

STATE OF NEW YORK

S. 8305--A

A. 8805--A

SENATE - ASSEMBLY

January 17, 2024

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

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

AN ACT to amend the penal law, in relation to assault in the second degree of a retail worker (Part A); to amend the penal law, in relation to establishing the crime of fostering the sale of stolen goods (Part B); to amend the penal law, in relation to specified offenses that constitute a hate crime (Part C); relating to the closure of correctional facilities; and providing for the repeal of such provisions upon the expiration thereof (Part D); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part E); to amend the judiciary law, the penal law and the election law, in relation to increasing the safety and security of court officials and their immediate families (Part F); to amend the cannabis law, in relation to providing additional enforcement powers to the office of cannabis management and to authorize localities to create business registries for the purpose of combating illicit cannabis (Part G); to amend the alcoholic beverage control law, in relation to notifying municipalities of the filing of certain applications, changes of ownership of certain licensed businesses, and providing for certain temporary permits; and to repeal certain provisions of such law related thereto (Part H); to amend the alcoholic beverage control law, in relation to establishing a temporary wholesale permit and allowing multiple wholesale licenses owned by the same person or entity to be located at the same premises (Part I); to amend chapter 118 of the laws of 2012 amending the alcoholic beverage control law relating to the powers of the chairman and members of the authority, in relation to the effectiveness of certain provisions thereof (Part J); to amend chapter 396 of the laws of 2010 amending

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

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the alcoholic beverage control law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness thereof (Part K); to amend the alcoholic beverage control law, in relation to permitting the use of contiguous and non-contiguous municipal public space by certain licensees; and to repeal chapter 238 of the laws of 2021 (Part L); to amend the workers' compensation law, in relation to providing benefits for prenatal care (Part M); to amend the workers' compensation law and the insurance law, in relation to increasing short-term disability benefits (Part N); to amend the general business law, in relation to enacting the Stop Addictive Feeds Exploitation (SAFE) for Kids act prohibiting the provision of an addictive feed to a minor (Part O); to amend the general business law, in relation to establishing the New York child data protection act (Part P); to amend the state finance law, in relation to eliminating the alternate procedure for the payment of salaries for certain employees and the withholding of five days of salary for certain employees (Part Q); to amend the civil practice law and rules and the state finance law, in relation to the rate of interest to be paid on judgment and accrued claims (Part R); to amend the civil service law, in relation to reimbursement for medicare premium charges (Part S); to amend the civil service law, in relation to the ability to charge interest on past due balances for the New York state health insurance program, and to authorize the director of the budget to withhold certain state aid to participating employers with past due balances (Part T); to amend the general municipal law, in relation to county-wide shared services panels (Part U); to amend the public authorities law, in relation to bonds issued by the New York city transitional finance authority (Part V); to amend the state finance law, in relation to reforming the local government efficiency grant program (Part W); to provide for the administration of certain funds and accounts related to the 2023-2024 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to the administration of certain funds and accounts, and in relation to the effectiveness thereof; 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 the private housing finance law, in relation to housing program bonds and notes; to amend the public authorities law, in relation to the issuance of bonds and notes by the dedicated highway and bridge trust fund, to amend the public authorities law, in relation to the issuance of bonds and notes for city university facilities; to amend the public authorities law, in relation to the issuance of bonds for library construction projects; to amend the public authorities law, in relation to the issuance of bonds for state university educational facilities; to amend the public authorities law, in relation to the issuance of bonds and notes for locally sponsored community colleges; to amend chapter 392 of the laws of 1973, constituting the medical care facilities finance agency act, in relation to the issuance of mental health services facilities improvement bonds and notes; to amend part K of chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of bonds and notes to finance capital costs related to homeland security; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of bonds and notes for purposes of funding office of information technol-

ogy services project costs; 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 funds to the thruway authority; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of bonds and notes to fund costs for statewide equipment; to amend the public authorities law, in relation to the issuance of bonds for purposes of financing environmental infrastructure projects; 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 bonds and notes for the youth facilities improvement fund; to amend the public authorities law, in relation to the issuance of bonds and notes for the purpose of financing peace bridge projects and capital costs of state and local highways; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of bonds for economic development initiatives; 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 bonds and notes for the purpose of financing capital projects for the division of military and naval affairs; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of bonds for special education and other educational facilities; to amend the public authorities law, in relation to the issuance of bonds and notes for the purpose of financing the construction of the New York state agriculture and markets food laboratory; to amend chapter 392 of the laws of 1973, constituting the medical care facilities finance agency act, in relation to including comprehensive psychiatric emergency programs and housing for mentally ill persons in the definition of mental health services facility; to amend the state finance law, in relation to the private sale of certain revenue bonds, and in relation to including assets that provide a long-term interest in land in the definition of fixed assets; to amend the public authorities law, in relation to bond issuance charges; to amend the state finance law, in relation to the redemption price of certain revenue bonds; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of personal income tax revenue anticipation notes; to amend the public authorities law, in relation to the issuance of bonds or notes for the purpose of assisting the metropolitan transportation authority in the financing of transportation facilities; and providing for the repeal of certain provisions upon expiration thereof (Part X); and to amend section 2 of part P of chapter 55 of the laws of 2022, amending the alcoholic beverage control law relating to authorizing retail licensees for on-premises consumption to sell and/or deliver alcoholic beverages for off-premises consumption, in relation to the effectiveness thereof (Part Y)

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 2024-2025 state fiscal year. Each component is whol-

1 ly contained within a Part identified as Parts A through Y. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

9

PART A

10 Section 1. Subdivision 3 of section 120.05 of the penal law, as amended by chapter 267 of the laws of 2016, is amended to read as follows:

13 3. With intent to prevent a peace officer, a police officer, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, a firefighter, including a firefighter acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such firefighter, an emergency medical service paramedic or emergency medical service technician, or medical or related personnel in a hospital emergency department, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent ~~[or]~~, employee of any entity governed by the public service law in the course of performing an essential service, or retail worker, from performing a lawful duty, by means including releasing or failing to control an animal under circumstances evincing the actor's intent that the animal obstruct the lawful activity of such peace officer, police officer, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent ~~[or]~~, employee of an entity governed by the public service law, or retail worker, he or she causes physical injury to such peace officer, police officer, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician or medical or related personnel in a hospital emergency department, city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent ~~[or]~~, employee of an entity governed by the public service law, or retail worker; or

47 § 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

49

PART B

50 Section 1. The penal law is amended by adding a new section 165.66 to read as follows:

52 § 165.66 Fostering the sale of stolen goods.

A person is guilty of fostering the sale of stolen goods when such person:

1. Hosts, advertises, or otherwise assists in the sale of stolen goods, including on an internet website; and

2. Knew or should have known that such goods were stolen.

Fostering the sale of stolen goods is a class A misdemeanor.

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

PART C

Section 1. Subdivision 3 of section 485.05 of the penal law, as amended by section 3 of part R of chapter 55 of the laws of 2020, is amended to read as follows:

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.06 (gang assault in the second degree); section 120.07 (gang assault in the first degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.11 (criminal obstruction of breathing or blood circulation); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 125.26 (aggravated murder); section 125.27 (murder in the first degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); ~~[subdivision one of]~~ section 130.20 (sexual misconduct); section 130.25 (rape in the third degree); section 130.30 (rape in the second degree); section 130.35 (rape in the first degree); ~~[subdivision one of]~~ section 130.40 (criminal sexual act in the third degree); section 130.45 (criminal sexual act in the second degree); section 130.50 (criminal sexual act in the first degree); ~~[subdivision one of]~~ section 130.52 (forcible touching); section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse in the third degree); section 130.60 (sexual abuse in the second degree); section 130.65 (sexual abuse in the first degree); ~~[paragraph (a) of subdivision one of]~~ section 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66 (aggravated sexual abuse in the third degree); section 130.67 (aggravated sexual abuse in the second degree); ~~[paragraph (a) of subdivision one of]~~ section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.35 (labor trafficking); section 135.37 (aggravated labor trafficking); section 135.60 (coercion in the third degree); section 135.61 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third

degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 145.60 (making graffiti); section 150.01 (arson in the fifth degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 165.25 (jostling); section 230.34 (sex trafficking); section 230.34-a (sex trafficking of a child); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); section 240.50 (falsely reporting an incident in the third degree); section 240.55 (falsely reporting an incident in the second degree); section 240.60 (falsely reporting an incident in the first degree); section 260.10 (endangering the welfare of a child); subdivision two of section 265.01 (criminal possession of a weapon in the fourth degree); subdivision one of section 265.02 (criminal possession of a weapon in the third degree); subdivision one of section 265.03 (criminal possession of a weapon in the second degree); subdivision one of section 265.04 (criminal possession of a weapon in the first degree); section 490.10 (soliciting or providing support for an act of terrorism in the second degree); section 490.15 (soliciting or providing support for an act of terrorism in the first degree); section 490.20 (making a terroristic threat); section 490.25 (crime of terrorism); section 490.30 (hindering prosecution of terrorism in the second degree); section 490.35 (hindering prosecution of terrorism in the first degree); section 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree); section 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree); section 490.45 (criminal possession of a chemical weapon or biological weapon in the first degree); section 490.47 (criminal use of a chemical weapon or biological weapon in the third degree); section 490.50 (criminal use of a chemical weapon or biological weapon in the second degree); section 490.55 (criminal use of a chemical weapon or biological weapon in the first degree); or any attempt or conspiracy to commit any of the foregoing offenses.

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

PART D

Section 1. Notwithstanding the provisions of sections 79-a and 79-b of the correction law, the governor is authorized to close up to five correctional facilities of the department of corrections and community supervision, in the state fiscal year 2024-2025, as the governor determines to be necessary for the cost-effective and efficient operation of the correctional system, provided that the governor provides at least 90 days notice prior to any such closures to the temporary president of the senate and the speaker of the assembly. Such notice shall include the list of facilities the governor plans to close, the number of incarcer-

1 ated individuals in said facilities, and the number of staff working in
2 said facilities. The commissioner of corrections and community super-
3 vision shall also report in detail to the temporary president of the
4 senate and the speaker of the assembly on the results of staff relo-
5 cation efforts within 60 days after such closure.

6 § 2. This act shall take effect immediately and shall be deemed to
7 have been in full force and effect on and after April 1, 2024 and shall
8 expire and be deemed repealed March 31, 2025.

9 PART E

10 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax
11 law, as amended by section 1 of part G of chapter 55 of the laws of
12 2022, is amended to read as follows:

13 (b) The sum of one million five hundred thousand dollars must be
14 deposited into the New York state emergency services revolving loan fund
15 annually; provided, however, that such sums shall not be deposited for
16 state fiscal years two thousand eleven--two thousand twelve, two thou-
17 sand twelve--two thousand thirteen, two thousand fourteen--two thousand
18 fifteen, two thousand fifteen--two thousand sixteen, two thousand
19 sixteen--two thousand seventeen, two thousand seventeen--two thousand
20 eighteen, two thousand eighteen--two thousand nineteen, two thousand
21 nineteen--two thousand twenty, two thousand twenty--two thousand twen-
22 ty-one, two thousand twenty-one--two thousand twenty-two, two thousand
23 twenty-two--two thousand twenty-three, ~~[and] two thousand twenty-three-~~
24 ~~two thousand twenty-four, two thousand twenty-four--two thousand twen-~~
25 ~~ty-five, and two thousand twenty-five--two thousand twenty-six;~~
26 § 2. This act shall take effect April 1, 2024.

27 PART F

28 Section 1. Legislative purpose. The objective of this act, which shall
29 be referred to as the "New York State Judicial Security Act", is to
30 improve the safety and security of judges of the courts of the unified
31 court system and of the federal courts sitting in New York state, of
32 certain other persons working in or with these courts, and of the imme-
33 diate families of all of the foregoing. Greater confidence in their
34 personal safety and security, and in that of their family members, will
35 enable members of the judiciary to perform their duties fairly without
36 fear of personal reprisal by litigants and others affected by the deci-
37 sions of, judges and others who work in and with the courts.

38 This objective will be accomplished by providing a means by which (i)
39 private information concerning active and former judges, and nonjudicial
40 court personnel, and their immediate families can be kept from public
41 display; and (ii) persons, businesses, associations, and public and
42 private agencies having such information can be forbidden from posting
43 it, or sharing or trading it with others.

44 This act shall be broadly construed to favor protections of the
45 private information of those persons designated hereunder as "eligible
46 individuals".

47 § 2. The judiciary law is amended by adding a new article 22-C to read
48 as follows:

49 ARTICLE 22-C
50 NEW YORK STATE JUDICIAL SECURITY ACT
51 Section 859. New York state judicial security act.

§ 859. New York state judicial security act. 1. Definitions. As used in this article:

(a) "Eligible individual" shall mean:

(i) an actively employed or former:

(A) judge or justice of the unified court system or judge of the housing part of the civil court of the city of New York;

(B) clerk of a court of the unified court system or of a federal court sitting in New York;

(C) employee of the United States Marshal Service serving in New York or employee of the unified court system or a political subdivision of the state whose official duties include the provision of court security services; or

(D) employee of the unified court system or of a federal court established in New York, not otherwise included in this paragraph, who has been so designated by the chief administrator or the appropriate administrative authority for the federal courts, respectively, where, in their opinion, there is either evidence of a particularized threat or threats towards such employee or the employee's duties warrant such designation in order to provide for the safety and security of such employee; or

(ii) a federal judge or a senior, recalled, or retired federal judge sitting or maintaining chambers in New York, where such federal judge means:

(A) a justice of the United States or a judge of the United States, as those terms are defined in section 451 of title 28, United States Code;

(B) a bankruptcy judge appointed under section 152 of title 28, United States Code;

(C) a United States magistrate judge appointed under section 631 of title 28, United States Code;

(D) a judge confirmed by the United States Senate and empowered by statute in any commonwealth, territory, or possession to perform the duties of a Federal judge;

(E) a judge of the United States Court of Federal Claims appointed under section 171 of title 28, United States Code;

(F) a judge of the United States Court of Appeals for Veterans Claims appointed under section 7253 of title 38, United States Code;

(G) a judge of the United States Court of Appeals for the Armed Forces appointed under section 942 of title 10, United States Code;

(H) a judge of the United States Tax Court appointed under section 7443 of the Internal Revenue Code of 1986; or

(I) a special trial judge of the United States Tax Court appointed under section 7443A of the Internal Revenue Code of 1986.

(b) "Immediate family" shall mean, for each eligible individual, the spouse, former spouse, parent, child, sibling, and any other person who regularly resides or has regularly resided in the eligible individual's household.

(c) "Personal information" shall include the following for an eligible individual and, if such individual so indicates as provided in subparagraph (ii) of paragraph (a) of subdivision two of this section, for the members of their immediate family: (i) home address, including primary residence and secondary residences; (ii) unlisted telephone number; (iii) personal cell phone number; (iv) personal email address; (v) social security number; (vi) driver license number; (vii) license plate number; (viii) marital status and identity of any present and former spouse; (ix) identity of children under the age of twenty-six; (x) name and address of a school or day care facility attended by an immediate

1 family member; (xi) bank account number; (xii) credit or debit card
2 number; (xiii) personal identification number (PIN); (xiv) automated or
3 electronic signature; (xv) unique biometric data; and (xvi) account
4 passwords.

5 (d) "Making public the personal information" of an identified person
6 shall mean any effort or action by a person, business, association, or
7 public or private agency to post on the internet or otherwise display or
8 publish in any medium accessible to the public such identified person's
9 personal information, to share or trade such information with others, or
10 to otherwise transfer such information to others.

11 (e) "Written request" means an application in writing and signed by an
12 eligible individual, or their representative, requesting that the chief
13 administrator of the courts or the eligible individual's employer, as
14 appropriate, notify one or more persons, businesses, associations, or
15 public or private agencies, other than an excluded entity, that they
16 must refrain from making public the personal information of that eligi-
17 ble individual.

18 (f) "Excluded entity" means a commercial entity engaged in the follow-
19 ing activity:

20 (i) reporting, news-gathering, speaking, or other activity intended to
21 inform the public on matters of public interest or public concern;

22 (ii) using personal information internally, providing access to busi-
23 nesses under common ownership or affiliated by corporate control, or
24 selling or providing data for transaction or service requested by or
25 concerning the individual whose personal information is being trans-
26 ferred;

27 (iii) providing publicly available information via real-time or near
28 real-time alert services for health or safety purposes;

29 (iv) any activity where the commercial entity is a consumer reporting
30 agency subject to the Fair Credit Reporting Act (15 U.S.C. 1681, et
31 seq.);

32 (v) any activity where the commercial entity is a financial institu-
33 tion subject to the Gramm-Leach-Bliley Act (Public Law 106-102) and
34 regulations implementing that Act; and

35 (vi) the collection and sale or licensing of personal information
36 incidental to conducting the activities described in this paragraph.

37 (g) "Public agency" shall mean an agency of the state of New York and
38 any of its political subdivisions.

39 2. Written request; notification by chief administrator of the courts
40 or employer. (a) This subdivision shall apply to every eligible individ-
41 ual. An eligible individual or their representative may submit a writ-
42 ten request to the chief administrator of the courts, if the eligible
43 individual is an active or former judge, justice, judge of the housing
44 part of the civil court of the city of New York, or nonjudicial employee
45 of the unified court system, or, if not, to the eligible individual's
46 employer or, if the eligible individual is no longer in service, to the
47 person or office who would be their employer were such individual still
48 in service. For purposes of this subdivision, the employer of a federal
49 judge shall be the appropriate administrative authority for the court in
50 which such federal judge serves. The written request shall specify:

51 (i) those items of personal information that the eligible individual
52 wishes to be kept from being made public;

53 (ii) the identity of members of the eligible individual's immediate
54 family and whether, for purposes of the written request, their personal
55 information should be deemed to include that of such immediate family
56 members; and

1 (iii) each person, business, association, and public or private agency
2 that the eligible individual wishes to bar from making public the
3 personal information of such eligible individual.

4 (b) The chief administrator and each employer to which a written
5 request may be submitted under this subdivision shall develop procedures
6 to review and process such requests.

7 (c) (i) If a written request has been properly submitted and is
8 complete, the chief administrator or employer, as appropriate, shall,
9 within five business days of receipt of such written request from an
10 eligible individual, notify each person, business, association, and
11 public or private agency identified in the written request that (A)
12 beginning within seventy-two hours of receipt of such notification, they
13 must cease making public the personal information of the eligible indi-
14 vidual identified in such request, and (B) within twenty business days
15 of such receipt, must delete or otherwise remove any existing posting on
16 the internet and any display or publication in any medium accessible to
17 the public containing such personal information as is specified in the
18 written request of the eligible individual on whose behalf the notifica-
19 tion is made. For purposes of this subparagraph, notification shall be
20 by certified mail, return receipt requested, either at the recipient's
21 last known residence (if recipient is a person) or at the recipient's
22 principal office (which shall be the location at which the office of the
23 chief executive officer of the recipient is generally located).

24 (ii) Notwithstanding any provision of this paragraph to the contrary,
25 subparagraph (i) of this paragraph shall not apply to:

26 (A) display on the internet of the personal information of an eligible
27 individual if such information is relevant to and displayed as part of a
28 news story, commentary, editorial, or other speech on a matter of public
29 concern;

30 (B) personal information that the eligible individual voluntarily
31 publishes on the internet after the effective date of this section;

32 (C) personal information received from a public agency or from an
33 agency of the federal government; and

34 (D) permissible uses of personal information pursuant to the Driver's
35 Privacy Protection Act (18 U.S.C. § 2721 et seq.), except that no eligi-
36 ble individual making a written request under this article shall be
37 deemed to have given express consent to share personal information for
38 the purposes of 18 U.S.C. § 2721(b), unless the written request contains
39 an express declaration to the contrary.

40 3. Duration of notification. A notification issued by or on behalf of
41 an eligible individual pursuant to subdivision two of this section
42 expires on their death; provided, however, where a notification here-
43 under bars making public the personal information of a member of an
44 eligible individual's immediate family, that bar shall remain in effect
45 until the death of such immediate family member unless that person or
46 the eligible individual sooner rescinds it. If an eligible individual
47 wishes to rescind such a notification, they or the chief administrator
48 of the courts or the eligible individual's employer, as appropriate,
49 upon request from the covered individual, may provide a person, busi-
50 ness, association, or public or private agency with written permission
51 to make public their personal information.

52 4. Recipient of notification not to make an eligible individual's
53 personal information public; judicial relief available upon non-compli-
54 ance. (a) After a person, business, association, or public or private
55 agency has received a notification pursuant to paragraph (c) of subdivi-
56 sion two of this section, they shall have (i) seventy-two hours to cease

1 making public the personal information of the eligible individual iden-
2 tified in such notification, and (ii) twenty business days within which
3 to delete or otherwise remove any existing postings on the internet and
4 any display or publication in any medium accessible to the public
5 containing such personal information.

6 (b) An eligible individual may seek an injunction or declaratory
7 relief in a court of competent jurisdiction against a person, business,
8 association, or public or private agency that, after receiving a notifi-
9 cation pursuant to paragraph (c) of subdivision two of this section,
10 fails to timely comply with the requirements of such notification. If
11 the court grants such injunctive or declaratory relief, the affected
12 person, business, association, or agency shall be required to pay the
13 eligible individual's costs and reasonable attorney's fees.

14 (c) Upon a violation of any order granting injunctive or declarative
15 relief obtained pursuant to this subdivision, the court issuing such
16 order may: (i) where the violator is a public agency, impose a fine not
17 exceeding one thousand dollars and require the payment of court costs
18 and reasonable attorney fees; or (ii) where the violator is a person,
19 business, association, or private agency, award damages to the affected
20 eligible individual in an amount up to a maximum of three times the
21 actual damages, but not less than four thousand dollars, and require the
22 payment of court costs and reasonable attorney fees.

23 5. Notwithstanding any other provision of law, where the department
24 of motor vehicles receives a notification pursuant to paragraph (c) of
25 subdivision two of this section, such department shall comply therewith
26 except that, where the notification requires the department to cease
27 making a person's address public, the department may make their business
28 address public.

29 § 3. Section 120.09 of the penal law, as added by chapter 148 of the
30 laws of 2011, is amended to read as follows:

31 § 120.09 Assault on a judge.

32 A person is guilty of assault on a judge when, with intent to [~~cause~~
33 ~~serious physical injury and~~] prevent a judge from performing official
34 judicial duties, [~~he or she~~] such person causes serious physical injury
35 to such judge. [~~For the purposes of this section, the term judge shall~~
36 ~~mean a judge of a court of record or a justice court.~~]

37 Assault on a judge is a class C felony.

38 § 4. The penal law is amended by adding a new section 120.09-a to read
39 as follows:

40 § 120.09-a Aggravated assault on a judge.

41 A person is guilty of aggravated assault on a judge when, with intent
42 to cause serious physical injury and prevent a judge from performing
43 official judicial duties, such person causes serious physical injury to
44 such judge.

45 Aggravated assault on a judge is a class B felony.

46 § 5. The penal law is amended by adding a new section 120.41 to read
47 as follows:

48 § 120.41 Additional definitions.

49 For purposes of sections 120.09, 120.09-a, 120.45, 120.50, 120.55 and
50 120.60 of this article:

51 1. "Social networking websites" shall mean websites on the internet
52 that permit persons to be registered users for the purpose of establish-
53 ing relationships with other users, where such persons (i) may create
54 web pages or profiles that provide information about themselves and/or
55 upload photos, video, written posts, and other content where such web
56 pages or profiles are available to the public or to other users, and/or

1 (ii) may communicate with other users, such as through chat rooms,
2 instant messenger, direct messaging, emailing, and/or message boards.

3 2. "Personal information" shall include, but is not limited to, the
4 following: (i) home address, (ii) telephone number, (iii) cell phone
5 number, (iv) email address, (v) social security number, (vi) driver
6 license number, (vii) marital status and identity of any present and
7 former spouse, (viii) identity of children under eighteen, (ix) bank
8 account number, (x) credit or debit card number, (xi) personal identifi-
9 cation number (PIN), (xii) automated or electronic signature, (xiii)
10 unique biometric data, and (xiv) account passwords.

11 3. "Judge" shall include an employed or former judge or justice of the
12 unified court system, a judge or former judge of the housing part of the
13 civil court of the city of New York, and an actively employed or former
14 federal judge or magistrate who sits in New York state (or, if a former
15 federal judge or magistrate, who, while active, sat in New York state).

16 § 6. Subdivision 2 of section 120.45 of the penal law, as amended by
17 chapter 184 of the laws of 2014, is amended to read as follows:

18 2. causes material harm to the mental or emotional health of such
19 person, where such conduct consists of either (i) following, telephoning
20 or initiating communication or contact with such person, a member of
21 such person's immediate family or a third party with whom such person is
22 acquainted, and the actor was previously clearly informed to cease that
23 conduct, or (ii) disseminating personal information through or posting
24 personal information on social networking websites about such person, a
25 member of such person's immediate family or a third party with whom such
26 person is acquainted; or

27 § 7. The second undesignated paragraph of section 120.45 of the penal
28 law, as added by chapter 184 of the laws of 2014, is amended to read as
29 follows:

30 For the purposes of this section, it shall constitute presumptive
31 evidence of "having no legitimate purpose" when (i) the victim of the
32 conduct described under this section is an active or former judge, or a
33 member of their immediate family, and (ii) the person charged pursuant
34 to this section, or a member of such person's immediate family, was or
35 is a party to a judicial proceeding pending before that judge. For
36 purposes of subdivision two of this section, "following" shall include
37 the unauthorized tracking of such person's movements or location through
38 the use of a global positioning system or other device, and any posting
39 on social networking websites of personal information shall be consid-
40 ered a "course of conduct" when the defendant has been notified that the
41 individual whose personal information has been posted has requested the
42 dissemination cease and/or the posting be deleted or otherwise removed
43 from online publication and seventy-two hours have elapsed without the
44 defendant requesting or completing such cessation, deletion, or removal.

45 § 8. Subdivision 5 of section 120.55 of the penal law, as added by
46 chapter 598 of the laws of 2003, is amended and a new subdivision 6 is
47 added to read as follows:

48 5. Commits the crime of stalking in the third degree, as defined in
49 subdivision three of section 120.50 of this article, against ten or more
50 persons, in ten or more separate transactions, for which the actor has
51 not been previously convicted[+]; or

52 6. Commits the crime of stalking in the fourth degree, as defined in
53 section 120.45 of this article, against a judge or a member of a judge's
54 immediate family.

55 § 9. Section 120.60 of the penal law, as amended by chapter 434 of the
56 laws of 2000, is amended to read as follows:

§ 120.60 Stalking in the first degree.

A person is guilty of stalking in the first degree when ~~[he or she]~~ such person:

1. commits the crime of stalking in the third degree as defined in subdivision three of section 120.50 or stalking in the second degree as defined in section 120.55 of this article and, in the course and furtherance thereof, [he or she] such person:

[1-](a) intentionally or recklessly causes physical injury to the victim of such crime; or

[2-](b) commits a class A misdemeanor defined in article one hundred thirty of this chapter, or a class E felony defined in section 130.25, 130.40 or 130.85 of this chapter, or a class D felony defined in section 130.30 or 130.45 of this chapter; or

2. commits the crime of stalking in the second degree, as defined in subdivision six of section 120.55, and has previously been convicted of an offense defined under this section or section 120.45, 120.50, or 120.55 of this article within the prior five years.

Stalking in the first degree is a class D felony.

§ 10. The penal law is amended by adding a new section 240.33 to read as follows:

§ 240.33 Aggravated harassment of a judge.

A person is guilty of aggravated harassment of a judge when:

1. With intent to harass another person, the actor either:

(a) communicates, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person the actor knows or reasonably should know is a judge, or a member of such judge's immediate family, and the actor knows or reasonably should know that such communication will cause such judge to reasonably fear harm to such judge's physical safety or property, or to the physical safety or property of a member of such judge's immediate family; or

(b) causes a communication to be initiated anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person the actor knows or reasonably should know is a judge, or a member of such judge's immediate family, and the actor knows or reasonably should know that such communication will cause such judge to reasonably fear harm to such person's physical safety or property, or to the physical safety or property of a member of such judge's immediate family; or

2. With intent to harass or threaten a person the actor knows or reasonably should know is a judge or a member of such judge's immediate family, the actor makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or

3. With the intent to harass, annoy, threaten or alarm a person the actor knows or reasonably should know is a judge or a member of such judge's immediate family, the actor strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct; or

4. With the intent to harass, annoy, threaten or alarm a person the actor knows or reasonably should know is a judge or a member of such

judge's immediate family, the actor strikes, shoves, kicks or otherwise subjects another person to physical contact thereby causing physical injury to such person or to an immediate family member of such person; or

5. The actor commits the crime of harassment in the first degree against a person the actor knows or reasonably should know is a judge or a member of such judge's immediate family and has previously been convicted of the crime of harassment in the first degree as defined by section 240.25 of this article within the preceding ten years.

For purposes of this section: "judge" shall include an employed or former judge or justice of the unified court system, a judge or former judge of the housing part of the civil court of the city of New York, and an actively employed or former federal judge or magistrate who sits in New York state (or, if a former federal judge or magistrate, who, while active, sat in New York state); and "immediate family" means the spouse, former spouse, parent, child, sibling, or any other person who regularly resides or has regularly resided in the household of a person.

Aggravated harassment of a judge is a class E felony.

§ 11. Section 3-220 of the election law is amended by adding a new subdivision 8 to read as follows:

8. Where a board of elections receives a notification pursuant to paragraph (c) of subdivision two of section eight hundred fifty-nine of the judiciary law, such board of elections shall comply with such notification, except that where the notification requires the board of elections to cease making a person's address public, such board shall not comply therewith from the date of filing of any ballot access or related document containing such address until thirty days after the last day to commence a special proceeding or action with respect to such filing.

§ 12. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, the provisions of sections three, four, five, six, seven, eight, nine and ten of this act shall take effect the first day of November next succeeding the ninetieth day following the date on which this act shall have become a law.

PART G

Section 1. Subdivision 8 of section 10 of the cannabis law, as amended by section 9 of part UU of chapter 56 of the laws of 2023, is amended to read as follows:

8. To conduct regulatory inspections during normal business hours of any place of business, including a vehicle or storage facility used for such business, where medical cannabis, adult-use cannabis, cannabis, cannabis product, cannabinoid hemp, hemp extract products, or any products marketed or labeled as such, are cultivated, processed, stored, distributed or sold by any person holding a registration, license, or permit under this chapter, or by any person who is engaging in activity for which a license would be required under this chapter. For the purposes of this subdivision, "place of business" shall not include a residence or other real property not otherwise held out as open to the public or otherwise being utilized in a business or commercial manner or any private vehicle or storage facility on or about the same such property, unless probable cause exists to believe that such residence, real property, or vehicle are being used in such business or commercial manner for the activity described herein.

1 § 2. Subdivisions 3 and 5 of section 11 of the cannabis law, as
2 amended by section 10 of part UU of chapter 56 of the laws of 2023, are
3 amended to read as follows:

4 3. To conduct regulatory inspections during normal business hours of
5 any place of business, including a vehicle or storage facility used for
6 such business, where cannabis, cannabis product, cannabinoid hemp, hemp
7 extract products, or any products marketed or labeled as such, are
8 cultivated, processed, manufactured, distributed, stored, or sold, irre-
9 spective of whether a registration, license, or permit has been issued
10 under this chapter. For the purposes of this subdivision, "place of
11 business" shall not include a residence or other real property not
12 otherwise held out as open to the public or otherwise being utilized in
13 a business or commercial manner or any private vehicle or storage facil-
14 ity on or about the same such property, unless probable cause exists to
15 believe that such residence, real property, or vehicle are being used in
16 such business or commercial manner for the activity described herein.

17 5. To conduct regulatory inspections during normal business hours of
18 any registered, licensed or permitted place of business, including a
19 vehicle or storage facility used for such business, where medical canna-
20 bis, adult-use cannabis, cannabinoid hemp, hemp extract products, or any
21 products marketed or labeled as such, are cultivated, processed, stored,
22 distributed or sold. For the purposes of this subdivision, "place of
23 business" shall not include a residence or other real property not
24 otherwise held out as open to the public or otherwise being utilized in
25 a business or commercial manner or any private vehicle or storage facil-
26 ity on or about the same such property, unless probable cause exists to
27 believe that such residence, real property, or vehicle are being used in
28 such business or commercial manner for the activity described herein.

29 § 3. Section 16 of the cannabis law is amended by adding a new subdi-
30 vision 7 to read as follows:

31 7. Any action or proceeding brought pursuant to this section or
32 section sixteen-a of this article or section one hundred thirty-eight-a
33 of this chapter may be filed under temporary seal and the clerk shall
34 provide a sealed index number upon request of the office or the attorney
35 general. If temporary sealing cannot be implemented via the court's
36 electronic filing system, such action or proceeding shall be permitted
37 by the court to be filed through hard copy.

38 § 4. Section 16-a of the cannabis law, as added by section 12 of part
39 UU of chapter 56 of the laws of 2023, is amended to read as follows:

40 § 16-a. Emergency relief. Following service of [~~a notice of violation~~
41 ~~and~~] an order requiring immediate cessation of unlicensed activity under
42 this chapter, the office of cannabis management, or the attorney gener-
43 al, at the request of and on behalf of the office, or any county attor-
44 ney, corporation counsel, or local government authorized pursuant to
45 subdivision eight of this section to bring and maintain a civil proceed-
46 ing in accordance with the procedures set forth in this section, may
47 bring and maintain a civil proceeding in the supreme court of the county
48 in which the building or premises is located to permanently enjoin such
49 unlicensed activity when conducted, maintained, or permitted in such
50 building or premises, occupied as a place of business as described in
51 subdivision eight of section ten of this chapter, in violation of subdi-
52 vision one or one-a of section one hundred twenty-five of this chapter
53 or subdivision eight of section one hundred thirty-two of this chapter,
54 which shall constitute an unlicensed activity that presents a danger to
55 the public health, safety, and welfare, and shall also enjoin the person

1 or persons conducting or maintaining such unlicensed activity, in
2 accordance with the following procedures:

3 1. Proceeding for permanent injunction. (a) To the extent known, the
4 owner, lessor, and lessee of a building or premises wherein the unli-
5 censed activity is being conducted, maintained, or permitted shall be
6 made defendants in the proceeding. The venue of such proceeding shall be
7 in the county where the unlicensed activity is being conducted, main-
8 tained, or permitted or in any venue where a respondent is located. The
9 existence of an adequate remedy at law shall not prevent the granting of
10 temporary or permanent relief pursuant to this section.

