADDRESSING, IN THE FOLLOWING ORDER OF PRIORITY, THE ABILITY TO
51 TIMELY MEET DISBURSEMENT REQUESTS WITHOUT FORCED SALE OF ASSETS, SAFETY
52 OF PRINCIPAL AND ATTAINMENT OF MARKET RATES OF RETURN.

53 7. NEITHER THE STATE NOR THE COMMISSIONER SHALL BE LIABLE FOR ANY LOSS
54 OR EXPENSE SUFFERED BY THE TRUST IN THE ABSENCE OF BAD FAITH, WILLFUL
55 MISCONDUCT OR INTENTIONAL WRONGDOING. THE COMMISSIONER SHALL BE CONSID-
56 ERED TO BE ACTING AS AN OFFICER OF THE STATE FOR PURPOSES OF SECTION

1 SEVENTEEN OF THE PUBLIC OFFICERS LAW, PROVIDED, HOWEVER, THAT THE COSTS
2 OF ANY DEFENSE OR INDEMNIFICATION OF THE COMMISSIONER ARISING FROM THE
3 EXERCISE OF THE FUNCTIONS OF TRUSTEE SHALL BE PAYABLE FROM THE ASSETS OF
4 THE TRUST.

5 8. NOTHING CONTAINED IN THIS SECTION SHALL BE INTERPRETED OR CONSTRUED
6 TO: (A) CREATE ANY OBLIGATION IN, IMPOSE ANY OBLIGATION ON, OR ALTER ANY
7 OBLIGATION OF THE STATE TO PROVIDE RETIREE HEALTH BENEFITS;

8 (B) LIMIT OR RESTRICT THE AUTHORITY OF THE STATE TO MODIFY OR ELIMI-
9 NATE RETIREE HEALTH BENEFITS;

10 (C) ASSURE OR DENY RETIREE HEALTH BENEFITS; OR

11 (D) REQUIRE THE STATE TO FUND ITS LIABILITY FOR RETIREE HEALTH BENE-
12 FITS.

13 S 22-e. In the event that the federal budget or continuing resolutions
14 in force for federal fiscal years 2017 or 2018, or both, or federal
15 statutory or regulatory changes, reduce federal financial participation
16 in Medicaid funding to New York state or its subdivisions by \$850
17 million or more, the director of the division of the budget shall notify
18 the temporary president of the senate and the speaker of the assembly in
19 writing that the federal actions will reduce expected funding to New
20 York state. The director of the division of the budget shall prepare a
21 plan that shall be submitted to the legislature, which shall (a) specify
22 the total amount of the reduction in federal financial participation in
23 Medicaid, (b) itemize the specific programs and activities that will be
24 affected by the reduction in federal financial participation in Medi-
25 caid, and (c) identify the general fund and state special revenue fund
26 appropriations and related disbursements that shall be reduced, and in
27 what program areas, provided, however, that such reductions to appropri-
28 ations and disbursements shall be applied equally and proportionally to
29 the programs affected by the reduction. Upon such submission, the legis-
30 lature shall have 90 days after such submission to either prepare its
31 own plan, which may be adopted by concurrent resolution passed by both
32 houses, or if after 90 days the legislature fails to adopt their own
33 plan, the reductions to the general fund and state special revenue fund
34 appropriations and related disbursements identified in the division of
35 the budget plan will go into effect automatically.

36 S 22-f. In the event that the federal budget or continuing resolutions
37 in force for federal fiscal years 2017 or 2018, or both, or federal
38 statutory or regulatory changes, reduce federal financial participation
39 or other federal aid in funding to New York state that affects the state
40 operating funds financial plan by \$850 million or more, exclusive of any
41 cuts to Medicaid, the director of the division of the budget shall noti-
42 fy the temporary president of the senate and the speaker of the assembly
43 in writing that the federal actions will reduce expected funding to New
44 York state. The director of the division of the budget shall prepare a
45 plan that shall be submitted to the legislature, which shall (a) specify
46 the total amount of the reduction in federal aid, (b) itemize the
47 specific programs and activities that will be affected by the federal
48 reductions, exclusive of Medicaid, and (c) identify the general fund and
49 state special revenue fund appropriations and related disbursements that
50 shall be reduced, and in what program areas, provided, however, that
51 such reductions to appropriations and disbursements shall be applied
52 equally and proportionally. Upon such submission, the legislature shall
53 have 90 days after such submission to either prepare its own plan, which
54 may be adopted by concurrent resolution passed by both houses, or if
55 after 90 days the legislature fails to adopt their own plan, the
56 reductions to the general fund and state special revenue fund appropri-

1 ations and related disbursements identified in the division of the budg-
2 et plan will go into effect automatically.

3 S 23. Notwithstanding any other law, rule, or regulation to the
4 contrary, the state comptroller is hereby authorized and directed to use
5 any balance remaining in the mental health services fund debt service
6 appropriation, after payment by the state comptroller of all obligations
7 required pursuant to any lease, sublease, or other financing arrangement
8 between the dormitory authority of the state of New York as successor to
9 the New York state medical care facilities finance agency, and the
10 facilities development corporation pursuant to chapter 83 of the laws of
11 1995 and the department of mental hygiene for the purpose of making
12 payments to the dormitory authority of the state of New York for the
13 amount of the earnings for the investment of monies deposited in the
14 mental health services fund that such agency determines will or may have
15 to be rebated to the federal government pursuant to the provisions of
16 the internal revenue code of 1986, as amended, in order to enable such
17 agency to maintain the exemption from federal income taxation on the
18 interest paid to the holders of such agency's mental services facilities
19 improvement revenue bonds. Annually on or before each June 30th, such
20 agency shall certify to the state comptroller its determination of the
21 amounts received in the mental health services fund as a result of the
22 investment of monies deposited therein that will or may have to be
23 rebated to the federal government pursuant to the provisions of the
24 internal revenue code of 1986, as amended.

25 S 24. Subdivision 1 of section 47 of section 1 of chapter 174 of the
26 laws of 1968, constituting the New York state urban development corpo-
27 ration act, as amended by section 29 of part UU of chapter 54 of the
28 laws of 2016, is amended to read as follows:

29 1. Notwithstanding the provisions of any other law to the contrary,
30 the dormitory authority and the corporation are hereby authorized to
31 issue bonds or notes in one or more series for the purpose of funding
32 project costs for the office of information technology services, depart-
33 ment of law, and other state costs associated with such capital
34 projects. The aggregate principal amount of bonds authorized to be
35 issued pursuant to this section shall not exceed [three] FOUR hundred
36 [sixty-four] FIFTY million [eight] FIVE hundred forty thousand dollars,
37 excluding bonds issued to fund one or more debt service reserve funds,
38 to pay costs of issuance of such bonds, and bonds or notes issued to
39 refund or otherwise repay such bonds or notes previously issued. Such
40 bonds and notes of the dormitory authority and the corporation shall not
41 be a debt of the state, and the state shall not be liable thereon, nor
42 shall they be payable out of any funds other than those appropriated by
43 the state to the dormitory authority and the corporation for principal,
44 interest, and related expenses pursuant to a service contract and such
45 bonds and notes shall contain on the face thereof a statement to such
46 effect. Except for purposes of complying with the internal revenue code,
47 any interest income earned on bond proceeds shall only be used to pay
48 debt service on such bonds.

49 S 25. Subdivision 1 of section 16 of part D of chapter 389 of the laws
50 of 1997, relating to the financing of the correctional facilities
51 improvement fund and the youth facility improvement fund, as amended by
52 section 30 of part UU of chapter 54 of the laws of 2016, is amended to
53 read as follows:

54 1. Subject to the provisions of chapter 59 of the laws of 2000, but
55 notwithstanding the provisions of section 18 of section 1 of chapter 174
56 of the laws of 1968, the New York state urban development corporation is

1 hereby authorized to issue bonds, notes and other obligations in an
2 aggregate principal amount not to exceed seven billion [four] SEVEN
3 hundred [twenty-four] FORTY-ONE million [nine] ONE hundred ninety-nine
4 thousand dollars [\$7,424,999,000] \$7,741,199,000, and shall include all
5 bonds, notes and other obligations issued pursuant to chapter 56 of the
6 laws of 1983, as amended or supplemented. The proceeds of such bonds,
7 notes or other obligations shall be paid to the state, for deposit in
8 the correctional facilities capital improvement fund to pay for all or
9 any portion of the amount or amounts paid by the state from appropri-
10 ations or reappropriations made to the department of corrections and
11 community supervision from the correctional facilities capital improve-
12 ment fund for capital projects. The aggregate amount of bonds, notes or
13 other obligations authorized to be issued pursuant to this section shall
14 exclude bonds, notes or other obligations issued to refund or otherwise
15 repay bonds, notes or other obligations theretofore issued, the proceeds
16 of which were paid to the state for all or a portion of the amounts
17 expended by the state from appropriations or reappropriations made to
18 the department of corrections and community supervision; provided,
19 however, that upon any such refunding or repayment the total aggregate
20 principal amount of outstanding bonds, notes or other obligations may be
21 greater than seven billion [four] SEVEN hundred [twenty-four] FORTY-ONE
22 million [nine] ONE hundred ninety-nine thousand dollars [\$7,424,999,000]
23 \$7,741,199,000, only if the present value of the aggregate debt service
24 of the refunding or repayment bonds, notes or other obligations to be
25 issued shall not exceed the present value of the aggregate debt service
26 of the bonds, notes or other obligations so to be refunded or repaid.
27 For the purposes hereof, the present value of the aggregate debt service
28 of the refunding or repayment bonds, notes or other obligations and of
29 the aggregate debt service of the bonds, notes or other obligations so
30 refunded or repaid, shall be calculated by utilizing the effective
31 interest rate of the refunding or repayment bonds, notes or other obli-
32 gations, which shall be that rate arrived at by doubling the semi-annual
33 interest rate (compounded semi-annually) necessary to discount the debt
34 service payments on the refunding or repayment bonds, notes or other
35 obligations from the payment dates thereof to the date of issue of the
36 refunding or repayment bonds, notes or other obligations and to the
37 price bid including estimated accrued interest or proceeds received by
38 the corporation including estimated accrued interest from the sale ther-
39 eof.

40 S 26. Paragraph (a) of subdivision 2 of section 47-e of the private
41 housing finance law, as amended by section 31 of part UU of chapter 54
42 of the laws of 2016, is amended to read as follows:

43 (a) Subject to the provisions of chapter fifty-nine of the laws of two
44 thousand, in order to enhance and encourage the promotion of housing
45 programs and thereby achieve the stated purposes and objectives of such
46 housing programs, the agency shall have the power and is hereby author-
47 ized from time to time to issue negotiable housing program bonds and
48 notes in such principal amount as shall be necessary to provide suffi-
49 cient funds for the repayment of amounts disbursed (and not previously
50 reimbursed) pursuant to law or any prior year making capital appropri-
51 ations or reappropriations for the purposes of the housing program;
52 provided, however, that the agency may issue such bonds and notes in an
53 aggregate principal amount not exceeding [four] FIVE billion [six] THREE
54 hundred [ninety-seven] EIGHTY-FOUR million [four] ONE hundred [seventy-
55 four] NINETY-NINE thousand dollars, plus a principal amount of bonds
56 issued to fund the debt service reserve fund in accordance with the debt

1 service reserve fund requirement established by the agency and to fund
2 any other reserves that the agency reasonably deems necessary for the
3 security or marketability of such bonds and to provide for the payment
4 of fees and other charges and expenses, including underwriters'
5 discount, trustee and rating agency fees, bond insurance, credit
6 enhancement and liquidity enhancement related to the issuance of such
7 bonds and notes. No reserve fund securing the housing program bonds
8 shall be entitled or eligible to receive state funds apportioned or
9 appropriated to maintain or restore such reserve fund at or to a partic-
10 ular level, except to the extent of any deficiency resulting directly or
11 indirectly from a failure of the state to appropriate or pay the agreed
12 amount under any of the contracts provided for in subdivision four of
13 this section.

14 S 27. Subdivision (b) of section 11 of chapter 329 of the laws of
15 1991, amending the state finance law and other laws relating to the
16 establishment of the dedicated highway and bridge trust fund, as amended
17 by section 32 of part UU of chapter 54 of the laws of 2016, is amended
18 to read as follows:

19 (b) Any service contract or contracts for projects authorized pursuant
20 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
21 14-k of the transportation law, and entered into pursuant to subdivision
22 (a) of this section, shall provide for state commitments to provide
23 annually to the thruway authority a sum or sums, upon such terms and
24 conditions as shall be deemed appropriate by the director of the budget,
25 to fund, or fund the debt service requirements of any bonds or any obli-
26 gations of the thruway authority issued to fund or to reimburse the
27 state for funding such projects having a cost not in excess of
28 [\$9,147,234,000] \$9,699,586,000 cumulatively by the end of fiscal year
29 [2016-17] 2017-18.

30 S 28. Subdivision 1 of section 1689-i of the public authorities law,
31 as amended by section 33 of part UU of chapter 54 of the laws of 2016,
32 is amended to read as follows:

33 1. The dormitory authority is authorized to issue bonds, at the
34 request of the commissioner of education, to finance eligible library
35 construction projects pursuant to section two hundred seventy-three-a of
36 the education law, in amounts certified by such commissioner not to
37 exceed a total principal amount of one hundred [fifty-nine] EIGHTY-THREE
38 million dollars.

39 S 29. Subdivision (a) of section 27 of part Y of chapter 61 of the
40 laws of 2005, relating to providing for the administration of certain
41 funds and accounts related to the 2005-2006 budget, as amended by
42 section 34 of part UU of chapter 54 of the laws of 2016, is amended to
43 read as follows:

44 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
45 notwithstanding any provisions of law to the contrary, the urban devel-
46 opment corporation is hereby authorized to issue bonds or notes in one
47 or more series in an aggregate principal amount not to exceed
48 [\$167,600,000] \$173,600,000, excluding bonds issued to finance one or
49 more debt service reserve funds, to pay costs of issuance of such bonds,
50 and bonds or notes issued to refund or otherwise repay such bonds or
51 notes previously issued, for the purpose of financing capital projects
52 including IT initiatives for the division of state police, debt service
53 and leases; and to reimburse the state general fund for disbursements
54 made therefor. Such bonds and notes of such authorized issuer shall not
55 be a debt of the state, and the state shall not be liable thereon, nor
56 shall they be payable out of any funds other than those appropriated by

1 the state to such authorized issuer for debt service and related
2 expenses pursuant to any service contract executed pursuant to subdivi-
3 sion (b) of this section and such bonds and notes shall contain on the
4 face thereof a statement to such effect. Except for purposes of comply-
5 ing with the internal revenue code, any interest income earned on bond
6 proceeds shall only be used to pay debt service on such bonds.

7 S 30. Section 44 of section 1 of chapter 174 of the laws of 1968,
8 constituting the New York state urban development corporation act, as
9 amended by section 35 of part UU of chapter 54 of the laws of 2016, is
10 amended to read as follows:

11 S 44. Issuance of certain bonds or notes. 1. Notwithstanding the
12 provisions of any other law to the contrary, the dormitory authority and
13 the corporation are hereby authorized to issue bonds or notes in one or
14 more series for the purpose of funding project costs for the regional
15 economic development council initiative, the economic transformation
16 program, state university of New York college for nanoscale and science
17 engineering, projects within the city of Buffalo or surrounding envi-
18 rons, the New York works economic development fund, projects for the
19 retention of professional football in western New York, the empire state
20 economic development fund, the clarkson-trudeau partnership, the New
21 York genome center, the cornell university college of veterinary medi-
22 cine, the olympic regional development authority, projects at nano
23 Utica, onondaga county revitalization projects, Binghamton university
24 school of pharmacy, New York power electronics manufacturing consortium,
25 regional infrastructure projects, high technology manufacturing projects
26 in Chautauqua and Erie county, an industrial scale research and develop-
27 ment facility in Clinton county, upstate revitalization initiative
28 projects, market New York projects, fairground buildings, EQUIPMENT or
29 facilities used to house and promote agriculture, THE STATE FAIR, THE
30 EMPIRE STATE TRAIL, THE MOYNIHAN STATION DEVELOPMENT PROJECT, THE KINGS-
31 BRIDGE ARMORY PROJECT, STRATEGIC ECONOMIC DEVELOPMENT PROJECTS, THE
32 CULTURAL, ARTS AND PUBLIC SPACES FUND, WATER INFRASTRUCTURE IN THE CITY
33 OF AUBURN AND TOWN OF OWASCO, A LIFE SCIENCES LABORATORY PUBLIC HEALTH
34 INITIATIVE, NOT-FOR-PROFIT POUNDS, SHELTERS AND HUMANE SOCIETIES, ARTS
35 AND CULTURAL FACILITIES IMPROVEMENT PROGRAM, RESTORE NEW YORK'S COMMUNI-
36 TIES INITIATIVE, HEAVY EQUIPMENT, ECONOMIC DEVELOPMENT AND INFRASTRUC-
37 TURE PROJECTS, and other state costs associated with such projects. The
38 aggregate principal amount of bonds authorized to be issued pursuant to
39 this section shall not exceed [four] SIX billion [six] SEVEN hundred
40 [seventy-one] EIGHT million [seven] TWO hundred fifty-seven thousand
41 dollars, excluding bonds issued to fund one or more debt service reserve
42 funds, to pay costs of issuance of such bonds, and bonds or notes issued
43 to refund or otherwise repay such bonds or notes previously issued. Such
44 bonds and notes of the dormitory authority and the corporation shall not
45 be a debt of the state, and the state shall not be liable thereon, nor
46 shall they be payable out of any funds other than those appropriated by
47 the state to the dormitory authority and the corporation for principal,
48 interest, and related expenses pursuant to a service contract and such
49 bonds and notes shall contain on the face thereof a statement to such
50 effect. Except for purposes of complying with the internal revenue code,
51 any interest income earned on bond proceeds shall only be used to pay
52 debt service on such bonds.

53 2. Notwithstanding any other provision of law to the contrary, in
54 order to assist the dormitory authority and the corporation in undertak-
55 ing the financing for project costs for the regional economic develop-
56 ment council initiative, the economic transformation program, state

1 university of New York college for nanoscale and science engineering,
2 projects within the city of Buffalo or surrounding environs, the New
3 York works economic development fund, projects for the retention of
4 professional football in western New York, the empire state economic
5 development fund, the clarkson-trudeau partnership, the New York genome
6 center, the cornell university college of veterinary medicine, the olym-
7 pic regional development authority, projects at nano Utica, onondaga
8 county revitalization projects, Binghamton university school of pharma-
9 cy, New York power electronics manufacturing consortium, regional
10 infrastructure projects, high technology manufacturing projects in Chau-
11 tauqua and Erie county, an industrial scale research and development
12 facility in Clinton county, upstate revitalization initiative projects,
13 market New York projects, fairground buildings, EQUIPMENT or facilities
14 used to house and promote agriculture, THE STATE FAIR, THE EMPIRE STATE
15 TRAIL, THE MOYNIHAN STATION DEVELOPMENT PROJECT, THE KINGSBRIDGE ARMORY
16 PROJECT, STRATEGIC ECONOMIC DEVELOPMENT PROJECTS, THE CULTURAL, ARTS AND
17 PUBLIC SPACES FUND, WATER INFRASTRUCTURE IN THE CITY OF AUBURN AND TOWN
18 OF OWASCO, A LIFE SCIENCES LABORATORY PUBLIC HEALTH INITIATIVE,
19 NOT-FOR-PROFIT POUNDS, SHELTERS AND HUMANE SOCIETIES, ARTS AND CULTURAL
20 FACILITIES IMPROVEMENT PROGRAM, RESTORE NEW YORK'S COMMUNITIES INITI-
21 ATIVE, HEAVY EQUIPMENT, ECONOMIC DEVELOPMENT AND INFRASTRUCTURE
22 PROJECTS, and other state costs associated with such projects, the
23 director of the budget is hereby authorized to enter into one or more
24 service contracts with the dormitory authority and the corporation, none
25 of which shall exceed thirty years in duration, upon such terms and
26 conditions as the director of the budget and the dormitory authority and
27 the corporation agree, so as to annually provide to the dormitory
28 authority and the corporation, in the aggregate, a sum not to exceed the
29 principal, interest, and related expenses required for such bonds and
30 notes. Any service contract entered into pursuant to this section shall
31 provide that the obligation of the state to pay the amount therein
32 provided shall not constitute a debt of the state within the meaning of
33 any constitutional or statutory provision and shall be deemed executory
34 only to the extent of monies available and that no liability shall be
35 incurred by the state beyond the monies available for such purpose,
36 subject to annual appropriation by the legislature. Any such contract or
37 any payments made or to be made thereunder may be assigned and pledged
38 by the dormitory authority and the corporation as security for its bonds
39 and notes, as authorized by this section.

40 S 31. Subdivisions 1 and 3 of section 1285-p of the public authorities
41 law, subdivision 1 as amended by section 33 of part I of chapter 60 of
42 the laws of 2015 and subdivision 3 as amended by section 36 of part UU
43 of chapter 54 of the laws of 2016, are amended to read as follows:

44 1. Subject to chapter fifty-nine of the laws of two thousand, but
45 notwithstanding any other provisions of law to the contrary, in order to
46 assist the corporation in undertaking the administration and the financ-
47 ing of the design, acquisition, construction, improvement, installation,
48 and related work for all or any portion of any of the following environ-
49 mental infrastructure projects and for the provision of funds to the
50 state for any amounts disbursed therefor: (a) projects authorized under
51 the environmental protection fund, or for which appropriations are made
52 to the environmental protection fund including, but not limited to
53 municipal parks and historic preservation, stewardship, farmland
54 protection, non-point source, pollution control, Hudson River Park, land
55 acquisition, and waterfront revitalization; (b) department of environ-
56 mental conservation capital appropriations for Onondaga Lake for certain

1 water quality improvement projects in the same manner as set forth in
2 paragraph (d) of subdivision one of section 56-0303 of the environmental
3 conservation law; (c) for the purpose of the administration, management,
4 maintenance, and use of the real property at the western New York nucle-
5 ar service center; (d) department of environmental conservation capital
6 appropriations for the administration, design, acquisition,
7 construction, improvement, installation, and related work on department
8 of environmental conservation environmental infrastructure projects; (e)
9 office of parks, recreation and historic preservation appropriations or
10 reappropriations from the state parks infrastructure fund; (f) capital
11 grants for the cleaner, greener communities program [and]; (g) capital
12 costs of water quality infrastructure projects AND (H) CAPITAL COSTS OF
13 CLEAN WATER INFRASTRUCTURE PROJECTS the director of the division of
14 budget and the corporation are each authorized to enter into one or more
15 service contracts, none of which shall exceed twenty years in duration,
16 upon such terms and conditions as the director and the corporation may
17 agree, so as to annually provide to the corporation in the aggregate, a
18 sum not to exceed the annual debt service payments and related expenses
19 required for any bonds and notes authorized pursuant to section twelve
20 hundred ninety of this title. Any service contract entered into pursuant
21 to this section shall provide that the obligation of the state to fund
22 or to pay the amounts therein provided for shall not constitute a debt
23 of the state within the meaning of any constitutional or statutory
24 provision and shall be deemed executory only to the extent of moneys
25 available for such purposes, subject to annual appropriation by the
26 legislature. Any such service contract or any payments made or to be
27 made thereunder may be assigned and pledged by the corporation as secu-
28 rity for its bonds and notes, as authorized pursuant to section twelve
29 hundred ninety of this title.

30 3. The maximum amount of bonds that may be issued for the purpose of
31 financing environmental infrastructure projects authorized by this
32 section shall be [two] FOUR billion [one] NINE hundred [eight] FIFTY-ONE
33 million [two] SEVEN hundred sixty thousand dollars, exclusive of bonds
34 issued to fund any debt service reserve funds, pay costs of issuance of
35 such bonds, and bonds or notes issued to refund or otherwise repay bonds
36 or notes previously issued. Such bonds and notes of the corporation
37 shall not be a debt of the state, and the state shall not be liable
38 thereon, nor shall they be payable out of any funds other than those
39 appropriated by the state to the corporation for debt service and
40 related expenses pursuant to any service contracts executed pursuant to
41 subdivision one of this section, and such bonds and notes shall contain
42 on the face thereof a statement to such effect.

43 S 32. Subdivision 1 of section 45 of section 1 of chapter 174 of the
44 laws of 1968, constituting the New York state urban development corpo-
45 ration act, as amended by section 37 of part UU of chapter 54 of the
46 laws of 2016, is amended to read as follows:

47 1. Notwithstanding the provisions of any other law to the contrary,
48 the urban development corporation of the state of New York is hereby
49 authorized to issue bonds or notes in one or more series for the purpose
50 of funding project costs for the implementation of a NY-SUNY and NY-CUNY
51 2020 challenge grant program subject to the approval of a NY-SUNY and
52 NY-CUNY 2020 plan or plans by the governor and either the chancellor of
53 the state university of New York or the chancellor of the city universi-
54 ty of New York, as applicable. The aggregate principal amount of bonds
55 authorized to be issued pursuant to this section shall not exceed
56 [\$550,000,000] \$660,000,000, excluding bonds issued to fund one or more

1 debt service reserve funds, to pay costs of issuance of such bonds, and
2 bonds or notes issued to refund or otherwise repay such bonds or notes
3 previously issued. Such bonds and notes of the corporation shall not be
4 a debt of the state, and the state shall not be liable thereon, nor
5 shall they be payable out of any funds other than those appropriated by
6 the state to the corporation for principal, interest, and related
7 expenses pursuant to a service contract and such bonds and notes shall
8 contain on the face thereof a statement to such effect. Except for
9 purposes of complying with the internal revenue code, any interest
10 income earned on bond proceeds shall only be used to pay debt service on
11 such bonds.

12 S 33. Subdivision (a) of section 48 of part K of chapter 81 of the
13 laws of 2002, providing for the administration of certain funds and
14 accounts related to the 2002-2003 budget, as amended by section 38 of
15 part UU of chapter 54 of the laws of 2016, is amended to read as
16 follows:

17 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
18 notwithstanding the provisions of section 18 of the urban development
19 corporation act, the corporation is hereby authorized to issue bonds or
20 notes in one or more series in an aggregate principal amount not to
21 exceed [\$197,000,000] \$250,000,000 excluding bonds issued to fund one or
22 more debt service reserve funds, to pay costs of issuance of such bonds,
23 and bonds or notes issued to refund or otherwise repay such bonds or
24 notes previously issued, for the purpose of financing capital costs
25 related to homeland security and training facilities for the division of
26 state police, the division of military and naval affairs, and any other
27 state agency, including the reimbursement of any disbursements made from
28 the state capital projects fund, and is hereby authorized to issue bonds
29 or notes in one or more series in an aggregate principal amount not to
30 exceed [\$509,600,000] \$654,800,000, excluding bonds issued to fund one
31 or more debt service reserve funds, to pay costs of issuance of such
32 bonds, and bonds or notes issued to refund or otherwise repay such bonds
33 or notes previously issued, for the purpose of financing improvements to
34 State office buildings and other facilities located statewide, including
35 the reimbursement of any disbursements made from the state capital
36 projects fund. Such bonds and notes of the corporation shall not be a
37 debt of the state, and the state shall not be liable thereon, nor shall
38 they be payable out of any funds other than those appropriated by the
39 state to the corporation for debt service and related expenses pursuant
40 to any service contracts executed pursuant to subdivision (b) of this
41 section, and such bonds and notes shall contain on the face thereof a
42 statement to such effect.

43 S 34. Subdivision 1 of section 386-b of the public authorities law, as
44 amended by section 39 of part UU of chapter 54 of the laws of 2016, is
45 amended to read as follows:

46 1. Notwithstanding any other provision of law to the contrary, the
47 authority, the dormitory authority and the urban development corporation
48 are hereby authorized to issue bonds or notes in one or more series for
49 the purpose of financing peace bridge projects and capital costs of
50 state and local highways, parkways, bridges, the New York state thruway,
51 Indian reservation roads, and facilities, and transportation infrastruc-
52 ture projects including aviation projects, non-MTA mass transit
53 projects, and rail service preservation projects, including work appur-
54 tenant and ancillary thereto. The aggregate principal amount of bonds
55 authorized to be issued pursuant to this section shall not exceed
56 [three] FOUR billion [sixty-five million dollars \$3,065,000,000] THREE

1 HUNDRED SIXTY-FOUR MILLION DOLLARS \$4,364,000,000, excluding bonds
2 issued to fund one or more debt service reserve funds, to pay costs of
3 issuance of such bonds, and to refund or otherwise repay such bonds or
4 notes previously issued. Such bonds and notes of the authority, the
5 dormitory authority and the urban development corporation shall not be a
6 debt of the state, and the state shall not be liable thereon, nor shall
7 they be payable out of any funds other than those appropriated by the
8 state to the authority, the dormitory authority and the urban develop-
9 ment corporation for principal, interest, and related expenses pursuant
10 to a service contract and such bonds and notes shall contain on the face
11 thereof a statement to such effect. Except for purposes of complying
12 with the internal revenue code, any interest income earned on bond
13 proceeds shall only be used to pay debt service on such bonds.

14 S 35. Paragraph (c) of subdivision 19 of section 1680 of the public
15 authorities law, as amended by section 40 of part UU of chapter 54 of
16 the laws of 2016, is amended to read as follows:

17 (c) Subject to the provisions of chapter fifty-nine of the laws of two
18 thousand, the dormitory authority shall not issue any bonds for state
19 university educational facilities purposes if the principal amount of
20 bonds to be issued when added to the aggregate principal amount of bonds
21 issued by the dormitory authority on and after July first, nineteen
22 hundred eighty-eight for state university educational facilities will
23 exceed [eleven] TWELVE billion [six] THREE hundred [sixty-three] FORTY-
24 THREE million dollars; provided, however, that bonds issued or to be
25 issued shall be excluded from such limitation if: (1) such bonds are
26 issued to refund state university construction bonds and state universi-
27 ty construction notes previously issued by the housing finance agency;
28 or (2) such bonds are issued to refund bonds of the authority or other
29 obligations issued for state university educational facilities purposes
30 and the present value of the aggregate debt service on the refunding
31 bonds does not exceed the present value of the aggregate debt service on
32 the bonds refunded thereby; provided, further that upon certification by
33 the director of the budget that the issuance of refunding bonds or other
34 obligations issued between April first, nineteen hundred ninety-two and
35 March thirty-first, nineteen hundred ninety-three will generate long
36 term economic benefits to the state, as assessed on a present value
37 basis, such issuance will be deemed to have met the present value test
38 noted above. For purposes of this subdivision, the present value of the
39 aggregate debt service of the refunding bonds and the aggregate debt
40 service of the bonds refunded, shall be calculated by utilizing the true
41 interest cost of the refunding bonds, which shall be that rate arrived
42 at by doubling the semi-annual interest rate (compounded semi-annually)
43 necessary to discount the debt service payments on the refunding bonds
44 from the payment dates thereof to the date of issue of the refunding
45 bonds to the purchase price of the refunding bonds, including interest
46 accrued thereon prior to the issuance thereof. The maturity of such
47 bonds, other than bonds issued to refund outstanding bonds, shall not
48 exceed the weighted average economic life, as certified by the state
49 university construction fund, of the facilities in connection with which
50 the bonds are issued, and in any case not later than the earlier of
51 thirty years or the expiration of the term of any lease, sublease or
52 other agreement relating thereto; provided that no note, including
53 renewals thereof, shall mature later than five years after the date of
54 issuance of such note. The legislature reserves the right to amend or
55 repeal such limit, and the state of New York, the dormitory authority,
56 the state university of New York, and the state university construction

1 fund are prohibited from covenanting or making any other agreements with
2 or for the benefit of bondholders which might in any way affect such
3 right.

4 S 36. Paragraph (c) of subdivision 14 of section 1680 of the public
5 authorities law, as amended by section 41 of part UU of chapter 54 of
6 the laws of 2016, is amended to read as follows:

7 (c) Subject to the provisions of chapter fifty-nine of the laws of two
8 thousand, (i) the dormitory authority shall not deliver a series of
9 bonds for city university community college facilities, except to refund
10 or to be substituted for or in lieu of other bonds in relation to city
11 university community college facilities pursuant to a resolution of the
12 dormitory authority adopted before July first, nineteen hundred eighty-
13 five or any resolution supplemental thereto, if the principal amount of
14 bonds so to be issued when added to all principal amounts of bonds
15 previously issued by the dormitory authority for city university commu-
16 nity college facilities, except to refund or to be substituted in lieu
17 of other bonds in relation to city university community college facili-
18 ties will exceed the sum of four hundred twenty-five million dollars and
19 (ii) the dormitory authority shall not deliver a series of bonds issued
20 for city university facilities, including community college facilities,
21 pursuant to a resolution of the dormitory authority adopted on or after
22 July first, nineteen hundred eighty-five, except to refund or to be
23 substituted for or in lieu of other bonds in relation to city university
24 facilities and except for bonds issued pursuant to a resolution supple-
25 mental to a resolution of the dormitory authority adopted prior to July
26 first, nineteen hundred eighty-five, if the principal amount of bonds so
27 to be issued when added to the principal amount of bonds previously
28 issued pursuant to any such resolution, except bonds issued to refund or
29 to be substituted for or in lieu of other bonds in relation to city
30 university facilities, will exceed seven billion [five] NINE hundred
31 [eighty-eight] EIGHTY-ONE million [four] NINE hundred [eleven]
32 SIXTY-EIGHT thousand dollars. The legislature reserves the right to
33 amend or repeal such limit, and the state of New York, the dormitory
34 authority, the city university, and the fund are prohibited from coven-
35 anting or making any other agreements with or for the benefit of bond-
36 holders which might in any way affect such right.

