

S T A T E O F N E W Y O R K

S. 7505--C

A. 9505--D

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

January 18, 2018

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

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

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); intentionally omitted (Part E); to amend the criminal procedure law, in relation to pre-criminal proceeding settlements in the city of New York; and providing for the repeal of such provisions upon expiration thereof (Part F); intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); intentionally omitted (Part L); 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 M); intentionally omitted (Part N); to amend the state finance law and the military law, in relation to establishing the armory rental account fund; and to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); to amend chapter 303 of the laws of 1988 relating to the extension

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

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of the state commission on the restoration of the capitol, in relation to extending such provisions for an additional five years (Part T); intentionally omitted (Part U); to amend the state finance law, in relation to establishing the parking services fund, the solid waste fund, and the special events fund (Part V); intentionally omitted (Part W); to amend the general business law and the state finance law, in relation to enacting the New York state secure choice savings program act (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); to amend the state finance law, in relation to the citizen empowerment tax credit (Part CC); to amend the uniform justice court act, in relation to the election of one or more town justices for two or more towns (Part DD); to amend the general municipal law, in relation to county-wide shared services panels (Part EE); to amend the public authorities law, in relation to the town of Islip resource recovery agency (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); to amend the penal law, in relation to establishing incapacity to consent when a person is under arrest, in detention, or otherwise in actual custody (Part JJ); intentionally omitted (Part KK); to amend the public authorities law, in relation to authorizing the dormitory authority to construct and finance certain juvenile detention facilities (Part LL); to amend the county law, in relation to plans for representation of persons accused of a crime or certain parties in family court or surrogate's court (Part MM); to amend the penal law, the criminal procedure law and the family court act, in relation to the crime of coercion in the second and third degree (Part NN); and to establish the New York state 2020 complete count commission and providing for its powers and duties (Part OO)

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

1 Section 1. This act enacts into law major components of legislation
 2 which are necessary to implement the state fiscal plan for the 2018-2019
 3 state fiscal year. Each component is wholly contained within a Part
 4 identified as Parts A through OO. The effective date for each particular
 5 provision contained within such Part is set forth in the last section of
 6 such Part. Any provision in any section contained within a Part, includ-
 7 ing the effective date of the Part, which makes a reference to a section
 8 "of this act", when used in connection with that particular component,
 9 shall be deemed to mean and refer to the corresponding section of the
 10 Part in which it is found. Section three of this act sets forth the
 11 general effective date of this act.

- 12 PART A
- 13 Intentionally Omitted
- 14 PART B
- 15 Intentionally Omitted
- 16 PART C

1 Intentionally Omitted

2 PART D

3 Intentionally Omitted

4 PART E

5 Intentionally Omitted

6 PART F

7 Section 1. Title H of part 2 of the criminal procedure law is amended
8 by adding a new article 95 to read as follows:

9 ARTICLE 95

10 PRE-CRIMINAL PROCEEDING SETTLEMENTS

11 SECTION 95.00 PRE-CRIMINAL PROCEEDING SETTLEMENT.

12 § 95.00 PRE-CRIMINAL PROCEEDING SETTLEMENT.

13 WHEN A COUNTY DISTRICT ATTORNEY OF A COUNTY LOCATED IN A CITY OF ONE
14 MILLION OR MORE RECOVERS MONIES BEFORE THE FILING OF AN ACCUSATORY
15 INSTRUMENT AS DEFINED IN SUBDIVISION ONE OF SECTION 1.20 OF THIS CHAP-
16 TER, AFTER INJURED PARTIES HAVE BEEN APPROPRIATELY COMPENSATED, THE
17 DISTRICT ATTORNEY'S OFFICE SHALL RETAIN A PERCENTAGE OF THE REMAINING
18 SUCH MONIES IN RECOGNITION THAT SUCH MONIES WERE RECOVERED AS A RESULT
19 OF INVESTIGATIONS UNDERTAKEN BY SUCH OFFICE. FOR EACH RECOVERY THE TOTAL
20 AMOUNT OF SUCH MONIES TO BE RETAINED BY THE COUNTY DISTRICT ATTORNEY'S
21 OFFICE SHALL EQUAL TEN PERCENT OF THE FIRST TWENTY-FIVE MILLION DOLLARS
22 RECEIVED BY SUCH OFFICE, PLUS SEVEN AND ONE-HALF PERCENT OF SUCH MONIES
23 RECEIVED BY SUCH OFFICE IN EXCESS OF TWENTY-FIVE MILLION DOLLARS BUT
24 LESS THAN FIFTY MILLION DOLLARS, PLUS FIVE PERCENT OF ANY SUCH MONIES
25 RECEIVED BY SUCH OFFICE IN EXCESS OF FIFTY MILLION DOLLARS BUT LESS THAN
26 ONE HUNDRED MILLION DOLLARS, PLUS ONE PERCENT OF SUCH MONIES RECEIVED BY
27 SUCH OFFICE IN EXCESS OF ONE HUNDRED MILLION DOLLARS. THE REMAINDER OF
28 SUCH MONIES SHALL BE PAID BY THE DISTRICT ATTORNEY'S OFFICE TO THE STATE
29 AND TO THE COUNTY IN EQUAL AMOUNTS WITHIN THIRTY DAYS OF RECEIPT, WHERE
30 DISPOSITION OF SUCH MONIES IS NOT OTHERWISE PRESCRIBED BY LAW. MONIES
31 DISTRIBUTED TO A COUNTY DISTRICT ATTORNEY'S OFFICE PURSUANT TO THIS
32 SECTION SHALL BE USED TO ENHANCE LAW ENFORCEMENT EFFORTS WITHIN THE
33 STATE OF NEW YORK. ON DECEMBER FIRST OF EACH YEAR, EVERY DISTRICT ATTOR-
34 NEY SHALL PROVIDE THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE AND
35 SPEAKER OF THE ASSEMBLY WITH AN ANNUAL REPORT DETAILING THE TOTAL AMOUNT
36 OF MONIES RECEIVED AS DESCRIBED HEREIN BY HIS OR HER OFFICE AND A
37 DESCRIPTION OF HOW AND WHERE SUCH FUNDS WERE DISTRIBUTED BY HIS OR HER
38 OFFICE BUT SHALL NOT INCLUDE A DESCRIPTION OF THE DISTRIBUTION OF MONIES
39 WHERE THE DISCLOSURE OF SUCH INFORMATION WOULD INTERFERE WITH A LAW
40 ENFORCEMENT INVESTIGATION OR A JUDICIAL PROCEEDING. THE REPORT SHALL
41 INCLUDE A DETAILED DESCRIPTION OF ANY ENTITY TO WHICH FUNDS ARE DISTRIB-
42 UTED, INCLUDING BUT NOT LIMITED TO, WHETHER IT IS A PROFIT OR NOT-FOR-
43 PROFIT ENTITY, WHERE IT IS LOCATED, AND THE INTENDED USE OF THE MONIES
44 DISTRIBUTED, AND SHALL STATE THE LAW ENFORCEMENT PURPOSE.

45 § 2. This act shall take effect immediately and shall remain in full
46 force and effect until March 31, 2019, when it shall expire and be
47 deemed repealed.

48 PART G

1 Intentionally Omitted

2 PART H

3 Intentionally Omitted

4 PART I

5 Intentionally Omitted

6 PART J

7 Intentionally Omitted

8 PART K

9 Intentionally Omitted

10 PART L

11 Intentionally Omitted

12 PART M

13 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax
14 law, as amended by section 1 of part C of chapter 57 of the laws of
15 2016, is amended to read as follows:

16 (b) The sum of one million five hundred thousand dollars must be
17 deposited into the New York state emergency services revolving loan fund
18 annually; provided, however, that such sums shall not be deposited for
19 state fiscal years two thousand eleven--two thousand twelve, two thou-
20 sand twelve--two thousand thirteen, two thousand fourteen--two thousand
21 fifteen, two thousand fifteen--two thousand sixteen, two thousand
22 sixteen--two thousand seventeen [and], two thousand seventeen--two thou-
23 sand eighteen, TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN AND TWO
24 THOUSAND NINETEEN--TWO THOUSAND TWENTY;

25 § 2. This act shall take effect April 1, 2018.

26 PART N

27 Intentionally Omitted

28 PART O

29 Section 1. The state finance law is amended by adding a new section
30 99-bb to read as follows:

31 § 99-BB. ARMORY RENTAL ACCOUNT. 1. NOTWITHSTANDING SECTIONS EIGHT,
32 EIGHT-A AND SEVENTY OF THIS CHAPTER OR ANY OTHER PROVISION OF LAW, RULE,
33 REGULATION OR PRACTICE TO THE CONTRARY, THERE IS HEREBY ESTABLISHED IN
34 THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXA-
35 TION AND FINANCE AN ARMORY RENTAL ACCOUNT FUND, WHICH SHALL CONSIST OF
36 ALL MONEYS PAID AS RENT PURSUANT TO SECTION ONE HUNDRED EIGHTY-THREE OF
37 THE MILITARY LAW.

38 2. MONEYS WITHIN THE ARMORY RENTAL ACCOUNT SHALL BE AVAILABLE TO THE
39 ADJUTANT GENERAL FOR SERVICES AND EXPENSES OF THE OFFICE RELATING TO THE
40 DIRECT MAINTENANCE AND OPERATION OF ARMORIES.

1 § 2. Subdivision 5 of section 183 of the military law, as amended by
2 section 1 of part C of chapter 152 of the laws of 2001, is amended to
3 read as follows:

4 5. All moneys paid as rent as provided in this section, together with
5 all sums paid to cover expenses of heating and lighting, shall be trans-
6 mitted by the officer in charge and control of the armory through the
7 adjutant general to the state treasury for deposit to the [miscellaneous
8 special revenue fund - 339] AGENCIES ENTERPRISE FUND armory rental
9 account.

10 § 3. Section 3 of part C of chapter 152 of the laws of 2001 amending
11 the military law relating to military funds of the organized militia, as
12 amended by section 23 of part A of chapter 55 of the laws of 2017, is
13 amended to read as follows:

14 § 3. This act shall take effect [on the same date as the reversion of
15 subdivision 5 of section 183 and subdivision 1 of section 221 of the
16 military law as provided by section 76 of chapter 435 of the laws of
17 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwith-
18 standing this act shall be deemed to have been in full force and effect
19 on and after July 31, 2005 and shall remain in full force and effect
20 until September 1, 2019 when upon such date this act shall expire] IMME-
21 DIATELY; PROVIDED HOWEVER THAT THE AMENDMENTS MADE TO SUBDIVISION 1 OF
22 SECTION 221 OF THE MILITARY LAW BY SECTION TWO OF THIS ACT SHALL EXPIRE
23 AND BE DEEMED REPEALED SEPTEMBER 1, 2019.

24 § 4. This act shall take effect immediately; provided, however, that
25 sections one and two of this act shall take effect April 1, 2018.

26 PART P

27 Intentionally Omitted

28 PART Q

29 Intentionally Omitted

30 PART R

31 Intentionally Omitted

32 PART S

33 Intentionally Omitted

34 PART T

35 Section 1. Section 2 of chapter 303 of the laws of 1988, relating to
36 the extension of the state commission on the restoration of the capitol,
37 as amended by chapter 207 of the laws of 2013, is amended to read as
38 follows:

39 § 2. The temporary state commission on the restoration of the capitol
40 is hereby renamed as the state commission on the restoration of the
41 capitol (hereinafter to be referred to as the "commission") and is here-
42 by continued until April 1, [2018] 2023. The commission shall consist
43 of eleven members to be appointed as follows: five members shall be
44 appointed by the governor; two members shall be appointed by the tempo-
45 rary president of the senate; two members shall be appointed by the
46 speaker of the assembly; one member shall be appointed by the minority

1 leader of the senate; one member shall be appointed by the minority
2 leader of the assembly, together with the commissioner of general
3 services and the commissioner of parks, recreation and historic preser-
4 vation. The term for each elected member shall be for three years,
5 except that of the first five members appointed by the governor, one
6 shall be for a one year term, and two shall be for a two year term, and
7 one of the first appointments by the president of the senate and by the
8 speaker of the assembly shall be for a two year term. Any vacancy that
9 occurs in the commission shall be filled in the same manner in which the
10 original appointment was made. The commission shall elect a chairman and
11 a vice-chairman from among its members. The members of the state
12 commission on the restoration of the capitol shall be deemed to be
13 members of the commission until their successors are appointed. The
14 members of the commission shall receive no compensation for their
15 services, but shall be reimbursed for their expenses actually and neces-
16 sarily incurred by them in the performance of their duties hereunder.

17 § 2. Section 9 of chapter 303 of the laws of 1988, relating to the
18 extension of the state commission on the restoration of the capitol, as
19 amended by chapter 207 of the laws of 2013, is amended to read as
20 follows:

21 § 9. This act shall take effect immediately, and shall remain in full
22 force and effect until April 1, [2018] 2023.

23 § 3. This act shall take effect immediately and shall be deemed to
24 have been in full force and effect on and after April 1, 2018; provided
25 that the amendments to section 2 of chapter 303 of the laws of 1988 made
26 by section one of this act shall not affect the expiration of such chap-
27 ter, and shall be deemed to expire therewith.

28 PART U

29 Intentionally Omitted

30 PART V

31 Section 1. The state finance law is amended by adding a new section
32 99-bb to read as follows:

33 § 99-BB. PARKING SERVICES FUND. 1. NOTWITHSTANDING SECTIONS EIGHT,
34 EIGHT-A AND SEVENTY OF THIS CHAPTER OR ANY OTHER PROVISION OF LAW, RULE,
35 REGULATION, OR PRACTICE TO THE CONTRARY, THERE IS HEREBY ESTABLISHED IN
36 THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXA-
37 TION AND FINANCE A PARKING SERVICES FUND, WHICH SHALL BE CLASSIFIED BY
38 THE STATE COMPTROLLER AS AN ENTERPRISE FUND TYPE, AND WHICH SHALL
39 CONSIST OF ALL MONEYS RECEIVED FROM PRIVATE ENTITIES AND INDIVIDUALS AS
40 FEES FOR THE USE OF STATE-OWNED PARKING LOTS AND GARAGES.

41 2. MONEYS WITHIN THE PARKING SERVICES FUND SHALL BE AVAILABLE TO THE
42 COMMISSIONER OF GENERAL SERVICES FOR SERVICES AND EXPENSES OF THE OFFICE
43 RELATING TO THE DIRECT MAINTENANCE AND OPERATION OF STATE-OWNED PARKING
44 LOTS AND GARAGES.

45 § 2. The state finance law is amended by adding a new section 99-cc to
46 read as follows:

47 § 99-CC. SOLID WASTE FUND. 1. NOTWITHSTANDING SECTIONS EIGHT, EIGHT-A
48 AND SEVENTY OF THIS CHAPTER OR ANY OTHER PROVISION OF LAW, RULE, REGU-
49 LATION, OR PRACTICE TO THE CONTRARY, THERE IS HEREBY ESTABLISHED IN THE
50 JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION
51 AND FINANCE A SOLID WASTE FUND, WHICH SHALL BE CLASSIFIED BY THE STATE
52 COMPTROLLER AS AN ENTERPRISE FUND TYPE, AND WHICH SHALL CONSIST OF ALL

1 MONEYS RECEIVED FROM PRIVATE ENTITIES BY THE COMMISSIONER OF GENERAL
2 SERVICES FOR THE SALE OF RECYCLABLES.

3 2. MONEYS WITHIN THE SOLID WASTE FUND SHALL BE AVAILABLE TO THE
4 COMMISSIONER OF GENERAL SERVICES FOR SERVICES AND EXPENSES OF THE OFFICE
5 RELATING TO THE COLLECTION, PROCESSING AND SALE OF RECYCLED MATERIALS.

