

STATE OF NEW YORK

3005--B

IN ASSEMBLY

January 20, 2021

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

AN ACT to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to the effectiveness thereof; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 62 of the laws of 2011, amending the correction law and the executive law, relating to merging the department of correctional services and division of parole into the department of corrections and community supervision, in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and

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

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jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend chapter 55 of the laws of 2018, amending the criminal procedure law relating to the pre-criminal proceeding settlements in the City of New York, in relation to the effectiveness thereof (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); intentionally omitted (Part E); to amend the domestic relations law, in relation to the custody of children (Part F); Intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); intentionally omitted (Part L); intentionally omitted (Part M); inten-

tionally omitted (Part N); intentionally omitted (Part O); to amend chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, in relation to the effectiveness of such chapter (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); to amend the election law, in relation to expanding polling site hours of operation during early voting (Part S); intentionally omitted (Part T); intentionally omitted (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (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 tax law, the state finance law and the public authorities law, in relation to aid and incentives for municipalities base level grants; and to repeal certain provisions of the state finance law and the tax law relating thereto (Part LL); intentionally omitted (Part MM); intentionally omitted (Part NN); intentionally omitted (Part OO); intentionally omitted (Part PP); to provide for the administration of certain funds and accounts related to the 2021-2022 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to the administration of certain funds and accounts; to amend part D of 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 certain bonds or notes; to amend part Y of 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 the issuance of certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend the New York state medical care facilities finance agency act, in relation to the issuance of certain bonds or notes; to amend the New York state urban development corporation act, in relation to the issuance of certain bonds or notes; to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants 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 certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend the New York state urban development corporation act, in relation to the issuance of certain bonds or notes; to amend chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, in relation to the issuance of bonds and notes; to amend the private housing finance law, in relation to housing program bonds and notes; to amend the New York state urban development corporation act, in relation to authorizing the dormitory authority of the state of New York and the urban development corporation to enter into line of credit facilities, and in relation to state-supported debt

issued during the 2022 fiscal year; to amend the public authorities law, in relation to childcare facilities development program; to amend the state finance law, in relation to payments of bonds; to amend the state finance law, in relation to the mental health services fund; to amend the public health law, in relation to secured hospital project bonds; to repeal paragraph c of subdivision 5 of section 89-b of the state finance law relating to the dedicated highway and bridge trust fund; to repeal subdivision (j) of section 92-dd of the state finance law relating to the HCRA resources fund; to repeal subdivision 3-a of the public health law relating to eligible secured hospital borrower; and providing for the repeal of certain provisions upon expiration thereof (Part QQ); to amend chapter 83 of the laws of 1995 amending the state finance law and other laws relating to bonds, notes and revenues, in relation to the effectiveness of certain provisions thereof (Part RR); to amend chapter 1 of the laws of 2005, amending the state finance law relating to restricting contacts in the procurement process and the recording of contacts relating thereto, in relation to the effectiveness thereof (Part SS); intentionally omitted (Part TT); intentionally omitted (Part UU); to amend the public service law, in relation to utility intervenor reimbursement; and to amend the state finance law, in relation to establishing the utility intervenor account (Part VV); to amend the public service law, in relation to creating the state office of the utility consumer advocate (Part WW); in relation to allowing local governments and political subdivisions to receive certain funds without the certification required by executive order 203 of 2020 (Part XX); and to provide a temporary retirement incentive for certain public employees (Subpart A); and to provide an age 55/25 years temporary retirement incentive for certain public employees (Subpart B) (Part YY)

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 necessary to implement the state public protection and general govern-
3 ment budget for the 2021-2022 state fiscal year. Each component is whol-
4 ly contained within a Part identified as Parts A through YY. The effec-
5 tive date for each particular provision contained within such Part is
6 set forth in the last section of such Part. Any provision in any section
7 contained within a Part, including the effective date of the Part, which
8 makes a reference to a section "of this act", when used in connection
9 with that particular component, shall be deemed to mean and refer to the
10 corresponding section of the Part in which it is found. Section three
11 of this act sets forth the general effective date of this act.

12 PART A

13 Section 1. Section 2 of chapter 887 of the laws of 1983, amending the
14 correction law relating to the psychological testing of candidates, as
15 amended by section 1 of part A of chapter 55 of the laws of 2020, is
16 amended to read as follows:

17 § 2. This act shall take effect on the one hundred eightieth day after
18 it shall have become a law and shall remain in effect until September 1,
19 [~~2021~~] **2023**.

§ 2. Section 3 of chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, as amended by section 2 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 3. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law, and shall remain in effect until the first day of September, ~~2021~~ 2023, when it shall expire and be deemed repealed.

§ 3. Section 3 of chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, as amended by section 3 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 3. This act shall take effect 60 days after it shall have become a law and shall remain in effect until September 1, ~~2021~~ 2023.

§ 4. Section 20 of chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, as amended by section 4 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 20. This act shall take effect immediately except that section thirteen of this act shall expire and be of no further force or effect on and after September 1, ~~2021~~ 2023 and shall not apply to persons committed to the custody of the department after such date, and provided further that the commissioner of corrections and community supervision shall report each January first and July first during such time as the earned eligibility program is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the standards in effect for earned eligibility during the prior six-month period, the number of inmates subject to the provisions of earned eligibility, the number who actually received certificates of earned eligibility during that period of time, the number of inmates with certificates who are granted parole upon their first consideration for parole, the number with certificates who are denied parole upon their first consideration, and the number of individuals granted and denied parole who did not have earned eligibility certificates.

§ 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 5 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

(q) the provisions of section two hundred eighty-four of this act shall remain in effect until September 1, ~~2021~~ 2023 and be applicable to all persons entering the program on or before August 31, ~~2021~~ 2023.

§ 6. Section 10 of chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, as amended by section 6 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 10. This act shall take effect 30 days after it shall have become a law and shall remain in effect until September 1, ~~2021~~ 2023, and provided further that the commissioner of correctional services shall report each January first, and July first, to the chairman of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of eligible inmates in each facility under the custody

1 and control of the commissioner who have applied for participation in
2 any program offered under the provisions of work release, furlough, or
3 leave, and the number of such inmates who have been approved for partic-
4 ipation.

5 § 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994,
6 relating to certain provisions which impact upon expenditure of certain
7 appropriations made by chapter 50 of the laws of 1994, enacting the
8 state operations budget, as amended by section 7 of part A of chapter 55
9 of the laws of 2020, is amended to read as follows:

10 (c) sections forty-one and forty-two of this act shall expire Septem-
11 ber 1, [~~2021~~] 2023; provided, that the provisions of section forty-two
12 of this act shall apply to inmates entering the work release program on
13 or after such effective date; and

14 § 8. Subdivision h of section 74 of chapter 3 of the laws of 1995,
15 amending the correction law and other laws relating to the incarceration
16 fee, as amended by section 8 of part A of chapter 55 of the laws of
17 2020, is amended to read as follows:

18 h. Section fifty-two of this act shall be deemed to have been in full
19 force and effect on and after April 1, 1995; provided, however, that the
20 provisions of section 189 of the correction law, as amended by section
21 fifty-five of this act, subdivision 5 of section 60.35 of the penal law,
22 as amended by section fifty-six of this act, and section fifty-seven of
23 this act shall expire September 1, [~~2021~~] 2023, when upon such date the
24 amendments to the correction law and penal law made by sections fifty-
25 five and fifty-six of this act shall revert to and be read as if the
26 provisions of this act had not been enacted; provided, however, that
27 sections sixty-two, sixty-three and sixty-four of this act shall be
28 deemed to have been in full force and effect on and after March 1, 1995
29 and shall be deemed repealed April 1, 1996 and upon such date the
30 provisions of subsection (e) of section 9110 of the insurance law and
31 subdivision 2 of section 89-d of the state finance law shall revert to
32 and be read as set out in law on the date immediately preceding the
33 effective date of sections sixty-two and sixty-three of this act;

34 § 9. Subdivision (c) of section 49 of subpart A of part C of chapter
35 62 of the laws of 2011, amending the correction law and the executive
36 law relating to merging the department of correctional services and
37 division of parole into the department of corrections and community
38 supervision, as amended by section 9 of part A of chapter 55 of the laws
39 of 2020, is amended to read as follows:

40 (c) that the amendments to subdivision 9 of section 201 of the
41 correction law as added by section thirty-two of this act shall remain
42 in effect until September 1, [~~2021~~] 2023, when it shall expire and be
43 deemed repealed;

44 § 10. Subdivision (aa) of section 427 of chapter 55 of the laws of
45 1992, amending the tax law and other laws relating to taxes, surcharges,
46 fees and funding, as amended by section 10 of part A of chapter 55 of
47 the laws of 2020, is amended to read as follows:

48 (aa) the provisions of sections three hundred eighty-two, three
49 hundred eighty-three and three hundred eighty-four of this act shall
50 expire on September 1, [~~2021~~] 2023;

51 § 11. Section 12 of chapter 907 of the laws of 1984, amending the
52 correction law, the New York city criminal court act and the executive
53 law relating to prison and jail housing and alternatives to detention
54 and incarceration programs, as amended by section 11 of part A of chap-
55 ter 55 of the laws of 2020, is amended to read as follows:

§ 12. This act shall take effect immediately, except that the provisions of sections one through ten of this act shall remain in full force and effect until September 1, ~~2021~~ 2023 on which date those provisions shall be deemed to be repealed.

§ 12. Subdivision (p) of section 406 of chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, as amended by section 12 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

(p) The amendments to section 1809 of the vehicle and traffic law made by sections three hundred thirty-seven and three hundred thirty-eight of this act shall not apply to any offense committed prior to such effective date; provided, further, that section three hundred forty-one of this act shall take effect immediately and shall expire November 1, 1993 at which time it shall be deemed repealed; sections three hundred forty-five and three hundred forty-six of this act shall take effect July 1, 1991; sections three hundred fifty-five, three hundred fifty-six, three hundred fifty-seven and three hundred fifty-nine of this act shall take effect immediately and shall expire June 30, 1995 and shall revert to and be read as if this act had not been enacted; section three hundred fifty-eight of this act shall take effect immediately and shall expire June 30, 1998 and shall revert to and be read as if this act had not been enacted; section three hundred sixty-four through three hundred sixty-seven of this act shall apply to claims filed on or after such effective date; sections three hundred sixty-nine, three hundred seventy-two, three hundred seventy-three, three hundred seventy-four, three hundred seventy-five and three hundred seventy-six of this act shall remain in effect until September 1, ~~2021~~ 2023, at which time they shall be deemed repealed; provided, however, that the mandatory surcharge provided in section three hundred seventy-four of this act shall apply to parking violations occurring on or after said effective date; and provided further that the amendments made to section 235 of the vehicle and traffic law by section three hundred seventy-two of this act, the amendments made to section 1809 of the vehicle and traffic law by sections three hundred thirty-seven and three hundred thirty-eight of this act and the amendments made to section 215-a of the labor law by section three hundred seventy-five of this act shall expire on September 1, ~~2021~~ 2023 and upon such date the provisions of such subdivisions and sections shall revert to and be read as if the provisions of this act had not been enacted; the amendments to subdivisions 2 and 3 of section 400.05 of the penal law made by sections three hundred seventy-seven and three hundred seventy-eight of this act shall expire on July 1, 1992 and upon such date the provisions of such subdivisions shall revert and shall be read as if the provisions of this act had not been enacted; the state board of law examiners shall take such action as is necessary to assure that all applicants for examination for admission to practice as an attorney and counsellor at law shall pay the increased examination fee provided for by the amendment made to section 465 of the judiciary law by section three hundred eighty of this act for any examination given on or after the effective date of this act notwithstanding that an applicant for such examination may have prepaid a lesser fee for such examination as required by the provisions of such section 465 as of the date prior to the effective date of this act; the provisions of section 306-a of the civil practice law and rules as added by section three hundred eighty-one of this act shall apply to all actions pending on or commenced on or after September 1, 1991, provided, however, that for the purposes of this section service of such summons made prior to

1 such date shall be deemed to have been completed on September 1, 1991;
2 the provisions of section three hundred eighty-three of this act shall
3 apply to all money deposited in connection with a cash bail or a
4 partially secured bail bond on or after such effective date; and the
5 provisions of sections three hundred eighty-four and three hundred
6 eighty-five of this act shall apply only to jury service commenced
7 during a judicial term beginning on or after the effective date of this
8 act; provided, however, that nothing contained herein shall be deemed to
9 affect the application, qualification, expiration or repeal of any
10 provision of law amended by any section of this act and such provisions
11 shall be applied or qualified or shall expire or be deemed repealed in
12 the same manner, to the same extent and on the same date as the case may
13 be as otherwise provided by law;

14 § 13. Subdivision 8 of section 1809 of the vehicle and traffic law, as
15 amended by section 13 of part A of chapter 55 of the laws of 2020, is
16 amended to read as follows:

17 8. The provisions of this section shall only apply to offenses commit-
18 ted on or before September first, two thousand [~~twenty-one~~]
19 ~~twenty-three~~.

20 § 14. Section 6 of chapter 713 of the laws of 1988, amending the vehi-
21 cle and traffic law relating to the ignition interlock device program,
22 as amended by section 14 of part A of chapter 55 of the laws of 2020, is
23 amended to read as follows:

24 § 6. This act shall take effect on the first day of April next
25 succeeding the date on which it shall have become a law; provided,
26 however, that effective immediately, the addition, amendment or repeal
27 of any rule or regulation necessary for the implementation of the fore-
28 going sections of this act on their effective date is authorized and
29 directed to be made and completed on or before such effective date and
30 shall remain in full force and effect until the first day of September,
31 [~~2021~~] ~~2023~~ when upon such date the provisions of this act shall be
32 deemed repealed.

33 § 15. Paragraph a of subdivision 6 of section 76 of chapter 435 of the
34 laws of 1997, amending the military law and other laws relating to vari-
35 ous provisions, as amended by section 15 of part A of chapter 55 of the
36 laws of 2020, is amended to read as follows:

37 a. sections forty-three through forty-five of this act shall expire
38 and be deemed repealed on September 1, [~~2021~~] ~~2023~~;

39 § 16. Section 4 of part D of chapter 412 of the laws of 1999, amending
40 the civil practice law and rules and the court of claims act relating to
41 prisoner litigation reform, as amended by section 16 of part A of chap-
42 ter 55 of the laws of 2020, is amended to read as follows:

43 § 4. This act shall take effect 120 days after it shall have become a
44 law and shall remain in full force and effect until September 1, [~~2021~~]
45 ~~2023~~, when upon such date it shall expire.

46 § 17. Subdivision 2 of section 59 of chapter 222 of the laws of 1994,
47 constituting the family protection and domestic violence intervention
48 act of 1994, as amended by section 17 of part A of chapter 55 of the
49 laws of 2020, is amended to read as follows:

50 2. Subdivision 4 of section 140.10 of the criminal procedure law as
51 added by section thirty-two of this act shall take effect January 1,
52 1996 and shall expire and be deemed repealed on September 1, [~~2021~~]
53 ~~2023~~.

54 § 18. Section 5 of chapter 505 of the laws of 1985, amending the crim-
55 inal procedure law relating to the use of closed-circuit television and
56 other protective measures for certain child witnesses, as amended by

1 section 18 of part A of chapter 55 of the laws of 2020, is amended to
2 read as follows:

3 § 5. This act shall take effect immediately and shall apply to all
4 criminal actions and proceedings commenced prior to the effective date
5 of this act but still pending on such date as well as all criminal
6 actions and proceedings commenced on or after such effective date and
7 its provisions shall expire on September 1, ~~2021~~ 2023, when upon such
8 date the provisions of this act shall be deemed repealed.

9 § 19. Subdivision d of section 74 of chapter 3 of the laws of 1995,
10 enacting the sentencing reform act of 1995, as amended by section 19 of
11 part A of chapter 55 of the laws of 2020, is amended to read as follows:

12 d. Sections one-a through twenty, twenty-four through twenty-eight,
13 thirty through thirty-nine, forty-two and forty-four of this act shall
14 be deemed repealed on September 1, ~~2021~~ 2023;

15 § 20. Section 2 of chapter 689 of the laws of 1993, amending the crim-
16 inal procedure law relating to electronic court appearance in certain
17 counties, as amended by section 20 of part A of chapter 55 of the laws
18 of 2020, is amended to read as follows:

19 § 2. This act shall take effect immediately, except that the
20 provisions of this act shall be deemed to have been in full force and
21 effect since July 1, 1992 and the provisions of this act shall expire
22 September 1, ~~2021~~ 2023 when upon such date the provisions of this act
23 shall be deemed repealed.

24 § 21. Section 3 of chapter 688 of the laws of 2003, amending the exec-
25 utive law relating to enacting the interstate compact for adult offender
26 supervision, as amended by section 21 of part A of chapter 55 of the
27 laws of 2020, is amended to read as follows:

28 § 3. This act shall take effect immediately, except that section one
29 of this act shall take effect on the first of January next succeeding
30 the date on which it shall have become a law, and shall remain in effect
31 until the first of September, ~~2021~~ 2023, upon which date this act
32 shall be deemed repealed and have no further force and effect; provided
33 that section one of this act shall only take effect with respect to any
34 compacting state which has enacted an interstate compact entitled
35 "Interstate compact for adult offender supervision" and having an iden-
36 tical effect to that added by section one of this act and provided
37 further that with respect to any such compacting state, upon the effec-
38 tive date of section one of this act, section 259-m of the executive law
39 is hereby deemed REPEALED and section 259-mm of the executive law, as
40 added by section one of this act, shall take effect; and provided
41 further that with respect to any state which has not enacted an inter-
42 state compact entitled "Interstate compact for adult offender super-
43 vision" and having an identical effect to that added by section one of
44 this act, section 259-m of the executive law shall take effect and the
45 provisions of section one of this act, with respect to any such state,
46 shall have no force or effect until such time as such state shall adopt
47 an interstate compact entitled "Interstate compact for adult offender
48 supervision" and having an identical effect to that added by section one
49 of this act in which case, with respect to such state, effective imme-
50 diately, section 259-m of the executive law is deemed repealed and
51 section 259-mm of the executive law, as added by section one of this
52 act, shall take effect.

53 § 22. Section 8 of part H of chapter 56 of the laws of 2009, amending
54 the correction law relating to limiting the closing of certain correc-
55 tional facilities, providing for the custody by the department of
56 correctional services of inmates serving definite sentences, providing

1 for custody of federal prisoners and requiring the closing of certain
2 correctional facilities, as amended by section 22 of part A of chapter
3 55 of the laws of 2020, is amended to read as follows:

4 § 8. This act shall take effect immediately; provided, however that
5 sections five and six of this act shall expire and be deemed repealed
6 September 1, [~~2021~~] 2023.

7 § 23. Section 3 of part C of chapter 152 of the laws of 2001, amending
8 the military law relating to military funds of the organized militia, as
9 amended by section 23 of part A of chapter 55 of the laws of 2020, is
10 amended to read as follows:

11 § 3. This act shall take effect immediately; provided however that the
12 amendments made to subdivision 1 of section 221 of the military law by
13 section two of this act shall expire and be deemed repealed September 1,
14 [~~2021~~] 2023.

15 § 24. Section 5 of chapter 554 of the laws of 1986, amending the
16 correction law and the penal law relating to providing for community
17 treatment facilities and establishing the crime of absconding from the
18 community treatment facility, as amended by section 24 of part A of
19 chapter 55 of the laws of 2020, is amended to read as follows:

20 § 5. This act shall take effect immediately and shall remain in full
21 force and effect until September 1, [~~2021~~] 2023, and provided further
22 that the commissioner of correctional services shall report each January
23 first and July first during such time as this legislation is in effect,
24 to the chairmen of the senate crime victims, crime and correction
25 committee, the senate codes committee, the assembly correction commit-
26 tee, and the assembly codes committee, the number of individuals who are
27 released to community treatment facilities during the previous six-month
28 period, including the total number for each date at each facility who
29 are not residing within the facility, but who are required to report to
30 the facility on a daily or less frequent basis.

31 § 25. Section 2 of part F of chapter 55 of the laws of 2018, amending
32 the criminal procedure law relating to pre-criminal proceeding settle-
33 ments in the city of New York, as amended by section 25 of part A of
34 chapter 55 of the laws of 2020, is amended to read as follows:

35 § 2. This act shall take effect immediately and shall remain in full
36 force and effect until March 31, [~~2021~~] 2023, when it shall expire and
37 be deemed repealed.

38 § 26. This act shall take effect immediately, provided however that
39 section twenty-five of this act shall be deemed to have been in full
40 force and effect on and after March 31, 2021.

41 PART B

42 Intentionally Omitted

43 PART C

44 Intentionally Omitted

45 PART D

46 Intentionally Omitted

47 PART E

48 Intentionally Omitted

1 PART F

2 Section 1. Subdivision 1 of section 240 of the domestic relations law
3 is amended by adding a new paragraph (k) to read as follows:

4 (k) In determining the best interests of the child, the court shall
5 not: (1) consider the sex, sexual orientation, gender identity or gender
6 expression of the parties; or (2) prohibit a party from undergoing
7 gender reassignment.

8 § 2. This act shall take effect immediately.

9 PART G

10 Intentionally omitted

11 PART H

12 Intentionally Omitted

13 PART I

14 Intentionally Omitted

15 PART J

16 Intentionally Omitted

17 PART K

18 Intentionally Omitted

19 PART L

20 Intentionally Omitted

21 PART M

22 Intentionally Omitted

23 PART N

24 Intentionally Omitted

25 PART O

26 Intentionally Omitted

27 PART P

28 Section 1. Section 5 of chapter 268 of the laws of 1996, amending the
29 education law and the state finance law relating to providing a recruit-
30 ment incentive and retention program for certain active members of the
31 New York army national guard, New York air national guard, and New York
32 naval militia, as amended by section 1 of part E of chapter 57 of the
33 laws of 2016, is amended to read as follows:

34 § 5. This act shall take effect January 1, 1997 and shall expire and
35 be deemed repealed September 1, [~~2021~~] 2026; provided that any person

1 who has begun to receive the benefits of this act prior to its expira-
2 tion and repeal shall be entitled to continue to receive the benefits of
3 this act after its expiration and repeal until completion of a baccalau-
4 reate degree or cessation of status as an active member, whichever
5 occurs first.

6 § 2. This act shall take effect immediately.

7 PART Q

8 Intentionally Omitted

9 PART R

10 Intentionally Omitted

11 PART S

12 Section 1. Paragraphs (a), (b) and (c) of subdivision 4 of section
13 8-600 of the election law, as added by chapter 6 of the laws of 2019,
14 are amended and a new paragraph (f) is added to read as follows:

15 (a) Polls shall be open for early voting for at least eight consec-
16 utive hours between seven o'clock in the morning and [~~eight~~] nine
17 o'clock in the evening each week day during the early voting period.

18 (b) At least one polling place for early voting shall remain open
19 until [~~eight~~] nine o'clock in the evening on at least [~~two~~] three week
20 days in each calendar week during the early voting period. If polling
21 places for early voting are limited to voters from certain areas pursu-
22 ant to subdivision three of this section, polling places that remain
23 open until [~~eight~~] nine o'clock shall be designated such that any person
24 entitled to vote early may vote until [~~eight~~] nine o'clock in the even-
25 ing on at least [~~two~~] three week days during the early voting period.

26 (c) Polls shall be open for early voting for at least [~~five~~] ten
27 consecutive hours between nine o'clock in the morning and [~~six~~] nine
28 o'clock in the evening on each Saturday, Sunday and legal holiday during
29 the early voting period.

30 (f) For voting hours, each county shall endeavor to assure that there
31 is sufficient and accessible indoor space, equipment, broadband access
32 as needed, and other resources designed to make such voting process
33 convenient, safe and comfortable for the voting public.

34 § 2. This act shall take effect immediately.

