STATE OF NEW YORK

S. 7505--C A. 9505--D

SENATE - ASSEMBLY

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.

LBD12670-06-8

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:

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

PART A

Intentionally Omitted

PART B

Intentionally Omitted

PART C

Intentionally Omitted

PART D

Intentionally Omitted

PART E

Intentionally Omitted

PART F

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

ARTICLE 95

PRE-CRIMINAL PROCEEDING SETTLEMENTS

Section 95.00 Pre-criminal proceeding settlement.

§ 95.00 Pre-criminal proceeding settlement.

When a county district attorney of a county located in a city of one million or more recovers monies before the filing of an accusatory instrument as defined in subdivision one of section 1.20 of this chapter, after injured parties have been appropriately compensated, the district attorney's office shall retain a percentage of the remaining such monies in recognition that such monies were recovered as a result of investigations undertaken by such office. For each recovery the total amount of such monies to be retained by the county district attorney's office shall equal ten percent of the first twenty-five million dollars received by such office, plus seven and one-half percent of such monies received by such office in excess of twenty-five million dollars but less than fifty million dollars, plus five percent of any such monies received by such office in excess of fifty million dollars but less than one hundred million dollars, plus one percent of such monies received by such office in excess of one hundred million dollars. The remainder of such monies shall be paid by the district attorney's office to the state and to the county in equal amounts within thirty days of receipt, where disposition of such monies is not otherwise prescribed by law. Monies distributed to a county district attorney's office pursuant to this section shall be used to enhance law enforcement efforts within the state of New York. On December first of each year, every district attorney shall provide the governor, temporary president of the senate and speaker of the assembly with an annual report detailing the total amount of monies received as described herein by his or her office and a description of how and where such funds were distributed by his or her office but shall not include a description of the distribution of monies where the disclosure of such information would interfere with a law enforcement investigation or a judicial proceeding. The report shall include a detailed description of any entity to which funds are distributed, including but not limited to, whether it is a profit or not-for-profit entity, where it is located, and the intended use of the monies distributed, and shall state the law enforcement purpose.

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

PART G

Intentionally Omitted

PART H

Intentionally Omitted

PART I

Intentionally Omitted

PART J

Intentionally Omitted

PART K

Intentionally Omitted

PART L

Intentionally Omitted

PART M

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

(b) The sum of one million five hundred thousand dollars must be deposited into the New York state emergency services revolving loan fund annually; provided, however, that such sums shall not be deposited for state fiscal years two thousand eleven--two thousand twelve, two thousand twelve--two thousand thirteen, two thousand fourteen--two thousand fifteen, two thousand fifteen--two thousand sixteen, two thousand sixteen--two thousand seventeen [~~and~~], two thousand seventeen--two thousand eighteen**, two thousand eighteen--two thousand nineteen and two thousand nineteen--two thousand twenty**;

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

PART N

Intentionally Omitted

PART O

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

§ 99-bb. Armory rental account. 1. Notwithstanding sections eight, eight-a and seventy of this chapter or any other provision of law, rule, regulation or practice to the contrary, there is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance an armory rental account fund, which shall consist of all moneys paid as rent pursuant to section one hundred eighty-three of the military law.

2. Moneys within the armory rental account shall be available to the adjutant general for services and expenses of the office relating to the direct maintenance and operation of armories.

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

5. All moneys paid as rent as provided in this section, together with all sums paid to cover expenses of heating and lighting, shall be transmitted by the officer in charge and control of the armory through the adjutant general to the state treasury for deposit to the [~~miscellaneous special revenue fund - 339~~] **agencies enterprise fund** armory rental account.

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

§ 3. This act shall take effect [~~on the same date as the reversion of subdivision 5 of section 183 and subdivision 1 of section 221 of the military law as provided by section 76 of chapter 435 of the laws of 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwithstanding this act shall be deemed to have been in full force and effect on and after July 31, 2005 and shall remain in full force and effect until September 1, 2019 when upon such date this act shall expire~~] **immediately; provided however that the amendments made to subdivision 1 of section 221 of the military law by section two of this act shall expire and be deemed repealed September 1, 2019**.

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

PART P

Intentionally Omitted

PART Q

Intentionally Omitted

PART R

Intentionally Omitted

PART S

Intentionally Omitted

PART T

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

§ 2. The temporary state commission on the restoration of the capitol is hereby renamed as the state commission on the restoration of the capitol (hereinafter to be referred to as the "commission") and is hereby continued until April 1, [~~2018~~] **2023**. The commission shall consist of eleven members to be appointed as follows: five members shall be appointed by the governor; two members shall be appointed by the temporary president of the senate; two members shall be appointed by the speaker of the assembly; one member shall be appointed by the minority

leader of the senate; one member shall be appointed by the minority leader of the assembly, together with the commissioner of general services and the commissioner of parks, recreation and historic preservation. The term for each elected member shall be for three years, except that of the first five members appointed by the governor, one shall be for a one year term, and two shall be for a two year term, and one of the first appointments by the president of the senate and by the speaker of the assembly shall be for a two year term. Any vacancy that occurs in the commission shall be filled in the same manner in which the original appointment was made. The commission shall elect a chairman and a vice-chairman from among its members. The members of the state commission on the restoration of the capitol shall be deemed to be members of the commission until their successors are appointed. The members of the commission shall receive no compensation for their services, but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties hereunder.

