STATE OF NEW YORK

S. 7509--C A. 9509--C

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

AN ACT intentionally omitted (Part A); to amend the real property tax law, in relation to making the STAR income verification program mandatory; to amend the tax law, in relation to the calculation of income for basic STAR purposes; to repeal subparagraphs (v) and (vi) of paragraph (b) of subdivision 4, paragraphs (b) and (c) of subdivision 5 and paragraph (c) of subdivision 6 of section 425 of the real property tax law relating to the school tax relief (STAR) exemption; and to repeal section 171-o of the tax law relating to income verification for a city with a population of one million or more (Part B); intentionally omitted (Part C); intentionally omitted (Part D); to amend the general municipal law, the education law, the state finance law, the real property tax law and the tax law, in relation to making technical corrections to various statutes impacting property taxes; and to repeal subsection (bbb) of section 606 of the tax law, section 3-d of the general municipal law and section 2023-b of the education law, relating thereto (Part E); intentionally omitted (Part F); to amend the real property tax law, in relation to assessment ceilings; and to amend chapter 475 of the laws of 2013, amending the real property tax law relating to assessment ceilings for local public utility mass real property, in relation to the effectiveness thereof (Part G); to amend

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

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the tax law and the administrative code of the city of New York, in relation to extending the statute of limitations for assessing tax on amended returns (Part H); to amend the tax law, in relation to providing for employee wage reporting consistency between the department of taxation and finance and the department of labor (Part I); to amend the tax law, in relation to sales and compensating use taxes imposed on food and beverages sold by restaurants and similar establishments (Part J); to amend the tax law, in relation to allowing sharing with the comptroller information regarding unwarranted fixed and final debt (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to amend the tax law and the administrative code of the city of New York, in relation to the definition of resident for tax purposes of the personal income tax (Part O); to amend the tax law, in relation to the empire state child credit (Part P); to amend the tax law, in relation to extending the hire a veteran credit for an additional two years (Part Q); to amend the labor law and the tax law, in relation to enhancing the New York youth jobs program (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); intentionally omitted (Part V); to amend the tax law, in relation to exempting from sales and use tax certain veterinary drugs and medicines and removing the refund/credit therefor (Part W); to amend the tax law, in relation to providing relief from sales tax liability for certain partners of a limited partnership and members of a limited liability company (Part X); intentionally omitted (Part Y); to amend part A of chapter 61 of the laws of 2017, amending the tax law relating to the imposition of sales and compensating use taxes in certain counties, in relation to extending the revenue distribution provisions for the additional rates of sales and use tax of Genesee, Monroe, Onondaga and Orange counties (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); to amend the racing, pari-mutuel wagering and breeding law, in relation to adjusting the franchise payment; and to establish an advisory committee to review the structure, operations and funding of equine drug testing and research (Part EE); intentionally omitted (Part FF); to amend the racing, pari-mutuel wagering and breeding law, in relation to licenses for simulcast facilities, sums relating to track simulcast, simulcast of out-of-state thoroughbred races, simulcasting of races run by out-of-state harness tracks and distributions of wagers; to amend chapter 281 of the laws of 1994 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting and chapter 346 of the laws of 1990 amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting and the imposition of certain taxes, in relation to extending certain provisions thereof; and to amend the racing, pari-mutuel wagering and breeding law, in relation to extending certain provisions thereof (Part GG); to amend the state finance law, in relation to the commercial gaming revenue fund; and to repeal subdivision 4 of section 97-nnnn of the state finance law relating to base year gaming revenue (Part HH); intentionally omitted (Part II); to amend the tax law and the administrative code of the city of New York, in relation to addressing changes made to the internal revenue code by Public Law 115-97 (Part JJ); to amend the tax law, in relation to federal gross income and federal deductions allowed pursuant to the internal revenue code; and to amend the administrative code of the city of New York, in relation to the taxation of business corporations

(Part KK); to amend the state finance law, in relation to establishing the charitable gifts trust fund and the health charitable account, and the elementary and secondary education charitable account; provides credits for contributions to Health Research Inc. and University foundations; to amend the tax law, in relation to credits for contributions to accounts in the charitable gifts trust fund; to amend the education law and the general municipal law, in relation to authorizing school districts, counties and New York city to establish charitable funds; and to amend the real property tax law, in relation to authorizing such localities to provide a credit against real property taxes for such contributions (Part LL); to amend the tax law and the state finance law, in relation to the imposition of an employer compensation expense tax (Part MM); to amend the racing, pari-mutuel wagering and breeding law, in relation to the New York Jockey Injury Compensation Fund, Inc. (Part NN); to amend the racing, pari-mutuel wagering and breeding law, in relation to the disposition of net revenue (Part OO); to amend the public housing law and the tax law, in relation to the state low-income housing credit (Part PP); to amend the tax law, in relation to extending certain tax rates (Part QQ); to amend the tax law, in relation to the credit for rehabilitation of historical properties (Part RR); to amend the tax law and the administrative code of the city of New York, in relation to the personal income tax on residents of the city of New York (Part SS); to amend the tax law, in relation to capital awards to vendor tracks (Part TT); to amend the vehicle and traffic law, in relation to the disposition of certain proceeds collected by the commissioner of motor vehicles; to amend the transportation law and the tax law, in relation to the disposition of certain fees and assessments; to amend the state finance law, in relation to the special obligation reserve and payment account of the dedicated highway and bridge trust fund; to amend the public authorities law, in relation to the metropolitan transportation authority finance fund; and to amend the state finance law, in relation to the metropolitan transportation authority financial assistance fund; to repeal subdivision 5 of section 317 of the vehicle and traffic law relating to certain assessments charged and collected by the commissioner of motor vehicles; to repeal subdivision 6 of section 423-a of the vehicle and traffic law relating to funds collected by the department of motor vehicles from the sale of certain assets; and to repeal subdivision 4 of section 94 of the transportation law relating to certain fees collected by the commissioner of transportation (Part UU); to amend the state finance law, in relation to the funding of the capital and operating costs of the metropolitan transportation authority New York city subway action plan; and providing for the repeal of certain provisions upon expiration thereof (Part VV); to utilize reserves in the mortgage insurance fund for various housing purposes; and to repeal certain provisions of part R of chapter 56 of the laws of 2017 relating to reserves in the mortgage insurance fund for various housing purposes, relating thereto (Part WW); to amend the judiciary law, in relation to the number of supreme court justices in certain judicial districts (Part XX); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part YY); to amend the social services law, in relation to a rental subsidy for public assistance recipients living with HIV/AIDS (Part ZZ); to amend subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts,

in relation to funding to local government entities from the urban development corporation (Part AAA); to provide for the administration of certain funds and accounts related to the 2018-19 budget and authorizing certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund and to payments, transfers and deposits; to amend chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, in relation to funding project costs undertaken by non-public schools; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority; to amend chapter 61 of the laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the issuance of bonds; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program and increasing the bonding limit for certain state and municipal facilities; to amend chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend chapter 59 of the laws of 2004, authorizing the New York state urban development corporation and the dormitory authority of the state of New York to issue bonds or notes, in relation to increasing certain bonds; to amend the public authorities law, in relation to financing of peace bridge and transportation capital projects; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the New York state medical care facilities finance agency act, in relation to bonds and mental health facilities improvement notes; to amend chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to increasing the bonding limit for certain public protection facilities; to amend the state finance law and the public authorities law, in relation to funding certain capital projects and the issuance of bonds; to amend chapter 59 of the laws of 2017 relating to providing for the administration of certain funds and accounts related to the 2017-18 budget and authorizing certain payments and transfers, in relation to the effectiveness thereof; to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the public authorities

law, in relation to increasing the amount of bonds authorized to be issued; to amend the facilities development corporation act, in relation to authorizing the issuance of bonds in relation to grants made to voluntary agencies; and providing for the repeal of certain provisions upon expiration thereof (Part BBB); to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to the reporting of teacher diversity; to amend the education law, in relation to a statement of the total funding allocation; to repeal section 2590-r-1 of such law relating thereto; and providing for the repeal of certain provisions upon expiration thereof; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to defining consumer price index; and to amend the education law, in relation to total foundation aid; to amend the education law, in relation to building aid; to amend section 11 of part YYY of chapter 59 of the laws of 2017, amending the education law relating to contracts for excellence and the apportionment of public moneys, in relation to the recovery of funds arising from a late final cost report; to amend the education law, in relation to full day kindergarten aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to universal pre-kindergarten aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to state aid adjustments; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2018-2019 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the education law, in relation to employment preparation education programs; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the expiration of certain provisions; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of

2001, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2014, amending the education law relating to providing that standardized test scores shall not be included on a student's permanent record, in relation to the expiration of certain provisions; to amend the education law, in relation to requiring the commissioner of education to include certain information in the official score report of all students; relating to school bus driver training; relating to special apportionment for salary expenses and public pension accruals; relating to suballocations of appropriations; relating to the city school district of the city of Rochester; relating to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2017-2018 school year; relating to the support of public libraries; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to certain apportionments; and to amend the education law, in relation to transportation aid (Part CCC); to amend chapter 85 of the laws of 2017, relating to creating the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program, in relation to utilizing reserves in the mortgage insurance fund for various housing purposes (Part DDD); relating to an online application system for taxpayers to submit claims for reimbursements of certain payments (Part EEE); to amend the state finance law, in relation to establishing the health care transformation fund (Subpart A); and to amend the public health law, in relation to authorizing the commissioner of health to redeploy excess reserves of certain not-for-profit managed care organizations; and providing for the repeal of such provisions upon expiration thereof (Subpart B) (Part FFF); to amend the legislative law, in relation to extending the expiration of payments to members of the assembly serving in a special capacity; and to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part GGG); establishing a compensation committee to determine the appropriate salaries for members of the legislature and certain other state officials; and providing for the repeal of such provisions upon the expiration thereof (Part HHH); to amend chapter 59 of the laws of 2014, amending the tax law relating to a musical and theatrical production credit, in relation to extending the provisions thereof (Part III); establishing the "Democracy Protection Act"; and to amend the election law, in relation to the disclosure of the identities of political committees, persons, organizations, or agents making certain expenditures for political communications (Part JJJ); in relation to establishing the New York City Rikers Island Jail Complex Replacement act; and providing for the repeal of such provisions upon expiration thereof (Part KKK); in relation to establishing the "New York city housing authority modernization investment act"; and providing for the repeal of such provisions upon expiration thereof (Part LLL); to enact the New York Penn Station redevelopment act (Part MMM); to amend the tax law, in relation to transportation services; to amend the public authorities law, in relation to establishing the New York city transportation assistance fund and the supplemental revenue transparency program; to amend the vehicle and traffic law, in relation to the installation of mobile bus lane photo devices on buses operating on certain rapid transit routes in the borough of Manhattan and the

disposition of revenue from fines and penalties collected from the use of such stationary bus lane photo devices; to establish the metropolitan transportation sustainability advisory workgroup; and providing for the repeal of certain provisions upon expiration thereof (Part NNN); to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the minority and women-owned business enterprise program (Part OOO); establishing the "New York city housing authority emergency management act"; and to amend the public housing law, in relation to the development and execution of a plan to remediate conditions affecting the health and safety of tenants of the New York city housing authority (Part PPP); in relation to establishing the "New York city BQE Design-Build act", and providing for the repeal of such provisions upon expiration thereof (Part QQQ); to amend the civil service law, the general municipal law and the state finance law, in relation to union dues and the duty of fair representation (Part RRR); to amend the education law, in relation to substantial equivalence for nonpublic elementary and secondary schools (Part SSS); intentionally omitted (Part TTT); and to amend the public health law, in relation to the health care facility transformation program (Part UUU)

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 UUU. 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

Section 1. Subparagraph (ii) of paragraph (b) of subdivision 4 of section 425 of the real property tax law, as amended by section 3 of part E of chapter 83 of the laws of 2002, is amended to read as follows:

(ii) The term "income" as used herein shall mean the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the applicable income tax year, subject to any subsequent amendments or revisions, reduced by distributions, to the extent included in federal adjusted gross income, received from an individual retirement account and an individual retirement annuity; provided that if no such return was filed for the applicable income tax year, "income" shall mean the adjusted gross income that would have been so reported if such a return had been filed. **Provided**

further, that effective with exemption applications for final assessment rolls to be completed in two thousand nineteen, where an income-eligibility determination is wholly or partly based upon the income of one or more individuals who did not file a return for the applicable income tax year, then in order for the application to be considered complete, each such individual must file a statement with the department showing the source or sources of his or her income for that income tax year, and the amount or amounts thereof, that would have been reported on such a return if one had been filed. Such statement shall be filed at such time, and in such form and manner, as may be prescribed by the department, and shall be subject to the secrecy provisions of the tax law to the same extent that a personal income tax return would be. The department shall make such forms and instructions available for the filing of such statements. The local assessor shall upon the request of a taxpayer assist such taxpayer in the filing of the statement with the department.

§ 2. Subparagraph (iv) of paragraph (b) of subdivision 4 of section 425 of the real property tax law, as amended by chapter 451 of the laws of 2015, is amended to read as follows:

(iv) (A) Effective with applications for the enhanced exemption on final assessment rolls to be completed in two thousand [~~three~~] nineteen, the application form shall indicate that [~~the~~] all owners of the property and any owners' spouses residing on the premises [~~may authorize the assessor to~~] must have their income eligibility verified annually [~~thereafter~~] by the [~~state~~] department [~~of taxation and finance, in lieu of furnishing copies of the applicable income tax return or returns with the application. If the owners of the property and any owners' spouses residing on the premises elect to participate in this program, which shall be known as the STAR income verification program, they~~] and must furnish their taxpayer identification numbers in order to facilitate matching with records of the department. [~~Thereafter, their~~] The income eligibility of such persons shall be verified annually by the department, and the assessor shall not request income documentation from them[~~, unless such department advises the assessor that they do not satisfy the applicable income eligibility requirements, or that it is unable to determine whether they satisfy those requirements~~]. All applicants for the enhanced exemption and all assessing units shall be required to participate in this program, which shall be known as the STAR income verification program.

(B) Where the commissioner finds that the enhanced exemption should be replaced with a basic exemption because the income limitation applicable to the enhanced exemption has been exceeded, he or she shall provide the property owners with notice and an opportunity to submit to the commissioner evidence to the contrary. Where the commissioner finds that the enhanced exemption should be removed or denied without being replaced with a basic exemption because the income limitation applicable to the basic exemption has also been exceeded, he or she shall provide the property owners with notice and an opportunity to submit to the commissioner evidence to the contrary. In either case, if the owners fail to respond to such notice within forty-five days from the mailing thereof, or if their response does not show to the commissioner's satisfaction that the property is eligible for the exemption claimed, the commissioner shall direct the assessor or other person having custody or control of the assessment roll or tax roll to either replace the enhanced exemption with a basic exemption, or to remove or deny the enhanced exemption without replacing it with a basic exemption, as appropriate. The commissioner shall further direct such person to correct the roll

accordingly. Such a directive shall be binding upon the assessor or other person having custody or control of the assessment roll or tax roll, and shall be implemented by such person without the need for further documentation or approval.

(C) Notwithstanding any provision of law to the contrary, neither an assessor nor a board of assessment review has the authority to consider an objection to the replacement or removal or denial of an exemption pursuant to this subdivision, nor may such an action be reviewed in a proceeding to review an assessment pursuant to title one or one-A of article seven of this chapter. Such an action may only be challenged before the department. If a taxpayer is dissatisfied with the department's final determination, the taxpayer may appeal that determination to the state board of real property tax services in a form and manner to be prescribed by the commissioner. Such appeal shall be filed within forty-five days from the issuance of the department's final determination. If dissatisfied with the state board's determination, the taxpayer may seek judicial review thereof pursuant to article seventy-eight of the civil practice law and rules. The taxpayer shall otherwise have no right to challenge such final determination in a court action, administrative proceeding or any other form of legal recourse against the commissioner, the department, the state board of real property tax services, the assessor or other person having custody or control of the assessment roll or tax roll regarding such action.

§ 3. Subparagraphs (v) and (vi) of paragraph (b) of subdivision 4 of section 425 of the real property tax law are REPEALED.

§ 4. Paragraphs (b) and (c) of subdivision 5 of section 425 of the real property tax law are REPEALED.

§ 5. Paragraph (d) of subdivision 5 of section 425 of the real property tax law, as amended by section 5 of part E of chapter 83 of the laws of 2002 and subparagraph (i) as further amended by subdivision (b) of section 1 of part W of chapter 56 of the laws of 2010, is amended to read as follows:

(d) Third party notice. (i) A senior citizen eligible for the enhanced exemption may request that a notice be sent to an adult third party. Such request shall be made on a form prescribed by the commissioner and shall be submitted to the assessor of the assessing unit in which the eligible taxpayer resides no later than sixty days before the first taxable status date to which it is to apply. Such form shall provide a section whereby the designated third party shall consent to such designation. Such request shall be effective upon receipt by the assessor. The assessor shall maintain a list of all eligible property owners who have requested notices pursuant to this paragraph and shall furnish a copy of such list to the department upon request.

(ii) [~~In the case of a senior citizen who has not elected to participate in the STAR income verification program, a notice shall be sent to the designated third party at least thirty days prior to each ensuing taxable status date; provided that no such notice need be sent in the first year if the request was not received by the assessor at least sixty days before the applicable taxable status date. Such notice shall read substantially as follows:~~

~~"On behalf of (identify senior citizen or citizens), you are advised that his, her, or their renewal application for the enhanced STAR exemption must be filed with the assessor no later than (enter date). You are encouraged to remind him, her, or them of that fact, and to offer assistance if needed, although you are under no legal obligation to do so. Your cooperation and assistance are greatly appreciated."~~

~~(iii) In the case of a senior citizen who has elected to participate in the STAR income verification program, a~~] A notice shall be sent to the designated third party whenever the assessor or department sends a notice to the senior citizen regarding the possible removal of the enhanced STAR exemption. When the exemption is subject to removal because the commissioner has determined that the income eligibility requirement is not satisfied, such notice shall be sent to the third party by the department. When the exemption is subject to removal because the assessor has determined that any other eligibility requirement is not satisfied, such notice shall be sent to the third party by the assessor. Such notice shall read substantially as follows:

"On behalf of (identify senior citizen or citizens), you are advised that his, her, or their enhanced STAR exemption is at risk of being removed. You are encouraged to make sure that he, she or they are aware of that fact, and to offer assistance if needed, although you are under no legal obligation to do so. Your cooperation and assistance are greatly appreciated."

[~~(iv)~~] (iii) The obligation to mail such notices shall cease if the eligible taxpayer cancels the request or ceases to qualify for the enhanced STAR exemption.

§ 6. Paragraph (c) of subdivision 6 of section 425 of the real property tax law is REPEALED.

§ 7. Subdivision 9-b of section 425 of the real property tax law, as added by section 8 of part E of chapter 83 of the laws of 2002 and paragraph (b) as amended by chapter 742 of the laws of 2005 and further amended by subdivision (b) of section 1 of part W of chapter 56 of the laws of 2010, is amended to read as follows:

9-b. Duration of exemption; enhanced exemption. (a) [~~In the case of persons who have elected to participate in the STAR income verification program, the~~] The enhanced exemption, once granted, shall remain in effect until discontinued in the manner provided in this section.

(b) [~~In the case of persons who have not elected to participate in the STAR income verification program, the enhanced exemption shall apply for a term of one year. To continue receiving such enhanced exemption, a renewal application must be filed annually with the assessor on or before the applicable taxable status date on a form prescribed by the commissioner. Provided, however, that if a renewal application is not so filed, the assessor shall discontinue the enhanced exemption but shall grant the basic exemption, subject to the provisions of subdivision eleven of this section.~~

~~(c) Whether or not the recipients of an enhanced STAR exemption have elected to participate in the STAR income verification program, the~~] The assessor [~~may review their~~] shall review the continued compliance of recipients of the enhanced exemption with the applicable ownership and residency requirements to the same extent as if they were receiving a basic STAR exemption.

[~~(d) Notwithstanding the foregoing provisions of this subdivision, the enhanced exemption shall be continued without a renewal application as long as the property continues to be eligible for the senior citizens exemption authorized by section four hundred sixty-seven of this title.~~]

§ 8. Section 425 of the real property tax law is amended by adding a new subdivision 14-a to read as follows:

14-a. Implementation of certain eligibility determinations. When a taxpayer's eligibility for exemption under this section for a school year is affected by a determination made in accordance with subparagraph (iv) of paragraph (b) of subdivision four of this section or paragraph

(c) or (d) of subdivision fourteen of this section, and the determination is made after the school district taxes for that school year have been levied, the provisions of this subdivision shall be applicable.

(a) If the determination restores or increases the taxpayer's exemption for that school year, the commissioner is authorized to remit the excess directly to the property owner upon receiving confirmation that the taxpayer's original school tax bill has been paid in full. The amounts payable by the commissioner under this paragraph shall be paid from the account established for the payment of STAR benefits to late registrants pursuant to subparagraph (iii) of paragraph (a) of subdivision fourteen of this section. When the commissioner implements the determination in this manner, he or she shall so notify the assessor and county director of real property tax services, but no correction shall be made to the assessment roll or tax roll for that school year, and no refund shall be issued by the school authorities to the property owner or his or her agent for the excessive amount of school taxes paid for that school year.

(b) If the determination removes, denies or decreases the taxpayer's exemption for that school year, the commissioner is authorized to collect the shortfall directly from the owners of the property, together with interest, by utilizing any of the procedures for collection, levy, and lien of personal income tax set forth in article twenty-two of the tax law, and any other relevant procedures referenced within the provisions of such article. When the commissioner implements the determination in this manner, he or she shall so notify the assessor and county director of real property tax services, but no correction shall be made to the assessment roll or tax roll for that school year, and no corrected school tax bill shall be sent to the taxpayer for that school year.

§ 9. Section 171-o of the tax law is REPEALED.

§ 10. Subparagraph (B) of paragraph 1 of subsection (eee) of section 606 of the tax law, as amended by section 8 of part A of chapter 73 of the laws of 2016, is amended to read as follows:

(B) "Affiliated income" shall mean for purposes of the basic STAR credit, the combined income of all of the owners of the parcel who resided primarily thereon as of December thirty-first of the taxable year, and of any owners' spouses residing primarily thereon as of such date, and for purposes of the enhanced STAR credit, the combined income of all of the owners of the parcel as of December thirty-first of the taxable year, and of any owners' spouses residing primarily thereon as of such date; provided that for both purposes the income to be so combined shall be the "adjusted gross income" for the taxable year as reported for federal income tax purposes, or that would be reported as adjusted gross income if a federal income tax return were required to be filed, reduced by distributions, to the extent included in federal adjusted gross income, received from an individual retirement account and an individual retirement annuity. For taxable years beginning on and after January first, two thousand nineteen, where an income-eligibility determination is wholly or partly based upon the income of one or more individuals who did not file a return pursuant to section six hundred fifty-one of this article for the applicable income tax year, then in order to be eligible for the credit authorized by this subsection, each such individual must file a statement with the department showing the source or sources of his or her income for that income tax year, and the amount or amounts thereof, that would have been reported on such a return if one had been filed. Such statement shall be

filed at such time, and in such form and manner, as may be prescribed by the department, and shall be subject to the provisions of section six hundred ninety-seven of this article to the same extent that a return would be. The department shall make such forms and instructions available for the filing of such statements. The local assessor shall upon the request of a taxpayer assist such taxpayer in the filing of the statement with the department. Provided further, that if the qualified taxpayer was an owner of the property during the taxable year but did not own it on December thirty-first of the taxable year, then the determination as to whether the income of an individual should be included in "affiliated income" shall be based upon the ownership and/or residency status of that individual as of the first day of the month during which the qualified taxpayer ceased to be an owner of the property, rather than as of December thirty-first of the taxable year.

§ 11. No application for an enhanced exemption on a final assessment roll to be completed in 2019 may be approved if the applicants have not enrolled in the STAR income verification program established by subparagraph (iv) of paragraph (b) of subdivision 4 of section 425 of the real property tax law as amended by section two of this act, regardless of when the application was filed. The assessor shall notify such applicants that participation in that program has become mandatory for all applicants and that their applications cannot be approved unless they enroll therein. The commissioner of taxation and finance shall provide a form for assessors to use, at their option, when making this notification.

§ 12. This act shall take effect immediately.

PART C

Intentionally Omitted

PART D

Intentionally Omitted

PART E

Section 1. Subsection (bbb) of section 606 of the tax law is REPEALED.

§ 1-a. Section 3-d of the general municipal law is REPEALED.

§ 1-b. Section 2023-b of the education law is REPEALED.

§ 2. The general municipal law is amended by adding a new section 3-d to read as follows:

§ 3-d. Certification of compliance with tax levy limit. 1. Upon the adoption of the budget of a local government unit, the chief executive officer or budget officer of such local government unit shall certify to the state comptroller and the commissioner of taxation and finance that the budget so adopted does not exceed the tax levy limit prescribed in section three-c of this article and, if the governing body of the local government unit did enact a local law or approve a resolution to override the tax levy limit, that such local law or resolution was subsequently repealed. Such certification shall be made in a form and manner prescribed by the state comptroller in consultation with the commissioner of taxation and finance.

2. Notwithstanding any other law to the contrary, if such a certification has been made and the actual tax levy of the local government unit exceeds the applicable tax levy limit, the excess amount shall be

placed in reserve and used in the manner prescribed by subdivision six of section three-c of this article, even if a tax levy in excess of the tax levy limit had been authorized for the applicable fiscal year by a duly adopted local law or resolution.

3. Notwithstanding any provision of law to the contrary, every local government unit shall report both its proposed budget and its adopted budget to the office of the state comptroller at the time and in the manner as he or she may prescribe, whether or not such budget has been or will be certified as provided by this subdivision.

§ 3. The education law is amended by adding a new section 2023-b to read as follows:

§ 2023-b. Certification of compliance with tax levy limit. 1. Upon the adoption of the budget of an eligible school district, the chief executive officer of such school district shall certify to the state comptroller, the commissioner of taxation and finance and the commissioner that the budget so adopted does not exceed the tax levy limit prescribed by section two thousand twenty-three-a of this part. Such certification shall be made in a form and manner prescribed by the state comptroller in consultation with the commissioner of taxation and finance and the commissioner.

2. If such a certification has been made and the actual tax levy of the school district exceeds the applicable tax levy limit, the excess amount shall be placed in reserve and used in the manner prescribed by subdivision five of section two thousand twenty-three-a of this part, even if a tax levy in excess of the tax levy limit had been duly authorized for the applicable fiscal year by the school district voters.

3. Notwithstanding any provision of law to the contrary, every school district that is subject to the provisions of section two thousand twenty-three-a of this part shall report both its proposed budget and its adopted budget to the office of the state comptroller and the commissioner at the time and in the manner as they may prescribe, whether or not such budget has been or will be certified as provided by this subdivision.

§ 4. Subdivision 3 of section 97-rrr of the state finance law, as amended by section 1 of part F of chapter 59 of the laws of 2015, is amended to read as follows:

3. The monies in such fund shall be appropriated for school property tax exemptions granted pursuant to the real property tax law and payable pursuant to section thirty-six hundred nine-e of the education law[~~, and for payments to the city of New York pursuant to section fifty-four-f of this chapter~~].

§ 5. Section 925-b of the real property tax law, as amended by chapter 161 of the laws of 2006, is amended to read as follows:

§ 925-b. Extension; certain persons sixty-five years of age or over. Notwithstanding any contrary provision of this chapter, or any general, special or local law, code or charter, the governing body of a municipal corporation other than a county may, by resolution adopted prior to the levy of any taxes on real property located within such municipal corporation, authorize an extension of no more than five business days for the payment of taxes without interest or penalty to any resident of such municipal corporation who has received an exemption pursuant to subdivision four of section four hundred twenty-five or four hundred sixty-seven of this chapter, or a credit pursuant to subsection (eee) of section six hundred six of the tax law, related to a principal residence located within such municipal corporation. If such an extension is granted, and any taxes are not paid by the final date so provided, those taxes shall

be subject to the same interest and penalties that would have applied if no extension had been granted.

§ 6. Paragraph (d) of subdivision 1 of section 928-a of the real property tax law is relettered paragraph (f) and two new paragraphs (d) and (e) are added to read as follows:

(d) If the taxes of a city, town, village or school district are collected by a county official, the county shall have the sole authority to establish a partial payment program pursuant to this section with respect to the taxes so collected.

(e) If the taxes of a city, town, village or school district are not collected by a county official, but its tax bills are prepared by the county, or its tax collection accounting software is provided by the county, then before the city, town, village or school district may implement a partial payment program pursuant to this section, it must obtain written approval of the chief executive officer of the county or the county director of real property tax services.

§ 7. Subparagraph (B) of paragraph 7 of subsection (eee) of section 606 of the tax law, as amended by section 1 of part G of chapter 59 of the laws of 2017, is amended to read as follows:

(B) Notwithstanding any provision of law to the contrary, the names and addresses of individuals who have applied for or are receiving the credit authorized by this subsection may be disclosed to assessors [~~and~~]**,** county directors of real property tax services**, and municipal tax collecting officers**. In addition, where an agreement is in place between the commissioner and the head of the tax department of another state, such information may be disclosed to such official or his or her designees. Such information shall be considered confidential and shall not be subject to further disclosure pursuant to the freedom of information law or otherwise.

§ 7-a. Paragraph (g) of subdivision 2 of section 425 of the real property tax law, as added by section 1 of part B of chapter 389 of the laws of 1997 and as further amended by subdivision (b) of section 1 of part W of chapter 56 of the laws of 2010, is amended to read as follows:

(g) Computation and certification by commissioner. It shall be the responsibility of the commissioner to compute the exempt amount for each assessing unit in each county in the manner provided herein, and to certify the same to the assessor of each assessing unit and to the county director of real property tax services of each county. Such certification shall be made at least twenty days before the last date prescribed by law for the filing of the tentative assessment roll. **Provided, however, that where school taxes are levied on a prior year assessment roll, or on a final assessment roll that was filed more than one year after the tentative roll was filed, such certification shall be made no later than fifteen days after the publication of the data needed to compute the base figure for the enhanced STAR exemption pursuant to clause (A) of subparagraph (vi) of paragraph (b) of this subdivision, and provided further, that upon receipt of such certification, the assessor shall thereupon be authorized and directed to correct the assessment roll to reflect the exempt amount so certified, or, if another person has custody or control of the assessment roll, to direct that person to make the appropriate corrections.**

§ 8. Paragraph 6 of subsection (eee) of section 606 of the tax law is amended by adding a new subparagraph (A) to read as follows:

(A) A married couple may not receive a credit pursuant to this subsection on more than one residence during any given taxable year, unless living apart due to legal separation. Nor may a married couple

receive a credit pursuant to this subsection on one residence while receiving an exemption pursuant to section four hundred twenty-five of the real property tax law on another residence, unless living apart due to legal separation.

§ 9. This act shall take effect immediately; provided, however, that sections one, one-a, one-b, two and three of this act shall take effect April 15, 2020; provided further, however, that section 3-d of the general municipal law, as added by section two of this act, shall expire and be deemed repealed on the same date and in the same manner as section 1 of part A of chapter 97 of the laws of 2011, expires and is deemed repealed, and provided that section 2023-b of the education law, as added by section three of this act, shall expire and be deemed repealed on the same date and in the same manner as section 2 of part A of chapter 97 of the laws of 2011, expires and is deemed repealed, and provided further that the amendments to paragraph 6 of subsection (eee) of section 606 of the tax law made by section eight of this act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2016.

REPEAL NOTE: Section 606(bbb) of the Tax Law, section 3-d of the General Municipal Law and section 2023-b of the Education Law collectively constituted the enabling legislation for the tax freeze credit program. By the terms of those statutes, the tax freeze credit was only applicable to taxable years 2014, 2015 and 2016. Therefore, these provisions no longer serve a purpose, except for the reporting provisions, which facilitate the administration of the tax levy limit program and are being preserved in a reenacted section 3-d of the General Municipal Law and section 2023-b of the Education Law.

PART F

Intentionally Omitted

PART G

Section 1. Section 4 of chapter 475 of the laws of 2013, amending the real property tax law relating to assessment ceilings for local public utility mass real property, is amended to read as follows:

§ 4. This act shall take effect on the first of January of the second calendar year commencing after this act shall have become a law and shall apply to assessment rolls with taxable status dates on or after such date; provided, however, that this act shall expire and be deemed repealed [~~four~~] **eight** years after such effective date; and provided, further, that no assessment of local public utility mass real property appearing on the municipal assessment roll with a taxable status date occurring in the first calendar year after this act shall have become a law shall be less than ninety percent or more than one hundred ten percent of the assessment of the same property on the date this act shall have become a law.

§ 2. Subdivision 3 of section 499-kkkk of the real property tax law, as added by chapter 475 of the laws of 2013, is amended to read as follows:

3. **(a)** For assessment rolls with taxable status dates in each of the three calendar years including and following the year in which this section shall take effect, the commissioner shall establish no assessment ceiling that is less than ninety percent or more than one hundred ten percent of the assessment of such local public utility mass real

property appearing on the municipal assessment roll with a taxable status date occurring in the second preceding calendar year from when this section shall take effect, except that the commissioner may establish assessment ceilings below the ninety percent level or above the one hundred ten percent level to take into account any change in level of assessment and/or to take into account any additions or retirements to public utility mass real property or litigation affecting the value or taxable status of the local public utility mass real property initiated prior to the effective date of this section.

(b) For assessment rolls with taxable status dates in the years two thousand eighteen, two thousand nineteen and two thousand twenty, the commissioner shall establish no assessment ceiling that is below the lower limit or above the upper limit specified in this paragraph, except that the commissioner may establish assessment ceilings below such lower limit or above such upper limit to take into account any change in level of assessment and/or to take into account any additions or retirements to public utility mass real property or litigation affecting the value or taxable status of the local public utility mass real property initiated prior to the effective date of this section.

(i) For assessment rolls with taxable status dates in two thousand eighteen, the assessment ceiling shall not be less than seventy-five percent or more than one hundred twenty-five percent of the assessment of such local public utility mass real property appearing on the municipal assessment roll with a taxable status date occurring in the year two thousand thirteen.

(ii) For assessment rolls with taxable status dates in two thousand nineteen, the assessment ceiling shall not be less than fifty percent or more than one hundred fifty percent of the assessment of such local public utility mass real property appearing on the municipal assessment roll with a taxable status date occurring in the year two thousand thirteen.

(iii) For assessment rolls with taxable status dates in two thousand twenty, the assessment ceiling shall not be less than twenty-five percent or more than one hundred seventy-five percent of the assessment of such local public utility mass real property appearing on the municipal assessment roll with a taxable status date occurring in the year two thousand thirteen.

§ 3. This act shall take effect immediately, provided, however, that the amendments to subdivision three of section 499-kkkk of the real property tax law made by section two of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith.

PART H

Section 1. Subsection (c) of section 683 of the tax law is amended by adding a new paragraph 12 to read as follows:

(12) Except as otherwise provided in paragraph three of this subsection, or as otherwise provided in this section where a longer period of time may apply, if a taxpayer files an amended return, an assessment of tax (if not deemed to have been made upon the filing of the amended return), including recovery of a previously paid refund, attributable to a change or correction on the amended return from a prior return may be made at any time within one year after such amended return is filed.

§ 2. Subsection (c) of section 1083 of the tax law is amended by adding a new paragraph 12 to read as follows:

(12) Except as otherwise provided in paragraph three of this subsection, or as otherwise provided in this section where a longer period of time may apply, if a taxpayer files an amended return, an assessment of tax (if not deemed to have been made upon the filing of the amended return), including recovery of a previously paid refund, attributable to a change or correction on the amended return from a prior return may be made at any time within one year after such amended return is filed.

§ 3. Subdivision (c) of section 11-1783 of the administrative code of the city of New York is amended by adding a new paragraph 9 to read as follows:

(9) Except as otherwise provided in paragraph three of this subdivision, or as otherwise provided in this section where a longer period of time may apply, if a taxpayer files an amended return, an assessment of tax (if not deemed to have been made upon the filing of the amended return), including recovery of a previously paid refund, attributable to a change or correction on the amended return from a prior return may be made at any time within one year after such amended return is filed.

§ 4. This act shall take effect immediately and shall apply to amended returns filed on or after the effective date of this act.

PART I

Section 1. Paragraph 1 of subdivision (d) of section 658 of the tax law, as amended by chapter 166 of the laws of 1991, is amended to read as follows:

(1) The commissioner of taxation and finance may prescribe regulations and instructions requiring returns of information to be made and filed on or before February twenty-eighth of each year as to the payment or crediting in any calendar year of amounts of six hundred dollars or more to any taxpayer under this article. Such returns may be required of any person, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of this state, or of any municipal corporation or political subdivision of this state, having the control, receipt, custody, disposal or payment of interest, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments or other fixed or determinable gains, profits or income, except interest coupons payable to bearer. Information required to be furnished pursuant to paragraph four of subsection (a) of section six hundred seventy-four on a quarterly combined withholding and wage reporting return covering [~~the last~~] each calendar quarter of each year and relating to tax withheld on wages paid by an employer to an employee for [~~the full~~] each calendar [~~year~~] quarter, shall constitute the return of information required to be made under this section with respect to such wages.

§ 2. Subparagraph (A) of paragraph 4 of subsection (a) of section 674 of the tax law, as amended by section 1 of subpart E of part V-1 of chapter 57 of the laws of 2009, is amended to read as follows:

(A) All employers described in paragraph one of subsection (a) of section six hundred seventy-one of this part, including those whose wages paid are not sufficient to require the withholding of tax from the wages of any of their employees, all employers required to provide the wage reporting information for the employees described in subdivision one of section one hundred seventy-one-a of this chapter, and all employers liable for unemployment insurance contributions or for payments in lieu of such contributions pursuant to article eighteen of

the labor law, shall file a quarterly combined withholding, wage reporting and unemployment insurance return detailing the preceding calendar quarter's withholding tax transactions, such quarter's wage reporting information, **such quarter's withholding reconciliation information,** such quarter's unemployment insurance contributions, and such other related information as the commissioner of taxation and finance or the commissioner of labor, as applicable, may prescribe. [~~In addition, the return covering the last calendar quarter of each year shall also include withholding reconciliation information for such calendar year.~~] Such returns shall be filed no later than the last day of the month following the last day of each calendar quarter.

§ 3. Paragraph 3 of subsection (v) of section 685 of the tax law, as amended by chapter 477 of the laws of 1998, is amended to read as follows:

(3) Failure to provide complete and correct employee withholding reconciliation information. In the case of a failure by an employer to provide complete and correct [~~annual~~] **quarterly** withholding information relating to individual employees on a quarterly combined withholding, wage reporting and unemployment insurance return covering [~~the last~~] **each** calendar quarter of a year, such employer shall, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, pay a penalty equal to the product of fifty dollars multiplied by the number of employees for whom such information is incomplete or incorrect; provided, however, that if the number of such employees cannot be determined from the quarterly combined withholding, wage reporting and unemployment insurance return, the commissioner may utilize any information in the commissioner's possession in making such determination. The total amount of the penalty imposed pursuant to this paragraph on an employer for any such failure for [~~the last~~] **each** calendar quarter of a year shall not exceed ten thousand dollars.

§ 4. This act shall take effect immediately and shall apply to calendar quarters beginning on or after January 1, 2019.

PART J

Section 1. Paragraph (i) of subdivision (d) of section 1105 of the tax law, as amended by chapter 405 of the laws of 1971 and subparagraph 3 as amended by section 1 of part DD of chapter 407 of the laws of 1999, is amended to read as follows:

(i) The receipts from every sale**, other than sales for resale,** of beer, wine or other alcoholic beverages or any other drink of any nature, or from every sale**, other than sales for resale,** of food and drink of any nature or of food alone, when sold in or by restaurants, taverns or other establishments in this state, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers (except those receipts taxed pursuant to subdivision (f) of this section):

(1) in all instances where the sale is for consumption on the premises where sold;

(2) in those instances where the vendor or any person whose services are arranged for by the vendor, after the delivery of the food or drink by or on behalf of the vendor for consumption off the premises of the vendor, serves or assists in serving, cooks, heats or provides other services with respect to the food or drink; and

(3) in those instances where the sale is made through a vending machine that is activated by use of coin, currency, credit card or debit

card (except the sale of drinks in a heated state made through such a vending machine) or is for consumption off the premises of the vendor, except where food (other than sandwiches) or drink or both are (A) sold in an unheated state and, (B) are of a type commonly sold for consumption off the premises and in the same form and condition, quantities and packaging, in establishments which are food stores other than those principally engaged in selling foods prepared and ready to be eaten.

§ 2. This act shall take effect June 1, 2018 and shall apply to sales made on and after such date.

PART K

Section 1. The tax law is amended by adding a new section 171-z to read as follows:

§ 171-z. Information sharing with the comptroller regarding unclaimed funds. 1. Notwithstanding any other law, the commissioner is authorized to release to the comptroller information regarding fixed and final unwarranted debts of taxpayers for purposes of collecting unclaimed funds from the comptroller to satisfy fixed and final unwarranted debts owed by taxpayers. For purposes of this section, the term "unwarranted debt" shall mean past-due tax liabilities, including unpaid tax, interest and penalty, that the commissioner is required by law to collect and that have become fixed and final such that the taxpayer no longer has any right to administrative or judicial review and a warrant has not been filed; and the term "taxpayer" shall mean any individual, corporation, partnership, limited liability partnership or company, partner, member, manager, sole proprietorship, estate, trust, fiduciary or entity, who or which has been identified as owing taxes to the state. This section shall not be deemed to abrogate or limit in any way the powers and authority of the comptroller to set off debts owed the state from unclaimed funds, under the constitution of the state or any other law.

2. The comptroller shall keep all information he or she obtains from the commissioner confidential, and any employee, agent or representative of the comptroller is prohibited from disclosing any taxpayer information received under this section to anyone other than the commissioner or staff of the department or staff of the department of audit and control for the purposes described in this section.

§ 2. This act shall take effect immediately.

PART L

Intentionally Omitted

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

Section 1. Subparagraph (B) of paragraph 1 of subsection (b) of section 605 of the tax law, as amended by chapter 28 of the laws of 1987, is amended to read as follows:

(B) who [~~is not domiciled in this state but~~] maintains a permanent place of abode in this state and spends in the aggregate more than one hundred eighty-three days of the taxable year in this state, **whether or not domiciled in this state for any portion of the taxable year,** unless such individual is in active service in the armed forces of the United States.

§ 2. Paragraph 2 of subsection (a) of section 1305 of the tax law, as amended by chapter 225 of the laws of 1977, is amended to read as follows:

(2) who [~~is not domiciled in such city but~~] maintains a permanent place of abode in such city and spends in the aggregate more than one hundred eighty-three days of the taxable year in such city, **whether or not domiciled in this city for any portion of the taxable year,** unless such individual is in active service in the armed forces of the United States.

§ 3. Subparagraph (B) of paragraph 1 of subdivision (b) of section 11-1705 of the administrative code of the city of New York, as amended by chapter 333 of the laws of 1987, is amended to read as follows:

(B) who [~~is not domiciled in this city but~~] maintains a permanent place of abode in this city and spends in the aggregate more than one hundred eighty-three days of the taxable year in this city, **whether or not domiciled in this city for any portion of the taxable year,** unless such individual is in active service in the armed forces of the United States.

§ 4. This act shall take effect immediately and shall apply to taxable years commencing on or after such date.

PART P

Section 1. Paragraph 1 of subsection (c-1) of section 606 of the tax law, as amended by section 1 of part L-1 of chapter 109 of the laws of 2006, is amended to read as follows:

(1) A resident taxpayer shall be allowed a credit as provided herein equal to the greater of one hundred dollars times the number of qualifying children of the taxpayer or the applicable percentage of the child tax credit allowed the taxpayer under section twenty-four of the internal revenue code for the same taxable year for each qualifying child. Provided, however, in the case of a taxpayer whose federal adjusted gross income exceeds the applicable threshold amount set forth by section 24(b)(2) of the Internal Revenue Code, the credit shall only be equal to the applicable percentage of the child tax credit allowed the taxpayer under section 24 of the Internal Revenue Code for each qualifying child. For the purposes of this subsection, a qualifying child shall be a child who meets the definition of qualified child under section 24(c) of the internal revenue code and is at least four years of age. The applicable percentage shall be thirty-three percent. **For purposes of this subsection, any reference to section 24 of the Internal Revenue Code shall be a reference to such section as it existed immediately prior to the enactment of Public Law 115-97.**

§ 2. This act shall take effect immediately and shall apply to taxable years commencing on or after January 1, 2018.

PART Q

Section 1. Paragraphs (a) and (b) of subdivision 29 of section 210-B of the tax law, as amended by section 1 of part I of chapter 60 of the laws of 2016, are amended to read as follows:

(a) Allowance of credit. For taxable years beginning on or after January first, two thousand fifteen and before January first, two thousand [~~nineteen~~] **twenty-one**, a taxpayer shall be allowed a credit, to be computed as provided in this subdivision, against the tax imposed by this article, for hiring and employing, for not less than one year and for not less than thirty-five hours each week, a qualified veteran within the state. The taxpayer may claim the credit in the year in which the qualified veteran completes one year of employment by the taxpayer. If the taxpayer claims the credit allowed under this subdivision, the taxpayer may not use the hiring of a qualified veteran that is the basis for this credit in the basis of any other credit allowed under this article.

(b) Qualified veteran. A qualified veteran is an individual:

(1) who served on active duty in the United States army, navy, air force, marine corps, coast guard or the reserves thereof, or who served in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia; who was released from active duty by general or honorable discharge after September eleventh, two thousand one;

(2) who commences employment by the qualified taxpayer on or after January first, two thousand fourteen, and before January first, two thousand [~~eighteen~~] **twenty**; and

(3) who certifies by signed affidavit, under penalty of perjury, that he or she has not been employed for thirty-five or more hours during any week in the one hundred eighty day period immediately prior to his or her employment by the taxpayer.

§ 2. Paragraphs 1 and 2 of subsection (a-2) of section 606 of the tax law, as amended by section 2 of part I of chapter 60 of the laws of 2016, are amended to read as follows:

(1) Allowance of credit. For taxable years beginning on or after January first, two thousand fifteen and before January first, two thousand [~~nineteen~~] **twenty-one**, a taxpayer shall be allowed a credit, to be computed as provided in this subsection, against the tax imposed by this article, for hiring and employing, for not less than one year and for not less than thirty-five hours each week, a qualified veteran within the state. The taxpayer may claim the credit in the year in which the qualified veteran completes one year of employment by the taxpayer. If the taxpayer claims the credit allowed under this subsection, the taxpayer may not use the hiring of a qualified veteran that is the basis for this credit in the basis of any other credit allowed under this article.

(2) Qualified veteran. A qualified veteran is an individual:

(A) who served on active duty in the United States army, navy, air force, marine corps, coast guard or the reserves thereof, or who served in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia; who was released from active duty by general or honorable discharge after September eleventh, two thousand one;

(B) who commences employment by the qualified taxpayer on or after January first, two thousand fourteen, and before January first, two thousand [~~eighteen~~] **twenty**; and

(C) who certifies by signed affidavit, under penalty of perjury, that he or she has not been employed for thirty-five or more hours during any

week in the one hundred eighty day period immediately prior to his or her employment by the taxpayer.

§ 3. Paragraphs 1 and 2 of subdivision (g-1) of section 1511 of the tax law, as amended by section 3 of part I of chapter 60 of the laws of 2016, are amended to read as follows:

(1) Allowance of credit. For taxable years beginning on or after January first, two thousand fifteen and before January first, two thousand [~~nineteen~~] twenty-one, a taxpayer shall be allowed a credit, to be computed as provided in this subdivision, against the tax imposed by this article, for hiring and employing, for not less than one year and for not less than thirty-five hours each week, a qualified veteran within the state. The taxpayer may claim the credit in the year in which the qualified veteran completes one year of employment by the taxpayer. If the taxpayer claims the credit allowed under this subdivision, the taxpayer may not use the hiring of a qualified veteran that is the basis for this credit in the basis of any other credit allowed under this article.

(2) Qualified veteran. A qualified veteran is an individual:

(A) who served on active duty in the United States army, navy, air force, marine corps, coast guard or the reserves thereof, or who served in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia; who was released from active duty by general or honorable discharge after September eleventh, two thousand one;

(B) who commences employment by the qualified taxpayer on or after January first, two thousand fourteen, and before January first, two thousand [~~eighteen~~] twenty; and

(C) who certifies by signed affidavit, under penalty of perjury, that he or she has not been employed for thirty-five or more hours during any week in the one hundred eighty day period immediately prior to his or her employment by the taxpayer.

§ 4. This act shall take effect immediately.

PART R

Section 1. Subdivision (c) of section 25-a of the labor law, as amended by section 1 of part AA of chapter 56 of the laws of 2015, is amended to read as follows:

(c) A qualified employer shall be entitled to a tax credit equal to (1) [~~five~~] seven hundred fifty dollars per month for up to six months for each qualified employee the employer employs in a full-time job or [~~two~~] three hundred [~~fifty~~] seventy-five dollars per month for up to six months for each qualified employee the employer employs in a part-time job of at least twenty hours per week or ten hours per week when the qualified employee is enrolled in high school full-time, (2) [~~one thousand~~] fifteen hundred dollars for each qualified employee who is employed for at least an additional six consecutive months by the qualified employer in a full-time job or [~~five~~] seven hundred fifty dollars for each qualified employee who is employed for at least an additional six consecutive months by the qualified employer in a part-time job of at least twenty hours per week or ten hours per week when the qualified employee is enrolled in high school full-time, and (3) an additional [~~one thousand~~] fifteen hundred dollars for each qualified employee who is employed for at least an additional year after the [~~first year of the employee's employment~~] completion of the time periods and satisfaction of the conditions set forth in paragraphs one and two of this subdivi-

sion by the qualified employer in a full-time job or [~~five~~] seven hundred fifty dollars for each qualified employee who is employed for at least an additional year after the [~~first year of the employee's employment~~] completion of the time periods and satisfaction of the conditions set forth in paragraphs one and two of this subdivision by the qualified employer in a part-time job of at least twenty hours per week or ten hours per week when the qualified employee is enrolled in high school full time. The tax credits shall be claimed by the qualified employer as specified in subdivision thirty-six of section two hundred ten-B and subsection (tt) of section six hundred six of the tax law.

§ 2. Subdivisions (d), (e) and (f) of section 25-a of the labor law, subdivisions (d) and (e) as amended by section 1 of subpart A of part N of chapter 59 of the laws of 2017 and subdivision (f) as amended by section 1 of part AA of chapter 56 of the laws of 2015, are amended to read as follows:

(d) To participate in the program established under this section, an employer must submit an application (in a form prescribed by the commissioner) to the commissioner after January first, two thousand twelve but no later than November thirtieth, two thousand twelve for program one, after January first, two thousand fourteen but no later than November thirtieth, two thousand fourteen for program two, after January first, two thousand fifteen but no later than November thirtieth, two thousand fifteen for program three, after January first, two thousand sixteen but no later than November thirtieth, two thousand sixteen for program four, after January first, two thousand seventeen but no later than November thirtieth, two thousand seventeen for program five, after January first, two thousand eighteen but no later than November thirtieth, two thousand eighteen for program six, after January first, two thousand nineteen but no later than November thirtieth, two thousand nineteen for program seven, after January first, two thousand twenty but no later than November thirtieth, two thousand twenty for program eight, after January first, two thousand twenty-one but no later than November thirtieth, two thousand twenty-one for program nine, and after January first, two thousand twenty-two but no later than November thirtieth, two thousand twenty-two for program ten. The qualified employees must start their employment on or after January first, two thousand twelve but no later than December thirty-first, two thousand twelve for program one, on or after January first, two thousand fourteen but no later than December thirty-first, two thousand fourteen for program two, on or after January first, two thousand fifteen but no later than December thirty-first, two thousand fifteen for program three, on or after January first, two thousand sixteen but no later than December thirty-first, two thousand sixteen for program four, on or after January first, two thousand seventeen but no later than December thirty-first, two thousand seventeen for program five, on or after January first, two thousand eighteen but no later than December thirty-first, two thousand eighteen for program six, on or after January first, two thousand nineteen but no later than December thirty-first, two thousand nineteen for program seven, on or after January first, two thousand twenty but no later than December thirty-first, two thousand twenty for program eight, on or after January first, two thousand twenty-one but no later than December thirty-first, two thousand twenty-one for program nine, and on or after January first, two thousand twenty-two but no later than December thirty-first, two thousand twenty-two for program ten. [~~The commissioner shall establish guidelines and criteria that specify requirements for employers to participate in the program including criteria for certifying qualified~~

~~employees, ensuring that the process established will minimize any undue delay in issuing the certificate of eligibility. Any regulations that the commissioner determines are necessary may be adopted on an emergency basis notwithstanding anything to the contrary in section two hundred two of the state administrative procedure act. Such requirements may include the types of industries that the employers are engaged in. The commissioner may give preference to employers that are engaged in demand occupations or industries, or in regional growth sectors, including but not limited to those identified by the regional economic development councils, such as clean energy, healthcare, advanced manufacturing and conservation. In addition, the commissioner shall give preference to employers who offer advancement and employee benefit packages to the qualified individuals.~~] As part of such application, an employer must:

(1) agree to allow the department of taxation and finance to share its tax information with the commissioner. However, any information shared as a result of this agreement shall not be available for disclosure or inspection under the state freedom of information law, and

(2) allow the commissioner and its agents and the department of taxation and finance and its agents access to any and all books and records of employers the commissioner may require to monitor compliance.