35 PART T

36 Intentionally Omitted

37 PART U

38 Intentionally Omitted

39 PART V

40 Intentionally Omitted

41 PART W

42 Intentionally Omitted

1	PART X
2	Intentionally Omitted
3	PART Y
4	Intentionally Omitted
5	PART Z
6	Intentionally Omitted
7	PART AA
8	Intentionally Omitted
9	PART BB
10	Intentionally Omitted
11	PART CC
12	Intentionally Omitted
13	PART DD
14	Intentionally Omitted
15	PART EE
16	Intentionally Omitted
17	PART FF
18	Intentionally Omitted
19	PART GG
20	Intentionally Omitted
21	PART HH
22	Intentionally Omitted
23	PART II
24	Intentionally Omitted
25	PART JJ
26	Intentionally Omitted
27	PART KK
28	Intentionally Omitted

1 PART LL

2 Section 1. Paragraph 3 of subdivision (c) of section 1261 of the tax
3 law, as amended by section 1 of part NN of chapter 55 of the laws of
4 2020, is amended to read as follows:

5 (3) However, the taxes, penalties and interest which (i) the county of
6 Nassau, (ii) the county of Erie, to the extent the county of Erie is
7 contractually or statutorily obligated to allocate and apply or pay net
8 collections to the city of Buffalo and to the extent that such county
9 has set aside net collections for educational purposes attributable to
10 the Buffalo school district, or the city of Buffalo or (iii) the county
11 of Erie is authorized to impose pursuant to section twelve hundred ten
12 of this article, other than such taxes in the amounts described, respec-
13 tively, in subdivisions one and two of section one thousand two hundred
14 sixty-two-e of this part, during the period that such section authorizes
15 Nassau county to establish special or local assistance programs there-
16 under, together with any penalties and interest related thereto, and
17 after the comptroller has reserved such refund fund and such costs,
18 shall, commencing on the next payment date after the effective date of
19 this sentence and of each month thereafter, until such date as (i) the
20 Nassau county interim finance authority shall have no obligations
21 outstanding, or (ii) the Buffalo fiscal stability authority shall cease
22 to exist, or (iii) the Erie county fiscal stability authority shall
23 cease to exist, be paid by the comptroller, respectively, to (i) the
24 Nassau county interim finance authority to be applied by the Nassau
25 county interim finance authority, or (ii) to the Buffalo fiscal stabili-
26 ty authority to be applied by the Buffalo fiscal stability authority, or
27 (iii) to the Erie county fiscal stability authority to be applied by the
28 Erie county fiscal stability authority, as the case may be, in the
29 following order of priority: first pursuant to the Nassau county interim
30 finance authority's contracts with bondholders or the Buffalo fiscal
31 stability authority's contracts with bondholders or the Erie county
32 fiscal stability authority's contracts with bondholders, respectively,
33 then to pay the Nassau county interim finance authority's operating
34 expenses not otherwise provided for or the Buffalo fiscal stability
35 authority's operating expenses not otherwise provided for or the Erie
36 county fiscal stability authority's operating expenses not otherwise
37 provided for, respectively, then ~~[(i) for the Nassau county interim~~
38 ~~finance authority to pay to the state as soon as practicable in the~~
39 ~~months of May and December each year, the amount necessary to fulfill~~
40 ~~the town and village distribution requirement on behalf of Nassau county~~
41 ~~pursuant to paragraph five-a of this subdivision, or (ii) for the~~
42 ~~Buffalo fiscal stability authority to pay to the state as soon as prac-~~
43 ~~ticable in the months of May and December each year, the percentage of~~
44 ~~the amount necessary to fulfill the town and village distribution~~
45 ~~requirement on behalf of Erie county pursuant to paragraph five-a of~~
46 ~~this subdivision that equates to the percentage of the county net~~
47 ~~collections that the city of Buffalo and the Buffalo city school~~
48 ~~district, together, are due in the months of May and December each year,~~
49 ~~or (iii) for the Erie county fiscal stability authority to pay to the~~
50 ~~state as soon as practicable in the months of May and December each~~
51 ~~year, the amount necessary to fulfill the town and village distribution~~
52 ~~requirement on behalf of Erie county pursuant to paragraph five-a of~~
53 ~~this subdivision, less the amount being paid to the state by the Buffalo~~
54 ~~fiscal stability authority in each respective month, and then]~~ (i)
55 pursuant to the Nassau county interim finance authority's agreements

1 with the county of Nassau, which agreements shall require the Nassau
2 county interim finance authority to transfer such taxes, penalties and
3 interest remaining after providing for contractual or other obligations
4 of the Nassau county interim finance authority, and subject to any
5 agreement between such authority and the county of Nassau, to the county
6 of Nassau as frequently as practicable; or (ii) pursuant to the Buffalo
7 fiscal stability authority's agreements with the city of Buffalo, which
8 agreements shall require the Buffalo fiscal stability authority to
9 transfer such taxes, penalties and interest remaining after providing
10 for contractual or other obligations of the Buffalo fiscal stability
11 authority, and subject to any agreement between such authority and the
12 city of Buffalo, to the city of Buffalo or the city of Buffalo school
13 district, as the case may be, as frequently as practicable; or (iii)
14 pursuant to the Erie county fiscal stability authority's agreements with
15 the county of Erie, which agreements shall require the Erie county
16 fiscal stability authority to transfer such taxes, penalties and inter-
17 est remaining after providing for contractual or other obligations of
18 the Erie county fiscal stability authority, and subject to any agreement
19 between such authority and the county of Erie, to the county of Erie as
20 frequently as practicable. During the period that the comptroller is
21 required to make payments to the Nassau county interim finance authority
22 described in the previous sentence, the county of Nassau shall have no
23 right, title or interest in or to such taxes, penalties and interest
24 required to be paid to the Nassau county interim finance authority,
25 except as provided in such authority's agreements with the county of
26 Nassau. During the period that the comptroller is required to make
27 payments to the Buffalo fiscal stability authority described in the
28 second previous sentence, the city of Buffalo and such school district
29 shall have no right, title or interest in or to such taxes, penalties
30 and interest required to be paid to the Buffalo fiscal stability author-
31 ity, except as provided in such authority's agreements with the city of
32 Buffalo. During the period that the comptroller is required to make
33 payments to the Erie county fiscal stability authority described in the
34 third previous sentence, the county of Erie shall have no right, title
35 or interest in or to such taxes, penalties and interest required to be
36 paid to the Erie county fiscal stability authority, except as provided
37 in such authority's agreements with the county of Erie.

38 § 2. Subparagraph (v) of paragraph b of subdivision 10 of section 54
39 of the state finance law, as added by section 1 of part PPP of chapter
40 59 of the laws of 2019, is amended to read as follows:

41 (v) Notwithstanding subparagraph (i) of this paragraph, within amounts
42 appropriated in the state fiscal year commencing April first, two thou-
43 sand [~~nineteen, and annually thereafter,~~] twenty-one there shall be
44 apportioned and paid to each municipality which is a city a base level
45 grant in an amount equal to the prior year aid received by such [~~city,~~
46 ~~and there shall be apportioned and paid to each municipality which is a~~
47 ~~town or village a base level grant in accordance with clause two of this~~
48 ~~subparagraph.~~

49 ~~(1) When used in this subparagraph, unless otherwise expressly stated:~~
50 ~~(A) "two thousand eighteen two thousand nineteen AIM funding" shall~~
51 ~~mean the sum of the base level grant paid in the state fiscal year that~~
52 ~~began April first, two thousand eighteen pursuant to this paragraph.~~

53 ~~(B) "two thousand seventeen total expenditures" shall mean all funds~~
54 ~~and total expenditures for a town or a village as reported to the state~~
55 ~~comptroller for local fiscal years ended in two thousand seventeen.~~

~~(C) "AIM Reliance" shall mean two thousand eight hundred two thousand nineteen AIM funding calculated as a percentage of two thousand seven hundred total expenditures, provided that, for a village which dissolved during the state fiscal year that began April first, two thousand eight hundred, the village's two thousand eight hundred two thousand nineteen AIM funding shall be added to the existing two thousand eight hundred two thousand nineteen AIM funding of the town into which the village dissolved for purposes of this calculation.~~

~~(2) A base level grant equal to a town or village's prior year aid only if such town or village's AIM reliance equals two percent or greater as reported to and published by the state comptroller as of January tenth, two thousand nineteen]~~ municipality.

§ 3. Subparagraph (ix) of paragraph i of subdivision 10 of section 54 of the state finance law is REPEALED.

§ 4. Subparagraph (viii) of paragraph a of subdivision 10 of section 54 of the state finance law, as amended by section 1 of part PPP of chapter 59 of the laws of 2019, is amended to read as follows:

(viii) "Prior year aid" means for the state fiscal year commencing April first, two thousand [nineteen] twenty-one and in each state fiscal year thereafter, the base level grant received in the immediately preceding state fiscal year pursuant to paragraph b of this subdivision.

§ 5. Paragraph 5-a of subdivision (c) of section 1261 of the tax law is REPEALED.

§ 6. Subdivision 5 of section 3657 of the public authorities law, as amended by section 3 of part NN of chapter 55 of the laws of 2020, is amended to read as follows:

5. Tax revenues received by the authority pursuant to section twelve hundred sixty-one of the tax law, together with any other revenues received by the authority, shall be applied in the following order of priority: first pursuant to the authority's contracts with bondholders, then to pay the authority's operating expenses not otherwise provided for, ~~[then to pay to the state pursuant to paragraph three of subdivision (c) of section twelve hundred sixty-one of the tax law, and]~~ then, subject to the authority's agreements with the county, to transfer the balance of such tax revenues not required to meet contractual or other obligations of the authority to the county as frequently as practicable.

§ 7. Subdivision 5 of section 3865 of the public authorities law, as amended by section 4 of part NN of chapter 55 of the laws of 2020, is amended to read as follows:

5. Revenues of the authority shall be applied in the following order of priority: first to pay debt service or for set asides to pay debt service on the authority's bonds, notes, or other obligations and to replenish any reserve funds securing such bonds, notes or other obligations of the authority, in accordance with the provision of any indenture or bond resolution of the authority; then to pay the authority's operating expenses not otherwise provided for; ~~[then to pay to the state pursuant to paragraph three of subdivision (c) of section twelve hundred sixty-one of the tax law;]~~ and then, subject to the authority's agreement with the city, for itself or on behalf of the city's dependent school district and any other covered organization, to transfer as frequently as practicable the balance of revenues not required to meet contractual or other obligations of the authority to the city or the city's dependent school district as provided in subdivision seven of this section.

§ 8. Subdivision 5 of section 3965 of the public authorities law, as amended by section 5 of part NN of chapter 55 of the laws of 2020, is amended to read as follows:

5. Revenues of the authority shall be applied in the following order of priority: first to pay debt service or for set asides to pay debt service on the authority's bonds, notes, or other obligations and to replenish any reserve funds securing such bonds, notes or other obligations of the authority in accordance with the provision of indenture or bond resolution of the authority; then to pay the authority's operating expenses not otherwise provided for; ~~[then to pay to the state pursuant to paragraph three of subdivision (c) of section twelve hundred sixty one of the tax law;~~ and then, subject to the authority's agreements with the county for itself or on behalf of any covered organization to transfer as frequently as practicable the balance of revenues not required to meet contractual or other obligations of the authority to the county as provided in subdivision seven of this section.

§ 9. This act shall take effect immediately.

PART MM

Intentionally Omitted

PART NN

Intentionally Omitted

PART OO

Intentionally Omitted

PART PP

Intentionally Omitted

PART QQ

Section 1. The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of section 4 of the state finance law to the following funds and/or accounts:

1. DOL-Child performer protection account (20401).
2. Local government records management account (20501).
3. Child health plus program account (20810).
4. EPIC premium account (20818).
5. Education - New (20901).
6. VLT - Sound basic education fund (20904).
7. Sewage treatment program management and administration fund (21000).
8. Hazardous bulk storage account (21061).
9. Utility environmental regulatory account (21064).
10. Federal grants indirect cost recovery account (21065).
11. Low level radioactive waste account (21066).
12. Recreation account (21067).
13. Public safety recovery account (21077).
14. Environmental regulatory account (21081).
15. Natural resource account (21082).

- 1 16. Mined land reclamation program account (21084).
- 2 17. Great lakes restoration initiative account (21087).
- 3 18. Environmental protection and oil spill compensation fund (21200).
- 4 19. Public transportation systems account (21401).
- 5 20. Metropolitan mass transportation (21402).
- 6 21. Operating permit program account (21451).
- 7 22. Mobile source account (21452).
- 8 23. Statewide planning and research cooperative system account
- 9 (21902).
- 10 24. New York state thruway authority account (21905).
- 11 25. Mental hygiene program fund account (21907).
- 12 26. Mental hygiene patient income account (21909).
- 13 27. Financial control board account (21911).
- 14 28. Regulation of racing account (21912).
- 15 29. State university dormitory income reimbursable account (21937).
- 16 30. Criminal justice improvement account (21945).
- 17 31. Environmental laboratory reference fee account (21959).
- 18 32. Training, management and evaluation account (21961).
- 19 33. Clinical laboratory reference system assessment account (21962).
- 20 34. Indirect cost recovery account (21978).
- 21 35. Multi-agency training account (21989).
- 22 36. Bell jar collection account (22003).
- 23 37. Industry and utility service account (22004).
- 24 38. Real property disposition account (22006).
- 25 39. Parking account (22007).
- 26 40. Courts special grants (22008).
- 27 41. Asbestos safety training program account (22009).
- 28 42. Camp Smith billeting account (22017).
- 29 43. Batavia school for the blind account (22032).
- 30 44. Investment services account (22034).
- 31 45. Surplus property account (22036).
- 32 46. Financial oversight account (22039).
- 33 47. Regulation of Indian gaming account (22046).
- 34 48. Rome school for the deaf account (22053).
- 35 49. Seized assets account (22054).
- 36 50. Administrative adjudication account (22055).
- 37 51. Federal salary sharing account (22056).
- 38 52. New York City assessment account (22062).
- 39 53. Cultural education account (22063).
- 40 54. Local services account (22078).
- 41 55. DHCR mortgage servicing account (22085).
- 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. New York State Home for Veterans in the Lower-Hudson Valley
- 47 account (22144).
- 48 61. Deferred compensation administration account (22151).
- 49 62. Rent revenue other New York City account (22156).
- 50 63. Rent revenue account (22158).
- 51 64. Tax revenue arrearage account (22168).
- 52 65. New York state medical indemnity fund account (22240).
- 53 66. Behavioral health parity compliance fund (22246).
- 54 67. State university general income offset account (22654).
- 55 68. Lake George park trust fund account (22751).
- 56 69. State police motor vehicle law enforcement account (22802).

1 70. Highway safety program account (23001).
2 71. DOH drinking water program account (23102).
3 72. NYCCC operating offset account (23151).
4 73. Commercial gaming regulation account (23702).
5 74. Highway use tax administration account (23801).
6 75. New York state secure choice administrative account (23806).
7 76. Fantasy sports administration account (24951).
8 77. Highway and bridge capital account (30051).
9 78. Aviation purpose account (30053).
10 79. State university residence hall rehabilitation fund (30100).
11 80. State parks infrastructure account (30351).
12 81. Clean water/clean air implementation fund (30500).
13 82. Hazardous waste remedial cleanup account (31506).
14 83. Youth facilities improvement account (31701).
15 84. Housing assistance fund (31800).
16 85. Housing program fund (31850).
17 86. Highway facility purpose account (31951).
18 87. Information technology capital financing account (32215).
19 88. New York racing account (32213).
20 89. Capital miscellaneous gifts account (32214).
21 90. New York environmental protection and spill remediation account
22 (32219).
23 91. Mental hygiene facilities capital improvement fund (32300).
24 92. Correctional facilities capital improvement fund (32350).
25 93. New York State Storm Recovery Capital Fund (33000).
26 94. OGS convention center account (50318).
27 95. Empire Plaza Gift Shop (50327).
28 96. Centralized services fund (55000).
29 97. Archives records management account (55052).
30 98. Federal single audit account (55053).
31 Civil service administration account (55055).
32 100. Civil service EHS occupational health program account (55056).
33 101. Banking services account (55057).
34 102. Cultural resources survey account (55058).
35 103. Neighborhood work project account (55059).
36 104. Automation & printing chargeback account (55060).
37 105. OFT NYT account (55061).
38 106. Data center account (55062).
39 107. Intrusion detection account (55066).
40 108. Domestic violence grant account (55067).
41 109. Centralized technology services account (55069).
42 110. Labor contact center account (55071).
43 111. Human services contact center account (55072).
44 112. Tax contact center account (55073).
45 113. Department of law civil recoveries account (55074).
46 114. Executive direction internal audit account (55251).
47 115. CIO Information technology centralized services account (55252).
48 116. Health insurance internal service account (55300).
49 117. Civil service employee benefits division administrative account
50 (55301).
51 118. Correctional industries revolving fund (55350).
52 119. Employees health insurance account (60201).
53 120. Medicaid management information system escrow fund (60900).
54 121. New York state cannabis revenue fund.
55 § 1-a. The state comptroller is hereby authorized and directed to loan
56 money in accordance with the provisions set forth in subdivision 5 of

1 section 4 of the state finance law to any account within the following
2 federal funds, provided the comptroller has made a determination that
3 sufficient federal grant award authority is available to reimburse such
4 loans:

- 5 1. Federal USDA-food and nutrition services fund (25000).
- 6 2. Federal health and human services fund (25100).
- 7 3. Federal education fund (25200).
- 8 4. Federal block grant fund (25250).
- 9 5. Federal miscellaneous operating grants fund (25300).
- 10 6. Federal unemployment insurance administration fund (25900).
- 11 7. Federal unemployment insurance occupational training fund (25950).
- 12 8. Federal emergency employment act fund (26000).
- 13 9. Federal capital projects fund (31350).

14 § 2. Notwithstanding any law to the contrary, and in accordance with
15 section 4 of the state finance law, the comptroller is hereby authorized
16 and directed to transfer, upon request of the director of the budget, on
17 or before March 31, 2022, up to the unencumbered balance or the follow-
18 ing amounts:

19 Economic Development and Public Authorities:

- 20 1. \$1,175,000 from the miscellaneous special revenue fund, underground
21 facilities safety training account (22172), to the general fund.
- 22 2. An amount up to the unencumbered balance from the miscellaneous
23 special revenue fund, business and licensing services account (21977),
24 to the general fund.
- 25 3. \$14,810,000 from the miscellaneous special revenue fund, code
26 enforcement account (21904), to the general fund.
- 27 4. \$3,000,000 from the general fund to the miscellaneous special
28 revenue fund, tax revenue arrearage account (22168).

29 Education:

- 30 1. \$2,520,000,000 from the general fund to the state lottery fund,
31 education account (20901), as reimbursement for disbursements made from
32 such fund for supplemental aid to education pursuant to section 92-c of
33 the state finance law that are in excess of the amounts deposited in
34 such fund for such purposes pursuant to section 1612 of the tax law.
- 35 2. \$746,000,000 from the general fund to the state lottery fund, VLT
36 education account (20904), as reimbursement for disbursements made from
37 such fund for supplemental aid to education pursuant to section 92-c of
38 the state finance law that are in excess of the amounts deposited in
39 such fund for such purposes pursuant to section 1612 of the tax law.
- 40 3. \$125,600,000 from the general fund to the New York state commercial
41 gaming fund, commercial gaming revenue account (23701), as reimbursement
42 for disbursements made from such fund for supplemental aid to education
43 pursuant to section 97-nnnn of the state finance law that are in excess
44 of the amounts deposited in such fund for purposes pursuant to section
45 1352 of the racing, pari-mutuel wagering and breeding law.
- 46 4. \$6,000,000 from the interactive fantasy sports fund, fantasy sports
47 education account (24950), to the state lottery fund, education account
48 (20901), as reimbursement for disbursements made from such fund for
49 supplemental aid to education pursuant to section 92-c of the state
50 finance law.
- 51 5. An amount up to the unencumbered balance from the charitable gifts
52 trust fund, elementary and secondary education account (24901), to the
53 general fund, for payment of general support for public schools pursuant
54 to section 3609-a of the education law.
- 55 6. Moneys from the state lottery fund (20900) up to an amount deposit-
56 ed in such fund pursuant to section 1612 of the tax law in excess of the

1 current year appropriation for supplemental aid to education pursuant to
2 section 92-c of the state finance law.

3 7. \$300,000 from the New York state local government records manage-
4 ment improvement fund, local government records management account
5 (20501), to the New York state archives partnership trust fund, archives
6 partnership trust maintenance account (20351).

7 8. \$900,000 from the general fund to the miscellaneous special revenue
8 fund, Batavia school for the blind account (22032).

9 9. \$900,000 from the general fund to the miscellaneous special revenue
10 fund, Rome school for the deaf account (22053).

11 10. \$343,400,000 from the state university dormitory income fund
12 (40350) to the miscellaneous special revenue fund, state university
13 dormitory income reimbursable account (21937).

14 11. \$8,318,000 from the general fund to the state university income
15 fund, state university income offset account (22654), for the state's
16 share of repayment of the STIP loan.

17 12. \$68,000,000 from the state university income fund, state universi-
18 ty hospitals income reimbursable account (22656) to the general fund for
19 hospital debt service for the period April 1, 2021 through March 31,
20 2022.

21 13. \$7,850,000 from the miscellaneous special revenue fund, office of
22 the professions account (22051), to the miscellaneous capital projects
23 fund, office of the professions electronic licensing account (32222).

24 14. \$24,000,000 from any of the state education department's special
25 revenue and internal service funds to the miscellaneous special revenue
26 fund, indirect cost recovery account (21978).

27 15. \$4,200,000 from any of the state education department's special
28 revenue or internal service funds to the capital projects fund (30000).

29 16. \$1,500,000 from the miscellaneous special revenue fund, office of
30 the professions account (22051), to the general fund from fees charged
31 to each non-licensee owner of a firm that is incorporating as a profes-
32 sional service corporation formed to lawfully engage in the practice of
33 public accountancy.

34 17. \$12,500,000 from the School Capital Facilities Financing Reserve
35 Fund to the Capital Projects Fund account (30000), for excess debt
36 service reserve fund balances related to bonds that have been fully
37 retired. Such excess funds shall be used to support the development of
38 a modernized State aid data system for the education department.

39 Environmental Affairs:

40 1. \$16,000,000 from any of the department of environmental conserva-
41 tion's special revenue federal funds, and/or federal capital funds, to
42 the environmental conservation special revenue fund, federal indirect
43 recovery account (21065).

44 2. \$5,000,000 from any of the department of environmental conserva-
45 tion's special revenue federal funds, and/or federal capital funds, to
46 the conservation fund (21150) or Marine Resources Account (21151) as
47 necessary to avoid diversion of conservation funds.

48 3. \$3,000,000 from any of the office of parks, recreation and historic
49 preservation capital projects federal funds and special revenue federal
50 funds to the miscellaneous special revenue fund, federal grant indirect
51 cost recovery account (22188).

52 4. \$1,000,000 from any of the office of parks, recreation and historic
53 preservation special revenue federal funds to the miscellaneous capital
54 projects fund, I love NY water account (32212).

55 5. \$28,000,000 from the general fund to the environmental protection
56 fund, environmental protection fund transfer account (30451).

1 6. \$1,800,000 from the general fund to the hazardous waste remedial
2 fund, hazardous waste oversight and assistance account (31505).

3 7. An amount up to or equal to the cash balance within the special
4 revenue-other waste management & cleanup account (21053) to the capital
5 projects fund (30000) for services and capital expenses related to the
6 management and cleanup program as put forth in section 27-1915 of the
7 environmental conservation law.

8 8. \$1,800,000 from the miscellaneous special revenue fund, public
9 service account (22011) to the miscellaneous special revenue fund, util-
10 ity environmental regulatory account (21064).

11 9. \$7,000,000 from the general fund to the enterprise fund, state fair
12 account (50051).

13 10. \$4,000,000 from the waste management & cleanup account (21053) to
14 the general fund.

15 11. \$3,000,000 from the waste management & cleanup account (21053) to
16 the environmental protection fund transfer account (30451).

17 12. \$100,000,000 from the general fund to the environmental protection
18 fund.

19 Family Assistance:

20 1. \$7,000,000 from any of the office of children and family services,
21 office of temporary and disability assistance, or department of health
22 special revenue federal funds and the general fund, in accordance with
23 agreements with social services districts, to the miscellaneous special
24 revenue fund, office of human resources development state match account
25 (21967).

26 2. \$4,000,000 from any of the office of children and family services
27 or office of temporary and disability assistance special revenue federal
28 funds to the miscellaneous special revenue fund, family preservation and
29 support services and family violence services account (22082).

30 3. \$18,670,000 from any of the office of children and family services,
31 office of temporary and disability assistance, or department of health
32 special revenue federal funds and any other miscellaneous revenues
33 generated from the operation of office of children and family services
34 programs to the general fund.

35 4. \$175,000,000 from any of the office of temporary and disability
36 assistance or department of health special revenue funds to the general
37 fund.