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

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

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

PART U

Intentionally Omitted

PART V

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

§ 99-bb. Parking services fund. 1. Notwithstanding sections eight, eight-a and seventy of this chapter or any other provision of law, rule, regulation, or practice to the contrary, there is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a parking services fund, which shall be classified by the state comptroller as an enterprise fund type, and which shall consist of all moneys received from private entities and individuals as fees for the use of state-owned parking lots and garages.

2. Moneys within the parking services fund shall be available to the commissioner of general services for services and expenses of the office relating to the direct maintenance and operation of state-owned parking lots and garages.

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

§ 99-cc. Solid waste fund. 1. Notwithstanding sections eight, eight-a and seventy of this chapter or any other provision of law, rule, regulation, or practice to the contrary, there is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a solid waste fund, which shall be classified by the state comptroller as an enterprise fund type, and which shall consist of all

moneys received from private entities by the commissioner of general services for the sale of recyclables.

2. Moneys within the solid waste fund shall be available to the commissioner of general services for services and expenses of the office relating to the collection, processing and sale of recycled materials.

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

§ 99-dd. Special events fund. 1. Notwithstanding sections eight, eight-a and seventy of this chapter and any other provision of law, rule, regulation, or practice to the contrary, there is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a special events fund, which shall be classified by the state comptroller as an enterprise fund type, and which shall consist of all moneys received from private entities and individuals as fees for the use of physical space at state-owned facilities, including, but not limited to, the Empire State Plaza and Harriman Campus, and any other miscellaneous fees associated with the use of such physical space at such state-owned facilities by private entities and individuals.

2. Moneys within the special events fund shall be available to the commissioner of general services for services and expenses of the office relating to the use of state-owned facilities by private entities and individuals.

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

PART W

Intentionally Omitted

PART X

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

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

ARTICLE 43

NEW YORK STATE SECURE CHOICE SAVINGS PROGRAM

Section 1300. Definitions.
1301. Program established.
1302. Composition of the board.
1303. Fiduciary duty.
1304. Duties of the board.
1305. Risk management.
1306. Financial organizations.
1307. Investment options.
1308. Benefits.
1309. Employer and employee informational materials and disclosure forms.
1310. Program implementation and enrollment.
1311. Payments.
1312. Duty and liability of the state.
1313. Duty and liability of participating employers.
1314. Audit and reports.
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;

(e) a representative of participating employers, appointed by the governor; and

(f) a representative of enrollees, appointed by the governor.

2. Members of the board shall serve without compensation but may be reimbursed for necessary travel expenses incurred in connection with their board duties from funds appropriated for the purpose.

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.

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.

§ 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:

1. for the exclusive purposes of providing benefits to enrollees and beneficiaries and defraying reasonable expenses of administering the program;

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

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.

§ 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:

1. Cause the program to be designed, established and operated in a manner that:

(a) accords with best practices for retirement savings vehicles;

(b) maximizes participation, savings, and sound investment practices including considering the use of automatic enrollment as allowed under federal law;

(c) maximizes simplicity, including ease of administration for participating employers and enrollees;

(d) provides an efficient product to enrollees by pooling investment funds;

(e) ensures the portability of benefits; and

(f) provides for the deaccumulation of enrollee assets in a manner that provides a financial benefit in retirement.

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.

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.

4. Make and enter into contracts necessary for the administration of the program and fund, including, but not limited to, retaining and contracting with investment managers, financial organizations, other financial and service providers, consultants, actuaries, counsel, auditors, third-party administrators, and other professionals as necessary.

5. Conduct a periodic review of the performance of any financial organizations, including, but not limited to, a review of returns, fees, and customer service. A copy of reviews shall be posted to the program's Internet website.

6. Cause moneys in the program to be held and invested as pooled investments or otherwise, with a view to achieving cost savings through efficiencies and economies of scale.

7. Evaluate and establish or authorize the process for:

(a) an enrollee to contribute a portion of his or her wages to the program via payroll deduction; and

(b) the voluntary enrollment of participating employers in the program.

8. The board may contract with financial organizations and third-party administrators with the capability to receive and process employee information and contributions for payroll deduction IRA or similar arrangements.

9. Evaluate and establish or authorize the process for enrollment including the process by which an employee may participate in the program, select a contribution level, select an investment option, and terminate participation in the program.

10. Evaluate, or cause to be evaluated, the need for, and procure as needed, insurance against any and all loss in connection with the property, assets, or activities of the program, and indemnify as needed each member of the board from personal loss or liability resulting from a member's action or inaction as a member of the board.

11. Make provisions for the payment of administrative costs and expenses for the creation, management, and operation of the program. Subject to appropriation, the state may pay administrative costs associated with the creation and management of the program until sufficient assets are available in the program for that purpose. Thereafter, all administrative costs of the program, including repayment of any start-up funds provided by the state, shall be paid only out of moneys on deposit therein. However, private funds or federal funding received in order to implement the program until it is self-sustaining shall not be repaid unless those funds were offered contingent upon the promise of such repayment. The board shall keep its annual administrative expenses as low as possible.

12. Allocate administrative fees to individual retirement accounts in the program on a pro rata basis.

13. Set or authorize minimum and maximum contribution levels in accordance with limits established for IRAs by the Internal Revenue Code.