(e) If, after reviewing the application submitted by an employer, the commissioner determines that such employer is eligible to participate in the program established under this section, the commissioner shall issue the employer a preliminary certificate of eligibility that establishes the employer as a qualified employer. The preliminary certificate of eligibility shall specify the maximum amount of tax credit that the employer [~~will~~] may be allowed to claim and the program year under which it [~~can~~] may be claimed. The maximum amount of tax credit the employer is allowed to claim shall be computed as prescribed in subdivision (c) of this section.

(f) The commissioner shall annually publish a report. Such report must contain the names and addresses of any employer issued a preliminary certificate of eligibility under this section, [~~and~~] the [~~maximum~~] amount of New York youth works tax credit allowed to the qualified employer as specified on [~~such~~] an annual final certificate of [~~eligibility~~] tax credit and any other information as determined by the commissioner.

§ 3. Section 25-a of the labor law is amended by adding three new subdivisions (e-1), (e-2) and (e-3) to read as follows:

(e-1)(1) To receive an annual final certificate of tax credit, the qualified employer must annually submit, on or before January thirty-first of the calendar year subsequent to the payment of wages paid to an eligible employee, a report to the commissioner, in a form prescribed by the commissioner. The report must demonstrate that the employer has satisfied all eligibility requirements and provided all the information necessary for the commissioner to compute an actual amount of credit allowed.

(2) After reviewing the report and finding it sufficient, the commissioner shall issue an annual final certificate of tax credit. Such certificate shall include, in addition to any other information the commissioner determines is necessary, the following information:

(i) The name and employer identification number of the qualified employer;

(ii) The program year for the corresponding credit award;

(iii) The actual amount of credit to which the qualified employer is entitled for that calendar year or the fiscal year in which the annual

final certificate is issued, which actual amount cannot exceed the amount of credit listed on the preliminary certificate but may be less than such amount; and

(iv) A unique certificate number identifying the annual final certificate of tax credit.

(e-2) In determining the amount of credit for purposes of the annual final certificate of tax credit, the portion of the credit described in paragraph one of subdivision (c) of this section shall be allowed for the calendar year in which the wages are paid to the qualified employee, the portion of the credit described in paragraph two of subdivision (c) of this section shall be allowed for the calendar year in which the additional six consecutive month period ends, and the portion of the credit described in paragraph three of subdivision (c) of this section shall be allowed for the calendar year in which the additional year of consecutive employment ends after the completion of the time periods and satisfaction of the conditions set forth in paragraphs one and two of subdivision (c) of this section. If the qualified employer's taxable year is a calendar year, the employer shall be entitled to claim the credit as calculated on the annual final certificate of tax credit on the calendar year return for which the annual final certificate of tax credit was issued. If the qualified employer's taxable year is a fiscal year, the employer shall be entitled to claim the credit as calculated on the annual final certificate of tax credit on the return for the fiscal year that encompasses the date on which the annual final certificate of tax credit is issued.

(e-3) The commissioner shall establish guidelines and criteria that specify requirements for employers to participate in the program including criteria for certifying qualified employees, and issuing the preliminary certificate of eligibility and annual final certificate of tax credit. Such requirements may include the types of industries that the employers are engaged in. The commissioner may give preference to employers that are engaged in demand occupations or industries, or in regional growth sectors, including but not limited to those identified by the regional economic development councils, such as clean energy, healthcare, advanced manufacturing and conservation. In addition, the commissioner shall give preference to employers who offer advancement and employee benefit packages to the qualified individuals.

§ 4. Paragraph (a) of subdivision 36 of section 210-B of the tax law, as amended by section 2 of part AA of chapter 56 of the laws of 2015, is amended to read as follows:

(a) A taxpayer that has been certified by the commissioner of labor as a qualified employer pursuant to section twenty-five-a of the labor law shall be allowed a credit against the tax imposed by this article equal to (i) [~~five~~] seven hundred fifty dollars per month for up to six months for each qualified employee the employer employs in a full-time job or [~~two~~] three hundred [~~fifty~~] seventy-five dollars per month for up to six months for each qualified employee the employer employs in a part-time job of at least twenty hours per week or ten hours per week when the qualified employee is enrolled in high school full-time, (ii) [~~one thousand~~] fifteen hundred dollars for each qualified employee who is employed for at least an additional six consecutive months by the qualified employer in a full-time job or [~~five~~] seven hundred fifty dollars for each qualified employee who is employed for at least an additional six consecutive months by the qualified employer in a part-time job of at least twenty hours per week or ten hours per week when the qualified employee is enrolled in high school full-time, and (iii) an additional

[~~one thousand~~] **fifteen hundred** dollars for each qualified employee who is employed for at least an additional year after the [~~first year of the employee's employment~~] **completion of the time periods and satisfaction of the conditions set forth in subparagraphs (i) and (ii) of this paragraph** by the qualified employer in a full-time job or [~~five~~] **seven** hundred **fifty** dollars for each qualified employee who is employed for at least an additional year after the [~~first year of the employee's employment~~] **completion of the time periods and satisfaction of the conditions set forth in subparagraphs (i) and (ii) of this paragraph** by the qualified employer in a part-time job of at least twenty hours per week or ten hours per week when the qualified employee is enrolled in high school full-time. For purposes of this subdivision, the term "qualified employee" shall have the same meaning as set forth in subdivision (b) of section twenty-five-a of the labor law. The portion of the credit described in subparagraph (i) of this paragraph shall be allowed for the taxable year in which the wages are paid to the qualified employee, the portion of the credit described in subparagraph (ii) of this paragraph shall be allowed in the taxable year in which the additional six month period ends, and the portion of the credit described in subparagraph (iii) of this paragraph shall be allowed in the taxable year in which the additional year after the first year of employment ends.

§ 5. Paragraph (a) of subdivision 36 of section 210-B of the tax law, as amended by section four of this act, is amended to read as follows:

(a) A taxpayer that has been certified by the commissioner of labor as a qualified employer pursuant to section twenty-five-a of the labor law **and received an annual final certificate of tax credit from such commissioner** shall be allowed a credit against the tax imposed by this article equal to [~~(i) seven hundred fifty dollars per month for up to six months for each qualified employee the employer employs in a full-time job or three hundred seventy-five dollars per month for up to six months for each qualified employee the employer employs in a part-time job of at least twenty hours per week or ten hours per week when the qualified employee is enrolled in high school full-time, (ii) fifteen hundred dollars for each qualified employee who is employed for at least an additional six consecutive months by the qualified employer in a full-time job or seven hundred fifty dollars for each qualified employee who is employed for at least an additional six consecutive months by the qualified employer in a part-time job of at least twenty hours per week or ten hours per week when the qualified employee is enrolled in high school full-time, and (iii) an additional fifteen hundred dollars for each qualified employee who is employed for at least an additional year after the completion of the time periods and satisfaction of the conditions set forth in subparagraphs (i) and (ii) of this paragraph by the qualified employer in a full-time job or seven hundred fifty dollars for each qualified employee who is employed for at least an additional year after the completion of the time periods and satisfaction of the conditions set forth in subparagraphs (i) and (ii) of this paragraph by the qualified employer in a part-time job of at least twenty hours per week or ten hours per week when the qualified employee is enrolled in high school full-time. For purposes of this subdivision, the term "qualified employee" shall have the same meaning as set forth in subdivision (b) of section twenty-five-a of the labor law. The portion of the credit described in subparagraph (i) of this paragraph shall be allowed for the taxable year in which the wages are paid to the qualified employee, the portion of the credit described in subparagraph (ii) of this paragraph shall be allowed in the taxable year in which the additional six month~~

~~period ends, and the portion of the credit described in subparagraph (iii) of this paragraph shall be allowed in the taxable year in which the additional year after the first year of employment ends~~] the amount listed on the annual final certificate of tax credit issued by the commissioner of labor pursuant to section twenty-five-a of the labor law. If the qualified employer's taxable year is a calendar year, the employer shall be entitled to claim the credit as calculated on the annual final certificate of tax credit on the calendar year return for which the annual final certificate of tax credit was issued. If the qualified employer's taxable year is a fiscal year, the employer shall be entitled to claim the credit as calculated on the annual final certificate of tax credit on the return for the fiscal year that encompasses the date on which the annual final certificate of tax credit is issued. For the purposes of this subdivision, the term "qualified employee" shall have the same meaning as set forth in subdivision (b) of section twenty-five-a of the labor law.

§ 6. Paragraph (c) of subdivision 36 of section 210-B of the tax law, as added by section 17 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(c) The taxpayer [~~may~~] shall be required to attach to its tax return its annual final certificate of [~~eligibility~~] tax credit issued by the commissioner of labor pursuant to section twenty-five-a of the labor law. In no event shall the taxpayer be allowed a credit greater than the amount of the credit listed on the annual final certificate of [~~eligibility~~] tax credit. Notwithstanding any provision of this chapter to the contrary, the commissioner and the commissioner's designees may release the names and addresses of any taxpayer claiming this credit and the amount of the credit earned by the taxpayer. Provided, however, if a taxpayer claims this credit because it is a member of a limited liability company or a partner in a partnership, only the amount of credit earned by the entity and not the amount of credit claimed by the taxpayer may be released.

§ 7. Paragraph 1 of subsection (tt) of section 606 of the tax law, as amended by section 3 of part AA of chapter 56 of the laws of 2015, is amended to read as follows:

(1) A taxpayer that has been certified by the commissioner of labor as a qualified employer pursuant to section twenty-five-a of the labor law shall be allowed a credit against the tax imposed by this article equal to (A) [~~five~~] seven hundred fifty dollars per month for up to six months for each qualified employee the employer employs in a full-time job or [~~two~~] three hundred [~~fifty~~] seventy-five dollars per month for up to six months for each qualified employee the employer employs in a part-time job of at least twenty hours per week or ten hours per week when the qualified employee is enrolled in high school full-time, and (B) [~~one thousand~~] fifteen hundred dollars for each qualified employee who is employed for at least an additional six consecutive months by the qualified employer in a full-time job or [~~five~~] seven hundred fifty dollars for each qualified employee who is employed for at least an additional six consecutive months by the qualified employer in a part-time job of at least twenty hours per week or ten hours per week when the qualified employee is enrolled in high school full-time, and (C) an additional [~~one thousand~~] fifteen hundred dollars for each qualified employee who is employed for at least an additional year after the [~~first year of the employee's employment~~] completion of the time periods and satisfaction of the conditions set forth in subparagraphs A and B of this subsection by the qualified employer in a full-time job or [~~five~~] seven hundred

fifty dollars for each qualified employee who is employed for at least an additional year after the [~~first year of the employee's employment~~] completion of the time periods and satisfaction of the conditions set forth in subparagraphs A and B of this subsection by the qualified employer in a part-time job of at least twenty hours per week or ten hours per week when the qualified employee is enrolled in high school full-time. A taxpayer that is a partner in a partnership, member of a limited liability company or shareholder in an S corporation that has been certified by the commissioner of labor as a qualified employer pursuant to section twenty-five-a of the labor law shall be allowed its pro rata share of the credit earned by the partnership, limited liability company or S corporation. For purposes of this subsection, the term "qualified employee" shall have the same meaning as set forth in subdivision (b) of section twenty-five-a of the labor law. The portion of the credit described in subparagraph (A) of this paragraph shall be allowed for the taxable year in which the wages are paid to the qualified employee, the portion of the credit described in subparagraph (B) of this paragraph shall be allowed in the taxable year in which the additional six month period ends, and the portion of the credit described in subparagraph (C) of this paragraph shall be allowed in the taxable year in which the additional year after the first year of employment ends.

§ 8. Paragraph 1 of subsection (tt) of section 606 of the tax law, as amended by section seven of this act, is amended to read as follows:

(1) A taxpayer that has been certified by the commissioner of labor as a qualified employer pursuant to section twenty-five-a of the labor law and received an annual final certificate of tax credit from such commissioner shall be allowed a credit against the tax imposed by this article equal to [~~(A) seven hundred fifty dollars per month for up to six months for each qualified employee the employer employs in a full-time job or three hundred seventy-five dollars per month for up to six months for each qualified employee the employer employs in a part-time job of at least twenty hours per week or ten hours per week when the qualified employee is enrolled in high school full-time, and (B) fifteen hundred dollars for each qualified employee who is employed for at least an additional six consecutive months by the qualified employer in a full-time job or seven hundred fifty dollars for each qualified employee who is employed for at least an additional six consecutive months by the qualified employer in a part-time job of at least twenty hours per week or ten hours per week when the qualified employee is enrolled in high school full-time, and (C) an additional fifteen hundred dollars for each qualified employee who is employed for at least an additional year after the completion of the time periods and satisfaction of the conditions set forth in subparagraphs A and B of this subsection by the qualified employer in a full-time job or seven hundred fifty dollars for each qualified employee who is employed for at least an additional year after the completion of the time periods and satisfaction of the conditions set forth in subparagraphs A and B of this subsection by the qualified employer in a part-time job of at least twenty hours per week or ten hours per week when the qualified employee is enrolled in high school full-time~~] the amount listed on the annual final certificate of tax credit issued by the commissioner of labor pursuant to section twenty-five-a of the labor law. A taxpayer that is a partner in a partnership, member of a limited liability company or shareholder in an S corporation that has [~~been certified by~~] received its annual final certificate of tax credit from the commissioner of labor as a qualified employer pursuant to section twenty-five-a of the labor law shall be allowed its pro

rata share of the credit earned by the partnership, limited liability company or S corporation. [~~For purposes of this subsection, the term "qualified employee" shall have the same meaning as set forth in subdivision (b) of section twenty-five-a of the labor law. The portion of the credit described in subparagraph (A) of this paragraph shall be allowed for the taxable year in which the wages are paid to the qualified employee, the portion of the credit described in subparagraph (B) of this paragraph shall be allowed in the taxable year in which the additional six month period ends, and the portion of the credit described in subparagraph (C) of this paragraph shall be allowed in the taxable year in which the additional year after the first year of employment ends.~~] **If the qualified employer's taxable year is a calendar year, the employer shall be entitled to claim the credit as calculated on the annual final certificate of tax credit on the calendar year return for which the annual final certificate of tax credit was issued. If the qualified employer's taxable year is a fiscal year, the employer shall be entitled to claim the credit as calculated on the annual final certificate of tax credit on the return for the fiscal year that encompasses the date on which the annual final certificate of tax credit is issued. For the purposes of this subsection, the term "qualified employee" shall have the same meaning as set forth in subdivision (b) of section twenty-five-a of the labor law.**

§ 9. Paragraph 3 of subsection (tt) of section 606 of the tax law, as added by section 3 of part D of chapter 56 of the laws of 2011, is amended to read as follows:

(3) The taxpayer [~~may~~] **shall** be required to attach to its tax return its **annual final** certificate of [~~eligibility~~] **tax credit** issued by the commissioner of labor pursuant to section twenty-five-a of the labor law. In no event shall the taxpayer be allowed a credit greater than the amount of the credit listed on the **annual final** certificate of [~~eligibility~~] **tax credit**. Notwithstanding any provision of this chapter to the contrary, the commissioner and the commissioner's designees may release the names and addresses of any taxpayer claiming this credit and the amount of the credit earned by the taxpayer. Provided, however, if a taxpayer claims this credit because it is a member of a limited liability company, a partner in a partnership, or a shareholder in a subchapter S corporation, only the amount of credit earned by the entity and not the amount of credit claimed by the taxpayer may be released.

§ 10. This act shall take effect immediately, provided however that (i) section one of this act shall apply to tax years beginning on or after January 1, 2018; (ii) sections four and seven of this act shall apply to tax years beginning on or after January 1, 2018 and before January 1, 2019; and (iii) sections two, three, five, six, eight, and nine of this act shall take effect January 1, 2019 and shall apply to tax years beginning on or after January 1, 2019.

PART S

Intentionally Omitted

PART T

Intentionally Omitted

PART U

Intentionally Omitted

PART V

Intentionally Omitted

PART W

Section 1. Subdivision (f) of section 1115 of the tax law, as amended by chapter 205 of the laws of 1968, is amended to read as follows:

(f) **(1)** Services rendered by a veterinarian licensed and registered as required by the education law which constitute the practice of veterinary medicine as defined in said law, including hospitalization for which no separate boarding charge is made, shall not be subject to tax under paragraph (3) of subdivision (c) of section eleven hundred five, but the exemption allowed by this subdivision shall not apply to other services provided by a veterinarian to pets and other animals, including, but not limited to, boarding, grooming and clipping. Articles of tangible personal property designed for use in some manner relating to domestic animals or poultry, when sold by such a veterinarian, shall not be subject to tax under subdivision (a) of section eleven hundred five or under section eleven hundred ten. However, the sale of any such articles of tangible personal property to a veterinarian shall not be deemed a sale for resale within the meaning of [~~pargraph~~] **paragraph** (4) of subdivision (b) of section eleven hundred one and shall not be exempt from retail sales tax.

(2) Drugs or medicine sold to or used by a veterinarian for use in rendering services that are exempt pursuant to paragraph one of this subdivision to livestock or poultry used in the production for sale of tangible personal property by farming, or sold to a person qualifying for the exemption provided for in paragraph six of subdivision (a) of this section for use by such person on such livestock or poultry.

§ 2. Subdivision (a) of section 1119 of the tax law, as amended by chapter 686 of the laws of 1986 and as further amended by section 15 of part GG of chapter 63 of the laws of 2000, is amended to read as follows:

(a) Subject to the conditions and limitations provided for herein, a refund or credit shall be allowed for a tax paid pursuant to subdivision (a) of section eleven hundred five or section eleven hundred ten (1) on the sale or use of tangible personal property if the purchaser or user, in the performance of a contract, later incorporates that tangible personal property into real property located outside this state, (2) on the sale or use of tangible personal property purchased in bulk, or any portion thereof, which is stored and not used by the purchaser or user within this state if that property is subsequently reshipped by such purchaser or user to a point outside this state for use outside this state, (3) on the sale to or use by a contractor or subcontractor of tangible personal property if that property is used by him solely in the performance of a pre-existing lump sum or unit price construction contract, (4) on the sale or use within this state of tangible personal property, not purchased for resale, if the use of such property in this state is restricted to fabricating such property (including incorporating it into or assembling it with other tangible personal property), processing, printing or imprinting such property and such property is then shipped to a point outside this state for use outside this state, [~~**(5) on the sale to or use by a veterinarian of drugs or medicine if**~~

~~such drugs or medicine are used by such veterinarian in rendering services, which are exempt pursuant to subdivision (f) of section eleven hundred fifteen of this chapter, to livestock or poultry used in the production for sale of tangible personal property by farming or if such drugs or medicine are sold to a person qualifying for the exemption provided for in paragraph (6) of subdivision (a) of section eleven hundred fifteen of this chapter for use by such person on such livestock or poultry,~~] or (6) on the sale of tangible personal property purchased for use in constructing, expanding or rehabilitating industrial or commercial real property (other than property used or to be used exclusively by one or more registered vendors primarily engaged in the retail sale of tangible personal property) located in an area designated as an empire zone pursuant to article eighteen-B of the general municipal law, but only to the extent that such property becomes an integral component part of the real property. (For the purpose of clause (3) of the preceding sentence, the term "pre-existing lump sum or unit price construction contract" shall mean a contract for the construction of improvements to real property under which the amount payable to the contractor or subcontractor is fixed without regard to the costs incurred by him in the performance thereof, and which (i) was irrevocably entered into prior to the date of the enactment of this article or the enactment of a law increasing the rate of tax imposed under this article, or (ii) resulted from the acceptance by a governmental agency of a bid accompanied by a bond or other performance guaranty which was irrevocably submitted prior to such date.) Where the tax on the sale or use of such tangible personal property has been paid to the vendor, to qualify for such refund or credit, such tangible personal property must be incorporated into real property as required in clause (1) above, reshipped as required in clause (2) above, used in the manner described in clauses (3), (4)[~~, (5)~~] and (6) above within three years after the date such tax was payable to the tax commission by the vendor pursuant to section eleven hundred thirty-seven. Where the tax on the sale or use of such tangible personal property was paid by the applicant for the credit or refund directly to the tax commission, to qualify for such refund or credit, such tangible personal property must be incorporated into real property as required in clause (1) above, reshipped as required in clause (2) above, used in the manner described in clauses (3), (4)[~~, (5)~~] and (6) above within three years after the date such tax was payable to the tax commission by such applicant pursuant to this article. An application for a refund or credit pursuant to this section must be filed with such commission within the time provided by subdivision (a) of section eleven hundred thirty-nine. Such application shall be in such form as the tax commission may prescribe. Where an application for credit has been filed, the applicant may immediately take such credit on the return which is due coincident with or immediately subsequent to the time that he files his application for credit. However, the taking of the credit on the return shall be deemed to be part of the application for credit and shall be subject to the provisions in respect to applications for credit in section eleven hundred thirty-nine as provided in subdivision (e) of such section. With respect to a sale or use described in clause (3) above where a pre-existing lump sum or unit price construction contract was irrevocably entered into prior to the date of the enactment of this article or the bid accompanied by the performance guaranty was irrevocably submitted to the governmental agency prior to such date, the purchaser or user shall be entitled to a refund or credit only of the amount by which the tax on such sale or use imposed under

this article plus any tax imposed under the authority of article twenty-nine exceeds the amount computed by applying against such sale or use the local rate of tax, if any, in effect at the time such contract was entered into or such bid was submitted.

In the case of the enactment of a law increasing the rate of tax imposed by this article, the purchaser or user shall be entitled only to a refund or credit of the amount by which the increased tax on such sale or use imposed under this article plus any tax imposed under the authority of article twenty-nine exceeds the amount computed by applying against such sale or use the state and local rates of tax in effect at the time such contract was entered into or such bid was submitted.

§ 3. This act shall take effect June 1, 2018, and shall apply to sales made and uses occurring on and after such date.

PART X

Section 1. Subdivision 1 of section 1131 of the tax law, as amended by chapter 576 of the laws of 1994, is amended to read as follows:

(1) "Persons required to collect tax" or "person required to collect any tax imposed by this article" shall include: every vendor of tangible personal property or services; every recipient of amusement charges; and every operator of a hotel. Said terms shall also include any officer, director or employee of a corporation or of a dissolved corporation, any employee of a partnership, any employee or manager of a limited liability company, or any employee of an individual proprietorship who as such officer, director, employee or manager is under a duty to act for such corporation, partnership, limited liability company or individual proprietorship in complying with any requirement of this article**, or has so acted**; and any member of a partnership or limited liability company. Provided, however, that any person who is a vendor solely by reason of clause (D) or (E) of subparagraph (i) of paragraph (8) of subdivision (b) of section eleven hundred one **of this article** shall not be a "person required to collect any tax imposed by this article" until twenty days after the date by which such person is required to file a certificate of registration pursuant to section eleven hundred thirty-four **of this part**.

§ 2. Subdivision (a) of section 1133 of the tax law, as amended by chapter 621 of the laws of 1967, is amended to read as follows:

(a) **(1)** Except as otherwise provided in **paragraph two of this subdivision and in** section eleven hundred thirty-seven **of this part**, every person required to collect any tax imposed by this article shall be personally liable for the tax imposed, collected or required to be collected under this article. Any such person shall have the same right in respect to collecting the tax from his customer or in respect to nonpayment of the tax by the customer as if the tax were a part of the purchase price of the property or service, amusement charge or rent, as the case may be, and payable at the same time; provided, however, that the tax commission shall be joined as a party in any action or proceeding brought to collect the tax.

(2) Notwithstanding any other provision of this article: (i) The commissioner shall grant the relief described in subparagraph (iii) of this paragraph to a limited partner of a limited partnership (but not a partner of a limited liability partnership) or a member of a limited liability company if such limited partner or member demonstrates to the satisfaction of the commissioner that such limited partner's or member's ownership interest and the percentage of the distributive share of the

profits and losses of such limited partnership or limited liability company are each less than fifty percent, and such limited partner or member was not under a duty to act for such limited partnership or limited liability company in complying with any requirement of this article. Provided, however, the commissioner may deny an application for relief to any such limited partner or member who the commissioner finds has acted on behalf of such limited partnership or limited liability company in complying with any requirement of this article or has been convicted of a crime provided in this chapter or who has a past-due liability, as such term is defined in section one hundred seventy-one-v of this chapter.

(ii) Such limited partner or member must submit an application for relief, on a form prescribed by the commissioner, and the information provided in such application must be true and complete in all material respects. Providing materially false or fraudulent information on such application shall disqualify such limited partner or member for the relief described in subparagraph (iii) of this paragraph, shall void any agreement with the commissioner with respect to such relief, and shall result in such limited partner or member bearing strict liability for the total amount of tax, interest and penalty owed by their respective limited partnership or limited liability company pursuant to this subdivision.

(iii) A limited partner of a limited partnership or member of a limited liability company, who meets the requirements set forth in this paragraph and whose application for relief is approved by the commissioner, shall be liable for the percentage of the original sales and use tax liability of their respective limited partnership or limited liability company that reflects such limited partner's or member's ownership interest of distributive share of the profits and losses of such limited partnership or limited liability company, whichever is higher. Such original liability shall include any interest accrued thereon up to and including the date of payment by such limited partner or member at the underpayment rate set by the commissioner pursuant to section eleven hundred forty-two of this part, and shall be reduced by the sum of any payments made by (A) the limited partnership or limited liability company; (B) any person required to collect tax not eligible for relief; and (C) any person required to collect tax who was eligible for relief but had not been approved for relief by the commissioner at the time such payment was made. Provided, however, such limited partner or member shall not be liable for any penalty owed by such limited partnership or limited liability company or any other partner or member of such limited partnership or limited liability company. Any payment made by a limited partner or member pursuant to the provisions of this paragraph shall not be credited against the liability of other limited partners or members of their respective limited partnership or limited liability company who are eligible for the same relief; provided, however that the sum of the amounts owed by all of the persons required to collect tax of a limited partnership or limited liability company shall not exceed the total liability of such limited partnership or limited liability company.

§ 3. This act shall take effect immediately.

PART Y

Intentionally Omitted

PART Z

Section 1. Section 2 of subpart R of part A of chapter 61 of the laws of 2017, amending the tax law relating to extending the expiration of the authorization to the county of Genesee to impose an additional one percent of sales and compensating use taxes, is amended to read as follows:

§ 2. Notwithstanding any other provision of law to the contrary, the one percent increase in sales and compensating use taxes authorized for the county of Genesee until November 30, [~~2010~~] 2020 pursuant to clause (20) of subparagraph (i) of the opening paragraph of section 1210 of the tax law, as amended by section one of this act, shall be divided in the same manner and proportion as the existing three percent sales and compensating use taxes in such county are divided.

§ 2. Section 2 of subpart Z of part A of chapter 61 of the laws of 2017, amending the tax law relating to the imposition of sales and compensating use taxes by the county of Monroe, is amended to read as follows:

§ 2. Notwithstanding the provisions of subdivisions (b) and (c) of section 1262 and section 1262-g of the tax law, net collections, as such term is defined in section 1262 of the tax law, derived from the imposition of sales and compensating use taxes by the county of Monroe at the additional rate of one percent as authorized pursuant to clause (25) of subparagraph (i) of the opening paragraph of section 1210 of the tax law, as amended by section one of this act, which are in addition to the current net collections derived from the imposition of such taxes at the three percent rate authorized by the opening paragraph of section 1210 of the tax law, shall be distributed and allocated as follows: for the period of December 1, 2017 through November 30, [~~2010~~] 2020 in cash, five percent to the school districts in the area of the county outside the city of Rochester, three percent to the towns located within the county, one and one-quarter percent to the villages located within the county, and ninety and three-quarters percent to the city of Rochester and county of Monroe. The amount of the ninety and three-quarters percent to be distributed and allocated to the city of Rochester and county of Monroe shall be distributed and allocated to each so that the combined total distribution and allocation to each from the sales tax revenues pursuant to sections 1262 and 1262-g of the tax law and this section shall result in the same total amount being distributed and allocated to the city of Rochester and county of Monroe. The amount so distributed and allocated to the county shall be used for county purposes. The foregoing cash payments to the school districts shall be allocated on the basis of the enrolled public school pupils, thereof, as such term is used in subdivision (b) of section 1262 of the tax law, residing in the county of Monroe. The cash payments to the towns located within the county of Monroe shall be allocated on the basis of the ratio which the population of each town, exclusive of the population of any village or portion thereof located within a town, bears to the total population of the towns, exclusive of the population of the villages located within such towns. The cash payments to the villages located within the county shall be allocated on the basis of the ratio which the population of each village bears to the total population of the villages located within the county. The term population as used in this section shall have the same meaning as used in subdivision (b) of section 1262 of the tax law.

§ 3. Section 3 of subpart EE of part A of chapter 61 of the laws of 2017, amending the tax law relating to extending the authorization of

the county of Onondaga to impose an additional rate of sales and compensating use taxes, is amended to read as follows:

§ 3. Notwithstanding any contrary provision of law, net collections from the additional one percent rate of sales and compensating use taxes which may be imposed by the county of Onondaga during the period commencing December 1, 2018 and ending November 30, [~~2019~~] 2020, pursuant to the authority of section 1210 of the tax law, shall not be subject to any revenue distribution agreement entered into under subdivision (c) of section 1262 of the tax law, but shall be allocated and distributed or paid, at least quarterly, as follows: (i) 1.58% to the county of Onondaga for any county purpose; (ii) 97.79% to the city of Syracuse; and (iii) .63% to the school districts in accordance with subdivision (a) of section 1262 of the tax law.

§ 4. Section 2 of subpart GG of part A of chapter 61 of the laws of 2017, amending the tax law relating to extending the authority of the county of Orange to impose an additional rate of sales and compensating use taxes, is amended to read as follows:

§ 2. Notwithstanding subdivision (c) of section 1262 of the tax law, net collections from any additional rate of sales and compensating use taxes which may be imposed by the county of Orange during the period commencing December 1, 2017, and ending November 30, [~~2019~~] 2020, pursuant to the authority of section 1210 of the tax law, shall be paid to the county of Orange and shall be used by such county solely for county purposes and shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the tax law.

§ 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on June 29, 2017.

PART AA

Intentionally Omitted

PART BB

Intentionally Omitted

PART CC

Intentionally Omitted

PART DD

Intentionally Omitted

PART EE

Section 1. Subdivision 1 of section 208 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 140 of the laws of 2008, is amended to read as follows:

1. In consideration of the franchise and in accordance with its franchise agreement, the franchised corporation shall remit to the state, each year, no later than April fifth, a franchise fee payment. The franchise fee shall be calculated and equal to the lesser of paragraph (a) or (b) of this subdivision as follows: (a) adjusted net income, including all sources of audited generally accepted accounting principles net

income as of December thirty-first (i) plus the amount of depreciation and amortization for such year as set forth on the statement of cash flows (ii) less the amount received by the franchised corporation for capital expenditures and (iii) less principal payments made for the repayment of debt; or (b) operating cash which is defined as cash available on December thirty-first (i) which excludes all restricted cash accounts, segregated accounts as per audited financial statements and cash on hand needed to fund the on-track pari-mutuel operations through the vault, (ii) less [~~forty-five~~] **ninety** days of operating expenses pursuant to generally accepted accounting principles which shall be an average calculated by dividing the current year's annual budget by the number of days in such year and multiplying that number by [~~forty-five~~] **ninety**.

§ 2. An advisory committee shall be established within the New York gaming commission comprised of individuals with demonstrated interest in the performance of thoroughbred and standardbred race horses to review the present structure, operations and funding of equine drug testing and research conducted pursuant to article nine of the racing, pari-mutuel wagering and breeding law. Members of the committee, who shall be appointed by the governor, shall include but not be limited to a designee at the recommendation of each licensed or franchised thoroughbred and standardbred racetrack, a designee at the recommendation of each operating regional off-track betting corporation, a designee at the recommendation of each recognized horsemen's organization at licensed or franchised thoroughbred and standardbred racetracks, a designee at the recommendation of both Morrisville State College and the Cornell University School of Veterinary Medicine, and two designees each at the recommendation of the speaker of the assembly and temporary president of the senate. The governor shall designate the chair from among the members who shall serve as such at the pleasure of the governor. State agencies shall cooperate with and assist the committee in the fulfillment of its duties and may render informational, non-personnel services to the committee within their respective functions as the committee may reasonably request. Recommendations shall be delivered to the temporary president of the senate, speaker of the assembly and governor by December 1, 2018 regarding the future of such research, testing and funding. Members of the board shall not be considered policymakers.

§ 3. This act shall take effect immediately.

PART FF

Intentionally Omitted

PART GG

Section 1. Paragraph (a) of subdivision 1 of section 1003 of the racing, pari-mutuel wagering and breeding law, as amended by section 1 of part OO of chapter 59 of the laws of 2017, is amended to read as follows:

(a) Any racing association or corporation or regional off-track betting corporation, authorized to conduct pari-mutuel wagering under this chapter, desiring to display the simulcast of horse races on which pari-mutuel betting shall be permitted in the manner and subject to the conditions provided for in this article may apply to the commission for a license so to do. Applications for licenses shall be in such form as may be prescribed by the commission and shall contain such information

or other material or evidence as the commission may require. No license shall be issued by the commission authorizing the simulcast transmission of thoroughbred races from a track located in Suffolk county. The fee for such licenses shall be five hundred dollars per simulcast facility and for account wagering licensees that do not operate either a simulcast facility that is open to the public within the state of New York or a licensed racetrack within the state, twenty thousand dollars per year payable by the licensee to the commission for deposit into the general fund. Except as provided in this section, the commission shall not approve any application to conduct simulcasting into individual or group residences, homes or other areas for the purposes of or in connection with pari-mutuel wagering. The commission may approve simulcasting into residences, homes or other areas to be conducted jointly by one or more regional off-track betting corporations and one or more of the following: a franchised corporation, thoroughbred racing corporation or a harness racing corporation or association; provided (i) the simulcasting consists only of those races on which pari-mutuel betting is authorized by this chapter at one or more simulcast facilities for each of the contracting off-track betting corporations which shall include wagers made in accordance with section one thousand fifteen, one thousand sixteen and one thousand seventeen of this article; provided further that the contract provisions or other simulcast arrangements for such simulcast facility shall be no less favorable than those in effect on January first, two thousand five; (ii) that each off-track betting corporation having within its geographic boundaries such residences, homes or other areas technically capable of receiving the simulcast signal shall be a contracting party; (iii) the distribution of revenues shall be subject to contractual agreement of the parties except that statutory payments to non-contracting parties, if any, may not be reduced; provided, however, that nothing herein to the contrary shall prevent a track from televising its races on an irregular basis primarily for promotional or marketing purposes as found by the commission. For purposes of this paragraph, the provisions of section one thousand thirteen of this article shall not apply. Any agreement authorizing an in-home simulcasting experiment commencing prior to May fifteenth, nineteen hundred ninety-five, may, and all its terms, be extended until June thirtieth, two thousand [~~eighteen~~] **nineteen**; provided, however, that any party to such agreement may elect to terminate such agreement upon conveying written notice to all other parties of such agreement at least forty-five days prior to the effective date of the termination, via registered mail. Any party to an agreement receiving such notice of an intent to terminate, may request the commission to mediate between the parties new terms and conditions in a replacement agreement between the parties as will permit continuation of an in-home experiment until June thirtieth, two thousand [~~eighteen~~] **nineteen**; and (iv) no in-home simulcasting in the thoroughbred special betting district shall occur without the approval of the regional thoroughbred track.

§ 2. Subparagraph (iii) of paragraph d of subdivision 3 of section 1007 of the racing, pari-mutuel wagering and breeding law, as amended by section 2 of part OO of chapter 59 of the laws of 2017, is amended to read as follows:

(iii) Of the sums retained by a receiving track located in Westchester county on races received from a franchised corporation, for the period commencing January first, two thousand eight and continuing through June thirtieth, two thousand [~~eighteen~~] **nineteen**, the amount used exclusively for purses to be awarded at races conducted by such receiving track

shall be computed as follows: of the sums so retained, two and one-half percent of the total pools. Such amount shall be increased or decreased in the amount of fifty percent of the difference in total commissions determined by comparing the total commissions available after July twenty-first, nineteen hundred ninety-five to the total commissions that would have been available to such track prior to July twenty-first, nineteen hundred ninety-five.

§ 3. The opening paragraph of subdivision 1 of section 1014 of the racing, pari-mutuel wagering and breeding law, as amended by section 3 of part OO of chapter 59 of the laws of 2017, is amended to read as follows:

The provisions of this section shall govern the simulcasting of races conducted at thoroughbred tracks located in another state or country on any day during which a franchised corporation is conducting a race meeting in Saratoga county at Saratoga thoroughbred racetrack until June thirtieth, two thousand [~~eighteen~~] **nineteen** and on any day regardless of whether or not a franchised corporation is conducting a race meeting in Saratoga county at Saratoga thoroughbred racetrack after June thirtieth, two thousand [~~eighteen~~] **nineteen**. On any day on which a franchised corporation has not scheduled a racing program but a thoroughbred racing corporation located within the state is conducting racing, every off-track betting corporation branch office and every simulcasting facility licensed in accordance with section one thousand seven (that have entered into a written agreement with such facility's representative horsemen's organization, as approved by the commission), one thousand eight, or one thousand nine of this article shall be authorized to accept wagers and display the live simulcast signal from thoroughbred tracks located in another state or foreign country subject to the following provisions:

§ 4. Subdivision 1 of section 1015 of the racing, pari-mutuel wagering and breeding law, as amended by section 4 of part OO of chapter 59 of the laws of 2017, is amended to read as follows:

1. The provisions of this section shall govern the simulcasting of races conducted at harness tracks located in another state or country during the period July first, nineteen hundred ninety-four through June thirtieth, two thousand [~~eighteen~~] **nineteen**. This section shall supersede all inconsistent provisions of this chapter.

§ 5. The opening paragraph of subdivision 1 of section 1016 of the racing, pari-mutuel wagering and breeding law, as amended by section 5 of part OO of chapter 59 of the laws of 2017, is amended to read as follows:

The provisions of this section shall govern the simulcasting of races conducted at thoroughbred tracks located in another state or country on any day during which a franchised corporation is not conducting a race meeting in Saratoga county at Saratoga thoroughbred racetrack until June thirtieth, two thousand [~~eighteen~~] **nineteen**. Every off-track betting corporation branch office and every simulcasting facility licensed in accordance with section one thousand seven that have entered into a written agreement with such facility's representative horsemen's organization as approved by the commission, one thousand eight or one thousand nine of this article shall be authorized to accept wagers and display the live full-card simulcast signal of thoroughbred tracks (which may include quarter horse or mixed meetings provided that all such wagering on such races shall be construed to be thoroughbred races) located in another state or foreign country, subject to the following provisions; provided, however, no such written agreement shall be

required of a franchised corporation licensed in accordance with section one thousand seven of this article:

§ 6. The opening paragraph of section 1018 of the racing, pari-mutuel wagering and breeding law, as amended by section 6 of part OO of chapter 59 of the laws of 2017, is amended to read as follows:

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

§ 7. Section 32 of chapter 281 of the laws of 1994, amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting, as amended by section 7 of part OO of chapter 59 of the laws of 2017, is amended to read as follows:

§ 32. This act shall take effect immediately and the pari-mutuel tax reductions in section six of this act shall expire and be deemed repealed on July 1, [~~2018~~] 2019; provided, however, that nothing contained herein shall be deemed to affect the application, qualification, expiration, or repeal of any provision of law amended by any section of this act, and such provisions shall be applied or qualified or shall expire or be deemed repealed in the same manner, to the same extent and on the same date as the case may be as otherwise provided by law; provided further, however, that sections twenty-three and twenty-five of this act shall remain in full force and effect only until May 1, 1997 and at such time shall be deemed to be repealed.

§ 8. Section 54 of chapter 346 of the laws of 1990, amending the racing, pari-mutuel wagering and breeding law and other laws relating to simulcasting and the imposition of certain taxes, as amended by section 8 of part OO of chapter 59 of the laws of 2017, is amended to read as follows:

§ 54. This act shall take effect immediately; provided, however, sections three through twelve of this act shall take effect on January 1, 1991, and section 1013 of the racing, pari-mutuel wagering and breeding law, as added by section thirty-eight of this act, shall expire and be deemed repealed on July 1, [~~2018~~] 2019; and section eighteen of this act shall take effect on July 1, 2008 and sections fifty-one and fifty-two of this act shall take effect as of the same date as chapter 772 of the laws of 1989 took effect.

§ 9. Paragraph (a) of subdivision 1 of section 238 of the racing, pari-mutuel wagering and breeding law, as amended by section 9 of part OO of chapter 59 of the laws of 2017, is amended to read as follows:

(a) The franchised corporation authorized under this chapter to conduct pari-mutuel betting at a race meeting or races run thereat shall distribute all sums deposited in any pari-mutuel pool to the holders of winning tickets therein, provided such tickets be presented for payment before April first of the year following the year of their purchase,

less an amount which shall be established and retained by such franchised corporation of between twelve to seventeen per centum of the total deposits in pools resulting from on-track regular bets, and fourteen to twenty-one per centum of the total deposits in pools resulting from on-track multiple bets and fifteen to twenty-five per centum of the total deposits in pools resulting from on-track exotic bets and fifteen to thirty-six per centum of the total deposits in pools resulting from on-track super exotic bets, plus the breaks. The retention rate to be established is subject to the prior approval of the gaming commission. Such rate may not be changed more than once per calendar quarter to be effective on the first day of the calendar quarter. "Exotic bets" and "multiple bets" shall have the meanings set forth in section five hundred nineteen of this chapter. "Super exotic bets" shall have the meaning set forth in section three hundred one of this chapter. For purposes of this section, a "pick six bet" shall mean a single bet or wager on the outcomes of six races. The breaks are hereby defined as the odd cents over any multiple of five for payoffs greater than one dollar five cents but less than five dollars, over any multiple of ten for payoffs greater than five dollars but less than twenty-five dollars, over any multiple of twenty-five for payoffs greater than twenty-five dollars but less than two hundred fifty dollars, or over any multiple of fifty for payoffs over two hundred fifty dollars. Out of the amount so retained there shall be paid by such franchised corporation to the commissioner of taxation and finance, as a reasonable tax by the state for the privilege of conducting pari-mutuel betting on the races run at the race meetings held by such franchised corporation, the following percentages of the total pool for regular and multiple bets five per centum of regular bets and four per centum of multiple bets plus twenty per centum of the breaks; for exotic wagers seven and one-half per centum plus twenty per centum of the breaks, and for super exotic bets seven and one-half per centum plus fifty per centum of the breaks. For the period June first, nineteen hundred ninety-five through September ninth, nineteen hundred ninety-nine, such tax on regular wagers shall be three per centum and such tax on multiple wagers shall be two and one-half per centum, plus twenty per centum of the breaks. For the period September tenth, nineteen hundred ninety-nine through March thirty-first, two thousand one, such tax on all wagers shall be two and six-tenths per centum and for the period April first, two thousand one through December thirty-first, two thousand [~~eighteen~~] **nineteen**, such tax on all wagers shall be one and six-tenths per centum, plus, in each such period, twenty per centum of the breaks. Payment to the New York state thoroughbred breeding and development fund by such franchised corporation shall be one-half of one per centum of total daily on-track pari-mutuel pools resulting from regular, multiple and exotic bets and three per centum of super exotic bets provided, however, that for the period September tenth, nineteen hundred ninety-nine through March thirty-first, two thousand one, such payment shall be six-tenths of one per centum of regular, multiple and exotic pools and for the period April first, two thousand one through December thirty-first, two thousand [~~eighteen~~] **nineteen**, such payment shall be seven-tenths of one per centum of such pools.

§ 10. This act shall take effect immediately.

PART HH

Section 1. Subdivision 4 of section 97-nnnn of the state finance law is REPEALED.

§ 2. Subdivisions 5 and 6 of section 97-nnnn of the state finance law are renumbered subdivisions 4 and 5.

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

PART II

Intentionally Omitted

PART JJ

Section 1. Subsection (a) of section 614 of the tax law, as amended by chapter 170 of the laws of 1994, is amended to read as follows:

(a) Unmarried individual. For taxable years beginning after nineteen hundred ninety-six, the New York standard deduction of a resident individual who is not married nor the head of a household nor a surviving spouse nor an individual [~~whose federal exemption amount is zero~~] who is claimed as a dependent by another New York state taxpayer shall be seven thousand five hundred dollars; for taxable years beginning in nineteen hundred ninety-six, such standard deduction shall be seven thousand four hundred dollars; for taxable years beginning in nineteen hundred ninety-five, such standard deduction shall be six thousand six hundred dollars; and for taxable years beginning after nineteen hundred eighty-nine and before nineteen hundred ninety-five, such standard deduction shall be six thousand dollars.

§ 2. Section 612 of the tax law is amended by adding two new subsections (w) and (x) to read as follows:

(w) Alimony modifications. (1) In the case of applicable alimony or separate maintenance payments, the following modifications shall apply:

(A) There shall be subtracted from federal adjusted gross income any applicable alimony or separate maintenance payments made by the taxpayer during the taxable year.

(B) There shall be added to federal adjusted gross income any applicable alimony or separate maintenance payments received by the taxpayer during the taxable year.

(2) (A) The term "alimony or separate maintenance payments" means payments as defined under section seventy-one of the internal revenue code in effect immediately prior to the enactment of Public Law 115-97.

(B) The term "applicable alimony or separate maintenance payments" means payments made under an alimony or separation instrument (as defined in section seventy-one of the internal revenue code in effect immediately prior to the enactment of Public Law 115-97) that was executed after December thirty-first, two thousand eighteen, and any divorce or separation instrument executed on or before such date and modified after such date if the modification expressly provides that the amendments made by this section apply to such modification.

(x) Qualified moving expense reimbursement and moving expenses. (1) In the case of applicable qualified moving expense reimbursement and moving expenses, the following modifications shall apply:

(A) There shall be subtracted from federal adjusted gross income any applicable qualified moving expense reimbursement received by the taxpayer during the taxable year.

(B) There shall be subtracted from federal adjusted gross income any applicable moving expenses paid by the taxpayer during the taxable year.

(2) Applicable qualified moving expense reimbursement and moving expenses are those deductions as allowed by paragraph (g) of sections one hundred thirty-two and section two hundred seventeen, respectfully, of the internal revenue code immediately prior to the enactment of Public Law 115-97.

§ 3. Subsection (a) of section 615 of the tax law, as amended by section 1 of part HH of chapter 57 of the laws of 2010, is amended to read as follows:

(a) General. If federal taxable income of a resident individual is determined by itemizing deductions or claiming the federal standard deduction from his or her federal adjusted gross income, he or she may elect to deduct his or her New York itemized deduction [~~in lieu of~~] or claim his or her New York standard deduction. The New York itemized deduction of a resident individual means the total amount of his or her deductions from federal adjusted gross income allowed, other than federal deductions for personal exemptions, as provided in the laws of the United States for the taxable year, as such deductions existed immediately prior to the enactment of Public Law 115-97 with the modifications specified in this section, except as provided for under subsections (f) and (g) of this section.

§ 4. Subdivision (a) of section 11-1714 of the administrative code of the city of New York, as amended by chapter 170 of the laws of 1994, is amended to read as follows:

(a) Unmarried individual. For taxable years beginning after nineteen hundred ninety-six, the city standard deduction of a city resident individual who is not married nor the head of a household nor a surviving spouse nor an individual [~~whose federal exemption amount is zero~~] who is claimed as a dependent by another New York state taxpayer shall be seven thousand five hundred dollars; for taxable years beginning in nineteen hundred ninety-six, such standard deduction shall be seven thousand four hundred dollars; for taxable years beginning in nineteen hundred ninety-five, such standard deduction shall be six thousand six hundred dollars; and for taxable years beginning after nineteen hundred eighty-nine and before nineteen hundred ninety-five, such standard deduction shall be six thousand dollars.

§ 5. Section 11-1712 of the administrative code of the city of New York is amended by adding two new subdivisions (u) and (v) to read as follows:

(u) Alimony modifications. (1) In the case of applicable alimony or separate maintenance payments, the following modifications shall apply:

(A) There shall be subtracted from federal adjusted gross income any applicable alimony or separate maintenance payments made by the taxpayer during the taxable year.

(B) There shall be added to federal adjusted gross income any applicable alimony or separate maintenance payments received by the taxpayer during the taxable year.

(2) (A) The term "alimony or separate maintenance payments" means payments as defined under section seventy-one of the internal revenue code in effect immediately prior to the enactment of Public Law 115-97.

(B) The term "applicable alimony or separate maintenance payments" means payments made under an alimony or separation instrument (as defined in section seventy-one of the internal revenue code in effect immediately prior to the enactment of Public Law 115-97) that was executed after December thirty-first, two thousand eighteen, and any divorce or separation instrument executed on or before such date and

modified after such date if the modification expressly provides that the amendments made by this section apply to such modification.

(v) Qualified moving expense reimbursement and moving expenses. (1) In the case of applicable qualified moving expense reimbursement and moving expenses, the following modifications shall apply:

(A) There shall be subtracted from federal adjusted gross income any applicable qualified moving expense reimbursement received by the taxpayer during the taxable year.

(B) There shall be subtracted from federal adjusted gross income any applicable moving expenses paid by the taxpayer during the taxable year.

(2) Applicable qualified moving expense reimbursement and moving expenses are those deductions as allowed by paragraph (g) of section one hundred thirty-two and section two hundred seventeen, respectfully, of the internal revenue code immediately prior to the enactment of Public Law 115-97.

§ 6. Subdivision (a) of section 11-1715 of the administrative code of the city of New York, as amended by section 5 of part HH of chapter 57 of the laws of 2010, is amended to read as follows:

(a) General. If federal taxable income of a city resident individual is determined by itemizing deductions or claiming the federal standard deduction from his or her federal adjusted gross income, such resident individual may elect to deduct his or her city itemized deduction [~~in lieu of~~] or claim his or her city standard deduction. The city itemized deduction of a city resident individual means the total amount of his or her deductions from federal adjusted gross income allowed, other than federal deductions for personal exemptions, as provided in the laws of the United States for the taxable year, as such deductions existed immediately prior to the enactment of Public Law 115-97 with the modifications specified in this section, except as provided for under subdivisions (f) and (g) of this section.

§ 7. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2018.

PART KK

Section 1. Paragraph (b) of subdivision 6-a of section 208 of the tax law, as amended by section 5-a of part T of chapter 59 of the laws of 2015, is amended to read as follows:

(b) "Exempt CFC income" means (i) except to the extent described in subparagraph (ii) of this paragraph, the income required to be included in the taxpayer's federal gross income pursuant to subsection (a) of section 951 of the internal revenue code, received from a corporation that is conducting a unitary business with the taxpayer but is not included in a combined report with the taxpayer, and (ii) such income required to be included in the taxpayer's federal gross income pursuant to subsection (a) of such section 951 of the internal revenue code by reason of subsection (a) of section 965 of the internal revenue code, as adjusted by subsection (b) of section 965 of the internal revenue code, and without regard to subsection (c) of such section, received from a corporation that is not included in a combined report with the taxpayer, less, (iii) in the discretion of the commissioner, any interest deductions directly or indirectly attributable to that income. In lieu of subtracting from its exempt CFC income the amount of those interest deductions, the taxpayer may make a revocable election to reduce its total exempt CFC income by forty percent. If the taxpayer makes this election, the taxpayer must also make the elections provided for in

paragraph (b) of subdivision six of this section and paragraph (c) of this subdivision. If the taxpayer subsequently revokes this election, the taxpayer must revoke the elections provided for in paragraph (b) of subdivision six of this section and paragraph (c) of this subdivision. A taxpayer which does not make this election because it has no exempt CFC income will not be precluded from making those other elections. **The income described in subparagraph (ii) of this paragraph shall not constitute investment income.**

§ 1-a. Paragraph (b) of subdivision 5-a of section 11-652 of the administrative code of the city of New York, as added by section 1 of part D of chapter 60 of the laws of 2015, is amended to read as follows:

(b) "Exempt CFC income" means **(i) except to the extent described in subparagraph (ii) of this paragraph,** the income required to be included in the taxpayer's federal gross income pursuant to subsection (a) of section [~~nine hundred fifty-one~~] **951** of the internal revenue code, received from a corporation that is conducting a unitary business with the taxpayer but is not included in a combined report with the taxpayer, **and (ii) such income required to be included in the taxpayer's federal gross income pursuant to subsection (a) of such section 951 of the internal revenue code by reason of subsection (a) of section 965 of the internal revenue code, as adjusted by subsection (b) of section 965 of the internal revenue code, and without regard to subsection (c) of such section, received from a corporation that is not included in a combined report with the taxpayer,** less, **(iii)** in the discretion of the commissioner of finance, any interest deductions directly or indirectly attributable to that income. In lieu of subtracting from its exempt CFC income the amount of those interest deductions, the taxpayer may make a revocable election to reduce its total exempt CFC income by forty percent. If the taxpayer makes this election, the taxpayer must also make the elections provided for in paragraph (b) of subdivision five of this section and paragraph (c) of this subdivision. If the taxpayer subsequently revokes this election, the taxpayer must revoke the elections provided for in paragraph (b) of subdivision five of this section and paragraph (c) of this subdivision. A taxpayer which does not make this election because it has no exempt CFC income will not be precluded from making those other elections. **The income described in subparagraph (ii) of this paragraph shall not constitute investment income.**

§ 2. Subparagraph 6 of paragraph (a) of subdivision 9 of section 208 of the tax law, as amended by section 4 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(6) any amount treated as dividends pursuant to section seventy-eight of the internal revenue code **to the extent that such dividends are not deducted under section two hundred fifty of such code**;

§ 3. Paragraph (b) of subdivision 9 of section 208 of the tax law is amended by adding two new subparagraphs 23 and 24 to read as follow:

(23) The amount of any federal deduction allowed pursuant to subsection (c) of section 965 of the internal revenue code.