38 5. \$2,500,000 from any of the office of temporary and disability
39 assistance special revenue funds to the miscellaneous special revenue
40 fund, office of temporary and disability assistance program account
41 (21980).

42 6. \$35,000,000 from any of the office of children and family services,
43 office of temporary and disability assistance, department of labor, and
44 department of health special revenue federal funds to the office of
45 children and family services miscellaneous special revenue fund, multi-
46 agency training contract account (21989).

47 7. \$205,000,000 from the miscellaneous special revenue fund, youth
48 facility per diem account (22186), to the general fund.

49 8. \$621,850 from the general fund to the combined gifts, grants, and
50 bequests fund, WB Hoyt Memorial account (20128).

51 9. \$5,000,000 from the miscellaneous special revenue fund, state
52 central registry (22028), to the general fund.

53 General Government:

54 1. \$1,566,000 from the miscellaneous special revenue fund, examination
55 and miscellaneous revenue account (22065) to the general fund.

1 2. \$12,000,000 from the general fund to the health insurance revolving
2 fund (55300).
3 3. \$292,400,000 from the health insurance reserve receipts fund
4 (60550) to the general fund.
5 4. \$150,000 from the general fund to the not-for-profit revolving loan
6 fund (20650).
7 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
8 general fund.
9 6. \$3,000,000 from the miscellaneous special revenue fund, surplus
10 property account (22036), to the general fund.
11 7. \$19,000,000 from the miscellaneous special revenue fund, revenue
12 arrearage account (22024), to the general fund.
13 8. \$1,826,000 from the miscellaneous special revenue fund, revenue
14 arrearage account (22024), to the miscellaneous special revenue fund,
15 authority budget office account (22138).
16 9. \$1,000,000 from the agencies enterprise fund, parking services
17 account (22007), to the general fund, for the purpose of reimbursing the
18 costs of debt service related to state parking facilities.
19 10. \$3,435,000 from the general fund to the centralized services fund,
20 COPS account (55013).
21 11. \$11,460,000 from the general fund to the agencies internal service
22 fund, central technology services account (55069), for the purpose of
23 enterprise technology projects.
24 12. \$10,000,000 from the general fund to the agencies internal service
25 fund, state data center account (55062).
26 13. \$12,000,000 from the agencies enterprise fund, parking services
27 account (22007), to the centralized services, building support services
28 account (55018).
29 14. \$30,000,000 from the general fund to the internal service fund,
30 business services center account (55022).
31 15. \$8,000,000 from the general fund to the internal service fund,
32 building support services account (55018).
33 16. \$1,500,000 from the agencies enterprise fund, special events
34 account (20120), to the general fund.
35 Health:
36 1. A transfer from the general fund to the combined gifts, grants and
37 bequests fund, breast cancer research and education account (20155), up
38 to an amount equal to the monies collected and deposited into that
39 account in the previous fiscal year.
40 2. A transfer from the general fund to the combined gifts, grants and
41 bequests fund, prostate cancer research, detection, and education
42 account (20183), up to an amount equal to the moneys collected and
43 deposited into that account in the previous fiscal year.
44 3. A transfer from the general fund to the combined gifts, grants and
45 bequests fund, Alzheimer's disease research and assistance account
46 (20143), up to an amount equal to the moneys collected and deposited
47 into that account in the previous fiscal year.
48 4. \$20,294,000 from the HCRA resources fund (20800) to the miscella-
49 neous special revenue fund, empire state stem cell trust fund account
50 (22161).
51 5. \$2,000,000 from the miscellaneous special revenue fund, certificate
52 of need account (21920), to the miscellaneous capital projects fund,
53 healthcare IT capital subfund (32216).
54 6. \$2,000,000 from the miscellaneous special revenue fund, vital
55 health records account (22103), to the miscellaneous capital projects
56 fund, healthcare IT capital subfund (32216).

- 1 7. \$6,000,000 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. \$91,304,000 from the HCRA resources fund (20800) to the capital
- 5 projects fund (30000).
- 6 9. \$6,550,000 from the general fund to the medical marihuana trust
- 7 fund, health operation and oversight account (23755).
- 8 10. An amount up to the unencumbered balance from the charitable gifts
- 9 trust fund, health charitable account (24900), to the general fund, for
- 10 payment of general support for primary, preventive, and inpatient health
- 11 care, dental and vision care, hunger prevention and nutritional assist-
- 12 ance, and other services for New York state residents with the overall
- 13 goal of ensuring that New York state residents have access to quality
- 14 health care and other related services.
- 15 11. \$500,000 from the miscellaneous special revenue fund, New York
- 16 State cannabis revenue fund, to the miscellaneous special revenue fund,
- 17 environmental laboratory fee account (21959).
- 18 12. An amount up to the unencumbered balance from the public health
- 19 emergency charitable gifts trust fund to the general fund, for payment
- 20 of goods and services necessary to respond to a public health disaster
- 21 emergency or to assist or aid in responding to such a disaster.
- 22 13. \$2,585,000 from the miscellaneous special revenue fund, patient
- 23 safety center account (22140), to the general fund.
- 24 14. \$1,000,000 from the miscellaneous special revenue fund, nursing
- 25 home receivership account (21925), to the general fund.
- 26 15. \$133,000 from the miscellaneous special revenue fund, quality of
- 27 care account (21915), to the general fund.
- 28 16. \$2,200,000 from the miscellaneous special revenue fund, adult home
- 29 quality enhancement account (22091), to the general fund.
- 30 Labor:
- 31 1. \$600,000 from the miscellaneous special revenue fund, DOL fee and
- 32 penalty account (21923), to the child performer's protection fund, child
- 33 performer protection account (20401).
- 34 2. \$11,700,000 from the unemployment insurance interest and penalty
- 35 fund, unemployment insurance special interest and penalty account
- 36 (23601), to the general fund.
- 37 3. \$50,000,000 from the DOL fee and penalty account (21923), unemploy-
- 38 ment insurance special interest and penalty account (23601), and public
- 39 work enforcement account (21998), to the general fund.
- 40 Mental Hygiene:
- 41 1. \$10,000,000 from the general fund, to the miscellaneous special
- 42 revenue fund, federal salary sharing account (22056).
- 43 2. \$3,800,000 from the general fund, to the agencies internal service
- 44 fund, civil service EHS occupational health program account (55056).
- 45 3. \$3,000,000 from the chemical dependence service fund, substance
- 46 abuse services fund account (22700), to the mental hygiene capital
- 47 improvement fund (32305).
- 48 Public Protection:
- 49 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
- 50 management account (21944), to the general fund.
- 51 2. \$2,587,000 from the general fund to the miscellaneous special
- 52 revenue fund, recruitment incentive account (22171).
- 53 3. \$22,773,000 from the general fund to the correctional industries
- 54 revolving fund, correctional industries internal service account
- 55 (55350).

1 4. \$2,000,000,000 from any of the division of homeland security and
2 emergency services special revenue federal funds to the general fund.

3 5. \$11,149,000 from the miscellaneous special revenue fund, criminal
4 justice improvement account (21945), to the general fund.

5 6. \$115,420,000 from the state police motor vehicle law enforcement
6 and motor vehicle theft and insurance fraud prevention fund, state
7 police motor vehicle enforcement account (22802), to the general fund
8 for state operation expenses of the division of state police.

9 7. \$131,500,000 from the general fund to the correctional facilities
10 capital improvement fund (32350).

11 8. \$5,000,000 from the general fund to the dedicated highway and
12 bridge trust fund (30050) for the purpose of work zone safety activities
13 provided by the division of state police for the department of transpor-
14 tation.

15 9. \$10,000,000 from the miscellaneous special revenue fund, statewide
16 public safety communications account (22123), to the capital projects
17 fund (30000).

18 10. Intentionally omitted.

19 11. \$1,000,000 from the general fund to the agencies internal service
20 fund, neighborhood work project account (55059).

21 12. \$7,980,000 from the miscellaneous special revenue fund, finger-
22 print identification & technology account (21950), to the general fund.

23 13. \$1,100,000 from the state police motor vehicle law enforcement and
24 motor vehicle theft and insurance fraud prevention fund, motor vehicle
25 theft and insurance fraud account (22801), to the general fund.

26 14. \$40,330,000 from the miscellaneous special revenue fund, statewide
27 public safety communications account (22123), to the general fund.

28 Transportation:

29 1. \$20,000,000 from the general fund to the mass transportation oper-
30 ating assistance fund, public transportation systems operating assist-
31 ance account (21401), of which \$12,000,000 constitutes the base need for
32 operations.

33 2. \$727,500,000 from the general fund to the dedicated highway and
34 bridge trust fund (30050).

35 3. \$244,250,000 from the general fund to the MTA financial assistance
36 fund, mobility tax trust account (23651).

37 4. \$5,000,000 from the miscellaneous special revenue fund, transporta-
38 tion regulation account (22067) to the dedicated highway and bridge
39 trust fund (30050), for disbursements made from such fund for motor
40 carrier safety that are in excess of the amounts deposited in the dedi-
41 cated highway and bridge trust fund (30050) for such purpose pursuant to
42 section 94 of the transportation law.

43 5. \$3,000,000 from the miscellaneous special revenue fund, traffic
44 adjudication account (22055), to the general fund.

45 6. \$8,557,000 from the mass transportation operating assistance fund,
46 metropolitan mass transportation operating assistance account (21402),
47 to the capital projects fund (30000).

48 7. \$5,000,000 from the miscellaneous special revenue fund, transporta-
49 tion regulation account (22067) to the general fund, for disbursements
50 made from such fund for motor carrier safety that are in excess of the
51 amounts deposited in the general fund for such purpose pursuant to
52 section 94 of the transportation law.

53 8. Intentionally omitted.

54 9. Intentionally omitted.

55 10. Intentionally omitted.

56 11. Intentionally omitted.

12. Intentionally omitted.

13. Intentionally omitted.

14. Intentionally omitted.

Miscellaneous:

1. \$250,000,000 from the general fund to any funds or accounts for the purpose of reimbursing certain outstanding accounts receivable balances.

2. \$500,000,000 from the general fund to the debt reduction reserve fund (40000).

3. \$450,000,000 from the New York state storm recovery capital fund (33000) to the revenue bond tax fund (40152).

4. \$15,500,000 from the general fund, community projects account GG (10256), to the general fund, state purposes account (10050).

5. \$100,000,000 from any special revenue federal fund to the general fund, state purposes account (10050).

§ 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, on or before March 31, 2022:

1. Upon request of the commissioner of environmental conservation, up to \$12,745,400 from revenues credited to any of the department of environmental conservation special revenue funds, including \$4,000,000 from the environmental protection and oil spill compensation fund (21200), and \$1,834,600 from the conservation fund (21150), to the environmental conservation special revenue fund, indirect charges account (21060).

2. Upon request of the commissioner of agriculture and markets, up to \$3,000,000 from any special revenue fund or enterprise fund within the department of agriculture and markets to the general fund, to pay appropriate administrative expenses.

3. Upon request of the commissioner of agriculture and markets, up to \$2,000,000 from the state exposition special fund, state fair receipts account (50051) to the miscellaneous capital projects fund, state fair capital improvement account (32208).

4. Upon request of the commissioner of the division of housing and community renewal, up to \$6,221,000 from revenues credited to any division of housing and community renewal federal or miscellaneous special revenue fund to the miscellaneous special revenue fund, housing indirect cost recovery account (22090).

5. Upon request of the commissioner of the division of housing and community renewal, up to \$5,500,000 may be transferred from any miscellaneous special revenue fund account, to any miscellaneous special revenue fund.

6. Upon request of the commissioner of health up to \$13,225,000 from revenues credited to any of the department of health's special revenue funds, to the miscellaneous special revenue fund, administration account (21982).

§ 4. On or before March 31, 2022, the comptroller is hereby authorized and directed to deposit earnings that would otherwise accrue to the general fund that are attributable to the operation of section 98-a of the state finance law, to the agencies internal service fund, banking services account (55057), for the purpose of meeting direct payments from such account.

§ 5. Notwithstanding any law to the contrary, upon the direction of the director of the budget and upon requisition by the state university of New York, the dormitory authority of the state of New York is directed to transfer, up to \$22,000,000 in revenues generated from the sale of notes or bonds, the state university income fund general revenue

1 account (22653) for reimbursement of bondable equipment for further
2 transfer to the state's general fund.

3 § 6. Notwithstanding any law to the contrary, and in accordance with
4 section 4 of the state finance law, the comptroller is hereby authorized
5 and directed to transfer, upon request of the director of the budget and
6 upon consultation with the state university chancellor or his or her
7 designee, on or before March 31, 2022, up to \$16,000,000 from the state
8 university income fund general revenue account (22653) to the state
9 general fund for debt service costs related to campus supported capital
10 project costs for the NY-SUNY 2020 challenge grant program at the
11 University at Buffalo.

12 § 7. Notwithstanding any law to the contrary, and in accordance with
13 section 4 of the state finance law, the comptroller is hereby authorized
14 and directed to transfer, upon request of the director of the budget and
15 upon consultation with the state university chancellor or his or her
16 designee, on or before March 31, 2022, up to \$6,500,000 from the state
17 university income fund general revenue account (22653) to the state
18 general fund for debt service costs related to campus supported capital
19 project costs for the NY-SUNY 2020 challenge grant program at the
20 University at Albany.

21 § 8. Notwithstanding any law to the contrary, the state university
22 chancellor or his or her designee is authorized and directed to transfer
23 estimated tuition revenue balances from the state university collection
24 fund (61000) to the state university income fund, state university
25 general revenue offset account (22655) on or before March 31, 2022.

26 § 9. Notwithstanding any law to the contrary, and in accordance with
27 section 4 of the state finance law, the comptroller is hereby authorized
28 and directed to transfer, upon request of the director of the budget, up
29 to \$1,107,134,300 from the general fund to the state university income
30 fund, state university general revenue offset account (22655) during the
31 period of July 1, 2021 through June 30, 2022 to support operations at
32 the state university.

33 § 10. Notwithstanding any law to the contrary, and in accordance with
34 section 4 of the state finance law, the comptroller is hereby authorized
35 and directed to transfer, upon request of the director of the budget, up
36 to \$20,000,000 from the general fund to the state university income
37 fund, state university general revenue offset account (22655) during the
38 period of July 1, 2021 to June 30, 2022 to support operations at the
39 state university in accordance with the maintenance of effort pursuant
40 to subparagraph (4) of paragraph h of subdivision 2 of section 355 of
41 the education law.

42 § 11. Notwithstanding any law to the contrary, and in accordance with
43 section 4 of the state finance law, the comptroller is hereby authorized
44 and directed to transfer, upon request of the state university chancel-
45 lor or his or her designee, up to \$55,000,000 from the state university
46 income fund, state university hospitals income reimbursable account
47 (22656), for services and expenses of hospital operations and capital
48 expenditures at the state university hospitals; and the state university
49 income fund, Long Island veterans' home account (22652) to the state
50 university capital projects fund (32400) on or before June 30, 2022.

51 § 12. Notwithstanding any law to the contrary, and in accordance with
52 section 4 of the state finance law, the comptroller, after consultation
53 with the state university chancellor or his or her designee, is hereby
54 authorized and directed to transfer moneys, in the first instance, from
55 the state university collection fund, Stony Brook hospital collection
56 account (61006), Brooklyn hospital collection account (61007), and Syra-

1 cuse hospital collection account (61008) to the state university income
2 fund, state university hospitals income reimbursable account (22656) in
3 the event insufficient funds are available in the state university
4 income fund, state university hospitals income reimbursable account
5 (22656) to permit the full transfer of moneys authorized for transfer,
6 to the general fund for payment of debt service related to the SUNY
7 hospitals. Notwithstanding any law to the contrary, the comptroller is
8 also hereby authorized and directed, after consultation with the state
9 university chancellor or his or her designee, to transfer moneys from
10 the state university income fund to the state university income fund,
11 state university hospitals income reimbursable account (22656) in the
12 event insufficient funds are available in the state university income
13 fund, state university hospitals income reimbursable account (22656) to
14 pay hospital operating costs or to permit the full transfer of moneys
15 authorized for transfer, to the general fund for payment of debt service
16 related to the SUNY hospitals on or before March 31, 2022.

17 § 13. Notwithstanding any law to the contrary, upon the direction of
18 the director of the budget and the chancellor of the state university of
19 New York or his or her designee, and in accordance with section 4 of the
20 state finance law, the comptroller is hereby authorized and directed to
21 transfer monies from the state university dormitory income fund (40350)
22 to the state university residence hall rehabilitation fund (30100), and
23 from the state university residence hall rehabilitation fund (30100) to
24 the state university dormitory income fund (40350), in an amount not to
25 exceed \$80 million from each fund.

26 § 14. Notwithstanding any law to the contrary, and in accordance with
27 section 4 of the state finance law, the comptroller is hereby authorized
28 and directed to transfer, at the request of the director of the budget,
29 up to \$250 million from the unencumbered balance of any special revenue
30 fund or account, agency fund or account, internal service fund or
31 account, enterprise fund or account, or any combination of such funds
32 and accounts, to the general fund. The amounts transferred pursuant to
33 this authorization shall be in addition to any other transfers expressly
34 authorized in the 2021-22 budget. Transfers from federal funds, debt
35 service funds, capital projects funds, the community projects fund, or
36 funds that would result in the loss of eligibility for federal benefits
37 or federal funds pursuant to federal law, rule, or regulation as assent-
38 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
39 1951 are not permitted pursuant to this authorization.

40 § 15. Notwithstanding any law to the contrary, and in accordance with
41 section 4 of the state finance law, the comptroller is hereby authorized
42 and directed to transfer, at the request of the director of the budget,
43 up to \$100 million from any non-general fund or account, or combination
44 of funds and accounts, to the miscellaneous special revenue fund, tech-
45 nology financing account (22207), the miscellaneous capital projects
46 fund, the federal capital projects account (31350), information technol-
47 ogy capital financing account (32215), or the centralized technology
48 services account (55069), for the purpose of consolidating technology
49 procurement and services. The amounts transferred to the miscellaneous
50 special revenue fund, technology financing account (22207) pursuant to
51 this authorization shall be equal to or less than the amount of such
52 monies intended to support information technology costs which are
53 attributable, according to a plan, to such account made in pursuance to
54 an appropriation by law. Transfers to the technology financing account
55 shall be completed from amounts collected by non-general funds or
56 accounts pursuant to a fund deposit schedule or permanent statute, and

1 shall be transferred to the technology financing account pursuant to a
2 schedule agreed upon by the affected agency commissioner. Transfers from
3 funds that would result in the loss of eligibility for federal benefits
4 or federal funds pursuant to federal law, rule, or regulation as assent-
5 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
6 1951 are not permitted pursuant to this authorization.

7 § 16. 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, at the request of the director of the budget,
10 up to \$400 million from any non-general fund or account, or combination
11 of funds and accounts, to the general fund for the purpose of consol-
12 idating technology procurement and services. The amounts transferred
13 pursuant to this authorization shall be equal to or less than the amount
14 of such monies intended to support information technology costs which
15 are attributable, according to a plan, to such account made in pursuance
16 to an appropriation by law. Transfers to the general fund shall be
17 completed from amounts collected by non-general funds or accounts pursu-
18 ant to a fund deposit schedule. Transfers from funds that would result
19 in the loss of eligibility for federal benefits or federal funds pursu-
20 ant to federal law, rule, or regulation as assented to in chapter 683 of
21 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
22 pursuant to this authorization.

23 § 17. Notwithstanding any provision of law to the contrary, as deemed
24 feasible and advisable by its trustees, the power authority of the state
25 of New York is authorized and directed to transfer to the state treasury
26 to the credit of the general fund up to \$20,000,000 for the state fiscal
27 year commencing April 1, 2021, the proceeds of which will be utilized to
28 support energy-related state activities.

29 § 18. Notwithstanding any provision of law, rule or regulation to the
30 contrary, the New York state energy research and development authority
31 is authorized and directed to transfer \$913,000 to the state treasury to
32 the credit of the general fund on or before March 31, 2022.

33 § 19. Notwithstanding any provision of law, rule or regulation to the
34 contrary, the New York state energy research and development authority
35 is authorized and directed to transfer five million dollars to the cred-
36 it of the Environmental Protection Fund on or before March 31, 2022 from
37 proceeds collected by the authority from the auction or sale of carbon
38 dioxide emission allowances allocated by the department of environmental
39 conservation.

40 § 20. Subdivision 5 of section 97-rrr of the state finance law, as
41 amended by section 20 of part JJ of chapter 56 of the laws of 2020, is
42 amended to read as follows:

43 5. Notwithstanding the provisions of section one hundred seventy-one-a
44 of the tax law, as separately amended by chapters four hundred eighty-
45 one and four hundred eighty-four of the laws of nineteen hundred eight-
46 y-one, and notwithstanding the provisions of chapter ninety-four of the
47 laws of two thousand eleven, or any other provisions of law to the
48 contrary, during the fiscal year beginning April first, two thousand
49 ~~twenty~~ twenty-one, the state comptroller is hereby authorized and
50 directed to deposit to the fund created pursuant to this section from
51 amounts collected pursuant to article twenty-two of the tax law and
52 pursuant to a schedule submitted by the director of the budget, up to
53 ~~[\$2,073,116,000]~~ \$621,503,000, as may be certified in such schedule as
54 necessary to meet the purposes of such fund for the fiscal year begin-
55 ning April first, two thousand ~~twenty~~ twenty-one.

§ 21. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2022, the following amounts from the following special revenue accounts to the capital projects fund (30000), for the purposes of reimbursement to such fund for expenses related to the maintenance and preservation of state assets:

1. \$43,000 from the miscellaneous special revenue fund, administrative program account (21982).

2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes hospital account (22140).

3. \$366,000 from the miscellaneous special revenue fund, New York city veterans' home account (22141).

4. \$513,000 from the miscellaneous special revenue fund, New York state home for veterans' and their dependents at oxford account (22142).

5. \$159,000 from the miscellaneous special revenue fund, western New York veterans' home account (22143).

6. \$323,000 from the miscellaneous special revenue fund, New York state for veterans in the lower-hudson valley account (22144).

7. \$2,550,000 from the miscellaneous special revenue fund, patron services account (22163).

8. \$7,502,241 from the miscellaneous special revenue fund, state university general income reimbursable account (22653).

9. \$135,656,957 from the miscellaneous special revenue fund, state university revenue offset account (22655).

10. \$49,329,802 from the state university dormitory income fund, state university dormitory income fund (40350).

11. \$1,000,000 from the miscellaneous special revenue fund, litigation settlement and civil recovery account (22117).

§ 22. Intentionally omitted.

§ 23. The opening paragraph of subdivision 3 of section 93-b of the state finance law, as amended by section 1 of part M of chapter 57 of the laws of 2016, is amended to read as follows:

Notwithstanding any other provisions of law to the contrary, commencing on April first, two thousand fifteen, and continuing through March thirty-first, two thousand ~~twenty-one~~ twenty-five, the comptroller is hereby authorized to transfer monies from the dedicated infrastructure investment fund to the general fund, and from the general fund to the dedicated infrastructure investment fund, in an amount determined by the director of the budget to the extent moneys are available in the fund; provided, however, that the comptroller is only authorized to transfer monies from the dedicated infrastructure investment fund to the general fund in the event of an economic downturn as described in paragraph (a) of this subdivision; and/or to fulfill disallowances and/or settlements related to over-payments of federal medicare and medicaid revenues in excess of one hundred million dollars from anticipated levels, as determined by the director of the budget and described in paragraph (b) of this subdivision.

§ 24. Notwithstanding any other law, rule, or regulation to the contrary, the state comptroller is hereby authorized and directed to use any balance remaining in the mental health services fund debt service appropriation, after payment by the state comptroller of all obligations required pursuant to any lease, sublease, or other financing arrangement between the dormitory authority of the state of New York as successor to the New York state medical care facilities finance agency, and the facilities development corporation pursuant to chapter 83 of the laws of 1995 and the department of mental hygiene for the purpose of making

1 payments to the dormitory authority of the state of New York for the
2 amount of the earnings for the investment of monies deposited in the
3 mental health services fund that such agency determines will or may have
4 to be rebated to the federal government pursuant to the provisions of
5 the internal revenue code of 1986, as amended, in order to enable such
6 agency to maintain the exemption from federal income taxation on the
7 interest paid to the holders of such agency's mental services facilities
8 improvement revenue bonds. Annually on or before each June 30th, such
9 agency shall certify to the state comptroller its determination of the
10 amounts received in the mental health services fund as a result of the
11 investment of monies deposited therein that will or may have to be
12 rebated to the federal government pursuant to the provisions of the
13 internal revenue code of 1986, as amended.