37 S 37. Subdivision 10-a of section 1680 of the public authorities law,
38 as amended by section 42 of part UU of chapter 54 of the laws of 2016,
39 is amended to read as follows:

40 10-a. Subject to the provisions of chapter fifty-nine of the laws of
41 two thousand, but notwithstanding any other provision of the law to the
42 contrary, the maximum amount of bonds and notes to be issued after March
43 thirty-first, two thousand two, on behalf of the state, in relation to
44 any locally sponsored community college, shall be [eight] NINE hundred
45 [sixty-one] FOURTEEN million [four] FIVE hundred [fifty-four] NINETY
46 thousand dollars. Such amount shall be exclusive of bonds and notes
47 issued to fund any reserve fund or funds, costs of issuance and to
48 refund any outstanding bonds and notes, issued on behalf of the state,
49 relating to a locally sponsored community college.

50 S 38. Subdivision 1 of section 17 of part D of chapter 389 of the laws
51 of 1997, relating to the financing of the correctional facilities
52 improvement fund and the youth facility improvement fund, as amended by
53 section 43 of part UU of chapter 54 of the laws of 2016, is amended to
54 read as follows:

55 1. Subject to the provisions of chapter 59 of the laws of 2000, but
56 notwithstanding the provisions of section 18 of section 1 of chapter 174

1 of the laws of 1968, the New York state urban development corporation is
2 hereby authorized to issue bonds, notes and other obligations in an
3 aggregate principal amount not to exceed six hundred [forty-seven]
4 EIGHTY-TWO million [sixty-five] NINE HUNDRED FIFTEEN thousand dollars
5 [(\$647,065,000)] (\$682,915,000), which authorization increases the
6 aggregate principal amount of bonds, notes and other obligations author-
7 ized by section 40 of chapter 309 of the laws of 1996, and shall include
8 all bonds, notes and other obligations issued pursuant to chapter 211 of
9 the laws of 1990, as amended or supplemented. The proceeds of such
10 bonds, notes or other obligations shall be paid to the state, for depos-
11 it in the youth facilities improvement fund, to pay for all or any
12 portion of the amount or amounts paid by the state from appropriations
13 or reappropriations made to the office of children and family services
14 from the youth facilities improvement fund for capital projects. The
15 aggregate amount of bonds, notes and other obligations authorized to be
16 issued pursuant to this section shall exclude bonds, notes or other
17 obligations issued to refund or otherwise repay bonds, notes or other
18 obligations theretofore issued, the proceeds of which were paid to the
19 state for all or a portion of the amounts expended by the state from
20 appropriations or reappropriations made to the office of children and
21 family services; provided, however, that upon any such refunding or
22 repayment the total aggregate principal amount of outstanding bonds,
23 notes or other obligations may be greater than six hundred [forty-seven]
24 EIGHTY-TWO million [sixty-five] NINE HUNDRED FIFTEEN thousand dollars
25 [(\$647,065,000)] (\$682,915,000), only if the present value of the aggre-
26 gate debt service of the refunding or repayment bonds, notes or other
27 obligations to be issued shall not exceed the present value of the
28 aggregate debt service of the bonds, notes or other obligations so to be
29 refunded or repaid. For the purposes hereof, the present value of the
30 aggregate debt service of the refunding or repayment bonds, notes or
31 other obligations and of the aggregate debt service of the bonds, notes
32 or other obligations so refunded or repaid, shall be calculated by
33 utilizing the effective interest rate of the refunding or repayment
34 bonds, notes or other obligations, which shall be that rate arrived at
35 by doubling the semi-annual interest rate (compounded semi-annually)
36 necessary to discount the debt service payments on the refunding or
37 repayment bonds, notes or other obligations from the payment dates ther-
38 eof to the date of issue of the refunding or repayment bonds, notes or
39 other obligations and to the price bid including estimated accrued
40 interest or proceeds received by the corporation including estimated
41 accrued interest from the sale thereof.

42 S 39. Paragraph b of subdivision 2 of section 9-a of section 1 of
43 chapter 392 of the laws of 1973, constituting the New York state medical
44 care facilities finance agency act, as amended by section 44 of part UU
45 of chapter 54 of the laws of 2016, is amended to read as follows:

46 b. The agency shall have power and is hereby authorized from time to
47 time to issue negotiable bonds and notes in conformity with applicable
48 provisions of the uniform commercial code in such principal amount as,
49 in the opinion of the agency, shall be necessary, after taking into
50 account other moneys which may be available for the purpose, to provide
51 sufficient funds to the facilities development corporation, or any
52 successor agency, for the financing or refinancing of or for the design,
53 construction, acquisition, reconstruction, rehabilitation or improvement
54 of mental health services facilities pursuant to paragraph a of this
55 subdivision, the payment of interest on mental health services improve-
56 ment bonds and mental health services improvement notes issued for such

1 purposes, the establishment of reserves to secure such bonds and notes,
2 the cost or premium of bond insurance or the costs of any financial
3 mechanisms which may be used to reduce the debt service that would be
4 payable by the agency on its mental health services facilities improve-
5 ment bonds and notes and all other expenditures of the agency incident
6 to and necessary or convenient to providing the facilities development
7 corporation, or any successor agency, with funds for the financing or
8 refinancing of or for any such design, construction, acquisition, recon-
9 struction, rehabilitation or improvement and for the refunding of mental
10 hygiene improvement bonds issued pursuant to section 47-b of the private
11 housing finance law; provided, however, that the agency shall not issue
12 mental health services facilities improvement bonds and mental health
13 services facilities improvement notes in an aggregate principal amount
14 exceeding eight billion [twenty-one] THREE HUNDRED NINETY-TWO million
15 eight hundred fifteen thousand dollars, excluding mental health services
16 facilities improvement bonds and mental health services facilities
17 improvement notes issued to refund outstanding mental health services
18 facilities improvement bonds and mental health services facilities
19 improvement notes; provided, however, that upon any such refunding or
20 repayment of mental health services facilities improvement bonds and/or
21 mental health services facilities improvement notes the total aggregate
22 principal amount of outstanding mental health services facilities
23 improvement bonds and mental health facilities improvement notes may be
24 greater than eight billion [twenty-one] THREE HUNDRED NINETY-TWO million
25 eight hundred fifteen thousand dollars only if, except as hereinafter
26 provided with respect to mental health services facilities bonds and
27 mental health services facilities notes issued to refund mental hygiene
28 improvement bonds authorized to be issued pursuant to the provisions of
29 section 47-b of the private housing finance law, the present value of
30 the aggregate debt service of the refunding or repayment bonds to be
31 issued shall not exceed the present value of the aggregate debt service
32 of the bonds to be refunded or repaid. For purposes hereof, the present
33 values of the aggregate debt service of the refunding or repayment
34 bonds, notes or other obligations and of the aggregate debt service of
35 the bonds, notes or other obligations so refunded or repaid, shall be
36 calculated by utilizing the effective interest rate of the refunding or
37 repayment bonds, notes or other obligations, which shall be that rate
38 arrived at by doubling the semi-annual interest rate (compounded semi-
39 annually) necessary to discount the debt service payments on the refund-
40 ing or repayment bonds, notes or other obligations from the payment
41 dates thereof to the date of issue of the refunding or repayment bonds,
42 notes or other obligations and to the price bid including estimated
43 accrued interest or proceeds received by the authority including esti-
44 mated accrued interest from the sale thereof. Such bonds, other than
45 bonds issued to refund outstanding bonds, shall be scheduled to mature
46 over a term not to exceed the average useful life, as certified by the
47 facilities development corporation, of the projects for which the bonds
48 are issued, and in any case shall not exceed thirty years and the maxi-
49 mum maturity of notes or any renewals thereof shall not exceed five
50 years from the date of the original issue of such notes. Notwithstanding
51 the provisions of this section, the agency shall have the power and is
52 hereby authorized to issue mental health services facilities improvement
53 bonds and/or mental health services facilities improvement notes to
54 refund outstanding mental hygiene improvement bonds authorized to be
55 issued pursuant to the provisions of section 47-b of the private housing
56 finance law and the amount of bonds issued or outstanding for such

1 purposes shall not be included for purposes of determining the amount of
2 bonds issued pursuant to this section. The director of the budget shall
3 allocate the aggregate principal authorized to be issued by the agency
4 among the office of mental health, office for people with developmental
5 disabilities, and the office of alcoholism and substance abuse services,
6 in consultation with their respective commissioners to finance bondable
7 appropriations previously approved by the legislature.

8 S 40. Intentionally omitted.

9 S 41. Section 1680-r of the public authorities law, as amended by
10 section 40 of part I of chapter 60 of the laws of 2015, subdivision 1 as
11 amended by section 48 of part UU of chapter 54 of the laws of 2016, is
12 amended to read as follows:

13 S 1680-r. Authorization for the issuance of bonds for the capital
14 restructuring financing program [and], the health care facility trans-
15 formation [program] PROGRAMS, AND THE ESSENTIAL HEALTH CARE PROVIDER
16 PROGRAM. 1. Notwithstanding the provisions of any other law to the
17 contrary, the dormitory authority and the urban development corporation
18 are hereby authorized to issue bonds or notes in one or more series for
19 the purpose of funding project costs for the capital restructuring
20 financing program for health care and related facilities licensed pursu-
21 ant to the public health law or the mental hygiene law and other state
22 costs associated with such capital projects [and], the health care
23 facility transformation [program] PROGRAMS, AND THE ESSENTIAL HEALTH
24 CARE PROVIDER PROGRAM. The aggregate principal amount of bonds author-
25 ized to be issued pursuant to this section shall not exceed two billion
26 [four] SEVEN hundred million dollars, excluding bonds issued to fund one
27 or more debt service reserve funds, to pay costs of issuance of such
28 bonds, and bonds or notes issued to refund or otherwise repay such bonds
29 or notes previously issued. Such bonds and notes of the dormitory
30 authority and the urban development corporation shall not be a debt of
31 the state, and the state shall not be liable thereon, nor shall they be
32 payable out of any funds other than those appropriated by the state to
33 the dormitory authority and the urban development corporation for prin-
34 cipal, interest, and related expenses pursuant to a service contract and
35 such bonds and notes shall contain on the face thereof a statement to
36 such effect. Except for purposes of complying with the internal revenue
37 code, any interest income earned on bond proceeds shall only be used to
38 pay debt service on such bonds.

39 2. Notwithstanding any other provision of law to the contrary, in
40 order to assist the dormitory authority and the urban development corpo-
41 ration in undertaking the financing for project costs for the capital
42 restructuring financing program for health care and related facilities
43 licensed pursuant to the public health law or the mental hygiene law and
44 other state costs associated with such capital projects [and], the
45 health care facility transformation [program] PROGRAMS, AND THE ESSEN-
46 TIAL HEALTH CARE PROVIDER PROGRAM, the director of the budget is hereby
47 authorized to enter into one or more service contracts with the dormito-
48 ry authority and the urban development corporation, none of which shall
49 exceed thirty years in duration, upon such terms and conditions as the
50 director of the budget and the dormitory authority and the urban devel-
51 opment corporation agree, so as to annually provide to the dormitory
52 authority and the urban development corporation, in the aggregate, a sum
53 not to exceed the principal, interest, and related expenses required for
54 such bonds and notes. Any service contract entered into pursuant to this
55 section shall provide that the obligation of the state to pay the amount
56 therein provided shall not constitute a debt of the state within the

1 meaning of any constitutional or statutory provision and shall be deemed
2 executory only to the extent of monies available and that no liability
3 shall be incurred by the state beyond the monies available for such
4 purpose, subject to annual appropriation by the legislature. Any such
5 contract or any payments made or to be made thereunder may be assigned
6 and pledged by the dormitory authority and the urban development corpo-
7 ration as security for its bonds and notes, as authorized by this
8 section.

9 S 42. Section 50 of section 1 of chapter 174 of the laws of 1968
10 constituting the New York state urban development corporation act, as
11 added by section 46-b of part I of chapter 55 of the laws of 2014, is
12 amended to read as follows:

13 S 50. 1. Notwithstanding the provisions of any other law to the
14 contrary, the dormitory authority and the urban development corporation
15 are hereby authorized to issue bonds or notes in one or more series for
16 the purpose of funding project costs undertaken by or on behalf of
17 special act school districts, state-supported schools for the blind and
18 deaf [and], approved private special education schools, NON-PUBLIC
19 SCHOOLS, COMMUNITY CENTERS, DAY CARE FACILITIES, and other state costs
20 associated with such capital projects. The aggregate principal amount of
21 bonds authorized to be issued pursuant to this section shall not exceed
22 [five] FIFTY-FIVE million dollars, excluding bonds issued to fund one
23 or more debt service reserve funds, to pay costs of issuance of such
24 bonds, and bonds or notes issued to refund or otherwise repay such bonds
25 or notes previously issued. Such bonds and notes of the dormitory
26 authority and the urban development corporation shall not be a debt of
27 the state, and the state shall not be liable thereon, nor shall they be
28 payable out of any funds other than those appropriated by the state to
29 the dormitory authority and the urban development corporation for prin-
30 cipal, interest, and related expenses pursuant to a service contract and
31 such bonds and notes shall contain on the face thereof a statement to
32 such effect. Except for purposes of complying with the internal revenue
33 code, any interest income earned on bond proceeds shall only be used to
34 pay debt service on such bonds.

35 2. Notwithstanding any other provision of law to the contrary, in
36 order to assist the dormitory authority and the urban development corpo-
37 ration in undertaking the financing for project costs undertaken by or
38 on behalf of special act school districts, state-supported schools for
39 the blind and deaf and approved private special education schools, NON-
40 PUBLIC SCHOOLS, COMMUNITY CENTERS, DAY CARE FACILITIES, and other state
41 costs associated with such capital projects, the director of the budget
42 is hereby authorized to enter into one or more service contracts with
43 the dormitory authority and the urban development corporation, none of
44 which shall exceed thirty years in duration, upon such terms and condi-
45 tions as the director of the budget and the dormitory authority and the
46 urban development corporation agree, so as to annually provide to the
47 dormitory authority and the urban development corporation, in the aggre-
48 gate, a sum not to exceed the principal, interest, and related expenses
49 required for such bonds and notes. Any service contract entered into
50 pursuant to this section shall provide that the obligation of the state
51 to pay the amount therein provided shall not constitute a debt of the
52 state within the meaning of any constitutional or statutory provision
53 and shall be deemed executory only to the extent of monies available and
54 that no liability shall be incurred by the state beyond the monies
55 available for such purpose, subject to annual appropriation by the
56 legislature. Any such contract or any payments made or to be made there-

1 under may be assigned and pledged by the dormitory authority and the
2 urban development corporation as security for its bonds and notes, as
3 authorized by this section.

4 [3. Subdivisions 1 and 2 of this section shall take effect only in the
5 event that a chapter of the laws of 2014, enacting the "smart schools
6 bond act of 2014", is submitted to the people at the general election to
7 be held in November 2014 and is approved by a majority of all votes cast
8 for and against it at such election. Upon such approval, subdivisions 1
9 and 2 of this section shall take effect immediately. If such approval is
10 not obtained, subdivisions 1 and 2 of this section shall expire and be
11 deemed repealed.]

12 S 42-a. Subdivision (a) of section 28 of part Y of chapter 61 of the
13 laws of 2005, relating to providing for the administration of certain
14 funds and accounts related to the 2005-2006 budget, as amended by
15 section 48 of part HH of chapter 57 of the laws of 2013, is amended to
16 read as follows:

17 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
18 notwithstanding any provisions of law to the contrary, one or more
19 authorized issuers as defined by section 68-a of the state finance law
20 are hereby authorized to issue bonds or notes in one or more series in
21 an aggregate principal amount not to exceed [\$27,000,000] \$47,000,000,
22 excluding bonds issued to finance one or more debt service reserve
23 funds, to pay costs of issuance of such bonds, and bonds or notes issued
24 to refund or otherwise repay such bonds or notes previously issued, for
25 the purpose of financing capital projects for public protection facili-
26 ties in the Division of Military and Naval Affairs, debt service and
27 leases; and to reimburse the state general fund for disbursements made
28 therefor. Such bonds and notes of such authorized issuer shall not be a
29 debt of the state, and the state shall not be liable thereon, nor shall
30 they be payable out of any funds other than those appropriated by the
31 state to such authorized issuer for debt service and related expenses
32 pursuant to any service contract executed pursuant to subdivision (b) of
33 this section and such bonds and notes shall contain on the face thereof
34 a statement to such effect. Except for purposes of complying with the
35 internal revenue code, any interest income earned on bond proceeds shall
36 only be used to pay debt service on such bonds.

37 S 42-b. Subdivision 1 of section 49 of section 1 of chapter 174 of the
38 laws of 1968, constituting the New York state urban development corpo-
39 ration act, as amended by section 49 of part UU of chapter 54 of the
40 laws of 2016, is amended to read as follows:

41 1. Notwithstanding the provisions of any other law to the contrary,
42 the dormitory authority and the corporation are hereby authorized to
43 issue bonds or notes in one or more series for the purpose of funding
44 project costs for the state and municipal facilities program and other
45 state costs associated with such capital projects. The aggregate princi-
46 pal amount of bonds authorized to be issued pursuant to this section
47 shall not exceed one billion [five] NINE hundred [forty] TWENTY-FIVE
48 million dollars, excluding bonds issued to fund one or more debt service
49 reserve funds, to pay costs of issuance of such bonds, and bonds or
50 notes issued to refund or otherwise repay such bonds or notes previously
51 issued. Such bonds and notes of the dormitory authority and the corpo-
52 ration shall not be a debt of the state, and the state shall not be
53 liable thereon, nor shall they be payable out of any funds other than
54 those appropriated by the state to the dormitory authority and the
55 corporation for principal, interest, and related expenses pursuant to a
56 service contract and such bonds and notes shall contain on the face

1 thereof a statement to such effect. Except for purposes of complying
2 with the internal revenue code, any interest income earned on bond
3 proceeds shall only be used to pay debt service on such bonds.

4 S 42-c. Subdivision 1 of section 51 of section 1 of chapter 174 of the
5 laws of 1968, constituting the New York state urban development corpo-
6 ration act, as amended by section 50 of part UU of chapter 54 of the
7 laws of 2016, is amended to read as follows:

8 1. Notwithstanding the provisions of any other law to the contrary,
9 the dormitory authority and the urban development corporation are hereby
10 authorized to issue bonds or notes in one or more series for the purpose
11 of funding project costs for the nonprofit infrastructure capital
12 investment program and other state costs associated with such capital
13 projects. The aggregate principal amount of bonds authorized to be
14 issued pursuant to this section shall not exceed one hundred TWENTY
15 million dollars, excluding bonds issued to fund one or more debt service
16 reserve funds, to pay costs of issuance of such bonds, and bonds or
17 notes issued to refund or otherwise repay such bonds or notes previously
18 issued. Such bonds and notes of the dormitory authority and the urban
19 development corporation shall not be a debt of the state, and the state
20 shall not be liable thereon, nor shall they be payable out of any funds
21 other than those appropriated by the state to the dormitory authority
22 and the urban development corporation for principal, interest, and
23 related expenses pursuant to a service contract and such bonds and notes
24 shall contain on the face thereof a statement to such effect. Except for
25 purposes of complying with the internal revenue code, any interest
26 income earned on bond proceeds shall only be used to pay debt service on
27 such bonds.

28 S 43. Paragraph (b) of subdivision 4 of section 72 of the state
29 finance law, as amended by section 27 of part I of chapter 55 of the
30 laws of 2014, is amended to read as follows:

31 (b) On or before the beginning of each quarter, the director of the
32 budget may certify to the state comptroller the estimated amount of
33 monies that shall be reserved in the general debt service fund for the
34 payment of debt service and related expenses payable by such fund during
35 each month of the state fiscal year, excluding payments due from the
36 revenue bond tax fund. Such certificate may be periodically updated, as
37 necessary. Notwithstanding any provision of law to the contrary, the
38 state comptroller shall reserve in the general debt service fund the
39 amount of monies identified on such certificate as necessary for the
40 payment of debt service and related expenses during the current or next
41 succeeding quarter of the state fiscal year. Such monies reserved shall
42 not be available for any other purpose. Such certificate shall be
43 reported to the chairpersons of the Senate Finance Committee and the
44 Assembly Ways and Means Committee. The provisions of this paragraph
45 shall expire June thirtieth, two thousand [seventeen] TWENTY.

46 S 44. Intentionally omitted.

47 S 45. Intentionally omitted.

48 S 46. Intentionally omitted.

49 S 47. Intentionally omitted.

50 S 48. Paragraphs (a) and (g) of subdivision 2 of section 56 of the
51 state finance law, as amended by chapter 11 of the laws of 1994, are
52 amended to read as follows:

53 (a) Refunding bonds shall be issued only when the comptroller shall
54 have certified that, as a result of the refunding, there will be a debt
55 service savings to the state on a present value basis as a result of the
56 refunding transaction and that either (i) the refunding will benefit

1 state taxpayers over the life of the refunding bonds by achieving an
2 actual debt service savings each year OR STATE FISCAL YEAR during the
3 term to maturity of the refunding bonds when debt service on the refund-
4 ing bonds is expected to be paid from legislative appropriations or (ii)
5 debt service on the refunding bonds shall be payable in annual install-
6 ments of principal and interest which result in substantially level or
7 declining debt service payments pursuant to paragraph (b) of subdivision
8 two of section fifty-seven of this [chapter] ARTICLE. Such certif-
9 ication by the comptroller shall be conclusive as to matters contained
10 therein after the refunding bonds have been issued.

11 (g) Any refunding bonds issued pursuant to this section shall be paid
12 in annual installments which shall, so long as any refunding bonds are
13 outstanding, be made in each year OR STATE FISCAL YEAR in which install-
14 ments were due on the bonds to be refunded and shall be in an amount
15 which shall result in annual debt service payments which shall be less
16 in each year OR STATE FISCAL YEAR than the annual debt service payments
17 on the bonds to be refunded unless debt service on the refunding bonds
18 is payable in annual installments of principal and interest which will
19 result in substantially level or declining debt service payments pursu-
20 ant to paragraph (b) of subdivision two of section fifty-seven of this
21 [chapter] ARTICLE.

22 S 49. Subdivisions 1, 2 and 6 of section 57 of the state finance law,
23 as amended by chapter 11 of the laws of 1994, are amended to read as
24 follows:

25 1. Whenever the legislature, after authorization of a bond issue by
26 the people at a general election, as provided by section eleven of arti-
27 cle seven of the STATE constitution, OR AS PROVIDED BY SECTION THREE OF
28 ARTICLE EIGHTEEN OF THE STATE CONSTITUTION, shall have authorized, by
29 one or more laws, the creation of a state debt or debts, bonds of the
30 state, to the amount of the debt or debts so authorized, shall be issued
31 and sold by the state comptroller. Any appropriation from the proceeds
32 of the sale of bonds, pursuant to this section, shall be deemed to be an
33 authorization for the creation of a state debt or debts to the extent of
34 such appropriation. The state comptroller may issue and sell a single
35 series of bonds pursuant to one or more such authorizations and for one
36 or more duly authorized works or purposes. As part of the proceedings
37 for each such issuance and sale of bonds, the state comptroller shall
38 designate the works or purposes for which they are issued. It shall not
39 be necessary for him to designate the works or purposes for which the
40 bonds are issued on the face of the bonds. The proceeds from the sale of
41 bonds for more than one work or purpose shall be separately accounted
42 for according to the works or purposes designated for such sale by the
43 comptroller and the proceeds received for each work or purpose shall be
44 expended only for such work or purpose. The bonds shall bear interest at
45 such rate or rates as in the judgment of the state comptroller may be
46 sufficient or necessary to effect a sale of the bonds, and such interest
47 shall be payable at least semi-annually, in the case of bonds with a
48 fixed interest rate, and at least annually, in the case of bonds with an
49 interest rate that varies periodically, in the city of New York unless
50 annual payments of principal and interest result in substantially level
51 or declining debt service payments over the life of an issue of bonds
52 pursuant to paragraph (b) of subdivision two of this section or unless
53 accrued interest is contributed to a sinking fund in accordance with
54 subdivision three of section twelve of article seven of the state
55 constitution, in which case interest shall be paid at such times and at

1 such places as shall be determined by the state comptroller prior to
2 issuance of the bonds.

3 2. Such bonds, or the portion thereof at any time issued, shall be
4 made payable (a) in equal annual principal installments or (b) in annual
5 installments of principal and interest which result in substantially
6 level or declining debt service payments, over the life of the bonds,
7 the first of which annual installments shall be payable not more than
8 one year from the date of issue and the last of which shall be payable
9 at such time as the comptroller may determine but not more than forty
10 years OR STATE FISCAL YEARS after the date of issue, NOT MORE THAN FIFTY
11 YEARS AFTER THE DATE OF ISSUE IN THE CASE OF HOUSING BONDS, AND NOT MORE
12 THAN TWENTY-FIVE YEARS IN THE CASE OF URBAN RENEWAL BONDS. Where bonds
13 are payable pursuant to paragraph (b) of this subdivision, except for
14 the year OR STATE FISCAL YEAR of initial issuance if less than a full
15 year of debt service is to become due in that year OR STATE FISCAL YEAR,
16 either (i) the greatest aggregate amount of debt service payable in any
17 YEAR OR STATE fiscal year shall not differ from the lowest aggregate
18 amount of debt service payable in any other YEAR OR STATE fiscal year by
19 more than five percent or (ii) the aggregate amount of debt service in
20 each YEAR OR STATE fiscal year shall be less than the aggregate amount
21 of debt service in the immediately preceding YEAR OR STATE fiscal year.
22 For purposes of this subdivision, debt service shall include all princi-
23 pal, redemption price, sinking fund installments or contributions, and
24 interest scheduled to become due. For purposes of determining whether
25 debt service is level or declining on bonds issued with a variable rate
26 of interest pursuant to paragraph b of subdivision four of this section,
27 the comptroller shall assume a market rate of interest as of the date of
28 issuance. Where the comptroller determines that interest on any bonds
29 shall be compounded and payable at maturity, such bonds shall be payable
30 only in accordance with paragraph (b) of this subdivision unless accrued
31 interest is contributed to a sinking fund in accordance with subdivision
32 three of section twelve of article seven of the state constitution. In
33 no case shall any bonds or portion thereof be issued for a period longer
34 than the probable life of the work or purpose, or part thereof, to which
35 the proceeds of the bonds are to be applied, or in the alternative, the
36 weighted average period of the probable life of the works or purposes to
37 which the proceeds of the bonds are to be applied taking into consider-
38 ation the respective amounts of bonds issued for each work or purpose,
39 as may be determined under section sixty-one of this [chapter] ARTICLE
40 and in accordance with the certificate of the commissioner of general
41 services, and/or the commissioner of transportation, state architect,
42 STATE COMMISSIONER OF HOUSING AND URBAN RENEWAL, or other authority, as
43 the case may be, having charge by law of the acquisition, construction,
44 work or improvement for which the debt was authorized. Such certificate
45 shall be filed in the office of the state comptroller and shall state
46 the group, or, where the probable lives of two or more separable parts
47 of the work or purposes are different, the groups, specified in such
48 section, for which the amount or amounts, shall be provided by the issu-
49 ance and sale of bonds. Weighted average period of probable life shall
50 be determined by computing the sum of the products derived from multi-
51 plying the dollar value of the portion of the debt contracted for each
52 work or purpose (or class of works or purposes) by the probable life of
53 such work or purpose (or class of works or purposes) and dividing the
54 resulting sum by the dollar value of the entire debt after taking into
55 consideration any original issue discount. Any costs of issuance
56 financed with bond proceeds shall be prorated among the various works or

1 purposes. Such bonds, or the portion thereof at any time sold, shall be
2 of such denominations, subject to the foregoing provisions, as the state
3 comptroller may determine. Notwithstanding the foregoing provisions of
4 this subdivision, the comptroller may issue all or a portion of such
5 bonds as serial debt, term debt or a combination thereof, maturing as
6 required by this subdivision, provided that the comptroller shall have
7 provided for the retirement each year OR STATE FISCAL YEAR, or otherwise
8 have provided for the payment of, through sinking fund installment
9 payments or otherwise, a portion of such term bonds in an amount meeting
10 the requirements of paragraph (a) or (b) of this subdivision or shall
11 have established a sinking fund and provided for contributions thereto
12 as provided in subdivision eight of this section and section twelve of
13 article seven of the state constitution.

14 6. Except with respect to bonds issued in the manner provided in para-
15 graph (c) of subdivision seven of this section, all bonds of the state
16 of New York which the comptroller of the state of New York is authorized
17 to issue and sell, shall be executed in the name of the state of New
18 York by the manual or facsimile signature of the state comptroller and
19 his seal (or a facsimile thereof) shall be thereunto affixed, imprinted,
20 engraved or otherwise reproduced. In case the state comptroller who
21 shall have signed and sealed any of the bonds shall cease to hold the
22 office of state comptroller before the bonds so signed and sealed shall
23 have been actually countersigned and delivered by the fiscal agent OR
24 TRUSTEE, such bonds may, nevertheless, be countersigned and delivered as
25 herein provided, and may be issued as if the state comptroller who
26 signed and sealed such bonds had not ceased to hold such office. Any
27 bond of a series may be signed and sealed on behalf of the state of New
28 York by such person as at the actual time of the execution of such bond
29 shall hold the office of comptroller of the state of New York, although
30 at the date of the bonds of such series such person may not have held
31 such office. The coupons to be attached to the coupon bonds of each
32 series shall be signed by the facsimile signature of the state comp-
33 troller of the state of New York or by any person who shall have held
34 the office of state comptroller of the state of New York on or after the
35 date of the bonds of such series, notwithstanding that such person may
36 not have been such state comptroller at the date of any such bond or may
37 have ceased to be such state comptroller at the date when any such bond
38 shall be actually countersigned and delivered. The bonds of each series
39 shall be countersigned with the manual signature of an authorized
40 employee of the fiscal agent OR TRUSTEE of the state of New York. No
41 bond and no coupon thereunto appertaining shall be valid or obligatory
42 for any purpose until such manual countersignature of an authorized
43 employee of the fiscal agent OR TRUSTEE of the state of New York shall
44 have been duly affixed to such bond.

45 S 50. Sections 58, 59 and 60 of the state finance law are REPEALED.

46 S 51. Section 62 of the state finance law, as amended by chapter 219
47 of the laws of 1999, is amended to read as follows:

48 S 62. Replacement of lost certificates. The comptroller, who may act
49 through his duly authorized fiscal agent OR TRUSTEE appointed pursuant
50 to section sixty-five of this article, may issue to the lawful owner of
51 any certificate or bond issued by him in behalf of this state, which he
52 or such duly authorized fiscal agent OR TRUSTEE is satisfied, by due
53 proof filed in his office or with such duly authorized fiscal agent OR
54 TRUSTEE, has been lost or casually destroyed, a new certificate or bond,
55 corresponding in date, number and amount with the certificate or bond so
56 lost or destroyed, and expressing on its face that it is a renewed

1 certificate or bond. No such renewed certificate or bond shall be issued
2 unless sufficient security is given to satisfy the lawful claim of any
3 person to the original certificate or bond, or to any interest therein.
4 The comptroller shall report annually to the legislature the number and
5 amount of all renewed certificates or bonds so issued. If the renewed
6 certificate is issued by the state's duly authorized fiscal agent OR
7 TRUSTEE and such agent OR TRUSTEE agrees to be responsible for any loss
8 suffered as a result of unauthorized payment, the security shall be
9 provided to and approved by the fiscal agent OR TRUSTEE and no addi-
10 tional approval by the comptroller or the attorney general shall be
11 required.

12 S 52. Section 65 of the state finance law, as amended by chapter 459
13 of the laws of 1948, subdivision 1 as amended by chapter 219 of the laws
14 of 1999, is amended to read as follows:

15 S 65. Appointment of fiscal agent OR TRUSTEE; powers and duties. 1.
16 Notwithstanding any other provisions of this chapter, the comptroller,
17 on behalf of the state, may contract from time to time for a period or
18 periods not exceeding ten years each, except in the case of a bank or
19 trust company agreeing to act as issuing, paying and/or tender agent
20 with respect to a particular issue of variable interest rate bonds in
21 which case the comptroller, on behalf of the state, may contract for a
22 period not to exceed the term of such particular issue of bonds, with
23 one or more banks or trust companies located in the city of New York, to
24 act as fiscal agent, TRUSTEE, or agents of the state, and for the main-
25 tenance of an office for the registration, conversion, reconversion and
26 transfer of the bonds and notes of the state, including the preparation
27 and substitution of new bonds and notes, for the payment of the princi-
28 pal thereof and interest thereon, [and] for related services, AND TO
29 OTHERWISE EFFECTUATE THE POWERS AND DUTIES OF A FISCAL AGENT OR TRUSTEE
30 ON BEHALF OF THE STATE IN ALL SUCH RESPECTS AS MAY BE DETERMINED BY THE
31 COMPTROLLER FOR SUCH BONDS AND NOTES, and for the payment by the state
32 of such compensation therefor as the comptroller may determine. Any such
33 fiscal agent OR TRUSTEE may, where authorized pursuant to the terms of
34 its contract, accept delivery of obligations purchased by the state and
35 of securities deposited with the state pursuant to sections one hundred
36 five and one hundred six of this chapter and hold the same in safekeep-
37 ing, make delivery to purchasers of obligations sold by the state, and
38 accept deposit of such proceeds of sale without securing the same. Any
39 such contract may also provide that such fiscal agent OR TRUSTEE may,
40 upon the written instruction of the comptroller, deposit any obligations
41 or securities which it receives pursuant to such contract, in an account
42 with a federal reserve bank, to be held in such account in the form of
43 entries on the books of the federal reserve bank, and to be transferred
44 in the event of any assignment, sale, redemption, maturity or other
45 disposition of such obligations or securities, by entries on the books
46 of the federal reserve bank. Any such bank or trust company shall be
47 responsible to the people of this state for the faithful and safe
48 conduct of the business of said office, for the fidelity and integrity
49 of its officers and agents employed in such office, and for all loss or
50 damage which may result from any failure to discharge their duties, and
51 for any improper and incorrect discharge of those duties, and shall save
52 the state free and harmless from any and all loss or damage occasioned
53 by or incurred in the performance of such services. Any such contract
54 may be terminated by the comptroller at any time. In the event of any
55 change in any office maintained pursuant to any such contract, the comp-

1 troller shall give public notice thereof in such form as he may deter-
2 mine appropriate.