6 § 3. The state finance law is amended by adding a new section 99-dd to
7 read as follows:

8 § 99-DD. SPECIAL EVENTS FUND. 1. NOTWITHSTANDING SECTIONS EIGHT,
9 EIGHT-A AND SEVENTY OF THIS CHAPTER AND ANY OTHER PROVISION OF LAW,
10 RULE, REGULATION, OR PRACTICE TO THE CONTRARY, THERE IS HEREBY ESTAB-
11 LISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSION-
12 ER OF TAXATION AND FINANCE A SPECIAL EVENTS FUND, WHICH SHALL BE CLASSI-
13 FIED BY THE STATE COMPTROLLER AS AN ENTERPRISE FUND TYPE, AND WHICH
14 SHALL CONSIST OF ALL MONEYS RECEIVED FROM PRIVATE ENTITIES AND INDIVID-
15 UALS AS FEES FOR THE USE OF PHYSICAL SPACE AT STATE-OWNED FACILITIES,
16 INCLUDING, BUT NOT LIMITED TO, THE EMPIRE STATE PLAZA AND HARRIMAN
17 CAMPUS, AND ANY OTHER MISCELLANEOUS FEES ASSOCIATED WITH THE USE OF SUCH
18 PHYSICAL SPACE AT SUCH STATE-OWNED FACILITIES BY PRIVATE ENTITIES AND
19 INDIVIDUALS.

20 2. MONEYS WITHIN THE SPECIAL EVENTS FUND SHALL BE AVAILABLE TO THE
21 COMMISSIONER OF GENERAL SERVICES FOR SERVICES AND EXPENSES OF THE OFFICE
22 RELATING TO THE USE OF STATE-OWNED FACILITIES BY PRIVATE ENTITIES AND
23 INDIVIDUALS.

24 § 4. This act shall take effect April 1, 2018.

25 PART W

26 Intentionally Omitted

27 PART X

28 Section 1. Short title. This act shall be known and may be cited as
29 the "New York state secure choice savings program act".

30 § 2. Article 43 and sections 1200 and 1201 of the general business
31 law, as renumbered by chapter 32 of the laws of 2016, are renumbered
32 article 46 and sections 1600 and 1601, respectively, and a new article
33 43 is added to read as follows:

34 ARTICLE 43

35 NEW YORK STATE SECURE CHOICE SAVINGS PROGRAM

- 36 SECTION 1300. DEFINITIONS.
- 37 1301. PROGRAM ESTABLISHED.
- 38 1302. COMPOSITION OF THE BOARD.
- 39 1303. FIDUCIARY DUTY.
- 40 1304. DUTIES OF THE BOARD.
- 41 1305. RISK MANAGEMENT.
- 42 1306. FINANCIAL ORGANIZATIONS.
- 43 1307. INVESTMENT OPTIONS.
- 44 1308. BENEFITS.
- 45 1309. EMPLOYER AND EMPLOYEE INFORMATIONAL MATERIALS AND DISCLO-
- 46 SURE FORMS.
- 47 1310. PROGRAM IMPLEMENTATION AND ENROLLMENT.
- 48 1311. PAYMENTS.
- 49 1312. DUTY AND LIABILITY OF THE STATE.
- 50 1313. DUTY AND LIABILITY OF PARTICIPATING EMPLOYERS.
- 51 1314. AUDIT AND REPORTS.
- 52 1315. DELAYED IMPLEMENTATION.

1 1316. REGULATIONS.

2 § 1300. DEFINITIONS. ALL TERMS SHALL HAVE THE SAME MEANING AS WHEN
3 USED IN A COMPARABLE CONTEXT IN THE INTERNAL REVENUE CODE. AS USED IN
4 THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

5 1. "BOARD" SHALL MEAN THE NEW YORK SECURE CHOICE SAVINGS PROGRAM BOARD
6 ESTABLISHED UNDER THIS ARTICLE.

7 2. "SUPERINTENDENT" SHALL MEAN THE SUPERINTENDENT OF THE DEPARTMENT OF
8 FINANCIAL SERVICES.

9 2-A. "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF TAXATION AND
10 FINANCE.

11 2-B. "COMPTROLLER" SHALL MEAN THE COMPTROLLER OF THE STATE.

12 3. "EMPLOYEE" SHALL MEAN ANY INDIVIDUAL WHO IS EIGHTEEN YEARS OF AGE
13 OR OLDER, WHO IS EMPLOYED BY AN EMPLOYER, AND WHO EARNED WAGES WORKING
14 FOR AN EMPLOYER IN NEW YORK STATE DURING A CALENDAR YEAR.

15 4. "EMPLOYER" SHALL MEAN A PERSON OR ENTITY ENGAGED IN A BUSINESS,
16 INDUSTRY, PROFESSION, TRADE, OR OTHER ENTERPRISE IN NEW YORK STATE,
17 WHETHER FOR PROFIT OR NOT FOR PROFIT, THAT HAS NOT OFFERED A QUALIFIED
18 RETIREMENT PLAN, INCLUDING, BUT NOT LIMITED TO, A PLAN QUALIFIED UNDER
19 SECTIONS 401(A), 401(K), 403(A), 403(B), 408(K), 408(P) OR 457(B) OF THE
20 INTERNAL REVENUE CODE OF 1986 IN THE PRECEDING TWO YEARS.

21 5. "ENROLLEE" SHALL MEAN ANY EMPLOYEE WHO IS ENROLLED IN THE PROGRAM.

22 6. "INTERNAL REVENUE CODE" SHALL MEAN THE INTERNAL REVENUE CODE OF
23 1986, OR ANY SUCCESSOR LAW, IN EFFECT FOR THE CALENDAR YEAR.

24 7. "IRA" SHALL MEAN A ROTH IRA (INDIVIDUAL RETIREMENT ACCOUNT).

25 8. "PARTICIPATING EMPLOYER" SHALL MEAN AN EMPLOYER THAT ELECTS TO
26 FACILITATE ACCESS TO THE PROGRAM'S PAYROLL DEDUCTION IRA AS PROVIDED FOR
27 BY THIS ARTICLE FOR ITS EMPLOYEES WHO ARE ENROLLEES IN THE PROGRAM.

28 9. "PAYROLL DEDUCTION IRA" SHALL MEAN AN ARRANGEMENT BY WHICH A
29 PARTICIPATING EMPLOYER FACILITATES ACCESS FOR ENROLLEES TO REMIT PAYROLL
30 DEDUCTION CONTRIBUTIONS TO THE PROGRAM.

31 10. "PROGRAM" SHALL MEAN THE NEW YORK STATE SECURE CHOICE SAVINGS
32 PROGRAM.

33 11. "WAGES" MEANS ANY COMPENSATION WITHIN THE MEANING OF SECTION
34 219(F)(1) OF THE INTERNAL REVENUE CODE THAT IS RECEIVED BY AN ENROLLEE
35 FROM A PARTICIPATING EMPLOYER DURING THE CALENDAR YEAR.

36 § 1301. PROGRAM ESTABLISHED. THERE IS HEREBY ESTABLISHED A RETIREMENT
37 SAVINGS PROGRAM IN THE FORM OF A PAYROLL DEDUCTION IRA, KNOWN AS THE NEW
38 YORK STATE SECURE CHOICE SAVINGS PROGRAM. THE GENERAL ADMINISTRATION AND
39 RESPONSIBILITY FOR THE PROPER OPERATION OF THE PROGRAM SHALL BE ADMINIS-
40 TERED BY THE BOARD FOR THE PURPOSE OF PROMOTING GREATER RETIREMENT
41 SAVINGS FOR PRIVATE-SECTOR EMPLOYEES IN A CONVENIENT, LOW-COST, AND
42 PORTABLE MANNER. THE BOARD MAY DELEGATE SUCH AUTHORITY AND RESPONSIBIL-
43 ITY FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE PROGRAM TO THE DEPART-
44 MENT OF TAXATION AND FINANCE AS THE BOARD DEEMS PROPER.

45 § 1302. COMPOSITION OF THE BOARD. THERE IS HEREBY CREATED THE NEW YORK
46 STATE SECURE CHOICE SAVINGS PROGRAM BOARD.

47 1. THE BOARD SHALL CONSIST OF THE FOLLOWING SEVEN MEMBERS:

48 (A) THE COMMISSIONER, OR HIS OR HER DESIGNEE, WHO SHALL SERVE AS
49 CHAIR;

50 (B) THE STATE COMPTROLLER, OR HIS OR HER DESIGNEE;

51 (C) THE SUPERINTENDENT, OR HIS OR HER DESIGNEE;

52 (D) TWO PUBLIC REPRESENTATIVES WITH EXPERTISE IN RETIREMENT SAVINGS
53 PLAN ADMINISTRATION OR INVESTMENT, OR BOTH, ONE OF WHOM SHALL BE
54 APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND ONE OF WHOM SHALL BE
55 APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE;

1 (E) A REPRESENTATIVE OF PARTICIPATING EMPLOYERS, APPOINTED BY THE
2 GOVERNOR; AND

3 (F) A REPRESENTATIVE OF ENROLLEES, APPOINTED BY THE GOVERNOR.

4 2. MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION BUT MAY BE
5 REIMBURSED FOR NECESSARY TRAVEL EXPENSES INCURRED IN CONNECTION WITH
6 THEIR BOARD DUTIES FROM FUNDS APPROPRIATED FOR THE PURPOSE.

7 3. THE INITIAL APPOINTMENTS SHALL BE AS FOLLOWS: THE PUBLIC REPRESENTATIVES FOR FOUR YEARS; THE REPRESENTATIVE OF PARTICIPATING EMPLOYERS FOR THREE YEARS; AND THE REPRESENTATIVE OF ENROLLEES FOR THREE YEARS. THEREAFTER, ALL THE GOVERNOR'S APPOINTEES SHALL BE FOR TERMS OF FOUR YEARS.

12 4. A VACANCY IN THE TERM OF AN APPOINTED BOARD MEMBER SHALL BE FILLED FOR THE BALANCE OF THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

15 § 1303. FIDUCIARY DUTY. THE BOARD, THE INDIVIDUAL MEMBERS OF THE BOARD, THE TRUSTEES, ANY OTHER AGENTS APPOINTED OR ENGAGED BY THE BOARD, AND ALL PERSONS SERVING AS PROGRAM STAFF SHALL DISCHARGE THEIR DUTIES WITH RESPECT TO THE PROGRAM SOLELY IN THE INTEREST OF THE PROGRAM'S ENROLLEES AND BENEFICIARIES AS FOLLOWS:

20 1. FOR THE EXCLUSIVE PURPOSES OF PROVIDING BENEFITS TO ENROLLEES AND BENEFICIARIES AND DEFRAYING REASONABLE EXPENSES OF ADMINISTERING THE PROGRAM;

23 2. BY INVESTING WITH THE CARE, SKILL, PRUDENCE, AND DILIGENCE UNDER THE PREVAILING CIRCUMSTANCES THAT A PRUDENT PERSON ACTING IN A LIKE CAPACITY AND FAMILIAR WITH THOSE MATTERS WOULD USE IN THE CONDUCT OF AN ENTERPRISE OF A LIKE CHARACTER AND WITH LIKE AIMS; AND

27 3. BY USING ANY CONTRIBUTIONS PAID BY EMPLOYEES AND EMPLOYERS REMITTING EMPLOYEES' OWN CONTRIBUTIONS INTO THE FUND EXCLUSIVELY FOR THE PURPOSE OF PAYING BENEFITS TO THE ENROLLEES OF THE PROGRAM, FOR THE COST OF ADMINISTRATION OF THE PROGRAM, AND FOR INVESTMENTS MADE FOR THE BENEFIT OF THE PROGRAM.

32 § 1304. DUTIES OF THE BOARD. IN ADDITION TO THE OTHER DUTIES AND RESPONSIBILITIES STATED IN THIS ARTICLE, THE BOARD SHALL, ITSELF OR THROUGH THE USE OF APPROPRIATE FINANCIAL ORGANIZATIONS AS MANAGERS:

35 1. CAUSE THE PROGRAM TO BE DESIGNED, ESTABLISHED AND OPERATED IN A MANNER THAT:

37 (A) ACCORDS WITH BEST PRACTICES FOR RETIREMENT SAVINGS VEHICLES;

38 (B) MAXIMIZES PARTICIPATION, SAVINGS, AND SOUND INVESTMENT PRACTICES INCLUDING CONSIDERING THE USE OF AUTOMATIC ENROLLMENT AS ALLOWED UNDER FEDERAL LAW;

41 (C) MAXIMIZES SIMPLICITY, INCLUDING EASE OF ADMINISTRATION FOR PARTICIPATING EMPLOYERS AND ENROLLEES;

43 (D) PROVIDES AN EFFICIENT PRODUCT TO ENROLLEES BY POOLING INVESTMENT FUNDS;

45 (E) ENSURES THE PORTABILITY OF BENEFITS; AND

46 (F) PROVIDES FOR THE DEACCUMULATION OF ENROLLEE ASSETS IN A MANNER THAT PROVIDES A FINANCIAL BENEFIT IN RETIREMENT.

48 2. EXPLORE AND ESTABLISH OR AUTHORIZE INVESTMENT OPTIONS, SUBJECT TO THIS ARTICLE, THAT OFFER ENROLLEES RETURNS ON CONTRIBUTIONS AND THE CONVERSION OF INDIVIDUAL RETIREMENT SAVINGS ACCOUNT BALANCES TO SECURE RETIREMENT INCOME WITHOUT INCURRING DEBT OR LIABILITIES TO THE STATE.

52 3. ESTABLISH OR AUTHORIZE THE PROCESS BY WHICH INTEREST, INVESTMENT EARNINGS, AND INVESTMENT LOSSES ARE ALLOCATED TO INDIVIDUAL PROGRAM ACCOUNTS ON A PRO RATA BASIS AND ARE COMPUTED AT THE INTEREST RATE ON THE BALANCE OF AN INDIVIDUAL'S ACCOUNT.