14 § 25. Subdivision 1 of section 16 of part D of chapter 389 of the laws
15 of 1997, relating to the financing of the correctional facilities
16 improvement fund and the youth facility improvement fund, as amended by
17 section 28 of part JJ of chapter 56 of the laws of 2020, is amended to
18 read as follows:

19 1. Subject to the provisions of chapter 59 of the laws of 2000, but
20 notwithstanding the provisions of section 18 of section 1 of chapter 174
21 of the laws of 1968, the New York state urban development corporation is
22 hereby authorized to issue bonds, notes and other obligations in an
23 aggregate principal amount not to exceed [~~eight billion eight hundred~~
24 ~~seventeen million two hundred ninety-nine thousand dollars~~
25 ~~\$8,817,299,000~~] nine billion one hundred thirty-nine million six hundred
26 nineteen thousand dollars \$9,139,619,000, and shall include all bonds,
27 notes and other obligations issued pursuant to chapter 56 of the laws of
28 1983, as amended or supplemented. The proceeds of such bonds, notes or
29 other obligations shall be paid to the state, for deposit in the correc-
30 tional facilities capital improvement fund to pay for all or any portion
31 of the amount or amounts paid by the state from appropriations or reap-
32 propriations made to the department of corrections and community super-
33 vision from the correctional facilities capital improvement fund for
34 capital projects. The aggregate amount of bonds, notes or other obli-
35 gations authorized to be issued pursuant to this section shall exclude
36 bonds, notes or other obligations issued to refund or otherwise repay
37 bonds, notes or other obligations theretofore issued, the proceeds of
38 which were paid to the state for all or a portion of the amounts
39 expended by the state from appropriations or reappropriations made to
40 the department of corrections and community supervision; provided,
41 however, that upon any such refunding or repayment the total aggregate
42 principal amount of outstanding bonds, notes or other obligations may be
43 greater than [~~eight billion eight hundred seventeen million two hundred~~
44 ~~ninety-nine thousand dollars \$8,817,299,000~~] nine billion one hundred
45 thirty-nine million six hundred nineteen thousand dollars
46 \$9,139,619,000, only if the present value of the aggregate debt service
47 of the refunding or repayment bonds, notes or other obligations to be
48 issued shall not exceed the present value of the aggregate debt service
49 of the bonds, notes or other obligations so to be refunded or repaid.
50 For the purposes hereof, the present value of the aggregate debt service
51 of the refunding or repayment bonds, notes or other obligations and of
52 the aggregate debt service of the bonds, notes or other obligations so
53 refunded or repaid, shall be calculated by utilizing the effective
54 interest rate of the refunding or repayment bonds, notes or other obli-
55 gations, which shall be that rate arrived at by doubling the semi-annual
56 interest rate (compounded semi-annually) necessary to discount the debt

1 service payments on the refunding or repayment bonds, notes or other
2 obligations from the payment dates thereof to the date of issue of the
3 refunding or repayment bonds, notes or other obligations and to the
4 price bid including estimated accrued interest or proceeds received by
5 the corporation including estimated accrued interest from the sale ther-
6 eof.

7 § 26. Subdivision (a) of section 27 of part Y of chapter 61 of the
8 laws of 2005, relating to providing for the administration of certain
9 funds and accounts related to the 2005-2006 budget, as amended by
10 section 29 of part JJ of chapter 56 of the laws of 2020, is amended to
11 read as follows:

12 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
13 notwithstanding any provisions of law to the contrary, the urban devel-
14 opment corporation is hereby authorized to issue bonds or notes in one
15 or more series in an aggregate principal amount not to exceed [~~three~~
16 ~~hundred twenty-three million one hundred thousand dollars \$323,100,000~~]
17 three hundred seventy-four million six hundred thousand dollars
18 \$374,600,000, excluding bonds issued to finance one or more debt service
19 reserve funds, to pay costs of issuance of such bonds, and bonds or
20 notes issued to refund or otherwise repay such bonds or notes previously
21 issued, for the purpose of financing capital projects including IT
22 initiatives for the division of state police, debt service and leases;
23 and to reimburse the state general fund for disbursements made therefor.
24 Such bonds and notes of such authorized issuer shall not be a debt of
25 the state, and the state shall not be liable thereon, nor shall they be
26 payable out of any funds other than those appropriated by the state to
27 such authorized issuer for debt service and related expenses pursuant to
28 any service contract executed pursuant to subdivision (b) of this
29 section and such bonds and notes shall contain on the face thereof a
30 statement to such effect. Except for purposes of complying with the
31 internal revenue code, any interest income earned on bond proceeds shall
32 only be used to pay debt service on such bonds.

33 § 27. Subdivision 3 of section 1285-p of the public authorities law,
34 as amended by section 30 of part JJ of chapter 56 of the laws of 2020,
35 is amended to read as follows:

36 3. The maximum amount of bonds that may be issued for the purpose of
37 financing environmental infrastructure projects authorized by this
38 section shall be [~~six billion three hundred seventy-four million ten~~
39 ~~thousand dollars \$6,374,010,000~~] seven billion one hundred thirty
40 million ten thousand dollars \$7,130,010,000, exclusive of bonds issued
41 to fund any debt service reserve funds, pay costs of issuance of such
42 bonds, and bonds or notes issued to refund or otherwise repay bonds or
43 notes previously issued. Such bonds and notes of the corporation shall
44 not be a debt of the state, and the state shall not be liable thereon,
45 nor shall they be payable out of any funds other than those appropriated
46 by the state to the corporation for debt service and related expenses
47 pursuant to any service contracts executed pursuant to subdivision one
48 of this section, and such bonds and notes shall contain on the face
49 thereof a statement to such effect.

50 § 28. Subdivision (a) of section 48 of part K of chapter 81 of the
51 laws of 2002, relating to providing for the administration of certain
52 funds and accounts related to the 2002-2003 budget, as amended by
53 section 31 of part JJ of chapter 56 of the laws of 2020, is amended to
54 read as follows:

55 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
56 notwithstanding the provisions of section 18 of the urban development

1 corporation act, the corporation is hereby authorized to issue bonds or
2 notes in one or more series in an aggregate principal amount not to
3 exceed [~~three hundred fourteen million dollars \$314,000,000~~] three
4 hundred forty-seven million five hundred thousand dollars \$347,500,000,
5 excluding bonds issued to fund one or more debt service reserve funds,
6 to pay costs of issuance of such bonds, and bonds or notes issued to
7 refund or otherwise repay such bonds or notes previously issued, for the
8 purpose of financing capital costs related to homeland security and
9 training facilities for the division of state police, the division of
10 military and naval affairs, and any other state agency, including the
11 reimbursement of any disbursements made from the state capital projects
12 fund, and is hereby authorized to issue bonds or notes in one or more
13 series in an aggregate principal amount not to exceed [~~\$1,115,800,000~~
14 ~~one billion one hundred fifteen million eight hundred thousand dollars~~]
15 one billion two hundred seventy-eight million eight hundred thousand
16 dollars \$1,278,800,000, excluding bonds issued to fund one or more debt
17 service reserve funds, to pay costs of issuance of such bonds, and bonds
18 or notes issued to refund or otherwise repay such bonds or notes previ-
19 ously issued, for the purpose of financing improvements to State office
20 buildings and other facilities located statewide, including the
21 reimbursement of any disbursements made from the state capital projects
22 fund. Such bonds and notes of the corporation shall not be a debt of the
23 state, and the state shall not be liable thereon, nor shall they be
24 payable out of any funds other than those appropriated by the state to
25 the corporation for debt service and related expenses pursuant to any
26 service contracts executed pursuant to subdivision (b) of this section,
27 and such bonds and notes shall contain on the face thereof a statement
28 to such effect.

29 § 29. Paragraph (c) of subdivision 19 of section 1680 of the public
30 authorities law, as amended by section 32 of part JJ of chapter 56 of
31 the laws of 2020, is amended to read as follows:

32 (c) Subject to the provisions of chapter fifty-nine of the laws of two
33 thousand, the dormitory authority shall not issue any bonds for state
34 university educational facilities purposes if the principal amount of
35 bonds to be issued when added to the aggregate principal amount of bonds
36 issued by the dormitory authority on and after July first, nineteen
37 hundred eighty-eight for state university educational facilities will
38 exceed [~~fourteen billion seven hundred forty-one million eight hundred~~
39 ~~sixty-four thousand dollars \$14,741,864,000~~] fifteen billion five
40 hundred eighty-five million eight hundred sixty-four thousand dollars
41 \$15,585,864,000; provided, however, that bonds issued or to be issued
42 shall be excluded from such limitation if: (1) such bonds are issued to
43 refund state university construction bonds and state university
44 construction notes previously issued by the housing finance agency; or
45 (2) such bonds are issued to refund bonds of the authority or other
46 obligations issued for state university educational facilities purposes
47 and the present value of the aggregate debt service on the refunding
48 bonds does not exceed the present value of the aggregate debt service on
49 the bonds refunded thereby; provided, further that upon certification by
50 the director of the budget that the issuance of refunding bonds or other
51 obligations issued between April first, nineteen hundred ninety-two and
52 March thirty-first, nineteen hundred ninety-three will generate long
53 term economic benefits to the state, as assessed on a present value
54 basis, such issuance will be deemed to have met the present value test
55 noted above. For purposes of this subdivision, the present value of the
56 aggregate debt service of the refunding bonds and the aggregate debt

1 service of the bonds refunded, shall be calculated by utilizing the true
2 interest cost of the refunding bonds, which shall be that rate arrived
3 at by doubling the semi-annual interest rate (compounded semi-annually)
4 necessary to discount the debt service payments on the refunding bonds
5 from the payment dates thereof to the date of issue of the refunding
6 bonds to the purchase price of the refunding bonds, including interest
7 accrued thereon prior to the issuance thereof. The maturity of such
8 bonds, other than bonds issued to refund outstanding bonds, shall not
9 exceed the weighted average economic life, as certified by the state
10 university construction fund, of the facilities in connection with which
11 the bonds are issued, and in any case not later than the earlier of
12 thirty years or the expiration of the term of any lease, sublease or
13 other agreement relating thereto; provided that no note, including
14 renewals thereof, shall mature later than five years after the date of
15 issuance of such note. The legislature reserves the right to amend or
16 repeal such limit, and the state of New York, the dormitory authority,
17 the state university of New York, and the state university construction
18 fund are prohibited from covenanting or making any other agreements with
19 or for the benefit of bondholders which might in any way affect such
20 right.

21 § 29-a. Paragraph (b) of subdivision 3 of section 1 and clause (B) of
22 subparagraph (iii) of paragraph (j) of subdivision 4 of section 1 of
23 part D of chapter 63 of the laws of 2005 relating to the composition and
24 responsibilities of the New York state higher education capital matching
25 grant board, as amended by section 7 of part K of chapter 39 of the laws
26 of 2019, are amended to read as follows:

27 (b) Within amounts appropriated therefor, the board is hereby author-
28 ized and directed to award matching capital grants totaling three
29 hundred thirty million dollars, [~~\$300,000,000~~] \$330,000,000. Each
30 college shall be eligible for a grant award amount as determined by the
31 calculations pursuant to subdivision five of this section. In addition,
32 such colleges shall be eligible to compete for additional funds pursuant
33 to paragraph (h) of subdivision four of this section.

34 (B) The dormitory authority shall not issue any bonds or notes in an
35 amount in excess of three hundred thirty million dollars, [~~\$300,000,000~~]
36 \$330,000,000 for the purposes of this section; excluding bonds or notes
37 issued to fund one or more debt service reserve funds, to pay costs of
38 issuance of such bonds, and bonds or notes issued to refund or otherwise
39 repay such bonds or notes previously issued. Except for purposes of
40 complying with the internal revenue code, any interest on bond proceeds
41 shall only be used to pay debt service on such bonds.

42 § 30. Paragraph (c) of subdivision 14 of section 1680 of the public
43 authorities law, as amended by section 33 of part JJ of chapter 56 of
44 the laws of 2020, is amended to read as follows:

45 (c) Subject to the provisions of chapter fifty-nine of the laws of two
46 thousand, (i) the dormitory authority shall not deliver a series of
47 bonds for city university community college facilities, except to refund
48 or to be substituted for or in lieu of other bonds in relation to city
49 university community college facilities pursuant to a resolution of the
50 dormitory authority adopted before July first, nineteen hundred eighty-
51 five or any resolution supplemental thereto, if the principal amount of
52 bonds so to be issued when added to all principal amounts of bonds
53 previously issued by the dormitory authority for city university commu-
54 nity college facilities, except to refund or to be substituted in lieu
55 of other bonds in relation to city university community college facili-
56 ties will exceed the sum of four hundred twenty-five million dollars and

(ii) the dormitory authority shall not deliver a series of bonds issued for city university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so to be issued when added to the principal amount of bonds previously issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to city university facilities, will exceed [~~nine billion two hundred twenty two million seven hundred thirty two thousand dollars \$9,222,732,000~~] nine billion six hundred twenty-nine million eight hundred thirty thousand dollars \$9,629,830,000. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 31. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 34 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

10-a. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provision of the law to the contrary, the maximum amount of bonds and notes to be issued after March thirty-first, two thousand two, on behalf of the state, in relation to any locally sponsored community college, shall be [~~one billion fifty one million six hundred forty thousand dollars \$1,051,640,000~~] one billion sixty-six million two hundred fifty-seven thousand dollars \$1,066,257,000. Such amount shall be exclusive of bonds and notes issued to fund any reserve fund or funds, costs of issuance and to refund any outstanding bonds and notes, issued on behalf of the state, relating to a locally sponsored community college.

§ 32. Subdivision 1 of section 17 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 35 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~eight hundred forty million three hundred fifteen thousand dollars \$840,315,000~~] eight hundred seventy-six million fifteen thousand dollars \$876,015,000, which authorization increases the aggregate principal amount of bonds, notes and other obligations authorized by section 40 of chapter 309 of the laws of 1996, and shall include all bonds, notes and other obligations issued pursuant to chapter 211 of the laws of 1990, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the youth facilities improvement fund, to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the office of children and family services from the youth facilities improvement fund for capital projects. The aggregate amount of bonds, notes and other obligations authorized to be issued pursuant to this section shall exclude bonds,

1 notes or other obligations issued to refund or otherwise repay bonds,
2 notes or other obligations theretofore issued, the proceeds of which
3 were paid to the state for all or a portion of the amounts expended by
4 the state from appropriations or reappropriations made to the office of
5 children and family services; provided, however, that upon any such
6 refunding or repayment the total aggregate principal amount of outstand-
7 ing bonds, notes or other obligations may be greater than [~~eight hundred~~
8 ~~forty million three hundred fifteen thousand dollars \$840,315,000~~] eight
9 hundred seventy-six million fifteen thousand dollars \$876,015,000, only
10 if the present value of the aggregate debt service of the refunding or
11 repayment bonds, notes or other obligations to be issued shall not
12 exceed the present value of the aggregate debt service of the bonds,
13 notes or other obligations so to be refunded or repaid. For the purposes
14 hereof, the present value of the aggregate debt service of the refunding
15 or repayment bonds, notes or other obligations and of the aggregate debt
16 service of the bonds, notes or other obligations so refunded or repaid,
17 shall be calculated by utilizing the effective interest rate of the
18 refunding or repayment bonds, notes or other obligations, which shall be
19 that rate arrived at by doubling the semi-annual interest rate
20 (compounded semi-annually) necessary to discount the debt service
21 payments on the refunding or repayment bonds, notes or other obligations
22 from the payment dates thereof to the date of issue of the refunding or
23 repayment bonds, notes or other obligations and to the price bid includ-
24 ing estimated accrued interest or proceeds received by the corporation
25 including estimated accrued interest from the sale thereof.

26 § 33. Paragraph b of subdivision 2 of section 9-a of section 1 of
27 chapter 392 of the laws of 1973, constituting the New York state medical
28 care facilities finance agency act, as amended by section 36 of part JJ
29 of chapter 56 of the laws of 2020, is amended to read as follows:

30 b. The agency shall have power and is hereby authorized from time to
31 time to issue negotiable bonds and notes in conformity with applicable
32 provisions of the uniform commercial code in such principal amount as,
33 in the opinion of the agency, shall be necessary, after taking into
34 account other moneys which may be available for the purpose, to provide
35 sufficient funds to the facilities development corporation, or any
36 successor agency, for the financing or refinancing of or for the design,
37 construction, acquisition, reconstruction, rehabilitation or improvement
38 of mental health services facilities pursuant to paragraph a of this
39 subdivision, the payment of interest on mental health services improve-
40 ment bonds and mental health services improvement notes issued for such
41 purposes, the establishment of reserves to secure such bonds and notes,
42 the cost or premium of bond insurance or the costs of any financial
43 mechanisms which may be used to reduce the debt service that would be
44 payable by the agency on its mental health services facilities improve-
45 ment bonds and notes and all other expenditures of the agency incident
46 to and necessary or convenient to providing the facilities development
47 corporation, or any successor agency, with funds for the financing or
48 refinancing of or for any such design, construction, acquisition, recon-
49 struction, rehabilitation or improvement and for the refunding of mental
50 hygiene improvement bonds issued pursuant to section 47-b of the private
51 housing finance law; provided, however, that the agency shall not issue
52 mental health services facilities improvement bonds and mental health
53 services facilities improvement notes in an aggregate principal amount
54 exceeding [~~nine billion nine hundred twenty-seven million two hundred~~
55 ~~seventy-six thousand dollars \$9,927,276,000~~] ten billion four hundred
56 seventy-six million seven hundred seventy-three thousand dollars

1 \$10,476,773,000, excluding mental health services facilities improvement
2 bonds and mental health services facilities improvement notes issued to
3 refund outstanding mental health services facilities improvement bonds
4 and mental health services facilities improvement notes; provided,
5 however, that upon any such refunding or repayment of mental health
6 services facilities improvement bonds and/or mental health services
7 facilities improvement notes the total aggregate principal amount of
8 outstanding mental health services facilities improvement bonds and
9 mental health facilities improvement notes may be greater than [~~nine~~
10 ~~billion nine hundred twenty seven million two hundred seventy six thou-~~
11 ~~sand dollars \$9,927,276,000~~] ten billion four hundred seventy-six
12 million seven hundred seventy-three thousand dollars \$10,476,773,000,
13 only if, except as hereinafter provided with respect to mental health
14 services facilities bonds and mental health services facilities notes
15 issued to refund mental hygiene improvement bonds authorized to be
16 issued pursuant to the provisions of section 47-b of the private housing
17 finance law, the present value of the aggregate debt service of the
18 refunding or repayment bonds to be issued shall not exceed the present
19 value of the aggregate debt service of the bonds to be refunded or
20 repaid. For purposes hereof, the present values of the aggregate debt
21 service of the refunding or repayment bonds, notes or other obligations
22 and of the aggregate debt service of the bonds, notes or other obli-
23 gations so refunded or repaid, shall be calculated by utilizing the
24 effective interest rate of the refunding or repayment bonds, notes or
25 other obligations, which shall be that rate arrived at by doubling the
26 semi-annual interest rate (compounded semi-annually) necessary to
27 discount the debt service payments on the refunding or repayment bonds,
28 notes or other obligations from the payment dates thereof to the date of
29 issue of the refunding or repayment bonds, notes or other obligations
30 and to the price bid including estimated accrued interest or proceeds
31 received by the authority including estimated accrued interest from the
32 sale thereof. Such bonds, other than bonds issued to refund outstanding
33 bonds, shall be scheduled to mature over a term not to exceed the aver-
34 age useful life, as certified by the facilities development corporation,
35 of the projects for which the bonds are issued, and in any case shall
36 not exceed thirty years and the maximum maturity of notes or any
37 renewals thereof shall not exceed five years from the date of the
38 original issue of such notes. Notwithstanding the provisions of this
39 section, the agency shall have the power and is hereby authorized to
40 issue mental health services facilities improvement bonds and/or mental
41 health services facilities improvement notes to refund outstanding
42 mental hygiene improvement bonds authorized to be issued pursuant to the
43 provisions of section 47-b of the private housing finance law and the
44 amount of bonds issued or outstanding for such purposes shall not be
45 included for purposes of determining the amount of bonds issued pursuant
46 to this section. The director of the budget shall allocate the aggregate
47 principal authorized to be issued by the agency among the office of
48 mental health, office for people with developmental disabilities, and
49 the office of addiction services and supports, in consultation with
50 their respective commissioners to finance bondable appropriations previ-
51 ously approved by the legislature.

52 § 33-a. Paragraph a of subdivision 2 of section 1680 of the public
53 authorities law, as amended by section 25 of part II of chapter 59 of
54 the laws of 2004, is amended to read as follows:

55 a. The dormitory authority is hereby authorized and empowered upon
56 application of the educational institution concerned to acquire, design,

1 construct, reconstruct, rehabilitate and improve, or otherwise provide
2 and furnish and equip dormitories and attendant facilities for any
3 educational institution, provided that any contract undertaken or
4 financed by the dormitory authority for any construction, recon-
5 struction, rehabilitation or improvement of any building or structure
6 commenced after September first, nineteen hundred seventy-four for the
7 Gananda school district or the Gananda educational facilities corpo-
8 ration, or any agency, board or commission therein, or any official
9 thereof, shall comply with the provisions of section one hundred one of
10 the general municipal law and the specifications for such contract may
11 provide for assignment of responsibility for coordination of any of the
12 contracts for such work to a single responsible and qualified person,
13 firm or corporation; provided, however, that all contracts for
14 construction of buildings on behalf of Queens Hospital Center shall be
15 in conformity with the provisions of section one hundred one of the
16 general municipal law; provided that any contracts for the construction,
17 reconstruction, rehabilitation or improvement of any public work project
18 undertaken by the dormitory authority of any facility for the aged for
19 any political subdivision of the state or any district therein or agen-
20 cy, department, board or commission thereof, or any official thereof,
21 shall comply with the provisions of section one hundred thirty-five of
22 the state finance law; and provided further that any contract undertaken
23 or financed by the dormitory authority for any construction, recon-
24 struction, rehabilitation or improvement of any building commenced after
25 January first, nineteen hundred eighty-nine for the department of health
26 shall comply with the provisions of section one hundred thirty-five of
27 the state finance law.

28 Each educational institution defined in subdivision one of this
29 section, except the department of health of the state of New York,
30 shall, when authorized by an appropriate resolution adopted by its
31 governing board or, when permitted, adopted by an appropriate committee
32 of such governing board, have power: (i) to convey or cause to be
33 conveyed to the authority real property or rights in real property
34 required in connection with the construction and financing of a dormito-
35 ry by the authority for such educational institution; or (ii) to enter
36 into agreements or leases or both with the dormitory authority pursuant
37 to subdivision sixteen of section sixteen hundred seventy-eight of this
38 title and to paragraph e of this subdivision, or both, or, in the case
39 of the department of health of the state of New York, providing that
40 legislation or appropriations which specifies the facilities to be
41 acquired, constructed, reconstructed, rehabilitated or improved for the
42 department of health of the state of New York and the total estimated
43 costs for each such facility, not to exceed [~~four~~] five hundred [~~nine-~~
44 ~~ty-five~~] ninety-eight million two hundred twenty-six thousand dollars
45 (\$598,226,000) in the aggregate, shall have been approved by the legis-
46 lature, the commissioner of health shall have power: (i) to convey or
47 cause to be conveyed to the authority real property or rights in real
48 property required in connection with the construction and financing of a
49 dormitory by the authority for such educational institution; or (ii) to
50 enter into agreements or leases or both with the dormitory authority
51 pursuant to subdivision sixteen of section sixteen hundred seventy-eight
52 of this title and to paragraph e of this subdivision or both. The educa-
53 tional institution for which such dormitory and attendant facility is
54 intended to be provided shall approve the plans and specifications and
55 location of such dormitory and attendant facility. The dormitory author-
56 ity shall have the same power and authority in respect to such dormito-

ries and attendant facilities provided pursuant to this subdivision that it has relative to other dormitories.