3 2. The comptroller shall prescribe rules and regulations for the
4 registration, conversion, reconversion and transfer of the bonds and
5 notes of the state, including the preparation and substitution of new
6 bonds, for the payment of the principal thereof and interest thereon,
7 and for other authorized services to be performed by such fiscal agent
8 OR TRUSTEE. Such rules and regulations, and all amendments thereof,
9 shall be prepared in duplicate, one copy of which shall be filed in the
10 office of the department of audit and control and the other in the
11 office of the department of state. A copy thereof may be filed as a
12 public record in such other offices as the comptroller may determine.
13 Such rules and regulations shall be obligatory on all persons having any
14 interests in bonds and notes of the state heretofore or hereafter
15 issued.

16 S 53. Intentionally omitted.

17 S 54. Subdivision 2 of section 365 of the public authorities law, as
18 separately amended by sections 349 and 381 of chapter 190 of the laws of
19 1990, is amended to read as follows:

20 2. The notes and bonds shall be authorized by resolution of the board,
21 shall bear such date or dates and mature at such time or times, in the
22 case of notes and any renewals thereof within five years after their
23 respective dates and in the case of bonds not exceeding forty years from
24 their respective dates, as such resolution or resolutions may provide.
25 The notes and bonds shall bear interest at such rate or rates, be in
26 such denominations, be in such form, either coupon or registered, carry
27 such registration privileges, be executed in such manner, be payable in
28 such medium of payment, at such place or places, and be subject to such
29 terms of redemption as such resolution or resolutions may provide. Bonds
30 and notes shall be sold by the authority, at public or private sale, at
31 such price or prices as the authority may determine. Bonds and notes of
32 the authority shall not be sold by the authority at private sale unless
33 such sale and the terms thereof have been approved in writing by the
34 comptroller, where such sale is not to the comptroller, or by the direc-
35 tor of the budget, where such sale is to the comptroller. [Bonds and
36 notes sold at public sale shall be sold by the comptroller, as agent of
37 the authority, in such manner as the authority, with the approval of the
38 comptroller, shall determine.]

39 S 55. This act shall take effect immediately and shall be deemed to
40 have been in full force and effect on and after April 1, 2017; provided,
41 however, that the provisions of sections one, two, three, four, five,
42 six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen,
43 eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-two-e and
44 twenty-two-f of this act shall expire March 31, 2018 when upon such date
45 the provisions of such sections shall be deemed repealed; and provided,
46 further, that section twenty-two-c of this act shall expire March 31,
47 2021.

48

PART YYY

49 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
50 tion law, as amended by section 1 of part A of chapter 54 of the laws of
51 2016, is amended to read as follows:

52 e. Notwithstanding paragraphs a and b of this subdivision, a school
53 district that submitted a contract for excellence for the two thousand
54 eight--two thousand nine school year shall submit a contract for excel-

1 lence for the two thousand nine--two thousand ten school year in
2 conformity with the requirements of subparagraph (vi) of paragraph a of
3 subdivision two of this section unless all schools in the district are
4 identified as in good standing and provided further that, a school
5 district that submitted a contract for excellence for the two thousand
6 nine--two thousand ten school year, unless all schools in the district
7 are identified as in good standing, shall submit a contract for excel-
8 lence for the two thousand eleven--two thousand twelve school year which
9 shall, notwithstanding the requirements of subparagraph (vi) of para-
10 graph a of subdivision two of this section, provide for the expenditure
11 of an amount which shall be not less than the product of the amount
12 approved by the commissioner in the contract for excellence for the two
13 thousand nine--two thousand ten school year, multiplied by the
14 district's gap elimination adjustment percentage and provided further
15 that, a school district that submitted a contract for excellence for the
16 two thousand eleven--two thousand twelve school year, unless all schools
17 in the district are identified as in good standing, shall submit a
18 contract for excellence for the two thousand twelve--two thousand thir-
19 teen school year which shall, notwithstanding the requirements of
20 subparagraph (vi) of paragraph a of subdivision two of this section,
21 provide for the expenditure of an amount which shall be not less than
22 the amount approved by the commissioner in the contract for excellence
23 for the two thousand eleven--two thousand twelve school year and
24 provided further that, a school district that submitted a contract for
25 excellence for the two thousand twelve--two thousand thirteen school
26 year, unless all schools in the district are identified as in good
27 standing, shall submit a contract for excellence for the two thousand
28 thirteen--two thousand fourteen school year which shall, notwithstanding
29 the requirements of subparagraph (vi) of paragraph a of subdivision two
30 of this section, provide for the expenditure of an amount which shall be
31 not less than the amount approved by the commissioner in the contract
32 for excellence for the two thousand twelve--two thousand thirteen school
33 year and provided further that, a school district that submitted a
34 contract for excellence for the two thousand thirteen--two thousand
35 fourteen school year, unless all schools in the district are identified
36 as in good standing, shall submit a contract for excellence for the two
37 thousand fourteen--two thousand fifteen school year which shall,
38 notwithstanding the requirements of subparagraph (vi) of paragraph a of
39 subdivision two of this section, provide for the expenditure of an
40 amount which shall be not less than the amount approved by the commis-
41 sioner in the contract for excellence for the two thousand thirteen--two
42 thousand fourteen school year; and provided further that, a school
43 district that submitted a contract for excellence for the two thousand
44 fourteen--two thousand fifteen school year, unless all schools in the
45 district are identified as in good standing, shall submit a contract for
46 excellence for the two thousand fifteen--two thousand sixteen school
47 year which shall, notwithstanding the requirements of subparagraph (vi)
48 of paragraph a of subdivision two of this section, provide for the
49 expenditure of an amount which shall be not less than the amount
50 approved by the commissioner in the contract for excellence for the two
51 thousand fourteen--two thousand fifteen school year; and provided
52 further that a school district that submitted a contract for excellence
53 for the two thousand fifteen--two thousand sixteen school year, unless
54 all schools in the district are identified as in good standing, shall
55 submit a contract for excellence for the two thousand sixteen--two thou-
56 sand seventeen school year which shall, notwithstanding the requirements

1 of subparagraph (vi) of paragraph a of subdivision two of this section,
2 provide for the expenditure of an amount which shall be not less than
3 the amount approved by the commissioner in the contract for excellence
4 for the two thousand fifteen--two thousand sixteen school year; AND
5 PROVIDED FURTHER THAT, A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR
6 EXCELLENCE FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL
7 YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD
8 STANDING, SHALL SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND
9 SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR WHICH SHALL, NOTWITHSTAND-
10 ING THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION
11 TWO OF THIS SECTION, PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH
12 SHALL BE NOT LESS THAN THE AMOUNT APPROVED BY THE COMMISSIONER IN THE
13 CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND
14 SEVENTEEN SCHOOL YEAR. For purposes of this paragraph, the "gap elimi-
15 nation adjustment percentage" shall be calculated as the sum of one
16 minus the quotient of the sum of the school district's net gap elimi-
17 nation adjustment for two thousand ten--two thousand eleven computed
18 pursuant to chapter fifty-three of the laws of two thousand ten, making
19 appropriations for the support of government, plus the school district's
20 gap elimination adjustment for two thousand eleven--two thousand twelve
21 as computed pursuant to chapter fifty-three of the laws of two thousand
22 eleven, making appropriations for the support of the local assistance
23 budget, including support for general support for public schools,
24 divided by the total aid for adjustment computed pursuant to chapter
25 fifty-three of the laws of two thousand eleven, making appropriations
26 for the local assistance budget, including support for general support
27 for public schools. Provided, further, that such amount shall be
28 expended to support and maintain allowable programs and activities
29 approved in the two thousand nine--two thousand ten school year or to
30 support new or expanded allowable programs and activities in the current
31 year.

32 S 2. The education law is amended by adding a new section 2590-v to
33 read as follows:

34 S 2590-V. NOTICE TO STUDENTS REGARDING CERTAIN TEST SCORES. THE OFFICE
35 OF THE CHANCELLOR SHALL INCLUDE A NOTICE IN THE OFFICIAL SCORE REPORT OF
36 ALL STUDENTS WHO RECEIVED A SCORE OF "ADVANCED" ON THE SEVENTH GRADE
37 STATE ASSESSMENT IN EITHER ENGLISH LANGUAGE ARTS OR MATHEMATICS, INFORM-
38 ING THE STUDENT OF OPPORTUNITIES TO APPLY FOR ADMISSION TO THE SPECIAL-
39 IZED HIGH SCHOOLS AUTHORIZED IN PARAGRAPH (B) OF SUBDIVISION ONE OF
40 SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS ARTICLE; PROVIDED THAT THE
41 CHANCELLOR SHALL ANNUALLY NOTIFY ALL SEVENTH GRADE STUDENTS OF OPPORTU-
42 NITIES TO APPLY FOR ADMISSION TO SUCH SCHOOLS.

43 S 3. Subparagraph 3 of paragraph b of subdivision 16 of section 3641
44 of the education law, as added by section 2 of part C of chapter 56 of
45 the laws of 2014, is amended to read as follows:

46 (3) The smart schools review board shall review all smart schools
47 investment plans for compliance with all eligibility criteria and other
48 requirements set forth in the guidelines. The smart schools review board
49 may approve or reject such plans, or may return such plans to the school
50 district for modifications; PROVIDED THAT NOTWITHSTANDING ANY INCONSIST-
51 ENT PROVISION OF LAW, THE SMART SCHOOLS REVIEW BOARD SHALL APPROVE NO
52 SUCH PLAN FIRST SUBMITTED TO THE DEPARTMENT ON OR AFTER APRIL FIFTEENTH,
53 TWO THOUSAND SEVENTEEN, UNLESS SUCH PLAN CALCULATES THE AMOUNT OF CLASS-
54 ROOM TECHNOLOGY TO BE LOANED TO STUDENTS ATTENDING NONPUBLIC SCHOOLS
55 PURSUANT TO SECTION SEVEN HUNDRED FIFTY-FIVE OF THIS CHAPTER IN A MANNER
56 THAT INCLUDES THE AMOUNT BUDGETED BY THE SCHOOL DISTRICT FOR SERVERS,

1 WIRELESS ACCESS POINTS AND OTHER PORTABLE CONNECTIVITY DEVICES TO BE
2 ACQUIRED AS PART OF A SCHOOL CONNECTIVITY PROJECT. Upon approval, the
3 smart schools project or projects described in the investment plan shall
4 be eligible for smart schools grants. A smart schools project included
5 in a school district's smart schools investment plan shall not require
6 separate approval of the commissioner unless it is part of a school
7 construction project required to be submitted for approval of the
8 commissioner pursuant to section four hundred eight of this chapter
9 and/or subdivision six of section thirty-six hundred two of this arti-
10 cle. Any department, agency or public authority shall provide the smart
11 schools review board with any information it requires to fulfill its
12 duties pursuant to this subdivision.

13 S 4. Subdivision 1 of section 2856 of the education law, as amended by
14 chapter 378 of the laws of 2007, paragraph (a) as amended and paragraph
15 (d) as added by section 3 of part BB of chapter 56 of the laws of 2014,
16 is amended to read as follows:

17 1. (a) The enrollment of students attending charter schools shall be
18 included in the enrollment, attendance, membership and, if applicable,
19 count of students with disabilities of the school district in which the
20 pupil resides. The charter school shall report all such data to the
21 school districts of residence in a timely manner. Each school district
22 shall report such enrollment, attendance and count of students with
23 disabilities to the department. The school district of residence shall
24 pay directly to the charter school for each student enrolled in the
25 charter school who resides in the school district the charter school
26 basic tuition, which shall be:

27 (i) for school years prior to the two thousand nine--two thousand ten
28 school year [and for school years following the two thousand sixteen--
29 two thousand seventeen school year], an amount equal to one hundred
30 percent of the amount calculated pursuant to paragraph f of subdivision
31 one of section thirty-six hundred two of this chapter for the school
32 district for the year prior to the base year increased by the percentage
33 change in the state total approved operating expense calculated pursuant
34 to paragraph t of subdivision one of section thirty-six hundred two of
35 this chapter from two years prior to the base year to the base year;

36 (ii) for the two thousand nine--two thousand ten school year, the
37 charter school basic tuition shall be the amount payable by such
38 district as charter school basic tuition for the two thousand eight--two
39 thousand nine school year;

40 (iii) for the two thousand ten--two thousand eleven through two thou-
41 sand thirteen--two thousand fourteen school years, the charter school
42 basic tuition shall be the basic tuition computed for the two thousand
43 ten--two thousand eleven school year pursuant to the provisions of
44 subparagraph (i) of this paragraph;

45 (iv) for the two thousand fourteen--two thousand fifteen, two thousand
46 fifteen--two thousand sixteen and two thousand sixteen--two thousand
47 seventeen school years, the charter school basic tuition shall be the
48 sum of the lesser of the charter school basic tuition computed for the
49 two thousand ten--two thousand eleven school year pursuant to the
50 provisions of subparagraph (i) of this paragraph or the charter school
51 basic tuition computed for the current year pursuant to the provisions
52 of subparagraph (i) of this paragraph plus the supplemental basic
53 tuition[.];

54 (V) FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR,
55 THE CHARTER SCHOOL BASIC TUITION SHALL BE THE SUM OF (A) THE CHARTER

1 SCHOOL BASIC TUITION FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVEN-
2 TEEN SCHOOL YEAR PLUS (B) FIVE HUNDRED DOLLARS;

3 (VI) FOR THE TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN SCHOOL YEAR,
4 THE CHARTER SCHOOL BASIC TUITION SHALL BE THE LESSER OF (A) THE PRODUCT
5 OF (I) THE CHARTER SCHOOL BASIC TUITION CALCULATED FOR THE BASE YEAR
6 MULTIPLIED BY (II) THE AVERAGE OF THE QUOTIENTS FOR EACH SCHOOL YEAR IN
7 THE PERIOD COMMENCING WITH THE YEAR FIVE YEARS PRIOR TO THE BASE YEAR
8 AND FINISHING WITH THE YEAR PRIOR TO THE BASE YEAR OF THE TOTAL APPROVED
9 OPERATING EXPENSE FOR SUCH SCHOOL DISTRICT CALCULATED PURSUANT TO PARA-
10 GRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
11 CHAPTER FOR EACH SUCH YEAR DIVIDED BY THE TOTAL APPROVED OPERATING
12 EXPENSE FOR SUCH DISTRICT FOR THE IMMEDIATELY PRECEDING YEAR, PROVIDED
13 THAT THE HIGHEST AND LOWEST ANNUAL QUOTIENTS SHALL BE EXCLUDED FROM THE
14 CALCULATION OF SUCH AVERAGE OR (B) THE QUOTIENT OF THE TOTAL GENERAL
15 FUND EXPENDITURES FOR THE SCHOOL DISTRICT CALCULATED PURSUANT TO AN
16 ELECTRONIC DATA FILE CREATED FOR THE PURPOSE OF COMPLIANCE WITH PARA-
17 GRAPH B OF SUBDIVISION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS
18 CHAPTER PUBLISHED ANNUALLY ON MAY FIFTEENTH FOR THE YEAR PRIOR TO THE
19 BASE YEAR DIVIDED BY THE TOTAL ESTIMATED PUBLIC ENROLLMENT FOR THE
20 SCHOOL DISTRICT PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF SECTION
21 THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FOR THE YEAR PRIOR TO THE BASE
22 YEAR.

23 (VII) FOR THE TWO THOUSAND NINETEEN--TWO THOUSAND TWENTY SCHOOL YEAR
24 THE CHARTER SCHOOL BASIC TUITION SHALL BE THE LESSER OF (A) THE PRODUCT
25 OF (I) THE CHARTER SCHOOL BASIC TUITION CALCULATED FOR THE BASE YEAR
26 MULTIPLIED BY (II) THE AVERAGE OF THE QUOTIENTS FOR EACH SCHOOL YEAR IN
27 THE PERIOD COMMENCING WITH THE YEAR THREE YEARS PRIOR TO THE BASE YEAR
28 AND FINISHING WITH THE YEAR PRIOR TO THE BASE YEAR OF THE TOTAL APPROVED
29 OPERATING EXPENSE FOR SUCH SCHOOL DISTRICT CALCULATED PURSUANT TO PARA-
30 GRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
31 CHAPTER FOR EACH SUCH YEAR DIVIDED BY THE TOTAL APPROVED OPERATING
32 EXPENSE FOR SUCH DISTRICT FOR THE IMMEDIATELY PRECEDING YEAR PROVIDED
33 THAT THE HIGHEST ANNUAL QUOTIENT CALCULATED PURSUANT TO THIS SUBPARA-
34 GRAPH SHALL BE REPLACED BY THE AVERAGE QUOTIENT CALCULATED PURSUANT TO
35 SUBPARAGRAPH (VI) OF THIS PARAGRAPH OR (B) THE QUOTIENT OF THE TOTAL
36 GENERAL FUND EXPENDITURES FOR THE SCHOOL DISTRICT CALCULATED PURSUANT TO
37 AN ELECTRONIC DATA FILE CREATED FOR THE PURPOSE OF COMPLIANCE WITH PARA-
38 GRAPH B OF SUBDIVISION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS
39 CHAPTER PUBLISHED ANNUALLY ON MAY FIFTEENTH FOR THE YEAR PRIOR TO THE
40 BASE YEAR DIVIDED BY THE TOTAL ESTIMATED PUBLIC ENROLLMENT FOR THE
41 SCHOOL DISTRICT PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF SECTION
42 THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FOR THE YEAR PRIOR TO THE BASE
43 YEAR.

44 (VIII) FOR THE TWO THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE SCHOOL
45 YEAR AND THEREAFTER, THE CHARTER SCHOOL BASIC TUITION SHALL BE THE LESS-
46 ER OF (A) THE PRODUCT OF (I) THE CHARTER SCHOOL BASIC TUITION CALCULATED
47 FOR THE BASE YEAR MULTIPLIED BY (II) THE AVERAGE OF THE QUOTIENTS FOR
48 EACH SCHOOL YEAR IN THE PERIOD COMMENCING WITH THE YEAR THREE YEARS
49 PRIOR TO THE BASE YEAR AND FINISHING WITH THE YEAR PRIOR TO THE BASE
50 YEAR OF THE TOTAL APPROVED OPERATING EXPENSE FOR SUCH SCHOOL DISTRICT
51 CALCULATED PURSUANT TO PARAGRAPH T OF SUBDIVISION ONE OF SECTION THIR-
52 TY-SIX HUNDRED TWO OF THIS CHAPTER FOR EACH SUCH YEAR DIVIDED BY THE
53 TOTAL APPROVED OPERATING EXPENSE FOR SUCH DISTRICT FOR THE IMMEDIATELY
54 PRECEDING YEAR OR (B) THE QUOTIENT OF THE TOTAL GENERAL FUND EXPENDI-
55 TURES FOR THE SCHOOL DISTRICT CALCULATED PURSUANT TO AN ELECTRONIC DATA
56 FILE CREATED FOR THE PURPOSE OF COMPLIANCE WITH PARAGRAPH B OF SUBDIVI-

1 SION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER PUBLISHED
2 ANNUALLY ON MAY FIFTEENTH FOR THE YEAR PRIOR TO THE BASE YEAR DIVIDED BY
3 THE TOTAL ESTIMATED PUBLIC ENROLLMENT FOR THE SCHOOL DISTRICT PURSUANT
4 TO PARAGRAPH N OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF
5 THIS CHAPTER FOR THE YEAR PRIOR TO THE BASE YEAR.

6 For the purposes of this subdivision, the "supplemental basic tuition"
7 shall be (A) for a school district for which the charter school basic
8 tuition computed for the current year is greater than or equal to the
9 charter school basic tuition for the two thousand ten--two thousand
10 eleven school year pursuant to the provisions of subparagraph (i) of
11 this paragraph, (1) for the two thousand fourteen--two thousand fifteen
12 school year two hundred and fifty dollars, and (2) for the two thousand
13 fifteen--two thousand sixteen school year three hundred and fifty
14 dollars, and (3) for the two thousand sixteen--two thousand seventeen
15 school year five hundred dollars, and (4) FOR THE TWO THOUSAND SEVEN-
16 TEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR AND THEREAFTER, THE SUM OF (I)
17 THE SUPPLEMENTAL BASIC TUITION CALCULATED FOR THE TWO THOUSAND SIXTEEN-
18 -TWO THOUSAND SEVENTEEN SCHOOL YEAR PLUS (II) FIVE HUNDRED DOLLARS, AND
19 (B) FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND SEVENTEEN--TWO THOUSAND
20 EIGHTEEN SCHOOL YEAR, for a school district for which the charter school
21 basic tuition for the two thousand ten--two thousand eleven school year
22 is greater than the charter school basic tuition for the current year
23 pursuant to the provisions of subparagraph (i) of this paragraph, the
24 positive difference of the charter school basic tuition for the two
25 thousand ten--two thousand eleven school year minus the charter school
26 basic tuition for the current year pursuant to the provisions of subpar-
27 agraph (i) of this paragraph AND (C) FOR SCHOOL YEARS FOLLOWING THE TWO
28 THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEARS, FOR A SCHOOL
29 DISTRICT FOR WHICH THE CHARTER SCHOOL BASIC TUITION FOR THE TWO THOUSAND
30 TEN--TWO THOUSAND ELEVEN SCHOOL YEAR IS GREATER THAN THE CHARTER SCHOOL
31 BASIC TUITION FOR THE CURRENT YEAR PURSUANT TO THE PROVISIONS OF SUBPAR-
32 AGRAPH (I) OF THIS PARAGRAPH, THE SUM OF (I) THE SUPPLEMENTAL BASIC
33 TUITION CALCULATED FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN
34 SCHOOL YEAR PLUS (II) FIVE HUNDRED DOLLARS.

35 (b) The school district shall also pay directly to the charter school
36 any federal or state aid attributable to a student with a disability
37 attending charter school in proportion to the level of services for such
38 student with a disability that the charter school provides directly or
39 indirectly. Notwithstanding anything in this section to the contrary,
40 amounts payable pursuant to this subdivision from state or local funds
41 may be reduced pursuant to an agreement between the school and the char-
42 ter entity set forth in the charter. Payments made pursuant to this
43 subdivision shall be made by the school district in six substantially
44 equal installments each year beginning on the first business day of July
45 and every two months thereafter. Amounts payable under this subdivision
46 shall be determined by the commissioner. Amounts payable to a charter
47 school in its first year of operation shall be based on the projections
48 of initial-year enrollment set forth in the charter until actual enroll-
49 ment data is reported to the school district by the charter school. Such
50 projections shall be reconciled with the actual enrollment as actual
51 enrollment data is so reported and at the end of the school's first year
52 of operation and each subsequent year based on a final report of actual
53 enrollment by the charter school, and any necessary adjustments result-
54 ing from such final report shall be made to payments during the school's
55 following year of operation.

1 (c) Notwithstanding any other provision of this subdivision to the
2 contrary, payment of the federal aid attributable to a student with a
3 disability attending a charter school shall be made in accordance with
4 the requirements of section 8065-a of title twenty of the United States
5 code and sections 76.785-76.799 and 300.209 of title thirty-four of the
6 code of federal regulations.

7 (d) School districts shall be eligible for an annual apportionment
8 equal to the amount of the supplemental basic tuition [paid to] FOR the
9 charter school in the base year for the expenses incurred in the two
10 thousand fourteen--two thousand fifteen, two thousand fifteen--two thou-
11 sand sixteen, [and] two thousand sixteen--two thousand seventeen school
12 years AND THEREAFTER.

13 S 4-a. Subdivision 1 of section 2856 of the education law, as amended
14 by section 22 of part A of chapter 58 of the laws of 2011, paragraph (a)
15 as amended and paragraph (c) as added by section 4 of part BB of chapter
16 56 of the laws of 2014, is amended to read as follows:

17 1. (a) The enrollment of students attending charter schools shall be
18 included in the enrollment, attendance and, if applicable, count of
19 students with disabilities of the school district in which the pupil
20 resides. The charter school shall report all such data to the school
21 districts of residence in a timely manner. Each school district shall
22 report such enrollment, attendance and count of students with disabili-
23 ties to the department. The school district of residence shall pay
24 directly to the charter school for each student enrolled in the charter
25 school who resides in the school district the charter school basic
26 tuition which shall be:

27 (i) for school years prior to the two thousand nine--two thousand ten
28 school year [and for school years following the two thousand sixteen--
29 two thousand seventeen school year], an amount equal to one hundred
30 percent of the amount calculated pursuant to paragraph f of subdivision
31 one of section thirty-six hundred two of this chapter for the school
32 district for the year prior to the base year increased by the percentage
33 change in the state total approved operating expense calculated pursuant
34 to paragraph t of subdivision one of section thirty-six hundred two of
35 this chapter from two years prior to the base year to the base year;

36 (ii) for the two thousand nine--two thousand ten school year, the
37 charter school basic tuition shall be the amount payable by such
38 district as charter school basic tuition for the two thousand eight--two
39 thousand nine school year;

40 (iii) for the two thousand ten--two thousand eleven through two thou-
41 sand thirteen--two thousand fourteen school years, the charter school
42 basic tuition shall be the basic tuition computed for the two thousand
43 ten--two thousand eleven school year pursuant to the provisions of
44 subparagraph (i) of this paragraph;

45 (iv) for the two thousand fourteen--two thousand fifteen, two thousand
46 fifteen--two thousand sixteen and two thousand sixteen--two thousand
47 seventeen school years, the charter school basic tuition shall be the
48 sum of the lesser of the charter school basic tuition computed for the
49 two thousand ten--two thousand eleven school year pursuant to the
50 provisions of subparagraph (i) of this paragraph or the charter school
51 basic tuition computed for the current year pursuant to the provisions
52 of subparagraph (i) of this paragraph plus the supplemental basic
53 tuition[.];

54 (V) FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR,
55 THE CHARTER SCHOOL BASIC TUITION SHALL BE THE SUM OF (A) THE CHARTER

1 SCHOOL BASIC TUITION FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVEN-
2 TEEN SCHOOL YEAR PLUS (B) FIVE HUNDRED DOLLARS;

3 (VI) FOR THE TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN SCHOOL YEAR,
4 THE CHARTER SCHOOL BASIC TUITION SHALL BE THE LESSER OF (A) THE PRODUCT
5 OF (I) THE CHARTER SCHOOL BASIC TUITION CALCULATED FOR THE BASE YEAR
6 MULTIPLIED BY (II) THE AVERAGE OF THE QUOTIENTS FOR EACH SCHOOL YEAR IN
7 THE PERIOD COMMENCING WITH THE YEAR FIVE YEARS PRIOR TO THE BASE YEAR
8 AND FINISHING WITH THE YEAR PRIOR TO THE BASE YEAR OF THE TOTAL APPROVED
9 OPERATING EXPENSE FOR SUCH SCHOOL DISTRICT CALCULATED PURSUANT TO PARA-
10 GRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
11 CHAPTER FOR EACH SUCH YEAR DIVIDED BY THE TOTAL APPROVED OPERATING
12 EXPENSE FOR SUCH DISTRICT FOR THE IMMEDIATELY PRECEDING YEAR, PROVIDED
13 THAT THE HIGHEST AND LOWEST ANNUAL QUOTIENTS SHALL BE EXCLUDED FROM THE
14 CALCULATION OF SUCH AVERAGE OR (B) THE QUOTIENT OF THE TOTAL GENERAL
15 FUND EXPENDITURES FOR THE SCHOOL DISTRICT CALCULATED PURSUANT TO AN
16 ELECTRONIC DATA FILE CREATED FOR THE PURPOSE OF COMPLIANCE WITH PARA-
17 GRAPH B OF SUBDIVISION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS
18 CHAPTER PUBLISHED ANNUALLY ON MAY FIFTEENTH FOR THE YEAR PRIOR TO THE
19 BASE YEAR DIVIDED BY THE TOTAL ESTIMATED PUBLIC ENROLLMENT FOR THE
20 SCHOOL DISTRICT PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF SECTION
21 THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FOR THE YEAR PRIOR TO THE BASE
22 YEAR.

23 (VII) FOR THE TWO THOUSAND NINETEEN--TWO THOUSAND TWENTY SCHOOL YEAR
24 THE CHARTER SCHOOL BASIC TUITION SHALL BE THE LESSER OF (A) THE PRODUCT
25 OF (I) THE CHARTER SCHOOL BASIC TUITION CALCULATED FOR THE BASE YEAR
26 MULTIPLIED BY (II) THE AVERAGE OF THE QUOTIENTS FOR EACH SCHOOL YEAR IN
27 THE PERIOD COMMENCING WITH THE YEAR THREE YEARS PRIOR TO THE BASE YEAR
28 AND FINISHING WITH THE YEAR PRIOR TO THE BASE YEAR OF THE TOTAL APPROVED
29 OPERATING EXPENSE FOR SUCH SCHOOL DISTRICT CALCULATED PURSUANT TO PARA-
30 GRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
31 CHAPTER FOR EACH SUCH YEAR DIVIDED BY THE TOTAL APPROVED OPERATING
32 EXPENSE FOR SUCH DISTRICT FOR THE IMMEDIATELY PRECEDING YEAR PROVIDED
33 THAT THE HIGHEST ANNUAL QUOTIENT CALCULATED PURSUANT TO THIS SUBPARA-
34 GRAPH SHALL BE REPLACED BY THE AVERAGE QUOTIENT CALCULATED PURSUANT TO
35 SUBPARAGRAPH (VI) OF THIS PARAGRAPH OR (B) THE QUOTIENT OF THE TOTAL
36 GENERAL FUND EXPENDITURES FOR THE SCHOOL DISTRICT CALCULATED PURSUANT TO
37 AN ELECTRONIC DATA FILE CREATED FOR THE PURPOSE OF COMPLIANCE WITH PARA-
38 GRAPH B OF SUBDIVISION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS
39 CHAPTER PUBLISHED ANNUALLY ON MAY FIFTEENTH FOR THE YEAR PRIOR TO THE
40 BASE YEAR DIVIDED BY THE TOTAL ESTIMATED PUBLIC ENROLLMENT FOR THE
41 SCHOOL DISTRICT PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF SECTION
42 THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FOR THE YEAR PRIOR TO THE BASE
43 YEAR.

44 (VIII) FOR THE TWO THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE SCHOOL
45 YEAR AND THEREAFTER, THE CHARTER SCHOOL BASIC TUITION SHALL BE THE LESS-
46 ER OF (A) THE PRODUCT OF (I) THE CHARTER SCHOOL BASIC TUITION CALCULATED
47 FOR THE BASE YEAR MULTIPLIED BY (II) THE AVERAGE OF THE QUOTIENTS FOR
48 EACH SCHOOL YEAR IN THE PERIOD COMMENCING WITH THE YEAR THREE YEARS
49 PRIOR TO THE BASE YEAR AND FINISHING WITH THE YEAR PRIOR TO THE BASE
50 YEAR OF THE TOTAL APPROVED OPERATING EXPENSE FOR SUCH SCHOOL DISTRICT
51 CALCULATED PURSUANT TO PARAGRAPH T OF SUBDIVISION ONE OF SECTION THIR-
52 TY-SIX HUNDRED TWO OF THIS CHAPTER FOR EACH SUCH YEAR DIVIDED BY THE
53 TOTAL APPROVED OPERATING EXPENSE FOR SUCH DISTRICT FOR THE IMMEDIATELY
54 PRECEDING YEAR OR (B) THE QUOTIENT OF THE TOTAL GENERAL FUND EXPENDI-
55 TURES FOR THE SCHOOL DISTRICT CALCULATED PURSUANT TO AN ELECTRONIC DATA
56 FILE CREATED FOR THE PURPOSE OF COMPLIANCE WITH PARAGRAPH B OF SUBDIVI-

1 SION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER PUBLISHED
2 ANNUALLY ON MAY FIFTEENTH FOR THE YEAR PRIOR TO THE BASE YEAR DIVIDED BY
3 THE TOTAL ESTIMATED PUBLIC ENROLLMENT FOR THE SCHOOL DISTRICT PURSUANT
4 TO PARAGRAPH N OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF
5 THIS CHAPTER FOR THE YEAR PRIOR TO THE BASE YEAR.

6 For the purposes of this subdivision, the "supplemental basic tuition"
7 shall be (A) for a school district for which the charter school basic
8 tuition computed for the current year is greater than or equal to the
9 charter school basic tuition for the two thousand ten--two thousand
10 eleven school year pursuant to the provisions of subparagraph (i) of
11 this paragraph, (1) for the two thousand fourteen--two thousand fifteen
12 school year two hundred and fifty dollars, and (2) for the two thousand
13 fifteen--two thousand sixteen school year three hundred and fifty
14 dollars, and (3) for the two thousand sixteen--two thousand seventeen
15 school year five hundred dollars, and (4) FOR THE TWO THOUSAND SEVEN-
16 TEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR AND THEREAFTER, THE SUM OF (I)
17 THE SUPPLEMENTAL BASIC TUITION CALCULATED FOR THE TWO THOUSAND SIXTEEN-
18 -TWO THOUSAND SEVENTEEN SCHOOL YEAR PLUS (II) FIVE HUNDRED DOLLARS, AND
19 (B) FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND SEVENTEEN--TWO THOUSAND
20 EIGHTEEN SCHOOL YEAR, for a school district for which the charter school
21 basic tuition for the two thousand ten--two thousand eleven school year
22 is greater than the charter school basic tuition for the current year
23 pursuant to the provisions of subparagraph (i) of this paragraph, the
24 positive difference of the charter school basic tuition for the two
25 thousand ten--two thousand eleven school year minus the charter school
26 basic tuition for the current year pursuant to the provisions of subpar-
27 agraph (i) of this paragraph AND (C) FOR SCHOOL YEARS FOLLOWING THE TWO
28 THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEARS, FOR A SCHOOL
29 DISTRICT FOR WHICH THE CHARTER SCHOOL BASIC TUITION FOR THE TWO THOUSAND
30 TEN--TWO THOUSAND ELEVEN SCHOOL YEAR IS GREATER THAN THE CHARTER SCHOOL
31 BASIC TUITION FOR THE CURRENT YEAR PURSUANT TO THE PROVISIONS OF SUBPAR-
32 AGRAPH (I) OF THIS PARAGRAPH, THE SUM OF (I) THE SUPPLEMENTAL BASIC
33 TUITION CALCULATED FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN
34 SCHOOL YEAR PLUS (II) FIVE HUNDRED DOLLARS.