11 (b) The proceeding shall name as defendants the building or premises
12 wherein the unlicensed activity is being conducted, maintained, or
13 permitted, by describing it by tax lot and street address and at least
14 one of the owners of some part of or interest in the property.

15 (c) In rem jurisdiction shall be complete over the building or prem-
16 ises wherein the unlicensed activity is being conducted, maintained, or
17 permitted by affixing the notice of petition or order to show cause to
18 the door of the building or premises and by mailing the notice of peti-
19 tion or order to show cause by certified or registered mail, return
20 receipt requested, to one of the owners of some part of or interest in
21 the property. Proof of service shall be filed [~~within two days~~] promptly
22 thereafter with the clerk of the court designated in the notice of peti-
23 tion or order to show cause. In any county where e-filing is unavail-
24 able, proof of service may be mailed to the clerk. Service shall be
25 complete upon such filing or mailing.

26 (d) Defendants, other than the building or premises wherein the unli-
27 censed activity is being conducted, maintained, or permitted, shall be
28 served with the notice of petition or order to show cause as provided in
29 the civil practice law and rules or pursuant to court order. No more
30 than thirty days prior to such service, the office shall mail a copy, by
31 certified mail, of any [~~prior notice of violation or letter or~~] order to
32 cease and desist relating to the unlicensed activity at the building or
33 premises to the person in whose name the real estate affected by the
34 proceeding is recorded in the office of the city register or the county
35 clerk, as the case may be, who shall be presumed to be the owner there-
36 of. Such mailing shall constitute notice to the owner and shall be
37 deemed to be complete upon such mailing by the office as provided above.
38 No more than fifteen days prior to such service, the office, [~~or~~] the
39 attorney general, at the request of and on behalf of the office of
40 cannabis management, or any local government authorized pursuant to
41 subdivision eight of this section shall verify the ongoing occupancy of
42 any natural person who is a tenant of record and alleged to have caused
43 or permitted the unlicensed activity in the building or premises wherein
44 the unlicensed activity is alleged to have been conducted, maintained,
45 or permitted. [~~If at any time such defendants vacate such building or~~
46 ~~premises, any action or proceeding filed in accordance with these proce-~~
47 ~~dures relating to such building or premises shall be withdrawn.~~]

48 (e) With respect to any proceeding commenced or to be commenced pursu-
49 ant to this section by the office of cannabis management or the attorney
50 general, at the request of and on behalf of the office, may file a
51 notice of pendency pursuant to the provisions of article sixty-five of
52 the civil practice law and rules.

53 (f) The person in whose name the real estate affected by the proceed-
54 ing is recorded in the office of the city register or the county clerk,
55 as the case may be, shall be presumed to be the owner thereof. Upon
56 being served in a proceeding under this section, such owner shall, to

1 the extent known, provide to the office of cannabis management, within
2 three days, the names of any other owners, lessors and lessees of the
3 building or premises that is the subject of the proceeding. Thereafter,
4 such owners, lessors and lessees may be made parties to the proceeding.

5 (g) Whenever there is evidence that a person was the manager, opera-
6 tor, supervisor or, in any other way, in charge of the premises, at the
7 time the unlicensed activity was being conducted, maintained, or permit-
8 ted, such evidence shall be presumptive that ~~[he or she was]~~ they were
9 an agent or employee of the owner or lessee of the building or premises.

10 (h) A defendant shall furnish to any other party, within five days
11 after a demand, a verified statement identifying:

12 (i) If the responding party is a natural person, such party's: (1)
13 full legal name; (2) date of birth; (3) current home or business street
14 address; and (4) a unique identifying number from: (A) an unexpired
15 passport; (B) an unexpired state driver's license; or (C) an unexpired
16 identification card or document issued by a state or local government
17 agency or tribal authority for the purpose of identification of that
18 individual;

19 (ii) If the responding party is a partnership, limited liability part-
20 nership, limited liability company, or other unincorporated association,
21 including a for profit or not-for-profit membership organization or
22 club, the information required pursuant to subparagraph (i) of this
23 paragraph for each of its partners or members, as well as the state or
24 other jurisdiction of its formation;

25 (iii) If the responding party is a corporation, its state or other
26 jurisdiction of incorporation, principal place of business, and any
27 state or other jurisdiction of which that party is a citizen;

28 (iv) If the responding party is not an individual, in addition to any
29 information provided pursuant to subparagraphs (ii) and (iii) of this
30 paragraph, and to the extent not previously provided, each beneficial
31 owner of the responding party by: (1) full legal name; (2) date of
32 birth; (3) current home or business street address; and (4) a unique
33 identifying number from: (A) an unexpired passport; (B) an unexpired
34 state driver's license; or (C) an unexpired identification card or docu-
35 ment issued by a state or local government agency or tribal authority
36 for the purpose of identification of that individual. As used in this
37 subparagraph, the term "beneficial owner" shall have the same meaning as
38 defined in 31 U.S.C. § 5336(a)(3), as amended, and any regulations
39 promulgated thereunder.

40 (i) If a finding is made that the defendant has conducted, maintained,
41 or permitted the unlicensed activity a penalty, to be included in the
42 judgment, may be awarded in an amount not to exceed ten thousand dollars
43 for each day it is found that the defendant intentionally conducted,
44 maintained or permitted the unlicensed activity. With regard to any
45 defendant conducting the referenced unlicensed activity, any such penal-
46 ties may be awarded in addition to any penalties that may be imposed
47 pursuant to section one hundred thirty-two of this chapter. Upon recov-
48 ery, such penalty shall be paid to the office of cannabis management, or
49 to the county attorney, corporation counsel, or local government that
50 has been authorized pursuant to subdivision eight of this section to
51 bring and maintain a civil proceeding in accordance with the procedures
52 set forth in this section.

53 2. Preliminary injunction. (a) Pending a proceeding for a permanent
54 injunction pursuant to this section the court may grant a preliminary
55 injunction enjoining the unlicensed activity and the person or persons
56 conducting, maintaining, or permitting the unlicensed activity from

1 further conducting, maintaining, or permitting the unlicensed activity,
2 where the public health, safety or welfare immediately requires the
3 granting of such injunction. A temporary closing order may be granted
4 pending a hearing for a preliminary injunction where it appears by clear
5 and convincing evidence that unlicensed activity within the scope of
6 this section is being conducted, maintained, or permitted and that the
7 public health, safety or welfare immediately requires the granting of a
8 temporary closing order. A temporary restraining order may be granted
9 pending a hearing for a preliminary injunction.

10 (b) A preliminary injunction shall be enforced by the office or, at
11 the request of the office, the attorney general. At the request of the
12 office, a police officer or peace officer with jurisdiction may also
13 enforce the preliminary injunction.

14 (c) The office or the attorney general shall show, by affidavit and
15 such other evidence as may be submitted, that there is a cause of action
16 for a permanent injunction abating unlicensed activity.

17 3. Temporary closing order. (a) If, on a motion for a preliminary
18 injunction alleging unlicensed activity as described in this section in
19 a building or premises used for commercial purposes only, the office or
20 the attorney general demonstrates by clear and convincing evidence that
21 such unlicensed activity is being conducted, maintained, or permitted
22 and that the public health, safety, or welfare immediately requires a
23 temporary closing order, a temporary order closing such part of the
24 building or premises wherein such unlicensed activity is being
25 conducted, maintained, or permitted may be granted without notice, pend-
26 ing order of the court granting or refusing the preliminary injunction
27 and until further order of the court. Upon granting a temporary closing
28 order, the court shall direct the holding of a hearing for the prelimi-
29 nary injunction at the earliest possible time but no later than ~~[three]~~
30 ten business days from the granting of such order; a decision on the
31 motion for a preliminary injunction shall be rendered by the court with-
32 in ~~[three business]~~ thirty calendar days after the conclusion of the
33 hearing.

34 (b) Unless the court orders otherwise, a temporary closing order
35 together with the papers upon which it was based and a notice of hearing
36 for the preliminary injunction shall be personally served, in the same
37 manner as a summons as provided in the civil practice law and rules.

38 ~~(c) [A temporary closing order shall only be issued prior to a hearing~~
39 ~~on a preliminary injunction if the building or premises is used for~~
40 ~~commercial purposes only.]~~

41 ~~(d)]~~ No temporary closing order shall be issued against any building
42 or premises where, in addition to the unlicensed activity which is
43 alleged, activity that is licensed or otherwise lawful remains in place
44 and the unlicensed activity is merely a de minimis part of the business.
45 In assessing whether unlicensed activity within a building or premises
46 is more than de minimis, the court shall consider such factors as: (i)
47 the presence of signs or symbols, indoors or out, advertising unlicensed
48 activity or otherwise indicating that cannabis is sold on the premises;
49 (ii) information shared in any advertisements or other marketing
50 content, including but not limited to social media, in connection with
51 the unlicensed activity; (iii) the layout of the business with regard to
52 lawful and unlicensed activities occurring on the premises; and (iv) an
53 assessment of the volume of cannabis, cannabis products, cannabinoid
54 hemp, hemp extract product, or any product marketed or labeled as such
55 at such place of business. In addition, no temporary closing order shall
56 be issued against any building or premises which is used in part as

1 residence and pursuant to local law or ordinance is zoned and lawfully
2 occupied as a residence.

3 4. Temporary restraining order. (a) If, on a motion for a preliminary
4 injunction alleging unlicensed activity as described in this section in
5 a building or premises used for commercial purposes, the office or the
6 attorney general demonstrates by clear and convincing evidence that such
7 unlicensed activity is being conducted, maintained, or permitted and
8 that the public health, safety, or welfare immediately requires a tempo-
9 rary restraining order, a temporary restraining order may be granted
10 without notice restraining the defendants and all persons from removing
11 or in any manner interfering with the furniture, fixtures and movable
12 property used in conducting, maintaining or permitting such unlicensed
13 activity, including [~~adult-use~~] cannabis, cannabis product, cannabinoid
14 hemp or hemp extract product, or any product marketed or labeled as such
15 and from further conducting, maintaining or permitting such unlicensed
16 activity, pending order of the court granting or refusing the prelimi-
17 nary injunction and until further order of the court. Upon granting a
18 temporary restraining order, the court shall direct the holding of a
19 hearing for the preliminary injunction at the earliest possible time but
20 no later than three business days from the granting of such order; a
21 decision on the motion for a preliminary injunction shall be rendered by
22 the court within [~~three business~~] thirty calendar days after the conclu-
23 sion of the hearing.

24 (b) Unless the court orders otherwise, a temporary restraining order
25 and the papers upon which it was based and a notice of hearing for the
26 preliminary injunction shall be personally served, in the same manner as
27 a summons as provided in the civil practice law and rules, upon any
28 agent, employee, or other representative of the defendant business pres-
29 ent at the time the temporary restraining order is effectuated.

30 5. Temporary closing order; temporary restraining order; additional
31 enforcement procedures. (a) If on a motion for a preliminary injunction,
32 the office of cannabis management or the attorney general submits
33 evidence warranting both a temporary closing order and a temporary
34 restraining order, the court shall grant both orders.

35 (b) Upon the request of the office, any police officer or peace offi-
36 cer with jurisdiction may assist in the enforcement of a temporary clos-
37 ing order and temporary restraining order. Any reference to police offi-
38 cer or peace officer in this subdivision and subdivisions six and seven
39 of this section shall also include any investigator employed by the
40 office of the attorney general.

41 (c) The police officer or peace officer serving a temporary closing
42 order or a temporary restraining order shall forthwith make and return
43 to the court an inventory of personal property situated in and used in
44 conducting, maintaining, or permitting the unlicensed activity within
45 the scope of this chapter and shall enter upon the building or premises
46 for such purpose. Such inventory shall be taken in any manner which is
47 deemed likely to evidence a true and accurate representation of the
48 personal property subject to such inventory including, but not limited
49 to photographing such personal property, except that any cash found on
50 the premises during such inventory shall be inventoried, seized, and
51 secured off premises pending further order of the court. Any police
52 officer or peace officer, or any representative of the office, shall be
53 permitted to review and copy records, including electronic records
54 stored on cloud platforms.

55 (d) The police officer or peace officer serving a temporary closing
56 order shall, upon service of the order, command all persons present in

1 the building or premises to vacate the premises forthwith. Upon the
2 building or premises being vacated, the premises shall be securely
3 locked and all keys delivered to the officer serving the order who there-
4 after ~~[shall]~~ may deliver the keys to the fee owner, lessor, or lessee
5 of the building or premises involved. If the fee owner, lessor, or
6 lessee is not at the building or premises when the order is being
7 executed, the officer shall securely padlock the premises and retain the
8 keys until the fee owner, lessor, or lessee of the building is ascer-
9 tained, in which event, the officer ~~[shall]~~ may deliver the keys to such
10 owner, lessor, or lessee or retain them pending further order of the
11 court.

12 (e) Upon service of a temporary closing order or a temporary restrain-
13 ing order, the police officer or peace officer shall post a copy thereof
14 in a conspicuous place or upon one or more of the principal doors at
15 entrances of such premises where the unlicensed activity is being
16 conducted, maintained, or permitted. In addition, where a temporary
17 closing order has been granted, the officer shall affix, in a conspicu-
18 ous place or upon one or more of the principal doors at entrances of
19 such premises, a printed notice that the premises have been closed by
20 court order, which notice shall contain the legend "closed by court
21 order" in block lettering of sufficient size to be observed by anyone
22 intending or likely to enter the premises, the date of the order, the
23 court from which issued, and the name of the officer or agency posting
24 the notice. In addition, where a temporary restraining order has been
25 granted, the police officer or peace officer shall affix, in the same
26 manner, a notice similar to the notice provided for in relation to a
27 temporary closing order except that the notice shall state that certain
28 described activity is prohibited by court order and that removal of
29 property is prohibited by court order. Mutilation or removal of such a
30 posted order or such a posted notice while it remains in force, in addi-
31 tion to any other punishment prescribed by law, shall be punishable, on
32 conviction, by a fine of not more than five thousand dollars or by
33 imprisonment not exceeding ninety days, or by both, provided such order
34 or notice contains therein a notice of such penalty. Any police officer
35 or peace officer with jurisdiction may, upon the request of the office,
36 assist in the enforcement of this section.

37 6. Temporary closing order; temporary restraining order; defendant's
38 remedies. (a) A temporary closing order or a temporary restraining order
39 ~~[shall]~~ may be vacated, upon notice to the office and to any county
40 attorney, corporation counsel, or local government that may have been
41 authorized pursuant to subdivision eight of this section to bring and
42 maintain the proceeding in accordance with the procedures set forth in
43 this section, if ~~[the]~~ a defendant who is the fee owner, lessor, or
44 lessee of the building or premises shows by affidavit and such other
45 proof as may be submitted that the unlicensed activity within the scope
46 of this chapter has been abated and that they are also not affiliated
47 with the person who is conducting the unlicensed activity. An order
48 vacating a temporary closing order or a temporary restraining order
49 shall include a provision authorizing the office, or any county attor-
50 ney, corporation counsel, or local government, as applicable, to inspect
51 the building or premises which is the subject of a proceeding pursuant
52 to this subdivision, periodically without notice, during the pendency of
53 the proceeding for the purpose of ascertaining whether or not the unli-
54 censed activity has been resumed. Any police officer or peace officer
55 with jurisdiction may, upon the request of the office, assist in the

1 enforcement of an inspection provision of an order vacating a temporary
2 closing order or temporary restraining order.

3 (b) A temporary closing order or a temporary restraining order may be
4 vacated by the court, upon notice to the office, or any county attorney,
5 corporation counsel, or local government, as applicable, when ~~[the]~~ a
6 defendant entitled to request vacatur pursuant to paragraph (a) of this
7 subdivision gives an undertaking and the court is satisfied that the
8 public health, safety, or welfare will be protected adequately during
9 the pendency of the proceeding. The undertaking shall be in an amount
10 equal to the assessed valuation of the building or premises where the
11 unlicensed activity is being conducted, maintained, or permitted or in
12 such other amount as may be fixed by the court. The defendant shall pay
13 to the office and the attorney general, in the event a judgment of
14 permanent injunction is obtained, their actual costs, expenses and
15 disbursements in bringing and maintaining the proceeding. In addition,
16 the defendant shall pay to the local government or law enforcement agen-
17 cy that provided assistance in enforcing any order of the court issued
18 pursuant to a proceeding brought under this section, its actual costs,
19 expenses and disbursements in assisting with the enforcement of the
20 proceeding.

21 7. Permanent injunction. (a) A judgment awarding a permanent injunc-
22 tion pursuant to this chapter shall direct that any illicit cannabis,
23 cannabis product, cannabinoid hemp or hemp extract product, or any prod-
24 uct marketed or labeled as such seized shall be turned over to the
25 office of cannabis management or their authorized representative. The
26 judgment may further direct any police officer or peace officer with
27 jurisdiction to seize and remove from the building or premises all mate-
28 rial, equipment, and instrumentalities used in the creation and mainte-
29 nance of the unlicensed activity and shall direct the sale by the sher-
30 iff of any such property in the manner provided for the sale of personal
31 property under execution pursuant to the provisions of the civil prac-
32 tice law and rules, if the estimated value of the property exceeds the
33 estimated lawful expenses of such sale, or the disposal of the property
34 if the estimated value of the property does not exceed the estimated
35 lawful expenses of such sale. The net proceeds of any such sale, after
36 deduction of the lawful expenses involved, shall be paid to the general
37 fund of the state.

38 (b) A judgment awarding a permanent injunction pursuant to this chap-
39 ter may direct the closing of the building or premises by any police
40 officer or peace officer with jurisdiction to the extent necessary to
41 abate the unlicensed activity and shall direct any police officer or
42 peace officer with jurisdiction to post a copy of the judgment and a
43 printed notice of such closing conforming to the requirements of this
44 chapter. The closing directed by the judgment shall be for such period
45 as the court may direct but in no event shall the closing be for a peri-
46 od of more than one year from the posting of the judgment provided for
47 in this section. If the owner shall file a bond in the value of the
48 property ordered to be closed and submits proof to the court that the
49 unlicensed activity has been abated and will not be created, maintained,
50 or permitted for such period of time as the building or premises has
51 been directed to be closed in the judgment, and also submits proof that
52 they are also not affiliated with the person who is conducting the unli-
53 censed activity, the court may vacate the provisions of the judgment
54 that direct the closing of the building or premises. A closing by a
55 police officer or peace officer with jurisdiction pursuant to the
56 provisions of this section shall not constitute an act of possession,

1 ownership, or control by such police officer or peace officer of the
2 closed premises.

3 (c) Upon the request of the office of cannabis management or its
4 authorized representative, or any county attorney, corporation counsel,
5 or local government authorized pursuant to subdivision eight of this
6 section to bring and maintain a civil proceeding in accordance with the
7 procedures set forth in this section, any police officer or peace offi-
8 cer with jurisdiction may assist in the enforcement of a judgment award-
9 ing a permanent injunction entered in a proceeding brought pursuant to
10 this chapter.

11 (d) A judgment rendered awarding a permanent injunction pursuant to
12 this chapter shall be and become a lien upon the building or premises
13 named in the petition in such proceeding, such lien to date from the
14 time of filing a notice of lis pendens in the office of the clerk of the
15 county wherein the building or premises is located. Every such lien
16 shall have priority before any mortgage or other lien that exists prior
17 to such filing except tax and assessment liens.

18 (e) A judgment awarding a permanent injunction pursuant to this chap-
19 ter shall provide, in addition to the costs and disbursements allowed by
20 the civil practice law and rules, upon satisfactory proof by affidavit
21 or such other evidence as may be submitted, the actual costs, expenses
22 and disbursements of the office and the attorney general, or of any
23 county attorney, corporation counsel, or local government authorized
24 pursuant to subdivision eight of this section to bring and maintain a
25 civil proceeding in accordance with the procedures set forth in this
26 section, in bringing and maintaining the proceeding.

27 8. Civil proceedings. In addition to the authority granted in this
28 section to the office of cannabis management and the attorney general,
29 any county attorney, corporation counsel, or local government in which
30 such building or premises is located may, after the office of cannabis
31 management grants permission in writing, bring and maintain a civil
32 proceeding in the supreme court of the county in which the building or
33 premises is located to permanently enjoin the unlicensed activity
34 described in this section and the person or persons conducting or main-
35 taining such unlicensed activity, in accordance with the procedures set
36 forth in this section. The office shall be permitted to intervene as of
37 right in any such proceeding. Any such governmental entity which obtains
38 a permanent injunction pursuant to this chapter shall be awarded, in
39 addition to the costs and disbursements allowed by the civil practice
40 law and rules, upon satisfactory proof by affidavit or such other
41 evidence as may be submitted, any penalties awarded pursuant to para-
42 graph (h) of subdivision one or paragraph (e) of subdivision five of
43 this section and the actual costs, expenses and disbursements in bring-
44 ing and maintaining the proceeding. The authority provided by this
45 subdivision shall be in addition to, and shall not be deemed to diminish
46 or reduce, any rights of the parties described in this section under
47 existing law for any violation pursuant to this chapter or any other
48 law.

49 § 5. Subdivision 3 of section 17 of the cannabis law, as amended by
50 section 13 of part UU of chapter 56 of the laws of 2023, is amended to
51 read as follows:

52 3. Notice and right of hearing as provided in the state administrative
53 procedure act shall be served at least fifteen days prior to the date of
54 the hearing, provided that, whenever because of danger to the public
55 health, safety or welfare it appears prejudicial to the interests of the
56 people of the state to delay action for fifteen days or with respect to

1 a violation of subdivision one or one-a of section one hundred twenty-
2 five of this chapter, the board may serve the respondent with an order
3 requiring certain action ~~[or]~~, the cessation of certain activities, or
4 the sealing of a premises immediately or within a specified period of
5 less than fifteen days. Whenever a notice of violation or order has been
6 served, the respondent shall be provided an opportunity to request a
7 hearing pursuant to the procedures established by the office and in
8 accordance with the state administrative procedure act and the
9 provisions of this chapter.

10 § 6. Subdivisions 5, 6, 7 and 8 of section 17 of the cannabis law are
11 renumbered subdivisions 7, 8, 9, and 10 and two new subdivisions 5 and 6
12 are added to read as follows:

13 5. Prior to a hearing, a party, other than the board or office, shall
14 furnish to any other party, within five days after a demand, or sooner
15 if the hearing is scheduled less than five days from the date of demand,
16 a verified statement setting forth:

17 (a) If the responding party is a natural person, such party's: (i)
18 full legal name; (ii) date of birth; (iii) current home or business
19 street address; and (iv) a unique identifying number from: (1) an unex-
20 pired passport; (2) an unexpired state driver's license; or (3) an unex-
21 pired identification card or document issued by a state or local govern-
22 ment agency or tribal authority for the purpose of identification of
23 that individual;

24 (b) If the responding party is a partnership, limited liability part-
25 nership, limited liability company, or other unincorporated association,
26 including a for profit or not-for-profit membership organization or
27 club, the information required pursuant to paragraph (a) of this subdivi-
28 vision for all of its partners or members, as well as the state or other
29 jurisdiction of its formation;

30 (c) If the responding party is a corporation, its state or other
31 jurisdiction of incorporation, principal place of business, and any
32 state or other jurisdiction of which that party is a citizen;

33 (d) If the responding party is not an individual, in addition to any
34 information provided pursuant to paragraphs (b) and (c) of this subdivi-
35 sion, and to the extent not previously provided, each beneficial owner
36 of the responding party by: (i) full legal name; (ii) date of birth;
37 (iii) current home or business street address; and (iv) a unique identi-
38 fying number from: (1) an unexpired passport; (2) an unexpired state
39 driver's license; or (3) an unexpired identification card or document
40 issued by a state or local government agency or tribal authority for the
41 purpose of identification of that individual. As used in this section,
42 the term "beneficial owner" shall have the same meaning as defined in 31
43 U.S.C. § 5336(a)(3), as amended, and any regulations promulgated there-
44 under.

45 6. Prior to a hearing, the office may, at its discretion, request a
46 stay of any proceeding and the board or those designated by them shall
47 grant such request. The initiation of any action, by or on behalf of the
48 office, in state or federal court on matters directly or indirectly
49 related to the subject of any pending administrative proceeding shall,
50 upon a request by the office, provide sufficient basis for an immediate
51 stay of such administrative proceeding.

52 § 7. Subdivision 8 of section 17 of the cannabis law, as amended by
53 section 13 of part UU of chapter 56 of the laws of 2023 and as renum-
54 bered by section six of this act, is amended to read as follows:

55 8. Following a hearing, the board may make appropriate determinations
56 and issue a final order in accordance therewith. Any such order may

1 include financial penalties as well as injunctive relief, including an
2 order to seal a premises in accordance with section one hundred thirty-
3 eight-b of this chapter. The respondent and the office shall have thirty
4 days to submit a written appeal to the board. If [~~the respondent does~~
5 ~~not~~] any party fails to submit a written appeal within thirty days of
6 the determination of the board the order shall be final.

7 § 8. Subdivision 1 of section 125 of the cannabis law is amended and a
8 new subdivision 1-b is added to read as follows:

9 1. No person shall cultivate, process, distribute for sale or sell at
10 wholesale or retail or deliver to consumers any cannabis, cannabis prod-
11 uct, medical cannabis or cannabinoid hemp or hemp extract product, or
12 any product marketed or labeled as such, within the state without
13 obtaining the appropriate registration, license, or permit therefor
14 required by this chapter unless otherwise authorized by law.

15 1-b. Any activity conducted in violation of subdivision one or one-a
16 of this section creates a significant risk of imminent physical harm to
17 natural persons, presents a danger to public health, safety, or welfare,
18 and constitutes a public nuisance.

19 § 9. Section 131 of the cannabis law is amended by adding a new subdivi-
20 sion 3 to read as follows:

21 3. Any county, town, city or village governing bodies may adopt local
22 laws or ordinances pertaining to unlicensed persons selling cannabis,
23 cannabis products, or any product marketed or labeled as such in a place
24 of business without obtaining the appropriate registration, license, or
25 permit therefor, or engaging in an indirect retail sale in a place of
26 business, provided that no two such local laws or ordinances shall
27 relate to the same geographic region. Any such laws or ordinances shall:

28 (a) establish a local registry, which shall mirror a list maintained
29 by the office for this purpose, as updated, and shall reflect the
30 current name and address of all registered organizations, licensees, or
31 permittees with licensed or permitted premises within the geographical
32 boundaries of the county, town, city, or village;

33 (b) establish civil penalties for any persons engaging in selling
34 cannabis, cannabis products, or any product marketed or labeled as such
35 in a place of business without appearing on the local registry adopted
36 pursuant to local law or ordinance, or any indirect retail sales, which
37 may include fees, fines or other financial penalties or other remedies,
38 including closures of the premises or building where such retail sales
39 or indirect retail sales are taking place, and a process for adjudicat-
40 ing any hearings required in connection with the issuance of such penal-
41 ties;

42 (c) establish a process by which the county, town, city, or village
43 shall execute any closure orders, and a process by which the enforcing
44 entity shall be required to seize all cannabis, cannabis products, and
45 any products marketed or labeled as such, and to destroy such products;

46 (d) designate a local official who shall serve as the liaison to the
47 office and who shall be required to receive local registry updates from
48 the office, immediately adopt such updates, coordinate with the office
49 on such local enforcement efforts, and send monthly reports to the
50 office in a manner and format prescribed by the office detailing recent
51 enforcement efforts and, when executing closure orders, the amount and
52 nature of the cannabis products seized; and

53 (e) require that a copy of such local law or ordinance be filed with
54 the office a minimum of ten days before the effective date of such law
55 or ordinance.

§ 10. Subdivisions 1 and 1-a of section 132 of the cannabis law, subdivision 1 as amended and subdivision 1-a as added by section 17 of part UU of chapter 56 of the laws of 2023, are amended to read as follows:

1.(a) Any person who cultivates for sale, offers to sell, or sells cannabis, cannabis products, medical cannabis, or any product marketed or labeled as such, without having an appropriate registration, license or permit therefor, including a person whose registration, license, or permit has been revoked, surrendered or cancelled, where such person is engaging in activity for which a license would be required under this chapter, may be subject to a civil penalty of not more than ten thousand dollars for each day during which such violation continues and an additional civil penalty in an amount of no more than five times the revenue from such prohibited sales or, in an amount of no more than three times the projected revenue for any such product found in the possession of such person based on the retail list price of such products; provided, however, that any such person who engages in such activity from a residence or other real property not otherwise held out as open to the public or otherwise being utilized in a business or commercial manner or any private vehicle on or about same such property, and the quantity of such product on such premises or vehicle does not exceed the limits of personal use under article two hundred twenty-two of the penal law, may be subject to a civil penalty of no more than five thousand dollars.

Provided, further, that where such person has been ordered to cease such conduct pursuant to subdivision one of section one hundred thirty-eight-a of this ~~chapter~~ article, such person may be assessed a civil penalty of no more than twenty thousand dollars per day for each day during which such violation continues after receiving such order in addition to the additional civil penalties set forth above; provided, however, that any such person who engages in such activity from a residence or other real property not otherwise held out as open to the public or otherwise being utilized in a business or commercial manner or any private vehicle on or about same such property, and the quantity of such product on such premises or vehicle does not exceed the limits of personal use under article two hundred twenty-two of the penal law, may be subject to a civil penalty of no more than ten thousand dollars.

(b) If a person engaging in the conduct described in paragraph (a) of this subdivision~~7~~ or subdivision one-a of this section refuses to permit the office or the board from performing a regulatory inspection, such person may be assessed a civil penalty of up to ~~four~~ twenty thousand dollars for a first refusal and up to ~~eight~~ forty thousand dollars for a second or subsequent refusal within three years of a prior refusal. If the office or board is not permitted access for a regulatory inspection pursuant to section ten or section eleven of this chapter, as applicable, by such person, the attorney general, upon the request of the office or the board, shall be authorized to apply, without notice to such person, to the supreme court in the county in which the place of business is located for an order granting the office or board access to such place of business. The court may grant such an order if it determines, based on evidence presented by the attorney general, that there is reasonable cause to believe that such place of business is a place of business which does not possess a valid registration, license, or permit issued by the office or board.

(c) In assessing the civil penalties under this subdivision or subdivision one-a of this section, the board or office shall take into consideration the nature of such violation and shall assess a penalty

1 that is proportionate to the violation; provided, however, that an affi-
2 davit from a representative of the office, the office of the attorney
3 general, or a local government, or a local police officer confirming the
4 presence of conduct described in this subdivision or subdivision one-a
5 following an inspection by the office after the office has ordered such
6 conduct to cease shall be sufficient to establish a prima facie case
7 that such conduct had been continuing for each business day between the
8 initial inspection and the last observed or otherwise documented
9 conduct, and shall require the imposition of the maximum per day penalty
10 permitted under paragraph (a) of this subdivision, and the documented
11 presence of such conduct upon or at the completion of an administrative
12 inspection or investigation shall require the assessment of the maximum
13 penalty permitted under paragraph (b) of this subdivision.

14 1-a. Any person [~~found to have~~] who engaged in indirect retail sale in
15 violation of subdivision one-a of section one hundred twenty-five of
16 this [~~chapter~~] article, shall be subject to a civil penalty in an amount
17 equaling the lesser of three times the revenue for such indirect retail
18 sales or up to two thousand five hundred dollars for each such sale,
19 provided, however, that where such conduct also constitutes a violation
20 of subdivision one of this section, such person may only be subject to
21 the civil penalties under one such subdivision, and provided, further,
22 that where such person has been ordered to cease such conduct pursuant
23 to subdivision one of section one hundred thirty-eight-a of this arti-
24 cle, such person may be assessed a civil penalty of up to five thousand
25 dollars for each day during which such violation continues in addition
26 to any civil penalties set forth above.

27 § 11. Subdivisions 2, 4 and 5 of section 138-a of the cannabis law,
28 subdivision 2 as added and subdivisions 4 and 5 as amended by section 20
29 of part UU of chapter 56 of the laws of 2023, are amended and eight new
30 subdivisions 6, 7, 8, 9, 10, 11, 12, and 13 are added to read as
31 follows:

32 2. seize any cannabis, cannabis product, cannabinoid hemp or hemp
33 extract product, or any product marketed or labeled as such, found in
34 the possession of a person engaged in the conduct described in subdivi-
35 sion one of this section and their place of business, including a vehi-
36 cle or storage facility used for such business;

37 4. seek injunctive relief against any person engaging in conduct in
38 violation of this section; [~~and~~]

39 5. request that the attorney general obtain judicial enforcement of an
40 order issued under subdivision one of this section or bring an action or
41 proceeding for any relief otherwise authorized under this chapter for a
42 violation of this chapter, including the recovery of any applicable
43 civil penalties[~~-~~];

44 6. in connection with any regulatory inspection or investigation or
45 action thereafter, review, seize and copy records, including electronic
46 records stored on cloud platforms, which may establish the duration or
47 extent of any unlawful operation;

48 7. in connection with any action or proceeding authorized by this
49 chapter, request that the attorney general or any police officer or
50 peace officer seize or remove all material, equipment, and instrumental-
51 ities used in the creation and maintenance of the conduct described in
52 subdivision one of this section;

53 8. in connection with any inspection or subsequent investigation of a
54 person engaged in the conduct described in subdivision one of this
55 section, issue subpoenas to any owners, managers, or employees of such
56 person for information regarding the person and the conduct;

1 9. with the assistance of law enforcement, seize or impound other
2 property used in furtherance of the conduct described in subdivision one
3 of this section;

4 10. upon an ex parte order to a court, request the court to issue a
5 restraining order freezing liquid assets to enforce the provisions of
6 this section and section sixteen-a of this chapter and section one
7 hundred thirty-two of this article;

8 11. in accordance with the procedures outlined in section one hundred
9 thirty-eight-b of this chapter, issue and execute an order to seal a
10 building or premises of any unlicensed businesses in which any person is
11 engaged in conduct in violation of this section or section one hundred
12 twenty-five or one hundred thirty-two of this article;

13 12. upon receipt of one or more complaints that a person is engaged in
14 conduct described in subdivision one of this section, apply or request
15 that the attorney general apply, without notice to such person, to the
16 supreme court in the county in which the place of business is located
17 for an order granting the office or board access to such place of busi-
18 ness. The court may grant such an order if it determines, based on
19 evidence presented by the attorney general, that there is reasonable
20 cause to believe that such place of business is the same place of busi-
21 ness for which the office has received such complaints. Upon inspection,
22 such person may be assessed a civil penalty of up to ten thousand
23 dollars unless the person provides books and records to the office indi-
24 cating that all transactions at the place of business do not constitute
25 activities described in subdivision one of this section; and

26 13. if any penalty is not paid within six months, enter the amount
27 thereof as a judgment in the office of the clerk of the county of Albany
28 and in any other county in which the person resides, has a place of
29 business, or through which it operates. If such judgment has not been
30 satisfied within thirty days thereafter, no license, registration, or
31 permit shall be issued by the board to such person for three years ther-
32 eafter.

