STATE OF NEW YORK

7505--B

IN SENATE

January 18, 2018

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

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to amend the penal law, the criminal procedure law and the executive law, in relation to discovery reform and intimidating or tampering with a victim or witness (Part D); intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part M); 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 requiring a yearly report on armory usage; and to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof (Part O); intentionally omitted (Part P); to amend the alcoholic beverage control law, in relation to hotel tavern licenses and allowing bed and breakfasts to sell cider, liquor, beer and wine (Part Q); to amend the alcoholic beverage control law, in relation to the production and sale of mead and braggot; and to repeal certain provisions of such law relating thereto (Part R); intentionally omitted (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); intentionally omitted (Part W); to amend the retirement and social security law and the state finance law, in relation to enacting the

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

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New York state secure choice savings program act (Part X); to amend the workers' compensation law, in relation to the investment of surplus of the state insurance fund (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); to amend the state finance law, in relation to the citizen empowerment tax credit (Part CC); to amend the uniform justice court act, in relation to the election of one or more town justices for two or more towns (Part DD); intentionally omitted (Part EE); to amend the public authorities law, in relation to the town of Islip resource recovery agency (Part FF); to provide for the administration of certain funds and accounts related to the 2018-19 budget and authorizing certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund and to payments, transfers and deposits; to amend chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, in relation to funding project costs undertaken by non-public schools; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority; to amend chapter 61 of the laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the issuance of bonds; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program and increasing the bonding limit for certain state and municipal facilities; to amend chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of peace bridge and transportation capital projects; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the New York state medical care facilities finance agency act, in relation to bonds and mental health facilities improvement notes; to amend chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to increasing the bonding limit for certain public protection facilities; to amend the state finance law and the public authorities law, in relation to funding certain capital projects and the issuance of bonds; to amend chapter 59 of the laws of 2017 relating to providing for the administration of certain funds and accounts related to the 2017-18 budget and authorizing certain payments and

transfers, in relation to the effectiveness thereof; to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the public authorities law, in relation to increasing the amount of bonds authorized to be issued; to amend the facilities development corporation act, in relation to authorizing the issuance of bonds in relation to grants made to voluntary agencies; and providing for the repeal of certain provisions upon expiration thereof (Part GG); intentionally omitted (Part HH); to amend the social services law, the executive law, and the penal law, in relation to prohibiting sex offenders from being placed in shelters used by families with children and from entering within one thousand feet of a kindergarten or pre-kindergarten facility or institution (Part II); to amend the penal law, in relationship to establishing incapacity to consent when a person is under arrest, in detention, or otherwise in actual custody (Part JJ); intentionally omitted (Part KK); and to amend the public authorities law, in relation to authorizing the dormitory authority to construct and finance certain juvenile detention facilities (Part LL); to amend the public authorities law, in relation to the financing and construction of facilities by the dormitory authority for Cerebral Palsy Associations of New York State and any of its not-for-profit members (Part MM); to amend the retirement and social security law, in relation to disability retirement for members of the department of environmental conservation, forest rangers, university police officers and the regional state park police (Part NN); to amend the retirement and social security law, in relation to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system (Part OO); to amend the retirement and social security law, in relation to death benefits for certain members; and providing for the repeal of such provisions upon expiration thereof (Part PP); to amend the general municipal law and the administrative code of the city of New York, in relation to sick leave for officers and employees with a qualifying World Trade Center condition; to amend the civil service law, in relation to the review of certain claims; and to amend chapter 273 of the laws of 2017 amending the general municipal law relating to granting sick leave for officers and employees with a qualifying World Trade Center condition, in relation to the reimbursement of any public authority or municipal corporation in a city with a population of less than one million people for the cost of certain line of duty sick leave (Part QQ); to amend the civil service law, in relation to reimbursement for medicare charges (Part RR); to amend the retirement and social security law, in relation to certain disabilities of university police officers appointed by the state university of New York (Part SS); to amend the civil service law and the legislative law, in relation to certain benefits provided pursuant to collective bargaining agreements (Part TT); to amend the education law, in relation to ensuring that certain school districts are eligible for incentive building aid; and relating to new towns (Part UU); to amend the tax law, in relation to the public safety communications surcharge (Part VV); to amend the real property tax law, in relation to the taxation of certain lands in Bowman Lake State Park (Part WW); to amend the executive law and the penal law, in relation to the requirement for certain sex offenders who are on probation or parole, or conditionally released to reside certain distances from school grounds

(Part XX); to amend the penal law, in relation to criminal sale of a controlled substance upon the grounds of a drug or alcohol treatment center (Part YY); to amend the penal law, in relation to criminal sale and possession of substances containing heroin (Part ZZ); to amend the penal law, in relation to certain controlled substance offenses (Part AAA); to amend the penal law, in relation to criminal sale of a controlled substance (Part BBB); to amend the public health law, in relation to body imaging scanning equipment; and providing for the repeal of such provisions upon expiration thereof (Part CCC); to amend the correction law, in relation to contraband screening at correctional facilities (Part DDD); to amend the general municipal law, in relation to the appropriation of funds for the training of firefighters (Part EEE); to amend the retirement and social security law, in relation to annual earnings limitations for retired police officers employed as school resource officers (Part FFF); to amend the penal law and the executive law, in relation to acts of terrorism and the New York state intelligence center (Subpart A); to amend the criminal procedure law, in relation to peace officers who are retired police officers employed by a school district as a school resource officer (Subpart B); to amend the penal law, in relation to an intentional act or continuing course of action that would cause serious physical harm to ten or more people (Subpart C); and to amend the penal law and the highway law, in relation to violence committed on school grounds (Subpart D)(Part GGG); to amend the executive law, in relation to sworn members of the New York state police (Part HHH); to amend the retirement and social security law, in relation to disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs, and correction officers in Nassau county (Part III); to amend the retirement and social security law, in relation to the equalization of retirement benefits for police officers across New York state (Part JJJ); to amend the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, in relation to the payment of death benefits (Part KKK); to amend the executive law, in relation to establishing the deceased police officer, firefighter and emergency medical services family housing assistance program; and to amend the state finance law, in relation to the deceased police officer family housing fund (Part LLL); to amend the public service law, the labor law and the public health law, in relation to the protection of the health, safety and employment rights of employees suffering employment loss as the result of the sale or closure of a nuclear electric generation facility (Part MMM); to amend the alcoholic beverage control law and the general municipal law, in relation to allowing patrons to remove alcohol from a licensed premises in a leisure and recreation district (Part NNN); to amend the town law, in relation to the powers and duties of the receiver of taxes and assessments (Part OOO); to amend the education law, in relation to the component school districts' share of the capital expenditures of a board of cooperative educational services (Part PPP); to amend the general municipal law and the education law, in relation to payments in lieu of taxes (Part QQQ); to amend the state administrative procedure act, in relation to agencies adopting emergency rules (Part RRR); to amend the state administrative procedure act, in relation to improving evaluations of the potential impact of rules on jobs and employment opportunities (Part SSS); to amend the state administrative procedure act, in relation to establishing a task force for the review of the state administrative procedure act (Part TTT); to amend the executive law,

in relation to regulatory fines for small businesses (Part UUU); to amend the state administrative procedure act, in relation to each agency designating a small business liaison (Part VVV); to amend the legislative law, the state administrative procedure act and the executive law, in relation to the filing of objections to agency rules by the administrative regulations review commission (Part WWW); to amend the legislative law and the state administrative procedure act, in relation to providing the administrative regulations review commission with the ability to delay the adoption of proposed administrative rules (Subpart A); to amend the state administrative procedure act, in relation to the time needed by small businesses and local governments to comply with new regulations (Subpart B); to amend the state administrative procedure act, in relation to rule making procedures (Subpart C); and to amend the state administrative procedure act, in relation to increasing the revised rule public comment period from thirty days to forty-five days (Subpart D)(Part XXX); to amend the state administrative procedure act, in relation to negotiated rule making (Part YYY); to amend the state administrative procedure act, in relation to petitions for alternate methods of implementing regulatory mandates (Subpart A); and to amend the legislative law, the executive law and the state administrative procedure act, in relation to unfunded mandate review (Subpart B)(Part ZZZ); to amend the administrative code of the city of New York, in relation to establishing the commission on Roosevelt Avenue, and providing for its powers and duties; and providing for the repeal of such provisions upon expiration thereof (Part AAAA); to enact the "youth violence prevention task force act"; and providing for the repeal of such provisions upon expiration thereof (Part BBBB); to amend the criminal procedure law, in relation to a "problem solving court" (Part CCCC); to establish the New York state 2020 complete count commission and providing for its powers and duties (Part DDDD); and to amend the penal law, in relation to the definition of a gravity knife (Part EEEE)

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

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

PART A

Intentionally Omitted

PART B

Intentionally Omitted

PART C

Intentionally Omitted

PART D

Section 1. The penal law is amended by adding a new section 215.07 to read as follows:

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

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

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

(b) refrain from communicating information or producing records, documents or other objects to any court, grand jury, prosecutor, police officer or peace officer concerning a criminal transaction.

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

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

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

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

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

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

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

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

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

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

2. He **or she** wrongfully compels or attempts to compel such person to swear falsely **or alter, destroy, mutilate or conceal an object with the intent to impair the integrity or availability of the object for use in**

the action or proceeding by means of instilling in him or her a fear that the actor will cause physical injury to such person or another person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. He or she intentionally causes or attempts to cause the death of a person on account of such person or another person having testified in a

criminal proceeding or produced records, documents or other objects for use in a criminal proceeding.

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Recklessly causes physical injury to another person by intentionally damaging the property of such other person or another person, for the purpose of obstructing, delaying, preventing or impeding such other person or another person from communicating **or producing records, documents or other objects**, or on account of such other person or another person having communicated[~~,~~] information **or produced records, documents or other objects,** relating to a criminal transaction to any court, grand jury, prosecutor, police officer or peace officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Whenever in the course of a criminal action or proceeding a defendant charged with the commission of a felony is at liberty as a result of an order of recognizance or bail issued pursuant to this arti-

cle it shall be grounds for revoking such order that the court finds reasonable cause to believe the defendant committed one or more specified class A or violent felony offenses or intimidated a victim or witness in violation of sections 215.15, 215.16 [~~or~~], 215.17 **or 215.18** of the penal law while at liberty. Before revoking an order of recognizance or bail pursuant to this subdivision, the court must hold a hearing and shall receive any relevant, admissible evidence not legally privileged. The defendant may cross-examine witnesses and may present relevant, admissible evidence on his own behalf. Such hearing may be consolidated with, and conducted at the same time as, a felony hearing conducted pursuant to article one hundred eighty of this chapter. A transcript of testimony taken before the grand jury upon presentation of the subsequent offense shall be admissible as evidence during the hearing. The district attorney may move to introduce grand jury testimony of a witness in lieu of that witness' appearance at the hearing.

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

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

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

(a) Class B violent felony offenses: an attempt to commit the class A-I felonies of murder in the second degree as defined in section 125.25, kidnapping in the first degree as defined in section 135.25, and arson in the first degree as defined in section 150.20; manslaughter in the first degree as defined in section 125.20, aggravated manslaughter in the first degree as defined in section 125.22, rape in the first degree as defined in section 130.35, criminal sexual act in the first degree as defined in section 130.50, aggravated sexual abuse in the first degree as defined in section 130.70, course of sexual conduct against a child in the first degree as defined in section 130.75; assault in the first degree as defined in section 120.10, kidnapping in the second degree as defined in section 135.20, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, robbery in the first degree as defined in section 160.15, sex trafficking as defined in paragraphs (a) and (b) of subdivision five of section 230.34, incest in the first degree as defined in section 255.27, criminal possession of a weapon in the first degree as defined in section 265.04, criminal use of a firearm in the first degree as defined in section 265.09, criminal sale of a firearm in the first degree as defined in section 265.13, aggravated assault upon a police officer or a peace officer as defined in section 120.11, gang assault in the first degree as defined in section 120.07, intimidating a victim or witness in the [~~first~~] **second** degree as defined in section 215.17, hindering prosecution of terrorism in the first degree as defined in section 490.35, criminal possession of a chemical weapon or biological weapon in the second degree as defined in section 490.40, and criminal use of a chemical weapon or biological weapon in the third degree as defined in section 490.47.