14. Facilitate education and outreach to employers and employees.

15. Facilitate compliance by the program with all applicable requirements for the program under the Internal Revenue Code, including tax qualification requirements or any other applicable legal, financial reporting and accounting requirements.

16. Carry out the duties and obligations of the program in an effective, efficient, and low-cost manner.

17. Exercise any and all other powers reasonably necessary for the effectuation of the purposes, objectives, and provisions of this article.

18. Determine or authorize withdrawal provisions, such as economic hardships, portability and leakage.

19. Determine employee rights and enforcement of penalties.

20. Delegate such authority and responsibility for the development and implementation of the program to the department of taxation and finance as the board deems proper.

§ 1305. Risk management. The board shall annually prepare, or cause to be prepared, and adopt a written statement of investment policy that includes a risk management and oversight program. This investment policy shall prohibit the board and the program from borrowing for investment purposes. The risk management and oversight program shall be designed to ensure that an effective risk management system is in place to monitor the risk levels of the program, to ensure that the risks taken are prudent and properly managed, to provide an integrated process for overall risk management, and to assess investment returns as well as risk to determine if the risks taken are adequately compensated compared to applicable performance benchmarks and standards. The board shall consider the statement of investment policy and any changes in the investment policy at a public hearing.

§ 1306. Financial organizations. 1. The board shall engage, after an open bid process, a financial organization or organizations to invest assets of the program. In selecting the financial organization or organizations, the board shall take into consideration and give weight to the financial organization's fees and charges in order to reduce the program's administrative expenses.

2. The financial organizations shall comply with applicable federal and state laws, rules, and regulations, as well as rules, policies, and guidelines promulgated by the board with respect to the program, including, but not limited to, the investment policy.

3. The financial organization or organizations shall provide such reports as the board deems necessary for the board to oversee each financial organization's performance and the performance of the program.

§ 1307. Investment options. 1. The board shall establish or authorize a default investment option for enrollees who fail to elect an investment option. In making such determination, the board shall consider the cost, risk profile, benefit level and ease of enrollment. The board may change the default option if the board determines that such change is in the best interests of the enrollees.

2. The board may establish or authorize any additional investment options that the board deems appropriate including but not limited to:

(a) a conservative principal protection fund;

(b) a growth fund;

(c) a secure return fund whose primary objective is the preservation of the safety of principal and the provision of a stable and low-risk rate of return; if the board elects to establish a secure return fund, the board may procure any insurance, annuity, or other product to insure the value of enrollees' accounts and guarantee a rate of return; the cost of such funding mechanism shall be paid out of the fund; under no circumstances shall the board, program, fund, the state, or any participating employer assume any liability for investment or actuarial risk; the board shall determine whether to establish or authorize such investment options based upon an analysis of their cost, risk profile, benefit level, feasibility, and ease of implementation;

(d) an annuity fund;
(e) a growth and income fund; or
(f) a life cycle fund with a target date based upon factors determined by the board.
§ 1308. Benefits. Interest, investment earnings, and investment losses shall be allocated to individual program accounts as authorized by the board pursuant to this article. An individual's retirement savings benefit under the program shall be an amount equal to the balance in the individual's program account on the date the retirement savings benefit becomes payable. The state shall have no liability for the payment of any benefit to any enrollee in the program.
§ 1309. Employer and employee informational materials and disclosure forms. 1. Prior to the opening of the program for enrollment, the board shall design and disseminate, or cause to be designed and disseminated, to all employers employer informational materials and employee informational materials, which shall include background information on the program, and necessary disclosures as required by law for employees.
2. The employee informational materials shall be made available in English, Spanish, Haitian Creole, Chinese, Korean, Russian, Arabic, and any other language the board deems necessary.
3. The employee informational materials shall include a disclosure form. The disclosure form shall explain, but not be limited to, all of the following:
(a) the benefits and risks associated with making contributions to the program;
(b) the process for making contributions to the program;
(c) how to cease participation in the program;
(d) the process by which an employee can participate in the program with a level of employee contributions other than three percent;
(e) that they are not required to participate or contribute more than three percent;
(f) the process for withdrawal of retirement savings;
(g) the process for selecting beneficiaries of their retirement savings;
(h) how to obtain additional information about the program;
(i) that employees seeking financial advice should contact financial advisors, that participating employers are not in a position to provide financial advice, and that participating employers are not liable for decisions employees make pursuant to this article;
(j) information on how to access any available financial literacy programs; and
(k) that the program fund is not guaranteed by the state.
4. The employee informational materials shall also include a form for an employee to note his or her decision regarding participation in the program or election to participate with a level of employee contributions other than three percent.
5. Participating employers shall supply the employee informational materials to existing employees at least one month prior to the participating employers' facilitation of access to the program. Participating employers shall supply the employee informational materials to new employees at the time of hiring.
§ 1310. Program implementation and enrollment. Except as otherwise provided in this article, the program shall be implemented, and enrollment of employees shall begin, within twenty-four months after the effective date of this article. The provisions of this section shall be in force after the board opens the program for enrollment.