33 § 12. The cannabis law is amended by adding a new section 138-b to
34 read as follows:

35 § 138-b. Orders to seal. 1. In addition to any other authority
36 conferred in this chapter, pursuant to the provisions of this section,
37 the board or the office shall have the authority to seal the building or
38 premises, including the storage facility, of any businesses engaged in
39 unlicensed activity, when such activity is conducted, maintained, or
40 permitted in such building or premises, occupied as a place of business
41 as described in subdivision eight of section ten of this chapter, in
42 violation of subdivision one or one-a of section one hundred twenty-five
43 or subdivisions one or eight of section one hundred thirty-two of this
44 article.

45 2. Upon service of a notice of violation and order requiring immediate
46 cessation of unlicensed activity pursuant to section one hundred thir-
47 ty-eight-a of this article, the office may issue an order to seal any
48 building or premises involved in the unlicensed activity in accordance
49 with subdivision one of this section. Such order to seal shall be served
50 and posted in accordance with the provisions of this chapter and regu-
51 lations promulgated by the board, shall be made effective on the
52 fifteenth calendar day after the delivery and posting of such order, and
53 shall contain notice of the right to request a hearing within fourteen
54 days of delivery and posting of such order to seal. If a hearing is
55 requested within such fourteen-day period, the order shall be effective
56 as set forth in the determination of the board or their designee. If no

1 hearing is requested within such fourteen-day period, the order shall be
2 effective as noticed on the order.

3 3. Notwithstanding the provisions of subdivision two of this section,
4 the office may issue an order to seal with an immediate effective date
5 if such order is based upon a finding by the office of an imminent
6 threat to the public health or safety. In such cases a hearing shall be
7 held within three business days of a request for such hearing, unless
8 otherwise adjourned by agreement of the parties, and a determination
9 shall be rendered within four business days of the conclusion of such
10 hearing.

11 4. The finding of whether an imminent threat to the public health or
12 safety exists shall be based on factors that include but are not limited
13 to:

14 (a) documented sales to minors;

15 (b) unlicensed processing of cannabis products at the building or
16 premises;

17 (c) sales of products grown, processed, or packaged in another state,
18 or labeled as such;

19 (d) orders issued following issuance of an order by a court to inspect
20 the building or premises;

21 (e) orders issued following an inspection wherein the person engaged
22 in the unlicensed activity engaged in violent, tumultuous, or other
23 behaviors indicating expressed intent to not comply with the office's
24 order to cease the unlicensed activity;

25 (f) documented presence of unlawful firearms at the building or prem-
26 ises;

27 (g) proximity of the building or premises to locations such as
28 schools, houses of worship, or public youth facilities; or

29 (h) other factors that the board may establish by rule or regulation
30 pursuant to the state administrative procedure act.

31 Such orders to seal shall be served in the same manner as the notice
32 of violation and order to cease unlicensed activity.

33 5. Notwithstanding the factors listed in subdivision four of this
34 section, the office may issue an order to seal with an immediate effec-
35 tive date upon a second, third, or fourth inspection in which unlicensed
36 activity is confirmed to be continuing more than ten calendar days after
37 a notice of violation and order to cease unlicensed activity was previ-
38 ously issued by the office.

39 6. An order to seal may be issued by the office or the board pursuant
40 to subdivision three of this section only if: (a) no part of the build-
41 ing or premises to be sealed is used in part as a residence and pursuant
42 to local law or ordinance is zoned and lawfully occupied as a residence;
43 and (b) the unlicensed activity as described in this section is more
44 than a de minimis part of the business activity on the premises or in
45 the building to be sealed pursuant to the order.

46 7. In assessing whether unlicensed activity within a building or prem-
47 ises is more than de minimis, the office or board, as relevant, shall
48 consider such factors as:

49 (a) the presence of signs or symbols, indoors or out, advertising the
50 sale of cannabis or otherwise indicating that cannabis is sold on the
51 premises;

52 (b) information shared in any advertisements or other marketing
53 content in connection with the unlicensed business and any direct or
54 indirect sales of cannabis or other conduct in violation of this chap-
55 ter; and

56 (c) an assessment of the volume of illicit cannabis products on site.

1 8. Upon a request by the office, any police officer or peace officer
2 with jurisdiction may assist in the enforcement of an order to seal
3 issued by the office or the board, in accordance with the following
4 procedures:

5 (a) The police officer or peace officer serving and executing the
6 order to seal shall forthwith make and return to the office an inventory
7 of personal property situated in and used in conducting, maintaining, or
8 permitting the unlicensed activity within the scope of this chapter and
9 shall enter upon the building or premises for such purpose. Such inven-
10 tory shall be taken in any manner which is deemed likely to evidence a
11 true and accurate representation of the personal property subject to
12 such inventory including, but not limited to photographing such personal
13 property.

14 (b) The police officer or peace officer serving and executing the
15 order to seal shall enter the building or premises and, upon service of
16 the order, command all persons present in the building or premises to
17 vacate the premises forthwith. Upon the building or premises being
18 vacated, the premises shall be securely locked and all keys delivered to
19 the officer serving the order who thereafter shall deliver the keys to
20 the fee owner, lessor, or lessee of the building or premises involved.
21 If the fee owner, lessor, or lessee is not at the building or premises
22 when the order is being executed, the officer shall securely padlock the
23 premises and retain the keys until the fee owner, lessor, or lessee of
24 the building is ascertained, in which event, the officer shall deliver
25 the keys to such fee owner, lessor, or lessee.

26 (c) Upon service and execution of the order to seal, the police offi-
27 cer or peace officer shall post a copy thereof in a conspicuous place or
28 upon one or more of the principal doors at entrances of such premises
29 where the unlicensed activity is being conducted, maintained, or permit-
30 ted. In addition, the officer shall affix, in a conspicuous place or
31 upon one or more of the principal doors at entrances of such premises, a
32 printed notice that the premises have been closed by order of the canna-
33 bis control board, and the name of the officer or agency posting the
34 notice.

35 (d) Mutilation or removal of such a posted order or such a posted
36 notice while it remains in force, in addition to any other punishment
37 prescribed by law, shall be punishable, on conviction, by a fine of not
38 more than five thousand dollars or by imprisonment not exceeding ninety
39 days, or by both, provided such order or notice contains therein a
40 notice of such penalty. Such penalty shall be enforced by the board or,
41 upon a request by the office, the office of the attorney general or by a
42 court of competent jurisdiction.

43 (e) Mutilation or removal of the secure padlock while the order to
44 seal remains in place shall be punishable, upon conviction, by a fine of
45 not more than twenty thousand dollars or by a class E felony, or both.

46 The office shall also adhere to these procedures when executing an
47 order to seal issued in accordance with this section.

48 9. Any order to seal issued by the office or the board shall be effec-
49 tive for one year from the posting of the judgment provided for in this
50 section. An order to seal may be vacated by the office or the board,
51 upon notice to the office, if the respondent shows by affidavit and such
52 other proof as may be submitted by the respondent that the unlicensed
53 activity has been abated. An order vacating a previously issued order to
54 seal shall include a provision authorizing the office, or any police
55 officer or peace officer who assisted with the execution of the order to
56 seal, to inspect the building or premises periodically without notice

1 for the purpose of ascertaining whether or not the unlicensed activity
2 has been resumed. Any police officer or peace officer with jurisdiction
3 may, upon the request of the office, assist in the enforcement of an
4 inspection provision of an order vacating an order to seal.

5 10. The office shall mail a copy, by certified mail, of any order to
6 seal issued by the office or board within five days following issuance
7 of such order to the person in whose name the real estate affected by
8 the order is recorded in the office of the city register or the county
9 clerk, as the case may be, who shall be presumed to be the owner there-
10 of. Such mailing shall constitute notice to the owner and shall be
11 deemed to be complete upon such mailing by the office as provided above.

12 11. If at any time a respondent vacates the building or premises
13 subject to an order to seal issued by the office or board, or if the
14 building owner provides sufficient proof thereof, any action or proceed-
15 ing filed in accordance with these procedures relating to such building
16 or premises may be withdrawn by the office or the board without preju-
17 dice, and any order to seal may be vacated.

18 12. The remedies provided for in this section are not exclusive and
19 the office or board may also request and recover penalties in accordance
20 with other provisions in this chapter.

21 § 13. This act shall take effect immediately and shall apply to
22 offenses committed on or after the date this act shall have become a
23 law; provided, however that the amendments to section 16-a of the canna-
24 bis law made by section four of this act shall not affect the repeal of
25 such section and shall be deemed repealed therewith.

26 PART H

27 Section 1. The opening paragraph of subdivision 1 of section 110-b of
28 the alcoholic beverage control law, as amended by chapter 222 of the
29 laws of 2019, is amended to read as follows:

30 Not ~~[less than thirty nor]~~ more than two hundred ~~[and]~~ seventy days
31 before filing any of the following applications, an applicant shall
32 notify the municipality in which the premises is located of such appli-
33 cant's intent to file such an application:

34 § 2. The opening paragraph of subdivision 2 of section 99-d of the
35 alcoholic beverage control law, as amended by chapter 560 of the laws of
36 2011, is amended to read as follows:

37 Before any change in the members of a limited liability company or the
38 transfer or assignment of a membership interest in a limited liability
39 company or any corporate change in stockholders, stockholdings, alcohol-
40 ic beverage officers, officers or directors, except officers and direc-
41 tors of a premises licensed as a club or a luncheon club under this
42 chapter can be effectuated for the purposes of this chapter, there shall
43 be filed with the liquor authority an application for permission to make
44 such change and there shall be paid to the liquor authority in advance
45 upon filing of the application a fee of one hundred twenty-eight
46 dollars. Such application shall be deemed approved and in effect if not
47 disapproved by the authority prior to the expiration of ninety days
48 after receipt by the authority.

49 § 3. Subdivision 1 of section 98 of the alcoholic beverage control
50 law, as amended by chapter 703 of the laws of 2022, is amended to read
51 as follows:

52 1. The liquor authority is hereby authorized to issue to a retail
53 licensee for on-premises consumption or a licensed off-premises caterer
54 furnishing provisions and service for use at a particular function,

1 occasion or event in a hotel, restaurant, club, ballroom or other prem-
2 ises a temporary [~~indoor~~] permit effective for a period not to exceed
3 twenty-four consecutive hours, which shall authorize the service of
4 alcoholic beverages at such function, occasion or event within the
5 hours, fixed by or pursuant to subdivision five of section one hundred
6 six of this chapter, during which alcoholic beverages may lawfully be
7 sold or served upon premises licensed to sell alcoholic beverages at
8 retail for on-premises consumption in the community in which is located
9 the premises in which such function, occasion or event is held. The fee
10 therefor shall be thirty-eight dollars. Such a permit and the exercise
11 of the privilege granted thereby may be subjected to such rules by the
12 liquor authority as it deems necessary and such rules as are in conform-
13 ity with the provisions of subdivision two of this section. Such a
14 permit may also be issued for functions, occasions or events at premises
15 for which a summer license has been previously issued pursuant to this
16 chapter.

17 § 4. Subdivision 1 of section 97 of the alcoholic beverage control
18 law, as amended by section 19 of part Z of chapter 85 of the laws of
19 2002, is amended to read as follows:

20 1. The liquor authority is hereby authorized to issue temporary
21 permits effective for a period not to exceed twenty-four consecutive
22 hours to authorize the sale of beer [~~and~~], wine [~~manufactured in New~~
23 ~~York state~~], cider, mead and/or braggot, and liquor at outdoor or indoor
24 gatherings, functions, occasions or events, within the hours fixed by or
25 pursuant to subdivision five of section one hundred six of this chapter,
26 during which alcoholic beverages may lawfully be sold or served upon
27 premises licensed to sell alcoholic beverages at retail for on-premises
28 consumption in the community in which is located the premises in which
29 such gathering, function, occasion or event is held. The fee for such
30 permit shall be twenty-six dollars. Such permit and the exercise of the
31 privilege granted thereby shall be subject to such rules of the liquor
32 authority as it deems necessary.

33 § 5. Subdivision 2 of section 105 of the alcoholic beverage control
34 law is REPEALED.

35 § 6. This act shall take effect immediately, and shall apply to all
36 applications received by the state liquor authority on and after such
37 date. Effective immediately, the addition, amendment and/or repeal of
38 any rule or regulation by the state liquor authority necessary for the
39 implementation of this act on its effective date are authorized to be
40 made and completed on or before such effective date.

41 PART I

42 Section 1. The alcoholic beverage control law is amended by adding a
43 new section 97-d to read as follows:

44 § 97-d. Temporary wholesale permit. 1. Any person may apply to the
45 liquor authority for a temporary permit to operate any alcoholic bever-
46 age wholesale facility as may be licensed under this chapter. Such
47 application shall be in writing and verified and shall contain informa-
48 tion as the liquor authority shall require. Such application shall be
49 accompanied by a check or draft in the amount of one hundred twenty-five
50 dollars for such permit.

51 2. Upon application, the liquor authority may issue such temporary
52 permit when:

1 (a) the applicant has a wholesale license application at the same
2 premises pending before the liquor authority, together with all required
3 filing and license fees;

4 (b) the applicant has obtained and provided evidence of all permits,
5 licenses and other documents necessary for the operation of such a busi-
6 ness; and

7 (c) any current license in effect at the premises has been surrendered
8 or placed in safekeeping, or has been deemed abandoned by the authority.

9 3. The liquor authority in granting such permit shall ensure that:

10 (a) issuance of the permit will not inordinately hinder the operation
11 or effective administration of this chapter;

12 (b) the applicant would in all likelihood be able to ultimately obtain
13 the wholesale license being applied for; and

14 (c) the applicant has substantially complied with the requirements
15 necessary to obtain such license.

16 4. The application for a permit shall be approved or denied by the
17 liquor authority within forty-five days after the receipt of such appli-
18 cation.

19 5. A temporary permit shall authorize the permittee to operate a
20 wholesale facility for the purchase, warehousing, and sale of alcoholic
21 beverages according to the laws applicable to the type of wholesale
22 license being applied for.

23 6. Such temporary permit shall remain in effect for six months or
24 until the wholesale license being applied for is approved and the
25 license granted, whichever is shorter. Such permit may be extended at
26 the discretion of the liquor authority for additional three-month peri-
27 ods of time upon payment of an additional fee of fifty dollars for each
28 such extension.

29 7. Notwithstanding any provision of law to the contrary, a temporary
30 wholesale permit may be summarily cancelled or suspended at any time if
31 the liquor authority determines that good cause for cancellation or
32 suspension exists. The liquor authority shall promptly notify the
33 permittee in writing of such cancellation or suspension and shall set
34 forth the reasons for such action.

35 8. The liquor authority in reviewing such application shall review the
36 entire record and grant the temporary permit unless good cause is other-
37 wise shown. A decision on an application shall be based on substantial
38 evidence in the record and supported by a preponderance of the evidence
39 in favor of the applicant.

40 § 2. Section 104 of the alcoholic beverage control law is amended by
41 adding a new subdivision 4 to read as follows:

42 4. Notwithstanding any other provision of this chapter to the contra-
43 ry, the authority may issue a cider producer or wholesaler's license,
44 beer wholesaler's license, wine wholesaler's license, or liquor whole-
45 saler's license to the holder of any wholesaler's license issued pursu-
46 ant to this chapter for use at such licensee's existing licensed prem-
47 ises. The liquor authority is hereby authorized to adopt such rules as
48 it may deem necessary to carry out the purposes of this subdivision.

49 § 3. This act shall take effect immediately and shall apply to all
50 applications filed after the date it shall have become a law.

51 PART J

52 Section 1. Section 4 of chapter 118 of the laws of 2012 amending the
53 alcoholic beverage control law relating to the powers of the chairman

1 and members of the authority, as amended by chapter 124 of the laws of
2 2021, is amended to read as follows:

3 § 4. This act shall take effect immediately [~~and shall expire and be~~
4 ~~deemed repealed twelve years after such date~~].

5 § 2. This act shall take effect immediately.

6 PART K

7 Section 1. Section 5 of chapter 396 of the laws of 2010 amending the
8 alcoholic beverage control law relating to liquidator's permits and
9 temporary retail permits, as amended by section 1 of part 0 of chapter
10 55 of the laws of 2023, is amended to read as follows:

11 § 5. This act shall take effect on the sixtieth day after it shall
12 have become a law, provided that paragraph (b) of subdivision 1 of
13 section 97-a of the alcoholic beverage control law as added by section
14 two of this act shall expire and be deemed repealed October 12, [2024]
15 2025.

16 § 2. This act shall take effect immediately.

17 PART L

18 Section 1. Chapter 238 of the laws of 2021 is REPEALED.

19 § 2. The alcoholic beverage control law is amended by adding a new
20 section 111-a to read as follows:

21 § 111-a. Use of contiguous and non-contiguous municipal public space
22 for on-premises alcoholic beverage sales by certain licensees. 1. The
23 holder of a retail on-premises license issued pursuant to sections
24 fifty-five, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, eight-
25 y-one, or eighty-one-a of this chapter or a manufacturing license that
26 includes a privilege to sell and/or serve alcoholic beverages at retail
27 for on-premises consumption on the licensed premises issued pursuant to
28 section thirty, thirty-one, fifty-one, fifty-one-a, fifty-eight, fifty-
29 eight-c, subdivision two-c of section sixty-one, section seventy-six,
30 seventy-six-a, seventy-six-c, or seventy-six-d of this chapter may file
31 an alteration application with the authority pursuant to subdivision one
32 of section ninety-nine-d of this chapter for permission to add municipal
33 public space that is either contiguous or non-contiguous to the licensed
34 premises. Upon approval of such alteration application, such a licensee
35 may exercise the privilege to sell and/or serve alcoholic beverages at
36 retail for on-premises consumption on contiguous municipal public space
37 or non-contiguous municipal public space provided:

38 (a) the municipality in which the licensed premises is located issues
39 a permit or the responsible municipal regulatory body or agency issues
40 written authorization to the licensee to sell and/or serve food on such
41 contiguous municipal public space or non-contiguous municipal public
42 space;

43 (b) the licensee submits to the liquor authority a copy of such munic-
44 ipal permit or other written authorization along with the alteration
45 application;

46 (c) the licensee submits to the liquor authority a copy of the permit
47 application submitted to the municipality to obtain the municipal permit
48 or other written authorization from the municipality along with the
49 alteration application;

50 (d) the licensee submits to the liquor authority a diagram depicting
51 both the licensed premises and the contiguous municipal public space or

1 non-contiguous municipal public space to be used by the licensee with
2 the alteration application;

3 (e) the licensee submits to the liquor authority proof that it has
4 provided community notification to the municipality, including munici-
5 palities outside the city of New York, in a manner consistent with or
6 required by subdivision two of section one hundred ten-b of this article
7 as required for the city of New York; and

8 (f) use of any such contiguous or non-contiguous municipal public
9 space meets all applicable federal, state or local laws, rules, regu-
10 lations, guidance, conditions or requirements.

11 2. For the purposes of this section: (a) "non-contiguous municipal
12 public space" shall mean space that: (i) is located in front of, behind,
13 or to the side of the licensed premises; (ii) is within the property
14 boundaries of the licensed premises as extended out; or within the prop-
15 erty boundaries of the nearest adjacent properties on either side; (iii)
16 does not extend further than the midline of any public roadway; (iv) is
17 separated from the licensed premises only by one or more of the follow-
18 ing: a pedestrian thoroughfare, a thoroughfare primarily restricted to
19 use by bicycles, or a portion of a thoroughfare with such restrictions;
20 and (v) otherwise complies with all applicable federal, state and local
21 requirements.

22 (b) "Contiguous municipal public space" shall mean space that: (i) is
23 located in front of, behind, or to the side of the licensed premises;
24 (ii) is within the property boundaries of the licensed premises as
25 extended out; or within the property boundaries of the nearest adjacent
26 properties on either side; (iii) otherwise complies with all applicable
27 federal, state and local requirements.

28 3. Licensees choosing to utilize non-contiguous municipal public space
29 that includes a thoroughfare primarily restricted to use by bicycles, or
30 a portion of a thoroughfare with such restrictions, shall post a sign or
31 poster in said municipal outdoor space with conspicuous lettering in at
32 least seventy-two point bold face font that states: "CAUTION: BICYCLE
33 LANE" prior to and while utilizing any such municipal space for on-prem-
34 ises alcoholic beverage sales to patrons. Such licensees shall be solely
35 responsible for production of and maintenance of such signage. Compli-
36 ance by the licensee with the provisions of any local law requiring
37 posting of warning signs regarding bicycle lanes enacted on or before
38 the effective date of this section shall be deemed to be in compliance
39 with the provisions of this section. Nothing contained herein, however,
40 shall be deemed to exempt any licensee not otherwise subject to the
41 provisions of any such local law from complying with the provisions of
42 this section.

43 4. If at any time the municipality revokes, cancels or suspends or
44 otherwise terminates the licensee's authorization to use such contiguous
45 municipal public space or non-contiguous municipal public space, the
46 licensee shall immediately cease exercising the privilege to sell and/or
47 serve alcoholic beverages at retail for consumption on such municipal
48 public space. The licensee shall then file a new alteration application
49 removing the municipal public space from its licensed premises. The
50 failure to file a new alteration application with the authority within
51 ten business days of the revocation, cancellation, suspension, or other
52 termination by the local municipality of the licensee's authorization to
53 use such contiguous or non-contiguous municipal public space shall be
54 cause for revocation, cancellation, suspension and/or imposition of a
55 civil penalty against the license in accordance with section one hundred
56 eighteen of this article.

5. The authority may promulgate guidance, rules and/or regulations necessary to implement the provisions of this section. Notwithstanding existing provisions of this chapter, the authority is authorized to provide simplified applications and notification procedures for licensees seeking to utilize municipal space for on-premises alcoholic beverage sales whenever possible or appropriate. Nothing in this section shall prohibit the authority from requesting additional information from any applicant seeking to use new municipal space or renewal of existing municipal space.

§ 3. This act shall take effect immediately and shall apply to all applications received by the state liquor authority on and after such effective date. Effective immediately, the authority is authorized to undertake the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act.

PART M

Section 1. Subdivision 15 of section 201 of the workers' compensation law, as added by section 2 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

15. "Family leave" shall mean any leave taken by an employee from work: (a) to participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member; or (b) to bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of the child for adoption or foster care with the employee; or (c) because of any qualifying exigency as interpreted under the family and medical leave act, 29 U.S.C.S. § 2612(a)(1)(e) and 29 C.F.R. S.825.126(a)(1)-(8), arising out of the fact that the spouse, domestic partner, child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States; or (d) for an employee to receive prenatal care during the employee's pregnancy.

§ 2. Section 201 of the workers' compensation law is amended by adding a new subdivision 25 to read as follows:

25. "Prenatal care" means the health care received by an employee during pregnancy related to such pregnancy. Prenatal care includes physical exams, monitoring and testing as well as discussions with a health care provider related to the pregnancy.

§ 3. Paragraph (a) of subdivision 2 of section 204 of the workers' compensation law, as added by section 5 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

(a) The weekly benefit for family leave that occurs (i) on or after January first, two thousand eighteen shall not exceed eight weeks during any fifty-two week calendar period and shall be fifty percent of the employee's average weekly wage but shall not exceed fifty percent of the state average weekly wage, (ii) on or after January first, two thousand nineteen shall not exceed ten weeks during any fifty-two week calendar period and shall be fifty-five percent of the employee's average weekly wage but shall not exceed fifty-five percent of the state average weekly wage, (iii) on or after January first, two thousand twenty shall not exceed ten weeks during any fifty-two week calendar period and shall be sixty percent of the employee's average weekly wage but shall not exceed sixty percent of the state average weekly wage, and (iv) on or after January first of each succeeding year, shall not exceed twelve weeks

1 during any fifty-two week calendar period and shall be sixty-seven
2 percent of the employee's average weekly wage but shall not exceed
3 sixty-seven percent of the New York state average weekly wage in effect.

4 On or after January first, two thousand twenty-five, the benefit for
5 prenatal care shall not exceed forty hours during any fifty-two week
6 calendar period and such leave for prenatal care may be taken in hourly
7 increments and in addition to any other family leave benefits the
8 employee may be eligible for during the same fifty-two week period. The

9 superintendent of financial services shall have discretion to delay the
10 increases in the family leave benefit level provided in subparagraphs
11 (ii), (iii), and (iv) of this paragraph by one or more calendar years.
12 In determining whether to delay the increase in the family leave benefit
13 for any year, the superintendent of financial services shall consider:
14 (1) the current cost to employees of the family leave benefit and any
15 expected change in the cost after the benefit increase; (2) the current
16 number of insurers issuing insurance policies with a family leave bene-
17 fit and any expected change in the number of insurers issuing such poli-
18 cies after the benefit increase; (3) the impact of the benefit increase
19 on employers' business and the overall stability of the program to the
20 extent that information is readily available; (4) the impact of the
21 benefit increase on the financial stability of the disability and family
22 leave insurance market and carriers; and (5) any additional factors that
23 the superintendent of financial services deems relevant. If the super-
24 intendent of financial services delays the increase in the family leave
25 benefit level for one or more calendar years, the family leave benefit
26 level that shall take effect immediately following the delay shall be
27 the same benefit level that would have taken effect but for the delay.
28 The weekly benefits for family leave that occurs on or after January
29 first, two thousand eighteen shall not be less than one hundred dollars
30 per week except that if the employee's wages at the time of family leave
31 are less than one hundred dollars per week, the employee shall receive
32 his or her full wages. Benefits may be payable to employees for paid
33 family leave taken intermittently or for less than a full work week in
34 increments of one full day or one fifth of the weekly benefit. Notwith-
35 standing the foregoing, family leave benefits under paragraph (d) of
36 subdivision fifteen of section two hundred one of this article may be
37 payable to employees in hourly increments.

38 § 4. Section 205 of the workers' compensation law, as amended by
39 section 6 of part SS of chapter 54 of the laws of 2016, is amended to
40 read as follows:

41 § 205. Disabilities, family leave and periods for which benefits are
42 not payable. 1. No employee shall be entitled to disability benefits
43 under this article:

44 (a) For more than twenty-six weeks minus any days taken for family
45 leave during any fifty-two consecutive calendar weeks during a period of
46 fifty-two consecutive calendar weeks or during any one period of disa-
47 bility, or for more than twenty-six weeks; provided, however, that fami-
48 ly leave under paragraph (d) of subdivision fifteen of section two
49 hundred one of this article shall not reduce this amount;

50 (b) for any period of disability during which an employee is not under
51 the care of a duly licensed physician or with respect to disability
52 resulting from a condition of the foot which may lawfully be treated by
53 a duly registered and licensed podiatrist of the state of New York or
54 with respect to a disability resulting from a condition which may
55 lawfully be treated by a duly registered and licensed chiropractor of
56 the state of New York or with respect to a disability resulting from a

1 condition which may lawfully be treated by a duly licensed dentist of
2 the state of New York or with respect to a disability resulting from a
3 condition which may lawfully be treated by a duly registered and
4 licensed psychologist of the state of New York or with respect to a
5 disability resulting from a condition which may lawfully be treated by a
6 duly certified nurse midwife, for any period of such disability during
7 which an employee is neither under the care of a physician nor a podia-
8 trist, nor a chiropractor, nor a dentist, nor a psychologist, nor a
9 certified nurse midwife; and for any period of disability during which
10 an employee who adheres to the faith or teachings of any church or
11 denomination and who in accordance with its creed, tenets or principles
12 depends for healing upon prayer through spiritual means alone in the
13 practice of religion, is not under the care of a practitioner duly
14 accredited by the church or denomination, and provided such employee
15 shall submit to all physical examinations as required by this chapter.

16 2. No employee shall be entitled to family leave benefits under this
17 article:

18 (a) For more than twelve weeks, or the maximum duration permitted as
19 set forth in paragraph (a) of subdivision two of section two hundred
20 four of this article, during a period of fifty-two consecutive calendar
21 weeks, or for any period in which the family leave combined with the
22 disability benefits previously paid exceeds twenty-six weeks during the
23 same fifty-two consecutive calendar weeks; provided, however, that fami-
24 ly leave under paragraph (d) of subdivision fifteen of section two
25 hundred one of this article shall not reduce this amount;

26 (b) For any period of family leave wherein the notice and medical
27 certification as prescribed by the chair has not been filed. At the
28 discretion of the chair or chair's designee pursuant to section two
29 hundred twenty-one of this article, the family member who is the recipi-
30 ent of care may be required to submit to a physical examination by a
31 qualified health care provider. Such examination shall be paid for by
32 the carrier; and

33 (c) As a condition of an employee's initial receipt of family leave
34 benefits during any fifty-two consecutive calendar weeks in which an
35 employee is eligible for these benefits, an employer may offer an
36 employee who has accrued but unused vacation time or personal leave
37 available at the time of use of available family leave to choose whether
38 to charge all or part of the family leave time to accrued but unused
39 vacation or personal leave, and receive full salary, or to not charge
40 time to accrued but unused vacation or personal leave, and receive the
41 benefit as set forth in section two hundred four of this article. An
42 employer that pays full salary during a period of family leave may
43 request reimbursement in accordance with section two hundred thirty-sev-
44 en of this article. With the election of either option, the employee
45 shall receive the full protection of the reinstatement provision set
46 forth in section two hundred three-b of this article, and shall concur-
47 rently use available family medical leave act and paid family leave
48 credits. In no event can an employee utilize family leave beyond twelve
49 weeks, or the maximum duration permitted as set forth in paragraph (a)
50 of subdivision two of section two hundred four of this article, per any
51 fifty-two week period set forth in this article; provided, however, that
52 family leave under paragraph (d) of subdivision fifteen of section two
53 hundred one of this article shall not reduce this amount. This paragraph
54 may not be construed in a manner that relieves an employer of any duty
55 of collective bargaining the employer may have with respect to the
56 subject matter of this paragraph.

1 3. No employee shall be entitled to disability or family leave bene-
2 fits under this article:

3 (a) for any disability occasioned by the wilful intention of the
4 employee to bring about injury to or the sickness of himself or another,
5 or resulting from any injury or sickness sustained in the perpetration
6 by the employee of an illegal act;

7 (b) for any day of disability or family leave during which the employ-
8 ee performed work for remuneration or profit; provided, however, that
9 family leave under paragraph (d) of subdivision fifteen of section two
10 hundred one of this article may be taken in hourly increments;

11 (c) for any day of disability or family leave for which the employee
12 is entitled to receive from his or her employer, or from a fund to which
13 the employer has contributed, remuneration or maintenance in an amount
14 equal to or greater than that to which he or she would be entitled under
15 this article; but any voluntary contribution or aid which an employer
16 may make to an employee or any supplementary benefit paid to an employee
17 pursuant to the provisions of a collective bargaining agreement or from
18 a trust fund to which contributions are made pursuant to the provisions
19 of a collective bargaining agreement shall not be considered as contin-
20 ued remuneration or maintenance for this purpose;

21 (d) for any period in respect to which such employee is subject to
22 suspension or disqualification of the accumulation of unemployment
23 insurance benefit rights, or would be subject if he or she were eligible
24 for such benefit rights, except for ineligibility resulting from the
25 employee's disability;

26 (e) for any disability due to any act of war, declared or undeclared;

27 (f) for any disability or family leave commencing before the employee
28 becomes eligible to benefits under this section.

29 4. An employee may not collect benefits concurrently under both subdi-
30 visions one and two of this section.

31 5. In any case in which the necessity for family leave is foreseeable
32 based on an expected birth or placement, the employee shall provide the
33 employer with not less than thirty days notice before the date the leave
34 is to begin, of the employee's intention to take family leave under this
35 article, except that if the date of the birth or placement requires
36 leave to begin in less than thirty days, the employee shall provide such
37 notice as is practicable. In any case in which the necessity for family
38 leave is foreseeable based on planned medical treatment, the employee
39 shall provide the employer with not less than thirty days notice, before
40 the date the leave is to begin, of the employees intention to take fami-
41 ly leave under this article, except that if the date of the treatment
42 requires leave to begin in less than thirty days, the employee shall
43 provide such notice as is practicable.

44 § 5. Paragraph (d) of subdivision 3 of section 206 of the workers'
45 compensation law, as added by section 7 of part SS of chapter 54 of the
46 laws of 2016, is amended to read as follows:

47 (d) With the exception of leave for prenatal care which may be taken
48 in hourly increments, for any day in which claimant works at least part
49 of that day for remuneration or profit for the covered employer or for
50 any other employer while working for remuneration or profit, for him or
51 herself, or another person or entity, during the same or substantially
52 similar working hours as those of the covered employer from which family
53 leave benefits are claimed, except that occasional scheduling adjust-
54 ments with respect to secondary employments shall not prevent receipt of
55 family leave benefits.

§ 6. Subdivision 1 of section 208 of the workers' compensation law, as amended by section 9 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

1. Benefits provided under this article shall be paid periodically and promptly and, except as to a contested period of disability or family leave, without any decision by the board, or designee of the chair pursuant to section two hundred twenty-one of this article. The first payment of benefits shall be due on the fourteenth day of disability or family leave and benefits for that period shall be paid directly to the employee within four business days thereafter or within four business days after the filing of required proof of claim, whichever is the later. Family leave benefits for prenatal care may be paid in hourly installments or, upon election of the employer or insurance carrier and upon notice to the employee at the time of the request for such family leave, in an aggregate payment that corresponds to the hours in the employee's regular workday upon submission of proof of leave for prenatal care for such hours and within fourteen days of the last hourly increment and four business days after such submission. If the employer or carrier rejects an initial claim for family leave benefits, the employer or carrier must notify the employee in a manner prescribed by the chair within eighteen days of filing of the proof of claim. Failure to timely reject shall constitute a waiver of objection to the family leave claim. Thereafter benefits shall be due and payable bi-weekly in like manner. The chair or chair's designee, pursuant to section two hundred twenty-one of this article, may determine that benefits may be paid monthly or semi-monthly if wages were so paid, and may authorize deviation from the foregoing requirements to facilitate prompt payment of benefits. Any inquiry which requires the employee's response in order to continue benefits uninterrupted or unmodified shall provide a reasonable time period in which to respond and include a clear and prominent statement of the deadline for responding and consequences of failing to respond.