§ 34. Subdivision (a) of section 28 of part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, as amended by section 37 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, one or more authorized issuers as defined by section 68-a of the state finance law are hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~one hundred fifty seven million dollars \$157,000,000~~] one hundred seventy-two million dollars \$172,000,000, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects for public protection facilities in the Division of Military and Naval Affairs, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 35. Section 53 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 38 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

§ 53. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the acquisition of equipment, including but not limited to the creation or modernization of information technology systems and related research and development equipment, health and safety equipment, heavy equipment and machinery, the creation or improvement of security systems, and laboratory equipment and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~one hundred~~] two hundred ninety-three million dollars [~~\$193,000,000~~] \$293,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any

1 interest income earned on bond proceeds shall only be used to pay debt
2 service on such bonds.

3 2. Notwithstanding any other provision of law to the contrary, in
4 order to assist the dormitory authority and the urban development corpo-
5 ration in undertaking the financing for project costs for the acquisi-
6 tion of equipment, including but not limited to the creation or modern-
7 ization of information technology systems and related research and
8 development equipment, health and safety equipment, heavy equipment and
9 machinery, the creation or improvement of security systems, and labora-
10 tory equipment and other state costs associated with such capital
11 projects, the director of the budget is hereby authorized to enter into
12 one or more service contracts with the dormitory authority and the urban
13 development corporation, none of which shall exceed thirty years in
14 duration, upon such terms and conditions as the director of the budget
15 and the dormitory authority and the urban development corporation agree,
16 so as to annually provide to the dormitory authority and the urban
17 development corporation, in the aggregate, a sum not to exceed the prin-
18 cipal, interest, and related expenses required for such bonds and notes.
19 Any service contract entered into pursuant to this section shall provide
20 that the obligation of the state to pay the amount therein provided
21 shall not constitute a debt of the state within the meaning of any
22 constitutional or statutory provision and shall be deemed executory only
23 to the extent of monies available and that no liability shall be
24 incurred by the state beyond the monies available for such purpose,
25 subject to annual appropriation by the legislature. Any such contract or
26 any payments made or to be made thereunder may be assigned and pledged
27 by the dormitory authority and the urban development corporation as
28 security for its bonds and notes, as authorized by this section.

29 § 36. Subdivision (b) of section 11 of chapter 329 of the laws of
30 1991, amending the state finance law and other laws relating to the
31 establishment of the dedicated highway and bridge trust fund, as amended
32 by section 39 of part JJ of chapter 56 of the laws of 2020, is amended
33 to read as follows:

34 (b) Any service contract or contracts for projects authorized pursuant
35 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
36 14-k of the transportation law, and entered into pursuant to subdivision
37 (a) of this section, shall provide for state commitments to provide
38 annually to the thruway authority a sum or sums, upon such terms and
39 conditions as shall be deemed appropriate by the director of the budget,
40 to fund, or fund the debt service requirements of any bonds or any obli-
41 gations of the thruway authority issued to fund or to reimburse the
42 state for funding such projects having a cost not in excess of [~~eleven~~
43 ~~billion three hundred forty-nine million eight hundred seventy-five~~
44 ~~thousand dollars \$11,349,875,000~~] eleven billion nine hundred two
45 million two hundred twenty-seven thousand dollars \$11,902,227,000
46 cumulatively by the end of fiscal year [~~2020-21~~] 2021-22.

47 § 37. Subdivision 1 of section 1689-i of the public authorities law,
48 as amended by section 40 of part JJ of chapter 56 of the laws of 2020,
49 is amended to read as follows:

50 1. The dormitory authority is authorized to issue bonds, at the
51 request of the commissioner of education, to finance eligible library
52 construction projects pursuant to section two hundred seventy-three-a of
53 the education law, in amounts certified by such commissioner not to
54 exceed a total principal amount of [~~two hundred sixty-five million~~
55 ~~dollars \$265,000,000~~] two hundred ninety-nine million dollars
56 \$299,000,000.

§ 38. Section 44 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 41 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

§ 44. Issuance of certain bonds or notes. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, high tech innovation and economic development infrastructure program, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, downstate revitalization initiative, market New York projects, fairground buildings, equipment or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative, heavy equipment, economic development and infrastructure projects, Roosevelt Island operating corporation capital projects, Lake Ontario regional projects, Pennsylvania station and other transit projects and other state costs associated with such projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~ten billion three hundred thirty four million eight hundred fifty one thousand dollars \$10,334,851,000~~] ten billion nine hundred thirty-one million two hundred two thousand dollars \$10,931,202,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering,

1 projects within the city of Buffalo or surrounding environs, the New
2 York works economic development fund, projects for the retention of
3 professional football in western New York, the empire state economic
4 development fund, the clarkson-trudeau partnership, the New York genome
5 center, the cornell university college of veterinary medicine, the olym-
6 pic regional development authority, projects at nano Utica, onondaga
7 county revitalization projects, Binghamton university school of pharma-
8 cy, New York power electronics manufacturing consortium, regional
9 infrastructure projects, New York State Capital Assistance Program for
10 Transportation, infrastructure, and economic development, high tech
11 innovation and economic development infrastructure program, high tech-
12 nology manufacturing projects in Chautauqua and Erie county, an indus-
13 trial scale research and development facility in Clinton county, upstate
14 revitalization initiative projects, downstate revitalization initiative,
15 market New York projects, fairground buildings, equipment or facilities
16 used to house and promote agriculture, the state fair, the empire state
17 trail, the moynihan station development project, the Kingsbridge armory
18 project, strategic economic development projects, the cultural, arts and
19 public spaces fund, water infrastructure in the city of Auburn and town
20 of Owasco, a life sciences laboratory public health initiative, not-for-
21 profit pounds, shelters and humane societies, arts and cultural facili-
22 ties improvement program, restore New York's communities initiative,
23 heavy equipment, economic development and infrastructure projects,
24 Roosevelt Island operating corporation capital projects, Lake Ontario
25 regional projects, Pennsylvania station and other transit projects and
26 other state costs associated with such projects the director of the
27 budget is hereby authorized to enter into one or more service contracts
28 with the dormitory authority and the corporation, none of which shall
29 exceed thirty years in duration, upon such terms and conditions as the
30 director of the budget and the dormitory authority and the corporation
31 agree, so as to annually provide to the dormitory authority and the
32 corporation, in the aggregate, a sum not to exceed the principal, inter-
33 est, and related expenses required for such bonds and notes. Any service
34 contract entered into pursuant to this section shall provide that the
35 obligation of the state to pay the amount therein provided shall not
36 constitute a debt of the state within the meaning of any constitutional
37 or statutory provision and shall be deemed executory only to the extent
38 of monies available and that no liability shall be incurred by the state
39 beyond the monies available for such purpose, subject to annual appro-
40 priation by the legislature. Any such contract or any payments made or
41 to be made thereunder may be assigned and pledged by the dormitory
42 authority and the corporation as security for its bonds and notes, as
43 authorized by this section.

44 § 38-a. Paragraph (b) of subdivision 5 of section 1680-g of the
45 public authorities law, as amended by section 44 of part H of chapter 56
46 of the laws of 2000, is amended to read as follows:

47 (b) The dormitory authority shall not issue any bonds or notes in an
48 amount in excess of [~~thirty~~] thirty-one million two hundred thousand
49 dollars \$31,200,000 for the purposes of this section; excluding bonds or
50 notes issued to fund one or more debt service reserve funds, to pay
51 costs of issuance of such bonds, and bonds or notes issued to refund or
52 otherwise repay such bonds or notes previously issued. Except for
53 purposes of complying with the internal revenue code, any interest on
54 bond proceeds shall only be used to pay debt service on such bonds.

§ 39. Subdivision 1 of section 386-b of the public authorities law, as amended by section 42 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of financing peace bridge projects and capital costs of state and local highways, parkways, bridges, the New York state thruway, Indian reservation roads, and facilities, and transportation infrastructure projects including aviation projects, non-MTA mass transit projects, and rail service preservation projects, including work appurtenant and ancillary thereto. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~six billion nine hundred forty-two million four hundred sixty-three thousand dollars \$6,942,463,000~~] nine billion two hundred seventy-four million nine hundred sixty-three thousand dollars \$9,274,963,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 40. Paragraph (a) of subdivision 2 of section 47-e of the private housing finance law, as amended by section 43 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

(a) Subject to the provisions of chapter fifty-nine of the laws of two thousand, in order to enhance and encourage the promotion of housing programs and thereby achieve the stated purposes and objectives of such housing programs, the agency shall have the power and is hereby authorized from time to time to issue negotiable housing program bonds and notes in such principal amount as shall be necessary to provide sufficient funds for the repayment of amounts disbursed (and not previously reimbursed) pursuant to law or any prior year making capital appropriations or reappropriations for the purposes of the housing program; provided, however, that the agency may issue such bonds and notes in an aggregate principal amount not exceeding [~~six billion five hundred thirty-one million five hundred twenty-three thousand dollars \$6,531,523,000~~] seven billion eight hundred eleven million six hundred seven thousand dollars \$7,811,607,000, plus a principal amount of bonds issued to fund the debt service reserve fund in accordance with the debt service reserve fund requirement established by the agency and to fund any other reserves that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other charges and expenses, including underwriters' discount, trustee and rating agency fees, bond insurance, credit enhancement and liquidity enhancement related to the issuance of such bonds and notes. No reserve fund securing the housing program bonds shall be entitled or eligible to receive state funds apportioned or appropriated to maintain or restore such reserve fund at or to a particular level, except to the extent of any deficiency resulting directly or

1 indirectly from a failure of the state to appropriate or pay the agreed
2 amount under any of the contracts provided for in subdivision four of
3 this section.

4 § 41. Subdivision 1 of section 50 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 44 of part JJ of chapter 56 of the
7 laws of 2020, 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 undertaken by or on behalf of the state educa-
12 tion department, special act school districts, state-supported schools
13 for the blind and deaf, approved private special education schools,
14 non-public schools, community centers, day care facilities, residential
15 camps, day camps, and other state costs associated with such capital
16 projects. The aggregate principal amount of bonds authorized to be
17 issued pursuant to this section shall not exceed [~~one hundred fifty-five~~
18 ~~million dollars \$155,000,000~~] two hundred twenty-six million dollars
19 \$226,000,000, excluding bonds issued to fund one or more debt service
20 reserve funds, to pay costs of issuance of such bonds, and bonds or
21 notes issued to refund or otherwise repay such bonds or notes previously
22 issued. Such bonds and notes of the dormitory authority and the urban
23 development corporation shall not be a debt of the state, and the state
24 shall not be liable thereon, nor shall they be payable out of any funds
25 other than those appropriated by the state to the dormitory authority
26 and the urban development corporation for principal, interest, and
27 related expenses pursuant to a service contract and such bonds and notes
28 shall contain on the face thereof a statement to such effect. Except for
29 purposes of complying with the internal revenue code, any interest
30 income earned on bond proceeds shall only be used to pay debt service on
31 such bonds.

32 § 42. Subdivision 1 of section 47 of section 1 of chapter 174 of the
33 laws of 1968, constituting the New York state urban development corpo-
34 ration act, as amended by section 45 of part JJ of chapter 56 of the
35 laws of 2020, is amended to read as follows:

36 1. Notwithstanding the provisions of any other law to the contrary,
37 the dormitory authority and the corporation are hereby authorized to
38 issue bonds or notes in one or more series for the purpose of funding
39 project costs for the office of information technology services, depart-
40 ment of law, and other state costs associated with such capital
41 projects. The aggregate principal amount of bonds authorized to be
42 issued pursuant to this section shall not exceed [~~eight hundred thirty~~
43 ~~million fifty-four thousand dollars, \$830,054,000~~] nine hundred forty-
44 nine million two hundred fifty-four thousand dollars \$949,254,000
45 excluding bonds issued to fund one or more debt service reserve funds,
46 to pay costs of issuance of such bonds, and bonds or notes issued to
47 refund or otherwise repay such bonds or notes previously issued. Such
48 bonds and notes of the dormitory authority and the corporation shall not
49 be a debt of the state, and the state shall not be liable thereon, nor
50 shall they be payable out of any funds other than those appropriated by
51 the state to the dormitory authority and the corporation for principal,
52 interest, and related expenses pursuant to a service contract and such
53 bonds and notes shall contain on the face thereof a statement to such
54 effect. Except for purposes of complying with the internal revenue code,
55 any interest income earned on bond proceeds shall only be used to pay
56 debt service on such bonds.

§ 43. Paragraph (b) of subdivision 1 of section 385 of the public authorities law, as amended by section 1 of part G of chapter 60 of the laws of 2005, is amended to read as follows:

(b) The authority is hereby authorized, as additional corporate purposes thereof solely upon the request of the director of the budget: (i) to issue special emergency highway and bridge trust fund bonds and notes for a term not to exceed thirty years and to incur obligations secured by the moneys appropriated from the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law; (ii) to make available the proceeds in accordance with instructions provided by the director of the budget from the sale of such special emergency highway and bridge trust fund bonds, notes or other obligations, net of all costs to the authority in connection therewith, for the purposes of financing all or a portion of the costs of activities for which moneys in the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law are authorized to be utilized or for the financing of disbursements made by the state for the activities authorized pursuant to section eighty-nine-b of the state finance law; and (iii) to enter into agreements with the commissioner of transportation pursuant to section ten-e of the highway law with respect to financing for any activities authorized pursuant to section eighty-nine-b of the state finance law, or agreements with the commissioner of transportation pursuant to sections ten-f and ten-g of the highway law in connection with activities on state highways pursuant to these sections, and (iv) to enter into service contracts, contracts, agreements, deeds and leases with the director of the budget or the commissioner of transportation and project sponsors and others to provide for the financing by the authority of activities authorized pursuant to section eighty-nine-b of the state finance law, and each of the director of the budget and the commissioner of transportation are hereby authorized to enter into service contracts, contracts, agreements, deeds and leases with the authority, project sponsors or others to provide for such financing. The authority shall not issue any bonds or notes in an amount in excess of [~~\$16.5 billion~~] eighteen billion one hundred fifty million dollars \$18,150,000,000, plus a principal amount of bonds or notes: (A) to fund capital reserve funds; (B) to provide capitalized interest; and, (C) to fund other costs of issuance. In computing for the purposes of this subdivision, the aggregate amount of indebtedness evidenced by bonds and notes of the authority issued pursuant to this section, as amended by a chapter of the laws of nineteen hundred ninety-six, there shall be excluded the amount of bonds or notes issued that would constitute interest under the United States Internal Revenue Code of 1986, as amended, and the amount of indebtedness issued to refund or otherwise repay bonds or notes.

§ 44. Subdivision 1 of section 386-a of the public authorities law, as amended by section 44 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of assisting the metropolitan transportation authority in the financing of transportation facilities as defined in subdivision seventeen of section twelve hundred sixty-one of this chapter or other capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~two billion one hundred seventy nine million eight hundred fifty six thousand dollars~~]

1 ~~\$2,179,856,000~~] twelve billion five hundred fifteen million eight
2 hundred fifty-six thousand dollars \$12,515,856,000, excluding bonds
3 issued to fund one or more debt service reserve funds, to pay costs of
4 issuance of such bonds, and to refund or otherwise repay such bonds or
5 notes previously issued. Such bonds and notes of the authority, the
6 dormitory authority and the urban development corporation shall not be a
7 debt of the state, and the state shall not be liable thereon, nor shall
8 they be payable out of any funds other than those appropriated by the
9 state to the authority, the dormitory authority and the urban develop-
10 ment corporation for principal, interest, and related expenses pursuant
11 to a service contract and such bonds and notes shall contain on the face
12 thereof a statement to such effect. Except for purposes of complying
13 with the internal revenue code, any interest income earned on bond
14 proceeds shall only be used to pay debt service on such bonds.

15 § 45. Section 1 of chapter 174 of the laws of 1968, constituting the
16 New York state urban development corporation act, is amended by adding a
17 new section 57 to read as follows:

18 § 57. 1. Notwithstanding the provisions of any other law to the
19 contrary, the dormitory authority and the urban development corporation
20 are hereby authorized to issue bonds or notes in one or more series for
21 the purpose of funding project costs for the Empire Station Complex
22 project, and such project shall be deemed a capital work or purpose for
23 purposes of subdivision 3 of section 67-b of the state finance law. The
24 aggregate principal amount of bonds authorized to be issued pursuant to
25 this section shall not exceed one billion three hundred million dollars
26 \$1,300,000,000, excluding bonds issued to fund one or more debt service
27 reserve funds, to pay costs of issuance of such bonds, and bonds or
28 notes issued to refund or otherwise repay such bonds or notes previously
29 issued. Such bonds and notes of the dormitory authority and the urban
30 development corporation shall not be a debt of the state, and the state
31 shall not be liable thereon, nor shall they be payable out of any funds
32 other than those appropriated by the state to the dormitory authority
33 and the urban development corporation for principal, interest, and
34 related expenses pursuant to a service contract and such bonds and notes
35 shall contain on the face thereof a statement to such effect. Except for
36 purposes of complying with the internal revenue code, any interest
37 income earned on bond proceeds shall only be used to pay debt service on
38 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 Empire
42 Station Complex project, the director of the budget is hereby authorized
43 to enter into one or more service contracts with the dormitory authority
44 and the urban development corporation, none of which shall exceed thirty
45 years in duration, upon such terms and conditions as the director of the
46 budget and the dormitory authority and the urban development corporation
47 agree, so as to annually provide to the dormitory authority and the
48 urban development corporation, in the aggregate, a sum not to exceed the
49 principal, interest, and related expenses required for such bonds and
50 notes. Any service contract entered into pursuant to this section shall
51 provide that the obligation of the state to pay the amount therein
52 provided shall not constitute a debt of the state within the meaning of
53 any constitutional or statutory provision and shall be deemed executory
54 only to the extent of monies available and that no liability shall be
55 incurred by the state beyond the monies available for such purpose,
56 subject to annual appropriation by the legislature. Any such contract or

any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the urban development corporation as security for its bonds and notes, as authorized by this section.

§ 46. Intentionally omitted.

§ 47. Intentionally omitted.

§ 48. The section heading and subdivision 1 of section 56 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 49-c of part JJ of chapter 56 of the laws of 2020, are amended to read as follows:

State-supported debt; ~~[2021]~~ 2022. 1. ~~[In light of the significant impact that the global spread of the COVID-19 coronavirus disease is having and is expected to continue to have on the health and welfare of individuals in the state as well as on the financial condition of the state, and notwithstanding any other provision of law to the contrary, the dormitory authority of the state of New York and the urban development corporation are each authorized to issue state supported debt pursuant to article 5-C of the state finance law to assist the state to manage its financing needs during its 2021 fiscal year, without regard to any restrictions, limitations and requirements contained in article 5-B of the state finance law, other than subdivision 4 of section 67-b of such article, and such state supported debt shall be deemed to be issued for an authorized purpose within the meaning of subdivision 2 of section 68-a of the state finance law for all purposes of article 5-C of the state finance law. Furthermore, any]~~ Any bonds issued directly by the state for the purpose of refunding or refinancing outstanding bonds of the sales tax asset receivable corporation as well as outstanding secured hospital project bonds during the state's [2021] 2022 fiscal year shall be issued without regard to any restrictions, limitations and requirements contained in [article 5-B of the state finance law, other than] subdivision [4] 2 of section 67-b of [such article] the state finance law. [For so long as any state supported debt issued during the state's 2021 fiscal year shall remain outstanding, including any state-supported debt issued to refund state-supported debt issued during such fiscal year, the restrictions, limitations and requirements contained in article 5-B of the state finance law, other than subdivision 4 of section 67-b of such article, shall not apply.] Any bonds issued directly by the state as part of the state's contribution to the MTA 2015-19 capital plan during the state's 2022 fiscal year shall be issued without regard to any restrictions, limitations and requirements contained in subdivisions 2 and 4 of section 67-b of the state finance law. For so long as any state supported debt issued during the state's 2022 fiscal year to refund or refinance outstanding bonds of the sales tax asset receivable corporation or outstanding secured hospital project bonds remain outstanding, the restrictions, limitations and requirements contained in subdivision 2 of section 67-b of the state finance law shall not apply. Furthermore, so long as state supported debt issued during the state's 2022 fiscal year for the state's contribution to the MTA 2015-19 capital plan remain outstanding, the restrictions, limitations and requirements contained in subdivisions 2 and 4 of section 67-b of the state finance law shall not apply.

§ 49. Section 3238-a of the public authorities law, as amended by section 1 of part V of chapter 63 of the laws of 2003, is amended to read as follows:

§ 3238-a. Payment to city of New York. 1. Notwithstanding any inconsistent provision of law, the corporation shall transfer to the city of New York one hundred seventy million dollars from the resources of the

1 corporation pursuant to section thirty-two hundred thirty-nine of this
2 title~~[-Such payment]~~; provided, however, that on and after July first,
3 two thousand twenty, the obligation of the corporation to make such
4 transfer shall be conditioned on any bonds issued by the sales tax asset
5 receivables corporation that are secured by the corporation's payments
6 described in this subdivision being outstanding in accordance with the
7 trust indenture under which they were issued, while any such bonds are
8 outstanding such payments shall be made during each city fiscal year.
9 Such payments from the corporation shall be made from the fund estab-
10 lished by section ninety-two-r of the state finance law and in accord-
11 ance with the provisions thereof.

12 2. The city of New York, acting by the mayor alone, may assign all or
13 any portion of such amount to any not-for-profit corporation incorpo-
14 rated pursuant to section fourteen hundred eleven of the not-for-profit
15 corporation law and, upon such assignment, the amount so assigned shall
16 be the property of such not-for-profit corporation for all purposes.
17 Following notice from the city of New York to the corporation and the
18 comptroller of such assignment, such payment shall be made directly to
19 the city's assignee. If such not-for-profit corporation issues bonds
20 and/or notes, the state does hereby pledge and agree with the holders of
21 any issue of bonds and/or notes secured by such a pledge that the state
22 will not limit or alter the rights vested in such not-for-profit corpo-
23 ration to fulfill the terms of any agreements made with such holders or
24 in any way impair the rights and remedies of such holders or the securi-
25 ty for such bonds and/or notes until such bonds and/or notes, together
26 with the interest thereon and all costs and expenses in connection with
27 any action or proceeding by or on behalf of such holders, are fully paid
28 and discharged. The foregoing pledge and agreement may be included in
29 any agreement with the holders of such bonds or notes. Nothing contained
30 in this section shall be deemed to restrict the right of the state to
31 amend, modify, repeal or otherwise alter statutes imposing or relating
32 to the taxes subject to such assignment, but such taxes shall in all
33 events continue to be so payable, as assigned, so long as any such taxes
34 are imposed.

35 3. The state may, at any time, provide proceeds of state supported
36 debt, as defined in subdivision one of section sixty-seven-a of the
37 state finance law, or other available monies, to the trustee for the
38 bonds of the sales tax asset receivable corporation secured by the
39 corporation's payments described in subdivision one of this section in
40 an amount sufficient to fully pay and discharge such bonds by means of a
41 legal defeasance of all such outstanding bonds in accordance with the
42 trust indenture under which they were issued. Upon any such legal defea-
43 sance of such bonds, the corporation's obligation contained in subdivi-
44 sion one of this section to transfer funds to the city of New York shall
45 be deemed satisfied and fully discharged.

46 4. Notwithstanding any inconsistent provision of law, the dormitory
47 authority of the state of New York and the New York state urban develop-
48 ment corporation are hereby authorized to issue bonds in one or more
49 series pursuant to article five-C or article five-F of the state finance
50 law in an aggregate principal amount sufficient to (i) finance the legal
51 defeasance of all of the outstanding bonds of the sales tax asset
52 receivable corporation secured by the corporation's payments described
53 in subdivision one of this section, (ii) one or more related debt
54 service reserve funds, and (iii) costs of issuance attributable to such
55 bonds, and the issuance of such bonds is hereby determined to be for an
56 "authorized purpose", as defined in subdivision two of section sixty-

eight-a and subdivision two of section sixty-nine-m of the state finance law, as the case may be.