- 1 4. MAKE AND ENTER INTO CONTRACTS NECESSARY FOR THE ADMINISTRATION OF
2 THE PROGRAM AND FUND, INCLUDING, BUT NOT LIMITED TO, RETAINING AND
3 CONTRACTING WITH INVESTMENT MANAGERS, FINANCIAL ORGANIZATIONS, OTHER
4 FINANCIAL AND SERVICE PROVIDERS, CONSULTANTS, ACTUARIES, COUNSEL, AUDI-
5 TORS, THIRD-PARTY ADMINISTRATORS, AND OTHER PROFESSIONALS AS NECESSARY.
- 6 5. CONDUCT A PERIODIC REVIEW OF THE PERFORMANCE OF ANY FINANCIAL
7 ORGANIZATIONS, INCLUDING, BUT NOT LIMITED TO, A REVIEW OF RETURNS, FEES,
8 AND CUSTOMER SERVICE. A COPY OF REVIEWS SHALL BE POSTED TO THE PROGRAM'S
9 INTERNET WEBSITE.
- 10 6. CAUSE MONEYS IN THE PROGRAM TO BE HELD AND INVESTED AS POOLED
11 INVESTMENTS OR OTHERWISE, WITH A VIEW TO ACHIEVING COST SAVINGS THROUGH
12 EFFICIENCIES AND ECONOMIES OF SCALE.
- 13 7. EVALUATE AND ESTABLISH OR AUTHORIZE THE PROCESS FOR:
14 (A) AN ENROLLEE TO CONTRIBUTE A PORTION OF HIS OR HER WAGES TO THE
15 PROGRAM VIA PAYROLL DEDUCTION; AND
16 (B) THE VOLUNTARY ENROLLMENT OF PARTICIPATING EMPLOYERS IN THE
17 PROGRAM.
- 18 8. THE BOARD MAY CONTRACT WITH FINANCIAL ORGANIZATIONS AND THIRD-PARTY
19 ADMINISTRATORS WITH THE CAPABILITY TO RECEIVE AND PROCESS EMPLOYEE
20 INFORMATION AND CONTRIBUTIONS FOR PAYROLL DEDUCTION IRA OR SIMILAR
21 ARRANGEMENTS.
- 22 9. EVALUATE AND ESTABLISH OR AUTHORIZE THE PROCESS FOR ENROLLMENT
23 INCLUDING THE PROCESS BY WHICH AN EMPLOYEE MAY PARTICIPATE IN THE
24 PROGRAM, SELECT A CONTRIBUTION LEVEL, SELECT AN INVESTMENT OPTION, AND
25 TERMINATE PARTICIPATION IN THE PROGRAM.
- 26 10. EVALUATE, OR CAUSE TO BE EVALUATED, THE NEED FOR, AND PROCURE AS
27 NEEDED, INSURANCE AGAINST ANY AND ALL LOSS IN CONNECTION WITH THE PROP-
28 erty, ASSETS, OR ACTIVITIES OF THE PROGRAM, AND INDEMNIFY AS NEEDED EACH
29 MEMBER OF THE BOARD FROM PERSONAL LOSS OR LIABILITY RESULTING FROM A
30 MEMBER'S ACTION OR INACTION AS A MEMBER OF THE BOARD.
- 31 11. MAKE PROVISIONS FOR THE PAYMENT OF ADMINISTRATIVE COSTS AND
32 EXPENSES FOR THE CREATION, MANAGEMENT, AND OPERATION OF THE PROGRAM.
33 SUBJECT TO APPROPRIATION, THE STATE MAY PAY ADMINISTRATIVE COSTS ASSOCI-
34 ATED WITH THE CREATION AND MANAGEMENT OF THE PROGRAM UNTIL SUFFICIENT
35 ASSETS ARE AVAILABLE IN THE PROGRAM FOR THAT PURPOSE. THEREAFTER, ALL
36 ADMINISTRATIVE COSTS OF THE PROGRAM, INCLUDING REPAYMENT OF ANY START-UP
37 FUNDS PROVIDED BY THE STATE, SHALL BE PAID ONLY OUT OF MONEYS ON DEPOSIT
38 THEREIN. HOWEVER, PRIVATE FUNDS OR FEDERAL FUNDING RECEIVED IN ORDER TO
39 IMPLEMENT THE PROGRAM UNTIL IT IS SELF-SUSTAINING SHALL NOT BE REPAID
40 UNLESS THOSE FUNDS WERE OFFERED CONTINGENT UPON THE PROMISE OF SUCH
41 REPAYMENT. THE BOARD SHALL KEEP ITS ANNUAL ADMINISTRATIVE EXPENSES AS
42 LOW AS POSSIBLE.
- 43 12. ALLOCATE ADMINISTRATIVE FEES TO INDIVIDUAL RETIREMENT ACCOUNTS IN
44 THE PROGRAM ON A PRO RATA BASIS.
- 45 13. SET OR AUTHORIZE MINIMUM AND MAXIMUM CONTRIBUTION LEVELS IN
46 ACCORDANCE WITH LIMITS ESTABLISHED FOR IRAS BY THE INTERNAL REVENUE
47 CODE.
- 48 14. FACILITATE EDUCATION AND OUTREACH TO EMPLOYERS AND EMPLOYEES.
- 49 15. FACILITATE COMPLIANCE BY THE PROGRAM WITH ALL APPLICABLE REQUIRE-
50 MENTS FOR THE PROGRAM UNDER THE INTERNAL REVENUE CODE, INCLUDING TAX
51 QUALIFICATION REQUIREMENTS OR ANY OTHER APPLICABLE LEGAL, FINANCIAL
52 REPORTING AND ACCOUNTING REQUIREMENTS.
- 53 16. CARRY OUT THE DUTIES AND OBLIGATIONS OF THE PROGRAM IN AN EFFEC-
54 TIVE, EFFICIENT, AND LOW-COST MANNER.

1 17. EXERCISE ANY AND ALL OTHER POWERS REASONABLY NECESSARY FOR THE
2 EFFECTUATION OF THE PURPOSES, OBJECTIVES, AND PROVISIONS OF THIS ARTI-
3 CLE.

4 18. DETERMINE OR AUTHORIZE WITHDRAWAL PROVISIONS, SUCH AS ECONOMIC
5 HARDSHIPS, PORTABILITY AND LEAKAGE.

6 19. DETERMINE EMPLOYEE RIGHTS AND ENFORCEMENT OF PENALTIES.

7 20. DELEGATE SUCH AUTHORITY AND RESPONSIBILITY FOR THE DEVELOPMENT AND
8 IMPLEMENTATION OF THE PROGRAM TO THE DEPARTMENT OF TAXATION AND FINANCE
9 AS THE BOARD DEEMS PROPER.

10 § 1305. RISK MANAGEMENT. THE BOARD SHALL ANNUALLY PREPARE, OR CAUSE TO
11 BE PREPARED, AND ADOPT A WRITTEN STATEMENT OF INVESTMENT POLICY THAT
12 INCLUDES A RISK MANAGEMENT AND OVERSIGHT PROGRAM. THIS INVESTMENT POLICY
13 SHALL PROHIBIT THE BOARD AND THE PROGRAM FROM BORROWING FOR INVESTMENT
14 PURPOSES. THE RISK MANAGEMENT AND OVERSIGHT PROGRAM SHALL BE DESIGNED TO
15 ENSURE THAT AN EFFECTIVE RISK MANAGEMENT SYSTEM IS IN PLACE TO MONITOR
16 THE RISK LEVELS OF THE PROGRAM, TO ENSURE THAT THE RISKS TAKEN ARE
17 PRUDENT AND PROPERLY MANAGED, TO PROVIDE AN INTEGRATED PROCESS FOR OVER-
18 ALL RISK MANAGEMENT, AND TO ASSESS INVESTMENT RETURNS AS WELL AS RISK TO
19 DETERMINE IF THE RISKS TAKEN ARE ADEQUATELY COMPENSATED COMPARED TO
20 APPLICABLE PERFORMANCE BENCHMARKS AND STANDARDS. THE BOARD SHALL CONSID-
21 ER THE STATEMENT OF INVESTMENT POLICY AND ANY CHANGES IN THE INVESTMENT
22 POLICY AT A PUBLIC HEARING.

23 § 1306. FINANCIAL ORGANIZATIONS. 1. THE BOARD SHALL ENGAGE, AFTER AN
24 OPEN BID PROCESS, A FINANCIAL ORGANIZATION OR ORGANIZATIONS TO INVEST
25 ASSETS OF THE PROGRAM. IN SELECTING THE FINANCIAL ORGANIZATION OR ORGAN-
26 IZATIONS, THE BOARD SHALL TAKE INTO CONSIDERATION AND GIVE WEIGHT TO THE
27 FINANCIAL ORGANIZATION'S FEES AND CHARGES IN ORDER TO REDUCE THE
28 PROGRAM'S ADMINISTRATIVE EXPENSES.

29 2. THE FINANCIAL ORGANIZATIONS SHALL COMPLY WITH APPLICABLE FEDERAL
30 AND STATE LAWS, RULES, AND REGULATIONS, AS WELL AS RULES, POLICIES, AND
31 GUIDELINES PROMULGATED BY THE BOARD WITH RESPECT TO THE PROGRAM, INCLUD-
32 ING, BUT NOT LIMITED TO, THE INVESTMENT POLICY.

33 3. THE FINANCIAL ORGANIZATION OR ORGANIZATIONS SHALL PROVIDE SUCH
34 REPORTS AS THE BOARD DEEMS NECESSARY FOR THE BOARD TO OVERSEE EACH
35 FINANCIAL ORGANIZATION'S PERFORMANCE AND THE PERFORMANCE OF THE PROGRAM.

36 § 1307. INVESTMENT OPTIONS. 1. THE BOARD SHALL ESTABLISH OR AUTHORIZE
37 A DEFAULT INVESTMENT OPTION FOR ENROLLEES WHO FAIL TO ELECT AN INVEST-
38 MENT OPTION. IN MAKING SUCH DETERMINATION, THE BOARD SHALL CONSIDER THE
39 COST, RISK PROFILE, BENEFIT LEVEL AND EASE OF ENROLLMENT. THE BOARD MAY
40 CHANGE THE DEFAULT OPTION IF THE BOARD DETERMINES THAT SUCH CHANGE IS IN
41 THE BEST INTERESTS OF THE ENROLLEES.

42 2. THE BOARD MAY ESTABLISH OR AUTHORIZE ANY ADDITIONAL INVESTMENT
43 OPTIONS THAT THE BOARD DEEMS APPROPRIATE INCLUDING BUT NOT LIMITED TO:

44 (A) A CONSERVATIVE PRINCIPAL PROTECTION FUND;

45 (B) A GROWTH FUND;

46 (C) A SECURE RETURN FUND WHOSE PRIMARY OBJECTIVE IS THE PRESERVATION
47 OF THE SAFETY OF PRINCIPAL AND THE PROVISION OF A STABLE AND LOW-RISK
48 RATE OF RETURN; IF THE BOARD ELECTS TO ESTABLISH A SECURE RETURN FUND,
49 THE BOARD MAY PROCURE ANY INSURANCE, ANNUITY, OR OTHER PRODUCT TO INSURE
50 THE VALUE OF ENROLLEES' ACCOUNTS AND GUARANTEE A RATE OF RETURN; THE
51 COST OF SUCH FUNDING MECHANISM SHALL BE PAID OUT OF THE FUND; UNDER NO
52 CIRCUMSTANCES SHALL THE BOARD, PROGRAM, FUND, THE STATE, OR ANY PARTIC-
53 IPATING EMPLOYER ASSUME ANY LIABILITY FOR INVESTMENT OR ACTUARIAL RISK;
54 THE BOARD SHALL DETERMINE WHETHER TO ESTABLISH OR AUTHORIZE SUCH INVEST-
55 MENT OPTIONS BASED UPON AN ANALYSIS OF THEIR COST, RISK PROFILE, BENEFIT
56 LEVEL, FEASIBILITY, AND EASE OF IMPLEMENTATION;

1 (D) AN ANNUITY FUND;
2 (E) A GROWTH AND INCOME FUND; OR
3 (F) A LIFE CYCLE FUND WITH A TARGET DATE BASED UPON FACTORS DETERMINED
4 BY THE BOARD.

5 § 1308. BENEFITS. INTEREST, INVESTMENT EARNINGS, AND INVESTMENT LOSSES
6 SHALL BE ALLOCATED TO INDIVIDUAL PROGRAM ACCOUNTS AS AUTHORIZED BY THE
7 BOARD PURSUANT TO THIS ARTICLE. AN INDIVIDUAL'S RETIREMENT SAVINGS BENE-
8 FIT UNDER THE PROGRAM SHALL BE AN AMOUNT EQUAL TO THE BALANCE IN THE
9 INDIVIDUAL'S PROGRAM ACCOUNT ON THE DATE THE RETIREMENT SAVINGS BENEFIT
10 BECOMES PAYABLE. THE STATE SHALL HAVE NO LIABILITY FOR THE PAYMENT OF
11 ANY BENEFIT TO ANY ENROLLEE IN THE PROGRAM.

12 § 1309. EMPLOYER AND EMPLOYEE INFORMATIONAL MATERIALS AND DISCLOSURE
13 FORMS. 1. PRIOR TO THE OPENING OF THE PROGRAM FOR ENROLLMENT, THE BOARD
14 SHALL DESIGN AND DISSEMINATE, OR CAUSE TO BE DESIGNED AND DISSEMINATED,
15 TO ALL EMPLOYERS EMPLOYER INFORMATIONAL MATERIALS AND EMPLOYEE INFORMA-
16 TIONAL MATERIALS, WHICH SHALL INCLUDE BACKGROUND INFORMATION ON THE
17 PROGRAM, AND NECESSARY DISCLOSURES AS REQUIRED BY LAW FOR EMPLOYEES.

18 2. THE EMPLOYEE INFORMATIONAL MATERIALS SHALL BE MADE AVAILABLE IN
19 ENGLISH, SPANISH, HAITIAN CREOLE, CHINESE, KOREAN, RUSSIAN, ARABIC, AND
20 ANY OTHER LANGUAGE THE BOARD DEEMS NECESSARY.

21 3. THE EMPLOYEE INFORMATIONAL MATERIALS SHALL INCLUDE A DISCLOSURE
22 FORM. THE DISCLOSURE FORM SHALL EXPLAIN, BUT NOT BE LIMITED TO, ALL OF
23 THE FOLLOWING:

24 (A) THE BENEFITS AND RISKS ASSOCIATED WITH MAKING CONTRIBUTIONS TO THE
25 PROGRAM;

26 (B) THE PROCESS FOR MAKING CONTRIBUTIONS TO THE PROGRAM;

27 (C) HOW TO CEASE PARTICIPATION IN THE PROGRAM;

28 (D) THE PROCESS BY WHICH AN EMPLOYEE CAN PARTICIPATE IN THE PROGRAM
29 WITH A LEVEL OF EMPLOYEE CONTRIBUTIONS OTHER THAN THREE PERCENT;

30 (E) THAT THEY ARE NOT REQUIRED TO PARTICIPATE OR CONTRIBUTE MORE THAN
31 THREE PERCENT;

32 (F) THE PROCESS FOR WITHDRAWAL OF RETIREMENT SAVINGS;

33 (G) THE PROCESS FOR SELECTING BENEFICIARIES OF THEIR RETIREMENT
34 SAVINGS;

35 (H) HOW TO OBTAIN ADDITIONAL INFORMATION ABOUT THE PROGRAM;

36 (I) THAT EMPLOYEES SEEKING FINANCIAL ADVICE SHOULD CONTACT FINANCIAL
37 ADVISORS, THAT PARTICIPATING EMPLOYERS ARE NOT IN A POSITION TO PROVIDE
38 FINANCIAL ADVICE, AND THAT PARTICIPATING EMPLOYERS ARE NOT LIABLE FOR
39 DECISIONS EMPLOYEES MAKE PURSUANT TO THIS ARTICLE;

40 (J) INFORMATION ON HOW TO ACCESS ANY AVAILABLE FINANCIAL LITERACY
41 PROGRAMS; AND

42 (K) THAT THE PROGRAM FUND IS NOT GUARANTEED BY THE STATE.