§ 7. Subdivision 1 of section 217 of the workers' compensation law, as amended by section 16 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

1. Written notice and proof of disability or proof of need for family leave shall be furnished to the employer by or on behalf of the employee claiming benefits or, in the case of a claimant under section two hundred seven of this article, to the chair, within thirty days after commencement of the period of disability or family leave, or for family leave for prenatal care within thirty days of the last hour for such leave period as prescribed in subdivision one of section two hundred eight of this article. Additional proof shall be furnished thereafter from time to time as the employer or carrier or chair may require but not more often than once each week. Such proof shall include a statement of disability by the employee's attending physician or attending podiatrist or attending chiropractor or attending dentist or attending psychologist or attending certified nurse midwife or family leave care recipient's health care provider, or in the case of an employee who adheres to the faith or teachings of any church or denomination, and who in accordance with its creed, tenets or principles depends for healing upon prayer through spiritual means alone in the practice of religion, by an accredited practitioner, containing facts and opinions as to such disability in compliance with regulations of the chair. Failure to furnish notice or proof within the time and in the manner above provided shall not invalidate the claim but no benefits shall be required to be

1 paid for any period more than two weeks prior to the date on which the
2 required proof is furnished unless it shall be shown to the satisfaction
3 of the chair not to have been reasonably possible to furnish such notice
4 or proof and that such notice or proof was furnished as soon as possi-
5 ble; provided, however, that no benefits shall be paid unless the
6 required proof of disability is furnished within the period of actual
7 disability or family leave that does not exceed the statutory maximum
8 period permitted under section two hundred four of this article. No
9 limitation of time provided in this section shall run as against any
10 disabled employee who is mentally incompetent, or physically incapable
11 of providing such notice as a result of a serious medical condition, or
12 a minor so long as such person has no guardian of the person and/or
13 property.

14 § 8. This act shall take effect January 1, 2025.

15 PART N

16 Section 1. Section 200 of the workers' compensation law, as amended by
17 section 1 of part SS of chapter 54 of the laws of 2016, is amended to
18 read as follows:

19 § 200. Short title. This article shall be known and may be cited as
20 the "disability [~~benefits law~~] and [~~the~~] paid family leave benefits
21 law."

22 § 2. Subdivisions 14, 15 and 22 of section 201 of the workers' compen-
23 sation law, subdivision 14 as amended and subdivisions 15 and 22 as
24 added by section 2 of part SS of chapter 54 of the laws of 2016, are
25 amended to read as follows:

26 14. "A day of disability" means any day on which the employee was
27 prevented from performing work because of disability[, ~~including any day~~
28 ~~which the employee uses for family leave,~~] and for which the employee
29 has not received [~~his or her~~] their regular remuneration.

30 15. "Family leave" shall mean any leave taken by an employee from
31 work: (a) to participate in providing care, including physical or
32 psychological care, for a family member of the employee made necessary
33 by a serious health condition of the family member; or (b) to bond with
34 the employee's child during the first twelve months after the child's
35 birth, or the first twelve months after the placement of the child for
36 adoption or foster care with the employee; or (c) because of any quali-
37 fying exigency as interpreted under the family and medical leave act, 29
38 U.S.C.S § 2612(a)(1)(e) and 29 C.F.R. S.825.126[~~(a)(1)-(8)~~], arising out
39 of the fact that the spouse, domestic partner, child, or parent of the
40 employee is on active duty (or has been notified of an impending call or
41 order to active duty) in the armed forces of the United States.

42 22. "Health care provider" shall mean for the purpose of [~~family~~
43 ~~leave~~] this article, a person licensed under article one hundred thir-
44 ty-one, one hundred thirty-one-B, one hundred thirty-two, one hundred
45 thirty-three, one hundred thirty-six, one hundred thirty-nine, one
46 hundred forty-one, one hundred forty-three, one hundred forty-four, one
47 hundred fifty-three, one hundred fifty-four, one hundred fifty-six or
48 one hundred fifty-nine of the education law or a person licensed under
49 the public health law, article one hundred forty of the education law or
50 article one hundred sixty-three of the education law.

51 § 3. Section 203-a of the workers' compensation law, as added by
52 section 4 of part SS of chapter 54 of the laws of 2016, is amended to
53 read as follows:

1 § 203-a. Retaliatory action prohibited for [~~family~~] leave. 1. The
2 provisions of section one hundred twenty of this chapter and section two
3 hundred forty-one of this article shall be applicable to family and
4 disability leave.

5 2. Nothing in this section shall be deemed to diminish the rights,
6 privileges, or remedies of any employee under any collective bargaining
7 agreement or employment contract.

8 § 4. Section 203-b of the workers' compensation law, as added by
9 section 4 of part SS of chapter 54 of the laws of 2016, is amended to
10 read as follows:

11 § 203-b. Reinstatement following [~~family~~] leave. Any eligible employee
12 of a covered employer who takes leave under this article shall be enti-
13 tled, on return from such leave, to be restored by the employer to the
14 position of employment held by the employee when the leave commenced, or
15 to be restored to a comparable position with comparable employment bene-
16 fits, pay and other terms and conditions of employment. The taking of
17 family or disability leave shall not result in the loss of any employ-
18 ment benefit accrued prior to the date on which the leave commenced.
19 Nothing in this section shall be construed to entitle any restored
20 employee to the accrual of any seniority or employment benefits during
21 any period of leave, or any right, benefit or position to which the
22 employee would have been entitled had the employee not taken the leave.

23 § 5. Section 203-c of the workers' compensation law, as added by
24 section 4 of part SS of chapter 54 of the laws of 2016, is amended to
25 read as follows:

26 § 203-c. Health insurance during [~~family~~] leave. In accordance with
27 the Family and Medical Leave Act (29 U.S.C. §§ 2601-2654), during any
28 period of family or disability leave the employer shall maintain any
29 existing health benefits of the employee in force for the duration of
30 such leave as if the employee had continued to work from the date [~~he or~~
31 ~~she~~] they commenced family or disability leave until the date [~~he or she~~
32 ~~returns~~] they return to employment.

33 § 6. Section 204 of the workers' compensation law, as amended by
34 section 5 of part SS of chapter 54 of the laws of 2016, is amended to
35 read as follows:

36 § 204. Disability and family leave during employment. 1. Disability
37 benefits shall be payable to an eligible employee for disabilities,
38 beginning with the eighth day of disability and thereafter during the
39 continuance of disability, subject to the limitations as to maximum and
40 minimum amounts and duration and other conditions and limitations in
41 this section and in sections two hundred five and two hundred six of
42 this article. Family leave benefits shall be payable to an eligible
43 employee for the first full day when family leave is required and there-
44 after during the continuance of the need for family leave, subject to
45 the limitations as to maximum and minimum amounts and duration and other
46 conditions and limitations in this section and in sections two hundred
47 five and two hundred six of this article. Successive periods of disabil-
48 ity or family leave caused by the same or related injury or sickness or
49 qualifying event shall be deemed a single period of disability or
50 family leave only if separated by less than three months.

51 2. (a) The weekly benefit for family leave that occurs (i) on or after
52 January first, two thousand eighteen shall not exceed eight weeks during
53 any fifty-two week calendar period and shall be fifty percent of the
54 employee's average weekly wage but shall not exceed fifty percent of the
55 state average weekly wage, (ii) on or after January first, two thousand
56 nineteen shall not exceed ten weeks during any fifty-two week calendar

1 period and shall be fifty-five percent of the employee's average weekly
2 wage but shall not exceed fifty-five percent of the state average weekly
3 wage, (iii) on or after January first, two thousand twenty shall not
4 exceed ten weeks during any fifty-two week calendar period and shall be
5 sixty percent of the employee's average weekly wage but shall not exceed
6 sixty percent of the state average weekly wage, and (iv) on or after
7 January first of each succeeding year, shall not exceed twelve weeks
8 during any fifty-two week calendar period and shall be sixty-seven
9 percent of the employee's average weekly wage but shall not exceed
10 sixty-seven percent of the New York state average weekly wage in effect.
11 The superintendent of financial services shall have discretion to delay
12 the increases in the family leave benefit level provided in subpara-
13 graphs (ii), (iii), and (iv) of this paragraph by one or more calendar
14 years. In determining whether to delay the increase in the family leave
15 benefit for any year, the superintendent of financial services shall
16 consider: (1) the current cost to employees of the family leave benefit
17 and any expected change in the cost after the benefit increase; (2) the
18 current number of insurers issuing insurance policies with a family
19 leave benefit and any expected change in the number of insurers issuing
20 such policies after the benefit increase; (3) the impact of the benefit
21 increase on employers' business and the overall stability of the program
22 to the extent that information is readily available; (4) the impact of
23 the benefit increase on the financial stability of the disability and
24 family leave insurance market and carriers; and (5) any additional
25 factors that the superintendent of financial services deems relevant. If
26 the superintendent of financial services delays the increase in the
27 family leave benefit level for one or more calendar years, the family
28 leave benefit level that shall take effect immediately following the
29 delay shall be the same benefit level that would have taken effect but
30 for the delay. The weekly benefits for family leave that occurs on or
31 after January first, two thousand eighteen shall not be less than one
32 hundred dollars per week except that if the employee's wages at the time
33 of family leave are less than one hundred dollars per week, the employee
34 shall receive [~~his or her~~] their full wages. Benefits may be payable to
35 employees for paid family leave taken intermittently or for less than a
36 full work week in increments of one full day or one fifth of the weekly
37 benefit.

38 (b) The weekly benefit which the disabled employee is entitled to
39 receive for the first twelve weeks of disability commencing: (i) on or
40 after January first, two thousand twenty-five shall be fifty percent of
41 the employee's average weekly wage but shall not exceed four hundred
42 dollars; (ii) on or after January first, two thousand twenty-six shall
43 be fifty percent of the employee's average weekly wage but shall not
44 exceed six hundred thirty dollars; (iii) on or after January first, two
45 thousand twenty-seven shall be fifty percent of the employee's average
46 weekly wage but shall not exceed fifty percent of the state average
47 weekly wage; (iv) on or after January first, two thousand twenty-eight
48 shall be sixty percent of the employee's weekly average wage but shall
49 not exceed sixty percent of the state average weekly wage; and (v) on or
50 after January first of each succeeding year, shall be sixty-seven
51 percent of the employee's average weekly wage but shall not exceed
52 sixty-seven percent of the state average weekly wage. The superintendent
53 of financial services shall have discretion to delay the increases in
54 the disability benefit level provided in subparagraphs (ii), (iii), (iv)
55 and (v) of this paragraph by one or more calendar years. In determining
56 whether to delay the increase in the disability benefit for any year,

1 the superintendent of financial services shall consider: (1) the current
2 cost to employees and employers of the benefit and any expected change
3 in the cost after the benefit increase; (2) the current number of insur-
4 ers issuing insurance policies with a disability benefit and any
5 expected change in the number of insurers issuing such policies after
6 the benefit increase; (3) the impact of the benefit increase on employ-
7 ers' business and the overall stability of the program to the extent
8 that information is readily available; (4) the impact of the benefit
9 increase on the financial stability of the disability and family leave
10 insurance market and carriers; and (5) any additional factors that the
11 superintendent of financial services deems relevant. If the superinten-
12 dent of financial services delays the increase in the disability benefit
13 level for one or more calendar years, the disability benefit level that
14 shall take effect immediately following the delay shall be the same
15 benefit level that would have taken effect but for the delay. The weekly
16 benefit which the disabled employee is entitled to receive for the peri-
17 ods of disability after the twelfth week of disability and through the
18 twenty-sixth week of disability (A) on or after January first, two thou-
19 sand twenty-five shall be fifty percent of the employee's average weekly
20 wage but shall not exceed two hundred eighty dollars per week; (B) on or
21 after January first, two thousand twenty-eight shall be sixty percent of
22 the employee's average weekly wage but shall not exceed two hundred
23 eighty per week; and (C) on or after January first, two thousand twen-
24 ty-nine and each succeeding year shall be sixty-seven percent of the
25 employee's average weekly wage but shall not exceed two hundred eighty
26 dollars per week. The weekly benefit which the disabled employee is
27 entitled to receive for disability leave that occurs on or after January
28 first, two thousand twenty-five shall not be less than one hundred
29 dollars per week except that if the employee's wages at the time of
30 family leave are less than one hundred dollars per week, the employee
31 shall receive their full wages. The weekly benefit which the disabled
32 employee is entitled to receive for disability commencing on or after
33 May first, nineteen hundred eighty-nine and prior to January first, two
34 thousand twenty-five shall be one-half of the employee's weekly wage,
35 but in no case shall such benefit exceed one hundred seventy dollars;
36 except that if the employee's average weekly wage is less than twenty
37 dollars, the benefit shall be such average weekly wage. The weekly bene-
38 fit which the disabled employee is entitled to receive for disability
39 commencing on or after July first, nineteen hundred eighty-four shall be
40 one-half of the employee's weekly wage, but in no case shall such bene-
41 fit exceed one hundred forty-five dollars; except that if the employee's
42 average weekly wage is less than twenty dollars, the benefit shall be
43 such average weekly wage. The weekly benefit which the disabled employee
44 is entitled to receive for disability commencing on or after July first,
45 nineteen hundred eighty-three and prior to July first, nineteen hundred
46 eighty-four shall be one-half of the employee's average weekly wage, but
47 in no case shall such benefit exceed one hundred thirty-five dollars nor
48 be less than twenty dollars; except that if the employee's average week-
49 ly wage is less than twenty dollars the benefit shall be such average
50 weekly wage. The weekly benefit which the disabled employee is entitled
51 to receive for disability commencing on or after July first, nineteen
52 hundred seventy-four, and prior to July first, nineteen hundred eighty-
53 three, shall be one-half of the employee's average weekly wage, but in
54 no case shall such benefit exceed ninety-five dollars nor be less than
55 twenty dollars; except that if the employee's average weekly wage is
56 less than twenty dollars, the benefit shall be such average weekly wage.

1 The weekly benefit which the disabled employee is entitled to receive
2 for disability commencing on or after July first, nineteen hundred
3 seventy and prior to July first, nineteen hundred seventy-four shall be
4 one-half of the employee's average weekly wage, but in no case shall
5 such benefit exceed seventy-five dollars nor be less than twenty
6 dollars; except that if the employee's average weekly wage is less than
7 twenty dollars the benefit shall be such average weekly wage. For any
8 period of disability less than a full week, the benefits payable shall
9 be calculated by dividing the weekly benefit by the number of the
10 employee's normal work days per week and multiplying the quotient by the
11 number of normal work days in such period of disability. The weekly
12 benefit for a disabled employee who is concurrently eligible for bene-
13 fits in the employment of more than one covered employer shall, within
14 the maximum and minimum herein provided, be one-half of the total of the
15 employee's average weekly wages received from all such covered employ-
16 ers, and shall be allocated in the proportion of their respective aver-
17 age weekly wage payments.

18 § 7. Subdivision 2 of section 206 of the workers' compensation law, as
19 amended by section 7 of part SS of chapter 54 of the laws of 2016, is
20 amended to read as follows:

21 2. If an employee who is eligible for disability benefits under
22 section two hundred three or two hundred seven of this article is disa-
23 bled and has claimed or subsequently claims workers' compensation bene-
24 fits under this chapter or benefits under the volunteer firefighters'
25 benefit law or the volunteer ambulance workers' benefit law, and such
26 claim is controverted on the ground that the employee's disability was
27 not caused by an accident that arose out of and in the course of [~~his~~]
28 their employment or by an occupational disease, or by an injury in line
29 of duty as a volunteer firefighter or volunteer ambulance worker, the
30 employee shall be entitled in the first instance to receive benefits
31 under this article for [~~his or her~~] their disability. If benefits have
32 been paid under this article in respect to a disability alleged to have
33 arisen out of and in the course of the employment or by reason of an
34 occupational disease, or in line of duty as a volunteer firefighter or a
35 volunteer ambulance worker, the employer or carrier or the chair making
36 such payment may, at any time before award of workers' compensation
37 benefits, or volunteer firefighters' benefits or volunteer ambulance
38 workers' benefits, is made, file with the board a claim for reimburse-
39 ment out of the proceeds of such award to the employee for the period
40 for which disability benefits were paid to the employee under this arti-
41 cle, and shall have a lien against the full award for reimbursement,
42 notwithstanding the provisions of section thirty-three of this chapter
43 or section twenty-three of the volunteer firefighters' benefit law or
44 section twenty-three of the volunteer ambulance workers' benefit law
45 provided the insurance carrier liable for payment of the award receives,
46 before such award is made, a copy of the claim for reimbursement from
47 the employer, carrier or chair who paid disability benefits, or provided
48 the board's decision and award directs such reimbursement therefrom.

49 § 8. Paragraph (a) of subdivision 3 of section 209 of the workers'
50 compensation law, as amended by section 10 of part SS of chapter 54 of
51 the laws of 2016, is amended to read as follows:

52 (a) Disability benefits. The contribution of each such employee to the
53 cost of disability benefits provided by this article shall be one-half
54 of one per centum of the employee's wages paid to him or her on and
55 after July first, nineteen hundred fifty, but not in excess of sixty
56 cents per week. Beginning January first, two thousand twenty-five, the

maximum employee contribution that a covered employer is authorized to collect from each employee for the cost of disability benefits provided by this article shall be one-half of one per centum of the employee's wages but shall not exceed forty percent of the average of the combination of all employee and employer contributions to disability benefits provided pursuant to paragraph (b) of subdivision two of section two hundred four of this article during the prior calendar year, as determined annually by the superintendent of financial services pursuant to subsection (n) of section four thousand two hundred thirty-five of the insurance law. A self-insurer shall submit reports to the superintendent of financial services for the purpose of determining forty percent of the average of the combination of all employee and employer contributions to disability benefits provided pursuant to paragraph (b) of subdivision two of section two hundred four of this article during the prior calendar year, pursuant to subsection (n) of section four thousand two hundred thirty-five of the insurance law.

§ 9. The opening paragraph and subdivision 1 of section 214 of the workers' compensation law, as amended by section 26 of part GG of chapter 57 of the laws of 2013, are amended to read as follows:

There is hereby created a fund which shall be known as the special fund for disability benefits to provide for the payment of [disability] benefits under sections two hundred seven, two hundred thirteen and attendance fees under section two hundred thirty-two of this article.

1. As promptly as practicable after April first, in each year, the chairman shall ascertain the condition of the fund, and if as of any such date the net assets of the fund shall be one million dollars or more below the sum of twelve million dollars, the chairman shall assess and collect an amount sufficient to restore the fund to an amount equal to twelve million dollars.[-] Such assessment shall be included in the assessment rate established pursuant to subdivision two of section one hundred fifty-one of this chapter. Such assessments shall be deposited with the commissioner of taxation and finance and transferred to the benefit of such fund upon payment of debt service, if any, pursuant to section one hundred fifty-one of this chapter.

§ 10. Subdivision 1 of section 217 of the workers' compensation law, as amended by section 16 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

1. Written notice and proof of disability or proof of need for family leave shall be furnished to the employer by or on behalf of the employee claiming benefits or, in the case of a claimant under section two hundred seven of this article, to the chair, within thirty days after commencement of the period of disability. Additional proof shall be furnished thereafter from time to time as the employer or carrier or chair may require but not more often than once each week. Such proof shall include a statement of disability by the employee's [~~attending physician or attending podiatrist or attending chiropractor or attending dentist or attending psychologist or attending certified nurse midwife or family leave care recipient's health care provider, or in the case of an employee who adheres to the faith or teachings of any church or denomination, and who in accordance with its creed, tenets or principles depends for healing upon prayer through spiritual means alone in the practice of religion, by an accredited practitioner,~~] health care provider containing facts and opinions as to such disability in compliance with regulations of the chair. Failure to furnish notice or proof within the time and in the manner above provided shall not invalidate the claim but no benefits shall be required to be paid for any period

1 more than two weeks prior to the date on which the required proof is
2 furnished unless it shall be shown to the satisfaction of the chair not
3 to have been reasonably possible to furnish such notice or proof and
4 that such notice or proof was furnished as soon as possible; provided,
5 however, that no benefits shall be paid unless the required proof [~~of~~
6 ~~disability~~] is furnished within the period of actual disability or fami-
7 ly leave that does not exceed the statutory maximum period permitted
8 under section two hundred four of this article. No limitation of time
9 provided in this section shall run as against any disabled employee who
10 is mentally incompetent, or physically incapable of providing such
11 notice as a result of a serious medical condition, or a minor so long as
12 such person has no guardian of the person and/or property.

13 § 11. Section 218 of the workers' compensation law, as added by chap-
14 ter 600 of the laws of 1949, subdivision 2 as amended by chapter 809 of
15 the laws of 1985, is amended to read as follows:

16 § 218. [~~Disability benefit~~] Benefit rights inalienable. 1. Any agree-
17 ment by an employee to waive [~~his~~] their rights under this article shall
18 be void.

19 2. Disability or family leave benefits payable under this article
20 shall not be assigned or released, except as provided in this article,
21 and shall be exempt from all claims of creditors and from levy,
22 execution and attachment or other remedy for recovery or collection of a
23 debt, which exemption may not be waived provided, however, that such
24 benefits shall be subject to an income execution or order for support
25 enforcement pursuant to section fifty-two hundred forty-one or fifty-two
26 hundred forty-two of the civil practice law and rules.

27 § 12. Section 221 of the workers' compensation law, as amended by
28 section 19 of part SS of chapter 54 of the laws of 2016, is amended to
29 read as follows:

30 § 221. Determination of contested claims for disability and family
31 leave benefits. In accordance with regulations adopted by the chair,
32 within twenty-six weeks of written notice of rejection of claim, the
33 employee may file with the chair a notice that [~~his or her~~] their claim
34 for disability or family leave benefits has not been paid, and the
35 employee shall submit proof of disability or entitlement to family leave
36 and of [~~his or her~~] their employment, wages and other facts reasonably
37 necessary for determination of the employee's right to such benefits.
38 Failure to file such notice within the time provided, may be excused if
39 it can be shown not to have been reasonably possible to furnish such
40 notice and that such notice was furnished as soon as possible. On demand
41 the employer or carrier shall forthwith deliver to the board the
42 original or a true copy of the health care provider's report, wage and
43 employment data and all other documentation in the possession of the
44 employer or carrier with respect to such claim.

45 The chair or designee, shall have full power and authority to deter-
46 mine all issues in relation to every such claim for disability benefits
47 required or provided under this article, and shall file its decision in
48 the office of the chairman. Upon such filing, the chairman shall send to
49 the parties a copy of the decision. Either party may present evidence
50 and be represented by counsel at any hearing on such claim. The decision
51 of the board shall be final as to all questions of fact and, except as
52 provided in section twenty-three of this chapter, as to all questions of
53 law. Every decision shall be complied with in accordance with its terms
54 within ten days thereafter except as permitted by law upon the filing of
55 a request for review, and any payments due under such decision shall
56 draw simple interest from thirty days after the making thereof at the

rate provided in section five thousand four of the civil practice law and rules. The chair shall adopt rules and regulations to carry out the provisions of this article including but not limited to resolution of contested claims and requests for review thereof, and payment of costs for resolution of disputed claims by carriers. Any designated process shall afford the parties the opportunity to present evidence and to be represented by counsel in any such proceeding. The chair shall have the authority to provide for alternative dispute resolution procedures for claims arising under disability and family leave, including but not limited to referral and submission of disputed claims to a neutral arbitrator under the auspices of an alternative dispute resolution association pursuant to article seventy-five of the civil practice law and rules. Neutral arbitrator shall mean an arbitrator who does not have a material interest in the outcome of the arbitration proceeding or an existing and substantial relationship, including but not limited to pecuniary interests, with a party, counsel or representative of a party. Any determination made by alternative dispute resolution shall not be reviewable by the board and the venue for any appeal shall be to a court of competent jurisdiction.

§ 13. Section 228 of the workers' compensation law, as added by section 27 of part GG of chapter 57 of the laws of 2013, is amended to read as follows:

§ 228. Administrative expenses. 1. The estimated annual expenses necessary for the workers' compensation board to administer the provisions of the disability and paid family leave benefits law shall be borne by all affected employers and included as part of the assessment rate generated pursuant to subdivision two of section one hundred fifty-one of this chapter.

2. Annually, as soon as practicable after the first day of April, the chair and department of audit and control shall ascertain the total amount of actual expenses.

§ 14. Subsection (n) of section 4235 of the insurance law is amended by adding a new paragraph 4 to read as follows:

(4)(A) The superintendent shall establish by September first of each year the maximum employee contribution that a covered employer, as defined in section two hundred two of the workers' compensation law, is authorized to collect from each employee for the cost of disability benefits provided pursuant to article nine of the workers' compensation law through a group accident and health insurance policy or through a self-funded employer for its employees. Beginning January first, two thousand twenty-five, the maximum employee contribution amount shall be one-half of one percent of the employee's wages but shall not exceed forty percent of the average of the combination of all employee and employer contributions to disability benefits provided pursuant to paragraph (b) of subdivision two of section two hundred four of the workers' compensation law during the prior calendar year, which the superintendent shall determine and publish on the department's website.

(B) A self-funded employer shall submit reports to the superintendent for the purpose of determining forty percent of the average of the combination of all employee and employer contributions to disability benefits provided pursuant to paragraph (b) of subdivision two of section two hundred four of the workers' compensation law. A self-funded employer shall submit a report to the superintendent by July first, two thousand twenty-four that sets forth employee and employer contributions to disability benefits provided pursuant to paragraph (b) of subdivision two of section two hundred four of the workers' compensation

1 law for the year-ending two thousand twenty-three, in a format deter-
2 mined by the superintendent. Beginning April first, two thousand twen-
3 ty-five, and annually thereafter, a self-funded employer shall submit a
4 report to the superintendent that sets forth employee and employer
5 contributions to disability benefits provided pursuant to paragraph (b)
6 of subdivision two of section two hundred four of the workers' compen-
7 sation law for the prior calendar year, in a format determined by the
8 superintendent.

9 (C) The superintendent may delay the increases in the disability bene-
10 fit level provided in subparagraphs (ii), (iii), (iv), and (v) of para-
11 graph (b) of subdivision two of section two hundred four of the workers'
12 compensation law by one or more calendar years if the superintendent
13 determines it is in the best interest of the people of this state. In
14 determining whether to delay the increase in the disability benefit for
15 any year, the superintendent shall consider: (i) the current cost to
16 employees and employers of the benefit and any expected change in the
17 cost after the benefit increase; (ii) the current number of insurers
18 issuing insurance policies with a disability benefit and any expected
19 change in the number of insurers issuing such policies after the benefit
20 increase; (iii) the impact of the benefit increase on employers' busi-
21 nesses and the overall stability of the program to the extent that
22 information is readily available; (iv) the impact of the benefit
23 increase on the financial stability of the disability and family leave
24 insurance market and insurers; and (v) any additional factors that the
25 superintendent deems relevant. If the superintendent delays the
26 increase in the disability benefit level for one or more calendar years,
27 the disability benefit level that shall take effect immediately follow-
28 ing the delay shall be the same benefit level that would have taken
29 effect but for the delay.

30 § 15. Section 2605 of the insurance law is amended to read as follows:

31 § 2605. Penalty for violating workers' compensation law. The super-
32 intendent may impose a penalty not to exceed twenty-five hundred dollars
33 per violation upon any insurer required to be licensed under the
34 provisions of this chapter, if, after notice to and a hearing of such
35 insurer, ~~he~~ the superintendent finds it has unreasonably failed to
36 comply with the workers' compensation law.

37 § 16. This act shall take effect immediately and shall apply to all
38 policies issued, renewed, modified, altered, or amended on or after
39 January 1, 2025.

40 PART 0

41 Section 1. This act shall be known and may be cited as the "Stop
42 Addictive Feeds Exploitation (SAFE) for Kids act".

43 § 2. The general business law is amended by adding a new article 45 to
44 read as follows:

45 ARTICLE 45

46 SAFE FOR KIDS ACT

47 Section 1500. Definitions.

48 1501. Prohibition of addictive feeds.

49 1502. Time controls.

50 1503. Age flags.

51 1504. Nondiscrimination.

52 1505. Rulemaking authority.

53 1506. Scope.

54 1507. Remedies.

1 § 1500. Definitions. For the purposes of this article, the following
2 terms shall have the following meanings:

3 1. "Addictive feed" shall mean a website, online service, online
4 application, or mobile application, or a portion thereof, in which
5 multiple pieces of media generated or shared by users of a website,
6 online service, online application, or mobile application, either
7 concurrently or sequentially, are recommended, selected, or prioritized
8 for display to a user based, in whole or in part, on information associ-
9 ated with the user or the user's device, unless any of the following
10 conditions are met, alone or in combination with one another:

11 (a) the information is not persistently associated with the user or
12 user's device, and does not concern the user's previous interactions
13 with media generated or shared by others;

14 (b) the information is user-selected privacy or accessibility
15 settings, technical information concerning the user's device, or device
16 communications or signals concerning whether the user is a minor;

17 (c) the user expressly and unambiguously requested the specific media
18 or media by the author, creator, or poster of the media, provided that
19 the media is not recommended, selected, or prioritized for display
20 based, in whole or in part, on other information associated with the
21 user or the user's device that is not otherwise permissible under this
22 subdivision;

23 (d) the media are direct, private communications; or

24 (e) the media recommended, selected, or prioritized for display is
25 exclusively the next media in a pre-existing sequence from the same
26 author, creator, poster, or source.

27 2. "Addictive social media platform" shall mean a website, online
28 service, online application, or mobile application, that offers or
29 provides users an addictive feed that is not incidental to the provision
30 of such website, online service, online application, or mobile applica-
31 tion.

32 3. "Covered minor" shall mean a user of a website, online service,
33 online application, or mobile application in New York when the operator
34 has actual knowledge the user is a minor.

35 4. "Covered user" shall mean a user of a website, online service,
36 online application, or mobile application in New York.

37 5. "Media" shall mean text, an image, or a video.

38 6. "Minor" shall mean an individual under the age of eighteen.

39 7. "Operator" shall mean any person who operates or provides a website
40 on the internet, an online service, an online application, or a mobile
41 application.

42 8. "Parent" shall mean parent or legal guardian.

43 9. "User" shall mean a person not acting as an agent of an operator.

44 § 1501. Prohibition of addictive feeds. 1. It shall be unlawful for
45 the operator of an addictive social media platform to provide an addic-
46 tive feed to a covered user unless:

47 (a) the operator has used commercially reasonable methods to determine
48 that the covered user is not a covered minor; or

49 (b) the operator has obtained verifiable parental consent to provide
50 an addictive feed to the covered user.

51 2. Information collected for the purpose of determining a covered
52 user's age under paragraph (a) of subdivision one of this section shall
53 not be used for any purpose other than age determination.

54 3. Nothing in this section shall be construed as requiring the opera-
55 tor of an addictive social media platform to give a parent who grants

1 verifiable parental consent any additional or special access to or
2 control over the data or accounts of their child.

3 4. Nothing in this section shall be construed as preventing any action
4 taken in good faith to restrict access to or availability of media that
5 the operator of an addictive social media platform considers to be
6 obscene, lewd, lascivious, filthy, excessively violent, harassing, or
7 otherwise objectionable, whether or not such material is constitu-
8 tionally protected.

9 § 1502. Time controls. 1. It shall be unlawful for the operator of an
10 addictive social media platform to, between the hours of 12 AM Eastern
11 and 6 AM Eastern, send notifications concerning an addictive social
12 media platform to a covered minor unless the operator has obtained veri-
13 fiable parental consent to send such nighttime notifications.

14 2. The operator of an addictive social media platform shall provide a
15 mechanism through which the verified parent of a covered minor may:

16 (a) prevent their child from accessing the addictive social media
17 platform between the hours of 12 AM Eastern and 6 AM Eastern; and

18 (b) limit their child's access to the addictive social media platform
19 to a length of time per day specified by the verified parent.

20 3. Nothing in this section shall be construed as requiring the opera-
21 tor of an addictive social media platform to give a parent any addi-
22 tional or special access to or control over the data or accounts of
23 their child.

24 § 1503. Age flags. For the purposes of this article, the operator of
25 an addictive social medial platform shall treat a user as a minor if the
26 user's device communicates or signals that the user is or shall be
27 treated as a minor, including through a browser plug-in or privacy
28 setting, device setting, or other mechanism.

29 § 1504. Nondiscrimination. An operator of an addictive social media
30 platform shall not withhold, degrade, lower the quality, or increase the
31 price of any product, service, or feature, other than as required by
32 this article, to a covered user due to the operator not being permitted
33 to provide an addictive feed to such covered user under subdivision one
34 of section fifteen hundred one of this article or not being permitted to
35 provide such covered user access to or send notifications concerning an
36 addictive social media platform between the hours of 12 AM Eastern and 6
37 AM Eastern under section fifteen hundred two of this article.

38 § 1505. Rulemaking authority. The attorney general may promulgate such
39 rules and regulations as are necessary to effectuate and enforce the
40 provisions of this article.

41 § 1506. Scope. 1. This article shall apply to conduct that occurs in
42 whole or in part in New York. For purposes of this article, conduct
43 takes place wholly outside of New York if the addictive social media
44 platform is accessed by a user who is physically located outside of New
45 York.

46 2. Nothing in this article shall be construed to impose liability for
47 commercial activities or actions by operators subject to 15 U.S.C. §
48 6501 that is inconsistent with the treatment of such activities or
49 actions under 15 U.S.C. § 6502.