(24) The amount of any federal deduction allowed pursuant to section 250(a)(1)(A) of the internal revenue code.

§ 3-a. Subparagraph 2-a of paragraph (a) and subparagraph 19 of paragraph (b) of subdivision 8 of section 11-652 of the administrative code of the city of New York, as added by section 1 of part D of chapter 60 of the laws of 2015, are amended and two new subparagraphs 20 and 21 are added to read as follows:

(2-a) any amounts treated as dividends pursuant to section seventy-eight of the internal revenue code **to the extent such dividends are not deducted under section 250 of such code**;

(19) the amount of any federal deduction for taxes imposed under article twenty-three of the tax law[~~.~~]**;**

(20) the amount of any federal deduction allowed pursuant to subsection (c) of section 965 of the internal revenue code;

(21) the amount of any federal deduction allowed pursuant to section 250(a)(1)(A) of the internal revenue code.

§ 4. Paragraph 1 of subsection (c) of section 1085 of the tax law, as amended by section 13-a of part Q of chapter 60 of the laws of 2016, is amended to read as follows:

(1) If any taxpayer fails to file a declaration of estimated tax under article nine-A of this chapter, or fails to pay all or any part of an amount which is applied as an installment against such estimated tax, it shall be deemed to have made an underpayment of estimated tax. There shall be added to the tax for the taxable year an amount at the underpayment rate set by the commissioner pursuant to section one thousand ninety-six of this article, or if no rate is set, at the rate of seven and one-half percent per annum upon the amount of the underpayment for the period of the underpayment but not beyond the fifteenth day of the [~~third~~] **fourth** month following the close of the taxable year. **Provided, however, that, for taxable years beginning on or after January first, two thousand seventeen and before January first, two thousand eighteen, no amount shall be added to the tax with respect to the portion of such tax related to the amount of any interest deductions directly or indirectly attributable to the amount included in exempt CFC income pursuant to subparagraph (ii) of paragraph (b) of subdivision six-a of section two hundred eight of this chapter or the forty percent reduction of such exempt CFC income in lieu of interest attribution if the election described in paragraph (b) of subdivision six-a of such section is made.** The amount of the underpayment shall be, with respect to any installment of estimated tax computed on the basis of either the preceding year's tax or the second preceding year's tax, the excess of the amount required to be paid over the amount, if any, paid on or before the last day prescribed for such payment or, with respect to any other installment of estimated tax, the excess of the amount of the installment which would be required to be paid if the estimated tax were equal to ninety-one percent of the tax shown on the return for the taxable year (or if no return was filed, ninety-one percent of the tax for such year) over the amount, if any, of the installment paid on or before the last day prescribed for such payment. In any case in which there would be no underpayment if "eighty percent" were substituted for "ninety-one percent" each place it appears in this subsection, the addition to the tax shall be equal to seventy-five percent of the amount otherwise determined. No underpayment shall be deemed to exist with respect to a declaration or installment otherwise due on or after the termination of existence of the taxpayer.

§ 4-a. Subdivision 3 of section 11-676 of the administrative code of the city of New York, as amended by section 12 of part D of chapter 60 of the laws of 2015, is amended to read as follows:

3. Failure to file declaration or underpayment of estimated tax. If any taxpayer fails to file a declaration of estimated tax under subchapter two, three or three-A of this chapter, or fails to pay all or any part of an amount which is applied as an installment against such estimated tax, it shall be deemed to have made an underpayment of estimated

tax. There shall be added to the tax for the taxable year an amount at the underpayment rate set by the commissioner of finance pursuant to section 11-687 of this subchapter, or, if no rate is set, at the rate of seven and one-half percent per annum upon the amount of the underpayment for the period of the underpayment but not beyond the fifteenth day of the [~~third~~] fourth month following the close of the taxable year. Provided, however, that, for taxable years beginning on or after January first, two thousand seventeen and before January first, two thousand eighteen, no amount shall be added to the tax with respect to the portion of such tax related to the amount of any interest deductions directly or indirectly attributable to the amount included in exempt CFC income pursuant to subparagraph (ii) of paragraph (b) of subdivision five-a of section 11-652 of this chapter or the forty percent reduction of such exempt CFC income in lieu of interest attribution if the election described in paragraph (b) of subdivision five-a of such section is made. The amount of the underpayment shall be, with respect to any installment of estimated tax computed on the basis of either the preceding year's tax or the second preceding year's tax, the excess of the amount required to be paid over the amount, if any, paid on or before the last day prescribed for such payment or, with respect to any other installment of estimated tax, the excess of the amount of the installment which would be required to be paid if the estimated tax were equal to ninety percent of the tax shown on the return for the taxable year (or if no return was filed, ninety percent of the tax for such year) over the amount, if any, of the installment paid on or before the last day prescribed for such payment. In any case in which there would be no underpayment if "eighty percent" were substituted for "ninety percent" each place it appears in this subdivision, the addition to the tax shall be equal to seventy-five percent of the amount otherwise determined. No underpayment shall be deemed to exist with respect to a declaration or installment otherwise due on or after the termination of existence of the taxpayer.

§ 4-b. Subparagraphs (A) and (B) of paragraph 1 of subdivision (b) of section 1503 of the tax law, as amended by section 12 of part FF1 of chapter 57 of the laws of 2008, are amended to read as follows:

(A) income, gains and losses from subsidiary capital which do not include the amount of a recovery in respect of any war loss, except that this modification shall not apply to the amount described in subparagraph (S) of this paragraph;

(B) fifty percent of dividends other than from subsidiaries, except that this modification shall not apply to the amount described in subparagraph (S) of this paragraph, and except that, in the case of a life insurance company, such modification shall apply only with respect to the company's share of such dividends, which share means the percentage determined under paragraph one of subsection (a) of section eight hundred twelve of the internal revenue code;

§ 4-c. Paragraph 1 of subdivision (b) of section 1503 of the tax law is amended by adding a new subparagraph (S) to read as follows:

(S) The income required to be included in the taxpayer's federal gross income pursuant to subsection (a) of section 951 of the internal revenue code by reason of subsection (a) of section 965 of such code as adjusted by subsection (b) of such section but without regard to subsection (c) of such section to the extent such income is received from a corporation that is not included in a combined return with the taxpayer.

§ 4-d. Subparagraph (B) of paragraph 2 of subdivision (b) of section 1503 of the tax law, as added by chapter 649 of the laws of 1974, is amended to read as follows:

(B) any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in subparagraphs (A) [~~and~~], (B) and (S) of paragraph one hereof;

§ 4-e. Subparagraph (H) of paragraph 2 of subdivision (b) of section 1503 of the tax law, as amended by section 13 of part FF1 of chapter 57 of the laws of 2008, is amended to read as follows:

(H) in the discretion of the commissioner, any amount of interest directly or indirectly and any other amount directly attributable as a carrying charge or otherwise to subsidiary capital or to income, gains or losses from subsidiary capital, or to the income described in subparagraph (S) of paragraph one of this subdivision;

§ 4-f. Paragraph 2 of subdivision (b) of section 1503 of the tax law is amended by adding new subparagraphs (W) and (X) to read as follows:

(W) The amount of any federal deduction allowed pursuant to subsection (c) of section 965 of the internal revenue code.

(X) The amount of any federal deduction allowed pursuant to section 250(a)(1)(A) of the internal revenue code.

§ 5. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2017.

PART LL

Section 1. The state finance law is amended by adding a new section 92-gg to read as follows:

§ 92-gg. Charitable gifts trust fund. 1. There is hereby established in the joint custody of the commissioner of taxation and finance and the state comptroller a special fund pursuant to section eleven of this chapter to be known as the "charitable gifts trust fund".

2. Moneys in the charitable gifts trust fund shall be kept separate from and shall not be commingled with any other moneys in the custody of the comptroller or the commissioner of taxation and finance. Provided, however that any moneys of the fund not required for immediate use may, at the discretion of the comptroller, in consultation with the director of the budget, be invested by the comptroller in obligations of the United States or the state. The proceeds of any such investment shall be retained by the fund as assets to be used for purposes of the fund.

3. Except as set forth in subdivisions two and four of this section, no moneys from the charitable gifts trust fund shall be transferred to any other fund, nor shall moneys from the fund be used to make payments for any purpose other than the purposes set forth in subdivisions two and four of this section.

4. The charitable gifts trust fund shall have two separate and distinct accounts, as set forth in paragraphs a and b of this subdivision. Moneys in each of the accounts shall be kept separate from and shall not be commingled with any other moneys of any other account within the fund.

a. The "health charitable account" shall consist of monetary grants, gifts or bequests received by the state, and all other moneys credited or transferred thereto from any other fund or source. Moneys of such account shall only be expended for the support of services relating to primary, preventive, and inpatient health care, dental and vision care, hunger prevention and nutritional assistance, and other services for New York state residents with the overall goal of ensuring that New York

state residents have access to quality health care and other related services.

b. The "elementary and secondary education charitable account" shall consist of monetary grants, gifts or bequests received by the state for the support of elementary and secondary education of children enrolled in public school districts in the state and all other moneys credited or transferred thereto from any other fund or source. Moneys of such account shall only be expended for the provision of elementary and secondary education of children in the state.

§ 2. Credits for certain charitable contributions to Health Research, Inc. 1. Charitable monetary contributions to Health Research, Inc. (hereinafter "the corporation") that conform to the provisions of this subdivision shall be considered qualified contributions for purposes of the tax credit available pursuant to subsection (iii) of section 606 of the tax law.

(a) Applications for contribution authorization certificates. Contributors seeking to make a qualified contribution to the corporation shall apply to the corporation for a contribution authorization certificate for such contribution. Such application shall be in the form and manner prescribed by the corporation. The corporation may allow contributors to make multiple applications on the same form, provided that each contribution listed on such application shall be treated as a separate application and that the corporation shall issue separate contribution authorization certificates for each such application.

(b) Contribution authorization and receipt certificates. (i) Issuance of certificates. The president of the corporation shall issue contribution authorization certificates in two phases. In phase one, which begins on the first day of January and ends on the thirtieth day of September, the president of the corporation shall accept applications for contribution authorization certificates, but shall not issue any such certificates. Commencing after the first day of October, the president of the corporation shall issue contribution authorization certificates for applications received during phase one, provided that if the aggregate total of the contributions for which applications have been received during phase one exceeds the amount of the contribution cap in paragraph (e) of this subdivision, the authorized contribution amount listed on each contribution authorization certificate shall equal the pro-rata share of the contribution cap. If the contribution cap is not exceeded, phase two commences on October first and ends on November fifteenth, during which period the president of the corporation shall issue contribution authorization certificates on a first-come first-served basis based upon the date the corporation received the contributor's application for such certificate; provided, however, that if on any day the corporation receives applications requesting contribution authorization certificates for contributions that in the aggregate exceed the amount of the remaining available contribution cap on such day, the authorized contribution amount listed in each contribution authorization certificate shall be the contributor's pro-rata share of the remaining available contribution cap. For purposes of determining a contributor's pro-rata share of remaining available contribution cap, the head of the corporation shall multiply the amount of remaining available contribution cap by a fraction, the numerator of which equals the total contribution amount listed on the contributor's application and the denominator of which equals the aggregate amount of contributions listed on the applications for contribution authorization certificates received on such day. Contribution authorization certificates

for applications received during phase one shall be mailed no later than the fifteenth day of October. Contribution authorization certificates for applications received during phase two shall be mailed within twenty days of receipt of such applications. Provided, however, that no contribution authorization certificates for applications received during phase two shall be issued until all of the contribution authorization certificates for applications received during phase one have been issued.

(ii) Contribution authorization certificate contents. Each contribution authorization certificate shall state: (A) the date such certificate was issued; (B) the date by which the authorized contributions listed in the certificate must be made, which shall be no later than November thirtieth of the year for which the contribution authorization certificate was issued; (C) the contributor's name and address; (D) the amount of authorized contributions; (E) the contribution authorization certificate's certificate number; and (F) any other information that the president of the corporation or the commissioner of taxation and finance deems necessary.

(c) Certificate of receipt. If a contributor makes an authorized contribution to the corporation no later than the date by which such authorized contribution is required to be made, the corporation shall, within 30 days of receipt of the authorized contribution, issue to the contributor a written certificate of receipt. Each certificate of receipt shall state: (i) the name and address of the corporation; (ii) the contributor's name and address; (iii) the date for each contribution; (iv) the amount of each contribution and the corresponding contribution authorization certificate number; (v) the total amount of contributions; and (vi) any other information that the commissioner of taxation and finance deems necessary.

(d) Notification to the department of the issuance of a certificate of receipt. Upon the issuance of a certificate of receipt, the corporation shall, within thirty days of issuing the certificate of receipt, provide the department of taxation and finance with notification of the issuance of such certificate in the form and manner prescribed by the department of taxation and finance.

(e) Contribution cap. The maximum permitted contributions under this section available annually for calendar year two thousand eighteen and all following years shall be ten million dollars.

2. Use of authorized contributions. The corporation shall develop policies and procedures to ensure that all contributions for which certificates of receipt have been issued are expended only for one or more of the following charitable health purposes: to support and supplement laboratory facilities and programs, including, but not limited to, laboratory testing and scientific research; to support and supplement bioinformatics programs, including, but not limited to, developing public health data analytical strategies; and to support and supplement other public health activities.

§ 3. Credits for certain charitable contributions to University Foundations. 1. Charitable monetary contributions to the State University of New York Impact Foundation (hereinafter "the SUNY foundation") or the Research Foundation of the City University of New York (hereinafter "the CUNY foundation") that conform to the provisions of this subdivision shall be considered qualified contributions for purposes of the tax credit available pursuant to subsection (iii) of section 606 of the tax law.

(a) Applications for contribution authorization certificates. Contributors seeking to make a qualified contribution to the SUNY foundation or the CUNY foundation shall apply to such foundation for a contribution authorization certificate for such contribution. Such application shall be in the form and manner prescribed by the corporation. Each foundation may allow contributors to make multiple applications on the same form, provided that each contribution listed on such application shall be treated as a separate application and that the foundation shall issue separate contribution authorization certificates for each such application.

(b) Contribution authorization and receipt certificates. (i) Issuance of certificates. The head of each foundation shall issue contribution authorization certificates in two phases. In phase one, which begins on the first day of January and ends on the thirtieth day of September, the head of each foundation shall accept applications for contribution authorization certificates, but shall not issue any such certificates. Commencing after the first day of October, the head of each foundation shall issue contribution authorization certificates for applications received during phase one, provided that if the aggregate total of the contributions for which applications have been received during phase one exceeds the amount of the contribution cap in paragraph (e) of this subdivision, the authorized contribution amount listed on each contribution authorization certificate shall equal the pro-rata share of the contribution cap. If the contribution cap is not exceeded, phase two commences on October first and ends on November fifteenth, during which period the head of each foundation shall issue contribution authorization certificates on a first-come first-served basis based upon the date the foundation received the contributor's application for such certificate; provided, however, that if on any day the SUNY foundation or the CUNY foundation receives applications requesting contribution authorization certificates for contributions that in the aggregate exceed the amount of the remaining available contribution cap on such day, the authorized contribution amount listed in each contribution authorization certificate shall be the contributor's pro-rata share of the remaining available contribution cap. For purposes of determining a contributor's pro-rata share of remaining available contribution cap, the head of each foundation shall multiply the amount of remaining available contribution cap by a fraction, the numerator of which equals the total contribution amount listed on the contributor's application and the denominator of which equals the aggregate amount of contributions listed on the applications for contribution authorization certificates received on such day. Contribution authorization certificates for applications received during phase one shall be mailed no later than the fifteenth day of October. Contribution authorization certificates for applications received during phase two shall be mailed within twenty days of receipt of such applications. Provided, however, that no contribution authorization certificates for applications received during phase two shall be issued until all of the contribution authorization certificates for applications received during phase one have been issued.

(ii) Contribution authorization certificate contents. Each contribution authorization certificate shall state: (A) the date such certificate was issued; (B) the date by which the authorized contributions listed in the certificate must be made, which shall be no later than November thirtieth of the year for which the contribution authorization certificate was issued; (C) the contributor's name and address; (D) the

amount of authorized contributions; (E) the contribution authorization certificate's certificate number; and (F) any other information that the head of the respective foundation or the commissioner of taxation and finance deems necessary.

(c) Certificate of receipt. If a contributor makes an authorized contribution to the SUNY foundation or the CUNY foundation no later than the date by which such authorized contribution is required to be made, such foundation shall, within thirty days of receipt of the authorized contribution, issue to the contributor a written certificate of receipt. Each certificate of receipt shall state: (i) the name and address of the foundation; (ii) the contributor's name and address; (iii) the date for each contribution; (iv) the amount of each contribution and the corresponding contribution authorization certificate number; (v) the total amount of contributions; and (vi) any other information that the commissioner of taxation and finance deems necessary.

(d) Notification to the department of the issuance of a certificate of receipt. Upon the issuance of a certificate of receipt, the respective foundation shall, within thirty days of issuing the certificate of receipt, provide the department of taxation and finance with notification of the issuance of such certificate in the form and manner prescribed by the department of taxation and finance.

(e) Contribution cap. The maximum permitted contributions under this section available annually for calendar year two thousand eighteen and all following years shall be ten million dollars for the SUNY foundation and ten million dollars for the CUNY foundation.

2. Use of authorized contributions. The SUNY foundation and the CUNY foundation shall develop policies and procedures to ensure that all contributions for which certificates of receipt have been issued are expended only to support programs benefiting students enrolled at the state university of New York and the city university of New York, respectively. Provided however, contributions may not be used for scholarships or tuition assistance.

§ 4. Section 606 of the tax law is amended by adding a new subsection (iii) to read as follows:

(iii) Credit for contributions to certain funds. For taxable years beginning on or after January first, two thousand nineteen, an individual taxpayer shall be allowed a credit against the tax imposed under this article for an amount equal to eighty-five percent of the sum of: (1) the amount contributed by the taxpayer during the immediately preceding taxable year to any or all of the following accounts within the charitable gifts trust fund set forth in section ninety-two-gg of the state finance law: the health charitable account established by paragraph a of subdivision four of section ninety-two-gg of the state finance law, or the elementary and secondary education charitable account established by paragraph b of subdivision four of section ninety-two-gg of the state finance law; (2) the amount of qualified contributions made by the taxpayer to Health Research, Inc. in accordance with section two of the chapter of the laws of two thousand eighteen that added this subsection; and (3) the amount of qualified contributions made by the taxpayer to the State University of New York Impact Foundation and/or the Research Foundation of the City University of New York in accordance with section three of the chapter of the laws of two thousand eighteen that added this subsection.

§ 5. Section 1604 of the education law is amended by adding a new subdivision 44 to read as follows:

44. To establish a charitable fund, by resolution of the trustees, to receive unrestricted charitable monetary donations made to such fund for use by the district for public educational purposes. The monies of such charitable fund shall be deposited and secured in the manner provided by section ten of the general municipal law. The monies of such charitable fund may be invested in the manner provided by section eleven of the general municipal law. Any interest earned or capital gain realized on the money so invested shall accrue to and become part of such fund. At such time and in such amounts as determined by the trustees, the monies of such charitable fund shall be transferred to the school district's general fund for expenditure consistent with the charitable purposes of the fund, provided that the amount of taxes to be levied by the school district for any school year shall be determined without regard to any such transfer. The school district shall maintain an accounting of all such deposits, interest or capital gain, transfers, and expenditures.

§ 6. Section 1709 of the education law is amended by adding a new subdivision 12-b to read as follows:

12-b. To establish a charitable fund, by resolution of the board, to receive unrestricted charitable monetary donations made to such fund for use by the district for public educational purposes. The monies of such charitable fund shall be deposited and secured in the manner provided by section ten of the general municipal law. The monies of such charitable fund may be invested in the manner provided by section eleven of the general municipal law. Any interest earned or capital gain realized on the money so invested shall accrue to and become part of such fund. At such time and in such amounts as determined by the board, the monies of such charitable fund shall be transferred to the school district's general fund for expenditure consistent with the charitable purposes of the fund, provided that the amount of taxes to be levied by the school district for any school year shall be determined without regard to any such transfer. The school district shall maintain an accounting of all such deposits, interest or capital gain, transfers, and expenditures.

§ 7. Section 2590-h of the education law is amended by adding a new subdivision 54 to read as follows:

54. To establish a charitable fund to receive unrestricted charitable monetary donations made to such fund for use by the city school district for public educational purposes. The monies of such charitable fund shall be deposited and secured in the manner provided by section ten of the general municipal law. The monies of such charitable fund may be invested in the manner provided by section eleven of the general municipal law. Any interest earned or capital gain realized on the money so invested shall accrue to and become part of such fund. At such time and in such amounts as determined by the chancellor, the monies of such charitable fund shall be transferred to the city school district's general fund for expenditure consistent with the charitable purposes of the fund, provided that the amount of taxes to be levied by the city for any school year shall be determined without regard to any such transfer. The city school district shall maintain an accounting of all such deposits, interest or capital gain, transfers, and expenditures.

§ 8. The general municipal law is amended by adding two new sections 6-t and 6-u to read as follows:

§ 6-t. Charitable gifts reserve fund. 1. The governing board of any county or New York city may establish a reserve fund to be known as a charitable gifts reserve fund.

2. Such fund may receive unrestricted charitable monetary contributions and the moneys in such fund shall be deposited and secured in the

manner provided by section ten of this article. The governing board, or the chief fiscal officer of such county, or New York city, if the governing board shall delegate such duty to him or her, may invest the moneys in such fund in the manner provided by section eleven of this article. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of such fund. The separate identity of such fund shall be maintained whether its assets consist of cash or investments or both.

3. At the end of the fiscal year, the governing board of the county or New York city, within sixty days of the close of the fiscal year, shall transfer the funds to the general fund or other fund of the municipal corporation, so that the funds may be used for charitable purposes.

4. The governing board shall establish a procedure for contributions to the charitable gifts reserve fund, which shall include the provision of a written acknowledgment of the gift to the contributor.

§ 6-u. Charitable gifts reserve fund. 1. The governing board of any city with a population less than one million, town or village may establish a reserve fund to be known as a charitable gifts reserve fund.

2. Such fund may receive unrestricted charitable monetary contributions and the moneys in such fund shall be deposited and secured in the manner provided by section ten of this article. The governing board, or the chief fiscal officer of such town, village or city, if the governing board shall delegate such duty to him or her, may invest the moneys in such fund in the manner provided by section eleven of this article. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of such fund. The separate identity of such fund shall be maintained whether its assets consist of cash or investments or both.

3. At the end of the fiscal year, the governing board of the town, village or city, within sixty days of the close of the fiscal year, may transfer the funds to the general fund or other fund of the municipal corporation, so that the funds may be used for charitable purposes.

4. The governing board shall establish a procedure for contributions to the charitable gifts reserve fund, which shall include the provision of a written acknowledgment of the gift to the contributor.

§ 9. The real property tax law is amended by adding a new section 980-a to read as follows:

§ 980-a. Tax credits for contributions to certain funds. 1. (a) A municipal corporation that has established a fund pursuant to subdivision forty-four of section sixteen hundred four of the education law, subdivision twelve-b of section seventeen hundred nine of the education law, subdivision fifty-four of section twenty-five hundred ninety-h of the education law, or section six-t or six-u of the general municipal law, may adopt a local law, or in the case of a school district, a resolution, authorizing a tax credit to be provided pursuant to this section for contributions to such fund. For purposes of this section, a municipal corporation that has established such a fund and authorized such a credit shall be referred to as a "participating" municipal corporation.

(b) On and after a date specified in the local law or resolution adopted by a participating municipal corporation pursuant to paragraph (a) of this subdivision, the owner or owners of real property shall be allowed a credit against the real property taxes of a participating municipal corporation that have been imposed upon such property. The amount of such credit shall equal ninety-five percent, or such lesser allowable percentage credit as may have been established pursuant to

paragraph (c) of this subdivision, of the amount contributed by one or more of the owners of such property during the "associated credit year" as defined in this section, to any or all of the funds established by such municipal corporation, subject to the limit established pursuant to paragraph (c) of this subdivision, if any.

(c) The participating municipal corporation may establish a limit upon the amount or percentage of such credit to be allowed in any given fiscal year, in which case the amount of such credit shall not exceed any limit so established. Any such limit shall be adopted by local law, or in the case of a school district, by resolution, which local law or resolution may either be the same as or separate from the local law or resolution that initially authorized the credit. Once such a limit has been adopted, it may be amended or repealed thereafter by local law, or in the case of a school district, by resolution, provided that any such amendment or repeal shall only apply to taxes of the participating municipal corporation for fiscal years commencing after the adoption of such local law or resolution. A copy of any local law or resolution establishing, amending or repealing such a limit shall be provided to the collecting officer who collects the taxes of the participating municipal corporation.

2. For purposes of this section, the "associated credit year" shall be the twelve-month period during which the owner of the property has made a contribution described in subdivision one of this section that ends on the last day prescribed by law on which the taxes of the participating municipal corporation may be paid without interest or penalties, subject to the following:

(a) Where such taxes are payable in installments, such twelve-month period shall end on the last day prescribed by law on which the first installment of such taxes may be paid without interest or penalties.

(b) Where a participating municipal corporation is a city school district that is subject to article fifty-two of the education law, such twelve-month period shall end on the last day prescribed by law on which city taxes may be paid without interest or penalties, or if applicable, on the last day prescribed by law on which the first installment of such taxes may be paid without interest or penalties.

(c) Each such twelve-month period shall be determined without regard to the possibility that the period prescribed by law for paying such taxes without interest or penalties may be extended due to a delay in the first publication of the collecting officer's notice as provided by sections thirteen hundred twenty-two or thirteen hundred twenty-four of this chapter or a comparable law, or due to an executive order issued in connection with a state disaster emergency as provided by subdivision two of section nine hundred twenty-five-a of this chapter.

3. The credit authorized by this section shall be administered as follows:

(a) The administrator of the fund or its designated agent shall, upon receiving a contribution to the fund specified in subdivision one of this section during a credit year, furnish the property owner with an acknowledgement in duplicate. Such acknowledgement shall be provided on a form prescribed by the commissioner and shall specify the amount of the contribution, the name and address of the donor, the date the contribution was received, the authorized signature of the administrator or agent, and such other information as the commissioner shall require.

(b) After receiving such an acknowledgement, the property owner may present it to the appropriate collecting officer on or before the last day prescribed by law on which taxes may be paid without interest or

penalty, together with a credit claim on a form prescribed by the commissioner. Such credit claim form shall contain the name of the property owner or owners, the date and amount of the contributions made to the account during the associated credit year, the address of the property to which the credit claim relates, and such other information as the commissioner shall require. Notwithstanding any provision of law to the contrary, the collecting officer shall thereupon be authorized and directed to grant the property owner a tax credit equal to ninety-five percent, or such lesser allowable percentage credit as may have been established pursuant to paragraph (c) of subdivision one of this section, of the amount of the contributions made during the associated credit year as specified on the acknowledgement, and to reduce the tax liability on the parcel accordingly, provided that such credit may not exceed any percentage credit or other limit established by the participating municipal corporation pursuant to paragraph (c) of subdivision one of this section, if such a limit has been established, and may not exceed the property taxes due or paid that are attributable to the participating municipal corporation. Where taxes are payable in installments, if the credit exceeds the amount of the first installment, the excess shall be applied to future installments until exhausted. The participating municipal corporation may adopt a local law, or in the case of a school district, a resolution, providing that where a property owner submits a credit claim form to the collecting officer prior to the collecting officer's receipt of the tax warrant, or such other date as may be specified in such local law or resolution, the associated property tax bill shall reflect a reduction in the tax liability equal to the credit authorized by this section; provided however that if the collecting officer is not employed by the participating municipal corporation, such local law or resolution shall not take effect unless and until the governing body of the municipal corporation that employs the collecting officer has adopted a resolution agreeing thereto. The department of financial services, in consultation with the department, shall promulgate regulations related to the adjustment of mortgage escrow accounts to reflect the credits provided pursuant to this section.

(c) If the property owner fails to present the acknowledgment and credit claim form to the collecting officer on or before the last day prescribed by law on which taxes may be paid without interest or penalty, he or she may present the same to the chief fiscal officer or chief financial officer of the participating municipal corporation, or to a member of his or her staff. Such officer shall thereupon be authorized and directed to grant the property owner a refund of property taxes in the amount of the credit, which amount shall be equal to ninety-five percent, or such lesser allowable percentage credit as may have been established pursuant to paragraph (c) of subdivision one of this section, of the total contributions made during the associated credit year, provided that such refund shall not exceed the property taxes that have been paid on the property or any percentage credit or other limit established pursuant to paragraph (c) of subdivision one of this section, if any, and may not exceed the property taxes due or paid that are attributable to the participating municipal corporation. Provided further, that no interest shall be payable on such refund if paid within forty-five days of the receipt of the acknowledgment and credit claim form. The owner of the property may file such refund claim with the authorized officer at any time during the three year period beginning immediately after the last day such taxes were payable without interest or penalty.

4. The amount of the itemized deduction that may be claimed by a taxpayer under section six hundred fifteen of the tax law with respect to the taxes paid on such property may not exceed the amount of the taxes of a participating municipal corporation that have been imposed upon such property minus the amount of the credit provided pursuant to this section.

§ 10. This act shall take effect immediately; provided, however, that the amendments to section 2590-h of the education law made by section seven of this act shall not affect the expiration and reversion of such section and shall expire and be deemed repealed therewith; and provided further that if section 2590-h of the education law expires or is repealed and is reverted prior to the effective date of this act, section seven of this act shall not take effect.

PART MM

Section 1. The tax law is amended by adding a new article 24 to read as follows:

ARTICLE 24

EMPLOYER COMPENSATION EXPENSE PROGRAM

Section 850. Definitions.
851. Employer election.
852. Imposition and rate of tax.
853. Pass through of tax.
854. Payment of tax.
855. Employee credit.
856. Deposit and disposition of revenue.
857. Procedural provisions.

§ 850. Definitions. For purposes of this article:

(a) Employer. Employer means an employer that is required by section six hundred seventy-one of this chapter to deduct and withhold tax from wages.

(b) Electing employer. Electing employer is an employer that has made the election provided for in section eight hundred fifty-one of this article.

(c) Payroll expense. Payroll expense means wages and compensation as defined in sections 3121 and 3231 of the internal revenue code (without regard to section 3121(a)(1) and section 3231(e)(2)(A)(i)), paid to all covered employees.

(d) Covered employee. Covered employee means an employee of an electing employer who is required to have amounts withheld under section six hundred seventy-one of this chapter and receives annual wages and compensation from his or her employer of more than forty thousand dollars annually.

§ 851. Employer election. (a) Any employer who employs covered employees in the state shall be allowed to make an annual election to be taxed under this article.

(b) In order to be effective, the annual election must be made by (1) if the employer is not a corporation, by any member, owner, or other individual with authority to bind the entity or sign returns required pursuant to section six hundred fifty-three of this chapter; or (2) if the employer is a for-profit or not-for-profit corporation, by any officer or manager of the employer who is authorized under the law of the state where the corporation is incorporated or under the employer's organizational documents to make the election and who represents to having such authorization under penalty of perjury; or (3) if the

employer is a trust, by the unanimous consent of all trustees; or (4) if the employer is a governmental entity, by the chief executive officer of such governmental entity.

(c) The annual election must be made by December first of each calendar year and will take effect for the immediately succeeding calendar year. If an election is made after December first of a calendar year, it will first take effect in the second succeeding calendar year.

§ 852. Imposition and rate of tax. A tax is hereby imposed on the payroll expense paid by electing employers to covered employees. For two thousand nineteen, the tax shall be equal to one and one-half percent of the payroll expense paid by electing employers to covered employees during the calendar quarter. For two thousand twenty, the tax shall be equal to three percent of the payroll expense paid by electing employers to covered employees during the calendar quarter. For two thousand twenty-one and thereafter, the tax shall be equal to five percent of the payroll expense paid by electing employers to covered employees during the calendar quarter. An electing employer shall only be subject to the tax imposed under this article on the payroll expense paid to any covered employee during the calendar year in excess of forty thousand dollars.

§ 853. Pass through of tax. An employer cannot deduct from the wages or compensation of an employee any amount that represents all or any portion of the tax imposed on the employer under this article.

§ 854. Payment of tax. Employers with payroll expense. The tax imposed on the payroll expense of electing employers under section eight hundred fifty-two of this article must be paid at the same time the electing employer is required to remit payments under section six hundred seventy-four of this chapter; provided however, that electing employers subject to the provisions in section nine of this chapter must pay the tax on the payroll expense at the same time as the withholding tax remitted under the electronic payment reporting system and the electronic funds transfer system authorized by section nine of this chapter.

§ 855. Employee credit. A covered employee shall be allowed a credit against the tax imposed under article twenty-two of this chapter, computed pursuant to the provisions of subsection (ccc) of section six hundred six of this chapter.

§ 856. Deposit and disposition of revenue. All taxes, interest, penalties, and fees collected or received by the commissioner under this article shall be deposited and disposed of pursuant to the provisions of section one hundred seventy-one-a of this chapter.

§ 857. Procedural provisions. (a) General. All provisions of article twenty-two of this chapter will apply to the provisions of this article in the same manner and with the same force and effect as if the language of article twenty-two of this chapter had been incorporated in full into this article and had been specifically adjusted for and expressly referred to the tax imposed by this article, except to the extent that any provision is either inconsistent with a provision of this article or is not relevant to this article. Notwithstanding the preceding sentence, no credit against tax in article twenty-two of this chapter can be used to offset the tax due under this article.

(b) Notwithstanding the provisions of section six hundred ninety-seven of this chapter, if the commissioner determines that a person is liable for any tax, penalty or interest under this article pursuant to subsection (b) of section eight hundred fifty-four of this article, upon request in writing of such person, the commissioner shall disclose in writing to such person (1) the name of any other person the commissioner

has determined to be liable for such tax, penalty or interest under this article for the electing employer, and (2) whether the commissioner has attempted to collect such tax, penalty or interest from such other person or electing employer, the general nature of such collection activities, and the amount collected.

(c) Notwithstanding any other law to the contrary, the commissioner may require that all filings of forms or returns under this article must be filed electronically and all payments of tax must be paid electronically. The commissioner may prescribe the methods for quarterly filings by electing employers, including but not limited to, the inclusion of specific employee-level detail.

§ 2. Section 606 of the tax law is amended by adding a new subsection (ccc) to read as follows:

(ccc) Article twenty-four employee credit. A covered employee of an electing employer shall be entitled to a credit against the tax imposed by this article as provided in this subsection. For purposes of this subsection the terms "covered employee" and "electing employer" shall have the same meanings as under section eight hundred fifty of this chapter. (1) For two thousand nineteen, the credit shall be equal to the product of (i) the covered employee's wages and compensation in excess of forty thousand dollars received during the tax year from the electing employer that are subject to tax under this article and (ii) one and one-half percent and (iii) the result of one minus a fraction, the numerator of which shall be the tax imposed on the covered employee as determined pursuant to section six hundred one of this article before the application of any credits for the applicable tax year and the denominator of which shall be the covered employee's taxable income as determined pursuant to this article for the applicable tax year. (2) For two thousand twenty, the credit shall be equal to the product of (i) the covered employee's wages and compensation in excess of forty thousand dollars received during the tax year from the electing employer that are subject to tax under this article and (ii) three percent and (iii) the result of one minus a fraction, the numerator of which shall be the tax imposed on the covered employee as determined pursuant to section six hundred one of this article before the application of any credits for the applicable tax year and the denominator of which shall be the covered employee's taxable income as determined pursuant to this article for the applicable tax year. (3) For two thousand twenty-one and thereafter, the credit shall be equal to the product of (i) the covered employee's wages and compensation in excess of forty thousand dollars received during the tax year from the electing employer that are subject to tax under this article and (ii) five percent and (iii) the result of one minus a fraction, the numerator of which shall be the tax imposed on the covered employee as determined pursuant to section six hundred one of this article before the application of any credits for the applicable tax year and the denominator of which shall be the covered employee's taxable income as determined pursuant to this article for the applicable tax year. If the amount of the credit allowable under this subsection for any taxable year shall exceed the taxpayer's tax for such year, the excess allowed for a taxable year may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years.

§ 3. Subdivision 1 of section 171-a of the tax law, as amended by section 15 of part AAA of chapter 59 of the laws of 2017, is amended to read as follows:

1. All taxes, interest, penalties and fees collected or received by the commissioner or the commissioner's duly authorized agent under articles nine (except section one hundred eighty-two-a thereof and except as otherwise provided in section two hundred five thereof), nine-A, twelve-A (except as otherwise provided in section two hundred eighty-four-d thereof), thirteen, thirteen-A (except as otherwise provided in section three hundred twelve thereof), eighteen, nineteen, twenty (except as otherwise provided in section four hundred eighty-two thereof), twenty-B, twenty-one, twenty-two, **twenty-four,** twenty-six, twenty-eight (except as otherwise provided in section eleven hundred two or eleven hundred three thereof), twenty-eight-A, twenty-nine-B, thirty-one (except as otherwise provided in section fourteen hundred twenty-one thereof), thirty-three and thirty-three-A of this chapter shall be deposited daily in one account with such responsible banks, banking houses or trust companies as may be designated by the comptroller, to the credit of the comptroller. Such an account may be established in one or more of such depositories. Such deposits shall be kept separate and apart from all other money in the possession of the comptroller. The comptroller shall require adequate security from all such depositories. Of the total revenue collected or received under such articles of this chapter, the comptroller shall retain in the comptroller's hands such amount as the commissioner may determine to be necessary for refunds or reimbursements under such articles of this chapter out of which amount the comptroller shall pay any refunds or reimbursements to which taxpayers shall be entitled under the provisions of such articles of this chapter. The commissioner and the comptroller shall maintain a system of accounts showing the amount of revenue collected or received from each of the taxes imposed by such articles. The comptroller, after reserving the amount to pay such refunds or reimbursements, shall, on or before the tenth day of each month, pay into the state treasury to the credit of the general fund all revenue deposited under this section during the preceding calendar month and remaining to the comptroller's credit on the last day of such preceding month, (i) except that the comptroller shall pay to the state department of social services that amount of overpayments of tax imposed by article twenty-two of this chapter and the interest on such amount which is certified to the comptroller by the commissioner as the amount to be credited against past-due support pursuant to subdivision six of section one hundred seventy-one-c of this article, (ii) and except that the comptroller shall pay to the New York state higher education services corporation and the state university of New York or the city university of New York respectively that amount of overpayments of tax imposed by article twenty-two of this chapter and the interest on such amount which is certified to the comptroller by the commissioner as the amount to be credited against the amount of defaults in repayment of guaranteed student loans and state university loans or city university loans pursuant to subdivision five of section one hundred seventy-one-d and subdivision six of section one hundred seventy-one-e of this article, (iii) and except further that, notwithstanding any law, the comptroller shall credit to the revenue arrearage account, pursuant to section ninety-one-a of the state finance law, that amount of overpayment of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B or thirty-three of this chapter, and any interest thereon, which is certified to the comptroller by the commissioner as the amount to be credited against a past-due legally enforceable debt owed to a state agency pursuant to paragraph (a) of subdivision six of section one hundred seventy-one-f of this article, provided, however, he

shall credit to the special offset fiduciary account, pursuant to section ninety-one-c of the state finance law, any such amount creditable as a liability as set forth in paragraph (b) of subdivision six of section one hundred seventy-one-f of this article, (iv) and except further that the comptroller shall pay to the city of New York that amount of overpayment of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B or thirty-three of this chapter and any interest thereon that is certified to the comptroller by the commissioner as the amount to be credited against city of New York tax warrant judgment debt pursuant to section one hundred seventy-one-l of this article, (v) and except further that the comptroller shall pay to a non-obligated spouse that amount of overpayment of tax imposed by article twenty-two of this chapter and the interest on such amount which has been credited pursuant to section one hundred seventy-one-c, one hundred seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or one hundred seventy-one-l of this article and which is certified to the comptroller by the commissioner as the amount due such non-obligated spouse pursuant to paragraph six of subsection (b) of section six hundred fifty-one of this chapter; and (vi) the comptroller shall deduct a like amount which the comptroller shall pay into the treasury to the credit of the general fund from amounts subsequently payable to the department of social services, the state university of New York, the city university of New York, or the higher education services corporation, or the revenue arrearage account or special offset fiduciary account pursuant to section ninety-one-a or ninety-one-c of the state finance law, as the case may be, whichever had been credited the amount originally withheld from such overpayment, and (vii) with respect to amounts originally withheld from such overpayment pursuant to section one hundred seventy-one-l of this article and paid to the city of New York, the comptroller shall collect a like amount from the city of New York.

§ 4. Subdivision 1 of section 171-a of the tax law, as amended by section 16 of part AAA of chapter 59 of the laws of 2017, is amended to read as follows:

1. All taxes, interest, penalties and fees collected or received by the commissioner or the commissioner's duly authorized agent under articles nine (except section one hundred eighty-two-a thereof and except as otherwise provided in section two hundred five thereof), nine-A, twelve-A (except as otherwise provided in section two hundred eighty-four-d thereof), thirteen, thirteen-A (except as otherwise provided in section three hundred twelve thereof), eighteen, nineteen, twenty (except as otherwise provided in section four hundred eighty-two thereof), twenty-one, twenty-two, **twenty-four,** twenty-six, twenty-eight (except as otherwise provided in section eleven hundred two or eleven hundred three thereof), twenty-eight-A, twenty-nine-B, thirty-one (except as otherwise provided in section fourteen hundred twenty-one thereof), thirty-three and thirty-three-A of this chapter shall be deposited daily in one account with such responsible banks, banking houses or trust companies as may be designated by the comptroller, to the credit of the comptroller. Such an account may be established in one or more of such depositories. Such deposits shall be kept separate and apart from all other money in the possession of the comptroller. The comptroller shall require adequate security from all such depositories. Of the total revenue collected or received under such articles of this chapter, the comptroller shall retain in the comptroller's hands such amount as the commissioner may determine to be necessary for refunds or

reimbursements under such articles of this chapter out of which amount the comptroller shall pay any refunds or reimbursements to which taxpayers shall be entitled under the provisions of such articles of this chapter. The commissioner and the comptroller shall maintain a system of accounts showing the amount of revenue collected or received from each of the taxes imposed by such articles. The comptroller, after reserving the amount to pay such refunds or reimbursements, shall, on or before the tenth day of each month, pay into the state treasury to the credit of the general fund all revenue deposited under this section during the preceding calendar month and remaining to the comptroller's credit on the last day of such preceding month, (i) except that the comptroller shall pay to the state department of social services that amount of overpayments of tax imposed by article twenty-two of this chapter and the interest on such amount which is certified to the comptroller by the commissioner as the amount to be credited against past-due support pursuant to subdivision six of section one hundred seventy-one-c of this article, (ii) and except that the comptroller shall pay to the New York state higher education services corporation and the state university of New York or the city university of New York respectively that amount of overpayments of tax imposed by article twenty-two of this chapter and the interest on such amount which is certified to the comptroller by the commissioner as the amount to be credited against the amount of defaults in repayment of guaranteed student loans and state university loans or city university loans pursuant to subdivision five of section one hundred seventy-one-d and subdivision six of section one hundred seventy-one-e of this article, (iii) and except further that, notwithstanding any law, the comptroller shall credit to the revenue arrearage account, pursuant to section ninety-one-a of the state finance law, that amount of overpayment of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B or thirty-three of this chapter, and any interest thereon, which is certified to the comptroller by the commissioner as the amount to be credited against a past-due legally enforceable debt owed to a state agency pursuant to paragraph (a) of subdivision six of section one hundred seventy-one-f of this article, provided, however, he shall credit to the special offset fiduciary account, pursuant to section ninety-one-c of the state finance law, any such amount creditable as a liability as set forth in paragraph (b) of subdivision six of section one hundred seventy-one-f of this article, (iv) and except further that the comptroller shall pay to the city of New York that amount of overpayment of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B or thirty-three of this chapter and any interest thereon that is certified to the comptroller by the commissioner as the amount to be credited against city of New York tax warrant judgment debt pursuant to section one hundred seventy-one-l of this article, (v) and except further that the comptroller shall pay to a non-obligated spouse that amount of overpayment of tax imposed by article twenty-two of this chapter and the interest on such amount which has been credited pursuant to section one hundred seventy-one-c, one hundred seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or one hundred seventy-one-l of this article and which is certified to the comptroller by the commissioner as the amount due such non-obligated spouse pursuant to paragraph six of subsection (b) of section six hundred fifty-one of this chapter; and (vi) the comptroller shall deduct a like amount which the comptroller shall pay into the treasury to the credit of the general fund from amounts subsequently payable to the department of social services, the state university of New York, the

city university of New York, or the higher education services corporation, or the revenue arrearage account or special offset fiduciary account pursuant to section ninety-one-a or ninety-one-c of the state finance law, as the case may be, whichever had been credited the amount originally withheld from such overpayment, and (vii) with respect to amounts originally withheld from such overpayment pursuant to section one hundred seventy-one-l of this article and paid to the city of New York, the comptroller shall collect a like amount from the city of New York.

§ 5. Subdivisions 2, 3 and paragraph (a) of subdivision 5 of section 92-z of the state finance law, subdivision 2 as amended by section 30 of part T of chapter 57 of the laws of 2007, and subdivision 3 and paragraph (a) of subdivision 5 as added by section 1 of part I of chapter 383 of the laws of 2001, are amended to read as follows:

2. Such fund shall consist of [~~twenty-five~~] **(a) fifty** percent of receipts from the imposition of personal income taxes pursuant to article twenty-two of the tax law, less such amounts as the commissioner of taxation and finance may determine to be necessary for refunds**, and (b) fifty percent of receipts from the imposition of employer compensation expense taxes pursuant to article twenty-four of the tax law, less such amounts as the commissioner of taxation and finance may determine to be necessary for refunds**.

3. **(a)** Beginning on the first day of each month, the comptroller shall deposit all of the receipts collected pursuant to section six hundred seventy-one of the tax law in the revenue bond tax fund until the amount of monthly receipts anticipated to be deposited pursuant to the certificate required in paragraph (b) of subdivision five of this section are met. On or before the twelfth day of each month, the commissioner of taxation and finance shall certify to the state comptroller the amounts specified in **paragraph (a) of** subdivision two of this section relating to the preceding month and, in addition, no later than March thirty-first of each fiscal year the commissioner of taxation and finance shall certify such amounts relating to the last month of such fiscal year. The amounts so certified shall be deposited by the state comptroller in the revenue bond tax fund.

(b) Beginning on the first day of each month, the comptroller shall deposit all of the receipts collected pursuant to section eight hundred fifty-four of the tax law in the revenue bond tax fund until the amount of monthly receipts anticipated to be deposited pursuant to the certificate required in paragraph (b) of subdivision five of this section are met. On or before the twelfth day of each month, the commissioner of taxation and finance shall certify to the state comptroller the amounts specified in paragraph (b) of subdivision two of this section relating to the preceding month and, in addition, no later than March thirty-first of each fiscal year the commissioner of taxation and finance shall certify such amounts relating to the last month of such fiscal year. The amounts so certified shall be deposited by the state comptroller in the revenue bond tax fund.

(a) The state comptroller shall from time to time, but in no event later than the fifteenth day of each month (other than the last month of the fiscal year) and no later than the thirty-first day of the last month of each fiscal year, pay over and distribute to the credit of the general fund of the state treasury all moneys in the revenue bond tax fund, if any, in excess of the aggregate amount required to be set aside for the payment of cash requirements pursuant to paragraph (b) of this subdivision, provided that an appropriation has been made to pay all

amounts specified in any certificate or certificates delivered by the director of the budget pursuant to paragraph (b) of this subdivision as being required by each authorized issuer as such term is defined in section sixty-eight-a of this chapter for the payment of cash requirements of such issuers for such fiscal year. Subject to the rights of holders of debt of the state, in no event shall the state comptroller pay over and distribute any moneys on deposit in the revenue bond tax fund to any person other than an authorized issuer pursuant to such certificate or certificates (i) unless and until the aggregate of all cash requirements certified to the state comptroller as required by such authorized issuers to be set aside pursuant to paragraph (b) of this subdivision for such fiscal year shall have been appropriated to such authorized issuers in accordance with the schedule specified in the certificate or certificates filed by the director of the budget or (ii) if, after having been so certified and appropriated, any payment required to be made pursuant to paragraph (b) of this subdivision has not been made to the authorized issuers which was required to have been made pursuant to such certificate or certificates; provided, however, that no person, including such authorized issuers or the holders of revenue bonds, shall have any lien on moneys on deposit in the revenue bond tax fund. Any agreement entered into pursuant to section sixty-eight-c of this chapter related to any payment authorized by this section shall be executory only to the extent of such revenues available to the state in such fund. Notwithstanding subdivisions two and three of this section, in the event the aggregate of all cash requirements certified to the state comptroller as required by such authorized issuers to be set aside pursuant to paragraph (b) of this subdivision for the fiscal year beginning on April first shall not have been appropriated to such authorized issuers in accordance with the schedule specified in the certificate or certificates filed by the director of the budget or, (ii) if, having been so certified and appropriated, any payment required to be made pursuant to paragraph (b) of this subdivision has not been made pursuant to such certificate or certificates, all receipts collected pursuant to section six hundred seventy-one of the tax law **and section eight hundred fifty-four of the tax law** shall be deposited in the revenue bond tax fund until the greater of [~~twenty-five~~] **forty** percent of the **aggregate of the** receipts from the imposition of **(A)** the personal income tax imposed by article twenty-two of the tax law **and (B) the employer compensation expense tax imposed by article twenty-four of the tax law** for the fiscal year beginning on April first and as specified in the certificate or certificates filed by the director of the budget pursuant to this paragraph or [~~six~~] **a total of twelve** billion dollars has been deposited in the revenue bond tax fund. Notwithstanding any other provision of law, if the state has appropriated and paid to the authorized issuers the amounts necessary for the authorized issuers to meet their requirements for the current fiscal year pursuant to the certificate or certificates submitted by the director of the budget pursuant to paragraph (b) of this section, the state comptroller shall, on the last day of each fiscal year, pay to the general fund of the state all sums remaining in the revenue bond tax fund on such date except such amounts as the director of the budget may certify are needed to meet the cash requirements of authorized issuers during the subsequent fiscal year.

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

5. Nothing contained in this article shall be deemed to restrict the right of the state to amend, repeal, modify or otherwise alter statutes imposing or relating to the taxes imposed pursuant to article twenty-two **and article twenty-four** of the tax law. The authorized issuers shall not include within any resolution, contract or agreement with holders of the revenue bonds issued under this article any provision which provides that a default occurs as a result of the state exercising its right to amend, repeal, modify or otherwise alter the taxes imposed pursuant to article twenty-two **and article twenty-four** of the tax law.

§ 7. This act shall take effect immediately; provided, however, that the amendments to subdivision 1 of section 171-a of the tax law made by section three of this act shall not affect the expiration of such subdivision and shall expire therewith, when upon such date the provisions of section four of this act shall take effect.

PART NN

Section 1. The opening paragraph of subdivision 7 of section 221 of the racing, pari-mutuel wagering and breeding law, as amended by section 2 of part SS of chapter 59 of the laws of 2017, is amended to read as follows:

In order to pay the costs of the insurance required by this section and by the workers' compensation law and to carry out its other powers and duties and to pay for any of its liabilities under section fourteen-a of the workers' compensation law, the New York Jockey Injury Compensation Fund, Inc. shall ascertain the total funding necessary and establish the sums that are to be paid by all owners and trainers licensed or required to be licensed under section two hundred twenty of this article, to obtain the total funding amount required annually. In order to provide that any sum required to be paid by an owner or trainer is equitable, the fund shall establish payment schedules which reflect such factors as are appropriate, including where applicable, the geographic location of the racing corporation at which the owner or trainer participates, the duration of such participation, the amount of any purse earnings, the number of horses involved, or such other factors as the fund shall determine to be fair, equitable and in the best interests of racing. In no event shall the amount deducted from an owner's share of purses exceed two per centum; provided, however, for two thousand [~~**seventeen**~~] **eighteen** the New York Jockey Injury Compensation Fund, Inc. may use up to two million dollars from the account established pursuant to subdivision nine of section two hundred eight of this article to pay the annual costs required by this section and the funds from such account shall not count against the two per centum of purses deducted from an owner's share of purses. The amount deducted from an owner's share of purses shall not exceed one per centum after April first, two thousand twenty. In the cases of multiple ownerships and limited racing appearances, the fund shall equitably adjust the sum required.