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

PART E

Intentionally Omitted

PART F

Intentionally Omitted

PART G

Intentionally Omitted

PART H

Intentionally Omitted

PART I

Intentionally Omitted

PART J

Intentionally Omitted

PART K

Intentionally Omitted

PART L

Intentionally Omitted

PART M

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

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

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

PART N

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

§ 216-e. Subpoena authority for investigations of online sexual offenses against minors. 1. Except as provided in subdivision two of this section, in any investigation where a minor is a potential victim of any offense specified in articles two hundred thirty, two hundred

thirty-five, or two hundred sixty-three of the penal law, and upon reasonable cause to believe that an internet service account or online identifier has been used in the commission of such offense, the superintendent of the state police and/or the superintendent's authorized designee shall have the authority to issue in writing and cause to be served an administrative subpoena requiring the production of records and testimony relevant to the investigation of such offense, including the following information related to the subscriber or customer of an internet service account or online identifier:

(a) Name;

(b) Internet username;

(c) Billing and service address;

(d) Electronic mail address;

(e) Internet protocol address;

(f) Telephone number of account holder;

(g) Method of access to the internet;

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

(i) Telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address;

(j) Account status;

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

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

2. The following information shall not be subject to disclosure pursuant to an administrative subpoena issued under this section:

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

(b) Account memberships related to internet groups, newsgroups, mailing lists, or specific areas of interest;

(c) Account passwords; and

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

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

PART O

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

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

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

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

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

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

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

§ 4. Section 179 of the military law is amended by adding a new subdivision 3 to read as follows:

3. On or before December thirty-first of each year, the adjutant general shall deliver a report to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate standing committee on veterans, homeland security and military affairs, and the assembly standing committee on veterans' affairs regarding armory use during the preceding year. Such report shall provide in detail:

a. All capital projects completed, approved and/or contracted for, with respect to each armory of the state and with specificity as to what each project entails, its projected or total cost, and time frame from design until completion.

b. All activities taking place at each of the state's armories, including, for each such armory:

(i) An inventory of all activities held at such armory by the division, specifying the name of the division entity using the facility, the type and duration of use by such entity, any non personnel cost and/or expense for such use, any personnel cost, and/or expense, and/or staff time expended for such use by any personnel of the division or other state employees for set up, close down, clean up or any other services provided in accordance with such use;

(ii) An inventory of all activities held at such armory by a third party paying rent to the division, specifying the name of the entity using the facility, the amount of rent paid for each such use by such third party paying rent, the type and duration of use by such third party entity paying rent, any non personnel cost and/or expense for such use, any personnel cost and/or expense and/or staff time expended for such use by any personnel of the division or other state employees for set up, close down, clean up or any other services provided in accordance with such use; and

(iii) An inventory of all activities held at such armory by a third party not paying rent to the division, specifying the name of the entity using the facility, the reason or reasons no rent was required for each such use by such third party not paying rent, the type and duration of use by such third party entity not paying rent, any non personnel cost

and/or expense for such use, any personnel cost and/or expense and/or staff time expended for such use by any personnel of the division or other state employees for set up, close down, clean up or any other services provided in accordance with such use.

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

PART P

Intentionally Omitted

PART Q

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

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

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

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

§ 3. Subdivision 4 of section 51 of the alcoholic beverage control law, as amended by chapter 431 of the laws of 2014, is amended to read as follows:

4. A licensed brewery may operate a restaurant, hotel, an establishment designated and commonly known and operated as a bed and breakfast, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, beer manufactured by the licensee and any New York state labeled beer. All of the provisions of this chapter relative to licenses to sell beer at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed brewer may apply to the liquor authority for a license to sell beer, wine or liquor at retail for consumption on the premises at such establishment. All of the provisions

of this chapter relative to licenses to sell beer, wine or liquor at retail for consumption on the premises shall apply so far as applicable to such application.

§ 4. Paragraph (g) of subdivision 2 of section 51-a of the alcoholic beverage control law, as amended by chapter 431 of the laws of 2014, is amended to read as follows:

(g) operate a restaurant, hotel, **an establishment designated and commonly known and operated as a bed and breakfast,** catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, beer and cider manufactured by the licensee and any New York state labeled beer or New York state labeled cider. All of the provisions of this chapter relative to licenses to sell beer at retail for consumption on and off the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed farm brewery may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment;

§ 5. Subparagraph (ii) of paragraph (f) of subdivision 2 of section 58-c of the alcoholic beverage control law, as amended by chapter 431 of the laws of 2014, is amended to read as follows:

(ii) operate a restaurant, hotel, **an establishment designated and commonly known and operated as a bed and breakfast,** catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, cider manufactured by the licensee and any New York state labeled cider. All of the provisions of this chapter relative to licensees to selling cider at retail shall apply. Notwithstanding any other provision of law, the licensed farm cidery may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment;

§ 6. Subparagraph (ii) of paragraph (e) of subdivision 2-c of section 61 of the alcoholic beverage control law, as amended by chapter 431 of the laws of 2014, is amended to read as follows:

(ii) operate a restaurant, hotel, **an establishment designated and commonly known and operated as a bed and breakfast,** catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, liquor manufactured by the licensee and any New York state labeled liquor. All of the provisions of this chapter relative to licenses to sell liquor at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensee may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

§ 7. Subdivision 5-a of section 64 of the alcoholic beverage control law, as added by chapter 480 of the laws of 2003, is amended to read as follows:

5-a. Notwithstanding the provisions of subdivision five of this section, a liquor license may be issued under this section to an establishment designated and commonly known and operated as a "bed and breakfast" regardless of whether or not a restaurant is operated in such establishment[~~, provided that such license shall only permit the sale of alcoholic beverages to overnight guests of such establishment~~].

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

4-a. A licensed winery may operate a restaurant, hotel, **an establishment designated and commonly known as a bed and breakfast,** catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, wine and wine products manufactured by the licensee and any New York state labeled wine or New York state labeled wine product. All of the provisions of this chapter relative to licenses to sell wine at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed winery may apply to the authority for a license under article four of this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

§ 9. Paragraph (f) of subdivision 2 of section 76-a of the alcoholic beverage control law, as amended by chapter 431 of the laws of 2014, is amended to read as follows:

(f) operate a restaurant, hotel, **an establishment designated and commonly known and operated as a bed and breakfast,** catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, wine, cider and wine products manufactured by the licensee and any New York state labeled wine, New York state labeled cider or New York state labeled wine product. All of the provisions of this chapter relative to licenses to sell wine at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed winery may apply to the authority for a license under article four of this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

§ 10. This act shall take effect immediately.

PART R

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

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

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

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

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

19-a. "Mead" shall mean a wine made primarily from honey and water: (i) which may also contain hops, fruits, spices, herbs, grain or other agricultural products; and (ii) with honey representing at least fifty-

one percent of the starting fermentable sugars by weight of the finished product. The brand or trade name label owner of such alcoholic beverage shall designate whether such alcoholic beverage shall be sold as and treated in the same manner as wine or mead for all purposes under this chapter. Provided, however, any mead containing more than eight and one-half per centum alcohol by volume shall be designated, sold as and treated in the same manner as wine.

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

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

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

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

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

ARTICLE 6-A

SPECIAL PROVISIONS RELATING TO MEAD

Section 86. Farm meadery license.

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

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

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

2. A farm meadery license shall authorize the holder thereof to operate a meadery for the manufacture of New York state labelled mead and New York state labelled braggot. Such a license shall also authorize the licensee to:

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

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

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

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

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

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

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

(h) store and sell gift items in a tax-paid room upon the licensed premises incidental to the sale of mead and braggot. These gift items shall be limited to the following categories: (i) non-alcoholic beverages for consumption on or off premises, including but not limited to bottled water, juice and soda beverages; (ii) food items for the purpose of complementing mead tastings, shall mean a diversified selection of food which is ordinarily consumed without the use of tableware and can conveniently be consumed while standing or walking; (iii) food items, which shall include locally produced farm products and any food or food product not specifically prepared for immediate consumption upon the premises; (iv) mead and braggot supplies and accessories, which shall include any item utilized for the storage, serving or consumption of mead and braggot or for decorative purposes; (v) souvenir items, which shall include, but not be limited to artwork, crafts, clothing, agricultural products and any other articles which can be construed to propagate tourism within the region; and (vi) mead-making and braggot-making equipment.

3. A licensed farm meadery may engage in any other business on the licensed premises subject to such rules and regulations as the liquor

authority may prescribe. In prescribing such rules and regulations, the liquor authority shall promote the expansion and profitability of mead and braggot production and of tourism in New York, thereby promoting the conservation, production and enhancement of New York state agricultural lands. Further, such rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the community and area in the vicinity of the farm meadery licensee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. To revoke, cancel or suspend for cause any license or permit issued under this chapter and/or to impose a civil penalty for cause against any holder of a license or permit issued pursuant to this chapter. Any civil penalty so imposed shall not exceed the sum of ten thousand dollars as against the holder of any retail permit issued pursuant to sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and paragraph f of subdivision one of section ninety-nine-b of this chapter, and as against the holder of any retail license issued pursuant to sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, seventy-six-f, seventy-nine, eighty-one and eighty-one-a of this chapter, and the sum of thirty thousand dollars as against the holder of a license issued pursuant to sections fifty-three, sixty-one-a, sixty-one-b, seventy-six, seventy-six-a, [~~and~~] seventy-eight and eighty-six of this chapter, provided that the civil penalty against the holder of a wholesale license issued pursuant to section fifty-three of this chapter shall not exceed the sum of ten thousand dollars where that licensee violates provisions of this chapter during the course of the sale of beer at retail to a person for consumption at home, and the sum of one hundred thousand dollars as against the holder of any license issued pursuant to sections fifty-one, sixty-one, and sixty-two of this chapter. Any civil penalty so imposed shall be in addition to and separate and apart from the terms and provisions of the bond required pursuant to section one hundred twelve of this chapter. Provided that no appeal is pending on the imposition of such civil penalty, in the event such civil penalty imposed by the division remains unpaid, in whole or in part, more than forty-five days after written demand for payment has been sent by first class mail to the address of the licensed premises, a notice of impending default judgment shall be sent by first class mail to the licensed premises and by first class mail to the last known home address of the person who signed the most recent license application. The notice of impending default judgment

shall advise the licensee: (a) that a civil penalty was imposed on the licensee; (b) the date the penalty was imposed; (c) the amount of the civil penalty; (d) the amount of the civil penalty that remains unpaid as of the date of the notice; (e) the violations for which the civil penalty was imposed; and (f) that a judgment by default will be entered in the supreme court of the county in which the licensed premises are located, or other court of civil jurisdiction or any other place provided for the entry of civil judgments within the state of New York unless the division receives full payment of all civil penalties due within twenty days of the date of the notice of impending default judgment. If full payment shall not have been received by the division within thirty days of mailing of the notice of impending default judgment, the division shall proceed to enter with such court a statement of the default judgment containing the amount of the penalty or penalties remaining due and unpaid, along with proof of mailing of the notice of impending default judgment. The filing of such judgment shall have the full force and effect of a default judgment duly docketed with such court pursuant to the civil practice law and rules and shall in all respects be governed by that chapter and may be enforced in the same manner and with the same effect as that provided by law in respect to execution issued against property upon judgments of a court of record. A judgment entered pursuant to this subdivision shall remain in full force and effect for eight years notwithstanding any other provision of law.

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

3. To revoke, cancel or suspend for cause any license or permit issued under this chapter and/or to impose a civil penalty for cause against any holder of a license or permit issued pursuant to this chapter. Any civil penalty so imposed shall not exceed the sum of ten thousand dollars as against the holder of any retail permit issued pursuant to sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and paragraph f of subdivision one of section ninety-nine-b of this chapter, and as against the holder of any retail license issued pursuant to sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, seventy-six-f, seventy-nine, eighty-one, and eighty-one-a of this chapter, and the sum of thirty thousand dollars as against the holder of a license issued pursuant to sections fifty-three, sixty-one-a, sixty-one-b, seventy-six, seventy-six-a [~~and~~], seventy-eight **and eighty-six** of this chapter, provided that the civil penalty against the holder of a wholesale license issued pursuant to section fifty-three of this chapter shall not exceed the sum of ten thousand dollars where that licensee violates provisions of this chapter during the course of the sale of beer at retail to a person for consumption at home, and the sum of one hundred thousand dollars as against the holder of any license issued pursuant to sections fifty-one, sixty-one and sixty-two of this chapter. Any civil penalty so imposed shall be in addition to and separate and apart from the terms and provisions of the bond required pursuant to section one hundred twelve of this chapter. Provided that no appeal is pending on the imposition of such civil penalty, in the event such civil penalty imposed by the division remains unpaid, in whole or in part, more than forty-five days after written demand for payment has been sent by first class mail to the address of the licensed premises, a notice of impending default judgment shall be sent by first class mail to the licensed premises and by first class

mail to the last known home address of the person who signed the most recent license application. The notice of impending default judgment shall advise the licensee: (a) that a civil penalty was imposed on the licensee; (b) the date the penalty was imposed; (c) the amount of the civil penalty; (d) the amount of the civil penalty that remains unpaid as of the date of the notice; (e) the violations for which the civil penalty was imposed; and (f) that a judgment by default will be entered in the supreme court of the county in which the licensed premises are located, or other court of civil jurisdiction, or any other place provided for the entry of civil judgments within the state of New York unless the division receives full payment of all civil penalties due within twenty days of the date of the notice of impending default judgment. If full payment shall not have been received by the division within thirty days of mailing of the notice of impending default judgment, the division shall proceed to enter with such court a statement of the default judgment containing the amount of the penalty or penalties remaining due and unpaid, along with proof of mailing of the notice of impending default judgment. The filing of such judgment shall have the full force and effect of a default judgment duly docketed with such court pursuant to the civil practice law and rules and shall in all respects be governed by that chapter and may be enforced in the same manner and with the same effect as that provided by law in respect to execution issued against property upon judgments of a court of record. A judgment entered pursuant to this subdivision shall remain in full force and effect for eight years notwithstanding any other provision of law.

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

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

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

(c) sell or deliver beer [~~and~~], cider**, and braggot** manufactured by the licensee to persons outside the state pursuant to the laws of the place of such delivery;

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

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

(f) conduct tastings at the licensed premises of beer [~~and~~], cider**, and braggot** manufactured by the licensee or any other licensed farm brewery;

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

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

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

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

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

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

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

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

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

4. A licensed farm brewery holding a tasting permit issued pursuant to subdivision three of this section may apply to the authority for a permit to sell beer [~~and~~], cider, and braggot produced by such farm brewery, by the bottle, during such tastings in premises licensed under sections sixty-four, sixty-four-a, eighty-one and eighty-one-a of this chapter. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary.

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

10. (a) No farm brewery shall manufacture in excess of seventy-five thousand finished barrels of beer [~~and~~], cider**, and braggot** annually.

(b) A farm brewery shall manufacture at least fifty barrels of beer [~~and~~], cider**, and braggot** annually.