50 § 1507. Remedies. 1. Whenever it appears to the attorney general,
51 either upon complaint or otherwise, that any person, within or outside
52 the state, has engaged in or is about to engage in any of the acts or
53 practices stated to be unlawful in this article, the attorney general
54 may bring an action or special proceeding in the name and on behalf of
55 the people of the state of New York to enjoin any violation of this
56 article, to obtain restitution of any moneys or property obtained

1 directly or indirectly by any such violation, to obtain disgorgement of
2 any profits or gains obtained directly or indirectly by any such
3 violation, including but not limited to the destruction of unlawfully
4 obtained data and algorithms trained on such data, to obtain damages
5 caused directly or indirectly by any such violation, to obtain civil
6 penalties of up to five thousand dollars per violation, and to obtain
7 any such other and further relief as the court may deem proper, includ-
8 ing preliminary relief.

9 2. Any covered user, or the parent of a covered minor may bring an
10 action for a violation of section fifteen hundred one or section fifteen
11 hundred two of this article, to obtain:

12 (a) damages of up to five thousand dollars per covered user per inci-
13 dent or actual damages, whichever is greater;

14 (b) injunctive or declaratory relief; and/or

15 (c) any other relief the court deems proper.

16 3. Actions brought pursuant to this section may be brought on a class-
17 wide basis.

18 4. The court shall award reasonable attorneys' fees to a prevailing
19 plaintiff.

20 5. Prior to bringing any action for a violation of section fifteen
21 hundred one or fifteen hundred two of this article, a covered user shall
22 provide the business thirty days' written notice identifying the specif-
23 ic provisions of this article the covered user alleges have been or are
24 being violated. In the event a cure is possible, if within the thirty
25 days the business cures the noticed violation and provides the covered
26 user an express written statement that the violations have been cured
27 and that no further violations shall occur, no action for individual
28 statutory damages or class-wide statutory damages may be initiated
29 against the business. No notice shall be required prior to an individual
30 consumer initiating an action solely for actual pecuniary damages
31 suffered as a result of the alleged violations of this article. If a
32 business continues to violate this article in breach of an express writ-
33 ten statement provided to the covered user pursuant to this section, the
34 covered user may initiate an action against the business to enforce the
35 written statement and may pursue statutory damages for each breach of
36 the express written statement, as well as any other violation of the
37 article that postdates the written statement.

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

47 § 4. This act shall take effect on the one hundred eightieth day after
48 the office of the attorney general shall promulgate rules and regu-
49 lations necessary to effectuate the provisions of this act; provided
50 that the office of the attorney general shall notify the legislative
51 bill drafting commission upon the occurrence of the enactment of the
52 rules and regulations necessary to effectuate and enforce the
53 provisions of section two of this act in order that the commission may
54 maintain an accurate and timely effective data base of the official text
55 of the laws of the state of New York in furtherance of effectuating the
56 provisions of section 44 of the legislative law and section 70-b of the

1 public officers law. Effective immediately, the addition, amendment
2 and/or repeal of any rule or regulation necessary for the implementation
3 of this act on its effective date are authorized to be made and
4 completed on or before such effective date.

5 PART P

6 Section 1. The general business law is amended by adding a new article
7 39-FF to read as follows:

8 ARTICLE 39-FF

9 NEW YORK CHILD DATA PROTECTION ACT

10 Section 899-ee. Definitions.

11 899-ff. Privacy protection by default.

12 899-gg. Third parties.

13 899-hh. Ongoing safeguards.

14 899-ii. Respecting user-provided age flags.

15 899-jj. Protections for third-party operators.

16 899-kk. Rulemaking authority.

17 899-ll. Scope.

18 899-mm. Remedies.

19 § 899-ee. Definitions. For purposes of this article, the following
20 terms shall have the following meanings:

21 1. "Covered user" shall mean a user of a website, online service,
22 online application, mobile application, or connected device, or portion
23 thereof, in the state of New York who is:

24 (a) actually known by the operator of such website, online service,
25 online application, mobile application, or connected device to be a
26 minor; or

27 (b) a user of a website, online service, online application, mobile
28 application, or connected device primarily directed to minors.

29 2. "Minor" shall mean a natural person under the age of eighteen.

30 3. "Operator" shall mean any person:

31 (a) who operates or provides a website on the internet, online
32 service, online application, mobile application, or connected device;
33 and

34 (b) who:

35 (i) collects or maintains, either directly or through another person,
36 personal data from or about the users of such website, service, applica-
37 tion, or connected device;

38 (ii) integrates with another website, service, application, or
39 connected device and directly collects personal data from the users of
40 such website, service, application, or connected device;

41 (iii) allows another person to collect personal data directly from
42 users of such website, service, application, or connected device; or

43 (iv) allows users of such website, service, application, or connected
44 device to publicly disclose personal data.

45 4. "Personal data" shall mean any data that identifies or could
46 reasonably be linked, directly or indirectly, with a specific natural
47 person or device.

48 5. "Process" or "processing" shall mean an operation or set of oper-
49 ations performed on personal data, including but not limited to the
50 collection, use, access, sharing, sale, monetization, analysis,
51 retention, creation, generation, derivation, recording, organization,
52 structuring, storage, disclosure, transmission, disposal, licensing,
53 destruction, deletion, modification, or deidentification of personal
54 data.

1 6. "Primarily directed to minors" shall mean a website, online
2 service, online application, mobile application, or connected device, or
3 a portion thereof, that is targeted to minors. A website, online
4 service, online application, mobile application, or connected device, or
5 portion thereof, shall not be deemed directed primarily to minors solely
6 because such website, online service, online application, mobile appli-
7 cation, or connected device, or portion thereof refers or links to any
8 other website, online service, online application, mobile application,
9 or connected device directed to minors by using information location
10 tools, including a directory, index, reference, pointer, or hypertext
11 link. A website, online service, online application, mobile application,
12 or connected device, or portion thereof, shall be deemed directed to
13 minors when it has actual knowledge that it is collecting personal data
14 of users directly from users of another website, online service, online
15 application, mobile application, or connected device primarily directed
16 to minors.

17 7. "Sell" shall mean to share personal data for monetary or other
18 valuable consideration. "Selling" shall not include the sharing of
19 personal data for monetary or other valuable consideration to another
20 person as an asset that is part of a merger, acquisition, bankruptcy, or
21 other transaction in which that person assumes control of all or part of
22 the operator's assets.

23 8. "Third party" shall mean any person who is not any of the follow-
24 ing:

25 (a) the operator with whom the user intentionally interacts and who
26 collects personal data from the user as part of the user's current
27 interaction with the operator;

28 (b) the user whose personal data the operator processes; or

29 (c) the parent or legal guardian of a user under thirteen years old
30 whose personal data the operator processes.

31 § 899-ff. Privacy protection by default. 1. Except as provided for in
32 subdivision six of this section and section eight hundred ninety-nine-jj
33 of this article, an operator shall not process, or allow a third party
34 to process, the personal data of a covered user collected through the
35 use of a website, online service, online application, mobile applica-
36 tion, or connected device unless and to the extent:

37 (a) the covered user is twelve years of age or younger and processing
38 is permitted under 15 U.S.C. § 6502 and its implementing regulations; or

39 (b) the covered user is thirteen years of age or older and processing
40 is strictly necessary for an activity set forth in subdivision two of
41 this section, or informed consent has been obtained as set forth in
42 subdivision three of this section.

43 2. For the purposes of paragraph (b) of subdivision one of this
44 section, the processing of personal data of a covered user is permissi-
45 ble where it is strictly necessary for the following activities:

46 (a) providing or maintaining a specific product or service requested
47 by the covered user;

48 (b) conducting the operator's internal business operations. For
49 purposes of this paragraph, such internal business operations shall not
50 include any activities related to marketing, advertising, or providing
51 products or services to third parties, or prompting covered users to use
52 the website, online service, online application, mobile application, or
53 connected device when it is not in use;

54 (c) identifying and repairing technical errors that impair existing or
55 intended functionality;

56 (d) protecting against malicious, fraudulent, or illegal activity;

1 (e) investigating, establishing, exercising, preparing for, or defend-
2 ing legal claims;

3 (f) complying with federal, state, or local laws, rules, or regu-
4 lations;

5 (g) complying with a civil, criminal, or regulatory inquiry, investi-
6 gation, subpoena, or summons by federal, state, local, or other govern-
7 mental authorities;

8 (h) detecting, responding to, or preventing security incidents or
9 threats; or

10 (i) protecting the vital interests of a natural person.

11 3. (a) For the purposes of paragraph (b) of subdivision one of this
12 section, to process personal data of a covered user where such process-
13 ing is not strictly necessary under subdivision two of this section,
14 informed consent must be obtained from the covered user either through a
15 device communication or signal pursuant to the provisions of subdivision
16 two of section eight hundred ninety-nine-ii of this article or through a
17 request. Requests for such informed consent shall:

18 (i) be made separately from any other transaction or part of a trans-
19 action;

20 (ii) be made in the absence of any mechanism that has the purpose or
21 substantial effect of obscuring, subverting, or impairing a covered
22 user's decision-making regarding authorization for the processing;

23 (iii) if requesting informed consent for multiple types of processing,
24 allow the covered user to provide or withhold consent separately for
25 each type of processing;

26 (iv) clearly and conspicuously state that the processing is optional,
27 and that the covered user may decline without preventing continued use
28 of the website, online service, online application, mobile application,
29 or connected device; and

30 (v) clearly present an option to refuse to provide consent as the most
31 prominent option.

32 (b) Such informed consent, once given, shall be freely revocable at
33 any time, and shall be at least as easy to revoke as it was to provide.

34 (c) If a covered user declines to provide or revokes informed consent
35 for processing, another request may not be made for such processing for
36 the following calendar year.

37 (d) If a covered user's device communicates or signals that the
38 covered user declines to provide informed consent for processing pursu-
39 ant to the provisions of subdivision two of section eight hundred nine-
40 ty-nine-ii of this article, an operator shall not request informed
41 consent for such processing.

42 4. Except where processing is strictly necessary to provide a product,
43 service, or feature, an operator may not withhold, degrade, lower the
44 quality, or increase the price of any product, service, or feature to a
45 covered user due to the operator not obtaining verifiable parental
46 consent under 15 U.S.C. § 6502 and its implementing regulations or
47 informed consent under subdivision three of this section.

48 5. Except as provided for in section eight hundred ninety-nine-jj of
49 this article, an operator shall not purchase or sell, or allow a third
50 party to purchase or sell, the personal data of a covered user.

51 6. Within fourteen days of determining that a user is a covered user,
52 an operator shall:

53 (a) dispose of, destroy, or delete all personal data of such covered
54 user that it maintains, unless processing such personal data is permit-
55 ted under 15 U.S.C. § 6502 and its implementing regulations, is strictly
56 necessary for an activity listed in subdivision two of this section, or

1 informed consent is obtained as set forth in subdivision three of this
2 section; and

3 (b) notify any third parties to whom it disclosed the personal data,
4 and any third parties it allowed to process the personal data, that the
5 user is a covered user.

6 § 899-gg. Third parties. 1. Except as provided for in section eight
7 hundred ninety-nine-jj of this article, no operator shall disclose the
8 personal data of a covered user to a third party, or allow the process-
9 ing of the personal data of a covered user by a third party, without a
10 written, binding agreement governing such disclosure or processing. Such
11 agreement shall clearly set forth instructions for the nature and
12 purpose of the third-party's processing of the personal data,
13 instructions for using or further disclosing the personal data, and the
14 rights and obligations of both parties.

15 2. Except as provided for in section eight hundred ninety-nine-jj of
16 this article, prior to disclosing personal data to a third party, the
17 operator shall inform the third party if such data is the personal data
18 of a covered user.

19 3. An agreement pursuant to subdivision one of this section shall
20 require that the third party:

21 (a) process the personal data of covered users only when and to the
22 extent strictly necessary for an activity listed pursuant to subdivision
23 two of section eight hundred ninety-nine-ff of this article, or where
24 informed consent was obtained pursuant to subdivision three of section
25 eight hundred ninety-nine-ff of this article;

26 (b) delete or return to the operator all personal data of covered
27 users at the end of its provision of services, unless retention of the
28 personal data is required by law;

29 (c) upon reasonable request of the operator, make available to the
30 operator all data in its possession necessary to demonstrate the third-
31 party's compliance with the obligations in this section;

32 (d) allow, and cooperate with, reasonable assessments by the operator
33 or the operator's designated assessor for purposes of evaluating compli-
34 ance with the obligations of this article. Alternatively, the third
35 party may arrange for a qualified and independent assessor to conduct an
36 assessment of the third-party's policies and technical and organiza-
37 tional measures in support of the obligations under this article using
38 an appropriate and accepted control standard or framework and assessment
39 procedure for such assessments. The third party shall provide a report
40 of such assessment to the operator upon request; and

41 (e) notify the operator a reasonable time in advance before disclosing
42 or transferring the personal data of covered users to any further third
43 parties, which may be in the form of a regularly updated list of further
44 third parties that may access personal data of covered users.

45 § 899-hh. Ongoing safeguards. Upon learning that a user is no longer a
46 covered user, an operator may not process the personal data of such
47 person in a manner not previously permitted unless and until it receives
48 informed consent pursuant to subdivision three of section eight hundred
49 ninety-nine-ff of this article.

50 § 899-ii. Respecting user-provided age flags. 1. For the purposes of
51 this article, an operator shall treat a user as a covered user if the
52 user's device communicates or signals that the user is or shall be
53 treated as a minor, including through a browser plug-in or privacy
54 setting, device setting, or other mechanism.

55 2. For the purposes of subdivision three of section eight hundred
56 ninety-nine-ff of this article, an operator shall adhere to any clear

1 and unambiguous communications or signals from a covered user's device,
2 including through a browser plug-in or privacy setting, device setting,
3 or other mechanism, concerning processing that the covered user consents
4 to or declines to consent to. An operator shall not adhere to unclear or
5 ambiguous communications or signals from a covered user's device, and
6 shall instead request informed consent pursuant to the provisions of
7 paragraph a of subdivision three of section eight hundred ninety-nine-ff
8 of this article.

9 § 899-jj. Protections for third-party operators. Sections eight
10 hundred ninety-nine-ff and eight hundred ninety-nine-gg of this article
11 shall not apply to an operator processing the personal data of a covered
12 user of another website, online service, online application, mobile
13 application, or connected device, or portion thereof, where the operator
14 received reasonable written representations that the covered user
15 provided informed consent for such processing, or:

16 1. the operator does not have actual knowledge that the covered user
17 is a minor; and

18 2. the operator does not have actual knowledge that the other website,
19 online service, online application, mobile application, or connected
20 device, or portion thereof, is primarily directed to minors.

21 § 899-kk. Rulemaking authority. The attorney general may promulgate
22 such rules and regulations as are necessary to effectuate and enforce
23 the provisions of this article.

24 § 899-ll. Scope. 1. This article shall apply to conduct that occurs in
25 whole or in part in the state of New York. For purposes of this article,
26 commercial conduct takes place wholly outside of the state of New York
27 if the business collected such information while the covered user was
28 outside of the state of New York, no part of the use of the covered
29 user's personal data occurred in the state of New York, and no personal
30 data collected while the covered user was in the state of New York is
31 used.

32 2. Nothing in this article shall be construed to prohibit an operator
33 from storing a covered user's personal data that was collected pursuant
34 to section eight hundred ninety-nine-ff of this article when such
35 covered user is in the state.

36 3. Nothing in this article shall be construed to impose liability for
37 commercial activities or actions by operators subject to 15 U.S.C. 6501
38 that is inconsistent with the treatment of such activities or actions
39 under 15 U.S.C. 6502.

40 § 899-mm. Remedies. 1. Whenever it appears to the attorney general,
41 either upon complaint or otherwise, that any person, within or outside
42 the state, has engaged in or is about to engage in any of the acts or
43 practices stated to be unlawful in this article, the attorney general
44 may bring an action or special proceeding in the name and on behalf of
45 the people of the state of New York to enjoin any violation of this
46 article, to obtain restitution of any moneys or property obtained
47 directly or indirectly by any such violation, to obtain disgorgement of
48 any profits or gains obtained directly or indirectly by any such
49 violation, including but not limited to the destruction of unlawfully
50 obtained data and algorithms trained on such data, to obtain damages
51 caused directly or indirectly by any such violation, to obtain civil
52 penalties of up to five thousand dollars per violation, and to obtain
53 any such other and further relief as the court may deem proper, includ-
54 ing preliminary relief.

55 2. Any covered user who has been injured by a violation of section
56 eight hundred ninety-nine-ff of this article, or the parent or legal

guardian of a covered minor who has been injured by a violation of section eight hundred ninety-nine-ff of this article, may bring an action to obtain:

(a) Damages of up to five thousand dollars per covered user per incident or actual damages, whichever is greater;

(b) Injunctive or declaratory relief; and/or

(c) Any other relief the court deems proper.

3. Actions pursuant to this section may be brought on a class-wide basis.

4. The court may award reasonable attorneys' fees to a prevailing plaintiff.

5. Prior to bringing any action for violations of this article pursuant to subdivision two of this section, a covered user shall provide the operator thirty days' written notice identifying the specific provisions of this article the covered user alleges have been or are being violated. In the event a cure is possible, if within the thirty days the operator actually cures the noticed violation and provides the covered user an express written statement that the violations have been cured and that no further violations shall occur, no action for individual statutory damages or class-wide statutory damages may be initiated against the operator. No notice shall be required prior to an individual consumer initiating an action solely for actual pecuniary damages suffered as a result of the alleged violations of this title. If a business continues to violate this article in breach of the express written statement provided to the covered user under this section, the covered user may initiate an action against the business to enforce the written statement and may pursue statutory damages for each breach of the express written statement, as well as any other violation of the article that postdates such written statement.

§ 2. Severability. 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 judgment 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 judgment 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 one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART Q

Section 1. Subdivision 2 of section 200 of the state finance law, as added by chapter 78 of the laws of 1982, is amended to read as follows:

2. Notwithstanding the provisions of subdivision one of this section, where the state and an employee organization representing state officers and employees who are in positions which are in collective negotiating units established pursuant to article fourteen of the civil service law enter into an agreement providing for an alternative procedure for the payment of salaries to such employees or where the director of employee relations shall authorize an alternative procedure for the payment of salaries to state officers or employees in the executive branch who are

1 in positions which are not in collective negotiating units, such alter-
2 native procedure shall be implemented in lieu of the procedure specified
3 in subdivision one of this section. Notwithstanding any other provision
4 of law to the contrary, where the state and an employee organization
5 representing officers and employees in the executive branch who are in
6 positions which are in collective negotiating units established pursuant
7 to article fourteen of the civil service law enter into an agreement, or
8 where the director of employee relations shall authorize for officers
9 and employees in the executive branch who are in positions which are not
10 in collective negotiating units, the alternate procedure specified
11 herein shall be terminated for officers and employees hired on or after
12 July first, two thousand twenty-four. The alternate procedure specified
13 herein shall also be terminated for: (i) nonjudicial officers and
14 employees of the unified court system hired on or after July first, two
15 thousand twenty-four, if the chief administrator of the courts so
16 elects; (ii) employees of the senate hired on or after July first, two
17 thousand twenty-four, if the temporary president of the senate so
18 elects; (iii) employees of the assembly hired on or after July first,
19 two thousand twenty-four, if the speaker of the assembly so elects; and
20 (iv) employees of joint legislative employers hired on or after July
21 first, two thousand twenty-four, if the temporary president of the
22 senate and the speaker of the assembly mutually so elect for all such
23 joint legislative employers. Any election made pursuant to paragraph
24 (i), (ii), (iii), or (iv) of this subdivision shall be in writing and
25 filed with the state comptroller not later than thirty days after the
26 enactment of this legislation.

27 § 2. Paragraph (c) of subdivision 2-a of section 200 of the state
28 finance law, as added by chapter 947 of the laws of 1990, is amended to
29 read as follows:

30 (c) For officers and employees hired after the effective date of this
31 act, the withholding of five days of salary shall be accomplished in the
32 same manner provided in paragraph (a) of this section provided, however,
33 such withholding shall be taken on the first five payment dates in which
34 such new employees would otherwise have received their salary. Notwith-
35 standing any other provision of law to the contrary, where the state and
36 an employee organization representing officers and employees in the
37 executive branch who are in positions which are in collective negotiat-
38 ing units established pursuant to article fourteen of the civil service
39 law enter into an agreement, or where the director of employee relations
40 shall authorize for officers or employees in the executive branch who
41 are in positions which are not in collective negotiating units, officers
42 and employees hired on or after July first, two thousand twenty-four,
43 shall not be subject to the withholding of five days of salary on their
44 first five payment dates as specified herein. Such withholding shall not
45 be taken for: (i) nonjudicial officers and employees of the unified
46 court system hired on or after July first, two thousand twenty-four, if
47 the chief administrator of the courts so elects; (ii) employees of the
48 senate hired on or after July first, two thousand twenty-four, if the
49 temporary president of the senate so elects; (iii) employees of the
50 assembly hired on or after July first, two thousand twenty-four, if the
51 speaker of the assembly so elects; and (iv) employees of joint legisla-
52 tive employers hired on or after July first, two thousand twenty-four,
53 if the temporary president of the senate and the speaker of the assembly
54 mutually so elect for all such joint legislative employers. Any
55 election made pursuant to subparagraph (i), (ii), (iii), or (iv) of this

1 paragraph shall be in writing and filed with the state comptroller not
2 later than thirty days after the enactment of this legislation.

3 § 3. Paragraph (a) of subdivision 2-b of section 200 of the state
4 finance law, as amended by chapter 171 of the laws of 1991, is amended
5 to read as follows:

6 (a) For nonjudicial officers and employees of the unified court
7 system: commencing with the earliest administratively feasible payroll
8 period (and corresponding payment date) subsequent to the date this
9 subdivision becomes a law, payment on the payment date of the five
10 payroll periods commencing thereon shall be for nine-tenths of that
11 amount paid each payroll period until a total of five-tenths of salary
12 for one payroll period that would be paid but for this provision has
13 been withheld. For nonjudicial officers and employees hired after the
14 date this subdivision becomes a law, the withholding of five days of
15 salary shall be accomplished in the same manner described above,
16 provided, however, such withholding shall be made on the first five
17 payment dates in which such new officers or employees would otherwise
18 have received their salary. Notwithstanding any other provision of law
19 to the contrary, such withholding shall not be taken for nonjudicial
20 officers and employees of the unified court system hired on or after
21 July first, two thousand twenty-four, if the chief administrator of the
22 courts so elects. Any election made pursuant to this subdivision shall
23 be in writing and filed with the state comptroller not later than thirty
24 days after the enactment of this legislation.

25 § 4. This act shall take effect July 1, 2024.

26 PART R

27 Section 1. Subdivision (a) of section 5004 of the civil practice law
28 and rules, as amended by chapter 831 of the laws of 2021, is amended to
29 read as follows:

30 (a) ~~[Interest shall be at the rate of nine per centum per annum,~~
31 ~~except where otherwise provided by statute; provided]~~ Notwithstanding
32 any other provision of law or regulation to the contrary, including any
33 law or regulation that limits the annual rate of interest to be paid on
34 a judgment or accrued claim, the annual rate of interest to be paid on a
35 judgment or accrued claim shall be calculated at the one-year United
36 States treasury bill rate. For purposes of this section, the "one-year
37 United States treasury bill rate" means the weekly average one-year
38 constant maturity treasury yield, as published by the board of governors
39 of the federal reserve system, for the calendar week preceding the date
40 of the entry of the judgment awarding damages; provided however, that
41 this section shall not apply to any provision of the tax law which
42 provides for the annual rate of interest to be paid on a judgment or
43 accrued claim. Provided, however, the annual rate of interest to be paid
44 in an action arising out of a consumer debt where a natural person is a
45 defendant shall be two per centum per annum (i) on a judgment or accrued
46 claim for judgments entered on or after the effective date of [~~the~~]
47 chapter eight hundred thirty-one of the laws of two thousand twenty-one
48 [~~which amended this section~~], and (ii) for interest upon a judgment
49 pursuant to section five thousand three of this article from the date of
50 the entry of judgment on any part of a judgment entered before the
51 effective date of [~~the~~] chapter eight hundred thirty-one of the laws of
52 two thousand twenty-one [~~which amended this section~~] that is unpaid as
53 of such effective date.

§ 2. Section 16 of the state finance law, as amended by chapter 681 of the laws of 1982, is amended to read as follows:

§ 16. Rate of interest on judgments and accrued claims against the state. The rate of interest to be paid by the state upon any judgment or accrued claim against the state shall ~~[not exceed nine per centum per annum]~~ be calculated at the one-year United States treasury bill rate. For the purposes of this section, the "one-year United States treasury bill rate" means the weekly average one-year constant maturity treasury yield, as published by the board of governors of the federal reserve system, for the calendar week preceding the date of the entry of the judgment awarding damages. Provided however, that this section shall not apply to any provision of the tax law which provides for the annual rate of interest to be paid on a judgment or accrued claim.

§ 3. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2024.

PART S

Section 1. Section 167-a of the civil service law, as amended by section 1 of part I of chapter 55 of the laws of 2012, is amended to read as follows:

§ 167-a. Reimbursement for medicare premium charges. Upon exclusion from the coverage of the health benefit plan of supplementary medical insurance benefits for which an active or retired employee or a dependent covered by the health benefit plan is or would be eligible under the federal old-age, survivors and disability insurance program, an amount equal to the standard medicare premium charge for such supplementary medical insurance benefits for such active or retired employee and his or her dependents, if any, shall be paid monthly or at other intervals to such active or retired employee from the health insurance fund. Furthermore, effective January first, two thousand twenty-five there shall be no payment whatsoever for the income related monthly adjustment amount incurred on or after January first, two thousand twenty-four to any active or retired employee and his or her dependents, if any. Where appropriate, such standard medicare premium amount may be deducted from contributions payable by the employee or retired employee; or where appropriate in the case of a retired employee receiving a retirement allowance, such standard medicare premium amount may be included with payments of his or her retirement allowance. All state employer, employee, retired employee and dependent contributions to the health insurance fund, including contributions from public authorities, public benefit corporations or other quasi-public organizations of the state eligible for participation in the health benefit plan as authorized by subdivision two of section one hundred sixty-three of this article, shall be adjusted as necessary to cover the cost of reimbursing federal old-age, survivors and disability insurance program premium charges under this section. This cost shall be included in the calculation of premium or subscription charges for health coverage provided to employees and retired employees of the state, public authorities, public benefit corporations or other quasi-public organizations of the state; provided, however, the state, public authorities, public benefit corporations or other quasi-public organizations of the state shall remain obligated to pay no less than its share of such increased cost consistent with its share of premium or subscription charges provided for by this article. All other employer contributions to the health insurance fund shall be adjusted as necessary to provide for such payments.

1 § 2. This act shall take effect immediately and shall apply on January
2 1, 2024 for the income related monthly adjustment amount incurred on or
3 after January 1, 2024.

4 PART T

5 Section 1. Subdivision 2 of section 163 of the civil service law, as
6 amended by section 6 of part S of chapter 57 of the laws of 2023, is
7 amended to read as follows:

8 2. The contract or contracts shall provide for health benefits for
9 retired employees of the state and of the state colleges of agriculture,
10 home economics, industrial labor relations and veterinary medicine, the
11 state agricultural experiment station at Geneva, and any other institu-
12 tion or agency under the management and control of Cornell university as
13 the representative of the board of trustees of the state university of
14 New York, and the state college of ceramics under the management and
15 control of Alfred university as the representative of the board of trus-
16 tees of the state university of New York, and their spouses and depend-
17 ent children as defined by the regulations of the president, on such
18 terms as the president may deem appropriate, and the president may
19 authorize the inclusion in the plan of the employees and retired employ-
20 ees of public authorities, public benefit corporations, school
21 districts, special districts, district corporations, municipal corpo-
22 rations excluding active employees and retired employees of cities
23 having a population of one million or more inhabitants whose compen-
24 sation is or was before retirement paid out of the city treasury, or
25 other appropriate agencies, subdivisions or quasi-public organizations
26 of the state, including active members of volunteer fire and volunteer
27 ambulance companies serving one or more municipal corporations pursuant
28 to subdivision seven of section ninety-two-a of the general municipal
29 law, and their spouses and dependent children as defined by the regu-
30 lations of the president. Notwithstanding any law or regulation to the
31 contrary, active members of volunteer ambulance companies serving one or
32 more municipal corporations pursuant to subdivision seven of section
33 ninety-two-a of the general municipal law shall be eligible for health
34 benefits regardless of the amount of funds derived from public sources.
35 Any such corporation, district, agency or organization electing to
36 participate in the plan shall be required to pay: (a) its proportionate
37 share of the expenses of administration of the plan in such amounts and
38 at such times as determined and fixed by the president; and (b) at the
39 president's discretion, if such amount is not paid on the date due,
40 interest for such late payment, as determined and fixed by the president
41 and which in no case shall be greater than the interest incurred by the
42 health insurance plan as a result of such late payment. For any amounts
43 past due as of the effective date of this paragraph, interest shall be
44 calculated on such amounts commencing thirty days after the effective
45 date of this paragraph. All amounts payable for such expenses of admin-
46 istration shall be paid to the commissioner of taxation and finance and
47 shall be applied to the reimbursement of funds previously advanced for
48 such purposes. Neither the state nor any other participant in the plan
49 shall be charged with the particular experience attributable to the
50 employees of the participant, and all dividends or retroactive rate
51 credits shall be distributed pro-rata based upon the number of employees
52 of such participant covered by the plan.

§ 2. Subdivision 5 of section 163 of the civil service law, as amended by section 4 of part T of chapter 56 of the laws of 2010, is amended to read as follows:

5. The chief fiscal officer of any such participating employer shall be authorized to deduct from the wages or salary paid to its employees who are participants in such health benefit plan the sums required to be paid by them under such plan. Each such participating employer is authorized to appropriate such sums as are required to be paid by it as its share in connection with the operation of such plan. Notwithstanding any other provision of law, to the extent a participating employer fails to pay its share in connection with the operation of such plan, the director of the budget, at their discretion, is authorized to intercept any funds appropriated and paid by the state, and direct such amounts to the health insurance fund.

§ 3. This act shall take effect immediately.

PART U

Section 1. Section 239-bb of the general municipal law, as added by section 1 of part EE of chapter 55 of the laws of 2018, subdivision 8 as amended by chapter 717 of the laws of 2022, subdivisions 9 and 11 as amended by chapter 294 of the laws of 2021, and subdivision 12 as added by chapter 773 of the laws of 2023, is amended to read as follows:

§ 239-bb. County-wide shared services panels. 1. Definitions. The following terms shall have the following meanings for the purposes of this article:

a. "County" shall mean any county not wholly contained within a city.

b. "County CEO" shall mean the county executive, county manager or other chief executive of the county, or, where none, the chair of the county legislative body.

c. "Panel" shall mean a county-wide shared services panel established pursuant to subdivision two of this section.

d. "Plan" shall mean a county-wide shared services property tax savings plan.

2. County-wide shared services panels. a. There ~~[shall]~~ may be a county-wide shared services panel in each county consisting of the county CEO, and one representative from each city, town and village in the county. The chief executive officer of each town, city and village shall be the representative to a panel and shall be the mayor, if a city or a village, or shall be the supervisor, if a town. The county CEO shall serve as chair. ~~[All panels established in each county pursuant to part BBB of chapter fifty nine of the laws of two thousand seventeen, and prior to the enactment of this article, shall continue in satisfaction of this section in such form as they were established, provided that the county CEO may alter the membership of the panel consistent with paragraph b of this subdivision.]~~

b. The county CEO may invite any school district, board of cooperative educational services, fire district, fire protection district, or special improvement district in the county to join a panel. Upon such invitation, the governing body of such school district, board of cooperative educational services, fire district, fire protection district, or other special district may accept such invitation by selecting a representative of such governing body, by majority vote, to serve as a member of the panel. ~~[Such school district, board of cooperative educational services, fire district, fire protection district or other special district shall maintain such representation until the panel either~~

~~approves a plan or transmits a statement to the secretary of state on the reason the panel did not approve a plan, pursuant to paragraph d of subdivision seven of this section. Upon approval of a plan or a transmission of a statement to the secretary of state that a panel did not approve a plan in any calendar year, the county CEO may, but need not, invite any school district, board of cooperative educational services, fire district, fire protection district or special improvement district in the county to join a panel thereafter convened.]~~

3. ~~[a.]~~ Each county CEO ~~[shall, after satisfying the requirements of part BBB of chapter fifty-nine of the laws of two thousand seventeen, annually]~~ **may** convene the panel and ~~[shall]~~ undertake to revise and update a previously approved plan or alternatively develop a new plan ~~[through December thirty-first, two thousand twenty-one]~~. Such plans shall contain new, recurring property tax savings resulting from actions such as, but not limited to, the elimination of duplicative services; shared services arrangements including, joint purchasing, shared highway equipment, shared storage facilities, shared plowing services and energy and insurance purchasing cooperatives; reducing back office and administrative overhead; and better coordinating services. The secretary of state may provide advice and/or recommendations on the form and structure of such plans.

