

STATE OF NEW YORK

S. 7505

A. 9505

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

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

AN ACT to amend the criminal procedure law, in relation to a waiver and time limits for a speedy trial (Part A); to amend the judiciary law, in relation to additional functions of the chief administrator of the courts (Part B); to amend the criminal procedure law, in relation to the issuance of securing orders and in relation to making conforming changes; and to amend the insurance law, in relation to the deposit of bail money by charitable bail organizations (Part C); to amend the criminal procedure law, the penal law and the executive law, in relation to discovery reform and intimidating or tampering with a victim or witness; and to repeal certain provisions of the criminal procedure law relating thereto (Part D); to amend the civil practice law and rules, in relation to the forfeiture of the proceeds of a crime, and reporting certain demographic data; to amend the criminal procedure law and the penal law, in relation to reporting certain demographic data; and to repeal certain provisions of the civil practice law and rules relating thereto (Part E); to amend part H of chapter 503 of the laws of 2009 relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part F); to amend the correction law, in relation to eliminating reimbursements to counties for personal service expenses related to the transportation of state ready inmates (Part G); to amend the correction law, in relation to programmatic accomplishments for merit and limited credit time (Part H); to repeal subdivision 9 of section 201 of the correction law, in relation to supervision fees (Part I); to authorize two pilot temporary release programs for certain inmates whose offenses and disciplinary records would render them eligible to receive a limited credit time allowance (Part J); to amend the banking law, in relation to licensing considerations for check cashers (Subpart A); to amend the education law, in relation to eligibility

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

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for serving on a New York city community district education council and city-wide council (Subpart B); to amend the executive law, in relation to licensing considerations for bingo suppliers (Subpart C); to amend the executive law, in relation to licensing considerations for notary publics (Subpart D); to amend the general municipal law, in relation to licensing considerations for suppliers of games of chance, for games of chance licensees, for bingo licensees, and for lessors of premises to bingo licensees (Subpart E); to amend the insurance law, in relation to licensing considerations for insurer adjusters and for employment with insurance adjusters; and to repeal certain provisions of such law relating thereto (Subpart F); to amend the real property law, in relation to licensing considerations for real estate brokers or real estate salesmen (Subpart G); to amend the social services law, in relation to participation as employer in subsidized employer programs (Subpart H); and to amend the vehicle and traffic law, in relation to eligibility for employment by a driver's school (Subpart I)(Part K); to amend the executive law, in relation to allowing for geriatric parole (Part L); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part M); to amend the executive law, in relation to administrative subpoenas (Part N); to amend the state finance law and the military law, in relation to establishing the armory rental account fund; and to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof (Part O); to amend the criminal procedure law, in relation to eliminating the statute of limitations for any sexually related offense committed against a child; to amend the general municipal law, the court of claims act and the education law, in relation to removing the requirement of filing a notice of claim for any claim for injury suffered from a sexually related offense committed against a child; to amend the civil practice law and rules, in relation to extending the statute of limitations for civil cases for any claim for injury suffered from a sexually related offense committed against a child to fifty years; and to amend the civil practice law and rules, in relation to reviving any time-barred claim for injury suffered from a sexually related offense committed against a child for a period of one year (Part P); to amend the alcoholic beverage control law, in relation to hotel tavern licenses (Part Q); to amend the alcoholic beverage control law, in relation to the production and sale of mead; and to repeal certain provisions of such law relating thereto (Part R); to amend the alcoholic beverage control law, in relation to creating a license to export New York alcoholic beverages (Part S); to amend chapter 303 of the laws of 1988 relating to the extension of the state commission on the restoration of the capitol, in relation to extending such provisions for an additional five years (Part T); to amend the public lands law, in relation to the transfer of unappropriated state lands (Part U); to amend the state finance law, in relation to establishing the parking services fund, the solid waste fund, and the special events fund (Part V); to amend the civil service law, in relation to term appointments in information technology; and providing for the repeal of such provisions upon expiration thereof (Part W); to amend the state finance law, in relation to establishing the New York state secure choice savings program, the New York state secure choice savings program fund and the New York state secure choice administrative fund (Part X); to amend the workers' compensation law, in

relation to the investment of surplus funds of the state insurance fund (Part Y); to amend the civil service law, in relation to capping the standard medicare premium charge (Part Z); to amend the civil service law, in relation to reimbursement for medicare premium charges (Part AA); to amend the civil practice law and rules, in relation to the rate of interest (Part BB); to amend the state finance law, in relation to the citizen empowerment tax credit (Part CC); to amend the uniform justice court act, in relation to the election of one or more town justices for two or more adjacent towns (Subpart A); and to amend the general municipal law and the statute of local governments, in relation to authorizing counties to regulate, administer, and enforce planning, zoning, and other land use regulations at the option of and in accordance with a request from a city, town, or village (Subpart B)(Part DD); to amend the general municipal law, in relation to county-wide shared services panels (Part EE); to amend the public authorities law, in relation to the town of Islip resource recovery agency (Part FF); and 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, the debt reduction reserve fund and to payments, transfers and deposits; to amend the state finance law, in relation to reductions to enacted appropriations; 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 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; and providing for the repeal of certain provisions upon expiration thereof (Part GG)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

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

12 PART A

13 Section 1. Section 30.30 of the criminal procedure law, as added by
14 chapter 184 of the laws of 1972, paragraph (a) of subdivision 3 as
15 amended by chapter 93 of the laws of 2006, paragraph (a) of subdivi-
16 sion 4 as amended by chapter 558 of the laws of 1982, paragraph (c) of subdivi-
17 sion 4 as amended by chapter 631 of the laws of 1996, paragraph (h) of
18 subdivision 4 as added by chapter 837 of the laws of 1986, paragraph (i)
19 of subdivision 4 as added by chapter 446 of the laws of 1993, paragraph
20 (j) of subdivision 4 as added by chapter 222 of the laws of 1994, para-
21 graph (b) of subdivision 5 as amended by chapter 109 of the laws of
22 1982, paragraphs (e) and (f) of subdivision 5 as added by chapter 209 of
23 the laws of 1990, is amended to read as follows:

24 § 30.30 Speedy trial; time limitations.

25 1. Except as otherwise provided in subdivision [~~three~~] four of this
26 section, a motion made pursuant to paragraph (e) of subdivision one of
27 section 170.30 of this chapter or paragraph (g) of subdivision one of
28 section 210.20 of this chapter must be granted where the people are not
29 ready for trial within:

30 (a) six months of the commencement of a criminal action wherein a
31 defendant is accused of one or more offenses, at least one of which is a
32 felony;

1 (b) ninety days of the commencement of a criminal action wherein a
2 defendant is accused of one or more offenses, at least one of which is a
3 misdemeanor punishable by a sentence of imprisonment of more than three
4 months and none of which is a felony;

5 (c) sixty days of the commencement of a criminal action wherein the
6 defendant is accused of one or more offenses, at least one of which is a
7 misdemeanor punishable by a sentence of imprisonment of not more than
8 three months and none of which is a crime punishable by a sentence of
9 imprisonment of more than three months;

10 (d) thirty days of the commencement of a criminal action wherein the
11 defendant is accused of one or more offenses, at least one of which is a
12 violation and none of which is a crime.

13 ~~[2. Except as provided in subdivision three, where a defendant has
14 been committed to the custody of the sheriff in a criminal action he
15 must be released on bail or on his own recognizance, upon such condi-
16 tions as may be just and reasonable, if the people are not ready for
17 trial in that criminal action within:~~

18 ~~(a) ninety days from the commencement of his commitment to the custody
19 of the sheriff in a criminal action wherein the defendant is accused of
20 one or more offenses, at least one of which is a felony;~~

21 ~~(b) thirty days from the commencement of his commitment to the custody
22 of the sheriff in a criminal action wherein the defendant is accused of
23 one or more offenses, at least one of which is a misdemeanor punishable
24 by a sentence of imprisonment of more than three months and none of
25 which is a felony;~~

26 ~~(c) fifteen days from the commencement of his commitment to the custo-
27 dy of the sheriff in a criminal action wherein the defendant is accused
28 of one or more offenses, at least one of which is a misdemeanor punisha-
29 ble by a sentence of imprisonment of not more than three months and none
30 of which is a crime punishable by a sentence of imprisonment of more
31 than three months;~~

32 ~~(d) five days from the commencement of his commitment to the custody
33 of the sheriff in a criminal action wherein the defendant is accused of
34 one or more offenses, at least one of which is a violation and none of
35 which is a crime.]~~

36 2. The defendant, subject to the provisions of subdivisions three and
37 four of this section, may waive his or her right to a speedy trial
38 pursuant to this section at any time prior to trial.

39 2-a. Such waiver must be in writing with the consent of the defendant
40 personally and signed by the defendant. If the defendant is being held
41 in custody for any reason at the time he or she makes a waiver pursuant
42 to this section, the waiver shall be made in person, in open court, in
43 the presence of the court, and with the approval of the court. In every
44 case, such written waiver must make reference to a specific matter for
45 which the defendant is charged.

46 2-b. The waiver period, except for exceptional circumstances approved
47 by the court or for defendants engaged in a judicial diversion program
48 for certain felony offenders pursuant to article two hundred sixteen of
49 this chapter, shall not exceed:

50 (a) three months where a defendant is accused of one or more offenses,
51 at least one of which is a felony;

52 (b) forty-five days where a defendant is accused of one or more
53 offenses, at least one of which is a misdemeanor punishable by a
54 sentence of imprisonment of more than three months and none of which is
55 a felony;

1 (c) thirty days where the defendant is accused of one or more
2 offenses, at least one of which is a misdemeanor punishable by a
3 sentence of imprisonment of not more than three months and none of which
4 is a crime punishable by a sentence of imprisonment of more than three
5 months; or

6 (d) fifteen days where the defendant is accused of one or more
7 offenses, at least one of which is a violation and none of which is a
8 crime.

9 2-c. Absent extraordinary circumstances, no more than two waivers may
10 be executed pursuant to this section for a single case. If the court
11 finds extraordinary circumstances warranting more than two waivers
12 pursuant to this section, the court must state upon the record the
13 extraordinary circumstances before granting additional waivers pursuant
14 to this section.

15 2-d. A waiver executed pursuant to this section shall not preclude the
16 court from excluding the periods described in subdivision four of this
17 section when computing the time within which the people must be ready
18 for trial.

19 3. Whenever pursuant to this section a prosecutor states or otherwise
20 provides notice that the people are ready for trial, the court may make
21 inquiry on the record as to their actual readiness. If, after conducting
22 its inquiry, the court determines that the people are not ready to
23 proceed to trial, the prosecutor's statement or notice of readiness
24 shall not be valid for purposes of this section.

25 4. (a) [~~Subdivisions~~] Subdivision one [~~and two do~~] does not apply to a
26 criminal action wherein the defendant is accused of an offense defined
27 in sections 125.10, 125.15, 125.20, 125.25, 125.26 and 125.27 of the
28 penal law.

29 (b) A motion made pursuant to [~~subdivisions~~] subdivision one [~~or two~~
30 of this section upon expiration of the specified period may be denied

31 where the people are not ready for trial if the people were ready for
32 trial prior to the expiration of the specified period and their present
33 unreadiness is due to some exceptional fact or circumstance, including,
34 but not limited to, the sudden unavailability of evidence material to
35 the people's case, when the district attorney has exercised due dili-
36 gence to obtain such evidence and there are reasonable grounds to
37 believe that such evidence will become available in a reasonable period.

38 [~~(c) A motion made pursuant to subdivision two shall not;~~
39 ~~(i) apply to any defendant who is serving a term of imprisonment for~~
40 ~~another offense;~~
41 ~~(ii) require the release from custody of any defendant who is also~~
42 ~~being held in custody pending trial of another criminal charge as to~~
43 ~~which the applicable period has not yet elapsed;~~
44 ~~(iii) prevent the redetention of or otherwise apply to any defendant~~
45 ~~who, after being released from custody pursuant to this section or~~
46 ~~otherwise, is charged with another crime or violates the conditions on~~
47 ~~which he has been released, by failing to appear at a judicial proceed-~~
48 ~~ing at which his presence is required or otherwise.]~~

49 (c) Any motion made pursuant to subdivision one of this section must
50 be filed at least twenty days before commencement of the trial, but for
51 good cause may be made thereafter. The motion papers must include sworn
52 allegations of fact specifying the time periods that should be charged
53 against the people and the legal basis to charge those time periods to
54 the people. The court may summarily deny the motion if the motion papers
55 do not contain sworn allegations of fact or the legal basis to charge

1 those time periods to the people. The court may reserve decision on any
2 motion made pursuant to subdivision.

3 [~~4~~] 5. In computing the time within which the people must be ready
4 for trial pursuant to subdivisions one and two of this section, the
5 following periods must be excluded:

6 (a) a reasonable period of delay resulting from other proceedings
7 concerning the defendant, including but not limited to: proceedings for
8 the determination of competency and the period during which defendant is
9 incompetent to stand trial; demand to produce; request for a bill of
10 particulars; pre-trial motions; appeals; trial of other charges; and the
11 period during which such matters are under consideration by the court;
12 or

13 (b) the period of delay resulting from a continuance granted by the
14 court at the request of, or with the consent of, the defendant or his or
15 her counsel. The court [~~must~~] may grant such a continuance only if it is
16 satisfied that postponement is in the interest of justice, taking into
17 account the public interest in the prompt dispositions of criminal
18 charges. A defendant without counsel must not be deemed to have
19 consented to a continuance unless he or she has been advised by the
20 court of his or her rights under these rules and the effect of his or
21 her consent, which must be done on the record in open court if the
22 defendant is in custody; or

23 (c) (i) the period of delay resulting from the absence or unavailabil-
24 ity of the defendant. A defendant must be considered absent whenever his
25 or her location is unknown and he or she is attempting to avoid appre-
26 hension or prosecution, or his or her location cannot be determined by
27 due diligence. A defendant must be considered unavailable whenever his
28 or her location is known but his or her presence for trial cannot be
29 obtained by due diligence; or

30 (ii) where the defendant has either escaped from custody or has failed
31 to appear when required after having previously been released on bail or
32 on his or her own recognizance, and provided the defendant is not in
33 custody on another matter, the period extending from the day the court
34 issues a bench warrant pursuant to section 530.70 of this chapter
35 because of the defendant's failure to appear in court when required, to
36 the day the defendant subsequently appears in the court pursuant to a
37 bench warrant or voluntarily or otherwise; or

38 (d) a reasonable period of delay when the defendant is joined for
39 trial with a co-defendant as to whom the time for trial pursuant to this
40 section has not run and good cause is not shown for granting a sever-
41 ance; or

42 (e) the period of delay resulting from detention of the defendant in
43 another jurisdiction provided the district attorney is aware of such
44 detention and has been diligent and has made reasonable efforts to
45 obtain the presence of the defendant for trial; or

46 (f) the period during which the defendant is without counsel through
47 no fault of the court; except when the defendant is proceeding as his or
48 her own attorney with the permission of the court; or

49 (g) other periods of delay occasioned by exceptional circumstances,
50 including but not limited to, the period of delay resulting from a
51 continuance granted at the request of a district attorney if: (i) the
52 continuance is granted because of the unavailability of evidence materi-
53 al to the people's case, when the district attorney has exercised due
54 diligence to obtain such evidence and there are reasonable grounds to
55 believe that such evidence will become available in a reasonable period;
56 or (ii) the continuance is granted to allow the district attorney addi-

1 tional time to prepare the people's case and additional time is justi-
2 fied by the exceptional circumstances of the case. Any such exclusion
3 when a statement of unreadiness has followed a statement of readiness
4 made by the people must be accompanied by supporting facts and approved
5 by the court. The court shall inquire on the record as to the reasons
6 for the people's unreadiness; or

7 (h) the period during which an action has been adjourned in contem-
8 plation of dismissal pursuant to sections 170.55, 170.56 and 215.10 of
9 this chapter~~[-]~~; or

10 (i) ~~[The]~~ the period prior to the defendant's actual appearance for
11 arraignment in a situation in which the defendant has been directed to
12 appear by the district attorney pursuant to subdivision three of section
13 120.20 or subdivision three of section 210.10~~[-]~~ of this chapter; or

14 (j) the period during which a family offense is before a family court
15 until such time as an accusatory instrument or indictment is filed
16 against the defendant alleging a crime constituting a family offense, as
17 such term is defined in section 530.11 of this chapter.

18 ~~[5-]~~ 6. For purposes of this section, (a) where the defendant is to be
19 tried following the withdrawal of the plea of guilty or is to be retried
20 following a mistrial, an order for a new trial or an appeal or collat-
21 eral attack, the criminal action and the commitment to the custody of
22 the sheriff, if any, must be deemed to have commenced on the date the
23 withdrawal of the plea of guilty or the date the order occasioning a
24 retrial becomes final;

25 (b) where a defendant has been served with an appearance ticket, the
26 criminal action must be deemed to have commenced on the date the defend-
27 ant first appears in a local criminal court in response to the ticket;

28 (c) where a criminal action is commenced by the filing of a felony
29 complaint, and thereafter, in the course of the same criminal action
30 either the felony complaint is replaced with or converted to an informa-
31 tion, prosecutor's information or misdemeanor complaint pursuant to
32 article 180 or a prosecutor's information is filed pursuant to section
33 190.70, the period applicable for the purposes of subdivision one must
34 be the period applicable to the charges in the new accusatory instru-
35 ment, calculated from the date of the filing of such new accusatory
36 instrument; provided, however, that when the aggregate of such period
37 and the period of time, excluding the periods provided in subdivision
38 four, already elapsed from the date of the filing of the felony
39 complaint to the date of the filing of the new accusatory instrument
40 exceeds six months, the period applicable to the charges in the felony
41 complaint must remain applicable and continue as if the new accusatory
42 instrument had not been filed;

43 (d) where a criminal action is commenced by the filing of a felony
44 complaint, and thereafter, in the course of the same criminal action
45 either the felony complaint is replaced with or converted to an informa-
46 tion, prosecutor's information or misdemeanor complaint pursuant to
47 article 180 or a prosecutor's information is filed pursuant to section
48 190.70, the period applicable for the purposes of subdivision two must
49 be the period applicable to the charges in the new accusatory instru-
50 ment, calculated from the date of the filing of such new accusatory
51 instrument; provided, however, that when the aggregate of such period
52 and the period of time, excluding the periods provided in subdivision
53 four, already elapsed from the date of the filing of the felony
54 complaint to the date of the filing of the new accusatory instrument
55 exceeds ninety days, the period applicable to the charges in the felony

1 complaint must remain applicable and continue as if the new accusatory
2 instrument had not been filed.

3 (e) where a count of an indictment is reduced to charge only a misde-
4 meanor or petty offense and a reduced indictment or a prosecutor's
5 information is filed pursuant to subdivisions one-a and six of section
6 210.20, the period applicable for the purposes of subdivision one of
7 this section must be the period applicable to the charges in the new
8 accusatory instrument, calculated from the date of the filing of such
9 new accusatory instrument; provided, however, that when the aggregate of
10 such period and the period of time, excluding the periods provided in
11 subdivision four of this section, already elapsed from the date of the
12 filing of the indictment to the date of the filing of the new accusatory
13 instrument exceeds six months, the period applicable to the charges in
14 the indictment must remain applicable and continue as if the new accusa-
15 tory instrument had not been filed;

16 (f) where a count of an indictment is reduced to charge only a misde-
17 meanor or petty offense and a reduced indictment or a prosecutor's
18 information is filed pursuant to subdivisions one-a and six of section
19 210.20, the period applicable for the purposes of subdivision two of
20 this section must be the period applicable to the charges in the new
21 accusatory instrument, calculated from the date of the filing of such
22 new accusatory instrument; provided, however, that when the aggregate of
23 such period and the period of time, excluding the periods provided in
24 subdivision four of this section, already elapsed from the date of the
25 filing of the indictment to the date of the filing of the new accusatory
26 instrument exceeds ninety days, the period applicable to the charges in
27 the indictment must remain applicable and continue as if the new accusa-
28 tory instrument had not been filed.

29 ~~[6.]~~ 7. The procedural rules prescribed in subdivisions one through
30 seven of section 210.45 of this chapter with respect to a motion to
31 dismiss an indictment are also applicable to a motion made pursuant to
32 subdivision two of this section.

33 § 2. Subdivision 6 of section 180.85 of the criminal procedure law, as
34 added by chapter 518 of the laws of 2004, is amended to read as follows:

35 6. The period from the filing of a motion pursuant to this section
36 until entry of an order disposing of such motion shall not, by reason of
37 such motion, be considered a period of delay for purposes of subdivision
38 ~~[four]~~ five of section 30.30 of this chapter, nor shall such period, by
39 reason of such motion, be excluded in computing the time within which
40 the people must be ready for trial pursuant to such section 30.30.

41 § 3. This act shall take effect on the one hundred eightieth day after
42 it shall have become a law.

43 PART B

44 Section 1. Subdivision 2 of section 212 of the judiciary law is
45 amended by adding a new paragraph (w) to read as follows:

46 (w) (i) Ensure that each state-paid judge or justice assigned to a
47 trial court of the unified court system shall certify monthly, in a
48 statement attesting to the truth of the facts therein, that on each
49 workday of the preceding month, he or she performed judicial duties at
50 an assigned court location for the full daily period of at least eight
51 hours established by the chief administrator for the disposition of
52 court business, or performed authorized duties in an authorized court-
53 related activity at an assigned location, or was on authorized leave.

1 (ii) The comptroller shall conduct a periodic review and audit of
2 submitted judicial certifications in order to ensure that the state is
3 responsibly authorizing state dollars for judicial salaries and the
4 operation of state trial courts. The comptroller's review and audit
5 shall evaluate the accuracy of the judicial certifications and the
6 effectiveness of the certification system as a whole.

7 § 2. This act shall take effect immediately.

8 PART C

9 Section 1. Legislative findings. The legislature finds and declares
10 that there is a present need to revise New York's procedures regulating
11 release of persons charged with criminal offenses pending trial, set
12 forth in title P of the criminal procedure law, so that fewer presumed-
13 innocent people are held behind bars pretrial. The bill breaks the link
14 between paying money and earning freedom in cases involving misdemeanors
15 and non-violent felonies, so that defendants are either released on
16 their own recognizance or, failing that, released under non-monetary
17 conditions. The bill also revises the existing process of remanding
18 individuals in jail before trial, so that pretrial detention is used in
19 limited cases involving high risk of flight or a current risk to the
20 physical safety of a reasonably identifiable person or persons, and
21 comports with Supreme Court jurisprudence regarding required substantive
22 and procedural due process before detention.

23 § 2. Subdivisions 1, 2, 4, 5, 6, 7, 8 and 9 of section 500.10 of the
24 criminal procedure law are amended and a new subdivision 3-a is added to
25 read as follows:

26 1. "Principal" means a defendant in a criminal action or proceeding,
27 or a person adjudged a material witness therein, or any other person so
28 involved therein that ~~he~~ the principal may by law be compelled to
29 appear before a court for the purpose of having such court exercise
30 control over ~~his~~ the principal's person to secure ~~his~~ the princi-
31 pal's future attendance at the action or proceeding when required, and
32 who in fact either is before the court for such purpose or has been
33 before it and been subjected to such control.

34 2. "Release on own recognizance." A court releases a principal on
35 ~~his~~ the principal's own recognizance when, having acquired control
36 over ~~his~~ the principal's person, it permits ~~him~~ the principal to be
37 at liberty during the pendency of the criminal action or proceeding
38 involved upon condition that ~~he~~ the principal will appear thereat
39 whenever ~~his~~ the principal's attendance may be required and will at
40 all times render ~~himself~~ the principal amenable to the orders and
41 processes of the court.

42 3-a. "Release under non-monetary conditions". A court releases a prin-
43 cipal under non-monetary conditions when, having acquired control over a
44 person, it permits the person to be at liberty during the pendency of
45 the criminal action under conditions set by the court, which shall be
46 the least restrictive that will reasonably assure the principal's
47 appearance in court. Such conditions may include, among others, that the
48 principal shall be in contact with a pretrial services agency serving
49 principals in that county; that the principal shall abide by specified
50 restrictions on association or travel; that the principal shall refrain
51 from possessing a firearm, destructive device or other dangerous weapon;
52 that the person be placed in pretrial supervision with a pretrial
53 services agency serving principals in that county; that the person be
54 monitored with an approved electronic monitoring device.

1 4. "Commit to the custody of the sheriff." A court commits a principal
2 to the custody of the sheriff when, having acquired control over his
3 person, it orders that he be confined in the custody of the sheriff
4 [~~during the pendency of the criminal action or proceeding involved~~]
5 pending payment of bail that is fixed, or pending the outcome of a hear-
6 ing as to whether the individual shall be ordered into pretrial
7 detention.

8 5. "Securing order" means an order of a court [~~committing a principal~~
9 ~~to the custody of the sheriff, or fixing bail, or releasing him on his~~
10 ~~own recognizance~~] that either releases a principal under personal recog-
11 nizance, releases the principal under non-monetary conditions, or fixes
12 bail, all with the direction that the principal return to court for
13 future court appearances and to be at all times amendable to the orders
14 and processes of the court.

15 6. [~~"Order of recognizance or bail" means a securing order releasing a~~
16 ~~principal on his own recognizance or fixing bail~~] "Pretrial detention".
17 A court may commit a principal to pretrial detention if, after a hearing
18 and making such findings as specified in article five hundred forty-five
19 of this title, a judge so orders detention.

20 7. [~~"Application for recognizance or bail" means an application by a~~
21 ~~principal that the court, instead of committing him to or retaining him~~
22 ~~in the custody of the sheriff, either release him on his own recogni-~~
23 ~~zance or fix bail.~~

24 ~~8.] "Post bail" means to deposit bail in the amount and form fixed by~~
25 the court, with the court or with some other authorized public servant
26 or agency.

27 [~~9.] 8. "Bail" means cash bail [~~or~~], a bail bond or money paid with a
28 credit card.~~

29 § 3. Section 510.10 of the criminal procedure law, as amended by chap-
30 ter 459 of the laws of 1984, is amended to read as follows:

31 § 510.10 Securing order; when required; alternatives available; standard
32 to be applied.

33 When a principal, whose future court attendance at a criminal action
34 or proceeding is or may be required, initially comes under the control
35 of a court, such court [~~must~~] shall, by a securing order[~~, either~~
36 ~~release him on his own recognizance, fix bail or commit him to the~~
37 ~~custody of the sheriff.~~];

38 1. In cases where the most serious charge facing the defendant in the
39 case before the court or a pending case is a misdemeanor or a felony
40 other than that enumerated in section 70.02 of the penal law or a class
41 A felony offense defined in the penal law, release the principal pending
42 trial on the principal's personal recognizance, unless the court finds
43 on the record that release on recognizance will not reasonably assure
44 the individual's court attendance. In such instances, the court will
45 release the individual under non-monetary conditions, selecting the
46 least restrictive alternative that will reasonably assure the princi-
47 pal's court attendance. The court will support its choice of alterna-
48 tive on the record. A principal shall not be required to pay for any
49 part of the cost of release under non-monetary conditions, except that a
50 principal may be required to pay for all or a portion of the cost of
51 electronic monitoring unless the principal is indigent and cannot pay
52 all or a portion of the cost of such monitoring;

53 2. In cases where the most serious charge facing the defendant in the
54 case before the court or a pending case is a felony enumerated in
55 section 70.02 of the penal law or a class A felony offense defined in
56 the penal law, release the principal pending trial on the principal's

1 personal recognizance, or release the principal under non-monetary
2 conditions, or fix bail, selecting the least restrictive alternative
3 that will reasonably assure the principal's court appearance when
4 required. The court will support its choice of alternative on the
5 record.

6 3. Notwithstanding the above, in cases where the prosecutor indicates
7 that it intends to move for pretrial detention as set out in article
8 five hundred forty-five of this title, the court shall commit the
9 defendant to the custody of the sheriff.

10 4. When a securing order is revoked or otherwise terminated in the
11 course of an uncompleted action or proceeding but the principal's future
12 court attendance still is or may be required and [~~he~~] the principal is
13 still under the control of a court, a new securing order must be issued.
14 When the court revokes or otherwise terminates a securing order which
15 committed the principal to the custody of the sheriff, the court shall
16 give written notification to the sheriff of such revocation or termi-
17 nation of the securing order.

18 § 4. Section 510.20 of the criminal procedure law is amended to read
19 as follows:

20 § 510.20 [~~Application for recognizance or bail, making and determination~~
21 ~~thereof in general~~] Application for a change in securing
22 order based on a material change of circumstances.

23 1. Upon any occasion when a court [~~is required to issue~~] has issued a
24 securing order with respect to a principal, [~~or at any time when a prin-~~
25 ~~cipal is confined in the custody of the sheriff as a result of a previ-~~
26 ~~ously issued securing order, he~~] the defendant or the people may make an
27 application for [~~recognizance or bail~~] a different securing order due to
28 a material change of circumstances:

29 (a) in cases for which the most serious charge before the court or in
30 a pending case is a misdemeanor or felony other than that enumerated in
31 section 70.02 of the penal law or a class A felony offense defined in
32 the penal law for a different non-monetary securing order; or

33 (b) in cases for which the most serious charge is a felony enumerated
34 in section 70.02 of the penal law or a class A felony offense defined in
35 the penal law for a different securing order.

36 2. Upon such application, the principal or the people must be
37 accorded an opportunity to be heard and to contend that [~~an order of~~
38 ~~recognizance or bail~~] a different securing order must or should issue[~~,~~
39 ~~that the court should release him on his own recognizance rather than~~
40 ~~fix bail, and that if bail is fixed it should be in a suggested amount~~
41 ~~and form~~] because, due to a material change in circumstances, the
42 current order is either too restrictive or not restrictive enough to
43 reasonably ensure a defendant's appearance in court.

44 § 5. The criminal procedure law is amended by adding a new section
45 510.25 to read as follows:

46 § 510.25 Rehearing on bail after five days in custody after bail is
47 fixed.

48 In addition to any other available motion or procedure available under
49 this part, a principal for whom bail was fixed and who is still in
50 custody five days after bail was fixed shall be brought before the court
51 the next business day for a rehearing on the securing order. The court
52 shall examine the principal's financial circumstances and order a new
53 securing order. If the court chooses to fix bail, it shall do so at an
54 amount that will both reasonably assure the defendant's appearance in
55 court and that the defendant is reasonably able to pay.

1 § 6. Section 510.30 of the criminal procedure law, subparagraph (v) of
2 paragraph (a) of subdivision 2 as amended by chapter 920 of the laws of
3 1982, subparagraph (vi) of paragraph (a) of subdivision 2 as renumbered
4 by chapter 447 of the laws of 1977, subparagraph (vii) of paragraph (a)
5 of subdivision 2 as added and subparagraphs (viii) and (ix) of paragraph
6 (a) of subdivision 2 as renumbered by section 1 of part D of chapter 491
7 of the laws of 2012, and subdivision 3 as added by chapter 788 of the
8 laws of 1981, is amended to read as follows:

9 § 510.30 Application for [~~recognizance or bail~~] securing order; rules of
10 law and criteria controlling determination.

11 [~~1. Determinations of applications for recognizance or bail are not in~~
12 ~~all cases discretionary but are subject to rules, prescribed in article~~
13 ~~five hundred thirty and other provisions of law relating to specific~~
14 ~~kinds of criminal actions and proceedings, providing (a) that in some~~
15 ~~circumstances such an application must as a matter of law be granted,~~
16 ~~(b) that in others it must as a matter of law be denied and the princi-~~
17 ~~pal committed to or retained in the custody of the sheriff, and (c) that~~
18 ~~in others the granting or denial thereof is a matter of judicial~~
19 ~~discretion.~~

20 ~~2. To the extent that the issuance of an order of recognizance or bail~~
21 ~~and the terms thereof are matters of discretion rather than of law, an~~
22 ~~application is determined on the basis of the following factors and~~
23 ~~criteria:~~

24 ~~(a)]~~ With respect to any principal, the court must [~~consider the~~
25 impose the least restrictive kind and degree of control or restriction
26 that is necessary to secure [~~his~~] the principal's court attendance when
27 required. In determining that matter, the court must, on the basis of
28 available information, consider and take into account:

29 [~~(i) The principal's character, reputation, habits and mental condi-~~
30 ~~tion;~~

31 ~~(ii) His employment and financial resources; and~~

32 ~~(iii) His family ties and the length of his residence if any in the~~
33 ~~community; and~~

34 ~~(iv) His]~~ 1. information about the principal that is relevant to court
35 appearance, including, but not limited to, the principal's activities,
36 history and community ties;

37 2. if the principal is a defendant, the charges facing the principal;

38 3. the principal's criminal record if any; [~~and~~

39 ~~(v)]~~ 4. His record of previous adjudication as a juvenile delinquent,
40 as retained pursuant to section 354.2 of the family court act, or, of
41 pending cases where fingerprints are retained pursuant to section 306.1
42 of such act, or a youthful offender, if any; [~~and~~

43 ~~(vi) His]~~ 5. the principal's previous record if any in responding to
44 court appearances when required or with respect to flight to avoid crim-
45 inal prosecution; [~~and~~

46 ~~(vii)]~~ 6. if monetary bail is permitted, according to the restrictions
47 set forth in section 510.10 of this title, the principal's financial
48 circumstances;

49 7. Where the principal is charged with a crime or crimes against a
50 member or members of the same family or household as that term is
51 defined in subdivision one of section 530.11 of this title, the follow-
52 ing factors:

53 [~~(A)]~~ (i) any violation by the principal of an order of protection
54 issued by any court for the protection of a member or members of the
55 same family or household as that term is defined in subdivision one of

1 section 530.11 of this title, whether or not such order of protection is
2 currently in effect; and

3 [~~(B)~~] (ii) the principal's history of use or possession of a firearm;
4 [~~and~~

5 ~~(viii)~~] 8. If [~~he~~] the principal is a defendant, the weight of the
6 evidence against [~~him~~] the principal in the pending criminal action and
7 any other factor indicating probability or improbability of conviction;
8 or, in the case of an application for [~~bail or recognizance~~] securing
9 order pending appeal, the merit or lack of merit of the appeal; and

10 [~~(ix)~~] 9. If [~~he~~] the principal is a defendant, the sentence which may
11 be or has been imposed upon conviction[~~,~~

12 ~~(b) Where the principal is a defendant-appellant in a pending appeal~~
13 ~~from a judgment of conviction, the court must also consider the likeli-~~
14 ~~hood of ultimate reversal of the judgment. A determination that the~~
15 ~~appeal is palpably without merit alone justifies, but does not require,~~
16 ~~a denial of the application, regardless of any determination made with~~
17 ~~respect to the factors specified in paragraph (a).~~

18 ~~3. When bail or recognizance is ordered, the court shall inform the~~
19 ~~principal, if he is a defendant charged with the commission of a felony,~~
20 ~~that the release is conditional and that the court may revoke the order~~
21 ~~of release and commit the principal to the custody of the sheriff in~~
22 ~~accordance with the provisions of subdivision two of section 530.60 of~~
23 ~~this chapter if he commits a subsequent felony while at liberty upon~~
24 ~~such order.]; and~~

25 10. if the principal is a defendant-appellant in a pending appeal from
26 a judgment of conviction, the court must also consider the likelihood of
27 ultimate reversal of the judgment. A determination that the appeal is
28 palpably without merit alone justifies, but does not require, a denial
29 of the application, regardless of any determination made with respect to
30 the factors specified in this paragraph.

31 § 7. Section 510.40 of the criminal procedure law is amended to read
32 as follows:

33 § 510.40 [~~Application for recognizance or bail, determination thereof,~~
34 ~~form of securing order and execution thereof~~] Notification
35 to principal by court of conditions of release and penal-
36 ties for violations of release.

37 1. [~~An application for recognizance or bail must be determined by a~~
38 ~~securing order which either:~~

39 ~~(a) Grants the application and releases the principal on his own~~
40 ~~recognizance; or~~

41 ~~(b) Grants the application and fixes bail; or~~

42 ~~(c) Denies the application and commits the principal to, or retains~~
43 ~~him in, the custody of the sheriff.~~

44 ~~2.]~~ Upon ordering that a principal be released on [~~his~~] the princi-
45 pal's own recognizance, or released under non-monetary conditions, or,
46 if bail has been fixed, upon the posting of bail and successful examina-
47 tion that the bail complies with the order the court must direct [~~him~~]
48 the principal to appear in the criminal action or proceeding involved
49 whenever [~~his~~] the principal's attendance may be required and to [~~render~~
50 ~~himself~~] be at all times amenable to the orders and processes of the
51 court. If the principal is a defendant, the court shall also direct the
52 defendant not to commit a crime while at liberty upon the court's secur-
53 ing order. If such principal is in the custody of the sheriff or at
54 liberty upon bail at the time of the order, the court must direct that
55 [~~he~~] the principal be discharged from such custody [~~or, as the case may~~
56 ~~be, that his bail be exonerated~~].

1 ~~[3. Upon the issuance of an order fixing bail, and upon the posting~~
 2 ~~thereof, the court must examine the bail to determine whether it~~
 3 ~~complies with the order. If it does, the court must, in the absence of~~
 4 ~~some factor or circumstance which in law requires or authorizes disap-~~
 5 ~~proval thereof, approve the bail and must issue a certificate of~~
 6 ~~release, authorizing the principal to be at liberty, and, if he is in~~
 7 ~~the custody of the sheriff at the time, directing the sheriff to~~
 8 ~~discharge him therefrom. If the bail fixed is not posted, or is not~~
 9 ~~approved after being posted, the court must order that the principal be~~
 10 ~~committed to the custody of the sheriff.]~~

11 2. If the principal is released under non-monetary conditions, the
 12 court shall, in the document authorizing the principal's release, notify
 13 the principal of:

14 (a) any of the conditions under which the principal is subject, in
 15 addition to the directions in subdivision one of this section, in a
 16 manner sufficiently clear and specific to serve as a guide for the prin-
 17 cipal's conduct; and

18 (b) the consequences for violation of those conditions, which could
 19 include revoking of the securing order, setting of a more restrictive
 20 securing order, or, after the hearing prescribed in article five hundred
 21 forty-five of this title, pretrial detention.

22 § 8. The criminal procedure law is amended by adding a new section
 23 510.45 to read as follows:

24 § 510.45 Pretrial service agencies.

25 The office of court administration shall certify a pretrial services
 26 agency or agencies in each county to monitor principals released under
 27 conditions of non-monetary release.

28 § 9. Section 510.50 of the criminal procedure law is amended to read
 29 as follows:

30 § 510.50 Enforcement of securing order.

31 When the attendance of a principal confined in the custody of the
 32 sheriff is required at the criminal action or proceeding at a particular
 33 time and place, the court may compel such attendance by directing the
 34 sheriff to produce him or her at such time and place. If the principal
 35 is at liberty on [~~his~~] the principal's own recognizance or non-monetary
 36 conditions or on bail, [~~his~~] the principal's attendance may be achieved
 37 or compelled by various methods, including notification and the issuance
 38 of a bench warrant, prescribed by law in provisions governing such
 39 matters with respect to the particular kind of action or proceeding
 40 involved.

41 § 10. Paragraph (b) of subdivision 2 of section 520.10 of the criminal
 42 procedure law, as amended by chapter 784 of the laws of 1972, is amended
 43 to read as follows:

44 (b) The court [~~may~~] shall direct that the bail be posted in any one of
 45 [~~two~~] three or more of the forms specified in subdivision one, desig-
 46 nated in the alternative, and may designate different amounts varying
 47 with the forms[+], except that one of the forms shall be either an unse-
 48 cured or partially secured surety bond, as selected by the court.

49 § 11. The article heading of article 530 of the criminal procedure law
 50 is amended to read as follows:

51 ~~[ORDERS OF RECOGNIZANCE OR BAIL WITH~~
 52 ~~RESPECT TO DEFENDANTS IN CRIMINAL ACTIONS~~
 53 ~~AND PROCEEDINGS--WHEN AND BY WHAT~~
 54 ~~COURTS AUTHORIZED]~~ SECURING ORDERS WITH
 55 RESPECT TO DEFENDANTS IN CRIMINAL ACTIONS AND
 56 PROCEEDINGS - WHEN AND BY WHAT COURTS AUTHORIZED

1 § 12. Section 530.10 of the criminal procedure law is amended to read
2 as follows:

3 § 530.10 Order of recognizance or bail; in general.

4 Under circumstances prescribed in this article, a court, upon applica-
5 tion of a defendant charged with or convicted of an offense, is
6 [~~required or authorized to order bail or recognizance~~] to issue a secur-
7 ing order for the release or prospective release of such defendant
8 during the pendency of either:

9 1. A criminal action based upon such charge; or

10 2. An appeal taken by the defendant from a judgment of conviction or
11 a sentence or from an order of an intermediate appellate court affirming
12 or modifying a judgment of conviction or a sentence.

13 § 13. Subdivision 4 of section 530.11 of the criminal procedure law,
14 as added by chapter 186 of the laws of 1997, is amended to read as
15 follows:

16 4. When a person is arrested for an alleged family offense or an
17 alleged violation of an order of protection or temporary order of
18 protection or arrested pursuant to a warrant issued by the supreme or
19 family court, and the supreme or family court, as applicable, is not in
20 session, such person shall be brought before a local criminal court in
21 the county of arrest or in the county in which such warrant is return-
22 able pursuant to article one hundred twenty of this chapter. Such local
23 criminal court may issue any order authorized under subdivision eleven
24 of section 530.12 of this article, section one hundred fifty-four-d or
25 one hundred fifty-five of the family court act or subdivision three-b of
26 section two hundred forty or subdivision two-a of section two hundred
27 fifty-two of the domestic relations law, in addition to discharging
28 other arraignment responsibilities as set forth in this chapter. In
29 making such order, the local criminal court shall consider the [~~bail~~
30 ~~recommendation~~] securing order, if any, made by the supreme or family
31 court as indicated on the warrant or certificate of warrant. Unless the
32 petitioner or complainant requests otherwise, the court, in addition to
33 scheduling further criminal proceedings, if any, regarding such alleged
34 family offense or violation allegation, shall make such matter return-
35 able in the supreme or family court, as applicable, on the next day such
36 court is in session.

37 § 14. Paragraph (a) of subdivision 8 of section 530.13 of the criminal
38 procedure law, as added by chapter 388 of the laws of 1984, is amended
39 to read as follows:

40 (a) revoke [~~an order of recognizance or bail~~] a securing order and
41 commit the defendant to custody; or

42 § 15. The opening paragraph of subdivision 1 of section 530.13 of the
43 criminal procedure law, as amended by chapter 137 of the laws of 2007,
44 is amended to read as follows:

45 When any criminal action is pending, and the court has not issued a
46 temporary order of protection pursuant to section 530.12 of this arti-
47 cle, the court, in addition to the other powers conferred upon it by
48 this chapter, may for good cause shown issue a temporary order of
49 protection in conjunction with any securing order [~~committing the~~
50 ~~defendant to the custody of the sheriff or as a condition of a pre-trial~~
51 ~~release, or as a condition of release on bail or an adjournment in~~
52 ~~contemplation of dismissal~~]. In addition to any other conditions, such
53 an order may require that the defendant:

54 § 16. Subdivisions 9 and 11 of section 530.12 of the criminal proce-
55 dure law, subdivision 9 as amended by section 81 of subpart B of part C
56 of chapter 62 of the laws of 2011, subdivision 11 as amended by chapter

1 498 of the laws of 1993, the opening paragraph of subdivision 11 as
2 amended by chapter 597 of the laws of 1998, paragraph (a) of subdivision
3 11 as amended by chapter 222 of the laws of 1994, paragraph (d) of
4 subdivision 11 as amended by chapter 644 of the laws of 1996, are
5 amended to read as follows:

6 9. If no warrant, order or temporary order of protection has been
7 issued by the court, and an act alleged to be a family offense as
8 defined in section 530.11 of this [~~chapter~~] article is the basis of the
9 arrest, the magistrate shall permit the complainant to file a petition,
10 information or accusatory instrument and for reasonable cause shown,
11 shall thereupon hold such respondent or defendant, [~~admit to, fix or~~
12 ~~accept bail,~~] establish a securing order or parole him or her for hear-
13 ing before the family court or appropriate criminal court as the
14 complainant shall choose in accordance with the provisions of section
15 530.11 of this [~~chapter~~] article.

16 11. If a defendant is brought before the court for failure to obey any
17 lawful order issued under this section, or an order of protection issued
18 by a court of competent jurisdiction in another state, territorial or
19 tribal jurisdiction, and if, after hearing, the court is satisfied by
20 competent proof that the defendant has willfully failed to obey any such
21 order, the court may:

22 (a) revoke [~~an order of recognizance or revoke an order of bail or~~
23 ~~order forfeiture of such bail~~] a securing order and commit the defendant
24 to custody; or

25 (b) restore the case to the calendar when there has been an adjourn-
26 ment in contemplation of dismissal and commit the defendant to custody;
27 or

28 (c) revoke a conditional discharge in accordance with section 410.70
29 of this chapter and impose probation supervision or impose a sentence of
30 imprisonment in accordance with the penal law based on the original
31 conviction; or

32 (d) revoke probation in accordance with section 410.70 of this chapter
33 and impose a sentence of imprisonment in accordance with the penal law
34 based on the original conviction. In addition, if the act which consti-
35 tutes the violation of the order of protection or temporary order of
36 protection is a crime or a violation the defendant may be charged with
37 and tried for that crime or violation.

38 § 17. Section 530.20 of the criminal procedure law, as amended by
39 chapter 531 of the laws of 1975, subparagraph (ii) of paragraph (b) of
40 subdivision 2 as amended by chapter 218 of the laws of 1979, is amended
41 to read as follows:

42 § 530.20 [~~Order of recognizance or bail,~~] Securing order by local crimi-
43 nal court when action is pending therein.

44 When a criminal action is pending in a local criminal court, such
45 court, upon application of a defendant, must [~~or may order recognizance~~
46 ~~or bail~~] issue a securing order as follows:

47 1. [~~When the defendant is charged, by information, simplified informa-~~
48 ~~tion, prosecutor's information or misdemeanor complaint, with an offense~~
49 ~~or offenses of less than felony grade only, the court must order recog-~~
50 ~~nizance or bail.~~] In cases where the most serious charge facing the
51 defendant in the case before the court or a pending case is a misdemea-
52 nor or a felony other than that enumerated in section 70.02 of the penal
53 law or a class A felony offense defined in the penal law, release the
54 principal pending trial on the principal's personal recognizance, unless
55 the court finds on the record that release on recognizance will not
56 reasonably assure the individual's court attendance. In such instances,

1 the court will release the individual under non-monetary conditions,
2 selecting the least restrictive alternative that will reasonably assure
3 the principal's court attendance. The court will support its choice of
4 alternative on the record. The principal shall not be required to pay
5 for any part of the cost of release under non-monetary conditions,
6 except that a principal may be required to pay for all or a portion of
7 the cost of electronic monitoring unless the principal is indigent and
8 cannot pay all or a portion of the cost of such monitoring.

9 ~~2. [When the defendant is charged, by felony complaint, with a felony,~~
10 ~~the court may, in its discretion, order recognizance or bail except as~~
11 ~~otherwise provided in this subdivision.†~~

12 ~~(a) A city court, a town court or a village court may not order~~
13 ~~recognizance or bail when (i) the defendant is charged with a class A~~
14 ~~felony, or (ii) it appears that the defendant has two previous felony~~
15 ~~convictions.†~~

16 ~~(b)]~~ In cases where the most serious charge facing the defendant in
17 the case before the court or a pending case is a felony enumerated in
18 section 70.02 of the penal law or a class A felony offense defined in
19 the penal law, release the principal pending trial on the principal's
20 personal recognizance, or release the principal under non-monetary
21 conditions, or fix bail, selecting the least restrictive alternative
22 that will reasonably assure the principal's court appearance when
23 required. The court will support its choice of alternative on the
24 record.

25 3. Notwithstanding the above, in cases where the people indicate that
26 they intend to move for pretrial detention as set forth in article five
27 hundred forty-five of this title, the court shall commit the defendant
28 to the custody of the sheriff.

29 4. Notwithstanding the above, in cases where the defendant is facing a
30 charge of a class A felony, or it appears that the defendant has two
31 previous felony convictions within the meaning of subdivision one of
32 section 70.08 or 70.10 of the penal law; the court shall commit the
33 defendant to the custody of the sheriff for the county or superior court
34 to make a determination about a securing order within three days.

35 5. No local criminal court may order [recognizance or bail] a securing
36 order with respect to a defendant charged with a felony unless and
37 until[†

38 ~~(i) The district attorney has been heard in the matter or, after~~
39 ~~knowledge or notice of the application and reasonable opportunity to be~~
40 ~~heard, has failed to appear at the proceeding or has otherwise waived~~
41 ~~his right to do so; and~~

42 ~~(ii) The]~~ the court [has], and counsel for the defense, have been
43 furnished with a report of the division of criminal justice services
44 concerning the defendant's criminal record, if any, or with a police
45 department report with respect to the defendant's prior arrest and
46 conviction record, if any. If neither report is available, the court,
47 with the consent of the district attorney, may dispense with this
48 requirement; provided, however, that in an emergency, including but not
49 limited to a substantial impairment in the ability of such division or
50 police department to timely furnish such report, such consent shall not
51 be required if, for reasons stated on the record, the court deems it
52 unnecessary. [When the court has been furnished with any such report or
53 record, it shall furnish a copy thereof to counsel for the defendant or,
54 if the defendant is not represented by counsel, to the defendant.]

1 § 18. The section heading, subdivision 1 and subdivision 2 of section
2 530.30 of the criminal procedure law, subdivision 2 as amended by chap-
3 ter 762 of the laws of 1971, are amended to read as follows:

4 [~~Order of recognizance or bail, by superior court judge when action is~~
5 ~~pending in local criminal court~~] Securing order by superior
6 court judge when action is pending in local criminal court.