§ 2. Paragraph (a) of subdivision 9 of section 208 of the racing, pari-mutuel wagering and breeding law, as amended by section 2 of part PP of chapter 60 of the laws of 2016, is amended to read as follows:

(a) The franchised corporation shall maintain a separate account for all funds held on deposit in trust by the corporation for individual horsemen's accounts. Purse funds shall be paid by the corporation as required to meet its purse payment obligations. Funds held in horsemen's accounts shall only be released or applied as requested and directed by

the individual horseman. For two thousand [~~sixteen~~] eighteen the New York Jockey Injury Compensation Fund, Inc. may use up to two million dollars from the account established pursuant to this subdivision to pay the annual costs required by section two hundred twenty-one of this article.

§ 3. Paragraph (c) of subdivision 9 of section 208 of the racing, pari-mutuel wagering and breeding law is relettered paragraph (e) and two new paragraphs (c) and (d) are added to read as follows:

(c) The franchised corporation shall establish and maintain a separate account for funds to be held on deposit in trust by the franchised corporation for the horsemen's organization recognized pursuant to section two hundred twenty-eight of this article. Starting in two thousand eighteen and annually thereafter, funds from the account established pursuant to this subdivision shall be deposited in the separate account established under this paragraph in an amount to be agreed upon by the franchised corporation and the horsemen's organization recognized pursuant to section two hundred twenty-eight of this article. Funds held in this account shall be used by such recognized horsemen's organization solely as collateral to secure workers' compensation insurance coverage, including through the New York Jockey Injury Compensation Fund, Inc. Such coverage shall include high deductible programs and forms of self-insurance.

(d) In the event the horsemen's organization recognized pursuant to section two hundred twenty-eight of this article determines that the funds are no longer needed as collateral to secure workers' compensation insurance coverage, then, upon agreement by the franchised corporation and such appropriately recognized horsemen's organization, funds in the separate account established under paragraph (c) of this subdivision shall be returned to the account established pursuant to paragraph (a) of this subdivision.

§ 4. This act shall take effect immediately.

PART OO

Section 1. Subdivision 2 of section 516 of the racing, pari-mutuel wagering and breeding law is amended and a new subdivision 2-a is added to read as follows:

2. After payment of all of the costs of the corporation's functions, net revenue remaining to the corporation shall be divided[~~, quarterly, not more than thirty days after the close of the calendar quarter,~~] among the participating counties in accordance with the following provisions:

a. Fifty percent of such revenue distributed among the participating counties on the basis of the proportion of the total off-track pari-mutuel wagering accepted by the corporation during the previous [~~calendar quarter~~] period that originated in the branch offices located in each participating county;

b. Fifty percent of such revenue on the basis of population, as defined as the total population in each participating county shown by the latest preceding decennial federal census completed and published as a final population count by the United States bureau of the census preceding the commencement of the calendar year in which such distribution is to be made; and

c. A participating county containing a city electing to participate in the management and revenues of a corporation under subdivision two of section five hundred two of this article shall distribute revenue

received under paragraphs a and b of this subdivision to such city according to the proportion such city's population bears to the county's population.

2-a. The net revenue remaining to the corporation shall be distributed quarterly, not more than thirty days after the close of the calendar quarter, unless, each off-track betting corporation's board shall determine once annually, that such net revenue remaining to the corporation shall be distributed to participating counties and cities on an annual, or bi-annual basis, to be distributed not more than thirty days after the close of the calendar year, or the close of the bi-annual year (January-June and July-December). No such determination shall be made prior to the board's receipt of an annual written approval, to such specified annual, or bi-annual payment schedule, between each off-track betting corporation and the governing bodies of each participating counties and cities within such applicable region.

§ 2. This act shall take effect immediately.

PART PP

Section 1. Subdivision 1 of section 22 of the public housing law, as added by section 1 of part CC of chapter 63 of the laws of 2000, is amended to read as follows:

1. A taxpayer subject to tax under article nine-A, twenty-two, [~~thirty-two~~] or thirty-three of the tax law which owns an interest in one or more eligible low-income buildings**, or a transferee of such a taxpayer as described in subdivision eight of this section,** shall be allowed a credit against such tax for the amount of low-income housing credit allocated by the commissioner to each such building. Except as provided in subdivision two of this section, the credit amount so allocated shall be allowed as a credit against the tax for the ten taxable years in the credit period.

§ 2. Section 22 of the public housing law is amended by adding a new subdivision 8 to read as follows:

8. (a) A taxpayer allowed a credit pursuant to this article may transfer the credit, in whole or in part, to another person or entity, who shall be referred to as the transferee, without regard to how any federal low-income housing tax credit with respect to the low-income building may be allocated and notwithstanding that such other person or entity owns no interest in the eligible low-income building or in an entity with an ownership interest in the eligible low-income building. Transferees shall be entitled to apply transferred credit to a tax imposed under article nine-A, twenty-two or thirty-three of the tax law, provided all requirements for claiming the credit are met. A transferee may not transfer any credit, or portion thereof, acquired by transfer.

(b) A taxpayer allowed a credit pursuant to this article must enter into a transfer contract with the transferee. The transfer contract must specify

(i) the building identification numbers for all buildings in the project;

(ii) the date each building was placed into service;

(iii) the fifteen year compliance period for the project;

(iv) the schedule of years for which the transfer credit may be claimed and the amount of credit previously claimed;

(v) the amount of consideration received by the taxpayer for the transfer credit; and

(vi) the amount of credit being transferred.

(c) No transfer shall be effective unless the taxpayer allowed a credit pursuant to this article and seeking to transfer the credit files a transfer statement with the commissioner prior to the transfer and the commissioner approves such transfer. The transfer statement shall provide the name and federal identification numbers of the filing transferor and the taxpayer to whom the filing transferor transferred the credit, and the amount of credit transferred to each such person or entity. A copy of the transfer contract shall be attached to the transfer statement. The statement shall also contain such other information as the commissioner may require. After reviewing the transfer contract and the transfer statement, the commissioner shall approve or deny the transfer as provided in this subdivision. If the commissioner approves the transfer, the commissioner shall issue an approval statement that provides the name of the transferor and transferee, the amount of credit being transferred and such other information as the commissioner and the commissioner of taxation and finance deem necessary. A copy of the commissioner's approval statement must be attached to the transferee's tax return. If the commissioner denies the transfer, the commissioner shall provide the taxpayer a written determination for such denial. The commissioner, in consultation with the commissioner of taxation and finance, may establish such other procedures and standards deemed necessary for the transferability of the low-income housing credit.

(d) The commissioner shall forward copies of all transfer statements and attachments thereto and approval statements to the department of taxation and finance within thirty days after the transfer is approved by the commissioner.

§ 3. Section 25 of the public housing law is amended by adding a new subdivision 3 to read as follows:

3. The allocation of the credit established by this article may be made without regard to and in a separate manner from any federal low-income housing credit that may be allocated with respect to an eligible low-income building.

§ 4. Subdivision (b) of section 18 of the tax law is amended by adding a new paragraph 6-a to read as follows:

(6-a) The taxpayer that originally received the credit shall remain solely liable for all obligations and liabilities imposed on the taxpayer with respect to the credit, none of which shall apply to a party to whom the credit has been subsequently transferred.

§ 5. Section 23 of the public housing law, as added by section 1 of part CC of chapter 63 of the laws of 2000, is amended to read as follows:

§ 23. Project monitoring. The commissioner shall establish such procedures [~~as he deems~~] deemed necessary for monitoring compliance of an eligible low-income building with the provisions of this article, and for notifying the commissioner of taxation and finance of any such noncompliance [~~of which he becomes aware~~].

§ 6. This act shall take effect on the thirtieth day after it shall have become a law and shall apply to taxable years beginning on or after January 1, 2019 for buildings that receive an allocation of low-income housing credit on or after the effective date of this act.

PART QQ

Section 1. Paragraph 1 of subsection (a) of section 1301 of the tax law, as amended by section 2 of part F of chapter 61 of the laws of 2017, is amended to read as follows:

(1) a tax on the personal income of residents of such city, at the rates provided for under subsection (a) of section thirteen hundred four of this article for taxable years beginning before two thousand [~~twenty~~] twenty-one, and at the rates provided for under subsection (b) of section thirteen hundred four of this article for taxable years beginning after two thousand twenty, provided, however, that if, for any taxable year beginning after two thousand twenty, the rates set forth in such subsection (b) are rendered inapplicable and the rates set forth in such subsection (a) are rendered applicable, then the tax for such taxable year shall be at the rates provided under [~~subparagraph~~] subparagraphs (A) of paragraphs one, two and three of such subsection (a),

§ 2. This act shall take effect immediately.

PART RR

Section 1. Subparagraph (A) of paragraph 1, paragraph 3 and paragraph 5 of subsection (oo) of section 606 of the tax law, paragraph 3 as amended by chapter 239 of the laws of 2009, and subparagraph (A) of paragraph 1 and paragraph 5 as amended by section 1 of part F of chapter 59 of the laws of 2013, are amended to read as follows:

(A) For taxable years beginning on or after January first, two thousand ten and before January first, two thousand [~~twenty~~] twenty-five, a taxpayer shall be allowed a credit as hereinafter provided, against the tax imposed by this article, in an amount equal to one hundred percent of the amount of credit allowed the taxpayer with respect to a certified historic structure under [~~subsection (a) (2) of section 47 of the federal~~] internal revenue code section 47(c)(3), determined without regard to ratably allocating the credit over a five year period as required by subsection (a) of such section 47, with respect to a certified historic structure located within the state. Provided, however, the credit shall not exceed five million dollars. For taxable years beginning on or after January first, two thousand [~~twenty~~] twenty-five, a taxpayer shall be allowed a credit as hereinafter provided, against the tax imposed by this article, in an amount equal to thirty percent of the amount of credit allowed the taxpayer with respect to a certified historic structure under [~~subsection (a)(2) of section 47 of the federal~~] internal revenue code section 47(c)(3), determined without regard to ratably allocating the credit over a five year period as required by subsection (a) of such section 47, with respect to a certified historic structure located within the state; provided, however, the credit shall not exceed one hundred thousand dollars.

(3) If the [~~credit allowed the~~] taxpayer is allowed a credit pursuant to section 47 of the internal revenue code with respect to a qualified rehabilitation that is also the subject of the credit allowed by this subsection and that credit pursuant to such section 47 is recaptured pursuant to subsection (a) of section 50 of the internal revenue code, a portion of the credit allowed under this subsection must be added back in the same taxable year and in the same proportion as the federal recapture.

(5) To be eligible for the credit allowable under this subsection the rehabilitation project shall be in whole or in part located within a census tract which is identified as being at or below one hundred percent of the state median family income as calculated as of [~~January~~] April first of each year using the most recent five year estimate from the American community survey published by the United States Census bureau. If there is a change in the most recent five year estimate, a

census tract that qualified for eligibility under this program before information about the change was released will remain eligible for a credit under this subsection for an additional two calendar years.

§ 2. Paragraphs (a), (c) and (e) of subdivision 26 of section 210-b of the tax law, as added by section 17 of part A of chapter 59 of the laws of 2014, are amended to read as follows:

(a) Application of credit. (i) For taxable years beginning on or after January first, two thousand ten, and before January first, two thousand [~~twenty~~] twenty-five, a taxpayer shall be allowed a credit as hereinafter provided, against the tax imposed by this article, in an amount equal to one hundred percent of the amount of credit allowed the taxpayer for the same taxable year with respect to a certified historic structure under [~~subsection (c)(2) of section 47 of the~~] internal revenue code section 47(c)(3), determined without regard to ratably allocating the credit over a five year period as required by subsection (a) of such section 47, with respect to a certified historic structure located within the state. Provided, however, the credit shall not exceed five million dollars.

(ii) For taxable years beginning on or after January first, two thousand [~~twenty~~] twenty-five, a taxpayer shall be allowed a credit as hereinafter provided, against the tax imposed by this article, in an amount equal to thirty percent of the amount of credit allowed the taxpayer for the same taxable year determined without regard to ratably allocating the credit over a five year period as required by subsection (a) of section 47 of the internal revenue code, with respect to a certified historic structure under subsection (c)(3) of section 47 of the internal revenue code with respect to a certified historic structure located within the state. Provided, however, the credit shall not exceed one hundred thousand dollars.

(c) If the [~~credit allowed the~~] taxpayer is allowed a credit pursuant to section 47 of the internal revenue code with respect to a qualified rehabilitation that is also the subject of the credit allowed by this subdivision and that credit pursuant to such section 47 is recaptured pursuant to subsection (a) of section 50 of the internal revenue code, a portion of the credit allowed under this [~~subsection~~] subdivision must be added back in the same taxable year and in the same proportion as the federal credit.

(e) To be eligible for the credit allowable under this subdivision, the rehabilitation project shall be in whole or in part located within a census tract which is identified as being at or below one hundred percent of the state median family income as calculated as of [~~January~~] April first of each year using the most recent five year estimate from the American community survey published by the United States Census bureau. If there is a change in the most recent five year estimate, a census tract that qualified for eligibility under this program before information about the change was released will remain eligible for a credit under this subdivision for an additional two calendar years.

§ 3. Subparagraph (A) of paragraph 1, paragraph 3 and paragraph 5 of subdivision (y) of section 1511 of the tax law, paragraph 3 as added by chapter 472 of the laws of 2010 and subparagraph (A) of paragraph 1 and paragraph 5 as amended by section 4 of part F of chapter 59 of the laws of 2013, are amended to read as follows:

(A) For taxable years beginning on or after January first, two thousand ten and before January first, two thousand [~~twenty~~] twenty-five, a taxpayer shall be allowed a credit as hereinafter provided, against the tax imposed by this article, in an amount equal to one hundred percent

of the amount of credit allowed the taxpayer with respect to a certified historic structure under [~~subsection (a)(2) of section 47 of the federal~~] internal revenue code **section 47(c)(3), determined without regard to ratably allocating the credit over a five year period as required by subsection (a) of such section 47,** with respect to a certified historic structure located within the state. Provided, however, the credit shall not exceed five million dollars. For taxable years beginning on or after January first, two thousand [~~twenty~~] **twenty-five**, a taxpayer shall be allowed a credit as hereinafter provided, against the tax imposed by this article, in an amount equal to thirty percent of the amount of credit allowed the taxpayer with respect to a certified historic structure under [~~subsection (a)(2) of section 47 of the federal~~] internal revenue code **section 47(c)(3), determined without regard to ratably allocating the credit over a five year period as required by subsection (a) of such section 47** with respect to a certified historic structure located within the state. Provided, however, the credit shall not exceed one hundred thousand dollars.

(3) If the [~~credit allowed the~~] taxpayer **is allowed a credit** pursuant to section 47 of the internal revenue code with respect to a qualified rehabilitation **that is also the subject of the credit allowed by this subdivision and that credit pursuant to such section 47** is recaptured pursuant to subsection (a) of section 50 of the internal revenue code, a portion of the credit allowed under this [~~subsection~~] **subdivision** in the taxable year the credit was claimed must be added back in the same taxable year and in the same proportion as the federal recapture.

(5) To be eligible for the credit allowable under this subdivision, the rehabilitation project shall be in whole or in part located within a census tract which is identified as being at or below one hundred percent of the state median family income as calculated as of [~~January~~] **April** first of each year using the most recent five year estimate from the American community survey published by the United States Census bureau. **If there is a change in the most recent five year estimate, a census tract that qualified for eligibility under this program before information about the change was released will remain eligible for a credit under this subdivision for an additional two calendar years.**

§ 4. Paragraph 2 of subsection (pp) of section 606 of the tax law, as added by chapter 547 of the laws of 2006, subparagraphs (A) and (B) as amended by section 1 of part V of chapter 59 of the laws of 2013, is amended to read as follows:

(2) (A) With respect to any particular residence of a taxpayer, the credit allowed under paragraph one of this subsection shall not exceed fifty thousand dollars for taxable years beginning on or after January first, two thousand ten and before January first, two thousand [~~twenty~~] **twenty-five** and twenty-five thousand dollars for taxable years beginning on or after January first, two thousand [~~twenty~~] **twenty-five**. In the case of a husband and wife, the amount of the credit shall be divided between them equally or in such other manner as they may both elect. If a taxpayer incurs qualified rehabilitation expenditures in relation to more than one residence in the same year, the total amount of credit allowed under paragraph one of this subsection for all such expenditures shall not exceed fifty thousand dollars for taxable years beginning on or after January first, two thousand ten and before January first, two thousand [~~twenty~~] **twenty-five** and twenty-five thousand dollars for taxable years beginning on or after January first, two thousand [~~twenty~~] **twenty-five**.

(B) For taxable years beginning on or after January first, two thousand ten and before January first, two thousand [~~twenty~~] twenty-five, if the amount of credit allowable under this subsection shall exceed the taxpayer's tax for such year, and the taxpayer's New York adjusted gross income for such year does not exceed sixty thousand dollars, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon. If the taxpayer's New York adjusted gross income for such year exceeds sixty thousand dollars, the excess credit that may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years. For taxable years beginning on or after January first, two thousand [~~twenty~~] twenty-five, if the amount of credit allowable under this subsection shall exceed the taxpayer's tax for such year, the excess may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years.

§ 5. This act shall take effect immediately and shall apply to taxable years beginning on and after January first, two thousand eighteen.

PART SS

Section 1. Section 1303 of the tax law, as amended by chapter 28 of the laws of 1987, is amended to read as follows:

§ 1303. City taxable income. The city taxable income of a city resident individual shall mean and be the same as his or her New York taxable income as defined in section six hundred eleven of this chapter, except that it shall include (i) the amount contributed to any or all of the following accounts within the charitable gifts trust fund set forth in section ninety-two-gg of the state finance law, to the extent the amount is claimed as an itemized deduction pursuant to section six hundred fifteen of this chapter: the health charitable account established by paragraph (a) of subdivision four of section ninety-two-gg of the state finance law, or the elementary and secondary education charitable account established by paragraph b of subdivision four of section ninety-two-gg of the state finance law. The city taxable income of a city resident estate or trust shall mean and be the same as its New York taxable income as defined in section six hundred eighteen of this chapter.

§ 2. Subdivision (b) of section 11-1712 of the administrative code of the city of New York is amended by adding a new paragraph 38 to read as follows:

(38) The amount contributed to any or all of the following accounts within the charitable gifts trust fund set forth in section ninety-two-gg of the state finance law, to the extent the amount is claimed as an itemized deduction pursuant to section six hundred fifteen of the tax law: the health charitable account established by paragraph a of subdivision four of section ninety-two-gg of the state finance law, or the elementary and secondary education charitable account established by paragraph b of subdivision four of section ninety-two-gg of the state finance law.

§ 3. This act shall take effect immediately.

PART TT

Section 1. Clause (H) of subparagraph (ii) of paragraph 1 of subdivision b of section 1612 of the tax law, as amended by chapter 236 of the laws of 2017, is amended to read as follows:

(H) notwithstanding clauses (A), (B), (C), (D), (E), (F) and (G) of this subparagraph, the track operator of a vendor track and in the case of Aqueduct, the video lottery terminal facility operator, shall be eligible for a vendor's capital award of up to four percent of the total revenue wagered at the vendor track after payout for prizes pursuant to this chapter, which shall be used exclusively for capital project investments to improve the facilities of the vendor track which promote or encourage increased attendance at the video lottery gaming facility including, but not limited to hotels, other lodging facilities, entertainment facilities, retail facilities, dining facilities, events arenas, parking garages and other improvements that enhance facility amenities; provided that such capital investments shall be approved by the division, in consultation with the gaming commission, and that such vendor track demonstrates that such capital expenditures will increase patronage at such vendor track's facilities and increase the amount of revenue generated to support state education programs. The annual amount of such vendor's capital awards that a vendor track shall be eligible to receive shall be limited to two million five hundred thousand dollars, except for Aqueduct racetrack, for which there shall be no annual limit, provided, however, that any such capital award for the Aqueduct video lottery terminal facility operator shall be one percent of the total revenue wagered at the video lottery terminal facility after payout for prizes pursuant to this chapter until the earlier of the designation of one thousand video lottery devices as hosted pursuant to paragraph four of subdivision a of section sixteen hundred seventeen-a of this chapter or April first, two thousand nineteen and shall then be four percent of the total revenue wagered at the video lottery terminal facility after payout for prizes pursuant to this chapter, provided, further, that such capital award shall only be provided pursuant to an agreement with the operator to construct an expansion of the facility, hotel, and convention and exhibition space requiring a minimum capital investment of three hundred million dollars. Except for tracks having less than one thousand nine hundred video gaming machines, and except for a vendor track located west of State Route 14 from Sodus Point to the Pennsylvania border within New York, and except for Aqueduct racetrack each track operator shall be required to co-invest an amount of capital expenditure equal to its cumulative vendor's capital award. For all tracks[~~, except for Aqueduct racetrack,~~] the amount of any vendor's capital award that is not used during any one year period may be carried over into subsequent years ending before April first, two thousand [~~eighteen~~] nineteen. Any amount attributable to a capital expenditure approved prior to April first, two thousand [~~eighteen~~] nineteen and completed before April first, two thousand [~~twenty~~] twenty-one; or approved prior to April first, two thousand [~~twenty-two~~] twenty-three and completed before April first, two thousand [~~twenty-four~~] twenty-five for a vendor track located west of State Route 14 from Sodus Point to the Pennsylvania border within New York, shall be eligible to receive the vendor's capital award. In the event that a vendor track's capital expenditures, approved by the gaming commission prior to April first, two thousand [~~eighteen~~] nineteen and completed prior to April first, two thousand [~~twenty~~] twenty-one, exceed the vendor track's cumulative capital award during the five year period ending April first, two thousand [~~eighteen~~] nineteen, the vendor shall continue to receive the capital award after April first, two thou-

sand [~~eighteen~~] **nineteen** until such approved capital expenditures are paid to the vendor track subject to any required co-investment. In no event shall any vendor track that receives a vendor fee pursuant to clause (F) or (G) of this subparagraph be eligible for a vendor's capital award under this section. Any operator of a vendor track which has received a vendor's capital award, choosing to divest the capital improvement toward which the award was applied, prior to the full depreciation of the capital improvement in accordance with generally accepted accounting principles, shall reimburse the state in amounts equal to the total of any such awards. Any capital award not approved for a capital expenditure at a video lottery gaming facility by April first, two thousand [~~eighteen~~] **nineteen** shall be deposited into the state lottery fund for education aid; and

§ 2. This act shall take effect immediately.

PART UU

Section 1. Section 399-1 of the vehicle and traffic law, as amended by section 1 of part D of chapter 58 of the laws of 2016, is amended to read as follows:

§ 399-l. Application. Applicants for participation in the pilot program established pursuant to this article shall be among those accident prevention course sponsoring agencies that have a course approved by the commissioner pursuant to article twelve-B of this title prior to the effective date of this article and which deliver such course to the public. Provided, however, the commissioner may, in his or her discretion, approve applications after such date. In order to be approved for participation in such pilot program, the course must comply with the provisions of law, rules and regulations applicable thereto. The commissioner may, in his or her discretion, impose a fee for the submission of each application to participate in the pilot program established pursuant to this article. Such fee shall not exceed seven thousand five hundred dollars. [~~The proceeds from such fee shall be deposited by the comptroller into the special obligation reserve and payment account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law for the purposes established in this section.~~]

§ 2. Paragraph a of subdivision 5 of section 410 of the vehicle and traffic law, as amended by section 4 of part D of chapter 58 of the laws of 2016, is amended to read as follows:

a. The annual fee for registration or reregistration of a motorcycle shall be eleven dollars and fifty cents. Beginning April first, nineteen hundred ninety-eight the annual fee for registration or reregistration of a motorcycle shall be seventeen dollars and fifty cents[~~, of which two dollars and fifty cents shall be deposited by the comptroller into the special obligation reserve and payment account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law for the purposes established in this section~~].

§ 3. Paragraph (c-1) of subdivision 2 of section 503 of the vehicle and traffic law, as amended by section 5 of part D of chapter 58 of the laws of 2016, is amended to read as follows:

(c-1) In addition to the fees established in paragraphs (b) and (c) of this subdivision, a fee of fifty cents for each six months or portion thereof of the period of validity shall be paid upon the issuance of any permit, license or renewal of a license which is valid for the operation

of a motorcycle, except a limited use motorcycle. [~~Fees collected pursuant to this paragraph shall be deposited by the comptroller into the special obligation reserve and payment account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law for the purposes established in this section.~~]

§ 4. Subdivision 5 of section 317 of the vehicle and traffic law is REPEALED.

§ 5. Paragraph (b) of subdivision 1-a of section 318 of the vehicle and traffic law, as amended by section 9 of part D of chapter 58 of the laws of 2016, is amended to read as follows:

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, an order of suspension issued pursuant to paragraph (a) or (e) of this subdivision may be terminated if the registrant pays to the commissioner a civil penalty in the amount of eight dollars for each day up to thirty days for which financial security was not in effect, plus ten dollars for each day from the thirty-first to the sixtieth day for which financial security was not in effect, plus twelve dollars for each day from the sixty-first to the ninetieth day for which financial security was not in effect. [~~Of each eight dollar penalty, six dollars will be deposited in the general fund and two dollars in the special obligation reserve and payment account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law for the purposes established in this section.~~] Of each ten dollar penalty collected, [~~six~~] **eight** dollars will be deposited in the general fund[~~, two dollars will be deposited in the special obligation reserve and payment account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law for the purposes established in this section,~~] and two dollars shall be deposited in the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law and the dedicated mass transportation fund established pursuant to section eighty-nine-c of the state finance law and distributed according to the provisions of subdivision (d) of section three hundred one-j of the tax law. Of each twelve dollar penalty collected, [~~six~~] **eight** dollars will be deposited into the general fund[~~, two dollars will be deposited into the special obligation reserve and payment account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law for the purposes established in this section,~~] and four dollars shall be deposited in the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law and the dedicated mass transportation fund established pursuant to section eighty-nine-c of the state finance law and distributed according to the provisions of subdivision (d) of section three hundred one-j of the tax law. The foregoing provision shall apply only once during any thirty-six month period and only if the registrant surrendered the certificate of registration and number plates to the commissioner not more than ninety days from the date of termination of financial security or submits to the commissioner new proof of financial security which took effect not more than ninety days from the termination of financial security.

§ 6. Subdivision 6 of section 423-a of the vehicle and traffic law is REPEALED.

§ 7. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 11 of part D of chapter 58 of the laws of 2016, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred five, two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, section four hundred one of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation and the commissioner of motor vehicles pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five[~~, section four hundred twenty-three-a, section four hundred ten, section three hundred seventeen, section three hundred eighteen, article twelve-C, and paragraph (c-1) of subdivision two of section five hundred three~~] of the vehicle and traffic law, section two of the chapter of the laws of two thousand three that amended this paragraph, subdivision (d) of section three hundred four-a, paragraph one of subdivision (a) and subdivision (d) of section three hundred five, subdivision six-a of section four hundred fifteen and subdivision (g) of section twenty-one hundred twenty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and [~~sections ninety-four, one hundred thirty-five, and~~] **section** one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

§ 8. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 12 of part D of chapter 58 of the laws of 2016, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, section four hundred one of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation and the commissioner of motor vehicles pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five[~~, section four hundred twenty-three-a, section four hundred ten, section three hundred seventeen, section three hundred eighteen, article twelve-C, and paragraph (c-1) of subdivision two of section five hundred three~~] of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and [~~sections ninety-four, one hundred thirty-five, and~~] **section** one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

§ 9. Subdivision 4 of section 94 of the transportation law is REPEALED.

§ 10. Subdivision 4 of section 135 of the transportation law, as amended by section 4 of part C of chapter 57 of the laws of 2014, is amended to read as follows:

4. [~~All revenues collected pursuant to this section shall be deposited by the comptroller into the special obligation reserve and payment account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law for the purposes established in this section.~~] Fees will be based on revenues from the preceding calendar year and shall be assessed on or before July first and are payable by September first of each year. On or before January first of each year following assessment of fees pursuant to this section, the commissioner shall report to the railroad companies annual costs associated with this assessment.

§ 11. Subsection (b) of section 805 of the tax law, as amended by section 1 of part C of chapter 25 of the laws of 2009, is amended to read as follows:

(b) On or before the twelfth and twenty-sixth day of each succeeding month, after reserving such amount for such refunds and deducting such amounts for such costs, as provided for in subsection (a) of this section, the commissioner shall certify to the comptroller the amount of all revenues so received during the prior month as a result of the taxes, interest and penalties so imposed. The amount of revenues so certified shall be paid over by the fifteenth and the final business day of each succeeding month from such account **without appropriation** into the [~~mobility tax trust account of the metropolitan transportation authority financial assistance fund established pursuant to section ninety-two-ff of the state finance law, for payment, pursuant to appropriations by the legislature to the~~] metropolitan transportation authority finance fund established pursuant to section twelve hundred seventy-h of the public authorities law**, provided, however, that the comptroller shall ensure that any payments to the metropolitan transportation authority finance fund which are due to be paid by the final business day in the month of December pursuant to this subsection shall be received by the metropolitan transportation authority finance fund on the same business day in which it is paid**.

§ 12. Section 4 of the state finance law is amended by adding a new subdivision 12 to read as follows:

12. Notwithstanding subdivision one of this section and any other law to the contrary, the revenue (including taxes, interest and penalties) from the metropolitan commuter transportation mobility tax imposed pursuant to article twenty-three of the tax law which are paid in accordance with subsection (b) of section eight hundred five of the tax law into the metropolitan transportation authority finance fund established by section twelve hundred seventy-h of the public authorities law shall be made pursuant to statute but without an appropriation.

§ 13. Subdivision 2 of section 1270-h of the public authorities law, as added by section 16 of part H of chapter 25 of the laws of 2009, is amended to read as follows:

2. The comptroller shall deposit **into the metropolitan transportation authority finance fund (a)** monthly, pursuant to appropriation, [~~into the metropolitan transportation authority finance fund~~] the moneys deposited in the mobility tax trust account of the metropolitan transportation authority financial assistance fund pursuant to [~~article twenty-three of the tax law, and~~] any [~~other~~] provision of law directing or permitting

the deposit of moneys in such fund**, and (b) without appropriation, the revenue including taxes, interest and penalties collected in accordance with article twenty-three of the tax law**.

§ 14. Subdivisions 3 and 5 of section 92-ff of the state finance law, as added by section 1 of part G of chapter 25 of the laws of 2009, are amended to read as follows:

3. Such fund shall consist of all moneys collected [~~therefore~~] **therefor** or credited or transferred thereto from any other fund, account or source, including, without limitation, the [~~revenues derived from the metropolitan commuter transportation mobility tax imposed by article twenty-three of the tax law;~~] revenues derived from the special supplemental tax on passenger car rentals imposed by section eleven hundred sixty-six-a of the tax law; revenues derived from the transportation surcharge imposed by article twenty-nine-A of the tax law; the supplemental registration fees imposed by article seventeen-C of the vehicle and traffic law; and the supplemental metropolitan commuter transportation district license fees imposed by section five hundred three of the vehicle and traffic law. Any interest received by the comptroller on moneys on deposit in the metropolitan transportation authority financial assistance fund shall be retained in and become a part of such fund.

5. (a) The "mobility tax trust account" shall consist of [~~revenues required to be deposited therein pursuant to the provisions of article twenty-three of the tax law and all other~~] moneys credited or transferred thereto from any [~~other~~] fund or source pursuant to law.

(b) Moneys in the "mobility tax trust account" shall, pursuant to appropriation by the legislature, be transferred on a monthly basis to the metropolitan transportation authority finance fund established by section twelve hundred seventy-h of the public authorities law and utilized in accordance with said section. It is the intent of the legislature to enact two appropriations from the mobility tax trust account to the metropolitan transportation authority finance fund established by section twelve hundred seventy-h of the public authorities law. One such appropriation shall be equal to the amounts expected to be available [~~for such purpose pursuant to article twenty-three of the tax law or~~] from any [~~other~~] monies described in paragraph (a) of this subdivision during the two thousand [~~nine~~] **eighteen**--two thousand [~~ten~~] **nineteen** fiscal year and shall be effective in that fiscal year. The other such appropriation shall be equal to the amounts expected to be available [~~for such purpose pursuant to article twenty-three of the tax law or~~] from any [~~other~~] monies described in paragraph (a) of this subdivision during the two thousand [~~ten~~] **nineteen**--two thousand [~~eleven~~] **twenty** fiscal year and shall, notwithstanding the provisions of section forty of this chapter, take effect on the first day of the two thousand [~~ten~~] **nineteen**--two thousand [~~eleven~~] **twenty** fiscal year and lapse on the last day of that fiscal year. It is the intent of the governor to submit and the legislature to enact for each fiscal year after the two thousand [~~nine~~] **eighteen**--two thousand [~~ten~~] **nineteen** fiscal year in an annual budget bill: (i) an appropriation for the amount expected to be available in the mobility tax trust account during such fiscal year for the metropolitan transportation authority [~~pursuant to article twenty-three of the tax law or~~] **from** any [~~other~~] monies described in paragraph (a) of this subdivision; and (ii) an appropriation for the amount projected by the director of the budget to be deposited in the mobility tax trust account [~~pursuant to article twenty-three of the tax law or~~] from any [~~other~~] monies described in paragraph (a) of this subdivision for the next succeeding fiscal year. Such appropriation for payment of revenues

projected to be deposited in the succeeding fiscal year shall, notwithstanding the provisions of section forty of this chapter, take effect on the first day of such succeeding fiscal year and lapse on the last day of such fiscal year. If for any fiscal year commencing on or after the first day of April, two thousand ten the governor fails to submit a budget bill containing the foregoing, or the legislature fails to enact a bill with such provisions, then the metropolitan transportation authority shall notify the comptroller, the director of the budget, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee of amounts required to be disbursed from the appropriation made during the preceding fiscal year for payment in such fiscal year. In no event shall the comptroller make any payments from such appropriation prior to May first of such fiscal year, and unless and until the director of the budget, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee have been notified of the required payments and the timing of such payments to be made from the mobility tax trust account to the metropolitan transportation authority finance fund established by section twelve hundred seventy-h of the public authorities law at least forty-eight hours prior to any such payments. Until such time as payments pursuant to such appropriation are made in full, revenues in the mobility tax trust account shall not be paid over to any person other than the metropolitan transportation authority.

§ 15. This act shall take effect April 1, 2018; provided however, that the amendments to section 399-l of the vehicle and traffic law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and provided further, however, that the amendments to paragraph (a) of subdivision 3 of section 89-b of the state finance law made by section seven of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 13 of part U1 of chapter 62 of the laws of 2003, as amended, when upon such date the provisions of section eight of this act shall take effect.

PART VV

Section 1. This act commits the state of New York (state) and the city of New York (city) to fund, $836,000,000 in capital and operating costs related to projects contained in the Metropolitan Transportation Authority (MTA) New York city subway action plan. The state share of $418,000,000 shall consist of appropriations first enacted in the 2018-2019 state budget, additional funds and tax remissions sufficient for the MTA to pay the capital and operating costs as provided as part of the New York city subway action plan. The city share of $418,000,000 is to be provided by the city for the MTA to pay the capital and operating costs as provided in the New York city subway action plan.

§ 2. (a) The state share of funds provided pursuant to section one of this act shall be scheduled and paid to the MTA no later than as follows: $46,444,444.44 no later than the end of April 2018, $46,444,444.44 no later than the end of May 2018, $46,444,444.44 no later than the end of June 2018, $46,444,444.44 no later than the end of July 2018, $46,444,444.44 no later than the end of August 2018, $46,444,444.44 no later than the end of September 2018, $46,444,444.44 no later than the end of October 2018, $46,444,444.44 no later than the end of November 2018, and $46,444,444.48 no later than the end of December 2018.

(b) The city share of funds provided pursuant to section one of this act shall be scheduled and paid to the MTA no later than as follows: $69,666,666.66 on the first of July 2018; $69,666,666.66 on the first of August 2018; $69,666,666.66 on the first of September 2018; $69,666,666.66 on the first of October 2018; $69,666,666.66 on the first of November 2018; and, $69,666,666.70 on the last day of December 2018. The city shall, no later than seven days after making each payment pursuant to this subdivision, certify to the state comptroller and the New York state director of budget the amount of the payment and the date upon which such payment was made.

§ 3. No funds dedicated to the New York city subway action plan by either the city or the state shall be used to reduce or supplant the commitment by the city and state to provide funding for any current or future commitment to the MTA.

§ 4. (a) Notwithstanding any provision of law to the contrary, in the event the city fails to certify to the state comptroller and the New York state director of budget that the city has paid in full any payment required by subdivision (b) of section two of this act, the New York state director of the budget shall direct the comptroller to transfer, collect, or deposit funds in accordance with subdivision (b) of this section in an amount equal to the unpaid balance of any payment required by subdivision (b) of section two of this act, provided that in no event shall such amount exceed $418,000,000. Such direction shall be pursuant to a written plan or plans filed with the comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

(b) Notwithstanding any provision of law to the contrary and as set forth in a plan or plans submitted by the New York state director of the budget pursuant to subdivision (a) of this section, the comptroller is hereby directed and authorized to: (i) transfer funds authorized by any undisbursed general fund aid to localities appropriations or state special revenue fund aid to localities appropriations, excluding debt service, fiduciary, and federal fund appropriations, to the city to the subway assistance fund established by section 92-gg of the state finance law in accordance with such plan; and/or (ii) collect and deposit into the subway assistance fund established by section 92-gg of the state finance law funds from any other revenue source of the city in accordance with such plan. The comptroller is hereby authorized and directed to make such transfers, collections and deposits as soon as practicable but not more than 3 days following the transmittal of such plan to the comptroller in accordance with subdivision (a) of this section. Provided however that in no event shall such deposits exceed $418,000,000, and any such deposits shall be counted against the city share of the New York city subway action plan pursuant to section one of this act.

(c) Notwithstanding any provision of law to the contrary, the state's obligation and or liability to fund any program included in general fund aid to localities appropriations or state special revenue fund aid to localities appropriations from which funds are transferred pursuant to subdivision (b) of this section shall be reduced in an amount equal to such transfer or transfers, provided however that in no event shall such amount exceed $418,000,000.

§ 5. The state finance law is amended by adding a new section 92-gg to read as follows:

§ 92-gg. Subway assistance fund. 1. There is hereby established in the custody of the comptroller a special fund to be known as the subway assistance fund.

2. The subway assistance fund shall consist of any monies directed thereto pursuant to the provisions of section four of part VV of the chapter of the laws of two thousand eighteen which added this section.

3. All monies deposited into the subway assistance fund pursuant to part VV of the chapter of the laws of two thousand eighteen which added this section shall be paid to the metropolitan transportation authority without appropriation, for use in the same manner as the payments required by subdivision (b) of section two of such part, as soon as practicable but not more than five days from the date the comptroller determines that the full amount of the unpaid balance of any payment required by subdivision (b) of section two of such part has been deposited into the subway assistance fund.

§ 6. This act shall take effect immediately; provided, however, sections one, two and four of this act shall expire and be deemed repealed thirty days after all payments required pursuant to this act shall have been deposited in the manner prescribed by this act. The state of New York and the city of New York shall notify the legislative bill drafting commission upon such final payment provided for in this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART WW

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural rental assistance program pursuant to article 17-a of the private housing finance law, a sum not to exceed $23,649,000 for the fiscal year ending March 31, 2019. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural rental assistance program contracts authorized by this section, a total sum not to exceed $23,649,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2017-2018 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2018.

§ 2. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed $8,479,000 for the fiscal year ending March 31, 2019. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of

reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed $8,479,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2017-2018 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2018.

§ 3. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural preservation program, a sum not to exceed $3,539,000 for the fiscal year ending March 31, 2019. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed $3,539,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2017-2018 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2018.

§ 4. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for purposes of the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under those programs, in accordance with the requirements of those programs, a sum not to exceed $8,333,000 for the fiscal year ending March 31, 2019. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of the programs. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the homeless housing and assistance corporation, a total sum not to exceed $8,333,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance

fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2017-2018 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2019.

§ 5. Section 12 of part R of chapter 56 of the laws of 2017 relating to utilizing reserves in the mortgage insurance fund for various housing purposes is REPEALED and a new section 12 is added to read as follows:

§ 12. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for purposes of the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under those programs, in accordance with the requirements of those programs, a sum not to exceed two million dollars for the fiscal year ending March 31, 2019. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of the programs. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the homeless housing and assistance corporation, a total sum not to exceed two million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2019.

§ 6. Section 13 of part R of chapter 56 of the laws of 2017 relating to utilizing reserves in the mortgage insurance fund for various housing purposes is REPEALED and a new section 13 is added to read as follows:

§ 13. Notwithstanding any other provision of law, and in addition to the powers currently authorized to be exercised by the state of New York municipal bond bank agency, the state of New York municipal bond bank agency may provide, for purposes of municipal relief to the city of Albany, a sum not to exceed nine million dollars for the city fiscal year ending December 31, 2018, to the city of Albany. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the state of New York mortgage agency shall transfer to the state of New York municipal bond bank agency for distribution as municipal relief to the city of Albany, a total sum not to exceed nine million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed

the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2017-2018 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, such transfer to be made as soon as practicable no later than December 31, 2018, and provided further that the New York state director of the budget may request additional information from the city of Albany regarding the utilization of these funds and the finances and operations of the city, as appropriate.

§ 7. This act shall take effect immediately.

PART XX

Section 1. Subdivisions 9, 10, 11, 12 and 13 of section 140-a of the judiciary law, subdivisions 9 and 11 as amended by chapter 240 of the laws of 2005, subdivision 10 as amended by chapter 209 of the laws of 1990 and subdivision 12 as amended and subdivision 13 as added by chapter 690 of the laws of 2007, are amended to read as follows:

9. Ninth district, [~~twenty-eight~~] twenty-nine;

10. Tenth district, [~~forty-seven~~] forty-eight;

11. Eleventh district, [~~thirty-nine~~] forty;

12. Twelfth district, [~~twenty-five~~] twenty-six;

13. Thirteenth district, [~~three~~] four.

§ 2. This act shall take effect immediately; provided, however, that the additional supreme court judges provided for by section one of this act shall first be elected at the general election to be held in November 2018 and shall take office January 1, 2019.

PART YY

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part P of chapter 56 of the laws of 2017, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least [~~$141.00~~] $144.00 for each month beginning on or after January first, two thousand [~~seventeen~~] eighteen.

(b) in the case of each individual receiving residential care, an amount equal to at least [~~$163.00~~] $166.00 for each month beginning on or after January first, two thousand [~~seventeen~~] eighteen.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [~~$194.00~~] $198.00 for each month beginning on or after January first, two thousand [~~seventeen~~] eighteen.

(d) for the period commencing January first, two thousand [~~eighteen~~] nineteen, the monthly personal needs allowance shall be an amount equal to the sum of the amounts set forth in subparagraphs one and two of this paragraph:

(1) the amounts specified in paragraphs (a), (b) and (c) of this subdivision; and

(2) the amount in subparagraph one of this paragraph, multiplied by the percentage of any federal supplemental security income cost of living adjustment which becomes effective on or after January first, two thousand [~~eighteen~~] nineteen, but prior to June thirtieth, two thousand [~~eighteen~~] nineteen, rounded to the nearest whole dollar.

§ 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part P of chapter 56 of the laws of 2017, are amended to read as follows:

(a) On and after January first, two thousand [~~seventeen~~] eighteen, for an eligible individual living alone, [~~$822.00~~] $837.00; and for an eligible couple living alone, [~~$1,207.00~~] $1,229.00.

(b) On and after January first, two thousand [~~seventeen~~] eighteen, for an eligible individual living with others with or without in-kind income, [~~$758.00~~] $773.00; and for an eligible couple living with others with or without in-kind income, [~~$1,149.00~~] $1,171.00.

(c) On and after January first, two thousand [~~seventeen~~] eighteen, (i) for an eligible individual receiving family care, [~~$1,001.48~~] $1,016.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$963.48~~] $978.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand [~~seventeen~~] eighteen, (i) for an eligible individual receiving residential care, [~~$1,170.00~~] $1,185.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$1,140.00~~] $1,155.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) (i) On and after January first, two thousand [~~seventeen~~] eighteen, for an eligible individual receiving enhanced residential care, [~~$1,429.00~~] $1,444.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

(f) The amounts set forth in paragraphs (a) through (e) of this subdivision shall be increased to reflect any increases in federal supplemental security income benefits for individuals or couples which become effective on or after January first, two thousand [~~eighteen~~] nineteen but prior to June thirtieth, two thousand [~~eighteen~~] nineteen.

§ 3. This act shall take effect December 31, 2018.

PART ZZ

Section 1. Subdivision 14 of section 131-a of the social services law, as added by section 1 of part H of chapter 58 of the laws of 2014, is amended to read as follows:

14. In determining the need for aid provided pursuant to public assistance programs, each person living with [~~clinical/symptomatic HIV~~

~~illness or AIDS~~] **medically diagnosed HIV infection as defined by the AIDS institute of the department of health** in social services districts with a population over five million who is receiving services through such district's administrative unit providing HIV/AIDS services, public assistance and earned and/or unearned income, shall not be required to pay more than thirty percent of his or her monthly earned and/or unearned income toward the cost of rent that such person has a direct obligation to pay; this provision shall not apply to room and board arrangements.

§ 2. Section 131-a of the social services law is amended by adding a new subdivision 15 to read as follows:

15. In determining the need for aid provided pursuant to public assistance programs, each public assistance recipient living with medically diagnosed HIV infection as defined by the AIDS institute of the department of health in social services districts with a population of five million or fewer, at local option and in accordance with a plan approved by the office of temporary and disability assistance, may not be required to pay more than thirty percent of his or her monthly earned and/or unearned income toward the cost of rent that such person has a direct obligation to pay; this provision shall not apply to room and board arrangements.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law; provided, that the commissioner of the office of temporary and disability assistance may promulgate all rules and regulations necessary to implement the provisions of this act on an emergency basis.

PART AAA

Section 1. Section 1 of subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts, as amended by section 1 of part QQ of chapter 58 of the laws of 2017, is amended to read as follows:

Section 1. Contingent upon available funding, and not to exceed [~~$45,000,000~~] **$69,000,000** moneys from the urban development corporation shall be available for a local government entity, which for the purposes of this section shall mean a county, city, town, village, school district or special district, where (i) on or after June 25, 2015, an electric generating facility located within such local government entity has ceased operations, and (ii) the closing of such facility has caused a reduction in the real property tax collections or payments in lieu of taxes of at least twenty percent owed by such electric generating facility. Such moneys attributable to the cessation of operations, shall be paid annually on a first come, first served basis by the urban development corporation to such local government entity within a reasonable time upon confirmation from the state office of real property tax services or the local industrial development authority established pursuant to titles eleven and fifteen of article eight of the public authorities law, or the local industrial development agency established pursuant to article eighteen-A of the general municipal law that such cessation has resulted in a reduction in the real property tax collections or payments in lieu of taxes, provided, however, that the urban development corporation shall not provide assistance to such local government entity for more than seven years, and shall award payments reflecting the loss of revenues due to the cessation of operations as follows:

Award Year	Maximum Potential Award
1	no more than eighty percent of loss of revenues
2	no more than seventy percent of loss of revenues
3	no more than sixty percent of loss of revenues
4	no more than fifty percent of loss of revenues
5	no more than forty percent of loss of revenues
6	no more than thirty percent of loss of revenues
7	no more than twenty percent of loss of revenues

A local government entity shall be eligible for only one payment of funds hereunder per year. A local government entity may seek assistance under the electric generation facility cessation mitigation fund once a generator has submitted its notice to the federally designated electric bulk system operator (BSO) serving the state of New York of its intent to retire the facility or of its intent to voluntarily remove the facility from service subject to any return-to-service provisions of any tariff, and that the facility also is ineligible to participate in the markets operated by the BSO. The date of submission of a local government entity's application for assistance shall establish the order in which assistance is paid to program applicants, except that in no event shall assistance be paid to a local government entity until such time that an electric generating facility has retired or become ineligible to participate in the markets operated by the BSO. For purposes of this section, any local government entity seeking assistance under the electric generation facility cessation mitigation fund must submit an attestation to the department of public service that a facility is no longer producing electricity and is no longer participating in markets operated by the BSO. After receipt of such attestation, the department of public service shall confirm such information with the BSO. In the case that the BSO confirms to the department of public service that the facility is no longer producing electricity and participating in markets operated by such BSO, it shall be deemed that the electric generating facility located within the local government entity has ceased operation. The department of public service shall provide such confirmation to the urban development corporation upon receipt. The determination of the amount of such annual payment shall be determined by the president of the urban development corporation based on the amount of the differential between the annual real property taxes and payments in lieu of taxes imposed upon the facility, exclusive of interest and penalties, during the last year of operations and the current real property taxes and payments in lieu of taxes imposed upon the facility, exclusive of interest and penalties. The total amount awarded from this program shall not exceed [~~$45,000,000~~] $69,000,000.

§ 2. This act shall take effect immediately provided, however, that the amendments to section 1 of subpart H of part C of chapter 20 of the laws of 2015 made by section one of this act shall not affect the repeal of such subpart and shall be deemed repealed therewith.

PART BBB

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

1. Proprietary vocational school supervision account (20452).
2. Local government records management account (20501).

3. Child health plus program account (20810).
4. EPIC premium account (20818).
5. Education - New (20901).
6. VLT - Sound basic education fund (20904).
7. Sewage treatment program management and administration fund (21000).
8. Hazardous bulk storage account (21061).
9. Federal grants indirect cost recovery account (21065).
10. Low level radioactive waste account (21066).
11. Recreation account (21067).
12. Public safety recovery account (21077).
13. Environmental regulatory account (21081).
14. Natural resource account (21082).
15. Mined land reclamation program account (21084).
16. Great lakes restoration initiative account (21087).
17. Environmental protection and oil spill compensation fund (21200).
18. Public transportation systems account (21401).
19. Metropolitan mass transportation (21402).
20. Operating permit program account (21451).
21. Mobile source account (21452).
22. Statewide planning and research cooperative system account (21902).
23. New York state thruway authority account (21905).
24. Mental hygiene program fund account (21907).
25. Mental hygiene patient income account (21909).
26. Financial control board account (21911).
27. Regulation of racing account (21912).
28. New York Metropolitan Transportation Council account (21913).
29. State university dormitory income reimbursable account (21937).
30. Criminal justice improvement account (21945).
31. Environmental laboratory reference fee account (21959).
32. Clinical laboratory reference system assessment account (21962).
33. Indirect cost recovery account (21978).
34. High school equivalency program account (21979).
35. Multi-agency training account (21989).
36. Interstate reciprocity for post-secondary distance education account (23800).
37. Bell jar collection account (22003).
38. Industry and utility service account (22004).
39. Real property disposition account (22006).
40. Parking account (22007).
41. Courts special grants (22008).
42. Asbestos safety training program account (22009).
43. Batavia school for the blind account (22032).
44. Investment services account (22034).
45. Surplus property account (22036).
46. Financial oversight account (22039).
47. Regulation of Indian gaming account (22046).
48. Rome school for the deaf account (22053).
49. Seized assets account (22054).
50. Administrative adjudication account (22055).
51. Federal salary sharing account (22056).
52. New York City assessment account (22062).
53. Cultural education account (22063).
54. Local services account (22078).
55. DHCR mortgage servicing account (22085).

56. Housing indirect cost recovery account (22090).
57. DHCR-HCA application fee account (22100).
58. Low income housing monitoring account (22130).
59. Corporation administration account (22135).
60. Montrose veteran's home account (22144).
61. Deferred compensation administration account (22151).
62. Rent revenue other New York City account (22156).
63. Rent revenue account (22158).
64. Tax revenue arrearage account (22168).
65. Intentionally omitted.
66. State university general income offset account (22654).
67. Lake George park trust fund account (22751).
68. State police motor vehicle law enforcement account (22802).
69. Highway safety program account (23001).
70. DOH drinking water program account (23102).
71. NYCCC operating offset account (23151).
72. Commercial gaming revenue account (23701).
73. Commercial gaming regulation account (23702).
74. Highway use tax administration account (23801).
75. Fantasy sports administration account (24951).
76. Highway and bridge capital account (30051).
77. Aviation purpose account (30053).
78. State university residence hall rehabilitation fund (30100).
79. State parks infrastructure account (30351).
80. Clean water/clean air implementation fund (30500).
81. Hazardous waste remedial cleanup account (31506).
82. Youth facilities improvement account (31701).
83. Housing assistance fund (31800).
84. Housing program fund (31850).
85. Highway facility purpose account (31951).
86. Information technology capital financing account (32215).
87. New York racing account (32213).
88. Capital miscellaneous gifts account (32214).
89. New York environmental protection and spill remediation account (32219).
90. Mental hygiene facilities capital improvement fund (32300).
91. Correctional facilities capital improvement fund (32350).
92. New York State Storm Recovery Capital Fund (33000).
93. OGS convention center account (50318).
94. Empire Plaza Gift Shop (50327).
95. Centralized services fund (55000).
96. Archives records management account (55052).
97. Federal single audit account (55053).
98. Civil service EHS occupational health program account (55056).
99. Banking services account (55057).
100. Cultural resources survey account (55058).
101. Neighborhood work project account (55059).
102. Automation & printing chargeback account (55060).
103. OFT NYT account (55061).
104. Data center account (55062).
105. Intrusion detection account (55066).
106. Domestic violence grant account (55067).
107. Centralized technology services account (55069).
108. Labor contact center account (55071).
109. Human services contact center account (55072).
110. Tax contact center account (55073).