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

1. In addition to the annual fees provided for in this chapter, there shall be paid to the authority with each initial application for a license filed pursuant to section fifty-one, fifty-one-a, fifty-two, fifty-three, fifty-eight, fifty-eight-c, fifty-eight-d, sixty-one, sixty-two, seventy-six, seventy-seven [~~or~~], seventy-eight **or eighty-six** of this chapter, a filing fee of four hundred dollars; with each initial application for a license filed pursuant to section sixty-three, sixty-four, sixty-four-a or sixty-four-b of this chapter, a filing fee of two hundred dollars; with each initial application for a license filed pursuant to section fifty-three-a, fifty-four, fifty-five, fifty-five-a, seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee of one hundred dollars; with each initial application for a permit filed pursuant to section ninety-one, ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such permit is to be issued on a calendar year basis, ninety-four, ninety-five, ninety-six or ninety-six-a, or pursuant to paragraph b, c, e or j of subdivision one of section ninety-nine-b of this chapter if such permit is to be issued on a calendar year basis, or for an additional bar pursuant to subdivision four of section one hundred of this chapter, a filing fee of twenty dollars; and with each application for a permit under section ninety-three-a of this chapter, other than a permit to be issued on a calendar year basis, section ninety-seven, ninety-eight, ninety-nine, or ninety-nine-b of this chapter, other than a permit to be issued pursuant to paragraph b, c, e or j of subdivision one of section ninety-nine-b of this chapter on a calendar year basis, a filing fee of ten dollars.

2. In addition to the annual fees provided for in this chapter, there shall be paid to the authority with each renewal application for a license filed pursuant to section fifty-one, fifty-one-a, fifty-two, fifty-three, fifty-eight, fifty-eight-c, fifty-eight-d, sixty-one, sixty-two, seventy-six, seventy-seven [~~or~~], seventy-eight **or eighty-six** of this chapter, a filing fee of one hundred dollars; with each renewal application for a license filed pursuant to section sixty-three, sixty-four, sixty-four-a or sixty-four-b of this chapter, a filing fee of ninety dollars; with each renewal application for a license filed pursuant to section seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee of twenty-five dollars; and with each renewal application for a license or permit filed pursuant to section fifty-three-a, fifty-four, fifty-five, fifty-five-a, ninety-one, ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such permit is issued on a calendar year basis, ninety-four, ninety-five, ninety-six or ninety-six-a of this chapter or pursuant to paragraph b, c, e or j of subdivision one of section ninety-nine-b, if such permit is issued on a calendar year basis, or with each renewal application for an additional bar pursuant to subdivision four of section one hundred of this chapter, a filing fee of thirty dollars.

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) to sell from the licensed premises to a licensed wholesaler or retailer, or to a corporation operating railroad cars or aircraft for consumption on such carriers, wine **and mead** manufactured or received by the licensee as above set forth in the original sealed containers of not more than fifteen gallons each and to sell or deliver such wine **and mead** to persons outside the state pursuant to the laws of the place of such sale or delivery. All wine **and mead** sold by such licensee shall be

securely sealed and have attached thereto a label setting forth such information as shall be required by this chapter;

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

4-a. A licensed winery may operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, wine**, mead** and wine products manufactured by the licensee and any New York state labeled wine**, mead** or New York state labeled wine product. All of the provisions of this chapter relative to licenses to sell wine at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed winery may apply to the authority for a license under article four of this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

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

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

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

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

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

(a) operate a farm winery for the manufacture of wine**, New York state labeled mead** or **New York state labeled** cider at the premises specifically designated in the license;

(c) sell from the licensed premises to a licensed winery, farm distiller, farm brewery, farm cidery, **farm meadery,** wholesaler or retailer, or to a corporation operating railroad cars or aircraft for consumption on such carriers, or at retail for consumption off the premises, wine [~~or~~]**,** cider**, or mead** manufactured by the licensee as above set forth and to sell or deliver such wine or cider to persons outside the state pursuant to the laws of the place of such sale or delivery. All wine [~~or~~]**,** cider**, or mead** sold by such licensee for consumption off the premises shall be securely sealed and have attached thereto a label setting forth such information as shall be required by this chapter;

(e) **conduct tastings of and** sell at the licensed premises [~~cider and wine~~]**, at retail for consumption on or off the licensed premises alcoholic beverages** manufactured by the licensee or any other licensed farm winery[~~, and~~]**; New York state labeled wine manufactured by any licensed winery; New York state labeled** beer **manufactured by any licensed brewer**

or farm brewery; New York state labeled cider manufactured by any licensed cider producer, farm cidery or farm brewery; New York state labeled mead manufactured by any licensed farm meadery, winery or farm winery; New York state labeled braggot manufactured by any licensed meadery, brewery or farm brewery and [~~spirits~~] New York state labeled liquor manufactured by any licensed [~~farm brewery or~~] distiller or farm distillery[~~, at retail for consumption on or off the licensed premises~~];

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

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

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

8. (a) No licensed farm winery shall manufacture in excess of two hundred fifty thousand finished gallons of wine, cider, and mead annually.

(b) Any person licensed under this section shall manufacture at least fifty gallons of wine, cider, and mead per year.

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

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

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

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

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

(b) on terms requiring payment by such retail licensee for such beer, mead, cider, or wine products on or before the final payment date of any credit period within which delivery is made. Provided, however, that the sale of wine products mead, or cider to a retail licensee by a wholesaler licensed under section fifty-eight, sixty-two, or seventy-eight of this chapter, or a licensed manufacturer of liquor, mead or wine or a cider producer's license, shall be governed by the provisions of section one hundred-one-aa of this article.

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

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

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

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

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

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

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

PART S

Intentionally Omitted

PART T

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

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

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

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

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

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

PART U

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

Transfer of unappropriated state lands for mental health, [~~mental retardation~~] **developmental disability**, park, recreation, playground, reforestation, **public education, public safety,** street [~~or~~]**,** highway**, or other municipal** purposes. 1. [~~Such~~] **The** commissioner of general services may, from time to time, transfer and convey to a city, incorporated village, town**,** or county **or, as defined in section one hundred of the general municipal law, to a political subdivision, fire company, or voluntary ambulance service**, in consideration of one dollar to be paid to the state of New York, and on such terms and conditions as such commissioner may impose, a part or all of any parcel or parcels of unappropriated state lands upon certification that such parcel or parcels are useful for local mental health facilities, [~~mental retardation~~] **developmental disability** facilities, park, recreation, playground, reforestation, **public education, public safety,** street [~~or~~]**,** highway**, or other municipal** purposes, and that they will be properly improved and maintained for one or more of such purposes and provided that this disposition of such parcel or parcels is not otherwise prohibited. Certification shall be evidenced by a formal request from the [~~board of estimate,~~] common council, village board, town board [~~or~~]**,** county board of supervisors, **or other elective governing board or body now or hereafter vested by state statute, charter or other law with jurisdiction to**

initiate and adopt local laws or ordinances, or such board or body as may be authorized by law to initiate such request and certification, setting forth in detail the parcel or parcels to be released, transferred and conveyed and the availability and usefulness of such parcel or parcels for one or more of such purposes. In the city of New York however, certification shall be evidenced by a formal request from the mayor. In the event that lands transferred under the provisions of this section are not properly improved and maintained for one or more of the purposes contemplated by this section by the city, village, town [~~or~~], county, political subdivision, fire company, or voluntary ambulance service to which they were transferred, the title thereto shall revert to the people of the state of New York, and the attorney-general may institute an action in the supreme court for a judgment declaring a revesting of such title in the state. [~~Such~~] The commissioner may also transfer any unappropriated state lands to the office of parks, recreation and historic preservation or the department of environmental conservation, upon the application of the commissioner thereof indicating that such unappropriated state lands are required for state park purposes within the area of jurisdiction of such office or department.

§ 2. This act shall take effect immediately.

PART V

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

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

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

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

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

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

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

§ 99-dd. Special events fund. 1. Notwithstanding sections eight, eight-a and seventy of this chapter and any other provision of law, rule, regulation, or practice to the contrary, there is hereby established in the joint custody of the state comptroller and the commission-

er of taxation and finance a special events fund, which shall be classified by the state comptroller as an enterprise fund type, and which shall consist of all moneys received from private entities and individuals as fees for the use of physical space at state-owned facilities, including, but not limited to, the Empire State Plaza and Harriman Campus, and any other miscellaneous fees associated with the use of such physical space at such state-owned facilities by private entities and individuals.

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

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

PART W

Intentionally Omitted

PART X

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

§ 2. The retirement and social security law is amended by adding a new article 14-C to read as follows:

ARTICLE 14-C

NEW YORK STATE SECURE CHOICE SAVINGS PROGRAM

Section 570. Definitions.
571. Program established.
572. Composition of the board.
573. Fiduciary duty.
574. Duties of the board.
575. Risk management.
576. Investment firms.
577. Investment options.
578. Benefits.
579. Employer and employee information packets and disclosure forms.
580. Program implementation and enrollment.
581. Payments.
582. Duty and liability of the state.
583. Duty and liability of participating employers.
584. Audit and reports.
585. Delayed implementation.

§ 570. Definitions. All terms shall have the same meaning as when used in a comparable context in the Internal Revenue Code. As used in this article, the following terms shall have the following meanings:

1. "Board" shall mean the New York secure choice savings program board established under this article.

2. "Superintendent" shall mean the superintendent of the department of financial services.

2-a. "Comptroller" shall mean the comptroller of the state.

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

4. "Employer" shall mean a person or entity engaged in a business, industry, profession, trade, or other enterprise in New York state,

whether for profit or not for profit, that has not offered a qualified retirement plan, including, but not limited to, a plan qualified under sections 401(a), 401(k), 403(a), 403(b), 408(k), 408(p) or 457(b) of the Internal Revenue Code of 1986 in the preceding two years.

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

6. "Fund" shall mean the New York state secure choice savings program fund.

7. "Internal Revenue Code" shall mean the Internal Revenue Code of 1986, or any successor law, in effect for the calendar year.

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

9. "Participating employer" shall mean an employer or small employer that provides a payroll deposit retirement savings arrangement as provided for by this article for its employees who are enrollees in the program.

10. "Payroll deposit retirement savings arrangement" shall mean an arrangement by which a participating employer allows enrollees to remit payroll deduction contributions to the program.

11. "Program" shall mean the New York state secure choice savings program.

12. "Wages" means any compensation within the meaning of section 219(f)(1) of the Internal Revenue Code that is received by an enrollee from a participating employer during the calendar year.

§ 571. Program established. There is hereby established a retirement savings program in the form of an automatic enrollment payroll deduction IRA, known as the New York state secure choice savings program. The general administration and responsibility for the proper operation of the program shall be administered by the board for the purpose of promoting greater retirement savings for private-sector employees in a convenient, low-cost, and portable manner.

§ 572. Composition of the board. There is hereby created the New York state secure choice savings program board.

1. The board shall consist of the following eight members:

(a) the state comptroller, or his or her designee, who shall serve as chair;

(b) the superintendent, or his or her designee;

(c) two public representatives with expertise in retirement savings plan administration or investment, or both, one of whom shall be appointed by the speaker of the assembly and one of whom shall be appointed by the temporary president of the senate;

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

(e) a representative of enrollees, appointed by the governor;

(f) the chair of the assembly governmental employees committee; and

(g) the chair of the senate civil service and pension committee.

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

3. The initial appointments shall be as follows: one public representative for four years; the representative of participating employers for three years; and the representative of enrollees for three years. Thereafter, all the governor's appointees shall be for terms of four years.

4. A vacancy in the term of an appointed board member shall be filled for the balance of the unexpired term in the same manner as the original appointment.

5. Each appointment by the governor shall be subject to approval by the comptroller, who, upon approval, shall certify his or her approval to the secretary of state.

§ 573. Fiduciary duty. The board, the individual members of the board, the trustees, any other agents appointed or engaged by the board, and all persons serving as program staff shall discharge their duties with respect to the program solely in the interest of the program's enrollees and beneficiaries as follows:

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

2. by investing with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of a like character and with like aims; and

3. by using any contributions paid by employees and employers remitting employees' own contributions into the trust exclusively for the purpose of paying benefits to the enrollees of the program, for the cost of administration of the program, and for investments made for the benefit of the program.

§ 574. Duties of the board. In addition to the other duties and responsibilities stated in this article, the board shall:

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

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

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

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

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

(e) ensures the portability of benefits; and

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

2. Appoint a trustee to the IRA fund in compliance with section 408 of the Internal Revenue Code.

3. Explore and establish investment options, subject to this article, that offer enrollees returns on contributions and the conversion of individual retirement savings account balances to secure retirement income without incurring debt or liabilities to the state.

4. Establish the process by which interest, investment earnings, and investment losses are allocated to individual program accounts on a pro rata basis and are computed at the interest rate on the balance of an individual's account.

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

6. Conduct a review of the performance of any investment vendors every four years, including, but not limited to, a review of returns, fees, and customer service. A copy of reviews shall be posted to the board's Internet website.

7. Determine the number and duties of staff members needed to administer the program and assemble such a staff, including, as needed, employing staff, and appointing a program administrator.

8. Cause moneys in the fund to be held and invested as pooled investments described in this article, with a view to achieving cost savings through efficiencies and economies of scale.

9. Evaluate and establish the process by which an enrollee is able to contribute a portion of his or her wages to the program for automatic deposit of those contributions and the process by which the participating employer provides a payroll deposit retirement savings arrangement to forward those contributions and related information to the program, including, but not limited to, contracting with financial service companies and third-party administrators with the capability to receive and process employee information and contributions for payroll deposit retirement savings arrangements or similar arrangements.