43 4. THE EMPLOYEE INFORMATIONAL MATERIALS SHALL ALSO INCLUDE A FORM FOR
44 AN EMPLOYEE TO NOTE HIS OR HER DECISION REGARDING PARTICIPATION IN THE
45 PROGRAM OR ELECTION TO PARTICIPATE WITH A LEVEL OF EMPLOYEE CONTRIB-
46 UTIONS OTHER THAN THREE PERCENT.

47 5. PARTICIPATING EMPLOYERS SHALL SUPPLY THE EMPLOYEE INFORMATIONAL
48 MATERIALS TO EXISTING EMPLOYEES AT LEAST ONE MONTH PRIOR TO THE PARTIC-
49 IPATING EMPLOYERS' FACILITATION OF ACCESS TO THE PROGRAM. PARTICIPATING
50 EMPLOYERS SHALL SUPPLY THE EMPLOYEE INFORMATIONAL MATERIALS TO NEW
51 EMPLOYEES AT THE TIME OF HIRING.

52 § 1310. PROGRAM IMPLEMENTATION AND ENROLLMENT. EXCEPT AS OTHERWISE
53 PROVIDED IN THIS ARTICLE, THE PROGRAM SHALL BE IMPLEMENTED, AND ENROLL-
54 MENT OF EMPLOYEES SHALL BEGIN, WITHIN TWENTY-FOUR MONTHS AFTER THE
55 EFFECTIVE DATE OF THIS ARTICLE. THE PROVISIONS OF THIS SECTION SHALL BE
56 IN FORCE AFTER THE BOARD OPENS THE PROGRAM FOR ENROLLMENT.

1 1. NO EMPLOYER SHALL BE REQUIRED TO PARTICIPATE IN OR OTHERWISE IMPLI-
2 MENT THE PROGRAM.

3 2. ENROLLEES SHALL HAVE THE ABILITY TO SELECT A CONTRIBUTION LEVEL
4 INTO THE PROGRAM. THIS LEVEL MAY BE EXPRESSED AS A PERCENTAGE OF WAGES
5 OR AS A DOLLAR AMOUNT UP TO THE DEDUCTIBLE AMOUNT FOR THE ENROLLEE'S
6 TAXABLE YEAR UNDER SECTION 219(B)(1)(A) OF THE INTERNAL REVENUE CODE.
7 ENROLLEES MAY CHANGE THEIR CONTRIBUTION LEVEL AT ANY TIME, SUBJECT TO
8 RULES PROMULGATED BY THE BOARD. IF AN ENROLLEE FAILS TO SELECT A
9 CONTRIBUTION LEVEL USING THE FORM DESCRIBED IN THIS ARTICLE, THEN HE OR
10 SHE SHALL CONTRIBUTE THREE PERCENT OF HIS OR HER WAGES TO THE PROGRAM,
11 PROVIDED THAT SUCH CONTRIBUTIONS SHALL NOT CAUSE THE ENROLLEE'S TOTAL
12 CONTRIBUTIONS TO IRAS FOR THE YEAR TO EXCEED THE DEDUCTIBLE AMOUNT FOR
13 THE ENROLLEE'S TAXABLE YEAR UNDER SECTION 219(B)(1)(A) OF THE INTERNAL
14 REVENUE CODE.

15 3. ENROLLEES MAY SELECT AN INVESTMENT OPTION OFFERED UNDER THE
16 PROGRAM. ENROLLEES MAY CHANGE THEIR INVESTMENT OPTION AT ANY TIME,
17 SUBJECT TO RULES PROMULGATED BY THE BOARD. IN THE EVENT THAT AN ENROLLEE
18 FAILS TO SELECT AN INVESTMENT OPTION, THAT ENROLLEE SHALL BE PLACED IN
19 THE INVESTMENT OPTION SELECTED OR AUTHORIZED BY THE BOARD AS THE DEFAULT
20 UNDER THIS ARTICLE.

21 4. FOLLOWING INITIAL IMPLEMENTATION OF THE PROGRAM PURSUANT TO THIS
22 SECTION, AT LEAST ONCE EVERY YEAR, THE PROGRAM SHALL DESIGNATE AN OPEN
23 ENROLLMENT PERIOD DURING WHICH EMPLOYEES MAY ENROLL IN THE PROGRAM.

24 5. AN EMPLOYEE WHO CHOOSES NOT TO PARTICIPATE IN THE PROGRAM AND WHO
25 SUBSEQUENTLY WANTS TO PARTICIPATE MAY ONLY ENROLL DURING THE PROGRAM'S
26 DESIGNATED OPEN ENROLLMENT PERIOD OR IF PERMITTED BY THE PROGRAM AT AN
27 EARLIER TIME.

28 6. EMPLOYERS SHALL RETAIN THE OPTION AT ALL TIMES TO SET UP ANY TYPE
29 OF EMPLOYER-SPONSORED RETIREMENT PLAN.

30 7. AN ENROLLEE MAY TERMINATE HIS OR HER ENROLLMENT IN THE PROGRAM AT
31 ANY TIME IN A MANNER PRESCRIBED BY THE BOARD.

32 8. (A) THE BOARD SHALL ESTABLISH OR AUTHORIZE A WEBSITE REGARDING THE
33 SECURE CHOICE SAVINGS PROGRAM.

34 (B) THE BOARD SHALL ESTABLISH AND MAINTAIN OR AUTHORIZE THE ESTABLISH-
35 MENT AND MAINTENANCE OF A SECURE WEBSITE WHEREIN ENROLLEES MAY LOG IN
36 AND ACQUIRE INFORMATION REGARDING CONTRIBUTIONS AND INVESTMENT INCOME
37 ALLOCATED TO, WITHDRAWALS FROM, AND BALANCES IN THEIR PROGRAM ACCOUNTS
38 FOR THE REPORTING PERIOD. SUCH WEBSITE MUST ALSO INCLUDE INFORMATION FOR
39 THE ENROLLEES REGARDING OTHER OPTIONS AVAILABLE TO THE EMPLOYEE AND HOW
40 THEY CAN TRANSFER THEIR ACCOUNTS TO OTHER PROGRAMS SHOULD THEY WISH TO
41 DO SO. SUCH WEBSITE MAY INCLUDE ANY OTHER INFORMATION REGARDING THE
42 PROGRAM AS THE BOARD MAY DETERMINE.

43 § 1311. PAYMENTS. EMPLOYEE CONTRIBUTIONS DEDUCTED BY THE PARTICIPATING
44 EMPLOYER THROUGH PAYROLL DEDUCTION SHALL BE REMITTED BY THE PARTICIPAT-
45 ING EMPLOYER TO THE PROGRAM USING ONE OR MORE PAYROLL DEDUCTION IRAS
46 ESTABLISHED OR AUTHORIZED BY THE BOARD UNDER THIS ARTICLE, EITHER:

47 1. ON OR BEFORE THE LAST DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH
48 THE COMPENSATION OTHERWISE WOULD HAVE BEEN PAYABLE TO THE EMPLOYEE IN
49 CASH; OR

50 2. BEFORE SUCH LATER DEADLINE PRESCRIBED BY THE BOARD FOR MAKING SUCH
51 PAYMENTS, BUT NOT LATER THAN THE DUE DATE FOR THE DEPOSIT OF TAX
52 REQUIRED TO BE DEDUCTED AND WITHHELD RELATING TO COLLECTION OF INCOME
53 TAX AT SOURCE ON WAGES OR FOR THE DEPOSIT OF TAX REQUIRED TO BE PAID
54 UNDER THE UNEMPLOYMENT INSURANCE SYSTEM FOR THE PAYROLL PERIOD TO WHICH
55 SUCH PAYMENTS RELATE.

1 § 1312. DUTY AND LIABILITY OF THE STATE. 1. THE STATE SHALL HAVE NO
2 DUTY OR LIABILITY TO ANY PARTY FOR THE PAYMENT OF ANY RETIREMENT SAVINGS
3 BENEFITS ACCRUED BY ANY ENROLLEE UNDER THE PROGRAM. ANY FINANCIAL
4 LIABILITY FOR THE PAYMENT OF RETIREMENT SAVINGS BENEFITS IN EXCESS OF
5 FUNDS AVAILABLE UNDER THE PROGRAM SHALL BE BORNE SOLELY BY THE ENTITIES
6 WITH WHOM THE BOARD CONTRACTS TO PROVIDE INSURANCE TO PROTECT THE VALUE
7 OF THE PROGRAM.

8 2. NO STATE BOARD, COMMISSION, OR AGENCY, OR ANY OFFICER, EMPLOYEE, OR
9 MEMBER THEREOF IS LIABLE FOR ANY LOSS OR DEFICIENCY RESULTING FROM
10 PARTICULAR INVESTMENTS SELECTED UNDER THIS ARTICLE, EXCEPT FOR ANY
11 LIABILITY THAT ARISES OUT OF A BREACH OF FIDUCIARY DUTY.

12 § 1313. DUTY AND LIABILITY OF PARTICIPATING EMPLOYERS. 1. PARTICIPAT-
13 ING EMPLOYERS SHALL NOT HAVE ANY LIABILITY FOR AN EMPLOYEE'S DECISION
14 REGARDING WHETHER TO PARTICIPATE IN THE PROGRAM OR FOR THE INVESTMENT
15 DECISIONS OF THE BOARD OR OF ANY ENROLLEE.

16 2. A PARTICIPATING EMPLOYER IS NOT ESTABLISHING OR MAINTAINING THE
17 PROGRAM'S PAYROLL DEDUCTION IRA. A PARTICIPATING EMPLOYER SHALL NOT BE A
18 FIDUCIARY, OR CONSIDERED TO BE A FIDUCIARY, OVER THE PROGRAM. A PARTIC-
19 IPATING EMPLOYER SHALL NOT BEAR RESPONSIBILITY FOR THE ADMINISTRATION,
20 INVESTMENT, OR INVESTMENT PERFORMANCE OF THE PROGRAM. A PARTICIPATING
21 EMPLOYER SHALL NOT BE LIABLE WITH REGARD TO INVESTMENT RETURNS, PROGRAM
22 DESIGN, AND BENEFITS PAID TO PROGRAM PARTICIPANTS.

23 § 1314. AUDIT AND REPORTS. 1. THE BOARD SHALL ANNUALLY SUBMIT:

24 (A) AN AUDITED FINANCIAL REPORT, PREPARED IN ACCORDANCE WITH GENERALLY
25 ACCEPTED ACCOUNTING PRINCIPLES, ON THE OPERATIONS OF THE PROGRAM DURING
26 EACH CALENDAR YEAR BY JULY FIRST OF THE FOLLOWING YEAR TO THE GOVERNOR,
27 THE COMMISSIONER, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT
28 OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE
29 CHAIR OF THE SENATE FINANCE COMMITTEE, THE CHAIR OF THE ASSEMBLY LABOR
30 COMMITTEE, THE CHAIR OF THE SENATE LABOR COMMITTEE; AND

31 (B) A REPORT PREPARED OR AUTHORIZED BY THE BOARD, WHICH SHALL INCLUDE,
32 BUT IS NOT LIMITED TO, A SUMMARY OF THE BENEFITS PROVIDED BY THE
33 PROGRAM, INCLUDING THE NUMBER OF ENROLLEES IN THE PROGRAM, THE PERCENT-
34 AGE AND AMOUNTS OF INVESTMENT OPTIONS AND RATES OF RETURN, AND SUCH
35 OTHER INFORMATION THAT IS RELEVANT TO MAKE A FULL, FAIR, AND EFFECTIVE
36 DISCLOSURE OF THE OPERATIONS OF THE PROGRAM. THE ANNUAL REPORT SHALL BE
37 MADE BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT AND SHALL INCLUDE,
38 BUT IS NOT LIMITED TO, DIRECT AND INDIRECT COSTS ATTRIBUTABLE TO THE USE
39 OF OUTSIDE CONSULTANTS, INDEPENDENT CONTRACTORS, AND ANY OTHER PERSONS
40 WHO ARE NOT STATE EMPLOYEES FOR THE ADMINISTRATION OF THE PROGRAM.

41 2. IN ADDITION TO ANY OTHER STATEMENTS OR REPORTS REQUIRED BY LAW, THE
42 BOARD SHALL PROVIDE OR CAUSE TO BE PROVIDED PERIODIC REPORTS AT LEAST
43 ANNUALLY TO ENROLLEES, REPORTING CONTRIBUTIONS AND INVESTMENT INCOME
44 ALLOCATED TO, WITHDRAWALS FROM, AND BALANCES IN THEIR PROGRAM ACCOUNTS
45 FOR THE REPORTING PERIOD. SUCH REPORTS MAY INCLUDE ANY OTHER INFORMATION
46 REGARDING THE PROGRAM AS THE BOARD MAY DETERMINE.

47 § 1315. DELAYED IMPLEMENTATION. THE BOARD MAY DELAY THE IMPLEMENTATION
48 OF THE PROGRAM AN ADDITIONAL TWELVE MONTHS BEYOND THE TWENTY-FOUR MONTHS
49 ESTABLISHED IN SECTION THIRTEEN HUNDRED TEN OF THIS ARTICLE IF THE BOARD
50 DETERMINES THAT FURTHER DELAY IS NECESSARY TO ADDRESS LEGAL, FINANCIAL
51 OR OTHER PROGRAMMATIC CONCERNS IMPACTING THE VIABILITY OF THE PROGRAM.
52 THE BOARD SHALL PROVIDE REASONABLE NOTICE OF SUCH DELAY TO THE GOVERNOR,
53 THE COMMISSIONER, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT
54 OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE
55 CHAIR OF THE SENATE FINANCE COMMITTEE, THE CHAIR OF THE ASSEMBLY LABOR
56 COMMITTEE, AND THE CHAIR OF THE SENATE LABOR COMMITTEE.

1 § 1316. REGULATIONS. THE COMMISSIONER MAY ISSUE SUCH RULES AND REGU-
2 LATIONS AS HE OR SHE DEEMS NECESSARY TO IMPLEMENT THE TERMS OF THIS
3 ARTICLE.

4 § 3. The state finance law is amended by adding a new section 99-bb to
5 read as follows:

6 § 99-BB. NEW YORK STATE SECURE CHOICE ADMINISTRATIVE FUND. 1. THERE
7 IS HEREBY ESTABLISHED WITHIN THE JOINT CUSTODY OF THE COMMISSIONER OF
8 TAXATION AND FINANCE AND THE STATE COMPTROLLER IN CONSULTATION WITH THE
9 NEW YORK STATE SECURE CHOICE SAVINGS PROGRAM BOARD, A NEW FUND TO BE
10 KNOWN AS THE NEW YORK STATE SECURE CHOICE ADMINISTRATIVE FUND.

11 2. THE NEW YORK STATE SECURE CHOICE SAVINGS PROGRAM BOARD SHALL USE
12 MONEYS IN THE ADMINISTRATIVE FUND TO PAY FOR ADMINISTRATIVE EXPENSES IT
13 INCURS IN THE PERFORMANCE OF ITS DUTIES UNDER THE NEW YORK STATE SECURE
14 CHOICE SAVINGS PROGRAM PURSUANT TO ARTICLE FORTY-THREE OF THE GENERAL
15 BUSINESS LAW.