§ 50. Paragraph a of subdivision 5 of section 89-b of the state finance law, as amended by section 11 of part C of chapter 57 of the laws of 2014, is amended to read as follows:

a. Moneys in the dedicated highway and bridge trust fund shall, following appropriation by the legislature, be utilized for: reconstruction, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways, and bridges thereon, to restore such facilities to their intended functions; construction, reconstruction, enhancement and improvement of state, county, town, city, and village roads, highways, parkways, and bridges thereon, to address current and projected capacity problems including costs for traffic mitigation activities; aviation projects authorized pursuant to section fourteen-j of the transportation law and for payments to the general debt service fund of amounts equal to amounts required for service contract payments related to aviation projects as provided and authorized by section three hundred eighty-six of the public authorities law; programs to assist small and minority and women-owned firms engaged in transportation construction and reconstruction projects, including a revolving fund for working capital loans, and a bonding guarantee assistance program in accordance with provisions of this chapter; matching federal grants or apportionments to the state for highway, parkway and bridge capital projects; the acquisition of real property and interests therein required or expected to be required in connection with such projects; preventive maintenance activities necessary to ensure that highways, parkways and bridges meet or exceed their optimum useful life; expenses of control of snow and ice on state highways by the department of transportation including but not limited to personal services, nonpersonal services and fringe benefits, payment of emergency aid for control of snow and ice in municipalities pursuant to section fifty-five of the highway law, expenses of control of snow and ice on state highways by municipalities pursuant to section twelve of the highway law, and for expenses of arterial maintenance agreements with cities pursuant to section three hundred forty-nine of the highway law; personal services, nonpersonal services, and fringe benefit costs of the department of transportation for bus safety inspection activities, rail safety inspection activities, and truck safety inspection activities; costs of the department of motor vehicles, including but not limited to personal and nonpersonal services; costs of engineering and administrative services of the department of transportation, including but not limited to fringe benefits; the contract services provided by private firms in accordance with section fourteen of the transportation law; personal services and nonpersonal services, for activities including but not limited to the preparation of designs, plans, specifications and estimates; construction management and supervision activities; costs of appraisals, surveys, testing and environmental impact statements for transportation projects; expenses in connection with buildings, equipment, materials and facilities used or useful in connection with the maintenance, operation, and repair of highways, parkways and bridges thereon; and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preserva-

tion of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; and construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, and the payment of debt service required on any bonds, notes or other obligations and related expenses for highway, parkway, bridge and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, purposes authorized on or after the effective date of this section. Beginning with disbursements made on and after the first day of April, nineteen hundred ninety-three, moneys in such fund shall be available to pay such costs or expenses made pursuant to appropriations or reappropriations made during the state fiscal year which began on the first of April, nineteen hundred ninety-two. Beginning the first day of April, nineteen hundred ninety-three, moneys in such fund shall also be used for transfers to the general debt service fund and the ~~[revenue bond tax]~~ general fund of amounts equal to that respectively required for service contract and financing agreement payments as provided and authorized by section three hundred eighty of the public authorities law, section eleven of chapter three hundred twenty-nine of the laws of nineteen hundred ninety-one, as amended, and sections sixty-eight-c and sixty-nine-o of this chapter.

§ 51. Paragraph c of subdivision 5 of section 89-b of the state finance law is REPEALED.

§ 52. Subdivision 5 of section 97-f of the state finance law, as amended by section 49 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

5. The comptroller shall from time to time, but in no event later than the fifteenth day of each month, pay over for deposit in the mental hygiene general fund state operations account, including moneys pursuant to subdivision eight of this section, all moneys in the mental health services fund in excess of the amount of money required to be maintained on deposit in the mental health services fund. Subject to subdivision nine of this section, the amount required to be maintained in such fund shall be (i) twenty percent of the amount of the next payment coming due relating to the mental health services facilities improvement program under any agreement between the facilities development corporation and

1 the New York state medical care facilities finance agency multiplied by
2 the number of months from the date of the last such payment with respect
3 to payments under any such agreement required to be made semi-annually,
4 plus (ii) those amounts specified in any such agreement with respect to
5 payments required to be made other than semi-annually, including for
6 variable rate bonds, interest rate exchange or similar agreements or
7 other financing arrangements permitted by law. Concurrently with the
8 making of any such payment, the facilities development corporation shall
9 deliver to the comptroller, the director of the budget and the New York
10 state medical care facilities finance agency a certificate stating the
11 aggregate amount to be maintained on deposit in the mental health
12 services fund to comply in full with the provisions of this subdivision.

13 § 53. Subdivision 8 of section 97-f of the state finance law, as
14 amended by section 49 of part TTT of chapter 59 of the laws of 2019, is
15 amended to read as follows:

16 8. ~~[In addition to the amounts required to be maintained on deposit in~~
17 ~~the mental health services fund pursuant to subdivision five of this~~
18 ~~section and subject to subdivision nine of this section, the fund shall~~
19 ~~maintain on deposit an amount equal to the debt service and other cash~~
20 ~~requirements on mental health services facilities bonds issued by~~
21 ~~authorized issuers pursuant to sections sixty eight b and sixty nine n~~
22 ~~of this chapter. The amount required to be maintained in such fund shall~~
23 ~~be (i) twenty percent of the amount of the next payment coming due~~
24 ~~relating to mental health services facilities bonds issued by an author-~~
25 ~~ized issuer multiplied by the number of months from the date of the last~~
26 ~~such payment with respect to payments required to be made semi-annually,~~
27 ~~plus (ii) those amounts specified in any financing agreement between the~~
28 ~~issuer and the state, acting through the director of the budget, with~~
29 ~~respect to payments required to be made other than semi-annually,~~
30 ~~including for variable rate bonds, interest rate exchange or similar~~
31 ~~agreements or other financing arrangements permitted by law. Concur-~~
32 ~~rently with the making of any such payment, the facilities development~~
33 ~~corporation shall deliver to the comptroller, the director of the budget~~
34 ~~and the New York state medical care facilities finance agency a certifi-~~
35 ~~cate stating the aggregate amount to be maintained on deposit in the~~
36 ~~mental health services fund to comply in full with the provisions of~~
37 ~~this subdivision.~~

38 ~~No later than five days prior to the payment to be made by the state~~
39 ~~comptroller on such mental health services facilities bonds pursuant to~~
40 ~~sections ninety two z and ninety two h of this article, the] The amount~~
41 of [such] payment on such mental health services facilities bonds pursu-
42 ant to sections ninety-two-z and ninety-two-h of this article, shall be
43 transferred by the state comptroller from the mental health services
44 fund to the ~~[revenue bond tax fund established by section ninety-two-z~~
45 ~~of this article and the sales tax revenue bond fund established by~~
46 ~~section ninety-two h of this article]~~ mental hygiene general fund state
47 operation account. The accumulation of moneys pursuant to this subdivi-
48 sion and subsequent transfer to the ~~[revenue bond tax fund and the sales~~
49 ~~tax revenue bond fund]~~ mental hygiene general fund state operation
50 account shall be subordinate in all respects to payments to be made to
51 the New York state medical care facilities finance agency and to any
52 pledge or assignment pursuant to subdivision six of this section.

53 § 54. Subdivision 9 of section 97-f of the state finance law, as added
54 by section 49 of part TTT of chapter 59 of the laws of 2019, is amended
55 to read as follows:

1 9. In determining the amounts required to be maintained in the mental
2 health services fund under [~~subdivisions~~] subdivision five [~~and eight~~]
3 of this section in each month, the amount of receipts associated with
4 loans, leases and other agreements with voluntary agencies accumulated
5 and set aside in the mental hygiene facilities improvement fund income
6 account under paragraph g of subdivision three of section nine of the
7 facilities development corporation act shall be taken into account as a
8 credit but only if such crediting does not result in the amounts
9 required to be maintained in the mental health services fund exclusive
10 of any credit to be less than the amount required under subdivision five
11 of this section in each month.

12 § 55. Subdivision (j) of section 92-dd of the state finance law is
13 REPEALED.

14 § 56. Subdivision 3-a of section 2872 of the public health law is
15 REPEALED and a new subdivision 3-a is added to read as follows:

16 3-a. "Secured hospital project bonds" shall mean outstanding bonds
17 issued on behalf of a not-for-profit hospital corporation organized
18 under the laws of this state, which hospital has previously been desig-
19 nated by the commissioner and the public health council to be eligible
20 to receive distributions from the reimbursement pools established pursu-
21 ant to paragraph (c) of subdivision nine of section twenty-eight hundred
22 seven-a of this chapter, or any successor pool or pools established to
23 serve a substantially similar purpose to such pools.

24 § 57. Section 2874 of the public health law is amended by adding a new
25 subdivision 5 to read as follows:

26 5. The dormitory authority of the state of New York and the New York
27 state urban development corporation are each hereby authorized to issue
28 bonds in one or more series pursuant to article 5-C or article 5-F of
29 the state finance law for the purpose of refunding outstanding secured
30 hospital project bonds, as defined in subdivision three-a of section
31 twenty-eight hundred seventy-two of this article, and to finance one or
32 more related debt service reserve funds and to pay costs of issuance
33 attributable to such refunding bonds.

34 § 58. This act shall take effect immediately and shall be deemed to
35 have been in full force and effect on and after April 1, 2021; provided,
36 however, that the provisions of sections one, one-a, two, three, four,
37 five, six, seven, eight, twelve, thirteen, fourteen, fifteen, sixteen,
38 seventeen, eighteen, nineteen, twenty-one, and twenty-two of this act
39 shall expire March 31, 2022 when upon such date the provisions of such
40 sections shall be deemed repealed; and provided further that the amend-
41 ments to section 3238-a of the public authorities law made by section
42 forty-nine of this act shall be subject to the repeal of such section
43 and shall expire and be deemed repealed therewith.

44 PART RR

45 Section 1. Subdivision 5 of section 362 of chapter 83 of the laws of
46 1995 amending the state finance law and other laws relating to bonds,
47 notes and revenues, as amended by section 1 of part F of chapter 57 of
48 the laws of 2016, is amended to read as follows:

49 5. Sections thirty-one through forty-two of this act shall take effect
50 on the thirtieth day after it shall have become a law and shall be
51 deemed to have been in full force and effect on and after April 1, 1995;
52 provided that section 163 of the state finance law, as added by section
53 thirty-three of this act shall remain in full force and effect until
54 June 30, [~~2021~~] 2026 at which time it shall expire and be deemed

1 repealed. Contracts executed prior to the expiration of such section 163
2 shall remain in full force and effect until the expiration of any such
3 contract notwithstanding the expiration of certain provisions of this
4 act.

5 § 2. This act shall take effect immediately.

6 PART SS

7 Section 1. Section 16 of chapter 1 of the laws of 2005, amending the
8 state finance law relating to restricting contacts in the procurement
9 process and the recording of contacts relating thereto, as amended by
10 section 2 of part F of chapter 57 of the laws of 2016, is amended to
11 read as follows:

12 § 16. This act shall take effect immediately; provided, however, that
13 sections one, six, eight, nine, ten, eleven and fifteen of this act
14 shall take effect January 1, 2006; and provided, however, the amendments
15 to paragraph f of subdivision 9 of section 163 of the state finance law
16 made by section fifteen of this act shall not affect the repeal of such
17 section and shall be deemed repealed therewith; provided, further, that
18 the amendments to article 1-A of the legislative law, made by this act,
19 shall not affect the repeal of such article pursuant to chapter 2 of the
20 laws of 1999, as amended, and shall be deemed repealed therewith;
21 provided, further, that sections thirteen and fourteen of this act shall
22 take effect January 1, 2006 and shall be deemed repealed July 31, [2021]
23 2026; provided, further, that effective immediately, the advisory coun-
24 cil on procurement lobbying created pursuant to section twelve of this
25 act shall be constituted no later than sixty days following the effec-
26 tive date of this act, provided that effective sixty days following the
27 effective date of this act, the advisory council on procurement lobbying
28 shall be authorized to establish model guidelines and to add, amend
29 and/or repeal any rules or regulations necessary for the implementation
30 of its duties under sections twelve and thirteen of this act, and the
31 advisory council authorized to make and complete such model guidelines
32 on or before the effective date of section thirteen of this act;
33 provided, further, that procurement contracts for which bid solicita-
34 tions have been issued prior to the effective date of this act shall be
35 awarded pursuant to the provisions of law in effect at the time of issu-
36 ance.

37 § 2. Intentionally omitted.

38 § 3. Intentionally omitted.

39 § 4. This act shall take effect immediately.

40 PART TT

41 Intentionally Omitted

42 PART UU

43 Intentionally Omitted

44 PART VV

45 Section 1. The public service law is amended by adding a new section
46 24-c to read as follows:

47 § 24-c. Utility intervenor reimbursement. 1. As used in this
48 section, the following terms shall have the following meanings:

1 (a) "Compensation" means payment from the utility intervenor account
2 fund established by section ninety-seven-bbbbb of the state finance law,
3 for all or part, as determined by the department, of reasonable advo-
4 cate's fees, reasonable expert witness fees, and other reasonable costs
5 for preparation and participation in a proceeding.

6 (b) "Participant" means a group of persons that apply jointly for an
7 award of compensation under this section and who represent the interests
8 of a significant number of residential or small business customers, or a
9 not-for-profit organization in this state authorized pursuant to its
10 articles of incorporation or bylaws to represent the interests of resi-
11 dential or small business utility customers. For purposes of this
12 section, a participant does not include a non-profit organization or
13 other organization whose principal interests are the welfare of a public
14 utility or its investors or employees, or the welfare of one or more
15 businesses or industries which receive utility service ordinarily and
16 primarily for use in connection with the profit-seeking manufacture,
17 sale, or distribution of goods or services.

18 (c) "Other reasonable costs" means reasonable out-of-pocket expenses
19 directly incurred by a participant that are directly related to the
20 contentions or recommendations made by the participant that resulted in
21 a substantial contribution.

22 (d) "Party" means any interested party, respondent public utility, or
23 commission staff in a hearing or proceeding.

24 (e) "Proceeding" means a complaint, or investigation, rulemaking, or
25 other formal proceeding before the commission, or alternative dispute
26 resolution procedures in lieu of formal proceedings as may be sponsored
27 or endorsed by the commission, provided however such proceedings shall
28 be limited to those relating to public utilities that distribute and
29 deliver gas, electricity, or steam within this state and having annual
30 revenues in excess of two hundred million dollars arising under and
31 proceeding pursuant to the following articles of this chapter: (1) the
32 regulation of the price of gas and electricity, pursuant to article four
33 of this chapter; (2) the regulation of the price of steam, pursuant to
34 article four-A of this chapter; (3) the submetering, remetering or
35 resale of electricity to residential premises, pursuant to sections
36 sixty-five and sixty-six of this chapter, and pursuant to regulations
37 regarding the submetering, remetering, or resale of electricity adopted
38 by the commission; and (4) such sections of this chapter as are applica-
39 ble to a proceeding in which the commission makes a finding on the
40 record that the public interest requires the reimbursement of utility
41 intervenor fees pursuant to this section.

42 (f) "Significant financial hardship" means that the participant will
43 be unable to afford, without undue hardship, to pay the costs of effec-
44 tive participation, including advocate's fees, expert witness fees, and
45 other reasonable costs of participation.

46 (g) "Small business" means a business with a gross annual revenue of
47 two hundred fifty thousand dollars or less.

48 (h) "Substantial contribution" means that, in the judgment of the
49 department, the participant's application may substantially assist the
50 commission in making its decision because the decision may adopt in
51 whole or in part one or more factual contentions, legal contentions, or
52 specific policy or procedural recommendations that will be presented by
53 the participant.

54 2. A participant may apply for an award of compensation under this
55 section in a proceeding in which such participant has sought active
56 party status as defined by the department. The department shall deter-

1 mine appropriate procedures for accepting and responding to such appli-
2 cations. At the time of application, such participant shall serve on
3 every party to the proceeding notice of intent to apply for an award of
4 compensation.

5 An application shall include:

6 (a) A statement of the nature and extent and the factual and legal
7 basis of the participant's planned participation in the proceeding as
8 far as it is possible to describe such participation with reasonable
9 specificity at the time the application is filed.

10 (b) At minimum, a reasonably detailed description of anticipated advo-
11 cates and expert witness fees and other costs of preparation and partic-
12 ipation that the participant expects to request as compensation.

13 (c) If participation or intervention will impose a significant finan-
14 cial hardship and the participant seeks payment in advance to an award
15 of compensation in order to initiate, continue or complete participation
16 in the hearing or proceeding, such participant must include evidence of
17 such significant financial hardship in its application.

18 (d) Any other requirements as required by the department.

19 3. (a) Within thirty days after the filing of an application the
20 department shall issue a decision that determines whether or not the
21 participant may make a substantial contribution to the final decision in
22 the hearing or proceeding. If the department finds that the participant
23 requesting compensation may make a substantial contribution, the depart-
24 ment shall describe this substantial contribution and determine the
25 amount of compensation to be paid pursuant to subdivision four of this
26 section.

27 (b) Notwithstanding subdivision four of this section, if the depart-
28 ment finds that the participant has a significant financial hardship,
29 the department may direct the public utility or utilities subject to the
30 proceeding to pay all or part of the compensation to the department to
31 be provided to the participant prior to the end of the proceeding. In
32 the event that the participant discontinues its participation in the
33 proceeding without the consent of the department, the department shall
34 be entitled to, in whole or in part, recover any payments made to such
35 participant to be refunded to the public utility or utilities that
36 provided such payment.

37 (c) The computation of compensation pursuant to paragraph (a) of this
38 subdivision shall take into consideration the market rates paid to
39 persons of comparable training and experience who offer similar
40 services. The compensation awarded may not, in any case, exceed the
41 comparable market rate for services paid by the department or the public
42 utility, whichever is greater, to persons of comparable training and
43 experience who are offering similar services.

44 (d) Any compensation awarded to a participant and not used by such
45 participant shall be returned to the department for refund to the public
46 utility or utilities that provided such payment.

47 (e) The department shall require that participants seeking payment
48 maintain an itemized record of all expenditures incurred as a result of
49 such proceeding.

50 (i) The department may use the itemized record of expenses to verify
51 the claim of financial hardship by a participant seeking payment pursu-
52 ant to paragraph (c) of subdivision two of this section.

53 (ii) The department may use the record of expenditures in determining,
54 after the completion of a proceeding, if any unused funds remain.

(iii) The department shall preserve the confidentiality of the participant's records in making any audit or determining the availability of funds after the completion of a proceeding.

(f) In the event that the department finds that two or more participants' applications have substantially similar interests, the department may require such participants to apply jointly in order to receive compensation.

4. Any compensation pursuant to this section shall be paid at the conclusion of the proceeding by the public utility or utilities subject to the proceeding within thirty days. Such compensation shall be remitted to the department which shall then remit such compensation to the participant.

5. The department shall deny any award to any participant who attempts to delay or obstruct the orderly and timely fulfillment of the department's responsibilities.

§ 2. The state finance law is amended by adding a new section 97-bbbbb to read as follows:

§ 97-bbbbb. Utility intervenor account. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a fund to be known as the utility intervenor account.

2. Such account shall consist of all utility intervenor reimbursement monies received from utilities pursuant to section twenty-four-c of the public service law.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.

PART WW

Section 1. The public service law is amended by adding a new article 1-A to read as follows:

ARTICLE 1-A

THE STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE

Section 28-a. Definitions.

28-b. Establishment of the state office of the utility consumer advocate.

28-c. Powers of the state office of the utility consumer advocate.

28-d. Reports.

§ 28-a. Definitions. When used in this article: (a) "Department" means the department of public service.

(b) "Commission" means the public service commission.

(c) "Residential utility customer" means any person who is sold or offered for sale residential utility service by a utility company.

(d) "Utility company" means any person or entity operating an agency for public service, including, but not limited to, those persons or entities subject to the jurisdiction, supervision and regulations prescribed by or pursuant to the provisions of this chapter.

§ 28-b. Establishment of the state office of the utility consumer advocate. There is established the state office of the utility consumer advocate to represent the interests of residential utility customers. The utility consumer advocate shall be appointed by the governor to a term of six years, upon the advice and consent of the senate. The utility consumer advocate shall possess knowledge and experience in matters affecting residential utility customers and shall be responsible for the direction, control, and operation of the state office of the utility

1 consumer advocate, including its hiring of staff and retention of
2 experts for analysis and testimony in proceedings. The utility consumer
3 advocate shall not be removed for cause, but may be removed only after
4 notice and opportunity to be heard, and only for permanent disability,
5 malfeasance, a felony, or conduct involving moral turpitude. Exercise of
6 independent judgment in advocating positions on behalf of residential
7 utility customers shall not constitute cause for removal of the utility
8 consumer advocate.

9 § 28-c. Powers of the state office of the utility consumer advocate.
10 The state office of the utility consumer advocate shall have the power
11 and duty to: (a) initiate, intervene in, or participate on behalf of
12 residential utility customers in any proceedings before the commission,
13 the federal energy regulatory commission, the federal communications
14 commission, federal, state and local administrative and regulatory agen-
15 cies, and state and federal courts in any matter or proceeding that may
16 substantially affect the interests of residential utility customers,
17 including, but not limited to, a proposed change of rates, charges,
18 terms and conditions of service, the adoption of rules, regulations,
19 guidelines, orders, standards or final policy decisions where the utili-
20 ty consumer advocate deems such initiation, intervention or partic-
21 ipation to be necessary or appropriate;

22 (b) represent the interests of residential utility customers of the
23 state before federal, state and local administrative and regulatory
24 agencies engaged in the regulation of energy, telecommunications, water,
25 and other utility services, and before state and federal courts in
26 actions and proceedings to review the actions of utilities or orders of
27 utility regulatory agencies. Any action or proceeding brought by the
28 utility consumer advocate before a court or an agency shall be brought
29 in the name of the state office of the utility consumer advocate. The
30 utility consumer advocate may join with a residential utility customer
31 or group of residential utility customers in bringing an action;

32 (c) (i) in addition to any other authority conferred upon the utility
33 consumer advocate, he or she is authorized, and it shall be his or her
34 duty to represent the interests of residential utility customers as a
35 party, or otherwise participate for the purpose of representing the
36 interests of such customers before any agencies or courts. He or she may
37 initiate proceedings if in his or her judgment doing so may be necessary
38 in connection with any matter involving the actions or regulation of
39 public utility companies whether on appeal or otherwise initiated. The
40 utility consumer advocate may monitor all cases before regulatory agen-
41 cies in the United States, including the federal communications commis-
42 sion and the federal energy regulatory commission that affect the inter-
43 ests of residential utility customers of the state and may formally
44 participate in those proceedings which in his or her judgment warrants
45 such participation.

46 (ii) the utility consumer advocate shall exercise his or her independ-
47 ent discretion in determining the interests of residential utility
48 customers that will be advocated in any proceeding, and determining
49 whether to participate in or initiate any proceeding and, in so deter-
50 mining, shall consider the public interest, the resources available, and
51 the substantiality of the effect of the proceeding on the interest of
52 residential utility customers;

53 (d) request and receive from any state or local authority, agency,
54 department or division of the state or political subdivision such
55 assistance, personnel, information, books, records, other documentation
56 and cooperation necessary to perform its duties; and

1 (e) enter into cooperative agreements with other government offices to
2 efficiently carry out its work.

3 § 28-d. Reports. On July first, two thousand twenty-two and annually
4 thereafter, the state office of the utility consumer advocate shall
5 issue a report to the governor and the legislature, and make such report
6 available to the public free of charge on a publicly available website,
7 containing, but not limited to, the following information:

8 (a) all proceedings that the state office of the utility consumer
9 advocate participated in and the outcome of such proceedings, to the
10 extent of such outcome and if not confidential;

11 (b) estimated savings to residential utility consumers that resulted
12 from intervention by the state office of the utility consumer advocate;
13 and

14 (c) policy recommendations and suggested statutory amendments that the
15 state office of the utility consumer advocate deems necessary.

16 § 2. This act shall take effect on the first of April next succeeding
17 the date on which it shall have become a law.

18 PART XX

19 Section 1. Notwithstanding the provisions of executive order 203 of
20 2020 that authorized the director of the division of the budget to
21 condition receipt of future appropriated state or federal funds by a
22 local government or political subdivision upon the filing of a certifi-
23 cation with the director of the division of the budget as required by
24 executive order 203 of 2020, such certification shall not be required to
25 receive appropriated state or federal funds by any local government or
26 political subdivision.

27 § 2. This act shall take effect immediately.

28 PART YY

29 Section 1. This act enacts into law components of legislation that
30 would enable public employers to offer a temporary retirement incentive
31 to their employees, as well as to provide an age 55/25 years temporary
32 incentive for certain public employees. Each component is wholly
33 contained within a Subpart identified as Subparts A and B. The effective
34 date for each particular provision contained within such Subpart is set
35 forth in the last section of such Subpart. Any provision in any section
36 contained within a Subpart, including the effective date of the Subpart,
37 which makes reference to a section "of this act", when used in
38 connection with that particular component, shall be deemed to mean and
39 refer to the corresponding section of the Subpart in which it is found,
40 unless noted otherwise. The benefits of this act shall not be applicable
41 to anyone who first became a member of a public retirement system of the
42 state on or after January first, two thousand ten.