111. Executive direction internal audit account (55251).
112. CIO Information technology centralized services account (55252).
113. Health insurance internal service account (55300).
114. Civil service employee benefits division administrative account (55301).
115. Correctional industries revolving fund (55350).
116. Employees health insurance account (60201).
117. Medicaid management information system escrow fund (60900).
118. Department of law civil recoveries account.
119. Utility environmental regulatory account (21064).
120. New York state secure choice administrative account.

§ 1-a. The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of section 4 of the state finance law to any account within the following federal funds, provided the comptroller has made a determination that sufficient federal grant award authority is available to reimburse such loans:

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

§ 1-b. The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of section 4 of the state finance law to any fund within the special revenue, capital projects, proprietary or fiduciary funds for the purpose of payment of any fringe benefit or indirect cost liabilities or obligations incurred.

§ 2. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2019, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:

1. $175,000 from the miscellaneous special revenue fund, underground facilities safety training account (22172), to the general fund.
2. $2,500,000 from the miscellaneous special revenue fund, cable television account (21971), to the general fund.
3. An amount up to the unencumbered balance from the miscellaneous special revenue fund, business and licensing services account (21977), to the general fund.
4. $14,810,000 from the miscellaneous special revenue fund, code enforcement account (21904), to the general fund.
5. $3,000,000 from the general fund to the miscellaneous special revenue fund, tax revenue arrearage account (22168).

Education:

1. $2,294,000,000 from the general fund to the state lottery fund, education account (20901), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

2. $906,800,000 from the general fund to the state lottery fund, VLT education account (20904), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

3. $140,040,000 from the general fund to the New York state commercial gaming fund, commercial gaming revenue account (23701), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 97-nnnn of the state finance law that are in excess of the amounts deposited in such fund for purposes pursuant to section 1352 of the racing, pari-mutuel wagering and breeding law.

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

5. $300,000 from the New York state local government records management improvement fund, local government records management account (20501), to the New York state archives partnership trust fund, archives partnership trust maintenance account (20351).

6. $900,000 from the general fund to the miscellaneous special revenue fund, Batavia school for the blind account (22032).

7. $900,000 from the general fund to the miscellaneous special revenue fund, Rome school for the deaf account (22053).

8. $343,400,000 from the state university dormitory income fund (40350) to the miscellaneous special revenue fund, state university dormitory income reimbursable account (21937).

9. $20,000,000 from any of the state education department special revenue and internal service funds to the miscellaneous special revenue fund, indirect cost recovery account (21978).

10. $8,318,000 from the general fund to the state university income fund, state university income offset account (22654), for the state's share of repayment of the STIP loan.

11. $44,000,000 from the state university income fund, state university hospitals income reimbursable account (22656) to the general fund for hospital debt service for the period April 1, 2018 through March 31, 2019.

12. $4,300,000 from the miscellaneous special revenue fund, office of the professions account (22051), to the miscellaneous capital projects fund, office of the professions electronic licensing account (32200).

Environmental Affairs:

1. $16,000,000 from any of the department of environmental conservation's special revenue federal funds to the environmental conservation special revenue fund, federal indirect recovery account (21065).

2. $5,000,000 from any of the department of environmental conservation's special revenue federal funds to the conservation fund (21150) as necessary to avoid diversion of conservation funds.

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

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

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

6. $6,500,000 from the general fund to the hazardous waste remedial fund, hazardous waste oversight and assistance account (31505).

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

8. $1,800,000 from the miscellaneous special revenue fund, public service account (22011) to the miscellaneous special revenue fund, utility environmental regulatory account (21064).

Family Assistance:

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

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

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

4. $140,000,000 from any of the office of temporary and disability assistance or department of health special revenue funds to the general fund.

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

6. $7,400,000 from any of the office of children and family services, office of temporary and disability assistance, department of labor, and department of health special revenue federal funds to the office of children and family services miscellaneous special revenue fund, multi-agency training contract account (21989).

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

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

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

General Government:

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

2. $8,083,000 from the general fund to the health insurance revolving fund (55300).

3. $192,400,000 from the health insurance reserve receipts fund (60550) to the general fund.

4. $150,000 from the general fund to the not-for-profit revolving loan fund (20650).

5. $150,000 from the not-for-profit revolving loan fund (20650) to the general fund.

6. $3,000,000 from the miscellaneous special revenue fund, surplus property account (22036), to the general fund.

7. $19,000,000 from the miscellaneous special revenue fund, revenue arrearage account (22024), to the general fund.

8. $1,826,000 from the miscellaneous special revenue fund, revenue arrearage account (22024), to the miscellaneous special revenue fund, authority budget office account (22138).

9. $1,000,000 from the miscellaneous special revenue fund, parking services account (22007), to the general fund, for the purpose of reimbursing the costs of debt service related to state parking facilities.

10. $21,778,000 from the general fund to the centralized services fund, COPS account (55013).

11. $13,960,000 from the general fund to the agencies internal service fund, central technology services account (55069), for the purpose of enterprise technology projects.

12. $5,500,000 from the miscellaneous special revenue fund, technology financing account (22207) to the internal service fund, data center account (55062).

13. $12,500,000 from the internal service fund, human services telecom account (55063) to the internal service fund, data center account (55062).

14. $300,000 from the internal service fund, learning management systems account (55070) to the internal service fund, data center account (55062).

15. $15,000,000 from the miscellaneous special revenue fund, workers' compensation account (21995), to the miscellaneous capital projects fund, workers' compensation board IT business process design fund, (32218).

16. $12,000,000 from the miscellaneous special revenue fund, parking services account (22007), to the centralized services, building support services account (55018).

17. $6,000,000 from the general fund to the internal service fund, business services center account (55022).

Health:

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

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

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

4. $33,134,000 from the HCRA resources fund (20800) to the miscellaneous special revenue fund, empire state stem cell trust fund account (22161).

5. $6,000,000 from the miscellaneous special revenue fund, certificate of need account (21920), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

6. $2,000,000 from the miscellaneous special revenue fund, vital health records account (22103), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

7. $2,000,000 from the miscellaneous special revenue fund, professional medical conduct account (22088), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

8. $91,304,000 from the HCRA resources fund (20800) to the capital projects fund (30000).

9. $6,550,000 from the general fund to the medical marihuana trust fund, health operation and oversight account (23755).

10. $1,086,000 from the miscellaneous special revenue fund, certificate of need account (21920), to the general fund.

Labor:

1. $400,000 from the miscellaneous special revenue fund, DOL fee and penalty account (21923), to the child performer's protection fund, child performer protection account (20401).

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

3. $5,000,000 from the miscellaneous special revenue fund, workers' compensation account (21995), to the training and education program occupation safety and health fund, OSHA-training and education account (21251) and occupational health inspection account (21252).

Mental Hygiene:

1. $10,000,000 from the general fund, to the miscellaneous special revenue fund, federal salary sharing account (22056).

2. $1,800,000,000 from the general fund to the miscellaneous special revenue fund, mental hygiene patient income account (21909).

3. $2,200,000,000 from the general fund to the miscellaneous special revenue fund, mental hygiene program fund account (21907).

4. $100,000,000 from the miscellaneous special revenue fund, mental hygiene program fund account (21907), to the general fund.

5. $100,000,000 from the miscellaneous special revenue fund, mental hygiene patient income account (21909), to the general fund.

6. $3,800,000 from the general fund, to the agencies internal service fund, civil service EHS occupational health program account (55056).

7. $15,000,000 from the chemical dependence service fund, substance abuse services fund account (22700), to the capital projects fund (30000).

8. $3,000,000 from the chemical dependence service fund, substance abuse services fund account (22700), to the mental hygiene capital improvement fund (32305).

9. $3,000,000 from the chemical dependence service fund, substance abuse services fund account (22700), to the general fund.

10. $1,500,000 from the New York state commercial gaming fund, problem gambling services account (23703), to the general fund.

Public Protection:

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

2. $2,087,000 from the general fund to the miscellaneous special revenue fund, recruitment incentive account (22171).

3. $20,773,000 from the general fund to the correctional industries revolving fund, correctional industries internal service account (55350).

4. $60,000,000 from any of the division of homeland security and emergency services special revenue federal funds to the general fund.

5. $8,600,000 from the miscellaneous special revenue fund, criminal justice improvement account (21945), to the general fund.

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

7. $118,500,000 from the general fund to the correctional facilities capital improvement fund (32350).

8. $5,000,000 from the general fund to the dedicated highway and bridge trust fund (30050) for the purpose of work zone safety activities provided by the division of state police for the department of transportation.

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

10. $9,830,000 from the miscellaneous special revenue fund, legal services assistance account (22096), to the general fund.

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

12. $7,980,000 from the miscellaneous special revenue fund, fingerprint identification & technology account (21950), to the general fund.

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

Transportation:

1. $17,672,000 from the federal miscellaneous operating grants fund to the miscellaneous special revenue fund, New York Metropolitan Transportation Council account (21913).

2. $20,147,000 from the federal capital projects fund to the miscellaneous special revenue fund, New York Metropolitan Transportation Council account (21913).

3. $15,181,992 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assistance account (21401), of which $12,000,000 constitutes the base need for operations.

4. $265,900,000 from the general fund to the dedicated highway and bridge trust fund (30050).

5. $244,250,000 from the general fund to the MTA financial assistance fund, mobility tax trust account (23651).

6. $5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the dedicated highway and bridge trust fund (30050), for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the dedicated highway and bridge trust fund (30050) for such purpose pursuant to section 94 of the transportation law.

7. $3,000,000 from the miscellaneous special revenue fund, traffic adjudication account (22055), to the general fund.

8. $17,421,000 from the mass transportation operating assistance fund, metropolitan mass transportation operating assistance account (21402), to the capital projects fund (30000).

9. $5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the general fund, for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the general fund for such purpose pursuant to section 94 of the transportation law.

Miscellaneous:

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

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

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

4. $18,550,000 from the general fund, community projects account GG (10256), to the general fund, state purposes account (10050).

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

§ 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, on or before March 31, 2019:

1. Upon request of the commissioner of environmental conservation, up to $12,531,400 from revenues credited to any of the department of environmental conservation special revenue funds, including $4,000,000 from the environmental protection and oil spill compensation fund (21200), and $1,819,600 from the conservation fund (21150), to the environmental conservation special revenue fund, indirect charges account (21060).

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

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

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

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

6. Upon request of the commissioner of health up to $8,500,000 from revenues credited to any of the department of health's special revenue funds, to the miscellaneous special revenue fund, administration account (21982).

§ 4. On or before March 31, 2019, the comptroller is hereby authorized and directed to deposit earnings that would otherwise accrue to the general fund that are attributable to the operation of section 98-a of the state finance law, to the agencies internal service fund, banking services account (55057), for the purpose of meeting direct payments from such account.

§ 5. Notwithstanding any law to the contrary, upon the direction of the director of the budget and upon requisition by the state university of New York, the dormitory authority of the state of New York is directed to transfer, up to $22,000,000 in revenues generated from the sale of notes or bonds, the state university income fund general revenue account (22653) for reimbursement of bondable equipment for further transfer to the state's general fund.

§ 6. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2019, up to $16,000,000 from the state

university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Buffalo.

§ 7. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2019, up to $6,500,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Albany.

§ 8. Notwithstanding any law to the contrary, the state university chancellor or his or her designee is authorized and directed to transfer estimated tuition revenue balances from the state university collection fund (61000) to the state university income fund, state university general revenue offset account (22655) on or before March 31, 2019.

§ 9. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $1,018,312,300 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2018 through June 30, 2019 to support operations at the state university.

§ 10. Notwithstanding any law to the contrary, and in accordance with section 4 of the state financial law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $20,000,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2018 to June 30, 2019 to support operations at the state university in accordance with the maintenance of effort pursuant to clause (v) of subparagraph (4) of paragraph h of subdivision 2 of section 355 of the education law.

§ 11. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the state university chancellor or his or her designee, up to $55,000,000 from the state university income fund, state university hospitals income reimbursable account (22656), for services and expenses of hospital operations and capital expenditures at the state university hospitals; and the state university income fund, Long Island veterans' home account (22652) to the state university capital projects fund (32400) on or before June 30, 2019.

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

also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to pay hospital operating costs or to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals on or before March 31, 2019.

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

§ 14. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer monies, upon request of the director of the budget, on or before March 31, 2019, from and to any of the following accounts: the miscellaneous special revenue fund, patient income account (21909), the miscellaneous special revenue fund, mental hygiene program fund account (21907), the miscellaneous special revenue fund, federal salary sharing account (22056), or the general fund in any combination, the aggregate of which shall not exceed $350 million.

§ 15. Subdivision 5 of section 97-f of the state finance law, as amended by chapter 18 of the laws of 2003, is amended to read as follows:

5. The comptroller shall from time to time, but in no event later than the fifteenth day of each month, pay over for deposit in the mental hygiene [~~**patient income**~~] **general fund state operations** account all moneys in the mental health services fund in excess of the amount of money required to be maintained on deposit in the mental health services fund. The amount required to be maintained in such fund shall be (i) twenty percent of the amount of the next payment coming due relating to the mental health services facilities improvement program under any agreement between the facilities development corporation and the New York state medical care facilities finance agency multiplied by the number of months from the date of the last such payment with respect to payments under any such agreement required to be made semi-annually, plus (ii) those amounts specified in any such agreement with respect to payments required to be made other than semi-annually, including for variable rate bonds, interest rate exchange or similar agreements or other financing arrangements permitted by law. Prior to making any such payment, the comptroller shall make and deliver to the director of the budget and the chairmen of the facilities development corporation and the New York state medical care facilities finance agency, a certificate stating the aggregate amount to be maintained on deposit in the mental health services fund to comply in full with the provisions of this subdivision.

§ 16. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $650 million from the unencumbered balance of any special revenue

fund or account, agency fund or account, internal service fund or account, enterprise fund or account, or any combination of such funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2018-19 budget. Transfers from federal funds, debt service funds, capital projects funds, the community projects fund, or funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

§ 17. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $100 million from any non-general fund or account, or combination of funds and accounts, to the miscellaneous special revenue fund, technology financing account (22207), the miscellaneous capital projects fund, information technology capital financing account (32215), or the centralized technology services account (55069), for the purpose of consolidating technology procurement and services. The amounts transferred to the miscellaneous special revenue fund, technology financing account (22207) pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account made in pursuance to an appropriation by law. Transfers to the technology financing account shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule or permanent statute, and shall be transferred to the technology financing account pursuant to a schedule agreed upon by the affected agency commissioner. Transfers from funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

§ 18. Notwithstanding any other law to the contrary, up to $145 million of the assessment reserves remitted to the chair of the workers' compensation board pursuant to subdivision 6 of section 151 of the workers' compensation law shall, at the request of the director of the budget, be transferred to the state insurance fund, for partial payment and partial satisfaction of the state's obligations to the state insurance fund under section 88-c of the workers' compensation law.

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

§ 20. Notwithstanding any provision of law to the contrary, as deemed feasible and advisable by its trustees, the power authority of the state of New York is authorized and directed to transfer to the state treasury to the credit of the general fund $20,000,000 for the state fiscal year commencing April 1, 2018, the proceeds of which will be utilized to support energy-related state activities.

§ 21. Notwithstanding any provision of law, rule or regulation to the contrary, the New York state energy research and development authority is authorized and directed to make the following contributions to the state treasury to the credit of the general fund on or before March 31, 2019: (a) $913,000; and (b) $23,000,000 from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation.

§ 22. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 21 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

5. Notwithstanding the provisions of section one hundred seventy-one-a of the tax law, as separately amended by chapters four hundred eighty-one and four hundred eighty-four of the laws of nineteen hundred eighty-one, and notwithstanding the provisions of chapter ninety-four of the laws of two thousand eleven, or any other provisions of law to the contrary, during the fiscal year beginning April first, two thousand [~~seventeen~~] **eighteen**, the state comptroller is hereby authorized and directed to deposit to the fund created pursuant to this section from amounts collected pursuant to article twenty-two of the tax law and pursuant to a schedule submitted by the director of the budget, up to [~~$2,679,997,000~~] **$2,458,909,000**, as may be certified in such schedule as necessary to meet the purposes of such fund for the fiscal year beginning April first, two thousand [~~seventeen~~] **eighteen**.

§ 23. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2019, the following amounts from the following special revenue accounts to the capital projects fund (30000), for the purposes of reimbursement to such fund for expenses related to the maintenance and preservation of state assets:

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

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

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

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

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

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

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

8. $830,000 from the miscellaneous special revenue fund, long island veterans' home account (22652).

9. $5,379,000 from the miscellaneous special revenue fund, state university general income reimbursable account (22653).

10. $112,556,000 from the miscellaneous special revenue fund, state university revenue offset account (22655).

11. $557,000 from the miscellaneous special revenue fund, state university of New York tuition reimbursement account (22659).

12. $41,930,000 from the state university dormitory income fund, state university dormitory income fund (40350).

13. $1,000,000 from the miscellaneous special revenue fund, litigation settlement and civil recovery account (22117).

§ 24. Intentionally omitted

§ 25. Subdivision 6 of section 4 of the state finance law, as amended by section 24 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

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

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

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

§ 26. Subdivision 4 of section 40 of the state finance law, as amended by section 25 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

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

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

§ 27. Notwithstanding any provision of law to the contrary, in the event that federal legislation, federal regulatory actions, federal executive actions or federal judicial actions in federal fiscal year 2019 reduce federal financial participation in Medicaid funding to New York state or its subdivisions by $850 million or more in state fiscal years 2018-19 or 2019-20, the director of the division of the budget shall notify the temporary president of the senate and the speaker of the assembly in writing that the federal actions will reduce expected funding to New York state. The director of the division of the budget shall prepare a plan that shall be submitted to the legislature, which shall (a) specify the total amount of the reduction in federal financial participation in Medicaid, (b) itemize the specific programs and activ-

ities that will be affected by the reduction in federal financial participation in Medicaid, and (c) identify the general fund and state special revenue fund appropriations and related disbursements that shall be reduced, and in what program areas, provided, however, that such reductions to appropriations and disbursements shall be applied equally and proportionally to the programs affected by the reduction in federal financial participation in Medicaid. Upon such submission, the legislature shall have 90 days after such submission to either prepare its own plan, which may be adopted by concurrent resolution passed by both houses, or if after 90 days the legislature fails to adopt their own plan, the reductions to the general fund and state special revenue fund appropriations and related disbursements identified in the division of the budget plan will go into effect automatically.

§ 28. Notwithstanding any provision of law to the contrary, in the event that federal legislation, federal regulatory actions, federal executive actions or federal judicial actions in federal fiscal year 2019 reduce federal financial participation or other federal aid in funding to New York state that affects the state operating funds financial plan by $850 million or more in state fiscal years 2018-19 or 2019-20, exclusive of any cuts to Medicaid, the director of the division of the budget shall notify the temporary president of the senate and the speaker of the assembly in writing that the federal actions will reduce expected funding to New York state. The director of the division of the budget shall prepare a plan that shall be submitted to the legislature, which shall (a) specify the total amount of the reduction in federal aid, (b) itemize the specific programs and activities that will be affected by the federal reductions, exclusive of Medicaid, and (c) identify the general fund and state special revenue fund appropriations and related disbursements that shall be reduced, and in what program areas, provided, however, that such reductions to appropriations and disbursements shall be applied equally and proportionally. Upon such submission, the legislature shall have 90 days after such submission to either prepare its own plan, which may be adopted by concurrent resolution passed by both houses, or if after 90 days the legislature fails to adopt their own plan, the reductions to the general fund and state special revenue fund appropriations and related disbursements identified in the division of the budget plan will go into effect automatically.

§ 28-a. Intentionally omitted.

§ 29. Subdivision 1 of section 8-b of the state finance law, as added by chapter 169 of the laws of 1994, is amended to read as follows:

1. The comptroller is hereby authorized and directed to assess fringe benefit and central service agency indirect costs on all non-general funds**, and on the general fund upon request and at the sole discretion of the director of the budget,** and to [~~**bill**~~] **charge** such assessments [~~**on**~~] **to** such funds. Such fringe benefit and indirect costs [~~**billings**~~] **assessments** shall be based on rates provided to the comptroller by the director of the budget. Copies of such rates shall be provided to the legislative fiscal committees.

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

1995 and the department of mental hygiene for the purpose of making payments to the dormitory authority of the state of New York for the amount of the earnings for the investment of monies deposited in the mental health services fund that such agency determines will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended, in order to enable such agency to maintain the exemption from federal income taxation on the interest paid to the holders of such agency's mental services facilities improvement revenue bonds. Annually on or before each June 30th, such agency shall certify to the state comptroller its determination of the amounts received in the mental health services fund as a result of the investment of monies deposited therein that will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended.

§ 31. Subdivision 1 of section 47 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 24 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the office of information technology services, department of law, and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~four hundred fifty million five hundred forty thousand dollars~~] five hundred forty million nine hundred fifty-four thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 32. Subdivision 1 of section 16 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 25 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~seven~~] eight billion [~~seven hundred forty-one~~] eighty-two million [~~one~~] eight hundred ninety-nine thousand dollars [~~$7,741,199,000~~] $8,082,899,000, and shall include all bonds, notes and other obligations issued pursuant to chapter 56 of the laws of 1983, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the correctional facilities capital improvement fund to pay for all or any portion of the amount or amounts paid by the state from appropri-

ations or reappropriations made to the department of corrections and community supervision from the correctional facilities capital improvement fund for capital projects. The aggregate amount of bonds, notes or other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the department of corrections and community supervision; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~seven~~] **eight** billion [~~seven hundred forty-one~~] **eighty-two** million [~~one~~] **eight** hundred ninety-nine thousand dollars [~~$7,741,199,000~~] **$8,082,899,000**, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

§ 33. Paragraph (a) of subdivision 2 of section 47-e of the private housing finance law, as amended by section 26 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(a) Subject to the provisions of chapter fifty-nine of the laws of two thousand, in order to enhance and encourage the promotion of housing programs and thereby achieve the stated purposes and objectives of such housing programs, the agency shall have the power and is hereby authorized from time to time to issue negotiable housing program bonds and notes in such principal amount as shall be necessary to provide sufficient funds for the repayment of amounts disbursed (and not previously reimbursed) pursuant to law or any prior year making capital appropriations or reappropriations for the purposes of the housing program; provided, however, that the agency may issue such bonds and notes in an aggregate principal amount not exceeding **$5,981,399,000** five billion [~~three~~] **nine** hundred [~~eighty-four~~] **eighty-one** million [~~one~~] **three** hundred ninety-nine thousand dollars, plus a principal amount of bonds issued to fund the debt service reserve fund in accordance with the debt service reserve fund requirement established by the agency and to fund any other reserves that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other charges and expenses, including underwriters' discount, trustee and rating agency fees, bond insurance, credit enhancement and liquidity enhancement related to the issuance of such bonds and notes. No reserve fund securing the housing program bonds shall be entitled or eligible to receive state funds apportioned or appropriated to maintain or restore such reserve fund at or to a partic-

ular level, except to the extent of any deficiency resulting directly or indirectly from a failure of the state to appropriate or pay the agreed amount under any of the contracts provided for in subdivision four of this section.

§ 34. Subdivision (b) of section 11 of chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, as amended by section 27 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(b) Any service contract or contracts for projects authorized pursuant to sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the transportation law, and entered into pursuant to subdivision (a) of this section, shall provide for state commitments to provide annually to the thruway authority a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget, to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund or to reimburse the state for funding such projects having a cost not in excess of [~~$9,699,586,000~~] $10,251,939,000 cumulatively by the end of fiscal year [~~2017-18~~] 2018-19.

§ 35. Subdivision 1 of section 1689-i of the public authorities law, as amended by section 28 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

1. The dormitory authority is authorized to issue bonds, at the request of the commissioner of education, to finance eligible library construction projects pursuant to section two hundred seventy-three-a of the education law, in amounts certified by such commissioner not to exceed a total principal amount of [~~one~~] two hundred [~~eighty-three~~] seventeen million dollars.

§ 36. Subdivision (a) of section 27 of part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, as amended by section 29 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, the urban development corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~$173,600,000~~] $220,100,000 two hundred twenty million one hundred thousand dollars, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects including IT initiatives for the division of state police, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 37. Section 44 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as

amended by section 30 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

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

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome

center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, **New York State Capital Assistance Program for Transportation, infrastructure, and economic development, high tech innovation and economic development infrastructure program,** high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, **downstate revitalization initiative,** market New York projects, fairground buildings, equipment or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative, heavy equipment, economic development and infrastructure projects, **Roosevelt Island operating corporation capital projects,** and other state costs associated with such projects the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation agree, so as to annually provide to the dormitory authority and the corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the corporation as security for its bonds and notes, as authorized by this section.

§ 37-a. Subdivision (a) of section 1 of part X of chapter 59 of the laws of 2004, authorizing the New York state urban development corporation and the dormitory authority of the state of New York to issue bonds or notes, as amended by section 53 of part BB of chapter 58 of the laws of 2011, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any other provision of law to the contrary, the New York State urban development corporation and the dormitory authority of the state of New York are hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~$243,325,000~~] **$293,325,000** excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing projects cost of the Empire Opportunity Fund; Rebuilding the Empire State Through Opportunities in Regional Economies (RESTORE) New York Program; and the Community Capital Assistance Program authorized pursuant to Part T of chapter 84 of the laws of 2002. Such bonds and notes of the corporation

or the dormitory authority shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation or the dormitory authority for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds. All of the provisions of the New York state urban development corporation act and the dormitory authority act relating to bonds and notes which are not inconsistent with the provisions of this section shall apply to obligations authorized by this section, including but not limited to the power to establish adequate reserves therefor and to issue renewal notes or refunding bonds thereof. The issuance of any bonds or notes hereunder shall further be subject to the approval of the director of the division of the budget.

§ 38. Subdivision 3 of section 1285-p of the public authorities law, as amended by section 31 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

3. The maximum amount of bonds that may be issued for the purpose of financing environmental infrastructure projects authorized by this section shall be [~~four~~] five billion [~~nine~~] one hundred [~~fifty-one~~] forty-seven million [~~seven~~] two hundred sixty thousand dollars, exclusive of bonds issued to fund any debt service reserve funds, pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision one of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 39. Intentionally omitted.

§ 40. Subdivision (a) of section 48 of part K of chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, as amended by section 33 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000 but notwithstanding the provisions of section 18 of the urban development corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~$250,000,000~~] $253,000,000 two-hundred fifty-three million dollars excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security and training facilities for the division of state police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects fund, and is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~$654,800,000~~] $748,800,000, seven hundred forty-eight million eight hundred thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued

to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing improvements to State office buildings and other facilities located statewide, including the reimbursement of any disbursements made from the state capital projects fund. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision (b) of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 41. Subdivision 1 of section 386-b of the public authorities law, as amended by section 34 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of financing peace bridge projects and capital costs of state and local highways, parkways, bridges, the New York state thruway, Indian reservation roads, and facilities, and transportation infrastructure projects including aviation projects, non-MTA mass transit projects, and rail service preservation projects, including work appurtenant and ancillary thereto. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed four billion [~~three~~] five hundred [~~sixty-four~~] million dollars [~~$4,364,000,000~~] $4,500,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 42. Paragraph (c) of subdivision 19 of section 1680 of the public authorities law, as amended by section 35 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, the dormitory authority shall not issue any bonds for state university educational facilities purposes if the principal amount of bonds to be issued when added to the aggregate principal amount of bonds issued by the dormitory authority on and after July first, nineteen hundred eighty-eight for state university educational facilities will exceed [~~twelve~~] thirteen billion [~~three~~] one hundred [~~forty-three~~] seventy-eight million eight hundred sixty-four thousand dollars $13,178,864,000; provided, however, that bonds issued or to be issued shall be excluded from such limitation if: (1) such bonds are issued to refund state university construction bonds and state university construction notes previously issued by the housing finance agency; or (2) such bonds are issued to refund bonds of the authority or other obligations issued for state university educational facilities purposes and the present value of the aggregate debt service on the refunding bonds does not exceed the present value of the aggregate debt service on

the bonds refunded thereby; provided, further that upon certification by the director of the budget that the issuance of refunding bonds or other obligations issued between April first, nineteen hundred ninety-two and March thirty-first, nineteen hundred ninety-three will generate long term economic benefits to the state, as assessed on a present value basis, such issuance will be deemed to have met the present value test noted above. For purposes of this subdivision, the present value of the aggregate debt service of the refunding bonds and the aggregate debt service of the bonds refunded, shall be calculated by utilizing the true interest cost of the refunding bonds, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding bonds from the payment dates thereof to the date of issue of the refunding bonds to the purchase price of the refunding bonds, including interest accrued thereon prior to the issuance thereof. The maturity of such bonds, other than bonds issued to refund outstanding bonds, shall not exceed the weighted average economic life, as certified by the state university construction fund, of the facilities in connection with which the bonds are issued, and in any case not later than the earlier of thirty years or the expiration of the term of any lease, sublease or other agreement relating thereto; provided that no note, including renewals thereof, shall mature later than five years after the date of issuance of such note. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the state university of New York, and the state university construction fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 43. Paragraph (c) of subdivision 14 of section 1680 of the public authorities law, as amended by section 36 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of bonds for city university community college facilities, except to refund or to be substituted for or in lieu of other bonds in relation to city university community college facilities pursuant to a resolution of the dormitory authority adopted before July first, nineteen hundred eighty-five or any resolution supplemental thereto, if the principal amount of bonds so to be issued when added to all principal amounts of bonds previously issued by the dormitory authority for city university community college facilities, except to refund or to be substituted in lieu of other bonds in relation to city university community college facilities will exceed the sum of four hundred twenty-five million dollars and (ii) the dormitory authority shall not deliver a series of bonds issued for city university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so to be issued when added to the principal amount of bonds previously issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to city university facilities, will exceed [~~seven~~] **eight** billion [~~nine~~] **three** hundred [~~eighty-one~~] **fourteen** million [~~nine~~] **six** hundred [~~sixty-eight~~]

ninety-one thousand dollars $8,314,691,000. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 44. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 37 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

10-a. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provision of the law to the contrary, the maximum amount of bonds and notes to be issued after March thirty-first, two thousand two, on behalf of the state, in relation to any locally sponsored community college, shall be nine hundred [~~four-teen~~] sixty-eight million [~~five~~] five hundred [~~ninety~~] forty-two thousand dollars $968,542,000. Such amount shall be exclusive of bonds and notes issued to fund any reserve fund or funds, costs of issuance and to refund any outstanding bonds and notes, issued on behalf of the state, relating to a locally sponsored community college.

§ 45. Subdivision 1 of section 17 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 38 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~six~~] seven hundred [~~eighty-two~~] sixty-nine million [~~nine~~] six hundred fifteen thousand dollars [~~($682,915,000)~~] ($769,615,000), which authorization increases the aggregate principal amount of bonds, notes and other obligations authorized by section 40 of chapter 309 of the laws of 1996, and shall include all bonds, notes and other obligations issued pursuant to chapter 211 of the laws of 1990, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the youth facilities improvement fund, to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the office of children and family services from the youth facilities improvement fund for capital projects. The aggregate amount of bonds, notes and other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the office of children and family services; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~six~~] seven hundred [~~eighty-two~~] sixty-nine million [~~nine~~] six hundred fifteen thousand dollars [~~($682,915,000)~~] ($769,615,000), only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes

or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

§ 46. Paragraph b of subdivision 2 of section 9-a of section 1 of chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, as amended by section 39 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

b. The agency shall have power and is hereby authorized from time to time to issue negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary, after taking into account other moneys which may be available for the purpose, to provide sufficient funds to the facilities development corporation, or any successor agency, for the financing or refinancing of or for the design, construction, acquisition, reconstruction, rehabilitation or improvement of mental health services facilities pursuant to paragraph a of this subdivision, the payment of interest on mental health services improvement bonds and mental health services improvement notes issued for such purposes, the establishment of reserves to secure such bonds and notes, the cost or premium of bond insurance or the costs of any financial mechanisms which may be used to reduce the debt service that would be payable by the agency on its mental health services facilities improvement bonds and notes and all other expenditures of the agency incident to and necessary or convenient to providing the facilities development corporation, or any successor agency, with funds for the financing or refinancing of or for any such design, construction, acquisition, reconstruction, rehabilitation or improvement and for the refunding of mental hygiene improvement bonds issued pursuant to section 47-b of the private housing finance law; provided, however, that the agency shall not issue mental health services facilities improvement bonds and mental health services facilities improvement notes in an aggregate principal amount exceeding eight billion [~~three~~] seven hundred [~~ninety-two~~] seventy-eight million [~~eight~~] seven hundred [~~fifteen~~] eleven thousand dollars, excluding mental health services facilities improvement bonds and mental health services facilities improvement notes issued to refund outstanding mental health services facilities improvement bonds and mental health services facilities improvement notes; provided, however, that upon any such refunding or repayment of mental health services facilities improvement bonds and/or mental health services facilities improvement notes the total aggregate principal amount of outstanding mental health services facilities improvement bonds and mental health facilities improvement notes may be greater than eight billion [~~three~~] seven hundred [~~ninety-two~~] seventy-eight million [~~eight~~] seven hundred [~~fifteen~~] eleven thousand dollars $8,778,711,000 only if, except as hereinafter provided with respect to mental health services facilities bonds and mental health services facilities notes issued to refund mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law, the present value of the aggregate debt service of the refunding or repayment

bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof. Such bonds, other than bonds issued to refund outstanding bonds, shall be scheduled to mature over a term not to exceed the average useful life, as certified by the facilities development corporation, of the projects for which the bonds are issued, and in any case shall not exceed thirty years and the maximum maturity of notes or any renewals thereof shall not exceed five years from the date of the original issue of such notes. Notwithstanding the provisions of this section, the agency shall have the power and is hereby authorized to issue mental health services facilities improvement bonds and/or mental health services facilities improvement notes to refund outstanding mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law and the amount of bonds issued or outstanding for such purposes shall not be included for purposes of determining the amount of bonds issued pursuant to this section. The director of the budget shall allocate the aggregate principal authorized to be issued by the agency among the office of mental health, office for people with developmental disabilities, and the office of alcoholism and substance abuse services, in consultation with their respective commissioners to finance bondable appropriations previously approved by the legislature.

§ 47. Subdivision 1 of section 1680-r of the public authorities law, as amended by section 41 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the capital restructuring financing program for health care and related facilities licensed pursuant to the public health law or the mental hygiene law and other state costs associated with such capital projects, the health care facility transformation programs, and the essential health care provider program. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~two~~] **three** billion [~~seven hundred million~~] **fifty million** dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and

notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 48. Intentionally omitted.

§ 49. Subdivision (a) of section 28 of part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, as amended by section 42-a of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, one or more authorized issuers as defined by section 68-a of the state finance law are hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~$47,000,000~~] $67,000,000, sixty-seven million dollars excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects for public protection facilities in the Division of Military and Naval Affairs, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 50. Subdivision 1 of section 49 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 42-b of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the state and municipal facilities program and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~one~~] two billion [~~nine~~] three hundred [~~twenty-five~~] twenty-three million five hundred thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 51. Intentionally omitted.

§ 52. Intentionally omitted.
§ 53. Intentionally omitted.
§ 54. Intentionally omitted.
§ 55. Intentionally omitted.
§ 56. Intentionally omitted.
§ 57. Intentionally omitted.
§ 58. Section 55 of chapter 59 of the laws of 2017 relating to providing for the administration of certain funds and accounts related to the 2017-18 budget and authorizing certain payments and transfers, is amended to read as follows:
§ 55. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017; provided, however, that the provisions of sections one, two, three, four, five, six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, [~~twenty-one,~~] twenty-two, twenty-two-e and twenty-two-f of this act shall expire March 31, 2018 when upon such date the provisions of such sections shall be deemed repealed; and provided, further, that section twenty-two-c of this act shall expire March 31, 2021.
§ 59. Paragraph (b) of subdivision 3 and clause (B) of subparagraph (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, as amended by section 45 of part UU of chapter 54 of the laws of 2016, are amended to read as follows:
(b) Within amounts appropriated therefor, the board is hereby authorized and directed to award matching capital grants totaling [~~240~~] **two hundred seventy** million dollars. Each college shall be eligible for a grant award amount as determined by the calculations pursuant to subdivision five of this section. In addition, such colleges shall be eligible to compete for additional funds pursuant to paragraph (h) of subdivision four of this section.
(B) The dormitory authority shall not issue any bonds or notes in an amount in excess of [~~240~~] **two hundred seventy** million dollars for the purposes of this section; excluding bonds or notes issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Except for purposes of complying with the internal revenue code, any interest on bond proceeds shall only be used to pay debt service on such bonds.
§ 60. Subdivision 1 of section 1680-n of the public authorities law, as added by section 46 of part T of chapter 57 of the laws of 2007, is amended to read as follows:
1. Notwithstanding the provisions of any other law to the contrary, the authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the acquisition of state buildings and other facilities. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed one hundred [~~forty~~] **sixty-five** million dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority and the

urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 61. Subdivision 1 of section 386-a of the public authorities law, as amended by section 46 of part I of chapter 60 of the laws of 2015, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of assisting the metropolitan transportation authority in the financing of transportation facilities as defined in subdivision seventeen of section twelve hundred sixty-one of this chapter. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed one billion [~~five~~] **six** hundred [~~twenty~~] **ninety-four** million dollars [~~($1,520,000,000)~~] **$1,694,000,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 62. Subdivision 1 of section 1680-k of the public authorities law, as added by section 5 of part J-1 of chapter 109 of the laws of 2006, is amended to read as follows:

1. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any provisions of law to the contrary, the dormitory authority is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed forty million **seven hundred fifteen thousand** dollars excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing the construction of the New York state agriculture and markets food laboratory. Eligible project costs may include, but not be limited to the cost of design, financing, site investigations, site acquisition and preparation, demolition, construction, rehabilitation, acquisition of machinery and equipment, and infrastructure improvements. Such bonds and notes of such authorized issuers shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuers for debt service and related expenses pursuant to any service contract executed pursuant to subdivision two of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 63. Subdivision 13-d of section 5 of section 1 of chapter 359 of the laws of 1968, constituting the facilities development corporation act, as amended by chapter 166 of the laws of 1991, is amended to read as follows:

13-d. **1.** Subject to the terms and conditions of any lease, sublease, loan or other financing agreement with the medical care facilities finance agency in accordance with subdivision 13-c of this section, to make loans to voluntary agencies for the purpose of financing or refinancing the design, construction, acquisition, reconstruction, rehabilitation and improvement of mental hygiene facilities owned or leased by such voluntary agencies provided, however, that with respect to such facilities which are leased by a voluntary agency, the term of repayment of such loan shall not exceed the term of such lease including any option to renew such lease. Notwithstanding any other provisions of law, such loans may be made jointly to one or more voluntary agencies which own and one or more voluntary agencies which will operate any such mental hygiene facility.

2. Subject to the terms and conditions of any lease, sublease, loan or other financing agreement with the medical care facilities finance agency, to make grants to voluntary agencies or provide proceeds of mental health services facilities bonds or notes to the department to make grants to voluntary agencies or to reimburse disbursements made therefor, in each case, for the purpose of financing or refinancing the design, construction, acquisition, reconstruction, rehabilitation and improvement of mental hygiene facilities owned or leased by such voluntary agencies.

§ 64. Paragraph a of subdivision 4 of section 9 of section 1 of chapter 359 of the laws of 1968, constituting the facilities development corporation act, as amended by chapter 90 of the laws of 1989, is amended to read as follows:

a. Upon certification by the director of the budget of the availability of required appropriation authority, the corporation, or any successor agency, is hereby authorized and empowered to enter into leases, subleases, loans and other financing agreements with the state housing finance agency and/or the state medical care facilities finance agency, and to enter into such amendments thereof as the directors of the corporation, or any successor agency, may deem necessary or desirable, which shall provide for (i) the financing or refinancing of or the design, construction, acquisition, reconstruction, rehabilitation or improvement of one or more mental hygiene facilities or for the refinancing of any such facilities for which bonds have previously been issued and are outstanding, and the purchase or acquisition of the original furnishings, equipment, machinery and apparatus to be used in such facilities upon the completion of work, (ii) the leasing to the state housing finance agency or the state medical care facilities finance agency of all or any portion of one or more existing mental hygiene facilities and one or more mental hygiene facilities to be designed, constructed, acquired, reconstructed, rehabilitated or improved, or of real property related to the work to be done, including real property originally acquired by the appropriate commissioner or director of the department in the name of the state pursuant to article seventy-one of the mental hygiene law, (iii) the subleasing of such facilities and property by the corporation upon completion of design, construction, acquisition, reconstruction, rehabilitation or improvement, such leases, subleases, loans or other financing agreements to be upon such other terms and conditions as may be agreed upon, including terms and condi-

tions relating to length of term, maintenance and repair of mental hygiene facilities during any such term, and the annual rentals to be paid for the use of such facilities, property, furnishings, equipment, machinery and apparatus, and (iv) the receipt and disposition, including loans **or grants** to voluntary agencies, of proceeds of mental health service facilities bonds or notes issued pursuant to section nine-a of the New York state medical care facilities finance agency act. For purposes of the design, construction, acquisition, reconstruction, rehabilitation or improvement work required by the terms of any such lease, sublease or agreement, the corporation shall act as agent for the state housing finance agency or the state medical care facilities finance agency. In the event that the corporation enters into an agreement for the financing of any of the aforementioned facilities with the state housing finance agency or the state medical care facilities finance agency, or in the event that the corporation enters into an agreement for the financing or refinancing of any of the aforementioned facilities with one or more voluntary agencies, it shall act on its own behalf and not as agent. The appropriate commissioner or director of the department on behalf of the department shall approve any such lease, sublease, loan or other financing agreement and shall be a party thereto. All such leases, subleases, loans or other financing agreements shall be approved prior to execution by no less than three directors of the corporation.

§ 65. 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, however, that the provisions of sections one, two, three, four, five, six, seven, eight, twelve, thirteen, fourteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three, twenty-seven, and twenty-eight of this act shall expire March 31, 2019 when upon such date the provisions of such sections shall be deemed repealed.

PART CCC

Section 1. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage and provided further that, a school district that submitted a contract for excellence for the two thousand eleven--two thousand twelve school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twelve--two thousand thir-

teen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for excellence for the two thousand twelve--two thousand thirteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand thirteen--two thousand fourteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twelve--two thousand thirteen school year and provided further that, a school district that submitted a contract for excellence for the two thousand thirteen--two thousand fourteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fourteen--two thousand fifteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand thirteen--two thousand fourteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand fourteen--two thousand fifteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fifteen--two thousand sixteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fourteen--two thousand fifteen school year; and provided further that a school district that submitted a contract for excellence for the two thousand fifteen--two thousand sixteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand sixteen--two thousand seventeen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fifteen--two thousand sixteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand sixteen--two thousand seventeen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand seventeen--two thousand eighteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand sixteen--two thousand seventeen school year**; and provided further that a school district that submitted a contract for excellence for the two thousand seventeen--two thousand eighteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eighteen--two thousand nineteen school year which**

shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand seventeen--two thousand eighteen school year. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

§ 2. Section 305 of the education law is amended by adding a new subdivision 58 to read as follows:

58. a. No later than June first, two thousand nineteen, the commissioner shall prepare and submit to the governor, the temporary president of the senate and the speaker of the assembly a report that provides an overview of teacher diversity throughout the state. Such report shall:

(i) study the potential barriers to: achieving diversity within teacher preparation programs; obtaining an initial certificate in the classroom teaching service; and obtaining teacher certification as a teacher aide or teaching assistant;

(ii) include available data on race, ethnicity, gender, and age; the efforts higher education institutions with teacher preparation programs are taking to recruit and retain a diverse student population into such programs; and the efforts that the state and schools are taking to attract, hire, and retain certified teachers who reflect the diversity within New York state's schools; and

(iii) make recommendations on programs, practices and policies that may be implemented by schools and teacher preparation programs to improve teacher diversity throughout the state.

b. The commissioner shall consult with stakeholders and other interested parties when preparing such report. The state university of New York, the city university of New York, the commission on independent colleges and universities, and the proprietary college sector with registered teacher education programs in this state shall, to the extent practicable, identify and provide representatives to the department, at the request of the commissioner, in order to participate in the development and drafting of such report.

§ 3. Intentionally omitted.

§ 4. The education law is amended by adding a new section 3614 to read as follows:

§ 3614. Statement of the total funding allocation. 1. Notwithstanding any provision of law, rule or regulation to the contrary, commencing with the two thousand eighteen--two thousand nineteen school year for school districts which contain at least four schools as reported in the

school report card database produced by the commissioner for the two thousand sixteen--two thousand seventeen school year and which receive at least fifty percent of total revenue from state aid as reported in the fiscal profiles master files report produced by the commissioner concerning data on school district expenditures and revenues for the two thousand fifteen--two thousand sixteen school year and for school districts located in a city with a population of more than one million, and commencing with the two thousand nineteen--two thousand twenty school year for school districts containing at least four schools as reported in the school report card database produced by the commissioner for the two thousand sixteen--two thousand seventeen school year, and commencing with the two thousand twenty--two thousand twenty-one school year for all other school districts eligible for an apportionment pursuant to subdivision four of section thirty-six hundred two of this part, such school districts shall annually submit to the commissioner and the director of the budget and shall make publicly available and on the district website a detailed statement of the total funding allocation for each school in the district for the upcoming school budget year prior to the first day of such school year, provided that:

a. Such statements shall be in a statewide uniform form developed by the director of the budget, in consultation with the commissioner, provided that when preparing statements districts shall adhere to and complete the prescribed form accurately and fully, and provided further that the director of the budget shall request in such form only information that is known to, or may be ascertained or estimated by, the district. Provided, further, that each local educational agency shall include in such statement the approach used to allocate funds to each school and that such statement shall include but not be limited to separate entries for each individual school, demographic data for the school, per pupil funding level, source of funds, and uniform decision rules regarding allocation of centralized spending to individual schools from all funding sources.

b. Within thirty days of submission of such statement by a school district, the commissioner and director of the budget shall review such statement and determine whether the statement is complete and is in the format required by paragraph a of this subdivision. If such statement is determined to be complete and in the format required by paragraph a of this subdivision, a written acknowledgement of such shall be sent to the school district. If no determination is made by the commissioner and the director of the budget within thirty days of submission of the statement, such statement shall be deemed approved. Should the commissioner or the director of the budget request additional information from the school district to determine completeness, the deadline shall be extended by thirty days from the date of submission of the additional requested information. If the commissioner or director of the budget determine a school district's spending statement to be noncompliant, such school district shall be allowed to submit a revised spending statement at any time.

c. If a school district fails to submit a statement that is complete and in the format required by paragraph a of this subdivision by the first day of such school year or if the commissioner or director of the budget determine the school district's spending statement to be noncompliant, a written explanation shall be provided and the school district will have thirty days to cure. If the school district does not cure within thirty days, the comptroller of the city in which such school district is situated, or if the city does not have an elected comp-

troller, the chief financial officer of the city, or for school districts not located in a city, the chief financial officer of the town in which the majority of the school district is situated shall be authorized, at his or her discretion, to obtain appropriate information from the school district, and shall be authorized to complete such form and submit such statement to the director of the budget and the commissioner for approval in accordance with paragraph b of this subdivision. Where the comptroller or chief financial officer exercises the authority to submit such form, such submission shall occur within sixty days following notification of the school district's failure to cure. Nothing in this paragraph shall preclude a school district from submitting a spending statement for approval by the director of the budget and the commissioner at any time.

2. Nothing in this section shall alter or suspend statutory school district budget and voting or approval requirements.

§ 4-a. Section 3601 of the education law, as amended by section 4-a of part A-1 of chapter 58 of the laws of 2006, and as further amended by subdivision (d) of section 1 of part W of chapter 56 of the laws of 2010, is amended to read as follows:

§ 3601. When apportioned and how applied. The amount annually appropriated by the legislature for general support for public schools, net of disallowances, refunds, reimbursements and credits, shall be apportioned by the commissioner each year prior to the dates of the respective final payments provided by law and all moneys so apportioned shall be applied exclusively to school purposes authorized by law. General state aid claims, on forms prescribed by the commissioner, shall be submitted to the commissioner by September second of each school year, except that the audit report required by subdivision three of section twenty-one hundred sixteen-a of this chapter shall be submitted to the commissioner by October fifteenth following the close of the school year audited for all districts other than the city school districts of the cities of Buffalo, Rochester, Syracuse, Yonkers and New York and by January first following the close of the school year audited for such city school districts. No aid shall be paid to a school district or board of cooperative educational services prior to the submission of claims as required by the commissioner, except that no aid certified as payable to a school district by the commissioner of taxation and finance pursuant to paragraph (c) of subdivision three of section thirteen hundred six-a of the real property tax law shall be withheld due to the failure of the school district to submit general state aid claims required by the commissioner, [~~and~~] except that no aids shall be withheld due to the failure of a school district to submit the audit report required by subdivision three of section twenty-one hundred sixteen-a of this chapter until the thirtieth day following the due date specified in this section for such report, and except that apportionment for general support of public schools from the funds apportioned to a school district for the current year in excess of the amount apportioned to such school district in the base year shall be withheld until issuance of a determination of compliance in writing of such school district's statement of total funding allocation by the commissioner and the director of the budget as required by section thirty-six hundred fourteen of this part, whenever such shall occur, provided that for purposes of this section, "current year" shall mean the current year as defined in paragraph a of subdivision one of section thirty-six hundred two of this part and "base year" shall mean the base year as defined in paragraph b of subdivision one of section thirty-six hundred two of this part.

§ 4-b. Section 2590-r-1 of the education law is REPEALED.
§ 5. Intentionally omitted.
§ 6. Intentionally omitted.
§ 7. Intentionally omitted.
§ 8. Intentionally omitted.
§ 9. Paragraph r of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended to read as follows:
r. "Sparsity count", for districts operating a kindergarten through grade twelve school program, shall mean the product of (i) the base year public school enrollment of the district and (ii) **the sparsity factor, which shall mean** the quotient, computed to three decimals without rounding, of the positive remainder of twenty-five minus the enrollment per square mile divided by fifty and nine tenths, but not less than zero. Enrollment per square mile shall be the quotient, computed to two decimals without rounding, of the public school enrollment of the school district on the date enrollment was counted in accordance with this subdivision for the base year divided by the square miles of the district, as determined by the commissioner.
§ 9-a. Subdivision 1 of section 3602 of the education law is amended by adding a new paragraph hh to read as follows:
hh. "Consumer price index" shall mean the quotient of: (i) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period preceding January first of the current year minus the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period preceding January first of the prior year, divided by (ii) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period preceding January first of the prior year, with the result expressed as a decimal to three places.
§ 9-b. Subdivision 4 of section 3602 of the education law, as amended by section 16-a of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:
4. Total foundation aid. In addition to any other apportionment pursuant to this chapter, a school district, other than a special act school district as defined in subdivision eight of section four thousand one of this chapter, shall be eligible for total foundation aid equal to the product of total aidable foundation pupil units multiplied by the district's selected foundation aid, which shall be the greater of five hundred dollars ($500) or foundation formula aid, provided, however that for the two thousand seven--two thousand eight through two thousand eight--two thousand nine school years, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand twelve--two thousand thirteen school year, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand eleven--two thousand twelve school year computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand thirteen--two thousand fourteen school year and thereafter, no school

district shall receive total foundation aid in excess of the sum of the total foundation aid base computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand sixteen--two thousand seventeen school year, no eligible school districts shall receive total foundation aid in excess of the sum of the total foundation aid base computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section plus the sum of (A) the phase-in foundation increase, (B) the executive foundation increase with a minimum increase pursuant to paragraph b-2 of this subdivision, and (C) an amount equal to "COMMUNITY SCHOOLS AID" in the computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen--two thousand seventeen school year and entitled "BT161-7", where (1) "eligible school district" shall be defined as a district with (a) an unrestricted aid increase of less than seven percent (0.07) and (b) a three year average free and reduced price lunch percent greater than fifteen percent (0.15), and (2) "unrestricted aid increase" shall mean the quotient arrived at when dividing (a) the sum of the executive foundation aid increase plus the gap elimination adjustment for the base year, by (b) the difference of foundation aid for the base year less the gap elimination adjustment for the base year, and (3) "executive foundation increase" shall mean the difference of (a) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen--two thousand seventeen school year and entitled "BT161-7" less (b) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such computer listing and provided further that total foundation aid shall not be less than the product of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section and the due-minimum percent which shall be, for the two thousand twelve--two thousand thirteen school year, one hundred and six-tenths percent (1.006) and for the two thousand thirteen--two thousand fourteen school year for city school districts of those cities having populations in excess of one hundred twenty-five thousand and less than one million inhabitants one hundred and one and one hundred and seventy-six thousandths percent (1.01176), and for all other districts one hundred and three-tenths percent (1.003), and for the two thousand fourteen--two thousand fifteen school year one hundred and eighty-five hundredths percent (1.0085), and for the two thousand fifteen--two thousand sixteen school year, one hundred thirty-seven hundredths percent (1.0037), subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein, nor more than the product of such total foundation aid base and one hundred fifteen percent for any school year other than the two thousand seventeen--two thousand eighteen school year, provided, however, that for the two thousand sixteen--two thousand seventeen school year such maximum shall be no more than the sum of (i) the product of such total foundation aid base and one hundred fifteen percent plus (ii) the executive foundation increase and plus (iii) "COMMUNITY SCHOOLS AID" in the computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen--two thousand seventeen school year and entitled "BT161-7" and provided further that for the two thousand nine--two thousand ten through two thousand eleven--two thou-

sand twelve school years, each school district shall receive total foundation aid in an amount equal to the amount apportioned to such school district for the two thousand eight--two thousand nine school year pursuant to this subdivision. Total aidable foundation pupil units shall be calculated pursuant to paragraph g of subdivision two of this section. For the purposes of calculating aid pursuant to this subdivision, aid for the city school district of the city of New York shall be calculated on a citywide basis.

a. Foundation formula aid. Foundation formula aid shall equal the remainder when the expected minimum local contribution is subtracted from the product of the foundation amount, the regional cost index, and the pupil need index, or: (foundation amount x regional cost index x pupil need index)- expected minimum local contribution.