35 (b) The school district shall also pay directly to the charter school
36 any federal or state aid attributable to a student with a disability
37 attending charter school in proportion to the level of services for such
38 student with a disability that the charter school provides directly or
39 indirectly. Notwithstanding anything in this section to the contrary,
40 amounts payable pursuant to this subdivision may be reduced pursuant to
41 an agreement between the school and the charter entity set forth in the
42 charter. Payments made pursuant to this subdivision shall be made by the
43 school district in six substantially equal installments each year begin-
44 ning on the first business day of July and every two months thereafter.
45 Amounts payable under this subdivision shall be determined by the
46 commissioner. Amounts payable to a charter school in its first year of
47 operation shall be based on the projections of initial-year enrollment
48 set forth in the charter. Such projections shall be reconciled with the
49 actual enrollment at the end of the school's first year of operation,
50 and any necessary adjustments shall be made to payments during the
51 school's second year of operation.

52 (c) School districts shall be eligible for an annual apportionment
53 equal to the amount of the supplemental basic tuition [paid to] FOR the
54 charter school in the base year for the expenses incurred in the two
55 thousand fourteen--two thousand fifteen, two thousand fifteen--two thou-

1 sand sixteen, [and] two thousand sixteen--two thousand seventeen school
2 years AND THEREAFTER.

3 S 5. Clause (B) of subparagraph 5 of paragraph (e) of subdivision 3 of
4 section 2853 of the education law, as added by section 11 of part A of
5 chapter 54 of the laws of 2016, is amended to read as follows:

6 (B) [twenty] THIRTY percent of the product of the charter school's
7 basic tuition for the current school year and (i) for a new charter
8 school that first commences instruction on or after July first, two
9 thousand fourteen, the charter school's current year enrollment; or (ii)
10 for a charter school which expands its grade level, pursuant to this
11 article, the positive difference of the charter school's enrollment in
12 the current school year minus the charter school's enrollment in the
13 school year prior to the first year of the expansion.

14 S 6. Intentionally omitted.

15 S 7. Paragraph a of subdivision 33 of section 305 of the education
16 law, as amended by chapter 621 of the laws of 2003, is amended to read
17 as follows:

18 a. The commissioner shall establish procedures for the approval of
19 providers of supplemental educational services in accordance with the
20 provisions of subsection (e) of section one thousand one hundred sixteen
21 of the No Child Left Behind Act of 2001 and shall adopt regulations to
22 implement such procedures. Notwithstanding any other provision of state
23 or local law, rule or regulation to the contrary, any local educational
24 agency that receives federal funds pursuant to title I of the Elementary
25 and Secondary Education Act of nineteen hundred sixty-five, as amended,
26 shall be authorized to contract with the approved provider selected by a
27 student's parent, as such term is defined in subsection [thirty-one]
28 THIRTY-EIGHT of section [nine] EIGHT thousand one hundred one of the [No
29 Child Left Behind Act of 2001] ELEMENTARY AND SECONDARY EDUCATION ACT OF
30 NINETEEN HUNDRED SIXTY-FIVE, AS AMENDED, for the provision of supple-
31 mental educational services to the extent required under such section
32 one thousand one hundred sixteen. Eligible approved providers shall
33 include, but not be limited to, public schools, BOCES, institutions of
34 higher education, and community based organizations.

35 S 8. Subdivision 7 of section 2802 of the education law, as amended by
36 chapter 425 of the laws of 2002, is amended to read as follows:

37 7. Notwithstanding any other provision of state or local law, rule or
38 regulation to the contrary, any student who attends a persistently
39 dangerous public elementary or secondary school, as determined by the
40 commissioner pursuant to paragraph a of this subdivision, or who is a
41 victim of a violent criminal offense, as defined pursuant to paragraph b
42 of this subdivision, that occurred on the grounds of a public elementary
43 or secondary school that the student attends, shall be allowed to attend
44 a safe public school within the local educational agency to the extent
45 required by section [ninety-five] EIGHTY-FIVE hundred thirty-two of the
46 [No Child Left Behind Act of 2001] ELEMENTARY AND SECONDARY EDUCATION
47 ACT OF NINETEEN HUNDRED SIXTY-FIVE, AS AMENDED.

48 a. The commissioner shall annually determine which public elementary
49 and secondary schools are persistently dangerous in accordance with
50 regulations of the commissioner developed in consultation with a repre-
51 sentative sample of local educational agencies. Such determination shall
52 be based on data submitted through the uniform violent incident report-
53 ing system over a period prescribed in the regulations, which shall not
54 be less than two years.

55 b. Each local educational agency required to provide unsafe school
56 choice shall establish procedures for determinations by the superinten-

1 dent of schools or other chief school officer of whether a student is
2 the victim of a violent criminal offense that occurred on school grounds
3 of the school that the student attends. Such superintendent of schools
4 or other chief school officer shall, prior to making any such determi-
5 nation, consult with any law enforcement agency investigating such
6 alleged violent criminal offense and consider any reports or records
7 provided by such agency. The trustees or board of education or other
8 governing board of a local educational agency may provide, by local rule
9 or by-law, for appeal of the determination of the superintendent of
10 schools to such governing board. Notwithstanding any other provision of
11 law to the contrary, the determination of such chief school officer
12 pursuant to this paragraph shall not have collateral estoppel effect in
13 any student disciplinary proceeding brought against the alleged victim
14 or perpetrator of such violent criminal offense. For purposes of this
15 subdivision, "violent criminal offense" shall mean a crime that involved
16 infliction of serious physical injury upon another as defined in the
17 penal law, a sex offense that involved forcible compulsion or any other
18 offense defined in the penal law that involved the use or threatened use
19 of a deadly weapon.

20 c. Each local educational agency, as defined in subsection [twenty-
21 six] THIRTY of section [ninety-one] EIGHTY-ONE hundred one of the [No
22 Child Left Behind Act of 2001] ELEMENTARY AND SECONDARY EDUCATION ACT OF
23 NINETEEN HUNDRED SIXTY-FIVE, AS AMENDED, that is required to provide
24 school choice pursuant to section [ninety-five] EIGHTY-FIVE hundred
25 thirty-two of the [No Child Left Behind Act of 2001] ELEMENTARY AND
26 SECONDARY EDUCATION ACT OF NINETEEN HUNDRED SIXTY-FIVE, AS AMENDED,
27 shall establish procedures for notification of parents of, or persons in
28 parental relation to, students attending schools that have been desig-
29 nated as persistently dangerous and parents of, or persons in parental
30 relation to, students who are victims of violent criminal offenses of
31 their right to transfer to a safe public school within the local educa-
32 tional agency and procedures for such transfer, except that nothing in
33 this subdivision shall be construed to require such notification where
34 there are no other public schools within the local educational agency at
35 the same grade level or such transfer to a safe public school within the
36 local educational agency is otherwise impossible or to require a local
37 educational agency that has only one public school within the local
38 educational agency or only one public school at each grade level to
39 develop such procedures. The commissioner shall be authorized to adopt
40 any regulations deemed necessary to assure that local educational agen-
41 cies implement the provisions of this subdivision.

42 S 9. Subdivision 7 of section 3214 of the education law, as added by
43 chapter 101 of the laws of 2003, is amended to read as follows:

44 7. Transfer of disciplinary records. Notwithstanding any other
45 provision of law to the contrary, each local educational agency, as such
46 term is defined in subsection [twenty-six] THIRTY of section [ninety-
47 one] EIGHTY-ONE hundred one of the Elementary and Secondary Education
48 Act of 1965, as amended, shall establish procedures in accordance with
49 section [forty-one hundred fifty-five] EIGHTY-FIVE HUNDRED THIRTY-SEVEN
50 of the Elementary and Secondary Education Act of 1965, as amended, and
51 the Family Educational Rights and Privacy Act of 1974, to facilitate the
52 transfer of disciplinary records relating to the suspension or expulsion
53 of a student to any public or nonpublic elementary or secondary school
54 in which such student enrolls or seeks, intends or is instructed to
55 enroll, on a full-time or part-time basis.

1 S 10. Certain apportionments payable to the Haverstraw-Stony Point
2 central school district shall be paid on an accelerated schedule as
3 follows:

4 a. (1) Notwithstanding any other provisions of law, for aid payable in
5 the school years 2017-2018 through 2046-2047 upon application to the
6 commissioner of education submitted not sooner than the second Monday in
7 June of the school year in which such aid is payable and not later than
8 the Friday following the third Monday in June of such school year, the
9 Haverstraw-Stony Point central school district shall be eligible to
10 receive an apportionment pursuant to this act in an amount equal to the
11 product of up to \$2,000,000 and the quotient of the positive difference
12 of thirty minus the number of school years elapsed since the 2017-2018
13 school year divided by thirty.

14 (2) Funds apportioned pursuant to this subdivision shall be used for
15 services and expenses of the Haverstraw-Stony Point central school
16 district and shall be applied to support its educational programs and
17 any liability incurred by such school district in carrying out its func-
18 tions and responsibilities under the education law.

19 b. The claim for an apportionment to be paid to the Haverstraw-Stony
20 Point central school district pursuant to subdivision a of this section
21 shall be submitted to the commissioner of education on a form prescribed
22 for such purpose, and shall be payable upon determination by such
23 commissioner that the form has been submitted as prescribed. For each
24 school year in which application is made pursuant to subdivision a of
25 this section, such approved amount shall be payable on or before June
26 thirtieth of such school year upon the audit and warrant of the state
27 comptroller on vouchers certified or approved by the commissioner of
28 education in the manner prescribed by law from moneys in the state
29 lottery fund appropriated for general support of public schools and from
30 the general fund to the extent that the amount paid to the Haverstraw-
31 Stony Point central school district pursuant to this subdivision and
32 subdivision a of this section exceeds the amount of the lottery appor-
33 tionment, if any, due such school district pursuant to subparagraph 2 of
34 paragraph a of subdivision 1 of section 3609-a of the education law on
35 or before the last business day in September of such school year.

36 c. Notwithstanding the provisions of section 3609-a of the education
37 law, an amount equal to the amount paid to the Haverstraw-Stony Point
38 central school district during the base year pursuant to subdivisions a
39 and b of this section shall first be deducted from payments due during
40 the current school year pursuant to subparagraphs 1, 2, 3, 4 and 5 of
41 paragraph a of subdivision 1 of section 3609-a of the education law in
42 the following order: the lottery apportionment payable pursuant to
43 subparagraph 2 of such paragraph followed by the fixed fall payments
44 payable pursuant to subparagraph 4 of such paragraph, and any remainder
45 to be deducted from the individualized payments due to the district
46 pursuant to paragraph b of such subdivision shall be deducted on a chro-
47 nological basis starting with the earliest payment due the district.

48 d. Notwithstanding any other provisions of law, the sum of payments
49 made to the Haverstraw-Stony Point central school district during the
50 base year pursuant to subdivisions a and b of this section plus payments
51 made to such school district during the current year pursuant to section
52 3609-a of the education law shall be deemed to truly represent all aids
53 paid to such school district during the current school year pursuant to
54 such section 3609-a for the purposes of computing any adjustments to
55 such aids that may occur in a subsequent school year.

1 S 10-a. Review of Haverstraw-Stony Point central school district
2 financial condition. The state comptroller shall conduct a comprehensive
3 review of the financial condition of the Haverstraw-Stony Point central
4 school district and shall report in writing on the results of such
5 review on or before January 1, 2018, to the director of the budget, the
6 commissioner of education, and chairs of the senate finance and assembly
7 ways and means committees. Such review shall include but not be limited
8 to analysis of the school district's budgets, operating results, fund
9 balances and reserves over the five most recent completed school years,
10 as well as the district's budget projections for the current school year
11 and the subsequent three year school years, and shall compare the
12 district's financial condition to that of other districts in the region.

13 S 10-b. Special financing authority for the Haverstraw-Stony Point
14 central school district. a. Notwithstanding the provisions of any law to
15 the contrary, the dormitory authority is authorized, upon application by
16 the Haverstraw-Stony Point central school district, to issue bonds and
17 notes in one or more series, with terms not exceeding thirty years, for
18 purposes of refunding or refinancing debt issued by the school district
19 related to the repayment of a tax certiorari settlement agreement, the
20 total costs of which exceed the total annual school budget at the time
21 the school district applies for refinancing or refunding through the
22 authority. The aggregate principal amount of such bonds and notes shall
23 not exceed the total cost of refunding such debt as determined by the
24 authority and shall not be a debt of the state, and the state shall not
25 be liable thereon.

26 b. The total amount of the indebtedness which the Haverstraw-Stony
27 Point central school district shall refinance through the dormitory
28 authority shall be deemed to be indebtedness of the school district.
29 Such indebtedness shall be subject to applicable sections of the local
30 finance law, state finance law, and the constitution.

31 c. Notwithstanding the provisions of any general or special law to the
32 contrary, a period of probable usefulness of not to exceed thirty years
33 shall apply to any obligations of the Haverstraw-Stony Point central
34 school district either issued by the school district on its own or to
35 repay the dormitory authority or to any general obligation bonds issued
36 by the school district to secure bonds issued by the dormitory authori-
37 ty.

38 d. Notwithstanding the limitations or requirements of subdivision 1-a
39 of section 3651 of the education law, the Haverstraw-Stony Point central
40 school district may, without approval by the qualified voters of the
41 district, use monies in any reserve fund established by such district
42 pursuant to such subdivision of such section, to pay the principal of
43 and interest on any bonds issued by such district or the dormitory
44 authority for the object or purpose described in this section.

45 S 11. Notwithstanding any provision of law to the contrary, the
46 commissioner of education may provide for the recovery of funds for a
47 penalty arising from a late final cost report pursuant to this section.

48 a. Definition. For the purposes of this section, "notification year"
49 shall mean the school year in which the school district was first noti-
50 fied by the commissioner of education of the calculation of a penalty
51 arising from a late final cost report.

52 b. Penalty eligibility. Only aid penalties arising from late final
53 cost reports (1) (i) for school construction projects approved by the
54 commissioner of education prior to July 1, 2011 where such penalty has
55 not yet been recovered by the commissioner of education or (ii) that are
56 already included within a multi-year recovery pursuant to a chapter of

1 law of the year 2013 or thereafter and (2) where such total penalty
2 exceeds six one-hundredths (0.06) of the school district's total general
3 fund expenditures for the base year of the notification year, shall be
4 eligible for the provisions of this section.

5 c. Recovery opt-in for certain districts. Any school district with an
6 eligible penalty that is already included within a multi-year recovery
7 of aid pursuant to a chapter of law of 2013 or thereafter may choose to
8 opt-in to the provisions of this section, provided that only the portion
9 of the total penalty that has not yet been recovered by the commissioner
10 of education shall be eligible for the provisions of this section.

11 d. Documentation. The commissioner of education shall determine the
12 documentation required from a school district to implement the
13 provisions of this section, and where documentation is required from a
14 school district to supplement the documentation already on file with the
15 commissioner, the commissioner shall determine the timeframe within
16 which such documentation must be submitted.

17 e. Aid penalty. For any district with eligible projects pursuant to
18 the provisions of this section, the commissioner of education shall
19 compute a total penalty and shall develop a schedule of no more than ten
20 years over which period such penalty shall be recovered, provided that:

21 (1) such scheduled penalties shall be deducted from the payments due
22 to such school district and payable in the month of June beginning in
23 the school year after the year in which this section shall have become a
24 law or the school year succeeding the notification year, whichever is
25 later;

26 (2) the amount recovered in the first year of the schedule shall equal
27 the sum of (A) two one-hundredths (0.02) of such district's total gener-
28 al fund expenditures for the year prior to the first year of such recov-
29 ery, plus (B) the amount that is recognized as a liability due to other
30 governments by the district for the year prior to the first year of such
31 recovery, plus (C) the positive remainder of the district's surplus
32 funds, as defined in section 1318 of the real property tax law, at the
33 close of the year prior to the first year of such recovery less the
34 product of the district's total general fund expenditures for the year
35 prior to the first year of such recovery multiplied by four one-hun-
36 dredths (0.04), provided that the amount recovered in such first year
37 shall not exceed the portion of the total penalty that has not yet been
38 recovered;

39 (3) the amount recovered in each subsequent year shall be recovered by
40 deducting such excess payments from the payments due to such school
41 district and payable in the month of June of subsequent years and shall
42 equal two one-hundredths (0.02) of such district's total general fund
43 expenditures for the year prior to the first year of such recovery,
44 provided that the amount recovered in each such subsequent year shall
45 not exceed the portion of the total penalty that has not yet been recov-
46 ered;

47 (4) there shall be no interest penalty assessed against such district
48 or collected by the state.

49 f. Remaining penalty. If after the end of the ten-year period there
50 remains any amount of penalty still to be recovered, the commissioner of
51 education shall forgo the recovery of such additional penalty and deem
52 the school district's obligation complete.

53 S 12. Section 4 of chapter 425 of the laws of 2002, amending the
54 education law relating to the provision of supplemental educational
55 services, attendance at a safe public school and the suspension of
56 pupils who bring a firearm to or possess a firearm at a school, as

1 amended by section 35 of part A of chapter 54 of the laws of 2016, is
2 amended to read as follows:

3 S 4. This act shall take effect July 1, 2002 and shall expire and be
4 deemed repealed June 30, [2017] 2018.

5 S 13. Section 5 of chapter 101 of the laws of 2003, amending the
6 education law relating to the implementation of the No Child Left Behind
7 Act of 2001, as amended by section 36 of part A of chapter 54 of the
8 laws of 2016, is amended to read as follows:

9 S 5. This act shall take effect immediately; provided that sections
10 one, two and three of this act shall expire and be deemed repealed on
11 June 30, [2017] 2018.

12 S 14. Paragraph o of subdivision 1 of section 3602 of the education
13 law, as amended by section 15 of part A of chapter 54 of the laws of
14 2016, is amended to read as follows:

15 o. "English language learner count" shall mean the number of pupils
16 served in the base year in programs for pupils [with limited English
17 proficiency] WHO ARE ENGLISH LANGUAGE LEARNERS approved by the commis-
18 sioner pursuant to the provisions of this chapter and in accordance with
19 regulations adopted for such purpose.

20 S 15. Paragraph b of subdivision 15 of section 2556 of the education
21 law, as added by section 20 of part A of chapter 57 of the laws of 2013,
22 is amended to read as follows:

23 b. On or before December thirty-first, two thousand [fourteen] SEVEN-
24 TEEN, the chancellor shall submit the inventory, report, and the recom-
25 mendations to minimize the number of transportable classroom units with-
26 in the city school district, compiled and developed pursuant to
27 paragraph a of this subdivision, to the governor, the temporary presi-
28 dent of the senate, the speaker of the assembly, the chairs of the
29 senate and assembly committees on education, and the department. ANNUAL-
30 LY, ON OR BEFORE DECEMBER THIRTY-FIRST, THE CHANCELLOR SHALL UPDATE SUCH
31 INVENTORY, REPORT AND RECOMMENDATIONS AND PROVIDE SUCH UPDATED INFORMA-
32 TION AND RECOMMENDATIONS TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE
33 SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIRS OF THE SENATE AND ASSEM-
34 BLY COMMITTEES ON EDUCATION, AND THE DEPARTMENT.

35 S 16. Paragraph q of subdivision 1 of section 3602 of the education
36 law, as amended by section 25 of part A of chapter 58 of the laws of
37 2011, is amended to read as follows:

38 q. "Poverty count" shall mean the sum of the product of the lunch
39 count multiplied by sixty-five percent, plus the product of the census
40 count multiplied by sixty-five percent, where:

41 (i) "Lunch count" shall mean the product of the public school enroll-
42 ment of the school district on the date enrollment was counted in
43 accordance with this subdivision for the base year multiplied by the
44 three-year average free and reduced price lunch percent; and

45 (ii) "Census count" shall mean the product of the public school
46 enrollment of the school district on the date enrollment was counted in
47 accordance with this subdivision for the base year multiplied by THE
48 CENSUS 2000 POVERTY RATE.

49 (III) "CENSUS 2000 POVERTY RATE" SHALL MEAN the quotient of the number
50 of persons aged five to seventeen within the school district, based on
51 the [most recent] decennial census CONDUCTED IN THE YEAR TWO THOUSAND as
52 tabulated by the National Center on Education Statistics, who were
53 enrolled in public schools and whose families had incomes below the
54 poverty level, divided by the total number of persons aged five to
55 seventeen within the school district, based on such decennial census,

1 who were enrolled in public schools, computed to four decimals without
2 rounding.

3 (IV) "SELECTED POVERTY RATE" SHALL MEAN: (A) FOR SCHOOL DISTRICTS WITH
4 HIGH CONCENTRATIONS OF NONPUBLIC STUDENTS, THE GREATER OF THE CENSUS
5 2000 POVERTY RATE OR THE THREE-YEAR AVERAGE SMALL AREA INCOME AND POVER-
6 TY ESTIMATE POVERTY RATE; AND (B) FOR ALL OTHER SCHOOL DISTRICTS, THE
7 THREE-YEAR AVERAGE SMALL AREA INCOME AND POVERTY ESTIMATE POVERTY RATE.
8 FOR THE PURPOSES OF THIS SUBPARAGRAPH, "THREE-YEAR AVERAGE SMALL AREA
9 INCOME AND POVERTY ESTIMATE POVERTY RATE" SHALL EQUAL THE QUOTIENT OF
10 (1) THE SUM OF THE NUMBER OF PERSONS AGED FIVE TO SEVENTEEN WITHIN THE
11 SCHOOL DISTRICT, BASED ON THE SMALL AREA INCOME AND POVERTY ESTIMATES
12 PRODUCED BY THE UNITED STATES CENSUS BUREAU, WHOSE FAMILIES HAD INCOMES
13 BELOW THE POVERTY LEVEL FOR THE YEAR TWO YEARS PRIOR TO THE YEAR IN
14 WHICH THE BASE YEAR BEGAN, PLUS SUCH NUMBER FOR THE YEAR THREE YEARS
15 PRIOR TO THE YEAR IN WHICH THE BASE YEAR BEGAN, PLUS SUCH NUMBER FOR THE
16 YEAR FOUR YEARS PRIOR TO THE YEAR IN WHICH THE BASE YEAR BEGAN, DIVIDED
17 BY (2) THE SUM OF THE TOTAL NUMBER OF PERSONS AGED FIVE TO SEVENTEEN
18 WITHIN THE SCHOOL DISTRICT, BASED ON SUCH CENSUS BUREAU ESTIMATES, FOR
19 THE YEAR TWO YEARS PRIOR TO THE YEAR IN WHICH THE BASE YEAR BEGAN, PLUS
20 SUCH TOTAL NUMBER FOR THE YEAR THREE YEARS PRIOR TO THE YEAR IN WHICH
21 THE BASE YEAR BEGAN, PLUS SUCH TOTAL NUMBER FOR THE YEAR FOUR YEARS
22 PRIOR TO THE YEAR IN WHICH THE BASE YEAR BEGAN, COMPUTED TO FOUR DECI-
23 MALS WITHOUT ROUNDING.

24 (V) "SCHOOL DISTRICTS WITH HIGH CONCENTRATIONS OF NONPUBLIC STUDENTS"
25 SHALL MEAN ANY DISTRICT WHERE: (A) THE QUOTIENT ARRIVED AT WHEN DIVIDING
26 (1) THE SUM OF THE ENROLLMENTS IN GRADES KINDERGARTEN THROUGH TWELVE IN
27 THE BASE YEAR CALCULATED PURSUANT TO SUBPARAGRAPHS FIVE AND SIX OF PARA-
28 GRAPH N OF THIS SUBDIVISION BY (2) THE RESIDENT PUBLIC SCHOOL DISTRICT
29 ENROLLMENT IN THE BASE YEAR COMPUTED PURSUANT TO SUBPARAGRAPHS FOUR,
30 FIVE, AND SIX OF PARAGRAPH N OF THIS SUBDIVISION IS GREATER THAN
31 FIFTEEN-HUNDREDTHS (0.15); AND (B) THE THREE-YEAR AVERAGE SMALL AREA
32 INCOME AND POVERTY ESTIMATE POVERTY RATE IS GREATER THAN TEN PERCENT
33 (0.10).

34 S 16-a. Subdivision 4 of section 3602 of the education law, as amended
35 by section 5-a of part A of chapter 56 of the laws of 2015, the opening
36 paragraph, subparagraph 1 of paragraph a, clause (ii) of subparagraph 2
37 of paragraph b and paragraph d as amended and paragraph b-2 as added by
38 section 7 of part A of chapter 54 of the laws of 2016, paragraph e as
39 added by section 8 of part A of chapter 54 of the laws of 2016, is
40 amended to read as follows:

41 4. Total foundation aid. In addition to any other apportionment
42 pursuant to this chapter, a school district, other than a special act
43 school district as defined in subdivision eight of section four thousand
44 one of this chapter, shall be eligible for total foundation aid equal to
45 the product of total aidable foundation pupil units multiplied by the
46 district's selected foundation aid, which shall be the greater of five
47 hundred dollars (\$500) or foundation formula aid, provided, however that
48 for the two thousand seven--two thousand eight through two thousand
49 eight--two thousand nine school years, no school district shall receive
50 total foundation aid in excess of the sum of the total foundation aid
51 base for aid payable in the two thousand seven--two thousand eight
52 school year computed pursuant to subparagraph (i) of paragraph j of
53 subdivision one of this section, plus the phase-in foundation increase
54 computed pursuant to paragraph b of this subdivision, and provided
55 further that for the two thousand twelve--two thousand thirteen school
56 year, no school district shall receive total foundation aid in excess of

1 the sum of the total foundation aid base for aid payable in the two
2 thousand eleven--two thousand twelve school year computed pursuant to
3 subparagraph (ii) of paragraph j of subdivision one of this section,
4 plus the phase-in foundation increase computed pursuant to paragraph b
5 of this subdivision, and provided further that for the two thousand
6 thirteen--two thousand fourteen school year and thereafter, no school
7 district shall receive total foundation aid in excess of the sum of the
8 total foundation aid base computed pursuant to subparagraph (ii) of
9 paragraph j of subdivision one of this section, plus the phase-in foun-
10 dation increase computed pursuant to paragraph b of this subdivision,
11 and provided further that for the two thousand sixteen--two thousand
12 seventeen school year, no eligible school districts shall receive total
13 foundation aid in excess of the sum of the total foundation aid base
14 computed pursuant to subparagraph (ii) of paragraph j of subdivision one
15 of this section plus the sum of (A) the phase-in foundation increase,
16 (B) the executive foundation increase with a minimum increase pursuant
17 to paragraph b-2 of this subdivision, and (C) an amount equal to "COMMU-
18 NITY SCHOOLS AID" in the computer listing produced by the commissioner
19 in support of the executive budget request for the two thousand
20 sixteen--two thousand seventeen school year and entitled "BT161-7",
21 where (1) "eligible school district" shall be defined as a district with
22 (a) an unrestricted aid increase of less than seven percent (0.07) and
23 (b) a three year average free and reduced price lunch percent greater
24 than fifteen percent (0.15), and (2) "unrestricted aid increase" shall
25 mean the quotient arrived at when dividing (a) the sum of the executive
26 foundation aid increase plus the gap elimination adjustment for the base
27 year, by (b) the difference of foundation aid for the base year less the
28 gap elimination adjustment for the base year, and (3) "executive founda-
29 tion increase" shall mean the difference of (a) the amounts set forth
30 for each school district as "FOUNDATION AID" under the heading "2016-17
31 ESTIMATED AIDS" in the school aid computer listing produced by the
32 commissioner in support of the executive budget request for the two
33 thousand sixteen--two thousand seventeen school year and entitled
34 "BT161-7" less (b) the amounts set forth for each school district as
35 "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such
36 computer listing and provided further that total foundation aid shall
37 not be less than the product of the total foundation aid base computed
38 pursuant to paragraph j of subdivision one of this section and the due-
39 minimum percent which shall be, for the two thousand twelve--two thou-
40 sand thirteen school year, one hundred and six-tenths percent (1.006)
41 and for the two thousand thirteen--two thousand fourteen school year for
42 city school districts of those cities having populations in excess of
43 one hundred twenty-five thousand and less than one million inhabitants
44 one hundred and one and one hundred and seventy-six thousandths percent
45 (1.01176), and for all other districts one hundred and three-tenths
46 percent (1.003), and for the two thousand fourteen--two thousand fifteen
47 school year one hundred and eighty-five hundredths percent (1.0085), and
48 for the two thousand fifteen--two thousand sixteen school year, one
49 hundred thirty-seven hundredths percent (1.0037), subject to allocation
50 pursuant to the provisions of subdivision eighteen of this section and
51 any provisions of a chapter of the laws of New York as described there-
52 in, nor more than the product of such total foundation aid base and one
53 hundred fifteen percent FOR ANY SCHOOL YEAR OTHER THAN THE TWO THOUSAND
54 SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR, provided, however, that
55 for the two thousand sixteen--two thousand seventeen school year such
56 maximum shall be no more than the sum of (i) the product of such total

1 foundation aid base and one hundred fifteen percent plus (ii) the execu-
 2 tive foundation increase and plus (iii) "COMMUNITY SCHOOLS AID" in the
 3 computer listing produced by the commissioner in support of the execu-
 4 tive budget request for the two thousand sixteen--two thousand seventeen
 5 school year and entitled "BT161-7" and provided further that for the two
 6 thousand nine--two thousand ten through two thousand eleven--two thou-
 7 sand twelve school years, each school district shall receive total foun-
 8 dation aid in an amount equal to the amount apportioned to such school
 9 district for the two thousand eight--two thousand nine school year
 10 pursuant to this subdivision. Total aidable foundation pupil units shall
 11 be calculated pursuant to paragraph g of subdivision two of this
 12 section. For the purposes of calculating aid pursuant to this subdivi-
 13 sion, aid for the city school district of the city of New York shall be
 14 calculated on a citywide basis.

15 a. Foundation formula aid. Foundation formula aid shall equal the
 16 remainder when the expected minimum local contribution is subtracted
 17 from the product of the foundation amount, the regional cost index, and
 18 the pupil need index, or: (foundation amount x regional cost index x
 19 pupil need index)- expected minimum local contribution.

20 (1) The foundation amount shall reflect the average per pupil cost of
 21 general education instruction in successful school districts, as deter-
 22 mined by a statistical analysis of the costs of special education and
 23 general education in successful school districts, provided that the
 24 foundation amount shall be adjusted annually to reflect the percentage
 25 increase in the consumer price index as computed pursuant to section two
 26 thousand twenty-two of this chapter, provided that for the two thousand
 27 eight--two thousand nine school year, for the purpose of such adjust-
 28 ment, the percentage increase in the consumer price index shall be
 29 deemed to be two and nine-tenths percent (0.029), and provided further
 30 that the foundation amount for the two thousand seven--two thousand
 31 eight school year shall be five thousand two hundred fifty-eight
 32 dollars, and provided further that for the two thousand seven--two thou-
 33 sand eight through two thousand [sixteen] SEVENTEEN--two thousand
 34 [seventeen] EIGHTEEN school years, the foundation amount shall be
 35 further adjusted by the phase-in foundation percent established pursuant
 36 to paragraph b of this subdivision.

37 (2) The regional cost index shall reflect an analysis of labor market
 38 costs based on median salaries in professional occupations that require
 39 similar credentials to those of positions in the education field, but
 40 not including those occupations in the education field, provided that
 41 the regional cost indices for the two thousand seven--two thousand eight
 42 school year and thereafter shall be as follows:

43	Labor Force Region	Index
44	Capital District	1.124
45	Southern Tier	1.045
46	Western New York	1.091
47	Hudson Valley	1.314
48	Long Island/NYC	1.425
49	Finger Lakes	1.141
50	Central New York	1.103
51	Mohawk Valley	1.000
52	North Country	1.000

53 (3) The pupil need index shall equal the sum of one plus the extraor-
 54 dinary needs percent, provided, however, that the pupil need index shall
 55 not be less than one nor more than two. The extraordinary needs percent

1 shall be calculated pursuant to paragraph w of subdivision one of this
2 section.