10. Design and establish the process for enrollment including the process by which an employee can opt not to participate in the program, select a contribution level, select an investment option, and terminate participation in the program.

11. Evaluate and establish the process by which an employee may voluntarily enroll in and make contributions to the program.

12. Accept any grants, appropriations, or other moneys from the state, any unit of federal, state, or local government, or any other person, firm, partnership, or corporation solely for deposit into the fund, whether for investment or administrative purposes.

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

14. Make provisions for the payment of administrative costs and expenses for the creation, management, and operation of the program. Subject to appropriation, the state may pay administrative costs associated with the creation and management of the program until sufficient assets are available in the fund for that purpose. Thereafter, all administrative costs of the fund, including repayment of any start-up funds provided by the state, shall be paid only out of moneys on deposit therein. However, private funds or federal funding received in order to implement the program until the fund is self-sustaining shall not be repaid unless those funds were offered contingent upon the promise of such repayment. The board shall keep annual administrative expenses as low as possible, but in no event shall they exceed 0.75% of the total trust balance.

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

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

17. Facilitate education and outreach to employers and employees.

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

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

20. Exercise any and all other powers reasonably necessary for the effectuation of the purposes, objectives, and provisions of this article pertaining to the program.

21. Deposit into the New York state secure choice administrative fund all grants, gifts, donations, fees, and earnings from investments from the New York state secure choice savings program fund that are used to recover administrative costs. All expenses of the board shall be paid from the New York state secure choice administrative fund.

22. Determine withdrawal provisions, such as economic hardships, portability and leakage.

23. Determine employee rights and enforcement of penalties.

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

§ 576. Investment firms. 1. The board shall engage, after an open bid process, an investment manager or managers to invest the fund and any other assets of the program. Moneys in the fund may be invested or reinvested by the comptroller or may be invested in whole or in part. In selecting the investment manager or managers, the board shall take into consideration and give weight to the investment manager's fees and charges in order to reduce the program's administrative expenses.

2. The investment manager or managers shall comply with any and all applicable federal and state laws, rules, and regulations, as well as any and all rules, policies, and guidelines promulgated by the board with respect to the program and the investment of the fund, including, but not limited to, the investment policy.

3. The investment manager or managers shall provide such reports as the board deems necessary for the board to oversee each investment manager's performance and the performance of the fund.

§ 577. Investment options. 1. The board shall establish as an investment option a life-cycle fund with a target date based upon the age of the enrollee. This shall be the default investment option for enrollees who fail to elect an investment option unless and until the board designates by rule a new investment option as the default.

2. The board may also establish any or all of the following additional investment options:

(a) a conservative principal protection fund;

(b) a growth fund;

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

the board shall determine whether to establish such investment options based upon an analysis of their cost, risk profile, benefit level, feasibility, and ease of implementation; or

(d) an annuity fund.

3. If the board elects to establish a secure return fund, the board shall then determine whether such option shall replace the target date or life-cycle fund as the default investment option for enrollees who do not elect an investment option. In making such determination, the board shall consider the cost, risk profile, benefit level, and ease of enrollment in the secure return fund. The board may at any time thereafter revisit this question and, based upon an analysis of these criteria, establish either the secure return fund or the life-cycle fund as the default for enrollees who do not elect an investment option.

§ 578. Benefits. Interest, investment earnings, and investment losses shall be allocated to individual program accounts as established by the board pursuant to this article. An individual's retirement savings benefit under the program shall be an amount equal to the balance in the individual's program account on the date the retirement savings benefit becomes payable. The state shall have no liability for the payment of any benefit to any enrollee in the program.

§ 579. Employer and employee information packets and disclosure forms. 1. Prior to the opening of the program for enrollment, the board shall design and disseminate to all employers an employer information packet and an employee information packet, which shall include background information on the program, appropriate disclosures for employees, and information regarding the vendor Internet website described.

2. The board shall provide for the contents of both the employee information packet and the employer information packet. The employee information packet shall be made available in English, Spanish, Haitian Creole, Chinese, Korean, Russian, Arabic, and any other language the comptroller deems necessary.

3. The employee information packet shall include a disclosure form. The disclosure form shall explain, but not be limited to, all of the following:

(a) the benefits and risks associated with making contributions to the program;

(b) the mechanics of how to make contributions to the program;

(c) how to opt out of the program;

(d) how to participate in the program with a level of employee contributions other than three percent;

(e) that they are not required to participate or contribute more than three percent;

(f) that they can opt out after they have enrolled;

(g) the process for withdrawal of retirement savings;

(h) the process for selecting beneficiaries of their retirement savings;

(i) how to obtain additional information about the program;

(j) that employees seeking financial advice should contact financial advisors, that participating employers are not in a position to provide financial advice, and that participating employers are not liable for decisions employees make pursuant to this article;

(k) information on how to access any financial literacy programs implemented by the comptroller;

(l) that the program is not an employer-sponsored retirement plan; and

(m) that the program fund is not guaranteed by the state.

4. The employee information packet shall also include a form for an employee to note his or her decision to opt out of participation in the program or elect to participate with a level of employee contributions other than three percent.

5. Participating employers shall supply the employee information packet to existing employees at least one month prior to the participating employers' launch of the program. Participating employers shall supply the employee information packet to new employees at the time of hiring, and new employees may opt out of participation in the program or elect to participate with a level of employee contributions other than three percent at that time.

§ 580. Program implementation and enrollment. Except as otherwise provided in this article, the program shall be implemented, and enrollment of employees shall begin, within twenty-four months after the effective date of this article. The provisions of this section shall be in force after the board opens the program for enrollment.

1. Each participating employer may establish a payroll deposit retirement savings arrangement to allow each employee to participate in the program and begin employee enrollment at most nine months after the board opens the program for enrollment.

2. Enrollees shall have the ability to select a contribution level into the fund. This level may be expressed as a percentage of wages or as a dollar amount up to the deductible amount for the enrollee's taxable year under section 219(b)(1)(A) of the Internal Revenue Code. Enrollees may change their contribution level at any time, subject to rules promulgated by the board. If an enrollee fails to select a contribution level using the form described in this article, then he or she shall contribute three percent of his or her wages to the program, provided that such contributions shall not cause the enrollee's total contributions to IRAs for the year to exceed the deductible amount for the enrollee's taxable year under section 219(b)(1)(A) of the Internal Revenue Code. Notwithstanding any other provision of law, any participating enrollee, whose employer fails to make employee deductions in accordance with the provisions in section one hundred ninety-three of the labor law, may bring an action, pursuant to section one hundred ninety-eight of the labor law, to recover such monies. Further, any participating employer, who fails to make employee deductions in accordance with the provisions in section one hundred ninety-three of the labor law, shall be subject to the penalties and fines provided for in section one hundred ninety-eight-a of the labor law.

3. Enrollees may select an investment option from the permitted investment options listed in this article. Enrollees may change their investment option at any time, subject to rules promulgated by the board. In the event that an enrollee fails to select an investment option, that enrollee shall be placed in the investment option selected by the board as the default under this article. If the board has not selected a default investment option under this article, then an enrollee who fails to select an investment option shall be placed in the life-cycle fund investment option.

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

5. An employee who opts out of the program who subsequently wants to participate through the participating employer's payroll deposit retirement savings arrangement may only enroll during the participating

employer's designated open enrollment period or if permitted by the participating employer at an earlier time.

6. Employers shall retain the option at all times to set up any type of employer-sponsored retirement plan instead of having a payroll deposit retirement savings arrangement to allow employee participation in the program.

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

8. (a) The state comptroller shall establish a website regarding the secure choice savings program which shall be accessible through the state comptroller's own website.

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

§ 581. Payments. Employee contributions deducted by the participating employer through payroll deduction shall be paid by the participating employer to the fund using one or more payroll deposit retirement savings arrangements established by the board under this article, either:

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

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

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

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

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

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

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

(a) an audited financial report, prepared in accordance with generally accepted accounting principles, on the operations of the program during each calendar year by July first of the following year to the governor, the comptroller, the superintendent of financial services and the senate and assembly; and

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

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

§ 585. Delayed implementation. If the board does not obtain adequate funds to implement the program within the time frame set forth under this article and is subject to appropriation, the board may delay the implementation of the program.

§ 3. The state finance law is amended by adding two new sections 99-bb and 99-cc to read as follows:

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

2. The fund shall include the individual retirement accounts of enrollees, which shall be accounted for as individual accounts.

3. Moneys in the fund shall consist of moneys received from enrollees and participating employers pursuant to automatic payroll deductions and contributions to savings made under the New York state secure choice savings program pursuant to article fourteen-C of the retirement and social security law.

4. The fund shall be operated in a manner determined by the New York state secure choice savings program board, provided that the fund is operated so that the accounts of enrollees established under the program meet the requirements for IRAs under the Internal Revenue Code.

5. The amounts deposited in the fund shall not constitute property of the state and the fund shall not be construed to be a department, institution, or agency of the state. Amounts on deposit in the fund shall not be commingled with state funds and the state shall have no claim to or against, or interest in, such funds.

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

2. The New York state secure choice savings program board shall use moneys in the administrative fund to pay for administrative expenses it incurs in the performance of its duties under the New York state secure

choice savings program pursuant to article fourteen-C of the retirement and social security law.

3. The New York state secure choice savings program board shall use moneys in the administrative fund to cover start-up administrative expenses it incurs in the performance of its duties under article four-teen-C of the retirement and social security law.

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

§ 4. This act shall take effect immediately.

PART Y

Section 1. Subdivision 2 of section 87 of the workers' compensation law, as added by section 20 of part GG of chapter 57 of the laws of 2013, is amended to read as follows:

2. Any of the surplus funds belonging to the state insurance fund, by order of the commissioners, approved by the superintendent of financial services, may be invested (1) in the types of securities described in subdivisions one, two, three, four, five, six, eleven, twelve, twelve-a, thirteen, fourteen, fifteen, nineteen, twenty, twenty-one, twenty-one-a, twenty-four, twenty-four-a, twenty-four-b, twenty-four-c and twenty-five of section two hundred thirty-five of the banking law, or (2) in the types of obligations described in paragraph two of subsection (a) of section one thousand four hundred four of the insurance law except that up to twenty-five percent of surplus funds may be invested in obli-gations rated investment grade by a nationally recognized securities rating organization, or[~~,~~] (3) up to fifty percent of surplus funds, in the types of securities or investments described in paragraphs [~~two,~~] three, eight and ten of subsection (a) of section one thousand four hundred four of the insurance law, except that [~~up to ten percent of surplus funds may be invested~~] investments in [~~the securities of any solvent American institution as described in such paragraphs~~] diversi-fied index funds and accounts may be made irrespective of the rating [~~of such institution's obligations~~] or other similar qualitative standards [~~described therein, and~~] applicable under such paragraphs, or (4) up to ten percent of surplus funds, in the types of securities or investments described in paragraphs two, three and ten of subsection (a) of section one thousand four hundred four of the insurance law irrespective of the rating of such institution's obligations or other similar qualitative standard, or (5) up to fifteen percent of surplus funds in securities or investments which do not otherwise qualify for investment under this section as shall be made with the care, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims as provided for the state insurance fund under this article, but shall not include any direct derivative instrument or derivative transaction except for hedg-ing purposes. Notwithstanding any other provision in this subdivision, the aggregate amount that the state insurance fund may invest in the types of securities or investments described in paragraphs three, eight and ten of subsection (a) of section one thousand four hundred four of the insurance law and as a prudent person acting in a like capacity would invest as provided in this subdivision shall not exceed fifty

percent of such surplus funds. **For purposes of this subdivision, any funds appropriated pursuant to the provisions of subdivision one or two of section eighty-seven-f of this article shall not be considered surplus funds.**

§ 2. This act shall take effect immediately.

PART Z

Intentionally Omitted

PART AA

Intentionally Omitted

PART BB

Intentionally Omitted

PART CC

Section 1. Paragraph p of subdivision 10 of section 54 of the state finance law, as amended by section 2 of part K of chapter 57 of the laws of 2011 and subparagraph (ii) as amended by chapter 30 of the laws of 2013, is amended to read as follows:

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

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

the amount of real property taxes levied by such village in the village fiscal year prior to the village fiscal year in which such dissolution took effect. Such additional **annual** aid shall be apportioned and paid to the chief fiscal officer of each eligible municipality on or before September twenty-fifth of each such state fiscal year on audit and warrant of the state comptroller out of moneys appropriated by the legislature for such purpose to the credit of the local assistance fund.

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

§ 2. This act shall take effect immediately.

PART DD

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

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

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

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

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

of the [~~adjacent~~] towns which are parties to the joint resolution providing for the study.

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

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

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

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

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

6. Upon the adoption of a joint resolution, such [~~resolution shall be forwarded to the state legislature, and shall constitute a municipal home rule message pursuant to article nine of the state constitution and the municipal home rule law. No such joint resolution shall take effect until state legislation enacting the joint resolution shall have become a law~~] **joint plan that provides for the election of one or more town justices to preside in the town courts of two or more towns shall be deemed effective and shall be implemented in the manner provided in such resolution**.

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

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

§ 2. This act shall take effect immediately.

PART EE

Intentionally Omitted

PART FF

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

7. There shall be an annual independent audit of the accounts and business practices of the agency performed by independent outside audi-

tors [~~nominated by the director of the division of the budget~~]. Any such auditor shall serve no more than three consecutive years.

§ 2. This act shall take effect immediately.