43 § 2. Legislative findings. The legislature finds and declares that the
44 retirement benefits provided for in this act are designed to achieve
45 cost-savings for public employers and to avoid layoffs of public employ-
46 ees in this time of fiscal need. Therefore, the retirement incentive
47 benefit provided for in Subpart A of this act and the age 55/25 years
48 retirement benefit provided for in Subpart B of this act are intended
49 only to be temporary in nature for employees who are eligible to receive
50 and qualify for the applicable benefit during the applicable time peri-
51 ods specified within each Subpart. Further, nothing in this act shall be
52 construed to create an expectation of a future or continuing retirement

1 benefit for any public employee who is not eligible to receive and qual-
2 ify for the retirement benefits in this act during the applicable time
3 periods.

4 SUBPART A

5 Section 1. Definitions. As used in this act, unless the context clear-
6 ly requires otherwise:

7 a. "Retirement system" means the New York state and local employees'
8 retirement system, the New York state teachers' retirement system, the
9 New York city teachers' retirement system, the New York city board of
10 education retirement system or the New York city employees' retirement
11 system, exclusive of the retirement plans established pursuant to
12 sections 13-156 and 13-157 of the administrative code of the city of New
13 York.

14 b. "Teachers' retirement system" means the New York state teachers'
15 retirement system or the New York city teachers' retirement system.

16 c. "Optional retirement program" means the programs established pursu-
17 ant to the provisions of section 181, 391 or 6251 of the education law;
18 or continued pursuant to section 3 of chapter 980 of the laws of 1962.

19 d. "State employer" means (a) the executive branch of the state, (b)
20 the state-operated institutions of the state university of New York, (c)
21 the statutory and contract colleges operated pursuant to section 357 of
22 the education law, (d) the state university construction fund (herein-
23 after referred to in this act as the "fund"), (e) a cooperative exten-
24 sion association (hereinafter referred to in this act as the "associ-
25 ation"), (f) the city university of New York as defined in subdivision 2
26 of section 6202 of the education law, (g) the unified court system, (h)
27 the senate, (i) the assembly, and (j) joint legislative employers.

28 e. (a) "Participating employer" means an employer, other than a state
29 employer, which participates in a retirement system; such term shall
30 include a community college operating under the program of the state
31 university of New York.

32 (b) "Educational employer" means a participating employer which is a
33 school district, a board of cooperative educational services, a voca-
34 tional education and extension board, an institution for the instruction
35 of the deaf and of the blind as enumerated in section 4201 of the educa-
36 tion law, or a school district as enumerated in section 1 of chapter 566
37 of the laws of 1967, as amended.

38 f. "Eligible employee" means a person who is a member of a retirement
39 system or a participant in an optional retirement program who is an
40 employee in the executive branch of a state employer or an employee of a
41 state employer or a participating employer which makes an election under
42 this section or section four of this act, but such term shall not
43 include the following persons:

44 (a) elected officials, judges or justices appointed to or serving in a
45 court of record and acting village justices;

46 (b) chief administrative officers of participating employers which
47 participate in a teachers' retirement system;

48 (c) officers described in sections 4, 41-a, 46, 61, 70, 70-a, 169
49 (including those officers whose salary is established pursuant to salary
50 plans under subdivision 3 of section 169), 180 and subdivision 1 of
51 section 41 of the executive law and any agency or department head
52 appointed by the governor, comptroller or attorney general;

53 (d) appointed members of boards or commissions any of whose members
54 are appointed by the governor or by another state officer or body;

1 (e) nonjudicial officers and employees of the unified court system
2 unless the chief administrator of the courts elects as provided herein,
3 which election shall cover only nonjudicial officers and employees hold-
4 ing positions in any title in the classified service of the unified
5 court system;

6 (f) officers or employees of the senate unless the senate adopts a
7 resolution authorizing the temporary president to file the election as
8 provided in this subdivision;

9 (g) officers or employees of the assembly unless the assembly adopts a
10 resolution authorizing the speaker of the assembly to file the election
11 as provided in this subdivision; and

12 (h) officers or employees of joint legislative employers unless:

13 (i) with respect to officers or employees of the legislative library,
14 legislative messenger service, legislative health service, legislative
15 ethics commission, the legislative bill drafting commission, and the
16 joint line of the legislative task force on demographic research and
17 reapportionment, the senate and assembly adopt a concurrent resolution
18 authorizing the temporary president of the senate and the speaker of the
19 assembly to jointly file an election as provided in this subdivision;

20 (ii) with respect to officers or employees of components of the senate
21 as identified pursuant to section 90 of the legislative law, the senate
22 adopts a resolution authorizing the temporary president to file an
23 election for officers or employees of those components designated in
24 such resolution; and

25 (iii) with respect to officers or employees of components of the
26 assembly as identified pursuant to section 90 of the legislative law,
27 the assembly adopts a resolution authorizing the speaker of the assembly
28 to file an election for officers or employees of those components desig-
29 nated in such resolution.

30 Any election under paragraphs (e) through (h) of this subdivision to
31 make available the retirement incentive program provided by this act
32 shall be in writing and filed with the state comptroller not later than
33 ninety days after the effective date of this act. Notwithstanding any
34 other provision of this act, each such filing shall specify the
35 commencement date and the length of the open period. Only one open peri-
36 od shall be made available for employees covered by elections under
37 paragraphs (e) through (h) of this subdivision.

38 For the purposes of such paragraphs (f), (g) or (h) of this subdivi-
39 sion, an employee of the legislature shall be as such term is defined in
40 section 7-a, 7-b or 7-d of the legislative law or by any other provision
41 of law which classifies employees of an entity to be legislative employ-
42 ees for all purposes, but shall not include senators or members of the
43 assembly. The term "joint legislative employer" shall mean legislative
44 commissions, committees, task forces, councils or similar bodies whose
45 membership is comprised of both senators and assembly members, or which
46 consist of commissioners, or the majority of whose membership is
47 appointed by one or more of the following: the temporary president of
48 the senate, the speaker of the assembly, the minority leader of the
49 senate, and/or the minority leader of the assembly. The temporary presi-
50 dent of the senate and the speaker of the assembly shall be the joint
51 legislative employer of the employees of the legislature referred to in
52 sections 7-a and 7-b of the legislative law.

53 g. "Eligible title" means any title where a certain number of posi-
54 tions in that title, as identified by agency, department, work location
55 or appointing authority, college or campus, as the case may be, would
56 otherwise be identified for layoff but for this act because of economy,

1 consolidation or abolition of functions, curtailment of activities or
2 otherwise. However, an eligible title can also include a title as iden-
3 tified by agency, department, work location or appointing authority in
4 which positions would not be eliminated but into which employees in
5 titles affected by layoff can be transferred or reassigned pursuant to
6 the civil service law, rule or regulation. The determination of eligible
7 titles shall be made by: (a) the appointing authority, subject to the
8 approval of the director of state operations for titles within the exec-
9 utive branch, (b) the board of trustees for the state university
10 (including the association) subject to the approval of the director of
11 state operations, the fund, the city university of New York and of each
12 community college operating under the program of the state university,
13 (c) the person or persons who elect under paragraphs (e) through (h) of
14 subdivision f of this section to offer the retirement incentive provided
15 by this act, and (d) the chief executive officer or other comparable
16 official for participating employers other than the community colleges.

17 h. "College faculty" means an employee, not in the classified service,
18 of a state employer described in paragraphs (b), (c), (d), (e) and (f)
19 of subdivision d of this section or of a community college who is a
20 member of a teachers' retirement system, the New York state and local
21 employees' retirement system or a participant in an optional retirement
22 program.

23 i. "Active service" means service while being paid on the payroll,
24 provided that (a) a leave of absence with pay shall be deemed active
25 service; (b) other approved leave without pay not to exceed twelve weeks
26 from February 1, 2021 and the commencement of the designated open peri-
27 od; and (c) the period of time subsequent to the June 2021 school term
28 and on or before August 31, 2021 for a teacher (or other employee
29 employed on a school-year basis) who is otherwise in active service on
30 February 1, 2021 shall be deemed active service.

31 j. "Open period" means the period beginning with the commencement date
32 as defined in subdivision k of this section and shall not be more than
33 ninety days nor less than thirty days in length, as specified by the
34 director of state operations or by a participating employer pursuant to
35 section four of this act, by the appropriate board of trustees for the
36 state university (including the association), the fund, the city univer-
37 sity of New York or a community college operating under a program of the
38 state university or by a state employer described in paragraphs (g),
39 (h), (i) and (j) of subdivision d of this section; provided however that
40 any such period shall not extend beyond September 30, 2021 for the exec-
41 utive branch of a state employer described in paragraphs (a) and (b) of
42 subdivision d of this section (except for college faculty), not beyond
43 December 31, 2021 for participating employers, college faculty for a
44 state employer described in paragraph (b) of subdivision d of this
45 section, state employers described in paragraphs (c), (d) and (e) of
46 subdivision d of this section, not beyond January 31, 2022 for college
47 faculty of an employer described in paragraph (f) of subdivision d of
48 this section, and not beyond August 31, 2021 for educational employers.
49 For the purposes of retirement pursuant to this act, a service retire-
50 ment application must be filed with the appropriate retirement system
51 not less than fourteen days prior to the effective date of retirement to
52 become effective, unless a shorter period of time is permitted under
53 law.

54 k. "Commencement date" means the first day the retirement incentive
55 authorized by this act shall be made available, which shall mean a date
56 on or after the effective date of this act to be determined by the

1 director of state operations for the executive branch of the state, and
2 which date shall occur no later than thirty days before September 30,
3 2021 or for any participating employer a date on or after the effective
4 date of this act. For any other state employer, such term shall mean a
5 date on or after the effective date of this act and shall occur no later
6 than thirty days before September 30, 2021. The director of state oper-
7 ations shall notify the head of the appropriate retirement system of the
8 date of each open period applicable to employees of the executive branch
9 or of a state employer prior to the commencement date.

10 § 2. The determination of whether a title shall be considered eligible
11 shall consider whether the reduction of a specific number of positions
12 within a title would unacceptably:

13 a. Directly result in a reduction of the level of service required or
14 mandated to protect and care for clients of the state or a participating
15 employer or to assure public health and safety;

16 b. Endanger the health or safety of employees of the state or a
17 participating employer; or

18 c. Clearly result in a loss of significant revenue to the state or a
19 participating employer or result in substantially increased overtime or
20 contractual costs. However, upon the determination of the director of
21 state operations, with respect to employees of the executive branch of a
22 state employer, any titles may be determined eligible if the vacancies
23 created can be controlled by the use of transfer or reassignment
24 provisions of the civil service law, rules or regulations or other
25 deployment of state employees.

26 § 3. a. Eligibility for inclusion in the retirement incentive provided
27 by section six of this act shall be determined: (a) by seniority: for
28 participating employers and for state employers described in paragraphs
29 (a), (b), (c), (d), (e) and (f) of subdivision d of section one of this
30 act, other than for college faculty; seniority shall mean the date of
31 original permanent appointment in the civil service of the state
32 adjusted to include veteran's credits for those entitled to receive such
33 credits pursuant to sections 80, 80-a and 85, if applicable, of the
34 civil service law, as established in the official records of the depart-
35 ment of civil service, regardless of the jurisdictional classification
36 of the position or the status of the incumbent; (b) by seniority, as
37 applicable for the unified court system; (c) for state employers
38 described in paragraphs (h), (i) and (j) of subdivision d of section one
39 of this act as determined by the person or persons who make the election
40 to offer the retirement incentive; and (d) for college faculty, by the
41 board of trustees of the state university, city university and of each
42 community college operating under the program of the state university.

43 b. All eligible employees serving in eligible titles desiring to avail
44 themselves of the retirement incentive provided by section six of this
45 act shall provide written notice to his or her employer on or before the
46 twenty-first day preceding the end of the open period, or before the end
47 of the applicable open period as such open period is determined by the
48 director of state operations. Failure to provide such written notice
49 shall render the employee ineligible for the retirement incentive
50 provided by this act.

51 § 4. a. On or before August 31, 2021, a participating employer or a
52 state employer described in paragraphs (b), (c), (d), (e) and (f) of
53 subdivision d of section one of this act may elect to provide its
54 employees the retirement incentive authorized by this act by (a) the
55 enactment of a local law or (b) in the case of a participating employer
56 which is not so empowered to act by local law or a state employer

1 described in paragraphs (b), (c), (d), (e) and (f) of subdivision d of
2 section one of this act, by the adoption of a resolution of its govern-
3 ing body; provided however, no local law or resolution enacted pursuant
4 to this section shall in any manner supersede any local charter,
5 provided further, that for an educational employer such election must be
6 made by July 30, 2021. The local law or resolution shall specify the
7 commencement date of the program and the length of the open period. For
8 a community college operating under the program of state university of
9 New York, such election shall be made by the board of trustees of such
10 community college subject to the approval of its sponsor. A copy of such
11 law or resolution shall be filed with the appropriate retirement system
12 or systems, and, if applicable, on forms provided by such system. The
13 local law or resolution shall be accompanied by the affidavit of the
14 chief executive officer or other comparable official certifying to the
15 information contained in subdivision b of this section.

16 b. Notwithstanding any other provision of law, the benefits provided
17 by this act shall not be made available to any person who (a) has
18 received any retirement incentive authorized by any provision of state
19 law, or (b) who receives, has received or is eligible to receive a
20 payment in a lump sum or in another form from a retirement incentive
21 pursuant to the provisions of a collective bargaining agreement or by
22 other arrangement with his or her employer, unless such person files a
23 written statement with his or her employer, a copy of which shall be
24 forwarded to the appropriate retirement system, that he or she agrees to
25 waive any right to such payment. A participating employer who makes an
26 election pursuant to this section and who offers or has offered a
27 retirement incentive pursuant to the provisions of a collective bargain-
28 ing agreement or by other arrangement shall prepare, and file with each
29 retirement system, a list containing the names and social security
30 numbers of all persons described in this subdivision. A participating
31 employer is authorized to exempt persons in its employ from the
32 provisions of paragraph (b) of this subdivision. Such exemption shall be
33 made part of the election made pursuant to this section.

34 c. Notwithstanding any other provision of this act to the contrary,
35 the mayor of the city of New York may declare employees of the community
36 colleges of the city university of New York ineligible for the retire-
37 ment incentive provided by this act by filing such notification with the
38 chancellor of the city university of New York, with copies to the chair
39 of the senate finance committee, the chair of the assembly ways and
40 means committee and the director of the budget, in writing, no later
41 than the thirtieth day next succeeding the effective date of this act.

42 § 5. Notwithstanding any other provision of law, any eligible employee
43 serving in an eligible title who:

44 a. has been continuously in the active service of a state employer or
45 of a participating employer from February 1, 2021 to the date immediate-
46 ly prior to the commencement date of the applicable open period;

47 b. files an application for service retirement (or files the appropri-
48 ate application and authorization form with the optional retirement
49 program and a duly acknowledged retirement incentive form for such
50 program with the appropriate personnel office) that is effective during
51 the open period; and

52 c. is otherwise eligible for a service retirement as of the effective
53 date of the application for retirement shall be entitled to the retire-
54 ment incentive provided in section six of this act. If not otherwise
55 eligible for a service retirement, the following person shall be deemed
56 to satisfy the eligibility condition of this section: a person who is at

1 least age fifty with ten or more years service as of the effective date
2 of retirement (other than a member of a retirement plan which provides
3 for half-pay pension upon completion of twenty-five years or less
4 service without regard to age); a member of a retirement plan which
5 provides for half-pay pension upon completion of twenty-five years of
6 service without regard to age who has not accrued, excluding additional
7 credit granted pursuant to this act, the minimum number of years of
8 service required to retire with an allowance equal to fifty percent of
9 final average salary under such plan, but has, with the inclusion of the
10 additional credit provided under this act, accrued such number of years
11 of credit; or a participant in an optional retirement plan at least
12 fifty years of age with ten years of service on an annual salary basis
13 with his or her employer as of the date of retirement.

14 § 6. Notwithstanding any other provision of law, an eligible employee
15 serving in an eligible title who is:

16 a. A member of a retirement system and who is entitled to a retirement
17 incentive pursuant to section five of this act shall receive a retire-
18 ment incentive of one-twelfth of a year of additional retirement credit
19 for each year of pension service credited as of the date of retirement,
20 up to a maximum of three years of retirement service credit at the time
21 of retirement, provided, however, that service credit provided under the
22 provisions of sections 902 and 911 of the retirement and social security
23 law shall not be included when calculating the additional retirement
24 credit awarded pursuant to this act. For the New York city teachers'
25 retirement system, the New York city employees' retirement system and
26 the New York city board of education retirement system such incentive
27 shall be available for all purposes, including fulfilling the qualifying
28 service requirements of plan A and C, if applicable.

29 An eligible employee who is covered by the provisions of article 15 of
30 the retirement and social security law shall retire under the provisions
31 of article 15 of the retirement and social security law. The amount of
32 such benefit for an eligible employee who is covered by article 15 of
33 the retirement and social security law and retires under the provisions
34 of this section (other than a member with thirty or more years of
35 service in the New York state and local employees' retirement system or
36 a teachers' retirement system) shall be reduced by six percent for each
37 of the first two years by which retirement precedes age sixty-two, plus
38 a further reduction of three percent for each year by which retirement
39 precedes age sixty, provided, however, the foregoing reductions shall
40 not apply: (i) in any case where an eligible employee can retire after
41 twenty-five years of service with immediate payability prior to the age
42 of sixty-two pursuant to section 604-b of the retirement and social
43 security law or (ii) to any time period subsequent to the point at which
44 an eligible employee can retire for service without reduction of his or
45 her service retirement allowance pursuant to article 16 of the retire-
46 ment and social security law. Such reduction shall be prorated for
47 partial years. The amount of such benefit for an eligible employee with
48 thirty or more years of service who is a member of the New York state
49 and local employees' retirement system or a teachers' retirement system
50 or an eligible employee who is a participant in the optional twenty-five
51 year early retirement program for certain New York city members governed
52 by section 604-c of the retirement and social security law, as added by
53 chapter 96 of the laws of 1995 or a twenty-five year participant in the
54 age fifty-five retirement program governed by section 604-i of the
55 retirement and social security law, with twenty-five or more years of
56 service and who is covered by article 15 of the retirement and social

1 security law shall be reduced by five percent for each year by which
2 retirement pursuant to this section precedes age fifty-five. The amount
3 of such benefit for an eligible New York city employee with five or more
4 years of service and who is a participant in the age fifty-seven retire-
5 ment program governed by section 604-d of the retirement and social
6 security law shall be reduced by one-thirtieth for the first two years
7 by which retirement precedes age fifty-seven plus a further reduction of
8 one-twentieth for each year by which retirement precedes age fifty-five.

9 Such reduction shall be prorated for partial years. There shall be no
10 reduction for an eligible New York city employee in a physically taxing
11 position with twenty-five or more years of service and who is a partic-
12 ipant (i) in the optional twenty-five year early retirement program for
13 certain members governed by section 604-c of the retirement and social
14 security law, as added by chapter 96 of the laws of 1995, or (ii) in the
15 age fifty-seven retirement program governed by section 604-d of the
16 retirement and social security law.

17 An eligible employee serving in an eligible title who is covered by
18 article 11 of the retirement and social security law shall retire under
19 the provisions of such article. The amount of such benefit for an eligi-
20 ble employee covered by article 11 of the retirement and social security
21 law other than a member of a teachers' retirement system or a member of
22 the New York state and local employees' retirement system with thirty or
23 more years of service, a participant in the optional age fifty-five
24 improved benefit retirement program for certain New York city employees
25 governed by section 445-d of the retirement and social security law, as
26 added by chapter 96 of the laws of 1995, with twenty-five or more years
27 of service, or a participant in the optional age fifty-five retirement
28 program for New York city teachers and certain other members governed by
29 section 445-i of the retirement and social security law, with twenty-
30 five or more years of service, shall be reduced by six percent for each
31 of the first two years by which retirement pursuant to this section
32 precedes age sixty-two, plus a further reduction of three percent for
33 each year by which retirement pursuant to this section precedes age
34 sixty, provided, however, the foregoing reductions shall not apply: (i)
35 in any case where an eligible employee can retire pursuant to a plan
36 which permits retirement for service with immediate payability, exclu-
37 sive of this act, prior to the age of fifty-five or (ii) to any time
38 period subsequent to the point at which an eligible employee can retire
39 for service without reduction of his or her service retirement allowance
40 pursuant to article 16 of the retirement and social security law. Such
41 reduction shall be prorated for partial years. The amount of such bene-
42 fit for an eligible employee who is a member of a teachers' retirement
43 system or a member of the New York state and local employees' retirement
44 system with thirty or more years of service, a participant in the
45 optional age fifty-five improved benefit retirement program for certain
46 New York city employees governed by section 445-d of the retirement and
47 social security law, as added by chapter 96 of the laws of 1995, with
48 twenty-five or more years of service, or a participant in the optional
49 age fifty-five retirement program for New York city teachers and certain
50 other members governed by section 445-i of the retirement and social
51 security law, with twenty-five or more years of service and who is
52 covered by article 11 of the retirement and social security law shall be
53 reduced by five percent for each year by which retirement pursuant to
54 this section precedes age fifty-five. Such reduction shall be prorated
55 for partial years. There shall be no reduction for an eligible New York
56 city employee in a physically taxing position and who is a participant

1 in the optional age fifty-five improved benefit retirement program for
2 certain New York city employees governed by section 445-d of the retire-
3 ment and social security law, as added by chapter 96 of the laws of
4 1995, with twenty-five or more years of service.

5 An eligible employee serving in an eligible title who is not covered
6 by article 11 or 15 of the retirement and social security law shall
7 retire under the provisions of the plan by which he or she is covered.
8 The amount of such benefit shall be reduced by five percent for each
9 year by which retirement pursuant to this section precedes age fifty-
10 five, provided, however, the foregoing reductions shall not apply: (i)
11 in any case where an eligible employee can retire pursuant to a plan
12 which permits retirement for service with immediate payability, exclu-
13 sive of this act, prior to the age of fifty-five or (ii) to any time
14 period subsequent to the point at which an eligible employee can retire
15 for service without reduction of his or her service retirement allowance
16 pursuant to article 16 of the retirement and social security law. Such
17 reduction shall be prorated for partial years.

18 An eligible employee serving in an eligible title who participates in
19 a retirement plan which provides for a retirement allowance equal to
20 fifty percent of final average salary upon the completion of twenty-five
21 years of service without regard to age and who is otherwise eligible to
22 retire shall retire under the provisions of such plan. Such employee
23 shall, at the time of retirement, be credited with one-twelfth of a year
24 of additional retirement service credit for each year of service credit-
25 ed under such plan as of the date of retirement, up to a maximum of
26 three years of retirement service credit, subject to the provisions of
27 subdivision b of this section. If such employee has not accrued, exclud-
28 ing additional credit granted pursuant to this act, the minimum number
29 of years of service required to retire with an allowance equal to fifty
30 percent of final average salary under such plan, but has, with the
31 inclusion of the additional credit provided under this act, accrued such
32 number of years of credit, the benefit payable shall be the percentage
33 of final average salary that would ordinarily be applicable to such
34 individual upon retirement with such amount of credit (including incen-
35 tive credit), reduced by five per centum per year for each year by which
36 the number of years of service otherwise required to retire with an
37 allowance equal to fifty percent of final average salary under such plan
38 exceeds the amount of service credited to such employee under such plan
39 at retirement (excluding the additional retirement incentive service
40 credit provided pursuant to this act). Such reduction shall be prorated
41 for partial years.

42 b. A participant in an optional retirement program who is entitled to
43 a retirement incentive pursuant to section five of this act shall
44 receive an additional employer contribution equal to an amount, which
45 shall be calculated as follows: (one-twelfth for each year of service)
46 multiplied by (fifteen percent) multiplied by (the employee's earnable
47 annual salary rate in effect on March 1, 2021 or the effective date of
48 this act if the employee retires prior to March 1, 2021), such amount
49 not to exceed forty-five percent of such salary rate. Such contribution
50 shall be made to the employee's retirement annuity under the optional
51 retirement program up to the maximum contribution allowable under
52 section 415 of the internal revenue code. Any contribution in excess of
53 that limit shall be contributed by the employer to an internal revenue
54 code section 403(b) contract on behalf of the employee to the extent it
55 can be contributed on a before-tax basis under the maximum limits
56 allowed under the internal revenue code. Contributions in excess of that

1 amount shall be paid in cash to the participant in three equal install-
2 ments during a twenty-four month period commencing on such eligible
3 employee's effective date of retirement. Provided, however, if the
4 employee is employed by the city university of New York and in the
5 active service of such employer on October 1, 2021 or the effective date
6 of this act if the employee retires prior to October 1, 2021, the
7 employee's earnable annual salary rate shall be the annual salary rate
8 in effect on such applicable date.