1. No employer shall be required to participate in or otherwise implement the program.

2. Enrollees shall have the ability to select a contribution level into the program. This level may be expressed as a percentage of wages or as a dollar amount up to the deductible amount for the enrollee's taxable year under section 219(b)(1)(A) of the Internal Revenue Code. Enrollees may change their contribution level at any time, subject to rules promulgated by the board. If an enrollee fails to select a contribution level using the form described in this article, then he or she shall contribute three percent of his or her wages to the program, provided that such contributions shall not cause the enrollee's total contributions to IRAs for the year to exceed the deductible amount for the enrollee's taxable year under section 219(b)(1)(A) of the Internal Revenue Code.

3. Enrollees may select an investment option offered under the program. Enrollees may change their investment option at any time, subject to rules promulgated by the board. In the event that an enrollee fails to select an investment option, that enrollee shall be placed in the investment option selected or authorized by the board as the default under this article.

4. Following initial implementation of the program pursuant to this section, at least once every year, the program shall designate an open enrollment period during which employees may enroll in the program.

5. An employee who chooses not to participate in the program and who subsequently wants to participate may only enroll during the program's designated open enrollment period or if permitted by the program at an earlier time.

6. Employers shall retain the option at all times to set up any type of employer-sponsored retirement plan.

7. An enrollee may terminate his or her enrollment in the program at any time in a manner prescribed by the board.

8. (a) The board shall establish or authorize a website regarding the secure choice savings program.

(b) The board shall establish and maintain or authorize the establishment and maintenance of a secure website wherein enrollees may log in and acquire information regarding contributions and investment income allocated to, withdrawals from, and balances in their program accounts for the reporting period. Such website must also include information for the enrollees regarding other options available to the employee and how they can transfer their accounts to other programs should they wish to do so. Such website may include any other information regarding the program as the board may determine.

§ 1311. Payments. Employee contributions deducted by the participating employer through payroll deduction shall be remitted by the participating employer to the program using one or more payroll deduction IRAs established or authorized by the board under this article, either:

1. on or before the last day of the month following the month in which the compensation otherwise would have been payable to the employee in cash; or

2. before such later deadline prescribed by the board for making such payments, but not later than the due date for the deposit of tax required to be deducted and withheld relating to collection of income tax at source on wages or for the deposit of tax required to be paid under the unemployment insurance system for the payroll period to which such payments relate.

§ 1312. Duty and liability of the state. 1. The state shall have no duty or liability to any party for the payment of any retirement savings benefits accrued by any enrollee under the program. Any financial liability for the payment of retirement savings benefits in excess of funds available under the program shall be borne solely by the entities with whom the board contracts to provide insurance to protect the value of the program.

2. No state board, commission, or agency, or any officer, employee, or member thereof is liable for any loss or deficiency resulting from particular investments selected under this article, except for any liability that arises out of a breach of fiduciary duty.

§ 1313. Duty and liability of participating employers. 1. Participating employers shall not have any liability for an employee's decision regarding whether to participate in the program or for the investment decisions of the board or of any enrollee.

2. A participating employer is not establishing or maintaining the program's payroll deduction IRA. A participating employer shall not be a fiduciary, or considered to be a fiduciary, over the program. A participating employer shall not bear responsibility for the administration, investment, or investment performance of the program. A participating employer shall not be liable with regard to investment returns, program design, and benefits paid to program participants.

§ 1314. Audit and reports. 1. The board shall annually submit:

(a) an audited financial report, prepared in accordance with generally accepted accounting principles, on the operations of the program during each calendar year by July first of the following year to the governor, the commissioner, the speaker of the assembly, the temporary president of the senate, the chair of the assembly ways and means committee, the chair of the senate finance committee, the chair of the assembly labor committee, the chair of the senate labor committee; and

(b) a report prepared or authorized by the board, which shall include, but is not limited to, a summary of the benefits provided by the program, including the number of enrollees in the program, the percentage and amounts of investment options and rates of return, and such other information that is relevant to make a full, fair, and effective disclosure of the operations of the program. The annual report shall be made by an independent certified public accountant and shall include, but is not limited to, direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not state employees for the administration of the program.

2. In addition to any other statements or reports required by law, the board shall provide or cause to be provided periodic reports at least annually to enrollees, reporting contributions and investment income allocated to, withdrawals from, and balances in their program accounts for the reporting period. Such reports may include any other information regarding the program as the board may determine.

§ 1315. Delayed implementation. The board may delay the implementation of the program an additional twelve months beyond the twenty-four months established in section thirteen hundred ten of this article if the board determines that further delay is necessary to address legal, financial or other programmatic concerns impacting the viability of the program. The board shall provide reasonable notice of such delay to the governor, the commissioner, the speaker of the assembly, the temporary president of the senate, the chair of the assembly ways and means committee, the chair of the senate finance committee, the chair of the assembly labor committee, and the chair of the senate labor committee.

§ 1316. Regulations. The commissioner may issue such rules and regulations as he or she deems necessary to implement the terms of this article.

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

§ 99-bb. New York state secure choice administrative fund. 1. There is hereby established within the joint custody of the commissioner of taxation and finance and the state comptroller in consultation with the New York state secure choice savings program board, a new fund to be known as the New York state secure choice administrative fund.

2. The New York state secure choice savings program board shall use moneys in the administrative fund to pay for administrative expenses it incurs in the performance of its duties under the New York state secure choice savings program pursuant to article forty-three of the general business law.