~~[b. After having convened at least two meetings in a calendar year, a panel may, by majority vote, determine that it is not in the best interest of the taxpayers to revise and update a previously approved plan or to develop a new plan in such year. The county CEO of such panel shall then comply with the provisions of paragraph (d) of subdivision seven of this section.]~~

4. ~~While revising or updating a previously approved plan, or while developing a new plan, the county CEO shall regularly consult with, and take recommendations from, the representatives: on the panel; of each collective bargaining unit of the county and the cities, towns, and villages; and of each collective bargaining unit of any participating school district, board of cooperative educational services, fire district, fire protection district, or special improvement district.~~

5. ~~The county CEO, the county legislative body and a panel shall accept input from the public, civic, business, labor and community leaders on any proposed plan. The county CEO shall cause to be conducted a minimum of three public hearings prior to submission of a plan to a vote of a panel. All such public hearings shall be conducted within the county, and public notice of all such hearings shall be provided at least one week prior in the manner prescribed in subdivision one of section one hundred four of the public officers law. Civic, business, labor, and community leaders, as well as members of the public, shall be permitted to provide public testimony at any such hearings.~~

6. ~~a. The county CEO shall submit each plan, accompanied by a certification as to the accuracy of the savings contained therein, to the county legislative body at least forty-five days prior to a vote by the panel.~~

~~b. The county legislative body shall review and consider each plan submitted in accordance with paragraph a of this subdivision. A majority of the members of such body may issue an advisory report on each plan, making recommendations as deemed necessary. The county CEO may modify a plan based on such recommendations, which shall include an updated certification as to the accuracy of the savings contained therein.~~

7. ~~a. A panel shall duly consider any plan properly submitted to the panel by the county CEO and may approve such plan by a majority vote of~~

~~1 the panel. Each member of a panel may, prior to the panel-wide vote,
2 cause to be removed from a plan any proposed action affecting the unit
3 of government represented by the respective member. Written notice of
4 such removal shall be provided to the county CEO prior to a panel-wide
5 vote on a plan.~~

~~6 b. Plans approved by a panel shall be transmitted to the secretary of
7 state no later than thirty days from the date of approval by a panel
8 accompanied by a certification as to the accuracy of the savings accom-
9 panied therein, and shall be publicly disseminated to residents of the
10 county in a concise, clear, and coherent manner using words with common
11 and everyday meaning.~~

~~12 c. The county CEO shall conduct a public presentation of any approved
13 plan no later than thirty days from the date of approval by a panel.
14 Public notice of such presentation shall be provided at least one week
15 prior in the manner prescribed in subdivision one of section one hundred
16 four of the public officers law.~~

~~17 d. Beginning in two thousand twenty, by January fifteenth following
18 any calendar year during which a panel did not approve a plan and trans-
19 mit such plan to the secretary of state pursuant to paragraph b of this
20 subdivision, the county CEO of such panel shall release to the public
21 and transmit to the secretary of state a statement explaining why the
22 panel did not approve a plan that year, including, for each vote on a
23 plan, the vote taken by each panel member and an explanation by each
24 panel member of their vote.~~

~~25 8. For each county, new shared services actions in an approved and
26 submitted plan pursuant to this section or part BBB of chapter fifty-
27 nine of the laws of two thousand seventeen, may be eligible for funding
28 to match savings from such action, subject to available appropriation.
29 Savings that are actually and demonstrably realized by the participating
30 local governments are eligible for matching funding. For actions that
31 are part of an approved plan transmitted to the secretary of state in
32 accordance with paragraph b of subdivision seven of this section,
33 savings achieved during either: (i) January first through December thirty-
34 first from new actions implemented on or after January first through
35 December thirty-first of the year immediately following an approved and
36 transmitted plan, or (ii) July first of the year immediately following
37 an approved and transmitted plan through June thirtieth of the subse-
38 quent year from new actions implemented July first of the year imme-
39 diately following an approved plan through June thirtieth of the subse-
40 quent year may be eligible for matching funding. Only net savings
41 between local governments for each action would be eligible for matching
42 funding. Savings from internal efficiencies or any other action taken by
43 a local government without the participation of another local government
44 are not eligible for matching funding. Each county and all of the local
45 governments within the county that are part of any action to be imple-
46 mented as part of an approved plan must collectively apply for the
47 matching funding and agree on the distribution and use of any matching
48 funding in order to qualify for matching funding.~~

~~49 9. The department of state shall prepare a report to the governor, the
50 temporary president of the senate and the speaker of the assembly on the
51 county wide shared services plans approved by the county wide shared
52 services panels created pursuant to part BBB of chapter fifty nine of
53 the laws of two thousand seventeen and this article and shall post the
54 report on the department's website. Such report shall be provided on or
55 before June thirtieth, two thousand twenty-five and shall include, but
56 not be limited to, the following:~~

~~a. a detailed summary of projects included in county wide shared services plans by category, such as:~~

- ~~(1) public health and insurance;~~
- ~~(2) emergency services;~~
- ~~(3) sewer, water, and waste management systems;~~
- ~~(4) energy procurement and efficiency;~~
- ~~(5) parks and recreation;~~
- ~~(6) education and workforce training;~~
- ~~(7) law and courts;~~
- ~~(8) shared equipment, personnel, and services;~~
- ~~(9) joint purchasing;~~
- ~~(10) governmental reorganization;~~
- ~~(11) transportation and highway departments; and~~
- ~~(12) records management and administrative functions.~~

~~b. for each of the counties the following information:~~

- ~~(1) a detailed summary of each of the savings plans, including revisions and updates submitted each year or the statement explaining why the county did not approve a plan in any year;~~
- ~~(2) the anticipated savings for each plan;~~
- ~~(3) the number of cities, towns and villages in the county;~~
- ~~(4) the number of cities, towns and villages that participated in a panel, as reported in a plan;~~
- ~~(5) the number of school districts, boards of cooperative educational services, fire districts, fire protection districts, or other special districts in the county; and~~
- ~~(6) the number of school districts, boards of cooperative educational services, fire districts, fire protection districts, or other special districts that participated in a panel, as reported in a plan.~~

~~10. The secretary of state may solicit, and the panels may provide at her or his request, advice and recommendations concerning matters related to the operations of local governments and shared services initiatives, including, but not limited to, making recommendations regarding grant proposals incorporating elements of shared services, government dissolutions, government and service consolidations, or property taxes and such other grants where the secretary deems the input of the panels to be in the best interest of the public. The panel shall advance such advice or recommendations by a vote of the majority of the members present at such meeting.~~

~~11. The authority granted by this article to a county CEO to convene a panel for the purpose of revising or updating a previously approved plan, or developing a new plan, or to provide the secretary of state information pursuant to subdivision ten of this section, shall cease on December thirty first, two thousand twenty four.~~

~~12. Notwithstanding any other provision of law to the contrary, monies constituting the funds of the village incorporation commission established pursuant to section 2-259 of the village law shall be deposited with the state comptroller and held for the purposes of the village incorporation commission established in article two of the village law; provided, however, that such monies shall be derived from the appropriation dedicated to the matching funds program pursuant to subdivision eight of this section and provided further, that such funding for such entity shall not be subject to the requirements of subdivision eight of this section related to savings.]~~

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024.

1

PART V

2 Section 1. Subdivision 1 of section 2799-gg of the public authorities
3 law, as amended by chapter 182 of the laws of 2009, is amended to read
4 as follows:

5 1. The authority shall have the power and is hereby authorized from
6 time to time to issue bonds, in conformity with applicable provisions of
7 the uniform commercial code, in such principal amounts as it may deter-
8 mine to be necessary pursuant to section twenty-seven hundred ninety-
9 nine-ff of this title to pay the cost of any project and to fund
10 reserves to secure such bonds, including incidental expenses in
11 connection therewith.

12 The aggregate principal amount of such bonds, notes or other obli-
13 gations outstanding shall not exceed [~~thirteen billion, five hundred~~
14 ~~million dollars (\$13,500,000,000)~~], beginning July first, two thousand
15 twenty-four, nineteen billion five hundred million dollars
16 (\$19,500,000,000), and beginning July first, two thousand twenty-five,
17 twenty-five billion five hundred million dollars (\$25,500,000,000),
18 excluding bonds, notes or other obligations issued pursuant to sections
19 twenty-seven hundred ninety-nine-ss and twenty-seven hundred ninety-
20 nine-tt of this title; provided, however, that upon any refunding or
21 repayment of bonds (which term shall not, for this purpose, include bond
22 anticipation notes), the total aggregate principal amount of outstanding
23 bonds, notes or other obligations may be greater than [~~thirteen billion,~~
24 ~~five hundred million dollars (\$13,500,000,000)~~], beginning July first,
25 two thousand twenty-four, nineteen billion five hundred million dollars
26 (\$19,500,000,000), and beginning July first, two thousand twenty-five,
27 twenty-five billion five hundred million dollars (\$25,500,000,000), only
28 if the refunding or repayment bonds, notes or other obligations were
29 issued in accordance with the provisions of subparagraph (a) of subdivi-
30 sion two of paragraph b of section 90.10 of the local finance law, as
31 amended from time to time. Notwithstanding the foregoing, bonds, notes
32 or other obligations issued by the authority may be outstanding in an
33 amount greater than the amount permitted by the preceding sentence,
34 provided that such additional amount at issuance, together with the
35 amount of indebtedness contracted by the city of New York, shall not
36 exceed the limit prescribed by section 104.00 of the local finance law.
37 The authority shall have the power from time to time to refund any bonds
38 of the authority by the issuance of new bonds whether the bonds to be
39 refunded have or have not matured, and may issue bonds partly to refund
40 bonds of the authority then outstanding and partly to pay the cost of
41 any project pursuant to section twenty-seven hundred ninety-nine-ff of
42 this title. Bonds issued by the authority shall be payable solely out of
43 particular revenues or other moneys of the authority as may be desig-
44 nated in the proceedings of the authority under which the bonds shall be
45 authorized to be issued, subject to any agreements entered into between
46 the authority and the city, and subject to any agreements with the hold-
47 ers of outstanding bonds pledging any particular revenues or moneys.

48 § 2. This act shall take effect immediately and shall be deemed to
49 have been in full force and effect on and after April 1, 2024.

50

PART W

51 Section 1. Paragraphs t, u and v of subdivision 10 of section 54 of
52 the state finance law, paragraph v as relettered by section 3 of part K

1 of chapter 55 of the laws of 2013, are relettered paragraphs u, v and w
2 and a new paragraph t is added to read as follows:

3 t. Local government efficiency grant program beginning in the state
4 fiscal year commencing April first, two thousand twenty-four. (i) (1)
5 For the purposes of this paragraph, "municipality" shall mean a county,
6 city, town, village, special improvement district, fire district, public
7 library, association library, or public library system as defined by
8 section two hundred seventy-two of the education law; provided, however,
9 that for the purposes of this definition, a public library system shall
10 be considered a municipality only in instances where such public library
11 system advances a joint application on behalf of its member libraries,
12 water authority, sewer authority, regional planning and development
13 board, school district, or board of cooperative educational services;
14 provided, however, that for the purposes of this definition, a board of
15 cooperative educational services shall be considered a municipality only
16 in instances where such board of cooperative educational services
17 advances a joint application on behalf of school districts and other
18 municipalities within the board of cooperative educational services
19 region; provided, however, that any agreements with a board of cooper-
20 ative educational services: shall not generate additional state aid;
21 shall be deemed not to be a part of the program, capital and administra-
22 tive budgets of the board of cooperative educational services for the
23 purposes of computing charges upon component school districts pursuant
24 to subdivision one and subparagraph seven of paragraph b of subdivision
25 four of section nineteen hundred fifty, and subdivision one of section
26 nineteen hundred fifty-one of the education law; and shall be deemed to
27 be a cooperative municipal service for purposes of subparagraph two of
28 paragraph d of subdivision four of section nineteen hundred fifty of the
29 education law.

30 (2) For the purposes of this paragraph, "functional consolidation"
31 shall mean one municipality completely providing a service or function
32 for another municipality, which no longer provides such service or func-
33 tion.

34 (ii) Within the annual amounts appropriated therefor, the secretary of
35 state may award competitive grants to municipalities to cover costs
36 associated with local government efficiency projects, including, but not
37 limited to, planning for or implementation of a municipal consolidation
38 or dissolution, a functional consolidation, a city or county charter
39 revision that includes functional consolidation, shared or cooperative
40 services, and regionalized delivery of services; provided, however, that
41 such local government efficiency projects must demonstrate new opportu-
42 nities for financial savings and operational efficiencies; provided,
43 further, that eligible local government efficiency projects shall not
44 include studies and plans for a local government re-organization eligi-
45 ble to receive a local government citizens re-organization empowerment
46 grant pursuant to paragraph q of this subdivision. The secretary of
47 state may focus the grant program in specific functional areas, within
48 distressed communities and areas of historically high local government
49 costs and property taxes, or in areas of unique opportunity, in which
50 case such areas of focus shall be detailed in a request for applica-
51 tions.

52 (iii) Any approved project shall include an examination of financial
53 savings, return on public investment and management improvements result-
54 ing from project implementation.

55 (iv) Local government efficiency grants may be used to cover costs
56 including, but not limited to, legal and consultant services, capital

1 improvements, transitional personnel costs and other necessary expenses
2 related to implementing the approved local government efficiency grant
3 work plan. Grants may be used for capital improvements, transitional
4 personnel costs or joint equipment purchases only where such expenses
5 are integral to implementation of the local government efficiency
6 project. No part of the grant shall be used by the applicant for recur-
7 ring expenses such as salaries, except that the salaries of certain
8 transitional personnel essential for the implementation of the approved
9 local government efficiency grant work plan shall be eligible for a
10 period not to exceed three years. The amounts awarded to a school
11 district pursuant to this subparagraph shall not be included in the
12 approved operating expense of the school district as defined in para-
13 graph t of subdivision one of section thirty-six hundred two of the
14 education law.

15 (v) The maximum cumulative grant award for a local government effi-
16 ciency project shall not exceed two hundred fifty thousand dollars per
17 municipality; provided, however, that in no case shall such a project
18 receive a cumulative grant award in excess of one million two hundred
19 fifty thousand dollars. The maximum grant award for a local government
20 efficiency planning project, or the planning component of a project that
21 includes both planning and implementation of a local government effi-
22 ciency project, shall not exceed twenty thousand dollars per munici-
23 pality; provided, however, that in no event shall such a planning
24 project receive a grant award in excess of one hundred thousand dollars.

25 (vi) Local matching funds equal to at least fifty percent of the total
26 cost of activities under the grant work plan approved by the department
27 of state shall be required for planning grants, and local matching funds
28 equal to at least ten percent of the total cost of activities under the
29 grant work plan approved by the department of state shall be required
30 for implementation grants. In the event an applicant is implementing a
31 project that the applicant developed through a successfully completed
32 planning grant funded under the local government efficiency grant
33 program or the shared municipal services incentive grant program, the
34 local matching funds required shall be reduced by the local matching
35 funds required by such successfully completed planning grant up to the
36 amount of local matching funds required for the implementation grant.

37 (vii) In the selection of grant awards, the secretary of state shall
38 give the highest priority to applications: (1) that would result in the
39 dissolution or consolidation of municipalities; (2) that would implement
40 the complete functional consolidation of a municipal service; or (3) by
41 local governments with historically high costs of local government or
42 sustained increases in property taxes. Priority will also be given to
43 municipalities that have previously completed a planning grant pursuant
44 to this program or the shared municipal services incentive grant
45 program, and to local governments currently involved in regional devel-
46 opment projects that have received funds through state community and
47 infrastructure development programs.

48 (viii) Within one week of the receipt of an application, the depart-
49 ment of state shall review the application to ensure the applicant has
50 filed the correct application, and to determine if any required sections
51 of the application contain no information. Within one business day of
52 determining an applicant has filed an incorrect application, or deter-
53 mining an application contains no information in a section required to
54 contain information, the department shall so notify the applicant.
55 Applicants shall be permitted to amend an application found to be miss-
56 ing information, and such application shall be reconsidered for approval

if it is amended by the application deadline. If an applicant has submitted an incorrect application, the applicant may submit the correct application to the appropriate program by the deadline for such program for consideration. Under no circumstances shall this subparagraph be deemed to require the extension of any application deadline established by the department, nor shall it obligate the department to conduct a substantive review of the contents of any application outside of the procedures established by the department for the purposes of maintaining the competitive integrity of the grant program.

(ix) Written notice shall be provided to an applicant of a decision regarding the grant or denial of an award under this paragraph, within thirty days after such decision.

(x) The department of state shall prepare an annual report to the governor and the legislature on the effectiveness of the local government efficiency grant program and the local government citizens re-organization empowerment grant program. Such report shall be provided on or before October first of each year and shall include, but not be limited to, the following: a summary of applications and awards for each grant category, an assessment of progress in implementing initiatives that received grant awards, and estimated financial savings and significant improvements in service realized by municipalities that have received grants.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024.

PART X

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).
16. Mined land reclamation program account (21084).
17. Great lakes restoration initiative account (21087).
18. Environmental protection and oil spill compensation fund (21200).
19. Public transportation systems account (21401).
20. Metropolitan mass transportation (21402).
21. Operating permit program account (21451).
22. Mobile source account (21452).
23. Statewide planning and research cooperative system account (21902).

- 1 24. New York state thruway authority account (21905).
- 2 25. Financial control board account (21911).
- 3 26. Regulation of racing account (21912).
- 4 27. State university dormitory income reimbursable account (21937).
- 5 28. Criminal justice improvement account (21945).
- 6 29. Environmental laboratory reference fee account (21959).
- 7 30. Training, management and evaluation account (21961).
- 8 31. Clinical laboratory reference system assessment account (21962).
- 9 32. Indirect cost recovery account (21978).
- 10 33. Multi-agency training account (21989).
- 11 34. Bell jar collection account (22003).
- 12 35. Industry and utility service account (22004).
- 13 36. Real property disposition account (22006).
- 14 37. Parking account (22007).
- 15 38. Courts special grants (22008).
- 16 39. Asbestos safety training program account (22009).
- 17 40. Batavia school for the blind account (22032).
- 18 41. Investment services account (22034).
- 19 42. Surplus property account (22036).
- 20 43. Financial oversight account (22039).
- 21 44. Regulation of Indian gaming account (22046).
- 22 45. Rome school for the deaf account (22053).
- 23 46. Seized assets account (22054).
- 24 47. Administrative adjudication account (22055).
- 25 48. New York City assessment account (22062).
- 26 49. Cultural education account (22063).
- 27 50. Local services account (22078).
- 28 51. DHCR mortgage servicing account (22085).
- 29 52. Housing indirect cost recovery account (22090).
- 30 53. Voting Machine Examinations account (22099).
- 31 54. DHCR-HCA application fee account (22100).
- 32 55. Low income housing monitoring account (22130).
- 33 56. Restitution account (22134).
- 34 57. Corporation administration account (22135).
- 35 58. New York State Home for Veterans in the Lower-Hudson Valley
- 36 account (22144).
- 37 59. Deferred compensation administration account (22151).
- 38 60. Rent revenue other New York City account (22156).
- 39 61. Rent revenue account (22158).
- 40 62. Transportation aviation account (22165).
- 41 63. Tax revenue arrearage account (22168).
- 42 64. New York State Campaign Finance Fund account (22211).
- 43 65. New York state medical indemnity fund account (22240).
- 44 66. Behavioral health parity compliance fund (22246).
- 45 67. Pharmacy benefit manager regulatory fund (22255).
- 46 68. State university general income offset account (22654).
- 47 69. Lake George park trust fund account (22751).
- 48 70. Highway safety program account (23001).
- 49 71. DOH drinking water program account (23102).
- 50 72. NYCCC operating offset account (23151).
- 51 73. Commercial gaming revenue account (23701).
- 52 74. Commercial gaming regulation account (23702).
- 53 75. Highway use tax administration account (23801).
- 54 76. New York state secure choice administrative account (23806).
- 55 77. New York state cannabis revenue fund (24800).
- 56 78. Fantasy sports administration account (24951).

1 79. Mobile sports wagering fund (24955).
2 80. Highway and bridge capital account (30051).
3 81. State university residence hall rehabilitation fund (30100).
4 82. State parks infrastructure account (30351).
5 83. Clean water/clean air implementation fund (30500).
6 84. Hazardous waste remedial cleanup account (31506).
7 85. Youth facilities improvement account (31701).
8 86. Housing assistance fund (31800).
9 87. Housing program fund (31850).
10 88. Highway facility purpose account (31951).
11 89. New York racing account (32213).
12 90. Capital miscellaneous gifts account (32214).
13 91. Information technology capital financing account (32215).
14 92. New York environmental protection and spill remediation account
15 (32219).
16 93. Mental hygiene facilities capital improvement fund (32300).
17 94. Correctional facilities capital improvement fund (32350).
18 95. New York State Storm Recovery Capital Fund (33000).
19 96. OGS convention center account (50318).
20 97. Empire Plaza Gift Shop (50327).
21 98. Unemployment Insurance Benefit Fund, Interest Assessment Account
22 (50651).
23 99. Centralized services fund (55000).
24 100. Archives records management account (55052).
25 101. Federal single audit account (55053).
26 102. Civil service administration account (55055).
27 103. Civil service EHS occupational health program account (55056).
28 104. Banking services account (55057).
29 105. Cultural resources survey account (55058).
30 106. Neighborhood work project account (55059).
31 107. Automation & printing chargeback account (55060).
32 108. OFT NYT account (55061).
33 109. Data center account (55062).
34 110. Intrusion detection account (55066).
35 111. Domestic violence grant account (55067).
36 112. Centralized technology services account (55069).
37 113. Labor contact center account (55071).
38 114. Human services contact center account (55072).
39 115. Tax contact center account (55073).
40 116. Department of law civil recoveries account (55074).
41 117. Executive direction internal audit account (55251).
42 118. CIO Information technology centralized services account (55252).
43 119. Health insurance internal service account (55300).
44 120. Civil service employee benefits division administrative account
45 (55301).
46 121. Correctional industries revolving fund (55350).
47 122. Employees health insurance account (60201).
48 123. Medicaid management information system escrow fund (60900).
49 124. Virtual currency assessments account.
50 125. Animal shelter regulation account.
51 126. Department of financial services IT modernization capital
52 account.
53 § 2. The state comptroller is hereby authorized and directed to loan
54 money in accordance with the provisions set forth in subdivision 5 of
55 section 4 of the state finance law to any account within the following
56 federal funds, provided the comptroller has made a determination that

1 sufficient federal grant award authority is available to reimburse such
2 loans:

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

12 § 3. 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, on
15 or before March 31, 2025, up to the unencumbered balance or the follow-
16 ing amounts:

17 Economic Development and Public Authorities:

- 18 1. \$2,175,000 from the miscellaneous special revenue fund, underground
19 facilities safety training account (22172), to the general fund.
- 20 2. An amount up to the unencumbered balance from the miscellaneous
21 special revenue fund, business and licensing services account (21977),
22 to the general fund.
- 23 3. \$19,810,000 from the miscellaneous special revenue fund, code
24 enforcement account (21904), to the general fund.
- 25 4. \$3,000,000 from the general fund to the miscellaneous special
26 revenue fund, tax revenue arrearage account (22168).

27 Education:

- 28 1. \$2,792,000,000 from the general fund to the state lottery fund,
29 education account (20901), as reimbursement for disbursements made from
30 such fund for supplemental aid to education pursuant to section 92-c of
31 the state finance law that are in excess of the amounts deposited in
32 such fund for such purposes pursuant to section 1612 of the tax law.
- 33 2. \$1,096,000,000 from the general fund to the state lottery fund, VLT
34 education account (20904), as reimbursement for disbursements made from
35 such fund for supplemental aid to education pursuant to section 92-c of
36 the state finance law that are in excess of the amounts deposited in
37 such fund for such purposes pursuant to section 1612 of the tax law.
- 38 3. \$121,600,000 from the general fund to the New York state commercial
39 gaming fund, commercial gaming revenue account (23701), as reimbursement
40 for disbursements made from such fund for supplemental aid to education
41 pursuant to section 97-nnnn of the state finance law that are in excess
42 of the amounts deposited in such fund for purposes pursuant to section
43 1352 of the racing, pari-mutuel wagering and breeding law.
- 44 4. \$995,000,000 from the general fund to the mobile sports wagering
45 fund, education account (24955), as reimbursement for disbursements made
46 from such fund for supplemental aid to education pursuant to section
47 92-c of the state finance law that are in excess of the amounts deposit-
48 ed in such fund for such purposes pursuant to section 1367 of the
49 racing, pari-mutuel wagering and breeding law.
- 50 5. \$25,000,000 from the interactive fantasy sports fund, fantasy
51 sports education account (24950), to the state lottery fund, education
52 account (20901), as reimbursement for disbursements made from such fund
53 for supplemental aid to education pursuant to section 92-c of the state
54 finance law.
- 55 6. An amount up to the unencumbered balance in the fund on March 31,
56 2025 from the charitable gifts trust fund, elementary and secondary

1 education account (24901), to the general fund, for payment of general
2 support for public schools pursuant to section 3609-a of the education
3 law.

4 7. Moneys from the state lottery fund (20900) up to an amount deposit-
5 ed in such fund pursuant to section 1612 of the tax law in excess of the
6 current year appropriation for supplemental aid to education pursuant to
7 section 92-c of the state finance law.

8 8. \$300,000 from the New York state local government records manage-
9 ment improvement fund, local government records management account
10 (20501), to the New York state archives partnership trust fund, archives
11 partnership trust maintenance account (20351).

12 9. \$900,000 from the general fund to the miscellaneous special revenue
13 fund, Batavia school for the blind account (22032).

14 10. \$900,000 from the general fund to the miscellaneous special reven-
15 ue fund, Rome school for the deaf account (22053).

16 11. \$343,400,000 from the state university dormitory income fund
17 (40350) to the miscellaneous special revenue fund, state university
18 dormitory income reimbursable account (21937).

19 12. \$79,100,000 from the state university income fund, state universi-
20 ty hospitals income reimbursable account (22656) to the general fund for
21 hospital debt service for the period April 1, 2024 through March 31,
22 2025.

23 13. \$24,000,000 from any of the state education department's special
24 revenue and internal service funds to the miscellaneous special revenue
25 fund, indirect cost recovery account (21978).

26 14. \$4,200,000 from any of the state education department's special
27 revenue or internal service funds to the capital projects fund (30000).

28 15. \$30,013,000 from the general fund to the miscellaneous special
29 revenue fund, HESC-insurance premium payments account (21960).

30 Environmental Affairs:

31 1. \$16,000,000 from any of the department of environmental conserva-
32 tion's special revenue federal funds, and/or federal capital funds, to
33 the environmental conservation special revenue fund, federal indirect
34 recovery account (21065).

35 2. \$5,000,000 from any of the department of environmental conserva-
36 tion's special revenue federal funds, and/or federal capital funds, to
37 the conservation fund (21150) or Marine Resources Account (21151) as
38 necessary to avoid diversion of conservation funds.

39 3. \$3,000,000 from any of the office of parks, recreation and historic
40 preservation capital projects federal funds and special revenue federal
41 funds to the miscellaneous special revenue fund, federal grant indirect
42 cost recovery account (22188).

43 4. \$1,000,000 from any of the office of parks, recreation and historic
44 preservation special revenue federal funds to the miscellaneous capital
45 projects fund, I love NY water account (32212).

46 5. \$100,000,000 from the general fund to the environmental protection
47 fund, environmental protection fund transfer account (30451).

48 6. \$6,000,000 from the general fund to the hazardous waste remedial
49 fund, hazardous waste oversight and assistance account (31505).

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

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

4 9. \$7,000,000 from the general fund to the enterprise fund, state fair
5 account (50051).

6 10. \$10,000,000 from the waste management & cleanup account (21053) to
7 the general fund.

8 11. \$3,000,000 from the waste management & cleanup account (21053) to
9 the environmental protection fund transfer account (30451).

10 12. \$10,000,000 from the general fund to the miscellaneous special
11 revenue fund, patron services account (22163).

12 13. \$15,000,000 from the enterprise fund, golf account (50332) to the
13 state park infrastructure fund, state park infrastructure account
14 (30351).

15 Family Assistance:

16 1. \$7,000,000 from any of the office of children and family services,
17 office of temporary and disability assistance, or department of health
18 special revenue federal funds and the general fund, in accordance with
19 agreements with social services districts, to the miscellaneous special
20 revenue fund, office of human resources development state match account
21 (21967).

22 2. \$4,000,000 from any of the office of children and family services
23 or office of temporary and disability assistance special revenue federal
24 funds to the miscellaneous special revenue fund, family preservation and
25 support services and family violence services account (22082).

26 3. \$18,670,000 from any of the office of children and family services,
27 office of temporary and disability assistance, or department of health
28 special revenue federal funds and any other miscellaneous revenues
29 generated from the operation of office of children and family services
30 programs to the general fund.

31 4. \$205,000,000 from any of the office of temporary and disability
32 assistance or department of health special revenue funds to the general
33 fund.

34 5. \$2,500,000 from any of the office of temporary and disability
35 assistance special revenue funds to the miscellaneous special revenue
36 fund, office of temporary and disability assistance program account
37 (21980).

38 6. \$35,000,000 from any of the office of children and family services,
39 office of temporary and disability assistance, department of labor, and
40 department of health special revenue federal funds to the office of
41 children and family services miscellaneous special revenue fund, multi-
42 agency training contract account (21989).

43 7. \$205,000,000 from the miscellaneous special revenue fund, youth
44 facility per diem account (22186), to the general fund.

45 8. \$621,850 from the general fund to the combined gifts, grants, and
46 bequests fund, WB Hoyt Memorial account (20128).

47 9. \$5,000,000 from the miscellaneous special revenue fund, state
48 central registry (22028), to the general fund.

49 10. \$900,000 from the general fund to the Veterans' Remembrance and
50 Cemetery Maintenance and Operation account (20201).

51 11. \$5,000,000 from the general fund to the housing program fund
52 (31850).

53 12. \$10,000,000 from any of the office of children and family services
54 special revenue federal funds to the office of the court administration
55 special revenue other federal iv-e funds account.

56 General Government:

- 1 1. \$9,000,000 from the general fund to the health insurance revolving
2 fund (55300).
- 3 2. \$292,400,000 from the health insurance reserve receipts fund
4 (60550) to the general fund.
- 5 3. \$150,000 from the general fund to the not-for-profit revolving loan
6 fund (20650).
- 7 4. \$150,000 from the not-for-profit revolving loan fund (20650) to the
8 general fund.
- 9 5. \$3,000,000 from the miscellaneous special revenue fund, surplus
10 property account (22036), to the general fund.
- 11 6. \$19,000,000 from the miscellaneous special revenue fund, revenue
12 arrearage account (22024), to the general fund.
- 13 7. \$3,326,000 from the miscellaneous special revenue fund, revenue
14 arrearage account (22024), to the miscellaneous special revenue fund,
15 authority budget office account (22138).
- 16 8. \$1,000,000 from the miscellaneous special revenue fund, parking
17 account (22007), to the general fund, for the purpose of reimbursing the
18 costs of debt service related to state parking facilities.
- 19 9. \$11,460,000 from the general fund to the agencies internal service
20 fund, central technology services account (55069), for the purpose of
21 enterprise technology projects.
- 22 10. \$10,000,000 from the general fund to the agencies internal service
23 fund, state data center account (55062).
- 24 11. \$12,000,000 from the miscellaneous special revenue fund, parking
25 account (22007), to the centralized services, building support services
26 account (55018).
- 27 12. \$33,000,000 from the general fund to the internal service fund,
28 business services center account (55022).
- 29 13. \$8,000,000 from the general fund to the internal service fund,
30 building support services account (55018).
- 31 14. \$1,500,000 from the combined expendable trust fund, plaza special
32 events account (20120), to the general fund.
- 33 15. \$50,000,000 from the New York State cannabis revenue fund (24800)
34 to the general fund.
- 35 16. A transfer from the general fund to the miscellaneous special
36 revenue fund, New York State Campaign Finance Fund Account (22211), up
37 to an amount equal to total reimbursements due to qualified candidates.
- 38 17. \$6,000,000 from the miscellaneous special revenue fund, standards
39 and purchasing account (22019), to the general fund.
- 40 18. \$5,600,000 from the banking department special revenue fund
41 (21970) funded by the assessment to defray operating expenses authorized
42 by section 206 of the financial services law to the IT Modernization
43 Capital Fund.
- 44 19. \$8,400,000 from the insurance department special revenue fund
45 (21994) funded by the assessment to defray operating expenses authorized
46 by section 206 of the financial services law to the IT Modernization
47 Capital Fund.
- 48 20. \$500,000 from the pharmacy benefits bureau special revenue fund
49 (22255) funded by the assessment to defray operating expenses authorized
50 by section 206 of the financial services law, to the IT Modernization
51 Capital Fund.
- 52 21. \$500,000 from the virtual currency special revenue fund (22262)
53 funded by the assessment to defray operating expenses authorized by
54 section 206 of the financial services law, to the IT Modernization Capi-
55 tal Fund.
- 56 Health:

1 1. A transfer from the general fund to the combined gifts, grants and
2 bequests fund, breast cancer research and education account (20155), up
3 to an amount equal to the monies collected and deposited into that
4 account in the previous fiscal year.

5 2. A transfer from the general fund to the combined gifts, grants and
6 bequests fund, prostate cancer research, detection, and education
7 account (20183), up to an amount equal to the moneys collected and
8 deposited into that account in the previous fiscal year.

9 3. A transfer from the general fund to the combined gifts, grants and
10 bequests fund, Alzheimer's disease research and assistance account
11 (20143), up to an amount equal to the moneys collected and deposited
12 into that account in the previous fiscal year.

13 4. \$3,600,000 from the miscellaneous special revenue fund, certificate
14 of need account (21920), to the miscellaneous capital projects fund,
15 healthcare IT capital subfund (32216).

16 5. \$4,000,000 from the miscellaneous special revenue fund, vital
17 health records account (22103), to the miscellaneous capital projects
18 fund, healthcare IT capital subfund (32216).

19 6. \$6,000,000 from the miscellaneous special revenue fund, profes-
20 sional medical conduct account (22088), to the miscellaneous capital
21 projects fund, healthcare IT capital subfund (32216).

22 7. \$131,000,000 from the HCRA resources fund (20800) to the capital
23 projects fund (30000).

24 8. \$6,550,000 from the general fund to the medical cannabis trust
25 fund, health operation and oversight account (23755).

26 9. An amount up to the unencumbered balance from the charitable gifts
27 trust fund, health charitable account (24900), to the general fund, for
28 payment of general support for primary, preventive, and inpatient health
29 care, dental and vision care, hunger prevention and nutritional assist-
30 ance, and other services for New York state residents with the overall
31 goal of ensuring that New York state residents have access to quality
32 health care and other related services.

33 10. \$500,000 from the miscellaneous special revenue fund, New York
34 State cannabis revenue fund (24800), to the miscellaneous special reven-
35 ue fund, environmental laboratory fee account (21959).

36 11. An amount up to the unencumbered balance from the public health
37 emergency charitable gifts trust fund (23816), to the general fund, for
38 payment of goods and services necessary to respond to a public health
39 disaster emergency or to assist or aid in responding to such a disaster.

40 12. \$1,000,000,000 from the general fund to the health care transfor-
41 mation fund (24850).

42 13. \$2,590,000 from the miscellaneous special revenue fund, patient
43 safety center account (22140), to the general fund.

44 14. \$1,000,000 from the miscellaneous special revenue fund, nursing
45 home receivership account (21925), to the general fund.

46 15. \$130,000 from the miscellaneous special revenue fund, quality of
47 care account (21915), to the general fund.

48 16. \$2,200,000 from the miscellaneous special revenue fund, adult home
49 quality enhancement account (22091), to the general fund.

50 17. \$22,113,000 from the general fund, to the miscellaneous special
51 revenue fund, helen hayes hospital account (22140).

52 18. \$4,850,000 from the general fund, to the miscellaneous special
53 revenue fund, New York city veterans' home account (22141).