(1) The foundation amount shall reflect the average per pupil cost of general education instruction in successful school districts, as determined by a statistical analysis of the costs of special education and general education in successful school districts, provided that the foundation amount shall be adjusted annually to reflect the percentage increase in the consumer price index [~~as computed pursuant to section two thousand twenty-two of this chapter~~] as defined by paragraph hh of subdivision one of this section, provided that for the two thousand eight--two thousand nine school year, for the purpose of such adjustment, the percentage increase in the consumer price index shall be deemed to be two and nine-tenths percent (0.029), and provided further that the foundation amount for the two thousand seven--two thousand eight school year shall be five thousand two hundred fifty-eight dollars, and provided further that for the two thousand seven--two thousand eight through two thousand seventeen--two thousand eighteen school years, the foundation amount shall be further adjusted by the phase-in foundation percent established pursuant to paragraph b of this subdivision.

(2) The regional cost index shall reflect an analysis of labor market costs based on median salaries in professional occupations that require similar credentials to those of positions in the education field, but not including those occupations in the education field, provided that the regional cost indices for the two thousand seven--two thousand eight school year and thereafter shall be as follows:

Labor Force Region	Index
Capital District	1.124
Southern Tier	1.045
Western New York	1.091
Hudson Valley	1.314
Long Island/NYC	1.425
Finger Lakes	1.141
Central New York	1.103
Mohawk Valley	1.000
North Country	1.000

(3) The pupil need index shall equal the sum of one plus the extraordinary needs percent, provided, however, that the pupil need index shall not be less than one nor more than two. The extraordinary needs percent shall be calculated pursuant to paragraph w of subdivision one of this section.

(4) The expected minimum local contribution shall equal the lesser of (i) the product of (A) the quotient arrived at when the selected actual valuation is divided by total wealth foundation pupil units, multiplied by (B) the product of the local tax factor, multiplied by the income

wealth index, or (ii) the product of (A) the product of the foundation amount, the regional cost index, and the pupil need index, multiplied by (B) the positive difference, if any, of one minus the state sharing ratio for total foundation aid. The local tax factor shall be established by May first of each year by determining the product, computed to four decimal places without rounding, of ninety percent multiplied by the quotient of the sum of the statewide average tax rate as computed by the commissioner for the current year in accordance with the provisions of paragraph e of subdivision one of section thirty-six hundred nine-e of this part plus the statewide average tax rate computed by the commissioner for the base year in accordance with such provisions plus the statewide average tax rate computed by the commissioner for the year prior to the base year in accordance with such provisions, divided by three, provided however that for the two thousand seven--two thousand eight school year, such local tax factor shall be sixteen thousandths (0.016), and provided further that for the two thousand eight--two thousand nine school year, such local tax factor shall be one hundred fifty-four ten thousandths (0.0154). The income wealth index shall be calculated pursuant to paragraph d of subdivision three of this section, provided, however, that for the purposes of computing the expected minimum local contribution the income wealth index shall not be less than sixty-five percent (0.65) and shall not be more than two hundred percent (2.0) and provided however that such income wealth index shall not be more than ninety-five percent (0.95) for the two thousand eight--two thousand nine school year, and provided further that such income wealth index shall not be less than zero for the two thousand thirteen--two thousand fourteen school year. The selected actual valuation shall be calculated pursuant to paragraph c of subdivision one of this section. Total wealth foundation pupil units shall be calculated pursuant to paragraph h of subdivision two of this section.

b. Phase-in foundation increase. (1) The phase-in foundation increase shall equal the product of the phase-in foundation increase factor multiplied by the positive difference, if any, of (i) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less (ii) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

(2) (i) Phase-in foundation percent. The phase-in foundation percent shall equal one hundred thirteen and fourteen one hundredths percent (1.1314) for the two thousand eleven--two thousand twelve school year, one hundred ten and thirty-eight hundredths percent (1.1038) for the two thousand twelve--two thousand thirteen school year, one hundred seven and sixty-eight hundredths percent (1.0768) for the two thousand thirteen--two thousand fourteen school year, one hundred five and six hundredths percent (1.0506) for the two thousand fourteen--two thousand fifteen school year, and one hundred two and five tenths percent (1.0250) for the two thousand fifteen--two thousand sixteen school year.

(ii) Phase-in foundation increase factor. For the two thousand eleven--two thousand twelve school year, the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375) and the phase-in due minimum percent shall equal nineteen and forty-one hundredths percent (0.1941), for the two thousand twelve--two thousand thirteen school year the phase-in foundation increase factor shall equal one and seven-tenths percent (0.017), for the two thousand thirteen--two thousand fourteen school year the phase-in foundation increase factor shall equal (1) for a city school district in a city having a population of one million or more, five and twenty-three hundredths percent

(0.0523) or (2) for all other school districts zero percent, for the two thousand fourteen--two thousand fifteen school year the phase-in foundation increase factor shall equal (1) for a city school district of a city having a population of one million or more, four and thirty-two hundredths percent (0.0432) or (2) for a school district other than a city school district having a population of one million or more for which (A) the quotient of the positive difference of the foundation formula aid minus the foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by the foundation formula aid is greater than twenty-two percent (0.22) and (B) a combined wealth ratio less than thirty-five hundredths (0.35), seven percent (0.07) or (3) for all other school districts, four and thirty-one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen school year the phase-in foundation increase factor shall equal: (1) for a city school district of a city having a population of one million or more, thirteen and two hundred seventy-four thousandths percent (0.13274); or (2) for districts where the quotient arrived at when dividing (A) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by (B) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid is greater than nineteen percent (0.19), and where the district's combined wealth ratio is less than thirty-three hundredths (0.33), seven and seventy-five hundredths percent (0.0775); or (3) for any other district designated as high need pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", four percent (0.04); or (4) for a city school district in a city having a population of one hundred twenty-five thousand or more but less than one million, fourteen percent (0.14); or (5) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", four and seven hundred fifty-one thousandths percent (0.04751); or (6) for all other districts one percent (0.01), and for the two thousand sixteen--two thousand seventeen school year the foundation aid phase-in increase factor shall equal for an eligible school district the greater of: (1) for a city school district in a city with a population of one million or more, seven and seven hundred eighty four thousandths percent (0.07784); or (2) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million as of the most recent federal decennial census, seven and three hundredths percent (0.0703); or (3) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, six and seventy-two hundredths percent (0.0672); or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand as of the most recent federal decennial census, six and seventy-four hundredths percent (0.0674); or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nine and fifty-five hundredths percent

(0.0955); or (6) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5" with a combined wealth ratio less than one and four tenths (1.4), nine percent (0.09), provided, however, that for such districts that are also districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", nine and seven hundred and nineteen thousandths percent (0.09719); or (7) for school districts designated as high need rural pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for school districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", seven hundred nineteen thousandths percent (0.00719); or (9) for all other eligible school districts, forty-seven hundredths percent (0.0047), provided further that for the two thousand seventeen--two thousand eighteen school year the foundation aid increase phase-in factor shall equal (1) for school districts with a census 2000 poverty rate computed pursuant to paragraph q of subdivision one of this section equal to or greater than twenty-six percent (0.26), ten and three-tenths percent (0.103), or (2) for a school district in a city with a population in excess of one million or more, seventeen and seventy-seven one-hundredths percent (0.1777), or (3) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million, as of the most recent decennial census, twelve and sixty-nine hundredths percent (0.1269) or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand, as of the most recent federal decennial census, ten and seventy-eight one hundredths percent (0.1078), or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nineteen and one hundred eight one-thousandths percent (0.19108), or (6) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, ten and six-tenths percent (0.106), or (7) for all other districts, four and eighty-seven one-hundredths percent (0.0487), and for the two thousand [~~eighteen~~] **nineteen**--two thousand [~~nineteen~~] **twenty** school year and thereafter the commissioner shall annually determine the phase-in foundation increase factor subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein.

b-1. Notwithstanding any other provision of law to the contrary, for the two thousand seven--two thousand eight school year and thereafter, the additional amount payable to each school district pursuant to this subdivision in the current year as total foundation aid, after deducting

the total foundation aid base, shall be deemed a state grant in aid identified by the commissioner for general use for purposes of section seventeen hundred eighteen of this chapter.

b-2. Due minimum for the two thousand sixteen--two thousand seventeen school year. Notwithstanding any other provision of law to the contrary, for the two thousand sixteen--two thousand seventeen school year the total foundation aid shall not be less than the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the due minimum for the two thousand sixteen--two thousand seventeen school year, where such due minimum shall equal the difference of (1) the product of (A) two percent (0.02) multiplied by (B) the difference of total foundation aid for the base year less the gap elimination adjustment for the base year, less (2) the sum of (A) the difference of the amounts set forth for each school district as "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen--two thousand seventeen school year and entitled "BT161-7" less the amounts set forth for each school district as "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such computer listing plus (B) the gap elimination adjustment for the base year.

b-3. Due minimum for the two thousand seventeen--two thousand eighteen school year. Notwithstanding any other provision of law to the contrary, for the two thousand seventeen--two thousand eighteen school year the total foundation aid shall not be less than (A) the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the product of (i) the difference of the amount set forth for such school district as "FOUNDATION AID" under the heading "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand seventeen--two thousand eighteen school year and entitled "BT171-8" less the amount set forth for such school district as "FOUNDATION AID" under the heading "2016-17 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand seventeen--two thousand eighteen school year and entitled "BT171-8" multiplied by (ii) one and eighteen one-hundredths (1.18), or (B) the product of forty-four and seventy-five one-hundredths percent (0.4475) multiplied by total foundation aid as computed pursuant to paragraph a of this subdivision, or (C) the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the due minimum for the two thousand seventeen--two thousand eighteen school year, where such due minimum shall equal (1) for school districts with a census 2000 poverty rate computed pursuant to paragraph q of subdivision one of this section, equal to or greater than eleven and nine-tenths percent (0.119), the product of the foundation aid base for the two thousand seventeen--two thousand eighteen school year computed pursuant to subparagraph (iii) of paragraph j of subdivision one of this section multiplied by three hundred thirty-five ten-thousandths (0.0335), or (2) for all other school districts the product of the foundation aid base for the two thousand seventeen--two thousand eighteen school year computed pursuant to subparagraph (iii) of paragraph j of subdivision one of this section multiplied by two and seventy-four one-hundredths percent (0.0274).

b-4. Additional increase for the two thousand seventeen-two thousand eighteen school year. For the two thousand seventeen-two thousand eigh-

teen school year, any school district eligible to receive a phase-in foundation increase pursuant to this subdivision shall receive an additional foundation increase equal to the sum of tiers A, B, C, and D as defined herein.

(i) Tier A. For all school districts other than a district within a city with a population of one million or more, with a combined wealth ratio less than two (2.0), where either (A) the quotient arrived at by dividing the English language learner count pursuant to paragraph o of subdivision one of this section for the base year by the public school district enrollment for the base year pursuant to paragraph n of subdivision one of this section is greater than two one-hundredths (0.02) or (B) the quotient arrived at by dividing the difference of the English language learner count pursuant to paragraph o of subdivision one of this section for the base year less such count for one year prior to the base year by the public school district enrollment for one year prior to the base year pursuant to paragraph n of subdivision one of this section is greater than one one-thousandth (0.001), tier A shall equal the product of (A) the difference of two minus the combined wealth ratio multiplied by (B) one hundred dollars ($100.00) multiplied by (C) the English language learner count for the base year.

(ii) Tier B. For any school district (A) where the amount set forth as "25% LIMIT CAP ON INCREASE" on the computer file produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA070-8" is less than zero and (B) with a combined wealth ratio computed pursuant to paragraph c of subdivision three of this section greater than one (1.0), tier B shall equal the product of (A) the sum of (1) the difference of total foundation aid less the foundation aid base plus (2) the difference of the amount set forth for such school district as "FOUNDATION AID" under the heading "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request and entitled "BT1718" less the foundation aid base multiplied by (B) ten and two-tenths percent (0.102).

(iii) Tier C. For all school districts with a combined wealth ratio for total foundation aid computed pursuant to paragraph c of subdivision three of this section less than one (1.0), tier C shall be the greater of (A) for districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", the product of the public school district enrollment for the base year pursuant to paragraph n of subdivision one of this section multiplied by one hundred sixty-seven dollars and forty cents ($167.40) or (B) for school districts with a sparsity factor as set forth on the computer listing produced by the commissioner in support of the enacted budget for the two thousand seventeen--two thousand eighteen school year and entitled "SA171-8" of greater than zero, the product of the public school district enrollment for the base year multiplied by one hundred eighty-eight dollars ($188.00).

(iv) Tier D. For all school districts, other than districts within a city with a population of one hundred twenty-five thousand or more, with a selected poverty rate of greater than eighteen hundredths (0.18), tier D shall equal the product of the selected poverty rate multiplied by the school district public enrollment for the base year multiplied by two hundred forty dollars ($240.00), provided, however, that for districts

within a city with a population of greater than one hundred twenty-five thousand but less than one million and a selected poverty rate of greater than eighteen hundredths (0.18), tier D shall equal the product of the selected poverty rate multiplied by school district public enrollment for the base year multiplied by three hundred forty-four dollars ($344.00), and for a city school district in a city with a population of one million or more, tier D shall equal the product of the selected poverty rate multiplied by school district public enrollment for the base year multiplied by twenty-nine cents ($0.29).

c. Public excess cost aid setaside. Each school district shall set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to the product of: (i) the difference between the amount the school district was eligible to receive in the two thousand six--two thousand seven school year pursuant to or in lieu of paragraph six of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, minus the amount such district was eligible to receive pursuant to or in lieu of paragraph five of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, in such school year, and (ii) the sum of one and the percentage increase in the consumer price index for the current year over such consumer price index for the two thousand six--two thousand seven school year, [~~as computed pursuant to section two thousand twenty-two of this chapter~~] as defined by paragraph hh of subdivision one of this section. Notwithstanding any other provision of law to the contrary, the public excess cost aid setaside shall be paid pursuant to section thirty-six hundred nine-b of this part.

d. For the two thousand fourteen--two thousand fifteen through two thousand [~~seventeen~~] eighteen--two thousand [~~eighteen~~] nineteen school years a city school district of a city having a population of one million or more may use amounts apportioned pursuant to this subdivision for afterschool programs.

e. Community schools aid set-aside. Each school district shall set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to the sum of (i) the amount, if any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the data file produced by the commissioner in support of the enacted budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7" [~~and~~], (ii) the amount, if any, set forth for such district as "COMMUNITY SCHL INCR" in the data file produced by the commissioner in support of the executive budget request for the two thousand seventeen--two thousand eighteen school year and entitled "BT171-8", and (iii) the amount, if any, set forth for such district as "COMMUNITY SCHOOLS INCREASE" in the data file produced by the commissioner in support of the executive budget for the two thousand eighteen--two thousand nineteen school year and entitled "BT181-9". Each school district shall use such "COMMUNITY SCHL AID (BT1617)" amount to support the transformation of school buildings into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator, or to support other costs incurred to maximize students' academic achievement. Each school district shall use such "COMMUNITY SCHL INCR" amount to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual

language programs, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator and programs for English language learners, or to support other costs incurred to maximize students' academic achievement, provided however that a school district whose "COMMUNITY SCHL INCR" amount exceeds one million dollars ($1,000,000) shall use an amount equal to the greater of one hundred fifty thousand dollars ($150,000) or ten percent of such "COMMUNITY SCHL INCR" amount to support such transformation at schools with extraordinary high levels of student need as identified by the commissioner, subject to the approval of the director of the budget. **Each school district shall use such "COMMUNITY SCHOOLS INCREASE" to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual language programs, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator and programs for English language learners, or to support other costs incurred to maximize students' academic achievement.**

f. Foundation aid payable in the two thousand eighteen--two thousand nineteen school year. Notwithstanding any provision of law to the contrary, foundation aid payable in the two thousand eighteen--two thousand nineteen school year shall equal the sum of (1) the foundation aid base plus (2) the greater of (i) the two thousand eighteen--two thousand nineteen school year phase-in increase or (ii) the two thousand eighteen--two thousand nineteen school year additional increase or (iii) the two thousand eighteen--two thousand nineteen school year due minimum plus (3) the executive foundation aid increase, provided that any city school district in a city with a population of one hundred twenty-five thousand or more shall only be eligible for the two thousand eighteen--two thousand nineteen school year phase-in increase. For the purposes of this paragraph, "foundation aid remaining" shall mean the positive difference, if any, of (1) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less (2) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section. For the purposes of this paragraph:

(i) The "two thousand eighteen--two thousand nineteen school year phase-in increase" shall be equal to the product of foundation aid remaining multiplied by the greater of the following phase-in percentages:

(A) One thousand eight hundred forty-eight one hundred thousandths (0.01848);

(B) For school districts where (i) the quotient arrived at when dividing foundation aid remaining by total foundation aid is greater than one half (0.5) and (ii) where the difference of the three year average free and reduced price lunch percent for the current year less such average for the base year is greater than four one-hundredths (0.04), four thousand five hundred ninety-nine one hundred thousandths (0.04599);

(C) For school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", three thousand four hundred ninety-eight one hundred thousandths (0.03498);

(D) For a city school district in a city with a population of one million or more, seven hundred ninety-three ten thousandths (0.0793);

(E) For a city school district in a city with a population of more than two hundred fifty thousand but less than one million as of the most recent federal decennial census, eight hundred three ten thousandths (0.0803);

(F) For a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, five hundred eighty-eight ten thousandths (0.0588);

(G) For a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand as of the most recent federal decennial census, seventy-two thousandths (0.072);

(H) For a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, one-tenth (0.1); or

(I) For a school district where the quotient arrived at when dividing foundation aid remaining by total foundation aid is greater than four-tenths (0.4), thirty-two thousandths (0.032).

(ii) The "two thousand eighteen--two thousand nineteen school year additional increase" shall equal the greater of:

(A) For school districts where the quotient arrived at when dividing the English language learner count pursuant to paragraph o of subdivision one of this section by public school district enrollment for the base year pursuant to paragraph n of subdivision one of this section is greater than three hundredths (0.03), the product of such public school district enrollment multiplied by the ELL factor multiplied by twenty-eight dollars and ninety-two cents ($28.92), where the "ELL factor" shall equal the difference of three less the lesser of the combined wealth ratio for total foundation aid computed pursuant to paragraph c of subdivision three of this section or one (1.0);

(B) For school districts with a sparsity factor that is greater than zero, the product of the FRPL factor multiplied by the CWR factor multiplied by public school district enrollment for the base year pursuant to paragraph n of subdivision one of this section multiplied by one hundred thirty-seven dollars and ninety-seven cents ($137.97), where the "FRPL factor" shall equal the sum of one-half (0.5) plus the greater of the three year average free and reduced price lunch percent for the current year or such average for the base year, and where the "CWR factor" shall equal (i) for school districts with a combined wealth ratio for total foundation aid computed pursuant to paragraph c of subdivision three of this section less than forty-nine hundredths (0.49), one and three-quarters (1.75), (ii) for school districts with a combined wealth ratio for total foundation aid computed pursuant to paragraph c of subdivision three of this section greater than or equal to forty-nine hundredths (0.49) but less than one (1.0), one (1.0), or (iii) for school districts with a combined wealth ratio for total foundation aid computed pursuant to paragraph c of subdivision three of this section greater than or equal to one (1.0), three-quarters (0.75); or

(C) For school districts (1) where the difference of the three year average free and reduced price lunch percent for the current year less such average for the base year is greater than one hundred five ten thousandths (0.0105), (2) with a combined wealth ratio for total foundation aid computed pursuant to paragraph c of subdivision three of this section less than ninety-one hundredths (0.91), and (3) where the quotient arrived at when dividing the foundation aid remaining by the

total foundation aid is greater than twenty-three hundredths (0.23), the product of the public school district enrollment for the base year pursuant to paragraph h of subdivision one of this section multiplied by one hundred twenty-one dollars and seventy-five cents ($121.75).

(iii) The "two thousand eighteen--two thousand nineteen school year due minimum" shall equal the greater of:

(A) The positive difference, if any, of the product of the foundation aid base multiplied by nineteen thousandths (0.019) less the executive foundation aid increase; or

(B) The product of the executive foundation aid increase multiplied by eighteen hundredths (0.18).

(iv) The "executive foundation aid increase" shall be equal to the difference of (a) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2018-19 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand eighteen--two thousand nineteen school year and entitled "BT181-9" less (b) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2017-18 BASE YEAR AIDS" in such computer listing.

§ 9-c. Intentionally omitted.

§ 9-d. Intentionally omitted.

§ 10. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 22 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

For the two thousand eight--two thousand nine school year, each school district shall be entitled to an apportionment equal to the product of fifteen percent and the additional apportionment computed pursuant to this subdivision for the two thousand seven--two thousand eight school year. For the two thousand nine--two thousand ten through two thousand [~~seventeen~~] eighteen--two thousand [~~eighteen~~] nineteen school years, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910".

§ 11. Paragraph b of subdivision 6-c of section 3602 of the education law, as amended by section 23 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

b. For projects approved by the commissioner authorized to receive additional building aid pursuant to this subdivision for the purchase of stationary metal detectors, security cameras or other security devices approved by the commissioner that increase the safety of students and school personnel, provided that for purposes of this paragraph such other security devices shall be limited to electronic security systems and hardened doors, and provided that for projects approved by the commissioner on or after the first day of July two thousand thirteen and before the first day of July two thousand [~~eighteen~~] twenty-three such additional aid shall equal the product of (i) the building aid ratio computed for use in the current year pursuant to paragraph c of subdivision six of this section plus ten percentage points, except that in no case shall this amount exceed one hundred percent, and (ii) the actual approved expenditures incurred in the base year pursuant to this subdivision, provided that the limitations on cost allowances prescribed by paragraph a of subdivision six of this section shall not apply, and provided further that any projects aided under this paragraph must be

included in a district's school safety plan. The commissioner shall annually prescribe a special cost allowance for metal detectors, and security cameras, and the approved expenditures shall not exceed such cost allowance.

§ 11-a. Subdivisions b and e of section 11 of part YYY of chapter 59 of the laws of 2017, amending the education law relating to contracts for excellence and the apportionment of public moneys, are amended to read as follows:

b. Penalty eligibility. Only aid penalties arising from late final cost reports (1) (i) for school construction projects approved by the commissioner of education prior to July 1, 2011 where such penalty has not yet been recovered by the commissioner of education or (ii) that are already included within a multi-year recovery pursuant to a chapter of law of the year 2013 or thereafter and (2) where such total penalty exceeds [~~six~~] four one-hundredths [~~(0.06)~~] (0.04) of the school district's total general fund expenditures for the base year of the notification year, shall be eligible for the provisions of this section.

e. Aid penalty. For any district with eligible projects pursuant to the provisions of this section, the commissioner of education shall compute a total penalty and shall develop a schedule of no more than ten years over which period such penalty shall be recovered, provided that:

(1) such scheduled penalties shall be deducted from the payments due to such school district and payable in the month of June beginning in the school year after the year in which this section shall have become a law or the school year succeeding the notification year, whichever is later;

(2) the amount recovered in the first year of the schedule shall equal the sum of (A) [~~two one-hundredths (0.02)~~] one hundred twenty-five ten-thousandths (0.0125) of such district's total general fund expenditures for the year prior to the first year of such recovery, plus (B) the amount that is recognized as a liability due to other governments by the district for the year prior to the first year of such recovery, plus (C) the positive remainder of the district's surplus funds, as defined in section 1318 of the real property tax law, at the close of the year prior to the first year of such recovery less the product of the district's total general fund expenditures for the year prior to the first year of such recovery multiplied by four one-hundredths (0.04), provided that the amount recovered in such first year shall not exceed the portion of the total penalty that has not yet been recovered;

(3) the amount recovered in each subsequent year shall be recovered by deducting such excess payments from the payments due to such school district and payable in the month of June of subsequent years and shall equal [~~two one-hundredths (0.02)~~] one hundred twenty-five ten-thousandths (0.0125) of such district's total general fund expenditures for the year prior to the first year of such recovery, provided that the amount recovered in each such subsequent year shall not exceed the portion of the total penalty that has not yet been recovered;

(4) there shall be no interest penalty assessed against such district or collected by the state.

§ 12. Subdivision 9 of section 3602 of the education law is amended by adding a new paragraph c to read as follows:

c. Notwithstanding the provisions of paragraph a of this subdivision, school districts receiving an apportionment pursuant to paragraph a of this subdivision in the two thousand eighteen--two thousand nineteen or two thousand nineteen--two thousand twenty school year shall be eligible for (A) an apportionment in the following school year equal to the prod-

uct of sixty-five percent multiplied by the aid received by the district pursuant to paragraph a of this subdivision in the prior school year, and (B) an apportionment in the school year after the following year equal to the product of thirty-five percent multiplied by the aid received by the district pursuant to paragraph a of this subdivision in the year preceding the prior year.

§ 13. Subdivision 12 of section 3602 of the education law, as amended by section 3 of part A of chapter 56 of the laws of 2015, the fourth undesignated paragraph as added by section 3 of part A of chapter 54 of the laws of 2016, the closing paragraph as added by section 24 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

12. Academic enhancement aid. A school district that as of April first of the base year has been continuously identified as a district in need of improvement for at least five years shall, for the two thousand eight--two thousand nine school year, be entitled to an additional apportionment equal to the positive remainder, if any, of (a) the lesser of fifteen million dollars or the product of the total foundation aid base, as defined by paragraph j of subdivision one of this section, multiplied by ten percent (0.10), less (b) the positive remainder of (i) the sum of the total foundation aid apportioned pursuant to subdivision four of this section and the supplemental educational improvement grants apportioned pursuant to subdivision eight of section thirty-six hundred forty-one of this article, less (ii) the total foundation aid base.

For the two thousand nine--two thousand ten through two thousand fourteen--two thousand fifteen school years, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

For the two thousand fifteen--two thousand sixteen year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2014-15 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

For the two thousand sixteen--two thousand seventeen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2015-16 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand fifteen--two thousand sixteen school year and entitled "SA151-6", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

For the two thousand seventeen--two thousand eighteen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the

two thousand sixteen--two thousand seventeen school year and entitled "SA161-7", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

For the two thousand eighteen--two thousand nineteen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand seventeen--two thousand eighteen school year and entitled "SA171-8", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

§ 14. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 25 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high tax aid apportionment and the tier 3 high tax aid apportionment or (ii) the product of the apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other districts, fifty percent (0.50). Each school district shall be eligible to receive a high tax aid apportionment in the two thousand nine--two thousand ten through two thousand twelve--two thousand thirteen school years in the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910". Each school district shall be eligible to receive a high tax aid apportionment in the two thousand thirteen--two thousand fourteen through two thousand [~~seventeen~~] **eighteen**--two thousand [~~eighteen~~] **nineteen** school years equal to the greater of (1) the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910" or (2) the amount set forth for such school district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget for the 2013-14 fiscal year and entitled "BT131-4".

§ 15. The opening paragraph of subdivision 10 of section 3602-e of the education law, as amended by section 26 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

Notwithstanding any provision of law to the contrary, (i) for aid payable in the two thousand eight--two thousand nine school year, the grant to each eligible school district for universal prekindergarten aid shall be computed pursuant to this subdivision, and (ii) for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, each school district shall be eligible for a maximum grant equal to the amount computed for such school district for the base year in the electronic data file produced by the commissioner in support

of the two thousand nine--two thousand ten education, labor and family assistance budget, provided, however, that in the case of a district implementing programs for the first time or implementing expansion programs in the two thousand eight--two thousand nine school year where such programs operate for a minimum of ninety days in any one school year as provided in section 151-1.4 of the regulations of the commissioner, for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, such school district shall be eligible for a maximum grant equal to the amount computed pursuant to paragraph a of subdivision nine of this section in the two thousand eight--two thousand nine school year, and (iii) for the two thousand eleven--two thousand twelve school year each school district shall be eligible for a maximum grant equal to the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2011-12 school year and entitled "SA111-2", and (iv) for two thousand twelve--two thousand thirteen through two thousand sixteen--two thousand seventeen school years each school district shall be eligible for a maximum grant equal to the greater of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2011-12 school year and entitled "SA111-2", or (B) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner on May fifteenth, two thousand eleven pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, and (v) for the two thousand seventeen--two thousand eighteen **and two thousand eighteen--two thousand nineteen** school [~~year~~] **years**, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7" plus (B) the amount awarded to such school district for the priority full-day prekindergarten and expanded half-day prekindergarten grant program for high need students for the two thousand sixteen--two thousand seventeen school year pursuant to chapter fifty-three of the laws of two thousand thirteen, and (vi) for the two thousand [~~eighteen~~] **nineteen**--two thousand [~~nineteen~~] **twenty** school year, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" in the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand [~~seventeen~~] **eighteen**--two thousand [~~eighteen~~] **nineteen** school year plus (B) the amount awarded to such school district for the federal preschool development expansion grant for the two thousand seventeen--two thousand eighteen school year pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and 14013, Title XIV, (Public Law 112-10), as amended by section 1832(b) of Division B of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112-10), and the Department of Education Appropriations Act, 2012 (Title III Division F of Pub. L. 112-74, the Consolidated Appropriations Act, 2012)[~~, and (vii) for the two thousand nineteen--two thousand twenty school year, each school district shall be eligible to~~

~~receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by the commissioner in support of the enacted budget for the two thousand eighteen--two thousand nineteen school year~~] plus [~~(B)~~] **(C)** the amount awarded to such school district for the expanded prekindergarten program for three and four year-olds for the two thousand eighteen--two thousand nineteen school year pursuant to chapter sixty-one of the laws of two thousand fifteen plus [~~(C)~~] **(D)** the amount awarded to such school district for the expanded prekindergarten for three-year-olds in high need districts program for the two thousand eighteen--two thousand nineteen school year pursuant to chapter fifty-three of the laws of two thousand sixteen plus [~~(D)~~] **(E)** the amount awarded to such school district for the expanded prekindergarten program for three- and four-year-olds for the two thousand eighteen--two thousand nineteen school year pursuant to a chapter of the laws of two thousand seventeen plus [~~(E)~~] **(F)** the amount awarded to such school district, subject to an available appropriation, through the pre-kindergarten expansion grant for the two thousand eighteen--two thousand nineteen school year, provided that such school district has met all requirements pursuant to this section, and [~~(viii)~~] **(vii)** for the two thousand twenty--two thousand twenty-one school year and thereafter, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by the commissioner in support of the enacted budget for the prior year plus (B) the amount awarded to such school district, subject to an available appropriation, through the pre-kindergarten expansion grant for the prior year, provided that such school district has met all requirements pursuant to this section, and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner.

§ 16. Subparagraphs (ii) and (iii) of paragraph b of subdivision 10 of section 3602-e of the education law, as amended by section 26 of part YYY of chapter 59 of the laws of 2017, are amended to read as follows:

(ii) "Full-day prekindergarten pupils" shall equal:

For the two thousand seventeen--two thousand eighteen school year the sum of, from the priority full-day prekindergarten program, (A) the maximum aidable pupils such district was eligible to serve in the base year plus (B) the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil in the base year;

For the two thousand eighteen--two thousand nineteen school year the sum of, from [~~each of (A)~~] the programs pursuant to this section [~~and (B) the federal preschool development expansion grant, (1)~~]**, (A)** the maximum aidable full-day prekindergarten pupils such district was eligible to serve in the base year plus [~~(2)~~] **(B)** the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil in the base year;

For the two thousand nineteen--two thousand twenty school year the sum of, from each of (A) the programs pursuant to this section, (B) **the federal preschool development expansion grant, (C)** the expanded prekindergarten program, [~~(C)~~] **(D)** the expanded prekindergarten for three-year-olds, [~~(D)~~] **(E)** the expanded prekindergarten program for three- and four-year-olds, and [~~(E)~~] **(F)** the prekindergarten expansion grant, (1) the maximum aidable full-day prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number

of half-day prekindergarten pupils converted into a full-day prekindergarten pupil in the base year;

For the two thousand twenty--two thousand twenty-one school year and thereafter the sum of, from each of (A) the programs pursuant to this section and (B) the pre-kindergarten expansion grant, (1) the maximum aidable full-day prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil in the base year;

(iii) "Half-day prekindergarten pupils" shall equal:

For the two thousand seventeen--two thousand eighteen school year the sum of the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the priority full-day prekindergarten program, less the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil under the priority full-day prekindergarten program for the base year;

For the two thousand eighteen--two thousand nineteen school year the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the base year from [~~(A) the program pursuant to this section less (B) the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil under the federal preschool development expansion grant for the base year~~] **the program pursuant to this section**;

For the two thousand nineteen--two thousand twenty school year the sum of the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the expanded prekindergarten program plus such pupils from (C) the expanded prekindergarten for three-year-olds plus such pupils from (D) the expanded prekindergarten program for three- and four-year-olds plus such pupils from (E) the prekindergarten expansion grant, less the sum of the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil under each of (1) **the federal preschool expansion grant for the base year plus such pupils from (2)** the expanded prekindergarten program plus such pupils from [~~(2)~~] **(3)** the expanded prekindergarten for three-year-olds plus such pupils from [~~(3)~~] **(4)** the expanded prekindergarten program for three- and four-year-olds plus such pupils from [~~(4)~~] **(5)** the prekindergarten expansion grant for the base year;

For the two thousand twenty--two thousand twenty-one school year and thereafter the sum of the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the pre-kindergarten expansion grant, less the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil under the prekindergarten expansion grant for the base year;

§ 17. The closing paragraph of paragraph b of subdivision 10 of section 3602-e of the education law, as amended by section 26 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

For the purposes of this paragraph:

(A) "Priority full-day prekindergarten program" shall mean the priority full-day prekindergarten and expanded half-day prekindergarten grant program for high need students pursuant to chapter fifty-three of the laws of two thousand thirteen;

(B)"Federal preschool development expansion grant" shall mean the federal preschool development expansion grant pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and 14013, Title XIV, (Public Law 112-10), as amended by section 1832(b) of Division B of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112-10), and the Department of Education Appropriations Act, 2012 (Title III Division F of Pub. L. 112-74, the Consolidated Appropriations Act, 2012);

(C) "Expanded prekindergarten program" shall mean the expanded prekindergarten program for three- and four year-olds pursuant to chapter sixty-one of the laws of two thousand fifteen;

(D) "Expanded prekindergarten for three-year-olds" shall mean the expanded prekindergarten for three-year-olds in high need districts program pursuant to chapter fifty-three of the laws of two thousand sixteen;

(E) "Expanded prekindergarten program for three- and four-year-olds" shall mean the expanded prekindergarten program for three- and four-year-olds pursuant to a chapter of the laws of two thousand seventeen;

(F) "Prekindergarten expansion grant" shall mean the prekindergarten expansion grant for the two thousand eighteen--two thousand nineteen school year and thereafter, **pursuant to subdivision eighteen of this section,** to the extent such program was available subject to appropriation, and provided that such school district has met all requirements pursuant to this section.

§ 18. Subdivision 11 of section 3602-e of the education law, as amended by section 27 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

11. Maintenance of effort reduction. Where a school district's current year prekindergarten pupils served is less than its prekindergarten maintenance of effort base, the school district shall have its current year apportionment [~~reduced by~~] **equal to** the product of the maintenance of effort factor computed in paragraph b of subdivision ten of this section multiplied by the grant amount it was eligible to receive pursuant to subdivision ten of this section.

§ 18-a. Subdivision 18 of section 3602-e of the education law, as added by section 30 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

18. Universal prekindergarten expansion grants. **a.** Subject to available appropriation, any additional funding for pre-kindergarten in the two thousand eighteen--two thousand nineteen school year and thereafter shall be made available for additional grants for pre-kindergarten programs**; provided that such grants shall be awarded to school districts to establish new full-day and half-day prekindergarten placements. All school districts shall be eligible to apply for such grants, which shall be awarded based on factors including, but not limited to, the following: (i) measures of school district need, (ii) measures of the need of students to be served by the school district, (iii) the school district's proposal to target the highest-need schools and students, (iv) the extent to which the district's proposal would prioritize funds to maximize the total number of eligible children in the district served in prekindergarten programs, and (v) proposal quality.**

b. Such grants shall only be available to support programs: (i) that agree to offer instruction consistent with applicable New York state prekindergarten early learning standards; and (ii) that otherwise comply with all of the same rules and requirements as universal prekindergarten programs pursuant to this section.

c. A school district's grant shall equal the product of: (i) (A) two multiplied by the approved number of new full-day prekindergarten placements plus (B) the approved number of half-day prekindergarten placement conversions and new half-day prekindergarten placements, and (ii) the district's selected aid per prekindergarten pupil pursuant to subparagraph (i) of paragraph b of subdivision ten of this section; provided, however, that no district shall receive a grant in excess of the total actual grant expenditures incurred by the district in the current school year as approved by the commissioner.

§ 18-b. Subparagraph (ii) of paragraph (c) of subdivision 8 of section 3602-ee of the education law, as amended by section 31-a of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

(ii) Provided that, notwithstanding any provisions of this paragraph to the contrary, for the two thousand seventeen-two thousand eighteen **and two thousand eighteen-two thousand nineteen** school [~~year~~] **years** an exemption to the certification requirement of subparagraph (i) of this paragraph may be made for a teacher without certification valid for service in the early childhood grades who possesses a written plan to obtain certification and who has registered in the ASPIRE workforce registry as required under regulations of the commissioner of the office of children and family services. Notwithstanding any exemption provided by this subparagraph, certification shall be required for employment no later than June thirtieth, two thousand [~~eighteen~~] **nineteen**.

§ 19. Subdivision 16 of section 3602-ee of the education law, as amended by section 31 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

16. The authority of the department to administer the universal full-day pre-kindergarten program shall expire June thirtieth, two thousand [~~eighteen~~] **nineteen**; provided that the program shall continue and remain in full effect.

§ 20. Intentionally omitted.

§ 21. The opening paragraph of section 3609-a of the education law, as amended by section 33 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the two thousand [~~seventeen~~] **eighteen**--two thousand [~~eighteen~~] **nineteen** school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision six of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on

file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. For aid payable in the two thousand [~~seventeen~~] eighteen--two thousand [~~eighteen~~] nineteen school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled [~~"SA171-8"~~] "SA181-9".

§ 22. Paragraph b of subdivision 2 of section 3612 of the education law, as amended by section 34 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

b. Such grants shall be awarded to school districts, within the limits of funds appropriated therefor, through a competitive process that takes into consideration the magnitude of any shortage of teachers in the school district, the number of teachers employed in the school district who hold temporary licenses to teach in the public schools of the state, the number of provisionally certified teachers, the fiscal capacity and geographic sparsity of the district, the number of new teachers the school district intends to hire in the coming school year and the number of summer in the city student internships proposed by an eligible school district, if applicable. Grants provided pursuant to this section shall be used only for the purposes enumerated in this section. Notwithstanding any other provision of law to the contrary, a city school district in a city having a population of one million or more inhabitants receiving a grant pursuant to this section may use no more than eighty percent of such grant funds for any recruitment, retention and certification costs associated with transitional certification of teacher candidates for the school years two thousand one--two thousand two through two thousand [~~seventeen~~] eighteen--two thousand [~~eighteen~~] nineteen.

§ 23. Subdivision 6 of section 4402 of the education law, as amended by section 35 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

6. Notwithstanding any other law, rule or regulation to the contrary, the board of education of a city school district with a population of one hundred twenty-five thousand or more inhabitants shall be permitted to establish maximum class sizes for special classes for certain students with disabilities in accordance with the provisions of this subdivision. For the purpose of obtaining relief from any adverse fiscal impact from under-utilization of special education resources due to low student attendance in special education classes at the middle and secondary level as determined by the commissioner, such boards of education shall, during the school years nineteen hundred ninety-five--ninety-six through June thirtieth, two thousand [~~eighteen~~] nineteen of the two thousand [~~seventeen~~] eighteen--two thousand [~~eighteen~~] nineteen school year, be authorized to increase class sizes in special classes containing students with disabilities whose age ranges are equivalent to those of students in middle and secondary schools as defined by the commissioner for purposes of this section by up to but not to exceed one and two tenths times the applicable maximum class size specified in regulations of the commissioner rounded up to the nearest whole number,

provided that in a city school district having a population of one million or more, classes that have a maximum class size of fifteen may be increased by no more than one student and provided that the projected average class size shall not exceed the maximum specified in the applicable regulation, provided that such authorization shall terminate on June thirtieth, two thousand. Such authorization shall be granted upon filing of a notice by such a board of education with the commissioner stating the board's intention to increase such class sizes and a certification that the board will conduct a study of attendance problems at the secondary level and will implement a corrective action plan to increase the rate of attendance of students in such classes to at least the rate for students attending regular education classes in secondary schools of the district. Such corrective action plan shall be submitted for approval by the commissioner by a date during the school year in which such board increases class sizes as provided pursuant to this subdivision to be prescribed by the commissioner. Upon at least thirty days notice to the board of education, after conclusion of the school year in which such board increases class sizes as provided pursuant to this subdivision, the commissioner shall be authorized to terminate such authorization upon a finding that the board has failed to develop or implement an approved corrective action plan.

§ 24. Intentionally omitted.

§ 25. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 44 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section for the [~~2015--2016 school year shall not exceed 60.7 percent of the lesser of such approvable costs per contact hour or thirteen dollars and forty cents per contact hour, reimbursement for the~~] 2016--2017 school year shall not exceed 60.3 percent of the lesser of such approvable costs per contact hour or thirteen dollars ninety cents per contact hour, [~~and~~] reimbursement for the 2017--2018 school year shall not exceed 60.4 percent of the lesser of such approvable costs per contact hour or thirteen dollars and ninety cents per contact hour, **and reimbursement for the 2018--2019 school year shall not exceed 59.4 percent of the lesser of such approvable costs per contact hour or fourteen dollars and ninety-five cents per contact hour,** where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, [~~for the 2015--2016 school year such contact hours shall not exceed one million five hundred ninety-nine thousand fifteen (1,599,015) hours; whereas~~] for the 2016--2017 school year such contact hours shall not exceed one million five hundred fifty-one thousand three hundred twelve (1,551,312); [~~and~~] **whereas** for the 2017--2018 school year such contact hours shall not exceed one million five hundred forty-nine thousand four hundred sixty-three (1,549,463)**; and for the 2018--2019 school year such contact hours shall not exceed one million four hundred sixty-three thousand nine hundred sixty-three (1,463,963)**. Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible

for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

§ 26. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, is amended by adding a new subdivision w to read as follows:

w. The provisions of this subdivision shall not apply after the completion of payments for the 2018--2019 school year. Notwithstanding any inconsistent provisions of law, the commissioner of education shall withhold a portion of employment preparation education aid due to the city school district of the city of New York to support a portion of the costs of the work force education program. Such moneys shall be credited to the elementary and secondary education fund-local assistance account and shall not exceed thirteen million dollars ($13,000,000).

§ 27. Section 6 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 46 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

§ 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [~~2018~~] **2019**.

§ 27-a. Paragraph a-1 of subdivision 11 of section 3602 of the education law, as amended by section 60 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

a-1. Notwithstanding the provisions of paragraph a of this subdivision, for aid payable in the school years two thousand--two thousand one through two thousand nine--two thousand ten, and two thousand eleven--two thousand twelve through two thousand [~~seventeen~~] **eighteen**--two thousand [~~eighteen~~] **nineteen**, the commissioner may set aside an amount not to exceed two million five hundred thousand dollars from the funds appropriated for purposes of this subdivision for the purpose of serving persons twenty-one years of age or older who have not been enrolled in any school for the preceding school year, including persons who have received a high school diploma or high school equivalency diploma but fail to demonstrate basic educational competencies as defined in regulation by the commissioner, when measured by accepted standardized tests, and who shall be eligible to attend employment preparation education programs operated pursuant to this subdivision.

§ 28. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 47 of part YYY of chapter 59 of the laws of 2017, are amended to read as follows:

(22) sections one hundred twelve, one hundred thirteen, one hundred fourteen, one hundred fifteen and one hundred sixteen of this act shall take effect on July 1, 1995; provided, however, that section one hundred thirteen of this act shall remain in full force and effect until July 1, [~~2018~~] **2019** at which time it shall be deemed repealed;

(24) sections one hundred eighteen through one hundred thirty of this act shall be deemed to have been in full force and effect on and after July 1, 1995; provided further, however, that the amendments made pursuant to section one hundred twenty-four of this act shall be deemed to be repealed on and after July 1, [~~2018~~] **2019**;

§ 29. Intentionally omitted.

§ 30. Section 8 of chapter 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the

East Ramapo central school district, as amended by section 49 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

§ 8. This act shall take effect July 1, 2016 and shall expire and be deemed repealed June 30, [~~2018~~] **2019, except that paragraph (b) of section five of this act and section seven of this act shall expire and be deemed repealed June 30, 2021**.

§ 31. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 50 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

§ 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [~~2018~~] **2019** when upon such date the provisions of this act shall be deemed repealed.

§ 32. Subdivision 1 of section 167 of chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, as amended by section 32 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

1. Sections one through seventy of this act shall be deemed to have been in full force and effect as of April 1, 1994 provided, however, that sections one, two, twenty-four, twenty-five and twenty-seven through seventy of this act shall expire and be deemed repealed on March 31, 2000; provided, however, that section twenty of this act shall apply only to hearings commenced prior to September 1, 1994, and provided further that section twenty-six of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections four through fourteen, sixteen, and eighteen, nineteen and twenty-one through twenty-one-a of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections three, fifteen, seventeen, twenty, twenty-two and twenty-three of this act shall expire and be deemed repealed on March 31, [~~2018~~] **2020**.

§ 33. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 12 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

§ 4. This act shall take effect July 1, 2002 and shall expire and be deemed repealed June 30, [~~2018~~] **2019**.

§ 34. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to the implementation of the No Child Left Behind Act of 2001, as amended by section 13 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

§ 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, [~~2018~~] **2019**.

§ 35. Section 2 of subpart B of part AA of chapter 56 of the laws of 2014, amending the education law relating to providing that standardized test scores shall not be included on a student's permanent record, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed on December 31, [~~2018~~] **2019**.

§ 36. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2018-2019 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of

cooperative educational services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars ($400,000) per school year.

§ 37. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2019 and not later than the last day of the third full business week of June 2019, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2019, for salary expenses incurred between April 1 and June 30, 2018 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

b. The claim for an apportionment to be paid to a school district pursuant to subdivision a of this section shall be submitted to the commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed. Such approved amounts shall be payable on the same day in September of the school year following the year in which application was made as funds provided pursuant to subparagraph (4) of paragraph b of subdivision 4 of section 92-c of the state finance law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph (2) of paragraph a of subdivision 1 of section 3609-a of the education law in the school year following the year in which application was made.

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph (2) of such paragraph

followed by the fixed fall payments payable pursuant to subparagraph (4) of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph (1) of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

§ 38. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2019, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2019 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

b. The claim for an apportionment to be paid to a school district pursuant to subdivision a of this section shall be submitted to the commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed. Such approved amounts shall be payable on the same day in September of the school year following the year in which application was made as funds provided pursuant to subparagraph (4) of paragraph b of subdivision 4 of section 92-c of the state finance law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph (2) of paragraph a of subdivision 1 of section 3609-a of the education law in the school year following the year in which application was made.

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph (2) of such paragraph followed by the fixed fall payments payable pursuant to subparagraph (4) of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph (1) of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

§ 39. a. Notwithstanding any other law, rule or regulation to the contrary, any moneys appropriated to the state education department may be suballocated to other state departments or agencies, as needed, to accomplish the intent of the specific appropriations contained therein.

b. Notwithstanding any other law, rule or regulation to the contrary, moneys appropriated to the state education department from the general fund/aid to localities, local assistance account-001, shall be for payment of financial assistance, as scheduled, net of disallowances, refunds, reimbursement and credits.

c. Notwithstanding any other law, rule or regulation to the contrary, all moneys appropriated to the state education department for aid to localities shall be available for payment of aid heretofore or hereafter to accrue and may be suballocated to other departments and agencies to accomplish the intent of the specific appropriations contained therein.

d. Notwithstanding any other law, rule or regulation to the contrary, moneys appropriated to the state education department for general support for public schools may be interchanged with any other item of appropriation for general support for public schools within the general fund local assistance account office of prekindergarten through grade twelve education programs.

§ 40. Notwithstanding the provision of any law, rule, or regulation to the contrary, the city school district of the city of Rochester, upon the consent of the board of cooperative educational services of the supervisory district serving its geographic region may purchase from such board for the 2018--2019 school year, as a non-component school district, services required by article 19 of the education law.

§ 41. The amounts specified in this section shall be a setaside from the state funds which each such district is receiving from the total foundation aid:

a. for the development, maintenance or expansion of magnet schools or magnet school programs for the 2018--2019 school year. For the city school district of the city of New York there shall be a setaside of foundation aid equal to forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; for the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); for the Rochester city school district, fifteen million dollars ($15,000,000); for the Syracuse city school district, thirteen million dollars ($13,000,000); for the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); for the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); for the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); for the Mount Vernon city school district, two million dollars ($2,000,000); for the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); for the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); for the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); for the White Plains city school district, nine hundred thousand dollars ($900,000); for the Niagara Falls city school district, six hundred thousand dollars ($600,000); for the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); for the Utica city school district, two million dollars ($2,000,000); for the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); for the Middletown city school district, four hundred thousand dollars ($400,000); for the Freeport

union free school district, four hundred thousand dollars ($400,000); for the Greenburgh central school district, three hundred thousand dollars ($300,000); for the Amsterdam city school district, eight hundred thousand dollars ($800,000); for the Peekskill city school district, two hundred thousand dollars ($200,000); and for the Hudson city school district, four hundred thousand dollars ($400,000).

b. Notwithstanding any inconsistent provision of law to the contrary, a school district setting aside such foundation aid pursuant to this section may use such setaside funds for: (i) any instructional or instructional support costs associated with the operation of a magnet school; or (ii) any instructional or instructional support costs associated with implementation of an alternative approach to promote diversity and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students.

c. The commissioner of education shall not be authorized to withhold foundation aid from a school district that used such funds in accordance with this paragraph, notwithstanding any inconsistency with a request for proposals issued by such commissioner for the purpose of attendance improvement and dropout prevention for the 2018--2019 school year, and for any city school district in a city having a population of more than one million, the setaside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the 2018--2019 school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this section to community-based organizations. Any increase required pursuant to this section to community-based organizations must be in addition to allocations provided to community-based organizations in the base year.

d. For the purpose of teacher support for the 2018--2019 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); for the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); for the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

§ 42. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2017 enacting the aid to localities budget shall be apportioned for the 2018-2019

state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of this chapter and the provisions of this section, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001-2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

Notwithstanding any other provision of law to the contrary the moneys appropriated for the support of public libraries for the year 2018-2019 by a chapter of the laws of 2018 enacting the education, labor and family assistance budget shall fulfill the state's obligation to provide such aid and, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, the aid payable to libraries and library systems pursuant to such appropriations shall be reduced proportionately to assure that the total amount of aid payable does not exceed the total appropriations for such purpose.

§ 42-a. Subdivision a of section 5 of chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, as amended by section 38 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

a. Notwithstanding any other provisions of law, upon application to the commissioner of education submitted not sooner than April first and not later than June thirtieth of the applicable school year, the Roosevelt union free school district shall be eligible to receive an apportionment pursuant to this chapter for salary expenses, including related benefits, incurred between April first and June thirtieth of such school year. Such apportionment shall not exceed: for the 1996-97 school year through the [~~2017-18~~] **2018-19** school year, four million dollars ($4,000,000); for the [~~2018-19~~] **2019-20** school year, three million dollars ($3,000,000); for the [~~2019-20~~] **2020-21** school year, two million dollars ($2,000,000); for the [~~2020-21~~] **2021-22** school year, one million dollars ($1,000,000); and for the [~~2021-22~~] **2022-23** school year, zero dollars. Such annual application shall be made after the board of education has adopted a resolution to do so with the approval of the commissioner of education.

§ 42-b. Subdivision 4 of section 3627 of the education law, as amended by section 53 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

4. Notwithstanding any other provision of law to the contrary, any expenditures for transportation provided pursuant to this section in the two thousand thirteen--two thousand fourteen school year and thereafter and otherwise eligible for transportation aid pursuant to subdivision seven of section thirty-six hundred two of this article shall be considered approved transportation expenses eligible for transportation aid, provided further that for the two thousand thirteen--two thousand fourteen school year such aid shall be limited to eight million one hundred thousand dollars and for the two thousand fourteen--two thousand fifteen school year such aid shall be limited to the sum of twelve million six hundred thousand dollars plus the base amount and for the two thousand fifteen--two thousand sixteen school year and thereafter such aid shall be limited to the sum of [~~seventeen~~] **eighteen** million [~~one~~] **eight** hundred **and fifty** thousand dollars plus the base amount. For purposes of

this subdivision, "base amount" means the amount of transportation aid paid to the school district for expenditures incurred in the two thousand twelve--two thousand thirteen school year for transportation that would have been eligible for aid pursuant to this section had this section been in effect in such school year, except that subdivision six of this section shall be deemed not to have been in effect. And provided further that the school district shall continue to annually expend for the transportation described in subdivision one of this section at least the expenditures used for the base amount.