3. The New York state secure choice savings program board shall use moneys in the administrative fund to cover start-up administrative expenses it incurs in the performance of its duties under article forty-three of the general business law.

4. The administrative fund may receive any grants or other moneys designated for administrative purposes from the state, or any unit of federal or local government, or any other person, firm, partnership, or corporation. Any interest earnings that are attributable to moneys in the administrative fund must be deposited into the administrative fund.

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

§ 5. This act shall take effect immediately.

PART Y

Intentionally Omitted

PART Z

Intentionally Omitted

PART AA

Intentionally Omitted

PART BB

Intentionally Omitted

PART CC

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

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

p. Citizen empowerment tax credit. (i) For the purposes of this paragraph, "municipalities" shall mean cities with a population less than one million, towns **created on or before December thirty-first, two thousand seventeen,** and villages **incorporated on or before December thirty-first, two thousand seventeen**.

(ii) Within the annual amounts appropriated therefor, surviving municipalities following a consolidation or dissolution occurring on or after the state fiscal year commencing April first, two thousand seven, and any new coterminous town-village established after July first, two thousand twelve that operates principally as a town or as a village but not as both a town and a village, shall be awarded additional annual aid, starting in the state fiscal year following the state fiscal year in which such reorganization took effect, equal to fifteen percent of the combined amount of real property taxes levied by all of the municipalities participating in the reorganization in the local fiscal year prior to the local fiscal year in which such reorganization took effect. In instances of the dissolution of a village located in more than one town, such additional aid shall equal the sum of fifteen percent of the real property taxes levied by such village in the village fiscal year prior to the village fiscal year in which such dissolution took effect plus fifteen percent of the average amount of real property taxes levied by the towns in which the village was located in the town fiscal year prior to the town fiscal year in which such dissolution took effect, and shall be divided among such towns based on the percentage of such village's population that resided in each such town as of the most recent federal decennial census. In no case shall the additional **annual** aid pursuant to this paragraph exceed one million dollars. **For villages in which a majority of the electors voting at a referendum on a proposed dissolution pursuant to section seven hundred eighty of the general municipal law vote in favor of dissolution after December thirty-first, two thousand seventeen, in no case shall the additional annual aid pursuant to this paragraph exceed the lesser of one million dollars or the amount of real property taxes levied by such village in the village fiscal year prior to the village fiscal year in which such dissolution took effect.** Such additional **annual** aid shall be apportioned and paid to the chief fiscal officer of each eligible municipality on or before September twenty-fifth of each such state fiscal year on audit and warrant of the state comptroller out of moneys appropriated by the legislature for such purpose to the credit of the local assistance fund.

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

§ 2. This act shall take effect immediately.

PART DD

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

§ 106-b. Election of [~~a single~~] **one or more** town [~~justice~~] **justices** for two or more [~~adjacent~~] towns.

1. Two or more [~~adjacent~~] towns within the same county, acting by and through their town boards, are authorized to jointly undertake a study relating to the election of [~~a single~~] **one or more** town [~~justice~~] **justices** who shall preside in the town courts of each such town. Such study shall be commenced upon and conducted pursuant to a joint resolution adopted by the town board of each such [~~adjacent~~] town. Such joint resolution or a certified copy thereof shall upon adoption be filed in the office of the town clerk of each [~~adjacent~~] town which adopts the resolution. No study authorized by this subdivision shall be commenced until the joint resolution providing for the study shall have been filed with the town clerks of at least two [~~adjacent~~] towns which adopted such joint resolution.

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

3. The town board of each town party to the study shall conduct a public hearing upon the findings of such study, and shall hear testimony and receive evidence and information thereon with regard to the election of one **or more** town [~~justice~~] **justices** to preside over the town courts of the [~~adjacent~~] towns which are parties to the joint resolution providing for the study.

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

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

a. the election of [~~a single~~] **one or more** town [~~justice~~] **justices** at large to preside in the town courts of the participating towns;

b. the abolition of the existing office of town justice in the participating towns; and

c. the election of [~~such single~~] one or more town [~~justice~~] justices shall occur at the next general election of town officers and every fourth year thereafter.

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

7. Every town justice elected to preside in multiple towns pursuant to this section shall have jurisdiction in each of the participating [~~adjacent~~] towns, shall preside in the town courts of such towns, shall maintain separate records and dockets for each town court, and shall maintain a separate bank account for each town court for the deposit of moneys received by each town court.

8. In the event any town court operated pursuant to a joint plan enacted into law pursuant to this section is without the services of the [~~single~~] one or more town [~~justice~~] justices because of absence or disability, the provisions of section one hundred six of this article and the town law shall apply.

§ 2. This act shall take effect immediately.

PART EE

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

ARTICLE 12-I

COUNTY-WIDE SHARED SERVICES PANELS

Section 239-bb. County-wide shared services panels.

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

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

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

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

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

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

b. The county CEO may invite any school district, board of cooperative educational services, fire district, fire protection district, or special improvement district in the county to join a panel. Upon such invitation, the governing body of such school district, board of cooper-

ative educational services, fire district, fire protection district, or other special district may accept such invitation by selecting a representative of such governing body, by majority vote, to serve as a member of the panel. Such school district, board of cooperative educational services, fire district, fire protection district or other special district shall maintain such representation until the panel either approves a plan or transmits a statement to the secretary of state on the reason the panel did not approve a plan, pursuant to paragraph d of subdivision seven of this section. Upon approval of a plan or a transmission of a statement to the secretary of state that a panel did not approve a plan in any calendar year, the county CEO may, but need not, invite any school district, board of cooperative educational services, fire district, fire protection district or special improvement district in the county to join a panel thereafter convened.