7 1. When a criminal action is pending in a local criminal court, other
8 than one consisting of a superior court judge sitting as such, a judge
9 of a superior court holding a term thereof in the county, upon applica-
10 tion of a defendant, may order [~~recognizance or bail~~] a securing order
11 when such local criminal court:

12 (a) Lacks authority to issue such an order, pursuant to [~~paragraph~~
13 ~~(a) of~~] subdivision [~~two~~] four of section 530.20; or

14 (b) Has denied an application for recognizance or bail; or

15 (c) Has fixed bail which is excessive; or

16 (d) Has set a securing order of release under non-monetary conditions
17 which are more restrictive than necessary to reasonably ensure court
18 attendance.

19 In such case, such superior court judge may vacate the order of such
20 local criminal court and release the defendant on [~~his own~~] recognizance
21 or under release with conditions, or fix bail in a lesser amount or in a
22 less burdensome form, whichever is the least restrictive alternative
23 that will reasonably assure defendant's appearance in court. The court
24 will support its choice of alternative on the record.

25 2. Notwithstanding the provisions of subdivision one, when the
26 defendant is charged with a felony in a local criminal court, a superior
27 court judge may not order recognizance or bail unless and until the
28 district attorney has had an opportunity to be heard in the matter and
29 such judge has been furnished with a report as described in [~~subpara-~~
30 ~~graph (ii) of paragraph (b) of~~] subdivision [~~two~~] five of section
31 530.20.

32 § 19. Section 530.40 of the criminal procedure law, subdivision 3 as
33 amended by chapter 264 of the laws of 2003, and subdivision 4 as amended
34 by chapter 762 of the laws of 1971, is amended to read as follows:

35 § 530.40 [~~Order of recognizance or bail,~~] Securing order by superior
36 court when action is pending therein.

37 When a criminal action is pending in a superior court, such court,
38 upon application of a defendant, must or may order recognizance or bail
39 as follows:

40 1. [~~When the defendant is charged with an offense or offenses of less~~
41 ~~than felony grade only, the court must order recognizance or bail.~~

42 ~~2. When the defendant is charged with a felony, the court may, in its~~
43 ~~discretion, order recognizance or bail. In any such case in which an~~
44 ~~indictment (a) has resulted from an order of a local criminal court~~
45 ~~holding the defendant for the action of the grand jury, or (b) was filed~~
46 ~~at a time when a felony complaint charging the same conduct was pending~~
47 ~~in a local criminal court, and in which such local criminal court or a~~
48 ~~superior court judge has issued an order of recognizance or bail which~~
49 ~~is still effective, the superior court's order may be in the form of a~~
50 ~~direction continuing the effectiveness of the previous order.] In cases
51 where the most serious charge facing the defendant in the case before
52 the court or a pending case is a misdemeanor or a felony other than that
53 enumerated in section 70.02 of the penal law or a class A felony offense
54 defined in the penal law, release the principal pending trial on the
55 principal's personal recognizance, unless the court finds on the record
56 that release on recognizance will not reasonably assure the individual's~~

1 court attendance. In such instances, the court will release the individ-
2 ual under non-monetary conditions, selecting the least restrictive
3 alternative that will reasonably assure the principal's court attend-
4 ance. The court will support its choice of alternative on the record.
5 The principal shall not be required to pay for any part of the cost of
6 release under non-monetary conditions, except that a principal may be
7 required to pay for all or a portion of the cost of electronic monitor-
8 ing unless the principal is indigent and cannot pay all or a portion of
9 the cost of such monitoring.

10 2. In cases where the most serious charge facing the defendant in the
11 case before the court or a pending case is a felony enumerated in
12 section 70.02 of the penal law or a class A felony offense defined in
13 the penal law, release the principal pending trial on the principal's
14 personal recognizance, or release the principal under non-monetary
15 conditions, or fix bail, selecting the least restrictive alternative
16 that will reasonably assure the principal's court appearance when
17 required. The court will support its choice of alternative on the
18 record.

19 3. Notwithstanding the above, in cases where the people indicate that
20 they intend to move for pretrial detention as set out in article five
21 hundred forty-five of this title, the court shall commit the defendant
22 to the custody of the sheriff.

23 4. Notwithstanding the provisions of [~~subdivision~~] subdivisions one
24 and two, a superior court may not [~~order recognizance or bail~~] issue a
25 securing order, or permit a defendant to remain at liberty pursuant to
26 an existing order, after [~~he~~] the defendant has been convicted of
27 either: (a) a class A felony or (b) any class B or class C felony
28 defined in article one hundred thirty of the penal law committed or
29 attempted to be committed by a person eighteen years of age or older
30 against a person less than eighteen years of age. In either case the
31 court must commit or remand the defendant to the custody of the sheriff.

32 [~~4.~~] 5. Notwithstanding the provisions of [~~subdivision~~] subdivisions
33 one and two, a superior court may not [~~order recognizance or bail~~] issue
34 a securing order when the defendant is charged with a felony unless and
35 until the district attorney has had an opportunity to be heard in the
36 matter and such court [~~has~~] and counsel for the defense have been
37 furnished with a report as described in subparagraph (ii) of paragraph
38 (b) of subdivision two of section 530.20 of this article.

39 § 20. Subdivision 1 of section 530.45 of the criminal procedure law,
40 as amended by chapter 264 of the laws of 2003, is amended to read as
41 follows:

42 1. When the defendant is at liberty in the course of a criminal action
43 as a result of a prior [~~order of recognizance or bail~~] securing order
44 and the court revokes such order and then [~~either fixes no bail or fixes~~
45 ~~bail in a greater amount or in a more burdensome form than was previous-~~
46 ~~ly fixed and remands or commits defendant to the custody of the sheriff,~~
47 ~~a judge designated in subdivision two, upon application of the defendant~~
48 ~~following conviction of an offense other than a class A felony or a~~
49 ~~class B or class C felony offense defined in article one hundred thirty~~
50 ~~of the penal law committed or attempted to be committed by a person~~
51 ~~eighteen years of age or older against a person less than eighteen years~~
52 ~~of age, and before sentencing, may issue a securing order and either~~
53 ~~release defendant on his own recognizance, or fix bail, or fix bail in a~~
54 ~~lesser amount or] issues a more restrictive securing order in a less
55 [~~burdensome~~] restrictive form than fixed by the court in which the
56 conviction was entered.~~

1 § 21. Section 530.60 of the criminal procedure law, subdivision 1 as
2 amended by chapter 565 of the laws of 2011, subdivision 2 as added by
3 chapter 788 of the laws of 1981 and paragraph (a) of subdivision 2 as
4 amended by chapter 794 of the laws of 1986, is amended to read as
5 follows:

6 § 530.60 [~~Order of recognizance or bail, revocation thereof~~] Securing
7 order; modification thereof upon court's own action.

8 [~~1.~~] Whenever in the course of a criminal action or proceeding a
9 defendant is at liberty as a result of [~~an order of recognizance or~~
10 ~~bail~~] a securing order issued pursuant to this chapter, and the court
11 considers it necessary to review such order, it may, and by a bench
12 warrant if necessary, require the defendant to appear before the court.
13 Upon such appearance, the court, for good cause shown, may revoke [~~the~~
14 ~~order of recognizance or bail. If the defendant is entitled to recogni-~~
15 ~~zance or bail as a matter of right, the court must issue another such~~
16 ~~order. If he or she is not, the court may either issue such an order or~~
17 ~~commit the defendant to the custody of the sheriff. Where the defendant~~
18 ~~is committed to the custody of the sheriff and is held on a felony~~
19 ~~complaint, a new period as provided in section 180.80 of this chapter~~
20 ~~shall commence to run from the time of the defendant's commitment under~~
21 ~~this subdivision~~] and modify the securing order, selecting the least
22 restrictive alternative that will reasonably assure court appearance. If
23 the most serious charge facing the defendant in the case before the
24 court or a pending case is a misdemeanor or felony other than that
25 enumerated in section 70.02 of the penal law or a class A felony defined
26 in the penal law, the court must release the defendant on personal
27 recognizance or set release with non-monetary conditions. Notwithstand-
28 ing the foregoing, the people may move at any time for consideration of
29 pretrial detention under article five hundred forty-five of this title
30 if the defendant's alleged actions render the defendant eligible under
31 for a hearing under that section.

32 [~~2. (a) Whenever in the course of a criminal action or proceeding a~~
33 ~~defendant charged with the commission of a felony is at liberty as a~~
34 ~~result of an order of recognizance or bail issued pursuant to this arti-~~
35 ~~cle it shall be grounds for revoking such order that the court finds~~
36 ~~reasonable cause to believe the defendant committed one or more speci-~~
37 ~~fied class A or violent felony offenses or intimidated a victim or~~
38 ~~witness in violation of sections 215.15, 215.16 or 215.17 of the penal~~
39 ~~law while at liberty. Before revoking an order of recognizance or bail~~
40 ~~pursuant to this subdivision, the court must hold a hearing and shall~~
41 ~~receive any relevant, admissible evidence not legally privileged. The~~
42 ~~defendant may cross-examine witnesses and may present relevant, admissi-~~
43 ~~ble evidence on his own behalf. Such hearing may be consolidated with,~~
44 ~~and conducted at the same time as, a felony hearing conducted pursuant~~
45 ~~to article one hundred eighty of this chapter. A transcript of testimony~~
46 ~~taken before the grand jury upon presentation of the subsequent offense~~
47 ~~shall be admissible as evidence during the hearing. The district attor-~~
48 ~~ney may move to introduce grand jury testimony of a witness in lieu of~~
49 ~~that witness' appearance at the hearing.~~

50 (b) ~~Revocation of an order of recognizance or bail and commitment~~
51 ~~pursuant to this subdivision shall be for the following periods, either:~~

52 (i) ~~For a period not to exceed ninety days exclusive of any periods of~~
53 ~~adjournment requested by the defendant; or~~

54 (ii) ~~Until the charges contained within the accusatory instrument have~~
55 ~~been reduced or dismissed such that no count remains which charges the~~
56 ~~defendant with commission of a felony; or~~

~~(iii) Until reduction or dismissal of the charges contained within the accusatory instrument charging the subsequent offense such that no count remains which charges the defendant with commission of a class A or violent felony offense.~~

~~Upon expiration of any of the three periods specified within this paragraph, whichever is shortest, the court may grant or deny release upon an order of bail or recognizance in accordance with the provisions of this article. Upon conviction to an offense the provisions of article five hundred thirty of this chapter shall apply.~~

~~(c) Notwithstanding the provisions of paragraph (a) of this subdivision a defendant, against whom a felony complaint has been filed which charges the defendant with commission of a class A or violent felony offense committed while he was at liberty as specified therein, may be committed to the custody of the sheriff pending a revocation hearing for a period not to exceed seventy two hours. An additional period not to exceed seventy two hours may be granted by the court upon application of the district attorney upon a showing of good cause or where the failure to commence the hearing was due to the defendant's request or occurred with his consent. Such good cause must consist of some compelling fact or circumstance which precluded conducting the hearing within the initial prescribed period.]~~

§ 22. The criminal procedure law is amended by adding a new section 530.65 to read as follows:

§ 530.65 Violation of a condition of release, remedies available.

When a principal is released under non-monetary conditions, the court, upon motion by the people, may revoke and modify the securing order due to violations of those release conditions. In determining whether to revoke and modify the securing order, the court must consider the nature, the willfulness, and the seriousness of the violation and may only set a more restrictive condition or conditions or release if it finds that such conditions are necessary to reasonably assure the defendant's appearance in court. Notwithstanding the foregoing, the people may move at any time for consideration of pretrial detention under article five hundred forty-five of this title if the defendant's alleged actions render the defendant eligible under for a hearing under that section.

§ 23. Title P of part 3 of the criminal procedure law is amended by adding a new article 545 to read as follows:

ARTICLE 545--PRETRIAL DETENTION

Section 545.10 Pretrial detention; when ordered.

545.20 Eligibility for a pretrial detention hearing.

545.30 Pretrial detention hearing.

545.40 Order for pretrial detention.

545.50 Reopening of pretrial hearing.

545.60 Length of detention for defendant held under a pretrial detention order.

§ 545.10 Pretrial detention; when ordered.

A county or superior court may order, before trial, the detention of a defendant if the people seek detention of the defendant under section 545.20 of this article, and, after a hearing pursuant to section 545.30 of this article, the court finds clear and convincing evidence that the defendant poses a high risk of flight before trial, or that defendant poses a current threat to the physical safety of a reasonably identifiable person or persons, and that no conditions or combination of conditions in the community will suffice to contain the aforesaid risk or threat.

1 § 545.20 Eligibility for a pretrial detention hearing.

2 1. The people may make a motion with the court at any time seeking the
3 pretrial detention of a defendant:

4 (a) charged with offenses involving domestic violence, or crimes
5 involving serious violence or a class A felony defined in the penal law;

6 (b) charged with offenses involving witness intimidation under section
7 215.15, 215.16 or 215.17 of the penal law;

8 (c) charged with committing a new crime while in the community on
9 recognizance, or non-monetary-conditions, or bail; or

10 (d) who willfully failed to appear in court.

11 2. Upon such motion by the people, the defendant shall be committed to
12 the custody of the sheriff. If the person is at liberty, a warrant shall
13 issue and the defendant brought into custody of the sheriff.

14 § 545.30 Pretrial detention hearing.

15 1. A hearing shall be held within five working days from the people's
16 motion. At the hearing, the defendant shall have the right to be
17 represented by counsel, and, if financially unable to obtain counsel, to
18 have counsel assigned. The defendant shall be afforded an opportunity to
19 testify, to present witnesses, to cross-examine witnesses who appear at
20 the hearing, and to present information by proffer or otherwise. The
21 rules concerning the admissibility of evidence in criminal trials do not
22 apply to the presentation and consideration of information during the
23 hearing.

24 2. Discovery shall be afforded in accordance with pretrial hearings,
25 as set out in criminal procedure law section 240.44.

26 3. In hearings in cases for which there is no indictment, the people
27 shall establish probable cause that the eligible defendant committed the
28 charged offense. The people must establish by clear and convincing
29 evidence that defendant poses a high risk of flight or a current threat
30 of physical danger to a reasonably identifiable person or persons and
31 that no conditions or combination of conditions in the community will
32 suffice to contain the aforesaid risk or threat. There shall be a
33 rebuttable presumption, which the defendant may overcome by a preponder-
34 ance of the evidence, that no conditions or combination of conditions in
35 the community will suffice to contain a current threat to the physical
36 safety of a reasonably identifiable person or persons if the court finds
37 probable cause that the defendant:

38 (a) committed a crime for which the defendant would be subject to a
39 term of life imprisonment;

40 (b) committed a crime involving domestic violence or a crime involving
41 serious violence or a class A felony offense defined in the penal law
42 while the defendant was in the community on recognizance, or non-mone-
43 tary conditions, or bail while charged with a crime enumerated in
44 section 70.02 of the penal law or a class A felony offense;

45 (c) threatened, injured, intimidated, or attempted to threaten, injure
46 or intimidate a prospective witness or juror in an criminal investi-
47 gation or judicial proceeding; or

48 (d) committed a crime involving domestic violence or a crime involving
49 serious violence or a class A felony offense defined in the penal law
50 while armed with a firearm.

51 4. In determining whether the defendant presents a high risk of flight
52 or a current threat of physical danger to a reasonably identifiable
53 person or persons and whether no conditions or combinations of condi-
54 tions in the community will suffice to contain such risk or threat, the
55 court may take into account the following information:

56 (a) the nature and circumstances of the charged offense;

1 (b) the weight of the evidence against the defendant, except that the
2 court may consider the admissibility of any evidence sought to be
3 excluded;

4 (c) the defendant's current and prior history of failure to appear in
5 court whether such failures to appear were willful;

6 (d) the nature and the credibility of the threat to the physical
7 danger of a reasonably identifiable person or persons, if applicable;
8 and

9 (e) whether, at the time of the current offense or arrest, the defend-
10 ant was on probation, parole, or on release pending trial, sentencing or
11 completion of a sentence in this state or other jurisdictions.

12 § 545.40 Order for pretrial detention.

13 In a pretrial detention order issued pursuant to section 545.10 of
14 this article, the court shall:

15 1. include written findings of fact and a written statement of the
16 reasons for the detention; and

17 2. direct that the eligible defendant be afforded reasonable opportu-
18 nity for private consultation with counsel.

19 § 545.50 Reopening of pretrial hearing.

20 A pretrial detention hearing may be opened, before or after issuance
21 of a pretrial detention order by the court, by motion of the people or
22 the defendant, at any time before trial, if the court finds either a
23 change of circumstances or that information exists that was not known to
24 the people or to the defendant at the time of the hearing, that has a
25 material bearing on the issue of whether defendant presents a high risk
26 of failure to appear or a current threat to the physical safety of a
27 reasonably identifiable person or persons and whether no conditions or
28 combination of conditions will suffice to contain such risk or threat.

29 § 545.60 Length of detention for defendant held under a pretrial
30 detention order.

31 1. If a pretrial detention order is issued, a defendant shall not
32 remain detained in jail for more than one hundred eighty days after the
33 return of the indictment, if applicable, until the start of trial. In
34 cases where no indictment is required, the one hundred eighty days shall
35 run from the pretrial detention order.

36 2. (a) The time within which the trial of the case commences may be
37 extended for one or more additional periods not to exceed twenty days
38 each on the basis of a motion submitted by the people and approved by
39 the court. The additional period or periods of detention may be granted
40 only on the basis of good cause shown, and shall be granted only for the
41 additional time required to prepare for the trial of the person. Good
42 cause may include, but not be limited to, the unavailability of an
43 essential witness, the necessity for forensic analysis of evidence, the
44 ability to conduct a joint trial with a co-defendant or co-defendants,
45 severance of co-defendants which permits only one trial to commence
46 within the time period, complex or major investigations, scheduling
47 conflicts which arise shortly before the trial date, the inability to
48 proceed to trial because of action taken by or at the behest of the
49 defendant, the breakdown of a plea agreement on or immediately before
50 the trial date, and allowing reasonable time to prepare for a trial
51 after the circumstances giving rise to a tolling or extension of the one
52 hundred eighty day period no longer exists.

53 (b) In computing the one hundred eighty days from indictment, if
54 applicable, or the date of pretrial order, to commencement of trial, the
55 following periods shall be excluded:

1 (i) any period from the filing of the notice of appeal to the issuance
2 of the mandate in an interlocutory appeal;

3 (ii) any period attributable to any examination to determine the
4 defendant's sanity or lack thereof or his or her mental or physical
5 competency to stand trial;

6 (iii) any period attributable to the inability of the defendant to
7 participate in the defendant's defense because of mental incompetency or
8 physical incapacity; and

9 (iv) any period in which the defendant is otherwise unavailable for
10 trial.

11 3. If a trial has not commenced within one hundred eighty days from
12 indictment, if applicable, or pretrial detention order, as calculated
13 above, and the defendant remains in custody, the defendant shall be
14 released on recognizance or under non-monetary conditions of release
15 pending trial on the underlying charge, unless:

16 (a) the trial is in progress,

17 (b) the trial has been delayed by the timely filing of motions,
18 excluding motions for continuances;

19 (c) the trial has been delayed at the request of the defendant; or

20 (d) upon motion of the people, the court finds that a substantial and
21 unjustifiable risk to the physical safety of a reasonably identifiable
22 person would result from the defendant's release from custody, and that
23 no appropriate conditions for the defendant's release would reasonably
24 address that risk, and also finds that the failure to commence trial in
25 accordance with the time requirements set forth in this section was not
26 due to unreasonable delay by the people. If the court makes such a find-
27 ing, the court may set an additional period of time in which the defend-
28 ant's trial must commence.

29 § 24. Subsection (b) of section 6805 of the insurance law, as added by
30 chapter 181 of the laws of 2012, is amended to read as follows:

31 (b) A charitable bail organization shall:

32 (1) only deposit money as bail in the amount of [~~two~~] five thousand
33 dollars or less for a defendant charged with one or more [~~misdemeanors~~]
34 offenses as defined in subdivision one of section 10.00 of the penal
35 law, provided, however, that such organization shall not execute as
36 surety any bond for any defendant;

37 (2) only deposit money as bail on behalf of a person who is financial-
38 ly unable to post bail, which may constitute a portion or the whole
39 amount of such bail; and

40 [~~only deposit money as bail in one county in this state. Provided,~~
41 ~~however, that a charitable bail organization whose principal place of~~
42 ~~business is located within a city of a million or more may deposit money~~
43 ~~as bail in the five counties comprising such city; and~~

44 (4)] not charge a premium or receive compensation for acting as a
45 charitable bail organization.

46 § 25. Paragraph (a) of subdivision 9 of section 216.05 of the criminal
47 procedure law, as amended by chapter 258 of the laws of 2015, is amended
48 to read as follows:

49 (a) If at any time during the defendant's participation in the judi-
50 cial diversion program, the court has reasonable grounds to believe that
51 the defendant has violated a release condition or has failed to appear
52 before the court as requested, the court shall direct the defendant to
53 appear or issue a bench warrant to a police officer or an appropriate
54 peace officer directing him or her to take the defendant into custody
55 and bring the defendant before the court without unnecessary delay;
56 provided, however, that under no circumstances shall a defendant who

1 requires treatment for opioid abuse or dependence be deemed to have
2 violated a release condition on the basis of his or her participation in
3 medically prescribed drug treatments under the care of a health care
4 professional licensed or certified under title eight of the education
5 law, acting within his or her lawful scope of practice. The provisions
6 of [~~subdivision one of~~] section 530.60 of this chapter relating to
7 [~~revocation of recognizance or bail~~] issuance of securing orders shall
8 apply to such proceedings under this subdivision.

9 § 26. Subdivision 3 of section 620.50 of the criminal procedure law is
10 amended to read as follows:

11 3. A material witness order must be executed as follows:

12 (a) If the bail is posted and approved by the court, the witness
13 must[~~, as provided in subdivision three of section 510.40,~~] be released
14 and be permitted to remain at liberty; provided that, where the bail is
15 posted by a person other than the witness himself, he may not be so
16 released except upon his signed written consent thereto;

17 (b) If the bail is not posted, or if though posted it is not approved
18 by the court, the witness must[~~, as provided in subdivision three of~~
19 ~~section 510.40,~~] be committed to the custody of the sheriff.

20 § 27. This act shall take effect November 1, 2019.

21 PART D

22 Section 1. Section 240.10 of the criminal procedure law, as added by
23 chapter 412 of the laws of 1979, is amended to read as follows:

24 § 240.10 Discovery; definition of terms.

25 The following definitions are applicable to this article:

26 1. [~~"Demand to produce" means a written notice served by and on a~~
27 ~~party to a criminal action, without leave of the court, demanding to~~
28 ~~inspect property pursuant to this article and giving reasonable notice~~
29 ~~of the time at which the demanding party wishes to inspect the property~~
30 ~~designated.~~

31 ~~2.]~~ "Attorneys' work product" means [~~property~~] material to the extent
32 that it contains the opinions, theories or conclusions of the prosecu-
33 tor, defense counsel or members of their legal staffs.

34 [~~3.]~~ 2. "Property" or "material" means any existing tangible personal
35 or real property, including, but not limited to, books, records,
36 reports, memoranda, papers, photographs, tapes or other electronic
37 recordings, articles of clothing, fingerprints, blood samples, finger-
38 nail scrapings or handwriting specimens, but excluding attorneys' work
39 product.

40 [~~4.]~~ 3. "At the trial" means as part of the [~~people's~~] prosecutor's
41 or the defendant's direct case.

42 § 2. Section 240.20 of the criminal procedure law, as added by chapter
43 412 of the laws of 1979, the opening paragraph of subdivision 1 as
44 amended by chapter 317 of the laws of 1983, paragraphs (c), (d) and (g)
45 of subdivision 1 as amended and paragraph (i) as added by chapter 558 of
46 the laws of 1982, paragraph (e) of subdivision 1 as added and paragraphs
47 (f), (g), (h) and (i) as relettered by chapter 795 of the laws of 1984,
48 paragraph (j) of subdivision 1 as added by chapter 514 of the laws of
49 1986, and paragraph (k) of subdivision 1 as added by chapter 536 of the
50 laws 1989, is amended to read as follows:

51 § 240.20 Discovery; [~~upon demand of~~] automatic disclosure to defendant.

52 1. Except to the extent protected by court order[~~, upon a demand to~~
53 ~~produce by a defendant against whom~~] or right to redaction pursuant to
54 this article, within fifteen days of arraignment on an indictment, supe-

1 rior court information, prosecutor's information, information, or
2 simplified information charging a misdemeanor is pending, the prosecutor
3 shall disclose to the defendant and make available for inspection,
4 photographing, copying or testing, the following property:

5 (a) Any written, recorded or oral statement of the defendant, and of
6 a co-defendant to be tried jointly, made, other than in the course of
7 the criminal transaction, to a public servant engaged in law enforcement
8 activity or to a person then acting under [~~his~~] the direction of, or in
9 cooperation with [~~him~~] such public servant;

10 (b) Any transcript of testimony relating to the criminal action or
11 proceeding pending against the defendant, given by the defendant, or by
12 a co-defendant to be tried jointly, before any grand jury;

13 (c) Any written report or document, or portion thereof, concerning a
14 physical or mental examination, or scientific test or experiment, relat-
15 ing to the criminal action or proceeding which was made by, or at the
16 request or direction of a public servant engaged in law enforcement
17 activity, or which was made by a person whom the prosecutor intends to
18 call as a witness at trial, or which the [~~people—intend~~] prosecutor
19 intends to introduce at trial;

20 (d) Any photograph or drawing relating to the criminal action or
21 proceeding which was made or completed by a public servant engaged in
22 law enforcement activity, or which was made by a person whom the prose-
23 cutor intends to call as a witness at trial, or which the [~~people~~
24 intend] prosecutor intends to introduce at trial;

25 (e) Any photograph, photocopy or other reproduction made by or at the
26 direction of a police officer, peace officer or prosecutor of any prop-
27 erty prior to its release pursuant to the provisions of section 450.10
28 of the penal law, irrespective of whether the people intend to introduce
29 at trial the property or the photograph, photocopy or other reprod-
30 uction[+];

31 (f) Any other property obtained from the defendant, or a co-defendant
32 to be tried jointly;

33 (g) Any tapes or other electronic recordings which the prosecutor
34 intends to introduce at trial, irrespective of whether such recording
35 was made during the course of the criminal transaction;

36 (h) [~~Anything~~] Any other property or information required to be
37 disclosed, prior to trial, to the defendant by the prosecutor, pursuant
38 to the constitution of this state or of the United States[+] including,
39 but not limited to, all evidence and information, whether or not admis-
40 sible or recorded in tangible form, that tends to (i) exculpate the
41 defendant; (ii) mitigate the defendant's culpability as to a charged
42 offense; (iii) support a potential defense to a charged offense; (iv)
43 significantly impugn the credibility of an important prosecution
44 witness; or (v) a summary of all promises, rewards and inducements made
45 to persons who may be called as witnesses, as well as requests for
46 consideration by persons who may be called as witnesses, and copies of
47 all documents relevant to a promise, reward or inducement. The prose-
48 cution shall disclose evidence or information under this subdivision
49 expeditiously upon its receipt by the prosecutor, notwithstanding the
50 otherwise-applicable time periods for disclosure in this article;

51 (i) The approximate date, time and place of the offense charged and of
52 defendant's arrest[+];

53 (j) In any prosecution under penal law section 156.05 or 156.10, the
54 time, place and manner of notice given pursuant to subdivision six of
55 section 156.00 of such law[+];

1 (k) [~~in~~] In any prosecution commenced in a manner set forth in this
2 subdivision alleging a violation of the vehicle and traffic law, in
3 addition to any material required to be disclosed pursuant to this arti-
4 cle, any other provision of law, or the constitution of this state or of
5 the United States, any written report or document, or portion thereof,
6 concerning a physical examination, a scientific test or experiment,
7 including the most recent record of inspection, or calibration or repair
8 of machines or instruments utilized to perform such scientific tests or
9 experiments and the certification certificate, if any, held by the oper-
10 ator of the machine or instrument, which tests or examinations were made
11 by or at the request or direction of a public servant engaged in law
12 enforcement activity or which was made by a person whom the prosecutor
13 intends to call as a witness at trial, or which the people intend to
14 introduce at trial[];

15 (l) A list of all tangible objects obtained from, or allegedly
16 possessed by, the defendant or a co-defendant. The list shall include a
17 designation by the prosecutor as to which objects were recovered during
18 a search or seizure by a public servant or an agent thereof, and which
19 tangible objects were recovered by a public servant or an agent thereof
20 after allegedly being abandoned by the defendant;

21 (m) A statement indicating whether a search warrant has been executed
22 and all documents relating thereto, including but not limited to the
23 warrant, the warrant application, supporting affidavits, a police inven-
24 tory of all property seized under the warrant, and a transcript of all
25 testimony or other oral communications offered in support of the warrant
26 application;

27 (n) Any expert opinion evidence, including the name, business address,
28 and current curriculum vitae, whom the prosecutor intends to call as a
29 witness at trial or a pre-trial hearing, and all reports prepared by the
30 expert that pertain to the case, or if no report is prepared, a written
31 statement of the facts and opinions to which the expert is expected to
32 testify and a summary of the grounds for each opinion. This paragraph
33 does not alter or in any way affect the procedures, obligations or
34 rights set forth in section 250.10 of this title. If in the exercise of
35 reasonable diligence this information is unavailable for disclosure
36 within the time period specified in this subdivision, that period shall
37 be stayed without need for a motion pursuant to this article; except
38 that the disclosure shall be made as soon as practicable and not later
39 than sixty calendar days before a scheduled trial date, unless an order
40 for further delay upon a showing of good cause is obtained. When the
41 prosecution's expert witness is being called in response to disclosure
42 of an expert witness by the defendant, the court may alter a scheduled
43 trial date, if necessary, to allow the prosecution thirty calendar days
44 to make the disclosure and the defendant thirty calendar days to prepare
45 and respond to the new materials.

46 2. The prosecutor shall make a prompt diligent, good faith effort to
47 ascertain the existence of [~~demanded~~] property subject to disclosure
48 under this section and to cause such property to be made available for
49 discovery where it exists but is not within the prosecutor's possession,
50 custody or control; provided, that the prosecutor shall not be required
51 to obtain by subpoena duces tecum demanded material which the defendant
52 may thereby obtain.

53 3. Upon motion of a party in an individual case, the court may alter
54 the time periods for discovery imposed by this article upon a showing of
55 good cause.

1 § 3. The criminal procedure law is amended by adding a new section
2 240.21 to read as follows:

3 § 240.21 Discovery; disclosure of police reports and prior statements of
4 prospective witnesses.

5 1. Except to the extent protected by court order or right to redaction
6 pursuant to this article, within thirty days of arraignment on an
7 indictment, superior court information, prosecutor's information, infor-
8 mation or simplified information charging a misdemeanor, the prosecutor
9 shall disclose to the defendant the following property, provided it is
10 in the possession of the prosecutor:

11 (a) Any report of a factual nature relating to the criminal action or
12 proceeding against the defendant and prepared by the prosecutor;

13 (b) Any report relating to the criminal action or proceeding against
14 the defendant prepared by, or at the direction of, a police officer, as
15 defined in subdivision thirty-four of section 1.20 of this chapter, who
16 is employed by a law enforcement agency which participated in the inves-
17 tigation, arrest or post-arrest processing of the defendant with respect
18 to the criminal action or proceeding against the defendant;

19 (c) Any report, other than those described by paragraphs (a) and (b)
20 of this subdivision, relating to the criminal action or proceeding
21 against the defendant, which was prepared by a law enforcement officer,
22 provided such report is in the actual possession of the prosecutor; and

23 (d) Any written or recorded statement, excluding grand jury testimony,
24 made by a witness whom the prosecutor intends to call at a pre-trial
25 hearing or at trial and which relates to the subject matter of that
26 witness' prospective testimony.

27 2. The prosecutor shall make a prompt diligent, good faith effort to
28 ascertain the existence of property subject to disclosure under this
29 section and to cause such property to be made available for discovery
30 where it exists but is not within the prosecutor's possession, custody
31 or control; provided, that the prosecutor shall not be required to
32 obtain by subpoena duces tecum demanded material which the defendant may
33 thereby obtain.

34 3. Upon motion of a party in an individual case, the court may alter
35 the time periods for discovery imposed by this article upon a showing of
36 good cause.

37 § 4. Section 240.30 of the criminal procedure law, as added by chapter
38 412 of the laws of 1979, subdivision 1 as amended by chapter 558 of the
39 laws of 1982, and the opening paragraph of subdivision 1 as amended by
40 chapter 317 of the laws of 1983, is amended to read as follows:

41 § 240.30 Discovery; [~~upon demand of~~] automatic disclosure to the prose-
42 cutor.

43 1. Except to the extent protected by court order or right to redaction
44 pursuant to this article, [~~upon a demand to produce by the prosecutor,~~]
45 within fifteen days of disclosure by the prosecutor pursuant to section
46 240.20 of this article, and prior to trial, a defendant against whom an
47 indictment, superior court information, prosecutor's information, infor-
48 mation, or simplified information charging a misdemeanor is pending
49 shall disclose and make available to the prosecution for inspection,
50 photographing, copying or testing, subject to constitutional limita-
51 tions:

52 (a) any written report or document, or portion thereof, concerning a
53 physical or mental examination, or scientific test, experiment, or
54 comparisons, made by or at the request or direction of, the defendant,
55 if the defendant intends to introduce such report or document at trial,
56 or if the defendant has filed a notice of intent to proffer psychiatric

1 evidence and such report or document relates thereto, or if such report
2 or document was made by a person, other than defendant, whom defendant
3 intends to call as a witness at trial; ~~[and]~~

4 (b) any photograph, drawing, tape or other electronic recording which
5 the defendant intends to introduce at trial~~[-]~~;

6 (c) All statements, written or recorded or summarized in any writing
7 or recording, made by all persons other than the defendant whom the
8 defendant intends to call as witnesses at trial or a pre-trial hearing;
9 except that disclosure of such statements made by a person whom the
10 defendant intends to call as a witness for the sole purpose of impeach-
11 ing a prosecution witness is not required until after the prosecution
12 witness has testified;

13 (d) A summary of all promises, rewards and inducements made to persons
14 whom the defendant intends to call as witnesses at trial or a pre-trial
15 hearing, as well as requests for consideration by such persons, and
16 copies of all documents relevant to a promise, reward or inducement;

17 (e) All tangible property, including but not limited to tapes or other
18 electronic recordings and photographs and drawings, that the defendant
19 intends to introduce in the defendant's case-in-chief at trial or a
20 pre-trial hearing. If in the exercise of reasonable diligence counsel
21 for the defendant has not formed an intention within the time period
22 specified in this section that an item under this subdivision will be
23 introduced at trial or a pre-trial hearing, that period shall be stayed
24 without need for a motion; but the disclosure shall be made as soon as
25 practicable and subject to the continuing duty to disclose;

26 (f) All reports and documents concerning physical or mental examina-
27 tions, or scientific tests or experiments or comparisons, which the
28 defendant intends to introduce at trial or a pre-trial hearing, or which
29 were made by a person whom the defendant intends to call as a witness at
30 trial or a pre-trial hearing;

31 (g) Intended expert opinion evidence, including the name, business
32 address, and current curriculum vitae, whom the defendant intends to
33 call as a witness at trial or a pre-trial hearing, and all reports
34 prepared by the expert that pertain to the case, or if no report is
35 prepared, a written statement of the facts and opinions to which the
36 expert is expected to testify and a summary of the grounds for each
37 opinion. This paragraph does not alter or in any way affect the proce-
38 dures, obligations or rights set forth in section 250.10 of this title.
39 If in the exercise of reasonable diligence this information is unavail-
40 able for disclosure within the time period specified in this subdivi-
41 sion, that period shall be stayed without need for a motion; except that
42 the disclosure shall be made as soon as practicable and not later than
43 thirty calendar days before a scheduled trial date, unless an order is
44 obtained.

45 2. The defense shall make a diligent good faith effort to make such
46 property available for discovery where it exists but the property is not
47 within its possession, custody or control, provided, that the defendant
48 shall not be required to obtain by subpoena duces tecum demanded materi-
49 al that the prosecutor may thereby obtain.

50 § 5. Section 240.35 of the criminal procedure law, as added by chapter
51 412 of the laws of 1979, is amended to read as follows:

52 § 240.35 Discovery; refusal ~~[of demand]~~ to disclose.

53 Notwithstanding the provisions of sections 240.20, 240.21, and 240.30
54 of this article, the prosecutor or the defendant, as the case may be,
55 may refuse to disclose any information which ~~[he]~~ that party reasonably
56 believes is not discoverable ~~[by a demand to produce]~~, pursuant to

1 ~~[section 240.20 or section 240.30 as the case may be,]~~ this article or
2 for which ~~[he]~~ the party reasonably believes a protective order or a
3 right to redaction would be warranted. Such refusal shall be made in a
4 writing, which shall set forth the grounds of such belief as fully as
5 possible, consistent with the objective of the refusal. The writing
6 shall be served upon the ~~[demanding]~~ other party and a copy shall be
7 filed with the court. Such refusal shall be made within the time by
8 which disclosure is required, but may be made after that time, as the
9 court may determine is required in the interest of justice.

10 § 6. Section 240.40 of the criminal procedure law, as added by chapter
11 412 of the laws of 1979, subdivision 1 as amended by chapter 19 of the
12 laws of 2012, the opening paragraph of subdivision 2 as amended by chap-
13 ter 317 of the laws of 1983, and the closing paragraph of subdivision 2
14 as amended by chapter 481 of the laws of 1983, is amended to read as
15 follows:

16 § 240.40 Discovery; upon court order.

17 1. Upon ~~[motion]~~ application of a defendant against whom an indict-
18 ment, superior court information, prosecutor's information, information,
19 or simplified information charging a misdemeanor is pending, the court
20 in which such accusatory instrument is pending:

21 (a) must order discovery as to any material not disclosed ~~[upon a~~
22 ~~demand]~~ pursuant to section 240.20, if it finds that the prosecutor's
23 refusal to disclose such material is not justified; (b) must, unless it
24 is satisfied that the ~~[people have]~~ prosecutor has shown good cause why
25 such an order should not be issued, order discovery or issue any other
26 order authorized by subdivision one of section 240.70 as to any material
27 not disclosed ~~[upon demand]~~ pursuant to section 240.20 where the prose-
28 cutor has failed to serve a timely written refusal pursuant to section
29 240.35; (c) may order discovery with respect to any other property,
30 which the people intend to introduce at the trial, upon a showing by the
31 defendant that discovery with respect to such property is material to
32 the preparation of his or her defense, and that the request is reason-
33 able; and (d) where property in the people's possession, custody, or
34 control that consists of a deoxyribonucleic acid ("DNA") profile
35 obtained from probative biological material gathered in connection with
36 the investigation or prosecution of the defendant and the defendant
37 establishes that such profile complies with federal bureau of investi-
38 gation or state requirements, whichever are applicable and as such
39 requirements are applied to law enforcement agencies seeking a keyboard
40 search or similar comparison, and that the data meets state DNA index
41 system or national DNA index system criteria as such criteria are
42 applied to law enforcement agencies seeking such a keyboard search or
43 similar comparison, the court may order an entity that has access to the
44 combined DNA index system or its successor system to compare such DNA
45 profile against DNA databanks by keyboard searches, or a similar method
46 that does not involve uploading, upon notice to both parties and the
47 entity required to perform the search, upon a showing by the defendant
48 that such a comparison is material to the presentation of his or her
49 defense and that the request is reasonable. For purposes of this para-
50 graph, a "keyboard search" shall mean a search of a DNA profile against
51 the databank in which the profile that is searched is not uploaded to or
52 maintained in the databank. Upon granting the motion pursuant to para-
53 graph (c) of this subdivision, the court shall, upon motion of the
54 people showing such to be material to the preparation of their case and
55 that the request is reasonable, condition its order of discovery by
56 further directing discovery by the people of property, of the same kind

1 or character as that authorized to be inspected by the defendant, which
2 he or she intends to introduce at the trial. The prosecutor may redact
3 any such property and the court may review that redaction, as set forth
4 in this article.

5 2. Upon motion of the prosecutor, and subject to constitutional limi-
6 tation, the court in which an indictment, superior court information,
7 prosecutor's information, information, or simplified information charg-
8 ing a misdemeanor is pending: (a) must order discovery as to any proper-
9 ty not disclosed [~~upon a demand~~] pursuant to section 240.30, if it finds
10 that the defendant's refusal to disclose such material is not justified;
11 and (b) may order the defendant to provide non-testimonial evidence.
12 Such order may, among other things, require the defendant to:

- 13 (i) Appear in a line-up;
- 14 (ii) Speak for identification by a witness or a potential witness;
- 15 (iii) Be fingerprinted;
- 16 (iv) Pose for photographs not involving reenactment of an event;
- 17 (v) Permit the taking of samples of blood, hair or other materials
18 from his or her body in a manner not involving an unreasonable intrusion
19 thereof or a risk of serious physical injury thereto;
- 20 (vi) Provide specimens of his or her handwriting;
- 21 (vii) Submit to a reasonable physical or medical inspection of his or
22 her body.

23 This subdivision shall not be construed to limit, expand, or otherwise
24 affect the issuance of a similar court order, as may be authorized by
25 law, before the filing of an accusatory instrument consistent with such
26 rights as the defendant may derive from the constitution of this state
27 or of the United States. This section shall not be construed to limit or
28 otherwise affect the [~~adminstration~~] administration of a chemical test
29 where otherwise authorized pursuant to section one thousand one hundred
30 ninety-four-a of the vehicle and traffic law.

31 3. An order pursuant to this section may be denied, limited or condi-
32 tioned as provided in section 240.50 of this article.

33 § 7. Section 240.43 of the criminal procedure law, as added by chapter
34 222 of the laws of 1987, is amended to read as follows:

35 § 240.43 Discovery; disclosure of prior uncharged criminal, vicious or
36 immoral acts.

37 Upon a request by a defendant, the prosecutor shall notify the defend-
38 ant of all specific instances of a defendant's prior uncharged criminal,
39 vicious or immoral conduct of which the prosecutor has knowledge and
40 which the prosecutor intends to use at trial for purposes of impeaching
41 the credibility of the defendant. Such notification by the prosecutor
42 shall be made [~~immediately prior to the commencement of jury selection,~~
43 ~~except that the court may, in its discretion, order such notification~~
44 ~~and make its determination as to the admissibility for impeachment~~
45 ~~purposes of such conduct within a period of three days, excluding Satur-~~
46 ~~days, Sundays and holidays,~~] fifteen days prior to the commencement of
47 jury selection.

48 § 8. The opening paragraph of section 240.44 of the criminal procedure
49 law, as added by chapter 558 of the laws of 1982, is amended to read as
50 follows:

51 Subject to a protective order or the right to redaction, at a pre-
52 trial hearing held in a criminal court at which a witness is called to
53 testify, each party, at the conclusion of the direct examination of each
54 of its witnesses, shall, upon request of the other party, make available
55 to that party to the extent not previously disclosed:

1 § 9. Section 240.45 of the criminal procedure law, as amended by chap-
2 ter 558 of the laws 1982, paragraph (a) of subdivision 1 as amended by
3 chapter 804 of the laws 1984, is amended to read as follows:

4 § 240.45 Discovery; upon trial, of prior statements and criminal history
5 of witnesses.

6 1. [~~After the jury has been sworn and before the prosecutor's opening~~
7 ~~address, or in the case of a single judge trial after commencement and~~
8 ~~before submission of evidence, the~~] The prosecutor shall, subject to a
9 protective order or right to redaction, make available to the defendant
10 fifteen days prior to the commencement of jury selection:

11 (a) Any written or recorded statement, including any testimony before
12 a grand jury and an examination videotaped pursuant to section 190.32 of
13 this chapter, made by a person whom the prosecutor intends to call as a
14 witness at trial, and which relates to the subject matter of the
15 witness's testimony;

16 (b) A record of judgment of conviction of a witness the people intend
17 to call at trial if the record of conviction is known by the prosecutor
18 to exist;

19 (c) The existence of any pending criminal action against a witness
20 the people intend to call at trial, if the pending criminal action is
21 known by the prosecutor to exist.

22 The provisions of paragraphs (b) and (c) of this subdivision shall not
23 be construed to require the prosecutor to fingerprint a witness or
24 otherwise cause the division of criminal justice services or other law
25 enforcement agency or court to issue a report concerning a witness.

26 2. [~~After presentation of the people's direct case and before the~~
27 ~~presentation of the defendant's direct case, the~~] The defendant shall,
28 subject to a protective order or right to redaction, make available to
29 the prosecutor within fifteen days prior to the commencement of jury
30 selection:

31 (a) any written or recorded statement made by a person other than the
32 defendant whom the defendant intends to call as a witness at the trial,
33 and which relates to the subject matter of the witness's testimony;

34 (b) a record of judgment of conviction of a witness, other than the
35 defendant, the defendant intends to call at trial if the record of
36 conviction is known by the defendant to exist;

37 (c) the existence of any pending criminal action against a witness,
38 other than the defendant, the defendant intends to call at trial, if the
39 pending criminal action is known by the defendant to exist.

40 § 10. Section 240.50 of the criminal procedure law, as added by chap-
41 ter 412 of the laws of 1979, subdivision 4 as amended by chapter 348 of
42 the laws of 1985, is amended to read as follows:

43 § 240.50 Discovery; protective orders.

44 1. The court in which the criminal action is pending may, upon motion
45 of either party, or of any affected person, or upon determination of a
46 motion of either party for an order of discovery, or upon its own initi-
47 ative, issue a protective order denying, limiting, conditioning, delay-
48 ing or regulating discovery pursuant to this article for good cause,
49 including constitutional limitations, danger to the integrity of phys-
50 ical evidence or a substantial risk of physical harm, intimidation,
51 economic reprisal, bribery or unjustified annoyance or embarrassment to
52 any person or an adverse effect upon the legitimate needs of law
53 enforcement, including the protection of the confidentiality of infor-
54 mants, or danger to any person stemming from factors such as a defend-
55 ant's gang affiliation, prior history of interfering with witnesses, or
56 threats or intimidating actions directed at potential witnesses, or any

1 other factor or set of factors which outweighs the usefulness of the
2 discovery.

3 2. An order limiting, conditioning, delaying or regulating discovery
4 may, among other things, require that any material copied or derived
5 therefrom be maintained in the exclusive possession of the attorney for
6 the discovering party and be used for the exclusive purpose of preparing
7 for the defense or prosecution of the criminal action.

8 3. A motion for a protective order shall suspend discovery of the
9 particular matter in dispute.

10 4. Notwithstanding any other provision of this article, the personal
11 residence address of a police officer or correction officer shall not be
12 required to be disclosed except pursuant to an order issued by a court
13 following a finding of good cause.

14 5. (a) A party that has unsuccessfully sought, or unsuccessfully
15 opposed the granting of, a protective order under this section relating
16 to the name, address, contact information or statements of a person may
17 obtain expedited review of that ruling by an individual justice of the
18 intermediate appellate court to which an appeal from a judgment of
19 conviction in the case would be taken.

20 (b) Such review shall be sought within two business days of the
21 adverse or partially adverse ruling, by order to show cause filed with
22 the intermediate appellate court. The order to show cause shall in addi-
23 tion be timely served on the lower court and on the opposing party, and
24 shall be accompanied by a sworn affirmation stating in good faith (i)
25 that the ruling affects substantial interests, and (ii) that diligent
26 efforts to reach an accommodation of the underlying discovery dispute
27 with opposing counsel failed or that no accommodation was feasible;
28 except that service on the opposing party, and a statement regarding
29 efforts to reach an accommodation, are unnecessary where the opposing
30 party was not made aware of the application for a protective order and
31 good cause exists for omitting service of the order to show cause on the
32 opposing party. The lower court's order subject to review shall be
33 stayed until the appellate justice renders a decision.

34 (c) The assignment of the individual appellate justice, and the mode
35 of and procedure for the review, are determined by rules of the individ-
36 ual appellate courts. The appellate justice may consider any relevant
37 and reliable information bearing on the issue, and may dispense with
38 written briefs other than supporting and opposing materials previously
39 submitted to the lower court. The appellate justice may dispense with
40 the issuance of a written opinion in rendering his or her decision, and
41 when practicable shall render decision expeditiously. Such review and
42 decision shall not affect the right of a defendant, in a subsequent
43 appeal from a judgment of conviction, to claim as error the ruling
44 reviewed.

45 6. Any protective order issued under this article is a mandate of the
46 court for purposes of the offense of criminal contempt in subdivision
47 three of section 215.50 of the penal law.

48 § 11. The criminal procedure law is amended by adding a new section
49 240.51 to read as follows:

50 § 240.51 Discovery; right to redaction.

51 1. Any property, material, report or statement required to be
52 disclosed under this article may be redacted by the prosecutor to elimi-
53 nate information, the disclosure of which could interfere with an ongo-
54 ing investigation or case.