§ 43. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part of this act or remainder thereof, as the case may be, to any other person or circumstance, 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.

§ 44. 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, however, that:

1. Sections one, nine, nine-a, nine-b, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-one, twenty-two, twenty-three, thirty-six, forty and forty-one of this act shall take effect July 1, 2018; and

2. Sections four and four-a of this act shall expire and be deemed repealed June 30, 2023; and

3. The amendments to chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city made by sections twenty-five and twenty-six of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith; and

4. Section twenty-eight of this act shall be deemed to have been in full force and effect on and after the effective date of section 140 of chapter 82 of the laws of 1995; and

5. The amendments to paragraph b-1 of subdivision 4 of section 3602 of the education law made by section nine-b of this act shall not affect the expiration of such paragraph and shall expire therewith.

PART DDD

Section 1. Paragraph (c) of subdivision 2 of section 1 of part A of chapter 85 of the laws of 2017, relating to creating the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program, as amended by section 2 of part J of chapter 61 of the laws of 2017, is amended to read as follows:

(c) The New York state urban development corporation shall administer this grant program, which shall not exceed in the aggregate $15,000,000 **plus any funds directed from the programs authorized in subdivisions 3 and 4 of this section**. Such corporation and other relevant state agencies and state authorities are hereby empowered to establish grant guidelines and additional eligibility criteria as deemed necessary to effectuate the administration of this program. Any grant guidelines and eligibility criteria established by the corporation pursuant to this

subdivision shall be equivalent to, and shall not be more restrictive than, those established by the New York State Urban Development Corporation, doing business as the Empire State Development Corporation, in the grant programs it administered pursuant to part H of chapter 56 of the laws of 2011. In providing assistance pursuant to this subdivision, the New York state urban development corporation shall give preference to applicants that demonstrate the greatest need, based on available flood damage data provided by applicable state and/or federal agencies.

§ 2. Paragraph (c) of subdivision 3 of section 1 of part A of chapter 85 of the laws of 2017, relating to creating the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program, as amended by section 2 of part J of chapter 61 of the laws of 2017, is amended to read as follows:

(c) The affordable housing corporation shall administer this grant program, which shall not exceed in the aggregate $15,000,000 **plus any funds directed from the programs authorized in subdivisions 2 and 4 of this section**. Such corporation and other relevant state agency or state authorities are hereby empowered to establish grant guidelines and additional eligibility criteria as deemed necessary to effectuate the administration of this program. Any grant guidelines and eligibility criteria established by the corporation pursuant to this subdivision shall be equivalent to, and shall not be more restrictive than, those established by the New York State Urban Development Corporation, doing business as the Empire State Development Corporation, in the grant programs it administered pursuant to part H of chapter 56 of the laws of 2011. In providing assistance pursuant to this subdivision, the affordable housing corporation shall give preference to applicants that demonstrate the greatest need, based on available flood damage data provided by applicable state and/or federal agencies.

§ 3. Paragraph (c) of subdivision 4 of section 1 of part A of chapter 85 of the laws of 2017, relating to creating the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program, as amended by section 2 of part J of chapter 61 of the laws of 2017, is amended to read as follows:

(c) The housing trust fund corporation shall administer this grant program, which shall not exceed in the aggregate $15,000,000 **plus any funds directed from the programs authorized in subdivisions 2 and 3 of this section**. Such corporation, and other relevant state agencies or state authorities, is hereby empowered to establish grant guidelines and additional eligibility criteria, based on available flood damage data provided by applicable state and/or federal agencies, as it deems necessary to effectuate the administration of this program. Any grant guidelines and eligibility criteria established by the corporation pursuant to this subdivision shall be equivalent to, and shall not be more restrictive than, those established by the New York State Urban Development Corporation, doing business as the Empire State Development Corporation, in the grant programs it administered pursuant to part H of chapter 56 of the laws of 2011. In providing assistance pursuant to this subdivision, the corporation shall give preference to applicants that demonstrate the greatest need, based on available flood damage data provided by applicable state and/or federal agencies.

§ 4. This act shall take effect immediately.

PART EEE

Section 1. The tax department shall be required to set up an online application system for taxpayers to submit claims for reimbursements of payments of interest on fixed and final determinations of underpayments of federal tax liability for the 2019, 2020 and 2021 tax year that arise from the taxpayers' reliance on amendments to the tax law enacted in the year 2018. In order to receive such reimbursement, taxpayers shall be required to submit their reimbursement claims to the department of taxation and finance within 60 days of making their payments of interest to the internal revenue service.

§ 2. This act shall take effect immediately.

PART FFF

Section 1. This Part enacts into law major components of legislation relating to the conversion of certain entities that have been issued certificates of authority pursuant to article forty-four of the public health law. Each component is wholly contained within a Subpart identified as Subparts A and B. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, 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 Subpart in which it is found. Section three of this Part sets forth the general effective date of this Part.

SUBPART A

Section 1. The state finance law is amended by adding a new section 92-hh to read as follows:

§ 92-hh. Health care transformation fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a fund to be known as the "health care transformation fund".

2. Such fund shall consist of moneys paid thereto from (a) contingent reserves redeployed pursuant to section forty-four hundred sixteen of the public health law, (b) moneys transferred to such fund pursuant to law, and (c) contributions, consisting of grants of any money, including grants or other financial assistance from any agency of government or any other source, to be paid into this fund.

3. Moneys in the health care transformation fund shall be kept separate and shall not be commingled with any other moneys in the custody of the state comptroller and the commissioner of taxation and finance.

4. Notwithstanding any provision of law to the contrary, moneys of the health care transformation fund shall be available for transfer to any other fund of the state as authorized and directed by the director of the budget to support health care delivery, including for capital investment, debt retirement or restructuring, housing and other social determinants of health, or transitional operating support to health care providers.

5. Within fifteen days after executing or modifying an allocation, transfer, distribution or other use of the health care transformation fund, the commissioner shall provide written notice to the chairs of the senate finance committee, the assembly ways and means committee, the senate and assembly insurance committees, and the senate and assembly health committees. Such notice shall include, but shall not be limited

to, information on the amount, date, and purpose of the allocation, transfer, distribution, or other use, and the methodology used to distribute the moneys.

6. The director of the budget shall provide quarterly reports to the chair of the senate finance committee and the chair of the assembly ways and means committee on the receipts and distributions of the health care transformation fund, including an itemization of such receipts and disbursements, the historical and projected expenditures, and the projected fund balance.

§ 2. This act shall take effect immediately.

SUBPART B

Section 1. The public health law is amended by adding a new section 4416 to read as follows:

§ 4416. Excess reserves of certain health maintenance organizations. 1. The commissioner is authorized to require any comprehensive health services plan issued a special purpose certificate of authority under section forty-four hundred three-a of this article, that satisfies the definition of corporation in subparagraph five of paragraph (a) of section one hundred two of the not-for-profit corporation law or is exempt from taxation under section 501 of the Internal Revenue Code of 1986 to submit all financial and other books and records the commissioner deems necessary in order to evaluate an organization's reserves. The commissioner, in consultation with the superintendent of the department of financial services, shall examine such books and records and shall issue a report on the health maintenance organization's reserves. A request under this section may be made no more than two times per year per plan.

2. Except for any public benefit corporation, the commissioner is authorized to promulgate regulations establishing a presumptive reserve ceiling for any comprehensive health services plan issued a special purpose certificate of authority under section forty-four hundred three-a of this article that satisfies the definition of corporation in subparagraph five of paragraph (a) of section one hundred two of the not-for-profit corporation law or that is exempt from taxation under section 501 of the Internal Revenue Code of 1986. Such regulations shall express the presumptive reserve ceiling as a percentage of the minimum contingent reserves applicable to such health maintenance organizations. The presumptive reserve ceiling shall be no less than one hundred fifty percent of the minimum contingent reserves applicable to such plans. In the event that the commissioner determines that a plan subject to this subdivision has reserves in excess of the presumptive reserve ceiling for two consecutive quarters, the commissioner may make a preliminary determination that all or a portion of such reserves in excess of the ceiling should be redeployed by depositing such excess reserves in the health care transformation fund pursuant to subdivision three of this section. Prior to making a preliminary determination, the commissioner shall consider whether such redeployment is consistent with financial soundness and efficiency and to the extent to which such reserves are being maintained consistent with the programmatic goals of the state. Upon making such a preliminary determination, the department shall notify the plan and the plan shall be afforded an opportunity to submit information to the department to justify why such reserves in excess of the ceiling are necessary and should not be so redeployed. Provided

however, under no circumstances shall the redeployment of such reserves for any plan exceed seven hundred and fifty million dollars annually.

3. If, after considering the information submitted by the plan, the commissioner adheres to the preliminary determination that the reserves in excess of the ceiling should be redeployed, the commissioner shall direct that such reserves be deposited to the health care transformation fund established pursuant to section ninety-two-hh of the state finance law or its successor to be used for investment in the transformation of health care delivery, including for capital investment, debt retirement or restructuring, housing and other social determinants of health, or transitional operating support to health care providers, pursuant to a plan prepared by the commissioner and approved by the director of the division of the budget.

4. Notwithstanding any law to the contrary, on or after August first, two thousand eighteen no entity subject to subdivision two of this section shall transfer or loan any funds to any subsidiary or member of the entity's holding company system or to a member or stockholder where a purpose of the transfer or loan is to avoid the application of this section.

§ 2. This act shall take effect August 1, 2018 and shall expire and be deemed repealed August 1, 2023, but, shall not apply to any entity or any subsidiary or affiliate of such entity that disposes of all or a material portion of its assets pursuant to a transaction that: (1) was the subject of a request for regulatory approval first made to the commissioner of health between January 1, 2017, and December 31, 2017; and (2) receives regulatory approval from the commissioner of health prior to July 31, 2018.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or subpart 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 subpart 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 Subparts A and B of this Part shall be as specifically set forth in the last section of such Subparts.

PART GGG

Section 1. The opening paragraph of subdivision 3 of section 5-a of the legislative law, as amended by section 1 of part S of chapter 57 of the laws of 2016, is amended to read as follows:

Any member of the assembly serving in a special capacity in a position set forth in the following schedule shall be paid the allowance set forth in such schedule only for the legislative term commencing January first, two thousand [~~seventeen~~] nineteen and terminating December thirty-first, two thousand [~~eighteen~~] twenty:

§ 2. Section 13 of chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, as amended by section 1 of part CC of chapter 55 of the laws of 2017, is amended to read as follows:

§ 13. This act shall take effect immediately and shall be deemed to have been in full force and effect as of April 1, 1994, provided that,

the provisions of section 5-a of the legislative law as amended by sections two and two-a of this act shall take effect on January 1, 1995, and provided further that, the provisions of article 5-A of the legislative law as added by section eight of this act shall expire June 30, [~~2018~~] 2019 when upon such date the provisions of such article shall be deemed repealed; and provided further that section twelve of this act shall be deemed to have been in full force and effect on and after April 10, 1994.

§ 3. This act shall take effect immediately, provided, however, if section two of this act shall take effect on or after June 30, 2018 section two of this act shall be deemed to have been in full force and effect on and after June 30, 2018.

PART HHH

Section 1. There is hereby established a compensation committee to examine, evaluate and make recommendations with respect to adequate levels of compensation, non-salary benefits, and allowances pursuant to section 5-a of the legislative law, for members of the legislature, statewide elected officials, and those state officers referred to in section 169 of the executive law. The committee shall be comprised of the chief judge of the state of New York, the comptroller of the state of New York, the chairman of the State University of New York board of trustees and 52nd comptroller for the state of New York, the comptroller for the city of New York, and the chairman of the city university of New York board of trustees and 42nd comptroller for the city of New York.

§ 2. 1. In accordance with the provisions of this act, the committee shall examine the prevailing adequacy of pay levels, allowances pursuant to section 5-a of the legislative law, and other non-salary benefits, for members of the legislature, statewide elected officials, and those state officers referred to in section 169 of the executive law.

2. The committee shall determine whether, on January 1, 2019, the annual salary and allowances of members of the legislature, statewide elected officials, and salaries of state officers referred to in section 169 of the executive law, warrant an increase.

3. In discharging its responsibilities under subdivision two of this section, the committee shall take into account all appropriate factors including, but not limited to: the parties' performance and timely fulfillment of their statutory and Constitutional responsibilities; the overall economic climate; rates of inflation; changes in public-sector spending; the levels of compensation and non-salary benefits received by executive branch officials and legislators of other states and of the federal government; the levels of compensation and non-salary benefits received by comparable professionals in government, academia and private and nonprofit enterprise; the ability to attract talent in competition with comparable private sector positions; and the state's ability to fund increases in compensation and non-salary benefits.

4. a. The committee may implement cost-of-living adjustments that apply annually and/or phase-in salary adjustments annually for 3 years, provided that no such adjustment shall be implemented beyond January 1, 2021.

b. Any phase-in of a salary increase or cost of living adjustment will be conditioned upon performance of the executive and legislative branch and upon the timely legislative passage of the budget for the preceding year.

c. For purposes of paragraph b of this subdivision, the term "legislative passage of the budget" shall have the same meaning as defined in subdivision 3 of section 5 of the legislative law.

§ 3. 1. The committee shall only meet within the state and must hold at least one hearing at which the public will be afforded an opportunity to provide comments. The committee may hold additional public hearings as it deems necessary. Such additional hearings, if any, may allow for a public comment period.

2. The members of the committee shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder. Nothing contained herein shall prohibit a member of the committee from receiving his or her salary earned by reason of their state employee position. The members of the committee shall perform the duties herein personally, no delegation of authority or attendance is allowed.

3. No member of the committee shall be disqualified from holding any other public office or employment, nor shall he or she forfeit any such office or employment by reason of his or her appointment pursuant to this section, notwithstanding the provisions of any general, special or local law, regulation, ordinance or city charter.

4. To the maximum extent feasible, the committee shall be entitled to request and receive and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, committee, agency or public authority of the state or any political subdivision thereof as it may reasonably request to properly carry out its powers and duties pursuant to this act.

5. The committee may request, and shall receive, reasonable assistance from state agency personnel as is necessary for the performance of its function.

§ 4. 1. The committee shall make a report to the governor and the legislature of its findings, conclusions, determinations and recommendations, if any, and should submit such report by December 10, 2018. Any findings, conclusions, determinations and recommendations in the report must be adopted by a majority vote of the committee. Each member of the committee shall report their vote and describe their reasoning for their determination.

2. Each recommendation made to implement a determination pursuant to section two of this act shall have the force of law, and shall supersede, where appropriate, inconsistent provisions of section 169 of the executive law, and sections 5 and 5-a of the legislative law, unless modified or abrogated by statute prior to January first of the year as to which such determination applies to legislative and executive compensation.

§ 5. Date of entitlement to salary increase. Notwithstanding the provisions of this act or of any other law, each phase of an increase in salary or compensation of any member, official, or officer provided for by this act shall be added to the salary or compensation of such member, statewide elected official, or officer at the beginning of that payroll period the first day of which is nearest to, but not prior to, the effective date of such increase as provided in this act. The annual salaries as prescribed pursuant to this act, whenever adjusted pursuant to the provisions of this act, shall be rounded to the nearest multiple of one hundred dollars.

§ 6. Notwithstanding Part E of chapter 60 of the laws of 2015, the committee established pursuant to this act, while in existence, shall make all determinations of legislative salaries and allowances and sala-

ries of statewide elected officials and those officers referred to in section 169 of the executive law. Upon the repeal of the committee created by this act, the commission established under Part E of chapter 60 of the laws of 2015 shall resume its responsibility to review and examine such salaries and allowances in accordance with the terms of such Part E.

§ 7. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2018; provided, however, any recommendations of the committee that have been determined prior to such date, including 3 annual cost of living or salary adjustments, shall continue to be in effect until amended or repealed by a subsequent recommendation of the commission on legislative, judicial and executive compensation or by passage of a new statute.

PART III

Section 1. Section 5 of part HH of chapter 59 of the laws of 2014, amending the tax law relating to a musical and theatrical production credit, is amended to read as follows:

§ 5. This act shall take effect immediately, provided that section two of this act shall take effect on January 1, 2015, and shall apply to taxable years beginning on or after January 1, 2015, with respect to "qualified production expenditures" and "transportation expenditures" paid or incurred on or after such effective date, regardless of whether the production of the qualified musical or theatrical production commenced before such date, provided further that this act shall expire and be deemed repealed [**4**] **8** years after such date.

§ 2. This act shall take effect immediately.

PART JJJ

Section 1. Short title. This act shall be known an may be cited as the "Democracy Protection Act".

§ 2. Section 14-100 of the election law is amended by adding a new subdivision 17 to read as follows:

17. "foreign national" means foreign national as such term is defined by subsection (b) of section 30121 of title 52 of the United States code.

§ 3. Section 14-106 of the election law, as amended by section 3 of subpart C of part H of chapter 55 of the laws of 2014, is amended to read as follows:

§ 14-106. Political communication. The statements required to be filed under the provisions of this article next succeeding a primary, general or special election shall be accompanied by a copy of all broadcast, cable or satellite schedules and scripts, [~~**internet**~~] **paid internet or digital**, print and other types of advertisements, pamphlets, circulars, flyers, brochures, letterheads and other printed matter purchased or produced, and reproductions of statements or information published to five hundred or more members of a general public audience by computer or other electronic device including but not limited to electronic mail or text message, purchased in connection with such election by or under the authority of the person filing the statement or the committee or the person on whose behalf it is filed, as the case may be. Such copies, schedules and scripts shall be preserved by the officer with whom or the board with which it is required to be filed for a period of one year from the date of filing thereof.

§ 4. Paragraph (a) of subdivision 1 of section 14-107 of the election law, as amended by section 1 of part A of chapter 286 of the laws of 2016, is amended to read as follows:

(a) "Independent expenditure" means an expenditure made by an independent expenditure committee [~~conveyed to five hundred or more members of a general public audience~~] in the form of (i) an audio or video communication via broadcast, cable or satellite, (ii) a written communication via advertisements, pamphlets, circulars, flyers, brochures, letterheads or (iii) other published statements**, where such expenditure is conveyed to five hundred or more members of a general public audience, or in the form of any paid internet or digital advertisement targeted to fifty or more members of a general public audience,** which: (i) irrespective of when such communication is made, contains words such as "vote," "oppose," "support," "elect," "defeat," or "reject," which call for the election or defeat of the clearly identified candidate, (ii) refers to and advocates for or against a clearly identified candidate or ballot proposal on or after January first of the year of the election in which such candidate is seeking office or such proposal shall appear on the ballot, or (iii) within sixty days before a general or special election for the office sought by the candidate or thirty days before a primary election, includes or references a clearly identified candidate. An independent expenditure shall not include communications where such candidate, the candidate's political committee or its agents, a party committee or its agents, or a constituted committee or its agents or a political committee formed to promote the success or defeat of a ballot proposal or its agents, did authorize, request, suggest, foster or cooperate in such communication.

§ 5. Subdivision 2 of section 14-107 of the election law, as amended by section 2 of part A of chapter 286 of the laws of 2016, is amended to read as follows:

2. Whenever any person makes an independent expenditure [~~that costs one thousand dollars or more in the aggregate~~], such communication shall clearly state the name of the person who paid for, or otherwise published or distributed the communication and state, with respect to communications regarding candidates, that the communication was not expressly authorized or requested by any candidate, or by any candidate's political committee or any of its agents.

§ 6. The opening paragraph of subdivision 3 of section 14-107 of the election law, as amended by section 3 of part A of chapter 286 of the laws of 2016, is amended to read as follows:

Any person prior to making any independent expenditure shall first register with the state board of elections as a political committee and as an independent expenditure committee in conformance with this article **provided, however, that no foreign national, government, instrumentality or agent may register as an independent expenditure committee for the purpose of making independent expenditures in any state or local election**. Such person shall comply with all disclosure obligations required for political committees by law and shall provide the following additional information upon registration:

§ 7. Subparagraph (i) of paragraph (a) of subdivision 4 of section 14-107 of the election law, as added by section 4 of part A of chapter 286 of the laws of 2016, is amended to read as follows:

(i) Any independent expenditure committee who has registered pursuant to subdivision three of this section shall disclose to the state board of elections electronically, once a week on Monday any contribution to such committee of one thousand dollars or more [~~or~~]**, any** expenditures**,**

except paid internet and digital advertisements, made by such [~~person~~] committee over five thousand dollars, and any independent expenditure in the form of a paid internet or digital advertisement over five hundred dollars made during the reporting period.

§ 8. Subparagraph (ii) of paragraph (a) of subdivision 4 of section 14-107 of the election law, as added by section 4 of part A of chapter 286 of the laws of 2016, is amended to read as follows:

(ii) Any independent expenditure committee who has registered with the state board of elections pursuant to subdivision three of this section shall disclose to the state board of elections electronically, within twenty-four hours [~~of receipt~~], any contribution to such independent expenditure committee of one thousand dollars or more or expenditure made by such committee over five thousand dollars made within thirty days before any primary, general, or special election.

§ 9. Subdivision 5 of section 14-107 of the election law, as added by section 4 of subpart C of part H of chapter 55 of the laws of 2014, is amended to read as follows:

5. A copy of all political communications paid for by the independent expenditure, including but not limited to broadcast, cable or satellite schedules and scripts, advertisements, pamphlets, circulars, flyers, brochures, letterheads and other printed matter and statements or information conveyed to one thousand or more members of a general public audience by computer or other electronic devices, and paid internet or digital advertisements, shall be filed with the state board of elections with the statements required by this section.

§ 10. Section 14-107 of the election law is amended by adding a new subdivision 5-a to read as follows:

5-a. The state board of elections shall maintain and make available online for public inspection in a machine readable format, a complete record of any independent expenditure in the form of a paid internet or digital advertisement required to be filed under subdivision five of this section. The record shall be maintained for a period no less than five years from the date of filing and contain a digital copy of the independent expenditure and the information provided on the registration form of the independent expenditure committee making such expenditure pursuant to paragraphs (a) and (b) of subdivision three of this section. The state board of elections shall promulgate rules necessary to comply with the provisions of this subdivision which shall be effective no later than one hundred twenty days after the effective date of this subdivision.

§ 11. The election law is amended by adding a new section 14-107-b to read as follows:

§ 14-107-b. Independent expenditure verification. 1. Upon the purchase of a communication in the form of an independent expenditure, as defined in section 14-107 of this article, each television or radio broadcast station, provider of cable or satellite television, or online platform shall require that the independent expenditure committee making such purchase file with such station, provider or platform a copy of the registration form filed by such committee with the state board of elections pursuant to subdivision three of section 14-107 of this article.

2. The state board of elections shall promulgate regulations defining the scope of the term "online platform" as used in this section. In promulgating such regulations, the state board shall take into account the number of unique United States visitors to the platform and the extent to which the platform publishes paid internet or digital communi-

cations. Any public-facing website, web application, or digital application, including, but not limited to, a social network, ad network, or search engine, may be designated an "online platform" pursuant to the state board's regulations. Such regulations shall be promulgated no later than one hundred twenty days after the effective date of this section.

§ 12. Subdivision 3 of section 14-126 of the election law, as added by section 6 of subpart C of part H of chapter 55 of the laws of 2014, is amended and a new subdivision 7 is added to read as follows:

3. Any person who falsely identifies or knowingly fails to identify any independent expenditure as required by subdivision two of section 14-107 of this article shall be subject to a civil penalty up to one thousand dollars or up to the cost of the communication, whichever is greater, in a special proceeding or civil action brought by the state board of elections chief enforcement counsel [~~or imposed directly by the state board of elections~~] pursuant to paragraph (a) of subdivision five of section 3-104 of this chapter. For purposes of this subdivision, the term "person" shall mean a person, group of persons, corporation, unincorporated business entity, labor organization or business, trade or professional association or organization or political committee.

7. Any online platform that fails to comply with the requirements of section 14-107-b of this article shall be subject to a civil penalty up to one thousand dollars for each violation in a special proceeding or civil action brought by the state board of elections chief enforcement counsel pursuant to paragraph (a) of subdivision five of section 3-104 of this chapter.

§ 13. This act shall take effect immediately and shall apply to all communications made on or after the thirtieth day following the date on which the rules promulgated by the state board of elections pursuant to subdivision 2 of section 14-107-b of this article, as added by section eleven of this act, shall have become effective; provided that, the state board of elections shall notify the legislative bill drafting commission when such rules are promulgated and effective in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART KKK

Section 1. This act shall be known and may be cited as the "New York City Rikers Island Jail Complex Replacement act".

§ 2. For the purposes of this act:

(a) "Authorized entity" shall mean the New York City department of design and construction.

(b) "Best value" shall mean the basis for awarding contracts for services to a proposer that optimizes quality, cost and efficiency, price and performance criteria, which may include, but is not limited to:

(1) The quality of the proposer's performance on previous projects;

(2) The timeliness of the proposer's performance on previous projects;

(3) The level of customer satisfaction with the proposer's performance on previous projects;

(4) The proposer's record of performing previous projects on budget and ability to minimize cost overruns;

(5) The proposer's ability to limit change orders;

(6) The proposer's ability to prepare appropriate project plans;
(7) The proposer's technical capacities;
(8) The individual qualifications of the proposer's key personnel;
(9) The proposer's ability to assess and manage risk and minimize risk impact;
(10) The proposer's financial capability;
(11) The proposer's ability to comply with applicable requirements, including the provisions of articles 145, 147 and 148 of the education law;
(12) The proposer's past record of compliance with federal, state and local laws, rules, licensing requirements, where applicable, and executive orders, including but not limited to compliance with the labor law and other applicable labor and prevailing wage laws, article 15-A of the executive law, and any other applicable laws concerning minority-and women-owned business enterprise participation;
(13) The proposer's record of complying with existing labor standards, maintaining harmonious labor relations, and protecting the health and safety of workers and payment of wages above any locally-defined living wage; and
(14) A quantitative factor to be used in evaluation of bids or offers for awarding of contracts for bidders or offerers that are certified as minority- or women-owned business enterprises pursuant to article 15-A of the executive law, and certified pursuant to local law as minority- or women-owned business enterprises. Where an agency identifies a quantitative factor pursuant to this paragraph, the agency must specify that business certified as minority- or women-owned business enterprises pursuant to article 15-A of the executive law as well as those certified as minority- or women-owned business enterprises or pursuant to section thirteen hundred four of the New York City charter are eligible to qualify for such factor. Nothing in this paragraph shall be construed as a requirement that such businesses be concurrently certified as minority- or women-owned business enterprises under both article 15-A of the executive law and section 1304 of the New York City charter to qualify for such quantitative factor.
(c) "Cost plus" shall mean compensating a contractor for the cost to complete a contract by reimbursing actual costs for labor, equipment and materials plus an additional amount for overhead and profit.
(d) "Design-build contract" shall mean a contract for the design and construction of a public work with a single entity, which may be a team comprised of separate entities.
(e) "Project labor agreement" shall have the meaning set forth in subdivision 1 of section 222 of the labor law. A project labor agreement shall require participation in apprentice training programs in accordance with paragraph (e) of subdivision 2 of such section.
(f) "Public work" shall mean a public work in the city of New York related to the following, and shall refer to this public work:
for the construction or reconstruction of any new or existing correctional facilities by the New York City department of design or construction where such construction or reconstruction is determined necessary for the timely closure of the Rikers Island Jail Complex and where such construction or reconstruction has been approved by majority vote of the New York state commission of correction.
§ 3. Any contract for a public work undertaken pursuant to a project labor agreement in accordance with section 222 of the labor law may be a design-build contract in accordance with this act.

§ 4. Notwithstanding any general, special or local law, rule or regulation to the contrary, including but not limited to article 5-A of the general municipal law, and in conformity with the requirements of this act, for any public work that has an estimated total cost of not less than ten million dollars and is undertaken pursuant to a project labor agreement in accordance with section 222 of the labor law, an authorized entity charged with awarding a contract for public work may use the alternative delivery method referred to as design-build contracts.

(a) A contractor selected by such authorized entity to enter into a design-build contract shall be selected through a two-step method, as follows:

(1) Step one. Generation of a list of responding entities that have demonstrated the general capability to perform the design-build contract. Such list shall consist of a specified number of responding entities, as determined by an authorized entity, and shall be generated based upon the authorized entity's review of responses to a publicly advertised request for qualifications. The authorized entity's request for qualifications shall include a general description of the public work, the maximum number of responding entities to be included on the list, the selection criteria to be used and the relative weight of each criteria in generating the list. Such selection criteria shall include the qualifications and experience of the design and construction team, organization, demonstrated responsibility, ability of the team or of a member or members of the team to comply with applicable requirements, including the provisions of articles 145, 147, and 148 of the education law, past record of compliance with the labor law, and such other qualifications the authorized entity deems appropriate, which may include but are not limited to project understanding, financial capability and record of past performance. The authorized entity shall evaluate and rate all responding entities to the request for qualifications. Based upon such ratings, the authorized entity shall list the responding entities that shall receive a request for proposals in accordance with paragraph two of this subdivision. To the extent consistent with applicable federal law, the authorized entity shall consider, when awarding any contract pursuant to this section, the participation of (i) responding entities that are certified as minority- or women-owned business enterprises pursuant to article 15-A of the executive law, or certified pursuant to local law as minority- or women-owned business enterprises; and (ii) small business concerns identified pursuant to subdivision (b) of section 139-g of the state finance law.

(2) Step two. Selection of the proposal which is the best value to the authorized entity. The authorized entity shall issue a request for proposals to the responding entities listed pursuant to paragraph one of this subdivision. If such a responding entity consists of a team of separate entities, the entities that compromise such a team must remain unchanged from the responding entity as listed pursuant to paragraph one of this subdivision unless otherwise approved by the authorized entity. The request for proposals shall set forth the public work's scope of work, and other requirements, as determined by the authorized entity, which may include separate goals for work under the contract to be performed by businesses certified as minority- or women-owned business enterprises pursuant to article 15-A of the executive law, or certified pursuant to local law as minority- or women-owned business enterprises. The request for proposals shall also specify the criteria to be used to evaluate the responses and the relative weight of each of such criteria. Such criteria shall include the proposal's cost, the quality of the

proposal's solution, the qualifications and experience of the proposer, and other factors deemed pertinent by the authorized entity, which may include, but shall not be limited to, the proposal's manner and schedule of project implementation, the proposer's ability to complete the work in a timely and satisfactory manner, maintenance costs of the completed public work, maintenance of traffic approach, and community impact. Any contract awarded pursuant to this act shall be awarded to a responsive and responsible proposer, which, in consideration of these and other specified criteria deemed pertinent, offers the best value, as determined by the authorized entity. The request for proposals shall include a statement that proposers shall designate in writing those portions of the proposal that contain trade secrets or other proprietary information that are to remain confidential; that the material designated as confidential shall be readily separable from the proposal. Nothing in this subdivision shall be construed to prohibit the authorized entity from negotiating final contract terms and conditions including cost. All proposals submitted shall be scored according to the criteria listed in the request for proposals and such final scores shall be published on the authorized entity's website.

(b) An authorized entity awarding a design-build contract to a contractor offering the best value may but shall not be required to use the following types of contracts:

(1) A cost-plus not to exceed guaranteed maximum price form of contract in which the authorized entity shall be entitled to monitor and audit all costs. In establishing the schedule and process for determining a guaranteed maximum price, the contract between the authorized entity and the contractor shall:

(i) Describe the scope of the work and the cost of performing such work,

(ii) Include a detailed line item cost breakdown,

(iii) Include a list of all drawings, specifications and other information on which the guaranteed maximum price is based,

(iv) Include the dates of substantial and final completion on which the guaranteed maximum price is based, and

(v) Include a schedule of unit prices; or

(2) A lump sum contract in which the contractor agrees to accept a set dollar amount for a contract which comprises a single bid without providing a cost breakdown for all costs such as for equipment, labor, materials, as well as such contractor's profit for completing all items of work comprising the public work.

§ 5. Any contract entered into pursuant to this act shall include a clause requiring that any professional services regulated by articles 145, 147 and 148 of the education law shall be performed and stamped and sealed, where appropriate, by a professional licensed in accordance with the appropriate articles.

§ 6. Construction or reconstruction with respect to each contract entered into by an authorized entity pursuant to this act shall be deemed a "public work" to be performed in accordance with the provisions of article 8 of the labor law, as well as subject to sections 200, 240, 241 and 242 of such law and enforcement of prevailing wage requirements pursuant to applicable law or, for projects or public works receiving federal aid, applicable federal requirements for prevailing wage. Any contract entered into pursuant to this act shall include a clause requiring the selected design builder to obligate every tier of contractor working on the public work to comply with the project labor agreement referenced in section three of this act, and shall include project

labor agreement compliance monitoring and enforcement provisions consistent with the applicable project labor agreement.

§ 7. Each contract entered into by an authorized entity pursuant to this act shall comply with the objectives and goals with regard to minority- and women-owned business enterprises pursuant to, as applicable, section 6-129 of the administrative code of the city of New York, or, for projects or public works receiving federal aid, applicable federal requirements for disadvantaged business enterprises or minority- and women-owned business enterprises.

§ 8. Public works undertaken by an authorized entity pursuant to this act shall be subject to the requirements of article 8 of the environmental conservation law, and, where applicable, the requirements of the national environmental policy act.

§ 9. (a) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all employees of authorized entities solely in connection with the public works identified in subdivision (f) of section two of this act, shall be preserved and protected.

(b) Nothing in this act shall result in the: (1) displacement of any currently employed worker or loss of position (including partial displacement such as a reduction in the hours of non-overtime work, wages or employment benefits), or result in the impairment of existing collective bargaining agreements; and (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contractor.

(c) Employees of authorized entities using design-build contracts serving in positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing contained in this act shall be construed to affect (1) the existing rights of employees of such entities pursuant to an existing collective bargaining agreement, (2) the existing representational relationships among employee organizations representing employees of such entities, or (3) the bargaining relationships between such entities and such employee organizations.

§ 10. The submission of a proposal or responses or the execution of a design-build contract pursuant to this act shall not be construed to be a violation of section 6512 of the education law.

§ 11. Nothing contained in this act shall limit the right or obligation of any authorized entity to comply with the provisions of any existing contract or to award contracts as otherwise provided by law.

§ 12. Any construction or reconstruction performed pursuant to this act shall be subject to any applicable uniform land use review procedures and local zoning requirements.

§ 13. Before the demolition of any correctional facility located on the Rikers Island Jail Complex, a substitute correctional facility must be identified and if such facility is defined as a public works project pursuant to this act, such public works project must be fully constructed before such demolition may occur.

§ 14. This act shall take effect immediately and shall expire and be deemed repealed two years after such date, provided that, public works with requests for qualifications issued prior to such repeal shall be permitted to continue under this act notwithstanding such repeal.

PART LLL

Section 1. This act shall be known and may be cited as the "New York city housing authority modernization investment act".

§ 2. For the purposes of this act:

(a) "Authorized entity" shall mean the New York city department of design and construction, and the New York city housing authority.

(b) "Best value" shall mean the basis for awarding contracts for services to a proposer that optimizes quality, cost and efficiency, price and performance criteria, which may include, but is not limited to:

(1) The quality of the proposer's performance on previous projects;

(2) The timeliness of the proposer's performance on previous projects;

(3) The level of customer satisfaction with the proposer's performance on previous projects;

(4) The proposer's record of performing previous projects on budget and ability to minimize cost overruns;

(5) The proposer's ability to limit change orders;

(6) The proposer's ability to prepare appropriate project plans;

(7) The proposer's technical capacities;

(8) The individual qualifications of the proposer's key personnel;

(9) The proposer's ability to assess and manage risk and minimize risk impact;

(10) The proposer's financial capability;

(11) The proposer's ability to comply with applicable requirements, including the provisions of articles 145, 147 and 148 of the education law;

(12) The proposer's past record of compliance with federal, state and local laws, rules, licensing requirements, where applicable, and executive orders, including but not limited to compliance with the labor law and other applicable labor and prevailing wage laws, article 15-A of the executive law, and any other applicable laws concerning minority- and women-owned business enterprise participation;

(13) The proposer's record of complying with existing labor standards, maintaining harmonious labor relations, and protecting the health and safety of workers and payment of wages above any locally-defined living wage; and

(14) A quantitative factor to be used in evaluation of bids or offers for awarding of contracts for bidders or offerers that are certified as minority- or women-owned business enterprises pursuant to article 15-A of the executive law, and certified pursuant to local law as minority- or women-owned business enterprises. Where an agency identifies a quantitative factor pursuant to this paragraph, the agency must specify that businesses certified as minority- or women-owned business enterprises pursuant to article 15-A of the executive law as well as those certified as minority- or women-owned business enterprises or pursuant to section 1304 of the New York City charter are eligible to qualify for such factor. Nothing in this paragraph shall be construed as a requirement that such businesses be concurrently certified as minority- or women-owned business enterprises under both article 15-A of the executive law and section 1304 of the New York City charter to qualify for such quantitative factors. Such basis shall reflect, wherever possible, objective and quantifiable analysis.

(c) "Cost plus" shall mean compensating a contractor for the cost to complete a contract by reimbursing actual costs for labor, equipment and materials plus an additional amount for overhead and profit.

(d) "Design-build contract" shall mean a contract for the design and construction of a public work with a single entity, which may be a team comprised of separate entities.

(e) "Project labor agreement" shall have the meaning set forth in subdivision 1 of section 222 of the labor law. A project labor agreement shall require participation in apprentice training programs in accordance with paragraph (e) of subdivision 2 of such section.

(f) "Public work" shall mean a public work in the city of New York related to the following, and shall refer to this public work; the construction or reconstruction of residential properties owned by the New York City housing authority where such construction or reconstruction is required to remediate certain conditions of habitability, including but not limited to, roof repair, lead or mold abatement and remediation, plumbing installation or repair, boiler installation or repair, or any structural repair where such construction or reconstruction is deemed necessary in accordance with the terms of a state declaration of a disaster emergency pursuant to section 402-d of the public housing law.

§ 3. Any contract for a public work undertaken pursuant to a project labor agreement in accordance with section 222 of the labor law may be a design-build contract in accordance with this act.

§ 4. Notwithstanding any general, special or local law, rule or regulation to the contrary, including but not limited to article 5-A of the general municipal law, section 151 of the public housing law, and in conformity with the requirements of this act, for any public work that is undertaken pursuant to a project labor agreement in accordance with section 222 of the labor law, an authorized entity charged with awarding a contract for public work may use the alternative delivery method referred to as design-build contracts.

(a) A contractor selected by such authorized entity to enter into a design-build contract shall be selected through a two-step method, as follows:

(1) Step one. Generation of a list of responding entities that have demonstrated the general capability to perform the design-build contract. Such list shall consist of a specified number of responding entities, as determined by an authorized entity, and shall be generated based upon the authorized entity's review of responses to a publicly advertised request for qualifications. The authorized entity's request for qualifications shall include a general description of the public work, the maximum number of responding entities to be included on the list, the selection criteria to be used and the relative weight of each criteria in generating the list. Such selection criteria shall include the qualifications and experience of the design and construction team, organization, demonstrated responsibility, ability of the team or of a member or members of the team to comply with applicable requirements, including the provisions of articles 145, 147, and 148 of the education law, past record of compliance with the labor law, and such other qualifications the authorized entity deems appropriate, which may include but are not limited to project understanding, financial capability and record of past performance. The authorized entity shall evaluate and rate all responding entities to the request for qualifications. Based upon such ratings, the authorized entity shall list the responding entities that shall receive a request for proposals in accordance with paragraph two of this subdivision. To the extent consistent with applicable federal law, the authorized entity shall consider, when awarding any contract pursuant to this section, the participation of: (i) responding

entities that are certified as minority- or women-owned business enterprises pursuant to article 15-A of the executive law, or certified pursuant to local law as minority- or women-owned business enterprises; and (ii) small business concerns identified pursuant to subdivision (b) of section 139-g of the state finance law.

(2) Step two. Selection of the proposal which is the best value to the authorized entity. The authorized entity shall issue a request for proposals to the responding entities listed pursuant to paragraph one of this subdivision. If such a responding entity consists of a team of separate entities, the entities that comprise such a team must remain unchanged from the responding entity as listed pursuant to paragraph one of this subdivision unless otherwise approved by the authorized entity. The request for proposals shall set forth the public work's scope of work, and other requirements, as determined by the authorized entity, which may include separate goals for work under the contract to be performed by businesses certified as minority- or women-owned business enterprises pursuant to article 15-A of the executive law, or certified pursuant to local law as minority- or women-owned business enterprises. The request for proposals shall also specify the criteria to be used to evaluate the responses and the relative weight of each of such criteria. Such criteria shall include the proposal's cost, the quality of the proposal's solution, the qualifications and experience of the proposer, and other factors deemed pertinent by the authorized entity, which may include, but shall not be limited to, the proposal's manner and schedule of project implementation, the proposer's ability to complete the work in a timely and satisfactory manner, maintenance costs of the completed public work, maintenance of traffic approach, and community impact. Any contract awarded pursuant to this act shall be awarded to a responsive and responsible proposer, which, in consideration of these and other specified criteria deemed pertinent, offers the best value, as determined by the authorized entity. The request for proposals shall include a statement that proposers shall designate in writing those portions of the proposal that contain trade secrets or other proprietary information that are to remain confidential; that the material designated as confidential shall be readily separable from the proposal. Nothing in this subdivision shall be construed to prohibit the authorized entity from negotiating final contract terms and conditions including cost. All proposals submitted shall be scored according to the criteria listed in the request for proposals and such final scores shall be published on the authorized entity's website.

(b) An authorized entity awarding a design-build contract to a contractor offering the best value may but shall not be required to use the following types of contracts:

(1) A cost-plus not to exceed guaranteed maximum price form of contract in which the authorized entity shall be entitled to monitor and audit all costs. In establishing the schedule and process for determining a guaranteed maximum price, the contract between the authorized entity and the contractor shall:

(i) Describe the scope of the work and the cost of performing such work,

(ii) Include a detailed line item cost breakdown,

(iii) Include a list of all drawings, specifications and other information on which the guaranteed maximum price is based,

(iv) Include the dates of substantial and final completion on which the guaranteed maximum price is based, and

(v) Include a schedule of unit prices; or

(2) A lump sum contract in which the contractor agrees to accept a set dollar amount for a contract which comprises a single bid without providing a cost breakdown for all costs such as for equipment, labor, materials, as well as such contractor's profit for completing all items of work comprising the public work.

§ 5. Any contract entered into pursuant to this act shall include a clause requiring that any professional services regulated by articles 145, 147 and 148 of the education law shall be performed and stamped and sealed, where appropriate, by a professional licensed in accordance with the appropriate articles.

§ 6. Construction with respect to each contract entered into by an authorized entity pursuant to this act shall be deemed a "public work" to be performed in accordance with the provisions of article 8 of the labor law, as well as subject to sections 200, 240, 241 and 242 of such law and enforcement of prevailing wage requirements pursuant to applicable law or, for projects or public works receiving federal aid, applicable federal requirements for prevailing wage. Any contract entered into pursuant to this act shall include a clause requiring the selected design builder to obligate every tier of contractor working on the public work to comply with the project labor agreement referenced in section three of this act, and shall include project labor agreement compliance monitoring and enforcement provisions consistent with the applicable project labor agreement.

§ 7. Each contract entered into by an authorized entity pursuant to this act shall comply with the objectives and goals with regard to minority- and women-owned business enterprises pursuant to, as applicable, section 6-129 of the administrative code of the city of New York, or, for projects or public works receiving federal aid, applicable federal requirements for disadvantaged business enterprises or minority- and women-owned business enterprises.

§ 8. Public works undertaken by an authorized entity pursuant to this act shall be subject to the requirements of article 8 of the environmental conservation law, and, where applicable, the requirements of the national environmental policy act.

§ 9. (a) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all employees of authorized entities solely in connection with the public works identified in subdivision (f) of section two of this act, shall be preserved and protected.

(b) Nothing in this act shall result in the: (1) displacement of any currently employed worker or loss of position (including partial displacement such as a reduction in the hours of non-overtime work, wages or employment benefits), or result in the impairment of existing collective bargaining agreements; and (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contractor.

(c) Employees of authorized entities using design-build contracts serving in positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing contained in this act shall be construed to affect: (1) the existing rights of employees of such entities pursuant to an existing collective bargaining agreement, (2) the existing representational relationships among employee organizations representing employees of such entities, or (3) the bargaining relationships between such entities and such employee organizations.

§ 10. The submission of a proposal or responses or the execution of a design-build contract pursuant to this act shall not be construed to be a violation of section 6512 of the education law.

§ 11. Nothing contained in this act shall limit the right or obligation of any authorized entity to comply with the provisions of any existing contract or to award contracts as otherwise provided by law.

§ 12. This act shall take effect immediately and shall expire and be deemed repealed 2 years after such date, provided that, public works with requests for qualifications issued prior to such repeal shall be permitted to continue under this act notwithstanding such repeal.

PART MMM

Section 1. This act shall be known and may be cited as the "New York Pennsylvania Station Public Safety Improvements Act".

§ 2. It is hereby found and declared, that the rail and transportation facility known as New York Pennsylvania Station ("Penn Station") is antiquated, substandard, and inadequate to meet current transportation and public safety needs and presents an unreasonable safety risk to the public; Penn Station serves as a major transportation hub for the Metropolitan Transportation Authority ("MTA"), New York City Transit, Amtrak, the Long Island Railroad, and the New Jersey Transit. It serves hundreds of millions of passengers on an annual basis. Well over 600,000 passengers travel through Penn Station on a daily basis. This is more people than travel through LaGuardia, John F. Kennedy International, and Newark Liberty International airports combined. Penn Station is in need of modernization to meet public safety needs. Penn Station is currently overcrowded, hard to navigate, at times often chaotic and has a limited capacity for security and proper policing. Penn Station is in desperate need of more access and egress to allow better entrance and exit capacity and expedited evacuation procedures. In this time of heightened terrorist threats Penn Station needs more controlled points for security monitoring and equipment. Passenger flow and security access must allow manageability in emergency situations. The current situation poses a clear public safety hazard. With the new adjoining Farley Building Moynihan Train Hall soon to be completed, the proposed Gateway Tunnel, and improved Long Island Railroad access the number of commuters entering Penn Station is expected to increase dramatically.

§ 3. It is further found and declared that such conditions and circumstances require action to repair or redevelop such facilities into safe, modern, efficient facilities to assure the safety and comfort of travelers. Work is currently underway within Penn Station to improve passageways, concourses, lighting and amenities. Connections with the new Moynihan Train Hall at Farley are also underway, as well as planning for remaining necessary improvements to access and egress and to the surrounding areas to position such areas to accommodate and attract passengers and evolving technological and business and commercial needs and practices.

§ 4. This is a pressing public safety and transportation issue and is a major objective for the State to resolve and should be made a top priority. MTA and the New York state urban development corporation ("UDC") should coordinate and consult with community leaders, business groups and federal and city government to design a solution.

§ 5. The State will provide funds to UDC to begin with the planning of any such redevelopment.

§ 6. This act shall take effect immediately.

PART NNN

Section 1. Paragraph 34 of subdivision (b) of section 1101 of the tax law, as amended by section 17 of part AAA of chapter 59 of the laws of 2017, is amended to read as follows:

(34) Transportation service. The service of transporting, carrying or conveying a person or persons by livery service; whether to a single destination or to multiple destinations; and whether the compensation paid by or on behalf of the passenger is based on mileage, trip, time consumed or any other basis. A service that begins and ends in this state is deemed intra-state even if it passes outside this state during a portion of the trip. However, transportation service does not include transportation of persons in connection with funerals. Transportation service includes transporting, carrying, or conveying property of the person being transported, whether owned by or in the care of such person. Notwithstanding the foregoing, transportation service shall not include a TNC prearranged trip, as that term is defined in article forty-four-B of the vehicle and traffic law, that is subject to tax under article twenty-nine-B of this chapter. In addition to what is included in the definition of "receipt" in paragraph three of this subdivision, receipts from the sale of transportation service subject to tax include any handling, carrying, baggage, booking service, administrative, mark-up, additional, or other charge, of any nature, made in conjunction with the transportation service. Livery service means service provided by limousine, black car or other motor vehicle, with a driver, but excluding (i) a taxicab, (ii) a bus, and (iii), in a city of one million or more in this state, an affiliated livery vehicle, and excluding any scheduled public service. Limousine means [~~a~~] **any** vehicle with a seating capacity of up to fourteen persons, excluding the driver**, and any vehicle with a seating capacity of between fifteen and twenty persons, excluding the driver, that has only two axles and four tires. "Bus" means any motor vehicle with a seating capacity of at least fifteen persons, excluding the driver, that does not otherwise qualify as a limousine**. Black car means a for-hire vehicle dispatched from a central facility. "Affiliated livery vehicle" means a for-hire motor vehicle with a seating capacity of up to six persons, including the driver, other than a black car or luxury limousine, that is authorized and licensed by the taxi and limousine commission of a city of one million or more to be dispatched by a base station located in such a city and regulated by such taxi and limousine commission; and the charges for service provided by an affiliated livery vehicle are on the basis of flat rate, time, mileage, or zones and not on a garage to garage basis.

§ 2. The tax law is amended by adding a new article 29-C to read as follows:

ARTICLE 29-C

CONGESTION SURCHARGE

Section 1299. Definitions.
1299-A. Imposition of tax.
1299-B. Liability for surcharge.
1299-C. Registration.
1299-D. Returns and payment of surcharge.
1299-E. Records to be kept.
1299-F. Secrecy of returns and reports.
1299-G. Practice and procedure.
1299-H. Deposit and disposition of revenue.

1299-I. Cooperation by regulatory agencies.

§ 1299. Definitions. (a) "Person" means an individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, any combination of individuals and any other form of unincorporated enterprise owned or conducted by two or more persons.

(b) "Motor vehicle" shall have the same meaning as the term is defined in section one hundred twenty-five of the vehicle and traffic law.

(c) "For-hire vehicle" means a motor vehicle, other than an ambulance as defined by section one hundred-b of the vehicle and traffic law and a bus as defined in paragraph thirty-four of subdivision (b) of section eleven hundred one of this chapter, carrying passengers for hire.

(d) "Pool vehicle" means a for-hire vehicle that is available for the shared provision of transportation by two or more passengers (or groups of passengers) that separately request transportation and (i) are each charged the same predetermined amount per ride, or (ii) are each billed independently for a ride in an amount that is proportionate to the transportation they receive.

(e) "For-hire transportation trip" means transportation provided in a for-hire vehicle that is not a pool vehicle, regardless of the number of stops, for which a charge is made, but shall not include transportation provided by, or pursuant to a contract with, school districts, or in connection with funerals.

(f) "Congestion zone" means the geographic area of the city of New York, in the borough of Manhattan, south of and excluding 96th street.

(g) "Regulatory agency" means any entity in the state that regulates any person or motor vehicle involved in the provision of for-hire transportation trips, including the owners, agents and drivers of for-hire vehicles.

§ 1299-A. Imposition of tax. (a) In addition to any other tax or assessment imposed by this chapter or other law, there is hereby imposed, beginning on January first, two thousand nineteen, a surcharge on for-hire transportation trips of two dollars and seventy-five cents for each such trip that originates and terminates in the congestion zone, for each such trip that originates anywhere in the state and terminates within the congestion zone, for each such trip that originates in the congestion zone and terminates anywhere in this state, and for each such trip that originates anywhere in the state, enters into the congestion zone while in transit, and terminates anywhere in the state. For purposes of this subsection, a for-hire transportation trip shall be deemed to originate in the congestion zone when any requesting passenger is picked up there (or if the billing for the ride, or any portion thereof, is commenced there), and is deemed to terminate in the congestion zone when any requesting passenger is dropped off there. Provided however, if the for-hire transportation trip is provided by a for-hire vehicle that is also subject to article twenty-nine-A of this chapter, excluding a HAIL vehicle as defined by such article, the rate of surcharge under this subsection shall be two dollars and fifty cents for each trip.

(b) In addition to any other tax or assessment imposed by this chapter or other law, beginning on January first, two thousand nineteen, there is hereby imposed on transportation provided by pool vehicles a surcharge of seventy-five cents for each person that both enters and

exits the pool vehicle in the state, and who is picked up in, dropped off in, or travels through the congestion zone.

(c) Notwithstanding the foregoing, the surcharge imposed by this article shall not apply to transportation services that are administered by or on behalf of the metropolitan transportation authority, including paratransit services.

(d) Receipts subject to tax under paragraph ten of subdivision (c) of section eleven hundred five of this chapter, as well as the gross trip fare of every TNC prearranged trip as those terms are defined by section twelve hundred ninety-one of this chapter, shall be deemed to exclude any surcharge imposed by this article.