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

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

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

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

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

b. The county legislative body shall review and consider each plan submitted in accordance with paragraph a of this subdivision. A majority

of the members of such body may issue an advisory report on each plan, making recommendations as deemed necessary. The county CEO may modify a plan based on such recommendations, which shall include an updated certification as to the accuracy of the savings contained therein.

7. a. A panel shall duly consider any plan properly submitted to the panel by the county CEO and may approve such plan by a majority vote of the panel. Each member of a panel may, prior to the panel-wide vote, cause to be removed from a plan any proposed action affecting the unit of government represented by the respective member. Written notice of such removal shall be provided to the county CEO prior to a panel-wide vote on a plan.

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

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

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

8. For each county, new shared services actions not included in a previously approved and submitted plan pursuant to this section or part BBB of chapter fifty-nine of the laws of two thousand seventeen, may be eligible for funding to match savings from such action, subject to available appropriation. Savings that are actually and demonstrably realized by the participating local governments are eligible for matching funding. For actions that are part of an approved plan transmitted to the secretary of state in accordance with paragraph b of subdivision seven of this section, savings achieved from January first through December thirty-first from new actions implemented on or after January first through December thirty-first of the year immediately following an approved and transmitted plan may be eligible for matching funding. Only net savings between local governments for each action would be eligible for matching funding. Savings from internal efficiencies or any other action taken by a local government without the participation of another local government are not eligible for matching funding. Each county and all of the local governments within the county that are part of any action to be implemented as part of an approved plan must collectively apply for the matching funding and agree on the distribution and use of any matching funding in order to qualify for matching funding.

9. The department of state shall prepare a report to the governor, the temporary president of the senate and the speaker of the assembly on the county-wide shared services plans approved by the county-wide shared services panels created pursuant to part BBB of chapter fifty-nine of the laws of two thousand seventeen and this article and shall post the report on the department's website. Such report shall be provided on or

before June thirtieth, two thousand twenty-two and shall include, but not be limited to, the following:

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

(1) public health and insurance;

(2) emergency services;

(3) sewer, water, and waste management systems;

(4) energy procurement and efficiency;

(5) parks and recreation;

(6) education and workforce training;

(7) law and courts;

(8) shared equipment, personnel, and services;

(9) joint purchasing;

(10) governmental reorganization;

(11) transportation and highway departments; and

(12) records management and administrative functions.

b. for each of the counties the following information:

(1) a detailed summary of each of the savings plans, including revisions and updates submitted each year or the statement explaining why the county did not approve a plan in any year;

(2) the anticipated savings for each plan;

(3) the number of cities, towns and villages in the county;

(4) the number of cities, towns and villages that participated in a panel, as reported in a plan;

(5) the number of school districts, boards of cooperative educational services, fire districts, fire protection districts, or other special districts in the county; and

(6) the number of school districts, boards of cooperative educational services, fire districts, fire protection districts, or other special districts that participated in a panel, as reported in a plan.

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

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

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

4. Any school district or board of cooperative educational services may join a panel established pursuant to article twelve-I of this chapter, and may further participate in any of the activities of such panel, with any participating county, town, city, village, fire district, fire protection district, or special improvement district participating in such panels. For cooperative agreements which involve functions, services, or provisions permitted by this section, school districts and boards of cooperative educational services shall be permitted to create

and execute such agreements, when a part of the activity of such panel, without opinion or approval of the state education department.

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

§ 4. This act shall take effect immediately.

PART FF

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

7. There shall be an annual independent audit of the accounts and business practices of the agency performed by independent outside auditors [~~nominated by the director of the division of the budget~~]. Any such auditor shall serve no more than three consecutive years.

§ 2. This act shall take effect immediately.

PART GG

Intentionally Omitted

PART HH

Intentionally Omitted

PART II

Intentionally Omitted

PART JJ

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

(i) a resident or inpatient of a residential facility operated, licensed or certified by (i) the office of mental health; (ii) the office for people with developmental disabilities; or (iii) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient. For purposes of this paragraph, "employee" means either: an employee of the agency operating the residential facility, who knows or reasonably should know that such person is a resident or inpatient of such facility and who provides direct care services, case management services, medical or other clinical services, habilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility and who is in direct contact with residents or inpatients; provided, however, that the provisions of this paragraph

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

(j) detained or otherwise in the custody of a police officer, peace officer, or other law enforcement official and the actor is a police officer, peace officer or other law enforcement official who either: (i) is detaining or maintaining custody of such person; or (ii) knows, or reasonably should know, that at the time of the offense, such person was detained or in custody.

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

4. In any prosecution under this article in which the victim's lack of consent is based solely on his or her incapacity to consent because he or she was less than seventeen years old, mentally disabled, a client or patient and the actor is a health care provider**, detained or otherwise in custody of law enforcement under the circumstances described in paragraph (j) of subdivision three of section 130.05 of this article**, or committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital and the actor is an employee, it shall be a defense that the defendant was married to the victim as defined in subdivision four of section 130.00 of this article.