55 (a) Upon application of the defendant, such redaction may be reviewed
56 by the court and disclosure may be ordered, unless the prosecutor demon-

1 strates that disclosure of the redacted information could interfere with
2 an ongoing investigation or case or demonstrates the need for any other
3 protective order. Upon application by either party, the court may review
4 any such redaction in an ex parte, in camera, proceeding. In assessing
5 whether the prosecutor demonstrates that disclosure of the redacted
6 information could interfere with an ongoing investigation or case, the
7 court may consider:

8 (i) The pending charges against defendant;

9 (ii) Defendant's character, reputation;

10 (iii) Defendant's criminal record, if any;

11 (iv) Defendant's record of previous adjudication as a juvenile delin-
12 quent, as retained pursuant to section 354.2 of the family court act,
13 or, of pending cases where fingerprints are retained pursuant to section
14 306.1 of such act, or a youthful offender, if any;

15 (v) Where the defendant is charged with a crime or crimes against a
16 member or members of the same family or household as that term is
17 defined in subdivision one of section 530.11 of this chapter, the
18 following factors:

19 (A) any violation by the defendant of an order of protection of a
20 member or members of the same family or household as that term is
21 defined in subdivision one of section 530.11 of this chapter, whether or
22 not such order of protection is currently in effect; and

23 (B) the defendant's history of use or possession of a firearm;

24 (vi) The weight of the evidence against the defendant in the pending
25 criminal action and any other factor indicating probability or improba-
26 bility of conviction;

27 (vii) The sentence which may be or has been imposed upon conviction;

28 (viii) Witness' desire to have identity remain confidential;

29 (ix) Witness' role in the proceeding;

30 (x) Public safety;

31 (xi) Defendant's affiliation with any gangs or organizations and
32 whether the gang or organization has any history of interfering with
33 witnesses or intimidating witnesses;

34 (xii) Any history of defendant, or those affiliated with defendant,
35 interfering with witnesses or intimidating witnesses; and

36 (xiii) Defendant's constitutional right under both the federal and
37 state constitution to present a defense.

38 (b) Any report that is redacted pursuant to this subdivision shall so
39 indicate, unless the court orders otherwise, in the interest of justice
40 for good cause shown, including the protection of witnesses or maintain-
41 ing the confidentiality of an ongoing investigation.

42 (c) Any property, material, report or statement required to be
43 disclosed under this article may be redacted by the prosecutor to elimi-
44 nate the name, address, or any other information that serves to identify
45 with particularity a person supplying information relating to the crimi-
46 nal action or proceeding against the defendant.

47 2. Nothing in this section shall be construed to create, limit, expand
48 or in any way affect any authority that the court otherwise may have to
49 order pre-trial disclosure of the identity or address of a witness.

50 3. Upon motion of a party in an individual case, the court may alter
51 the time periods for discovery imposed by this article upon a showing of
52 good cause.

53 § 12. Section 240.60 of the criminal procedure law, as added by chap-
54 ter 412 of the laws of 1979, is amended to read as follows:

55 § 240.60 Discovery; continuing duty to disclose.

1 If, after complying with the provisions of this article or an order
2 pursuant thereto, a party finds, either before or during trial, addi-
3 tional material subject to discovery or covered by such order, [~~he~~] the
4 party shall promptly make disclosure of such material and comply with
5 [~~the demand or order, refuse to comply with the demand where refusal is~~
6 ~~authorized~~] this article, or apply for a protective order.

7 § 13. Subdivision 1 of section 240.70 of the criminal procedure law,
8 as added by chapter 412 of the laws of 1979, is amended to read as
9 follows:

10 1. If, during the course of discovery proceedings, the court finds
11 that a party has failed to comply with any of the provisions of this
12 article, the court may order such party to permit discovery of the prop-
13 erty not previously disclosed, grant a continuance, issue a protective
14 order, grant an adverse inference instruction to the trier of fact,
15 prohibit the introduction of certain evidence or the calling of certain
16 witnesses or take any other appropriate action.

17 § 14. Section 240.80 of the criminal procedure law is REPEALED.

18 § 15. The penal law is amended by adding a new section 215.07 to read
19 as follows:

20 § 215.07 Tampering with or intimidating a victim or witness through
21 social media.

22 1. A person is guilty of tampering with or intimidating a victim or
23 witness through social media when he or she disseminates information on
24 social media with the intent to induce a witness or victim:

25 (a) to absent himself or herself from, or otherwise to avoid or seek
26 to avoid appearing at, producing records, documents or other objects for
27 use at, or testifying at a criminal action or proceeding; or

28 (b) refrain from communicating information or producing records, docu-
29 ments or other objects to any court, grand jury, prosecutor, police
30 officer or peace officer concerning a criminal transaction.

31 2. Social media includes, but is not limited to forms of communication
32 through which users participate in online communities to share informa-
33 tion, ideas, personal messages, and other content.

34 Tampering with or intimidating a victim or witness through social
35 media is a class A misdemeanor.

36 § 16. Section 215.10 of the penal law, the section heading and the
37 closing paragraph as amended by chapter 664 of the laws of 1982, is
38 amended to read as follows:

39 § 215.10 Tampering with a witness in the [~~fourth~~] fifth degree.

40 A person is guilty of tampering with a witness in the fifth degree
41 when, knowing that a person [~~is or is about to~~] may be called as a
42 witness in an action or proceeding, (a) he or she wrongfully induces or
43 attempts to induce such person to absent himself or herself from, or
44 otherwise to avoid or seek to avoid appearing at, producing records,
45 documents or other objects for use at or testifying at, such action or
46 proceeding, or (b) he or she knowingly makes any false statement or
47 practices any fraud or deceit with intent to affect the testimony of
48 such person.

49 Tampering with a witness in the [~~fourth~~] fifth degree is a class A
50 misdemeanor.

51 § 17. Section 215.11 of the penal law, as added by chapter 664 of the
52 laws of 1982, is amended to read as follows:

53 § 215.11 Tampering with a witness in the [~~third~~] fourth degree.

54 A person is guilty of tampering with a witness in the [~~third~~] fourth
55 degree when, knowing that a person [~~is about to~~] may be called as a
56 witness in a criminal proceeding:

1 1. He or she wrongfully compels or attempts to compel such person to
2 absent himself from, or otherwise to avoid or seek to avoid appearing
3 at, producing records, documents or other objects for use at or testify-
4 ing at such proceeding by means of instilling in him or her a fear that
5 the actor will cause physical injury to such person or another person;
6 or

7 2. He or she wrongfully compels or attempts to compel such person to
8 swear falsely or alter, destroy, mutilate or conceal an object with the
9 intent to impair the integrity or availability of the object for use in
10 the action or proceeding by means of instilling in him or her a fear
11 that the actor will cause physical injury to such person or another
12 person.

13 Tampering with a witness in the [~~third~~] fourth degree is a class E
14 felony.

15 § 18. Section 215.12 of the penal law, as added by chapter 664 of the
16 laws of 1982, is amended to read as follows:

17 § 215.12 Tampering with a witness in the [~~second~~] third degree.

18 A person is guilty of tampering with a witness in the [~~second~~] third
19 degree when he or she:

20 1. Intentionally causes or attempts to cause physical injury to a
21 person for the purpose of obstructing, delaying, preventing or impeding
22 the giving of testimony in a criminal proceeding by such person or
23 another person or for the purpose of compelling such person or another
24 person to swear falsely or alter, destroy, mutilate or conceal an object
25 with the intent to impair the integrity or availability of the object
26 for use in the action or proceeding; or

27 2. [~~He intentionally~~] Intentionally causes or attempts to cause phys-
28 ical injury to a person on account of such person or another person
29 having testified in a criminal proceeding or produced records, documents
30 or other objects for use in a criminal proceeding.

31 Tampering with a witness in the [~~second~~] third degree is a class D
32 felony.

33 § 19. Section 215.13 of the penal law, as added by chapter 664 of the
34 laws of 1982, is amended to read as follows:

35 § 215.13 Tampering with a witness in the [~~first~~] second degree.

36 A person is guilty of tampering with a witness in the [~~first~~] second
37 degree when:

38 1. He or she intentionally causes or attempts to cause serious phys-
39 ical injury to a person for the purpose of obstructing, delaying,
40 preventing or impeding the giving of testimony in a criminal proceeding
41 by such person or another person or for the purpose of compelling such
42 person or another person to swear falsely or alter, destroy, mutilate or
43 conceal an object with the intent to impair the integrity or availabili-
44 ty of the object for use in the action or proceeding; or

45 2. He or she intentionally causes or attempts to cause serious phys-
46 ical injury to a person on account of such person or another person
47 having testified in a criminal proceeding or produced records, documents
48 or other objects for use in a criminal proceeding.

49 Tampering with a witness in the [~~first~~] second degree is a class B
50 felony.

51 § 20. The penal law is amended by adding a new section 215.13-a to
52 read as follows:

53 § 215.13-a Tampering with a witness in the first degree.

54 A person is guilty of tampering with a witness in the first degree
55 when:

1 1. He or she intentionally causes or attempts to cause the death of a
2 person for the purpose of obstructing, delaying, preventing or impeding
3 the giving of testimony in a criminal proceeding by such person or
4 another person or for the purpose of compelling such person or another
5 person to swear falsely or alter, destroy, mutilate or conceal an object
6 with the intent to impair the integrity or availability of the object
7 for use in the action or proceeding; or

8 2. He or she intentionally causes or attempts to cause the death of a
9 person on account of such person or another person having testified in a
10 criminal proceeding or produced records, documents or other objects for
11 use in a criminal proceeding.

12 Tampering with a witness in the first degree is a class A-I felony.

13 § 21. Section 215.15 of the penal law, as added by chapter 667 of the
14 laws of 1985, is amended to read as follows:

15 § 215.15 Intimidating a victim or witness in the [~~third~~] fourth degree.

16 A person is guilty of intimidating a victim or witness in the [~~third~~]
17 fourth degree when, knowing that another person possesses information
18 records, documents or other objects relating to a criminal transaction
19 and other than in the course of that criminal transaction or immediate
20 flight therefrom, he or she:

21 1. Wrongfully compels or attempts to compel such other person to
22 refrain from communicating such information or producing records, docu-
23 ments or objects to any court, grand jury, prosecutor, police officer or
24 peace officer by means of instilling in him a fear that the actor will
25 cause physical injury to such other person or another person; or

26 2. Intentionally damages the property of such other person or another
27 person for the purpose of compelling such other person or another person
28 to refrain from communicating information or producing records, docu-
29 ments or other objects, or on account of such other person or another
30 person having communicated[~~r~~] information or produced records, documents
31 or other objects, relating to that criminal transaction to any court,
32 grand jury, prosecutor, police officer or peace officer; or

33 3. Intentionally distributes or posts through the internet or social
34 media, including any form of communication through which users partic-
35 ipate in online communities to share information, ideas, personal
36 messages and other content, copies of a victim or witness statement,
37 including but not limited to transcripts of grand jury testimony or a
38 written statement given by the victim or witness during the course of a
39 criminal investigation or proceeding, or a visual image of a victim or
40 witness or any other person, for the purpose of compelling a person to
41 refrain from communicating, or on account of such victim, witness or
42 another person having communicated, information relating to that crimi-
43 nal transaction to any court, grand jury, prosecutor, police officer or
44 peace officer.

45 Intimidating a victim or witness in the [~~third~~] fourth degree is a
46 class E felony.

47 § 22. Section 215.16 of the penal law, as added by chapter 667 of the
48 laws of 1985, is amended to read as follows:

49 § 215.16 Intimidating a victim or witness in the [~~second~~] third degree.

50 A person is guilty of intimidating a victim or witness in the [~~second~~]
51 third degree when, other than in the course of that criminal transaction
52 or immediate flight therefrom, he or she:

53 1. Intentionally causes or attempts to cause physical injury to anoth-
54 er person for the purpose of obstructing, delaying, preventing or imped-
55 ing the communication by such other person or another person of informa-
56 tion or the production of records, documents or other objects relating

1 to a criminal transaction to any court, grand jury, prosecutor, police
2 officer or peace officer or for the purpose of compelling such other
3 person or another person to swear falsely; or

4 2. Intentionally causes or attempts to cause physical injury to another
5 person on account of such other person or another person having
6 communicated information or produced records, documents or other objects
7 relating to a criminal transaction to any court, grand jury, prosecutor,
8 police officer or peace officer; or

9 3. Recklessly causes physical injury to another person by inten-
10 tionally damaging the property of such other person or another person,
11 for the purpose of obstructing, delaying, preventing or impeding such
12 other person or another person from communicating or producing records,
13 documents or other objects, or on account of such other person or another
14 person having communicated[~~r~~] information or produced records, docu-
15 ments or other objects, relating to a criminal transaction to any court,
16 grand jury, prosecutor, police officer or peace officer.

17 Intimidating a victim or witness in the [~~second~~] third degree is a
18 class D felony.

19 § 23. Section 215.17 of the penal law, as added by chapter 667 of the
20 laws of 1985, is amended to read as follows:

21 § 215.17 Intimidating a victim or witness in the [~~first~~] second degree.

22 A person is guilty of intimidating a victim or witness in the [~~first~~]
23 second degree when, other than in the course of that criminal trans-
24 action or immediate flight therefrom, he or she:

25 1. Intentionally causes or attempts to cause serious physical injury
26 to another person for the purpose of obstructing, delaying, preventing
27 or impeding the communication by such other person or another person of
28 information or the production of records, documents or other objects
29 relating to a criminal transaction to any court, grand jury, prosecutor,
30 police officer or peace officer or for the purpose of compelling such
31 other person or another person to swear falsely; or

32 2. Intentionally causes or attempts to cause serious physical injury
33 to another person on account of such other person or another person
34 having communicated information or produced records, documents or other
35 objects relating to a criminal transaction to any court, grand jury,
36 prosecutor, police officer or peace officer.

37 Intimidating a victim or witness in the [~~first~~] second degree is a
38 class B felony.

39 § 24. The penal law is amended by adding a new section 215.18 to read
40 as follows:

41 § 215.18 Intimidating a victim or witness in the first degree.

42 A person is guilty of intimidating a victim or witness in the first
43 degree when, other than in the course of that criminal transaction or
44 immediate flight therefrom, he or she:

45 1. Intentionally causes or attempts to cause the death of another
46 person for the purpose of obstructing, delaying, preventing or impeding
47 the communication by such other person or another person of information
48 or the production of records, documents or other objects relating to a
49 criminal transaction to any court, grand jury, prosecutor, police offi-
50 cer or peace officer or for the purpose of compelling such other person
51 or another person to swear falsely; or

52 2. Intentionally causes or attempts to cause the death of another
53 person on account of such other person or another person having communi-
54 cated information or produced records, documents or other objects,
55 relating to a criminal transaction to any court, grand jury, prosecutor,
56 police officer or peace officer.

1 Intimidating a victim or witness in the first degree is a class A-I
2 felony.

3 § 25. The opening paragraph of paragraph (b) of subdivision 1 of
4 section 440.30 of the criminal procedure law, as added by chapter 19 of
5 the laws of 2012, is amended to read as follows:

6 In conjunction with the filing or consideration of a motion to vacate
7 a judgment pursuant to section 440.10 of this article by a defendant
8 convicted after a trial, in cases where the court has ordered an eviden-
9 tiary hearing upon such motion, the court may order that the people
10 produce or make available for inspection property, as defined in subdivi-
11 sion [~~three~~ two] of section 240.10 of this part, in its possession,
12 custody, or control that was secured in connection with the investi-
13 gation or prosecution of the defendant upon credible allegations by the
14 defendant and a finding by the court that such property, if obtained,
15 would be probative to the determination of defendant's actual innocence,
16 and that the request is reasonable. The court shall deny or limit such a
17 request upon a finding that such a request, if granted, would threaten
18 the integrity or chain of custody of property or the integrity of the
19 processes or functions of a laboratory conducting DNA testing, pose a
20 risk of harm, intimidation, embarrassment, reprisal, or other substan-
21 tially negative consequences to any person, undermine the proper func-
22 tions of law enforcement including the confidentiality of informants, or
23 on the basis of any other factor identified by the court in the inter-
24 ests of justice or public safety. The court shall further ensure that
25 any property produced pursuant to this paragraph is subject to a protec-
26 tive order, where appropriate. The court shall deny any request made
27 pursuant to this paragraph where:

28 § 26. Paragraph (a) of subdivision 2 of section 530.60 of the criminal
29 procedure law, as amended by chapter 794 of the laws of 1986, is amended
30 to read as follows:

31 (a) Whenever in the course of a criminal action or proceeding a
32 defendant charged with the commission of a felony is at liberty as a
33 result of an order of recognizance or bail issued pursuant to this arti-
34 cle it shall be grounds for revoking such order that the court finds
35 reasonable cause to believe the defendant committed one or more speci-
36 fied class A or violent felony offenses or intimidated a victim or
37 witness in violation of sections 215.15, 215.16 [~~or~~], 215.17 or 215.18
38 of the penal law while at liberty. Before revoking an order of recogni-
39 zance or bail pursuant to this subdivision, the court must hold a hear-
40 ing and shall receive any relevant, admissible evidence not legally
41 privileged. The defendant may cross-examine witnesses and may present
42 relevant, admissible evidence on his own behalf. Such hearing may be
43 consolidated with, and conducted at the same time as, a felony hearing
44 conducted pursuant to article one hundred eighty of this chapter. A
45 transcript of testimony taken before the grand jury upon presentation of
46 the subsequent offense shall be admissible as evidence during the hear-
47 ing. The district attorney may move to introduce grand jury testimony
48 of a witness in lieu of that witness' appearance at the hearing.

49 § 27. Paragraph (c) of subdivision 2 of section 646-a of the executive
50 law, as added by chapter 67 of the laws of 1994, is amended to read as
51 follows:

52 (c) the rights of crime victims to be protected from intimidation and
53 to have the court, where appropriate, issue protective orders as
54 provided in sections 530.12 and 530.13 of the criminal procedure law and
55 sections 215.15, 215.16 [~~and~~], 215.17 and 215.18 of the penal law;

1 § 28. Paragraph (a) of subdivision 1 of section 70.02 of the penal
2 law, as amended by chapter 368 of the laws of 2015, is amended to read
3 as follows:

4 (a) Class B violent felony offenses: an attempt to commit the class
5 A-I felonies of murder in the second degree as defined in section
6 125.25, kidnapping in the first degree as defined in section 135.25, and
7 arson in the first degree as defined in section 150.20; manslaughter in
8 the first degree as defined in section 125.20, aggravated manslaughter
9 in the first degree as defined in section 125.22, rape in the first
10 degree as defined in section 130.35, criminal sexual act in the first
11 degree as defined in section 130.50, aggravated sexual abuse in the
12 first degree as defined in section 130.70, course of sexual conduct
13 against a child in the first degree as defined in section 130.75;
14 assault in the first degree as defined in section 120.10, kidnapping in
15 the second degree as defined in section 135.20, burglary in the first
16 degree as defined in section 140.30, arson in the second degree as
17 defined in section 150.15, robbery in the first degree as defined in
18 section 160.15, sex trafficking as defined in paragraphs (a) and (b) of
19 subdivision five of section 230.34, incest in the first degree as
20 defined in section 255.27, criminal possession of a weapon in the first
21 degree as defined in section 265.04, criminal use of a firearm in the
22 first degree as defined in section 265.09, criminal sale of a firearm in
23 the first degree as defined in section 265.13, aggravated assault upon a
24 police officer or a peace officer as defined in section 120.11, gang
25 assault in the first degree as defined in section 120.07, intimidating a
26 victim or witness in the [~~first~~] **second** degree as defined in section
27 215.17, hindering prosecution of terrorism in the first degree as
28 defined in section 490.35, criminal possession of a chemical weapon or
29 biological weapon in the second degree as defined in section 490.40, and
30 criminal use of a chemical weapon or biological weapon in the third
31 degree as defined in section 490.47.

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

34

PART E

35 Section 1. Subdivisions 4-a, 4-b, 9 and 10 of section 1310 of the
36 civil practice law and rules are REPEALED.

37 § 2. Subdivision 8 of section 1310 of the civil practice law and
38 rules, as added by chapter 669 of the laws of 1984, is amended to read
39 as follows:

40 8. "Defendant" means a person against whom a forfeiture action is
41 commenced [~~and includes a "criminal defendant" and a "non-criminal~~
42 ~~defendant"~~].

43 § 3. Subdivision 3-a of section 1311 of the civil practice law and
44 rules is REPEALED.

45 § 4. Subdivisions 1, 3, 4, 4-a and 8 of section 1311 of the civil
46 practice law and rules, subdivisions 1, 3, 4 and 8 as added by chapter
47 669 of the laws of 1984, the opening paragraph of subdivision 1 as
48 amended and subparagraph (v) of paragraph (b) and paragraphs (d) and (e)
49 of subdivision 3 and subdivision 4-a as added by chapter 655 of the laws
50 of 1990, are amended to read as follows:

51 1. A civil action may be commenced by the appropriate claiming author-
52 ity against a [~~criminal~~] defendant to recover the property which consti-
53 tutes the proceeds of a crime, the substituted proceeds of a crime, an
54 instrumentality of a crime or the real property instrumentality of a

1 crime or to recover a money judgment in an amount equivalent in value to
2 the property which constitutes the proceeds of a crime, the substituted
3 proceeds of a crime, an instrumentality of a crime, or the real property
4 instrumentality of a crime. [~~A civil action may be commenced against a
5 non-criminal defendant to recover the property which constitutes the
6 proceeds of a crime, the substituted proceeds of a crime, an instrumen-
7 tality of a crime, or the real property instrumentality of a crime
8 provided, however, that a judgment of forfeiture predicated upon clause
9 (A) of subparagraph (iv) of paragraph (b) of subdivision three hereof
10 shall be limited to the amount of the proceeds of the crime.~~] Any action
11 under this article must be commenced within five years of the commission
12 of the crime and shall be civil, remedial, and in personam in nature and
13 shall not be deemed to be a penalty or criminal forfeiture for any
14 purpose. Except as otherwise specially provided by statute, the
15 proceedings under this article shall be governed by this chapter. An
16 action under this article is not a criminal proceeding and may not be
17 deemed to be a previous prosecution under article forty of the criminal
18 procedure law.

19 [~~(a) Actions relating to post-conviction forfeiture crimes. An action
20 relating to a post-conviction forfeiture crime must be grounded upon a
21 conviction of a felony defined in subdivision five of section one thou-
22 sand three hundred ten of this article, or upon criminal activity aris-
23 ing from a common scheme or plan of which such a conviction is a part,
24 or upon a count of an indictment or information alleging a felony which
25 was dismissed at the time of a plea of guilty to a felony in satisfac-
26 tion of such count.~~] A court may not grant forfeiture until such
27 conviction has occurred. However, an action may be commenced, and a
28 court may grant a provisional remedy provided under this article, prior
29 to such conviction having occurred. Any property seized pursuant to
30 this subdivision shall be returned to the defendant if the criminal
31 action does not terminate in the defendant's conviction for a crime. An
32 action under this paragraph must be dismissed at any time after sixty
33 days of the commencement of the action unless the conviction upon which
34 the action is grounded has occurred, or an indictment or information
35 upon which the asserted conviction is to be based is pending in a supe-
36 rior court. An action under this paragraph shall be stayed during the
37 pendency of a criminal action which is related to it; provided, however,
38 that such stay shall not prevent the granting or continuance of any
39 provisional remedy provided under this article or any other provisions
40 of law.

41 [~~(b) Actions relating to pre-conviction forfeiture crimes. An action
42 relating to a pre-conviction forfeiture crime need not be grounded upon
43 conviction of a pre-conviction forfeiture crime, provided, however, that
44 if the action is not grounded upon such a conviction, it shall be neces-
45 sary in the action for the claiming authority to prove the commission of
46 a pre-conviction forfeiture crime by clear and convincing evidence. An
47 action under this paragraph shall be stayed during the pendency of a
48 criminal action which is related to it; provided, that upon motion of a
49 defendant in the forfeiture action or the claiming authority, a court
50 may, in the interest of justice and for good cause, and with the consent
51 of all parties, order that the forfeiture action proceed despite the
52 pending criminal action, and provided that such stay shall not prevent
53 the granting or continuance of any provisional remedy provided under
54 this article or any other provision of law.~~]

55 3. In a forfeiture action pursuant to this article the following
56 burdens of proof shall apply:

1 (a) In a forfeiture action [~~commenced by a claiming authority against~~
2 ~~a criminal defendant, except for those facts referred to in paragraph~~
3 ~~(b) of subdivision nine of section one thousand three hundred ten and~~
4 ~~paragraph (b) of subdivision one of this section which must be proven by~~
5 ~~clear and convincing evidence,~~] the burden shall be upon the claiming
6 authority to prove by a preponderance of the evidence the facts neces-
7 sary to establish a claim for forfeiture.

8 (b) [~~In a forfeiture action commenced by a claiming authority against~~
9 ~~a non-criminal defendant:~~

10 (i) ~~in an action relating to a pre conviction forfeiture crime, the~~
11 ~~burden shall be upon the claiming authority to prove by clear and~~
12 ~~convincing evidence the commission of the crime by a person, provided,~~
13 ~~however, that it shall not be necessary to prove the identity of such~~
14 ~~person.~~

15 (ii) ~~if the action relates to the proceeds of a crime, except as~~
16 ~~provided in subparagraph (i) hereof, the burden shall be upon the claim-~~
17 ~~ing authority to prove by a preponderance of the evidence the facts~~
18 ~~necessary to establish a claim for forfeiture and that the non-criminal~~
19 ~~defendant either (A) knew or should have known that the proceeds were~~
20 ~~obtained through the commission of a crime, or (B) fraudulently obtained~~
21 ~~his or her interest in the proceeds to avoid forfeiture.~~

22 (iii) ~~if the action relates to the substituted proceeds of a crime,~~
23 ~~except as provided in subparagraph (i) hereof, the burden shall be upon~~
24 ~~the claiming authority to prove by a preponderance of the evidence the~~
25 ~~facts necessary to establish a claim for forfeiture and that the non-~~
26 ~~criminal defendant either (A) knew that the property sold or exchanged~~
27 ~~to obtain an interest in the substituted proceeds was obtained through~~
28 ~~the commission of a crime, or (B) fraudulently obtained his or her~~
29 ~~interest in the substituted proceeds to avoid forfeiture.~~

30 (iv) ~~if the action relates to an instrumentality of a crime, except as~~
31 ~~provided for in subparagraph (i) hereof, the burden shall be upon the~~
32 ~~claiming authority to prove by a preponderance of the evidence the facts~~
33 ~~necessary to establish a claim for forfeiture and that the non-criminal~~
34 ~~defendant either (A) knew that the instrumentality was or would be used~~
35 ~~in the commission of a crime or (B) knowingly obtained his or her inter-~~
36 ~~est in the instrumentality to avoid forfeiture.~~

37 (v) ~~if the action relates to a real property instrumentality of a~~
38 ~~crime, the burden shall be upon the claiming authority to prove those~~
39 ~~facts referred to in subdivision four-b of section thirteen hundred ten~~
40 ~~of this article by clear and convincing evidence. The claiming authority~~
41 ~~shall also prove by a clear and convincing evidence that the non-crimi-~~
42 ~~nal defendant knew that such property was or would be used for the~~
43 ~~commission of specified felony offenses, and either (A) knowingly and~~
44 ~~unlawfully benefitted from such conduct or (B) voluntarily agreed to the~~
45 ~~use of such property for the commission of such offenses by consent~~
46 ~~freely given. For purposes of this subparagraph, a non-criminal defend-~~
47 ~~ant knowingly and unlawfully benefits from the commission of a specified~~
48 ~~felony offense when he derives in exchange for permitting the use or~~
49 ~~occupancy of such real property by a person or persons committing such~~
50 ~~specified offense a substantial benefit that would otherwise not accrue~~
51 ~~as a result of the lawful use or occupancy of such real property. "Bene-~~
52 ~~fit" means benefit as defined in subdivision seventeen of section 10.00~~
53 ~~of the penal law.~~

54 (c) ~~In a forfeiture action commenced by a claiming authority against a~~
55 ~~non-criminal defendant the following rebuttable presumptions shall~~
56 ~~apply:~~

1 ~~(i) a non-criminal defendant who did not pay fair consideration for~~
2 ~~the proceeds of a crime, the substituted proceeds of a crime or the~~
3 ~~instrumentality of a crime shall be presumed to know that such property~~
4 ~~was the proceeds of a crime, the substituted proceeds of a crime, or an~~
5 ~~instrumentality of a crime.~~

6 ~~(ii) a non-criminal defendant who obtains an interest in the proceeds~~
7 ~~of a crime, substituted proceeds of a crime or an instrumentality of a~~
8 ~~crime with knowledge of an order of provisional remedy relating to said~~
9 ~~property issued pursuant to this article, shall be presumed to know that~~
10 ~~such property was the proceeds of a crime, substituted proceeds of a~~
11 ~~crime, or an instrumentality of a crime.~~

12 ~~(iii) in an action relating to a post-conviction forfeiture crime, a~~
13 ~~non-criminal defendant who the claiming authority proves by clear and~~
14 ~~convincing evidence has criminal liability under section 20.00 of the~~
15 ~~penal law for the crime of conviction or for criminal activity arising~~
16 ~~from a common scheme or plan of which such crime is a part and who~~
17 ~~possesses an interest in the proceeds, the substituted proceeds, or an~~
18 ~~instrumentality of such criminal activity is presumed to know that such~~
19 ~~property was the proceeds of a crime, the substituted proceeds of a~~
20 ~~crime, or an instrumentality of a crime.~~

21 ~~(iv) a non-criminal defendant who participated in or was aware of a~~
22 ~~scheme to conceal or disguise the manner in which said non-criminal~~
23 ~~obtained his or her interest in the proceeds of a crime, substituted~~
24 ~~proceeds of a crime, or an instrumentality of a crime is presumed to~~
25 ~~know that such property was the proceeds of a crime, the substituted~~
26 ~~proceeds of a crime, or an instrumentality of a crime.~~

27 ~~(d)]~~ In a forfeiture action commenced by a claiming authority against
28 a defendant, the following rebuttable presumption shall apply: all
29 currency or negotiable instruments payable to the bearer shall be
30 presumed to be the proceeds of a pre-conviction forfeiture crime when
31 such currency or negotiable instruments are (i) found in close proximity
32 to a controlled substance unlawfully possessed by the defendant in an
33 amount sufficient to constitute a violation of section 220.18 or 220.21
34 of the penal law, or (ii) found in close proximity to any quantity of a
35 controlled substance or marihuana unlawfully possessed by such defendant
36 in a room, other than a public place, under circumstances evincing an
37 intent to unlawfully mix, compound, distribute, package or otherwise
38 prepare for sale such controlled substance or marihuana.

39 ~~(e)]~~ ~~(c)~~ The presumption set forth pursuant to paragraph ~~(d)]~~ ~~(b)~~ of
40 this subdivision shall be rebutted by credible and reliable evidence
41 which tends to show that such currency or negotiable instrument payable
42 to the bearer is not the proceeds of a [~~preconviction forfeiture~~] crime.
43 In an action tried before a jury, the jury shall be so instructed. Any
44 sworn testimony of a defendant offered to rebut the presumption and any
45 other evidence which is obtained as a result of such testimony, shall be
46 inadmissible in any subsequent proceeding relating to the forfeiture
47 action, or in any other civil or criminal action, except in a prosecution
48 for a violation of article two hundred ten of the penal law. In
49 an action tried before a jury, at the commencement of the trial, or at
50 such other time as the court reasonably directs, the claiming authority
51 shall provide notice to the court and to the defendant of its intent to
52 request that the court charge such presumption.

53 4. The court in which a forfeiture action is pending may dismiss said
54 action in the interests of justice upon its own motion or upon an appli-
55 cation as provided for herein.

1 (a) At any time during the pendency of a forfeiture action, the claim-
2 ing authority who instituted the action, or a defendant may (i) apply
3 for an order dismissing the complaint and terminating the forfeiture
4 action in the interest of justice, or (ii) may apply for an order limit-
5 ing the forfeiture to an amount equivalent in value to the value of
6 property constituting the proceeds or substituted proceeds of a crime in
7 the interest of justice.

8 (b) Such application for the relief provided in paragraph (a) hereof
9 must be made in writing and upon notice to all parties. The court may,
10 in its discretion, direct that notice be given to any other person
11 having an interest in the property.

12 (c) An application for the relief provided for in paragraph (a) hereof
13 must be brought exclusively in the superior court in which the forfei-
14 ture action is pending.

15 (d) The court may grant the relief provided in paragraph (a) hereof if
16 it finds that such relief is warranted by the existence of some compel-
17 ling factor, consideration or circumstance demonstrating that forfeiture
18 of the property [~~of~~ or any part thereof, would not serve the ends of
19 justice. Among the factors, considerations and circumstances the court
20 may consider, among others, are:

21 (i) the seriousness and circumstances of the crime to which the prop-
22 erty is connected relative to the impact of forfeiture of property upon
23 the person who committed the crime; or

24 (ii) the adverse impact of a forfeiture of property upon innocent
25 persons; or

26 (iii) [~~the appropriateness of a judgment of forfeiture in an action~~
27 ~~relating to pre-conviction forfeiture crime where~~] the likelihood that
28 the criminal proceeding based on the crime to which the property is
29 allegedly connected [~~results~~ will result in an acquittal of the crimi-
30 nal defendant or a dismissal of the accusatory instrument on the merits;
31 or

32 (iv) in the case of an action relating to an instrumentality, whether
33 the value of the instrumentality substantially exceeds the value of the
34 property constituting the proceeds or substituted proceeds of a crime.

35 (e) The court must issue a written decision stating the basis for an
36 order issued pursuant to this subdivision.

37 4-a. (a) The court in which a forfeiture action relating to real prop-
38 erty is pending may, upon its own motion or upon the motion of the
39 claiming authority which instituted the action, the defendant, or any
40 other person who has a lawful property interest in such property, enter
41 an order:

42 (i) appointing an administrator pursuant to section seven hundred
43 seventy-eight of the real property actions and proceedings law when the
44 owner of a dwelling is a defendant in such action, and when persons who
45 are not defendants in such action lawfully occupy one or more units
46 within such dwelling, in order to maintain and preserve the property on
47 behalf of such persons or any other person or entity who has a lawful
48 property interest in such property, or in order to remedy any other
49 condition which is dangerous to life, health or safety; or

50 (ii) otherwise limiting, modifying or dismissing the forfeiture action
51 in order to preserve or protect the lawful property interest of [~~any~~
52 ~~non-criminal defendant or~~] any other person who is not a [~~criminal~~]
53 defendant, or the lawful property interest of a defendant which is not
54 subject to forfeiture; or

55 (iii) where such action involves interest in a residential leasehold
56 or a statutory tenancy, directing that upon entry of a judgment of

1 forfeiture, the lease or statutory tenancy will be modified as a matter
2 of law to terminate only the interest of the defendant or defendants,
3 and to continue the occupancy or tenancy of any other person or persons
4 who lawfully reside in such demised premises, with such rights as such
5 parties would otherwise have had if the defendant's interest had not
6 been forfeited pursuant to this article.

7 (b) For purposes of this subdivision the term "owner" has the same
8 meaning as prescribed for that term in section seven hundred eighty-one
9 of the real property actions and proceedings law and the term "dwelling"
10 shall mean any building or structure or portion thereof which is princi-
11 pally occupied in whole or part as the home, residence or sleeping place
12 of one or more human beings.

13 8. The total amount that may be recovered by the claiming authority
14 against all [~~criminal~~] defendants in a forfeiture action or actions
15 involving the same crime shall not exceed the value of the proceeds of
16 the crime or substituted proceeds of the crime, whichever amount is
17 greater, and, in addition, the value of any forfeited instrumentality
18 used in the crime. Any such recovery against [~~criminal defendants~~] a
19 defendant for the value of the proceeds of the crime or substituted
20 proceeds of the crime shall be reduced by an amount which equals the
21 value of the same proceeds of the same crime or the same substituted
22 proceeds of the same crime recovered against [~~all non-criminal~~] other
23 defendants. Any such recovery for the value of an instrumentality of a
24 crime shall be reduced by an amount which equals the value of the same
25 instrumentality recovered against any [~~non-criminal~~] other defendant.

26 [~~The total amount that may be recovered against all non-criminal~~
27 ~~defendants in a forfeiture action or actions involving the same crime~~
28 ~~shall not exceed the value of the proceeds of the crime or the substi-~~
29 ~~tuted proceeds of the crime, whichever amount is greater, and, in addi-~~
30 ~~tion, the value of any forfeited instrumentality used in the crime. Any~~
31 ~~such recovery against non-criminal defendants for the value of the~~
32 ~~proceeds of the crime or substituted proceeds of the crime shall be~~
33 ~~reduced by an amount which equals the value of the proceeds of the crime~~
34 ~~or substituted proceeds of the crime recovered against all criminal~~
35 ~~defendants. A judgment against a non-criminal defendant pursuant to~~
36 ~~clause (A) of subparagraph (iv) of paragraph (b) of subdivision three of~~
37 ~~this section shall be limited to the amount of the proceeds of the~~
38 ~~crime. Any recovery for the value of an instrumentality of the crime~~
39 ~~shall be reduced by an amount equal to the value of the same instrumen-~~
40 ~~tality recovered against any criminal defendant.]~~

41 § 5. Subdivision 11 of section 1311 of the civil practice law and
42 rules is amended by adding a new paragraph (d) to read as follows:

43 (d) Any stipulation, settlement agreement, judgement, order of affida-
44 vit required to be given to the state division of criminal justice
45 services pursuant to this subdivision shall include the defendant's name
46 and such other demographic data as required by the state division of
47 criminal justice services.

48 § 6. Subdivision 6 of section 220.50 of the criminal procedure law, as
49 added by chapter 655 of the laws of 1990, is amended to read as follows:

50 6. Where the defendant consents to a plea of guilty to the indictment,
51 or part of the indictment, or consents to be prosecuted by superior
52 court information as set forth in section 195.20 of this chapter, and if
53 the defendant and prosecutor agree that as a condition of the plea or
54 the superior court information certain property shall be forfeited by
55 the defendant, the description and present estimated monetary value of
56 the property shall be stated in court by the prosecutor at the time of

1 plea. Within thirty days of the acceptance of the plea or superior court
2 information by the court, the prosecutor shall send to the commissioner
3 of the division of criminal justice services a document containing the
4 name of the defendant, the description and present estimated monetary
5 value of the property, any other demographic data as required by the
6 division of criminal justice services and the date the plea or superior
7 court information was accepted. Any property forfeited by the defendant
8 as a condition to a plea of guilty to an indictment, or a part thereof,
9 or to a superior court information, shall be disposed of in accordance
10 with the provisions of section thirteen hundred forty-nine of the civil
11 practice law and rules.

12 § 7. Subdivision 4 of section 480.10 of the penal law, as added by
13 chapter 655 of the laws of 1990, is amended to read as follows:

14 4. The prosecutor shall promptly file a copy of the special forfeiture
15 information, including the terms thereof, with the state division of
16 criminal justice services and with the local agency responsible for
17 criminal justice planning. Failure to file such information shall not be
18 grounds for any relief under this chapter. The prosecutor shall also
19 report such demographic data as required by the state division of crimi-
20 nal justice services when filing a copy of the special forfeiture infor-
21 mation with the state division of criminal justice services.

22 § 8. This act shall take effect on the one hundred eightieth day after
23 it shall have become a law and shall apply to crimes which were commit-
24 ted on or after such date.

25

PART F

26 Section 1. Section 2 of part H of chapter 503 of the laws of 2009
27 relating to the disposition of monies recovered by county district
28 attorneys before the filing of an accusatory instrument, as amended by
29 section 25 of part A of chapter 55 of the laws of 2017, is amended to
30 read as follows:

31 § 2. This act shall take effect immediately and shall remain in full
32 force and effect until March 31, ~~2018~~ 2019, when it shall expire and
33 be deemed repealed.

34 § 2. This act shall take effect immediately.

35

PART G

36 Section 1. Section 602 of the correction law, as amended by chapter
37 891 of the laws of 1962, is amended to read as follows:

38 § 602. Expenses of sheriff for transporting prisoners. For conveying
39 a prisoner or prisoners to a state prison from the county prison, the
40 sheriff or person having charge of the same shall be reimbursed for the
41 amount of expenses actually and necessarily incurred by him for railroad
42 fare or cost of other transportation and for cost of maintenance of
43 himself and each prisoner in going to the prison, and for his railroad
44 fare or other cost of transportation in returning home, and cost of his
45 maintenance while so returning. ~~[The county shall be reimbursed for a~~
46 ~~portion of the salary of such sheriff or person for the period, not to~~
47 ~~exceed thirty six hours, from the commencement of transportation from~~
48 ~~the county prison to the return of such sheriff or person to the county~~
49 ~~prison, the amount of such reimbursement to be computed by adding to the~~
50 ~~amount of such salary the total amount of the aforesaid expenses~~
51 ~~incurred for transportation and maintenance and reducing the resulting~~
52 ~~aggregate amount, first, by fifty per centum of such aggregate amount~~

1 ~~and, second, by the total amount of the aforesaid expenses incurred for~~
2 ~~transportation and maintenance.]~~

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

4 PART H

5 Section 1. Subparagraph (iv) of paragraph (d) of subdivision 1 of
6 section 803 of the correction law, as added by section 7 of chapter 738
7 of the laws of 2004, is amended to read as follows:

8 (iv) Such merit time allowance may be granted when an inmate success-
9 fully participates in the work and treatment program assigned pursuant
10 to section eight hundred five of this article and when such inmate
11 obtains a general equivalency diploma, an alcohol and substance abuse
12 treatment certificate, a vocational trade certificate following at least
13 six months of vocational programming ~~[or]~~, performs at least four
14 hundred hours of service as part of a community work crew or successful-
15 ly completes at least two consecutive semesters of college programming
16 with no less than six college credits per semester, that is provided at
17 the correctional facility by a college approved by the New York state
18 board of regents.

19 Such allowance shall be withheld for any serious disciplinary infrac-
20 tion or upon a judicial determination that the person, while an inmate,
21 commenced or continued a civil action, proceeding or claim that was
22 found to be frivolous as defined in subdivision (c) of section eight
23 thousand three hundred three-a of the civil practice law and rules, or
24 an order of a federal court pursuant to rule 11 of the federal rules of
25 civil procedure imposing sanctions in an action commenced by a person,
26 while an inmate, against a state agency, officer or employee.

27 § 2. Subparagraph (iv) of paragraph (d) of subdivision 1 of section
28 803 of the correction law, as added by section 10-a of chapter 738 of
29 the laws of 2004, is amended to read as follows:

30 (iv) Such merit time allowance may be granted when an inmate success-
31 fully participates in the work and treatment program assigned pursuant
32 to section eight hundred five of this article and when such inmate
33 obtains a general equivalency diploma, an alcohol and substance abuse
34 treatment certificate, a vocational trade certificate following at least
35 six months of vocational programming ~~[or]~~, performs at least four
36 hundred hours of service as part of a community work crew or successful-
37 ly completes at least two consecutive semesters of college programming
38 with no less than six college credits per semester, that is provided at
39 the correctional facility by a college approved by the New York state
40 board of regents.

41 Such allowance shall be withheld for any serious disciplinary infrac-
42 tion or upon a judicial determination that the person, while an inmate,
43 commenced or continued a civil action, proceeding or claim that was
44 found to be frivolous as defined in subdivision (c) of section eight
45 thousand three hundred three-a of the civil practice law and rules, or
46 an order of a federal court pursuant to rule 11 of the federal rules of
47 civil procedure imposing sanctions in an action commenced by a person,
48 while an inmate, against a state agency, officer or employee.

49 § 3. Paragraph (c) of subdivision 1 of section 803-b of the correction
50 law, as amended by section 1 of part E of chapter 55 of the laws of
51 2017, is amended to read as follows:

52 (c) "significant programmatic accomplishment" means that the inmate:

53 (i) participates in no less than two years of college programming; or

54 (ii) obtains a masters of professional studies degree; or

1 (iii) successfully participates as an inmate program associate for no
2 less than two years; or

3 (iv) receives a certification from the state department of labor for
4 his or her successful participation in an apprenticeship program; or

5 (v) successfully works as an inmate hospice aid for a period of no
6 less than two years; or

7 (vi) successfully works in the division of correctional industries'
8 optical program for no less than two years and receives a certification
9 as an optician from the American board of opticianry; or

10 (vii) receives an asbestos handling certificate from the department of
11 labor upon successful completion of the training program and then works
12 in the division of correctional industries' asbestos abatement program
13 as a hazardous materials removal worker or group leader for no less than
14 eighteen months; or

15 (viii) successfully completes the course curriculum and passes the
16 minimum competency screening process performance examination for sign
17 language interpreter, and then works as a sign language interpreter for
18 deaf inmates for no less than one year; or

19 (ix) successfully works in the puppies behind bars program for a peri-
20 od of no less than two years; or

21 (x) successfully participates in a vocational culinary arts program
22 for a period of no less than two years and earns a servsafe certificate
23 that is recognized by the national restaurant association; or

24 (xi) successfully completes the four hundred ninety hour training
25 program while assigned to a department of motor vehicles call center,
26 and continues to work at such call center for an additional twenty-one
27 months; or

28 (xii) receives a certificate from the food production center in an
29 assigned position following the completion of no less than eight hundred
30 hours of work in such position, and continues to work for an additional
31 eighteen months at the food production center[-]; or

32 (xiii) successfully completes a cosmetology training program and
33 receives a license from the New York state department of state, and
34 thereafter participates in such program for a period of no less than
35 eighteen months; or

36 (xiv) successfully completes a barbering training program and receives
37 a license from the New York state department of state, and thereafter
38 participates in such program for a period of no less than eighteen
39 months; or

40 (xv) successfully participates in a computer operator, general busi-
41 ness or computer information technology and support vocational program
42 for no less than two years, and earns a Microsoft office specialist
43 certification for Microsoft word, Microsoft powerpoint or Microsoft
44 excel, following the administration of an examination; or

45 (xvi) successfully completes the thinking for a change cognitive
46 behavioral treatment program within phase two of transitional services,
47 and thereafter, is employed in the work release program for a period of
48 at least eighteen months.

49 § 4. This act shall take effect April 1, 2018; provided, however, that
50 the amendments to subparagraph (iv) of paragraph (d) of subdivision 1 of
51 section 803 of the correction law made by section one of this act shall
52 be subject to the expiration and reversion of such section pursuant to
53 subdivision d of section 74 of chapter 3 of the laws of 1995, as
54 amended, when upon such date the provisions of section two of this act
55 shall take effect.

1

PART I

2 Section 1. Subdivision 9 of section 201 of the correction law is
3 REPEALED.

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

5

PART J

6 Section 1. Notwithstanding any provision of law or governor's execu-
7 tive order to the contrary regarding inmate eligibility by crime of
8 commitment, the commissioner of corrections and community supervision is
9 hereby authorized to initiate two pilot temporary release programs.

10 § 2. The first pilot temporary release program shall be a college
11 educational leave program for no more than fifty inmates at any one
12 time, who otherwise would be ineligible due to their crime of commit-
13 ment, and whereby, to be eligible, an inmate shall not be serving a
14 sentence for one or more offenses that would render him or her ineligi-
15 ble for a limited credit time allowance as set forth in section 803-b of
16 the correction law. In addition, to be eligible, such inmate shall not
17 have committed a serious disciplinary infraction, maintained an overall
18 negative institutional record, or received a disqualifying judicial
19 determination that would render him or her ineligible for a limited
20 credit time allowance as set forth in section 803-b of the correction
21 law, and such inmate shall be eligible for release on parole or condi-
22 tional release within two years. An inmate who participates in this
23 pilot program may also be permitted to leave the premises of the insti-
24 tution for the purposes set forth in subdivision 4 of section 851 of the
25 correction law, if otherwise authorized by the department of corrections
26 and community supervision's rules and regulations governing permissible
27 furloughs.

28 § 3. The second pilot temporary release program shall be a pilot work
29 release program for no more than fifty inmates at any one time, who
30 otherwise would be ineligible due to their crime of commitment, and
31 whereby, to be eligible, an inmate shall not be serving a sentence for
32 one or more offenses that would render him or her ineligible for a
33 limited credit time allowance as set forth in section 803-b of the
34 correction law. In addition, such inmate shall not have committed a
35 serious disciplinary infraction, maintained an overall negative institu-
36 tional record, or received a disqualifying judicial determination that
37 would render him or her ineligible for a limited credit time allowance
38 as set forth in section 803-b of the correction law and, such inmate
39 shall be eligible for release on parole or conditional release within
40 two years. An inmate who participates in the pilot work release program
41 may also be permitted to leave the premises of the institution for the
42 purposes set forth in subdivision 4 of section 851 of the correction
43 law, when authorized by the department of corrections and community
44 supervision's rules and regulations governing permissible furloughs.

45 § 4. Prior to March first of each year thereafter, the commissioner of
46 corrections and community supervision shall issue a report to the gover-
47 nor, the president of the senate and the speaker of the assembly, on the
48 status of both pilot programs, which shall include, but not be limited
49 to, information on those correctional facilities where the pilot
50 programs are established, information about the total number of inmates
51 who were approved for each of the pilots, whether each inmate partic-
52 ipant has been successful or unsuccessful, and information on those
53 colleges which participate in the educational leave pilot.

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

2 PART K

3 Section 1. This Part enacts into law major components of legislation
4 that remove unnecessary mandatory bars on licensing and employment for
5 people with criminal convictions in the categories enumerated therein
6 and replace them with individualized review processes using the factors
7 set out in article 23-A of the correction law, which addresses the
8 licensing of such individuals. Each component is wholly contained with a
9 Subpart identified as Subparts A through I. Any provision in any section
10 contained within a Subpart, including the effective date of the Subpart,
11 which makes reference to a section "of this act", when used in
12 connection with that particular component, shall be deemed to mean and
13 refer to the corresponding section of the Subpart in which it is found.
14 Section three of this Part sets forth the general effective date of this
15 Part.