54 19. \$3,675,000 from the general fund, to the miscellaneous special
55 revenue fund, New York state home for veterans' and their dependents at
56 oxford account (22142).

1 20. \$2,055,000 from the general fund, to the miscellaneous special
2 revenue fund, western New York veterans' home account (22143).

3 21. \$6,451,000 from the general fund, to the miscellaneous special
4 revenue fund, New York state for veterans in the lower-hudson valley
5 account (22144).

6 Labor:

7 1. \$600,000 from the miscellaneous special revenue fund, DOL fee and
8 penalty account (21923), to the child performer's protection fund, child
9 performer protection account (20401).

10 2. \$11,700,000 from the unemployment insurance interest and penalty
11 fund, unemployment insurance special interest and penalty account
12 (23601), to the general fund.

13 3. \$50,000,000 from the DOL fee and penalty account (21923), unemploy-
14 ment insurance special interest and penalty account (23601), and public
15 work enforcement account (21998), to the general fund.

16 4. \$850,000 from the miscellaneous special revenue fund, DOL elevator
17 safety program fund (22252) to the miscellaneous special revenue fund,
18 DOL fee and penalty account (21923).

19 Mental Hygiene:

20 1. \$3,800,000 from the general fund, to the agencies internal service
21 fund, civil service EHS occupational health program account (55056).

22 2. \$2,000,000 from the general fund, to the mental hygiene facilities
23 capital improvement fund (32300).

24 3. \$20,000,000 from the opioid settlement fund (23817) to the miscel-
25 laneous capital projects fund, opioid settlement capital account
26 (32200).

27 4. \$20,000,000 from the miscellaneous capital projects fund, opioid
28 settlement capital account (32200) to the opioid settlement fund
29 (23817).

30 Public Protection:

31 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
32 management account (21944), to the general fund.

33 2. \$2,587,000 from the general fund to the miscellaneous special
34 revenue fund, recruitment incentive account (22171).

35 3. \$23,773,000 from the general fund to the correctional industries
36 revolving fund, correctional industries internal service account
37 (55350).

38 4. \$2,000,000,000 from any of the division of homeland security and
39 emergency services special revenue federal funds to the general fund.

40 5. \$115,420,000 from the state police motor vehicle law enforcement
41 and motor vehicle theft and insurance fraud prevention fund, state
42 police motor vehicle enforcement account (22802), to the general fund
43 for state operation expenses of the division of state police.

44 6. \$138,272,000 from the general fund to the correctional facilities
45 capital improvement fund (32350).

46 7. \$5,000,000 from the general fund to the dedicated highway and
47 bridge trust fund (30050) for the purpose of work zone safety activities
48 provided by the division of state police for the department of transpor-
49 tation.

50 8. \$10,000,000 from the miscellaneous special revenue fund, statewide
51 public safety communications account (22123), to the capital projects
52 fund (30000).

53 9. \$9,830,000 from the miscellaneous special revenue fund, legal
54 services assistance account (22096), to the general fund.

55 10. \$1,000,000 from the general fund to the agencies internal service
56 fund, neighborhood work project account (55059).

1 11. \$7,980,000 from the miscellaneous special revenue fund, finger-
2 print identification & technology account (21950), to the general fund.

3 12. \$1,100,000 from the state police motor vehicle law enforcement and
4 motor vehicle theft and insurance fraud prevention fund, motor vehicle
5 theft and insurance fraud account (22801), to the general fund.

6 13. \$38,938,000 from the general fund to the miscellaneous special
7 revenue fund, criminal justice improvement account (21945).

8 14. \$6,000,000 from the general fund to the miscellaneous special
9 revenue fund, hazard mitigation revolving loan account.

10 15. \$234,000,000 from the indigent legal services fund, indigent legal
11 services account (23551) to the general fund.

12 Transportation:

13 1. \$20,000,000 from the general fund to the mass transportation oper-
14 ating assistance fund, public transportation systems operating assist-
15 ance account (21401), of which \$12,000,000 constitutes the base need for
16 operations.

17 2. \$727,500,000 from the general fund to the dedicated highway and
18 bridge trust fund (30050).

19 3. \$244,250,000 from the general fund to the MTA financial assistance
20 fund, mobility tax trust account (23651).

21 4. \$5,000,000 from the miscellaneous special revenue fund, transporta-
22 tion regulation account (22067) to the dedicated highway and bridge
23 trust fund (30050), for disbursements made from such fund for motor
24 carrier safety that are in excess of the amounts deposited in the dedi-
25 cated highway and bridge trust fund (30050) for such purpose pursuant to
26 section 94 of the transportation law.

27 5. \$477,000 from the miscellaneous special revenue fund, traffic adju-
28 dication account (22055), to the general fund.

29 6. \$5,000,000 from the miscellaneous special revenue fund, transporta-
30 tion regulation account (22067) to the general fund, for disbursements
31 made from such fund for motor carrier safety that are in excess of the
32 amounts deposited in the general fund for such purpose pursuant to
33 section 94 of the transportation law.

34 Miscellaneous:

35 1. \$500,000,000 from the general fund to any funds or accounts for the
36 purpose of reimbursing certain outstanding accounts receivable balances.

37 2. \$500,000,000 from the general fund to the debt reduction reserve
38 fund (40000).

39 3. \$450,000,000 from the New York state storm recovery capital fund
40 (33000) to the revenue bond tax fund (40152).

41 4. \$15,500,000 from the general fund, community projects account GG
42 (10256), to the general fund, state purposes account (10050).

43 5. \$100,000,000 from any special revenue federal fund to the general
44 fund, state purposes account (10050).

45 6. \$3,650,000,000 from the special revenue federal fund, ARPA-Fiscal
46 Recovery Fund (25546) to the general fund, state purposes account
47 (10050) to cover eligible costs incurred by the state.

48 7. \$1,000,000,000 from the general fund to the hazardous waste over-
49 sight and assistance account (31505), State parks infrastructure account
50 (30351), environmental protection fund transfer account (30451), the
51 correctional facilities capital improvement fund (32350), housing
52 program fund (31850), or the Mental hygiene facilities capital improve-
53 ment fund (32300), up to an amount equal to certain outstanding accounts
54 receivable balances.

§ 4. 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, 2025:

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 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).

4. 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.

5. Upon request of the commissioner of health up to \$13,694,000 from revenues credited to any of the department of health's special revenue funds, to the miscellaneous special revenue fund, administration account (21982).

6. Upon the request of the attorney general, up to \$4,000,000 from revenues credited to the federal health and human services fund, federal health and human services account (25117) or the miscellaneous special revenue fund, recoveries and revenue account (22041), to the miscellaneous special revenue fund, litigation settlement and civil recovery account (22117).

§ 5. On or before March 31, 2025, 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.

§ 6. 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, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2025, up to \$16,000,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Buffalo.

§ 7. 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, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2025, up to \$6,500,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Albany.

§ 8. Notwithstanding any law to the contrary, the state university chancellor or his or her designee is authorized and directed to transfer estimated tuition revenue balances from the state university collection fund (61000) to the state university income fund, state university general revenue offset account (22655) on or before March 31, 2025.

§ 8a. 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, upon request of the director of the budget, a total of up to \$100,000,000 from the general fund to the state university income fund, state university general revenue offset account (22655) and/or the state university income fund, state university hospitals income reimbursable account (22656) during the period July 1, 2024 through June 30, 2025 to pay costs attributable to the state university health science center at Brooklyn and/or the state university of New York hospital at Brooklyn, respectively, pursuant to a transformation plan approved by the director of the budget.

§ 9. 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, upon request of the director of the budget, up to \$1,318,326,500 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2024 through June 30, 2025 to support operations at the state university.

§ 10. 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, upon request of the director of the budget, up to \$103,000,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of April 1, 2024 through June 30, 2024 to support operations at the state university.

§ 11. 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, upon request of the director of the budget, up to \$49,600,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2024 to June 30, 2025 for general fund operating support pursuant to subparagraph (4-b) of paragraph h of subdivision 2 of section three hundred fifty-five of the education law.

§ 12. 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, upon request of the director of the budget, up to \$20,000,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2024 to June 30, 2025 to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of the education law.

§ 13. 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, upon request of the state university chancellor or his or her designee, up to \$55,000,000 from the state university income fund, state university hospitals income reimbursable account (22656), for services and expenses of hospital operations and capital expenditures at the state university hospitals; and the state university income fund, Long Island veterans' home account (22652) to the state university capital projects fund (32400) on or before June 30, 2025.

§ 14. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund, Stony Brook hospital collection account (61006), Brooklyn hospital collection account (61007), and Syracuse hospital collection account (61008) to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to pay hospital operating costs or to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals on or before March 31, 2025.

§ 15. Notwithstanding any law to the contrary, upon the direction of the director of the budget and the chancellor of the state university of New York or his or her designee, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer monies from the state university dormitory income fund (40350) to the state university residence hall rehabilitation fund (30100), and from the state university residence hall rehabilitation fund (30100) to the state university dormitory income fund (40350), in an amount not to exceed \$100 million from each fund.

§ 16. 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, at the request of the director of the budget, up to \$1 billion from the unencumbered balance of any special revenue fund or account, agency fund or account, internal service fund or account, enterprise fund or account, or any combination of such funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2024-25 budget. Transfers from federal funds, debt service funds, capital projects funds, the community projects fund, or funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

§ 17. 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, at the request of the director of the budget, up to \$100 million from any non-general fund or account, or combination of funds and accounts, to the miscellaneous special revenue fund, technology financing account (22207), the miscellaneous capital projects fund, the federal capital projects account (31350), information technology capital financing account (32215), or the centralized technology services account (55069), for the purpose of consolidating technology procurement and services. The amounts transferred to the miscellaneous special revenue fund, technology financing account (22207) pursuant to

1 this authorization shall be equal to or less than the amount of such
2 monies intended to support information technology costs which are
3 attributable, according to a plan, to such account made in pursuance to
4 an appropriation by law. Transfers to the technology financing account
5 shall be completed from amounts collected by non-general funds or
6 accounts pursuant to a fund deposit schedule or permanent statute, and
7 shall be transferred to the technology financing account pursuant to a
8 schedule agreed upon by the affected agency commissioner. Transfers from
9 funds that would result in the loss of eligibility for federal benefits
10 or federal funds pursuant to federal law, rule, or regulation as assent-
11 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
12 1951 are not permitted pursuant to this authorization.

13 § 18. Notwithstanding any law to the contrary, and in accordance with
14 section 4 of the state finance law, the comptroller is hereby authorized
15 and directed to transfer, at the request of the director of the budget,
16 up to \$400 million from any non-general fund or account, or combination
17 of funds and accounts, to the general fund for the purpose of consol-
18 idating technology procurement and services. The amounts transferred
19 pursuant to this authorization shall be equal to or less than the amount
20 of such monies intended to support information technology costs which
21 are attributable, according to a plan, to such account made in pursuance
22 to an appropriation by law. Transfers to the general fund shall be
23 completed from amounts collected by non-general funds or accounts pursu-
24 ant to a fund deposit schedule. Transfers from funds that would result
25 in the loss of eligibility for federal benefits or federal funds pursu-
26 ant to federal law, rule, or regulation as assented to in chapter 683 of
27 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
28 pursuant to this authorization.

29 § 19. Notwithstanding any provision of law to the contrary, as deemed
30 feasible and advisable by its trustees, the power authority of the state
31 of New York is authorized and directed to transfer to the state treasury
32 to the credit of the general fund up to \$20,000,000 for the state fiscal
33 year commencing April 1, 2024, the proceeds of which will be utilized to
34 support energy-related state activities.

35 § 20. Notwithstanding any provision of law to the contrary, as deemed
36 feasible and advisable by its trustees, the power authority of the state
37 of New York is authorized to transfer to the state treasury to the cred-
38 it of the general fund up to \$25,000,000 for the state fiscal year
39 commencing April 1, 2024, the proceeds of which will be utilized to
40 support programs established or implemented by or within the department
41 of labor, including but not limited to the office of just energy transi-
42 tion and programs for workforce training and retraining, to prepare
43 workers for employment for work in the renewable energy field.

44 § 21. Notwithstanding any provision of law, rule or regulation to the
45 contrary, the New York state energy research and development authority
46 is authorized and directed to contribute \$913,000 to the state treasury
47 to the credit of the general fund on or before March 31, 2025.

48 § 22. Notwithstanding any provision of law, rule or regulation to the
49 contrary, the New York state energy research and development authority
50 is authorized and directed to transfer five million dollars to the cred-
51 it of the Environmental Protection Fund on or before March 31, 2025 from
52 proceeds collected by the authority from the auction or sale of carbon
53 dioxide emission allowances allocated by the department of environmental
54 conservation.

§ 23. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 21 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

5. Notwithstanding the provisions of section one hundred seventy-one-a of the tax law, as separately amended by chapters four hundred eighty-one and four hundred eighty-four of the laws of nineteen hundred eighty-one, and notwithstanding the provisions of chapter ninety-four of the laws of two thousand eleven, or any other provisions of law to the contrary, during the fiscal year beginning April first, two thousand ~~[twenty-three]~~ twenty-four, the state comptroller is hereby authorized and directed to deposit to the fund created pursuant to this section from amounts collected pursuant to article twenty-two of the tax law and pursuant to a schedule submitted by the director of the budget, up to ~~[\$1,716,913,000]~~ \$1,575,393,000 as may be certified in such schedule as necessary to meet the purposes of such fund for the fiscal year beginning April first, two thousand ~~[twenty-three]~~ twenty-four.

§ 24. 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, 2025, 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. \$1,537,000 from the miscellaneous special revenue fund, helen hayes hospital account (22140).

3. \$474,000 from the miscellaneous special revenue fund, New York city veterans' home account (22141).

4. \$593,000 from the miscellaneous special revenue fund, New York state home for veterans' and their dependents at oxford account (22142).

5. \$177,000 from the miscellaneous special revenue fund, western New York veterans' home account (22143).

6. \$336,000 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. \$9,173,000 from the miscellaneous special revenue fund, state university general income reimbursable account (22653).

9. \$150,218,000 from the miscellaneous special revenue fund, state university revenue offset account (22655).

10. \$50,197,000 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).

§ 25. Subdivision 6 of section 4 of the state finance law, as amended by section 24 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

6. Notwithstanding any law to the contrary, at the beginning of the state fiscal year, the state comptroller is hereby authorized and directed to receive for deposit to the credit of a fund and/or an account such monies as are identified by the director of the budget as having been intended for such deposit to support disbursements from such fund and/or account made in pursuance of an appropriation by law. As soon as practicable upon enactment of the budget, the director of the budget shall, but not less than three days following preliminary submission to the chairs of the senate finance committee and the assem-

bly ways and means committee, file with the state comptroller an identification of specific monies to be so deposited. Any subsequent change regarding the monies to be so deposited shall be filed by the director of the budget, as soon as practicable, but not less than three days following preliminary submission to the chairs of the senate finance committee and the assembly ways and means committee.

All monies identified by the director of the budget to be deposited to the credit of a fund and/or account shall be consistent with the intent of the budget for the then current state fiscal year as enacted by the legislature.

The provisions of this subdivision shall expire on March thirty-first, ~~[two thousand twenty-four]~~ two thousand twenty-eight.

§ 26. Subdivision 4 of section 40 of the state finance law, as amended by section 25 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

4. Every appropriation made from a fund or account to a department or agency shall be available for the payment of prior years' liabilities in such fund or account for fringe benefits, indirect costs, and telecommunications expenses and expenses for other centralized services fund programs without limit. Every appropriation shall also be available for the payment of prior years' liabilities other than those indicated above, but only to the extent of one-half of one percent of the total amount appropriated to a department or agency in such fund or account.

The provisions of this subdivision shall expire March thirty-first, ~~[two thousand twenty-four]~~ two thousand twenty-eight.

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

§ 28. Subdivision 1 of section 16 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 27 of part PP of chapter 56 of the laws of 2023, 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

1 aggregate principal amount not to exceed [~~nine billion eight hundred~~
2 ~~sixty five million eight hundred fifty nine thousand dollars~~
3 ~~\$9,865,859,000~~] ten billion two hundred ninety-nine million three
4 hundred fifty-nine thousand dollars \$10,299,359,000, and shall include
5 all bonds, notes and other obligations issued pursuant to chapter 56 of
6 the laws of 1983, as amended or supplemented. The proceeds of such
7 bonds, notes or other obligations shall be paid to the state, for depos-
8 it in the correctional facilities capital improvement fund to pay for
9 all or any portion of the amount or amounts paid by the state from
10 appropriations or reappropriations made to the department of corrections
11 and community supervision from the correctional facilities capital
12 improvement fund for capital projects. The aggregate amount of bonds,
13 notes or other obligations authorized to be issued pursuant to this
14 section shall exclude bonds, notes or other obligations issued to refund
15 or otherwise repay bonds, notes or other obligations theretofore issued,
16 the proceeds of which were paid to the state for all or a portion of the
17 amounts expended by the state from appropriations or reappropriations
18 made to the department of corrections and community supervision;
19 provided, however, that upon any such refunding or repayment the total
20 aggregate principal amount of outstanding bonds, notes or other obli-
21 gations may be greater than [~~nine billion eight hundred sixty five~~
22 ~~million eight hundred fifty nine thousand dollars \$9,865,859,000~~] ten
23 billion two hundred ninety-nine million three hundred fifty-nine thou-
24 sand dollars \$10,299,359,000, only if the present value of the aggregate
25 debt service of the refunding or repayment bonds, notes or other obli-
26 gations to be issued shall not exceed the present value of the aggregate
27 debt service of the bonds, notes or other obligations so to be refunded
28 or repaid. For the purposes hereof, the present value of the aggregate
29 debt service of the refunding or repayment bonds, notes or other obli-
30 gations and of the aggregate debt service of the bonds, notes or other
31 obligations so refunded or repaid, shall be calculated by utilizing the
32 effective interest rate of the refunding or repayment bonds, notes or
33 other obligations, which shall be that rate arrived at by doubling the
34 semi-annual interest rate (compounded semi-annually) necessary to
35 discount the debt service payments on the refunding or repayment bonds,
36 notes or other obligations from the payment dates thereof to the date of
37 issue of the refunding or repayment bonds, notes or other obligations
38 and to the price bid including estimated accrued interest or proceeds
39 received by the corporation including estimated accrued interest from
40 the sale thereof.

41 § 29. Paragraph (a) of subdivision 2 of section 47-e of the private
42 housing finance law, as amended by section 42 of part PP of chapter 56
43 of the laws of 2023, is amended to read as follows:

44 (a) Subject to the provisions of chapter fifty-nine of the laws of two
45 thousand, in order to enhance and encourage the promotion of housing
46 programs and thereby achieve the stated purposes and objectives of such
47 housing programs, the agency shall have the power and is hereby author-
48 ized from time to time to issue negotiable housing program bonds and
49 notes in such principal amount as shall be necessary to provide suffi-
50 cient funds for the repayment of amounts disbursed (and not previously
51 reimbursed) pursuant to law or any prior year making capital appropri-
52 ations or reappropriations for the purposes of the housing program;
53 provided, however, that the agency may issue such bonds and notes in an
54 aggregate principal amount not exceeding [~~thirteen billion six hundred~~
55 ~~thirty five million four hundred twenty five thousand dollars~~
56 ~~\$13,635,425,000~~] thirteen billion nine hundred twenty-nine million three

1 hundred eighty-nine thousand dollars \$13,929,389,000, plus a principal
2 amount of bonds issued to fund the debt service reserve fund in accord-
3 ance with the debt service reserve fund requirement established by the
4 agency and to fund any other reserves that the agency reasonably deems
5 necessary for the security or marketability of such bonds and to provide
6 for the payment of fees and other charges and expenses, including under-
7 writers' discount, trustee and rating agency fees, bond insurance, cred-
8 it enhancement and liquidity enhancement related to the issuance of such
9 bonds and notes. No reserve fund securing the housing program bonds
10 shall be entitled or eligible to receive state funds apportioned or
11 appropriated to maintain or restore such reserve fund at or to a partic-
12 ular level, except to the extent of any deficiency resulting directly or
13 indirectly from a failure of the state to appropriate or pay the agreed
14 amount under any of the contracts provided for in subdivision four of
15 this section.

16 § 30. Paragraph (b) of subdivision 1 of section 385 of the public
17 authorities law, as amended by section 45 of part PP of chapter 56 of
18 the laws of 2023, is amended to read as follows:

19 (b) The authority is hereby authorized, as additional corporate
20 purposes thereof solely upon the request of the director of the budget:
21 (i) to issue special emergency highway and bridge trust fund bonds and
22 notes for a term not to exceed thirty years and to incur obligations
23 secured by the moneys appropriated from the dedicated highway and bridge
24 trust fund established in section eighty-nine-b of the state finance
25 law; (ii) to make available the proceeds in accordance with instructions
26 provided by the director of the budget from the sale of such special
27 emergency highway and bridge trust fund bonds, notes or other obli-
28 gations, net of all costs to the authority in connection therewith, for
29 the purposes of financing all or a portion of the costs of activities
30 for which moneys in the dedicated highway and bridge trust fund estab-
31 lished in section eighty-nine-b of the state finance law are authorized
32 to be utilized or for the financing of disbursements made by the state
33 for the activities authorized pursuant to section eighty-nine-b of the
34 state finance law; and (iii) to enter into agreements with the commis-
35 sioner of transportation pursuant to section ten-e of the highway law
36 with respect to financing for any activities authorized pursuant to
37 section eighty-nine-b of the state finance law, or agreements with the
38 commissioner of transportation pursuant to sections ten-f and ten-g of
39 the highway law in connection with activities on state highways pursuant
40 to these sections, and (iv) to enter into service contracts, contracts,
41 agreements, deeds and leases with the director of the budget or the
42 commissioner of transportation and project sponsors and others to
43 provide for the financing by the authority of activities authorized
44 pursuant to section eighty-nine-b of the state finance law, and each of
45 the director of the budget and the commissioner of transportation are
46 hereby authorized to enter into service contracts, contracts, agree-
47 ments, deeds and leases with the authority, project sponsors or others
48 to provide for such financing. The authority shall not issue any bonds
49 or notes in an amount in excess of [~~twenty billion six hundred forty-~~
50 ~~eight million five hundred seven thousand dollars \$20,648,507,000~~] twen-
51 ty-one billion four hundred fifty-eight million three hundred nine thou-
52 sand dollars \$21,458,309,000, plus a principal amount of bonds or notes:
53 (A) to fund capital reserve funds; (B) to provide capitalized interest;
54 and, (C) to fund other costs of issuance. In computing for the purposes
55 of this subdivision, the aggregate amount of indebtedness evidenced by
56 bonds and notes of the authority issued pursuant to this section, as

1 amended by a chapter of the laws of nineteen hundred ninety-six, there
2 shall be excluded the amount of bonds or notes issued that would consti-
3 tute interest under the United States Internal Revenue Code of 1986, as
4 amended, and the amount of indebtedness issued to refund or otherwise
5 repay bonds or notes.

6 § 31. Paragraph (c) of subdivision 14 of section 1680 of the public
7 authorities law, as amended by section 32 of part PP of chapter 56 of
8 the laws of 2023, is amended to read as follows:

9 (c) Subject to the provisions of chapter fifty-nine of the laws of two
10 thousand, (i) the dormitory authority shall not deliver a series of
11 bonds for city university community college facilities, except to refund
12 or to be substituted for or in lieu of other bonds in relation to city
13 university community college facilities pursuant to a resolution of the
14 dormitory authority adopted before July first, nineteen hundred eighty-
15 five or any resolution supplemental thereto, if the principal amount of
16 bonds so to be issued when added to all principal amounts of bonds
17 previously issued by the dormitory authority for city university commu-
18 nity college facilities, except to refund or to be substituted in lieu
19 of other bonds in relation to city university community college facili-
20 ties will exceed the sum of four hundred twenty-five million dollars and
21 (ii) the dormitory authority shall not deliver a series of bonds issued
22 for city university facilities, including community college facilities,
23 pursuant to a resolution of the dormitory authority adopted on or after
24 July first, nineteen hundred eighty-five, except to refund or to be
25 substituted for or in lieu of other bonds in relation to city university
26 facilities and except for bonds issued pursuant to a resolution supple-
27 mental to a resolution of the dormitory authority adopted prior to July
28 first, nineteen hundred eighty-five, if the principal amount of bonds so
29 to be issued when added to the principal amount of bonds previously
30 issued pursuant to any such resolution, except bonds issued to refund or
31 to be substituted for or in lieu of other bonds in relation to city
32 university facilities, will exceed ~~[eleven billion three hundred four-~~
33 ~~teen million three hundred fifty-two thousand dollars \$11,314,352,000]~~
34 eleven billion seven hundred twenty-two million two hundred twenty-two
35 thousand dollars \$11,722,222,000. The legislature reserves the right to
36 amend or repeal such limit, and the state of New York, the dormitory
37 authority, the city university, and the fund are prohibited from coven-
38 anting or making any other agreements with or for the benefit of bond-
39 holders which might in any way affect such right.

40 § 32. Subdivision 1 of section 1689-i of the public authorities law,
41 as amended by section 39 of part PP of chapter 56 of the laws of 2023,
42 is amended to read as follows:

43 1. The dormitory authority is authorized to issue bonds, at the
44 request of the commissioner of education, to finance eligible library
45 construction projects pursuant to section two hundred seventy-three-a of
46 the education law, in amounts certified by such commissioner not to
47 exceed a total principal amount of ~~[three hundred sixty-seven million~~
48 ~~dollars \$367,000,000]~~ four hundred one million dollars \$401,000,000.

49 § 33. Paragraph (c) of subdivision 19 of section 1680 of the public
50 authorities law, as amended by section 31 of part PP of chapter 56 of
51 the laws of 2023, is amended to read as follows:

52 (c) Subject to the provisions of chapter fifty-nine of the laws of two
53 thousand, the dormitory authority shall not issue any bonds for state
54 university educational facilities purposes if the principal amount of
55 bonds to be issued when added to the aggregate principal amount of bonds
56 issued by the dormitory authority on and after July first, nineteen

1 hundred eighty-eight for state university educational facilities will
2 exceed [~~eighteen billion one hundred ten million nine hundred sixty-four~~
3 ~~thousand dollars \$18,110,964,000~~] eighteen billion seven hundred seven-
4 ty-three million nine hundred sixty-four thousand dollars
5 \$18,773,964,000; provided, however, that bonds issued or to be issued
6 shall be excluded from such limitation if: (1) such bonds are issued to
7 refund state university construction bonds and state university
8 construction notes previously issued by the housing finance agency; or
9 (2) such bonds are issued to refund bonds of the authority or other
10 obligations issued for state university educational facilities purposes
11 and the present value of the aggregate debt service on the refunding
12 bonds does not exceed the present value of the aggregate debt service on
13 the bonds refunded thereby; provided, further that upon certification by
14 the director of the budget that the issuance of refunding bonds or other
15 obligations issued between April first, nineteen hundred ninety-two and
16 March thirty-first, nineteen hundred ninety-three will generate long
17 term economic benefits to the state, as assessed on a present value
18 basis, such issuance will be deemed to have met the present value test
19 noted above. For purposes of this subdivision, the present value of the
20 aggregate debt service of the refunding bonds and the aggregate debt
21 service of the bonds refunded, shall be calculated by utilizing the true
22 interest cost of the refunding bonds, which shall be that rate arrived
23 at by doubling the semi-annual interest rate (compounded semi-annually)
24 necessary to discount the debt service payments on the refunding bonds
25 from the payment dates thereof to the date of issue of the refunding
26 bonds to the purchase price of the refunding bonds, including interest
27 accrued thereon prior to the issuance thereof. The maturity of such
28 bonds, other than bonds issued to refund outstanding bonds, shall not
29 exceed the weighted average economic life, as certified by the state
30 university construction fund, of the facilities in connection with which
31 the bonds are issued, and in any case not later than the earlier of
32 thirty years or the expiration of the term of any lease, sublease or
33 other agreement relating thereto; provided that no note, including
34 renewals thereof, shall mature later than five years after the date of
35 issuance of such note. The legislature reserves the right to amend or
36 repeal such limit, and the state of New York, the dormitory authority,
37 the state university of New York, and the state university construction
38 fund are prohibited from covenanting or making any other agreements with
39 or for the benefit of bondholders which might in any way affect such
40 right.

41 § 34. Subdivision 10-a of section 1680 of the public authorities law,
42 as amended by section 33 of part PP of chapter 56 of the laws of 2023,
43 is amended to read as follows:

44 10-a. Subject to the provisions of chapter fifty-nine of the laws of
45 two thousand, but notwithstanding any other provision of the law to the
46 contrary, the maximum amount of bonds and notes to be issued after March
47 thirty-first, two thousand two, on behalf of the state, in relation to
48 any locally sponsored community college, shall be [~~one billion two~~
49 ~~hundred twenty-seven million ninety-five thousand dollars~~
50 ~~\$1,227,095,000~~] one billion three hundred sixty-five million three
51 hundred eight thousand dollars \$1,365,308,000. Such amount shall be
52 exclusive of bonds and notes issued to fund any reserve fund or funds,
53 costs of issuance and to refund any outstanding bonds and notes, issued
54 on behalf of the state, relating to a locally sponsored community
55 college.

§ 35. Paragraph b of subdivision 2 of section 9-a of section 1 of chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, as amended by section 35 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

b. The agency shall have power and is hereby authorized from time to time to issue negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary, after taking into account other moneys which may be available for the purpose, to provide sufficient funds to the facilities development corporation, or any successor agency, for the financing or refinancing of or for the design, construction, acquisition, reconstruction, rehabilitation or improvement of mental health services facilities pursuant to paragraph a of this subdivision, the payment of interest on mental health services improvement bonds and mental health services improvement notes issued for such purposes, the establishment of reserves to secure such bonds and notes, the cost or premium of bond insurance or the costs of any financial mechanisms which may be used to reduce the debt service that would be payable by the agency on its mental health services facilities improvement bonds and notes and all other expenditures of the agency incident to and necessary or convenient to providing the facilities development corporation, or any successor agency, with funds for the financing or refinancing of or for any such design, construction, acquisition, reconstruction, rehabilitation or improvement and for the refunding of mental hygiene improvement bonds issued pursuant to section 47-b of the private housing finance law; provided, however, that the agency shall not issue mental health services facilities improvement bonds and mental health services facilities improvement notes in an aggregate principal amount exceeding [~~twelve billion four hundred eighteen million three hundred thirty-seven thousand dollars \$12,418,337,000~~] twelve billion nine hundred twenty-one million seven hundred fifty-six thousand dollars \$12,921,756,000, excluding mental health services facilities improvement bonds and mental health services facilities improvement notes issued to refund outstanding mental health services facilities improvement bonds and mental health services facilities improvement notes; provided, however, that upon any such refunding or repayment of mental health services facilities improvement bonds and/or mental health services facilities improvement notes the total aggregate principal amount of outstanding mental health services facilities improvement bonds and mental health facilities improvement notes may be greater than [~~twelve billion four hundred eighteen million three hundred thirty-seven thousand dollars \$12,418,337,000~~] twelve billion nine hundred twenty-one million seven hundred fifty-six thousand dollars \$12,921,756,000, only if, except as hereinafter provided with respect to mental health services facilities bonds and mental health services facilities notes issued to refund mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law, the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the

1 semi-annual interest rate (compounded semi-annually) necessary to
2 discount the debt service payments on the refunding or repayment bonds,
3 notes or other obligations from the payment dates thereof to the date of
4 issue of the refunding or repayment bonds, notes or other obligations
5 and to the price bid including estimated accrued interest or proceeds
6 received by the authority including estimated accrued interest from the
7 sale thereof. Such bonds, other than bonds issued to refund outstanding
8 bonds, shall be scheduled to mature over a term not to exceed the aver-
9 age useful life, as certified by the facilities development corporation,
10 of the projects for which the bonds are issued, and in any case shall
11 not exceed thirty years and the maximum maturity of notes or any
12 renewals thereof shall not exceed five years from the date of the
13 original issue of such notes. Notwithstanding the provisions of this
14 section, the agency shall have the power and is hereby authorized to
15 issue mental health services facilities improvement bonds and/or mental
16 health services facilities improvement notes to refund outstanding
17 mental hygiene improvement bonds authorized to be issued pursuant to the
18 provisions of section 47-b of the private housing finance law and the
19 amount of bonds issued or outstanding for such purposes shall not be
20 included for purposes of determining the amount of bonds issued pursuant
21 to this section. The director of the budget shall allocate the aggregate
22 principal authorized to be issued by the agency among the office of
23 mental health, office for people with developmental disabilities, and
24 the office of addiction services and supports, in consultation with
25 their respective commissioners to finance bondable appropriations previ-
26 ously approved by the legislature.

27 § 36. Subdivision (a) of section 48 of part K of chapter 81 of the
28 laws of 2002, relating to providing for the administration of certain
29 funds and accounts related to the 2002-2003 budget, as amended by
30 section 30 of part PP of chapter 56 of the laws of 2023, is amended to
31 read as follows:

32 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
33 notwithstanding the provisions of section 18 of the urban development
34 corporation act, the corporation is hereby authorized to issue bonds or
35 notes in one or more series in an aggregate principal amount not to
36 exceed [~~five hundred one million five hundred thousand dollars~~
37 ~~\$501,500,000~~] five hundred twenty-two million five hundred thousand
38 dollars \$522,500,000, excluding bonds issued to fund one or more debt
39 service reserve funds, to pay costs of issuance of such bonds, and bonds
40 or notes issued to refund or otherwise repay such bonds or notes previ-
41 ously issued, for the purpose of financing capital costs related to
42 homeland security and training facilities for the division of state
43 police, the division of military and naval affairs, and any other state
44 agency, including the reimbursement of any disbursements made from the
45 state capital projects fund, and is hereby authorized to issue bonds or
46 notes in one or more series in an aggregate principal amount not to
47 exceed [~~one billion seven hundred thirteen million eighty-six thousand~~
48 ~~dollars \$1,713,086,000~~] one billion eight hundred fifty-five million two
49 hundred eighty-six thousand dollars \$1,855,286,000, excluding bonds
50 issued to fund one or more debt service reserve funds, to pay costs of
51 issuance of such bonds, and bonds or notes issued to refund or otherwise
52 repay such bonds or notes previously issued, for the purpose of financ-
53 ing improvements to State office buildings and other facilities located
54 statewide, including the reimbursement of any disbursements made from
55 the state capital projects fund. Such bonds and notes of the corporation
56 shall not be a debt of the state, and the state shall not be liable

1 thereon, nor shall they be payable out of any funds other than those
2 appropriated by the state to the corporation for debt service and
3 related expenses pursuant to any service contracts executed pursuant to
4 subdivision (b) of this section, and such bonds and notes shall contain
5 on the face thereof a statement to such effect.