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

PART KK

Intentionally Omitted

PART LL

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

An authorized agency as defined by subdivision ten of section three hundred seventy-one of the social services law, or a local probation department as defined by sections two hundred fifty-five and two hundred fifty-six of the executive law for the provision of detention facilities certified by the office of children and family services or by such office in conjunction with the state commission of correction or for the provision of residential facilities licensed by the office of children and family services including all necessary and usual attendant and related facilities and equipment.

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

An authorized agency as defined by subdivision ten of section three hundred seventy-one of the social services law, or a local probation department as defined by sections two hundred fifty-five and two hundred fifty-six of the executive law for the provision of detention facilities certified by the office of children and family services or by such office in conjunction with the state commission of correction or for the

provision of residential facilities licensed by the office of children and family services including all necessary and usual attendant and related facilities and equipment.

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

k. (1) For purposes of this section, the following provisions shall apply to the powers in connection with the provision of detention facilities certified by the office of children and family services or by such office in conjunction with the state commission of correction or for the provision of residential facilities licensed by the office of children and family services including all necessary and usual attendant and related facilities and equipment.

(2) Notwithstanding any other provision of law, any entity as listed above shall have full power and authority to enter into such agreements with the dormitory authority as are necessary to finance and/or construct detention or residential facilities described above, including without limitation, the provision of fees and amounts necessary to pay debt service on any obligations issued by the dormitory authority for same, and to assign and pledge to the dormitory authority, any and all public funds to be apportioned or otherwise made payable by the United States, any agency thereof, the state, any agency thereof, a political subdivision, as defined in section one hundred of the general municipal law, any social services district in the state or any other governmental entity in an amount sufficient to make all payments required to be made by any such entity as listed above pursuant to any lease, sublease or other agreement entered into between any such entity as listed above and the dormitory authority. All state and local officers are hereby authorized and required to pay all such funds so assigned and pledged to the dormitory authority or, upon the direction of the dormitory authority, to any trustee of any dormitory authority bond or note issued, pursuant to a certificate filed with any such state or local officer by the dormitory authority pursuant to the provisions of this section.

§ 4. This act shall take effect immediately.

PART MM

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

(b) Any plan of a bar association must receive the approval of the [~~state administrator~~] office of indigent legal services before the plan is placed in operation. In the county of Hamilton, representation pursuant to a plan of a bar association in accordance with subparagraph (i) of paragraph (a) of this subdivision may be by counsel furnished by the Fulton county bar association pursuant to a plan of the Fulton county bar association, following approval of the [~~state administrator~~] office of indigent legal services. When considering approval of an office of conflict defender pursuant to this section, the [~~state administrator~~] office of indigent legal services shall employ the guidelines it has heretofore established [~~by the office of indigent legal services~~] pursuant to paragraph (d) of subdivision three of section eight hundred thirty-two of the executive law.

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

state administrator within one hundred eighty days after the promulgation of criteria for the provision of conflict defender services by the office of indigent legal services. The authority to operate such an office pursuant to this paragraph shall expire when the state administrator **(or, on or after April first, two thousand nineteen, the office of indigent legal services)** approves or disapproves such plan. Upon approval, the county is authorized to operate such office in accordance with paragraphs (a) and (b) of this subdivision.

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

(d) For purposes of this subdivision, any plan of a bar association approved hereunder pursuant to this subdivision, as provided prior to April first, two thousand nineteen, shall remain in effect until it is superseded by a plan approved by the office of indigent legal services or disapproved by such office.

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

1. A public defender appointed pursuant to article eighteen-A of this chapter, a private legal aid bureau or society designated by a county or city pursuant to subdivision two of section seven hundred twenty-two of this [~~chapter~~] **article**, [~~and~~] an administrator of a plan of a bar association appointed pursuant to subdivision three of section seven hundred twenty-two of this [~~chapter~~] **article and an office of conflict defender established pursuant to such subdivision** shall file an annual report with the [~~judicial conference~~] **chief administrator of the courts and the office of indigent legal services. Such report shall be filed** at such times and in such detail and form as the [~~judicial conference~~] **office of indigent legal services** may direct.

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

PART NN

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

§ 135.60 Coercion in the [~~second~~] **third** degree.

A person is guilty of coercion in the [~~second~~] **third** degree when he or she compels or induces a person to engage in conduct which the latter has a legal right to abstain from engaging in, or to abstain from engaging in conduct in which he or she has a legal right to engage, or compels or induces a person to join a group, organization or criminal enterprise which such latter person has a right to abstain from joining, by means of instilling in him or her a fear that, if the demand is not complied with, the actor or another will:

1. Cause physical injury to a person; or
2. Cause damage to property; or
3. Engage in other conduct constituting a crime; or
4. Accuse some person of a crime or cause criminal charges to be instituted against him or her; or
5. Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or
6. Cause a strike, boycott or other collective labor group action injurious to some person's business; except that such a threat shall not be deemed coercive when the act or omission compelled is for the benefit of the group in whose interest the actor purports to act; or

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

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

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

Coercion in the [~~second~~] **third** degree is a class A misdemeanor.

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

§ 135.61 Coercion in the second degree.