16 SUBPART A

17 Section 1. Subdivision 6 of section 369 of the banking law, as amended
18 by chapter 164 of the laws of 2003, paragraph (b) as amended by section
19 6 of part LL of chapter 56 of the laws of 2010, is amended to read as
20 follows:

21 6. The superintendent may, consistent with article twenty-three-A of
22 the correction law, refuse to issue a license pursuant to this article
23 if he shall find that the applicant, or any person who is a director,
24 officer, partner, agent, employee or substantial stockholder of the
25 applicant, (a) has been convicted of a crime in any jurisdiction or (b)
26 is associating or consorting with any person who has, or persons who
27 have, been convicted of a crime or crimes in any jurisdiction or juris-
28 dictions[~~, provided, however, that the superintendent shall not issue~~
29 ~~such a license if he shall find that the applicant, or any person who is~~
30 ~~a director, officer, partner, agent, employee or substantial stockholder~~
31 ~~of the applicant, has been convicted of a felony in any jurisdiction or~~
32 ~~of a crime which, if committed within this state, would constitute a~~
33 ~~felony under the laws thereof]. For the purposes of this article, a~~
34 person shall be deemed to have been convicted of a crime if such person
35 shall have pleaded guilty to a charge thereof before a court or magis-
36 trate, or shall have been found guilty thereof by the decision or judg-
37 ment of a court or magistrate or by the verdict of a jury, irrespective
38 of the pronouncement of sentence or the suspension thereof[~~, unless such~~
39 ~~plea of guilty, or such decision, judgment or verdict, shall have been~~
40 ~~set aside, reversed or otherwise abrogated by lawful judicial process or~~
41 ~~unless the person convicted of the crime shall have received a pardon~~
42 ~~therefor from the president of the United States or the governor or~~
43 ~~other pardoning authority in the jurisdiction where the conviction was~~
44 ~~had, or shall have received a certificate of relief from disabilities or~~
45 ~~a certificate of good conduct pursuant to article twenty-three of the~~
46 ~~correction law to remove the disability under this article because of~~
47 ~~such conviction]. The term "substantial stockholder," as used in this
48 subdivision, shall be deemed to refer to a person owning or controlling
49 ten per centum or more of the total outstanding stock of the corporation
50 in which such person is a stockholder. In making a determination pursu-
51 ant to this subdivision, the superintendent shall require fingerprinting
52 of the applicant. Such fingerprints shall be submitted to the division~~

1 of criminal justice services for a state criminal history record check,
2 as defined in subdivision one of section three thousand thirty-five of
3 the education law, and may be submitted to the federal bureau of inves-
4 tigation for a national criminal history record check.

5 § 2. This act shall take effect immediately.

6

SUBPART B

7 Section 1. Paragraph (f) of subdivision 7 of section 2590-b of the
8 education law, as added by chapter 345 of the laws of 2009, is amended
9 to read as follows:

10 (f) A person [~~who has been convicted of a felony, or has been removed~~
11 ~~from a city-wide council established pursuant to this section or commu-~~
12 ~~nity district education council for any of the following shall~~] may be
13 permanently ineligible for appointment to a city-wide council for any of
14 the following:

15 (i) an act of malfeasance directly related to his or her service on
16 such city-wide council or community district education council; or

17 (ii) conviction of a crime, if such crime is directly related to his
18 or her service upon such city-wide council or community district educa-
19 tion council, or if service upon such council would involve an unreason-
20 able risk to property or to the safety or welfare of specific individ-
21 uals or the general public.

22 § 2. Subdivision 5 of section 2590-c of the education law, as amended
23 by chapter 345 of the laws of 2009, is amended to read as follows:

24 5. No person may serve on more than one community council or on the
25 city-wide council on special education, the city-wide council on English
26 language learners, or the city-wide council on high schools and a commu-
27 nity council. A member of a community council shall be ineligible to be
28 employed by the community council of which he or she is a member, any
29 other community council, the city-wide council on special education, the
30 city-wide council on English language learners, the city-wide council on
31 high schools, or the city board. No person shall be eligible for member-
32 ship on a community council if he or she holds any elective public
33 office or any elective or appointed party position except that of dele-
34 gate or alternate delegate to a national, state, judicial or other party
35 convention, or member of a county committee.

36 A person [~~who has been convicted of a felony, or has been removed from~~
37 ~~a community school board, community district education council, or the~~
38 ~~city-wide council on special education, the city-wide council on English~~
39 ~~language learners, or the city-wide council on high schools for any of~~
40 ~~the following shall~~] may be permanently ineligible for appointment to
41 any community district education council for any of the following: (a)
42 an act of malfeasance directly related to his or her service on the
43 city-wide council on special education, the city-wide council on English
44 language learners, the city-wide council on high schools, community
45 school board or community district education council; or (b) conviction
46 of a crime, if such crime is directly related to his or her service upon
47 the city-wide council on special education, the city-wide council on
48 English language learners, the city-wide council on high schools, commu-
49 nity school board or community district education council, or if service
50 upon such council would involve an unreasonable risk to property or to
51 the safety or welfare of specific individuals or the general public.

52 Any decision rendered by the chancellor or the city board with respect
53 to the eligibility or qualifications of the nominees for community
54 district education councils must be written and made available for

1 public inspection within seven days of its issuance at the office of the
2 chancellor and the city board. Such written decision shall include the
3 factual and legal basis for its issuance and a record of the vote of
4 each board member who participated in the decision, if applicable.

5 § 3. This act shall take effect immediately, provided that the amend-
6 ments to subdivision 7 of section 2590-b of the education law made by
7 section one of this act shall not affect the repeal of such subdivision
8 and shall be deemed repealed therewith; provided, further, that the
9 amendments to subdivision 5 of section 2590-c of the education law made
10 by section two of this act shall not affect the repeal of such subdivi-
11 sion and shall be deemed to repeal therewith.

12 SUBPART C

13 Section 1. Clauses 1 and 5 of paragraph (c) of subdivision 2 of
14 section 435 of the executive law, clause 1 as amended by chapter 371 of
15 the laws of 1974 and clause 5 as amended by 437 of the laws of 1962, are
16 amended to read as follows:

17 (1) a person convicted of a crime [~~who has not received a pardon, a~~
18 ~~certificate of good conduct or a certificate of relief from disabili-~~
19 ~~ties~~] if there is a direct relationship between one or more of the
20 previous criminal offenses and the integrity and safety of bingo,
21 considering the factors set forth in article twenty-three-A of the
22 correction law;

23 (5) a firm or corporation in which a person defined in [~~subdivision~~
24 clause (1), (2), (3) or (4) [~~above~~] of this paragraph, or a person
25 married or related in the first degree to such a person, has greater
26 than a ten [~~per centum~~] percent proprietary, equitable or credit inter-
27 est or in which such a person is active or employed.

28 § 2. This act shall take effect immediately.

29 SUBPART D

30 Section 1. Subdivision 1 of section 130 of the executive law, as
31 amended by section 1 of part LL of chapter 56 of the laws of 2010, para-
32 graph (g) as separately amended by chapter 232 of the laws 2010, is
33 amended to read as follows:

34 1. The secretary of state may appoint and commission as many notaries
35 public for the state of New York as in his or her judgment may be deemed
36 best, whose jurisdiction shall be co-extensive with the boundaries of
37 the state. The appointment of a notary public shall be for a term of
38 four years. An application for an appointment as notary public shall be
39 in form and set forth such matters as the secretary of state shall
40 prescribe. Every person appointed as notary public must, at the time of
41 his or her appointment, be a citizen of the United States and either a
42 resident of the state of New York or have an office or place of business
43 in New York state. A notary public who is a resident of the state and
44 who moves out of the state but still maintains a place of business or an
45 office in New York state does not vacate his or her office as a notary
46 public. A notary public who is a nonresident and who ceases to have an
47 office or place of business in this state, vacates his or her office as
48 a notary public. A notary public who is a resident of New York state and
49 moves out of the state and who does not retain an office or place of
50 business in this state shall vacate his or her office as a notary
51 public. A non-resident who accepts the office of notary public in this
52 state thereby appoints the secretary of state as the person upon whom

1 process can be served on his or her behalf. Before issuing to any appli-
2 cant a commission as notary public, unless he or she be an attorney and
3 counsellor at law duly admitted to practice in this state or a court
4 clerk of the unified court system who has been appointed to such posi-
5 tion after taking a civil service promotional examination in the court
6 clerk series of titles, the secretary of state shall satisfy himself or
7 herself that the applicant is of good moral character, has the equiv-
8 alent of a common school education and is familiar with the duties and
9 responsibilities of a notary public; provided, however, that where a
10 notary public applies, before the expiration of his or her term, for
11 reappointment with the county clerk or where a person whose term as
12 notary public shall have expired applies within six months thereafter
13 for reappointment as a notary public with the county clerk, such quali-
14 fying requirements may be waived by the secretary of state, and further,
15 where an application for reappointment is filed with the county clerk
16 after the expiration of the aforementioned renewal period by a person
17 who failed or was unable to re-apply by reason of his or her induction
18 or enlistment in the armed forces of the United States, such qualifying
19 requirements may also be waived by the secretary of state, provided such
20 application for reappointment is made within a period of one year after
21 the military discharge of the applicant under conditions other than
22 dishonorable. In any case, the appointment or reappointment of any
23 applicant is in the discretion of the secretary of state. The secretary
24 of state may suspend or remove from office, for misconduct, any notary
25 public appointed by him or her but no such removal shall be made unless
26 the person who is sought to be removed shall have been served with a
27 copy of the charges against him or her and have an opportunity of being
28 heard. No person shall be appointed as a notary public under this arti-
29 cle who has been convicted, in this state or any other state or territo-
30 ry, of a [~~felony or any of the following offenses, to wit:~~

31 ~~(a) Illegally using, carrying or possessing a pistol or other danger-~~
32 ~~ous weapon; (b) making or possessing burglar's instruments; (c) buying~~
33 ~~or receiving or criminally possessing stolen property; (d) unlawful~~
34 ~~entry of a building; (e) aiding escape from prison; (f) unlawfully~~
35 ~~possessing or distributing habit forming narcotic drugs; (g) violating~~
36 ~~sections two hundred seventy, two hundred seventy a, two hundred seven-~~
37 ~~ty b, two hundred seventy c, two hundred seventy one, two hundred seven-~~
38 ~~ty five, two hundred seventy six, five hundred fifty, five hundred~~
39 ~~fifty one, five hundred fifty one a and subdivisions six, ten or eleven~~
40 ~~of section seven hundred twenty two of the former penal law as in force~~
41 ~~and effect immediately prior to September first, nineteen hundred~~
42 ~~sixty seven, or violating sections 165.25, 165.30 or subdivision one of~~
43 ~~section 240.30 of the penal law, or violating sections four hundred~~
44 ~~seventy-eight, four hundred seventy-nine, four hundred eighty, four~~
45 ~~hundred eighty one, four hundred eighty four, four hundred eighty nine~~
46 ~~and four hundred ninety one of the judiciary law; or (h) vagrancy or~~
47 ~~prostitution, and who has not subsequent to such conviction received an~~
48 ~~executive pardon therefor or a certificate of relief from disabilities~~
49 ~~or a certificate of good conduct pursuant to article twenty-three of the~~
50 ~~correction law to remove the disability under this section because of~~
51 ~~such conviction] crime, unless the secretary makes a finding in conform-
52 ance with all applicable statutory requirements, including those
53 contained in article twenty-three-A of the correction law, that such
54 convictions do not constitute a bar to employment.~~

55 § 2. This act shall take effect immediately.

1

SUBPART E

2 Section 1. Paragraphs 1 and 5 of subdivision (a) of section 189-a of
3 the general municipal law, as added by chapter 574 of the laws of 1978,
4 are amended to read as follows:

5 (1) a person convicted of a crime [~~who has not received a pardon, a~~
6 ~~certificate of good conduct or a certificate of relief from disabili-~~
7 ~~ties~~] if there is a direct relationship between one or more of the
8 previous criminal offenses and the integrity or safety of charitable
9 gaming, considering the factors set forth in article twenty-three-A of
10 the correction law;

11 (5) a firm or corporation in which a person defined in [~~subdivision~~
12 ~~paragraph~~ (1), (2), (3) or (4) [~~above~~] of this subdivision has greater
13 than a ten [~~per centum~~] percent proprietary, equitable or credit inter-
14 est or in which such a person is active or employed.

15 § 2. Paragraph (a) of subdivision 1 of section 191 of the general
16 municipal law, as amended by section 15 of part LL of chapter 56 of the
17 laws of 2010, is amended to read as follows:

18 (a) Issuance of licenses to conduct games of chance. If such clerk or
19 department [~~shall determine~~] determines:

20 (i) that the applicant is duly qualified to be licensed to conduct
21 games of chance under this article;

22 (ii) that the member or members of the applicant designated in the
23 application to manage games of chance are bona fide active members of
24 the applicant and are persons of good moral character and have never
25 been convicted of a crime[~~, or,~~] if [~~convicted, have received a pardon,~~
26 ~~a certificate of good conduct or a certificate of relief from disabili-~~
27 ~~ties pursuant to article twenty-three of the correction law~~] there is a
28 direct relationship between one or more of the previous criminal
29 offenses and the integrity or safety of charitable gaming, considering
30 the factors set forth in article twenty-three-A of the correction law;

31 (iii) that such games are to be conducted in accordance with the
32 provisions of this article and in accordance with the rules and regu-
33 lations of the [~~board~~] gaming commission and applicable local laws or
34 ordinances and that the proceeds thereof are to be disposed of as
35 provided by this article[~~7~~]; and

36 [~~if such clerk or department is satisfied~~] (iv) that no commission,
37 salary, compensation, reward or recompense whatever will be paid or
38 given to any person managing, operating or assisting therein except as
39 in this article otherwise provided; [~~it~~] then such clerk or department
40 shall issue a license to the applicant for the conduct of games of
41 chance upon payment of a license fee of twenty-five dollars for each
42 license period.

43 § 3. Subdivision 9 of section 476 of the general municipal law, as
44 amended by chapter 1057 of the laws of 1965, paragraph (a) as amended by
45 section 16 of part LL of chapter 56 of the laws of 2010, is amended to
46 read as follows:

47 9. "Authorized commercial lessor" shall mean a person, firm or corpo-
48 ration other than a licensee to conduct bingo under the provisions of
49 this article, who or which [~~shall own~~] owns or [~~be~~] is a net lessee of
50 premises and offer the same for leasing by him, her or it to an author-
51 ized organization for any consideration whatsoever, direct or indirect,
52 for the purpose of conducting bingo therein, provided that he, she or
53 it, as the case may be, shall not be

54 (a) a person convicted of a crime [~~who has not received a pardon or a~~
55 ~~certificate of good conduct or a certificate of relief from disabilities~~

1 ~~pursuant to~~ if there is a direct relationship between one or more of
2 the previous criminal offenses and the integrity or safety of bingo,
3 considering the factors set forth in article [~~twenty-three~~]
4 twenty-three-A of the correction law;

5 (b) a person who is or has been a professional gambler or gambling
6 promoter or who for other reasons is not of good moral character;

7 (c) a public officer who receives any consideration, direct or indi-
8 rect, as owner or lessor of premises offered for the purpose of conduct-
9 ing bingo therein;

10 (d) a firm or corporation in which a person defined in [~~subdivision~~]
11 paragraph (a), (b) or (c) [~~above~~] of this subdivision or a person
12 married or related in the first degree to such a person has greater than
13 a ten [~~percentum (10%)~~] percent proprietary, equitable or credit inter-
14 est or in which such a person is active or employed.

15 Nothing contained in this subdivision shall be construed to bar any
16 firm or corporation [~~which~~] that is not organized for pecuniary profit
17 and no part of the net earnings of which inure to the benefit of any
18 individual, member, or shareholder, from being an authorized commercial
19 lessor solely because a public officer, or a person married or related
20 in the first degree to a public officer, is a member of, active in or
21 employed by such firm or corporation.

22 § 4. Paragraph (a) of subdivision 1 of section 481 of the general
23 municipal law, as amended by section 5 of part MM of chapter 59 of the
24 laws of 2017, is amended to read as follows:

25 (a) Issuance of licenses to conduct bingo. If the governing body of
26 the municipality determines:

27 (i) that the applicant is duly qualified to be licensed to conduct
28 bingo under this article;

29 (ii) that the member or members of the applicant designated in the
30 application to conduct bingo are bona fide active members or auxiliary
31 members of the applicant and are persons of good moral character and
32 have never been convicted of a crime [~~or, if convicted, have received a~~
33 ~~pardon or a certificate of good conduct or a certificate of relief from~~
34 ~~disabilities pursuant to article twenty-three~~] if there is a direct
35 relationship between one or more of the previous criminal offenses and
36 the integrity or safety of bingo, considering the factors set forth in
37 article twenty-three-A of the correction law;

38 (iii) that such games of bingo are to be conducted in accordance with
39 the provisions of this article and in accordance with the rules and
40 regulations of the commission[~~, and~~];

41 (iv) that the proceeds thereof are to be disposed of as provided by
42 this article[~~, and if the governing body is satisfied~~];

43 (v) that no commission, salary, compensation, reward or recompense
44 [~~what-so-ever~~] whatsoever will be paid or given to any person holding,
45 operating or conducting or assisting in the holding, operation and
46 conduct of any such games of bingo except as in this article otherwise
47 provided; and

48 (vi) that no prize will be offered and given in excess of the sum or
49 value of five thousand dollars in any single game of bingo and that the
50 aggregate of all prizes offered and given in all of such games of bingo
51 conducted on a single occasion[~~7~~] under said license shall not exceed
52 the sum or value of fifteen thousand dollars, then the municipality
53 shall issue a license to the applicant for the conduct of bingo upon
54 payment of a license fee of eighteen dollars and seventy-five cents for
55 each bingo occasion[~~, provided, however, that~~].

1 Notwithstanding anything to the contrary in this paragraph, the
2 governing body shall refuse to issue a license to an applicant seeking
3 to conduct bingo in premises of a licensed commercial lessor where such
4 governing body determines that the premises presently owned or occupied
5 by such applicant are in every respect adequate and suitable for
6 conducting bingo games.

7 § 5. This act shall take effect immediately.

8 SUBPART F

9 Section 1. Paragraphs 3 and 4 of subsection (d) of section 2108 of the
10 insurance law are REPEALED, and paragraph 5 is renumbered paragraph 3.

11 § 2. This act shall take effect immediately.

12 SUBPART G

13 Section 1. Section 440-a of the real property law, as amended by chap-
14 ter 81 of the laws of 1995, the first undesignated paragraph as amended
15 by section 23 of part LL of chapter 56 of the laws of 2010, is amended
16 to read as follows:

17 § 440-a. License required for real estate brokers and salesmen. No
18 person, co-partnership, limited liability company or corporation shall
19 engage in or follow the business or occupation of, or hold himself or
20 itself out or act temporarily or otherwise as a real estate broker or
21 real estate salesman in this state without first procuring a license
22 therefor as provided in this article. No person shall be entitled to a
23 license as a real estate broker under this article, either as an indi-
24 vidual or as a member of a co-partnership, or as a member or manager of
25 a limited liability company or as an officer of a corporation, unless he
26 or she is twenty years of age or over, a citizen of the United States or
27 an alien lawfully admitted for permanent residence in the United States.
28 No person shall be entitled to a license as a real estate salesman under
29 this article unless he or she is over the age of eighteen years. No
30 person shall be entitled to a license as a real estate broker or real
31 estate salesman under this article who has been convicted in this state
32 or elsewhere of a [~~felony, of a sex offense, as defined in subdivision
33 two of section one hundred sixty eight a of the correction law or any
34 offense committed outside of this state which would constitute a sex
35 offense, or a sexually violent offense, as defined in subdivision three
36 of section one hundred sixty eight a of the correction law or any
37 offense committed outside this state which would constitute a sexually
38 violent offense, and who has not subsequent to such conviction received
39 executive pardon therefor or a certificate of relief from disabilities
40 or a certificate of good conduct pursuant to article twenty-three of the
41 correction law, to remove the disability under this section because of
42 such conviction~~] crime, unless the secretary makes a finding in conform-
43 ance with all applicable statutory requirements, including those
44 contained in article twenty-three-A of the correction law, that such
45 convictions do not constitute a bar to licensure. No person shall be
46 entitled to a license as a real estate broker or real estate salesman
47 under this article who does not meet the requirements of section 3-503
48 of the general obligations law.

49 Notwithstanding [~~the above~~] anything to the contrary in this section,
50 tenant associations[7] and not-for-profit corporations authorized in
51 writing by the commissioner of the department of the city of New York
52 charged with enforcement of the housing maintenance code of such city to

1 manage residential property owned by such city or appointed by a court
2 of competent jurisdiction to manage residential property owned by such
3 city shall be exempt from the licensing provisions of this section with
4 respect to the properties so managed.

5 § 2. This act shall take effect immediately.

6

SUBPART H

7 Section 1. Subdivision 5 of section 336-f of the social services law,
8 as added by section 148 of part B of chapter 436 of the laws of 1997, is
9 amended to read as follows:

10 5. The social services district shall require every private or not-
11 for-profit employer that intends to hire one or more work activity
12 participants to certify to the district [~~that~~ whether such employer has
13 ~~not~~], in the past five years, been convicted of a felony or a misdemea-
14 nor the underlying basis of which involved workplace safety and health
15 or labor standards. Such employer shall also certify as to all
16 violations issued by the department of labor within the past five years.
17 The social services official in the district in which the participant is
18 placed shall determine whether there is a pattern of convictions or
19 violations sufficient to render the potential employer ineligible.
20 Employers who submit false information under this section shall be
21 subject to criminal prosecution for filing a false instrument.

22 § 2. This act shall take effect immediately.

23

SUBPART I

24 Section 1. Subdivision 9 of section 394 of the vehicle and traffic
25 law, as separately renumbered by chapters 300 and 464 of the laws of
26 1960, is amended to read as follows:

27 9. Employees. [~~No licensee shall knowingly employ, in connection with~~
28 ~~a driving school in any capacity whatsoever, any person who has been~~
29 ~~convicted of a felony, or of any crime involving violence, dishonesty,~~
30 ~~deceit, indecency, degeneracy or moral turpitude] A licensee may not
31 employ, in connection with a driving school in any capacity whatsoever,
32 a person who has been convicted of a crime, if, after considering the
33 factors set forth in article twenty-three-A of the correction law, the
34 licensee determines that there is a direct relationship between the
35 conviction and employment in the driving school, or that employment
36 would constitute an unreasonable risk to property or to the safety of
37 students, customers, or employees of the driving school, or to the
38 general public.~~

39 § 2. This act shall take effect immediately.

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

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

1

PART L

2 Section 1. The executive law is amended by adding a new section 259-t
3 to read as follows:

4 § 259-t. Release on geriatric parole for inmates who are affected by
5 an age-related debility. 1. (a) The board shall have the power to
6 release on geriatric parole any inmate who is at least fifty-five years
7 of age, serving an indeterminate or determinate sentence of imprisonment
8 who, pursuant to subdivision two of this section, has been certified to
9 be suffering from a chronic or serious condition, disease, syndrome, or
10 infirmity, exacerbated by age, that has rendered the inmate so phys-
11 ically or cognitively debilitated or incapacitated that the ability to
12 provide self-care within the environment of a correctional facility is
13 substantially diminished, provided, however, that no inmate serving a
14 sentence imposed upon a conviction for murder in the first degree,
15 aggravated murder or an attempt or conspiracy to commit murder in the
16 first degree or aggravated murder or a sentence of life without parole
17 shall be eligible for such release, and provided further that no inmate
18 shall be eligible for such release unless in the case of an indetermi-
19 nate sentence he or she has served at least one-half of the minimum
20 period of the sentence and in the case of a determinate sentence he or
21 she has served at least one-half of the term of his or her determinate
22 sentence. Solely for the purpose of determining geriatric parole eligi-
23 bility pursuant to this section, such one-half of the minimum period of
24 the indeterminate sentence and one-half of the term of the determinate
25 sentence shall not be credited with any time served under the jurisdic-
26 tion of the department prior to the commencement of such sentence pursu-
27 ant to the opening paragraph of subdivision one of section 70.30 of the
28 penal law or subdivision two-a of section 70.30 of the penal law, except
29 to the extent authorized by subdivision three of section 70.30 of the
30 penal law.

31 (b) Such release shall be granted only after the board considers
32 whether, in light of the inmate's condition, there is a reasonable prob-
33 ability that the inmate, if released, will live and remain at liberty
34 without violating the law, and that such release is not incompatible
35 with the welfare of society and will not so deprecate the seriousness of
36 the crime as to undermine respect for the law, and shall be subject to
37 the limits and conditions specified in subdivision four of this section.
38 In making this determination, the board shall consider: (i) the factors
39 described in subdivision two of section two hundred fifty-nine-i of this
40 article; (ii) the nature of the inmate's conditions, diseases, syndromes
41 or infirmities and the level of care; (iii) the amount of time the
42 inmate must serve before becoming eligible for release pursuant to
43 section two hundred fifty-nine-i of this article; (iv) the current age
44 of the inmate and his or her age at the time of the crime; and (v) any
45 other relevant factor.

46 (c) The board shall afford notice to the sentencing court, the
47 district attorney, the attorney for the inmate and, where necessary
48 pursuant to subdivision two of section two hundred fifty-nine-i of this
49 article, the crime victim, that the inmate is being considered for
50 release pursuant to this section and the parties receiving notice shall
51 have thirty days to comment on the release of the inmate. Release on
52 geriatric parole shall not be granted until the expiration of the
53 comment period provided for in this paragraph.

54 2. (a) The commissioner, on the commissioner's own initiative or at
55 the request of an inmate, or an inmate's spouse, relative or attorney,

1 may, in the exercise of the commissioner's discretion, direct that an
2 investigation be undertaken to determine whether an assessment should be
3 made of an inmate who appears to be suffering from chronic or serious
4 conditions, diseases, syndromes or infirmities, exacerbated by advanced
5 age that has rendered the inmate so physically or cognitively debili-
6 tated or incapacitated that the ability to provide self-care within the
7 environment of a correctional facility is substantially diminished. Any
8 such medical assessment shall be made by a physician licensed to prac-
9 tice medicine in this state pursuant to section sixty-five hundred twen-
10 ty-four of the education law. Such physician shall either be employed by
11 the department, shall render professional services at the request of the
12 department, or shall be employed by a hospital or medical facility used
13 by the department for the medical treatment of inmates. The assessment
14 shall be reported to the commissioner by way of the deputy commissioner
15 for health services or the chief medical officer of the facility and
16 shall include but shall not be limited to a description of the condi-
17 tions, diseases or syndromes suffered by the inmate, a prognosis
18 concerning the likelihood that the inmate will not recover from such
19 conditions, diseases or syndromes, a description of the inmate's phys-
20 ical or cognitive incapacity which shall include a prediction respecting
21 the likely duration of the incapacity, and a statement by the physician
22 of whether the inmate is so debilitated or incapacitated as to be
23 severely restricted in his or her ability to self-ambulate or to perform
24 significant activities of daily living. This assessment also shall
25 include a recommendation of the type and level of services and level of
26 care the inmate would require if granted geriatric parole and a recom-
27 mendation for the types of settings in which the services and treatment
28 should be given.

29 (b) The commissioner, or the commissioner's designee, shall review the
30 assessment and may certify that the inmate is suffering from a chronic
31 or serious condition, disease, syndrome or infirmity, exacerbated by
32 age, that has rendered the inmate so physically or cognitively debili-
33 tated or incapacitated that the ability to provide self-care within the
34 environment of a correctional facility is substantially diminished. If
35 the commissioner does not so certify then the inmate shall not be
36 referred to the board for consideration for release on geriatric parole.
37 If the commissioner does so certify, then the commissioner shall, within
38 seven working days of receipt of such assessment, refer the inmate to
39 the board for consideration for release on geriatric parole. However, an
40 inmate will not be referred to the board of parole with diseases, condi-
41 tions, syndromes or infirmities that pre-existed incarceration unless
42 certified by a physician that such diseases, conditions, syndromes or
43 infirmities, have progressed to render the inmate so physically or
44 cognitively debilitated or incapacitated that the ability to provide
45 self-care within the environment of a correctional facility is substan-
46 tially diminished.

47 3. Any certification by the commissioner or the commissioner's desig-
48 nee pursuant to this section shall be deemed a judicial function and
49 shall not be reviewable if done in accordance with law.

50 4. (a) Once an inmate is released on geriatric parole, that releasee
51 will then be supervised by the department pursuant to paragraph (b) of
52 subdivision two of section two hundred fifty-nine-i of this article.

53 (b) The board may require as a condition of release on geriatric
54 parole that the releasee agree to remain under the care of a physician
55 while on geriatric parole and in a hospital established pursuant to
56 article twenty-eight of the public health law, nursing home established

1 pursuant to article twenty-eight-a of the public health law, a hospice
2 established pursuant to article forty of the public health law or any
3 other placement, including a residence with family or others, that can
4 provide appropriate medical and other necessary geriatric care as recom-
5 mended by the medical assessment required by subdivision two of this
6 section. For those who are released pursuant to this subdivision, a
7 discharge plan shall be completed and state that the availability of the
8 placement has been confirmed, and by whom. Notwithstanding any other
9 provision of law, when an inmate who qualifies for release under this
10 section is cognitively incapable of signing the requisite documentation
11 to effectuate the discharge plan and, after a diligent search no person
12 has been identified who could otherwise be appointed as the inmate's
13 guardian by a court of competent jurisdiction, then, solely for the
14 purpose of implementing the discharge plan, the facility health services
15 director at the facility where the inmate is currently incarcerated
16 shall be lawfully empowered to act as the inmate's guardian for the
17 purpose of effectuating the discharge.

18 (c) Where appropriate, the board shall require as a condition of
19 release that geriatric parolees be supervised on intensive caseloads at
20 reduced supervision ratios.

21 5. A denial of release on geriatric parole shall not preclude the
22 inmate from reapplying for geriatric parole or otherwise affect an
23 inmate's eligibility for any other form of release provided for by law.

24 6. To the extent that any provision of this section requires disclo-
25 sure of medical information for the purpose of processing an application
26 or making a decision, regarding release on geriatric parole or for the
27 purpose of appropriately supervising a person released on geriatric
28 parole, and that such disclosure would otherwise be prohibited by arti-
29 cle twenty-seven-f of that public health law, the provisions of this
30 section shall be controlling.

31 7. The commissioner and the chair of the board shall be authorized to
32 promulgate rules and regulations for their respective agencies to imple-
33 ment the provisions of this section.

34 8. Any decision made by the board pursuant to this section may be
35 appealed pursuant to subdivision four of section two hundred fifty-
36 nine-i of this article.

37 9. The chair of the board shall report annually to the governor, the
38 temporary president of the senate and the speaker of the assembly, the
39 chairpersons of the assembly and senate codes committees, the chair-
40 person of the senate crime and corrections committee, and the chair-
41 person of the assembly corrections committee the number of inmates who
42 have applied for geriatric parole under this section; the number who
43 have been granted geriatric parole; the nature of the illness of the
44 applicants, the counties to which they have been released and the nature
45 of the placement pursuant to the discharge plan; the categories of
46 reasons for denial for those who have been denied; the number of releas-
47 ees on geriatric parole who have been returned to imprisonment in the
48 custody of the department and the reasons for return.

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

50

PART M

51 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax
52 law, as amended by section 1 of part C of chapter 57 of the laws of
53 2016, is amended to read as follows:

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

10 § 2. This act shall take effect immediately.

11 PART N

12 Section 1. The executive law is amended by adding a new section 216-e
13 to read as follows:

14 § 216-e. Subpoena authority for investigations of online sexual
15 offenses against minors. 1. Except as provided in subdivision two of
16 this section, in any investigation where a minor is a potential victim
17 of any offense specified in articles two hundred thirty, two hundred
18 thirty-five, or two hundred sixty-three of the penal law, and upon
19 reasonable cause to believe that an internet service account or online
20 identifier has been used in the commission of such offense, the super-
21 intendent of the state police and/or the superintendent's authorized
22 designee shall have the authority to issue in writing and cause to be
23 served an administrative subpoena requiring the production of records
24 and testimony relevant to the investigation of such offense, including
25 the following information related to the subscriber or customer of an
26 internet service account or online identifier:

27 (a) Name;

28 (b) Internet username;

29 (c) Billing and service address;

30 (d) Electronic mail address;

31 (e) Internet protocol address;

32 (f) Telephone number of account holder;

33 (g) Method of access to the internet;

34 (h) Local and long distance telephone connection records, or records
35 of session times and durations;

36 (i) Telephone or instrument number or other subscriber number or iden-
37 tity, including any temporarily assigned network address;

38 (j) Account status;

39 (k) Length of service, including start date, and types of service
40 utilized;

41 (l) Means and source of payment for such service, including any credit
42 card or bank account number.

43 2. The following information shall not be subject to disclosure pursu-
44 ant to an administrative subpoena issued under this section:

45 (a) The contents of stored or in-transit electronic communications;

46 (b) Account memberships related to internet groups, newsgroups, mail-
47 ing lists, or specific areas of interest;

48 (c) Account passwords; and

49 (d) Account content, including electronic mail in any form, address
50 books, contacts, financial records, web surfing history, internet proxy
51 content, and files or other digital documents stored with the account or
52 pursuant to use of the account.

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

1

PART O

2 Section 1. The state finance law is amended by adding a new section
3 99-bb to read as follows:

4 § 99-bb. Armory rental account. 1. Notwithstanding sections eight,
5 eight-a and seventy of this chapter or any other provision of law, rule,
6 regulation or practice to the contrary, there is hereby established in
7 the joint custody of the state comptroller and the commissioner of taxa-
8 tion and finance an armory rental account fund, which shall consist of
9 all moneys paid as rent pursuant to section one hundred eighty-three of
10 the military law.

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

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

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

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

27 § 3. This act shall take effect [~~on the same date as the reversion of~~
28 ~~subdivision 5 of section 183 and subdivision 1 of section 221 of the~~
29 ~~military law as provided by section 76 of chapter 435 of the laws of~~
30 ~~1997, as amended by section 1 of chapter 19 of the laws of 1999 notwith-~~
31 ~~standing this act shall be deemed to have been in full force and effect~~
32 ~~on and after July 31, 2005 and shall remain in full force and effect~~
33 ~~until September 1, 2019 when upon such date this act shall expire~~] imme-
34 diately; provided however that the amendments made to subdivision 1 of
35 section 221 of the military law by section two of this act shall expire
36 and be deemed repealed September 1, 2019.

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

39

PART P

40 Section 1. Paragraph (f) of subdivision 3 of section 30.10 of the
41 criminal procedure law, as separately amended by chapters 3 and 320 of
42 the laws of 2006, is amended to read as follows:

43 (f) [~~For purposes of a~~] (i) A prosecution involving a [~~sexual~~] sexual-
44 ly related felony offense [~~as defined in article one hundred thirty of~~
45 ~~the penal law, other than a sexual offense delineated in paragraph (a)~~
46 ~~of subdivision two of this section,~~] committed against a child less than
47 eighteen years of age, [~~incest in the first, second or third degree as~~
48 ~~defined in sections 255.27, 255.26 and 255.25 of the penal law committed~~
49 ~~against a child less than eighteen years of age, or use of a child in a~~
50 ~~sexual performance as defined in section 263.05 of the penal law,~~] may
51 be commenced at any time. For all other sexually related offenses the
52 period of limitation shall not begin to run until the child has reached
53 the age of eighteen or the offense is reported to a law enforcement

1 agency or statewide central register of child abuse and maltreatment,
2 whichever occurs earlier.

3 (ii) For purposes of this paragraph, a sexually related offense shall
4 mean any offense listed in article one hundred thirty, two hundred thir-
5 ty, two hundred thirty-five, two hundred forty-five, or two hundred
6 sixty-three of the penal law, or sections 120.70 (luring a child),
7 135.05 (unlawful imprisonment in the second degree), 135.10 (unlawful
8 imprisonment in the first degree), 240.37 (loitering for the purposes of
9 engaging in a prostitution offense), 250.45 (unlawful surveillance in
10 the second degree), 250.50 (unlawful surveillance in the first degree),
11 255.15 (bigamy), 255.25 (incest in the third degree), 255.26 (incest in
12 the second degree), 255.27 (incest in the first degree), 260.20 (unlaw-
13 fully dealing with a child in the first degree), 260.21 (unlawfully
14 dealing with a child in the second degree), 260.32 (endangering the
15 welfare of a vulnerable elderly person, or an incompetent or physically
16 disabled person in the second degree), or 260.34 (endangering the
17 welfare of a vulnerable elderly person, or an incompetent or physically
18 disabled person in the first degree) of the penal law.

19 § 2. Subdivision 8 of section 50-e of the general municipal law, as
20 amended by chapter 24 of the laws of 1988, is amended to read as
21 follows:

22 8. Inapplicability of section. (a) This section shall not apply to
23 claims arising under the provisions of the workers' compensation law,
24 the volunteer firefighters' benefit law, or the volunteer ambulance
25 workers' benefit law or to claims against public corporations by their
26 own infant wards.

27 (b) This section shall not apply to any claim made for physical,
28 psychological, or other injury or condition suffered as a result of
29 conduct of a defendant that would constitute a sexually related offense
30 as stated in subparagraph (ii) of paragraph (f) of subdivision three of
31 section 30.10 of the criminal procedure law committed against a child
32 less than eighteen years of age.

33 § 3. Section 50-i of the general municipal law is amended by adding a
34 new subdivision 5 to read as follows:

35 5. Notwithstanding any provision of law to the contrary, this section
36 shall not apply to any claim made against a city, county, town, village,
37 fire district or school district for physical, psychological, or other
38 injury or condition suffered as a result of conduct of a defendant that
39 would constitute a sexually related offense as stated in subparagraph
40 (ii) of paragraph (f) of subdivision three of section 30.10 of the crim-
41 inal procedure law committed against a child less than eighteen years of
42 age.

43 § 4. Section 10 of the court of claims act is amended by adding a new
44 subdivision 10 to read as follows:

45 10. Notwithstanding any provision of law to the contrary, this section
46 shall not apply to any claim made against the state for physical,
47 psychological, or other injury or condition suffered as a result of
48 conduct of a defendant that would constitute a sexually related offense
49 as stated in subparagraph (ii) of paragraph (f) of subdivision three of
50 section 30.10 of the criminal procedure law committed against a child
51 less than eighteen years of age.

52 § 5. Subdivision 2 of section 3813 of the education law, as amended by
53 chapter 346 of the laws of 1978, is amended to read as follows:

54 2. Notwithstanding anything to the contrary hereinbefore contained in
55 this section, no action or special proceeding founded upon tort shall be
56 prosecuted or maintained against any of the parties named in this

1 section or against any teacher or member of the supervisory or adminis-
2 trative staff or employee where the alleged tort was committed by such
3 teacher or member or employee acting in the discharge of his duties
4 within the scope of his employment and/or under the direction of the
5 board of education, trustee or trustees, or governing body of the school
6 unless a notice of claim shall have been made and served in compliance
7 with section fifty-e of the general municipal law. Every such action
8 shall be commenced pursuant to the provisions of section fifty-i of the
9 general municipal law, provided, however, that this section shall not
10 apply to any claim made against a school district for physical, psycho-
11 logical, or other injury or condition suffered as a result of conduct of
12 a defendant that would constitute a sexually related offense as stated
13 in subparagraph (ii) of paragraph (f) of subdivision three of section
14 30.10 of the criminal procedure law committed against a child less than
15 eighteen years of age.

16 § 6. Section 213-c of the civil practice law and rules, as added by
17 chapter 3 of the laws of 2006, is amended to read as follows:

18 § 213-c. Action by victim of conduct constituting certain [~~sexual~~]
19 sexually related offenses. 1. Notwithstanding any other limitation set
20 forth in this article, a civil claim or cause of action to recover from
21 a defendant as hereinafter defined, for physical, psychological or other
22 injury or condition suffered by a person as a result of [~~acts~~] any act
23 by such defendant [~~of rape in the first degree as defined in section~~
24 ~~130.35 of the penal law, or criminal sexual act in the first degree as~~
25 ~~defined in section 130.50 of the penal law, or aggravated sexual abuse~~
26 ~~in the first degree as defined in section 130.70 of the penal law, or~~
27 ~~course of sexual conduct against a child in the first degree as defined~~
28 ~~in section 130.75 of the penal law] that would constitute a sexually
29 related offense as stated in subparagraph (ii) of paragraph (f) of
30 subdivision three of section 30.10 of the criminal procedure law may be
31 [~~brought within five years~~] commenced within fifty years of the commis-
32 sion of the act. As used in this section, the term "defendant" shall
33 mean only a person who commits any of the acts described in this section
34 or who, in a criminal proceeding, could be charged with criminal liabil-
35 ity for the commission of such acts pursuant to section 20.00 of the
36 penal law and shall not apply to any related civil claim or cause of
37 action arising from such acts. Nothing in this section shall be
38 construed to require that a criminal charge be brought or a criminal
39 conviction be obtained as a condition of bringing a civil cause of
40 action or receiving a civil judgment pursuant to this section or be
41 construed to require that any of the rules governing a criminal proceed-
42 ing be applicable to any such civil action.~~

43 2. In an action brought pursuant to this section, the burden shall be
44 on the plaintiff to prove by a preponderance of the evidence that the
45 acts constituting the sexually related offense were committed by the
46 defendant.

47 § 7. The civil practice law and rules is amended by adding a new
48 section 214-g to read as follows:

49 § 214-g. Certain child sexual abuse cases. Notwithstanding any
50 provision of law that imposes a period of limitation to the contrary,
51 every civil claim or cause of action brought by a person for physical,
52 psychological, or other injury or condition suffered as a result of
53 conduct that would constitute a sexually related offense as stated in
54 subparagraph (ii) of paragraph (f) of subdivision three of section 30.10
55 of the criminal procedure law committed against a child less than eigh-
56 teen years of age, that is barred as of the effective date of this

1 section because the applicable period of limitation has expired is here-
2 by revived, and action thereon may be commenced on or before one year
3 after the effective date of this section.

4 § 8. This act shall take effect immediately; provided, however, that
5 the amendments to section 213-c of the civil practice law and rules made
6 by section six of this act shall apply to any cause of action, regard-
7 less of the date on which such cause of action accrued.

8

PART Q

9 Section 1. Subdivision 14 of section 3 of the alcoholic beverage
10 control law, as amended by chapter 330 of the laws of 1970, is amended
11 to read as follows:

12 14. "Hotel" shall mean a building which is regularly used and kept
13 open as such in bona fide manner for the feeding and lodging of guests,
14 where all who conduct themselves properly and who are able and ready to
15 pay for such services are received if there be accommodations for them.
16 The term "hotel" shall also include an apartment hotel wherein apart-
17 ments are rented for fixed periods of time, either furnished or unfur-
18 nished, where the keeper of such hotel regularly supplies food to the
19 occupants thereof [~~in a restaurant located in such hotel~~]. "Hotel" shall
20 also mean and include buildings (commonly called a motel) upon the same
21 lot of land and owned or in possession under a lease in writing by the
22 same person or firm who maintains such buildings for the lodging of
23 guests and supplies them with food [~~from a restaurant located upon the~~
24 ~~same premises~~]. A hotel shall regularly keep food available for sale or
25 service to its customers for consumption on the premises in the hotel or
26 in a restaurant or other food establishment located in the same building
27 as the hotel. The availability of sandwiches, soups or other foods,
28 whether fresh, processed, pre-cooked or frozen, shall be deemed in
29 compliance with this requirement.

30 § 2. Subdivision 5 of section 64 of the alcoholic beverage control
31 law, as amended by chapter 258 of the laws of 1976, is amended to read
32 as follows:

33 5. No retail license under this section shall be granted except for
34 such premises as are being conducted as a bona fide hotel [~~provided that~~
35 ~~a restaurant is operated in such premises~~], restaurant, catering estab-
36 lishment, club, railroad car, vessel or aircraft being operated on regu-
37 larly scheduled flights by a United States certificated airline.

38 § 3. This act shall take effect immediately.

39

PART R

40 Section 1. Section 3 of the alcoholic beverage control law is amended
41 by adding a new subdivision 6-a to read as follows:

42 6-a. "Braggot" shall mean a malt alcoholic beverage made primarily
43 from: honey; water; and malt and/or hops (i) which may also contain
44 fruits, spices, herbs, grain or other agricultural products; and (ii)
45 with honey representing at least fifty-one percent of the starting
46 fermentable sugars by weight of the finished product. For the purposes
47 of this chapter, braggot shall be designated as and sold as a beer.

48 § 2. Section 3 of the alcoholic beverage control law is amended by
49 adding a new subdivision 12-aaaa to read as follows:

50 12-aaaa. "Farm meadery" means and includes any place or premises,
51 located on a farm in New York state, in which New York state labelled
52 mead or New York state labelled braggot is manufactured, stored and

1 sold, or any other place or premises in New York state in which New York
2 state labelled mead or New York state labelled braggot is manufactured,
3 stored and sold.

4 § 3. Section 3 of the alcoholic beverage control law is amended by
5 adding a new subdivision 19-a to read as follows:

6 19-a. "Mead" shall mean a wine made primarily from honey and water:
7 (i) which may also contain hops, fruits, spices, herbs, grain or other
8 agricultural products; and (ii) with honey representing at least fifty-
9 one percent of the starting fermentable sugars by weight of the finished
10 product. The brand or trade name label owner of such alcoholic beverage
11 shall designate whether such alcoholic beverage shall be sold as and
12 treated in the same manner as wine or mead for all purposes under this
13 chapter. Provided, however, any mead containing more than eight and
14 one-half per centum alcohol by volume shall be designated, sold as and
15 treated in the same manner as wine.

16 § 4. Section 3 of the alcoholic beverage control law is amended by
17 adding a new subdivision 20-f to read as follows:

18 20-f. "New York state labeled braggot" means braggot made exclusively
19 from honey produced in New York state.

20 § 5. Section 3 of the alcoholic beverage control law is amended by
21 adding a new subdivision 20-g to read as follows:

22 20-g. "New York state labeled mead" means mead made exclusively from
23 honey produced in New York state.

24 § 6. The alcoholic beverage control law is amended by adding a new
25 article 6-A to read as follows:

26 ARTICLE 6-A

27 SPECIAL PROVISIONS RELATING TO MEAD

28 Section 86. Farm meadery license.

29 87. Authorization for sale of mead and braggot by retail licen-
30 sees.

31 88. Authorization for sale of mead and braggot by wholesale
32 licensees.

33 § 86. Farm meadery license. 1. Any person may apply to the authority
34 for a farm meadery license as provided for in this section to produce
35 mead and braggot within this state for sale. Such application shall be
36 in writing and verified and shall contain such information as the
37 authority shall require. Such application shall be accompanied by a
38 check or draft for the amount required by this article for such license.
39 If the authority grants the application, it shall issue a license in
40 such form as shall be determined by its rules. Such license shall
41 contain a description of the licensed premises and in form and in
42 substance shall be a license to the person therein specifically desig-
43 nated to produce mead and braggot in the premises therein specifically
44 licensed. The annual fee for such a license shall be seventy-five
45 dollars.

46 2. A farm meadery license shall authorize the holder thereof to oper-
47 ate a meadery for the manufacture of New York state labelled mead and
48 New York state labelled braggot. Such a license shall also authorize the
49 licensee to:

50 (a) sell in bulk mead or braggot manufactured by the licensee to any
51 person licensed to manufacture alcoholic beverages in this state or to a
52 permittee engaged in the manufacture of products which are unfit for
53 beverage use;

54 (b) sell or deliver mead or braggot manufactured by the licensee to
55 persons outside the state pursuant to the laws of the place of such
56 delivery;

1 (c) sell mead manufactured by the licensee to wholesalers and retail-
2 ers licensed in this state to sell such mead, licensed farm distillers,
3 licensed farm wineries, licensed wineries, licensed farm breweries,
4 licensed farm cideries and any other licensed farm meadery. All such
5 mead sold by the licensee shall be securely sealed and have attached
6 thereto a label as shall be required by section one hundred seven-a of
7 this chapter;

8 (d) sell braggot manufactured by the licensee to wholesalers and
9 retailers licensed in this state to sell beer, licensed farm distillers,
10 licensed farm wineries, licensed breweries, licensed farm breweries,
11 licensed farm cideries and any other licensed farm meadery. All such
12 braggot sold by the licensee shall be securely sealed and have attached
13 thereto a label as shall be required by section one hundred seven-a of
14 this chapter;

15 (e) operate, or use the services of, a custom crush facility as
16 defined in subdivision nine-a of section three of this chapter;

17 (f) at the licensed premises, conduct tastings of, and sell at retail
18 for consumption on or off the licensed premises, any New York state
19 labeled mead, New York state labeled braggot, New York state labeled
20 beer, New York state labeled cider, New York state labeled liquor or New
21 York state labeled wine. Provided, however, for tastings and sales for
22 on-premises consumption, the licensee shall regularly keep food avail-
23 able for sale or service to its retail customers for consumption on the
24 premises. A licensee providing the following shall be deemed in compli-
25 ance with this provision: (i) sandwiches, soups or other such foods,
26 whether fresh, processed, pre-cooked or frozen; and/or (ii) food items
27 intended to complement the tasting of alcoholic beverages, which shall
28 mean a diversified selection of food that is ordinarily consumed without
29 the use of tableware and can be conveniently consumed while standing or
30 walking, including but not limited to: cheeses, fruits, vegetables,
31 chocolates, breads, mustards and crackers. All of the provisions of this
32 chapter relative to licensees selling alcoholic beverages at retail
33 shall apply;

34 (g) operate a restaurant, hotel, catering establishment, or other food
35 and drinking establishment in or adjacent to the licensed premises and
36 sell at such place, at retail for consumption on the premises, any New
37 York state labeled mead, New York state labeled braggot, New York state
38 labeled beer, New York state labeled cider, New York state labeled
39 liquor or New York state labeled wine. All of the provisions of this
40 chapter relative to licensees selling alcoholic beverages at retail
41 shall apply. Notwithstanding any other provision of law, the licensed
42 farm meadery may apply to the authority for a license under this chapter
43 to sell other alcoholic beverages at retail for consumption on the prem-
44 ises at such establishment; and

45 (h) store and sell gift items in a tax-paid room upon the licensed
46 premises incidental to the sale of mead and braggot. These gift items
47 shall be limited to the following categories: (i) non-alcoholic beverage-
48 s for consumption on or off premises, including but not limited to
49 bottled water, juice and soda beverages; (ii) food items for the purpose
50 of complementing mead tastings, shall mean a diversified selection of
51 food which is ordinarily consumed without the use of tableware and can
52 conveniently be consumed while standing or walking; (iii) food items,
53 which shall include locally produced farm products and any food or food
54 product not specifically prepared for immediate consumption upon the
55 premises; (iv) mead and braggot supplies and accessories, which shall
56 include any item utilized for the storage, serving or consumption of

1 mead and braggot or for decorative purposes; (v) souvenir items, which
2 shall include, but not be limited to artwork, crafts, clothing, agricul-
3 tural products and any other articles which can be construed to propa-
4 gate tourism within the region; and (vi) mead-making and braggot-making
5 equipment.