9 § 7. a. An employee of a state employer, other than the city universi-
10 ty of New York, who retires pursuant to this act may defer calculation
11 of the value of accumulated sick leave credits, if any, and partic-
12 ipation in the state health insurance plan.

13 b. Notwithstanding any other provision of law, any termination pay or
14 leave arising from accrued sick leave or accrued annual leave for an
15 eligible employee who has elected the retirement incentive provided by
16 this act and who is a member of the New York city teachers' retirement
17 system employed by the board of education of the city of New York shall
18 be paid in three equal installments during a twenty-four month period
19 commencing on such eligible employee's effective date of retirement.

20 c. An employee of the city of New York or the city university of New
21 York, as defined in subdivision 2 of section 6202 of the education law,
22 who retires under the retirement incentive provided by this act, who is
23 eligible for terminal leave pursuant to an applicable collective
24 bargaining agreement or a personnel policy or rule or retirement leave
25 pursuant to section 3107 of the education law or who has an accrued
26 annual leave balance on the effective date of retirement shall be paid
27 in three equal installments two months, fourteen months and twenty-four
28 months following such eligible employee's effective date of retirement.

29 § 8. a. With respect to employees of the executive branch of a state
30 employer, any position, other than a position supported by special
31 revenue funds, vacated as a result of an eligible employee in an eligi-
32 ble title receiving the retirement incentive provided by section six of
33 this act shall be eliminated unless such position is identified by the
34 director of state operations as one into which another state employee
35 can be appointed, transferred or reassigned pursuant to the civil
36 service law, rules or regulations, in which case the former position of
37 the state employee so appointed, transferred or reassigned shall be
38 eliminated.

39 b. The director of state operations shall direct the department of
40 civil service to prepare a report designating the title, grade level,
41 salary, and classification, according to appointing authority, (i) of
42 each position which is eliminated pursuant to subdivision a of this
43 section, (ii) of each position into which another state employee was
44 appointed, transferred, or reassigned and the former position of such
45 state employee, and (iii) of each position which is eliminated as a
46 result of an appointment, transfer or reassignment referred to in para-
47 graph (ii) of this subdivision. Such report shall be available no later
48 than ninety days after the last date of the open period related to such
49 positions.

50 § 9. Notwithstanding any inconsistent provision of section eight of
51 this act or any other provision of law:

52 a. A participating employer or a state employer described in para-
53 graphs (b) through (e) of subdivision d of section one of this act shall
54 not be required to eliminate the positions of eligible employees in
55 eligible titles receiving the retirement incentive provided by section
56 six of this act if such employer can demonstrate that it will achieve a

1 compensation savings such that the total amount of base salary paid for
2 the two-year period subsequent to the effective date of retirement for
3 such eligible employees in eligible titles to those new hires, if any,
4 who otherwise would not have been hired by such employer after the
5 effective date of this act but for the retirement incentive provided
6 herein shall be no more than one-half of the total amount of base salary
7 that would have been paid to such eligible employees from their date of
8 retirement for such two-year period. Each such employer shall make
9 available its plans for achieving these savings.

10 b. The city of New York or the city university of New York, as defined
11 in subdivision 2 of section 6202 of the education law, shall not be
12 required to eliminate the positions of eligible employees in eligible
13 titles receiving the retirement incentive provided by section six of
14 this act if such participating employer can demonstrate that it will
15 achieve a compensation or equivalent headcount savings such that the
16 total amount of compensation including benefits paid for the two-year
17 period subsequent to the effective date of retirement for such eligible
18 employees in eligible titles to those new hires, if any, who otherwise
19 would not have been hired by such employer after the effective date of
20 this act but for the retirement incentive provided herein shall be no
21 more than one-half of the total amount of base salary that would have
22 been paid to such eligible employees from their date of retirement for
23 such two-year period. For purposes of this subdivision, the "city of New
24 York" shall mean the city of New York or a participating employer a
25 majority of the members of whose governing body are: (a) appointed by
26 the mayor of the city of New York or other citywide elected official, a
27 borough president of the city of New York, or any combination thereof;
28 (b) designated by virtue of their city of New York office or position or
29 their office or position with a participating employer whose governing
30 board is described in paragraph (a) of this subdivision; or (c)
31 appointed or designated by any combination of the foregoing. Each such
32 employer shall make available its plans for achieving these savings.

33 c. To the extent any transfer of personnel between the state employer
34 described in paragraph (a) of subdivision d of section one of this act
35 and the state employer described in paragraph (b) of subdivision d of
36 section one of this act occurs pursuant to a voluntary transfer of state
37 personnel, or otherwise, the provisions of subdivision a of this section
38 with respect to achieving savings shall be applicable. Nothing herein
39 shall be construed to impair the authority of the director of state
40 operations pursuant to subdivision g of section one or section two of
41 this act.

42 § 10. Nothing in this act shall be used to provide benefits that shall
43 exceed the limits contained in section 415 of the internal revenue code.
44 Provided, however, any service retirement benefit which has been reduced
45 because of section 415 of the internal revenue code shall be increased
46 when (and consistent with) the dollar limits in section 415 of the
47 internal revenue code are adjusted by the internal revenue service for
48 cost of living increases. Such increases shall not increase the benefit
49 in excess of the service retirement benefit otherwise payable.

50 § 11. Any eligible employee who retires pursuant to the provisions of
51 this act and enters or reenters public service as defined in subdivision
52 e of section 210 of the retirement and social security law and joins or
53 rejoins any public retirement system of the state as defined in subdivi-
54 sion 6 of section 152 of the retirement and social security law or
55 elects to participate in an optional retirement program shall if the
56 additional benefit was provided pursuant to: (a) subdivision a of

1 section six of this act, forfeit the additional benefit authorized by
2 this act at the time of his or her subsequent retirement; or (b) subdivi-
3 sion b of section six of this act, repay to the state or participating
4 employer such additional contribution together with the appropriate
5 interest as determined by the state comptroller.

6 § 12. Notwithstanding any other provision of law, if the service
7 retirement benefit of a member of a retirement system is subject to a
8 maximum retirement benefit, the additional benefit authorized by this
9 act will be computed by multiplying the final average salary times the
10 number of years of service credit granted by section six of this act
11 times the benefit fraction of the plan under which such member retires.

12 § 13. The provisions of section 430 of the retirement and social secu-
13 rity law shall not apply to any benefit or benefit improvement provided
14 by this act.

15 § 14. The pension benefit costs of subdivision a of section six of
16 this act shall be paid by employers as provided by applicable law for
17 each retirement system covered by this act over a period not to exceed
18 five years commencing in the state fiscal year ending March 31, 2023.

19 § 15. Where an employee is eligible to receive the benefit authorized
20 under section six and the retirement benefit provided for under section
21 five of subpart B of part YY of the chapter of the laws of 2021 which
22 added this subpart, such employee may elect a section under which he or
23 she will participate.

24 § 16. This act shall take effect immediately.

25 SUBPART B

26 Section 1. Definitions. As used in this act, unless the context clear-
27 ly requires otherwise:

28 a. "Retirement system" means the New York state and local employees'
29 retirement system, the New York state teachers' retirement system, the
30 New York city teachers' retirement system, the New York city board of
31 education retirement system or the New York city employees' retirement
32 system, exclusive of the retirement plans established pursuant to
33 sections 13-156 and 13-157 of the administrative code of the city of New
34 York.

35 b. "Teachers' retirement system" means the New York state teachers'
36 retirement system or the New York city teachers' retirement system.

37 c. "State employer" means (a) the executive branch of the state, (b)
38 the state-operated institutions of the state university of New York, (c)
39 the statutory and contract colleges operated pursuant to section 357 of
40 the education law, (d) the state university construction fund (herein-
41 after referred to in this act as the "fund"), (e) a cooperative exten-
42 sion association (hereinafter referred to in this act as the "associ-
43 ation"), and (f) the city university of New York as defined in
44 subdivision 2 of section 6202 of the education law, (g) the unified
45 court system, (h) the senate, (i) the assembly, and (j) joint legisla-
46 tive employers.

47 d. (a) "Participating employer" means an employer, other than a state
48 employer, which participates in a retirement system; such term shall
49 include a community college operating under the program of state univer-
50 sity of New York.

51 (b) "Educational employer" means a participating employer which is a
52 school district, a board of cooperative educational services, a voca-
53 tional education and extension board, an institution for the instruction
54 of the deaf and of the blind as enumerated in section 4201 of the educa-

tion law, or a school district as enumerated in section 1 of chapter 566 of the laws of 1967, as amended.

e. "Eligible employee" means a person who is a member of a retirement system who is an employee in the executive branch of a state employer or an employee of a state employer or a participating employer who has attained age fifty-five and has at least twenty-five years of creditable service in a retirement system, but such term shall not include the following persons:

(a) elected officials, judges or justices appointed to or serving in court of record and acting village justices;

(b) chief administrative officers of participating employers which participate in a teachers' retirement system;

(c) officers described in sections 4, 41-a, 46, 61, 70, 70-a, 169 (including those officers whose salary is established pursuant to salary plans under subdivision 3 of section 169), 180 and subdivision 1 of section 41 of the executive law and any agency or department head appointed by the governor, comptroller or attorney general;

(d) appointed members of boards or commissions any of whose members are appointed by the governor or by another state officer or body;

(e) nonjudicial officers and employees of the unified court system unless the chief administrator of the courts elects as provided herein, which election shall cover only nonjudicial officers and employees holding positions in any title in the classified service of the unified court system;

(f) officers or employees of the senate unless the senate adopts a resolution authorizing the temporary president to file the election as provided in this subdivision;

(g) officers or employees of the assembly unless the assembly adopts a resolution authorizing the speaker of the assembly to file the election as provided in this subdivision; and

(h) officers or employees of joint legislative employers unless:

(i) with respect to officers or employees of the legislative library, legislative messenger service, legislative health service, legislative ethics committee, the legislative bill drafting commission, and the joint line of the legislative task force on demographic research and reapportionment, the senate and assembly adopt a concurrent resolution authorizing the temporary president of the senate and the speaker of the assembly to jointly file an election as provided in this subdivision;

(ii) with respect to officers or employees of components of the senate as identified pursuant to section 90 of the legislative law, the senate adopts a resolution authorizing the temporary president to file an election for officers or employees of those components designated in such resolution; and

(iii) with respect to officers or employees of components of the assembly as identified pursuant to section 90 of the legislative law, the assembly adopts a resolution authorizing the speaker of the assembly to file an election for officers or employees of those components designated in such resolution.

Any election under paragraphs (e) through (h) of this subdivision to make available the retirement incentive provided by this act shall be in writing and filed with the state comptroller not later than ninety days after the effective date of this act. Notwithstanding any other provision of this act, each such filing shall specify the commencement date of the open period.

For the purposes of such paragraph (f), (g) or (h) of this subdivision, an employee of the legislature shall be as such term is defined in

1 section 7-a, 7-b or 7-d of the legislative law or by any other provision
2 of law which classifies employees of an entity to be legislative employ-
3 ees for all purposes, but shall not include senators or members of the
4 assembly. The term "joint legislative employer" shall mean legislative
5 commissions, committees, task forces, councils or similar bodies whose
6 membership is comprised of both senators and assembly members, or which
7 consist of commissioners, or the majority of whose membership is
8 appointed by one or more of the following: the temporary president of
9 the senate, the speaker of the assembly, the minority leader of the
10 senate, and/or the minority leader of the assembly. The temporary presi-
11 dent of the senate and the speaker of the assembly shall be the joint
12 legislative employer of the employees of the legislature referred to in
13 sections 7-a and 7-b of the legislative law.

14 f. "College faculty" means an employee, not in the classified service,
15 of a state employer described in paragraphs (b), (c), (d), (e) and (f)
16 of subdivision c of this section or of a community college who is a
17 member of a teachers' retirement system, or the New York state and local
18 employees' retirement system.

19 g. "Active service" means service while being paid on the payroll,
20 provided that (a) a leave of absence with pay shall be deemed active
21 service; (b) other approved leave without pay not to exceed twelve weeks
22 from February 1, 2021 and the commencement of the designated open peri-
23 od; and (c) the period of time subsequent to the June 2021 school term
24 and on or before August 31, 2021 for a teacher (or other employee
25 employed on a school-year basis) who is otherwise in active service on
26 the effective date of this act shall be deemed active service.

27 h. "Open period" means the period beginning with the commencement date
28 as defined in subdivision i of this section and shall be ninety days in
29 length; provided however that there shall be only one such open period
30 and any such period shall not extend beyond September 30, 2021 for a
31 state employer and December 31, 2021 for a participating employer. For
32 educational employers who make election after June 1, 2021, the open
33 period shall begin immediately after such election, and shall not extend
34 beyond August 31, 2021. For the purposes of retirement pursuant to this
35 act, a service retirement application must be filed with the appropriate
36 retirement system not less than fourteen days prior to the effective
37 date of retirement to become effective, unless a shorter period of time
38 is permitted under law.

39 i. "Commencement date" means the first day the retirement benefit
40 mandated by this act shall be made available, which shall mean a date or
41 dates on or after the effective date of this act to be determined by the
42 director of state operations for the executive branch of the state, or
43 for any other state employer or any participating employer which elects
44 to participate pursuant to section three of this act a date on or after
45 the effective date of this act; provided, however, that for an educa-
46 tional employer which elects to participate pursuant to section three of
47 this act, the commencement date shall be June 1, 2021; or immediately
48 after election of the retirement incentive for educational employers who
49 elect after June 1, 2021 and provided, further that for participating
50 employers which elect to participate pursuant to section three of this
51 act, except the city of New York and participating employers which are
52 not empowered to act by local law, the commencement date shall be Octo-
53 ber 1, 2021. The director of state operations shall notify the head of
54 the appropriate retirement system of the date of the open period appli-
55 cable to employees of the executive branch or of a state employer prior
56 to the commencement date.

§ 2. a. A state employer which elects to participate pursuant to section three of this act, participating employer which is not empowered to act by local law which elects to participate pursuant to section three of this act, or the city of New York, if it elects to participate pursuant to section three of this act shall establish a commencement date for the retirement benefit established under section five of this act in the following manner: (a) for the executive branch, the director of state operations shall establish the commencement date in writing to the appropriate retirement system; (b) for state employers described in paragraphs (b), (c), (d), (e) and (f) of subdivision c of section one of this act and participating employers that are not empowered to act by local law, its governing body shall adopt a resolution establishing a commencement date; (c) for state employers described in paragraphs (g), (h), (i) and (j) of subdivision c of section one of this act, the person or persons who make the election to offer the retirement incentive pursuant to subpart A of part YY of the chapter of the laws of 2021 which added this subpart shall establish a commencement date in writing to the appropriate retirement system; and (d) for the city of New York, the chief executive officer shall issue an executive order establishing the commencement date, provided, however, no executive order, in the case of the city of New York issued pursuant to this section, shall in any manner supersede any local charter. A copy of any such resolution or executive order in the case of the city of New York establishing a commencement date shall be filed with the appropriate retirement system or systems, and, if applicable, on forms provided by such system. The resolution or executive order in the case of the city of New York shall be accompanied by the affidavit of the chief executive officer or other comparable official certifying the commencement date.

b. A state employer, participating employer which is not empowered to act by local law which elects to participate pursuant to section three of this act, or the city of New York if it elects to participate pursuant to section three of this act shall be required to establish a commencement date under paragraph a of this subdivision for the retirement benefit established under section five of this act. In the event that a state employer, participating employer which is not empowered to act by local law which elects to participate pursuant to section three of this act, or the city of New York if it elects to participate pursuant to section three of this act fails to establish a commencement date for the retirement benefit established under section five of this act, the commencement date for the eligible employees of a state employer shall be July 1, 2021. The commencement date for the eligible employees of all other employers referenced in this subdivision shall be September 1, 2021.

§ 3. On or before September 1, 2021, a participating employer or a state employer described in paragraphs (b), (c), (d), (e) and (f) of subdivision c of section one of this act may elect to provide its employees the retirement incentive authorized by this act by (a) the enactment of a local law or (b) in the case of a participating employer which is not so empowered to act by local law or a state employer described in paragraphs (b), (c), (d), (e) and (f) of subdivision c of section one of this act, by the adoption of a resolution of its governing body; provided however, no local law or resolution enacted pursuant to this section shall in any manner supersede any local charter, provided further, that for an educational employer such election must be made by July 1, 2021. For a community college operating under the program of state university of New York, such election shall be made by

1 the board of trustees of such community college subject to the approval
2 of its sponsor. A copy of such law or resolution shall be filed with the
3 appropriate retirement system or systems, and, if applicable, on forms
4 provided by such system. The local law or resolution shall be accompa-
5 nied by the affidavit of the chief executive officer or other comparable
6 official certifying the validity of such local law or resolution. The
7 executive branch of the state shall be deemed to have made an election
8 under this section upon its enactment.

9 § 4. Notwithstanding any other provision of law, any eligible employee
10 who (a) has been continuously in the active service of a state employer
11 or of a participating employer from February 1, 2021 to the date imme-
12 diately prior to the commencement date of the applicable open period,
13 (b) files an application for service retirement that is effective during
14 the open period, and (c) is otherwise eligible for a service retirement
15 as of the effective date of the application for retirement shall be
16 entitled to the retirement benefit provided in section five of this act.

17 § 5. a. Notwithstanding any other provision of law, an eligible
18 employee who is: (a) a member of a retirement system and (b) who is
19 entitled to a retirement benefit pursuant to section four of this act
20 may retire during the open period without the reduction of his or her
21 retirement benefit that would otherwise be imposed by article 11 or 15
22 of the retirement and social security law if he or she has attained the
23 age of fifty-five and has completed at least twenty-five or more years
24 of creditable service. An eligible employee who is covered by the
25 provisions of articles 11 and 15 of the retirement and social security
26 law shall retire under the provisions of articles 11 and 15 of the
27 retirement and social security law.

28 b. The director of state operations, the chief executive officer of
29 the city of New York, or chief executive officer or governing board, as
30 appropriate, of the participating employer may deny participation in the
31 retirement benefit provided by subdivision a of this section if the
32 director of state operations, the chief executive officer of New York
33 city or the chief executive officer or governing board of the partic-
34 ipating employer makes a determination that the employee holds a posi-
35 tion that is deemed critical to the maintenance of public health and
36 safety.

37 c. Where an employee is eligible for the retirement benefit under this
38 section and the retirement incentive authorized pursuant to section six
39 of subpart A of part YY of the chapter of the laws of 2021 which added
40 this subpart, such employee shall elect a section under which he or she
41 will participate. The benefits provided by subdivision a of this section
42 shall not be conditioned upon a state or participating employer making
43 the benefits of section six of subpart A of this part available to
44 employees in their employ. Further, the benefits provided by subdivision
45 a of this section shall not be available in conjunction with the bene-
46 fits of section six of subpart A of part YY of the chapter of the laws
47 of 2021 which added this subpart.

48 d. The action of the director of state operations, the chief executive
49 officer of the city of New York, or chief executive officer or governing
50 board, as appropriate, of the participating employer in denying the
51 retirement benefit provided for in subdivision a of this section to any
52 individual shall be subject to review in the manner provided for in
53 article 78 of the civil practice law and rules. Such action for review
54 pursuant to article seventy-eight of the civil practice law and rules
55 shall only be commenced by the individual that was denied the retirement
56 benefit provided by subdivision a of this section.

1 e. After making any such determination under subdivision b of this
2 section, the director of state operations, the chief executive officer
3 of the city of New York and the chief executive officer or governing
4 board, as appropriate, of the participating employer shall notify the
5 appropriate retirement system or teachers' retirement system of its
6 determination.

7 § 6. The pension benefit costs of section five of this act shall be
8 paid by employers as provided by applicable law for each retirement
9 system covered by this act over a period not to exceed five years
10 commencing in the state fiscal year ending March 31, 2023.

11 § 7. This act shall take effect immediately.

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

21 § 4. This act shall take effect immediately; provided, however, that
22 the applicable effective date of Subparts A and B of this act shall be
23 as specifically set forth in the last section of such Subparts.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would provide a temporary retirement incentive for fiscal
year 2021-2022 for eligible members of the New York State Teachers'
Retirement System (NYSTRS).

Subpart A of the retirement incentive would provide certain eligible
employees of employers who elect to participate a retirement incentive
of one-twelfth of a year of additional service credit per year of
accrued service credit up to a maximum of three additional years. To be
eligible, a member must be eligible to retire, or have attained age 50
or greater, with at least ten years of service. Members subject to an
early retirement reduction and less than age 55 at retirement will have
their benefit further reduced by 3% per year prior to age 55. Members
not subject to an early retirement reduction and less than age 55 at
retirement will have their benefit reduced by 5% per year prior to age
55.

Subpart B of the retirement incentive would permit eligible Tier 2, 3
and 4 members of employers who elect to participate to retire without
early retirement reductions upon attainment of at least age 55 with 25
years of service. Currently 30 years of service are required.

In order to receive either the Subpart A or Subpart B benefit, an
eligible member of an employer who has elected to participate must
retire during the employer's designated open period. For Subpart A, such
open period shall be at least 30 but not more than 90 days in length and
for educational employers, shall not extend beyond August 31, 2021. For
Subpart B, the open period shall begin immediately after the election to
participate and shall not extend beyond August 31, 2021. Members may not
receive a benefit under both Subpart A and Subpart B. Employers partic-
ipating in Subpart A or Subpart B (or both) would pay the cost of the
retirement incentive over a period not to exceed five years, beginning
in the state fiscal year ending March 31, 2023.

It is not possible to accurately forecast the total cost to the New
York State Teachers' Retirement System employers electing to participate
in this retirement incentive because the number of eligible members

electing to retire under the incentive, their ages and the amount of service credited cannot be readily estimated. The Subpart A cost, measured as the increase in the present value of benefit per participating member, however, will range from 5% to approximately 250% of final average salary, depending on the member's age, years of service, and tier at retirement. The Subpart B cost per participating member will range from 3% to approximately 200% of final average salary, depending on the member's age, years of service, and tier at retirement. The potential number of members eligible to benefit under Subpart A is much greater than under Subpart B.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2021-9 dated February 3, 2021 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2021 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would provide additional service credit (one-twelfth of a year for each year of non-sick leave, non-Article 19 service credited as of the date of retirement, up to a maximum of three years) for certain members of the New York State and Local Employees' Retirement System, New York State Teachers Retirement System, New York City Teachers Retirement System, New York City Board of Education and the New York City Employees' Retirement System. Further, for certain members who are not otherwise eligible for a service retirement benefit, this bill would provide the ability to retire with reductions. This benefit would be available to only targeted positions.

In addition, this bill would eliminate the early retirement reductions at 25 years of service instead of at 30 years of service for retirement during a specified 90 day period for Tier 2, 3 and 4 members of the New York State and Local Employees' Retirement System, New York State Teachers Retirement System, New York City Teachers Retirement System, New York City Board of Education and the New York City Employees' Retirement System. Employers electing this provision can declare health and safety positions to be ineligible.

Retiring members may not receive both the additional service credit and the elimination of the early retirement reductions at 25 years of service instead of at 30 years of service.

If this bill is enacted, insofar as it affects the New York State and Local Employees' Retirement System (ERS), the additional cost for each member who receives these benefits will vary depending on the member's age, years of service, retirement plan and final average salary.

We anticipate that the per-member cost (at retirement) of the additional service credit benefit will average approximately 65% of a member's final average salary. This cost will be borne by each employer electing the incentive over a period not to exceed five years commencing with a payment in the State fiscal year ending March 31, 2023.

We anticipate that the per-member cost (at retirement) of the elimination of the early retirement reductions at 25 years of service instead of at 30 years of service will average approximately 115% of a member's final average salary. This cost will be borne by each employer electing the incentive over a period not to exceed five years commencing with a payment in the State fiscal year ending March 31, 2023.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2020 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated December 30, 2020, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-7, prepared by the Actuary for the New York State and Local Retirement System.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgement shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through YY of this act shall be as specifically set forth in the last section of such Parts.