A person is guilty of coercion in the second degree when he or she commits the crime of coercion in the third degree as defined in section 135.60 of this article and thereby compels or induces a person to engage in sexual intercourse, oral sexual conduct or anal sexual conduct as such terms are defined in section 130 of the penal law.

Coercion in the second degree is a class E felony.

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

§ 135.65 Coercion in the first degree.

A person is guilty of coercion in the first degree when he or she commits the crime of coercion in the [~~second~~] **third** degree, and when:

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

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

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

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

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

Coercion in the first degree is a class D felony.

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

The family court and the criminal courts shall have concurrent jurisdiction over any proceeding concerning acts which would constitute disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision one of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree [~~or~~]**,** coercion in the second degree **or coercion in the third degree** as set forth in subdivisions one, two and three of section 135.60 of the penal law between spouses or former spouses, or between parent and child or between members of the same family or household except that if the respondent would not be criminally responsible by reason of age

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

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

The family court and the criminal courts shall have concurrent jurisdiction over any proceeding concerning acts which would constitute disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision one of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, criminal obstruction of breathing or blood circulation, strangulation in the second degree, strangulation in the first degree, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree [~~or~~]**,** coercion in the second degree **or coercion in the third degree** as set forth in subdivisions one, two and three of section 135.60 of the penal law between spouses or former spouses, or between parent and child or between members of the same family or household except that if the respondent would not be criminally responsible by reason of age pursuant to section 30.00 of the penal law, then the family court shall have exclusive jurisdiction over such proceeding. Notwithstanding a complainant's election to proceed in family court, the criminal court shall not be divested of jurisdiction to hear a family offense proceeding pursuant to this section. In any proceeding pursuant to this article, a court shall not deny an order of protection, or dismiss a petition, solely on the basis that the acts or events alleged are not relatively contemporaneous with the date of the petition, the conclusion of the fact-finding or the conclusion of the dispositional hearing. For purposes of this article, "disorderly conduct" includes disorderly conduct not in a public place. For purposes of this article, "members of the same family or household" shall mean the following:

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

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

third degree [~~or~~], coercion in the second degree **or coercion in the third degree** as set forth in subdivisions one, two and three of section 135.60 of the penal law, toward any such person;

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

c. assault in the third degree, as defined in section 120.00; menacing in the first degree, as defined in section 120.13; menacing in the second degree, as defined in section 120.14; coercion in the first degree, as defined in section 135.65; coercion in the second degree, as defined in section **135.61; coercion in the third degree, as defined in section** 135.60; aggravated harassment in the second degree, as defined in section 240.30; harassment in the first degree, as defined in section 240.25; menacing in the third degree, as defined in section 120.15; criminal mischief in the third degree, as defined in section 145.05; criminal mischief in the second degree, as defined in section 145.10, criminal mischief in the first degree, as defined in section 145.12; criminal tampering in the first degree, as defined in section 145.20; arson in the fourth degree, as defined in section 150.05; arson in the third degree, as defined in section 150.10; criminal contempt in the first degree, as defined in section 215.51; endangering the welfare of a child, as defined in section 260.10; or

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

2. A "specified offense" is an offense defined in section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); section 121.11 (criminal obstruction of breathing or blood circulation); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 130.20 (sexual misconduct); section 130.30 (rape in the second degree); section 130.35 (rape in the first degree); section 130.40 (criminal sexual act in the third degree); section 130.45 (criminal sexual act in the second degree); section 130.50 (criminal sexual act in the first degree); section 130.52 (forcible touching); section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse in the third degree); section 130.60 (sexual abuse in the second degree); section 130.65 (sexual abuse in the first degree); section 130.66 (aggravated sexual abuse in the third degree); section 130.67 (aggravated sexual abuse in the second degree); section 130.70 (aggravated sexual abuse in the first degree); section 130.91 (sexually motivated felony); section 130.95 (predatory sexual assault); section 130.96 (predatory sexual assault against a child); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.60 (coercion in the [~~second~~] **third** degree); **section 135.61 (coercion in the second degree);** section 135.65 (coercion in the first degree); section 140.20

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

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

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree); subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the [~~second~~] **third** degree); **section 135.61 (coercion in the second degree);** section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in

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

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

PART OO

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

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

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

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

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

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

(v) one member shall be appointed by the minority leader of the assembly;

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

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

(c) The appointments made pursuant to this act shall, to the extent practicable, reflect the diversity of the residents of this state with regard to race, ethnicity, gender, language, age, and geographic residence and, to the extent practicable the appointing authorities shall, in considering potential appointees to the commission, consult with organizations devoted to representing municipalities and educational institutions, and organizations providing services to the elderly, children, minority communities, and individuals and communities to combat poverty.

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

(e) Notwithstanding any inconsistent provision of any general, special or local law, ordinance, resolution or charter, no officer, member or employee of the state or of any public corporation shall forfeit his or her office or employment by reason of his or her acceptance of appointment as a member of the commission, nor shall service as such commission member be deemed incompatible or in conflict with such office or employment.

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

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

States census undercounts in New York state and shall make recommendations to ensure an accurate count in the 2020 United States census.

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

(c) The commission may establish committees and workgroups in furtherance of the purposes set forth in this act, and may include on such committees and workgroups individuals who are not members of the commission.

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

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

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

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

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

§ 3. This act shall take effect immediately.

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

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