6 3. A licensed farm meadery may engage in any other business on the
7 licensed premises subject to such rules and regulations as the liquor
8 authority may prescribe. In prescribing such rules and regulations, the
9 liquor authority shall promote the expansion and profitability of mead
10 and braggot production and of tourism in New York, thereby promoting the
11 conservation, production and enhancement of New York state agricultural
12 lands. Further, such rules and regulations shall determine which busi-
13 nesses will be compatible with the policy and purposes of this chapter
14 and shall consider the effect of particular businesses on the community
15 and area in the vicinity of the farm meadery licensee.

16 4. Notwithstanding any provision of this chapter to the contrary, any
17 farm meadery licensee may charge for tours of its premises.

18 5. The holder of a license issued under this section may operate up to
19 five branch offices located away from the licensed farm meadery. Such
20 locations shall be considered part of the licensed premises and all
21 activities allowed at and limited to the farm meadery may be conducted
22 at the branch offices. Such branch offices shall not be located within,
23 share a common entrance and exit with, or have any interior access to
24 any other business, including premises licensed to sell alcoholic bever-
25 ages at retail. Prior to commencing operation of any such branch office,
26 the licensee shall notify the authority of the location of such branch
27 office and the authority may issue a permit for the operation of same.

28 6. (a) No farm meadery shall manufacture in excess of two hundred
29 fifty thousand gallons of mead and/or braggot annually.

30 (b) A licensed farm meadery shall produce at least fifty gallons of
31 mead and/or braggot annually.

32 7. No licensed farm meadery shall manufacture or sell any mead other
33 than New York state labelled mead.

34 8. No licensed farm meadery shall manufacture or sell any braggot
35 other than New York state labelled braggot.

36 9. The authority is hereby authorized to promulgate rules and regu-
37 lations to effectuate the purposes of this section. In prescribing such
38 rules and regulations, the authority shall promote the expansion and
39 profitability of mead production and of tourism in New York, thereby
40 promoting the conservation, production and enhancement of New York state
41 agricultural lands.

42 § 87. Authorization for sale of mead and braggot by retail licensees.

43 1. Each retail licensee under this chapter shall have the right, by
44 virtue of his license and without being required to pay any additional
45 fee for the privilege, to sell at retail for consumption on or off the
46 premises, as the case may be, mead which has not been designated as a
47 wine pursuant to subdivision nineteen-a of section three of this chapter
48 and which has been purchased from a person licensed to produce or sell
49 mead at wholesale under this chapter.

50 2. Each retail licensee authorized to sell wine under this chapter
51 shall have the right, by virtue of his license and without being
52 required to pay any additional fee for the privilege, to sell at retail
53 for consumption on or off the premises, as the case may be, mead which
54 has been designated as a wine pursuant to subdivision nineteen-a of
55 section three of this chapter and which has been purchased from a person
56 licensed to produce or sell mead at wholesale under this chapter.

1 3. Each retail licensee authorized to sell beer under this chapter
2 shall have the right, by virtue of his license and without being
3 required to pay any additional fee for the privilege, to sell at retail
4 for consumption on or off the premises, as the case may be, braggot
5 which has been purchased from a person licensed to produce or sell brag-
6 got at wholesale under this chapter.

7 § 88. Authorization for sale of mead and braggot by wholesale licen-
8 sees. 1. Each wholesale licensee authorized to sell beer under this
9 chapter shall have the right, by virtue of its license and without being
10 required to pay any additional fee for the privilege, to sell at whole-
11 sale: (a) braggot purchased from a person licensed to produce braggot
12 under this chapter. Such braggot shall be subject to the provisions of
13 this chapter regarding the tasting and sale of beer at wholesale and
14 retail; or

15 (b) mead purchased from a person licensed to produce mead and which
16 has not been designated as wine pursuant to subdivision nineteen-a of
17 section three of this chapter. Such mead shall be subject to the
18 provisions of this chapter regarding the tasting and sale of beer at
19 wholesale and retail.

20 2. Each wholesale licensee authorized to sell wine under this chapter
21 shall have the right, by virtue of its license and without being
22 required to pay any additional fee for the privilege, to sell at whole-
23 sale mead purchased from a person licensed to produce mead and which has
24 been designated as wine pursuant to subdivision nineteen-a of section
25 three of this chapter. Such mead shall be subject to the provisions of
26 this chapter regarding the tasting and sale of wine at wholesale and
27 retail.

28 § 7. Subdivision 3 of section 17 of the alcoholic beverage control
29 law, as amended by section 3 of chapter 297 of the laws of 2016, is
30 amended to read as follows:

31 3. To revoke, cancel or suspend for cause any license or permit issued
32 under this chapter and/or to impose a civil penalty for cause against
33 any holder of a license or permit issued pursuant to this chapter. Any
34 civil penalty so imposed shall not exceed the sum of ten thousand
35 dollars as against the holder of any retail permit issued pursuant to
36 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
37 paragraph f of subdivision one of section ninety-nine-b of this chapter,
38 and as against the holder of any retail license issued pursuant to
39 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-
40 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
41 sixty-four-c, seventy-six-f, seventy-nine, eighty-one and eighty-one-a
42 of this chapter, and the sum of thirty thousand dollars as against the
43 holder of a license issued pursuant to sections fifty-three, fifty-
44 eight, fifty-eight-c, sixty-one-a, sixty-one-b, seventy-six, seventy-
45 six-a, [and] seventy-eight and eighty-six of this chapter, provided that
46 the civil penalty against the holder of a wholesale license issued
47 pursuant to section fifty-three of this chapter shall not exceed the sum
48 of ten thousand dollars where that licensee violates provisions of this
49 chapter during the course of the sale of beer at retail to a person for
50 consumption at home, and the sum of one hundred thousand dollars as
51 against the holder of any license issued pursuant to sections fifty-one,
52 sixty-one, and sixty-two of this chapter. Any civil penalty so imposed
53 shall be in addition to and separate and apart from the terms and
54 provisions of the bond required pursuant to section one hundred twelve
55 of this chapter. Provided that no appeal is pending on the imposition of
56 such civil penalty, in the event such civil penalty imposed by the divi-

1 sion remains unpaid, in whole or in part, more than forty-five days
2 after written demand for payment has been sent by first class mail to
3 the address of the licensed premises, a notice of impending default
4 judgment shall be sent by first class mail to the licensed premises and
5 by first class mail to the last known home address of the person who
6 signed the most recent license application. The notice of impending
7 default judgment shall advise the licensee: (a) that a civil penalty was
8 imposed on the licensee; (b) the date the penalty was imposed; (c) the
9 amount of the civil penalty; (d) the amount of the civil penalty that
10 remains unpaid as of the date of the notice; (e) the violations for
11 which the civil penalty was imposed; and (f) that a judgment by default
12 will be entered in the supreme court of the county in which the licensed
13 premises are located, or other court of civil jurisdiction or any other
14 place provided for the entry of civil judgments within the state of New
15 York unless the division receives full payment of all civil penalties
16 due within twenty days of the date of the notice of impending default
17 judgment. If full payment shall not have been received by the division
18 within thirty days of mailing of the notice of impending default judg-
19 ment, the division shall proceed to enter with such court a statement of
20 the default judgment containing the amount of the penalty or penalties
21 remaining due and unpaid, along with proof of mailing of the notice of
22 impending default judgment. The filing of such judgment shall have the
23 full force and effect of a default judgment duly docketed with such
24 court pursuant to the civil practice law and rules and shall in all
25 respects be governed by that chapter and may be enforced in the same
26 manner and with the same effect as that provided by law in respect to
27 execution issued against property upon judgments of a court of record. A
28 judgment entered pursuant to this subdivision shall remain in full force
29 and effect for eight years notwithstanding any other provision of law.

30 § 8. Subdivision 3 of section 17 of the alcoholic beverage control
31 law, as amended by section 4 of chapter 297 of the laws of 2016, is
32 amended to read as follows:

33 3. To revoke, cancel or suspend for cause any license or permit issued
34 under this chapter and/or to impose a civil penalty for cause against
35 any holder of a license or permit issued pursuant to this chapter. Any
36 civil penalty so imposed shall not exceed the sum of ten thousand
37 dollars as against the holder of any retail permit issued pursuant to
38 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
39 paragraph f of subdivision one of section ninety-nine-b of this chapter,
40 and as against the holder of any retail license issued pursuant to
41 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-
42 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
43 sixty-four-c, seventy-six-f, seventy-nine, eighty-one, and eighty-one-a
44 of this chapter, and the sum of thirty thousand dollars as against the
45 holder of a license issued pursuant to sections fifty-three, fifty-
46 eight, fifty-eight-c, sixty-one-a, sixty-one-b, seventy-six, seventy-
47 six-a [~~and~~], seventy-eight and eighty-six of this chapter, provided that
48 the civil penalty against the holder of a wholesale license issued
49 pursuant to section fifty-three of this chapter shall not exceed the sum
50 of ten thousand dollars where that licensee violates provisions of this
51 chapter during the course of the sale of beer at retail to a person for
52 consumption at home, and the sum of one hundred thousand dollars as
53 against the holder of any license issued pursuant to sections fifty-one,
54 sixty-one and sixty-two of this chapter. Any civil penalty so imposed
55 shall be in addition to and separate and apart from the terms and
56 provisions of the bond required pursuant to section one hundred twelve

1 of this chapter. Provided that no appeal is pending on the imposition of
2 such civil penalty, in the event such civil penalty imposed by the divi-
3 sion remains unpaid, in whole or in part, more than forty-five days
4 after written demand for payment has been sent by first class mail to
5 the address of the licensed premises, a notice of impending default
6 judgment shall be sent by first class mail to the licensed premises and
7 by first class mail to the last known home address of the person who
8 signed the most recent license application. The notice of impending
9 default judgment shall advise the licensee: (a) that a civil penalty was
10 imposed on the licensee; (b) the date the penalty was imposed; (c) the
11 amount of the civil penalty; (d) the amount of the civil penalty that
12 remains unpaid as of the date of the notice; (e) the violations for
13 which the civil penalty was imposed; and (f) that a judgment by default
14 will be entered in the supreme court of the county in which the licensed
15 premises are located, or other court of civil jurisdiction, or any other
16 place provided for the entry of civil judgments within the state of New
17 York unless the division receives full payment of all civil penalties
18 due within twenty days of the date of the notice of impending default
19 judgment. If full payment shall not have been received by the division
20 within thirty days of mailing of the notice of impending default judg-
21 ment, the division shall proceed to enter with such court a statement of
22 the default judgment containing the amount of the penalty or penalties
23 remaining due and unpaid, along with proof of mailing of the notice of
24 impending default judgment. The filing of such judgment shall have the
25 full force and effect of a default judgment duly docketed with such
26 court pursuant to the civil practice law and rules and shall in all
27 respects be governed by that chapter and may be enforced in the same
28 manner and with the same effect as that provided by law in respect to
29 execution issued against property upon judgments of a court of record. A
30 judgment entered pursuant to this subdivision shall remain in full force
31 and effect for eight years notwithstanding any other provision of law.

32 § 9. Paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i) and (l) of
33 subdivision 2 of section 51-a of the alcoholic beverage control law,
34 paragraphs (a), (b), (c), (f), (h), (i) and (l) as added by chapter 108
35 of the laws of 2012, paragraph (d) as amended by chapter 384 of the laws
36 of 2013, paragraph (e) as amended by chapter 328 of the laws of 2016,
37 paragraph (g) as amended by chapter 431 of the laws of 2014, and para-
38 graph (l) as relettered by chapter 384 of the laws of 2013, are amended
39 to read as follows:

40 (a) manufacture New York state labelled cider and New York state
41 labeled braggot;

42 (b) sell in bulk [~~beer and cider~~] alcoholic beverages manufactured by
43 the licensee to any person licensed to manufacture alcoholic beverages
44 in this state or to a permittee engaged in the manufacture of products
45 which are unfit for beverage use;

46 (c) sell or deliver [~~beer and cider~~] alcoholic beverages manufactured
47 by the licensee to persons outside the state pursuant to the laws of the
48 place of such delivery;

49 (d) sell [~~beer and cider~~] alcoholic beverages manufactured by the
50 licensee to wholesalers and retailers licensed in this state to sell
51 such [~~beer and cider~~] alcoholic beverages, licensed farm distillers,
52 licensed farm wineries, licensed farm cideries, licensed farm meaderies
53 and any other licensed farm brewery. All such [~~beer and cider~~] alcoholic
54 beverages sold by the licensee shall be securely sealed and have
55 attached thereto a label as shall be required by section one hundred
56 seven-a of this chapter;

1 (e) sell at the licensed premises [~~beer and cider~~] alcoholic beverages
2 manufactured by the licensee or any other licensed farm brewery[, ~~and~~
3 ~~wine and spirits manufactured by any licensed farm winery or farm~~
4 ~~distillery, at retail for consumption on or off the licensed premises~~];

5 (f) conduct tastings at the licensed premises of [~~beer and cider~~]
6 alcoholic beverages manufactured by the licensee or any other licensed
7 farm brewery;

8 (g) operate a restaurant, hotel, catering establishment, or other food
9 and drinking establishment in or adjacent to the licensed premises and
10 sell at such place, at retail for consumption on the premises, [~~beer and~~
11 ~~cider~~] alcoholic beverages manufactured by the licensee and any New York
12 state labeled beer, New York state labeled braggot or New York state
13 labeled cider. All of the provisions of this chapter relative to
14 licenses to sell [~~beer~~] alcoholic beverages at retail for consumption on
15 and off the premises shall apply so far as applicable to such licensee.
16 Notwithstanding any other provision of law, the licensed farm brewery
17 may apply to the authority for a license under this chapter to sell
18 other alcoholic beverages at retail for consumption on the premises at
19 such establishment;

20 (h) sell [~~beer and cider~~] alcoholic beverages manufactured by the
21 licensee or any other licensed farm brewery at retail for consumption
22 off the premises, at the state fair, at recognized county fairs and at
23 farmers markets operated on a not-for-profit basis;

24 (i) conduct tastings of and sell at retail for consumption off the
25 premises New York state labelled wine and mead manufactured by a
26 [~~licensed winery or licensed farm winery~~] person licensed to produce
27 wine or mead under this chapter;

28 (l) conduct tastings of and sell at retail for consumption off the
29 premises New York state labelled braggot manufactured by a person
30 licensed to produce braggot under this chapter; and

31 (m) engage in any other business on the licensed premises subject to
32 such rules and regulations as the authority may prescribe. Such rules
33 and regulations shall determine which businesses will be compatible with
34 the policy and purposes of this chapter and shall consider the effect of
35 particular businesses on the community and area in the vicinity of the
36 farm brewery licensee.

37 § 10. Paragraph (a) and subparagraph (ii) of paragraph (b) of subdivi-
38 sion 3 of section 51-a of the alcoholic beverage control law, as added
39 by chapter 108 of the laws of 2012, are amended to read as follows:

40 (a) A farm brewery licensee may apply for a permit to conduct tastings
41 away from the licensed premises of [~~beer and cider~~] alcoholic beverages
42 produced by the licensee. Such permit shall be valid throughout the
43 state and may be issued on an annual basis or for individual events.
44 Each such permit and the exercise of the privilege granted thereby shall
45 be subject to such rules and conditions of the authority as it deems
46 necessary.

47 (ii) any liability stemming from a right of action resulting from a
48 tasting of [~~beer or cider~~] alcoholic beverages as authorized herein and
49 in accordance with the provisions of sections 11-100 and 11-101 of the
50 general obligations law, shall accrue to the farm brewery.

51 § 11. Subdivision 4 of section 51-a of the alcoholic beverage control
52 law, as added by chapter 108 of the laws of 2012, is amended to read as
53 follows:

54 4. A licensed farm brewery holding a tasting permit issued pursuant to
55 subdivision three of this section may apply to the authority for a
56 permit to sell [~~beer and cider~~] alcoholic beverages produced by such

1 farm brewery, by the bottle, during such tastings in premises licensed
2 under sections sixty-four, sixty-four-a, eighty-one and eighty-one-a of
3 this chapter. Each such permit and the exercise of the privilege grant-
4 ed thereby shall be subject to such rules and conditions of the authori-
5 ty as it deems necessary.

6 § 12. Subdivision 10 of section 51-a of the alcoholic beverage control
7 law, as amended by chapter 431 of the laws of 2014, is amended to read
8 as follows:

9 10. (a) No farm brewery shall manufacture in excess of seventy-five
10 thousand finished barrels of [~~beer and cider~~] alcoholic beverages annu-
11 ally.

12 (b) A farm brewery shall manufacture at least fifty barrels of [~~beer
13 and cider~~] alcoholic beverages annually.

14 § 13. Subdivisions 1 and 2 of section 56-a of the alcoholic beverage
15 control law, as amended by chapter 422 of the laws of 2016, are amended
16 to read as follows:

17 1. In addition to the annual fees provided for in this chapter, there
18 shall be paid to the authority with each initial application for a
19 license filed pursuant to section fifty-one, fifty-one-a, fifty-two,
20 fifty-three, fifty-eight, fifty-eight-c, fifty-eight-d, sixty-one,
21 sixty-two, seventy-six, seventy-seven [~~or~~], seventy-eight or eighty-six
22 of this chapter, a filing fee of four hundred dollars; with each initial
23 application for a license filed pursuant to section sixty-three, sixty-
24 four, sixty-four-a or sixty-four-b of this chapter, a filing fee of two
25 hundred dollars; with each initial application for a license filed
26 pursuant to section fifty-three-a, fifty-four, fifty-five, fifty-five-a,
27 seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee
28 of one hundred dollars; with each initial application for a permit filed
29 pursuant to section ninety-one, ninety-one-a, ninety-two, ninety-two-a,
30 ninety-three, ninety-three-a, if such permit is to be issued on a calen-
31 dar year basis, ninety-four, ninety-five, ninety-six or ninety-six-a, or
32 pursuant to paragraph b, c, e or j of subdivision one of section nine-
33 ty-nine-b of this chapter if such permit is to be issued on a calendar
34 year basis, or for an additional bar pursuant to subdivision four of
35 section one hundred of this chapter, a filing fee of twenty dollars; and
36 with each application for a permit under section ninety-three-a of this
37 chapter, other than a permit to be issued on a calendar year basis,
38 section ninety-seven, ninety-eight, ninety-nine, or ninety-nine-b of
39 this chapter, other than a permit to be issued pursuant to paragraph b,
40 c, e or j of subdivision one of section ninety-nine-b of this chapter on
41 a calendar year basis, a filing fee of ten dollars.

42 2. In addition to the annual fees provided for in this chapter, there
43 shall be paid to the authority with each renewal application for a
44 license filed pursuant to section fifty-one, fifty-one-a, fifty-two,
45 fifty-three, fifty-eight, fifty-eight-c, fifty-eight-d, sixty-one,
46 sixty-two, seventy-six, seventy-seven [~~or~~], seventy-eight or eighty-six
47 of this chapter, a filing fee of one hundred dollars; with each renewal
48 application for a license filed pursuant to section sixty-three, sixty-
49 four, sixty-four-a or sixty-four-b of this chapter, a filing fee of
50 ninety dollars; with each renewal application for a license filed pursu-
51 ant to section seventy-nine, eighty-one or eighty-one-a of this chapter,
52 a filing fee of twenty-five dollars; and with each renewal application
53 for a license or permit filed pursuant to section fifty-three-a, fifty-
54 four, fifty-five, fifty-five-a, ninety-one, ninety-one-a, ninety-two,
55 ninety-two-a, ninety-three, ninety-three-a, if such permit is issued on
56 a calendar year basis, ninety-four, ninety-five, ninety-six or ninety-

1 six-a of this chapter or pursuant to paragraph b, c, e or j of subdivi-
2 sion one of section ninety-nine-b, if such permit is issued on a calen-
3 dar year basis, or with each renewal application for an additional bar
4 pursuant to subdivision four of section one hundred of this chapter, a
5 filing fee of thirty dollars.

6 § 14. Paragraph (j) of subdivision 2 of section 58-c of the alcoholic
7 beverage control law, as amended by chapter 327 of the laws of 2016, is
8 amended and two new paragraphs (j-1) and (j-2) are added to read as
9 follows:

10 (j) conduct tastings of and sell at retail for consumption on or off
11 the premises New York state labelled liquor manufactured by a licensed
12 distiller or licensed farm distiller; provided, however, that no consum-
13 er may be provided, directly or indirectly: (i) with more than three
14 samples of liquor for tasting in one calendar day; or (ii) with a sample
15 of liquor for tasting equal to more than one-quarter fluid ounce; [~~and~~]

16 (j-1) conduct tastings of and sell at retail for consumption on or off
17 the premises New York state labelled mead manufactured by a person
18 licensed to produce mead under this chapter;

19 (j-2) conduct tastings of and sell at retail for consumption on or off
20 the premises New York state labelled braggot manufactured by a person
21 licensed to produce braggot under this chapter; and

22 § 15. Clauses (vi) and (vii) of paragraph (a) of subdivision 2-c of
23 section 61 of the alcoholic beverage control law, as amended by chapter
24 103 of the laws of 2017, are amended and two new clauses (viii) and (ix)
25 are added to read as follows:

26 (vi) To conduct tastings of and sell at retail for consumption on or
27 off the premises New York state labelled cider manufactured by a
28 licensed brewer, licensed farm brewery, licensed farm winery, licensed
29 cider producer or licensed farm cidery; [~~and~~]

30 (vii) To conduct tastings of and sell at retail for consumption on or
31 off the premises New York state labelled wine manufactured by a licensed
32 winery or licensed farm winery[~~+~~];

33 (viii) To conduct tastings of and sell at retail for consumption on or
34 off the premises New York state labelled mead manufactured by a person
35 licensed to produce mead under this chapter; and

36 (ix) To conduct tastings of and sell at retail for consumption on or
37 off the premises New York state labelled braggot manufactured by a
38 person licensed to produce braggot under this chapter.

39 § 16. Paragraphs (a), (b), (c) and (d) of subdivision 2 of section 76
40 of the alcoholic beverage control law, as amended by chapter 108 of the
41 laws of 2012, are amended to read as follows:

42 (a) to operate a winery for the manufacture of wine and mead at the
43 premises specifically designated in the license;

44 (b) to receive and possess wine and mead from other states consigned
45 to a United States government bonded winery, warehouse or storeroom
46 located within the state;

47 (c) to sell in bulk from the licensed premises the products manufac-
48 tured under such license and wine and mead received by such licensee
49 from any other state to any winery licensee, or meadery license any
50 distiller licensee or to a permittee engaged in the manufacture of
51 products which are unfit for beverage use and to sell or deliver such
52 wine or mead to persons outside the state pursuant to the laws of the
53 place of such sale or delivery;

54 (d) to sell from the licensed premises to a licensed wholesaler or
55 retailer, or to a corporation operating railroad cars or aircraft for
56 consumption on such carriers, wine and mead manufactured or received by

1 the licensee as above set forth in the original sealed containers of not
2 more than fifteen gallons each and to sell or deliver such wine and mead
3 to persons outside the state pursuant to the laws of the place of such
4 sale or delivery. All wine and mead sold by such licensee shall be
5 securely sealed and have attached thereto a label setting forth such
6 information as shall be required by this chapter;

7 § 17. Subdivision 4-a of section 76 of the alcoholic beverage control
8 law, as amended by chapter 431 of the laws of 2014, is amended to read
9 as follows:

10 4-a. A licensed winery may operate a restaurant, hotel, catering
11 establishment, or other food and drinking establishment in or adjacent
12 to the licensed premises and sell at such place, at retail for consump-
13 tion on the premises, wine, mead and wine products manufactured by the
14 licensee and any New York state labeled wine, mead or New York state
15 labeled wine product. All of the provisions of this chapter relative to
16 licenses to sell wine at retail for consumption on the premises shall
17 apply so far as applicable to such licensee. Notwithstanding any other
18 provision of law, the licensed winery may apply to the authority for a
19 license under article four of this chapter to sell other alcoholic
20 beverages at retail for consumption on the premises at such establish-
21 ment.

22 § 17-a. Subdivision 13 of section 76 of the alcoholic beverage control
23 law, as added by chapter 221 of the laws of 2011, is amended to read as
24 follows:

25 13. Notwithstanding any other provision of law to the contrary, a
26 winery licensed pursuant to this section may engage in custom wine
27 production allowing individuals to assist in the production of wine or
28 mead for sale for personal or family use, provided, however, that (a)
29 the wine or mead must be purchased by the individual assisting in the
30 production of such wine or mead; and (b) the owner, employee or agent of
31 such winery shall be present at all times during such production.

32 § 18. Subdivision 14 of section 76 of the alcoholic beverage control
33 law, as added by chapter 431 of the laws of 2014, is amended to read as
34 follows:

35 14. Any person licensed under this section shall manufacture at least
36 fifty gallons of wine and/or mead per year.

37 § 19. Paragraphs (a), (c), (e) and (f) of subdivision 2 of section
38 76-a of the alcoholic beverage control law, paragraph (a) as added by
39 chapter 221 of the laws of 2011, paragraph (c) as amended by chapter 384
40 of the laws of 2013, paragraph (e) as amended by chapter 328 of the laws
41 of 2016 and paragraph (f) as amended by chapter 431 of the laws of 2014,
42 are amended to read as follows:

43 (a) operate a farm winery for the manufacture of wine, New York state
44 labeled mead or New York state labeled cider at the premises specif-
45 ically designated in the license;

46 (c) sell from the licensed premises to a licensed winery, farm distil-
47 ler, farm brewery, farm cidery, farm meadery, wholesaler or retailer, or
48 to a corporation operating railroad cars or aircraft for consumption on
49 such carriers, or at retail for consumption off the premises, [~~wine or~~
50 ~~cider~~] alcoholic beverages manufactured by the licensee as above set
51 forth and to sell or deliver such wine or cider to persons outside the
52 state pursuant to the laws of the place of such sale or delivery. All
53 [~~wine or cider~~] alcoholic beverages sold by such licensee for consump-
54 tion off the premises shall be securely sealed and have attached thereto
55 a label setting forth such information as shall be required by this
56 chapter;

1 (e) conduct tastings of and sell at the licensed premises [~~cider and~~
2 ~~wine~~], at retail for consumption on or off the licensed premises alco-
3 holic beverages manufactured by the licensee or any other licensed farm
4 winery[~~, and~~]; New York state labeled wine manufactured by any licensed
5 winery; New York state labeled beer manufactured by any licensed brewer
6 or farm brewery; New York state labeled cider manufactured by any
7 licensed cider producer, farm cidery or farm brewery; New York state
8 labeled mead manufactured by any licensed farm meadery, winery or farm
9 winery; New York state labeled braggot manufactured by any licensed
10 meadery, brewery or farm brewery and [~~spirits~~] New York state labeled
11 liquor manufactured by any licensed [~~farm brewery or~~] distiller or farm
12 distillery[~~, at retail for consumption on or off the licensed premises~~];

13 (f) operate a restaurant, hotel, catering establishment, or other food
14 and drinking establishment in or adjacent to the licensed premises and
15 sell at such place, at retail for consumption on the premises, [~~wine,~~
16 ~~cider and wine products~~] alcoholic beverages manufactured by the licen-
17 see and any New York state labeled wine, New York state labeled cider,
18 New York state labeled mead or New York state labeled wine product. All
19 of the provisions of this chapter relative to licenses to sell wine at
20 retail for consumption on the premises shall apply so far as applicable
21 to such licensee. Notwithstanding any other provision of law, the
22 licensed farm winery may apply to the authority for a license under
23 [~~article four of~~] this chapter to sell other alcoholic beverages at
24 retail for consumption on the premises at such establishment.

25 § 20. Paragraphs (f), (g) and (h) of subdivision 6 of section 76-a of
26 the alcoholic beverage control law are REPEALED.

27 § 21. Subdivision 8 of section 76-a of the alcoholic beverage control
28 law, as amended by chapter 431 of the laws of 2014, is amended to read
29 as follows:

30 8. (a) No licensed farm winery shall manufacture in excess of two
31 hundred fifty thousand finished gallons of [~~wine~~] alcoholic beverages
32 annually.

33 (b) Any person licensed under this section shall manufacture at least
34 fifty gallons of [~~wine~~] alcoholic beverages per year.

35 § 22. Subdivision 9 of section 76-a of the alcoholic beverage control
36 law, as added by chapter 221 of the laws of 2011, is amended to read as
37 follows:

38 9. Notwithstanding any other provision of law to the contrary, a farm
39 winery licensed pursuant to this section may engage in custom [~~wine~~]
40 production allowing individuals to assist in the production of New York
41 state labeled wine, cider and mead for sale for personal or family use,
42 provided, however, that (a) the wine, cider and mead must be purchased
43 by the individual assisting in the production of such wine, cider or
44 mead; and (b) the owner, employee or agent of such winery shall be pres-
45 ent at all times during such production.

46 § 23. Subdivision 2 of section 101-aaa of the alcoholic beverage
47 control law, as amended by chapter 242 of the laws of 2012, is amended
48 to read as follows:

49 2. No manufacturer or wholesaler licensed under this chapter shall
50 sell or deliver any beer, mead, cider or wine products to any retail
51 licensee except as provided for in this section:

52 (a) for cash to be paid at the time of delivery; or

53 (b) on terms requiring payment by such retail licensee for such beer,
54 mead, cider, or wine products on or before the final payment date of any
55 credit period within which delivery is made. Provided, however, that the
56 sale of wine products mead, or cider to a retail licensee by a whole-

1 saler licensed under section fifty-eight, sixty-two, or seventy-eight of
2 this chapter, or a licensed manufacturer of liquor, mead or wine or a
3 cider producer's license, shall be governed by the provisions of section
4 one hundred-one-aa of this article.

5 § 24. Paragraphs (b), (d) and (e) of subdivision 4 of section 107-a of
6 the alcoholic beverage control law, paragraph (b) as amended by chapter
7 369 of the laws of 2017, paragraphs (d) and (e) as amended by chapter
8 354 of the laws of 2013, are amended to read as follows:

9 (b) The annual fee for registration of any brand or trade name label
10 for liquor shall be two hundred fifty dollars; the annual fee for regis-
11 tration of any brand or trade name label for beer, mead or cider shall
12 be one hundred fifty dollars; the annual fee for registration of any
13 brand or trade name label for wine or wine products shall be fifty
14 dollars. Such fee shall be in the form of a check or draft. No annual
15 fee for registration of any brand or trade name label for wine shall be
16 required if it has been approved by the Alcohol and Tobacco Tax and
17 Trade Bureau of the United States Department of Treasury pursuant to
18 this section.

19 Each brand or trade name label registration approved pursuant to this
20 section shall be valid for a term of three years as set forth by the
21 authority and which shall be pro-rated for partial years as applicable.

22 Each brand or trade name label registration approved pursuant to this
23 section shall be valid only for the licensee to whom issued and shall
24 not be transferable.

25 (d) The authority may at any time exempt any discontinued brand from
26 such fee provisions where a manufacturer or wholesaler has an inventory
27 of one hundred cases or less of liquor or wine and five hundred cases or
28 less of beer, and certifies to the authority in writing that such brand
29 is being discontinued. The authority may also at any time exempt any
30 discontinued brand from such fee provisions where a retailer discontinu-
31 ing a brand owned by him has a balance of an order yet to be delivered
32 of fifty cases or less of liquor or wine, or two hundred fifty cases or
33 less of beer, mead, wine products or cider.

34 (e) The authority shall exempt from such fee provisions the registra-
35 tion of each brand or trade name label used for beer, mead or cider that
36 is produced in small size batches totaling fifteen hundred barrels or
37 less of beer, mead or cider annually.

38 § 25. This act shall take effect on the ninetieth day after it shall
39 have become a law, provided that the amendments to section 17 of the
40 alcoholic beverage control law made by section seven of this act shall
41 be subject to the expiration and reversion of such section pursuant to
42 section 4 of chapter 118 of the laws of 2012, as amended, when upon such
43 date the provisions of section eight of this act shall take effect.

44 PART S

45 Section 1. The alcoholic beverage control law is amended by adding a
46 new section 61-c to read as follows:

47 § 61-c. Exporter's license. An exporter's license shall authorize the
48 holder thereof to purchase alcoholic beverages from licensed manufactur-
49 ers solely for purposes of export outside of this state pursuant to and
50 in accordance with the laws of the place of delivery.

51 § 2. Section 66 of the alcoholic beverage control law is amended by
52 adding a new subdivision 3-b to read as follows:

53 3-b. The annual fee for an exporter's license shall be one hundred
54 twenty-five dollars.

1 § 3. Subdivision 3 of section 17 of the alcoholic beverage control
2 law, as amended by section 3 of chapter 297 of the laws of 2016, is
3 amended to read as follows:

4 3. To revoke, cancel or suspend for cause any license or permit issued
5 under this chapter and/or to impose a civil penalty for cause against
6 any holder of a license or permit issued pursuant to this chapter. Any
7 civil penalty so imposed shall not exceed the sum of ten thousand
8 dollars as against the holder of any retail permit issued pursuant to
9 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
10 paragraph f of subdivision one of section ninety-nine-b of this chapter,
11 and as against the holder of any retail license issued pursuant to
12 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-
13 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
14 sixty-four-c, seventy-six-f, seventy-nine, eighty-one and eighty-one-a
15 of this chapter, and the sum of thirty thousand dollars as against the
16 holder of a license issued pursuant to sections fifty-three,
17 sixty-one-a, sixty-one-b, sixty-one-c, seventy-six, seventy-six-a, and
18 seventy-eight of this chapter, provided that the civil penalty against
19 the holder of a wholesale license issued pursuant to section fifty-three
20 of this chapter shall not exceed the sum of ten thousand dollars where
21 that licensee violates provisions of this chapter during the course of
22 the sale of beer at retail to a person for consumption at home, and the
23 sum of one hundred thousand dollars as against the holder of any license
24 issued pursuant to sections fifty-one, sixty-one, and sixty-two of this
25 chapter. Any civil penalty so imposed shall be in addition to and sepa-
26 rate and apart from the terms and provisions of the bond required pursu-
27 ant to section one hundred twelve of this chapter. Provided that no
28 appeal is pending on the imposition of such civil penalty, in the event
29 such civil penalty imposed by the division remains unpaid, in whole or
30 in part, more than forty-five days after written demand for payment has
31 been sent by first class mail to the address of the licensed premises, a
32 notice of impending default judgment shall be sent by first class mail
33 to the licensed premises and by first class mail to the last known home
34 address of the person who signed the most recent license application.
35 The notice of impending default judgment shall advise the licensee: (a)
36 that a civil penalty was imposed on the licensee; (b) the date the
37 penalty was imposed; (c) the amount of the civil penalty; (d) the amount
38 of the civil penalty that remains unpaid as of the date of the notice;
39 (e) the violations for which the civil penalty was imposed; and (f) that
40 a judgment by default will be entered in the supreme court of the county
41 in which the licensed premises are located, or other court of civil
42 jurisdiction or any other place provided for the entry of civil judg-
43 ments within the state of New York unless the division receives full
44 payment of all civil penalties due within twenty days of the date of the
45 notice of impending default judgment. If full payment shall not have
46 been received by the division within thirty days of mailing of the
47 notice of impending default judgment, the division shall proceed to
48 enter with such court a statement of the default judgment containing the
49 amount of the penalty or penalties remaining due and unpaid, along with
50 proof of mailing of the notice of impending default judgment. The filing
51 of such judgment shall have the full force and effect of a default judg-
52 ment duly docketed with such court pursuant to the civil practice law
53 and rules and shall in all respects be governed by that chapter and may
54 be enforced in the same manner and with the same effect as that provided
55 by law in respect to execution issued against property upon judgments of
56 a court of record. A judgment entered pursuant to this subdivision shall

1 remain in full force and effect for eight years notwithstanding any
2 other provision of law.

3 § 4. Subdivision 3 of section 17 of the alcoholic beverage control
4 law, as amended by section 4 of chapter 297 of the laws of 2016, is
5 amended to read as follows:

6 3. To revoke, cancel or suspend for cause any license or permit issued
7 under this chapter and/or to impose a civil penalty for cause against
8 any holder of a license or permit issued pursuant to this chapter. Any
9 civil penalty so imposed shall not exceed the sum of ten thousand
10 dollars as against the holder of any retail permit issued pursuant to
11 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
12 paragraph f of subdivision one of section ninety-nine-b of this chapter,
13 and as against the holder of any retail license issued pursuant to
14 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-
15 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
16 sixty-four-c, seventy-six-f, seventy-nine, eighty-one, and eighty-one-a
17 of this chapter, and the sum of thirty thousand dollars as against the
18 holder of a license issued pursuant to sections fifty-three,
19 sixty-one-a, sixty-one-b, sixty-one-c, seventy-six, seventy-six-a and
20 seventy-eight of this chapter, provided that the civil penalty against
21 the holder of a wholesale license issued pursuant to section fifty-three
22 of this chapter shall not exceed the sum of ten thousand dollars where
23 that licensee violates provisions of this chapter during the course of
24 the sale of beer at retail to a person for consumption at home, and the
25 sum of one hundred thousand dollars as against the holder of any license
26 issued pursuant to sections fifty-one, sixty-one and sixty-two of this
27 chapter. Any civil penalty so imposed shall be in addition to and sepa-
28 rate and apart from the terms and provisions of the bond required pursu-
29 ant to section one hundred twelve of this chapter. Provided that no
30 appeal is pending on the imposition of such civil penalty, in the event
31 such civil penalty imposed by the division remains unpaid, in whole or
32 in part, more than forty-five days after written demand for payment has
33 been sent by first class mail to the address of the licensed premises, a
34 notice of impending default judgment shall be sent by first class mail
35 to the licensed premises and by first class mail to the last known home
36 address of the person who signed the most recent license application.
37 The notice of impending default judgment shall advise the licensee: (a)
38 that a civil penalty was imposed on the licensee; (b) the date the
39 penalty was imposed; (c) the amount of the civil penalty; (d) the amount
40 of the civil penalty that remains unpaid as of the date of the notice;
41 (e) the violations for which the civil penalty was imposed; and (f) that
42 a judgment by default will be entered in the supreme court of the county
43 in which the licensed premises are located, or other court of civil
44 jurisdiction, or any other place provided for the entry of civil judg-
45 ments within the state of New York unless the division receives full
46 payment of all civil penalties due within twenty days of the date of the
47 notice of impending default judgment. If full payment shall not have
48 been received by the division within thirty days of mailing of the
49 notice of impending default judgment, the division shall proceed to
50 enter with such court a statement of the default judgment containing the
51 amount of the penalty or penalties remaining due and unpaid, along with
52 proof of mailing of the notice of impending default judgment. The filing
53 of such judgment shall have the full force and effect of a default judg-
54 ment duly docketed with such court pursuant to the civil practice law
55 and rules and shall in all respects be governed by that chapter and may
56 be enforced in the same manner and with the same effect as that provided

1 by law in respect to execution issued against property upon judgments of
2 a court of record. A judgment entered pursuant to this subdivision shall
3 remain in full force and effect for eight years notwithstanding any
4 other provision of law.

5 § 5. This act shall take effect on the one hundred eightieth day after
6 it shall have become a law; provided that the amendments to subdivision
7 3 of section 17 of the alcoholic beverage control law made by section
8 three of this act shall be subject to the expiration and reversion of
9 such section pursuant to section 4 of chapter 118 of the laws of 2012,
10 as amended, when upon such date the provisions of section four of this
11 act shall take effect; and provided, further, that any and all rules and
12 regulations and any other measures necessary to implement any provision
13 of this act on its effective date may be promulgated and taken, respec-
14 tively, on or before the effective date of such provision.

15

PART T

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

20 § 2. The temporary state commission on the restoration of the capitol
21 is hereby renamed as the state commission on the restoration of the
22 capitol (hereinafter to be referred to as the "commission") and is here-
23 by continued until April 1, [~~2018~~] 2023. The commission shall consist
24 of eleven members to be appointed as follows: five members shall be
25 appointed by the governor; two members shall be appointed by the tempo-
26 rary president of the senate; two members shall be appointed by the
27 speaker of the assembly; one member shall be appointed by the minority
28 leader of the senate; one member shall be appointed by the minority
29 leader of the assembly, together with the commissioner of general
30 services and the commissioner of parks, recreation and historic preser-
31 vation. The term for each elected member shall be for three years,
32 except that of the first five members appointed by the governor, one
33 shall be for a one year term, and two shall be for a two year term, and
34 one of the first appointments by the president of the senate and by the
35 speaker of the assembly shall be for a two year term. Any vacancy that
36 occurs in the commission shall be filled in the same manner in which the
37 original appointment was made. The commission shall elect a chairman and
38 a vice-chairman from among its members. The members of the state
39 commission on the restoration of the capitol shall be deemed to be
40 members of the commission until their successors are appointed. The
41 members of the commission shall receive no compensation for their
42 services, but shall be reimbursed for their expenses actually and neces-
43 sarily incurred by them in the performance of their duties hereunder.

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

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

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

1

PART U

2 Section 1. The section heading and subdivision 1 of section 34 of the
3 public lands law, as amended by chapter 703 of the laws of 1994, are
4 amended to read as follows:

5 Transfer of unappropriated state lands for mental health, [~~mental~~
6 ~~retardation~~] developmental disability, park, recreation, playground,
7 reforestation, public education, public safety, street [~~or~~], highway, or
8 other municipal purposes. 1. [~~Such~~] The commissioner of general services
9 may, from time to time, transfer and convey to a city, incorporated
10 village, town, or county or, as defined in section one hundred of the
11 general municipal law, to a political subdivision, fire company, or
12 voluntary ambulance service, in consideration of one dollar to be paid
13 to the state of New York, and on such terms and conditions as such
14 commissioner may impose, a part or all of any parcel or parcels of unap-
15 propriated state lands upon certification that such parcel or parcels
16 are useful for local mental health facilities, [~~mental-retardation~~]
17 developmental disability facilities, park, recreation, playground,
18 reforestation, public education, public safety, street [~~or~~], highway, or
19 other municipal purposes, and that they will be properly improved and
20 maintained for one or more of such purposes and provided that this
21 disposition of such parcel or parcels is not otherwise prohibited.
22 Certification shall be evidenced by a formal request from the [~~board of~~
23 ~~estimate~~], common council, village board, town board [~~or~~], county board
24 of supervisors, or other elective governing board or body now or here-
25 after vested by state statute, charter or other law with jurisdiction to
26 initiate and adopt local laws or ordinances, or such board or body as
27 may be authorized by law to initiate such request and certification,
28 setting forth in detail the parcel or parcels to be released, trans-
29 ferred and conveyed and the availability and usefulness of such parcel
30 or parcels for one or more of such purposes. In the city of New York
31 however, certification shall be evidenced by a formal request from the
32 mayor. In the event that lands transferred under the provisions of this
33 section are not properly improved and maintained for one or more of the
34 purposes contemplated by this section by the city, village, town [~~or~~],
35 county, political subdivision, fire company, or voluntary ambulance
36 service to which they were transferred, the title thereto shall revert
37 to the people of the state of New York, and the attorney-general may
38 institute an action in the supreme court for a judgment declaring a
39 reversion of such title in the state. [~~Such~~] The commissioner may also
40 transfer any unappropriated state lands to the office of parks, recre-
41 ation and historic preservation or the department of environmental
42 conservation, upon the application of the commissioner thereof indicat-
43 ing that such unappropriated state lands are required for state park
44 purposes within the area of jurisdiction of such office or department.
45 § 2. This act shall take effect immediately.

46

PART V

47 Section 1. The state finance law is amended by adding a new section
48 99-bb to read as follows:

49 § 99-bb. Parking services fund. 1. Notwithstanding sections eight,
50 eight-a and seventy of this chapter or any other provision of law, rule,
51 regulation, or practice to the contrary, there is hereby established in
52 the joint custody of the state comptroller and the commissioner of taxa-
53 tion and finance a parking services fund, which shall be classified by

1 the state comptroller as an enterprise fund type, and which shall
2 consist of all moneys received from private entities and individuals as
3 fees for the use of state-owned parking lots and garages.

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

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

10 § 99-cc. Solid waste fund. 1. Notwithstanding sections eight, eight-a
11 and seventy of this chapter or any other provision of law, rule, regu-
12 lation, or practice to the contrary, there is hereby established in the
13 joint custody of the state comptroller and the commissioner of taxation
14 and finance a solid waste fund, which shall be classified by the state
15 comptroller as an enterprise fund type, and which shall consist of all
16 moneys received from private entities by the commissioner of general
17 services for the sale of recyclables.

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

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

23 § 99-dd. Special events fund. 1. Notwithstanding sections eight,
24 eight-a and seventy of this chapter and any other provision of law,
25 rule, regulation, or practice to the contrary, there is hereby estab-
26 lished in the joint custody of the state comptroller and the commis-
27 sioner of taxation and finance a special events fund, which shall be classi-
28 fied by the state comptroller as an enterprise fund type, and which
29 shall consist of all moneys received from private entities and individ-
30 uals as fees for the use of physical space at state-owned facilities,
31 including, but not limited to, the Empire State Plaza and Harriman
32 Campus, and any other miscellaneous fees associated with the use of such
33 physical space at such state-owned facilities by private entities and
34 individuals.

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

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

40 PART W

41 Section 1. The civil service law is amended by adding a new section 66
42 to read as follows:

43 § 66. Term appointments in information technology. 1. The department
44 may authorize a term appointment without examination to a temporary
45 position requiring special expertise or qualifications in information
46 technology within the office of information technology services. Such
47 appointments shall be authorized only in a case where the office of
48 information technology services certifies to the department that because
49 of the type of services to be rendered, or the temporary or occasional
50 character of such services, it would not be practicable to hold an exam-
51 ination of any kind. Such certification shall be a public document
52 pursuant to the public officers law and shall identify the special
53 expertise or qualifications that are required and why they cannot be
54 obtained through an appointment from an eligible list. The department

1 shall review the certification to confirm that the special expertise or
2 qualifications identified by the office of information technology
3 services cannot be obtained through an appointment from an eligible
4 list. The maximum period for such initial term appointment established
5 pursuant to this subdivision shall not exceed sixty months and, other
6 than as set forth in subdivision two of this section, shall not be
7 extended, and the maximum number of such appointments shall not exceed
8 three hundred. The department shall not approve any temporary positions
9 which are not certified by the office of information technology services
10 to the department in accordance with this section within five years of
11 the date when this section shall have become a law.

12 2. At least fifteen days prior to making a term appointment pursuant
13 to this section, the appointing authority shall publicly and conspicu-
14 ously post information about the temporary position and the required
15 qualifications and shall allow any qualified employee to apply for the
16 position. In the event that a permanent competitive employee is quali-
17 fied for the posted position, the appointment of such employee shall
18 take precedence over the appointment of any term position pursuant to
19 this section. An employee appointed pursuant to this section who has
20 completed two years of continuous service under this section shall be
21 eligible to compete in promotional examinations that are also open to
22 other employees who have permanent civil service appoints and appropri-
23 ate qualifications. In the event that the department fails to certify a
24 promotional list for an examination in which the appointee has competed
25 within the initially sixty month term appointment, such appointment may
26 be extended by the department, upon certification of the appointing
27 authority, for periods of up to thirty-six months until such time as a
28 promotional list resulting from the examination in which the employee
29 completed, is certified.

30 3. A temporary position established pursuant to this section may be
31 abolished for reason of economy, consolidation or abolition of func-
32 tions, curtailment of activities or otherwise. Upon such abolition or at
33 the end of the term of the appointment, the provisions of sections
34 seventy-eight, seventy-nine, eighty and eighty-one of this chapter shall
35 not apply. In the event of a reduction of workforce pursuant to section
36 eighty of this chapter affecting information technology positions, the
37 term appointments pursuant to this section shall be abolished prior to
38 the abolition of permanent competitive class information technology
39 positions at such agency involving comparable skills and responsibil-
40 ities.

41 § 2. Notwithstanding any provision of law to the contrary, the depart-
42 ment of civil service may authorize appointment of term appointees to
43 competitive titles in a manner approved by such department.

44 § 3. This act shall take effect immediately and shall expire and be
45 deemed repealed June 30, 2023; provided, however, that any person
46 appointed prior to that date may continue to be employed for a period
47 not to exceed sixty months from the date of appointment.

48

PART X

49 Section 1. The state finance law is amended by adding a new section
50 5-a to read as follows:

51 § 5-a. New York state secure choice savings program. 1. There is here-
52 by established the New York state secure choice savings program to be
53 administered by the deferred compensation board. The general adminis-
54 tration and responsibility for the operation of the New York state

1 secure choice savings program shall be administered by the New York
2 state deferred compensation board for the purpose of promoting greater
3 retirement savings for private-sector employees in a convenient, low-
4 cost, and portable manner.

5 2. All terms shall have the same meaning as when used in a comparable
6 context in the internal revenue code. As used in this section, the
7 following terms shall have the following meanings:

8 a. "Board" shall mean the New York state deferred compensation board.