6 § 37. Subdivision 1 of section 47 of section 1 of chapter 174 of the
7 laws of 1968, constituting the New York state urban development corpo-
8 ration act, as amended by section 44 of part PP of chapter 56 of the
9 laws of 2023, is amended to read as follows:

10 1. Notwithstanding the provisions of any other law to the contrary,
11 the dormitory authority and the corporation are hereby authorized to
12 issue bonds or notes in one or more series for the purpose of funding
13 project costs for the office of information technology services, depart-
14 ment of law, and other state costs associated with such capital
15 projects. The aggregate principal amount of bonds authorized to be
16 issued pursuant to this section shall not exceed [~~one billion three~~
17 ~~hundred fifty-three million eight hundred fifty-two thousand dollars~~
18 ~~\$1,353,852,000~~] one billion seven hundred forty-two million seven
19 hundred twelve thousand dollars \$1,742,712,000, excluding bonds issued
20 to fund one or more debt service reserve funds, to pay costs of issuance
21 of such bonds, and bonds or notes issued to refund or otherwise repay
22 such bonds or notes previously issued. Such bonds and notes of the
23 dormitory authority and the corporation shall not be a debt of the
24 state, and the state shall not be liable thereon, nor shall they be
25 payable out of any funds other than those appropriated by the state to
26 the dormitory authority and the 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 § 38. Subdivision (b) of section 11 of chapter 329 of the laws of
33 1991, amending the state finance law and other laws relating to the
34 establishment of the dedicated highway and bridge trust fund, as amended
35 by section 38 of part PP of chapter 56 of the laws of 2023, is amended
36 to read as follows:

37 (b) Any service contract or contracts for projects authorized pursuant
38 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
39 14-k of the transportation law, and entered into pursuant to subdivision
40 (a) of this section, shall provide for state commitments to provide
41 annually to the thruway authority a sum or sums, upon such terms and
42 conditions as shall be deemed appropriate by the director of the budget,
43 to fund, or fund the debt service requirements of any bonds or any obli-
44 gations of the thruway authority issued to fund or to reimburse the
45 state for funding such projects having a cost not in excess of [~~thirteen~~
46 ~~billion nine hundred forty-nine million two hundred thirty-four thousand~~
47 ~~dollars \$13,949,234,000~~] fourteen billion seven hundred forty-two
48 million five hundred eighty-seven thousand dollars \$14,742,587,000
49 cumulatively by the end of fiscal year [~~2023-24~~] 2024-25. For purposes
50 of this subdivision, such projects shall be deemed to include capital
51 grants to cities, towns and villages for the reimbursement of eligible
52 capital costs of local highway and bridge projects within such munici-
53 pality, where allocations to cities, towns and villages are based on the
54 total number of New York or United States or interstate signed touring
55 route miles for which such municipality has capital maintenance respon-
56 sibility, and where such eligible capital costs include the costs of

1 construction and repair of highways, bridges, highway-railroad cross-
2 ings, and other transportation facilities for projects with a service
3 life of ten years or more.

4 § 39. Section 53 of section 1 of chapter 174 of the laws of 1968,
5 constituting the New York state urban development corporation act, as
6 amended by section 37 of part PP of chapter 56 of the laws of 2023, is
7 amended to read as follows:

8 § 53. 1. Notwithstanding the provisions of any other law to the
9 contrary, the dormitory authority and the urban development corporation
10 are hereby authorized to issue bonds or notes in one or more series for
11 the purpose of funding project costs for the acquisition of equipment,
12 including but not limited to the creation or modernization of informa-
13 tion technology systems and related research and development equipment,
14 health and safety equipment, heavy equipment and machinery, the creation
15 or improvement of security systems, and laboratory equipment and other
16 state costs associated with such capital projects. The aggregate prin-
17 cipal amount of bonds authorized to be issued pursuant to this section
18 shall not exceed [~~four hundred ninety-three million dollars~~
19 ~~\$493,000,000~~] five hundred ninety-three million dollars \$593,000,000,
20 excluding bonds issued to fund one or more debt service reserve funds,
21 to pay costs of issuance of such bonds, and bonds or notes issued to
22 refund or otherwise repay such bonds or notes previously issued. Such
23 bonds and notes of the dormitory authority and the urban development
24 corporation shall not be a debt of the state, and the state shall not be
25 liable thereon, nor shall they be payable out of any funds other than
26 those appropriated by the state to the dormitory authority and the urban
27 development corporation for principal, interest, and related expenses
28 pursuant to a service contract and such bonds and notes shall contain on
29 the face thereof a statement to such effect. Except for purposes of
30 complying with the internal revenue code, any interest income earned on
31 bond proceeds shall only be used to pay debt service on such bonds.

32 2. Notwithstanding any other provision of law to the contrary, in
33 order to assist the dormitory authority and the urban development corpo-
34 ration in undertaking the financing for project costs for the acquisi-
35 tion of equipment, including but not limited to the creation or modern-
36 ization of information technology systems and related research and
37 development equipment, health and safety equipment, heavy equipment and
38 machinery, the creation or improvement of security systems, and labora-
39 tory equipment and other state costs associated with such capital
40 projects, the director of the budget is hereby authorized to enter into
41 one or more service contracts with the dormitory authority and the urban
42 development corporation, none of which shall exceed thirty years in
43 duration, upon such terms and conditions as the director of the budget
44 and the dormitory authority and the urban development corporation agree,
45 so as to annually provide to the dormitory authority and the urban
46 development corporation, in the aggregate, a sum not to exceed the prin-
47 cipal, interest, and related expenses required for such bonds and notes.
48 Any service contract entered into pursuant to this section shall provide
49 that the obligation of the state to pay the amount therein provided
50 shall not constitute a debt of the state within the meaning of any
51 constitutional or statutory provision and shall be deemed executory only
52 to the extent of monies available and that no liability shall be
53 incurred by the state beyond the monies available for such purpose,
54 subject to annual appropriation by the legislature. Any such contract or
55 any payments made or to be made thereunder may be assigned and pledged

1 by the dormitory authority and the urban development corporation as
2 security for its bonds and notes, as authorized by this section.

3 § 40. Subdivision 3 of section 1285-p of the public authorities law,
4 as amended by section 29 of part PP of chapter 56 of the laws of 2023,
5 is amended to read as follows:

6 3. The maximum amount of bonds that may be issued for the purpose of
7 financing environmental infrastructure projects authorized by this
8 section shall be [~~nine billion three hundred thirty five million seven~~
9 ~~hundred ten thousand dollars \$9,335,710,000~~] ten billion five hundred
10 ninety-five million seven hundred ten thousand dollars \$10,595,710,000,
11 exclusive of bonds issued to fund any debt service reserve funds, pay
12 costs of issuance of such bonds, and bonds or notes issued to refund or
13 otherwise repay bonds or notes previously issued. Such bonds and notes
14 of the corporation shall not be a debt of the state, and the state shall
15 not be liable thereon, nor shall they be payable out of any funds other
16 than those appropriated by the state to the corporation for debt service
17 and related expenses pursuant to any service contracts executed pursuant
18 to subdivision one of this section, and such bonds and notes shall
19 contain on the face thereof a statement to such effect.

20 § 41. Subdivision 1 of section 17 of part D of chapter 389 of the laws
21 of 1997, relating to the financing of the correctional facilities
22 improvement fund and the youth facility improvement fund, as amended by
23 section 34 of part PP of chapter 56 of the laws of 2023, is amended to
24 read as follows:

25 1. Subject to the provisions of chapter 59 of the laws of 2000, but
26 notwithstanding the provisions of section 18 of section 1 of chapter 174
27 of the laws of 1968, the New York state urban development corporation is
28 hereby authorized to issue bonds, notes and other obligations in an
29 aggregate principal amount not to exceed [~~one billion fourteen million~~
30 ~~seven hundred thirty five thousand dollars \$1,014,735,000~~] one billion
31 sixty-six million seven hundred fifty-five thousand dollars
32 \$1,066,755,000, which authorization increases the aggregate principal
33 amount of bonds, notes and other obligations authorized by section 40 of
34 chapter 309 of the laws of 1996, and shall include all bonds, notes and
35 other obligations issued pursuant to chapter 211 of the laws of 1990, as
36 amended or supplemented. The proceeds of such bonds, notes or other
37 obligations shall be paid to the state, for deposit in the youth facili-
38 ties improvement fund or the capital projects fund, to pay for all or
39 any portion of the amount or amounts paid by the state from appropri-
40 ations or reappropriations made to the office of children and family
41 services from the youth facilities improvement fund for capital
42 projects. The aggregate amount of bonds, notes and other obligations
43 authorized to be issued pursuant to this section shall exclude bonds,
44 notes or other obligations issued to refund or otherwise repay bonds,
45 notes or other obligations theretofore issued, the proceeds of which
46 were paid to the state for all or a portion of the amounts expended by
47 the state from appropriations or reappropriations made to the office of
48 children and family services; provided, however, that upon any such
49 refunding or repayment the total aggregate principal amount of outstand-
50 ing bonds, notes or other obligations may be greater than [~~one billion~~
51 ~~fourteen million seven hundred thirty five thousand dollars~~
52 ~~\$1,014,735,000~~] one billion sixty-six million seven hundred fifty-five
53 thousand dollars \$1,066,755,000, only if the present value of the aggre-
54 gate debt service of the refunding or repayment bonds, notes or other
55 obligations to be issued shall not exceed the present value of the
56 aggregate debt service of the bonds, notes or other obligations so to be

1 refunded or repaid. For the purposes hereof, the present value of the
2 aggregate debt service of the refunding or repayment bonds, notes or
3 other obligations and of the aggregate debt service of the bonds, notes
4 or other obligations so refunded or repaid, shall be calculated by
5 utilizing the effective interest rate of the refunding or repayment
6 bonds, notes or other obligations, which shall be that rate arrived at
7 by doubling the semi-annual interest rate (compounded semi-annually)
8 necessary to discount the debt service payments on the refunding or
9 repayment bonds, notes or other obligations from the payment dates there-
10 eof to the date of issue of the refunding or repayment bonds, notes or
11 other obligations and to the price bid including estimated accrued
12 interest or proceeds received by the corporation including estimated
13 accrued interest from the sale thereof.

14 § 42. Subdivision 1 of section 386-b of the public authorities law, as
15 amended by section 41 of part PP of chapter 56 of the laws of 2023, is
16 amended to read as follows:

17 1. Notwithstanding any other provision of law to the contrary, the
18 authority, the dormitory authority and the urban development corporation
19 are hereby authorized to issue bonds or notes in one or more series for
20 the purpose of financing peace bridge projects and capital costs of
21 state and local highways, parkways, bridges, the New York state thruway,
22 Indian reservation roads, and facilities, and transportation infrastruc-
23 ture projects including aviation projects, non-MTA mass transit
24 projects, and rail service preservation projects, including work appur-
25 tenant and ancillary thereto. The aggregate principal amount of bonds
26 authorized to be issued pursuant to this section shall not exceed
27 ~~[twelve billion three hundred eight million three hundred eleven thou-~~
28 ~~sand dollars \$12,308,311,000]~~ fifteen billion one hundred seventy-six
29 million six hundred sixty-nine thousand dollars \$15,176,669,000, exclud-
30 ing bonds issued to fund one or more debt service reserve funds, to pay
31 costs of issuance of such bonds, and to refund or otherwise repay such
32 bonds or notes previously issued. Such bonds and notes of the authority,
33 the dormitory authority and the urban development corporation shall not
34 be a debt of the state, and the state shall not be liable thereon, nor
35 shall they be payable out of any funds other than those appropriated by
36 the state to the authority, the dormitory authority and the urban devel-
37 opment corporation for principal, interest, and related expenses pursu-
38 ant to a service contract and such bonds and notes shall contain on the
39 face thereof a statement to such effect. Except for purposes of comply-
40 ing with the internal revenue code, any interest income earned on bond
41 proceeds shall only be used to pay debt service on such bonds.

42 § 43. Section 44 of section 1 of chapter 174 of the laws of 1968,
43 constituting the New York state urban development corporation act, as
44 amended by section 40 of part PP of chapter 56 of the laws of 2023, is
45 amended to read as follows:

46 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
47 provisions of any other law to the contrary, the dormitory authority and
48 the corporation are hereby authorized to issue bonds or notes in one or
49 more series for the purpose of funding project costs for the regional
50 economic development council initiative, the economic transformation
51 program, state university of New York college for nanoscale and science
52 engineering, projects within the city of Buffalo or surrounding envi-
53 rons, the New York works economic development fund, projects for the
54 retention of professional football in western New York, the empire state
55 economic development fund, the clarkson-trudeau partnership, the New
56 York genome center, the cornell university college of veterinary medi-

1 cine, the olympic regional development authority, projects at nano
2 Utica, onondaga county revitalization projects, Binghamton university
3 school of pharmacy, New York power electronics manufacturing consortium,
4 regional infrastructure projects, high tech innovation and economic
5 development infrastructure program, high technology manufacturing
6 projects in Chautauqua and Erie county, an industrial scale research and
7 development facility in Clinton county, upstate revitalization initi-
8 ative projects, downstate revitalization initiative, market New York
9 projects, fairground buildings, equipment or facilities used to house
10 and promote agriculture, the state fair, the empire state trail, the
11 moynihan station development project, the Kingsbridge armory project,
12 strategic economic development projects, the cultural, arts and public
13 spaces fund, water infrastructure in the city of Auburn and town of
14 Owasco, a life sciences laboratory public health initiative, not-for-
15 profit pounds, shelters and humane societies, arts and cultural facili-
16 ties improvement program, restore New York's communities initiative,
17 heavy equipment, economic development and infrastructure projects,
18 Roosevelt Island operating corporation capital projects, Lake Ontario
19 regional projects, Pennsylvania station and other transit projects,
20 athletic facilities for professional football in Orchard Park, New York,
21 Rush - NY, New York AI Consortium, New York Creates UEV Tool, and other
22 state costs associated with such projects. The aggregate principal
23 amount of bonds authorized to be issued pursuant to this section shall
24 not exceed [~~seventeen billion six hundred fifty-five million six hundred~~
25 ~~two thousand dollars \$17,655,602,000~~] twenty billion two hundred fifty-
26 four million one hundred ninety-four thousand dollars \$20,254,194,000,
27 excluding bonds issued to fund one or more debt service reserve funds,
28 to pay costs of issuance of such bonds, and bonds or notes issued to
29 refund or otherwise repay such bonds or notes previously issued. Such
30 bonds and notes of the dormitory authority and the corporation shall not
31 be a debt of the state, and the state shall not be liable thereon, nor
32 shall they be payable out of any funds other than those appropriated by
33 the state to the dormitory authority and the corporation for principal,
34 interest, and related expenses pursuant to a service contract and such
35 bonds and notes shall contain on the face thereof a statement to such
36 effect. Except for purposes of complying with the internal revenue
37 code, any interest income earned on bond proceeds shall only be used to
38 pay debt service on such bonds.

39 2. Notwithstanding any other provision of law to the contrary, in
40 order to assist the dormitory authority and the corporation in undertak-
41 ing the financing for project costs for the regional economic develop-
42 ment council initiative, the economic transformation program, state
43 university of New York college for nanoscale and science engineering,
44 projects within the city of Buffalo or surrounding environs, the New
45 York works economic development fund, projects for the retention of
46 professional football in western New York, the empire state economic
47 development fund, the clarkson-trudeau partnership, the New York genome
48 center, the cornell university college of veterinary medicine, the olym-
49 pic regional development authority, projects at nano Utica, onondaga
50 county revitalization projects, Binghamton university school of pharma-
51 cy, New York power electronics manufacturing consortium, regional
52 infrastructure projects, New York State Capital Assistance Program for
53 Transportation, infrastructure, and economic development, high tech
54 innovation and economic development infrastructure program, high tech-
55 nology manufacturing projects in Chautauqua and Erie county, an indus-
56 trial scale research and development facility in Clinton county, upstate

1 revitalization initiative projects, downstate revitalization initiative,
2 market New York projects, fairground buildings, equipment or facilities
3 used to house and promote agriculture, the state fair, the empire state
4 trail, the moynihan station development project, the Kingsbridge armory
5 project, strategic economic development projects, the cultural, arts and
6 public spaces fund, water infrastructure in the city of Auburn and town
7 of Owasco, a life sciences laboratory public health initiative, not-for-
8 profit pounds, shelters and humane societies, arts and cultural facili-
9 ties improvement program, restore New York's communities initiative,
10 heavy equipment, economic development and infrastructure projects,
11 Roosevelt Island operating corporation capital projects, Lake Ontario
12 regional projects, Pennsylvania station and other transit projects,
13 athletic facilities for professional football in Orchard Park, New York,
14 Rush - NY, New York AI Consortium, New York Creates UEV Tool, and other
15 state costs associated with such projects the director of the budget is
16 hereby authorized to enter into one or more service contracts with the
17 dormitory authority and the corporation, none of which shall exceed
18 thirty years in duration, upon such terms and conditions as the director
19 of the budget and the dormitory authority and the corporation agree, so
20 as to annually provide to the dormitory authority and the corporation,
21 in the aggregate, a sum not to exceed the principal, interest, and
22 related expenses required for such bonds and notes. Any service contract
23 entered into pursuant to this section shall provide that the obligation
24 of the state to pay the amount therein provided shall not constitute a
25 debt of the state within the meaning of any constitutional or statutory
26 provision and shall be deemed executory only to the extent of monies
27 available and that no liability shall be incurred by the state beyond
28 the monies available for such purpose, subject to annual appropriation
29 by the legislature. Any such contract or any payments made or to be made
30 thereunder may be assigned and pledged by the dormitory authority and
31 the corporation as security for its bonds and notes, as authorized by
32 this section.

33 § 44. Subdivision (a) of section 28 of part Y of chapter 61 of the
34 laws of 2005, relating to providing for the administration of certain
35 funds and accounts related to the 2005-2006 budget, as amended by
36 section 36 of part PP of chapter 56 of the laws of 2023, is amended to
37 read as follows:

38 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
39 notwithstanding any provisions of law to the contrary, one or more
40 authorized issuers as defined by section 68-a of the state finance law
41 are hereby authorized to issue bonds or notes in one or more series in
42 an aggregate principal amount not to exceed [~~two hundred forty-seven~~
43 ~~million dollars \$247,000,000~~] two hundred ninety-seven million dollars
44 \$297,000,000, excluding bonds issued to finance one or more debt service
45 reserve funds, to pay costs of issuance of such bonds, and bonds or
46 notes issued to refund or otherwise repay such bonds or notes previously
47 issued, for the purpose of financing capital projects for public
48 protection facilities in the Division of Military and Naval Affairs,
49 debt service and leases; and to reimburse the state general fund for
50 disbursements made therefor. Such bonds and notes of such authorized
51 issuer shall not be a debt of the state, and the state shall not be
52 liable thereon, nor shall they be payable out of any funds other than
53 those appropriated by the state to such authorized issuer for debt
54 service and related expenses pursuant to any service contract executed
55 pursuant to subdivision (b) of this section and such bonds and notes
56 shall contain on the face thereof a statement to such effect. Except for

1 purposes of complying with the internal revenue code, any interest
2 income earned on bond proceeds shall only be used to pay debt service on
3 such bonds.

4 § 45. 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 43 of part PP of chapter 56 of the
7 laws of 2023, 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, Native American Indian Nation schools, and other state
16 costs associated with such capital projects. The aggregate principal
17 amount of bonds authorized to be issued pursuant to this section shall
18 not exceed [~~three hundred twenty-one million seven hundred ninety-nine~~
19 ~~thousand dollars \$321,799,000~~] three hundred forty-one million eight
20 hundred ninety-eight thousand dollars \$341,898,000, excluding bonds
21 issued to fund one or more debt service reserve funds, to pay costs of
22 issuance of such bonds, and bonds or notes issued to refund or otherwise
23 repay such bonds or notes previously issued. Such bonds and notes of the
24 dormitory authority and the urban development corporation shall not be a
25 debt of the state, and the state shall not be liable thereon, nor shall
26 they be payable out of any funds other than those appropriated by the
27 state to the dormitory authority and the urban development corporation
28 for principal, interest, and related expenses pursuant to a service
29 contract 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 § 46. Subdivision 1 of section 1680-k of the public authorities law,
34 as amended by section 47 of part PP of chapter 56 of the laws of 2023,
35 is amended to read as follows:

36 1. Subject to the provisions of chapter fifty-nine of the laws of two
37 thousand, but notwithstanding any provisions of law to the contrary, the
38 dormitory authority is hereby authorized to issue bonds or notes in one
39 or more series in an aggregate principal amount not to exceed [~~forty~~
40 ~~million nine hundred forty-five thousand dollars \$40,945,000~~] forty-one
41 million sixty thousand dollars \$41,060,000, excluding bonds issued to
42 finance one or more debt service reserve funds, to pay costs of issuance
43 of such bonds, and bonds or notes issued to refund or otherwise repay
44 such bonds or notes previously issued, for the purpose of financing the
45 construction of the New York state agriculture and markets food labora-
46 tory. Eligible project costs may include, but not be limited to the cost
47 of design, financing, site investigations, site acquisition and prepara-
48 tion, demolition, construction, rehabilitation, acquisition of machinery
49 and equipment, and infrastructure improvements. Such bonds and notes of
50 such authorized issuers shall not be a debt of the state, and the state
51 shall not be liable thereon, nor shall they be payable out of any funds
52 other than those appropriated by the state to such authorized issuers
53 for debt service and related expenses pursuant to any service contract
54 executed pursuant to subdivision two of this section and such bonds and
55 notes shall contain on the face thereof a statement to such effect.
56 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 § 47. Paragraph a of subdivision 1 of section 9-a of section 1 of
4 chapter 392 of the laws of 1973, constituting the medical care facili-
5 ties finance agency act, as amended by chapter 479 of the laws of 2022,
6 is amended to read as follows:

7 a. "Mental health services facility" shall mean a building, a unit
8 within a building, a laboratory, a classroom, a housing unit, a dining
9 hall, an activities center, a library, real property of any kind or
10 description, or any structure on or improvement to real property of any
11 kind or description, including fixtures and equipment which may or may
12 not be an integral part of any such building, unit, structure or
13 improvement, a walkway, a roadway or a parking lot, and improvements and
14 connections for water, sewer, gas, electrical, telephone, heating, air
15 conditioning and other utility services, or a combination of any of the
16 foregoing, whether for patient care and treatment or staff, staff family
17 or service use, located at or related to any psychiatric center, any
18 developmental center, or any state psychiatric or research institute or
19 other facility now or hereafter established under the state department
20 of mental hygiene. A mental health services facility shall also mean and
21 include a residential care center for adults, a "community mental health
22 and developmental disabilities facility", and a state or voluntary oper-
23 ated treatment facility for use in the conduct of an alcoholism or
24 substance abuse treatment program as defined in the mental hygiene law,
25 unless such residential care center for adults, community mental health
26 and developmental disabilities facility or alcoholism or substance abuse
27 facility is expressly excepted or the context clearly requires other-
28 wise. The definition contained in this subdivision shall not be
29 construed to exclude therefrom a facility, whether or not owned or
30 leased by a voluntary agency, to be made available under lease, or
31 sublease, from the facilities development corporation to a voluntary
32 agency at the request of the commissioners of the offices and directors
33 of the divisions of the department of mental hygiene having jurisdiction
34 thereof for use in providing services in a residential care center for
35 adults, community mental health and developmental disabilities services,
36 or for use in the conduct of an alcoholism or substance abuse treatment
37 program. For purposes of this section mental health services facility
38 shall also mean mental hygiene facility as defined in subdivision ten of
39 section three of the facilities development corporation act and shall
40 also include facilities for: (i) comprehensive psychiatric emergency
41 programs and/or psychiatric inpatient programs or other similar programs
42 under the auspice of municipalities and other public and not-for-profit
43 agencies, dually licensed pursuant to article thirty-one of the mental
44 hygiene law and article twenty-eight of the public health law; and (ii)
45 housing for mentally ill persons under the auspice of municipalities and
46 other public and not-for-profit agencies, approved by the commissioner
47 of the office of mental health, pursuant to article forty-one of the
48 mental hygiene law.

49 § 48. Notwithstanding any law to the contrary, the comptroller is
50 hereby authorized and directed to transfer, upon request of the director
51 of the budget, on or before March 31, 2025 the following amounts from
52 the following special revenue accounts or enterprise funds to the gener-
53 al fund, for the purposes of offsetting principal and interest costs,
54 incurred by the state pursuant to section 386-a of the public authori-
55 ties law, provided that the annual amount of the transfer shall be no
56 more than the principal and interest that would have otherwise been due

1 to the power authority of the state of New York, from any state agency,
2 in a given state fiscal year. Amounts pertaining to special revenue
3 accounts assigned to the state university of New York shall be consid-
4 ered interchangeable between the designated special revenue accounts as
5 to meet the requirements of this section and section 386-a of the public
6 authorities law:

7 1. \$15,000,000 from the miscellaneous special revenue fund, state
8 university general income reimbursable account (22653).

9 2. \$5,000,000 from state university dormitory income fund, state
10 university dormitory income fund (40350).

11 3. \$5,000,000 from the enterprise fund, city university senior college
12 operating fund (60851).

13 § 49. Paragraph (g) of subdivision 1 of section 68-b of the state
14 finance law, as added by section 2 of part I of chapter 383 of the laws
15 of 2001, is amended to read as follows:

16 (g) Revenue bonds authorized hereunder shall be sold by authorized
17 issuers, at public or private sale, at such price or prices as the
18 authorized issuers may determine. Revenue bonds of the authorized
19 issuers shall not be sold by the authorized issuers at private sales
20 unless such sale and the terms thereof have been approved by the state
21 comptroller. The approval of the private sale of such bonds and the
22 terms thereof by the state comptroller shall be limited to a review of
23 (i) the reasonableness of: (1) the bond pricing, taking into account
24 current interest rates; (2) the costs of issuance and underwriters
25 discount for such bonds; (3) if the sale includes refunding bonds, cash
26 flow savings and net present value savings; and (4) if the sale involves
27 an interest rate exchange or similar agreement, the economic terms of
28 such agreement; and (ii) whether the final maturity of the bonds
29 complies with (1) the legal authorization for the project or projects
30 being financed, and (2) the parameters established in the authorized
31 issuer's resolution authorizing the issuance of such bonds, as approved
32 by the public authorities control board pursuant to section fifty-one of
33 the public authorities law.

34 § 50. Paragraph (g) of subdivision 1 of section 69-n of the state
35 finance law, as added by section 58 of part HH of chapter 57 of the laws
36 of 2013, is amended to read as follows:

37 (g) Revenue bonds authorized hereunder shall be sold by authorized
38 issuers, at public or private sale, at such price or prices as the
39 authorized issuers may determine. Revenue bonds of the authorized
40 issuers shall not be sold by the authorized issuers at private sales
41 unless such sale and the terms thereof have been approved by the state
42 comptroller. The approval of the private sale of such bonds and the
43 terms thereof by the state comptroller shall be limited to a review of
44 (i) the reasonableness of: (1) the bond pricing, taking into account
45 current interest rates; (2) the costs of issuance and underwriters
46 discount for such bonds; (3) if the sale includes refunding bonds, cash
47 flow savings and net present value savings; and (4) if the sale involves
48 an interest rate exchange or similar agreement, the economic terms of
49 such agreement; and (ii) whether the final maturity of the bonds
50 complies with (1) the legal authorization for the project or projects
51 being financed, and (2) the parameters established in the authorized
52 issuer's resolution authorizing the issuance of such bonds, as approved
53 by the public authorities control board pursuant to section fifty-one of
54 the public authorities law.

55 § 51. Subdivision 6-a of section 2 of the state finance law, as added
56 by chapter 837 of the laws of 1983, is amended to read as follows:

6-a. "Fixed assets". (i) Assets of a long-term, tangible character which are intended to continue to be held or used, such as land, buildings, improvements, machinery, and equipment, and (ii) assets that provide a long-term interest in land, including conservation easements.

§ 52. Subdivision 2 of section 2976 of the public authorities law, as amended by section 1 of part FF of chapter 59 of the laws of 2009, is amended to read as follows:

2. The bond issuance charge shall be computed by multiplying the principal amount of bonds issued by the percentage set forth in the schedule below, provided that: (a) the charge applicable to the principal amount of single family mortgage revenue bonds shall be seven one-hundredths of one percent; (b) the issuance of bonds shall not include the remarketing of bonds; and (c) the issuance of bonds shall not include the ~~[current] refunding of [short term] bonds, notes or other obligations [for which the bond issuance charge provided by this section has been paid, provided that such current refunding (i) occurs within one year from the issuance of the refunded obligations, or (ii) is part of a program created by a single indenture or bond resolution that provides for the periodic issuance and refunding of short term obligations].~~

SCHEDULE

Principal Amount of Bonds Issued	Percentage Charge
a. [\$1,000,000] <u>\$20,000,000</u> or less	[-.168%] <u>0%</u>
b. [\$1,000,001 to \$5,000,000]	.336%
c. [\$5,000,001 to \$10,000,000]	.504%
d. [\$10,000,001 to \$20,000,000]	.672%
e.] More than \$20,000,000	[-.84%] <u>.35%</u>

§ 53. Subdivision 5 of section 68-b of the state finance law, as added by section 2 of part I of chapter 383 of the laws of 2001, is amended to read as follows:

5. The authorized issuers, subject to such agreements with holders of revenue bonds as may then exist, or with the providers of any applicable bond or note or other financial or agreement facility, shall have power out of any funds available therefor to purchase revenue bonds of the authorized issuers, which may or may not thereupon be canceled, at a price not exceeding:

(a) if the revenue bonds are then redeemable, the redemption price then applicable, including any accrued interest; or

(b) if the revenue bonds are not then redeemable, the redemption price and accrued interest applicable on the first date after such purchase upon which the revenue bonds become subject to redemption; or

(c) whether or not the revenue bonds are then redeemable, at a redemption price that provides a demonstrated economic benefit to the state, as certified in writing by a financial advisor to the state.

§ 54. Subdivision 5 of section 69-n of the state finance law, as added by section 58 of part HH of chapter 57 of the laws of 2013, is amended to read as follows:

5. The authorized issuers, subject to such agreements with holders of revenue bonds as may then exist, or with the providers of any applicable bond or note or other financial or agreement facility, shall have power out of any funds available therefor to purchase revenue bonds of the authorized issuers, which may or may not thereupon be canceled, at a price not exceeding:

(a) If the revenue bonds are then redeemable, the redemption price then applicable, including any accrued interest; or

(b) If the revenue bonds are not then redeemable, the redemption price and accrued interest applicable on the first date after such purchase upon which the revenue bonds become subject to redemption; or

(c) Whether or not the revenue bonds are then redeemable, at a redemption price that provides a demonstrated economic benefit to the state, as certified in writing by a financial advisor to the state.

§ 55. Paragraph (b) of subdivision 1 of section 54-b of section 1 of chapter 174 of the laws of 1968 constituting the urban development corporation act, as amended by section 49 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(b) Notwithstanding any other provision of law to the contrary, including, specifically, the provisions of chapter 59 of the laws of 2000 and section sixty-seven-b of the state finance law, the dormitory authority of the state of New York and the corporation are hereby authorized to issue personal income tax revenue anticipation notes with a maturity no later than March 31[~~, 2024~~] of the state fiscal year in which such notes are issued, in one or more series in an aggregate principal amount for each fiscal year not to exceed [~~three~~] four billion dollars, and to pay costs of issuance of such notes, for the purpose of temporarily financing budgetary needs of the state. Such purpose shall constitute an authorized purpose under subdivision two of section sixty-eight-a of the state finance law for all purposes of article five-C of the state finance law with respect to the notes authorized by this paragraph. Such notes shall not be renewed, extended or refunded. For so long as any notes authorized by this paragraph shall be outstanding, the restrictions, limitations and requirements contained in article five-B of the state finance law shall not apply.

§ 56. Subdivision 1 of section 386-a of the public authorities law, as amended by section 54 of part PP of chapter 56 of the laws of 2023, 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 twelve billion five hundred fifteen million eight hundred fifty-six thousand dollars \$12,515,856,000, 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. Notwithstanding any other provision of law to the contrary, including the limitations contained in subdivision four of section sixty-seven-b of the state finance law, (A) any bonds and notes issued prior to April first, two thousand [~~twenty-four~~] twenty-five pursuant to this section may be issued with a maximum maturity of fifty

1 years, and (B) any bonds issued to refund such bonds and notes may be
2 issued with a maximum maturity of fifty years from the respective date
3 of original issuance of such bonds and notes.

4 § 57. This act shall take effect immediately and shall be deemed to
5 have been in full force and effect on and after April 1, 2024; provided,
6 however, that the provisions of sections one, two, three, four, five,
7 six, seven, eight, fourteen, fifteen, sixteen, seventeen, eighteen,
8 nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four
9 of this act shall expire March 31, 2025; and provided, further, that
10 sections twenty-five and twenty-six of this act shall expire March 31,
11 2028, when upon such dates the provisions of such sections shall be
12 deemed repealed.

13 PART Y

14 Section 1. Section 2 of part P of chapter 55 of the laws of 2022,
15 amending the alcoholic beverage control law relating to authorizing
16 retail licensees for on-premises consumption to sell and/or deliver
17 alcoholic beverages for off-premises consumption, is amended to read as
18 follows:

19 § 2. This act shall take effect immediately [~~and shall expire and be~~
20 ~~deemed repealed three years after such date~~].

21 § 2. This act shall take effect immediately.

22 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
23 sion, section or part of this act shall be adjudged by any court of
24 competent jurisdiction to be invalid, such judgment shall not affect,
25 impair, or invalidate the remainder thereof, but shall be confined in
26 its operation to the clause, sentence, paragraph, subdivision, section
27 or part thereof directly involved in the controversy in which such judg-
28 ment shall have been rendered. It is hereby declared to be the intent of
29 the legislature that this act would have been enacted even if such
30 invalid provisions had not been included herein.

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