PART GG

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

1. Proprietary vocational school supervision account (20452).
2. Local government records management account (20501).
3. Child health plus program account (20810).
4. EPIC premium account (20818).
5. Education - New (20901).
6. VLT - Sound basic education fund (20904).
7. Sewage treatment program management and administration fund (21000).
8. Hazardous bulk storage account (21061).
9. Federal grants indirect cost recovery account (21065).
10. Low level radioactive waste account (21066).
11. Recreation account (21067).
12. Public safety recovery account (21077).
13. Environmental regulatory account (21081).
14. Natural resource account (21082).
15. Mined land reclamation program account (21084).
16. Great lakes restoration initiative account (21087).
17. Environmental protection and oil spill compensation fund (21200).
18. Public transportation systems account (21401).
19. Metropolitan mass transportation (21402).
20. Operating permit program account (21451).
21. Mobile source account (21452).
22. Statewide planning and research cooperative system account (21902).
23. New York state thruway authority account (21905).
24. Mental hygiene program fund account (21907).
25. Mental hygiene patient income account (21909).
26. Financial control board account (21911).
27. Regulation of racing account (21912).
28. New York Metropolitan Transportation Council account (21913).
29. State university dormitory income reimbursable account (21937).
30. Criminal justice improvement account (21945).
31. Environmental laboratory reference fee account (21959).
32. Clinical laboratory reference system assessment account (21962).
33. Indirect cost recovery account (21978).
34. High school equivalency program account (21979).
35. Multi-agency training account (21989).
36. Interstate reciprocity for post-secondary distance education account (23800).
37. Bell jar collection account (22003).
38. Industry and utility service account (22004).
39. Real property disposition account (22006).
40. Parking account (22007).
41. Courts special grants (22008).
42. Asbestos safety training program account (22009).
43. Batavia school for the blind account (22032).

44. Investment services account (22034).
45. Surplus property account (22036).
46. Financial oversight account (22039).
47. Regulation of Indian gaming account (22046).
48. Rome school for the deaf account (22053).
49. Seized assets account (22054).
50. Administrative adjudication account (22055).
51. Federal salary sharing account (22056).
52. New York City assessment account (22062).
53. Cultural education account (22063).
54. Local services account (22078).
55. DHCR mortgage servicing account (22085).
56. Housing indirect cost recovery account (22090).
57. DHCR-HCA application fee account (22100).
58. Low income housing monitoring account (22130).
59. Corporation administration account (22135).
60. Montrose veteran's home account (22144).
61. Deferred compensation administration account (22151).
62. Intentionally omitted.
63. Rent revenue account (22158).
64. Tax revenue arrearage account (22168).
65. Youth facility per diem account (22186).
66. State university general income offset account (22654).
67. Lake George park trust fund account (22751).
68. State police motor vehicle law enforcement account (22802).
69. Highway safety program account (23001).
70. DOH drinking water program account (23102).
71. NYCCC operating offset account (23151).
72. Commercial gaming revenue account (23701).
73. Commercial gaming regulation account (23702).
74. Highway use tax administration account (23801).
75. Fantasy sports administration account (24951).
76. Highway and bridge capital account (30051).
77. Aviation purpose account (30053).
78. State university residence hall rehabilitation fund (30100).
79. State parks infrastructure account (30351).
80. Clean water/clean air implementation fund (30500).
81. Hazardous waste remedial cleanup account (31506).
82. Youth facilities improvement account (31701).
83. Housing assistance fund (31800).
84. Housing program fund (31850).
85. Highway facility purpose account (31951).
86. Information technology capital financing account (32215).
87. New York racing account (32213).
88. Capital miscellaneous gifts account (32214).
89. New York environmental protection and spill remediation account (32219).
90. Mental hygiene facilities capital improvement fund (32300).
91. Correctional facilities capital improvement fund (32350).
92. New York State Storm Recovery Capital Fund (33000).
93. OGS convention center account (50318).
94. Empire Plaza Gift Shop (50327).
95. Centralized services fund (55000).
96. Archives records management account (55052).
97. Federal single audit account (55053).
98. Civil service EHS occupational health program account (55056).

99. Banking services account (55057).
100. Cultural resources survey account (55058).
101. Neighborhood work project account (55059).
102. Automation & printing chargeback account (55060).
103. OFT NYT account (55061).
104. Data center account (55062).
105. Intrusion detection account (55066).
106. Domestic violence grant account (55067).
107. Centralized technology services account (55069).
108. Labor contact center account (55071).
109. Human services contact center account (55072).
110. Tax contact center account (55073).
111. Executive direction internal audit account (55251).
112. CIO Information technology centralized services account (55252).
113. Health insurance internal service account (55300).
114. Civil service employee benefits division administrative account (55301).
115. Correctional industries revolving fund (55350).
116. Employees health insurance account (60201).
117. Medicaid management information system escrow fund (60900).
118. Department of law civil recoveries account.

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

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

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

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

Economic Development and Public Authorities:

1. $175,000 from the miscellaneous special revenue fund, underground facilities safety training account (22172), to the general fund.
2. $2,500,000 from the miscellaneous special revenue fund, cable television account (21971), to the general fund.
3. An amount up to the unencumbered balance from the miscellaneous special revenue fund, business and licensing services account (21977), to the general fund.

4. $14,810,000 from the miscellaneous special revenue fund, code enforcement account (21904), to the general fund.

5. $3,000,000 from the general fund to the miscellaneous special revenue fund, tax revenue arrearage account (22168).

Education:

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

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

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

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

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

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

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

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

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

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

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

12. Intentionally omitted.

Environmental Affairs:

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

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

3. $3,000,000 from any of the office of parks, recreation and historic preservation capital projects federal funds and special revenue federal

funds to the miscellaneous special revenue fund, federal grant indirect cost recovery account (22188).

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

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

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

7. An amount up to or equal to the cash balance within the special revenue-other waste management & cleanup account (21053) to the capital projects fund (30000).

Family Assistance:

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

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

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

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

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

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

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

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

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

General Government:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Health:

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

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

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

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

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

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

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

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

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

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

Labor:

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

1-a. $20,000,000 from the miscellaneous special revenue fund, DOL fee and penalty account (21923), to the general fund.

1-b. $6,500,000 from the miscellaneous special revenue fund, public work enforcement account (21998), to the general fund.

2. $25,200,000 from the unemployment insurance interest and penalty fund, unemployment insurance special interest and penalty account (23601), to the general fund.

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

Mental Hygiene:

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

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

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

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

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

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

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

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

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

Public Protection:

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

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

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

4. Intentionally omitted.

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

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

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

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

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

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

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

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

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

Transportation:

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

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

3. $15,058,017 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assistance account (21401), of which $12,000,000 constitutes the base need for operations.

4. $652,000,000 from the general fund to the dedicated highway and bridge trust fund (30050).

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

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

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

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

9. $5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the dedicated highway and bridge trust fund (30050), for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the gener-

al fund for such purpose pursuant to section 94 of the transportation law.

Miscellaneous:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 6. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2019, up to $16,000,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Buffalo.

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

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

§ 8-a. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $78,564,000 from the general fund to the state university income fund, state university hospitals income reimbursable account (22656) during the period July 1, 2017 through June 30, 2018 to reflect ongoing state subsidy of SUNY hospitals and to pay costs attributable to the SUNY hospitals' state agency status.

§ 9. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $1,063,078,300 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2018 through June 30, 2019 to support operations at the state university.

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

§ 11. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the state university chancellor or his or her designee, up to $126,000,000 from the state university income fund, state university hospitals income reimbursable account (22656), for services and expenses of hospital operations and capital expenditures at the state university hospitals; and the state university income fund, Long Island veterans' home account (22652) to the state university capital projects fund (32400) on or before June 30, 2019.

§ 12. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund, Stony Brook hospital collection account (61006), Brooklyn hospital collection account (61007), and Syracuse hospital collection account (61008) to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to pay hospital operating costs or to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals on or before March 31, 2019.

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

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

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

5. The comptroller shall from time to time, but in no event later than the fifteenth day of each month, pay over for deposit in the mental hygiene [~~**patient income**~~] **general fund state operations** account all moneys in the mental health services fund in excess of the amount of money required to be maintained on deposit in the mental health services fund. The amount required to be maintained in such fund shall be (i) twenty percent of the amount of the next payment coming due relating to the mental health services facilities improvement program under any agreement between the facilities development corporation and the New York state medical care facilities finance agency multiplied by the number of months from the date of the last such payment with respect to payments under any such agreement required to be made semi-annually, plus (ii) those amounts specified in any such agreement with respect to

payments required to be made other than semi-annually, including for variable rate bonds, interest rate exchange or similar agreements or other financing arrangements permitted by law. Prior to making any such payment, the comptroller shall make and deliver to the director of the budget and the chairmen of the facilities development corporation and the New York state medical care facilities finance agency, a certificate stating the aggregate amount to be maintained on deposit in the mental health services fund to comply in full with the provisions of this subdivision.

§ 16. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $500 million from the unencumbered balance of any special revenue fund or account, agency fund or account, internal service fund or account, enterprise fund or account, or any combination of such funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2018-19 budget. Transfers from federal funds, debt service funds, capital projects funds, the community projects fund, or funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

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

§ 17-a. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $20,000,000 from the unencumbered balance of any special revenue fund or account, or combination of funds and accounts, to the community projects fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2016-2017 budget. Transfers from federal funds, debt services funds, capital projects funds, or funds that would result in the loss of eligibility for federal benefits or federal funds pursuant

to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization. The director of the budget shall (a) have received a request in writing from one or both houses of the legislature, and (b) notify both houses of the legislature in writing prior to initiating transfers pursuant to this authorization. The comptroller shall provide the director of the budget, the chair of the senate finance committee, and the chair of the assembly ways and means committee with an accurate accounting and report of any transfers that occur pursuant to this section on or before the fifteenth day of the month following the month in which such transfers occur.

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

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

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

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

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

5. Notwithstanding the provisions of section one hundred seventy-one-a of the tax law, as separately amended by chapters four hundred eighty-one and four hundred eighty-four of the laws of nineteen hundred eighty-one, and notwithstanding the provisions of chapter ninety-four of the laws of two thousand eleven, or any other provisions of law to the contrary, during the fiscal year beginning April first, two thousand

[~~seventeen~~] **eighteen**, the state comptroller is hereby authorized and directed to deposit to the fund created pursuant to this section from amounts collected pursuant to article twenty-two of the tax law and pursuant to a schedule submitted by the director of the budget, up to [~~$2,679,997,000~~] **$2,409,909,000**, as may be certified in such schedule as necessary to meet the purposes of such fund for the fiscal year beginning April first, two thousand [~~seventeen~~] **eighteen**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 24. Intentionally omitted.

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

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

following preliminary submission to the chairs of the senate finance committee and the assembly ways and means committee.

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

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

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

12. Notwithstanding any law to the contrary, no state agency, or a state official or employee acting in their official capacity, may pay out or otherwise disburse any state or federal funds where any law requires an actuarially sound methodology to be applied to implement actions related to payment to providers of services in the state of New York, unless such methodology is disclosed in regulation in accordance with the state administrative procedure act.

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

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

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

§ 27. Intentionally omitted.

§ 28. Intentionally omitted.

§ 28-a. Intentionally omitted.

§ 29. Intentionally omitted.

§ 30. Notwithstanding any other law, rule, or regulation to the contrary, the state comptroller is hereby authorized and directed to use any balance remaining in the mental health services fund debt service appropriation, after payment by the state comptroller of all obligations required pursuant to any lease, sublease, or other financing arrangement between the dormitory authority of the state of New York as successor to the New York state medical care facilities finance agency, and the facilities development corporation pursuant to chapter 83 of the laws of 1995 and the department of mental hygiene for the purpose of making payments to the dormitory authority of the state of New York for the amount of the earnings for the investment of monies deposited in the mental health services fund that such agency determines will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended, in order to enable such agency to maintain the exemption from federal income taxation on the interest paid to the holders of such agency's mental services facilities improvement revenue bonds. Annually on or before each June 30th, such agency shall certify to the state comptroller its determination of the amounts received in the mental health services fund as a result of the investment of monies deposited therein that will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended.

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

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

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

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~seven~~] eight billion [~~seven hundred forty-one~~] eighty-two million [~~one~~] eight hundred ninety-nine thousand dollars [~~$7,741,199,000~~] $8,082,899,000, and shall include all bonds, notes and other obligations issued pursuant to chapter 56 of the laws of 1983, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the correctional facilities capital improvement fund to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the department of corrections and community supervision from the correctional facilities capital improvement fund for capital projects. The aggregate amount of bonds, notes or other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the department of corrections and community supervision; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~seven~~] eight billion [~~seven hundred forty-one~~] eighty-two million [~~one~~] eight hundred ninety-nine thousand dollars [~~$7,741,199,000~~] $8,082,899,000, only if the present value of the aggre-

gate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

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

(a) Subject to the provisions of chapter fifty-nine of the laws of two thousand, in order to enhance and encourage the promotion of housing programs and thereby achieve the stated purposes and objectives of such housing programs, the agency shall have the power and is hereby authorized from time to time to issue negotiable housing program bonds and notes in such principal amount as shall be necessary to provide sufficient funds for the repayment of amounts disbursed (and not previously reimbursed) pursuant to law or any prior year making capital appropriations or reappropriations for the purposes of the housing program; provided, however, that the agency may issue such bonds and notes in an aggregate principal amount not exceeding **$5,691,399,000** five billion [~~three~~] **six** hundred [~~eighty-four~~] **ninety-one** million [~~one~~] **three** hundred ninety-nine thousand dollars, plus a principal amount of bonds issued to fund the debt service reserve fund in accordance with the debt service reserve fund requirement established by the agency and to fund any other reserves that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other charges and expenses, including underwriters' discount, trustee and rating agency fees, bond insurance, credit enhancement and liquidity enhancement related to the issuance of such bonds and notes. No reserve fund securing the housing program bonds shall be entitled or eligible to receive state funds apportioned or appropriated to maintain or restore such reserve fund at or to a particular level, except to the extent of any deficiency resulting directly or indirectly from a failure of the state to appropriate or pay the agreed amount under any of the contracts provided for in subdivision four of this section.