16 3. THE NEW YORK STATE SECURE CHOICE SAVINGS PROGRAM BOARD SHALL USE
17 MONEYS IN THE ADMINISTRATIVE FUND TO COVER START-UP ADMINISTRATIVE
18 EXPENSES IT INCURS IN THE PERFORMANCE OF ITS DUTIES UNDER ARTICLE
19 FORTY-THREE OF THE GENERAL BUSINESS LAW.

20 4. THE ADMINISTRATIVE FUND MAY RECEIVE ANY GRANTS OR OTHER MONEYS
21 DESIGNATED FOR ADMINISTRATIVE PURPOSES FROM THE STATE, OR ANY UNIT OF
22 FEDERAL OR LOCAL GOVERNMENT, OR ANY OTHER PERSON, FIRM, PARTNERSHIP, OR
23 CORPORATION. ANY INTEREST EARNINGS THAT ARE ATTRIBUTABLE TO MONEYS IN
24 THE ADMINISTRATIVE FUND MUST BE DEPOSITED INTO THE ADMINISTRATIVE FUND.

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

34 § 5. This act shall take effect immediately.

35 PART Y

36 Intentionally Omitted

37 PART Z

38 Intentionally Omitted

39 PART AA

40 Intentionally Omitted

41 PART BB

42 Intentionally Omitted

43 PART CC

44 Section 1. Paragraph p of subdivision 10 of section 54 of the state
45 finance law, as amended by section 2 of part K of chapter 57 of the laws

1 of 2011 and subparagraph (ii) as amended by chapter 30 of the laws of
2 2013, is amended to read as follows:

3 p. Citizen empowerment tax credit. (i) For the purposes of this para-
4 graph, "municipalities" shall mean cities with a population less than
5 one million, towns CREATED ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOU-
6 SAND SEVENTEEN, and villages INCORPORATED ON OR BEFORE DECEMBER THIRTY-
7 FIRST, TWO THOUSAND SEVENTEEN.

8 (ii) Within the annual amounts appropriated therefor, surviving muni-
9 cipalities following a consolidation or dissolution occurring on or
10 after the state fiscal year commencing April first, two thousand seven,
11 and any new coterminous town-village established after July first, two
12 thousand twelve that operates principally as a town or as a village but
13 not as both a town and a village, shall be awarded additional annual
14 aid, starting in the state fiscal year following the state fiscal year
15 in which such reorganization took effect, equal to fifteen percent of
16 the combined amount of real property taxes levied by all of the muni-
17 cipalities participating in the reorganization in the local fiscal year
18 prior to the local fiscal year in which such reorganization took effect.
19 In instances of the dissolution of a village located in more than one
20 town, such additional aid shall equal the sum of fifteen percent of the
21 real property taxes levied by such village in the village fiscal year
22 prior to the village fiscal year in which such dissolution took effect
23 plus fifteen percent of the average amount of real property taxes levied
24 by the towns in which the village was located in the town fiscal year
25 prior to the town fiscal year in which such dissolution took effect, and
26 shall be divided among such towns based on the percentage of such
27 village's population that resided in each such town as of the most
28 recent federal decennial census. In no case shall the additional ANNUAL
29 aid pursuant to this paragraph exceed one million dollars. FOR VILLAGES
30 IN WHICH A MAJORITY OF THE ELECTORS VOTING AT A REFERENDUM ON A PROPOSED
31 DISSOLUTION PURSUANT TO SECTION SEVEN HUNDRED EIGHTY OF THE GENERAL
32 MUNICIPAL LAW VOTE IN FAVOR OF DISSOLUTION AFTER DECEMBER THIRTY-FIRST,
33 TWO THOUSAND SEVENTEEN, IN NO CASE SHALL THE ADDITIONAL ANNUAL AID
34 PURSUANT TO THIS PARAGRAPH EXCEED THE LESSER OF ONE MILLION DOLLARS OR
35 THE AMOUNT OF REAL PROPERTY TAXES LEVIED BY SUCH VILLAGE IN THE VILLAGE
36 FISCAL YEAR PRIOR TO THE VILLAGE FISCAL YEAR IN WHICH SUCH DISSOLUTION
37 TOOK EFFECT. Such additional ANNUAL aid shall be apportioned and paid to
38 the chief fiscal officer of each eligible municipality on or before
39 September twenty-fifth of each such state fiscal year on audit and
40 warrant of the state comptroller out of moneys appropriated by the
41 legislature for such purpose to the credit of the local assistance fund.

42 (iii) Any municipality receiving a citizen empowerment tax credit
43 pursuant to this paragraph shall use at least seventy percent of such
44 aid for property tax relief and the balance of such aid for general
45 municipal purposes. For each local fiscal year following the effective
46 date of the chapter of the laws of two thousand eleven which amended
47 this paragraph in which such aid is payable, a statement shall be placed
48 on each property tax bill for such municipality in substantially the
49 following form: "Your property tax savings this year resulting from the
50 State Citizen Empowerment Tax Credit received as the result of local
51 government re-organization is \$_____." The property tax savings from
52 the citizen empowerment tax credit for each property tax bill shall be
53 calculated by (1) multiplying the amount of the citizen empowerment tax
54 credit used for property tax relief by the amount of property taxes
55 levied on such property by such municipality and (2) dividing the result
56 by the total amount of property taxes levied by such municipality.

1 § 2. This act shall take effect immediately.

2 PART DD

3 Section 1. Section 106-b of the uniform justice court act, as added by
4 chapter 87 of the laws of 2008, is amended to read as follows:

5 § 106-b. Election of [a single] ONE OR MORE town [justice] JUSTICES for
6 two or more [adjacent] towns.

7 1. Two or more [adjacent] towns within the same county, acting by and
8 through their town boards, are authorized to jointly undertake a study
9 relating to the election of [a single] ONE OR MORE town [justice]
10 JUSTICES who shall preside in the town courts of each such town. Such
11 study shall be commenced upon and conducted pursuant to a joint resol-
12 ution adopted by the town board of each such [adjacent] town. Such joint
13 resolution or a certified copy thereof shall upon adoption be filed in
14 the office of the town clerk of each [adjacent] town which adopts the
15 resolution. No study authorized by this subdivision shall be commenced
16 until the joint resolution providing for the study shall have been filed
17 with the town clerks of at least two [adjacent] towns which adopted such
18 joint resolution.

19 2. Within thirty days after the conclusion of a study conducted pursu-
20 ant to subdivision one of this section, each town which shall have
21 adopted the joint resolution providing for the study shall publish, in
22 its official newspaper or, if there be no official newspaper, in a news-
23 paper published in the county and having a general circulation within
24 such town, notice that the study has been concluded and the time, date
25 and place of the town public hearing on such study. Each town shall
26 conduct a public hearing on the study, conducted pursuant to subdivision
27 one of this section, not less than twenty days nor more than thirty days
28 after publication of the notice of such public hearing.

29 3. The town board of each town party to the study shall conduct a
30 public hearing upon the findings of such study, and shall hear testimony
31 and receive evidence and information thereon with regard to the election
32 of one OR MORE town [justice] JUSTICES to preside over the town courts
33 of the [adjacent] towns which are parties to the joint resolution
34 providing for the study.

35 4. Within sixty days of the last public hearing upon a study conducted
36 pursuant to subdivision one of this section, town boards of each town
37 which participated in such study shall determine whether the town will
38 participate in a joint plan providing for the election of [a single] ONE
39 OR MORE town [justice] JUSTICES to preside in the town courts of two or
40 more [adjacent] towns. Every such joint plan shall only be approved by
41 a town by the adoption of a resolution by the town board providing for
42 the adoption of such joint plan. In the event two or more [adjacent]
43 towns fail to adopt a joint plan, all proceedings authorized by this
44 section shall terminate and the town courts of such towns shall continue
45 to operate in accordance with the existing provisions of law.

46 5. Upon the adoption of a joint plan by two or more [adjacent] towns,
47 the town boards of the towns adopting such plan shall each adopt a joint
48 resolution providing for:

49 a. the election of [a single] ONE OR MORE town [justice] JUSTICES at
50 large to preside in the town courts of the participating towns;

51 b. the abolition of the existing office of town justice in the partic-
52 ipating towns; and

1 c. the election of [such single] ONE OR MORE town [justice] JUSTICES
2 shall occur at the next general election of town officers and every
3 fourth year thereafter.

4 6. Upon the adoption of a joint resolution, such resolution shall be
5 forwarded to the state legislature, and shall constitute a municipal
6 home rule message pursuant to article nine of the state constitution and
7 the municipal home rule law. No such joint resolution shall take effect
8 until state legislation enacting the joint resolution shall have become
9 a law.

10 7. Every town justice elected to preside in multiple towns pursuant to
11 this section shall have jurisdiction in each of the participating [adja-
12 cent] towns, shall preside in the town courts of such towns, shall main-
13 tain separate records and dockets for each town court, and shall main-
14 tain a separate bank account for each town court for the deposit of
15 moneys received by each town court.

16 8. In the event any town court operated pursuant to a joint plan
17 enacted into law pursuant to this section is without the services of the
18 [single] ONE OR MORE town [justice] JUSTICES because of absence or disa-
19 bility, the provisions of section one hundred six of this article and
20 the town law shall apply.

21 § 2. This act shall take effect immediately.

22 PART EE

23 Section 1. The general municipal law is amended by adding a new arti-
24 cle 12-I to read as follows:

25 ARTICLE 12-I

26 COUNTY-WIDE SHARED SERVICES PANELS

27 SECTION 239-BB. COUNTY-WIDE SHARED SERVICES PANELS.

28 § 239-BB. COUNTY-WIDE SHARED SERVICES PANELS. 1. DEFINITIONS. THE
29 FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS FOR THE PURPOSES OF
30 THIS ARTICLE:

31 A. "COUNTY" SHALL MEAN ANY COUNTY NOT WHOLLY CONTAINED WITHIN A CITY.

32 B. "COUNTY CEO" SHALL MEAN THE COUNTY EXECUTIVE, COUNTY MANAGER OR
33 OTHER CHIEF EXECUTIVE OF THE COUNTY, OR, WHERE NONE, THE CHAIR OF THE
34 COUNTY LEGISLATIVE BODY.

35 C. "PANEL" SHALL MEAN A COUNTY-WIDE SHARED SERVICES PANEL ESTABLISHED
36 PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

37 D. "PLAN" SHALL MEAN A COUNTY-WIDE SHARED SERVICES PROPERTY TAX
38 SAVINGS PLAN.

39 2. COUNTY-WIDE SHARED SERVICES PANELS. A. THERE SHALL BE A COUNTY-WIDE
40 SHARED SERVICES PANEL IN EACH COUNTY CONSISTING OF THE COUNTY CEO, AND
41 ONE REPRESENTATIVE FROM EACH CITY, TOWN AND VILLAGE IN THE COUNTY. THE
42 CHIEF EXECUTIVE OFFICER OF EACH TOWN, CITY AND VILLAGE SHALL BE THE
43 REPRESENTATIVE TO A PANEL AND SHALL BE THE MAYOR, IF A CITY OR A
44 VILLAGE, OR SHALL BE THE SUPERVISOR, IF A TOWN. THE COUNTY CEO SHALL
45 SERVE AS CHAIR. ALL PANELS ESTABLISHED IN EACH COUNTY PURSUANT TO PART
46 BBB OF CHAPTER FIFTY-NINE OF THE LAWS OF TWO THOUSAND SEVENTEEN, AND
47 PRIOR TO THE ENACTMENT OF THIS ARTICLE, SHALL CONTINUE IN SATISFACTION
48 OF THIS SECTION IN SUCH FORM AS THEY WERE ESTABLISHED, PROVIDED THAT THE
49 COUNTY CEO MAY ALTER THE MEMBERSHIP OF THE PANEL CONSISTENT WITH PARA-
50 GRAPH B OF THIS SUBDIVISION.

51 B. THE COUNTY CEO MAY INVITE ANY SCHOOL DISTRICT, BOARD OF COOPERATIVE
52 EDUCATIONAL SERVICES, FIRE DISTRICT, FIRE PROTECTION DISTRICT, OR
53 SPECIAL IMPROVEMENT DISTRICT IN THE COUNTY TO JOIN A PANEL. UPON SUCH
54 INVITATION, THE GOVERNING BODY OF SUCH SCHOOL DISTRICT, BOARD OF COOPER-

1 ACTIVE EDUCATIONAL SERVICES, FIRE DISTRICT, FIRE PROTECTION DISTRICT, OR
2 OTHER SPECIAL DISTRICT MAY ACCEPT SUCH INVITATION BY SELECTING A REPRESENTATIVE OF SUCH GOVERNING BODY, BY MAJORITY VOTE, TO SERVE AS A MEMBER
3 OF THE PANEL. SUCH SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL
4 SERVICES, FIRE DISTRICT, FIRE PROTECTION DISTRICT OR OTHER SPECIAL
5 DISTRICT SHALL MAINTAIN SUCH REPRESENTATION UNTIL THE PANEL EITHER
6 APPROVES A PLAN OR TRANSMITS A STATEMENT TO THE SECRETARY OF STATE ON
7 THE REASON THE PANEL DID NOT APPROVE A PLAN, PURSUANT TO PARAGRAPH D OF
8 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
9 APPROVE A PLAN IN ANY CALENDAR YEAR, THE COUNTY CEO MAY, BUT NEED NOT,
10 INVITE ANY SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES,
11 FIRE DISTRICT, FIRE PROTECTION DISTRICT OR SPECIAL IMPROVEMENT DISTRICT
12 IN THE COUNTY TO JOIN A PANEL THEREAFTER CONVENED.

13 3. A. EACH COUNTY CEO SHALL, AFTER SATISFYING THE REQUIREMENTS OF PART
14 BBB OF CHAPTER FIFTY-NINE OF THE LAWS OF TWO THOUSAND SEVENTEEN, ANNUALLY CONVENE THE PANEL AND SHALL UNDERTAKE TO REVISE AND UPDATE A PREVIOUSLY APPROVED PLAN OR ALTERNATIVELY DEVELOP A NEW PLAN THROUGH DECEMBER
15 THIRTY-FIRST, TWO THOUSAND TWENTY-ONE. SUCH PLANS SHALL CONTAIN NEW,
16 RECURRING PROPERTY TAX SAVINGS RESULTING FROM ACTIONS SUCH AS, BUT NOT
17 LIMITED TO, THE ELIMINATION OF DUPLICATIVE SERVICES; SHARED SERVICES
18 ARRANGEMENTS INCLUDING, JOINT PURCHASING, SHARED HIGHWAY EQUIPMENT,
19 SHARED STORAGE FACILITIES, SHARED PLOWING SERVICES AND ENERGY AND INSURANCE PURCHASING COOPERATIVES; REDUCING BACK OFFICE AND ADMINISTRATIVE
20 OVERHEAD; AND BETTER COORDINATING SERVICES. THE SECRETARY OF STATE MAY
21 PROVIDE ADVICE AND/OR RECOMMENDATIONS ON THE FORM AND STRUCTURE OF SUCH
22 PLANS.

23 B. AFTER HAVING CONVENED AT LEAST TWO MEETINGS IN A CALENDAR YEAR, A
24 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
25 TO DEVELOP A NEW PLAN IN SUCH YEAR. THE COUNTY CEO OF SUCH PANEL SHALL
26 THEN COMPLY WITH THE PROVISIONS OF PARAGRAPH (D) OF SUBDIVISION SEVEN OF
27 THIS SECTION.