9 b. "Superintendent" shall mean the superintendent of the department of
10 financial services.

11 c. "Comptroller" shall mean the comptroller of the state.

12 d. "Employee" shall mean any individual who is eighteen years of age
13 or older, who is employed by an employer, and who earned wages working
14 for an employer in New York state during a calendar year.

15 e. "Employer" shall mean a person or entity engaged in a business,
16 industry, profession, trade, or other enterprise in New York state,
17 whether for profit or not for profit, that has not offered a qualified
18 retirement plan, including, but not limited to, a plan qualified under
19 sections 401(a), 401(k), 403(a), 403(b), 408(k), 408(p) or 457(b) of the
20 internal revenue code of 1986 in the preceding two years.

21 f. "Enrollee" shall mean any employee who is enrolled in the program.

22 g. "Fund" shall mean the New York state secure choice savings program
23 fund.

24 h. "Internal revenue code" shall mean the internal revenue code of
25 1986, or any successor law, in effect for the calendar year.

26 i. "IRA" shall mean a Roth IRA (individual retirement account).

27 j. "Participating employer" shall mean an employer that provides a
28 payroll deposit retirement savings arrangement as provided for by this
29 article for its employees who are enrollees in the program.

30 k. "Payroll deposit retirement savings arrangement" shall mean an
31 arrangement by which a participating employer allows enrollees to remit
32 payroll deduction contributions to the program.

33 l. "Program" shall mean the New York state secure choice savings
34 program.

35 m. "Wages" shall mean any compensation within the meaning of section
36 219(f)(1) of the internal revenue code that is received by an enrollee
37 from a participating employer during the calendar year.

38 3. The board, the individual members of the board, and any other
39 agents appointed or engaged by the board, and all persons serving as
40 program staff shall discharge their duties with respect to the program
41 solely in the interest of the program's enrollees and beneficiaries as
42 follows:

43 a. for the exclusive purposes of providing benefits to enrollees and
44 beneficiaries and defraying reasonable expenses of administering the
45 program;

46 b. by investing with the care, skill, prudence, and diligence under
47 the prevailing circumstances that a prudent person acting in a like
48 capacity and familiar with those matters would use in the conduct of an
49 enterprise of a like character and with like aims; and

50 c. by using any contributions paid by employees and employers remit-
51 ting employee contributions into the fund exclusively for the purpose of
52 paying benefits to the enrollees of the program, for the cost of admin-
53 istration of the program, and for investments made for the benefit of
54 the program.

55 4. In addition to the other duties and responsibilities stated in this
56 article, the board shall:

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

3 (i) accords with best practices for retirement savings vehicles;

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

7 (iii) maximizes simplicity, including ease of administration for
8 participating employers and enrollees;

9 (iv) provides an efficient product to enrollees by pooling investment
10 funds;

11 (v) ensures the portability of benefits; and

12 (vi) provides for the deaccumulation of enrollee assets in a manner
13 that maximizes financial security in retirement.

14 b. Appoint a trustee to the fund in compliance with section 408 of the
15 internal revenue code.

16 c. Explore and establish investment options, subject to this article,
17 that offer enrollees returns on contributions and the conversion of
18 individual retirement savings account balances to secure retirement
19 income without incurring debt or liabilities to the state.

20 d. Establish the process by which interest, investment earnings, and
21 investment losses are allocated to individual program accounts on a pro
22 rata basis and are computed at the interest rate on the balance of an
23 individual's account.

24 e. Make and enter into contracts necessary for the administration of
25 the program and fund, including, but not limited to, retaining and
26 contracting with investment managers, private financial institutions,
27 other financial and service providers, consultants, actuaries, counsel,
28 auditors, third-party administrators, and other professionals as neces-
29 sary.

30 f. Conduct a review of the performance of any investment vendors every
31 four years, including, but not limited to, a review of returns, fees,
32 and customer service. A copy of reviews shall be posted to the board's
33 internet website.

34 g. Determine the number and duties of staff members needed to adminis-
35 ter the program and assemble such staff, including, appointing a program
36 administrator.

37 h. Cause moneys in the fund to be held and invested as pooled invest-
38 ments described in this article, with a view to achieving cost savings
39 through efficiencies and economies of scale.

40 i. Evaluate and establish the process by which an enrollee is able to
41 contribute a portion of his or her wages to the program for automatic
42 deposit of those contributions and the process by which a participating
43 employer provides a payroll deposit retirement savings arrangement to
44 forward those contributions and related information to the program,
45 including, but not limited to, contracting with financial service compa-
46 nies and third-party administrators with the capability to receive and
47 process employee information and contributions for payroll deposit
48 retirement savings arrangements or similar arrangements.

49 j. Design and establish the process for enrollment including the proc-
50 ess by which an employee can opt to not participate in the program,
51 select a contribution level, select an investment option, and terminate
52 participation in the program.

53 k. Evaluate and establish the process by which an employee may volun-
54 tarily enroll in and make contributions to the program.

55 l. Accept any grants, appropriations, or other moneys from the state,
56 any unit of federal, state, or local government, or any other person,

1 firm, partnership, or corporation solely for deposit into the fund,
2 whether for investment or administrative purposes.

3 m. Evaluate the need for, and procure as needed, insurance against any
4 and all loss in connection with the property, assets, or activities of
5 the program, and indemnify as needed each member of the board from
6 personal loss or liability resulting from a member's action or inaction
7 as a member of the board.

8 n. Make provisions for the payment of administrative costs and
9 expenses for the creation, management, and operation of the program.
10 Subject to appropriation, the state may pay administrative costs associ-
11 ated with the creation and management of the program until sufficient
12 assets are available in the fund for that purpose. Thereafter, all costs
13 of the fund, including repayment of any start-up funds provided by the
14 state, shall be paid only out of moneys on deposit therein. However,
15 private funds or federal funding received in order to implement the
16 program until the fund is self-sustaining shall not be repaid unless
17 those funds were offered contingent upon the promise of repayment. The
18 board shall keep annual administrative expenses as low as possible, but
19 in no event shall they exceed 0.75% of the total trust balance.

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

22 p. Set minimum and maximum contribution levels in accordance with
23 limits established for IRAs by the internal revenue code.

24 q. Facilitate education and outreach to employers and employees.

25 r. Facilitate compliance by the program with all applicable require-
26 ments for the program under the internal revenue code, including tax
27 qualification requirements or any other applicable law and accounting
28 requirements.

29 s. Carry out the duties and obligations of the program in an effec-
30 tive, efficient, and low-cost manner.

31 t. Exercise any and all other powers reasonably necessary for the
32 effectuation of the purposes, objectives, and provisions of this article
33 pertaining to the program.

34 u. Deposit into the New York state secure choice administrative fund
35 all grants, gifts, donations, fees, and earnings from investments from
36 the New York state secure choice savings program fund that are used to
37 recover administrative costs. All expenses of the board shall be paid
38 from the New York state secure choice administrative fund.

39 v. Determine withdrawal provisions, such as economic hardships, porta-
40 bility and leakage.

41 w. Determine employee rights and enforcement of penalties.

42 5. The board shall annually prepare and adopt a written statement of
43 investment policy that includes a risk management and oversight program.
44 This investment policy shall prohibit the board, program, and fund from
45 borrowing for investment purposes. The risk management and oversight
46 program shall be designed to ensure that an effective risk management
47 system is in place to monitor the risk levels of the program and fund
48 portfolio, to ensure that the risks taken are prudent and properly
49 managed, to provide an integrated process for overall risk management,
50 and to assess investment returns as well as risk to determine if the
51 risks taken are adequately compensated compared to applicable perform-
52 ance benchmarks and standards. The board shall consider the statement of
53 investment policy and any changes in the investment policy at a public
54 hearing.

55 6. a. The board shall engage, after an open bid process, an investment
56 manager or managers to invest the fund and any other assets of the

1 program. Moneys in the fund may be invested or reinvested by the comp-
2 troller or may be invested in whole or in part. In selecting the invest-
3 ment manager or managers, the board shall take into consideration and
4 give weight to the investment manager's fees and charges in order to
5 reduce the program's administrative expenses.

6 b. The investment manager or managers shall comply with any and all
7 applicable federal and state laws, rules, and regulations, as well as
8 any and all rules, policies, and guidelines promulgated by the board
9 with respect to the program and the investment of the fund, including,
10 but not limited to, the investment policy.

11 c. The investment manager or managers shall provide such reports as
12 the board deems necessary for the board to oversee each investment
13 manager's performance and the performance of the fund.

14 7. a. The board shall establish as an investment option a life-cycle
15 fund with a target date based upon the age of the enrollee. This shall
16 be the default investment option for enrollees who fail to elect an
17 investment option unless and until the board designates by rule a new
18 investment option as the default.

19 b. The board may also establish any or all of the following additional
20 investment options:

21 (i) a conservative principal protection fund;

22 (ii) a growth fund;

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

34 (iv) an annuity fund.

35 c. If the board elects to establish a secure return fund, the board
36 shall then determine whether such option shall replace the life-cycle
37 fund as the default investment option for enrollees who do not elect an
38 investment option. In making such determination, the board shall consid-
39 er the cost, risk profile, benefit level, and ease of enrollment in the
40 secure return fund. The board may at any time thereafter revisit this
41 question and, based upon an analysis of these criteria, establish either
42 the secure return fund or the life-cycle fund as the default for enrol-
43 lees who do not elect an investment option.

44 8. Interest, investment earnings, and investment losses shall be allo-
45 cated to individual program accounts as established by the board pursu-
46 ant to this article. An individual's retirement savings benefit under
47 the program shall be an amount equal to the balance in the individual's
48 program account on the date the retirement savings benefit becomes paya-
49 ble. The state shall have no liability for the payment of any benefit to
50 any enrollee in the program.

51 9. a. Prior to the opening of the program for enrollment, the board
52 shall design and disseminate to all employers an employer information
53 packet and an employee information packet, which shall include back-
54 ground information on the program, appropriate disclosures for employ-
55 ees, and information regarding the vendor internet website described.

1 b. The board shall provide for the contents of both the employee
2 information packet and the employer information packet. The employee
3 information packet shall be made available in English, Spanish, Haitian
4 Creole, Chinese, Korean, Russian, Arabic, and any other language the
5 comptroller deems necessary.

6 c. The employee information packet shall include a disclosure form.
7 The disclosure form shall explain, but not be limited to, all of the
8 following:

9 (i) the benefits and risks associated with making contributions to the
10 program;

11 (ii) the mechanics of how to make contributions to the program;

12 (iii) how to opt out of the program;

13 (iv) how to participate in the program with a level of employee
14 contributions other than three percent;

15 (v) that they are not required to participate or contribute more than
16 three percent;

17 (vi) that they can opt out after they have enrolled;

18 (vii) the process for withdrawal of retirement savings;

19 (viii) the process for selecting beneficiaries of their retirement
20 savings;

21 (ix) how to obtain additional information about the program;

22 (x) that employees seeking financial advice should contact financial
23 advisors, that participating employers are not in a position to provide
24 financial advice, and that participating employers are not liable for
25 decisions employees make pursuant to this article;

26 (xi) information on how to access any financial literacy programs
27 implemented by the comptroller;

28 (xii) that the program is not an employer-sponsored retirement plan;
29 and

30 (xiii) that the program fund is not guaranteed by the state.

31 d. The employee information packet shall also include a form for an
32 employee to note his or her decision to opt out of participation in the
33 program or elect to participate with a level of employee contributions
34 other than three percent.

35 e. Participating employers shall supply the employee information pack-
36 et to existing employees at least one month prior to the participating
37 employers' launch of the program. Participating employers shall supply
38 the employee information packet to new employees at the time of hiring,
39 and new employees may opt out of participation in the program or elect
40 to participate with a level of employee contributions other than three
41 percent at that time.

42 10. Except as otherwise provided in this article, the program shall be
43 implemented, and enrollment of employees shall begin, within twenty-four
44 months after the effective date of this section. The provisions of this
45 section shall be in force after the board opens the program for enroll-
46 ment.

47 a. Each participating employer may establish a payroll deposit retire-
48 ment savings arrangement to allow each employee to participate in the
49 program and begin employee enrollment at most nine months after the
50 board opens the program for enrollment.

51 b. Enrollees shall have the ability to select a contribution level
52 into the fund. This level may be expressed as a percentage of wages or
53 as a dollar amount up to the deductible amount for the enrollee's taxa-
54 ble year under section 219(b)(1)(A) of the internal revenue code. Enrol-
55 lees may change their contribution level at any time, subject to rules
56 promulgated by the board. If an enrollee fails to select a contribution

1 level using the form described in this article, then he or she shall
2 contribute three percent of his or her wages to the program, provided
3 that such contributions shall not cause the enrollee's total contribu-
4 tions to IRAs for the year to exceed the deductible amount for the
5 enrollee's taxable year under section 219(b)(1)(A) of the internal
6 revenue code. Notwithstanding any other provision of law, any partic-
7 ipating enrollee, whose employer fails to make employee deductions in
8 accordance with the provisions of section one hundred ninety-three of
9 the labor law, may bring an action, pursuant to section one hundred
10 ninety-eight of the labor law, to recover such monies. Further, any
11 participating employer, who fails to make employee deductions in accord-
12 ance with the provisions of section one hundred ninety-three of the
13 labor law, shall be subject to the penalties and fines provided for in
14 section one hundred ninety-eight-a of the labor law.

15 c. Enrollees may select an investment option from the permitted
16 investment options listed in this article. Enrollees may change their
17 investment option at any time, subject to rules promulgated by the
18 board. In the event that an enrollee fails to select an investment
19 option, that enrollee shall be placed in the investment option selected
20 by the board as the default under this article. If the board has not
21 selected a default investment option under this article, then an enrol-
22 lee who fails to select an investment option shall be placed in the
23 life-cycle fund investment option.

24 d. Following initial implementation of the program pursuant to this
25 section, at least once every year, participating employers shall desig-
26 nate an open enrollment period during which employees who previously
27 opted out of the program may enroll in the program.

28 e. An employee who opts out of the program who subsequently wants to
29 participate through the participating employer's payroll deposit retire-
30 ment savings arrangement may only enroll during the participating
31 employer's designated open enrollment period or if permitted by the
32 participating employer at an earlier time.

33 f. Employers shall retain the option at all times to set up any type
34 of employer-sponsored retirement plan instead of having a payroll depos-
35 it retirement savings arrangement to allow employee participation in the
36 program.

37 g. An enrollee may terminate his or her participation in the program
38 at any time in a manner prescribed by the board.

39 h. The board shall, in conjunction with the office of the state comp-
40 troller, establish and maintain a secure website wherein enrollees may
41 log in and acquire information regarding contributions and investment
42 income allocated to, withdrawals from, and balances in their program
43 accounts for the reporting period. Such website must also include infor-
44 mation for the enrollees regarding other options available to the
45 employee and how they can transfer their accounts to other programs
46 should they wish to do so. Such website may include any other informa-
47 tion regarding the program as the board may determine.

48 11. Employee contributions deducted by the participating employer
49 through payroll deduction shall be paid by the participating employer to
50 the fund using one or more payroll deposit retirement savings arrange-
51 ments established by the board under this article, either:

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

55 b. before such later deadline prescribed by the board for making such
56 payments, but not later than the due date for the deposit of tax

1 required to be deducted and withheld relating to collection of income
2 tax at source on wages or for the deposit of tax required to be paid
3 under the unemployment insurance system for the payroll period to which
4 such payments relate.

5 12. a. The state shall have no duty or liability to any party for the
6 payment of any retirement savings benefits accrued by any enrollee under
7 the program. Any financial liability for the payment of retirement
8 savings benefits in excess of funds available under the program shall be
9 borne solely by the entities with whom the board contracts to provide
10 insurance to protect the value of the program.

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

15 13. a. Participating employers shall not have any liability for an
16 employee's decision to participate in, or opt out of, the program or for
17 the investment decisions of the board or of any enrollee.

18 b. A participating employer shall not be a fiduciary, or considered to
19 be a fiduciary, over the program. A participating employer shall not
20 bear responsibility for the administration, investment, or investment
21 performance of the program. A participating employer shall not be liable
22 with regard to investment returns, program design, and benefits paid to
23 program participants.

24 14. a. The board shall annually submit: (i) an audited financial
25 report, prepared in accordance with generally accepted accounting prin-
26 ciples, on the operations of the program during each calendar year by
27 July first of the following year to the governor, the comptroller, the
28 superintendent and the senate and assembly; and (ii) a report prepared
29 by the board, which shall include, but is not limited to, a summary of
30 the benefits provided by the program, including the number of enrollees
31 in the program, the percentage and amounts of investment options and
32 rates of return, and such other information that is relevant to make a
33 full, fair, and effective disclosure of the operations of the program
34 and the fund. The annual audit shall be made by an independent certified
35 public accountant and shall include, but is not limited to, direct and
36 indirect costs attributable to the use of outside consultants, independ-
37 ent contractors, and any other persons who are not state employees for
38 the administration of the program.

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

45 15. If the board does not obtain adequate funds to implement the
46 program within the timeframe set forth under this article and is subject
47 to appropriation, the board may delay the implementation of the program.

48 § 2. The state finance law is amended by adding two new sections 99-bb
49 and 99-cc to read as follows:

50 § 99-bb. New York state secure choice savings program fund. a. There
51 is hereby established within the joint custody of the commissioner of
52 taxation and finance and the state comptroller, in consultation with the
53 New York state deferred compensation board, a fund to be known as the
54 New York state secure choice savings program fund.

55 b. The fund shall include the individual retirement accounts of enrol-
56 lees, which shall be accounted for as individual accounts.

1 c. Moneys in the fund shall consist of moneys received from enrollees
 2 and participating employers pursuant to automatic payroll deductions and
 3 contributions to savings made under the New York state secure choice
 4 savings program pursuant to section five-a of this chapter.

5 d. The fund shall be operated in a manner determined by the New York
 6 state deferred compensation board, provided that the fund is operated so
 7 that the accounts of enrollees established under the program meet the
 8 requirements for IRAs under the internal revenue code.

9 e. The amounts deposited in the fund shall not constitute property of
 10 the state and the fund shall not be construed to be a department, insti-
 11 tution, or agency of the state. Amounts on deposit in the fund shall not
 12 be commingled with state funds and the state shall have no claim to or
 13 against, or interest in, such funds.

14 § 99-cc. New York state secure choice administrative fund. a. There is
 15 hereby established within the joint custody of the commissioner of taxa-
 16 tion and finance and the state comptroller, in consultation with the New
 17 York state deferred compensation board, a fund to be known as the New
 18 York state secure choice administrative fund.

19 b. The New York state deferred compensation board shall use moneys in
 20 such fund to pay for administrative expenses it incurs in the perform-
 21 ance of its duties under the New York state secure choice savings
 22 program pursuant to section five-a of this chapter.

23 c. The New York state deferred compensation board shall use moneys in
 24 such fund to cover start-up administrative expenses it incurs in the
 25 performance of its duties under section five-a of this chapter.

26 d. Such fund may receive any grants or other moneys designated for
 27 administrative purposes from the state, or any unit of federal or local
 28 government, or any other person, firm, partnership, or corporation. Any
 29 interest earnings that are attributable to moneys in such fund must be
 30 deposited into the such fund.

31 § 3. This act shall take effect immediately.

32 PART Y

33 Section 1. Subdivision 2 of section 87 of the workers' compensation
 34 law, as added by section 20 of part GG of chapter 57 of the laws of
 35 2013, is amended to read as follows:

36 2. Any of the surplus funds belonging to the state insurance fund, by
 37 order of the commissioners, approved by the superintendent of financial
 38 services, may be invested (1) in the types of securities described in
 39 subdivisions one, two, three, four, five, six, eleven, twelve, twelve-a,
 40 thirteen, fourteen, fifteen, nineteen, twenty, twenty-one, twenty-one-a,
 41 twenty-four, twenty-four-a, twenty-four-b, twenty-four-c and twenty-five
 42 of section two hundred thirty-five of the banking law, or (2) in the
 43 types of obligations described in paragraph two of subsection (a) of
 44 section one thousand four hundred four of the insurance law except that
 45 up to twenty-five percent of surplus funds may be invested in obli-
 46 gations rated investment grade by a nationally recognized securities
 47 rating organization, or~~[7]~~ (3) up to fifty percent of surplus funds, in
 48 the types of securities or investments described in paragraphs ~~[two7]~~
 49 three, eight and ten of subsection (a) of section one thousand four
 50 hundred four of the insurance law, except that ~~[up to ten percent of~~
 51 ~~surplus funds may be invested]~~ investments in ~~[the securities of any~~
 52 ~~solvent American institution as described in such paragraphs]~~ diversi-
 53 fied index funds and accounts may be made irrespective of the rating ~~[of~~
 54 ~~such institution's obligations]~~ or other similar qualitative standards

1 [~~described therein, and~~] applicable under such paragraphs, or (4) up to
2 ten percent of surplus funds, in the types of securities or investments
3 described in paragraphs two, three and ten of subsection (a) of section
4 one thousand four hundred four of the insurance law irrespective of the
5 rating of such institution's obligations or other similar qualitative
6 standard, or (5) up to fifteen percent of surplus funds in securities or
7 investments which do not otherwise qualify for investment under this
8 section as shall be made with the care, prudence and diligence under the
9 circumstances then prevailing that a prudent person acting in a like
10 capacity and familiar with such matters would use in the conduct of an
11 enterprise of a like character and with like aims as provided for the
12 state insurance fund under this article, but shall not include any
13 direct derivative instrument or derivative transaction except for hedg-
14 ing purposes. Notwithstanding any other provision in this subdivision,
15 the aggregate amount that the state insurance fund may invest in the
16 types of securities or investments described in paragraphs three, eight
17 and ten of subsection (a) of section one thousand four hundred four of
18 the insurance law and as a prudent person acting in a like capacity
19 would invest as provided in this subdivision shall not exceed fifty
20 percent of such surplus funds. For the purposes of this subdivision, any
21 funds appropriated pursuant to the provisions of subdivision one or two
22 of section eighty-seven-f of this article shall not be considered
23 surplus funds.

24 § 2. This act shall take effect immediately.

25 PART Z

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

29 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
30 from the coverage of the health benefit plan of supplementary medical
31 insurance benefits for which an active or retired employee or a depend-
32 ent covered by the health benefit plan is or would be eligible under the
33 federal old-age, survivors and disability insurance program, an amount
34 equal to the standard medicare premium charge for such supplementary
35 medical insurance benefits for such active or retired employee and his
36 or her dependents, if any, shall be paid monthly or at other intervals
37 to such active or retired employee from the health insurance fund;
38 provided, however, such payment for the standard medicare premium charge
39 shall not exceed one hundred thirty-four dollars per month. Where
40 appropriate, such standard medicare premium amount may be deducted from
41 contributions payable by the employee or retired employee; or where
42 appropriate in the case of a retired employee receiving a retirement
43 allowance, such standard medicare premium amount may be included with
44 payments of his or her retirement allowance. All state employer, employ-
45 ee, retired employee and dependent contributions to the health insurance
46 fund, including contributions from public authorities, public benefit
47 corporations or other quasi-public organizations of the state eligible
48 for participation in the health benefit plan as authorized by subdivi-
49 sion two of section one hundred sixty-three of this article, shall be
50 adjusted as necessary to cover the cost of reimbursing federal old-age,
51 survivors and disability insurance program premium charges under this
52 section. This cost shall be included in the calculation of premium or
53 subscription charges for health coverage provided to employees and
54 retired employees of the state, public authorities, public benefit

1 corporations or other quasi-public organizations of the state; provided,
2 however, the state, public authorities, public benefit corporations or
3 other quasi-public organizations of the state shall remain obligated to
4 pay no less than its share of such increased cost consistent with its
5 share of premium or subscription charges provided for by this article.
6 All other employer contributions to the health insurance fund shall be
7 adjusted as necessary to provide for such payments.

8 § 2. This act shall take effect immediately and shall apply to the
9 standard medicare premium amount on and after April 1, 2018.

10

PART AA

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

14 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
15 from the coverage of the health benefit plan of supplementary medical
16 insurance benefits for which an active or retired employee or a depend-
17 ent covered by the health benefit plan is or would be eligible under the
18 federal old-age, survivors and disability insurance program, an amount
19 equal to the standard medicare premium charge for such supplementary
20 medical insurance benefits for such active or retired employee and his
21 or her dependents, if any, shall be paid monthly or at other intervals
22 to such active or retired employee from the health insurance fund.
23 Furthermore, effective January first, two thousand nineteen there shall
24 be no payment whatsoever for the income related monthly adjustment
25 amount for amounts (premiums) incurred on or after January first, two
26 thousand eighteen to any active or retired employee and his or her
27 dependents, if any. Where appropriate, such standard medicare premium
28 amount may be deducted from contributions payable by the employee or
29 retired employee; or where appropriate in the case of a retired employee
30 receiving a retirement allowance, such standard medicare premium amount
31 may be included with payments of his or her retirement allowance. All
32 state employer, employee, retired employee and dependent contributions
33 to the health insurance fund, including contributions from public
34 authorities, public benefit corporations or other quasi-public organiza-
35 tions of the state eligible for participation in the health benefit plan
36 as authorized by subdivision two of section one hundred sixty-three of
37 this article, shall be adjusted as necessary to cover the cost of reim-
38 bursing federal old-age, survivors and disability insurance program
39 premium charges under this section. This cost shall be included in the
40 calculation of premium or subscription charges for health coverage
41 provided to employees and retired employees of the state, public author-
42 ities, public benefit corporations or other quasi-public organizations
43 of the state; provided, however, the state, public authorities, public
44 benefit corporations or other quasi-public organizations of the state
45 shall remain obligated to pay no less than its share of such increased
46 cost consistent with its share of premium or subscription charges
47 provided for by this article. All other employer contributions to the
48 health insurance fund shall be adjusted as necessary to provide for such
49 payments.

50 § 2. This act shall take effect immediately and shall apply on January
51 1, 2018 for the income related monthly adjustment amount for amounts,
52 premiums, incurred on or after January 1, 2018.

53

PART BB

1 Section 1. Section 5004 of the civil practice law and rules, as
2 amended by chapter 258 of the laws of 1981, is amended to read as
3 follows:

4 § 5004. Rate of interest. [~~Interest shall be at the rate of nine per~~
5 ~~centum per annum, except where otherwise provided by statute.~~] Notwith-
6 standing any other provision of law or regulation to the contrary,
7 including any law or regulation that limits the annual rate of interest
8 to be paid on a judgment or accrued claim, the annual rate of interest
9 to be paid on a judgment or accrued claim shall be calculated at the
10 one-year United States treasury bill rate. For the purposes of this
11 section, the "one-year United States treasury bill rate" means the week-
12 ly average one-year constant maturity treasury yield, as published by
13 the board of governors of the federal reserve system, for the calendar
14 week preceding the date of the entry of the judgment awarding damages.

15 § 2. This act shall take effect immediately, and shall be deemed to
16 have been in full force and effect on and after April 1, 2018.

17 PART CC

18 Section 1. Paragraph p of subdivision 10 of section 54 of the state
19 finance law, as amended by section 2 of part K of chapter 57 of the laws
20 of 2011 and subparagraph (ii) as amended by chapter 30 of the laws of
21 2013, is amended to read as follows:

22 p. Citizen empowerment tax credit. (i) For the purposes of this para-
23 graph, "municipalities" shall mean cities with a population less than
24 one million, towns and villages incorporated on or before December thir-
25 ty-first, two thousand seventeen.

26 (ii) Within the annual amounts appropriated therefor, surviving muni-
27 cipalities following a consolidation or dissolution occurring on or
28 after the state fiscal year commencing April first, two thousand seven,
29 and any new coterminous town-village established after July first, two
30 thousand twelve that operates principally as a town or as a village but
31 not as both a town and a village, shall be awarded additional annual
32 aid, starting in the state fiscal year following the state fiscal year
33 in which such reorganization took effect, equal to fifteen percent of
34 the combined amount of real property taxes levied by all of the muni-
35 cipalities participating in the reorganization in the local fiscal year
36 prior to the local fiscal year in which such reorganization took effect.
37 In instances of the dissolution of a village located in more than one
38 town, such additional aid shall equal the sum of fifteen percent of the
39 real property taxes levied by such village in the village fiscal year
40 prior to the village fiscal year in which such dissolution took effect
41 plus fifteen percent of the average amount of real property taxes levied
42 by the towns in which the village was located in the town fiscal year
43 prior to the town fiscal year in which such dissolution took effect, and
44 shall be divided among such towns based on the percentage of such
45 village's population that resided in each such town as of the most
46 recent federal decennial census. In no case shall the additional annual
47 aid pursuant to this paragraph exceed one million dollars. For villages
48 in which a majority of the electors voting at a referendum on a proposed
49 dissolution pursuant to section seven hundred eighty of the general
50 municipal law vote in favor of dissolution after December thirty-first,
51 two thousand seventeen, in no case shall the additional annual aid
52 pursuant to this paragraph exceed the lesser of one million dollars or
53 the amount of real property taxes levied by such village in the village
54 fiscal year prior to the village fiscal year in which such dissolution

1 took effect. Such additional annual aid shall be apportioned and paid to
2 the chief fiscal officer of each eligible municipality on or before
3 September twenty-fifth of each such state fiscal year on audit and
4 warrant of the state comptroller out of moneys appropriated by the
5 legislature for such purpose to the credit of the local assistance fund.

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

21 § 2. This act shall take effect immediately.

22

PART DD

23 Section 1. This part enacts into law components of legislation relat-
24 ing to local government shared services. Each component is wholly
25 contained within a Subpart identified as Subparts A through B. The
26 effective date for each particular provision contained within such
27 Subpart is set forth in the last section of such Subpart. Any provision
28 in any section contained within a Subpart, including the effective date
29 of the Subpart, which makes a reference to a section "of this act", when
30 used in connection with that particular component, shall be deemed to
31 mean and refer to the corresponding section of the Subpart in which it
32 is found. Section three of this Part sets forth the general effective
33 date of this Part.

34

SUBPART A

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

37 § 106-b. Election of [~~a single~~] one or more town [~~justice~~] justices for
38 two or more adjacent towns.

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

51 2. Within thirty days after the conclusion of a study conducted pursu-
52 ant to subdivision one of this section, each town which shall have

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

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

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

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

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

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

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

36 6. Upon the adoption of a joint resolution, such [~~resolution shall be~~
37 ~~forwarded to the state legislature, and shall constitute a municipal~~
38 ~~home rule message pursuant to article nine of the state constitution and~~
39 ~~the municipal home rule law. No such joint resolution shall take effect~~
40 ~~until state legislation enacting the joint resolution shall have become~~
41 ~~a law~~] joint plan that provides for the election of one or more town
42 justices to preside in the town courts of two or more adjacent towns
43 shall be deemed effective and shall be implemented in the manner
44 provided in such resolution.

45 7. Every town justice elected to preside in multiple towns pursuant to
46 this section shall have jurisdiction in each of the participating adja-
47 cent towns, shall preside in the town courts of such towns, shall main-
48 tain separate records and dockets for each town court, and shall main-
49 tain a separate bank account for each town court for the deposit of
50 moneys received by each town court.

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

56 § 2. This act shall take effect immediately.

1

SUBPART B

2 Section 1. Section 119-u of the general municipal law, as added by
3 chapter 242 of the laws of 1993, subdivision 3 as amended by chapter 418
4 of the laws of 1995, is amended to read as follows:

5 § 119-u. Intermunicipal cooperation in comprehensive planning and land
6 use regulation. 1. Legislative intent. This section is intended to
7 illustrate and broaden the statutory authority that any municipal corpo-
8 ration has under article five-G of this chapter and place within land
9 use, planning and zoning law express statutory authority for counties,
10 cities, towns, and villages to enter into agreements to undertake
11 comprehensive planning, zoning, and land use regulation with each other
12 or one for the other, and to provide that any city, town, or village may
13 contract with a county to carry out all or a portion of the [~~ministeri-~~
14 ~~al~~] functions related to the land use, planning and zoning of such coun-
15 ty, city, town or village as may be agreed upon. By the enactment of
16 this section the legislature seeks to promote intergovernmental cooper-
17 ation that could result in increased coordination and effectiveness of
18 comprehensive planning, zoning, and land use regulation, more efficient
19 use of infrastructure and municipal revenues, as well as the enhanced
20 protection of community resources, especially where such resources span
21 municipal boundaries.

22 2. Authorization and effects. (a) In addition to any other general or
23 special powers vested in a county, city, town or village to prepare a
24 comprehensive plan and enact and administer land use regulations, by
25 local law or ordinance, rule or regulation, each county, city, town or
26 village is hereby authorized to enter into, amend, cancel and terminate
27 agreements with any other municipality or municipalities to undertake
28 all or a portion of such powers, functions and duties.

29 (b) Any one or more municipalities located in a county which has
30 established a county planning board, commission or other agency, herein-
31 after referred to as a county planning agency, are hereby authorized to
32 enter into, amend, cancel and terminate agreements with such county in
33 order to authorize the county planning agency to perform and carry out
34 certain [~~ministerial~~] functions on behalf of such municipality or muni-
35 cipalities related to land use, planning and zoning. Such functions may
36 include, but are not limited to, acting in an advisory capacity, assist-
37 ing in the preparation of comprehensive plans, zoning, and land use
38 regulations to be adopted and enforced by such municipality or muni-
39 cipalities and participating in the formation and functions of individual
40 or joint administrative boards and bodies formed by one or more muni-
41 cipalities. The administration and enforcement of zoning and land use
42 regulations may be performed in accordance with a program authorized in
43 accordance with sections one hundred nineteen-v and one hundred nine-
44 teen-w of this article.

45 (c) Such agreements shall apply only to the performance or exercise of
46 any function or power which each of the municipal corporations has the
47 authority by any general or special law to prescribe, perform, or exer-
48 cise separately.

49 3. Definitions. As used herein:

50 (a) "Municipality", means a city, town or village.

51 (b) "Land use regulation", means an ordinance or local law enacted by
52 a municipality for the regulation of any aspect of land use and communi-
53 ty resource protection and includes any zoning, subdivision, special use
54 permit or site plan regulation or any other regulations which prescribe

1 the appropriate use of property or the scale, location, and intensity of
2 development.

3 (c) "Community resource", means a specific public facility, infras-
4 tructure system, or geographic area of special economic development,
5 environmental, scenic, cultural, historic, recreational, parkland, open
6 space, natural resource, or other unique significance, located wholly or
7 partially within the boundaries of one or more given municipalities.

8 (d) "Intermunicipal overlay district", means a special land use
9 district which encompasses all or a portion of one or more munici-
10 palities for the purpose of protecting, enhancing, or developing one or
11 more community resources as provided herein.

12 4. Intermunicipal agreements. In addition to any other powers granted
13 to [~~municipalities~~] a county, city, town, or village to contract with
14 each other to undertake joint, cooperative agreements any municipality
15 may:

16 (a) create a consolidated planning board or submit a request to the
17 county legislative body for the creation of a county planning board, any
18 one of which may replace individual planning boards, if any, which
19 consolidated or county planning board shall have the powers and duties
20 as shall be determined by such agreement;

21 (b) create a consolidated zoning board of appeals or submit a request
22 to the county legislative body for the creation of a county zoning board
23 of appeals, any one of which may replace individual zoning boards of
24 appeals, if any, which consolidated or county zoning board of appeals
25 shall have the powers and duties as shall be determined by such agree-
26 ment;

27 (c) create a comprehensive plan and/or land use regulations which may
28 be adopted independently by each participating municipality;

29 (d) provide for a land use administration and enforcement program
30 which may replace individual land use administration and enforcement
31 programs, if any, the terms and conditions of which shall be set forth
32 in such agreement; and

33 (e) create an intermunicipal overlay district for the purpose of
34 protecting, enhancing, or developing community resources that encompass
35 two or more municipalities.

36 5. Special considerations. (a) Making joint agreements. Any agreement
37 made pursuant to the provisions of this section may contain provisions
38 as the parties deem to be appropriate, and including provisions relative
39 to the items designated in paragraphs a through m inclusive as set forth
40 in subdivision two of section one hundred nineteen-o of this chapter.

41 (b) Establishing the duration of agreement. Any local law developed
42 pursuant to the provisions of this section may contain procedures for
43 periodic review of the terms and conditions, including those relating to
44 the duration, extension or termination of the agreement.

45 (c) Amending local laws or ordinances. Local laws or ordinances shall
46 be amended, as appropriate, to reflect the provisions contained in
47 intermunicipal agreements established pursuant to the provisions of this
48 section.

49 6. Appeal of action by aggrieved party or parties. Any officer,
50 department, board or bureau of any municipality with the approval of the
51 legislative body, or any person or persons jointly or severally
52 aggrieved by any act or decision of a planning board, county planning
53 board, zoning board of appeals, county zoning board of appeals, or agen-
54 cy created pursuant to the provisions of this [~~section~~] article may
55 bring a proceeding by article seventy-eight of the civil practice law
56 and rules in a court of record on the ground that such decision is ille-

1 gal, in whole or in part. Such proceeding must be commenced within thir-
2 ty days after the filing of the decision in the office of the board.
3 Commencement of the proceeding by article seventy-eight of the civil
4 practice law and rules in a court shall stay all other proceedings upon
5 the decision from which the appeal is taken. All issues in any proceed-
6 ing under this [~~section~~] article shall have a preference over all other
7 civil actions and proceedings.

8 7. Any agreements made between two or more [~~municipalities~~] counties,
9 cities, towns, or villages pursuant to article five-G of this chapter or
10 other law which provides for the undertaking of any land use, planning,
11 and zoning regulation or activity on a joint, cooperative or contract
12 basis, if valid when so made, shall not be invalidated by the provisions
13 of this [~~section~~] article.

14 8. Training and attendance requirements. (a) Each member of a county
15 zoning board of appeals, county planning board, or other county body
16 established to approve land use, planning or zoning applications that is
17 subject to an agreement under this article shall complete, at a minimum,
18 four hours of training each year designed to enable such members to more
19 effectively carry out their duties. Training received by a member in
20 excess of four hours in any one year may be carried over by the member
21 into succeeding years in order to meet the requirements of this subdivi-
22 sion. Such training shall be approved by the governing board that
23 appointed the member and may include, but not be limited to, training
24 provided by a municipality, regional or county planning office or
25 commission, county planning federation, state agency, statewide munici-
26 pal association, college or other similar entity. Training may be
27 provided in a variety of formats, including but not limited to, elec-
28 tronic media, video, distance learning and traditional classroom train-
29 ing.

30 (b) To be eligible for reappointment to such board, such member shall
31 have completed the training approved by the board that appointed the
32 member pursuant to law.

33 (c) The training required by this subdivision may be waived or modi-
34 fied by resolution of the board that appointed the member when, in the
35 judgment of such board, it is in the best interest of the municipality
36 to do so.

37 (d) No decision of such board shall be voided or declared invalid
38 because of a failure of any of its board members to comply with this
39 subdivision.

40 9. The provisions of this [~~section~~] article shall be in addition to
41 existing authority and shall not be deemed or constructed as a limita-
42 tion, diminution or derogation of any statutory authority authorizing
43 municipal cooperation.

44 § 2. Article 5-J of the general municipal law is amended by adding a
45 new section 119-v to read as follows:

46 § 119-v. County administration of land use regulations. A town, city,
47 or village within a county may request by local law that the legislative
48 body of its county adopt a program for the administration and enforce-
49 ment of any land use and planning regulations and any zoning ordinance
50 or local law, in force or proposed in said town, city, or village.
51 During the period in which the county legislative body is developing and
52 adopting such program, any existing planning, zoning, and other land use
53 regulations included in such county request shall remain in full force
54 and effect. The governing board of each town, city, or village request-
55 ing county administration and enforcement of the local land use and
56 planning regulations shall receive written notification that the county

1 legislative body has adopted such program. Upon such county notification
2 to the town, city, or village, the county program so developed and
3 adopted shall apply in the town, city, or village requesting county
4 administration and enforcement of any land use and planning regulations
5 from thirty days thereafter unless and until the town, city, or village
6 request has been withdrawn by local law. Nothing shall prevent a county
7 legislative body from developing and adopting a program for the county-
8 wide or part-county administration and enforcement of the land use,
9 planning and zoning regulations upon the request of two or more towns,
10 cities, and/or villages located within the county.

11 § 3. Article 5-J of the general municipal law is amended by adding a
12 new section 119-w to read as follows:

13 § 119-w. County planning commission or other similar county entity or
14 department. 1. The county legislative body may establish a county plan-
15 ning commission to implement the intermunicipal agreement created pursu-
16 ant to this article; provided however, that where a county planning
17 board, commission, or other county entity or department already exists
18 in accordance with a county charter or local law, the existing board,
19 commission, entity or department may be appointed by the county legisla-
20 tive body as the county planning commission to implement the intermunic-
21 ipal agreement authorized in this article. Planning commissions estab-
22 lished to implement provisions of this article after December
23 thirty-first, two thousand seventeen shall consist of seven members who
24 shall be appointed by the county legislative body. Three members of the
25 commission shall be appointed for terms of one year, three for terms of
26 two years and one member shall be appointed for a term of three years.
27 Successors shall be appointed for terms of three years each. A vacancy
28 occurring otherwise than by expiration of term shall be filled by
29 appointment by the legislative body of the county government for the
30 unexpired term. Such commission shall have power, within the limits of
31 the appropriation made by the legislative body of the county, to employ
32 a secretary and other necessary clerical assistants and employ or
33 contract with such technical assistants as may be necessary from time to
34 time to give full effect to the provisions of this article.

35 2. Where an intermunicipal agreement created pursuant to this article
36 so provides, the county planning commission may, at the option of the
37 local legislative body of a town, village or city of the county, have
38 control of land use, zoning, and land subdivision in such municipi-
39 palities, and no map subdividing land into lots for residential or busi-
40 ness purposes in any such municipality shall be accepted for filing by
41 the county clerk unless it shall have been first approved by the county
42 planning commission and shall have such approval endorsed thereon.

43 3. For the purpose of promoting the health, safety, morals, or the
44 general welfare of the county, the legislative body of the county, at
45 the option of the legislative body of a town, village or city of the
46 county, when an intermunicipal agreement so provides, such county is
47 authorized to adopt a local law to regulate and restrict the height,
48 number of stories and size of buildings and other structures, the
49 percentage of lot that may be occupied, the size of yards, courts, and
50 other open spaces, the density of population, and the location and use
51 of buildings, structures and land for trade, industry, residence or
52 other purposes; provided further, that all charges and expenses incurred
53 under this article for zoning and planning may be a charge upon the
54 taxable property of that part of the county.

55 4. Such county local law shall provide that a board of appeals may
56 determine and vary the application of the provisions in said local law

1 in harmony with the law's general purpose and intent, and in accordance
2 with general or specific rules therein, provided that for:

3 (a) Orders, requirements, decisions, interpretations, determinations.
4 The board of appeals may reverse or affirm, wholly or partly, or may
5 modify the order, requirement, decision, interpretation or determination
6 appealed from and shall make such order, requirement, decision, inter-
7 pretation or determination as in its opinion ought to have been made in
8 the matter by the administrative official charged with the enforcement
9 of such ordinance or local law and to that end shall have all the powers
10 of the administrative official from whose order, requirement, decision,
11 interpretation or determination the appeal is taken.

12 (b) Use variances. (1) The board of appeals, on appeal from the deci-
13 sion or determination of the administrative official charged with the
14 enforcement of such ordinance or local law, shall have the power to
15 grant use variances, as defined in this section.

16 (2) No such use variance shall be granted by the board of appeals
17 without a showing by the applicant that applicable zoning regulations
18 and restrictions have caused unnecessary hardship. In order to prove
19 such unnecessary hardship the applicant shall demonstrate to the board
20 of appeals that for each and every permitted use under the zoning regu-
21 lations for the particular district where the property is located, (i)
22 the applicant cannot realize a reasonable return, provided that lack of
23 return is substantial as demonstrated by competent financial evidence;
24 (ii) that the alleged hardship relating to the property in question is
25 unique, and does not apply to a substantial portion of the district or
26 neighborhood; (iii) that the requested use variance, if granted, will
27 not alter the essential character of the neighborhood; and (iv) that the
28 alleged hardship has not been self-created.

29 (3) The board of appeals, in the granting of use variances, shall
30 grant the minimum variance that it shall deem necessary and adequate to
31 address the unnecessary hardship proven by the applicant, and at the
32 same time preserve and protect the character of the neighborhood and the
33 health, safety and welfare of the community.

34 (c) Area variances. (1) The zoning board of appeals shall have the
35 power, upon an appeal from a decision or determination of the adminis-
36 trative official charged with the enforcement of such ordinance of local
37 law, to grant area variances as defined in this section.

38 (2) In making its determination, the zoning board of appeals shall
39 take into consideration the benefit to the applicant if the variance is
40 granted, as weighed against the detriment to the health, safety and
41 welfare of the neighborhood or community by such grant. In making such
42 determination the board shall also consider: (i) whether an undesirable
43 change will be produced in the character of the neighborhood or a detri-
44 ment to nearby properties will be created by the granting of the area
45 variance; (ii) whether the benefit sought by the applicant can be
46 achieved by some method, feasible for the applicant to pursue, other
47 than an area variance; (iii) whether the requested area variance is
48 substantial; (iv) whether the proposed variance will have an adverse
49 effect or impact on the physical or environmental conditions in the
50 neighborhood or community; and (v) whether the alleged difficulty was
51 self-created, which consideration shall be relevant to the decision of
52 the board of appeals, but shall not necessarily preclude the granting of
53 the area variance.

54 (3) The board of appeals, in the granting of area variances, shall
55 grant the minimum variance that it shall deem necessary and adequate and

1 at the same time preserve and protect the character of the neighborhood
2 and the health, safety and welfare of the community.

3 (d) Imposition of conditions. The board of appeals shall, in the
4 granting of both use variances and area variances, have the authority to
5 impose such reasonable conditions and restrictions as are directly
6 related to and incidental to the proposed use of the property. Such
7 conditions shall be consistent with the spirit and intent of the zoning
8 ordinance or local law, and shall be imposed for the purpose of minimiz-
9 ing any adverse impact such variance may have on the neighborhood or
10 community.

11 5. In addition to the foregoing, the county legislative body, at the
12 option of the legislative body of a town, village or city of the county,
13 is empowered to adopt by local law a comprehensive plan in so far as the
14 plan relates to any portion of the county addressed in said intermunicipal
15 agreement and also any portion which relates to state highways and
16 county or town roads, county buildings and navigable waterways, irre-
17 spective of whether they may be located within the boundaries of any
18 town, city or village or elsewhere within the county. Upon the adoption
19 of any such local law, the legislative body of the county shall file
20 with the county clerk forthwith a certified copy thereof, including
21 copies of all relevant maps and plans. The county planning commission or
22 county entity or department appointed by the county legislative body,
23 may develop and recommend the county comprehensive plan to the county
24 legislative body for its adoption.

25 6. Whenever a comprehensive plan, or one or more parts thereof, shall
26 have been adopted as hereinbefore provided, no street, square, park or
27 other public way, ground, open space or other public place, public
28 building, structure or public utility (whether publicly or privately
29 owned) shall be constructed or authorized in any portion of the county
30 in respect to which said plan or part thereof has been adopted, until
31 the location, character and extent thereof shall have been submitted to
32 and approved by the county planning commission as conforming to the
33 general intent and purpose of the comprehensive plan. The county plan-
34 ning commission shall make rules relating to such matters, which shall
35 provide for notice to all parties interested, including units of local
36 government which may be affected thereby, and including the office of
37 parks, recreation and historic preservation if the matter submitted
38 relates to any portion of the county within two hundred feet of any
39 state park or parkway. If the matter submitted relates to the territory
40 of any unit of local government which has adopted a plan of development
41 prior to the adoption of the comprehensive plan, such plan shall not be
42 superseded except by a two-thirds vote of the whole number of members of
43 the county planning commission.

44 § 4. Section 10 of the statute of local governments is amended by
45 adding a new subdivision 6-a to read as follows:

46 6-a. In the case of a county, when authorized by local law adopted by
47 the legislative body of any city, town or village of the county and in
48 accordance with an intermunicipal agreement entered into between the
49 local governments in a manner prescribed by statute, the power to adopt,
50 amend, repeal, and/or enforce zoning and other land use regulations in
51 all or part of such city, village or town, provided however, an intermu-
52 nicipal agreement entered into with a county to allow such county to
53 adopt, amend, repeal, and/or enforce zoning and other land use regu-
54 lations within a village would require the authorization from the legis-
55 lative body of such village.

1 § 5. Section four of this act shall take effect immediately after it
2 is enacted by the legislature with the approval of the governor in
3 accordance with paragraph one of subdivision (b) of section two of arti-
4 cle nine of the constitution, and provided that it is re-enacted by the
5 legislature and approved by the governor in the next calendar year in
6 accordance with such paragraph. After such re-enactment by the legisla-
7 ture and approval by the governor of section four of this act in accord-
8 ance with article nine of the constitution, sections one, two, and three
9 of this act shall take effect immediately after such date; provided,
10 further, that the governor's office shall notify the legislative bill
11 drafting commission upon the occurrence of the enactment of this legis-
12 lation provided for in this section in order that the commission may
13 maintain an accurate and timely effective data base of the official text
14 of the laws of the state of New York in furtherance of effectuating the
15 provisions of section 44 of the legislative law and section 70-b of the
16 public officers law.

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

26 § 3. This act shall take effect immediately; provided, however, that
27 the applicable effective date of Subparts A and B of this Part shall be
28 as specifically set forth in the last section of such Subparts.