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

(b) Any service contract or contracts for projects authorized pursuant to sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the transportation law, and entered into pursuant to subdivision (a) of this section, shall provide for state commitments to provide annually to the thruway authority a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget,

to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund or to reimburse the state for funding such projects having a cost not in excess of [~~$9,699,586,000~~] $10,331,939,000 cumulatively by the end of fiscal year [~~2017-18~~] 2018-19.

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

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

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

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

§ 37. Section 44 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 30 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

§ 44. Issuance of certain bonds or notes. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university

school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, **high tech innovation and economic development infrastructure program,** high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, **downstate revitalization initiative** market New York projects, fairground buildings, equipment or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative, heavy equipment, economic development and infrastructure projects, [~~and~~] other state costs associated with such projects **and Roosevelt Island operating corporation capital projects**. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~six~~] **seven** billion [~~seven~~] **eight** hundred [~~eight~~] **thirty-five** million [~~two~~] **five** hundred [~~fifty-seven~~] **ninety** thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, market New York projects, fairground buildings, equipment or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative,

heavy equipment, economic development and infrastructure projects, and other state costs associated with such projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation agree, so as to annually provide to the dormitory authority and the corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the corporation as security for its bonds and notes, as authorized by this section.

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

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

§ 39. Intentionally omitted.

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

(a) Subject to the provisions of chapter 59 of the laws of 2000 but notwithstanding the provisions of section 18 of the urban development corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~$250,000,000~~] **$263,000,000 two hundred sixty-three million dollars** excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security and training facilities for the division of state police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects fund, and is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~$654,800,000~~] **$744,800,000, seven hundred forty-four million eight hundred thousand**

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

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

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of financing peace bridge projects and capital costs of state and local highways, parkways, bridges, the New York state thruway, Indian reservation roads, and facilities, and transportation infrastructure projects including aviation projects, non-MTA mass transit projects, and rail service preservation projects, including work appurtenant and ancillary thereto. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed four billion [~~three~~] four hundred [~~sixty-four~~] eighty million dollars [~~$4,364,000,000~~] $4,480,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

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

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, the dormitory authority shall not issue any bonds for state university educational facilities purposes if the principal amount of bonds to be issued when added to the aggregate principal amount of bonds issued by the dormitory authority on and after July first, nineteen hundred eighty-eight for state university educational facilities will exceed [~~twelve~~] thirteen billion [~~three~~] one hundred [~~forty-three~~] seventy-three million three hundred thousand dollars $13,173,300,000; provided, however, that bonds issued or to be issued shall be excluded from such limitation if: (1) such bonds are issued to refund state university construction bonds and state university construction notes previously issued by the housing finance agency; or (2) such bonds are issued to refund bonds of the authority or other obligations issued for state university educational facilities purposes and the present value

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

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

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

hundred [~~eighty-one~~] sixty-nine million [~~nine~~] six hundred [~~sixty-eight~~] ninety-one thousand dollars $8,369,691,000. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

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

10-a. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provision of the law to the contrary, the maximum amount of bonds and notes to be issued after March thirty-first, two thousand two, on behalf of the state, in relation to any locally sponsored community college, shall be nine hundred [~~four-teen~~] eighty-eight million [~~five~~] eight hundred [~~ninety~~] sixty-nine thousand dollars $988,869,000. Such amount shall be exclusive of bonds and notes issued to fund any reserve fund or funds, costs of issuance and to refund any outstanding bonds and notes, issued on behalf of the state, relating to a locally sponsored community college.

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

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

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

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

b. The agency shall have power and is hereby authorized from time to time to issue negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary, after taking into account other moneys which may be available for the purpose, to provide sufficient funds to the facilities development corporation, or any successor agency, for the financing or refinancing of or for the design, construction, acquisition, reconstruction, rehabilitation or improvement of mental health services facilities pursuant to paragraph a of this subdivision, the payment of interest on mental health services improvement bonds and mental health services improvement notes issued for such purposes, the establishment of reserves to secure such bonds and notes, the cost or premium of bond insurance or the costs of any financial mechanisms which may be used to reduce the debt service that would be payable by the agency on its mental health services facilities improvement bonds and notes and all other expenditures of the agency incident to and necessary or convenient to providing the facilities development corporation, or any successor agency, with funds for the financing or refinancing of or for any such design, construction, acquisition, reconstruction, rehabilitation or improvement and for the refunding of mental hygiene improvement bonds issued pursuant to section 47-b of the private housing finance law; provided, however, that the agency shall not issue mental health services facilities improvement bonds and mental health services facilities improvement notes in an aggregate principal amount exceeding eight billion [~~three~~] **seven** hundred [~~ninety-two~~] **fifty-eight million** [~~eight~~] **seven** hundred [~~fifteen~~] **eleven** thousand dollars, excluding mental health services facilities improvement bonds and mental health services facilities improvement notes issued to refund outstanding mental health services facilities improvement bonds and mental health services facilities improvement notes; provided, however, that upon any such refunding or repayment of mental health services facilities improvement bonds and/or mental health services facilities improvement notes the total aggregate principal amount of outstanding mental health services facilities improvement bonds and mental health facilities improvement notes may be greater than eight billion [~~three~~] **seven** hundred [~~ninety-two~~] **fifty-eight million** [~~eight~~] **seven** hundred [~~fifteen~~] **eleven** thousand dollars **$8,758,711,000** only if, except as hereinafter provided with respect to mental health services facilities bonds and mental health services facilities notes issued to refund mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law, the present value of

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

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

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

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

§ 48. Intentionally omitted.

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

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

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

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

§ 51. Intentionally omitted.

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

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

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

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

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

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

§ 63. Subdivisions 13-d and 13-e of section 5 of section 1 of chapter 359 of the laws of 1968, constituting the facilities development corporation act, subdivision 13-d as amended by chapter 166 of the laws of 1991 and subdivision 13-e as amended by chapter 90 of the laws of 1989, is amended to read as follows:

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

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

13-e. To receive from the comptroller state aid payments pledged or agreed to be paid by any voluntary agency in accordance with any lease, sublease, loan**,** or other financing agreement **or grant agreement** entered into with such voluntary agency **by the corporation or, in the case of grants made to voluntary agencies by the department pursuant to subdivision 13-d, by the department**. Such pledges may be made from sources of state aid including but not limited to payments made pursuant to: articles nineteen, twenty-five and forty-one of the mental hygiene law.

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

4. Agreements. a. Upon certification by the director of the budget of the availability of required appropriation authority, the corporation, or any successor agency, is hereby authorized and empowered to enter into leases, subleases, loans and other financing agreements with the state housing finance agency and/or the state medical care facilities finance agency, and to enter into such amendments thereof as the directors of the corporation, or any successor agency, may deem necessary or desirable, which shall provide for (i) the financing or refinancing of or the design, construction, acquisition, reconstruction, rehabilitation or improvement of one or more mental hygiene facilities or for the refinancing of any such facilities for which bonds have previously been issued and are outstanding, and the purchase or acquisition of the original furnishings, equipment, machinery and apparatus to be used in such facilities upon the completion of work, (ii) the leasing to the state housing finance agency or the state medical care facilities finance agency of all or any portion of one or more existing mental hygiene facilities and one or more mental hygiene facilities to be

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

§ 65. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2018; provided, however, that the provisions of sections one, two, three, four, five, six, seven, eight, twelve, thirteen, fourteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three of this act shall expire March 31, 2019 when upon such date the provisions of such sections shall be deemed repealed.

PART HH

Intentionally Omitted

PART II

Section 1. The social services law is amended by adding a new section 131-y to read as follows:

§ 131-y. Placement of sex offenders. Notwithstanding any inconsistent provision of law, neither the office of temporary and disability assistance, nor a social services official acting on his or her own or as an agent pursuant to this title, shall permit or cause the placement of any sex offender who has been assigned a level-two or level-three designation pursuant to article six-C of the correction law into any temporary emergency housing or homeless shelters used to house families with children.

§ 2. Subdivision 14 of section 259-c of the executive law, as amended by section 38-b of subpart A of part C of chapter 62 of the laws of 2011, is amended to read as follows:

14. [~~notwithstanding~~] **Notwithstanding** any other provision of law to the contrary, where a person serving a sentence for an offense defined in article one hundred thirty, one hundred thirty-five or two hundred sixty-three of the penal law or section 255.25, 255.26 or 255.27 of the penal law and the victim of such offense was under the age of eighteen at the time of such offense or such person has been designated a level three sex offender pursuant to subdivision six of section one hundred sixty-eight-l of the correction law, is released on parole or conditionally released pursuant to subdivision one or two of this section, the board shall require, as a mandatory condition of such release, that such sentenced offender shall refrain from knowingly entering into or upon any school grounds, as that term is defined in subdivision fourteen of section 220.00 of the penal law, or any other facility or institution primarily used for the care or treatment of persons under the age of eighteen while one or more of such persons under the age of eighteen are present[~~, provided however, that~~]**. Moreover, where a person serving a sentence for an offense defined in article one hundred thirty, one hundred thirty-five or two hundred sixty-three of the penal law or section 255.25, 255.26 or 255.27 of the penal law and the victim of such offense was under the age of thirteen at the time of such offense, is released on parole or conditionally released pursuant to subdivision one or two of this section, the board shall further require, as a mandatory condition of such release, that such sentenced offender shall refrain from knowingly entering within one thousand feet of any facility or institution where pre-kindergarten or kindergarten instruction is provided. However,** when such sentenced offender is a registered student or participant or an employee of such facility or institution or entity contracting therewith or has a family member enrolled in such facility or institution, such sentenced offender may, with the written authorization of his or her parole officer and the superintendent or chief administrator of such facility, institution or grounds, enter such facility, institution or upon such grounds for the limited purposes authorized by the parole officer and superintendent or chief officer. Nothing in this subdivision shall be construed as restricting any lawful condition of supervision that may be imposed on such sentenced offender.

§ 3. Paragraph (a) of subdivision 4-a of section 65.10 of the penal law, as amended by chapter 67 of the laws of 2008, is amended to read as follows:

(a) When imposing a sentence of probation or conditional discharge upon a person convicted of an offense defined in article one hundred thirty, two hundred thirty-five or two hundred sixty-three of this chapter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim of such offense was under the age of eighteen at the time of such offense or such person has been designated a level three sex offender pursuant to subdivision six of section [~~168-l~~] **one hundred sixty-eight-l** of the correction law, the court shall require, as a mandatory condition of such sentence, that such sentenced offender shall refrain from knowingly entering into or upon any school grounds, as that term is defined in subdivision fourteen of section 220.00 of this chapter, or any other facility or institution primarily used for the care or treatment of persons under the age of eighteen while one or more of such persons under the age of eighteen are present[~~, provided however, that~~]**. Moreover, where a person serving a sentence for an offense defined in arti-**

cle one hundred thirty, one hundred thirty-five or two hundred sixty-three of this chapter or section 255.25, 255.26 or 255.27 of this chapter and the victim of such offense was under the age of thirteen at the time of such offense, is released on parole or conditionally released pursuant to subdivision one or two of this section, the state board of parole shall further require, as a mandatory condition of such release, that such sentenced offender shall refrain from knowingly entering within one thousand feet of any facility or institution where pre-kindergarten or kindergarten instruction is provided. However, when such sentenced offender is a registered student or participant or an employee of such facility or institution or entity contracting therewith or has a family member enrolled in such facility or institution, such sentenced offender may, with the written authorization of his or her probation officer or the court and the superintendent or chief administrator of such facility, institution or grounds, enter such facility, institution or upon such grounds for the limited purposes authorized by the probation officer or the court and superintendent or chief officer. Nothing in this subdivision shall be construed as restricting any lawful condition of supervision that may be imposed on such sentenced offender.

§ 4. The executive law is amended by adding a new section 259-f to read as follows:

§ 259-f. Quarterly reports of schools. 1. On a quarterly basis, the commissioner of education shall provide to the commissioner an updated list of every elementary school and secondary school in the state and of every other facility or institution where pre-kindergarten or kindergarten instruction is provided.

2. The commissioner shall distribute the information received pursuant to subdivision one of this section to the board and to the director of probation and correctional alternatives.

3. On or before February first each year, the commissioner shall notify the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, and the minority leader of the assembly on the compliance with this section.

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

PART JJ

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

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

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

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

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

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

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

PART KK

Intentionally Omitted

PART LL

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

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

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

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

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

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

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

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

§ 4. This act shall take effect immediately.

PART MM

Section 1. The undesignated paragraph of paragraph (b) of subdivision 2 of section 1676 of the public authorities law, as added by chapter 260 of the laws of 2000, is amended to read as follows:

UCPA of the Capital District, Inc., UCPA of Cayuga County, Inc., United Cerebral Palsy and Handicapped Children's Association of Chemung County, Inc., Finger Lakes United Cerebral Palsy, Inc., United Cerebral Palsy Associations of Fulton and Montgomery Counties, Inc., United Cerebral Palsy Association of the Tri-Counties, Inc., Franziska Racker Centers, Inc., United Cerebral Palsy Association of Nassau County, Inc., United Cerebral Palsy of New York City, Inc., United Cerebral Palsy Association of Niagara County, Inc., Orange County Cerebral Palsy Association, Inc., United Cerebral Palsy of Queens, Inc., United Cerebral Palsy Association of the Rochester Area, Inc., Jawonio, Inc., The Handicapped Children's Association of Southern New York, Inc., United Cerebral Palsy Association of Greater Suffolk, Inc., SDTC - The Center for Discovery, Inc., United Cerebral Palsy and Handicapped Children's Association of Syracuse, Inc., United Cerebral Palsy of Ulster County Inc., United Cerebral Palsy and Handicapped Person's Association of the Utica Area, Inc., United Cerebral Palsy Association of Westchester, Inc. and Unified Creative Programs, Inc., United Cerebral Palsy Association of

Western New York, Inc., United Cerebral Palsy Association of Putnam and Southern Dutchess Counties, Inc., United Cerebral Palsy Association of the North Country, Inc., United Cerebral Palsy Associations of New York State, Inc., **Cerebral Palsy Associations of New York State and any of its not-for-profit members,** and any successor in interest to any such organization for the financing and/or refinancing of the acquisition, construction, reconstruction, renovation, development, improvement, expansion and/or equipping of a facility or facilities and necessary ancillary and related facilities throughout the state of New York, including educational, residential, administrative, clinical, and day programming facilities used in the provision of services to individuals with disabilities.