3 (4) The expected minimum local contribution shall equal the lesser of
4 (i) the product of (A) the quotient arrived at when the selected actual
5 valuation is divided by total wealth foundation pupil units, multiplied
6 by (B) the product of the local tax factor, multiplied by the income
7 wealth index, or (ii) the product of (A) the product of the foundation
8 amount, the regional cost index, and the pupil need index, multiplied by
9 (B) the positive difference, if any, of one minus the state sharing
10 ratio for total foundation aid. The local tax factor shall be estab-
11 lished by May first of each year by determining the product, computed to
12 four decimal places without rounding, of ninety percent multiplied by
13 the quotient of the sum of the statewide average tax rate as computed by
14 the commissioner for the current year in accordance with the provisions
15 of paragraph e of subdivision one of section thirty-six hundred nine-e
16 of this part plus the statewide average tax rate computed by the commis-
17 sioner for the base year in accordance with such provisions plus the
18 statewide average tax rate computed by the commissioner for the year
19 prior to the base year in accordance with such provisions, divided by
20 three, provided however that for the two thousand seven--two thousand
21 eight school year, such local tax factor shall be sixteen thousandths
22 (0.016), and provided further that for the two thousand eight--two thou-
23 sand nine school year, such local tax factor shall be one hundred
24 fifty-four ten thousandths (0.0154). The income wealth index shall be
25 calculated pursuant to paragraph d of subdivision three of this section,
26 provided, however, that for the purposes of computing the expected mini-
27 mum local contribution the income wealth index shall not be less than
28 sixty-five percent (0.65) and shall not be more than two hundred percent
29 (2.0) and provided however that such income wealth index shall not be
30 more than ninety-five percent (0.95) for the two thousand eight--two
31 thousand nine school year, and provided further that such income wealth
32 index shall not be less than zero for the two thousand thirteen--two
33 thousand fourteen school year. The selected actual valuation shall be
34 calculated pursuant to paragraph c of subdivision one of this section.
35 Total wealth foundation pupil units shall be calculated pursuant to
36 paragraph h of subdivision two of this section.

37 b. Phase-in foundation increase. (1) The phase-in foundation increase
38 shall equal the product of the phase-in foundation increase factor
39 multiplied by the positive difference, if any, of (i) the product of the
40 total aidable foundation pupil units multiplied by the district's
41 selected foundation aid less (ii) the total foundation aid base computed
42 pursuant to paragraph j of subdivision one of this section.

43 (2) (i) Phase-in foundation percent. The phase-in foundation percent
44 shall equal one hundred thirteen and fourteen one hundredths percent
45 (1.1314) for the two thousand eleven--two thousand twelve school year,
46 one hundred ten and thirty-eight hundredths percent (1.1038) for the two
47 thousand twelve--two thousand thirteen school year, one hundred seven
48 and sixty-eight hundredths percent (1.0768) for the two thousand thir-
49 teen--two thousand fourteen school year, one hundred five and six
50 hundredths percent (1.0506) for the two thousand fourteen--two thousand
51 fifteen school year, and one hundred two and five tenths percent
52 (1.0250) for the two thousand fifteen--two thousand sixteen school year.

53 (ii) Phase-in foundation increase factor. For the two thousand
54 eleven--two thousand twelve school year, the phase-in foundation
55 increase factor shall equal thirty-seven and one-half percent (0.375)
56 and the phase-in due minimum percent shall equal nineteen and forty-one

1 hundredths percent (0.1941), for the two thousand twelve--two thousand
2 thirteen school year the phase-in foundation increase factor shall equal
3 one and seven-tenths percent (0.017), for the two thousand thirteen--two
4 thousand fourteen school year the phase-in foundation increase factor
5 shall equal (1) for a city school district in a city having a population
6 of one million or more, five and twenty-three hundredths percent
7 (0.0523) or (2) for all other school districts zero percent, for the two
8 thousand fourteen--two thousand fifteen school year the phase-in founda-
9 tion increase factor shall equal (1) for a city school district of a
10 city having a population of one million or more, four and thirty-two
11 hundredths percent (0.0432) or (2) for a school district other than a
12 city school district having a population of one million or more for
13 which (A) the quotient of the positive difference of the foundation
14 formula aid minus the foundation aid base computed pursuant to paragraph
15 j of subdivision one of this section divided by the foundation formula
16 aid is greater than twenty-two percent (0.22) and (B) a combined wealth
17 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or
18 (3) for all other school districts, four and thirty-one hundredths
19 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
20 school year the phase-in foundation increase factor shall equal: (1) for
21 a city school district of a city having a population of one million or
22 more, thirteen and two hundred seventy-four thousandths percent
23 (0.13274); or (2) for districts where the quotient arrived at when
24 dividing (A) the product of the total aidable foundation pupil units
25 multiplied by the district's selected foundation aid less the total
26 foundation aid base computed pursuant to paragraph j of subdivision one
27 of this section divided by (B) the product of the total aidable founda-
28 tion pupil units multiplied by the district's selected foundation aid is
29 greater than nineteen percent (0.19), and where the district's combined
30 wealth ratio is less than thirty-three hundredths (0.33), seven and
31 seventy-five hundredths percent (0.0775); or (3) for any other district
32 designated as high need pursuant to clause (c) of subparagraph two of
33 paragraph c of subdivision six of this section for the school aid
34 computer listing produced by the commissioner in support of the enacted
35 budget for the two thousand seven--two thousand eight school year and
36 entitled "SA0708", four percent (0.04); or (4) for a city school
37 district in a city having a population of one hundred twenty-five thou-
38 sand or more but less than one million, fourteen percent (0.14); or (5)
39 for school districts that were designated as small city school districts
40 or central school districts whose boundaries include a portion of a
41 small city for the school aid computer listing produced by the commis-
42 sioner in support of the enacted budget for the two thousand fourteen--
43 two thousand fifteen school year and entitled "SA1415", four and seven
44 hundred fifty-one thousandths percent (0.04751); or (6) for all other
45 districts one percent (0.01), and for the two thousand sixteen--two
46 thousand seventeen school year THE FOUNDATION AID PHASE-IN INCREASE
47 FACTOR shall equal for an eligible school district the greater of: (1)
48 for a city school district in a city with a population of one million or
49 more, seven and seven hundred eighty four thousandths percent (0.07784);
50 or (2) for a city school district in a city with a population of more
51 than two hundred fifty thousand but less than one million as of the most
52 recent federal decennial census, seven and three hundredths percent
53 (0.0703); or (3) for a city school district in a city with a population
54 of more than two hundred thousand but less than two hundred fifty thou-
55 sand as of the most recent federal decennial census, six and seventy-two
56 hundredths percent (0.0672); or (4) for a city school district in a city

1 with a population of more than one hundred fifty thousand but less than
2 two hundred thousand as of the most recent federal decennial census, six
3 and seventy-four hundredths percent (0.0674); or (5) for a city school
4 district in a city with a population of more than one hundred twenty-
5 five thousand but less than one hundred fifty thousand as of the most
6 recent federal decennial census, nine and fifty-five hundredths percent
7 (0.0955); or (6) for school districts that were designated as small city
8 school districts or central school districts whose boundaries include a
9 portion of a small city for the school aid computer listing produced by
10 the commissioner in support of the enacted budget for the two thousand
11 fourteen--two thousand fifteen school year and entitled "SA141-5" with a
12 combined wealth ratio less than one and four tenths (1.4), nine percent
13 (0.09), provided, however, that for such districts that are also
14 districts designated as high need urban-suburban pursuant to clause (c)
15 of subparagraph two of paragraph c of subdivision six of this section
16 for the school aid computer listing produced by the commissioner in
17 support of the enacted budget for the two thousand seven--two thousand
18 eight school year and entitled "SA0708", nine and seven hundred and
19 nineteen thousandths percent (0.09719); or (7) for school districts
20 designated as high need rural pursuant to clause (c) of subparagraph two
21 of paragraph c of subdivision six of this section for the school aid
22 computer listing produced by the commissioner in support of the enacted
23 budget for the two thousand seven--two thousand eight school year and
24 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for
25 school districts designated as high need urban-suburban pursuant to
26 clause (c) of subparagraph two of paragraph c of subdivision six of this
27 section for the school aid computer listing produced by the commissioner
28 in support of the enacted budget for the two thousand seven--two thou-
29 sand eight school year and entitled "SA0708", seven hundred nineteen
30 thousandths percent (0.00719); or (9) for all other eligible school
31 districts, forty-seven hundredths percent (0.0047), PROVIDED FURTHER
32 THAT FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR
33 THE FOUNDATION AID INCREASE PHASE-IN FACTOR SHALL EQUAL (1) FOR SCHOOL
34 DISTRICTS WITH A CENSUS 2000 POVERTY RATE COMPUTED PURSUANT TO PARAGRAPH
35 Q OF SUBDIVISION ONE OF THIS SECTION EQUAL TO OR GREATER THAN TWENTY-SIX
36 PERCENT (0.26), TEN AND THREE-TENTHS PERCENT (0.103), OR (2) FOR A
37 SCHOOL DISTRICT IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION OR
38 MORE, SEVENTEEN AND SEVENTY-SEVEN ONE-HUNDREDTHS PERCENT (0.1777), OR
39 (3) FOR A CITY SCHOOL DISTRICT IN A CITY WITH A POPULATION OF MORE THAN
40 TWO HUNDRED FIFTY THOUSAND BUT LESS THAN ONE MILLION, AS OF THE MOST
41 RECENT DECENNIAL CENSUS, TWELVE AND SIXTY-NINE HUNDREDTHS PERCENT
42 (0.1269) OR (4) FOR A CITY SCHOOL DISTRICT IN A CITY WITH A POPULATION
43 OF MORE THAN ONE HUNDRED FIFTY THOUSAND BUT LESS THAN TWO HUNDRED THOU-
44 SAND, AS OF THE MOST RECENT FEDERAL DECENNIAL CENSUS, TEN AND
45 SEVENTY-EIGHT ONE HUNDREDTHS PERCENT (0.1078), OR (5) FOR A CITY SCHOOL
46 DISTRICT IN A CITY WITH A POPULATION OF MORE THAN ONE HUNDRED
47 TWENTY-FIVE THOUSAND BUT LESS THAN ONE HUNDRED FIFTY THOUSAND AS OF THE
48 MOST RECENT FEDERAL DECENNIAL CENSUS, NINETEEN AND ONE HUNDRED EIGHT
49 ONE-THOUSANDTHS PERCENT (0.19108), OR (6) FOR A CITY SCHOOL DISTRICT IN
50 A CITY WITH A POPULATION OF MORE THAN TWO HUNDRED THOUSAND BUT LESS THAN
51 TWO HUNDRED FIFTY THOUSAND AS OF THE MOST RECENT FEDERAL DECENNIAL
52 CENSUS, TEN AND SIX-TENTHS PERCENT (0.106), OR (7) FOR ALL OTHER
53 DISTRICTS, FOUR AND EIGHTY-SEVEN ONE-HUNDREDTHS PERCENT (0.0487), and
54 for the [two thousand seventeen--two thousand eighteen] TWO THOUSAND
55 EIGHTEEN--TWO THOUSAND NINETEEN school year and thereafter the commis-
56 sioner shall annually determine the phase-in foundation increase factor

1 subject to allocation pursuant to the provisions of subdivision eighteen
2 of this section and any provisions of a chapter of the laws of New York
3 as described therein.

4 b-1. Notwithstanding any other provision of law to the contrary, for
5 the two thousand seven--two thousand eight school year and thereafter,
6 the additional amount payable to each school district pursuant to this
7 subdivision in the current year as total foundation aid, after deducting
8 the total foundation aid base, shall be deemed a state grant in aid
9 identified by the commissioner for general use for purposes of section
10 seventeen hundred eighteen of this chapter.

11 b-2. Due minimum for the two thousand sixteen--two thousand seventeen
12 school year. Notwithstanding any other provision of law to the contrary,
13 for the two thousand sixteen--two thousand seventeen school year the
14 total foundation aid shall not be less than the sum of the total founda-
15 tion aid base computed pursuant to paragraph j of subdivision one of
16 this section plus the due minimum for the two thousand sixteen--two
17 thousand seventeen school year, where such due minimum shall equal the
18 difference of (1) the product of (A) two percent (0.02) multiplied by
19 (B) the difference of total foundation aid for the base year less the
20 gap elimination adjustment for the base year, less (2) the sum of (A)
21 the difference of the amounts set forth for each school district as
22 "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the
23 school aid computer listing produced by the commissioner in support of
24 the executive budget request for the two thousand sixteen--two thousand
25 seventeen school year and entitled "BT161-7" less the amounts set forth
26 for each school district as "FOUNDATION AID" under the heading "2015-16
27 BASE YEAR AIDS" in such computer listing plus (B) the gap elimination
28 adjustment for the base year.

29 B-3. DUE MINIMUM FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN
30 SCHOOL YEAR. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
31 FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR THE
32 TOTAL FOUNDATION AID SHALL NOT BE LESS THAN (A) THE SUM OF THE TOTAL
33 FOUNDATION AID BASE COMPUTED PURSUANT TO PARAGRAPH J OF SUBDIVISION ONE
34 OF THIS SECTION PLUS THE PRODUCT OF (I) THE DIFFERENCE OF THE AMOUNT SET
35 FORTH FOR SUCH SCHOOL DISTRICT AS "FOUNDATION AID" UNDER THE HEADING
36 "2017-18 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY
37 THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST FOR THE TWO
38 THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR AND ENTITLED
39 "BT171-8" LESS THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "FOUNDA-
40 TION AID" UNDER THE HEADING "2016-17 BASE YEAR AIDS" IN THE SCHOOL AID
41 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECU-
42 TIVE BUDGET REQUEST FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGH-
43 TEEN SCHOOL YEAR AND ENTITLED "BT171-8" MULTIPLIED BY (II) ONE AND EIGH-
44 TEEN ONE-HUNDREDTHS (1.18), OR (B) THE PRODUCT OF FORTY-FOUR AND
45 SEVENTY-FIVE ONE-HUNDREDTHS PERCENT (0.4475) MULTIPLIED BY TOTAL FOUNDA-
46 TION AID AS COMPUTED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION, OR (C)
47 THE SUM OF THE TOTAL FOUNDATION AID BASE COMPUTED PURSUANT TO PARAGRAPH
48 J OF SUBDIVISION ONE OF THIS SECTION PLUS THE DUE MINIMUM FOR THE TWO
49 THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR, WHERE SUCH DUE
50 MINIMUM SHALL EQUAL (1) FOR SCHOOL DISTRICTS WITH A CENSUS 2000 POVERTY
51 RATE COMPUTED PURSUANT TO PARAGRAPH Q OF SUBDIVISION ONE OF THIS
52 SECTION, EQUAL TO OR GREATER THAN ELEVEN AND NINE-TENTHS PERCENT
53 (0.119), THE PRODUCT OF THE FOUNDATION AID BASE FOR THE TWO THOUSAND
54 SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR COMPUTED PURSUANT TO
55 SUBPARAGRAPH (III) OF PARAGRAPH J OF SUBDIVISION ONE OF THIS SECTION
56 MULTIPLIED BY THREE HUNDRED THIRTY-FIVE TEN-THOUSANDTHS (0.0335), OR (2)

1 FOR ALL OTHER SCHOOL DISTRICTS THE PRODUCT OF THE FOUNDATION AID BASE
2 FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR
3 COMPUTED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH J OF SUBDIVISION
4 ONE OF THIS SECTION MULTIPLIED BY TWO AND SEVENTY-FOUR ONE-HUNDREDTHS
5 PERCENT (0.0274).

6 B-4. ADDITIONAL INCREASE FOR THE TWO THOUSAND SEVENTEEN-TWO THOUSAND
7 EIGHTEEN SCHOOL YEAR. FOR THE TWO THOUSAND SEVENTEEN-TWO THOUSAND EIGH-
8 TEEN SCHOOL YEAR, ANY SCHOOL DISTRICT ELIGIBLE TO RECEIVE A PHASE-IN
9 FOUNDATION INCREASE PURSUANT TO THIS SUBDIVISION SHALL RECEIVE AN ADDI-
10 TIONAL FOUNDATION INCREASE EQUAL TO THE SUM OF TIERS A, B, C, AND D AS
11 DEFINED HEREIN.

12 (I) TIER A. FOR ALL SCHOOL DISTRICTS OTHER THAN A DISTRICT WITHIN A
13 CITY WITH A POPULATION OF ONE MILLION OR MORE, WITH A COMBINED WEALTH
14 RATIO LESS THAN TWO (2.0), WHERE EITHER (A) THE QUOTIENT ARRIVED AT BY
15 DIVIDING THE ENGLISH LANGUAGE LEARNER COUNT PURSUANT TO PARAGRAPH O OF
16 SUBDIVISION ONE OF THIS SECTION FOR THE BASE YEAR BY THE PUBLIC SCHOOL
17 DISTRICT ENROLLMENT FOR THE BASE YEAR PURSUANT TO PARAGRAPH N OF SUBDI-
18 VISION ONE OF THIS SECTION IS GREATER THAN TWO ONE-HUNDREDTHS (0.02) OR
19 (B) THE QUOTIENT ARRIVED AT BY DIVIDING THE DIFFERENCE OF THE ENGLISH
20 LANGUAGE LEARNER COUNT PURSUANT TO PARAGRAPH O OF SUBDIVISION ONE OF
21 THIS SECTION FOR THE BASE YEAR LESS SUCH COUNT FOR ONE YEAR PRIOR TO THE
22 BASE YEAR BY THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR ONE YEAR PRIOR TO
23 THE BASE YEAR PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION
24 IS GREATER THAN ONE ONE-THOUSANDTH (0.001), TIER A SHALL EQUAL THE PROD-
25 UCT OF (A) THE DIFFERENCE OF TWO MINUS THE COMBINED WEALTH RATIO MULTI-
26 PLIED BY (B) ONE HUNDRED DOLLARS (\$100.00) MULTIPLIED BY (C) THE ENGLISH
27 LANGUAGE LEARNER COUNT FOR THE BASE YEAR.

28 (II) TIER B. FOR ANY SCHOOL DISTRICT (A) WHERE THE AMOUNT SET FORTH AS
29 "25% LIMIT CAP ON INCREASE" ON THE COMPUTER FILE PRODUCED BY THE COMMIS-
30 SIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND SEVEN--TWO
31 THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA070-8" IS LESS THAN ZERO AND
32 (B) WITH A COMBINED WEALTH RATIO COMPUTED PURSUANT TO PARAGRAPH C OF
33 SUBDIVISION THREE OF THIS SECTION GREATER THAN ONE (1.0), TIER B SHALL
34 EQUAL THE PRODUCT OF (A) THE SUM OF (1) THE DIFFERENCE OF TOTAL FOUNDA-
35 TION AID LESS THE FOUNDATION AID BASE PLUS (2) THE DIFFERENCE OF THE
36 AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "FOUNDATION AID" UNDER THE
37 HEADING "2017-18 ESTIMATED AID" IN THE SCHOOL AID COMPUTER LISTING
38 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST
39 AND ENTITLED "BT1718" LESS THE FOUNDATION AID BASE MULTIPLIED BY (B) TEN
40 AND TWO-TENTHS PERCENT (0.102).

41 (III) TIER C. FOR ALL SCHOOL DISTRICTS WITH A COMBINED WEALTH RATIO
42 FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO PARAGRAPH C OF SUBDIVISION
43 THREE OF THIS SECTION LESS THAN ONE (1.0), TIER C SHALL BE THE GREATER
44 OF (A) FOR DISTRICTS THAT WERE DESIGNATED AS SMALL CITY SCHOOL DISTRICTS
45 OR CENTRAL SCHOOL DISTRICTS WHOSE BOUNDARIES INCLUDE A PORTION OF A
46 SMALL CITY FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMIS-
47 SIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND
48 FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND ENTITLED "SA1415", THE
49 PRODUCT OF THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR
50 PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY
51 ONE HUNDRED SIXTY-SEVEN DOLLARS AND FORTY CENTS (\$167.40) OR (B) FOR
52 SCHOOL DISTRICTS WITH A SPARSITY FACTOR AS SET FORTH ON THE COMPUTER
53 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET
54 FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR AND
55 ENTITLED "SA171-8" OF GREATER THAN ZERO, THE PRODUCT OF THE PUBLIC

1 SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR MULTIPLIED BY ONE HUNDRED
2 EIGHTY-EIGHT DOLLARS (\$188.00).

3 (IV) TIER D. FOR ALL SCHOOL DISTRICTS, OTHER THAN DISTRICTS WITHIN A
4 CITY WITH A POPULATION OF ONE HUNDRED TWENTY-FIVE THOUSAND OR MORE, WITH
5 A SELECTED POVERTY RATE OF GREATER THAN EIGHTEEN HUNDREDTHS (0.18), TIER
6 D SHALL EQUAL THE PRODUCT OF THE SELECTED POVERTY RATE MULTIPLIED BY THE
7 SCHOOL DISTRICT PUBLIC ENROLLMENT FOR THE BASE YEAR MULTIPLIED BY TWO
8 HUNDRED FORTY DOLLARS (\$240.00), PROVIDED, HOWEVER, THAT FOR DISTRICTS
9 WITHIN A CITY WITH A POPULATION OF GREATER THAN ONE HUNDRED TWENTY-FIVE
10 THOUSAND BUT LESS THAN ONE MILLION AND A SELECTED POVERTY RATE OF GREAT-
11 ER THAN EIGHTEEN HUNDREDTHS (0.18), TIER D SHALL EQUAL THE PRODUCT OF
12 THE SELECTED POVERTY RATE MULTIPLIED BY SCHOOL DISTRICT PUBLIC ENROLL-
13 MENT FOR THE BASE YEAR MULTIPLIED BY THREE HUNDRED FORTY-FOUR DOLLARS
14 (\$344.00), AND FOR A CITY SCHOOL DISTRICT IN A CITY WITH A POPULATION OF
15 ONE MILLION OR MORE, TIER D SHALL EQUAL THE PRODUCT OF THE SELECTED
16 POVERTY RATE MULTIPLIED BY SCHOOL DISTRICT PUBLIC ENROLLMENT FOR THE
17 BASE YEAR MULTIPLIED BY TWENTY-NINE CENTS (\$.29).

18 c. Public excess cost aid setaside. Each school district shall set
19 aside from its total foundation aid computed for the current year pursu-
20 ant to this subdivision an amount equal to the product of: (i) the
21 difference between the amount the school district was eligible to
22 receive in the two thousand six--two thousand seven school year pursuant
23 to or in lieu of paragraph six of subdivision nineteen of this section
24 as such paragraph existed on June thirtieth, two thousand seven, minus
25 the amount such district was eligible to receive pursuant to or in lieu
26 of paragraph five of subdivision nineteen of this section as such para-
27 graph existed on June thirtieth, two thousand seven, in such school
28 year, and (ii) the sum of one and the percentage increase in the consum-
29 er price index for the current year over such consumer price index for
30 the two thousand six--two thousand seven school year, as computed pursu-
31 ant to section two thousand twenty-two of this chapter. Notwithstanding
32 any other provision of law to the contrary, the public excess cost aid
33 setaside shall be paid pursuant to section thirty-six hundred nine-b of
34 this part.

35 d. For the two thousand fourteen--two thousand fifteen through two
36 thousand [sixteen] SEVENTEEN--two thousand [seventeen] EIGHTEEN school
37 years a city school district of a city having a population of one
38 million or more may use amounts apportioned pursuant to this subdivision
39 for afterschool programs.

40 e. Community schools aid set-aside. Each school district shall set
41 aside from its total foundation aid computed for the current year pursu-
42 ant to this subdivision an amount equal to [the following amount, if
43 any, for such district and] THE SUM OF (I) THE AMOUNT, IF ANY, SET FORTH
44 FOR SUCH DISTRICT AS "COMMUNITY SCHL AID (BT1617)" IN THE DATA FILE
45 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE
46 TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR AND ENTITLED
47 "SA161-7" AND (II) THE AMOUNT, IF ANY, SET FORTH FOR SUCH DISTRICT AS
48 "COMMUNITY SCHL INCR" IN THE DATA FILE PRODUCED BY THE COMMISSIONER IN
49 SUPPORT OF THE EXECUTIVE BUDGET REQUEST FOR THE TWO THOUSAND SEVENTEEN-
50 -TWO THOUSAND EIGHTEEN SCHOOL YEAR AND ENTITLED "BT171-8". EACH SCHOOL
51 DISTRICT shall use [the] SUCH "COMMUNITY SCHL AID (BT1617)" amount [so
52 set aside] to support the transformation of school buildings into commu-
53 nity hubs to deliver co-located or school-linked academic, health,
54 mental health, nutrition, counseling, legal and/or other services to
55 students and their families, including but not limited to providing a
56 community school site coordinator, or to support other costs incurred to

1 maximize students' academic achievement[:]. EACH SCHOOL DISTRICT SHALL
 2 USE SUCH "COMMUNITY SCHL INCR" AMOUNT TO SUPPORT THE TRANSFORMATION OF
 3 SCHOOL BUILDINGS INTO COMMUNITY HUBS TO DELIVER CO-LOCATED OR SCHOOL
 4 LINKED ACADEMIC, HEALTH, MENTAL HEALTH SERVICES AND PERSONNEL,
 5 AFTER-SCHOOL PROGRAMMING, DUAL LANGUAGE PROGRAMS, NUTRITION, COUNSELING,
 6 LEGAL AND/OR OTHER SERVICES TO STUDENTS AND THEIR FAMILIES, INCLUDING
 7 BUT NOT LIMITED TO PROVIDING A COMMUNITY SCHOOL SITE COORDINATOR AND
 8 PROGRAMS FOR ENGLISH LANGUAGE LEARNERS, OR TO SUPPORT OTHER COSTS
 9 INCURRED TO MAXIMIZE STUDENTS' ACADEMIC ACHIEVEMENT, PROVIDED HOWEVER
 10 THAT A SCHOOL DISTRICT WHOSE "COMMUNITY SCHL INCR" AMOUNT EXCEEDS ONE
 11 MILLION DOLLARS (\$1,000,000) SHALL USE AN AMOUNT EQUAL TO THE GREATER OF
 12 ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) OR TEN PERCENT OF SUCH
 13 "COMMUNITY SCHL INCR" AMOUNT TO SUPPORT SUCH TRANSFORMATION AT SCHOOLS
 14 WITH EXTRAORDINARY HIGH LEVELS OF STUDENT NEED AS IDENTIFIED BY THE
 15 COMMISSIONER, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET.

16	[Addison	\$132,624
17	Adirondack	\$98,303
18	Afton	\$62,527
19	Albany	\$2,696,127
20	Albion	\$171,687
21	Altmar-Parish-Williamstown	\$154,393
22	Amityville	\$140,803
23	Amsterdam	\$365,464
24	Andover	\$41,343
25	Auburn	\$211,759
26	Ausable Valley	\$82,258
27	Avoca	\$40,506
28	Batavia	\$116,085
29	Bath	\$139,788
30	Beacon	\$87,748
31	Beaver River	\$67,970
32	Beekmantown	\$98,308
33	Belfast	\$44,520
34	Belleville Henderson	\$21,795
35	Binghamton	\$477,949
36	Bolivar-Richburg	\$102,276
37	Bradford	\$28,058
38	Brasher Falls	\$146,944
39	Brentwood	\$2,089,437
40	Bridgewater-West Winfield (Mt. Markham)	\$101,498
41	Brocton	\$63,939
42	Brookfield	\$24,973
43	Brushton-Moira	\$102,613
44	Buffalo	\$12,524,617
45	Camden	\$243,929
46	Campbell-Savona	\$81,862
47	Canajoharie	\$78,428
48	Canaseraga	\$24,622
49	Candor	\$69,400
50	Canisteo-Greenwood	\$105,783
51	Carthage	\$273,578
52	Cassadaga Valley	\$99,547
53	Catskill	\$69,599
54	Cattaraugus-Little Valley	\$89,771
55	Central Islip	\$650,359
56	Central Valley	\$154,059

1	Charlotte Valley	\$27,925
2	Chateaugay	\$43,580
3	Cheektowaga-Sloan	\$68,242
4	Chenango Valley	\$46,359
5	Cherry Valley-Springfield	\$29,704
6	Cincinnatus	\$71,378
7	Clifton-Fine	\$17,837
8	Clyde-Savannah	\$84,797
9	Clymer	\$28,267
10	Cohoes	\$110,625
11	Copenhagen	\$35,037
12	Copiague	\$308,995
13	Cortland	\$147,875
14	Crown Point	\$24,277
15	Cuba-Rushford	\$67,917
16	Dalton-Nunda (Keshequa)	\$65,630
17	Dansville	\$136,766
18	De Ruyter	\$38,793
19	Deposit	\$37,615
20	Dolgeville	\$82,884
21	Downsville	\$10,000
22	Dundee	\$59,404
23	Dunkirk	\$224,658
24	East Ramapo (Spring Valley)	\$360,848
25	Edmeston	\$30,288
26	Edwards-Knox	\$95,261
27	Elizabethtown-Lewis	\$14,844
28	Ellenville	\$128,950
29	Elmira	\$501,348
30	Fallsburg	\$111,523
31	Fillmore	\$84,252
32	Forestville	\$34,773
33	Fort Edward	\$32,403
34	Fort Plain	\$86,187
35	Franklin	\$19,086
36	Franklinville	\$84,503
37	Freeport	\$479,702
38	Friendship	\$51,013
39	Fulton	\$241,424
40	Genesee Valley	\$65,066
41	Geneva	\$146,409
42	Georgetown-South Otselic	\$34,626
43	Gilbertsville-Mount Upton	\$30,930
44	Glens Falls Common	\$10,000
45	Gloversville	\$257,549
46	Gouverneur	\$197,139
47	Gowanda	\$122,173
48	Granville	\$86,044
49	Green Island	\$17,390
50	Greene	\$87,782
51	Hadley-Luzerne	\$37,868
52	Hammond	\$18,750
53	Hancock	\$34,174
54	Hannibal	\$149,286
55	Harpursville	\$89,804
56	Hempstead	\$3,123,056

1	Herkimer	\$64,467
2	Hermon-Dekalb	\$49,211
3	Heuvelton	\$53,905
4	Hinsdale	\$47,128
5	Hornell	\$152,327
6	Hudson	\$86,263
7	Hudson Falls	\$125,709
8	Indian River	\$404,452
9	Jamestown	\$422,610
10	Jasper-Troupsburg	\$65,899
11	Jefferson	\$22,350
12	Johnson	\$179,735
13	Johnstown	\$98,329
14	Kingston	\$241,138
15	Kiryas Joel	\$10,000
16	La Fargeville	\$36,602
17	Lackawanna	\$293,188
18	Lansingburgh	\$170,080
19	Laurens	\$32,110
20	Liberty	\$141,704
21	Lisbon	\$56,498
22	Little Falls	\$76,292
23	Livingston Manor	\$32,996
24	Lowville	\$117,907
25	Lyme	\$15,856
26	Lyons	\$89,298
27	Madison	\$43,805
28	Madrid-Waddington	\$59,412
29	Malone	\$241,483
30	Marathon	\$79,560
31	Margaretville	\$10,000
32	Massena	\$227,985
33	Mcgraw	\$51,558
34	Medina	\$135,337
35	Middleburgh	\$58,936
36	Middletown	\$683,511
37	Milford	\$28,281
38	Monticello	\$185,418
39	Moriah	\$76,592
40	Morris	\$45,012
41	Morristown	\$25,106
42	Morrisville-Eaton	\$62,490
43	Mt Morris	\$58,594
44	Mt Vernon	\$517,463
45	New York City	\$28,491,241
46	Newark	\$137,556
47	Newburgh	\$837,244
48	Newfield	\$60,998
49	Niagara Falls	\$733,330
50	North Rose-Wolcott	\$107,958
51	Northern Adirondack	\$84,115
52	Norwich	\$155,921
53	Norwood-Norfolk	\$116,262
54	Odessa-Montour	\$70,110
55	Ogdensburg	\$126,942
56	Olean	\$129,603

1	Oppenheim-Ephratah-St. Johnsville	\$86,646
2	Otego-Unadilla	\$72,613
3	Oxford Acad & Central Schools	\$80,443
4	Parishville-Hopkinton	\$35,003
5	Peekskill	\$230,795
6	Penn Yan	\$71,001
7	Pine Valley (South Dayton)	\$67,455
8	Plattsburgh	\$75,055
9	Poland	\$37,498
10	Port Chester-Rye	\$241,428
11	Port Jervis	\$189,220
12	Poughkeepsie	\$1,747,582
13	Prattsburgh	\$35,110
14	Pulaski	\$89,146
15	Putnam	\$10,000
16	Randolph	\$88,646
17	Red Creek	\$87,007
18	Remsen	\$32,650
19	Rensselaer	\$74,616
20	Richfield Springs	\$37,071
21	Ripley	\$18,495
22	Rochester	\$7,624,908
23	Rome	\$369,655
24	Romulus	\$22,112
25	Roosevelt	\$353,005
26	Salamanca	\$139,051
27	Salmon River	\$200,831
28	Sandy Creek	\$72,287
29	Schenectady	\$642,884
30	Schenevus	\$29,516
31	Scio	\$47,097
32	Sharon Springs	\$26,994
33	Sherburne-Earlville	\$154,286
34	Sherman	\$45,067
35	Sidney	\$98,699
36	Silver Creek	\$68,538
37	Sodus	\$100,038
38	Solvay	\$85,506
39	South Kortright	\$23,420
40	South Lewis	\$95,627
41	South Seneca	\$49,768
42	Spencer-Van Etten	\$76,108
43	St Regis Falls	\$30,078
44	Stamford	\$20,137
45	Stockbridge Valley	\$38,537
46	Syracuse	\$10,186,478
47	Ticonderoga	\$36,467
48	Tioga	\$99,411
49	Troy	\$277,420
50	Unadilla Valley	\$90,571
51	Uniondale	\$362,887
52	Utica	\$273,267
53	Van Hornesville-Owen D. Young	\$18,604
54	Walton	\$82,541
55	Warrensburg	\$57,996
56	Waterloo	\$123,111

1	Watertown	\$222,343
2	Watervliet	\$94,487
3	Waverly	\$120,319
4	Wayland-Cohocton	\$125,273
5	Wellsville	\$114,359
6	West Canada Valley	\$58,917
7	Westbury	\$403,563
8	Westfield	\$46,542
9	Whitehall	\$46,192
10	Whitesville	\$26,719
11	Whitney Point	\$152,109
12	William Floyd	\$492,842
13	Worcester	\$26,862
14	Wyandanch	\$402,010
15	Yonkers	\$4,286,726
16	Yorkshire-Pioneer	\$210,306]

17 S 17. Section 3 of chapter 507 of the laws of 1974, relating to
 18 providing for the apportionment of state monies to certain nonpublic
 19 schools, to reimburse them for their expenses in complying with certain
 20 state requirements for the administration of state testing and evalu-
 21 ation programs and for participation in state programs for the reporting
 22 of basic educational data, as amended by chapter 903 of the laws of
 23 1984, is amended to read as follows:

24 S 3. Apportionment. a. The commissioner shall annually apportion to
 25 each qualifying school, for school years beginning on and after July
 26 first, nineteen hundred seventy-four, an amount equal to the actual cost
 27 incurred by each such school during the preceding school year for
 28 providing services required by law to be rendered to the state in
 29 compliance with the requirements of the state's pupil evaluation
 30 program, the basic educational data system, regents examinations, the
 31 statewide evaluation plan, the uniform procedure for pupil attendance
 32 reporting, THE STATE'S IMMUNIZATION PROGRAM and other similar state
 33 prepared examinations and reporting procedures.