§ 1299-B. Liability for surcharge. (a) Notwithstanding any provision of law to the contrary, any person that dispatches a motor vehicle by any means that provides transportation that is subject to a surcharge imposed by this article, including transportation network companies as defined in article forty-four-B of the vehicle and traffic law, shall be liable for the surcharge imposed by this article, except that in the case of taxicab trips and HAIL vehicle trips that are also subject to tax pursuant to article twenty-nine-A of this chapter, only the taxicab owner or HAIL base liable for that tax shall be the person liable for the surcharge imposed by this article. For purposes of this section, the terms "taxicab trips," "HAIL vehicle trips," "taxicab owner," and "HAIL base" shall have the same meaning as they do in section twelve hundred eighty of this chapter.

(b) Notwithstanding any law to the contrary: (1) The surcharge imposed by this article must be passed along to passengers and separately stated on any receipt that is provided to such passengers. The passing along of such surcharge shall not be construed by any court or administrative body as the imposition of the surcharge on the person or entity that pays for the for-hire transportation trip. All regulatory agencies must adjust any fares that are authorized by them to include the surcharge imposed by this article, and must require that any meter or other instrument used in any for-hire vehicle regulated by it to calculate fares be adjusted to include the surcharge.

(2) Neither the failure of a regulatory agency to adjust fares nor the failure to adjust a meter or other instrument used in a for-hire vehicle to calculate fares shall relieve any person liable for the surcharge imposed by this article from the obligation to pay such surcharge.

§ 1299-C. Registration. (a) Every person liable for the surcharge imposed by this article shall file with the commissioner a properly completed application for a certificate of registration, in a form prescribed by the commissioner. Such application shall be accompanied by a fee of one dollar and fifty cents, and shall set forth the name and address of the registrant, and any other information that the commissioner may require. Notwithstanding the forgoing, any person liable for a surcharge imposed by this article that will incur such liability no more than one time in any single calendar month shall not be subject to the provisions of this paragraph.

(b) Except as otherwise provided in this section, the commissioner shall issue a certificate of registration to each person that applies for one for a specified term of not less than three years. Any certificate of registration referred to in this paragraph shall be subject to renewal in accordance with rules promulgated by the commissioner, and upon the payment of a fee of one dollar and fifty cents. Whether or not such certificate of registration is issued for a specified term, it shall be subject to suspension or revocation as provided for in this

section. Each certificate shall state the registrant, the registrant's taxpayer ID number, and vehicle (or vehicles) it is applicable to. Certificates of registration issued pursuant to this article shall be non-assignable and non-transferable, and shall be surrendered to the commissioner immediately upon the registrant's ceasing to do business at the address provided in its application, unless the registrant amends its certificate of registration in accordance with rules promulgated by the commissioner. All registrants must notify the commissioner of changes to any of the information stated on their certificate of registration, including vehicle changes, if any, on a calendar quarterly basis, and shall amend their certificates of registration accordingly.

(c) (1) The commissioner may refuse to issue a certificate of registration to a person, or may suspend or revoke a certificate of registration that was issued to a person, pursuant to this section upon finding that: (i) such person failed to pay any monies that are finally determined to be due for any tax or imposition that is administered by the commissioner; (ii) such person failed to file any report or return that is due from it under this chapter; (iii) such person willfully filed a false report, return or other document due under this chapter; (iv) such person willfully violated any provision of this article, or any rule or regulation of the commissioner promulgated under this article; or (v) a certificate of registration issued pursuant to this section to such person, or to any business or entity under control of such person, or that is subject to substantially the same ownership, direction or control of such person, has been revoked or suspended within one year from the date on which a certificate of registration is filed.

(2) A notice of proposed revocation, suspension or refusal to issue shall be given to the person that applies for a certificate of registration pursuant to this section in the manner prescribed for a notice of deficiency in subsection (a) of section one thousand eighty-one of this chapter, and except as otherwise provided herein, all the provisions of article twenty-seven of this chapter applicable to a notice of deficiency shall apply to a notice issued pursuant to this paragraph, insofar as such provisions can be made applicable to such notice, and with such modifications as may be necessary in order to adapt the language of such provisions to the notice authorized by this paragraph. All notices of proposed revocation, suspension or refusal to issue shall contain a statement advising the person to whom it is issued that the suspension, revocation or refusal to issue may be challenged through a hearing process and that the petition for such challenge must be filed with the division of tax appeals within ninety days after the giving of such notice.

(3) In the case of a proposed revocation or suspension, notice of such must be given to a person within three years from the date of the act or omission described in paragraph one of this subdivision, except that in the case of acts involving falsity or fraud, such notice may be issued at any time.

(4) In any of the foregoing instances where the commissioner may suspend or revoke or refuse to issue a certificate of registration, the commissioner may condition the retention or issuance of a certificate of registration upon the filing of a bond or the deposit of tax in the manner provided in paragraph two or three of subdivision (e) of section eleven hundred thirty-seven of this chapter.

(d) If the commissioner considers it necessary for the proper administration of the surcharge imposed by this article, he or she may require every person who holds a certificate of registration issued pursuant to

this section to apply for a new certificate of registration in such form and at such time as the commissioner may prescribe, and to surrender each previously issued certificate of registration. The commissioner may require such filing and such surrender not more often than once every three years. Upon the filing of an application for a new certificate of registration and the surrender of all previous such certificates, the commissioner shall issue, within such time as the commissioner may prescribe, a new certificate of registration, without charge, to each registrant.

§ 1299-D. Returns and payment of surcharge. (a) Every person liable for the surcharge imposed by this article shall file a return with the commissioner on a monthly basis. Each return shall show the number of for-hire transportation trips, or the number of pool vehicle passengers, subject to the surcharge imposed by this article in the month for which the return is filed, along with such other information as the commissioner may require. The returns required by this section shall be filed within twenty days after the end of the month covered thereby. If the commissioner deems it necessary to ensure the payment of the surcharge imposed by this article, he or she may require returns to be made for shorter periods than prescribed by the foregoing provisions of this section, and upon such dates as may be specified. The form of returns shall be prescribed by the commissioner and shall contain such information as the commissioner may deem necessary for the proper administration of this article. The commissioner may require that returns be filed electronically.

(b) Every person liable for the surcharge imposed by this article shall, at the time of filing such return, pay to the commissioner the total amount of all surcharges due under this article. Such amount shall be due and payable on the date specified for the filing of the return for such period, without regard to whether a return is filed, or whether the return that is filed correctly shows the correct number of for-hire trips are subject the surcharge, or the correct surcharge amount due thereon. The commissioner may require that the surcharge be paid electronically.

(c) In addition to any other penalty or interest provided for under this article or other law, and unless it is shown that such failure is due to reasonable cause and not due to willful neglect, any person liable for the surcharge imposed by this article that fails to pay such surcharge when due shall be liable for a penalty in an amount equal to two hundred percent of the total surcharge amount that is due.

§ 1299-E. Records to be kept. Every person liable for the surcharge imposed by this article shall keep, and shall make available for review upon demand by the commissioner:

(1) records of every trip provided or arranged by such person, or provided through the use of a for-hire vehicle owned or leased by such person, including all amounts paid, charged or due thereon, in such form as the commissioner may require;

(2) true and complete copies of any records required to be kept by any applicable regulatory department or agency; and

(3) such other records and information as the commissioner may require to perform his or her duties under this article.

§ 1299-F. Secrecy of returns and reports. (a) Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the commissioner, any officer or employee of the department, any person engaged or retained by the department on an independent contract basis, or any person who in any manner may acquire knowledge of

the contents of a return or report filed with the commissioner pursuant to this article, to divulge or make known in any manner any particulars set forth or disclosed in any such return or report. The officers charged with the custody of such returns and reports shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the commissioner in an action or proceeding under the provisions of this chapter, or in any other action or proceeding involving the collection of a tax due under this chapter to which the state, the commissioner or an agency that is authorized to permit or regulate the provision of any relevant transportation is a party or a claimant, or on behalf of any party to any action, proceeding or hearing under the provisions of this article, when the returns or the reports or the facts shown thereby are directly involved in such action, proceeding or hearing, in any of which events the court, or in the case of a hearing, the division of tax appeals, may require the production of, and may admit in evidence so much of said returns or reports or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed, however, to prohibit the commissioner, in his or her discretion, from allowing the inspection or delivery of a certified copy of any return or report filed under this article, or from providing any information contained in any such return or report, by or to a duly authorized officer or employee of the comptroller; nor to prohibit the inspection or delivery of a certified copy of any return or report filed under this article, or the provision of any information contained therein, by or to the attorney general or other legal representatives of the state when an action shall have been recommended or commenced pursuant to this chapter in which such returns or reports or the facts shown thereby are directly involved; nor to prohibit the commissioner from providing or certifying to the division of budget or the comptroller the total number of returns or reports filed under this article in any reporting period and the total collections received therefrom; nor to prohibit the delivery to a person liable for the surcharge imposed by this article, or a duly authorized representative of such, a certified copy of any return or report filed by such person pursuant to this article, nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns or reports and the items thereof; nor to prohibit the disclosure, in such manner as the commissioner deems appropriate, of the names and other appropriate identifying information of those persons required to pay the surcharge imposed by this article.

(b) Notwithstanding the provisions of subdivision (a) of this section, the commissioner may permit the secretary of the treasury of the United States or such secretary's delegate, or the authorized representative of either such officer, to inspect any return filed under this article, or may furnish to such officer or such officer's authorized representative an abstract of any such return or supply such person with information concerning an item contained in any such return, or disclosed by any investigation of liability under this article, but such permission shall be granted or such information furnished only if the laws of the United States grant substantially similar privileges to the commissioner or officer of this state charged with the administration of the surcharge imposed by this article, and only if such information is to be used for purposes of tax administration only; and provided further the commissioner may furnish to the commissioner of internal revenue or such commissioner's authorized representative such returns filed under this

article and other tax information, as such commissioner may consider proper, for use in court actions or proceedings under the internal revenue code, whether civil or criminal, where a written request therefor has been made to the commissioner by the secretary of the treasury of the United States or such secretary's delegate, provided the laws of the United States grant substantially similar powers to the secretary of the treasury of the United States or his or her delegate. Where the commissioner has so authorized use of returns and other information in such actions or proceedings, officers and employees of the department may testify in such actions or proceedings in respect to such returns or other information.

(c) (1) Any officer or employee of the state who willfully violates the provisions of subdivision (a) of this section shall be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

(2) Cross-reference: For criminal penalties, see article thirty-seven of this chapter.

§ 1299-G. Practice and procedure. The provisions of article twenty-seven of this chapter shall apply with respect to the administration of and procedure with respect to the surcharge imposed by this article in the same manner and with the same force and effect as if the language of such article twenty-seven had been incorporated in full into this article and had expressly referred to the surcharge imposed by this article, except to the extent that any such provision is either inconsistent with a provision of this article or is not relevant to this article.

§ 1299-H. Deposit and disposition of revenue. (a) Any surcharge, interest, and penalties collected or received by the commissioner shall be deposited daily with such responsible banks, banking houses or trust companies, as may be designated by the comptroller, to the credit of the comptroller in trust for the metropolitan transportation authority. An account may be established in one or more of such depositories. Such deposits will be kept separate and apart from all other money in the possession of the comptroller. The comptroller shall require adequate security from all such depositories. Of the total revenue collected or received under this article, the comptroller shall retain such amount as the commissioner may determine to be necessary for refunds under this article. The commissioner is authorized and directed to deduct from the amounts it receives under this article, before deposit into the trust accounts designated by the comptroller, a reasonable amount necessary to effectuate refunds of appropriations of the department to reimburse the department for the costs incurred to administer, collect and distribute the surcharge, interest, and penalties imposed by this article.

(b) On or before the twelfth day of each month, after reserving such amount for such refunds and deducting such amounts for such costs, as provided for in subdivision (a) of this section, the commissioner shall certify to the comptroller the amount of revenues so received during the prior month as a result of the surcharge, interest and penalties so imposed. Notwithstanding any provision of law to the contrary, after deducting the amounts specified in the previous sentence, the first three hundred sixty-two million dollars collected or received in calendar year two thousand nineteen, the first three hundred one million dollars collected or received in calendar year two thousand twenty, and the first three hundred million dollars collected or received in each calendar year thereafter, shall be deposited by the comptroller, without appropriation, pursuant to subdivision (c) of this section. The next fifty million dollars collected or received in calendar year two thou-

sand nineteen, and in each year thereafter, in excess of funds collected and deposited pursuant to subdivision (c) of this section, shall be deposited by the comptroller, without appropriation, pursuant to subdivision (d) of this section, provided, however, that any uncommitted fund balance at the end of each calendar year through the approval process of subdivision three of section twelve hundred seventy-i of the public authorities law shall be transferred on the last business day of the calendar year by the metropolitan transportation authority from the outer borough transportation account to the general transportation account of the New York city transportation assistance fund created by section twelve hundred seventy-i of the public authorities law. Any amounts collected or received, in any year, that are in excess of the amounts deposited pursuant to subdivisions (c) and (d) of this section, shall be deposited by the comptroller, without appropriation, pursuant to subdivision (e) of this section.

(c) The amount of revenues so certified shall be paid over by the fifteenth business day of each succeeding month from such account, without appropriation, into the subway action plan account of the New York city transportation assistance fund established pursuant to section twelve hundred seventy-i of the public authorities law.

(d) The amount of revenues so certified that are in excess of the amounts deposited as provided in subdivision (c) of this section, shall be paid over by the fifteenth business day of each succeeding month from such account, without appropriation, into the outer borough transportation account of the New York city transportation assistance fund established pursuant to section twelve hundred seventy-i of the public authorities law.

(e) The amount of revenues so certified that are in excess of the amounts deposited as provided in subdivisions (c) and (d) of this section, shall be paid over by the fifteenth business day of each succeeding month from such account, without appropriation, into the general transportation account of the New York city transportation assistance fund established pursuant to section twelve hundred seventy-i of the public authorities law.

(f) Notwithstanding any provision of law to the contrary, any surcharge imposed by this article that is paid in connection with transportation provided to persons eligible for medical assistance who are transported pursuant to section three hundred sixty-five-h of the social services law shall be transferred on a quarterly basis from the account specified in paragraph (a) of this section to the Medicaid management information system escrow fund. The commissioner of health shall collect the Medicaid transportation data necessary to determine an amount to be transferred each quarter; provided that such amount shall be reconciled in the subsequent quarter to reflect actual Medicaid surcharge expenditures; and further provided that any difference between the amount transferred and the reconciled amount shall be added to or subtracted from the amount transferred in the following quarter.

§ 1299-I. Cooperation by regulatory agencies. All regulatory agencies shall cooperate with and assist the commissioner to effectuate the purposes of this article and the commissioner's responsibilities hereunder. Such cooperation shall include obtaining, furnishing, and timely updating current, complete and accurate names, addresses and all other information concerning: (1) every for-hire vehicle owner, operator, and driver of for-hire vehicles licensed or permitted by such licensing agency; (2) every agent of such person, if any; and (3) any other person or entity that is licensed or permitted by such licensing agency. Such

cooperation shall also include furnishing to the commissioner all written, computerized, automated or electronic records in the regulatory agency's possession, or in the possession of any of its agents, instrumentalities, contractors, or any other person authorized or required to obtain or possess such records or information, that account for any transportation and operation for hire provided by a licensed or permitted person or entity. Such information shall be provided to the commissioner without cost, and in a format prescribed by the commissioner.

§ 3. Section 1825 of the tax law, as amended by section 20 of part AAA of chapter 59 of the laws of 2017, is amended to read as follows:

§ 1825. Violation of secrecy provisions of the tax law.--Any person who violates the provisions of subdivision (b) of section twenty-one, subdivision one of section two hundred two, subdivision eight of section two hundred eleven, subdivision (a) of section three hundred fourteen, subdivision one or two of section four hundred thirty-seven, section four hundred eighty-seven, subdivision one or two of section five hundred fourteen, subsection (e) of section six hundred ninety-seven, subsection (a) of section nine hundred ninety-four, subdivision (a) of section eleven hundred forty-six, section twelve hundred eighty-seven, section twelve hundred ninety-six, section twelve hundred ninety-nine-F, subdivision (a) of section fourteen hundred eighteen, subdivision (a) of section fifteen hundred eighteen, subdivision (a) of section fifteen hundred fifty-five of this chapter, and subdivision (e) of section 11-1797 of the administrative code of the city of New York shall be guilty of a misdemeanor.

§ 4. The public authorities law is amended by adding a new section 1270-i to read as follows:

§ 1270-i. New York city transportation assistance fund. 1. The authority shall create and establish a fund to be known as the "New York city transportation assistance fund" which shall be kept separate from and shall not be commingled with any other moneys of the authority. The New York city transportation assistance fund shall consist of three separate accounts: (i) the "subway action plan account"; (ii) the "outer borough transportation account"; and (iii) the "general transportation account". The authority shall make deposits in the subway action plan account of the moneys received by it pursuant to the provisions of subdivision (c) of section twelve hundred ninety-nine-H of the tax law in accordance with the provisions thereof, shall make deposits in the outer borough transportation account of the moneys received by it pursuant to the provisions of subdivision (d) of section twelve hundred ninety-nine-H of the tax law in accordance with the provisions thereof, and shall make deposits in the general transportation account of the moneys received by it pursuant to the provisions of subdivision (e) of section twelve hundred ninety-nine-H of the tax law in accordance with the provisions thereof, and pursuant to the provisions of section eleven hundred eleven-C of vehicle and traffic law.

2. Moneys in the subway action plan account shall be used for the exclusive purpose of funding the operating and capital costs of the metropolitan transportation authority's New York city subway action plan. Such funds may be used for infrastructure including construction, reconstruction, reconditioning and preservation of transportation systems, facilities and equipment, acquisition of property, and for operating costs including personal services, non-personal services, fringe benefits, and contractual services. Funds may also be used to pay or to reimburse the authority for its payment of debt service and reserve requirements on that portion of authority bonds and notes issued

by the authority for capital costs of the metropolitan transportation authority's New York city subway action plan.

3. Moneys in the outer borough transportation account shall be used for the exclusive purpose of funding the operating and capital costs of metropolitan transportation authority facilities, equipment and services in the counties of Bronx, Kings, Queens and Richmond, and any projects improving transportation connections from such counties to New York County. Such funds may be used for infrastructure including construction, reconstruction, reconditioning and preservation of transportation systems, facilities and equipment, acquisition of property, and for operating costs including personal services, non-personal services, fringe benefits, and contractual services. Funds may also be used to fund a toll reduction program for any crossings under the jurisdiction of the metropolitan transportation authority or its subsidiaries or affiliates. Funds may also be used to pay or to reimburse the authority for its payment of debt service and reserve requirements on that portion of authority bonds and notes that have been issued by the authority specifically for the authorized purpose of this account. Notwithstanding any law to the contrary, final approval of the use of any funds paid into the outer borough transportation account shall be unanimously approved by three members of the Metropolitan Transportation Authority Capital Program Review Board, established pursuant to section twelve hundred sixty-nine-a of this title so designated pursuant to this subdivision. For purposes of such final approvals the three voting members are: the member appointed upon recommendation by the temporary president of the senate; the member appointed upon recommendation of speaker of the assembly; and the member appointed by the governor.

4. Moneys in the general transportation account shall be used for funding the operating and capital costs of the metropolitan transportation authority. Such funds may be used for infrastructure including construction, reconstruction, reconditioning and preservation of transportation systems, facilities and equipment, acquisition of property, and for operating costs including personal services, non-personal services, fringe benefits, and contractual services. Funds may also be used to pay or to reimburse the authority for its payment of debt service and reserve requirements on that portion of authority bonds and notes that have been issued by the authority specifically for the purposes of this account.

5. Any revenues deposited in the subway action plan account, the outer borough transportation account, or the general transportation account pursuant to subdivision one of this section shall be used exclusively for the purposes described, respectively, in subdivisions two, three, and four of this section. Such revenues shall only supplement and shall not supplant any federal, state, or local funds expended by the metropolitan transportation authority, such authority's affiliates or subsidiaries for such respective purposes.

6. Any revenues deposited into the New York city transportation assistance fund pursuant to subdivision one of this section shall not be diverted into the general fund of the state, any other fund established by the chapter of the laws of two thousand eighteen which added this subdivision, any other fund maintained for the support of any other governmental purpose, or for any other purpose not authorized by subdivisions two, three and four of this section.

7. The authority shall report on the receipt and uses of all funds received by the New York city transportation assistance fund, and in each of its accounts, to the director of the budget, the temporary pres-

ident of the senate, and the speaker of the assembly, on an annual basis no later than the first day of February.

§ 5. The public authorities law is amended by adding a new section 1279-d to read as follows:

§ 1279-d. Supplemental revenue reporting program. 1. On or before January first, two thousand nineteen, the authority shall develop a supplemental revenue reporting program. Such program shall provide a detailed accounting of the amount spent from supplemental revenues on actions, measures or projects undertaken to reduce major incidents that have been found to cause delays to the New York city subway system, including but not limited to: track incidents; signal failure; persons on the track; police and medical activity; structural and electrical problems; and broken traincar equipment. The information described in this subdivision, including the spending details and the associated category of major incident, shall be updated quarterly and be prominently posted together on the authority's website.

2. Definitions. For purposes of this section, "supplemental revenues" shall include any funds appropriated by the state or the city of New York to support the NYC subway action plan approved by the board of the authority and any revenues received pursuant to section twelve hundred ninety-nine-H of the tax law.

§ 6. Section 1111-c of the vehicle and traffic law, as added by section 9 of part II of chapter 59 of the laws of 2010, paragraphs 1 and 4 of subdivision (a), subdivision (b), paragraphs 3, 4, 5 and 6 of subdivision (c) and subdivision (e) as amended by chapter 239 of the laws of 2015, is amended to read as follows:

§ 1111-c. Owner liability for failure of operator to comply with bus lane restrictions. (a) 1. Notwithstanding any other provision of law, the city of New York is hereby authorized and empowered to establish a bus rapid transit program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with bus lane restrictions in such city in accordance with the provisions of this section. The New York city department of transportation or applicable mass transit agency, for purposes of the implementation of such program, shall operate bus lane photo devices only within designated bus lanes in such bus rapid transit program. Such bus lane photo devices may be stationary or mobile and shall be activated at locations determined by such department of transportation and/or on buses selected by such department of transportation in consultation with the applicable mass transit agency, however, the applicable mass transit agency may also install no less than fifty mobile bus lane photo devices on buses operating on designated bus lanes in such bus rapid transit program below 96th street in the borough of Manhattan, in consultation with the New York city department of transportation for the purposes of this section.

2. Any image or images captured by bus lane photo devices shall be inadmissible in any disciplinary proceeding convened by the applicable mass transit agency or any subsidiary thereof and any proceeding initiated by the department involving licensure privileges of bus operators. Any mobile bus lane photo device mounted on a bus shall be directed outwardly from such bus to capture images of vehicles operated in violation of bus lane restrictions, and images produced by such device shall not be used for any other purpose in the absence of a court order requiring such images to be produced.

3. The city of New York shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose iden-

tity and identifying information may be captured by a bus lane photo device. Such measures shall include:

(i) utilization of necessary technologies to ensure, to the extent practicable, that images produced by such bus lane photo devices shall not include images that identify the driver, the passengers, or the contents of the vehicle, provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because an image allows for the identification of the driver, the passengers or other contents of a vehicle;

(ii) a prohibition on the use or dissemination of vehicles' license plate information and other information and images captured by bus lane photo devices except: (A) as required to establish liability under this section or collect payment of penalties; (B) as required by court order; or (C) as otherwise required by law;

(iii) the installation of signage at regular intervals within restricted bus lanes stating that bus lane photo devices are used to enforce restrictions on vehicular traffic in bus lanes; and

(iv) oversight procedures to ensure compliance with the aforementioned privacy protection measures.

4. Within the city of New York, such bus lane photo devices shall only be operated on designated bus lanes within the bus rapid transit program and only from [~~7:00~~] 6:00 a.m. to [~~7:00~~] 10:00 p.m. Warning notices of violation will be issued during the first sixty days that bus lane photo devices are operated on each route in the bus rapid transit program that is established after June fifteenth, two thousand fifteen.

(b) If the city of New York has established a bus rapid transit program pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, in violation of any bus lane restrictions that apply to routes within such program, and such violation is evidenced by information obtained from a bus lane photo device; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of any bus lane restrictions.

(c) For purposes of this section, the following terms shall have the following meanings:

1. "owner" shall have the meaning provided in article two-B of this chapter.

2. "bus lane photo device" shall mean a device that is capable of operating independently of an enforcement officer and produces one or more images of each vehicle at the time it is in violation of bus lane restrictions.

3. "bus lane restrictions" shall mean restrictions on the use of designated traffic lanes by vehicles other than buses imposed on routes within a bus rapid transit program by local law and signs erected by the department of transportation of a city that establishes such a program pursuant to this section.

4. "Bus Rapid Transit Phase I plan" shall mean the following five bus rapid transit routes as designated by the New York city department of transportation: Fordham Road, First/Second Avenue, Nostrand Avenue, Thirty-Fourth Street, Hylan Boulevard, and an undesignated route in the borough of Queens not to exceed ten miles.

5. "bus rapid transit program" shall mean up to ten routes designated by the New York city department of transportation in consultation with the applicable mass transit agency, in addition to the Bus Rapid Transit

Phase I plan routes, that operate on designated bus lanes and that may include upgraded signage, enhanced road markings, minimum bus stop spacing, off-board fare payment, traffic signal priority for buses, and any other enhancement that increases bus speed or reliability.

6. "designated bus lane" shall mean a lane dedicated for the exclusive use of buses with the exceptions allowed under 4-12(m) and 4-08(a)(3) of title 34 of the rules of the city of New York.

(d) A certificate, sworn to or affirmed by a technician employed by the city in which the charged violation occurred, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a bus lane photo device, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to this section.

(e) An owner liable for a violation of a bus lane restriction imposed on any route within a bus rapid transit program shall be liable for monetary penalties in accordance with a schedule of fines and penalties promulgated by the parking violations bureau of the city of New York; provided, however, that the monetary penalty for violating a bus lane restriction shall not exceed one hundred fifteen dollars; provided, further, that an owner shall be liable for an additional penalty not to exceed twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

(f) An imposition of liability pursuant to this section shall not be deemed a conviction of an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

(g) 1. A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a violation of a bus lane restriction. Personal delivery to the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

2. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of a bus lane restriction, the registration number of the vehicle involved in such violation, the location where such violation took place including the street address or cross streets, one or more images identifying the violation, the date and time of such violation and the identification number of the bus lane photo device which recorded the violation or other document locator number.

3. The notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

4. The notice of liability shall be prepared and mailed by the agency or agencies designated by the city of New York, or any other entity authorized by such city to prepare and mail such notification of violation.

5. Adjudication of the liability imposed upon owners by this section shall be by the New York city parking violations bureau.

(h) If an owner of a vehicle receives a notice of liability pursuant to this section for any time period during which such vehicle was

reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of a bus lane restriction that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the parking violations bureau of such city.

(i) 1. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of a bus lane restriction, provided that:

(i) prior to the violation, the lessor has filed with such parking violations bureau in accordance with the provisions of section two hundred thirty-nine of this chapter; and

(ii) within thirty-seven days after receiving notice from such bureau of the date and time of a liability, together with the other information contained in the original notice of liability, the lessor submits to such bureau the correct name and address of the lessee of the vehicle identified in the notice of liability at the time of such violation, together with such other additional information contained in the rental, lease or other contract document, as may be reasonably required by such bureau pursuant to regulations that may be promulgated for such purpose.

2. Failure to comply with subparagraph (ii) of paragraph one of this subdivision shall render the lessor liable for the penalty prescribed in this section.

3. Where the lessor complies with the provisions of paragraph one of this subdivision, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for such violation pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

(j) If the owner liable for a violation of a bus lane restriction was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

(k) Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of bus lane restrictions.

(l) If the city of New York adopts a bus rapid transit demonstration program pursuant to subdivision (a) of this section it shall submit a report on the results of the use of bus lane photo devices to the governor, the temporary president of the senate and the speaker of the assembly by April first, two thousand twelve and every two years thereafter. Such report shall include, but not be limited to:

1. a description of the locations and/or buses where bus lane photo devices were used;

2. the total number of violations recorded on a monthly and annual basis;

3. the total number of notices of liability issued;

4. the number of fines and total amount of fines paid after the first notice of liability;

5. the number of violations adjudicated and results of such adjudications including breakdowns of dispositions made;

6. the total amount of revenue realized by such city and any participating mass transit agency;

7. the quality of the adjudication process and its results;

8. the total number of cameras by type of camera;

9. the total cost to the city and the total cost to any participating mass transit agency; and

10. a detailed report on the bus speeds, reliability, and ridership before and after implementation of the bus rapid transit demonstration program for each bus route, including current statistics.

(m) Any revenue from fines and penalties collected pursuant to this section from any mobile bus lane photo devices that were authorized to be installed pursuant to a chapter of the laws of two thousand eighteen that added this subdivision shall be remitted by the city of New York to the applicable mass transit agency on a quarterly basis to be deposited in the general transportation account of the New York city transportation assistance fund established pursuant to section twelve hundred seventy-i of the public authorities law.

§ 7. Metropolitan transportation sustainability advisory workgroup. 1. There is hereby established the metropolitan transportation sustainability advisory workgroup (the "workgroup") which shall consist of ten members, two of whom shall be appointed by the governor, two of whom shall be appointed by the speaker of the assembly, two of whom shall be appointed by the temporary president of the senate, one of whom shall be appointed by the mayor of the city of New York, one of whom shall be appointed by the chairman of the metropolitan transportation authority, one of whom shall be appointed by the commissioner of the New York city department of transportation and one of whom shall be appointed by the commissioner of the New York state department of transportation. The chair of the workgroup shall be nominated by the governor.

2. The advisory workgroup shall undertake a review of the actions and measures that are necessary to provide safe, adequate, efficient, and reliable transportation within the city of New York and the metropolitan commuter transportation district within any available resources and shall review and make recommendations regarding: (a) the adequacy of public transportation provided by the MTA, the Metro-North Commuter Railroad, the New York City Transit Authority and the Long Island Rail Road, including but not limited to the reliability, sustainability, and transparency on project selection; (b) sustainable funding for public transportation needs; (c) motor vehicular traffic within the city of New York, including, but not limited to, taxicab and for-hire vehicle trips; (d) transportation strategies to advance the furtherance of environmental goals; (e) tolling of intra-borough bridges within the city of New York; (f) taxicab and for-hire vehicle trips including those originating and/or terminating within, or transiting, particular geographic areas using publicly available information; and (g) the feasibility of a reduced fare program for transportation on New York city transit authority systems, the Long Island Rail Road and the Metro-North Commuter Railroad for students attending a university, college, community college, or post-secondary vocational institution, which is located within the city of New York.

3. The advisory workgroup shall, on or before December 31, 2018, by a majority vote approve and issue a final report and recommendations to the governor, the temporary president of the senate, the speaker of the assembly, the mayor of the city of New York, and the Metropolitan Transportation Authority.

4. For the purposes of this section, the following terms shall have the following meanings:

(a) "Metropolitan Commuter Transportation District" shall mean the commuter transportation district as established by section 1262 of the public authorities law;

(b) "Metropolitan transportation authority" or "MTA" shall mean the corporation created by section 1263 of the public authorities law;
(c) "Taxicab" shall have the same meaning as such term is defined by section 148-a of the vehicle and traffic law and section 19-502 of the administrative code of the city of New York; and
(d) "For-hire vehicle" shall mean a motor vehicle, other than an ambulance as defined by section 100-b of the vehicle and traffic law and a bus as defined in paragraph 34 of subdivision (b) of section 1101 of the tax law, carrying passengers for hire.
§ 8. This act shall take effect immediately; provided that:
a. the amendments to section 1111-c of the vehicle and traffic law made by section six of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and
b. the provisions of section seven of this act shall expire and be deemed repealed April 1, 2019.

PART OOO

Section 1. The opening paragraph of subdivision (h) of section 121 of chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, as amended by section 1 of part CCC of chapter 59 of the laws of 2017, is amended to read as follows:
The provisions of sections sixty-two through sixty-six of this act [~~shall expire April fifteenth, two thousand eighteen, provided, however, that if the statewide disparity study regarding the participation of minority and women-owned business enterprises in state contracts required pursuant to subdivision one of section three hundred twelve-a of the executive law is completed and delivered to the governor and the legislature on or before June thirtieth, two thousand seventeen, then the provisions of sections sixty-two through sixty-six of this act~~] shall expire on December thirty-first, two thousand [~~eighteen~~] nineteen, except that:
§ 2. This act shall take effect immediately.

PART PPP

Section 1. Short title. This act shall be known and may be cited as the "New York city housing authority emergency management act".
§ 2. The public housing law is amended by adding a new section 402-d to read as follows:
§ 402-d. The governor may issue an executive order, pursuant to article two-B of the executive law and subject to the availability of a state appropriation, which shall govern the examination and remediation of conditions, including the construction or reconstruction as may be required, of residential properties owned by the authority and the development and execution of a plan to remediate such conditions.
§ 3. This act shall take effect immediately.

PART QQQ

Section 1. This act shall be known and may be cited as the "New York city BQE Design-Build act".
§ 2. For the purposes of this act:

(a) "Authorized entity" shall mean the New York city department of design and construction, and the New York city department of transportation.

(b) "Best value" shall mean the basis for awarding contracts for services to a proposer that optimizes quality, cost and efficiency, price and performance criteria, which may include, but is not limited to:

(1) The quality of the proposer's performance on previous projects;

(2) The timeliness of the proposer's performance on previous projects;

(3) The level of customer satisfaction with the proposer's performance on previous projects;

(4) The proposer's record of performing previous projects on budget and ability to minimize cost overruns;

(5) The proposer's ability to limit change orders;

(6) The proposer's ability to prepare appropriate project plans;

(7) The proposer's technical capacities;

(8) The individual qualifications of the proposer's key personnel;

(9) The proposer's ability to assess and manage risk and minimize risk impact;

(10) The proposer's financial capability;

(11) The proposer's ability to comply with applicable requirements, including the provisions of articles 145, 147 and 148 of the education law;

(12) The proposer's past record of compliance with federal, state and local laws, rules, licensing requirements, where applicable, and executive orders, including but not limited to compliance with the labor law and other applicable labor and prevailing wage laws, article 15-A of the executive law, and any other applicable laws concerning minority- and women-owned business enterprise participation;

(13) The proposer's record of complying with existing labor standards, maintaining harmonious labor relations, and protecting the health and safety of workers and payment of wages above any locally-defined living wage; and

(14) A quantitative factor to be used in evaluation of bids or offers for awarding of contracts for bidders or offerers that are certified as minority- or women-owned business enterprises pursuant to article 15-A of the executive law, and certified pursuant to local law as minority- or women-owned business enterprises. Where an agency identifies a quantitative factor pursuant to this paragraph, the agency must specify that businesses certified as minority- or women-owned business enterprises pursuant to article 15-A of the executive law as well as those certified as minority- or women-owned business enterprises or pursuant to section 1304 of the New York City charter are eligible to qualify for such factor. Nothing in this paragraph shall be construed as a requirement that such businesses be concurrently certified as minority- or women-owned business enterprises under both article 15-A of the executive law and section 1304 of the New York City charter to qualify for such quantitative factors. Such basis shall reflect, wherever possible, objective and quantifiable analysis.

(c) "Cost plus" shall mean compensating a contractor for the cost to complete a contract by reimbursing actual costs for labor, equipment and materials plus an additional amount for overhead and profit.

(d) "Design-build contract" shall mean a contract for the design and construction of a public work with a single entity, which may be a team comprised of separate entities.

(e) "Project labor agreement" shall have the meaning set forth in subdivision 1 of section 222 of the labor law. A project labor agreement shall require participation in apprentice training programs in accordance with paragraph (e) of subdivision 2 of such section.

(f) "Public work" shall mean a public work in the city of New York related to the following, and shall refer to this public work; Brooklyn Queens Expressway, from the vicinity of Atlantic avenue to the vicinity of Sands street in Kings county.

§ 3. Any contract for a public work undertaken pursuant to a project labor agreement in accordance with section 222 of the labor law may be a design-build contract in accordance with this act.

§ 4. Notwithstanding any general, special or local law, rule or regulation to the contrary, including but not limited to article 5-A of the general municipal law and in conformity with the requirements of this act, for any public work that has an estimated cost of not less than ten million dollars and is undertaken pursuant to a project labor agreement in accordance with section 222 of the labor law, an authorized entity charged with awarding a contract for public work may use the alternative delivery method referred to as design-build contracts.

(a) A contractor selected by such authorized entity to enter into a design-build contract shall be selected through a two-step method, as follows:

(1) Step one. Generation of a list of responding entities that have demonstrated the general capability to perform the design-build contract. Such list shall consist of a specified number of responding entities, as determined by an authorized entity, and shall be generated based upon the authorized entity's review of responses to a publicly advertised request for qualifications. The authorized entity's request for qualifications shall include a general description of the public work, the maximum number of responding entities to be included on the list, the selection criteria to be used and the relative weight of each criteria in generating the list. Such selection criteria shall include the qualifications and experience of the design and construction team, organization, demonstrated responsibility, ability of the team or of a member or members of the team to comply with applicable requirements, including the provisions of articles 145, 147, and 148 of the education law, past record of compliance with the labor law, and such other qualifications the authorized entity deems appropriate, which may include but are not limited to project understanding, financial capability and record of past performance. The authorized entity shall evaluate and rate all responding entities to the request for qualifications. Based upon such ratings, the authorized entity shall list the responding entities that shall receive a request for proposals in accordance with paragraph two of this subdivision. To the extent consistent with applicable federal law, the authorized entity shall consider, when awarding any contract pursuant to this section, the participation of: (i) responding entities that are certified as minority- or women-owned business enterprises pursuant to article 15-A of the executive law, or certified pursuant to local law as minority- or women-owned business enterprises; and (ii) small business concerns identified pursuant to subdivision (b) of section 139-g of the state finance law.

(2) Step two. Selection of the proposal which is the best value to the authorized entity. The authorized entity shall issue a request for proposals to the responding entities listed pursuant to paragraph one of this subdivision. If such a responding entity consists of a team of separate entities, the entities that comprise such a team must remain

unchanged from the responding entity as listed pursuant to paragraph one of this subdivision unless otherwise approved by the authorized entity. The request for proposals shall set forth the public work's scope of work, and other requirements, as determined by the authorized entity, which may include separate goals for work under the contract to be performed by businesses certified as minority- or women-owned business enterprises pursuant to article 15-A of the executive law, or certified pursuant to local law as minority- or women-owned business enterprises. The request for proposals shall also specify the criteria to be used to evaluate the responses and the relative weight of each of such criteria. Such criteria shall include the proposal's cost, the quality of the proposal's solution, the qualifications and experience of the proposer, and other factors deemed pertinent by the authorized entity, which may include, but shall not be limited to, the proposal's manner and schedule of project implementation, the proposer's ability to complete the work in a timely and satisfactory manner, maintenance costs of the completed public work, maintenance of traffic approach, and community impact. Any contract awarded pursuant to this act shall be awarded to a responsive and responsible proposer, which, in consideration of these and other specified criteria deemed pertinent, offers the best value, as determined by the authorized entity. The request for proposals shall include a statement that proposers shall designate in writing those portions of the proposal that contain trade secrets or other proprietary information that are to remain confidential; that the material designated as confidential shall be readily separable from the proposal. Nothing in this subdivision shall be construed to prohibit the authorized entity from negotiating final contract terms and conditions including cost. All proposals submitted shall be scored according to the criteria listed in the request for proposals and such final scores shall be published on the authorized entity's website.

(b) An authorized entity awarding a design-build contract to a contractor offering the best value may but shall not be required to use the following types of contracts:

(1) A cost-plus not to exceed guaranteed maximum price form of contract in which the authorized entity shall be entitled to monitor and audit all costs. In establishing the schedule and process for determining a guaranteed maximum price, the contract between the authorized entity and the contractor shall:

(i) Describe the scope of the work and the cost of performing such work,

(ii) Include a detailed line item cost breakdown,

(iii) Include a list of all drawings, specifications and other information on which the guaranteed maximum price is based,

(iv) Include the dates of substantial and final completion on which the guaranteed maximum price is based, and

(v) Include a schedule of unit prices; or

(2) A lump sum contract in which the contractor agrees to accept a set dollar amount for a contract which comprises a single bid without providing a cost breakdown for all costs such as for equipment, labor, materials, as well as such contractor's profit for completing all items of work comprising the public work.

§ 5. Any contract entered into pursuant to this act shall include a clause requiring that any professional services regulated by articles 145, 147 and 148 of the education law shall be performed and stamped and sealed, where appropriate, by a professional licensed in accordance with the appropriate articles.

§ 6. Construction with respect to each contract entered into by an authorized entity pursuant to this act shall be deemed a "public work" to be performed in accordance with the provisions of article 8 of the labor law, as well as subject to sections 200, 240, 241 and 242 of such law and enforcement of prevailing wage requirements pursuant to applicable law or, for projects or public works receiving federal aid, applicable federal requirements for prevailing wage. Any contract entered into pursuant to this act shall include a clause requiring the selected design builder to obligate every tier of contractor working on the public work to comply with the project labor agreement referenced in section three of this act, and shall include project labor agreement compliance monitoring and enforcement provisions consistent with the applicable project labor agreement.

§ 7. Each contract entered into by an authorized entity pursuant to this act shall comply with the objectives and goals with regard to minority- and women-owned business enterprises pursuant to, as applicable, section 6-129 of the administrative code of the city of New York, or, for projects or public works receiving federal aid, applicable federal requirements for disadvantaged business enterprises or minority- and women-owned business enterprises.

§ 8. Public works undertaken by an authorized entity pursuant to this act shall be subject to the requirements of article 8 of the environmental conservation law, and, where applicable, the requirements of the national environmental policy act.

§ 9. (a) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all employees of authorized entities solely in connection with the public works identified in subdivision (f) of section two of this act, shall be preserved and protected.

(b) Nothing in this act shall result in the: (1) displacement of any currently employed worker or loss of position (including partial displacement such as a reduction in the hours of non-overtime work, wages or employment benefits), or result in the impairment of existing collective bargaining agreements; and (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contractor.

(c) Employees of authorized entities using design-build contracts serving in positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing contained in this act shall be construed to affect: (1) the existing rights of employees of such entities pursuant to an existing collective bargaining agreement, (2) the existing representational relationships among employee organizations representing employees of such entities, or (3) the bargaining relationships between such entities and such employee organizations.

§ 10. The submission of a proposal or responses or the execution of a design-build contract pursuant to this act shall not be construed to be a violation of section 6512 of the education law.

§ 11. Nothing contained in this act shall limit the right or obligation of any authorized entity to comply with the provisions of any existing contract or to award contracts as otherwise provided by law.

§ 12. For any design-build contract for a public work defined by subdivision (f) of section two of this act, the City of New York or its respective departments shall receive approval from the Commissioner of New York State Department of Transportation before any request for qual-

ification is issued, such a contract award is finalized, and such contract is executed.

§ 13. This act shall take effect immediately and shall expire and be deemed repealed 2 years after such date, provided that, public works with requests for qualifications issued prior to such repeal shall be permitted to continue under this act notwithstanding such repeal.

PART RRR

Section 1. Subdivision 1 of section 208 of the civil service law, as amended by chapter 503 of the laws of 1971, is amended and two new subdivisions 4 and 5 are added to read as follows:

1. A public employer shall extend to an employee organization certified or recognized pursuant to this article the following rights:

(a) to represent the employees in negotiations notwithstanding the existence of an agreement with an employee organization that is no longer certified or recognized, and in the settlement of grievances; and

(b) to membership dues deduction, upon presentation of dues deduction authorization cards signed by individual employees. **A public employer shall commence making such deductions as soon as practicable, but in no case later than thirty days after receiving proof of a signed dues deduction authorization card; and such dues shall be transmitted to the certified or recognized employee organization within thirty days of the deduction. A public employer shall accept a signed authorization to deduct from the salary of a public employee an amount for the payment of his or her dues in any format permitted by article three of the state technology law. The right to such membership dues deduction shall remain in full force and effect until:**

(i) an individual employee revokes membership in the employee organization in writing in accordance with the terms of the signed authorization; or

(ii) the individual employee is no longer employed by the public employer, provided that if such employee is, within a period of one year, employed by the same public employer in a position represented by the same employee organization, the right to such dues deduction shall be automatically reinstated.

(c) Should the individual employee who has signed a dues deduction authorization card either be removed from a public employer's payroll or otherwise placed on any type of involuntary or voluntary leave of absence, whether paid or unpaid, such public employee's membership in an employee organization shall be continued upon that public employee's return to the payroll or restoration to active duty from such a leave of absence.

4. (a) Within thirty days of a public employee first being employed or reemployed by a public employer, or within thirty days of being promoted or transferred to a new bargaining unit, the public employer shall notify the employee organization, if any, that represents that bargaining unit of the employee's name, address, job title, employing agency, department or other operating unit, and work location; and

(b) Within thirty days of providing the notice in paragraph a of this subdivision, a public employer shall allow a duly appointed representative of the employee organization that represents that bargaining unit to meet with such employee for a reasonable amount of time during his or her work time without charge to leave credits, unless otherwise specified within an agreement bargained collectively under article fourteen of the civil service law, provided however that arrangements for such

meeting must be scheduled in consultation with a designated representative of the public employer.

5. (a) If any clause, sentence, paragraph, or subdivision of this section shall be adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or subdivision of this section directly involved in the controversy in which such judgment shall have been rendered.

(b) If any clause, sentence, paragraph, or part of a signed authorization shall be adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such determination shall not affect, impair or invalidate the remainder of such signed authorization but shall be confined in its operation to the clause, sentence, paragraph, or part of the signed authorization directly involved in the controversy in which such judgment shall have been rendered.

§ 2. Subdivision 1 of section 93-b of the general municipal law, as amended by chapter 632 of the laws of 1964, is amended to read as follows:

1. The fiscal or disbursing officer of every municipal corporation or other civil division or political subdivision of the state is hereby authorized to deduct from the wage or salary of any employee of such municipal corporation or civil division or political subdivision of the state such amount that such employee may specify in writing filed with such fiscal or disbursing officer for the payment of dues in a duly organized association or organization of civil service employees and to transmit the sum so deducted to the said association or organization. Any such written authorization [~~may be withdrawn by such employee or member at any time by filing written notice of such withdrawal with the fiscal or disbursing officer~~] shall remain in effect in accordance with subdivision one of section two hundred eight of the civil service law.

§ 3. Subdivision 2 of section 201 of the state finance law, as amended by chapter 233 of the laws of 1992, is amended to read as follows:

2. The comptroller is hereby authorized to deduct from the salary of any employee of the state such amount as such employee may specify in writing filed in a manner determined by the comptroller for the payment of membership dues in a duly organized association or organization of civil service employees or faculty members of the state university and to transmit the sums so deducted to the said association or organization. Any such written authorization [~~may be withdrawn by such employee at any time upon filing written notice of such withdrawal in a manner determined by the comptroller~~] shall remain in effect in accordance with subdivision one of section two hundred eight of the civil service law. The foregoing notwithstanding, and subject to the provisions of article fourteen of the civil service law, such deductions and transmittals shall be terminated as to one or more such associations or organizations in accordance with the written directions of the director of employee relations, not more than thirty days after receipt by the comptroller of such directions. The deductions and transmittals which were the subject of such directions shall not thereafter be resumed without the written approval of such director.

§ 4. Subdivision 2 of section 209-a of the civil service law, as amended by chapter 467 of the laws of 1990, is amended to read as follows:

2. Improper employee organization practices. It shall be an improper practice for an employee organization or its agents deliberately (a) to

interfere with, restrain or coerce public employees in the exercise of the rights granted in section two hundred two, or to cause, or attempt to cause, a public employer to do so **provided, however, that an employee organization does not interfere with, restrain or coerce public employees when it limits its services to and representation of non-members in accordance with this subdivision**; (b) to refuse to negotiate collectively in good faith with a public employer, provided it is the duly recognized or certified representative of the employees of such employer; or (c) to breach its duty of fair representation to public employees under this article. **Notwithstanding any law, rule or regulation to the contrary, an employee organization's duty of fair representation to a public employee it represents but who is not a member of the employee organization shall be limited to the negotiation or enforcement of the terms of an agreement with the public employer. No provision of this article shall be construed to require an employee organization to provide representation to a non-member (i) during questioning by the employer, (ii) in statutory or administrative proceedings or to enforce statutory or regulatory rights, or (iii) in any stage of a grievance, arbitration or other contractual process concerning the evaluation or discipline of a public employee where the non-member is permitted to proceed without the employee organization and be represented by his or her own advocate. Nor shall any provision of this article prohibit an employee organization from providing legal, economic or job-related services or benefits beyond those provided in the agreement with a public employer only to its members.**

§ 5. Nothing in this act shall be construed to impede, infringe or diminish the rights and benefits which accrue to an employee organization through a bonafide collective bargaining agreement.

§ 6. This act shall take effect immediately.

PART SSS

Section 1. Subdivision 2 of section 3204 of the education law, as amended by chapter 827 of the laws of 1982, is amended to read as follows:

2. Quality and language of instruction; text-books. **(i)** Instruction may be given only by a competent teacher. In the teaching of the subjects of instruction prescribed by this section, English shall be the language of instruction, and text-books used shall be written in English, except that for a period of three years, which period may be extended by the commissioner with respect to individual pupils, upon application therefor by the appropriate school authorities, to a period not in excess of six years, from the date of enrollment in school, pupils who, by reason of foreign birth or ancestry have limited English proficiency, shall be provided with instructional programs as specified in subdivision two-a of this section and the regulations of the commissioner. The purpose of providing such pupils with instruction shall be to enable them to develop academically while achieving competence in the English language. Instruction given to a minor elsewhere than at a public school shall be at least substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides.

(ii) For purposes of considering substantial equivalence pursuant to this subdivision for nonpublic elementary and middle schools that are: (1) non-profit corporations, (2) have a bi-lingual program, and (3) have an educational program that extends from no later than nine a.m. until

no earlier than four p.m. for grades one through three, and no earlier than five thirty p.m. for grades four through eight, on the majority of weekdays, the department shall consider the following, but not limited to: if the curriculum provides academically rigorous instruction that develops critical thinking skills in the school's students, taking into account the entirety of the curriculum, over the course of elementary and middle school, including instruction in English that will prepare pupils to read fiction and nonfiction text for information and to use that information to construct written essays that state a point of view or support an argument; instruction in mathematics that will prepare pupils to solve real world problems using both number sense and fluency with mathematical functions and operations; instruction in history by being able to interpret and analyze primary text to identify and explore important events in history, to construct written arguments using the supporting information they get from primary source material, demonstrate an understating of the role of geography and economics in the actions of world civilizations, and an understanding of civics and the responsibilities of citizens in world communities; and instruction in science by learning how to gather, analyze and interpret observable data to make informed decisions and solve problems mathematically, using deductive and inductive reasoning to support a hypothesis, and how to differentiate between correlational and causal relationships.

(iii) For purposes of considering substantial equivalence pursuant to this subdivision for nonpublic high schools that: (1) are established for pupils in high school who have graduated from an elementary school that provides instruction as described in this section, (2) are a non-profit corporation, (3) have a bi-lingual program, and (4) have an educational program that extends from no later than nine a.m. until no earlier than six p.m. on the majority of weekdays the department shall consider the following but not limited to: if the curriculum provides academically rigorous instruction that develops critical thinking skills in the school's students, the outcomes of which, taking into account the entirety of the curriculum, result in a sound basic education.

(iv) Nothing herein shall be construed to entitle or permit any school to receive an increase in mandated services aid pursuant to 8 NYCRR 176 on account of providing a longer school day.

(v) The commissioner shall be the entity that determines whether nonpublic elementary and secondary schools are in compliance with the academic requirements set forth in paragraphs (ii) and (iii) of this subdivision.

§ 2. This act shall take effect immediately.

PART TTT

Intentionally Omitted

PART UUU

Section 1. Subdivision 3 of section 2825-f of the public health law, as added by section 1 of part Q of a chapter of the laws of 2018 amending the public health law relating to the health care facility transformation program, as proposed in legislative bill numbers S.7507-C and A.9507-C, is amended to read as follows:

3. Notwithstanding section one hundred sixty-three of the state finance law or any inconsistent provision of law to the contrary, up to [~~four hundred seventy-five~~] five hundred twenty-five million dollars of

the funds appropriated for this program shall be awarded without a competitive bid or request for proposal process for grants to health care providers (hereafter "applicants"). Provided, however, that a minimum of: (a) sixty million dollars of total awarded funds shall be made to community-based health care providers, which for purposes of this section shall be defined as a diagnostic and treatment center licensed or granted an operating certificate under this article; a mental health clinic licensed or granted an operating certificate under article thirty-one of the mental hygiene law; a substance use disorder treatment clinic licensed or granted an operating certificate under article thirty-two of the mental hygiene law; a primary care provider; a clinic licensed or granted an operating certificate under article sixteen of the mental hygiene law; a home care provider certified or licensed pursuant to article thirty-six of this chapter; or hospices licensed or granted an operating certificate pursuant to article forty of this chapter and (b) forty-five million dollars of the total awarded funds shall be made to residential health care facilities.

§ 2. This act shall take effect on the same date and in the same manner as Part Q of a chapter of the laws of 2018, amending the public health law relating to the health care facility transformation program, as proposed in legislative bill numbers S.7507-C and A.9507-C, takes effect.

§ 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 UUU of this act shall be as specifically set forth in the last section of such Parts.