§ 2. The undesignated paragraph of subdivision 1 of section 1680 of the public authorities law, as added by chapter 260 of the laws of 2000, is amended to read as follows:

UCPA of the Capital District, Inc., UCPA of Cayuga County, Inc., United Cerebral Palsy and Handicapped Children's Association of Chemung County, Inc., Finger Lakes United Cerebral Palsy, Inc., United Cerebral Palsy Associations of Fulton and Montgomery Counties, Inc., United Cerebral Palsy Association of the Tri-Counties, Inc., Franziska Racker Centers, Inc., United Cerebral Palsy Association of Nassau County, Inc., United Cerebral Palsy of New York City, Inc., United Cerebral Palsy Association of Niagara County, Inc., Orange County Cerebral Palsy Association, Inc., United Cerebral Palsy of Queens, Inc., United Cerebral Palsy Association of the Rochester Area, Inc., Jawonio, Inc., The Handicapped Children's Association of Southern New York, Inc., United Cerebral Palsy Association of Greater Suffolk, Inc., SDTC - The Center for Discovery, Inc., United Cerebral Palsy and Handicapped Children's Association of Syracuse, Inc., United Cerebral Palsy of Ulster County Inc., United Cerebral Palsy and Handicapped Person's Association of the Utica Area, Inc., United Cerebral Palsy Association of Westchester, Inc. and Unified Creative Programs, Inc., United Cerebral Palsy Association of Western New York, Inc., United Cerebral Palsy Association of Putnam and Southern Dutchess Counties, Inc., United Cerebral Palsy Association of the North Country, Inc., United Cerebral Palsy Associations of New York State, Inc., **Cerebral Palsy Associations of New York State and any of its not-for-profit members,** and any successor in interest to any such organization for the financing and/or refinancing of the acquisition, construction, reconstruction, renovation, development, improvement, expansion and/or equipping of a facility or facilities and necessary ancillary and related facilities throughout the state of New York, including educational, residential, administrative, clinical, and day programming facilities used in the provision of services to individuals with disabilities.

§ 3. Subdivision 37 of section 1680 of the public authorities law, as added by chapter 260 of the laws of 2000, is amended to read as follows:

37. For purposes of this section, the following provisions shall apply to powers in connection with the provision of facilities for UCPA of the Capital District, Inc., UCPA of Cayuga County, Inc., United Cerebral Palsy and Handicapped Children's Association of Chemung County, Inc., Finger Lakes United Cerebral Palsy, Inc., United Cerebral Palsy Associations of Fulton and Montgomery Counties, Inc., United Cerebral Palsy Association of the Tri-Counties, Inc., Franziska Racker Centers, Inc., United Cerebral Palsy Association of Nassau County, Inc., United Cerebral Palsy of New York City, Inc., United Cerebral Palsy Association of Niagara County, Inc., Orange County Cerebral Palsy Association, Inc.,

United Cerebral Palsy of Queens, Inc., United Cerebral Palsy Association of the Rochester Area, Inc., Jawonio, Inc., The Handicapped Children's Association of Southern New York, Inc., United Cerebral Palsy Association of Greater Suffolk, Inc., SDTC - The Center for Discovery, Inc., United Cerebral Palsy and Handicapped Children's Association of Syracuse, Inc., United Cerebral Palsy of Ulster County Inc., United Cerebral Palsy and Handicapped Person's Association of the Utica Area, Inc., United Cerebral Palsy Association of Westchester, Inc. and Unified Creative Programs, Inc., United Cerebral Palsy Association of Western New York, Inc., United Cerebral Palsy Association of Putnam and Southern Dutchess Counties, Inc., United Cerebral Palsy Association of the North Country, Inc., United Cerebral Palsy Associations of New York State, Inc., **Cerebral Palsy Associations of New York State and any of its not-for-profit members,** and any successor in interest to any such organization, by the authority pursuant to this title.

Notwithstanding any other provision of law, UCPA of the Capital District, Inc., UCPA of Cayuga County, Inc., United Cerebral Palsy and Handicapped Children's Association of Chemung County, Inc., Finger Lakes United Cerebral Palsy, Inc., United Cerebral Palsy Associations of Fulton and Montgomery Counties, Inc., United Cerebral Palsy Association of the Tri-Counties, Inc., Franziska Racker Centers, Inc., United Cerebral Palsy Association of Nassau County, Inc., United Cerebral Palsy of New York City, Inc., United Cerebral Palsy Association of Niagara County, Inc., Orange County Cerebral Palsy Association, Inc., United Cerebral Palsy of Queens, Inc., United Cerebral Palsy Association of the Rochester Area, Inc., Jawonio, Inc., The Handicapped Children's Association of Southern New York, Inc., United Cerebral Palsy Association of Greater Suffolk, Inc., SDTC - The Center for Discovery, Inc., United Cerebral Palsy and Handicapped Children's Association of Syracuse, Inc., United Cerebral Palsy of Ulster County Inc., United Cerebral Palsy and Handicapped Person's Association of the Utica Area, Inc., United Cerebral Palsy Association of Westchester, Inc. and Unified Creative Programs, Inc., United Cerebral Palsy Association of Western New York, Inc., United Cerebral Palsy Association of Putnam and Southern Dutchess Counties, Inc., United Cerebral Palsy Association of the North Country, Inc., United Cerebral Palsy Associations of New York State, Inc., **Cerebral Palsy Associations of New York State and any of its not-for-profit members,** and any successor in interest to any such organization shall have the full power and authority to assign and pledge to the dormitory authority any and all public funds to be appropriated, apportioned or otherwise made payable by the federal government, any agency thereof, the state government, any agency thereof, a political subdivision as defined in section one hundred of the general municipal law, any social service district in the state of New York or by any other governmental entity in an amount sufficient to make all payments required to be made by such entity pursuant to any necessary or useful agreements entered into between such entity and the dormitory authority. All state and local officials are hereby authorized and required to pay all such funds so assigned and pledged to the dormitory authority or, upon the direction of the dormitory authority, to any trustee of any dormitory authority bond or note issued pursuant to a certificate filed with any state or local officer by the dormitory authority pursuant to the provisions of this subdivision.

§ 4. This act shall take effect immediately.

PART NN

Section 1. The retirement and social security law is amended by adding a new section 363-ee to read as follows:

§ 363-ee. Accidental disability retirement allowance for certain members or officers of the division of law enforcement in the department of environmental conservation, forest rangers, regional state park police officers, and university police officers. a. A member may elect to receive an accidental disability retirement allowance as provided under this section in lieu of the benefits provided under section three hundred sixty-three-e of this title if, at the time application therefor is filed, he or she is:

1. Physically or mentally incapacitated for performance of duty as the natural and proximate result of an accident not caused by his or her own willful negligence sustained in such service and while actually a non-seasonally appointed member of the division of law enforcement in the department of environmental conservation, a police officer in the department of environmental conservation, an officer in the regional state park police, a forest ranger in the service of the department of environmental conservation which shall mean a person who serves on a full-time basis in the title of forest ranger I, forest ranger II, forest ranger III, assistant superintendent of forest fire control, superintendent of forest fire control or any successor titles or new titles in the forest ranger title series in the department of environmental conservation, or a university police officer appointed pursuant to paragraph l of subdivision two of section three hundred fifty-five of the education law, and

2. Actually in service upon which his or her membership is based. However, in a case where a member is discontinued from service subsequent to the accident, either voluntarily or involuntarily, and provided that the member meets the requirements of paragraph one of this subdivision, application may be made, either (a) by a vested member incapacitated as the result of a qualifying World Trade Center condition as defined in section two of this chapter at any time, or (b) not later than two years after the member is first discontinued from service.

b. Application for an accidental disability retirement allowance for such a member may be made by:

1. Such member, or

2. The head of the department where such member is employed or his or her designee, or

3. A person acting on behalf of and authorized by such member.

c. (a) After the filing of such an application such member shall be given one or more medical examinations. No such application shall be approved, however, unless the member or some other person on his or her behalf shall have filed written notice in the office of the comptroller within ninety days after the accident, setting forth:

1. The time when and the place where such accident occurred;

2. The particulars thereof;

3. The nature and extent of the member's injuries; and

4. His or her alleged incapacity.

(b) The notice herein required need not be given:

1. If notice of such accident shall be filed in accordance with the provisions of the workers' compensation law of any state within which a participating employer shall have its employees located or performing functions and duties within the normal scope of their employment, or

2. If the application for accidental disability retirement is filed within one year after the date of such accident, or

3. If a failure to file notice has been excused for good cause shown as provided by rules and regulations promulgated by the comptroller.

d. If the comptroller determines that the member is physically or mentally incapacitated for the performance of duty and ought to be retired for accidental disability, such member shall be so retired. Such retirement shall be effective as of a date approved by the comptroller.

e. Notwithstanding any other provision of law, the retirement allowance payable upon accidental disability retirement shall consist of:

1. An annuity which shall be the actuarial equivalent of the member's accumulated contributions, plus

2. A pension which is the actuarial equivalent of the reserved-for-increased-take-home-pay to which he or she may be entitled, if any, plus

3. A pension of three-quarters of his or her final average salary. The payment of such pension shall be subject to the provisions of section three hundred sixty-four of this article.

f. If the member, at the time of the filing of an application under the provisions of subdivision b of this section, is eligible for a service retirement benefit, then and in that event, he or she may simultaneously file an application for service retirement in accordance with the provisions of section seventy of this chapter, provided that the member indicates on the application for service retirement that such application is filed without prejudice to the application for accidental disability retirement.

g. For purposes of this section, the term "accident" shall have the same meaning and be interpreted in the same manner as such term is defined and interpreted to mean in section three hundred sixty-three of this title.

h. 1. (a) Notwithstanding any provisions of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if any condition or impairment of health is caused by a qualifying World Trade Center condition as defined in section two of this chapter, it shall be presumptive evidence that it was incurred in the performance and discharge of duty and the natural and proximate result of an accident not caused by such member's own willful negligence, unless the contrary be proved by competent evidence.

(b) The comptroller is hereby authorized to promulgate rules and regulations to implement the provisions of this paragraph.

2. (a) Notwithstanding the provisions of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a member who participated in World Trade Center rescue, recovery or cleanup operations, as defined in section two of this chapter, and subsequently retired on a service retirement, an ordinary disability retirement or a performance of duty disability retirement and subsequent to such retirement is determined by the comptroller to have a qualifying World Trade Center condition, as defined in section two of this chapter, upon such determination by the comptroller it shall be presumed that such disability was incurred in the performance and discharge of duty as the natural and proximate result of an accident not caused by such member's own willful negligence, and that the member would have been physically or mentally incapacitated for the performance and discharge of duty of the position from which he or she retired had the condition been known and fully developed at the time of the member's retirement, unless the contrary is proven by competent evidence.

(b) The comptroller shall consider a reclassification of the member's retirement as an accidental disability retirement effective as of the date of such reclassification.

(c) Such member's retirement option shall not be changed as a result of such reclassification.

(d) The member's former employer at the time of the member's retirement shall have an opportunity to be heard on the member's application for reclassification by the comptroller according to procedures developed by the comptroller.

(e) The comptroller is hereby authorized to promulgate rules and regulations to implement the provisions of this paragraph.

i. Notwithstanding any other provision of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a retiree who: (1) has met the criteria of subdivision h of this section and retired on a service or disability retirement, or would have met the criteria if not already retired on an accidental disability; and (2) has not been retired for more than twenty-five years; and (3) dies from a qualifying World Trade Center condition, as defined in section two of this chapter, as determined by the applicable head of the retirement system or applicable medical board, then unless the contrary be proven by competent evidence, such retiree shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such retiree's eligible beneficiary, as set forth in section three hundred sixty-one of this title, shall be entitled to an accidental death benefit as provided by section three hundred sixty-one of this title, however, for the purposes of determining the salary base upon which the accidental death benefit is calculated, the retiree shall be deemed to have died on the date of his or her retirement. Upon the retiree's death, the eligible beneficiary shall make a written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section three hundred sixty-one of this title requesting conversion of such retiree's service or disability retirement benefit to an accidental death benefit. At the time of such conversion, the eligible beneficiary shall relinquish all rights to the prospective benefits payable under the service or disability retirement benefit, including any post-retirement death benefits, since the retiree's death. If the eligible beneficiary is not the only beneficiary receiving or entitled to receive a benefit under the service or disability retirement benefit (including, but not limited to, post-retirement death benefits or benefits paid or payable pursuant to the retiree's option selection), the accidental death benefit payments to the eligible beneficiary will be reduced by any amounts paid or payable to any other beneficiary.

j. Notwithstanding any other provision of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a member who: (1) has met the criteria of subdivision h of this section; and (2) dies in active service from a qualifying World Trade Center condition, as defined in section two of this chapter, as determined by the applicable head of the retirement system or applicable medical board to have been caused by such member's participation in the World Trade Center rescue, recovery or cleanup operations, as defined in section two of this chapter, then unless the contrary be proven by competent evidence, such member shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his

or her part. Such member's eligible beneficiary, as set forth in section three hundred sixty-one of this title, shall be entitled to an accidental death benefit provided he or she makes written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section three hundred sixty-one of this title.