28 4. WHILE REVISING OR UPDATING A PREVIOUSLY APPROVED PLAN, OR WHILE
29 DEVELOPING A NEW PLAN, THE COUNTY CEO SHALL REGULARLY CONSULT WITH, AND
30 TAKE RECOMMENDATIONS FROM, THE REPRESENTATIVES: ON THE PANEL; OF EACH
31 COLLECTIVE BARGAINING UNIT OF THE COUNTY AND THE CITIES, TOWNS, AND
32 VILLAGES; AND OF EACH COLLECTIVE BARGAINING UNIT OF ANY PARTICIPATING
33 SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, FIRE
34 DISTRICT, FIRE PROTECTION DISTRICT, OR SPECIAL IMPROVEMENT DISTRICT.

35 5. THE COUNTY CEO, THE COUNTY LEGISLATIVE BODY AND A PANEL SHALL
36 ACCEPT INPUT FROM THE PUBLIC, CIVIC, BUSINESS, LABOR AND COMMUNITY LEADERS ON ANY PROPOSED PLAN. THE COUNTY CEO SHALL CAUSE TO BE CONDUCTED A
37 MINIMUM OF THREE PUBLIC HEARINGS PRIOR TO SUBMISSION OF A PLAN TO A VOTE
38 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
39 ONE WEEK PRIOR IN THE MANNER PRESCRIBED IN SUBDIVISION ONE OF SECTION
40 ONE HUNDRED FOUR OF THE PUBLIC OFFICERS LAW. CIVIC, BUSINESS, LABOR,
41 AND COMMUNITY LEADERS, AS WELL AS MEMBERS OF THE PUBLIC, SHALL BE
42 PERMITTED TO PROVIDE PUBLIC TESTIMONY AT ANY SUCH HEARINGS.

43 6. A. THE COUNTY CEO SHALL SUBMIT EACH PLAN, ACCOMPANIED BY A CERTIFICATION AS TO THE ACCURACY OF THE SAVINGS CONTAINED THEREIN, TO THE
44 COUNTY LEGISLATIVE BODY AT LEAST FORTY-FIVE DAYS PRIOR TO A VOTE BY THE
45 PANEL.

46 B. THE COUNTY LEGISLATIVE BODY SHALL REVIEW AND CONSIDER EACH PLAN
47 SUBMITTED IN ACCORDANCE WITH PARAGRAPH A OF THIS SUBDIVISION. A MAJORITY

1 OF THE MEMBERS OF SUCH BODY MAY ISSUE AN ADVISORY REPORT ON EACH PLAN,
2 MAKING RECOMMENDATIONS AS DEEMED NECESSARY. THE COUNTY CEO MAY MODIFY A
3 PLAN BASED ON SUCH RECOMMENDATIONS, WHICH SHALL INCLUDE AN UPDATED
4 CERTIFICATION AS TO THE ACCURACY OF THE SAVINGS CONTAINED THEREIN.

5 7. A. A PANEL SHALL DULY CONSIDER ANY PLAN PROPERLY SUBMITTED TO THE
6 PANEL BY THE COUNTY CEO AND MAY APPROVE SUCH PLAN BY A MAJORITY VOTE OF
7 THE PANEL. EACH MEMBER OF A PANEL MAY, PRIOR TO THE PANEL-WIDE VOTE,
8 CAUSE TO BE REMOVED FROM A PLAN ANY PROPOSED ACTION AFFECTING THE UNIT
9 OF GOVERNMENT REPRESENTED BY THE RESPECTIVE MEMBER. WRITTEN NOTICE OF
10 SUCH REMOVAL SHALL BE PROVIDED TO THE COUNTY CEO PRIOR TO A PANEL-WIDE
11 VOTE ON A PLAN.

12 B. PLANS APPROVED BY A PANEL SHALL BE TRANSMITTED TO THE SECRETARY OF
13 STATE NO LATER THAN THIRTY DAYS FROM THE DATE OF APPROVAL BY A PANEL
14 ACCOMPANIED BY A CERTIFICATION AS TO THE ACCURACY OF THE SAVINGS ACCOM-
15 PANIED THEREIN, AND SHALL BE PUBLICLY DISSEMINATED TO RESIDENTS OF THE
16 COUNTY IN A CONCISE, CLEAR, AND COHERENT MANNER USING WORDS WITH COMMON
17 AND EVERYDAY MEANING.

18 C. THE COUNTY CEO SHALL CONDUCT A PUBLIC PRESENTATION OF ANY APPROVED
19 PLAN NO LATER THAN THIRTY DAYS FROM THE DATE OF APPROVAL BY A PANEL.
20 PUBLIC NOTICE OF SUCH PRESENTATION SHALL BE PROVIDED AT LEAST ONE WEEK
21 PRIOR IN THE MANNER PRESCRIBED IN SUBDIVISION ONE OF SECTION ONE HUNDRED
22 FOUR OF THE PUBLIC OFFICERS LAW.

23 D. BEGINNING IN TWO THOUSAND TWENTY, BY JANUARY FIFTEENTH FOLLOWING
24 ANY CALENDAR YEAR DURING WHICH A PANEL DID NOT APPROVE A PLAN AND TRANS-
25 MIT SUCH PLAN TO THE SECRETARY OF STATE PURSUANT TO PARAGRAPH B OF THIS
26 SUBDIVISION, THE COUNTY CEO OF SUCH PANEL SHALL RELEASE TO THE PUBLIC
27 AND TRANSMIT TO THE SECRETARY OF STATE A STATEMENT EXPLAINING WHY THE
28 PANEL DID NOT APPROVE A PLAN THAT YEAR, INCLUDING, FOR EACH VOTE ON A
29 PLAN, THE VOTE TAKEN BY EACH PANEL MEMBER AND AN EXPLANATION BY EACH
30 PANEL MEMBER OF THEIR VOTE.

31 8. FOR EACH COUNTY, NEW SHARED SERVICES ACTIONS NOT INCLUDED IN A
32 PREVIOUSLY APPROVED AND SUBMITTED PLAN PURSUANT TO THIS SECTION OR PART
33 BBB OF CHAPTER FIFTY-NINE OF THE LAWS OF TWO THOUSAND SEVENTEEN, MAY BE
34 ELIGIBLE FOR FUNDING TO MATCH SAVINGS FROM SUCH ACTION, SUBJECT TO
35 AVAILABLE APPROPRIATION. SAVINGS THAT ARE ACTUALLY AND DEMONSTRABLY
36 REALIZED BY THE PARTICIPATING LOCAL GOVERNMENTS ARE ELIGIBLE FOR MATCH-
37 ING FUNDING. FOR ACTIONS THAT ARE PART OF AN APPROVED PLAN TRANSMITTED
38 TO THE SECRETARY OF STATE IN ACCORDANCE WITH PARAGRAPH B OF SUBDIVISION
39 SEVEN OF THIS SECTION, SAVINGS ACHIEVED FROM JANUARY FIRST THROUGH
40 DECEMBER THIRTY-FIRST FROM NEW ACTIONS IMPLEMENTED ON OR AFTER JANUARY
41 FIRST THROUGH DECEMBER THIRTY-FIRST OF THE YEAR IMMEDIATELY FOLLOWING AN
42 APPROVED AND TRANSMITTED PLAN MAY BE ELIGIBLE FOR MATCHING FUNDING. ONLY
43 NET SAVINGS BETWEEN LOCAL GOVERNMENTS FOR EACH ACTION WOULD BE ELIGIBLE
44 FOR MATCHING FUNDING. SAVINGS FROM INTERNAL EFFICIENCIES OR ANY OTHER
45 ACTION TAKEN BY A LOCAL GOVERNMENT WITHOUT THE PARTICIPATION OF ANOTHER
46 LOCAL GOVERNMENT ARE NOT ELIGIBLE FOR MATCHING FUNDING. EACH COUNTY AND
47 ALL OF THE LOCAL GOVERNMENTS WITHIN THE COUNTY THAT ARE PART OF ANY
48 ACTION TO BE IMPLEMENTED AS PART OF AN APPROVED PLAN MUST COLLECTIVELY
49 APPLY FOR THE MATCHING FUNDING AND AGREE ON THE DISTRIBUTION AND USE OF
50 ANY MATCHING FUNDING IN ORDER TO QUALIFY FOR MATCHING FUNDING.

51 9. THE DEPARTMENT OF STATE SHALL PREPARE A REPORT TO THE GOVERNOR, THE
52 TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON THE
53 COUNTY-WIDE SHARED SERVICES PLANS APPROVED BY THE COUNTY-WIDE SHARED
54 SERVICES PANELS CREATED PURSUANT TO PART BBB OF CHAPTER FIFTY-NINE OF
55 THE LAWS OF TWO THOUSAND SEVENTEEN AND THIS ARTICLE AND SHALL POST THE
56 REPORT ON THE DEPARTMENT'S WEBSITE. SUCH REPORT SHALL BE PROVIDED ON OR

1 BEFORE JUNE THIRTIETH, TWO THOUSAND TWENTY-TWO AND SHALL INCLUDE, BUT
2 NOT BE LIMITED TO, THE FOLLOWING:

3 A. A DETAILED SUMMARY OF PROJECTS INCLUDED IN COUNTY-WIDE SHARED
4 SERVICES PLANS BY CATEGORY, SUCH AS:

- 5 (1) PUBLIC HEALTH AND INSURANCE;
- 6 (2) EMERGENCY SERVICES;
- 7 (3) SEWER, WATER, AND WASTE MANAGEMENT SYSTEMS;
- 8 (4) ENERGY PROCUREMENT AND EFFICIENCY;
- 9 (5) PARKS AND RECREATION;
- 10 (6) EDUCATION AND WORKFORCE TRAINING;
- 11 (7) LAW AND COURTS;
- 12 (8) SHARED EQUIPMENT, PERSONNEL, AND SERVICES;
- 13 (9) JOINT PURCHASING;
- 14 (10) GOVERNMENTAL REORGANIZATION;
- 15 (11) TRANSPORTATION AND HIGHWAY DEPARTMENTS; AND
- 16 (12) RECORDS MANAGEMENT AND ADMINISTRATIVE FUNCTIONS.

17 B. FOR EACH OF THE COUNTIES THE FOLLOWING INFORMATION:

18 (1) A DETAILED SUMMARY OF EACH OF THE SAVINGS PLANS, INCLUDING
19 REVISIONS AND UPDATES SUBMITTED EACH YEAR OR THE STATEMENT EXPLAINING
20 WHY THE COUNTY DID NOT APPROVE A PLAN IN ANY YEAR;

21 (2) THE ANTICIPATED SAVINGS FOR EACH PLAN;

22 (3) THE NUMBER OF CITIES, TOWNS AND VILLAGES IN THE COUNTY;

23 (4) THE NUMBER OF CITIES, TOWNS AND VILLAGES THAT PARTICIPATED IN A
24 PANEL, AS REPORTED IN A PLAN;

25 (5) THE NUMBER OF SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL
26 SERVICES, FIRE DISTRICTS, FIRE PROTECTION DISTRICTS, OR OTHER SPECIAL
27 DISTRICTS IN THE COUNTY; AND

28 (6) THE NUMBER OF SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL
29 SERVICES, FIRE DISTRICTS, FIRE PROTECTION DISTRICTS, OR OTHER SPECIAL
30 DISTRICTS THAT PARTICIPATED IN A PANEL, AS REPORTED IN A PLAN.

31 10. THE SECRETARY OF STATE MAY SOLICIT, AND THE PANELS MAY PROVIDE AT
32 HER OR HIS REQUEST, ADVICE AND RECOMMENDATIONS CONCERNING MATTERS
33 RELATED TO THE OPERATIONS OF LOCAL GOVERNMENTS AND SHARED SERVICES
34 INITIATIVES, INCLUDING, BUT NOT LIMITED TO, MAKING RECOMMENDATIONS
35 REGARDING GRANT PROPOSALS INCORPORATING ELEMENTS OF SHARED SERVICES,
36 GOVERNMENT DISSOLUTIONS, GOVERNMENT AND SERVICE CONSOLIDATIONS, OR PROP-
37 erty taxes and such other grants where the secretary deems the input of
38 the panels to be in the best interest of the public. The panel shall
39 advance such advice or recommendations by a vote of the majority of the
40 members present at such meeting.

41 11. THE AUTHORITY GRANTED BY THIS ARTICLE TO A COUNTY CEO TO CONVENE A
42 PANEL FOR THE PURPOSE OF REVISING OR UPDATING A PREVIOUSLY APPROVED
43 PLAN, OR DEVELOPING A NEW PLAN, OR TO PROVIDE THE SECRETARY OF STATE
44 INFORMATION PURSUANT TO SUBDIVISION TEN OF THIS SECTION, SHALL CEASE ON
45 DECEMBER THIRTY-FIRST, TWO THOUSAND TWENTY-ONE.

46 § 2. Section 119-o of the general municipal law is amended by adding
47 a new subdivision 4 to read as follows:

48 4. ANY SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES
49 MAY JOIN A PANEL ESTABLISHED PURSUANT TO ARTICLE TWELVE-I OF THIS CHAP-
50 TER, AND MAY FURTHER PARTICIPATE IN ANY OF THE ACTIVITIES OF SUCH PANEL,
51 WITH ANY PARTICIPATING COUNTY, TOWN, CITY, VILLAGE, FIRE DISTRICT, FIRE
52 PROTECTION DISTRICT, OR SPECIAL IMPROVEMENT DISTRICT PARTICIPATING IN
53 SUCH PANELS. FOR COOPERATIVE AGREEMENTS WHICH INVOLVE FUNCTIONS,
54 SERVICES, OR PROVISIONS PERMITTED BY THIS SECTION, SCHOOL DISTRICTS AND
55 BOARDS OF COOPERATIVE EDUCATIONAL SERVICES SHALL BE PERMITTED TO CREATE

1 AND EXECUTE SUCH AGREEMENTS, WHEN A PART OF THE ACTIVITY OF SUCH PANEL,
2 WITHOUT OPINION OR APPROVAL OF THE STATE EDUCATION DEPARTMENT.

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

12 § 4. This act shall take effect immediately.

13 PART FF

14 Section 1. Subdivision 7 of section 2046-c of the public authorities
15 law, as added by chapter 632 of the laws of the 1982, is amended to read
16 as follows:

17 7. There shall be an annual independent audit of the accounts and
18 business practices of the agency performed by independent outside audi-
19 tors [nominated by the director of the division of the budget]. Any such
20 auditor shall serve no more than three consecutive years.

21 § 2. This act shall take effect immediately.