34 b. The commissioner shall annually apportion to each qualifying school
 35 in the cities of New York, Buffalo and Rochester, for school years
 36 beginning on or after July first[, nineteen hundred eighty-four] TWO
 37 THOUSAND SIXTEEN, an amount equal to the actual cost incurred[, up to
 38 sixty cents per pupil,] by each such school during the preceding school
 39 year in meeting the recording and reporting requirements of the state
 40 school immunization program, PROVIDED THAT THE STATE'S LIABILITY SHALL
 41 BE LIMITED TO THE AMOUNT APPROPRIATED FOR THIS PURPOSE.

42 S 18. The education law is amended by adding a new section 3037 to
 43 read as follows:

44 S 3037. GRANTS FOR HIRING TEACHERS. 1. FOR PURPOSES OF THIS SECTION,
 45 THE FOLLOWING TERM SHALL HAVE THE FOLLOWING MEANING: "ELIGIBLE TEACHER"
 46 SHALL MEAN AN INDIVIDUAL THAT: (A) IS CERTIFIED TO TEACH IN NEW YORK
 47 STATE PURSUANT TO SECTION THREE THOUSAND FOUR OF THIS ARTICLE; OR HOLDS
 48 A MASTER'S DEGREE OR PH.D. IN MATHEMATICS, SCIENCE, TECHNOLOGY OR EDUCA-
 49 TION; OR HOLDS A BACHELOR'S DEGREE IN MATHEMATICS, SCIENCE, TECHNOLOGY
 50 OR EDUCATION AND IS CURRENTLY ENROLLED IN A MASTER'S OR PH.D. PROGRAM
 51 IN MATHEMATICS, SCIENCE, TECHNOLOGY OR EDUCATION WITHIN FIVE YEARS FROM
 52 THE LATER OF THE EFFECTIVE DATE OF THIS SECTION OR THE EMPLOYMENT START
 53 DATE WITH THE NONPUBLIC SCHOOL, (B) TEACHES MATHEMATICS, SCIENCE OR
 54 TECHNOLOGY IN ANY GRADES FROM THREE THROUGH TWELVE, AND (C) IS EMPLOYED
 55 BY A NONPUBLIC SCHOOL.

1 2. (A) WITHIN AMOUNTS APPROPRIATED THEREFOR, NONPUBLIC SCHOOLS SHALL,
2 UPON APPLICATION, BE REIMBURSED BY THE DEPARTMENT FOR THE SALARIES OF
3 ELIGIBLE TEACHERS. EACH SCHOOL WHICH SEEKS A REIMBURSEMENT PURSUANT TO
4 THIS SECTION SHALL SUBMIT TO THE OFFICE OF RELIGIOUS AND INDEPENDENT
5 SCHOOLS AN APPLICATION THEREFOR, TOGETHER WITH SUCH ADDITIONAL DOCUMENTS
6 AS THE COMMISSIONER MAY REASONABLY REQUIRE, AT SUCH TIMES, IN SUCH FORM
7 AND CONTAINING SUCH INFORMATION AS THE COMMISSIONER MAY PRESCRIBE BY
8 REGULATION. APPLICATIONS FOR REIMBURSEMENT PURSUANT TO THIS SECTION
9 MUST BE RECEIVED BY AUGUST FIRST OF EACH YEAR FOR SCHOOLS TO BE REIM-
10 BURSED FOR THE SALARIES OF ELIGIBLE TEACHERS IN THE PRIOR YEAR.

11 (B) PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, REIMBURSEMENT FOR
12 ELIGIBLE TEACHERS SHALL BE THE AVERAGE COMPARABLE TEACHER SALARY AND
13 PERSONAL SERVICE, PER SUBJECT AREA, OF PUBLIC SCHOOL TEACHERS IN THE
14 SCHOOL DISTRICT IN WHICH SUCH NONPUBLIC SCHOOLS ARE LOCATED, MULTIPLIED
15 BY THE PERCENTAGE OF FULL TIME EQUIVALENT SECULAR INSTRUCTIONAL HOURS
16 COMPLETED IN THE SCHOOL DAY PER SUBJECT AREA. REIMBURSEMENTS SHALL NOT
17 BE PROVIDED FOR ELIGIBLE TEACHERS WHO PROVIDE INSTRUCTION IN MATHEMAT-
18 ICS, SCIENCE OR TECHNOLOGY IF SUCH TEACHERS ALSO PROVIDE NON-SECULAR
19 INSTRUCTION IN ANY CAPACITY.

20 (C) IN THE EVENT THAT THE APPLICATIONS FOR REIMBURSEMENT UNDER THIS
21 SECTION EXCEED THE APPROPRIATION AVAILABLE FOR THIS PROGRAM, THEN EACH
22 APPLICANT SHALL ONLY BE REIMBURSED AN AMOUNT EQUAL TO THE PERCENTAGE
23 THAT EACH SUCH APPLICANT REPRESENTS TO THE TOTAL OF ALL APPLICATIONS
24 SUBMITTED.

25 3. THE COMMISSIONER MAY PROMULGATE ANY RULES OR REGULATIONS NECESSARY
26 TO CARRY OUT THE PROVISIONS OF THIS SECTION.

27 S 19. Paragraph (a) of subdivision 1 of section 2590-c of the educa-
28 tion law, as amended by chapter 345 of the laws of 2009, is amended to
29 read as follows:

30 (a) Nine voting members shall be parents whose children are attending
31 a school OR A PRE-KINDERGARTEN PROGRAM OFFERED BY A SCHOOL under the
32 jurisdiction of the community district, or have attended a school OR A
33 PRE-KINDERGARTEN PROGRAM OFFERED BY A SCHOOL under the jurisdiction of
34 the community district within the preceding two years, and shall be
35 selected by the presidents and officers of the parents' association or
36 parent-teachers' association. Such members shall serve for a term of two
37 years. Presidents and officers of parents' associations or parent-
38 teachers' associations who are candidates in the selection process
39 pursuant to this section shall not be eligible to cast votes in such
40 selection process. The association shall elect a member to vote in the
41 place of each such president or officer for the purposes of the
42 selection process. PROVIDED, HOWEVER, THAT A PARENT OF A PRE-KINDERGAR-
43 TEN PUPIL SHALL VACATE HIS OR HER MEMBERSHIP ON SUCH COMMUNITY DISTRICT
44 EDUCATION COUNCIL WHERE THE PARENT NO LONGER HAS A CHILD THAT ATTENDS A
45 SCHOOL OR PRE-KINDERGARTEN PROGRAM OFFERED BY A SCHOOL UNDER THE JURIS-
46 DICTION OF THE COMMUNITY DISTRICT.

47 S 20. Subdivisions 1 and 2 of section 4101 of the education law,
48 subdivision 1 as amended by chapter 387 of the laws of 1954 and subdivi-
49 sion 2 as amended by section 30 of part B of chapter 57 of the laws of
50 2008, are amended to read as follows:

51 1. The commissioner of education shall establish schools in such plac-
52 es and maintain such courses of instruction therein for the education of
53 the Indian children of the state as he OR SHE shall deem necessary. He
54 OR SHE shall have general supervision of such education and shall cause
55 to be erected where necessary convenient and suitable school buildings
56 for the accommodation of all the Indian children of the state.

1 2. [The] NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGU-
2 LATION TO THE CONTRARY, THE commissioner in his OR HER discretion may,
3 instead of establishing schools and maintaining courses of instruction
4 therein for the education of the Indian children of the state, contract,
5 FOR A PERIOD OF UP TO TEN YEARS, with any school district for the educa-
6 tion of such Indian children. The consideration for any such contract
7 shall not exceed the total cost to the school district of the education
8 of Indian children pursuant to such contract, less any public moneys
9 received by the school district by reason of the attendance of such
10 Indian children in regular day school, except any public moneys received
11 by the district as a building quota pursuant to the provisions of subdi-
12 vision six-a of section thirty-six hundred two of this chapter. The
13 commissioner of taxation and finance shall pay on the warrant of the
14 comptroller bills, for the costs and expenses attending such contract,
15 approved by the commissioner of education from the appropriation for the
16 support and education of Indian children. In carrying out the provisions
17 of this article the commissioner, notwithstanding any other provision of
18 law, may lease any school ground, site or building established for a
19 reservation and owned by the state of New York to any school district
20 upon such terms and conditions as he OR SHE shall deem necessary,
21 convenient and proper. Nothing herein contained shall alter the title of
22 the Indians to their lands.

23 S 21. Section 4119 of the education law, as added by chapter 387 of
24 the laws of 1954, is amended to read as follows:

25 S 4119. School district may contract to educate Indian children.
26 Notwithstanding any other provision of law, the trustee, trustees or
27 board of education of any school district shall have power to contract
28 with the commissioner of education for the instruction of Indian chil-
29 dren FOR A PERIOD OF TEN YEARS. Notwithstanding any other provision of
30 law, the trustee, trustees or board of education of any school district
31 shall have authority to lease a site or school building owned by the
32 state of New York whether located on or off an Indian reservation and
33 such trustee, trustees or board of education shall have authority to
34 maintain school in such building notwithstanding the fact that such
35 building may not be located within the district boundary lines of such
36 school district.

37 S 22. The closing paragraph of subdivision 5-a of section 3602 of the
38 education law, as amended by section 2 of part A of chapter 54 of the
39 laws of 2016, is amended to read as follows:

40 For the two thousand eight--two thousand nine school year, each school
41 district shall be entitled to an apportionment equal to the product of
42 fifteen percent and the additional apportionment computed pursuant to
43 this subdivision for the two thousand seven--two thousand eight school
44 year. For the two thousand nine--two thousand ten through two thousand
45 [sixteen] SEVENTEEN--two thousand [seventeen] EIGHTEEN school years,
46 each school district shall be entitled to an apportionment equal to the
47 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
48 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
49 computer listing produced by the commissioner in support of the budget
50 for the two thousand nine--two thousand ten school year and entitled
51 "SA0910".

52 S 23. Paragraph b of subdivision 6-c of section 3602 of the education
53 law, as amended by section 24 of part A of chapter 54 of the laws of
54 2016, is amended to read as follows:

55 b. For projects approved by the commissioner authorized to receive
56 additional building aid pursuant to this subdivision for the purchase of

1 stationary metal detectors, security cameras or other security devices
2 approved by the commissioner that increase the safety of students and
3 school personnel, provided that for purposes of this paragraph such
4 other security devices shall be limited to electronic security systems
5 and hardened doors, and provided that for projects approved by the
6 commissioner on or after the first day of July two thousand thirteen and
7 before the first day of July two thousand [seventeen] EIGHTEEN such
8 additional aid shall equal the product of (i) the building aid ratio
9 computed for use in the current year pursuant to paragraph c of subdivi-
10 sion six of this section plus ten percentage points, except that in no
11 case shall this amount exceed one hundred percent, and (ii) the actual
12 approved expenditures incurred in the base year pursuant to this subdivi-
13 sion, provided that the limitations on cost allowances prescribed by
14 paragraph a of subdivision six of this section shall not apply, and
15 provided further that any projects aided under this paragraph must be
16 included in a district's school safety plan. The commissioner shall
17 annually prescribe a special cost allowance for metal detectors, and
18 security cameras, and the approved expenditures shall not exceed such
19 cost allowance.

20 S 24. Subdivision 12 of section 3602 of the education law is amended
21 by adding a new undesignated paragraph to read as follows:

22 FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR,
23 EACH SCHOOL DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT EQUAL TO THE
24 AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "ACADEMIC ENHANCEMENT"
25 UNDER THE HEADING "2016-17 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER
26 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE BUDGET FOR THE
27 TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR AND ENTITLED
28 "SA161-7", AND SUCH APPORTIONMENT SHALL BE DEEMED TO SATISFY THE STATE
29 OBLIGATION TO PROVIDE AN APPORTIONMENT PURSUANT TO SUBDIVISION EIGHT OF
30 SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE.

31 S 25. The opening paragraph of subdivision 16 of section 3602 of the
32 education law, as amended by section 4 of part A of chapter 54 of the
33 laws of 2016, is amended to read as follows:

34 Each school district shall be eligible to receive a high tax aid
35 apportionment in the two thousand eight--two thousand nine school year,
36 which shall equal the greater of (i) the sum of the tier 1 high tax aid
37 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
38 tax aid apportionment or (ii) the product of the apportionment received
39 by the school district pursuant to this subdivision in the two thousand
40 seven--two thousand eight school year, multiplied by the due-minimum
41 factor, which shall equal, for districts with an alternate pupil wealth
42 ratio computed pursuant to paragraph b of subdivision three of this
43 section that is less than two, seventy percent (0.70), and for all other
44 districts, fifty percent (0.50). Each school district shall be eligible
45 to receive a high tax aid apportionment in the two thousand nine--two
46 thousand ten through two thousand twelve--two thousand thirteen school
47 years in the amount set forth for such school district as "HIGH TAX AID"
48 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
49 listing produced by the commissioner in support of the budget for the
50 two thousand nine--two thousand ten school year and entitled "SA0910".
51 Each school district shall be eligible to receive a high tax aid appor-
52 tionment in the two thousand thirteen--two thousand fourteen through
53 [two thousand sixteen--two thousand seventeen] TWO THOUSAND
54 SEVENTEEN--TWO THOUSAND EIGHTEEN school years equal to the greater of
55 (1) the amount set forth for such school district as "HIGH TAX AID"
56 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer

1 listing produced by the commissioner in support of the budget for the
2 two thousand nine--two thousand ten school year and entitled "SA0910" or
3 (2) the amount set forth for such school district as "HIGH TAX AID"
4 under the heading "2013-14 ESTIMATED AIDS" in the school aid computer
5 listing produced by the commissioner in support of the executive budget
6 for the 2013-14 fiscal year and entitled "BT131-4".

7 S 26. Subdivision 10 of section 3602-e of the education law, as
8 amended by section 22 of part B of chapter 57 of the laws of 2008, the
9 opening paragraph as amended by section 5 of part A of chapter 54 of the
10 laws of 2016, is amended to read as follows:

11 10. Universal prekindergarten aid. Notwithstanding any provision of
12 law to the contrary, (I) for aid payable in the two thousand eight--two
13 thousand nine school year, the grant to each eligible school district
14 for universal prekindergarten aid shall be computed pursuant to this
15 subdivision, and (II) for the two thousand nine--two thousand ten and
16 two thousand ten--two thousand eleven school years, each school district
17 shall be eligible for a maximum grant equal to the amount computed for
18 such school district for the base year in the electronic data file
19 produced by the commissioner in support of the two thousand nine--two
20 thousand ten education, labor and family assistance budget, provided,
21 however, that in the case of a district implementing programs for the
22 first time or implementing expansion programs in the two thousand eight-
23 -two thousand nine school year where such programs operate for a minimum
24 of ninety days in any one school year as provided in section 151-1.4 of
25 the regulations of the commissioner, for the two thousand nine--two
26 thousand ten and two thousand ten--two thousand eleven school years,
27 such school district shall be eligible for a maximum grant equal to the
28 amount computed pursuant to paragraph a of subdivision nine of this
29 section in the two thousand eight--two thousand nine school year, and
30 (III) for the two thousand eleven--two thousand twelve school year each
31 school district shall be eligible for a maximum grant equal to the
32 amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN"
33 under the heading "2011-12 ESTIMATED AIDS" in the school aid computer
34 listing produced by the commissioner in support of the enacted budget
35 for the 2011-12 school year and entitled "SA111-2", and (IV) for two
36 thousand twelve--two thousand thirteen through two thousand sixteen--two
37 thousand seventeen school years each school district shall be eligible
38 for a maximum grant equal to the greater of [(i)] (A) the amount set
39 forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the
40 heading "2010-11 BASE YEAR AIDS" in the school aid computer listing
41 produced by the commissioner in support of the enacted budget for the
42 2011-12 school year and entitled "SA111-2", or [(ii)] (B) the amount set
43 forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the
44 heading "2010-11 BASE YEAR AIDS" in the school aid computer listing
45 produced by the commissioner on May fifteenth, two thousand eleven
46 pursuant to paragraph b of subdivision twenty-one of section three
47 hundred five of this chapter, AND (V) FOR THE TWO THOUSAND
48 SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR, EACH SCHOOL DISTRICT SHALL
49 BE ELIGIBLE TO RECEIVE A GRANT AMOUNT EQUAL TO THE SUM OF (A) THE AMOUNT
50 SET FORTH FOR SUCH SCHOOL DISTRICT AS "UNIVERSAL PREKINDERGARTEN" UNDER
51 THE HEADING "2016-17 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING
52 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE
53 TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR AND ENTITLED
54 "SA161-7" PLUS (B) THE AMOUNT AWARDED TO SUCH SCHOOL DISTRICT FOR THE
55 PRIORITY FULL-DAY PREKINDERGARTEN AND EXPANDED HALF-DAY PREKINDERGARTEN
56 GRANT PROGRAM FOR HIGH NEED STUDENTS FOR THE TWO THOUSAND SIXTEEN--TWO

1 THOUSAND SEVENTEEN SCHOOL YEAR PURSUANT TO CHAPTER FIFTY-THREE OF THE
2 LAWS OF TWO THOUSAND THIRTEEN, AND (VI) FOR THE TWO THOUSAND
3 EIGHTEEN--TWO THOUSAND NINETEEN SCHOOL YEAR, EACH SCHOOL DISTRICT SHALL
4 BE ELIGIBLE TO RECEIVE A GRANT AMOUNT EQUAL TO THE SUM OF (A) THE AMOUNT
5 SET FORTH FOR SUCH SCHOOL DISTRICT AS "UNIVERSAL PREKINDERGARTEN" IN THE
6 SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF
7 THE ENACTED BUDGET FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN
8 SCHOOL YEAR PLUS (B) THE AMOUNT AWARDED TO SUCH SCHOOL DISTRICT FOR THE
9 FEDERAL PRESCHOOL DEVELOPMENT EXPANSION GRANT FOR THE TWO THOUSAND
10 SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR PURSUANT TO THE AMERICAN
11 RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA), SECTIONS 14005, 14006, AND
12 14013, TITLE XIV, (PUBLIC LAW 112-10), AS AMENDED BY SECTION 1832(B) OF
13 DIVISION B OF THE DEPARTMENT OF DEFENSE AND FULL-YEAR CONTINUING APPRO-
14 PRIATIONS ACT, 2011 (PUB. L. 112-10), AND THE DEPARTMENT OF EDUCATION
15 APPROPRIATIONS ACT, 2012 (TITLE III DIVISION F OF PUB. L. 112-74, THE
16 CONSOLIDATED APPROPRIATIONS ACT, 2012), AND (VII) FOR THE TWO THOUSAND
17 NINETEEN--TWO THOUSAND TWENTY SCHOOL YEAR, EACH SCHOOL DISTRICT SHALL BE
18 ELIGIBLE TO RECEIVE A GRANT AMOUNT EQUAL TO THE SUM OF (A) THE AMOUNT
19 SET FORTH FOR SUCH SCHOOL DISTRICT AS "UNIVERSAL PREKINDERGARTEN ALLO-
20 CATION" ON THE COMPUTER FILE PRODUCED BY THE COMMISSIONER IN SUPPORT OF
21 THE ENACTED BUDGET FOR THE TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN
22 SCHOOL YEAR PLUS (B) THE AMOUNT AWARDED TO SUCH SCHOOL DISTRICT FOR THE
23 EXPANDED PREKINDERGARTEN PROGRAM FOR THREE AND FOUR YEAR-OLDS FOR THE
24 TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN SCHOOL YEAR PURSUANT TO
25 CHAPTER SIXTY-ONE OF THE LAWS OF TWO THOUSAND FIFTEEN PLUS (C) THE
26 AMOUNT AWARDED TO SUCH SCHOOL DISTRICT FOR THE EXPANDED PREKINDERGARTEN
27 FOR THREE-YEAR-OLDS IN HIGH NEED DISTRICTS PROGRAM FOR THE TWO THOUSAND
28 EIGHTEEN--TWO THOUSAND NINETEEN SCHOOL YEAR PURSUANT TO CHAPTER
29 FIFTY-THREE OF THE LAWS OF TWO THOUSAND SIXTEEN PLUS (D) THE AMOUNT
30 AWARDED TO SUCH SCHOOL DISTRICT FOR THE EXPANDED PREKINDERGARTEN PROGRAM
31 FOR THREE- AND FOUR-YEAR-OLDS FOR THE TWO THOUSAND EIGHTEEN--TWO THOU-
32 SAND NINETEEN SCHOOL YEAR PURSUANT TO A CHAPTER OF THE LAWS OF TWO THOU-
33 SAND SEVENTEEN PLUS (E) THE AMOUNT AWARDED TO SUCH SCHOOL DISTRICT,
34 SUBJECT TO AN AVAILABLE APPROPRIATION, THROUGH THE PRE-KINDERGARTEN
35 EXPANSION GRANT FOR THE TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN
36 SCHOOL YEAR, PROVIDED THAT SUCH SCHOOL DISTRICT HAS MET ALL REQUIREMENTS
37 PURSUANT TO THIS SECTION, AND (VIII) FOR THE TWO THOUSAND TWENTY--TWO
38 THOUSAND TWENTY-ONE SCHOOL YEAR AND THEREAFTER, EACH SCHOOL DISTRICT
39 SHALL BE ELIGIBLE TO RECEIVE A GRANT AMOUNT EQUAL TO THE SUM OF (A) THE
40 AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "UNIVERSAL PREKINDERGARTEN
41 ALLOCATION" ON THE COMPUTER FILE PRODUCED BY THE COMMISSIONER IN SUPPORT
42 OF THE ENACTED BUDGET FOR THE PRIOR YEAR PLUS (B) THE AMOUNT AWARDED TO
43 SUCH SCHOOL DISTRICT, SUBJECT TO AN AVAILABLE APPROPRIATION, THROUGH THE
44 PRE-KINDERGARTEN EXPANSION GRANT FOR THE PRIOR YEAR, PROVIDED THAT SUCH
45 SCHOOL DISTRICT HAS MET ALL REQUIREMENTS PURSUANT TO THIS SECTION, and
46 provided further that the maximum grant shall not exceed the total actu-
47 al grant expenditures incurred by the school district in the current
48 school year as approved by the commissioner.

49 a. Each school district shall be eligible to [receive a grant amount
50 equal to the sum of (i) its prekindergarten aid base plus (ii) the prod-
51 uct of its selected aid per prekindergarten pupil multiplied by the
52 positive difference, if any of the number of aidable prekindergarten
53 pupils served in the current year, as determined pursuant to regulations
54 of the commissioner, less the base aidable prekindergarten pupils calcu-
55 lated pursuant to this subdivision for the two thousand seven--two thou-
56 sand eight school year, based on data on file for the school aid comput-

1 er listing produced by the commissioner in support of the enacted budget
2 for the two thousand seven--two thousand eight school year and entitled
3 "SA070-8". Provided, however, that in computing an apportionment pursu-
4 ant to this paragraph, for districts where the number of aidable prekin-
5 dergarten pupils served is less than the number of unserved prekin-
6 dergarten pupils, such grant amount shall be the lesser of such sum
7 computed pursuant to this paragraph or the maximum allocation computed
8 pursuant to subdivision nine of this section] SERVE THE SUM OF (I)
9 FULL-DAY PREKINDERGARTEN PUPILS PLUS (II) HALF-DAY PREKINDERGARTEN
10 PUPILS.

11 b. For purposes of paragraph a of this subdivision:

12 (i) "Selected aid per prekindergarten pupil" shall equal the greater
13 of (A) the product of five-tenths and the school district's selected
14 foundation aid for the current year, or (B) the aid per prekindergarten
15 pupil calculated pursuant to this subdivision for the two thousand six-
16 two thousand seven school year, based on data on file for the school aid
17 computer listing produced by the commissioner in support of the enacted
18 budget for the two thousand six--two thousand seven school year and
19 entitled "SA060-7"; provided, however, that in the two thousand eight--
20 two thousand nine school year, a city school district in a city having a
21 population of one million inhabitants or more shall not be eligible to
22 select aid per prekindergarten pupil pursuant to clause (A) of this
23 subparagraph;

24 (ii) ["Base aidable prekindergarten pupils". "Base aidable prekin-
25 dergarten pupils" shall equal the sum of the base aidable prekindergarten
26 pupils calculated pursuant to this subdivision for the base year, based
27 on data on file for the school aid computer listing produced by the
28 commissioner in support of the enacted budget for the base year, plus
29 the additional aidable prekindergarten pupils calculated pursuant to
30 this subdivision for the base year, based on data on file for the school
31 aid computer listing produced by the commissioner in support of the
32 enacted budget for the base year;] "FULL-DAY PREKINDERGARTEN PUPILS"
33 SHALL EQUAL:

34 FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR THE
35 SUM OF, FROM THE PRIORITY FULL-DAY PREKINDERGARTEN PROGRAM, (A) THE
36 MAXIMUM AIDABLE PUPILS SUCH DISTRICT WAS ELIGIBLE TO SERVE IN THE BASE
37 YEAR PLUS (B) THE MAXIMUM AIDABLE NUMBER OF HALF-DAY PREKINDERGARTEN
38 PUPILS CONVERTED INTO A FULL-DAY PREKINDERGARTEN PUPIL IN THE BASE YEAR;

39 FOR THE TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN SCHOOL YEAR THE
40 SUM OF, FROM EACH OF (A) THE PROGRAMS PURSUANT TO THIS SECTION AND (B)
41 THE FEDERAL PRESCHOOL DEVELOPMENT EXPANSION GRANT, (1) THE MAXIMUM AIDA-
42 BLE FULL-DAY PREKINDERGARTEN PUPILS SUCH DISTRICT WAS ELIGIBLE TO SERVE
43 IN THE BASE YEAR PLUS (2) THE MAXIMUM AIDABLE NUMBER OF HALF-DAY PREKIN-
44 DERGARTEN PUPILS CONVERTED INTO A FULL-DAY PREKINDERGARTEN PUPIL IN THE
45 BASE YEAR;

46 FOR THE TWO THOUSAND NINETEEN--TWO THOUSAND TWENTY SCHOOL YEAR THE SUM
47 OF, FROM EACH OF (A) THE PROGRAMS PURSUANT TO THIS SECTION, (B) THE
48 EXPANDED PREKINDERGARTEN PROGRAM, (C) THE EXPANDED PREKINDERGARTEN FOR
49 THREE-YEAR-OLDS, (D) THE EXPANDED PREKINDERGARTEN PROGRAM FOR THREE- AND
50 FOUR-YEAR-OLDS, AND (E) THE PREKINDERGARTEN EXPANSION GRANT, (1) THE
51 MAXIMUM AIDABLE FULL-DAY PREKINDERGARTEN PUPILS SUCH DISTRICT WAS ELIGI-
52 BLE TO SERVE IN THE BASE YEAR, PLUS (2) THE MAXIMUM AIDABLE NUMBER OF
53 HALF-DAY PREKINDERGARTEN PUPILS CONVERTED INTO A FULL-DAY PREKINDERGAR-
54 TEN PUPIL IN THE BASE YEAR;

55 FOR THE TWO THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE SCHOOL YEAR AND
56 THEREAFTER THE SUM OF, FROM EACH OF (A) THE PROGRAMS PURSUANT TO THIS

1 SECTION AND (B) THE PRE-KINDERGARTEN EXPANSION GRANT, (1) THE MAXIMUM
2 AIDABLE FULL-DAY PREKINDERGARTEN PUPILS SUCH DISTRICT WAS ELIGIBLE TO
3 SERVE IN THE BASE YEAR, PLUS (2) THE MAXIMUM AIDABLE NUMBER OF HALF-DAY
4 PREKINDERGARTEN PUPILS CONVERTED INTO A FULL-DAY PREKINDERGARTEN PUPIL
5 IN THE BASE YEAR;

6 (iii) "HALF-DAY PREKINDERGARTEN PUPILS" SHALL EQUAL:

7 FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR THE
8 SUM OF THE MAXIMUM AIDABLE HALF-DAY PREKINDERGARTEN PUPILS SUCH DISTRICT
9 WAS ELIGIBLE TO SERVE FOR THE BASE YEAR FROM (A) THE PROGRAM PURSUANT TO
10 THIS SECTION PLUS SUCH PUPILS FROM (B) THE PRIORITY FULL-DAY PREKINDER-
11 GARTEN PROGRAM, LESS THE MAXIMUM AIDABLE NUMBER OF HALF-DAY PREKINDER-
12 GARTEN PUPILS CONVERTED INTO A FULL-DAY PREKINDERGARTEN PUPIL UNDER THE
13 PRIORITY FULL-DAY PREKINDERGARTEN PROGRAM FOR THE BASE YEAR;

14 FOR THE TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN SCHOOL YEAR THE
15 MAXIMUM AIDABLE HALF-DAY PREKINDERGARTEN PUPILS SUCH DISTRICT WAS ELIGI-
16 BLE TO SERVE FOR THE BASE YEAR FROM (A) THE PROGRAM PURSUANT TO THIS
17 SECTION LESS (B) THE MAXIMUM AIDABLE NUMBER OF HALF-DAY PREKINDERGARTEN
18 PUPILS CONVERTED INTO A FULL-DAY PREKINDERGARTEN PUPIL UNDER THE FEDERAL
19 PRESCHOOL DEVELOPMENT EXPANSION GRANT FOR THE BASE YEAR;

20 FOR THE TWO THOUSAND NINETEEN--TWO THOUSAND TWENTY SCHOOL YEAR THE SUM
21 OF THE MAXIMUM AIDABLE HALF-DAY PREKINDERGARTEN PUPILS SUCH DISTRICT WAS
22 ELIGIBLE TO SERVE FOR THE BASE YEAR FROM (A) THE PROGRAM PURSUANT TO
23 THIS SECTION PLUS SUCH PUPILS FROM (B) THE EXPANDED PREKINDERGARTEN
24 PROGRAM PLUS SUCH PUPILS FROM (C) THE EXPANDED PREKINDERGARTEN FOR
25 THREE-YEAR-OLDS PLUS SUCH PUPILS FROM (D) THE EXPANDED PREKINDERGARTEN
26 PROGRAM FOR THREE- AND FOUR-YEAR-OLDS PLUS SUCH PUPILS FROM (E) THE
27 PREKINDERGARTEN EXPANSION GRANT, LESS THE SUM OF THE MAXIMUM AIDABLE
28 NUMBER OF HALF-DAY PREKINDERGARTEN PUPILS CONVERTED INTO A FULL-DAY
29 PREKINDERGARTEN PUPIL UNDER EACH OF (1) THE EXPANDED PREKINDERGARTEN
30 PROGRAM PLUS SUCH PUPILS FROM (2) THE EXPANDED PREKINDERGARTEN FOR
31 THREE-YEAR-OLDS PLUS SUCH PUPILS FROM (3) THE EXPANDED PREKINDERGARTEN
32 PROGRAM FOR THREE- AND FOUR-YEAR-OLDS PLUS SUCH PUPILS FROM (4) THE
33 PREKINDERGARTEN EXPANSION GRANT FOR THE BASE YEAR;

34 FOR THE TWO THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE SCHOOL YEAR AND
35 THEREAFTER THE SUM OF THE MAXIMUM AIDABLE HALF-DAY PREKINDERGARTEN
36 PUPILS SUCH DISTRICT WAS ELIGIBLE TO SERVE FOR THE BASE YEAR FROM (A)
37 THE PROGRAM PURSUANT TO THIS SECTION PLUS SUCH PUPILS FROM (B) THE PRE-
38 KINDERGARTEN EXPANSION GRANT, LESS THE MAXIMUM AIDABLE NUMBER OF
39 HALF-DAY PREKINDERGARTEN PUPILS CONVERTED INTO A FULL-DAY PREKINDERGAR-
40 TEN PUPIL UNDER THE PREKINDERGARTEN EXPANSION GRANT FOR THE BASE YEAR;

41 (IV) "Unserved prekindergarten pupils" shall mean the product of
42 eighty-five percent multiplied by the positive difference, if any,
43 between the sum of the public school enrollment and the nonpublic school
44 enrollment of children attending full day and half day kindergarten
45 programs in the district in the year prior to the base year less the
46 number of resident children who attain the age of four before December
47 first of the base year, who were served during such school year by a
48 prekindergarten program approved pursuant to section forty-four hundred
49 ten of this chapter, where such services are provided for more than four
50 hours per day;

51 [(iv) "Additional aidable prekindergarten pupils". For the two thou-
52 sand seven--two thousand eight through two thousand eight--two thousand
53 nine school years, "additional aidable prekindergarten pupils" shall
54 equal the product of (A) the positive difference, if any, of the
55 unserved prekindergarten pupils less the base aidable prekindergarten
56 pupils multiplied by (B) the prekindergarten phase-in factor;

1 (v) the "prekindergarten aid base" shall mean the sum of the amounts
2 the school district received for the two thousand six--two thousand
3 seven school year for grants awarded pursuant to this section and for
4 targeted prekindergarten grants;

5 (vi) The "prekindergarten phase-in factor". For the two thousand
6 eight--two thousand nine school year, the prekindergarten phase-in
7 factor shall equal the positive difference, if any, of the pupil need
8 index computed pursuant to subparagraph three of paragraph a of subdivi-
9 sion four of section thirty-six hundred two of this part less one,
10 provided, however, that: (A) for any district where (1) the maximum
11 allocation computed pursuant to subdivision nine of this section for the
12 base year is greater than zero and (2) the amount allocated pursuant to
13 this subdivision for the base year, based on data on file for the school
14 aid computer listing produced by the commissioner on February fifteenth
15 of the base year, pursuant to paragraph b of subdivision twenty-one of
16 section three hundred five of this chapter, is greater than the positive
17 difference, if any, of such maximum allocation for the base year less
18 twenty-seven hundred, the prekindergarten phase-in factor shall not
19 exceed eighteen percent, and shall not be less than ten percent, and (B)
20 for any district not subject to the provisions of clause (A) of this
21 subparagraph where (1) the amount allocated pursuant to this subdivision
22 for the base year is equal to zero or (2) the amount allocated pursuant
23 to this section for the base year, based on data on file for the school
24 aid computer listing produced by the commissioner on February fifteenth
25 of the base year, pursuant to paragraph b of subdivision twenty-one of
26 section three hundred five of this chapter, is less than or equal to the
27 amount allocated pursuant to this section for the year prior to the base
28 year, based on data on file for the school aid computer listing produced
29 by the commissioner on February fifteenth of the base year, pursuant to
30 paragraph b of subdivision twenty-one of section three hundred five of
31 this chapter, the prekindergarten phase-in factor shall equal zero, and
32 (C) for any district not subject to the provisions of clause (A) or (B)
33 of this subparagraph, the prekindergarten phase-in factor shall not
34 exceed thirteen percent, and shall not be less than seven percent;

35 (vii) "Base year" shall mean the base year as defined pursuant to
36 subdivision one of section thirty-six hundred two of this part.]