29 PART EE

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

32 ARTICLE 12-I

33 COUNTY-WIDE SHARED SERVICES PANELS

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

35 § 239-bb. County-wide shared services panels. 1. Definitions. The
36 following terms shall have the following meanings for the purposes of
37 this article:

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

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

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

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

46 2. County-wide shared services panels. a. There shall be a county-wide
47 shared services panel in each county consisting of the county CEO, and
48 one representative from each city, town and village in the county. The
49 chief executive officer of each town, city and village shall be the
50 representative to a panel and shall be the mayor, if a city or a
51 village, or shall be the supervisor, if a town. The county CEO shall
52 serve as chair. All panels established in each county pursuant to part
53 BBB of chapter fifty-nine of the laws of two thousand seventeen, and
54 prior to the enactment of this article, shall continue in satisfaction

1 of this section in such form as they were established, provided that the
2 county CEO may alter the membership of the panel consistent with para-
3 graph b of this subdivision.

4 b. The county CEO may invite any school district, board of cooperative
5 educational services, fire district, fire protection district, or
6 special improvement district in the county to join a panel. Upon such
7 invitation, the governing body of such school district, board of cooper-
8 ative educational services, fire district, fire protection district, or
9 other special district may accept such invitation by selecting a repre-
10 sentative of such governing body, by majority vote, to serve as a member
11 of the panel. Such school district, board of cooperative educational
12 services, fire district, fire protection district or other special
13 district shall maintain such representation until the panel either
14 approves a plan or transmits a statement to the secretary of state on
15 the reason the panel did not approve a plan, pursuant to paragraph d of
16 subdivision seven of this section. Upon approval of a plan or a trans-
17 mission of a statement to the secretary of state that a panel did not
18 approve a plan in any calendar year, the county CEO may, but need not,
19 invite any school district, board of cooperative educational services,
20 fire district, fire protection district or special improvement district
21 in the county to join a panel thereafter convened.

22 c. Notwithstanding any provision of the education law, or any other
23 provision of law, rule or regulation, to the contrary, any school
24 district or board of cooperative educational services may join a panel
25 established pursuant to the provisions of this section, and may further
26 participate in any of the activities of such panel, with any participat-
27 ing county, town, city, village, fire district, fire protection
28 district, special improvement district, school district, or board of
29 cooperative educational services participating in such panels.

30 3. Each county CEO shall, after satisfying the requirements of part
31 BBB of chapter fifty-nine of the laws of two thousand seventeen, revise
32 and update a previously approved plan or develop a new plan. Such plans
33 shall contain new, recurring property tax savings resulting from actions
34 such as, but not limited to, the elimination of duplicative services;
35 shared service arrangements including, joint purchasing, shared highway
36 equipment, shared storage facilities, shared plowing services, and ener-
37 gy and insurance purchasing cooperatives; reducing back office adminis-
38 trative overhead; and better-coordinating services. The secretary of
39 state may provide guidance on the form and structure of such plans.

40 4. While developing a plan, the county CEO shall regularly consult
41 with, and take recommendations from, the representatives: on the panel;
42 of each collective bargaining unit of the county and the cities, towns,
43 and villages; and of each collective bargaining unit of any participat-
44 ing school district, board of cooperative educational services, fire
45 district, fire protection district, or special improvement district.

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

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

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

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

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

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

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

36 8. The secretary of state may solicit, and the panels shall provide at
37 her or his request, advice, guidance and recommendations concerning
38 matters related to the operations of local governments and shared
39 services initiatives, including, but not limited to, making recommenda-
40 tions regarding grant proposals incorporating elements of shared
41 services, government dissolutions, government and service consol-
42 idations, or property taxes and such other grants where the secretary
43 deems the input of the panels to be in the best interest of the public.
44 The panel shall advance such advice, guidance or recommendations by a
45 vote of the majority of the members present at such meeting.

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

55 § 3. This act shall take effect immediately.

1

PART FF

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

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

9 § 2. This act shall take effect immediately.

10

PART GG

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

- 15 1. Proprietary vocational school supervision account (20452).
- 16 2. Local government records management account (20501).
- 17 3. Child health plus program account (20810).
- 18 4. EPIC premium account (20818).
- 19 5. Education - New (20901).
- 20 6. VLT - Sound basic education fund (20904).
- 21 7. Sewage treatment program management and administration fund
22 (21000).
- 23 8. Hazardous bulk storage account (21061).
- 24 9. Federal grants indirect cost recovery account (21065).
- 25 10. Low level radioactive waste account (21066).
- 26 11. Recreation account (21067).
- 27 12. Public safety recovery account (21077).
- 28 13. Environmental regulatory account (21081).
- 29 14. Natural resource account (21082).
- 30 15. Mined land reclamation program account (21084).
- 31 16. Great lakes restoration initiative account (21087).
- 32 17. Environmental protection and oil spill compensation fund (21200).
- 33 18. Public transportation systems account (21401).
- 34 19. Metropolitan mass transportation (21402).
- 35 20. Operating permit program account (21451).
- 36 21. Mobile source account (21452).
- 37 22. Statewide planning and research cooperative system account
38 (21902).
- 39 23. New York state thruway authority account (21905).
- 40 24. Mental hygiene program fund account (21907).
- 41 25. Mental hygiene patient income account (21909).
- 42 26. Financial control board account (21911).
- 43 27. Regulation of racing account (21912).
- 44 28. New York Metropolitan Transportation Council account (21913).
- 45 29. State university dormitory income reimbursable account (21937).
- 46 30. Criminal justice improvement account (21945).
- 47 31. Environmental laboratory reference fee account (21959).
- 48 32. Clinical laboratory reference system assessment account (21962).
- 49 33. Indirect cost recovery account (21978).
- 50 34. High school equivalency program account (21979).
- 51 35. Multi-agency training account (21989).
- 52 36. Interstate reciprocity for post-secondary distance education
53 account (23800).

- 1 37. Bell jar collection account (22003).
- 2 38. Industry and utility service account (22004).
- 3 39. Real property disposition account (22006).
- 4 40. Parking account (22007).
- 5 41. Courts special grants (22008).
- 6 42. Asbestos safety training program account (22009).
- 7 43. Batavia school for the blind account (22032).
- 8 44. Investment services account (22034).
- 9 45. Surplus property account (22036).
- 10 46. Financial oversight account (22039).
- 11 47. Regulation of Indian gaming account (22046).
- 12 48. Rome school for the deaf account (22053).
- 13 49. Seized assets account (22054).
- 14 50. Administrative adjudication account (22055).
- 15 51. Federal salary sharing account (22056).
- 16 52. New York City assessment account (22062).
- 17 53. Cultural education account (22063).
- 18 54. Local services account (22078).
- 19 55. DHCR mortgage servicing account (22085).
- 20 56. Housing indirect cost recovery account (22090).
- 21 57. DHCR-HCA application fee account (22100).
- 22 58. Low income housing monitoring account (22130).
- 23 59. Corporation administration account (22135).
- 24 60. Montrose veteran's home account (22144).
- 25 61. Deferred compensation administration account (22151).
- 26 62. Rent revenue other New York City account (22156).
- 27 63. Rent revenue account (22158).
- 28 64. Tax revenue arrearage account (22168).
- 29 65. Youth facility per diem account (22186).
- 30 66. State university general income offset account (22654).
- 31 67. Lake George park trust fund account (22751).
- 32 68. State police motor vehicle law enforcement account (22802).
- 33 69. Highway safety program account (23001).
- 34 70. DOH drinking water program account (23102).
- 35 71. NYCCC operating offset account (23151).
- 36 72. Commercial gaming revenue account (23701).
- 37 73. Commercial gaming regulation account (23702).
- 38 74. Highway use tax administration account (23801).
- 39 75. Fantasy sports administration account (24951).
- 40 76. Highway and bridge capital account (30051).
- 41 77. Aviation purpose account (30053).
- 42 78. State university residence hall rehabilitation fund (30100).
- 43 79. State parks infrastructure account (30351).
- 44 80. Clean water/clean air implementation fund (30500).
- 45 81. Hazardous waste remedial cleanup account (31506).
- 46 82. Youth facilities improvement account (31701).
- 47 83. Housing assistance fund (31800).
- 48 84. Housing program fund (31850).
- 49 85. Highway facility purpose account (31951).
- 50 86. Information technology capital financing account (32215).
- 51 87. New York racing account (32213).
- 52 88. Capital miscellaneous gifts account (32214).
- 53 89. New York environmental protection and spill remediation account
54 (32219).
- 55 90. Mental hygiene facilities capital improvement fund (32300).
- 56 91. Correctional facilities capital improvement fund (32350).

1 92. New York State Storm Recovery Capital Fund (33000).
2 93. OGS convention center account (50318).
3 94. Empire Plaza Gift Shop (50327).
4 95. Centralized services fund (55000).
5 96. Archives records management account (55052).
6 97. Federal single audit account (55053).
7 98. Civil service EHS occupational health program account (55056).
8 99. Banking services account (55057).
9 100. Cultural resources survey account (55058).
10 101. Neighborhood work project account (55059).
11 102. Automation & printing chargeback account (55060).
12 103. OFT NYT account (55061).
13 104. Data center account (55062).
14 105. Intrusion detection account (55066).
15 106. Domestic violence grant account (55067).
16 107. Centralized technology services account (55069).
17 108. Labor contact center account (55071).
18 109. Human services contact center account (55072).
19 110. Tax contact center account (55073).
20 111. Executive direction internal audit account (55251).
21 112. CIO Information technology centralized services account (55252).
22 113. Health insurance internal service account (55300).
23 114. Civil service employee benefits division administrative account
24 (55301).
25 115. Correctional industries revolving fund (55350).
26 116. Employees health insurance account (60201).
27 117. Medicaid management information system escrow fund (60900).
28 118. Department of law civil recoveries account.
29 § 1-a. The state comptroller is hereby authorized and directed to loan
30 money in accordance with the provisions set forth in subdivision 5 of
31 section 4 of the state finance law to any account within the following
32 federal funds, provided the comptroller has made a determination that
33 sufficient federal grant award authority is available to reimburse such
34 loans:
35 1. Federal USDA-food and nutrition services fund (25000).
36 2. Federal health and human services fund (25100).
37 3. Federal education fund (25200).
38 4. Federal block grant fund (25250).
39 5. Federal miscellaneous operating grants fund (25300).
40 6. Federal unemployment insurance administration fund (25900).
41 7. Federal unemployment insurance occupational training fund (25950).
42 8. Federal emergency employment act fund (26000).
43 9. Federal capital projects fund (31350).
44 § 1-b. The state comptroller is hereby authorized and directed to loan
45 money in accordance with the provisions set forth in subdivision 5 of
46 section 4 of the state finance law to any fund within the special reven-
47 ue, capital projects, proprietary or fiduciary funds for the purpose of
48 payment of any fringe benefit or indirect cost liabilities or obli-
49 gations incurred.
50 § 2. Notwithstanding any law to the contrary, and in accordance with
51 section 4 of the state finance law, the comptroller is hereby authorized
52 and directed to transfer, upon request of the director of the budget, on
53 or before March 31, 2019, up to the unencumbered balance or the follow-
54 ing amounts:
55 Economic Development and Public Authorities:

- 1 1. \$175,000 from the miscellaneous special revenue fund, underground
2 facilities safety training account (22172), to the general fund.
- 3 2. \$2,500,000 from the miscellaneous special revenue fund, cable tele-
4 vision account (21971), to the general fund.
- 5 3. An amount up to the unencumbered balance from the miscellaneous
6 special revenue fund, business and licensing services account (21977),
7 to the general fund.
- 8 4. \$14,810,000 from the miscellaneous special revenue fund, code
9 enforcement account (21904), to the general fund.
- 10 5. \$3,000,000 from the general fund to the miscellaneous special
11 revenue fund, tax revenue arrearage account (22168).
- 12 Education:
- 13 1. \$2,294,000,000 from the general fund to the state lottery fund,
14 education account (20901), as reimbursement for disbursements made from
15 such fund for supplemental aid to education pursuant to section 92-c of
16 the state finance law that are in excess of the amounts deposited in
17 such fund for such purposes pursuant to section 1612 of the tax law.
- 18 2. \$906,800,000 from the general fund to the state lottery fund, VLT
19 education account (20904), as reimbursement for disbursements made from
20 such fund for supplemental aid to education pursuant to section 92-c of
21 the state finance law that are in excess of the amounts deposited in
22 such fund for such purposes pursuant to section 1612 of the tax law.
- 23 3. \$140,040,000 from the general fund to the New York state commercial
24 gaming fund, commercial gaming revenue account (23701), as reimbursement
25 for disbursements made from such fund for supplemental aid to education
26 pursuant to section 97-nnnn of the state finance law that are in excess
27 of the amounts deposited in such fund for purposes pursuant to section
28 1352 of the racing, pari-mutuel wagering and breeding law.
- 29 4. Moneys from the state lottery fund (20900) up to an amount deposit-
30 ed in such fund pursuant to section 1612 of the tax law in excess of the
31 current year appropriation for supplemental aid to education pursuant to
32 section 92-c of the state finance law.
- 33 5. \$300,000 from the New York state local government records manage-
34 ment improvement fund, local government records management account
35 (20501), to the New York state archives partnership trust fund, archives
36 partnership trust maintenance account (20351).
- 37 6. \$900,000 from the general fund to the miscellaneous special revenue
38 fund, Batavia school for the blind account (22032).
- 39 7. \$900,000 from the general fund to the miscellaneous special revenue
40 fund, Rome school for the deaf account (22053).
- 41 8. \$343,400,000 from the state university dormitory income fund
42 (40350) to the miscellaneous special revenue fund, state university
43 dormitory income reimbursable account (21937).
- 44 9. \$20,000,000 from any of the state education department special
45 revenue and internal service funds to the miscellaneous special revenue
46 fund, indirect cost recovery account (21978).
- 47 10. \$8,318,000 from the general fund to the state university income
48 fund, state university income offset account (22654), for the state's
49 share of repayment of the STIP loan.
- 50 11. \$44,000,000 from the state university income fund, state universi-
51 ty hospitals income reimbursable account (22656) to the general fund for
52 hospital debt service for the period April 1, 2018 through March 31,
53 2019.
- 54 12. \$4,300,000 from the miscellaneous special revenue fund, office of
55 the professions account (22051), to the miscellaneous capital projects
56 fund, office of the professions electronic licensing account (32200).

1 Environmental Affairs:

- 2 1. \$16,000,000 from any of the department of environmental conserva-
3 tion's special revenue federal funds to the environmental conserva-
4 tion special revenue fund, federal indirect recovery account (21065).
- 5 2. \$5,000,000 from any of the department of environmental conserva-
6 tion's special revenue federal funds to the conservation fund (21150) as
7 necessary to avoid diversion of conservation funds.
- 8 3. \$3,000,000 from any of the office of parks, recreation and historic
9 preservation capital projects federal funds and special revenue federal
10 funds to the miscellaneous special revenue fund, federal grant indirect
11 cost recovery account (22188).
- 12 4. \$1,000,000 from any of the office of parks, recreation and historic
13 preservation special revenue federal funds to the miscellaneous capital
14 projects fund, I love NY water account (32212).
- 15 5. \$28,000,000 from the general fund to the environmental protection
16 fund, environmental protection fund transfer account (30451).
- 17 6. \$6,500,000 from the general fund to the hazardous waste remedial
18 fund, hazardous waste oversight and assistance account (31505).
- 19 7. An amount up to or equal to the cash balance within the special
20 revenue-other waste management & cleanup account (21053) to the capital
21 projects fund (30000).

22 Family Assistance:

- 23 1. \$7,000,000 from any of the office of children and family services,
24 office of temporary and disability assistance, or department of health
25 special revenue federal funds and the general fund, in accordance with
26 agreements with social services districts, to the miscellaneous special
27 revenue fund, office of human resources development state match account
28 (21967).
- 29 2. \$4,000,000 from any of the office of children and family services
30 or office of temporary and disability assistance special revenue federal
31 funds to the miscellaneous special revenue fund, family preservation and
32 support services and family violence services account (22082).
- 33 3. \$18,670,000 from any of the office of children and family services,
34 office of temporary and disability assistance, or department of health
35 special revenue federal funds and any other miscellaneous revenues
36 generated from the operation of office of children and family services
37 programs to the general fund.
- 38 4. \$140,000,000 from any of the office of temporary and disability
39 assistance or department of health special revenue funds to the general
40 fund.
- 41 5. \$2,500,000 from any of the office of temporary and disability
42 assistance special revenue funds to the miscellaneous special revenue
43 fund, office of temporary and disability assistance program account
44 (21980).
- 45 6. \$7,400,000 from any of the office of children and family services,
46 office of temporary and disability assistance, department of labor, and
47 department of health special revenue federal funds to the office of
48 children and family services miscellaneous special revenue fund, multi-
49 agency training contract account (21989).
- 50 7. \$205,000,000 from the miscellaneous special revenue fund, youth
51 facility per diem account (22186), to the general fund.
- 52 8. \$621,850 from the general fund to the combined gifts, grants, and
53 bequests fund, WB Hoyt Memorial account (20128).
- 54 9. \$5,000,000 from the miscellaneous special revenue fund, state
55 central registry (22028), to the general fund.

56 General Government:

- 1 1. \$1,566,000 from the miscellaneous special revenue fund, examination
2 and miscellaneous revenue account (22065) to the general fund.
- 3 2. \$8,083,000 from the general fund to the health insurance revolving
4 fund (55300).
- 5 3. \$192,400,000 from the health insurance reserve receipts fund
6 (60550) to the general fund.
- 7 4. \$150,000 from the general fund to the not-for-profit revolving loan
8 fund (20650).
- 9 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
10 general fund.
- 11 6. \$3,000,000 from the miscellaneous special revenue fund, surplus
12 property account (22036), to the general fund.
- 13 7. \$19,000,000 from the miscellaneous special revenue fund, revenue
14 arrearage account (22024), to the general fund.
- 15 8. \$1,826,000 from the miscellaneous special revenue fund, revenue
16 arrearage account (22024), to the miscellaneous special revenue fund,
17 authority budget office account (22138).
- 18 9. \$1,000,000 from the miscellaneous special revenue fund, parking
19 services account (22007), to the general fund, for the purpose of reim-
20 bursing the costs of debt service related to state parking facilities.
- 21 10. \$21,778,000 from the general fund to the centralized services
22 fund, COPS account (55013).
- 23 11. \$13,960,000 from the general fund to the agencies internal service
24 fund, central technology services account (55069), for the purpose of
25 enterprise technology projects.
- 26 12. \$5,500,000 from the miscellaneous special revenue fund, technology
27 financing account (22207) to the internal service fund, data center
28 account (55062).
- 29 13. \$12,500,000 from the internal service fund, human services telecom
30 account (55063) to the internal service fund, data center account
31 (55062).
- 32 14. \$300,000 from the internal service fund, learning management
33 systems account (55070) to the internal service fund, data center
34 account (55062).
- 35 15. \$15,000,000 from the miscellaneous special revenue fund, workers'
36 compensation account (21995), to the miscellaneous capital projects
37 fund, workers' compensation board IT business process design fund,
38 (32218).
- 39 16. \$12,000,000 from the miscellaneous special revenue fund, parking
40 services account (22007), to the centralized services, building support
41 services account (55018).
- 42 17. \$6,000,000 from the general fund to the internal service fund,
43 business services center account (55022).
- 44 Health:
- 45 1. A transfer from the general fund to the combined gifts, grants and
46 bequests fund, breast cancer research and education account (20155), up
47 to an amount equal to the monies collected and deposited into that
48 account in the previous fiscal year.
- 49 2. A transfer from the general fund to the combined gifts, grants and
50 bequests fund, prostate cancer research, detection, and education
51 account (20183), up to an amount equal to the moneys collected and
52 deposited into that account in the previous fiscal year.
- 53 3. A transfer from the general fund to the combined gifts, grants and
54 bequests fund, Alzheimer's disease research and assistance account
55 (20143), up to an amount equal to the moneys collected and deposited
56 into that account in the previous fiscal year.

- 1 4. \$33,134,000 from the HCRA resources fund (20800) to the miscella-
2 neous special revenue fund, empire state stem cell trust fund account
3 (22161).
- 4 5. \$6,000,000 from the miscellaneous special revenue fund, certificate
5 of need account (21920), to the miscellaneous capital projects fund,
6 healthcare IT capital subfund (32216).
- 7 6. \$2,000,000 from the miscellaneous special revenue fund, vital
8 health records account (22103), to the miscellaneous capital projects
9 fund, healthcare IT capital subfund (32216).
- 10 7. \$2,000,000 from the miscellaneous special revenue fund, profes-
11 sional medical conduct account (22088), to the miscellaneous capital
12 projects fund, healthcare IT capital subfund (32216).
- 13 8. \$91,304,000 from the HCRA resources fund (20800) to the capital
14 projects fund (30000).
- 15 9. \$6,550,000 from the general fund to the medical marihuana trust
16 fund, health operation and oversight account (23755).
- 17 10. \$1,086,000 from the miscellaneous special revenue fund, certif-
18 icate of need account (21920), to the general fund.
- 19 Labor:
- 20 1. \$400,000 from the miscellaneous special revenue fund, DOL fee and
21 penalty account (21923), to the child performer's protection fund, child
22 performer protection account (20401).
- 23 2. \$11,700,000 from the unemployment insurance interest and penalty
24 fund, unemployment insurance special interest and penalty account
25 (23601), to the general fund.
- 26 3. \$5,000,000 from the miscellaneous special revenue fund, workers'
27 compensation account (21995), to the training and education program
28 occupation safety and health fund, OSHA-training and education account
29 (21251) and occupational health inspection account (21252).
- 30 Mental Hygiene:
- 31 1. \$10,000,000 from the general fund, to the miscellaneous special
32 revenue fund, federal salary sharing account (22056).
- 33 2. \$1,800,000,000 from the general fund to the miscellaneous special
34 revenue fund, mental hygiene patient income account (21909).
- 35 3. \$2,200,000,000 from the general fund to the miscellaneous special
36 revenue fund, mental hygiene program fund account (21907).
- 37 4. \$100,000,000 from the miscellaneous special revenue fund, mental
38 hygiene program fund account (21907), to the general fund.
- 39 5. \$100,000,000 from the miscellaneous special revenue fund, mental
40 hygiene patient income account (21909), to the general fund.
- 41 6. \$3,800,000 from the general fund, to the agencies internal service
42 fund, civil service EHS occupational health program account (55056).
- 43 7. \$15,000,000 from the chemical dependence service fund, substance
44 abuse services fund account (22700), to the capital projects fund
45 (30000).
- 46 8. \$3,000,000 from the chemical dependence service fund, substance
47 abuse services fund account (22700), to the mental hygiene capital
48 improvement fund (32305).
- 49 9. \$3,000,000 from the chemical dependence service fund, substance
50 abuse services fund account (22700), to the general fund.
- 51 Public Protection:
- 52 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
53 management account (21944), to the general fund.
- 54 2. \$2,087,000 from the general fund to the miscellaneous special
55 revenue fund, recruitment incentive account (22171).

- 1 3. \$20,773,000 from the general fund to the correctional industries
2 revolving fund, correctional industries internal service account
3 (55350).
- 4 4. \$60,000,000 from any of the division of homeland security and emer-
5 gency services special revenue federal funds to the general fund.
- 6 5. \$8,600,000 from the miscellaneous special revenue fund, criminal
7 justice improvement account (21945), to the general fund.
- 8 6. \$115,420,000 from the state police motor vehicle law enforcement
9 and motor vehicle theft and insurance fraud prevention fund, state
10 police motor vehicle enforcement account (22802), to the general fund
11 for state operation expenses of the division of state police.
- 12 7. \$118,500,000 from the general fund to the correctional facilities
13 capital improvement fund (32350).
- 14 8. \$5,000,000 from the general fund to the dedicated highway and
15 bridge trust fund (30050) for the purpose of work zone safety activities
16 provided by the division of state police for the department of transpor-
17 tation.
- 18 9. \$10,000,000 from the miscellaneous special revenue fund, statewide
19 public safety communications account (22123), to the capital projects
20 fund (30000).
- 21 10. \$9,830,000 from the miscellaneous special revenue fund, legal
22 services assistance account (22096), to the general fund.
- 23 11. \$1,000,000 from the general fund to the agencies internal service
24 fund, neighborhood work project account (55059).
- 25 12. \$7,980,000 from the miscellaneous special revenue fund, finger-
26 print identification & technology account (21950), to the general fund.
- 27 13. \$1,100,000 from the state police motor vehicle law enforcement and
28 motor vehicle theft and insurance fraud prevention fund, motor vehicle
29 theft and insurance fraud account (22801), to the general fund.
- 30 Transportation:
- 31 1. \$17,672,000 from the federal miscellaneous operating grants fund to
32 the miscellaneous special revenue fund, New York Metropolitan Transpor-
33 tation Council account (21913).
- 34 2. \$20,147,000 from the federal capital projects fund to the miscella-
35 neous special revenue fund, New York Metropolitan Transportation Council
36 account (21913).
- 37 3. \$15,058,017 from the general fund to the mass transportation oper-
38 ating assistance fund, public transportation systems operating assist-
39 ance account (21401), of which \$12,000,000 constitutes the base need for
40 operations.
- 41 4. \$265,900,000 from the general fund to the dedicated highway and
42 bridge trust fund (30050).
- 43 5. \$244,250,000 from the general fund to the MTA financial assistance
44 fund, mobility tax trust account (23651).
- 45 6. \$5,000,000 from the miscellaneous special revenue fund, transporta-
46 tion regulation account (22067) to the dedicated highway and bridge
47 trust fund (30050), for disbursements made from such fund for motor
48 carrier safety that are in excess of the amounts deposited in the dedi-
49 cated highway and bridge trust fund (30050) for such purpose pursuant to
50 section 94 of the transportation law.
- 51 7. \$3,000,000 from the miscellaneous special revenue fund, traffic
52 adjudication account (22055), to the general fund.
- 53 8. \$17,421,000 from the mass transportation operating assistance fund,
54 metropolitan mass transportation operating assistance account (21402),
55 to the capital projects fund (30000).

1 9. \$5,000,000 from the miscellaneous special revenue fund, transporta-
2 tion regulation account (22067) to the general fund, for disbursements
3 made from such fund for motor carrier safety that are in excess of the
4 amounts deposited in the general fund for such purpose pursuant to
5 section 94 of the transportation law.

6 Miscellaneous:

7 1. \$250,000,000 from the general fund to any funds or accounts for the
8 purpose of reimbursing certain outstanding accounts receivable balances.

9 2. \$500,000,000 from the general fund to the debt reduction reserve
10 fund (40000).

11 3. \$450,000,000 from the New York state storm recovery capital fund
12 (33000) to the revenue bond tax fund (40152).

13 4. \$18,550,000 from the general fund, community projects account GG
14 (10256), to the general fund, state purposes account (10050).

15 5. \$100,000,000 from any special revenue federal fund to the general
16 fund, state purposes account (10050).

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

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

26 2. Upon request of the commissioner of agriculture and markets, up to
27 \$3,000,000 from any special revenue fund or enterprise fund within the
28 department of agriculture and markets to the general fund, to pay appro-
29 priate administrative expenses.

30 3. Upon request of the commissioner of agriculture and markets, up to
31 \$2,000,000 from the state exposition special fund, state fair receipts
32 account (50051) to the miscellaneous capital projects fund, state fair
33 capital improvement account (32208).

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

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

43 6. Upon request of the commissioner of health up to \$8,500,000 from
44 revenues credited to any of the department of health's special revenue
45 funds, to the miscellaneous special revenue fund, administration account
46 (21982).

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

53 § 5. Notwithstanding any law to the contrary, upon the direction of
54 the director of the budget and upon requisition by the state university
55 of New York, the dormitory authority of the state of New York is
56 directed to transfer, up to \$22,000,000 in revenues generated from the

1 sale of notes or bonds, the state university income fund general revenue
2 account (22653) for reimbursement of bondable equipment for further
3 transfer to the state's general fund.

4 § 6. Notwithstanding any law to the contrary, and in accordance with
5 section 4 of the state finance law, the comptroller is hereby authorized
6 and directed to transfer, upon request of the director of the budget and
7 upon consultation with the state university chancellor or his or her
8 designee, on or before March 31, 2019, up to \$16,000,000 from the state
9 university income fund general revenue account (22653) to the state
10 general fund for debt service costs related to campus supported capital
11 project costs for the NY-SUNY 2020 challenge grant program at the
12 University at Buffalo.

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

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

27 § 9. Notwithstanding any law to the contrary, and in accordance with
28 section 4 of the state finance law, the comptroller is hereby authorized
29 and directed to transfer, upon request of the director of the budget, up
30 to \$1,000,778,300 from the general fund to the state university income
31 fund, state university general revenue offset account (22655) during the
32 period of July 1, 2018 through June 30, 2019 to support operations at
33 the state university.

34 § 10. Notwithstanding any law to the contrary, and in accordance with
35 section 4 of the state financial law, the comptroller is hereby author-
36 ized and directed to transfer, upon request of the director of the budg-
37 et, up to \$20,000,000 from the general fund to the state university
38 income fund, state university general revenue offset account (22655)
39 during the period of July 1, 2018 to June 30, 2019 to support operations
40 at the state university in accordance with the maintenance of effort
41 pursuant to clause (v) of subparagraph (4) of paragraph h of subdivision
42 2 of section 355 of the education law.

43 § 11. Notwithstanding any law to the contrary, and in accordance with
44 section 4 of the state finance law, the comptroller is hereby authorized
45 and directed to transfer, upon request of the state university chancel-
46 lor or his or her designee, up to \$126,000,000 from the state university
47 income fund, state university hospitals income reimbursable account
48 (22656), for services and expenses of hospital operations and capital
49 expenditures at the state university hospitals; and the state university
50 income fund, Long Island veterans' home account (22652) to the state
51 university capital projects fund (32400) on or before June 30, 2019.

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

1 account (61006), Brooklyn hospital collection account (61007), and Syra-
2 cuse hospital collection account (61008) to the state university income
3 fund, state university hospitals income reimbursable account (22656) in
4 the event insufficient funds are available in the state university
5 income fund, state university hospitals income reimbursable account
6 (22656) to permit the full transfer of moneys authorized for transfer,
7 to the general fund for payment of debt service related to the SUNY
8 hospitals. Notwithstanding any law to the contrary, the comptroller is
9 also hereby authorized and directed, after consultation with the state
10 university chancellor or his or her designee, to transfer moneys from
11 the state university income fund to the state university income fund,
12 state university hospitals income reimbursable account (22656) in the
13 event insufficient funds are available in the state university income
14 fund, state university hospitals income reimbursable account (22656) to
15 pay hospital operating costs or to permit the full transfer of moneys
16 authorized for transfer, to the general fund for payment of debt service
17 related to the SUNY hospitals on or before March 31, 2019.

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

27 § 14. Notwithstanding any law to the contrary, and in accordance with
28 section 4 of the state finance law, the comptroller is hereby authorized
29 and directed to transfer monies, upon request of the director of the
30 budget, on or before March 31, 2019, from and to any of the following
31 accounts: the miscellaneous special revenue fund, patient income account
32 (21909), the miscellaneous special revenue fund, mental hygiene program
33 fund account (21907), the miscellaneous special revenue fund, federal
34 salary sharing account (22056), or the general fund in any combination,
35 the aggregate of which shall not exceed \$350 million.

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

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

1 the New York state medical care facilities finance agency, a certificate
2 stating the aggregate amount to be maintained on deposit in the mental
3 health services fund to comply in full with the provisions of this
4 subdivision.

5 § 16. Notwithstanding any law to the contrary, and in accordance with
6 section 4 of the state finance law, the comptroller is hereby authorized
7 and directed to transfer, at the request of the director of the budget,
8 up to \$800 million from the unencumbered balance of any special revenue
9 fund or account, agency fund or account, internal service fund or
10 account, enterprise fund or account, or any combination of such funds
11 and accounts, to the general fund. The amounts transferred pursuant to
12 this authorization shall be in addition to any other transfers expressly
13 authorized in the 2018-19 budget. Transfers from federal funds, debt
14 service funds, capital projects funds, the community projects fund, or
15 funds that would result in the loss of eligibility for federal benefits
16 or federal funds pursuant to federal law, rule, or regulation as assent-
17 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
18 1951 are not permitted pursuant to this authorization.

19 § 17. Notwithstanding any law to the contrary, and in accordance with
20 section 4 of the state finance law, the comptroller is hereby authorized
21 and directed to transfer, at the request of the director of the budget,
22 up to \$100 million from any non-general fund or account, or combination
23 of funds and accounts, to the miscellaneous special revenue fund, tech-
24 nology financing account (22207), the miscellaneous capital projects
25 fund, information technology capital financing account (32215), or the
26 centralized technology services account (55069), for the purpose of
27 consolidating technology procurement and services. The amounts trans-
28 ferred to the miscellaneous special revenue fund, technology financing
29 account (22207) pursuant to this authorization shall be equal to or less
30 than the amount of such monies intended to support information technolo-
31 gy costs which are attributable, according to a plan, to such account
32 made in pursuance to an appropriation by law. Transfers to the technolo-
33 gy financing account shall be completed from amounts collected by non-
34 general funds or accounts pursuant to a fund deposit schedule or perma-
35 nent statute, and shall be transferred to the technology financing
36 account pursuant to a schedule agreed upon by the affected agency
37 commissioner. Transfers from funds that would result in the loss of
38 eligibility for federal benefits or federal funds pursuant to federal
39 law, rule, or regulation as assented to in chapter 683 of the laws of
40 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to
41 this authorization.

42 § 18. Notwithstanding any other law to the contrary, up to \$145
43 million of the assessment reserves remitted to the chair of the workers'
44 compensation board pursuant to subdivision 6 of section 151 of the work-
45 ers' compensation law shall, at the request of the director of the budg-
46 et, be transferred to the state insurance fund, for partial payment and
47 partial satisfaction of the state's obligations to the state insurance
48 fund under section 88-c of the workers' compensation law.

49 § 19. Notwithstanding any law to the contrary, and in accordance with
50 section 4 of the state finance law, the comptroller is hereby authorized
51 and directed to transfer, at the request of the director of the budget,
52 up to \$400 million from any non-general fund or account, or combination
53 of funds and accounts, to the general fund for the purpose of consol-
54 idating technology procurement and services. The amounts transferred
55 pursuant to this authorization shall be equal to or less than the amount
56 of such monies intended to support information technology costs which

1 are attributable, according to a plan, to such account made in pursuance
2 to an appropriation by law. Transfers to the general fund shall be
3 completed from amounts collected by non-general funds or accounts pursu-
4 ant to a fund deposit schedule. Transfers from funds that would result
5 in the loss of eligibility for federal benefits or federal funds pursu-
6 ant to federal law, rule, or regulation as assented to in chapter 683 of
7 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
8 pursuant to this authorization.

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

15 § 21. Notwithstanding any provision of law, rule or regulation to the
16 contrary, the New York state energy research and development authority
17 is authorized and directed to make the following contributions to the
18 state treasury to the credit of the general fund on or before March 31,
19 2019: (a) \$913,000; and (b) \$23,000,000 from proceeds collected by the
20 authority from the auction or sale of carbon dioxide emission allowances
21 allocated by the department of environmental conservation.

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

25 5. Notwithstanding the provisions of section one hundred seventy-one-a
26 of the tax law, as separately amended by chapters four hundred eighty-
27 one and four hundred eighty-four of the laws of nineteen hundred eight-
28 y-one, and notwithstanding the provisions of chapter ninety-four of the
29 laws of two thousand eleven, or any other provisions of law to the
30 contrary, during the fiscal year beginning April first, two thousand
31 [~~seventeen~~] eighteen, the state comptroller is hereby authorized and
32 directed to deposit to the fund created pursuant to this section from
33 amounts collected pursuant to article twenty-two of the tax law and
34 pursuant to a schedule submitted by the director of the budget, up to
35 [~~\$2,679,997,000~~] \$2,409,909,000, as may be certified in such schedule as
36 necessary to meet the purposes of such fund for the fiscal year begin-
37 ning April first, two thousand [~~seventeen~~] eighteen.

38 § 23. Notwithstanding any law to the contrary, the comptroller is
39 hereby authorized and directed to transfer, upon request of the director
40 of the budget, on or before March 31, 2019, the following amounts from
41 the following special revenue accounts to the capital projects fund
42 (30000), for the purposes of reimbursement to such fund for expenses
43 related to the maintenance and preservation of state assets:

44 1. \$43,000 from the miscellaneous special revenue fund, administrative
45 program account (21982).

46 2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes
47 hospital account (22140).

48 3. \$366,000 from the miscellaneous special revenue fund, New York city
49 veterans' home account (22141).

50 4. \$513,000 from the miscellaneous special revenue fund, New York
51 state home for veterans' and their dependents at oxford account (22142).

52 5. \$159,000 from the miscellaneous special revenue fund, western New
53 York veterans' home account (22143).

54 6. \$323,000 from the miscellaneous special revenue fund, New York
55 state for veterans in the lower-hudson valley account (22144).

1 7. \$2,550,000 from the miscellaneous special revenue fund, patron
2 services account (22163).

3 8. \$830,000 from the miscellaneous special revenue fund, long island
4 veterans' home account (22652).

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

7 10. \$112,556,000 from the miscellaneous special revenue fund, state
8 university revenue offset account (22655).

9 11. \$557,000 from the miscellaneous special revenue fund, state
10 university of New York tuition reimbursement account (22659).

11 12. \$41,930,000 from the state university dormitory income fund, state
12 university dormitory income fund (40350).

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

15 § 24. Subdivisions 2 and 4 of section 97-rrr of the state finance law,
16 subdivision 2 as amended by section 45 of part H of chapter 56 of the
17 laws of 2000 and subdivision 4 as added by section 22-b of part XXX of
18 chapter 59 of the laws of 2017, is amended to read as follows:

19 2. Such fund shall consist of all monies credited or transferred ther-
20 eto from the general fund or from any other fund or sources pursuant to
21 law, and include an amount equal to fifty percent of any estimated cash-
22 basis surplus in the general fund, as certified by the director of the
23 budget on or before the twenty-fifth day of March of each fiscal year.
24 Upon request of the director of the budget, the state comptroller shall
25 transfer such surplus amount from the general fund to the debt reduction
26 reserve fund. The director of the budget shall calculate the surplus as
27 the excess of estimated aggregate receipts above the estimated aggregate
28 disbursements at the end of the fiscal year. Notwithstanding paragraph
29 (a) of subdivision four of section seventy-two of this article, the
30 state comptroller shall retain any balance of monies in the debt
31 reduction reserve fund at the end of any fiscal year in such fund.

32 4. Any amounts disbursed from such fund shall be excluded from the
33 calculation of annual spending growth in state operating funds [~~until~~
34 ~~June 30, 2019~~].

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

38 6. Notwithstanding any law to the contrary, at the beginning of the
39 state fiscal year, the state comptroller is hereby authorized and
40 directed to receive for deposit to the credit of a fund and/or an
41 account such monies as are identified by the director of the budget as
42 having been intended for such deposit to support disbursements from such
43 fund and/or account made in pursuance of an appropriation by law. As
44 soon as practicable upon enactment of the budget, the director of the
45 budget shall, but not less than three days following preliminary
46 submission to the chairs of the senate finance committee and the assem-
47 bly ways and means committee, file with the state comptroller an iden-
48 tification of specific monies to be so deposited. Any subsequent change
49 regarding the monies to be so deposited shall be filed by the director
50 of the budget, as soon as practicable, but not less than three days
51 following preliminary submission to the chairs of the senate finance
52 committee and the assembly ways and means committee.

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

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

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

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

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

16 § 27. Notwithstanding any provision of law to the contrary, in the
17 event that federal legislation, federal regulatory actions, federal
18 executive actions or federal judicial actions reduce federal financial
19 participation in Medicaid funding to New York state or its subdivisions
20 by \$850 million or more in state fiscal years 2018-19 through 2019-20,
21 the director of the division of the budget shall notify the temporary
22 president of the senate and the speaker of the assembly in writing that
23 the federal actions will reduce expected funding to New York state. The
24 director of the division of the budget shall prepare a plan that shall
25 be submitted to the legislature, which shall (a) specify the total
26 amount of the reduction in federal financial participation in Medicaid,
27 (b) itemize the specific programs and activities that will be affected
28 by the reduction in federal financial participation in Medicaid, and (c)
29 identify the general fund and state special revenue fund appropriations
30 and related disbursements that shall be reduced, and in what program
31 areas, provided, however, that such reductions to appropriations and
32 disbursements shall be applied equally and proportionally to the
33 programs affected by the reduction in federal financial participation in
34 Medicaid. Upon such submission, the legislature shall have 90 days after
35 such submission to either prepare its own plan, which may be adopted by
36 concurrent resolution passed by both houses, or if after 90 days the
37 legislature fails to adopt their own plan, the reductions to the general
38 fund and state special revenue fund appropriations and related disburse-
39 ments identified in the division of the budget plan will go into effect
40 automatically.

41 § 28. Notwithstanding any provision of law to the contrary, in the
42 event that federal legislation, federal regulatory actions, federal
43 executive actions or federal judicial actions reduce federal financial
44 participation or other federal aid in funding to New York state that
45 affects the state operating funds financial plan by \$850 million or more
46 in state fiscal years 2018-19 through 2019-20, exclusive of any cuts to
47 Medicaid, the director of the division of the budget shall notify the
48 temporary president of the senate and the speaker of the assembly in
49 writing that the federal actions will reduce expected funding to New
50 York state. The director of the division of the budget shall prepare a
51 plan that shall be submitted to the legislature, which shall (a) specify
52 the total amount of the reduction in federal aid, (b) itemize the
53 specific programs and activities that will be affected by the federal
54 reductions, exclusive of Medicaid, and (c) identify the general fund and
55 state special revenue fund appropriations and related disbursements that
56 shall be reduced, and in what program areas, provided, however, that

1 such reductions to appropriations and disbursements shall be applied
2 equally and proportionally. Upon such submission, the legislature shall
3 have 90 days after such submission to either prepare its own plan, which
4 may be adopted by concurrent resolution passed by both houses, or if
5 after 90 days the legislature fails to adopt their own plan, the
6 reductions to the general fund and state special revenue fund appropri-
7 ations and related disbursements identified in the division of the budg-
8 et plan will go into effect automatically.

9 § 28-a. The state finance law is amended by adding a new section 28 to
10 read as follows:

11 § 28. Reductions to enacted appropriations. 1. Notwithstanding any
12 other provision of law to the contrary, to maintain a balanced budget in
13 the event that the annual estimate for tax receipts for fiscal year two
14 thousand eighteen-nineteen is reduced by five hundred million dollars or
15 more compared to estimate in the fiscal year two thousand eighteen-nine-
16 teen Executive Budget Financial Plan, the appropriations and related
17 cash disbursements for all general fund and state special revenue fund
18 aid to localities appropriations shall be uniformly reduced by the
19 percentage set forth in a written allocation plan prepared by the direc-
20 tor of the budget, provided, however, that the uniform percentage
21 reduction shall not exceed three percent. The following types of appro-
22 priations shall be exempt from uniform reduction: (a) public assistance
23 payments for families and individuals and payments for eligible aged,
24 blind and disabled persons related to supplemental social security; (b)
25 any reductions that would violate federal law; (c) payments of debt
26 service and related expenses for which the state is constitutionally
27 obligated to pay debt service or is contractually obligated to pay debt
28 service, subject to an appropriation, including where the state has a
29 contingent contractual obligation; (d) payments the state is obligated
30 to make pursuant to court orders or judgments; (e) payments for CUNY
31 senior colleges; (f) school aid; (g) Medicaid; and (h) payments from the
32 community projects fund.

33 2. Reductions under this section shall commence within ten days
34 following the publication of a financial plan required under sections
35 twenty-two or twenty-three of this article stating that the annual esti-
36 mate for tax receipts for fiscal year two thousand eighteen-nineteen is
37 reduced by five hundred million dollars or more compared to estimate in
38 the fiscal year two thousand eighteen-nineteen Executive Budget Finan-
39 cial Plan. Such reductions shall be uniformly reduced in accordance
40 with a written allocation plan prepared by the director of the budget,
41 which shall be filed with the state comptroller, the chairman of the
42 senate finance committee and the chairman of the assembly ways and means
43 committee. Such written allocation plan shall include a summary of the
44 methodology for calculating the percentage reductions to the payments
45 from non-exempt appropriations and cash disbursements and the reasons
46 for any exemptions, and a detailed schedule of the reductions and
47 exemptions. The director of the budget shall prepare appropriately
48 reduced certificates, which shall be filed with the state comptroller,
49 the chair of the senate finance committee and the chair of the assembly
50 ways and means committee.

51 3. On March thirty-first, two thousand nineteen, the director of the
52 budget shall calculate the difference, if any, between the annual esti-
53 mate in tax receipts contained in the fiscal year 2019 Executive Budget
54 Financial Plan and actual tax collections for fiscal year two thousand
55 eighteen-nineteen. If actual tax receipts for fiscal year two thousand
56 eighteen-nineteen were not less than five hundred million dollars below

1 the annual estimate in tax receipts contained in the Executive Budget
2 Financial Plan for fiscal year two thousand eighteen-nineteen, then the
3 amounts withheld under this section shall be payable as soon as practi-
4 cable thereafter in the fiscal year two thousand twenty-twenty-one.

5 4. Notwithstanding any inconsistent provision of law, rule or regu-
6 lation, the effectiveness of the provisions of sections twenty-eight
7 hundred seven and thirty-six hundred fourteen of the public health law,
8 section eighteen of chapter two of the laws of nineteen hundred eighty-
9 eight, and 18 NYCRR § 505.14(h), as they relate to time frames for
10 notice, approval or certification of rates of payment, are hereby
11 suspended and without force or effect for purposes of implementing the
12 provisions of this act.

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

15 § 8-b. Additional duties of the comptroller. 1. The comptroller is
16 hereby authorized and directed to assess fringe benefit and central
17 service agency indirect costs on all non-general funds, and on the
18 general fund upon request and at the sole discretion of the director of
19 the budget, and to [~~bill~~] charge such assessments [~~on~~] to such funds.
20 Such fringe benefit and indirect costs [~~billings~~] assessments shall be
21 based on rates provided to the comptroller by the director of the budg-
22 et. Copies of such rates shall be provided to the legislative fiscal
23 committees.

24 2. Receipts derived from such indirect costs assessments, paid pursu-
25 ant to appropriations, shall be [~~deposited to the indirect costs recov-~~
26 ~~ery account~~] refunded to the originating general fund appropriations, or
27 as directed by the director of the budget, in consultation with the
28 comptroller. Receipts derived from the fringe benefit assessments, paid
29 pursuant to appropriations, shall be [~~deposited to the fringe benefit~~
30 ~~escrow account. If any of the fringe benefit escrow accounts have avail-~~
31 ~~able balances, such balances may be applied to other categories in the~~
32 ~~general state charges schedule as determined by the director of the~~
33 ~~budget~~] refunded to any originating general state charge appropriation,
34 pursuant to a schedule submitted by the director of the budget to the
35 comptroller.

36 § 30. Notwithstanding any other law, rule, or regulation to the
37 contrary, the state comptroller is hereby authorized and directed to use
38 any balance remaining in the mental health services fund debt service
39 appropriation, after payment by the state comptroller of all obligations
40 required pursuant to any lease, sublease, or other financing arrangement
41 between the dormitory authority of the state of New York as successor to
42 the New York state medical care facilities finance agency, and the
43 facilities development corporation pursuant to chapter 83 of the laws of
44 1995 and the department of mental hygiene for the purpose of making
45 payments to the dormitory authority of the state of New York for the
46 amount of the earnings for the investment of monies deposited in the
47 mental health services fund that such agency determines will or may have
48 to be rebated to the federal government pursuant to the provisions of
49 the internal revenue code of 1986, as amended, in order to enable such
50 agency to maintain the exemption from federal income taxation on the
51 interest paid to the holders of such agency's mental services facilities
52 improvement revenue bonds. Annually on or before each June 30th, such
53 agency shall certify to the state comptroller its determination of the
54 amounts received in the mental health services fund as a result of the
55 investment of monies deposited therein that will or may have to be

1 rebated to the federal government pursuant to the provisions of the
2 internal revenue code of 1986, as amended.

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

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

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

33 1. Subject to the provisions of chapter 59 of the laws of 2000, but
34 notwithstanding the provisions of section 18 of section 1 of chapter 174
35 of the laws of 1968, the New York state urban development corporation is
36 hereby authorized to issue bonds, notes and other obligations in an
37 aggregate principal amount not to exceed [~~seven~~ eight billion [~~seven~~
38 ~~hundred forty-one~~] eighty-two million [~~one~~ eight hundred ninety-nine
39 thousand dollars [~~\$7,741,199,000~~] \$8,082,899,000, and shall include all
40 bonds, notes and other obligations issued pursuant to chapter 56 of the
41 laws of 1983, as amended or supplemented. The proceeds of such bonds,
42 notes or other obligations shall be paid to the state, for deposit in
43 the correctional facilities capital improvement fund to pay for all or
44 any portion of the amount or amounts paid by the state from appropri-
45 ations or reappropriations made to the department of corrections and
46 community supervision from the correctional facilities capital improve-
47 ment fund for capital projects. The aggregate amount of bonds, notes or
48 other obligations authorized to be issued pursuant to this section shall
49 exclude bonds, notes or other obligations issued to refund or otherwise
50 repay bonds, notes or other obligations theretofore issued, the proceeds
51 of which were paid to the state for all or a portion of the amounts
52 expended by the state from appropriations or reappropriations made to
53 the department of corrections and community supervision; provided,
54 however, that upon any such refunding or repayment the total aggregate
55 principal amount of outstanding bonds, notes or other obligations may be
56 greater than [~~seven~~ eight billion [~~seven hundred forty-one~~] eighty-two

1 million [~~one~~] eight hundred ninety-nine thousand dollars
2 [~~\$7,741,199,000~~] \$8,082,899,000, only if the present value of the aggre-
3 gate debt service of the refunding or repayment bonds, notes or other
4 obligations to be issued shall not exceed the present value of the
5 aggregate debt service of the bonds, notes or other obligations so to be
6 refunded or repaid. For the purposes hereof, the present value of the
7 aggregate debt service of the refunding or repayment bonds, notes or
8 other obligations and of the aggregate debt service of the bonds, notes
9 or other obligations so refunded or repaid, shall be calculated by
10 utilizing the effective interest rate of the refunding or repayment
11 bonds, notes or other obligations, which shall be that rate arrived at
12 by doubling the semi-annual interest rate (compounded semi-annually)
13 necessary to discount the debt service payments on the refunding or
14 repayment bonds, notes or other obligations from the payment dates ther-
15 eof to the date of issue of the refunding or repayment bonds, notes or
16 other obligations and to the price bid including estimated accrued
17 interest or proceeds received by the corporation including estimated
18 accrued interest from the sale thereof.