22 PART GG

23 Intentionally Omitted

24 PART HH

25 Intentionally Omitted

26 PART II

27 Intentionally Omitted

28 PART JJ

29 Section 1. Paragraph (i) of subdivision 3 of section 130.05 of the
30 penal law, as added by section 2 of part G of chapter 501 of the laws of
31 2012, is amended and a new paragraph (j) is added to read as follows:

32 (i) a resident or inpatient of a residential facility operated,
33 licensed or certified by (i) the office of mental health; (ii) the
34 office for people with developmental disabilities; or (iii) the office
35 of alcoholism and substance abuse services, and the actor is an employee
36 of the facility not married to such resident or inpatient. For purposes
37 of this paragraph, "employee" means either: an employee of the agency
38 operating the residential facility, who knows or reasonably should know
39 that such person is a resident or inpatient of such facility and who
40 provides direct care services, case management services, medical or
41 other clinical services, habilitative services or direct supervision of
42 the residents in the facility in which the resident resides; or an offi-
43 cer or other employee, consultant, contractor or volunteer of the resi-
44 dential facility, who knows or reasonably should know that the person is
45 a resident of such facility and who is in direct contact with residents
46 or inpatients; provided, however, that the provisions of this paragraph

1 shall only apply to a consultant, contractor or volunteer providing
2 services pursuant to a contractual arrangement with the agency operating
3 the residential facility or, in the case of a volunteer, a written
4 agreement with such facility, provided that the person received written
5 notice concerning the provisions of this paragraph; provided further,
6 however, "employee" shall not include a person with a developmental
7 disability who is or was receiving services and is also an employee of a
8 service provider and who has sexual contact with another service recipi-
9 ent who is a consenting adult who has consented to such contact[.]; OR

10 (J) DETAINED OR OTHERWISE IN THE CUSTODY OF A POLICE OFFICER, PEACE
11 OFFICER, OR OTHER LAW ENFORCEMENT OFFICIAL AND THE ACTOR IS A POLICE
12 OFFICER, PEACE OFFICER OR OTHER LAW ENFORCEMENT OFFICIAL WHO EITHER: (I)
13 IS DETAINING OR MAINTAINING CUSTODY OF SUCH PERSON; OR (II) KNOWS, OR
14 REASONABLY SHOULD KNOW, THAT AT THE TIME OF THE OFFENSE, SUCH PERSON WAS
15 DETAINED OR IN CUSTODY.

16 § 2. Subdivision 4 of section 130.10 of the penal law, as amended by
17 chapter 205 of the laws of 2011, is amended to read as follows:

18 4. In any prosecution under this article in which the victim's lack of
19 consent is based solely on his or her incapacity to consent because he
20 or she was less than seventeen years old, mentally disabled, a client or
21 patient and the actor is a health care provider, DETAINED OR OTHERWISE
22 IN CUSTODY OF LAW ENFORCEMENT UNDER THE CIRCUMSTANCES DESCRIBED IN PARA-
23 GRAPH (J) OF SUBDIVISION THREE OF SECTION 130.05 OF THIS ARTICLE, or
24 committed to the care and custody or supervision of the state department
25 of corrections and community supervision or a hospital and the actor is
26 an employee, it shall be a defense that the defendant was married to the
27 victim as defined in subdivision four of section 130.00 of this article.

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

30 PART KK

31 Intentionally Omitted

32 PART LL

33 Section 1. Paragraph (b) of subdivision 2 of section 1676 of the
34 public authorities law is amended by adding a new undesignated paragraph
35 to read as follows:

36 AN AUTHORIZED AGENCY AS DEFINED BY SUBDIVISION TEN OF SECTION THREE
37 HUNDRED SEVENTY-ONE OF THE SOCIAL SERVICES LAW, OR A LOCAL PROBATION
38 DEPARTMENT AS DEFINED BY SECTIONS TWO HUNDRED FIFTY-FIVE AND TWO HUNDRED
39 FIFTY-SIX OF THE EXECUTIVE LAW FOR THE PROVISION OF DETENTION FACILITIES
40 CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES OR BY SUCH
41 OFFICE IN CONJUNCTION WITH THE STATE COMMISSION OF CORRECTION OR FOR THE
42 PROVISION OF RESIDENTIAL FACILITIES LICENSED BY THE OFFICE OF CHILDREN
43 AND FAMILY SERVICES INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND
44 RELATED FACILITIES AND EQUIPMENT.

45 § 2. Subdivision 1 of section 1680 of the public authorities law is
46 amended by adding a new undesignated paragraph to read as follows:

47 AN AUTHORIZED AGENCY AS DEFINED BY SUBDIVISION TEN OF SECTION THREE
48 HUNDRED SEVENTY-ONE OF THE SOCIAL SERVICES LAW, OR A LOCAL PROBATION
49 DEPARTMENT AS DEFINED BY SECTIONS TWO HUNDRED FIFTY-FIVE AND TWO HUNDRED
50 FIFTY-SIX OF THE EXECUTIVE LAW FOR THE PROVISION OF DETENTION FACILITIES
51 CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES OR BY SUCH
52 OFFICE IN CONJUNCTION WITH THE STATE COMMISSION OF CORRECTION OR FOR THE

1 PROVISION OF RESIDENTIAL FACILITIES LICENSED BY THE OFFICE OF CHILDREN
2 AND FAMILY SERVICES INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND
3 RELATED FACILITIES AND EQUIPMENT.

4 § 3. Subdivision 2 of section 1680 of the public authorities law is
5 amended by adding a new paragraph k to read as follows:

6 K. (1) FOR PURPOSES OF THIS SECTION, THE FOLLOWING PROVISIONS SHALL
7 APPLY TO THE POWERS IN CONNECTION WITH THE PROVISION OF DETENTION FACIL-
8 ITIES CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES OR BY SUCH
9 OFFICE IN CONJUNCTION WITH THE STATE COMMISSION OF CORRECTION OR FOR THE
10 PROVISION OF RESIDENTIAL FACILITIES LICENSED BY THE OFFICE OF CHILDREN
11 AND FAMILY SERVICES INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND
12 RELATED FACILITIES AND EQUIPMENT.

13 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY ENTITY AS LISTED
14 ABOVE SHALL HAVE FULL POWER AND AUTHORITY TO ENTER INTO SUCH AGREEMENTS
15 WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO FINANCE AND/OR
16 CONSTRUCT DETENTION OR RESIDENTIAL FACILITIES DESCRIBED ABOVE, INCLUDING
17 WITHOUT LIMITATION, THE PROVISION OF FEES AND AMOUNTS NECESSARY TO PAY
18 DEBT SERVICE ON ANY OBLIGATIONS ISSUED BY THE DORMITORY AUTHORITY FOR
19 SAME, AND TO ASSIGN AND PLEDGE TO THE DORMITORY AUTHORITY, ANY AND ALL
20 PUBLIC FUNDS TO BE APPORTIONED OR OTHERWISE MADE PAYABLE BY THE UNITED
21 STATES, ANY AGENCY THEREOF, THE STATE, ANY AGENCY THEREOF, A POLITICAL
22 SUBDIVISION, AS DEFINED IN SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL
23 LAW, ANY SOCIAL SERVICES DISTRICT IN THE STATE OR ANY OTHER GOVERNMENTAL
24 ENTITY IN AN AMOUNT SUFFICIENT TO MAKE ALL PAYMENTS REQUIRED TO BE MADE
25 BY ANY SUCH ENTITY AS LISTED ABOVE PURSUANT TO ANY LEASE, SUBLEASE OR
26 OTHER AGREEMENT ENTERED INTO BETWEEN ANY SUCH ENTITY AS LISTED ABOVE AND
27 THE DORMITORY AUTHORITY. ALL STATE AND LOCAL OFFICERS ARE HEREBY AUTHOR-
28 IZED AND REQUIRED TO PAY ALL SUCH FUNDS SO ASSIGNED AND PLEDGED TO THE
29 DORMITORY AUTHORITY OR, UPON THE DIRECTION OF THE DORMITORY AUTHORITY,
30 TO ANY TRUSTEE OF ANY DORMITORY AUTHORITY BOND OR NOTE ISSUED, PURSUANT
31 TO A CERTIFICATE FILED WITH ANY SUCH STATE OR LOCAL OFFICER BY THE
32 DORMITORY AUTHORITY PURSUANT TO THE PROVISIONS OF THIS SECTION.

33 § 4. This act shall take effect immediately.

34

PART MM

35 Section 1. Paragraphs (b) and (c) of subdivision 3 of section 722 of
36 the county law, as amended by section 3 of part E of chapter 56 of the
37 laws of 2010, are amended to read as follows:

38 (b) Any plan of a bar association must receive the approval of the
39 [state administrator] OFFICE OF INDIGENT LEGAL SERVICES before the plan
40 is placed in operation. In the county of Hamilton, representation pursu-
41 ant to a plan of a bar association in accordance with subparagraph (i)
42 of paragraph (a) of this subdivision may be by counsel furnished by the
43 Fulton county bar association pursuant to a plan of the Fulton county
44 bar association, following approval of the [state administrator] OFFICE
45 OF INDIGENT LEGAL SERVICES. When considering approval of an office of
46 conflict defender pursuant to this section, the [state administrator]
47 OFFICE OF INDIGENT LEGAL SERVICES shall employ the guidelines IT HAS
48 HERETOFORE established [by the office of indigent legal services] pursu-
49 ant to paragraph (d) of subdivision three of section eight hundred thir-
50 ty-two of the executive law.

51 (c) Any county operating an office of conflict defender, as described
52 in subparagraph (ii) of paragraph (a) of this subdivision, as of March
53 thirty-first, two thousand ten may continue to utilize the services
54 provided by such office provided that the county submits a plan to the

1 state administrator within one hundred eighty days after the promulga-
2 tion of criteria for the provision of conflict defender services by the
3 office of indigent legal services. The authority to operate such an
4 office pursuant to this paragraph shall expire when the state adminis-
5 trator (OR, ON OR AFTER APRIL FIRST, TWO THOUSAND NINETEEN, THE OFFICE
6 OF INDIGENT LEGAL SERVICES) approves or disapproves such plan. Upon
7 approval, the county is authorized to operate such office in accordance
8 with paragraphs (a) and (b) of this subdivision.

9 § 2. Subdivision 3 of section 722 of the county law is amended by
10 adding a new paragraph (d) to read as follows:

11 (D) FOR PURPOSES OF THIS SUBDIVISION, ANY PLAN OF A BAR ASSOCIATION
12 APPROVED HEREUNDER PURSUANT TO THIS SUBDIVISION, AS PROVIDED PRIOR TO
13 APRIL FIRST, TWO THOUSAND NINETEEN, SHALL REMAIN IN EFFECT UNTIL IT IS
14 SUPERSEDED BY A PLAN APPROVED BY THE OFFICE OF INDIGENT LEGAL SERVICES
15 OR DISAPPROVED BY SUCH OFFICE.

16 § 3. Subdivision 1 of section 722-f of the county law, as added by
17 chapter 761 of the laws of 1966 and as designated by section 4 of part J
18 of chapter 62 of the laws of 2003, is amended to read as follows:

19 1. A public defender appointed pursuant to article eighteen-A of this
20 chapter, a private legal aid bureau or society designated by a county or
21 city pursuant to subdivision two of section seven hundred twenty-two of
22 this [chapter] ARTICLE, [and] an administrator of a plan of a bar asso-
23 ciation appointed pursuant to subdivision three of section seven hundred
24 twenty-two of this [chapter] ARTICLE AND AN OFFICE OF CONFLICT DEFENDER
25 ESTABLISHED PURSUANT TO SUCH SUBDIVISION shall file an annual report
26 with the [judicial conference] CHIEF ADMINISTRATOR OF THE COURTS AND THE
27 OFFICE OF INDIGENT LEGAL SERVICES. SUCH REPORT SHALL BE FILED at such
28 times and in such detail and form as the [judicial conference] OFFICE OF
29 INDIGENT LEGAL SERVICES may direct.

30 § 4. This act shall take effect on April 1, 2019.

31 PART NN

32 Section 1. Section 135.60 of the penal law, as amended by chapter 426
33 of the laws of 2008, is amended to read as follows:

34 § 135.60 Coercion in the [second] THIRD degree.

35 A person is guilty of coercion in the [second] THIRD degree when he or
36 she compels or induces a person to engage in conduct which the latter
37 has a legal right to abstain from engaging in, or to abstain from engag-
38 ing in conduct in which he or she has a legal right to engage, or
39 compels or induces a person to join a group, organization or criminal
40 enterprise which such latter person has a right to abstain from joining,
41 by means of instilling in him or her a fear that, if the demand is not
42 complied with, the actor or another will:

43 1. Cause physical injury to a person; or

44 2. Cause damage to property; or

45 3. Engage in other conduct constituting a crime; or

46 4. Accuse some person of a crime or cause criminal charges to be
47 instituted against him or her; or

48 5. Expose a secret or publicize an asserted fact, whether true or
49 false, tending to subject some person to hatred, contempt or ridicule;
50 or

51 6. Cause a strike, boycott or other collective labor group action
52 injurious to some person's business; except that such a threat shall not
53 be deemed coercive when the act or omission compelled is for the benefit
54 of the group in whose interest the actor purports to act; or

1 7. Testify or provide information or withhold testimony or information
2 with respect to another's legal claim or defense; or

3 8. Use or abuse his or her position as a public servant by performing
4 some act within or related to his or her official duties, or by failing
5 or refusing to perform an official duty, in such manner as to affect
6 some person adversely; or

7 9. Perform any other act which would not in itself materially benefit
8 the actor but which is calculated to harm another person materially with
9 respect to his or her health, safety, business, calling, career, finan-
10 cial condition, reputation or personal relationships.

11 Coercion in the [second] THIRD degree is a class A misdemeanor.

12 § 2. The penal law is amended by adding a new section 135.61 to read
13 as follows:

14 § 135.61 COERCION IN THE SECOND DEGREE.

15 A PERSON IS GUILTY OF COERCION IN THE SECOND DEGREE WHEN HE OR SHE
16 COMMITS THE CRIME OF COERCION IN THE THIRD DEGREE AS DEFINED IN SECTION
17 135.60 OF THIS ARTICLE AND THEREBY COMPELS OR INDUCES A PERSON TO ENGAGE
18 IN SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT OR ANAL SEXUAL CONDUCT AS
19 SUCH TERMS ARE DEFINED IN SECTION 130 OF THE PENAL LAW.

20 COERCION IN THE SECOND DEGREE IS A CLASS E FELONY.

21 § 3. Section 135.65 of the penal law, as amended by chapter 426 of the
22 laws of 2008, is amended to read as follows:

23 § 135.65 Coercion in the first degree.

24 A person is guilty of coercion in the first degree when he or she
25 commits the crime of coercion in the [second] THIRD degree, and when:

26 1. He or she commits such crime by instilling in the victim a fear
27 that he or she will cause physical injury to a person or cause damage to
28 property; or

29 2. He or she thereby compels or induces the victim to:

30 (a) Commit or attempt to commit a felony; or

31 (b) Cause or attempt to cause physical injury to a person; or

32 (c) Violate his or her duty as a public servant.