37 (V) "PREKINDERGARTEN MAINTENANCE OF EFFORT BASE" SHALL MEAN THE NUMBER
38 OF ELIGIBLE TOTAL FULL-DAY PREKINDERGARTEN PUPILS SET FORTH FOR THE
39 DISTRICT IN THIS PARAGRAPH PLUS THE PRODUCT OF ONE HALF (0.5) MULTIPLIED
40 BY THE NUMBER OF ELIGIBLE TOTAL HALF-DAY PREKINDERGARTEN PUPILS SET
41 FORTH FOR THE DISTRICT IN THIS PARAGRAPH;

42 (VI) "CURRENT YEAR PREKINDERGARTEN PUPILS SERVED" SHALL MEAN THE SUM
43 OF FULL DAY PREKINDERGARTEN PUPILS SERVED IN THE CURRENT YEAR PLUS THE
44 PRODUCT OF ONE HALF (0.5) MULTIPLIED BY THE HALF DAY PREKINDERGARTEN
45 PUPILS IN THE CURRENT YEAR LESS THE HALF-DAY CONVERSION OVERAGE;

46 (VII) "HALF-DAY CONVERSION OVERAGE" SHALL EQUAL, FOR DISTRICTS THAT
47 SERVE GREATER THAN THIRTY PERCENT FEWER FULL-DAY PREKINDERGARTEN PUPILS
48 DURING THE CURRENT YEAR THAN THE NUMBER OF TOTAL ELIGIBLE FULL-DAY PREK-
49 INDERGARTEN PUPILS SET FORTH FOR THE DISTRICT IN PARAGRAPH B OF SUBDIVI-
50 SION TEN OF THIS SECTION DUE TO THE CONVERSION OF FULL-DAY TO HALF-DAY
51 SLOTS, THE DIFFERENCE OF THE PRODUCT OF SEVEN-TENTHS MULTIPLIED BY THE
52 TOTAL ELIGIBLE FULL-DAY PREKINDERGARTEN PUPILS ROUNDED DOWN TO THE NEAR-
53 EST WHOLE NUMBER, LESS THE NUMBER OF FULL-DAY PREKINDERGARTEN PUPILS
54 ACTUALLY SERVED. PROVIDED THAT A DISTRICT MAY APPLY TO THE COMMISSIONER
55 FOR A HARDSHIP WAIVER THAT WOULD ALLOW A DISTRICT TO CONVERT MORE THAN
56 THIRTY PERCENT OF FULL-DAY PREKINDERGARTEN SLOTS TO HALF-DAY SLOTS AND

1 RECEIVE FUNDING FOR SUCH SLOTS. SUCH WAIVER SHALL BE GRANTED UPON A
2 DEMONSTRATION BY THE SCHOOL DISTRICT THAT DUE TO A SIGNIFICANT CHANGE IN
3 THE RESOURCES AVAILABLE TO THE SCHOOL DISTRICT AND ABSENT A WAIVER TO
4 ALLOW THE CONVERSION OF MORE THAN THIRTY PERCENT OF FULL-DAY PREKINDER-
5 GARTEN SLOTS TO HALF-DAY SLOTS, THE SCHOOL DISTRICT WOULD BE UNABLE TO
6 SERVE SUCH PUPILS IN PREKINDERGARTEN PROGRAMS, WITHOUT CAUSING SIGNIF-
7 ICANT DISRUPTION TO OTHER DISTRICT PROGRAMMING;

8 (VIII) "MAINTENANCE OF EFFORT FACTOR" SHALL MEAN THE QUOTIENT ARRIVED
9 AT WHEN DIVIDING THE CURRENT YEAR PREKINDERGARTEN PUPILS SERVED BY THE
10 PREKINDERGARTEN MAINTENANCE OF EFFORT BASE.

11 FOR THE PURPOSES OF THIS PARAGRAPH:

12 (A) "PRIORITY FULL-DAY PREKINDERGARTEN PROGRAM" SHALL MEAN THE PRIORI-
13 TY FULL-DAY PREKINDERGARTEN AND EXPANDED HALF-DAY PREKINDERGARTEN GRANT
14 PROGRAM FOR HIGH NEED STUDENTS PURSUANT TO CHAPTER FIFTY-THREE OF THE
15 LAWS OF TWO THOUSAND THIRTEEN;

16 (B) "FEDERAL PRESCHOOL DEVELOPMENT EXPANSION GRANT" SHALL MEAN THE
17 FEDERAL PRESCHOOL DEVELOPMENT EXPANSION GRANT PURSUANT TO THE AMERICAN
18 RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA), SECTIONS 14005, 14006, AND
19 14013, TITLE XIV, (PUBLIC LAW 112-10), AS AMENDED BY SECTION 1832(B) OF
20 DIVISION B OF THE DEPARTMENT OF DEFENSE AND FULL-YEAR CONTINUING APPRO-
21 PRIATIONS ACT, 2011 (PUB. L. 112-10), AND THE DEPARTMENT OF EDUCATION
22 APPROPRIATIONS ACT, 2012 (TITLE III DIVISION F OF PUB. L. 112-74, THE
23 CONSOLIDATED APPROPRIATIONS ACT, 2012);

24 (C) "EXPANDED PREKINDERGARTEN PROGRAM" SHALL MEAN THE EXPANDED PREKIN-
25 DERGARTEN PROGRAM FOR THREE- AND FOUR YEAR-OLDS PURSUANT TO CHAPTER
26 SIXTY-ONE OF THE LAWS OF TWO THOUSAND FIFTEEN;

27 (D) "EXPANDED PREKINDERGARTEN FOR THREE-YEAR-OLDS" SHALL MEAN THE
28 EXPANDED PREKINDERGARTEN FOR THREE-YEAR-OLDS IN HIGH NEED DISTRICTS
29 PROGRAM PURSUANT TO CHAPTER FIFTY-THREE OF THE LAWS OF TWO THOUSAND
30 SIXTEEN;

31 (E) "EXPANDED PREKINDERGARTEN PROGRAM FOR THREE- AND FOUR-YEAR-OLDS"
32 SHALL MEAN THE EXPANDED PREKINDERGARTEN PROGRAM FOR THREE- AND
33 FOUR-YEAR-OLDS PURSUANT TO A CHAPTER OF THE LAWS OF TWO THOUSAND SEVEN-
34 TEEN;

35 (F) "PREKINDERGARTEN EXPANSION GRANT" SHALL MEAN THE PREKINDERGARTEN
36 EXPANSION GRANT FOR THE TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN
37 SCHOOL YEAR AND THEREAFTER, TO THE EXTENT SUCH PROGRAM WAS AVAILABLE
38 SUBJECT TO APPROPRIATION, AND PROVIDED THAT SUCH SCHOOL DISTRICT HAS MET
39 ALL REQUIREMENTS PURSUANT TO THIS SECTION.

40 c. Notwithstanding any other provision of this section, the total
41 grant payable pursuant to this section shall equal the lesser of: (i)
42 the total grant amounts computed pursuant to this subdivision for the
43 current year, based on data on file with the commissioner as of Septem-
44 ber first of the school year immediately following or (ii) the total
45 actual grant expenditures incurred by the school district as approved by
46 the commissioner.

47 D. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, APPORTIONMENTS
48 UNDER THIS SECTION GREATER THAN THE AMOUNTS PROVIDED IN THE TWO THOUSAND
49 SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR SHALL ONLY BE USED TO
50 SUPPLEMENT AND NOT SUPPLANT CURRENT LOCAL EXPENDITURES OF STATE OR LOCAL
51 FUNDS ON PREKINDERGARTEN PROGRAMS AND THE NUMBER OF SLOTS IN SUCH
52 PROGRAMS FROM SUCH SOURCES. CURRENT LOCAL EXPENDITURES SHALL INCLUDE ANY
53 LOCAL EXPENDITURES OF STATE OR LOCAL FUNDS USED TO SUPPLEMENT OR EXTEND
54 SERVICES PROVIDED DIRECTLY OR VIA CONTRACT TO ELIGIBLE CHILDREN ENROLLED
55 IN A UNIVERSAL PREKINDERGARTEN PROGRAM PURSUANT TO THIS SECTION.

1 S 27. Subdivision 11 of section 3602-e of the education law, as
2 amended by section 10-b of part A of chapter 57 of the laws of 2012, is
3 amended to read as follows:

4 11. [Notwithstanding the provisions of subdivision ten of this
5 section, where the district serves fewer children during the current
6 year than the lesser of the children served in the two thousand ten--two
7 thousand eleven school year or its base aidable prekindergarten pupils
8 computed for the two thousand seven--two thousand eight school year, the
9 school district shall have its apportionment reduced in an amount
10 proportional to such deficiency in the current year or in the succeeding
11 school year, as determined by the commissioner, except such reduction
12 shall not apply to school districts which have fully implemented a
13 universal pre-kindergarten program by making such program available to
14 all eligible children. Expenses incurred by the school district in
15 implementing a pre-kindergarten program plan pursuant to this subdivi-
16 sion shall be deemed ordinary contingent expenses.] MAINTENANCE OF
17 EFFORT REDUCTION. WHERE A SCHOOL DISTRICT'S CURRENT YEAR PREKINDERGARTEN
18 PUPILS SERVED IS LESS THAN ITS PREKINDERGARTEN MAINTENANCE OF EFFORT
19 BASE, THE SCHOOL DISTRICT SHALL HAVE ITS CURRENT YEAR APPORTIONMENT
20 REDUCED BY THE PRODUCT OF THE MAINTENANCE OF EFFORT FACTOR COMPUTED IN
21 PARAGRAPH B OF SUBDIVISION TEN OF THIS SECTION MULTIPLIED BY THE GRANT
22 AMOUNT IT WAS ELIGIBLE TO RECEIVE PURSUANT TO SUBDIVISION TEN OF THIS
23 SECTION.

24 S 28. Paragraphs b and f of subdivision 12 of section 3602-e of the
25 education law, as amended by section 19 of part B of chapter 57 of the
26 laws of 2007, are amended to read as follows:

27 b. [minimum] curriculum standards [that] CONSISTENT WITH THE NEW YORK
28 STATE PREKINDERGARTEN EARLY LEARNING STANDARDS TO ensure that such
29 programs have strong instructional content that is integrated with the
30 school district's instructional program in grades kindergarten [though]
31 THROUGH twelve;

32 f. time requirements which reflect the needs of the individual school
33 districts for flexibility, but meeting a minimum weekly time require-
34 ment; PROVIDED, HOWEVER, THAT THE MINIMUM WEEKLY TIME REQUIREMENT FOR
35 FULL-DAY PROGRAMS SHALL BE TWENTY-FIVE HOURS, AND THE WEEKLY MINIMUM
36 TIME REQUIREMENT FOR HALF-DAY PROGRAMS SHALL BE TWELVE AND ONE-HALF
37 HOURS;

38 S 28-a. Paragraphs d-1 and d-2 of subdivision 12 of section 3602-e of
39 the education law, as amended by section 10-c of part A of chapter 57 of
40 the laws of 2012, are amended to read as follows:

41 d-1. guidelines which allow personnel employed by an eligible agency
42 that is collaborating with a school district to provide prekindergarten
43 services and licensed by an agency other than the department, to meet
44 the staff qualifications prescribed by the licensing or registering
45 agency; provided however, a written plan is established for prekinde-
46 rgarten teachers to obtain a certificate valid for service in early
47 childhood grades within five years after commencing employment, or by
48 June thirtieth, two thousand [seventeen] TWENTY, whichever is later,
49 PROVIDED THAT DISTRICTS MUST SUBMIT A REPORT TO THE COMMISSIONER REGARD-
50 ING (I) BARRIERS TO CERTIFICATION, IF ANY, (II) THE NUMBER OF UNCERTI-
51 FIED TEACHERS TEACHING PRE-KINDERGARTEN IN THE DISTRICT, INCLUDING THOSE
52 EMPLOYED BY A COMMUNITY-BASED ORGANIZATION, (III) HOW LONG SUCH TEACHERS
53 HAVE BEEN EMPLOYED UNDER TRANSITIONAL GUIDELINES, AND (IV) THE EXPECTED
54 CERTIFICATION COMPLETION DATE OF SUCH TEACHERS; PROVIDED FURTHER THAT BY
55 FEBRUARY FIRST, TWO THOUSAND EIGHTEEN, THE COMMISSIONER SHALL APPROVE
56 AND SUBMIT TO THE CHAIRS OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND

1 THE SENATE FINANCE COMMITTEE AND TO THE DIRECTOR OF THE BUDGET A REPORT
2 CONTAINING THE INFORMATION PURSUANT TO THIS PARAGRAPH;

3 d-2. guidelines which allow personnel employed by an eligible agency
4 that is collaborating with a school district to provide prekindergarten
5 services and not licensed or registered by the department or other agen-
6 cy, to meet the staff qualifications prescribed by such eligible agency;
7 provided however, a written plan is established for prekindergarten
8 teachers to obtain a certificate valid for service in early childhood
9 grades within five years after commencing employment, or by June thirti-
10 eth, two thousand [seventeen] TWENTY, whichever is later, PROVIDED THAT
11 DISTRICTS MUST SUBMIT A REPORT TO THE COMMISSIONER REGARDING (I) BARRI-
12 ERS TO CERTIFICATION, IF ANY, (II) THE NUMBER OF UNCERTIFIED TEACHERS
13 TEACHING PRE-KINDERGARTEN IN THE DISTRICT, INCLUDING THOSE EMPLOYED BY A
14 COMMUNITY-BASED ORGANIZATION, (III) HOW LONG SUCH TEACHERS HAVE BEEN
15 EMPLOYED UNDER TRANSITIONAL GUIDELINES, AND (IV) THE EXPECTED CERTIF-
16 ICATION COMPLETION DATE OF SUCH TEACHERS; PROVIDED FURTHER THAT BY
17 FEBRUARY FIRST, TWO THOUSAND EIGHTEEN, THE COMMISSIONER SHALL APPROVE
18 AND SUBMIT TO THE CHAIRS OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND
19 THE SENATE FINANCE COMMITTEE AND TO THE DIRECTOR OF THE BUDGET A REPORT
20 CONTAINING THE INFORMATION PURSUANT TO THIS PARAGRAPH;

21 S 28-b. Subdivision 4 of section 51 of part B of chapter 57 of the
22 laws of 2008 amending the education law relating to the universal pre-
23 kindergarten program, as amended by section 23 of part A of chapter 57
24 of the laws of 2012, is amended to read as follows:

25 4. section [23] TWENTY-THREE of this act shall take effect July 1,
26 2008 and shall expire and be deemed repealed June 30, [2017] 2020;

27 S 29. Subdivision 14 of section 3602-e of the education law, as
28 amended by section 19 of part B of chapter 57 of the laws of 2007, is
29 amended to read as follows:

30 14. On February fifteenth, two thousand, and annually thereafter, the
31 commissioner and the board of regents shall include in its annual report
32 to the legislature AND THE GOVERNOR, information on school districts
33 receiving grants under this section; the amount of each grant; a
34 description of the program that each grant supports and an assessment by
35 the commissioner of the extent to which the program meets measurable
36 outcomes required by the grant program or regulations of such commis-
37 sioner; and any other relevant information, WHICH SHALL INCLUDE BUT NOT
38 BE LIMITED TO THE FOLLOWING:

39 A. (I) THE TOTAL NUMBER OF STUDENTS SERVED IN STATE-FUNDED
40 DISTRICT-OPERATED PREKINDERGARTEN PROGRAMS, (II) THE TOTAL NUMBER OF
41 STUDENTS SERVED IN STATE-FUNDED COMMUNITY-BASED PREKINDERGARTEN
42 PROGRAMS, (III) THE TOTAL NUMBER OF STUDENTS SERVED IN STATE-FUNDED
43 HALF-DAY PREKINDERGARTEN PROGRAMS, AND (IV) THE TOTAL NUMBER OF STUDENTS
44 SERVED IN STATE-FUNDED FULL-DAY PREKINDERGARTEN PROGRAMS;

45 B. (I) THE TOTAL NUMBER OF STUDENTS SERVED IN STATE, FEDERAL AND
46 LOCALLY FUNDED DISTRICT-OPERATED PREKINDERGARTEN PROGRAMS, (II) THE
47 TOTAL NUMBER OF STUDENTS SERVED IN STATE, FEDERAL AND LOCALLY FUNDED
48 COMMUNITY-BASED PREKINDERGARTEN PROGRAMS, (III) THE TOTAL NUMBER OF
49 STUDENTS SERVED IN STATE, FEDERAL AND LOCALLY FUNDED HALF-DAY PREKINDER-
50 GARTEN PROGRAMS, AND (IV) THE TOTAL NUMBER OF STUDENTS SERVED IN STATE,
51 FEDERAL AND LOCALLY FUNDED FULL-DAY PREKINDERGARTEN PROGRAMS;

52 C. THE TOTAL SPENDING ON PREKINDERGARTEN PROGRAMS FROM STATE, FEDERAL,
53 AND LOCAL SOURCES;

54 D. THE TOTAL NUMBER OF STUDENTS ON A DISTRICT WAIT LIST FOR A PREKIN-
55 DERGARTEN SLOT IN A STATE-FUNDED PREKINDERGARTEN PROGRAM; AND

1 E. FOR EACH PROGRAM DESCRIBED IN SUBPARAGRAPHS (I), (II), (III) AND
2 (IV) OF PARAGRAPH A OF THIS SUBDIVISION, AND SUBPARAGRAPHS (I), (II),
3 (III) AND (IV) OF PARAGRAPH B OF THIS SUBDIVISION, THE TOTAL NUMBER OF
4 STUDENTS SERVED WITH DISABILITIES THAT HAVE AN INDIVIDUALIZED EDUCATION
5 PLAN AND, OF THOSE, THE TOTAL NUMBER OF STUDENTS REQUIRING ANY OF THE
6 FOLLOWING APPROVED SERVICES: SPECIAL EDUCATION ITINERANT SERVICES;
7 SPECIAL CLASS IN AN INTEGRATED SETTING; OR A SPECIAL CLASS. Such report
8 shall also contain any recommendations to improve or otherwise change
9 the program.

10 S 30. Section 3602-e of the education law is amended by adding two new
11 subdivisions 17 and 18 to read as follows:

12 17. APPROVED QUALITY INDICATORS. A SCHOOL DISTRICT RECEIVING FUNDING
13 PURSUANT TO THIS SECTION SHALL AGREE TO ADOPT APPROVED QUALITY INDICA-
14 TORS WITHIN TWO YEARS, INCLUDING, BUT NOT LIMITED TO, VALID AND RELIABLE
15 MEASURES OF ENVIRONMENTAL QUALITY, THE QUALITY OF TEACHER-STUDENT INTER-
16 ACTIONS AND CHILD OUTCOMES, AND ENSURE THAT ANY SUCH ASSESSMENT OF CHILD
17 OUTCOMES SHALL NOT BE USED TO MAKE HIGH-STAKES EDUCATIONAL DECISIONS FOR
18 INDIVIDUAL CHILDREN.

19 18. UNIVERSAL PREKINDERGARTEN EXPANSION GRANTS. SUBJECT TO AVAILABLE
20 APPROPRIATION, ANY ADDITIONAL FUNDING FOR PRE-KINDERGARTEN IN THE TWO
21 THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN SCHOOL YEAR AND THEREAFTER
22 SHALL BE MADE AVAILABLE FOR ADDITIONAL GRANTS FOR PRE-KINDERGARTEN
23 PROGRAMS.

24 S 31. Subdivision 16 of section 3602-ee of the education law, as
25 amended by section 23 of part A of chapter 54 of the laws of 2016, is
26 amended to read as follows:

27 16. The authority of the department to administer the universal full-
28 day pre-kindergarten program shall expire June thirtieth, two thousand
29 [seventeen] EIGHTEEN; provided that the program shall continue and
30 remain in full effect.

31 S 31-a. Paragraph (c) of subdivision 8 of section 3602-ee of the
32 education law, as added by section 1 of part CC of chapter 56 of the
33 laws of 2014, is amended to read as follows:

34 (c) (I) for eligible agencies as defined in paragraph b of subdivision
35 one of section thirty-six hundred two-e of this part that are not
36 schools, a bachelor's degree in early childhood education or a related
37 field and a written plan to obtain a certification valid for service in
38 the early childhood grades as follows:

39 [(i)] (1) for teachers hired on or after the effective date of this
40 section as the teacher for a universal full-day pre-kindergarten class-
41 room, within three years after commencing employment, at which time such
42 certification shall be required for employment; and

43 [(ii)] (2) for teachers hired by such provider prior to the effective
44 date of this section for other early childhood care and education
45 programs, no later than June thirtieth, two thousand seventeen, at which
46 time such certification shall be required for employment.

47 (II) PROVIDED THAT, NOTWITHSTANDING ANY PROVISIONS OF THIS PARAGRAPH
48 TO THE CONTRARY, FOR THE TWO THOUSAND SEVENTEEN-TWO THOUSAND EIGHTEEN
49 SCHOOL YEAR, AN EXEMPTION TO THE CERTIFICATION REQUIREMENT OF SUBPARA-
50 GRAPH (I) OF THIS PARAGRAPH MAY BE MADE FOR A TEACHER WITHOUT CERTIF-
51 ICATION VALID FOR SERVICE IN THE EARLY CHILDHOOD GRADES WHO POSSESSES A
52 WRITTEN PLAN TO OBTAIN CERTIFICATION AND WHO HAS REGISTERED IN THE
53 ASPIRE WORKFORCE REGISTRY AS REQUIRED UNDER REGULATIONS OF THE COMMIS-
54 SIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. NOTWITHSTANDING
55 ANY EXEMPTION PROVIDED BY THIS SUBPARAGRAPH, CERTIFICATION SHALL BE

1 REQUIRED FOR EMPLOYMENT NO LATER THAN JUNE THIRTIETH, TWO THOUSAND EIGH-
2 TEEN.

3 S 31-b. Section 3602-ee of the education law is amended by adding a
4 new subdivision 17 to read as follows:

5 17. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW TO THE CONTRARY,
6 FOR THE PURPOSES OF DETERMINING THE PREKINDERGARTEN ALLOCATION ON THE
7 ELECTRONIC DATA FILE PREPARED BY THE COMMISSIONER PURSUANT TO SUBDIVI-
8 SION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER FOR THE
9 TWO THOUSAND NINETEEN--TWO THOUSAND TWENTY SCHOOL YEAR AND THEREAFTER,
10 THE COMMISSIONER IS DIRECTED TO INCLUDE THE GRANT AMOUNTS AWARDED PURSU-
11 ANT TO THIS SECTION IN THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS
12 "UNIVERSAL PRE-KINDERGARTEN."

13 S 32. Subdivision 21 of section 305 of the education law is amended by
14 adding a new paragraph d to read as follows:

15 D. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW TO THE CONTRARY,
16 FOR THE PURPOSES OF (I) DETERMINING THE BASE YEAR LEVEL OF GENERAL
17 SUPPORT FOR PUBLIC SCHOOLS PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION
18 FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR AND
19 THEREAFTER, THE COMMISSIONER IS DIRECTED TO INCLUDE THE STATE-FUNDED
20 GRANT AMOUNTS ALLOCATED PURSUANT TO SUBDIVISION TEN OF SECTION
21 THIRTY-SIX HUNDRED TWO-E OF THIS CHAPTER WHERE SUCH STATE-FUNDED GRANTS
22 HAD PREVIOUSLY BEEN ALLOCATED TO DISTRICTS BY MEANS OTHER THAN GENERAL
23 SUPPORT FOR PUBLIC SCHOOLS, AND (II) FOR THE PURPOSES OF DETERMINING
24 BOTH THE BASE YEAR AND CURRENT YEAR LEVELS OF GENERAL SUPPORT FOR PUBLIC
25 SCHOOLS PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION FOR THE TWO THOUSAND
26 NINETEEN--TWO THOUSAND TWENTY SCHOOL YEAR AND THEREAFTER, THE COMMIS-
27 SIONER IS ALSO DIRECTED TO INCLUDE GRANT AMOUNTS PURSUANT TO SECTION
28 THIRTY-SIX HUNDRED TWO-EE OF THIS CHAPTER, PROVIDED THAT, NOTWITHSTAND-
29 ING ANY PROVISION OF LAW TO THE CONTRARY, SUCH BASE YEAR GRANT AMOUNTS
30 SHALL NOT BE INCLUDED IN: (1) THE ALLOWABLE GROWTH AMOUNT COMPUTED
31 PURSUANT TO PARAGRAPH DD OF SUBDIVISION ONE OF SECTION THIRTY-SIX
32 HUNDRED TWO OF THIS CHAPTER, (2) THE PRELIMINARY GROWTH AMOUNT COMPUTED
33 PURSUANT TO PARAGRAPH FF OF SUBDIVISION ONE OF SECTION THIRTY-SIX
34 HUNDRED TWO OF THIS CHAPTER, AND (3) THE ALLOCABLE GROWTH AMOUNT
35 COMPUTED PURSUANT TO PARAGRAPH GG OF SUBDIVISION ONE OF SECTION THIRTY-
36 SIX HUNDRED TWO OF THIS CHAPTER, AND SHALL NOT BE CONSIDERED, AND SHALL
37 NOT BE AVAILABLE FOR INTERCHANGE WITH, GENERAL SUPPORT FOR PUBLIC
38 SCHOOLS.

39 S 33. The opening paragraph of section 3609-a of the education law, as
40 amended by section 10 of part A of chapter 54 of the laws of 2016, is
41 amended to read as follows:

42 For aid payable in the two thousand seven--two thousand eight school
43 year through the two thousand [sixteen] SEVENTEEN--two thousand [seven-
44 teen] EIGHTEEN school year, "moneys apportioned" shall mean the lesser
45 of (i) the sum of one hundred percent of the respective amount set forth
46 for each school district as payable pursuant to this section in the
47 school aid computer listing for the current year produced by the commis-
48 sioner in support of the budget which includes the appropriation for the
49 general support for public schools for the prescribed payments and indi-
50 vidualized payments due prior to April first for the current year plus
51 the apportionment payable during the current school year pursuant to
52 subdivision six-a and subdivision fifteen of section thirty-six hundred
53 two of this part minus any reductions to current year aids pursuant to
54 subdivision seven of section thirty-six hundred four of this part or any
55 deduction from apportionment payable pursuant to this chapter for
56 collection of a school district basic contribution as defined in subdi-

1 vision eight of section forty-four hundred one of this chapter, less any
2 grants provided pursuant to subparagraph two-a of paragraph b of subdi-
3 vision four of section ninety-two-c of the state finance law, less any
4 grants provided pursuant to subdivision six of section ninety-seven-nnnn
5 of the state finance law, less any grants provided pursuant to subdivi-
6 sion twelve of section thirty-six hundred forty-one of this article, or
7 (ii) the apportionment calculated by the commissioner based on data on
8 file at the time the payment is processed; provided however, that for
9 the purposes of any payments made pursuant to this section prior to the
10 first business day of June of the current year, moneys apportioned shall
11 not include any aids payable pursuant to subdivisions six and fourteen,
12 if applicable, of section thirty-six hundred two of this part as current
13 year aid for debt service on bond anticipation notes and/or bonds first
14 issued in the current year or any aids payable for full-day kindergarten
15 for the current year pursuant to subdivision nine of section thirty-six
16 hundred two of this part. The definitions of "base year" and "current
17 year" as set forth in subdivision one of section thirty-six hundred two
18 of this part shall apply to this section. [For aid payable in the two
19 thousand sixteen--two thousand seventeen school year, reference to such
20 "school aid computer listing for the current year" shall mean the print-
21 outs entitled "SA161-7".] FOR AID PAYABLE IN THE TWO THOUSAND SEVEN-
22 TEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR, REFERENCE TO SUCH "SCHOOL AID
23 COMPUTER LISTING FOR THE CURRENT YEAR" SHALL MEAN THE PRINTOUTS ENTITLED
24 "SA171-8".

25 S 34. Paragraph b of subdivision 2 of section 3612 of the education
26 law, as amended by section 26 of part A of chapter 54 of the laws of
27 2016, is amended to read as follows:

28 b. Such grants shall be awarded to school districts, within the limits
29 of funds appropriated therefor, through a competitive process that takes
30 into consideration the magnitude of any shortage of teachers in the
31 school district, the number of teachers employed in the school district
32 who hold temporary licenses to teach in the public schools of the state,
33 the number of provisionally certified teachers, the fiscal capacity and
34 geographic sparsity of the district, the number of new teachers the
35 school district intends to hire in the coming school year and the number
36 of summer in the city student internships proposed by an eligible school
37 district, if applicable. Grants provided pursuant to this section shall
38 be used only for the purposes enumerated in this section. Notwithstand-
39 ing any other provision of law to the contrary, a city school district
40 in a city having a population of one million or more inhabitants receiv-
41 ing a grant pursuant to this section may use no more than eighty percent
42 of such grant funds for any recruitment, retention and certification
43 costs associated with transitional certification of teacher candidates
44 for the school years two thousand one--two thousand two through [two
45 thousand sixteen--two thousand seventeen] TWO THOUSAND SEVENTEEN--TWO
46 THOUSAND EIGHTEEN.

47 S 35. Subdivision 6 of section 4402 of the education law, as amended
48 by section 27 of part A of chapter 54 of the laws of 2016, is amended to
49 read as follows:

50 6. Notwithstanding any other law, rule or regulation to the contrary,
51 the board of education of a city school district with a population of
52 one hundred twenty-five thousand or more inhabitants shall be permitted
53 to establish maximum class sizes for special classes for certain
54 students with disabilities in accordance with the provisions of this
55 subdivision. For the purpose of obtaining relief from any adverse fiscal
56 impact from under-utilization of special education resources due to low

1 student attendance in special education classes at the middle and
2 secondary level as determined by the commissioner, such boards of educa-
3 tion shall, during the school years nineteen hundred ninety-five--nine-
4 ty-six through June thirtieth, two thousand [seventeen] EIGHTEEN of the
5 [two thousand sixteen--two thousand seventeen] TWO THOUSAND
6 SEVENTEEN--TWO THOUSAND EIGHTEEN school year, be authorized to increase
7 class sizes in special classes containing students with disabilities
8 whose age ranges are equivalent to those of students in middle and
9 secondary schools as defined by the commissioner for purposes of this
10 section by up to but not to exceed one and two tenths times the applica-
11 ble maximum class size specified in regulations of the commissioner
12 rounded up to the nearest whole number, provided that in a city school
13 district having a population of one million or more, classes that have a
14 maximum class size of fifteen may be increased by no more than one
15 student and provided that the projected average class size shall not
16 exceed the maximum specified in the applicable regulation, provided that
17 such authorization shall terminate on June thirtieth, two thousand. Such
18 authorization shall be granted upon filing of a notice by such a board
19 of education with the commissioner stating the board's intention to
20 increase such class sizes and a certification that the board will
21 conduct a study of attendance problems at the secondary level and will
22 implement a corrective action plan to increase the rate of attendance of
23 students in such classes to at least the rate for students attending
24 regular education classes in secondary schools of the district. Such
25 corrective action plan shall be submitted for approval by the commis-
26 sioner by a date during the school year in which such board increases
27 class sizes as provided pursuant to this subdivision to be prescribed by
28 the commissioner. Upon at least thirty days notice to the board of
29 education, after conclusion of the school year in which such board
30 increases class sizes as provided pursuant to this subdivision, the
31 commissioner shall be authorized to terminate such authorization upon a
32 finding that the board has failed to develop or implement an approved
33 corrective action plan.

34 S 36. Hendrick Hudson central school district energy system tax
35 stabilization reserve fund. (a) Definitions. As used in this section:

36 (i) "Board of education" or "board" means the board of education of
37 the Hendrick Hudson central school district.

38 (ii) "Energy system tax stabilization reserve fund" means the energy
39 system tax stabilization fund established pursuant to this section.

40 (iii) "School district" or "district" means the Hendrick Hudson
41 central school district.