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

22 (a) Subject to the provisions of chapter fifty-nine of the laws of two
23 thousand, in order to enhance and encourage the promotion of housing
24 programs and thereby achieve the stated purposes and objectives of such
25 housing programs, the agency shall have the power and is hereby author-
26 ized from time to time to issue negotiable housing program bonds and
27 notes in such principal amount as shall be necessary to provide suffi-
28 cient funds for the repayment of amounts disbursed (and not previously
29 reimbursed) pursuant to law or any prior year making capital appropri-
30 ations or reappropriations for the purposes of the housing program;
31 provided, however, that the agency may issue such bonds and notes in an
32 aggregate principal amount not exceeding \$5,691,399,000 five billion
33 [~~three~~] six hundred [~~eighty-four~~] ninety-one million [~~one~~] three hundred
34 ninety-nine thousand dollars, plus a principal amount of bonds issued to
35 fund the debt service reserve fund in accordance with the debt service
36 reserve fund requirement established by the agency and to fund any other
37 reserves that the agency reasonably deems necessary for the security or
38 marketability of such bonds and to provide for the payment of fees and
39 other charges and expenses, including underwriters' discount, trustee
40 and rating agency fees, bond insurance, credit enhancement and liquidity
41 enhancement related to the issuance of such bonds and notes. No reserve
42 fund securing the housing program bonds shall be entitled or eligible to
43 receive state funds apportioned or appropriated to maintain or restore
44 such reserve fund at or to a particular level, except to the extent of
45 any deficiency resulting directly or indirectly from a failure of the
46 state to appropriate or pay the agreed amount under any of the contracts
47 provided for in subdivision four of this section.

48 § 34. Subdivision (b) of section 11 of chapter 329 of the laws of
49 1991, amending the state finance law and other laws relating to the
50 establishment of the dedicated highway and bridge trust fund, as amended
51 by section 27 of part XXX of chapter 59 of the laws of 2017, is amended
52 to read as follows:

53 (b) Any service contract or contracts for projects authorized pursuant
54 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
55 14-k of the transportation law, and entered into pursuant to subdivision
56 (a) of this section, shall provide for state commitments to provide

1 annually to the thruway authority a sum or sums, upon such terms and
2 conditions as shall be deemed appropriate by the director of the budget,
3 to fund, or fund the debt service requirements of any bonds or any obli-
4 gations of the thruway authority issued to fund or to reimburse the
5 state for funding such projects having a cost not in excess of
6 [~~\$9,699,586,000~~] \$10,186,939,000 cumulatively by the end of fiscal year
7 [~~2017-18~~] 2018-19.

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

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

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

22 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
23 notwithstanding any provisions of law to the contrary, the urban devel-
24 opment corporation is hereby authorized to issue bonds or notes in one
25 or more series in an aggregate principal amount not to exceed
26 [~~\$173,600,000~~] \$220,100,000 two hundred twenty million one hundred thou-
27 sand dollars, excluding bonds issued to finance one or more debt service
28 reserve funds, to pay costs of issuance of such bonds, and bonds or
29 notes issued to refund or otherwise repay such bonds or notes previously
30 issued, for the purpose of financing capital projects including IT
31 initiatives for the division of state police, debt service and leases;
32 and to reimburse the state general fund for disbursements made therefor.
33 Such bonds and notes of such authorized issuer shall not be a debt of
34 the state, and the state shall not be liable thereon, nor shall they be
35 payable out of any funds other than those appropriated by the state to
36 such authorized issuer for debt service and related expenses pursuant to
37 any service contract executed pursuant to subdivision (b) of this
38 section and such bonds and notes shall contain on the face thereof a
39 statement to such effect. Except for purposes of complying with the
40 internal revenue code, any interest income earned on bond proceeds shall
41 only be used to pay debt service on such bonds.

42 § 37. Section 44 of section 1 of chapter 174 of the laws of 1968,
43 constituting the New York state urban development corporation act, as
44 amended by section 30 of part XXX of chapter 59 of the laws of 2017, is
45 amended to read as follows:

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

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

35 2. Notwithstanding any other provision of law to the contrary, in
36 order to assist the dormitory authority and the corporation in undertak-
37 ing the financing for project costs for the regional economic develop-
38 ment council initiative, the economic transformation program, state
39 university of New York college for nanoscale and science engineering,
40 projects within the city of Buffalo or surrounding environs, the New
41 York works economic development fund, projects for the retention of
42 professional football in western New York, the empire state economic
43 development fund, the clarkson-trudeau partnership, the New York genome
44 center, the cornell university college of veterinary medicine, the olym-
45 pic regional development authority, projects at nano Utica, onondaga
46 county revitalization projects, Binghamton university school of pharma-
47 cy, New York power electronics manufacturing consortium, regional
48 infrastructure projects, high technology manufacturing projects in Chau-
49 tauqua and Erie county, an industrial scale research and development
50 facility in Clinton county, upstate revitalization initiative projects,
51 market New York projects, fairground buildings, equipment or facilities
52 used to house and promote agriculture, the state fair, the empire state
53 trail, the moynihan station development project, the Kingsbridge armory
54 project, strategic economic development projects, the cultural, arts and
55 public spaces fund, water infrastructure in the city of Auburn and town
56 of Owasco, a life sciences laboratory public health initiative, not-for-

1 profit pounds, shelters and humane societies, arts and cultural facili-
2 ties improvement program, restore New York's communities initiative,
3 heavy equipment, economic development and infrastructure projects, and
4 other state costs associated with such projects, the director of the
5 budget is hereby authorized to enter into one or more service contracts
6 with the dormitory authority and the corporation, none of which shall
7 exceed thirty years in duration, upon such terms and conditions as the
8 director of the budget and the dormitory authority and the corporation
9 agree, so as to annually provide to the dormitory authority and the
10 corporation, in the aggregate, a sum not to exceed the principal, inter-
11 est, and related expenses required for such bonds and notes. Any service
12 contract entered into pursuant to this section shall provide that the
13 obligation of the state to pay the amount therein provided shall not
14 constitute a debt of the state within the meaning of any constitutional
15 or statutory provision and shall be deemed executory only to the extent
16 of monies available and that no liability shall be incurred by the state
17 beyond the monies available for such purpose, subject to annual appro-
18 priation by the legislature. Any such contract or any payments made or
19 to be made thereunder may be assigned and pledged by the dormitory
20 authority and the corporation as security for its bonds and notes, as
21 authorized by this section.

22 § 38. Subdivisions 1 and 3 of section 1285-p of the public authorities
23 law, as amended by section 31 of part XXX of chapter 59 of the laws of
24 2017, are amended to read as follows:

25 1. Subject to chapter fifty-nine of the laws of two thousand, but
26 notwithstanding any other provisions of law to the contrary, in order to
27 assist the corporation in undertaking the administration and the financ-
28 ing of the design, acquisition, construction, improvement, installation,
29 and related work for all or any portion of any of the following environ-
30 mental infrastructure projects and for the provision of funds to the
31 state for any amounts disbursed therefor: (a) projects authorized under
32 the environmental protection fund, or for which appropriations are made
33 to the environmental protection fund including, but not limited to
34 municipal parks and historic preservation, stewardship, farmland
35 protection, non-point source, pollution control, Hudson River Park, land
36 acquisition, and waterfront revitalization; (b) department of environ-
37 mental conservation capital appropriations for Onondaga Lake for certain
38 water quality improvement projects in the same manner as set forth in
39 paragraph (d) of subdivision one of section 56-0303 of the environmental
40 conservation law; (c) for the purpose of the administration, management,
41 maintenance, and use of the real property at the western New York nucle-
42 ar service center; (d) department of environmental conservation capital
43 appropriations for the administration, design, acquisition,
44 construction, improvement, installation, and related work on department
45 of environmental conservation environmental infrastructure projects; (e)
46 office of parks, recreation and historic preservation appropriations or
47 reappropriations from the state parks infrastructure fund; (f) capital
48 grants for the cleaner, greener communities program; (g) capital costs
49 of water quality infrastructure projects and (h) capital costs of clean
50 water infrastructure projects the director of the division of budget and
51 the corporation are each authorized to enter into one or more service
52 contracts, none of which shall exceed twenty years in duration, upon
53 such terms and conditions as the director and the corporation may agree,
54 so as to annually provide to the corporation in the aggregate, a sum not
55 to exceed the annual debt service payments and related expenses required
56 for any bonds and notes authorized pursuant to section twelve hundred

1 ninety of this title. Any service contract entered into pursuant to this
2 section shall provide that the obligation of the state to fund or to pay
3 the amounts therein provided for shall not constitute a debt of the
4 state within the meaning of any constitutional or statutory provision
5 and shall be deemed executory only to the extent of moneys available for
6 such purposes, subject to annual appropriation by the legislature. Any
7 such service contract or any payments made or to be made thereunder may
8 be assigned and pledged by the corporation as security for its bonds and
9 notes, as authorized pursuant to section twelve hundred ninety of this
10 title.

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

24 § 39. Subdivision 1 of section 45 of section 1 of chapter 174 of the
25 laws of 1968, constituting the New York state urban development corpo-
26 ration act, as amended by section 32 of part XXX of chapter 59 of the
27 laws of 2017, is amended to read as follows:

28 1. Notwithstanding the provisions of any other law to the contrary,
29 the urban development corporation of the state of New York is hereby
30 authorized to issue bonds or notes in one or more series for the purpose
31 of funding project costs for the implementation of a NY-SUNY and NY-CUNY
32 2020 challenge grant program subject to the approval of a NY-SUNY and
33 NY-CUNY 2020 plan or plans by the governor and either the chancellor of
34 the state university of New York or the chancellor of the city universi-
35 ty of New York, as applicable. The aggregate principal amount of bonds
36 authorized to be issued pursuant to this section shall not exceed
37 \$660,000,000, excluding bonds issued to fund one or more debt service
38 reserve funds, to pay costs of issuance of such bonds, and bonds or
39 notes issued to refund or otherwise repay such bonds or notes previously
40 issued. Such bonds and notes of the corporation shall not be a debt of
41 the state, and the state shall not be liable thereon, nor shall they be
42 payable out of any funds other than those appropriated by the state to
43 the corporation for principal, interest, and related expenses pursuant
44 to a service contract and such bonds and notes shall contain on the face
45 thereof a statement to such effect. Except for purposes of complying
46 with the internal revenue code, any interest income earned on bond
47 proceeds shall only be used to pay debt service on such bonds.

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

53 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
54 notwithstanding the provisions of section 18 of the urban development
55 corporation act, the corporation is hereby authorized to issue bonds or
56 notes in one or more series in an aggregate principal amount not to

1 exceed [~~\$250,000,000~~] \$253,000,000 two-hundred fifty-three million
2 dollars excluding bonds issued to fund one or more debt service reserve
3 funds, to pay costs of issuance of such bonds, and bonds or notes issued
4 to refund or otherwise repay such bonds or notes previously issued, for
5 the purpose of financing capital costs related to homeland security and
6 training facilities for the division of state police, the division of
7 military and naval affairs, and any other state agency, including the
8 reimbursement of any disbursements made from the state capital projects
9 fund, and is hereby authorized to issue bonds or notes in one or more
10 series in an aggregate principal amount not to exceed [~~\$654,800,000~~]
11 \$744,800,000, seven hundred forty-four million eight hundred thousand
12 dollars, excluding bonds issued to fund one or more debt service reserve
13 funds, to pay costs of issuance of such bonds, and bonds or notes issued
14 to refund or otherwise repay such bonds or notes previously issued, for
15 the purpose of financing improvements to State office buildings and
16 other facilities located statewide, including the reimbursement of any
17 disbursements made from the state capital projects fund. Such bonds and
18 notes of the corporation shall not be a debt of the state, and the state
19 shall not be liable thereon, nor shall they be payable out of any funds
20 other than those appropriated by the state to the corporation for debt
21 service and related expenses pursuant to any service contracts executed
22 pursuant to subdivision (b) of this section, and such bonds and notes
23 shall contain on the face thereof a statement to such effect.

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

27 1. Notwithstanding any other provision of law to the contrary, the
28 authority, the dormitory authority and the urban development corporation
29 are hereby authorized to issue bonds or notes in one or more series for
30 the purpose of financing peace bridge projects and capital costs of
31 state and local highways, parkways, bridges, the New York state thruway,
32 Indian reservation roads, and facilities, and transportation infrastruc-
33 ture projects including aviation projects, non-MTA mass transit
34 projects, and rail service preservation projects, including work appur-
35 tenant and ancillary thereto. The aggregate principal amount of bonds
36 authorized to be issued pursuant to this section shall not exceed four
37 billion [~~three~~] four hundred [~~sixty-four~~] eighty million dollars
38 [~~\$4,364,000,000~~] \$4,480,000,000, excluding bonds issued to fund one or
39 more debt service reserve funds, to pay costs of issuance of such bonds,
40 and to refund or otherwise repay such bonds or notes previously issued.
41 Such bonds and notes of the authority, the dormitory authority and the
42 urban development corporation shall not be a debt of the state, and the
43 state shall not be liable thereon, nor shall they be payable out of any
44 funds other than those appropriated by the state to the authority, the
45 dormitory authority and the urban development corporation for principal,
46 interest, and related expenses pursuant to a service contract and such
47 bonds and notes shall contain on the face thereof a statement to such
48 effect. Except for purposes of complying with the internal revenue code,
49 any interest income earned on bond proceeds shall only be used to pay
50 debt service on such bonds.

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

54 (c) Subject to the provisions of chapter fifty-nine of the laws of two
55 thousand, the dormitory authority shall not issue any bonds for state
56 university educational facilities purposes if the principal amount of

1 bonds to be issued when added to the aggregate principal amount of bonds
2 issued by the dormitory authority on and after July first, nineteen
3 hundred eighty-eight for state university educational facilities will
4 exceed twelve billion [~~three~~] nine hundred [~~forty-three~~] forty-eight
5 million eight hundred sixty-four thousand dollars \$12,948,864,000;
6 provided, however, that bonds issued or to be issued shall be excluded
7 from such limitation if: (1) such bonds are issued to refund state
8 university construction bonds and state university construction notes
9 previously issued by the housing finance agency; or (2) such bonds are
10 issued to refund bonds of the authority or other obligations issued for
11 state university educational facilities purposes and the present value
12 of the aggregate debt service on the refunding bonds does not exceed the
13 present value of the aggregate debt service on the bonds refunded there-
14 by; provided, further that upon certification by the director of the
15 budget that the issuance of refunding bonds or other obligations issued
16 between April first, nineteen hundred ninety-two and March thirty-first,
17 nineteen hundred ninety-three will generate long term economic benefits
18 to the state, as assessed on a present value basis, such issuance will
19 be deemed to have met the present value test noted above. For purposes
20 of this subdivision, the present value of the aggregate debt service of
21 the refunding bonds and the aggregate debt service of the bonds
22 refunded, shall be calculated by utilizing the true interest cost of the
23 refunding bonds, which shall be that rate arrived at by doubling the
24 semi-annual interest rate (compounded semi-annually) necessary to
25 discount the debt service payments on the refunding bonds from the
26 payment dates thereof to the date of issue of the refunding bonds to the
27 purchase price of the refunding bonds, including interest accrued there-
28 on prior to the issuance thereof. The maturity of such bonds, other than
29 bonds issued to refund outstanding bonds, shall not exceed the weighted
30 average economic life, as certified by the state university construction
31 fund, of the facilities in connection with which the bonds are issued,
32 and in any case not later than the earlier of thirty years or the expi-
33 ration of the term of any lease, sublease or other agreement relating
34 thereto; provided that no note, including renewals thereof, shall mature
35 later than five years after the date of issuance of such note. The
36 legislature reserves the right to amend or repeal such limit, and the
37 state of New York, the dormitory authority, the state university of New
38 York, and the state university construction fund are prohibited from
39 covenanting or making any other agreements with or for the benefit of
40 bondholders which might in any way affect such right.

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

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

1 for city university facilities, including community college facilities,
2 pursuant to a resolution of the dormitory authority adopted on or after
3 July first, nineteen hundred eighty-five, except to refund or to be
4 substituted for or in lieu of other bonds in relation to city university
5 facilities and except for bonds issued pursuant to a resolution supple-
6 mental to a resolution of the dormitory authority adopted prior to July
7 first, nineteen hundred eighty-five, if the principal amount of bonds so
8 to be issued when added to the principal amount of bonds previously
9 issued pursuant to any such resolution, except bonds issued to refund or
10 to be substituted for or in lieu of other bonds in relation to city
11 university facilities, will exceed [~~seven~~ eight billion [~~nine~~ three
12 hundred [~~eighty-one~~ fourteen million [~~nine~~ six hundred [~~sixty-eight~~
13 ninety-one thousand dollars \$8,314,691,000. The legislature reserves
14 the right to amend or repeal such limit, and the state of New York, the
15 dormitory authority, the city university, and the fund are prohibited
16 from covenanting or making any other agreements with or for the benefit
17 of bondholders which might in any way affect such right.

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

21 10-a. Subject to the provisions of chapter fifty-nine of the laws of
22 two thousand, but notwithstanding any other provision of the law to the
23 contrary, the maximum amount of bonds and notes to be issued after March
24 thirty-first, two thousand two, on behalf of the state, in relation to
25 any locally sponsored community college, shall be nine hundred [~~four-~~
26 teen] fifty-three million [~~five~~ two hundred [~~ninety~~ sixty-five thou-
27 sand dollars \$953,265,000. Such amount shall be exclusive of bonds and
28 notes issued to fund any reserve fund or funds, costs of issuance and to
29 refund any outstanding bonds and notes, issued on behalf of the state,
30 relating to a locally sponsored community college.

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

36 1. Subject to the provisions of chapter 59 of the laws of 2000, but
37 notwithstanding the provisions of section 18 of section 1 of chapter 174
38 of the laws of 1968, the New York state urban development corporation is
39 hereby authorized to issue bonds, notes and other obligations in an
40 aggregate principal amount not to exceed [~~six~~ seven hundred [~~eighty-~~
41 two] sixty-nine million [~~nine~~ six hundred fifteen thousand dollars
42 [~~(\$682,915,000)~~ (\$769,615,000), which authorization increases the
43 aggregate principal amount of bonds, notes and other obligations author-
44 ized by section 40 of chapter 309 of the laws of 1996, and shall include
45 all bonds, notes and other obligations issued pursuant to chapter 211 of
46 the laws of 1990, as amended or supplemented. The proceeds of such
47 bonds, notes or other obligations shall be paid to the state, for depos-
48 it in the youth facilities improvement fund, to pay for all or any
49 portion of the amount or amounts paid by the state from appropriations
50 or reappropriations made to the office of children and family services
51 from the youth facilities improvement fund for capital projects. The
52 aggregate amount of bonds, notes and other obligations authorized to be
53 issued pursuant to this section shall exclude bonds, notes or other
54 obligations issued to refund or otherwise repay bonds, notes or other
55 obligations theretofore issued, the proceeds of which were paid to the
56 state for all or a portion of the amounts expended by the state from

1 appropriations or reappropriations made to the office of children and
2 family services; provided, however, that upon any such refunding or
3 repayment the total aggregate principal amount of outstanding bonds,
4 notes or other obligations may be greater than [~~six~~] seven hundred
5 [~~eighty-two~~] sixty-nine million [~~nine~~] six hundred fifteen thousand
6 dollars [~~(\$682,915,000)~~] (\$769,615,000), only if the present value of
7 the aggregate debt service of the refunding or repayment bonds, notes or
8 other obligations to be issued shall not exceed the present value of the
9 aggregate debt service of the bonds, notes or other obligations so to be
10 refunded or repaid. For the purposes hereof, the present value of the
11 aggregate debt service of the refunding or repayment bonds, notes or
12 other obligations and of the aggregate debt service of the bonds, notes
13 or other obligations so refunded or repaid, shall be calculated by
14 utilizing the effective interest rate of the refunding or repayment
15 bonds, notes or other obligations, which shall be that rate arrived at
16 by doubling the semi-annual interest rate (compounded semi-annually)
17 necessary to discount the debt service payments on the refunding or
18 repayment bonds, notes or other obligations from the payment dates ther-
19 eof to the date of issue of the refunding or repayment bonds, notes or
20 other obligations and to the price bid including estimated accrued
21 interest or proceeds received by the corporation including estimated
22 accrued interest from the sale thereof.

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

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

1 upon any such refunding or repayment of mental health services facili-
2 ties improvement bonds and/or mental health services facilities improve-
3 ment notes the total aggregate principal amount of outstanding mental
4 health services facilities improvement bonds and mental health facili-
5 ties improvement notes may be greater than eight billion [~~three~~ seven
6 hundred [~~ninety-two~~ fifty-eight million [~~eight~~ seven hundred [~~fifteen~~
7 eleven thousand dollars \$8,758,711,000 only if, except as hereinafter
8 provided with respect to mental health services facilities bonds and
9 mental health services facilities notes issued to refund mental hygiene
10 improvement bonds authorized to be issued pursuant to the provisions of
11 section 47-b of the private housing finance law, the present value of
12 the aggregate debt service of the refunding or repayment bonds to be
13 issued shall not exceed the present value of the aggregate debt service
14 of the bonds to be refunded or repaid. For purposes hereof, the present
15 values of the aggregate debt service of the refunding or repayment
16 bonds, notes or other obligations and of the aggregate debt service of
17 the bonds, notes or other obligations so refunded or repaid, shall be
18 calculated by utilizing the effective interest rate of the refunding or
19 repayment bonds, notes or other obligations, which shall be that rate
20 arrived at by doubling the semi-annual interest rate (compounded semi-
21 annually) necessary to discount the debt service payments on the refund-
22 ing or repayment bonds, notes or other obligations from the payment
23 dates thereof to the date of issue of the refunding or repayment bonds,
24 notes or other obligations and to the price bid including estimated
25 accrued interest or proceeds received by the authority including esti-
26 mated accrued interest from the sale thereof. Such bonds, other than
27 bonds issued to refund outstanding bonds, shall be scheduled to mature
28 over a term not to exceed the average useful life, as certified by the
29 facilities development corporation, of the projects for which the bonds
30 are issued, and in any case shall not exceed thirty years and the maxi-
31 mum maturity of notes or any renewals thereof shall not exceed five
32 years from the date of the original issue of such notes. Notwithstanding
33 the provisions of this section, the agency shall have the power and is
34 hereby authorized to issue mental health services facilities improvement
35 bonds and/or mental health services facilities improvement notes to
36 refund outstanding mental hygiene improvement bonds authorized to be
37 issued pursuant to the provisions of section 47-b of the private housing
38 finance law and the amount of bonds issued or outstanding for such
39 purposes shall not be included for purposes of determining the amount of
40 bonds issued pursuant to this section. The director of the budget shall
41 allocate the aggregate principal authorized to be issued by the agency
42 among the office of mental health, office for people with developmental
43 disabilities, and the office of alcoholism and substance abuse services,
44 in consultation with their respective commissioners to finance bondable
45 appropriations previously approved by the legislature.

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

49 1. Notwithstanding the provisions of any other law to the contrary,
50 the dormitory authority and the urban development corporation are hereby
51 authorized to issue bonds or notes in one or more series for the purpose
52 of funding project costs for the capital restructuring financing program
53 for health care and related facilities licensed pursuant to the public
54 health law or the mental hygiene law and other state costs associated
55 with such capital projects, the health care facility transformation
56 programs, and the essential health care provider program. The aggregate

1 principal amount of bonds authorized to be issued pursuant to this
2 section shall not exceed [~~two~~] ~~three~~ billion [~~seven hundred million~~]
3 dollars, excluding bonds issued to fund one or more debt service reserve
4 funds, to pay costs of issuance of such bonds, and bonds or notes issued
5 to refund or otherwise repay such bonds or notes previously issued. Such
6 bonds and notes of the dormitory authority and the urban development
7 corporation shall not be a debt of the state, and the state shall not be
8 liable thereon, nor shall they be payable out of any funds other than
9 those appropriated by the state to the dormitory authority and the urban
10 development corporation for principal, interest, and related expenses
11 pursuant to a service contract and such bonds and notes shall contain on
12 the face thereof a statement to such effect. Except for purposes of
13 complying with the internal revenue code, any interest income earned on
14 bond proceeds shall only be used to pay debt service on such bonds.

15 § 48. Section 50 of section 1 of chapter 174 of the laws of 1968
16 constituting the New York state urban development corporation act, as
17 added by section 42 of part XXX of chapter 59 of the laws of 2017, is
18 amended to read as follows:

19 § 50. 1. Notwithstanding the provisions of any other law to the
20 contrary, the dormitory authority and the urban development corporation
21 are hereby authorized to issue bonds or notes in one or more series for
22 the purpose of funding project costs undertaken by or on behalf of
23 special act school districts, state-supported schools for the blind and
24 deaf, approved private special education schools, non-public schools,
25 community centers, day care facilities, and other state costs associated
26 with such capital projects. The aggregate principal amount of bonds
27 authorized to be issued pursuant to this section shall not exceed
28 fifty-five million dollars, excluding bonds issued to fund one or more
29 debt service reserve funds, to pay costs of issuance of such bonds, and
30 bonds or notes issued to refund or otherwise repay such bonds or notes
31 previously issued. Such bonds and notes of the dormitory authority and
32 the urban development corporation shall not be a debt of the state, and
33 the state shall not be liable thereon, nor shall they be payable out of
34 any funds other than those appropriated by the state to the dormitory
35 authority and the urban development corporation for principal, interest,
36 and related expenses pursuant to a service contract and such bonds and
37 notes shall contain on the face thereof a statement to such effect.
38 Except for purposes of complying with the internal revenue code, any
39 interest income earned on bond proceeds shall only be used to pay debt
40 service on such bonds.

41 2. Notwithstanding any other provision of law to the contrary, in
42 order to assist the dormitory authority and the urban development corpo-
43 ration in undertaking the financing for project costs undertaken by or
44 on behalf of special act school districts, state-supported schools for
45 the blind and deaf and approved private special education schools, non-
46 public schools, community centers, day care facilities, and other state
47 costs associated with such capital projects, the director of the budget
48 is hereby authorized to enter into one or more service contracts with
49 the dormitory authority and the urban development corporation, none of
50 which shall exceed thirty years in duration, upon such terms and condi-
51 tions as the director of the budget and the dormitory authority and the
52 urban development corporation agree, so as to annually provide to the
53 dormitory authority and the urban development corporation, in the aggre-
54 gate, a sum not to exceed the principal, interest, and related expenses
55 required for such bonds and notes. Any service contract entered into
56 pursuant to this section shall provide that the obligation of the state

1 to pay the amount therein provided shall not constitute a debt of the
2 state within the meaning of any constitutional or statutory provision
3 and shall be deemed executory only to the extent of monies available and
4 that no liability shall be incurred by the state beyond the monies
5 available for such purpose, subject to annual appropriation by the
6 legislature. Any such contract or any payments made or to be made there-
7 under may be assigned and pledged by the dormitory authority and the
8 urban development corporation as security for its bonds and notes, as
9 authorized by this section.

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

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

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

40 1. Notwithstanding the provisions of any other law to the contrary,
41 the dormitory authority and the corporation are hereby authorized to
42 issue bonds or notes in one or more series for the purpose of funding
43 project costs for the state and municipal facilities program and other
44 state costs associated with such capital projects. The aggregate princi-
45 pal amount of bonds authorized to be issued pursuant to this section
46 shall not exceed one billion nine hundred [~~twenty-five~~] thirty-eight
47 million five hundred thousand dollars, excluding bonds issued to fund
48 one or more debt service reserve funds, to pay costs of issuance of such
49 bonds, and bonds or notes issued to refund or otherwise repay such bonds
50 or notes previously issued. Such bonds and notes of the dormitory
51 authority and the corporation shall not be a debt of the state, and the
52 state shall not be liable thereon, nor shall they be payable out of any
53 funds other than those appropriated by the state to the dormitory
54 authority and the corporation for principal, interest, and related
55 expenses pursuant to a service contract and such bonds and notes shall
56 contain on the face thereof a statement to such effect. Except for

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

4 § 51. Subdivision 1 of section 51 of section 1 of chapter 174 of the
5 laws of 1968, constituting the New York state urban development corpo-
6 ration act, as amended by section 42-c of part XXX of chapter 59 of the
7 laws of 2017, is amended to read as follows:

8 1. Notwithstanding the provisions of any other law to the contrary,
9 the dormitory authority and the urban development corporation are hereby
10 authorized to issue bonds or notes in one or more series for the purpose
11 of funding project costs for the nonprofit infrastructure capital
12 investment program and other state costs associated with such capital
13 projects. The aggregate principal amount of bonds authorized to be
14 issued pursuant to this section shall not exceed one hundred twenty
15 million dollars, excluding bonds issued to fund one or more debt service
16 reserve funds, to pay costs of issuance of such bonds, and bonds or
17 notes issued to refund or otherwise repay such bonds or notes previously
18 issued. Such bonds and notes of the dormitory authority and the urban
19 development corporation shall not be a debt of the state, and the state
20 shall not be liable thereon, nor shall they be payable out of any funds
21 other than those appropriated by the state to the dormitory authority
22 and the urban development corporation for principal, interest, and
23 related expenses pursuant to a service contract and such bonds and notes
24 shall contain on the face thereof a statement to such effect. Except for
25 purposes of complying with the internal revenue code, any interest
26 income earned on bond proceeds shall only be used to pay debt service on
27 such bonds.

28 § 52. Paragraph (b) of subdivision 4 of section 72 of the state
29 finance law, as amended by section 43 of part XXX of chapter 59 of the
30 laws of 2017, is amended to read as follows:

31 (b) On or before the beginning of each quarter, the director of the
32 budget may certify to the state comptroller the estimated amount of
33 monies that shall be reserved in the general debt service fund for the
34 payment of debt service and related expenses payable by such fund during
35 each month of the state fiscal year, excluding payments due from the
36 revenue bond tax fund. Such certificate may be periodically updated, as
37 necessary. Notwithstanding any provision of law to the contrary, the
38 state comptroller shall reserve in the general debt service fund the
39 amount of monies identified on such certificate as necessary for the
40 payment of debt service and related expenses during the current or next
41 succeeding quarter of the state fiscal year. Such monies reserved shall
42 not be available for any other purpose. Such certificate shall be
43 reported to the chairpersons of the Senate Finance Committee and the
44 Assembly Ways and Means Committee. The provisions of this paragraph
45 shall expire June thirtieth, two thousand twenty.

46 § 53. The opening paragraph of paragraph (a) and paragraph (g) of
47 subdivision 2 of section 56 of the state finance law, as amended by
48 section 48 of part XXX of chapter 59 of the laws of 2017, are amended to
49 read as follows:

50 Refunding bonds shall be issued only when the comptroller shall have
51 certified that, as a result of the refunding, there will be a debt
52 service savings to the state on a present value basis as a result of the
53 refunding transaction and that either (i) the refunding will benefit
54 state taxpayers over the life of the refunding bonds by achieving an
55 actual debt service savings each year or state fiscal year during the
56 term to maturity of the refunding bonds when debt service on the refund-

1 ing bonds is expected to be paid from legislative appropriations or (ii)
2 debt service on the refunding bonds shall be payable in annual install-
3 ments of principal and interest which result in substantially level or
4 declining debt service payments pursuant to paragraph (b) of subdivision
5 two of section fifty-seven of this article. Such certification by the
6 comptroller shall be conclusive as to matters contained therein after
7 the refunding bonds have been issued.

8 (g) Any refunding bonds issued pursuant to this section shall be paid
9 in annual installments which shall, so long as any refunding bonds are
10 outstanding, be made in each year or state fiscal year in which install-
11 ments were due on the bonds to be refunded and shall be in an amount
12 which shall result in annual debt service payments which shall be less
13 in each year or state fiscal year than the annual debt service payments
14 on the bonds to be refunded unless debt service on the refunding bonds
15 is payable in annual installments of principal and interest which will
16 result in substantially level or declining debt service payments pursu-
17 ant to paragraph (b) of subdivision two of section fifty-seven of this
18 article.

19 § 54. Subdivisions 1, 2 and 6 of section 57 of the state finance law,
20 as amended by section 49 of part XXX of chapter 59 of the laws of 2017,
21 are amended to read as follows:

22 1. Whenever the legislature, after authorization of a bond issue by
23 the people at a general election, as provided by section eleven of arti-
24 cle seven of the state constitution, or as provided by section three of
25 article eighteen of the state constitution, shall have authorized, by
26 one or more laws, the creation of a state debt or debts, bonds of the
27 state, to the amount of the debt or debts so authorized, shall be issued
28 and sold by the state comptroller. Any appropriation from the proceeds
29 of the sale of bonds, pursuant to this section, shall be deemed to be an
30 authorization for the creation of a state debt or debts to the extent of
31 such appropriation. The state comptroller may issue and sell a single
32 series of bonds pursuant to one or more such authorizations and for one
33 or more duly authorized works or purposes. As part of the proceedings
34 for each such issuance and sale of bonds, the state comptroller shall
35 designate the works or purposes for which they are issued. It shall not
36 be necessary for him to designate the works or purposes for which the
37 bonds are issued on the face of the bonds. The proceeds from the sale of
38 bonds for more than one work or purpose shall be separately accounted
39 for according to the works or purposes designated for such sale by the
40 comptroller and the proceeds received for each work or purpose shall be
41 expended only for such work or purpose. The bonds shall bear interest at
42 such rate or rates as in the judgment of the state comptroller may be
43 sufficient or necessary to effect a sale of the bonds, and such interest
44 shall be payable at least semi-annually, in the case of bonds with a
45 fixed interest rate, and at least annually, in the case of bonds with an
46 interest rate that varies periodically, in the city of New York unless
47 annual payments of principal and interest result in substantially level
48 or declining debt service payments over the life of an issue of bonds
49 pursuant to paragraph (b) of subdivision two of this section or unless
50 accrued interest is contributed to a sinking fund in accordance with
51 subdivision three of section twelve of article seven of the state
52 constitution, in which case interest shall be paid at such times and at
53 such places as shall be determined by the state comptroller prior to
54 issuance of the bonds.

55 2. Such bonds, or the portion thereof at any time issued, shall be
56 made payable (a) in equal annual principal installments or (b) in annual

1 installments of principal and interest which result in substantially
2 level or declining debt service payments, over the life of the bonds,
3 the first of which annual installments shall be payable not more than
4 one year from the date of issue and the last of which shall be payable
5 at such time as the comptroller may determine but not more than forty
6 years or state fiscal years after the date of issue, not more than fifty
7 years after the date of issue in the case of housing bonds, and not more
8 than twenty-five years in the case of urban renewal bonds. Where bonds
9 are payable pursuant to paragraph (b) of this subdivision, except for
10 the year or state fiscal year of initial issuance if less than a full
11 year of debt service is to become due in that year or state fiscal year,
12 either (i) the greatest aggregate amount of debt service payable in any
13 year or state fiscal year shall not differ from the lowest aggregate
14 amount of debt service payable in any other year or state fiscal year by
15 more than five percent or (ii) the aggregate amount of debt service in
16 each year or state fiscal year shall be less than the aggregate amount
17 of debt service in the immediately preceding year or state fiscal year.
18 For purposes of this subdivision, debt service shall include all princi-
19 pal, redemption price, sinking fund installments or contributions, and
20 interest scheduled to become due. For purposes of determining whether
21 debt service is level or declining on bonds issued with a variable rate
22 of interest pursuant to paragraph b of subdivision four of this section,
23 the comptroller shall assume a market rate of interest as of the date of
24 issuance. Where the comptroller determines that interest on any bonds
25 shall be compounded and payable at maturity, such bonds shall be payable
26 only in accordance with paragraph (b) of this subdivision unless accrued
27 interest is contributed to a sinking fund in accordance with subdivision
28 three of section twelve of article seven of the state constitution. In
29 no case shall any bonds or portion thereof be issued for a period longer
30 than the probable life of the work or purpose, or part thereof, to which
31 the proceeds of the bonds are to be applied, or in the alternative, the
32 weighted average period of the probable life of the works or purposes to
33 which the proceeds of the bonds are to be applied taking into consider-
34 ation the respective amounts of bonds issued for each work or purpose,
35 as may be determined under section sixty-one of this article and in
36 accordance with the certificate of the commissioner of general services,
37 and/or the commissioner of transportation, state architect, state
38 commissioner of housing and urban renewal, or other authority, as the
39 case may be, having charge by law of the acquisition, construction, work
40 or improvement for which the debt was authorized. Such certificate shall
41 be filed in the office of the state comptroller and shall state the
42 group, or, where the probable lives of two or more separable parts of
43 the work or purposes are different, the groups, specified in such
44 section, for which the amount or amounts, shall be provided by the issu-
45 ance and sale of bonds. Weighted average period of probable life shall
46 be determined by computing the sum of the products derived from multi-
47 plying the dollar value of the portion of the debt contracted for each
48 work or purpose (or class of works or purposes) by the probable life of
49 such work or purpose (or class of works or purposes) and dividing the
50 resulting sum by the dollar value of the entire debt after taking into
51 consideration any original issue discount. Any costs of issuance
52 financed with bond proceeds shall be prorated among the various works or
53 purposes. Such bonds, or the portion thereof at any time sold, shall be
54 of such denominations, subject to the foregoing provisions, as the state
55 comptroller may determine. Notwithstanding the foregoing provisions of
56 this subdivision, the comptroller may issue all or a portion of such

1 bonds as serial debt, term debt or a combination thereof, maturing as
2 required by this subdivision, provided that the comptroller shall have
3 provided for the retirement each year or state fiscal year, or otherwise
4 have provided for the payment of, through sinking fund installment
5 payments or otherwise, a portion of such term bonds in an amount meeting
6 the requirements of paragraph (a) or (b) of this subdivision or shall
7 have established a sinking fund and provided for contributions thereto
8 as provided in subdivision eight of this section and section twelve of
9 article seven of the state constitution.

10 6. Except with respect to bonds issued in the manner provided in para-
11 graph (c) of subdivision seven of this section, all bonds of the state
12 of New York which the comptroller of the state of New York is authorized
13 to issue and sell, shall be executed in the name of the state of New
14 York by the manual or facsimile signature of the state comptroller and
15 his seal (or a facsimile thereof) shall be thereunto affixed, imprinted,
16 engraved or otherwise reproduced. In case the state comptroller who
17 shall have signed and sealed any of the bonds shall cease to hold the
18 office of state comptroller before the bonds so signed and sealed shall
19 have been actually countersigned and delivered by the fiscal agent or
20 trustee, such bonds may, nevertheless, be countersigned and delivered as
21 herein provided, and may be issued as if the state comptroller who
22 signed and sealed such bonds had not ceased to hold such office. Any
23 bond of a series may be signed and sealed on behalf of the state of New
24 York by such person as at the actual time of the execution of such bond
25 shall hold the office of comptroller of the state of New York, although
26 at the date of the bonds of such series such person may not have held
27 such office. The coupons to be attached to the coupon bonds of each
28 series shall be signed by the facsimile signature of the state comp-
29 troller of the state of New York or by any person who shall have held
30 the office of state comptroller of the state of New York on or after the
31 date of the bonds of such series, notwithstanding that such person may
32 not have been such state comptroller at the date of any such bond or may
33 have ceased to be such state comptroller at the date when any such bond
34 shall be actually countersigned and delivered. The bonds of each series
35 shall be countersigned with the manual signature of an authorized
36 employee of the fiscal agent or trustee of the state of New York. No
37 bond and no coupon thereunto appertaining shall be valid or obligatory
38 for any purpose until such manual countersignature of an authorized
39 employee of the fiscal agent or trustee of the state of New York shall
40 have been duly affixed to such bond.

41 § 55. Section 62 of the state finance law, as amended by section 51 of
42 part XXX of chapter 59 of the laws of 2017, is amended to read as
43 follows:

44 § 62. Replacement of lost certificates. The comptroller, who may act
45 through his duly authorized fiscal agent or trustee appointed pursuant
46 to section sixty-five of this article, may issue to the lawful owner of
47 any certificate or bond issued by him in behalf of this state, which he
48 or such duly authorized fiscal agent or trustee is satisfied, by due
49 proof filed in his office or with such duly authorized fiscal agent or
50 trustee, has been lost or casually destroyed, a new certificate or bond,
51 corresponding in date, number and amount with the certificate or bond so
52 lost or destroyed, and expressing on its face that it is a renewed
53 certificate or bond. No such renewed certificate or bond shall be issued
54 unless sufficient security is given to satisfy the lawful claim of any
55 person to the original certificate or bond, or to any interest therein.
56 The comptroller shall report annually to the legislature the number and

1 amount of all renewed certificates or bonds so issued. If the renewed
2 certificate is issued by the state's duly authorized fiscal agent or
3 trustee and such agent or trustee agrees to be responsible for any loss
4 suffered as a result of unauthorized payment, the security shall be
5 provided to and approved by the fiscal agent or trustee and no addi-
6 tional approval by the comptroller or the attorney general shall be
7 required.

8 § 56. Section 65 of the state finance law, as amended by section 52 of
9 part XXX of chapter 59 of the laws of 2017, is amended to read as
10 follows:

11 § 65. Appointment of fiscal agent or trustee; powers and duties. 1.
12 Notwithstanding any other provisions of this chapter, the comptroller,
13 on behalf of the state, may contract from time to time for a period or
14 periods not exceeding ten years each, except in the case of a bank or
15 trust company agreeing to act as issuing, paying and/or tender agent
16 with respect to a particular issue of variable interest rate bonds in
17 which case the comptroller, on behalf of the state, may contract for a
18 period not to exceed the term of such particular issue of bonds, with
19 one or more banks or trust companies located in the city of New York, to
20 act as fiscal agent, trustee, or agents of the state, and for the main-
21 tenance of an office for the registration, conversion, reconversion and
22 transfer of the bonds and notes of the state, including the preparation
23 and substitution of new bonds and notes, for the payment of the princi-
24 pal thereof and interest thereon, for related services, and to otherwise
25 effectuate the powers and duties of a fiscal agent or trustee on behalf
26 of the state in all such respects as may be determined by the comp-
27 troller for such bonds and notes, and for the payment by the state of
28 such compensation therefor as the comptroller may determine. Any such
29 fiscal agent or trustee may, where authorized pursuant to the terms of
30 its contract, accept delivery of obligations purchased by the state and
31 of securities deposited with the state pursuant to sections one hundred
32 five and one hundred six of this chapter and hold the same in safekeep-
33 ing, make delivery to purchasers of obligations sold by the state, and
34 accept deposit of such proceeds of sale without securing the same. Any
35 such contract may also provide that such fiscal agent or trustee may,
36 upon the written instruction of the comptroller, deposit any obligations
37 or securities which it receives pursuant to such contract, in an account
38 with a federal reserve bank, to be held in such account in the form of
39 entries on the books of the federal reserve bank, and to be transferred
40 in the event of any assignment, sale, redemption, maturity or other
41 disposition of such obligations or securities, by entries on the books
42 of the federal reserve bank. Any such bank or trust company shall be
43 responsible to the people of this state for the faithful and safe
44 conduct of the business of said office, for the fidelity and integrity
45 of its officers and agents employed in such office, and for all loss or
46 damage which may result from any failure to discharge their duties, and
47 for any improper and incorrect discharge of those duties, and shall save
48 the state free and harmless from any and all loss or damage occasioned
49 by or incurred in the performance of such services. Any such contract
50 may be terminated by the comptroller at any time. In the event of any
51 change in any office maintained pursuant to any such contract, the comp-
52 troller shall give public notice thereof in such form as he may deter-
53 mine appropriate.

54 2. The comptroller shall prescribe rules and regulations for the
55 registration, conversion, reconversion and transfer of the bonds and
56 notes of the state, including the preparation and substitution of new

1 bonds, for the payment of the principal thereof and interest thereon,
2 and for other authorized services to be performed by such fiscal agent
3 or trustee. Such rules and regulations, and all amendments thereof,
4 shall be prepared in duplicate, one copy of which shall be filed in the
5 office of the department of audit and control and the other in the
6 office of the department of state. A copy thereof may be filed as a
7 public record in such other offices as the comptroller may determine.
8 Such rules and regulations shall be obligatory on all persons having any
9 interests in bonds and notes of the state heretofore or hereafter
10 issued.

11 § 57. Subdivision 2 of section 365 of the public authorities law, as
12 amended by section 54 of part XXX of chapter 59 of the laws of 2017, is
13 amended to read as follows:

14 2. The notes and bonds shall be authorized by resolution of the board,
15 shall bear such date or dates and mature at such time or times, in the
16 case of notes and any renewals thereof within five years after their
17 respective dates and in the case of bonds not exceeding forty years from
18 their respective dates, as such resolution or resolutions may provide.
19 The notes and bonds shall bear interest at such rate or rates, be in
20 such denominations, be in such form, either coupon or registered, carry
21 such registration privileges, be executed in such manner, be payable in
22 such medium of payment, at such place or places, and be subject to such
23 terms of redemption as such resolution or resolutions may provide. Bonds
24 and notes shall be sold by the authority, at public or private sale, at
25 such price or prices as the authority may determine. Bonds and notes of
26 the authority shall not be sold by the authority at private sale unless
27 such sale and the terms thereof have been approved in writing by the
28 comptroller, where such sale is not to the comptroller, or by the direc-
29 tor of the budget, where such sale is to the comptroller.

30 § 58. Section 55 of chapter 59 of the laws of 2017 relating to provid-
31 ing for the administration of certain funds and accounts related to the
32 2017-18 budget and authorizing certain payments and transfers, is
33 amended to read as follows:

34 § 55. This act shall take effect immediately and shall be deemed to
35 have been in full force and effect on and after April 1, 2017; provided,
36 however, that the provisions of sections one, two, three, four, five,
37 six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen,
38 eighteen, nineteen, twenty, [~~twenty-one,~~] twenty-two, twenty-two-e and
39 twenty-two-f of this act shall expire March 31, 2018 when upon such date
40 the provisions of such sections shall be deemed repealed; and provided,
41 further, that section twenty-two-c of this act shall expire March 31,
42 2021.

43 § 59. Paragraph (b) of subdivision 3 and clause (B) of subparagraph
44 (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chap-
45 ter 63 of the laws of 2005, relating to the composition and responsibil-
46 ities of the New York state higher education capital matching grant
47 board, as amended by section 45 of part UU of chapter 54 of the laws of
48 2016, are amended to read as follows:

49 (b) Within amounts appropriated therefor, the board is hereby author-
50 ized and directed to award matching capital grants totaling [~~240~~] two
51 hundred seventy million dollars. Each college shall be eligible for a
52 grant award amount as determined by the calculations pursuant to subdi-
53 vision five of this section. In addition, such colleges shall be eligi-
54 ble to compete for additional funds pursuant to paragraph (h) of subdi-
55 vision four of this section.

1 (B) The dormitory authority shall not issue any bonds or notes in an
2 amount in excess of [~~240~~] two hundred seventy million dollars for the
3 purposes of this section; excluding bonds or notes issued to fund one or
4 more debt service reserve funds, to pay costs of issuance of such bonds,
5 and bonds or notes issued to refund or otherwise repay such bonds or
6 notes previously issued. Except for purposes of complying with the
7 internal revenue code, any interest on bond proceeds shall only be used
8 to pay debt service on such bonds.

9 § 60. Subdivision 1 of section 1680-n of the public authorities law,
10 as added by section 46 of part T of chapter 57 of the laws of 2007, is
11 amended to read as follows:

12 1. Notwithstanding the provisions of any other law to the contrary,
13 the authority and the urban development corporation are hereby author-
14 ized to issue bonds or notes in one or more series for the purpose of
15 funding project costs for the acquisition of state buildings and other
16 facilities. The aggregate principal amount of bonds authorized to be
17 issued pursuant to this section shall not exceed one hundred [~~forty~~]
18 sixty-five million dollars, excluding bonds issued to fund one or more
19 debt service reserve funds, to pay costs of issuance of such bonds, and
20 bonds or notes issued to refund or otherwise repay such bonds or notes
21 previously issued. Such bonds and notes of the authority and the urban
22 development corporation shall not be a debt of the state, and the state
23 shall not be liable thereon, nor shall they be payable out of any funds
24 other than those appropriated by the state to the authority and the
25 urban development corporation for principal, interest, and related
26 expenses pursuant to a service contract and such bonds and notes shall
27 contain on the face thereof a statement to such effect. Except for
28 purposes of complying with the internal revenue code, any interest
29 income earned on bond proceeds shall only be used to pay debt service on
30 such bonds.

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

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

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

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

26 § 63. This act shall take effect immediately and shall be deemed to
27 have been in full force and effect on and after April 1, 2018; provided,
28 however, that the provisions of sections one, two, three, four, five,
29 six, seven, eight, twelve, thirteen, fourteen, sixteen, seventeen, eigh-
30 teen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-
31 seven, twenty-eight, and twenty-eight-a of this act shall expire March
32 31, 2019 when upon such date the provisions of such sections shall be
33 deemed repealed.

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

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