33 Coercion in the first degree is a class D felony.

34 § 4. The opening paragraph of subdivision 1 of section 530.11 of the
35 criminal procedure law, as amended by chapter 526 of the laws of 2013,
36 is amended to read as follows:

37 The family court and the criminal courts shall have concurrent juris-
38 diction over any proceeding concerning acts which would constitute
39 disorderly conduct, harassment in the first degree, harassment in the
40 second degree, aggravated harassment in the second degree, sexual
41 misconduct, forcible touching, sexual abuse in the third degree, sexual
42 abuse in the second degree as set forth in subdivision one of section
43 130.60 of the penal law, stalking in the first degree, stalking in the
44 second degree, stalking in the third degree, stalking in the fourth
45 degree, criminal mischief, menacing in the second degree, menacing in
46 the third degree, reckless endangerment, strangulation in the first
47 degree, strangulation in the second degree, criminal obstruction of
48 breathing or blood circulation, assault in the second degree, assault in
49 the third degree, an attempted assault, identity theft in the first
50 degree, identity theft in the second degree, identity theft in the third
51 degree, grand larceny in the fourth degree, grand larceny in the third
52 degree [or], coercion in the second degree OR COERCION IN THE THIRD
53 DEGREE as set forth in subdivisions one, two and three of section 135.60
54 of the penal law between spouses or former spouses, or between parent
55 and child or between members of the same family or household except that
56 if the respondent would not be criminally responsible by reason of age

1 pursuant to section 30.00 of the penal law, then the family court shall
2 have exclusive jurisdiction over such proceeding. Notwithstanding a
3 complainant's election to proceed in family court, the criminal court
4 shall not be divested of jurisdiction to hear a family offense proceed-
5 ing pursuant to this section. For purposes of this section, "disorderly
6 conduct" includes disorderly conduct not in a public place. For purposes
7 of this section, "members of the same family or household" with respect
8 to a proceeding in the criminal courts shall mean the following:

9 § 5. The opening paragraph of subdivision 1 of section 812 of the
10 family court act, as amended by chapter 526 of the laws of 2013, is
11 amended to read as follows:

12 The family court and the criminal courts shall have concurrent juris-
13 diction over any proceeding concerning acts which would constitute
14 disorderly conduct, harassment in the first degree, harassment in the
15 second degree, aggravated harassment in the second degree, sexual
16 misconduct, forcible touching, sexual abuse in the third degree, sexual
17 abuse in the second degree as set forth in subdivision one of section
18 130.60 of the penal law, stalking in the first degree, stalking in the
19 second degree, stalking in the third degree, stalking in the fourth
20 degree, criminal mischief, menacing in the second degree, menacing in
21 the third degree, reckless endangerment, criminal obstruction of breath-
22 ing or blood circulation, strangulation in the second degree, strangula-
23 tion in the first degree, assault in the second degree, assault in the
24 third degree, an attempted assault, identity theft in the first degree,
25 identity theft in the second degree, identity theft in the third degree,
26 grand larceny in the fourth degree, grand larceny in the third degree
27 [or], coercion in the second degree OR COERCION IN THE THIRD DEGREE as
28 set forth in subdivisions one, two and three of section 135.60 of the
29 penal law between spouses or former spouses, or between parent and child
30 or between members of the same family or household except that if the
31 respondent would not be criminally responsible by reason of age pursuant
32 to section 30.00 of the penal law, then the family court shall have
33 exclusive jurisdiction over such proceeding. Notwithstanding a
34 complainant's election to proceed in family court, the criminal court
35 shall not be divested of jurisdiction to hear a family offense proceed-
36 ing pursuant to this section. In any proceeding pursuant to this arti-
37 cle, a court shall not deny an order of protection, or dismiss a peti-
38 tion, solely on the basis that the acts or events alleged are not
39 relatively contemporaneous with the date of the petition, the conclusion
40 of the fact-finding or the conclusion of the dispositional hearing. For
41 purposes of this article, "disorderly conduct" includes disorderly
42 conduct not in a public place. For purposes of this article, "members of
43 the same family or household" shall mean the following:

44 § 6. Paragraph (a) of subdivision 1 of section 821 of the family court
45 act, as amended by chapter 526 of the laws of 2013, is amended to read
46 as follows:

47 (a) An allegation that the respondent assaulted or attempted to
48 assault his or her spouse, or former spouse, parent, child or other
49 member of the same family or household or engaged in disorderly conduct,
50 harassment, sexual misconduct, forcible touching, sexual abuse in the
51 third degree, sexual abuse in the second degree as set forth in subdivi-
52 sion one of section 130.60 of the penal law, stalking, criminal
53 mischief, menacing, reckless endangerment, criminal obstruction of
54 breathing or blood circulation, strangulation, identity theft in the
55 first degree, identity theft in the second degree, identity theft in the
56 third degree, grand larceny in the fourth degree, grand larceny in the

1 third degree [or], coercion in the second degree OR COERCION IN THE
2 THIRD DEGREE as set forth in subdivisions one, two and three of section
3 135.60 of the penal law, toward any such person;

4 § 7. Paragraph c of subdivision 5 of section 120.40 of the penal law,
5 as added by chapter 635 of the laws of 1999, is amended to read as
6 follows:

7 c. assault in the third degree, as defined in section 120.00; menacing
8 in the first degree, as defined in section 120.13; menacing in the
9 second degree, as defined in section 120.14; coercion in the first
10 degree, as defined in section 135.65; coercion in the second degree, as
11 defined in section 135.61; COERCION IN THE THIRD DEGREE, AS DEFINED IN
12 SECTION 135.60; aggravated harassment in the second degree, as defined
13 in section 240.30; harassment in the first degree, as defined in section
14 240.25; menacing in the third degree, as defined in section 120.15;
15 criminal mischief in the third degree, as defined in section 145.05;
16 criminal mischief in the second degree, as defined in section 145.10,
17 criminal mischief in the first degree, as defined in section 145.12;
18 criminal tampering in the first degree, as defined in section 145.20;
19 arson in the fourth degree, as defined in section 150.05; arson in the
20 third degree, as defined in section 150.10; criminal contempt in the
21 first degree, as defined in section 215.51; endangering the welfare of a
22 child, as defined in section 260.10; or

23 § 8. Subdivision 2 of section 240.75 of the penal law, as added by
24 section 2 of part D of chapter 491 of the laws of 2012, is amended to
25 read as follows:

26 2. A "specified offense" is an offense defined in section 120.00
27 (assault in the third degree); section 120.05 (assault in the second
28 degree); section 120.10 (assault in the first degree); section 120.13
29 (menacing in the first degree); section 120.14 (menacing in the second
30 degree); section 120.15 (menacing in the third degree); section 120.20
31 (reckless endangerment in the second degree); section 120.25 (reckless
32 endangerment in the first degree); section 120.45 (stalking in the
33 fourth degree); section 120.50 (stalking in the third degree); section
34 120.55 (stalking in the second degree); section 120.60 (stalking in the
35 first degree); section 121.11 (criminal obstruction of breathing or
36 blood circulation); section 121.12 (strangulation in the second degree);
37 section 121.13 (strangulation in the first degree); subdivision one of
38 section 125.15 (manslaughter in the second degree); subdivision one, two
39 or four of section 125.20 (manslaughter in the first degree); section
40 125.25 (murder in the second degree); section 130.20 (sexual miscon-
41 duct); section 130.30 (rape in the second degree); section 130.35 (rape
42 in the first degree); section 130.40 (criminal sexual act in the third
43 degree); section 130.45 (criminal sexual act in the second degree);
44 section 130.50 (criminal sexual act in the first degree); section 130.52
45 (forcible touching); section 130.53 (persistent sexual abuse); section
46 130.55 (sexual abuse in the third degree); section 130.60 (sexual abuse
47 in the second degree); section 130.65 (sexual abuse in the first
48 degree); section 130.66 (aggravated sexual abuse in the third degree);
49 section 130.67 (aggravated sexual abuse in the second degree); section
50 130.70 (aggravated sexual abuse in the first degree); section 130.91
51 (sexually motivated felony); section 130.95 (predatory sexual assault);
52 section 130.96 (predatory sexual assault against a child); section
53 135.05 (unlawful imprisonment in the second degree); section 135.10
54 (unlawful imprisonment in the first degree); section 135.60 (coercion in
55 the [second] THIRD degree); SECTION 135.61 (COERCION IN THE SECOND
56 DEGREE); section 135.65 (coercion in the first degree); section 140.20

1 (burglary in the third degree); section 140.25 (burglary in the second
2 degree); section 140.30 (burglary in the first degree); section 145.00
3 (criminal mischief in the fourth degree); section 145.05 (criminal
4 mischief in the third degree); section 145.10 (criminal mischief in the
5 second degree); section 145.12 (criminal mischief in the first degree);
6 section 145.14 (criminal tampering in the third degree); section 215.50
7 (criminal contempt in the second degree); section 215.51 (criminal
8 contempt in the first degree); section 215.52 (aggravated criminal
9 contempt); section 240.25 (harassment in the first degree); subdivision
10 one, two or four of section 240.30 (aggravated harassment in the second
11 degree); aggravated family offense as defined in this section or any
12 attempt or conspiracy to commit any of the foregoing offenses where the
13 defendant and the person against whom the offense was committed were
14 members of the same family or household as defined in subdivision one of
15 section 530.11 of the criminal procedure law.

16 § 9. Subdivision 3 of section 485.05 of the penal law, as amended by
17 chapter 405 of the laws of 2010, is amended to read as follows:

18 3. A "specified offense" is an offense defined by any of the following
19 provisions of this chapter: section 120.00 (assault in the third
20 degree); section 120.05 (assault in the second degree); section 120.10
21 (assault in the first degree); section 120.12 (aggravated assault upon a
22 person less than eleven years old); section 120.13 (menacing in the
23 first degree); section 120.14 (menacing in the second degree); section
24 120.15 (menacing in the third degree); section 120.20 (reckless endan-
25 germent in the second degree); section 120.25 (reckless endangerment in
26 the first degree); section 121.12 (strangulation in the second degree);
27 section 121.13 (strangulation in the first degree); subdivision one of
28 section 125.15 (manslaughter in the second degree); subdivision one, two
29 or four of section 125.20 (manslaughter in the first degree); section
30 125.25 (murder in the second degree); section 120.45 (stalking in the
31 fourth degree); section 120.50 (stalking in the third degree); section
32 120.55 (stalking in the second degree); section 120.60 (stalking in the
33 first degree); subdivision one of section 130.35 (rape in the first
34 degree); subdivision one of section 130.50 (criminal sexual act in the
35 first degree); subdivision one of section 130.65 (sexual abuse in the
36 first degree); paragraph (a) of subdivision one of section 130.67
37 (aggravated sexual abuse in the second degree); paragraph (a) of subdi-
38 vision one of section 130.70 (aggravated sexual abuse in the first
39 degree); section 135.05 (unlawful imprisonment in the second degree);
40 section 135.10 (unlawful imprisonment in the first degree); section
41 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in
42 the first degree); section 135.60 (coercion in the [second] THIRD
43 degree); SECTION 135.61 (COERCION IN THE SECOND DEGREE); section 135.65
44 (coercion in the first degree); section 140.10 (criminal trespass in the
45 third degree); section 140.15 (criminal trespass in the second degree);
46 section 140.17 (criminal trespass in the first degree); section 140.20
47 (burglary in the third degree); section 140.25 (burglary in the second
48 degree); section 140.30 (burglary in the first degree); section 145.00
49 (criminal mischief in the fourth degree); section 145.05 (criminal
50 mischief in the third degree); section 145.10 (criminal mischief in the
51 second degree); section 145.12 (criminal mischief in the first degree);
52 section 150.05 (arson in the fourth degree); section 150.10 (arson in
53 the third degree); section 150.15 (arson in the second degree); section
54 150.20 (arson in the first degree); section 155.25 (petit larceny);
55 section 155.30 (grand larceny in the fourth degree); section 155.35
56 (grand larceny in the third degree); section 155.40 (grand larceny in

1 the second degree); section 155.42 (grand larceny in the first degree);
2 section 160.05 (robbery in the third degree); section 160.10 (robbery in
3 the second degree); section 160.15 (robbery in the first degree);
4 section 240.25 (harassment in the first degree); subdivision one, two or
5 four of section 240.30 (aggravated harassment in the second degree); or
6 any attempt or conspiracy to commit any of the foregoing offenses.

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

9

PART 00

10 Section 1. Commission established. (a) A commission to be known as the
11 New York state 2020 complete count commission, hereafter referred to as
12 the commission, is hereby established to identify issues that may have
13 led to past United States census undercounts in New York state and to
14 make recommendations to ensure an accurate count in the 2020 United
15 States census.

16 (b) The commission shall consist of sixteen members to be appointed as
17 follows:

18 (i) four members, including the chair and co-chair, shall be appointed
19 by the governor from executive agencies and organizations that have
20 significant interaction with the general public;

21 (ii) two members shall be appointed by the governor from agencies of
22 the city of New York that have significant interaction with the general
23 public;

24 (iii) two members shall be appointed by the governor representing
25 interests of regions outside of the city of New York;

26 (iv) three members shall be appointed by the speaker of the assembly;

27 (v) one member shall be appointed by the minority leader of the assem-
28 bly;

29 (vi) three members shall be appointed by the temporary president of
30 the senate; and

31 (vii) one member appointed by the minority leader of the senate.

32 (c) The appointments made pursuant to this act shall, to the extent
33 practicable, reflect the diversity of the residents of this state with
34 regard to race, ethnicity, gender, language, age, and geographic resi-
35 dence and, to the extent practicable the appointing authorities shall,
36 in considering potential appointees to the commission, consult with
37 organizations devoted to representing municipalities and educational
38 institutions, and organizations providing services to the elderly, chil-
39 dren, minority communities, and individuals and communities to combat
40 poverty.

41 (d) The members of the commission shall receive no compensation for
42 their services as members.

43 (e) Notwithstanding any inconsistent provision of any general, special
44 or local law, ordinance, resolution or charter, no officer, member or
45 employee of the state or of any public corporation shall forfeit his or
46 her office or employment by reason of his or her acceptance of appoint-
47 ment as a member of the commission, nor shall service as such commission
48 member be deemed incompatible or in conflict with such office or employ-
49 ment.

50 (f) The commission may appoint such staff as may be necessary to carry
51 out its duties. Such staff shall receive no compensation for their
52 services.

53 § 2. Powers and duties of the commission. (a) The commission shall
54 study, examine and review the issues that may have led to past United

1 States census undercounts in New York state and shall make recommenda-
2 tions to ensure an accurate count in the 2020 United States census.

3 (b) The commission may meet and hold public hearings and events within
4 the state.

5 (c) The commission may establish committees and workgroups in further-
6 ance of the purposes set forth in this act, and may include on such
7 committees and workgroups individuals who are not members of the commis-
8 sion.

9 (d) The commission may request and may receive from any subdivision,
10 department, board, commission, office, agency, or other instrumentality
11 of the state or of any political subdivision thereof such facilities,
12 assistance and data reasonably available as it deems necessary or desir-
13 able for the proper execution of its powers and duties and to effectuate
14 the purposes set forth in this act.

15 (e) The commission is authorized and empowered to enter into any
16 agreements and to do and perform any acts that may be necessary, desira-
17 ble or proper to carry out the purposes and objectives of this act,
18 including entering into contracts in furtherance of the provisions of
19 this act.

20 (f) On or before January 10, 2019, the commission shall transmit to
21 the governor and the legislature a report containing an overview of the
22 issues that may have led to past United States census undercounts in New
23 York state and a comprehensive action plan for state and local govern-
24 mental and non-governmental agencies to work together to ensure an accu-
25 rate count in the 2020 United States census. Such report shall also
26 include recommendations on state funds for the 2019-2020 fiscal year
27 necessary to ensure an accurate count in the 2020 United States census.

28 (g) On or before January 10, 2020, the commission shall transmit to
29 the governor and the Legislature a report detailing the actions taken by
30 the commission since the initial report, and detail how any appropri-
31 ations made for the 2019-2020 fiscal year will be used to meet the
32 recommendations and action plan made in the commission's initial report,
33 and include any recommended changes to its previous recommendations on
34 state funds necessary to ensure an accurate count in the 2020 United
35 States census.

36 (h) The commission shall continue in existence until December 31,
37 2020.

38 § 3. This act shall take effect immediately.

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

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