42 (b) The board of education is hereby authorized to establish an energy
43 system tax stabilization reserve fund to lessen or prevent increases in
44 the school district's real property tax levy resulting from decreases in
45 revenue due to the closure of the Indian Point nuclear power plant
46 provided, however, that no such fund shall be established unless
47 approved by a majority vote of the voters present and voting on a sepa-
48 rate ballot proposition therefor at either a special district meeting
49 which the board of education may call for such purpose or at the annual
50 district meeting and election, to be noticed and conducted in either
51 case in accordance with article 41 of the education law. Such separate
52 proposition shall set forth the maximum allowable balance to be deposit-
53 ed and held in the energy system tax stabilization reserve fund. Moneys
54 shall be paid into and withdrawn from the fund and the fund shall be
55 administered as follows:

1 (i) The board of education is hereby authorized to make payments into
2 the energy system tax stabilization reserve fund in an amount not to
3 exceed the balance over any maximum allowable balance in the district's
4 unassigned fund balance and from any reserve funds authorized or
5 required by law in amounts which the board of education shall determine
6 are not reasonably necessary for the purpose of such fund or funds and
7 which accrued prior to the establishment of the energy system tax
8 stabilization reserve fund, provided that no such payment from any unas-
9 signed fund balance or any reserve fund shall cause the balance of the
10 energy system tax stabilization reserve fund to exceed the amount
11 approved in the ballot proposal pursuant to this section.

12 (ii) Moneys may be withdrawn from the energy system tax stabilization
13 reserve fund for any fiscal year to be expended for any lawful purpose.
14 Withdrawals from the fund shall be disclosed in a manner consistent with
15 the required disclosures of similar reserve funds held by the district,
16 including disclosures required by the property tax report card prepared
17 by the district pursuant to the provisions of subdivision 7 of section
18 1716 of the education law; and deposits and withdrawals made in each
19 fiscal year shall be subject to the district's annual budget approval
20 process.

21 S 37. Subparagraph (i) of paragraph a of subdivision 10 of section
22 4410 of the education law is amended by adding a new clause (D) to read
23 as follows:

24 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
25 THE CONTRARY, COMMENCING WITH THE TWO THOUSAND EIGHTEEN--TWO THOUSAND
26 NINETEEN SCHOOL YEAR, APPROVED PRESCHOOL INTEGRATED SPECIAL CLASS
27 PROGRAMS SHALL BE REIMBURSED FOR SUCH SERVICES BASED ON AN ALTERNATIVE
28 METHODOLOGY FOR REIMBURSEMENT TO BE ESTABLISHED BY THE COMMISSIONER. IN
29 DEVELOPING SUCH METHODOLOGY THE COMMISSIONER SHALL SEEK INPUT FROM
30 STAKEHOLDERS THAT WOULD BE IMPACTED BY SUCH ALTERNATIVE METHODOLOGY.
31 THE ALTERNATIVE METHODOLOGY, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF
32 THE BUDGET, SHALL BE PROPOSED BY THE DEPARTMENT NO LATER THAN APRIL
33 FIRST, TWO THOUSAND EIGHTEEN.

34 S 38. Subdivision a of section 5 of chapter 121 of the laws of 1996,
35 relating to authorizing the Roosevelt union free school district to
36 finance deficits by the issuance of serial bonds, as amended by section
37 44 of part A of chapter 54 of the laws of 2016, is amended to read as
38 follows:

39 a. Notwithstanding any other provisions of law, upon application to
40 the commissioner of education submitted not sooner than April first and
41 not later than June thirtieth of the applicable school year, the Roose-
42 velt union free school district shall be eligible to receive an appor-
43 tionment pursuant to this chapter for salary expenses, including related
44 benefits, incurred between April first and June thirtieth of such school
45 year. Such apportionment shall not exceed: for the 1996-97 school year
46 through the [2016-17] 2017-18 school year, four million dollars
47 (\$4,000,000); for the [2017-18] 2018-19 school year, three million
48 dollars (\$3,000,000); for the [2018-19] 2019-20 school year, two million
49 dollars (\$2,000,000); for the [2019-20] 2020-21 school year, one million
50 dollars (\$1,000,000); and for the [2020-21] 2021-22 school year, zero
51 dollars. Such annual application shall be made after the board of
52 education has adopted a resolution to do so with the approval of the
53 commissioner of education.

54 S 39. Subparagraph (ii) of paragraph (a) of subdivision 9 of section
55 103 of the general municipal law, as amended by chapter 62 of the laws
56 of 2016, is amended to read as follows:

1 (ii) such association of producers or growers is comprised of owners
2 of farms who also operate such farms and have combined to fill the order
3 of a school district, and where such order is for [twenty-five thousand]
4 FIFTY THOUSAND dollars or less as herein authorized, provided however,
5 that a school district may apply to the commissioner of education for
6 permission to purchase orders of more than [twenty-five thousand] FIFTY
7 THOUSAND dollars from an association of owners of such farms when no
8 other producers or growers have offered to sell to such school;

9 S 40. Section 7 of chapter 472 of the laws of 1998, amending the
10 education law relating to the lease of school buses by school districts,
11 as amended by section 18 of part A of chapter 56 of the laws of 2015, is
12 amended to read as follows:

13 S 7. This act shall take effect September 1, 1998, and shall expire
14 and be deemed repealed September 1, [2017] 2019.

15 S 41. Subdivision 6-a of section 140 of chapter 82 of the laws of
16 1995, amending the education law and certain other laws relating to
17 state aid to school districts and the appropriation of funds for the
18 support of government, as amended by section 17-a of part A of chapter
19 57 of the laws of 2012, is amended to read as follows:

20 (6-a) Section seventy-three of this act shall take effect July 1, 1995
21 and shall be deemed repealed June 30, [2017] 2022;

22 S 42. Intentionally omitted.

23 S 43. Intentionally omitted.

24 S 44. Subdivision b of section 2 of chapter 756 of the laws of 1992,
25 relating to funding a program for work force education conducted by the
26 consortium for worker education in New York city, as amended by section
27 28 of part A of chapter 54 of the laws of 2016, is amended to read as
28 follows:

29 b. Reimbursement for programs approved in accordance with subdivision
30 a of this section for [the 2012--2013 school year shall not exceed 63.3
31 percent of the lesser of such approvable costs per contact hour or
32 twelve dollars and thirty-five cents per contact hour, reimbursement for
33 the 2013--2014 school year shall not exceed 62.3 percent of the lesser
34 of such approvable costs per contact hour or twelve dollars and sixty-
35 five cents per contact hour, reimbursement for the 2014--2015 school
36 year shall not exceed 61.6 percent of the lesser of such approvable
37 costs per contact hour or thirteen dollars per contact hour, reimburse-
38 ment for] the 2015--2016 school year shall not exceed 60.7 percent of
39 the lesser of such approvable costs per contact hour or thirteen dollars
40 and forty cents per contact hour, [and] reimbursement for the 2016--2017
41 school year shall not exceed 60.3 percent of the lesser of such approva-
42 ble costs per contact hour or thirteen dollars ninety cents per contact
43 hour, AND REIMBURSEMENT FOR THE 2017--2018 SCHOOL YEAR SHALL NOT EXCEED
44 60.4 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR
45 THIRTEEN DOLLARS AND NINETY CENTS PER CONTACT HOUR, where a contact hour
46 represents sixty minutes of instruction services provided to an eligible
47 adult. Notwithstanding any other provision of law to the contrary, [for
48 the 2012--2013 school year such contact hours shall not exceed one
49 million six hundred sixty-four thousand five hundred thirty-two
50 (1,664,532) hours; whereas for the 2013--2014 school year such contact
51 hours shall not exceed one million six hundred forty-nine thousand seven
52 hundred forty-six (1,649,746) hours; whereas for the 2014--2015 school
53 year such contact hours shall not exceed one million six hundred twen-
54 ty-five thousand (1,625,000) hours; whereas] for the 2015--2016 school
55 year such contact hours shall not exceed one million five hundred nine-
56 ty-nine thousand fifteen (1,599,015) hours; whereas for the 2016--2017

1 school year such contact hours shall not exceed one million five hundred
2 fifty-one thousand three hundred twelve (1,551,312); AND FOR THE
3 2017--2018 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION
4 FIVE HUNDRED FORTY-NINE THOUSAND FOUR HUNDRED SIXTY-THREE (1,549,463).
5 Notwithstanding any other provision of law to the contrary, the appor-
6 tionment calculated for the city school district of the city of New York
7 pursuant to subdivision 11 of section 3602 of the education law shall be
8 computed as if such contact hours provided by the consortium for worker
9 education, not to exceed the contact hours set forth herein, were eligi-
10 ble for aid in accordance with the provisions of such subdivision 11 of
11 section 3602 of the education law.

12 S 45. Section 4 of chapter 756 of the laws of 1992, relating to fund-
13 ing a program for work force education conducted by the consortium for
14 worker education in New York city, is amended by adding a new subdivi-
15 sion v to read as follows:

16 V. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE
17 COMPLETION OF PAYMENTS FOR THE 2017--2018 SCHOOL YEAR. NOTWITHSTANDING
18 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL
19 WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE
20 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE
21 COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED
22 TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT
23 AND SHALL NOT EXCEED THIRTEEN MILLION DOLLARS (\$13,000,000).

24 S 46. Section 6 of chapter 756 of the laws of 1992, relating to fund-
25 ing a program for work force education conducted by the consortium for
26 worker education in New York city, as amended by section 30 of part A of
27 chapter 54 of the laws of 2016, is amended to read as follows:

28 S 6. This act shall take effect July 1, 1992, and shall be deemed
29 repealed on June 30, [2017] 2018.

30 S 47. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
31 of 1995, amending the education law and certain other laws relating to
32 state aid to school districts and the appropriation of funds for the
33 support of government, as amended by section 33 of part A of chapter 54
34 of the laws of 2016, are amended to read as follows:

35 (22) sections one hundred twelve, one hundred thirteen, one hundred
36 fourteen, one hundred fifteen and one hundred sixteen of this act shall
37 take effect on July 1, 1995; provided, however, that section one hundred
38 thirteen of this act shall remain in full force and effect until July 1,
39 [2017] 2018 at which time it shall be deemed repealed;

40 (24) sections one hundred eighteen through one hundred thirty of this
41 act shall be deemed to have been in full force and effect on and after
42 July 1, 1995; provided further, however, that the amendments made pursu-
43 ant to section one hundred twenty-four of this act shall be deemed to be
44 repealed on and after July 1, [2017] 2018;

45 S 48. Paragraphs (a-1) and (b) of section 5 of chapter 89 of the laws
46 of 2016 relating to supplementary funding for dedicated programs for
47 public school students in the East Ramapo central school district, are
48 amended to read as follows:

49 (a-1) The East Ramapo central school district shall be eligible to
50 receive reimbursement [from such funds made available] pursuant to
51 [paragraph (a) of] this [section] ACT, SUBJECT TO AVAILABLE APPROPRI-
52 ATION, for its approved expenditures IN THE TWO THOUSAND SIXTEEN--TWO
53 THOUSAND SEVENTEEN SCHOOL YEAR AND THEREAFTER on services to improve and
54 enhance the educational opportunities of students attending the public
55 schools in such district. Such services shall include, but not be limit-
56 ed to, reducing class sizes, expanding academic and enrichment opportu-

1 nities, establishing and expanding kindergarten programs, expanding
2 extracurricular opportunities and providing student support services,
3 provided, however, transportation services and expenses shall not be
4 eligible for reimbursement from such funds.

5 (b) In order to receive such funds, the school district in consulta-
6 tion with the monitor or monitors shall develop a long term strategic
7 academic and fiscal improvement plan within 6 months from the enactment
8 of this act AND SHALL ANNUALLY REVISE SUCH PLAN BY OCTOBER FIRST OF EACH
9 YEAR THEREAFTER. Such plan, INCLUDING SUCH ANNUAL REVISIONS THERETO,
10 shall be submitted to the commissioner for approval and shall include a
11 set of goals with appropriate benchmarks and measurable objectives and
12 identify strategies to address areas where improvements are needed in
13 the district, including but not limited to its financial stability,
14 academic opportunities and outcomes, education of students with disabil-
15 ities, education of English language learners, and shall ensure compli-
16 ance with all applicable state and federal laws and regulations. This
17 improvement plan shall also include a comprehensive expenditure plan
18 that will describe how the funds made available to the district pursuant
19 to this section will be spent IN THE APPLICABLE SCHOOL YEAR. The
20 comprehensive expenditure plan shall ensure that funds supplement, not
21 supplant, expenditures from local, state and federal funds for services
22 provided to public school students, EXCEPT THAT SUCH FUNDS MAY BE USED
23 TO CONTINUE SERVICES FUNDED PURSUANT TO THIS ACT IN PRIOR YEARS. Such
24 expenditure plan shall be developed AND ANNUALLY REVISED in consultation
25 with the monitor or monitors appointed by the commissioner. The board of
26 education of the East Ramapo central school district must ANNUALLY
27 conduct a public hearing on the expenditure plan and shall consider the
28 input of the community before adopting such plan. Such expenditure plan
29 shall also be made publicly available and shall be ANNUALLY submitted
30 along with comments made by the community to the commissioner for
31 approval once the plan is finalized. Upon review of the improvement
32 plan and the expenditure plan, required to be submitted pursuant to this
33 subdivision or section seven of this act, the commissioner shall approve
34 or deny such plan in writing and, if denied, shall include the reasons
35 therefor. The district in consultation with the monitors may resubmit
36 such plan or plans with any needed modifications thereto.

37 S 49. Section 8 of chapter 89 of the laws of 2016 relating to supple-
38 mentary funding for dedicated programs for public school students in the
39 East Ramapo central school district, is amended to read as follows:

40 S 8. This act shall take effect July 1, 2016 and shall expire and be
41 deemed repealed June 30, [2017] 2018.

42 S 50. Section 12 of chapter 147 of the laws of 2001, amending the
43 education law relating to conditional appointment of school district,
44 charter school or BOCES employees, as amended by section 34 of part A of
45 chapter 54 of the laws of 2016, is amended to read as follows:

46 S 12. This act shall take effect on the same date as chapter 180 of
47 the laws of 2000 takes effect, and shall expire July 1, [2017] 2018 when
48 upon such date the provisions of this act shall be deemed repealed.

49 S 51. School bus driver training. In addition to apportionments other-
50 wise provided by section 3602 of the education law, for aid payable in
51 the 2017--2018 school year, the commissioner of education shall allocate
52 school bus driver training grants to school districts and boards of
53 cooperative educational services pursuant to sections 3650-a, 3650-b and
54 3650-c of the education law, or for contracts directly with not-for-pro-
55 fit educational organizations for the purposes of this section. Such

1 payments shall not exceed four hundred thousand dollars (\$400,000) per
2 school year.

3 S 52. Special apportionment for salary expenses. a. Notwithstanding
4 any other provision of law, upon application to the commissioner of
5 education, not sooner than the first day of the second full business
6 week of June 2018 and not later than the last day of the third full
7 business week of June 2018, a school district eligible for an apportion-
8 ment pursuant to section 3602 of the education law shall be eligible to
9 receive an apportionment pursuant to this section, for the school year
10 ending June 30, 2018, for salary expenses incurred between April 1 and
11 June 30, 2017 and such apportionment shall not exceed the sum of (i) the
12 deficit reduction assessment of 1990--1991 as determined by the commis-
13 sioner of education, pursuant to paragraph f of subdivision 1 of section
14 3602 of the education law, as in effect through June 30, 1993, plus (ii)
15 186 percent of such amount for a city school district in a city with a
16 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
17 such amount for a city school district in a city with a population of
18 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
19 ing to the latest federal census, plus (iv) the net gap elimination
20 adjustment for 2010--2011, as determined by the commissioner of educa-
21 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
22 nation adjustment for 2011--2012 as determined by the commissioner of
23 education pursuant to subdivision 17 of section 3602 of the education
24 law, and provided further that such apportionment shall not exceed such
25 salary expenses. Such application shall be made by a school district,
26 after the board of education or trustees have adopted a resolution to do
27 so and in the case of a city school district in a city with a population
28 in excess of 125,000 inhabitants, with the approval of the mayor of such
29 city.

30 b. The claim for an apportionment to be paid to a school district
31 pursuant to subdivision a of this section shall be submitted to the
32 commissioner of education on a form prescribed for such purpose, and
33 shall be payable upon determination by such commissioner that the form
34 has been submitted as prescribed. Such approved amounts shall be paya-
35 ble on the same day in September of the school year following the year
36 in which application was made as funds provided pursuant to subparagraph
37 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
38 law, on the audit and warrant of the state comptroller on vouchers
39 certified or approved by the commissioner of education in the manner
40 prescribed by law from moneys in the state lottery fund and from the
41 general fund to the extent that the amount paid to a school district
42 pursuant to this section exceeds the amount, if any, due such school
43 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
44 section 3609-a of the education law in the school year following the
45 year in which application was made.

46 c. Notwithstanding the provisions of section 3609-a of the education
47 law, an amount equal to the amount paid to a school district pursuant to
48 subdivisions a and b of this section shall first be deducted from the
49 following payments due the school district during the school year
50 following the year in which application was made pursuant to subpara-
51 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
52 section 3609-a of the education law in the following order: the lottery
53 apportionment payable pursuant to subparagraph (2) of such paragraph
54 followed by the fixed fall payments payable pursuant to subparagraph (4)
55 of such paragraph and then followed by the district's payments to the
56 teachers' retirement system pursuant to subparagraph (1) of such para-

1 graph, and any remainder to be deducted from the individualized payments
2 due the district pursuant to paragraph b of such subdivision shall be
3 deducted on a chronological basis starting with the earliest payment due
4 the district.

5 S 53. Special apportionment for public pension accruals. a. Notwith-
6 standing any other provision of law, upon application to the commission-
7 er of education, not later than June 30, 2018, a school district eligi-
8 ble for an apportionment pursuant to section 3602 of the education law
9 shall be eligible to receive an apportionment pursuant to this section,
10 for the school year ending June 30, 2018 and such apportionment shall
11 not exceed the additional accruals required to be made by school
12 districts in the 2004--2005 and 2005--2006 school years associated with
13 changes for such public pension liabilities. The amount of such addi-
14 tional accrual shall be certified to the commissioner of education by
15 the president of the board of education or the trustees or, in the case
16 of a city school district in a city with a population in excess of
17 125,000 inhabitants, the mayor of such city. Such application shall be
18 made by a school district, after the board of education or trustees have
19 adopted a resolution to do so and in the case of a city school district
20 in a city with a population in excess of 125,000 inhabitants, with the
21 approval of the mayor of such city.

22 b. The claim for an apportionment to be paid to a school district
23 pursuant to subdivision a of this section shall be submitted to the
24 commissioner of education on a form prescribed for such purpose, and
25 shall be payable upon determination by such commissioner that the form
26 has been submitted as prescribed. Such approved amounts shall be payable
27 on the same day in September of the school year following the year in
28 which application was made as funds provided pursuant to subparagraph
29 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
30 law, on the audit and warrant of the state comptroller on vouchers
31 certified or approved by the commissioner of education in the manner
32 prescribed by law from moneys in the state lottery fund and from the
33 general fund to the extent that the amount paid to a school district
34 pursuant to this section exceeds the amount, if any, due such school
35 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
36 section 3609-a of the education law in the school year following the
37 year in which application was made.

38 c. Notwithstanding the provisions of section 3609-a of the education
39 law, an amount equal to the amount paid to a school district pursuant to
40 subdivisions a and b of this section shall first be deducted from the
41 following payments due the school district during the school year
42 following the year in which application was made pursuant to subpara-
43 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
44 section 3609-a of the education law in the following order: the lottery
45 apportionment payable pursuant to subparagraph (2) of such paragraph
46 followed by the fixed fall payments payable pursuant to subparagraph (4)
47 of such paragraph and then followed by the district's payments to the
48 teachers' retirement system pursuant to subparagraph (1) of such para-
49 graph, and any remainder to be deducted from the individualized payments
50 due the district pursuant to paragraph b of such subdivision shall be
51 deducted on a chronological basis starting with the earliest payment due
52 the district.

53 S 54. a. Notwithstanding any other law, rule or regulation to the
54 contrary, any moneys appropriated to the state education department may
55 be suballocated to other state departments or agencies, as needed, to
56 accomplish the intent of the specific appropriations contained therein.

1 b. Notwithstanding any other law, rule or regulation to the contrary,
2 moneys appropriated to the state education department from the general
3 fund/aid to localities, local assistance account-001, shall be for
4 payment of financial assistance, as scheduled, net of disallowances,
5 refunds, reimbursement and credits.

6 c. Notwithstanding any other law, rule or regulation to the contrary,
7 all moneys appropriated to the state education department for aid to
8 localities shall be available for payment of aid heretofore or hereafter
9 to accrue and may be suballocated to other departments and agencies to
10 accomplish the intent of the specific appropriations contained therein.

11 d. Notwithstanding any other law, rule or regulation to the contrary,
12 moneys appropriated to the state education department for general
13 support for public schools may be interchanged with any other item of
14 appropriation for general support for public schools within the general
15 fund local assistance account office of prekindergarten through grade
16 twelve education programs.

17 S 55. Notwithstanding the provision of any law, rule, or regulation to
18 the contrary, the city school district of the city of Rochester, upon
19 the consent of the board of cooperative educational services of the
20 supervisory district serving its geographic region may purchase from
21 such board for the 2017--2018 school year, as a non-component school
22 district, services required by article 19 of the education law.

23 S 56. The amounts specified in this section shall be set aside from
24 the state funds which each such district is receiving from the total
25 foundation aid: for the purpose of the development, maintenance or
26 expansion of magnet schools or magnet school programs for the 2017--2018
27 school year. To the city school district of the city of New York there
28 shall be paid forty-eight million one hundred seventy-five thousand
29 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)
30 for the Andrew Jackson High School; to the Buffalo city school district,
31 twenty-one million twenty-five thousand dollars (\$21,025,000); to the
32 Rochester city school district, fifteen million dollars (\$15,000,000);
33 to the Syracuse city school district, thirteen million dollars
34 (\$13,000,000); to the Yonkers city school district, forty-nine million
35 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
36 district, four million six hundred forty-five thousand dollars
37 (\$4,645,000); to the Poughkeepsie city school district, two million four
38 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
39 city school district, two million dollars (\$2,000,000); to the New
40 Rochelle city school district, one million four hundred ten thousand
41 dollars (\$1,410,000); to the Schenectady city school district, one
42 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
43 city school district, one million one hundred fifty thousand dollars
44 (\$1,150,000); to the White Plains city school district, nine hundred
45 thousand dollars (\$900,000); to the Niagara Falls city school district,
46 six hundred thousand dollars (\$600,000); to the Albany city school
47 district, three million five hundred fifty thousand dollars
48 (\$3,550,000); to the Utica city school district, two million dollars
49 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
50 thousand dollars (\$566,000); to the Middletown city school district,
51 four hundred thousand dollars (\$400,000); to the Freeport union free
52 school district, four hundred thousand dollars (\$400,000); to the Green-
53 burgh central school district, three hundred thousand dollars
54 (\$300,000); to the Amsterdam city school district, eight hundred thou-
55 sand dollars (\$800,000); to the Peekskill city school district, two
56 hundred thousand dollars (\$200,000); and to the Hudson city school

1 district, four hundred thousand dollars (\$400,000). Notwithstanding the
2 provisions of this section, a school district receiving a grant pursuant
3 to this section may use such grant funds for: (i) any instructional or
4 instructional support costs associated with the operation of a magnet
5 school; or (ii) any instructional or instructional support costs associ-
6 ated with implementation of an alternative approach to reduction of
7 racial isolation and/or enhancement of the instructional program and
8 raising of standards in elementary and secondary schools of school
9 districts having substantial concentrations of minority students. The
10 commissioner of education shall not be authorized to withhold magnet
11 grant funds from a school district that used such funds in accordance
12 with this paragraph, notwithstanding any inconsistency with a request
13 for proposals issued by such commissioner. For the purpose of attendance
14 improvement and dropout prevention for the 2017--2018 school year, for
15 any city school district in a city having a population of more than one
16 million, the setaside for attendance improvement and dropout prevention
17 shall equal the amount set aside in the base year. For the 2017--2018
18 school year, it is further provided that any city school district in a
19 city having a population of more than one million shall allocate at
20 least one-third of any increase from base year levels in funds set aside
21 pursuant to the requirements of this subdivision to community-based
22 organizations. Any increase required pursuant to this subdivision to
23 community-based organizations must be in addition to allocations
24 provided to community-based organizations in the base year. For the
25 purpose of teacher support for the 2017--2018 school year: to the city
26 school district of the city of New York, sixty-two million seven hundred
27 seven thousand dollars (\$62,707,000); to the Buffalo city school
28 district, one million seven hundred forty-one thousand dollars
29 (\$1,741,000); to the Rochester city school district, one million seven-
30 ty-six thousand dollars (\$1,076,000); to the Yonkers city school
31 district, one million one hundred forty-seven thousand dollars
32 (\$1,147,000); and to the Syracuse city school district, eight hundred
33 nine thousand dollars (\$809,000). All funds made available to a school
34 district pursuant to this section shall be distributed among teachers
35 including prekindergarten teachers and teachers of adult vocational and
36 academic subjects in accordance with this section and shall be in addi-
37 tion to salaries heretofore or hereafter negotiated or made available;
38 provided, however, that all funds distributed pursuant to this section
39 for the current year shall be deemed to incorporate all funds distrib-
40 uted pursuant to former subdivision 27 of section 3602 of the education
41 law for prior years. In school districts where the teachers are repres-
42 ented by certified or recognized employee organizations, all salary
43 increases funded pursuant to this section shall be determined by sepa-
44 rate collective negotiations conducted pursuant to the provisions and
45 procedures of article 14 of the civil service law, notwithstanding the
46 existence of a negotiated agreement between a school district and a
47 certified or recognized employee organization.

48 S 57. Support of public libraries. The moneys appropriated for the
49 support of public libraries by a chapter of the laws of 2017 enacting
50 the aid to localities budget shall be apportioned for the 2017-2018
51 state fiscal year in accordance with the provisions of sections 271,
52 272, 273, 282, 284, and 285 of the education law as amended by the
53 provisions of this chapter and the provisions of this section, provided
54 that library construction aid pursuant to section 273-a of the education
55 law shall not be payable from the appropriations for the support of
56 public libraries and provided further that no library, library system or

1 program, as defined by the commissioner of education, shall receive less
2 total system or program aid than it received for the year 2001-2002
3 except as a result of a reduction adjustment necessary to conform to the
4 appropriations for support of public libraries. Notwithstanding any
5 other provision of law to the contrary the moneys appropriated for the
6 support of public libraries for the year 2017-2018 by a chapter of the
7 laws of 2017 enacting the education, labor and family assistance budget
8 shall fulfill the state's obligation to provide such aid and, pursuant
9 to a plan developed by the commissioner of education and approved by the
10 director of the budget, the aid payable to libraries and library systems
11 pursuant to such appropriations shall be reduced proportionately to
12 assure that the total amount of aid payable does not exceed the total
13 appropriations for such purpose.

14 S 58. Subdivision 11 of section 94 of part C of chapter 57 of the laws
15 of 2004, relating to the support of education, as amended by section
16 22-a of part A of chapter 56 of the laws of 2014, is amended to read as
17 follows:

18 11. section seventy-one of this act shall expire and be deemed
19 repealed June 30, [2017] 2020;

20 S 59. Section 2 of chapter 658 of the laws of 2002, amending the
21 education law relating to citizenship requirements for permanent certif-
22 ication as a teacher, as amended by chapter 289 of the laws of 2012, is
23 amended to read as follows:

24 S 2. This act shall take effect immediately, and shall expire and be
25 deemed repealed November 30, [2017] 2022.

26 S 60. Paragraph a-1 of subdivision 11 of section 3602 of the education
27 law, as amended by section 45 of part A of chapter 54 of the laws of
28 2016, is amended to read as follows:

29 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
30 sion, for aid payable in the school years two thousand--two thousand one
31 through two thousand nine--two thousand ten, and two thousand eleven--
32 two thousand twelve through two thousand [sixteen] SEVENTEEN--two thou-
33 sand [seventeen] EIGHTEEN, the commissioner may set aside an amount not
34 to exceed two million five hundred thousand dollars from the funds
35 appropriated for purposes of this subdivision for the purpose of serving
36 persons twenty-one years of age or older who have not been enrolled in
37 any school for the preceding school year, including persons who have
38 received a high school diploma or high school equivalency diploma but
39 fail to demonstrate basic educational competencies as defined in regu-
40 lation by the commissioner, when measured by accepted standardized
41 tests, and who shall be eligible to attend employment preparation educa-
42 tion programs operated pursuant to this subdivision.

43 S 61. Paragraph b of subdivision 21 of section 305 of the education
44 law, as added by chapter 474 of the laws of 1996, is amended to read as
45 follows:

46 b. The commissioner shall periodically prepare an updated electronic
47 data file containing actual and estimated data relating to apportion-
48 ments due and owing during the current school year and projections of
49 such apportionments for the following school year to school districts
50 and boards of cooperative educational services from the general support
51 for public schools, growth and boards of cooperative educational
52 services appropriations on the following dates: November fifteenth, or
53 such alternative date as may be requested by the director of the budget
54 for the purpose of preparation of the executive budget; February
55 fifteenth, or such alternative date as may be jointly requested by the
56 chair of the senate finance committee and the chair of the assembly ways

1 and means committee; and May fifteenth. FOR THE PURPOSES OF USING ESTI-
2 MATED DATA FOR PROJECTIONS OF APPORTIONMENTS FOR THE FOLLOWING SCHOOL
3 YEAR, WHEN NO SPECIFIC APPORTIONMENT HAS YET BEEN MADE FOR SUCH SCHOOL
4 YEAR, BUT SUCH APPORTIONMENT HAS A HISTORY OF ANNUAL REAUTHORIZATION,
5 THE COMMISSIONER SHALL ESTIMATE THE APPORTIONMENT AT THE SAME LEVEL AS
6 THE PRECEDING SCHOOL YEAR, SUBJECT TO THE ANNUAL APPROVAL OF THE DIREC-
7 TOR OF THE BUDGET, THE CHAIRPERSON OF THE SENATE FINANCE COMMITTEE AND
8 THE CHAIRPERSON OF THE ASSEMBLY WAYS AND MEANS COMMITTEE.

9 S 62. Severability. The provisions of this act shall be severable, and
10 if the application of any clause, sentence, paragraph, subdivision,
11 section or part of this act to any person or circumstance shall be
12 adjudged by any court of competent jurisdiction to be invalid, such
13 judgment shall not necessarily affect, impair or invalidate the applica-
14 tion of any such clause, sentence, paragraph, subdivision, section, part
15 of this act or remainder thereof, as the case may be, to any other
16 person or circumstance, but shall be confined in its operation to the
17 clause, sentence, paragraph, subdivision, section or part thereof
18 directly involved in the controversy in which such judgment shall have
19 been rendered.

20 S 63. This act shall take effect immediately, and shall be deemed to
21 have been in full force and effect on and after April 1, 2017, provided,
22 however, that:

23 1. sections one, two, five, sixteen, sixteen-a, twenty-two, twenty-
24 three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight,
25 twenty-nine, thirty, thirty-one, thirty-one-a, thirty-one-b, thirty-two,
26 thirty-three, thirty-four, thirty-five, thirty-eight, forty-eight,
27 fifty-one, fifty-five, fifty-six, sixty and sixty-one of this act shall
28 take effect July 1, 2017;

29 2. the amendments to chapter 756 of the laws of 1992, relating to
30 funding a program for work force education conducted by a consortium for
31 worker education in New York City, made by sections forty-four and
32 forty-five of this act, shall not affect the repeal of such chapter and
33 shall be deemed repealed therewith;

34 3. the amendments to chapter 89 of the laws of 2016, relating to
35 supplementary funding for dedicated programs for public school students
36 in the East Ramapo central school district, made by section forty-eight
37 of this act shall not affect the repeal of such chapter and shall be
38 deemed repealed therewith;

39 4. the amendments to subdivision 33 of section 305 of the education
40 law, made by section seven of this act, shall not affect the repeal of
41 such subdivision and shall be deemed repealed therewith;

42 5. the amendments to subdivision 7 of section 2802 of the education
43 law, made by section eight of this act, shall not affect the repeal of
44 such subdivision and shall be deemed repealed therewith;

45 6. the amendments to subdivision 7 of section 3214 of the education
46 law, made by section nine of this act, shall not affect the repeal of
47 such subdivision and shall be deemed repealed therewith;

48 7. the amendments to section 2590-c of the education law made by
49 section nineteen of this act shall not affect the repeal of such section
50 and shall be deemed repealed therewith;

51 8. the amendments to subdivision 1 of section 2856 of the education
52 law made by section four of this act shall be subject to the expiration
53 and reversion of such subdivision pursuant to subdivision d of section
54 27 of chapter 378 of the laws of 2007, as amended, when upon such date
55 the provisions of section four-a of this act shall take effect;

1 9. the amendments to paragraphs d-1 and d-2 of subdivision 12 of
2 section 3602-e of the education law made by section twenty-eight-a of
3 this act shall not affect the repeal of such paragraphs and shall be
4 deemed repealed therewith; and

5 10. the amendments to paragraph b-1 of subdivision 4 of section 3602
6 of the education law made by section sixteen-a of this act shall not
7 affect the expiration of such paragraph and shall expire therewith.

8 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
9 sion, section or part of this act shall be adjudged by any court of
10 competent jurisdiction to be invalid, such judgment shall not affect,
11 impair, or invalidate the remainder thereof, but shall be confined in
12 its operation to the clause, sentence, paragraph, subdivision, section
13 or part thereof directly involved in the controversy in which such judg-
14 ment shall have been rendered. It is hereby declared to be the intent of
15 the legislature that this act would have been enacted even if such
16 invalid provisions had not been included herein.

17 S 3. This act shall take effect immediately provided, however, that
18 the applicable effective date of Parts A through YYY of this act shall
19 be as specifically set forth in the last section of such Parts.