§ 2. The section heading and subdivision a of section 363-e of the retirement and social security law, as added by chapter 208 of the laws of 1997, are amended to read as follows:

Disability retirement allowance for members of the division of law enforcement in the department of environmental conservation, police officers in the department of environmental conservation, forest rangers, university police officers and the regional state park police.

a. Every non-seasonally appointed sworn member or officer of the division of law enforcement in the department of environmental conservation and the regional state park police, every police officer in the department of environmental conservation, every forest ranger and every university police officer appointed pursuant to paragraph l of subdivision two of section three hundred fifty-five of the education law who becomes physically or mentally incapacitated for the performance of duty shall be covered by the provisions of this section in lieu of the provisions of section three hundred sixty-two or three hundred sixty-three of this [~~article~~] title; except, however, any such member or officer who last entered or reentered service in the department of environmental conservation or state park police, as the case may be, prior to September first, nineteen hundred ninety-seven, shall be entitled to apply for disability retirement pursuant to such sections and to receive the benefit so payable in lieu of the benefit payable pursuant to this section. The benefits provided by this section for university police officers shall be in lieu of section three hundred sixty-three of this article.

§ 3. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would grant improved accidental and performance of duty disability pensions to certain members or officers of the division of law enforcement in the department of environmental conservation, and regional state park police. The benefit for an accidental disability would be 75% of final average salary minus worker's compensation. The benefit for a performance of duty disability benefit would be 50% of final average salary.

If this bill is enacted, the estimated increase in the annual contributions of the state of New York for the fiscal year ending March 31, 2019 would be approximately $350,000.

In addition to the annual contributions discussed above, there will be an immediate past service cost of $2.17 million which will be borne by the state of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2019.

These estimated costs are based on 570 members having an annual salary for the fiscal year ending March 31, 2017 of approximately $48 million.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assump-

tions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated February 2, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-57, prepared by the Actuary for the New York State and Local Retirement System.

PART OO

Section 1. Subdivision a of section 605-a of the retirement and social security law, as amended by chapter 489 of the laws of 2008, is amended to read as follows:

a. A member employed as a uniformed court officer or peace officer in the unified court system shall be entitled to an accidental disability retirement allowance if, at the time application therefor is filed, such member is:

1. Physically or mentally incapacitated for performance of duty as the natural and proximate result of an accident, not caused by his **or her** own willful negligence, sustained in such service and while actually a member of the retirement system; and

2. Actually in service upon which his or her membership is based. However, in a case where a member is discontinued from service subsequent to the accident, either voluntarily or involuntarily, and provided that the member meets the requirements of paragraph one of this subdivision, application may be made either (a) by a vested member incapacitated as the result of a qualifying World Trade Center condition as defined in section two of this chapter at any time, or (b) not later than two years after the member is first discontinued from service.

For purposes of this subdivision, a member who is injured as the result of a physical assault by an assailant, suffered while in service shall be entitled to accidental disability retirement unless the contrary can be proven by competent evidence under this section.

§ 2. Notwithstanding any other provision of law to the contrary, none of the provisions of this act shall be subject to section 25 of the retirement and social security law.

§ 3. This act shall take effect immediately.

FISCAL NOTE.-- Pursuant to Legislative Law, Section 50:

This bill would allow Tier 3, 4, 5 and 6 uniformed court officers and peace officers in the unified court system to be eligible for an accidental disability for injuries sustained in the performance of duty and the result of an injury sustained in the performance or discharge of duty by or as the result of an assault by an assailant, unless the contrary be proven by competent evidence. The benefit for an accidental disability would be 75% of final average salary less worker's compensation.

If this bill is enacted, the cost will vary depending on the members' age, service, tier and salary. It is estimated that the average per person cost will be approximately three (3) times salary.

The exact number of members who could be affected by this legislation cannot be readily determined. In all likelihood, very few members would be affected.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016 and 2017 Annual Report to the Comptroller on Actuarial Assumptions and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated December 19, 2017, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-25, prepared by the Actuary for the New York State and Local Retirement System.

PART PP

Section 1. Subdivision b of section 448 of the retirement and social security law is amended by adding a new paragraph 3 to read as follows:

3. Provided further, notwithstanding any other provision of this article to the contrary, where a member is in a title as defined in subdivision i of section eighty-nine of this chapter under the jurisdiction of the department of corrections and community supervision, and would have been entitled to a service retirement benefit at the time of his or her death and where his or her death occurs on or after July first, two thousand eighteen, the beneficiary or beneficiaries may elect to receive, in a lump sum, an amount payable which shall be equal to the pension reserve that would have been established had the member retired on the date of his or her death, or the value of the death benefit and the reserve-for-increased-take-home-pay, if any, whichever is greater.

§ 2. Subdivision b of section 508 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

b. A member of a retirement system subject to the provisions of this article who is a policeman, fireman, correction officer, investigator revised plan member or sanitation man and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age or who is subject to the provisions of section five hundred four or five hundred five of this article, shall upon completion of ninety days of service be covered for financial protection in the event of death in service pursuant to this subdivision.

1. Such death benefit shall be equal to three times the member's salary raised to the next highest multiple of one thousand dollars, but in no event shall it exceed three times the maximum salary specified in section one hundred thirty of the civil service law or, in the case of a member of a retirement system other than the New York city employees' retirement system, or in the case of a member of the New York city employees' retirement system who is a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member, the specific limitations specified for age of entrance into

service contained in subparagraphs (b), (c), (d), (e) and (f) of paragraph two of subdivision a of this section.

2. Provided further, notwithstanding any other provision of this article to the contrary, where a member is in a title as defined in subdivision i of section eighty-nine of this chapter under the jurisdiction of the department of corrections and community supervision, and would have been entitled to a service retirement benefit at the time of his or her death and where his or her death occurs on or after July first, two thousand eighteen, the beneficiary or beneficiaries may elect to receive, in a lump sum, an amount payable which shall be equal to the pension reserve that would have been established had the member retired on the date of his or her death, or the value of the death benefit and the reserve-for-increased-take-home-pay, if any, whichever is greater.

§ 3. This act shall take effect immediately and shall expire five years after the date on which it shall have become a law.

FISCAL NOTE. -- Pursuant to Legislative Law, Section 50:

This bill would modify the in-service death benefit for tiers 2 through 6 state correction officers. The in-service death benefit will be the value of the pension reserve as if the member had retired on their date of death. The provision is scheduled to expire five years after the date it is enacted.

If such proposal is enacted during the 2018 legislative session, there will be a one-time past service cost of $13.2 million, which would be borne by the state of New York as a one-time payment. This estimate is based on the assumption that payment will be made March 1, 2019.

If this provision is extended or made permanent by subsequent legislation, there would be additional costs.

These estimated costs are based on 20,712 state correction officers with a total annual salary of approximately $1.5 billion for the fiscal year ending March 31, 2017.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated January 17, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-31, prepared by the Actuary for the New York State and Local Retirement System.

PART QQ

Section 1. Section 92-d of the general municipal law, as added by chapter 273 of the laws of 2017, is amended to read as follows:

§ 92-d. Sick leave for officers and employees with a qualifying World Trade Center condition. Notwithstanding any other law, rule or regu-

lation to the contrary, officers and employees of the state, a public authority or any municipal corporation outside of a city with a population of one million or more who [~~filed a~~] have filed and received approval for such filed notice of participation in World Trade Center rescue, recovery or cleanup operations engaged in while employed by the state, a public authority or a municipal corporation and subsequently develop a qualifying World Trade Center condition, as defined in section two of the retirement and social security law,[~~while employed by the state, a public authority or such municipal corporation or public authority~~] shall, after the receipt of a written request for line of duty sick leave, be granted line of duty sick leave commencing on the date that such employee was diagnosed with a qualifying World Trade Center condition regardless of whether such officer or employee was employed by his or her current employer at the time that such officer or employee participated in World Trade Center rescue, recovery or cleanup operations. The officer or employee shall be compensated at his or her regular rate of pay for those regular work hours during which the officer or employee is absent from work due to his or her qualifying World Trade Center condition. Such leave shall be provided without loss of an officer or employee's accrued sick leave. Nothing in this section shall limit an employer's power pursuant to any other provision of law to discipline an officer or employee by termination, reduction of salary, or any other appropriate measure; to terminate an appointee who has not completed his or her probationary term; and to apply for ordinary or accident disability retirement for an officer or employee.

§ 2. The opening paragraph of section 92-d of the general municipal law is designated subdivision 1 and seven new subdivisions 2, 3, 4, 5, 6, 7 and 8 are added to read as follows:

2. Notwithstanding any other law, rule or regulation to the contrary, officers and employees of a city with a population of one million or more who (i) do not receive benefits similar to those provided by this section pursuant to a collectively bargained agreement, section 14-122.1 of the administrative code of the city of New York, section 15-108.1 of the administrative code of the city of New York, or other statutory provision and (ii) have filed and received approval for such filed notice of participation in World Trade Center rescue, recovery or cleanup operations engaged in while employed by the state, a public authority or a municipal corporation and subsequently develop a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, shall, after receipt of a written request for line of duty sick leave, be granted line of duty sick leave commencing on the date that such employee was diagnosed with a qualifying World Trade Center condition regardless of whether such officer or employee was employed by his or her current employer at the time that such officer or employee participated in World Trade Center rescue, recovery or cleanup operations. The officer or employee shall be compensated at his or her regular rate of pay for those regular work hours during which the officer or employee is absent from work due to his or her qualifying World Trade Center condition. Such leave shall be provided without loss of an officer or employee's accrued sick leave. Nothing in this section shall limit an employer's power pursuant to another provision of law to discipline an officer or employee by termination, reduction of salary, or any other appropriate measure; to terminate an appointee who has not completed his or her probationary term; and to apply for ordinary or accident disability retirement for an officer or employee.

3. For purposes of this section, "cost" shall mean the number of days of sick leave that must be restored to an officer or employee pursuant to subdivision one or two of this section multiplied by such officer or employee's wage rate at the time that such sick leave for which reimbursement is being sought was taken.

4. A request, for line of duty sick leave shall be in writing and include a waiver of the protection afforded to the officer or employee pursuant to the health insurance portability and accountability act to allow disclosure of the officer or employee's approved notice of participation and any medical records concerning such officer or employee's notice of participation or qualifying World Trade Center condition in the possession of the retirement system in which such officer or employee is a member for the purpose of reviewing, processing and auditing his or her claim for line of duty sick leave. Such waiver shall be in the form required by the retirement system of which he or she is a member, along with the application for line of duty sick leave, with his or her employer.

5. Notwithstanding any provision of law to the contrary, upon request from the state, public authority or municipal corporation outside of a city with a population of one million or more for a copy of an approved notice of participation in World Trade Center rescue, recovery or cleanup operations for an officer or employee, the retirement system in which such officer or employee is a member and to which such officer or employee filed his or her notice of participation in World Trade Center rescue, recovery or cleanup operations in accordance with paragraph (a) of subdivision thirty-six of section two of the retirement and social security law, such retirement system shall provide a verified copy of such approved notice of participation that includes the date that such notice was filed to such requestor. A copy of such verified notice of participation shall be filed with any claim for reimbursement submitted to the civil service commission pursuant to subdivision four of this section. Except as required for filing, review, and audit purposes, such verified notice of participation and all copies of such verified notice shall be confidential and not subject to disclosure pursuant to article six of the public officers law.

6. A public authority or municipal corporation outside of a city with a population of one million or more shall submit any claim for reimbursement under this section to the civil service commission. In accordance with subdivision one-a of section six of the civil service law, the civil service commission shall review each claim to determine if such claim shall be approved, reduced, amended or rejected and shall notify the submitting public authority or municipal corporation, within sixty days of receipt of such claim, as to its determination. Such public authority or municipal corporation shall notify the civil service commission within thirty days after receipt of the civil service commission's notification, as to its acceptance or rejection of such determination. Failure to so notify the civil service commission shall constitute an acceptance of the determination. If accepted by such public authority or municipal corporation, such acceptance shall constitute the final and conclusive determination for such claim. If rejected by such public authority or municipal corporation, such public authority or municipal corporation shall resubmit its claim, within thirty days after receipt of the civil service commission's notification, together with its reasons for objection and any additional documentation which may justify its claim. Upon receipt of a resubmitted claim, the civil service commission shall review such claim and within sixty days of

receipt of such resubmitted claim, make a final determination as to the amount to be approved for such claim. If such public authority or municipal corporation shall dispute such final determination it may commence an action, within sixty days of such final determination, in the court of claims which shall have jurisdiction to adjudicate the claim and enter judgment, which judgment shall be a final determination for purposes of this section and shall be payable in accordance with the provisions of this section.

7. The civil service commission shall certify all claims for which a final determination has been made. The civil service commission shall submit all certified claims to the comptroller of the department of audit and control on or before the first day of the immediately succeeding month during which such claim was certified.

8. All claims certified by the civil service commission shall be paid monthly and shall be paid upon a warrant from the comptroller.

§ 3. Section 6 of the civil service law is amended by adding a new subdivision 1-a to read as follows:

1-a. Have the power to review claims for reimbursement submitted by public authorities or municipal corporations outside of a city with a population of a million or more pursuant to section ninety-two-d of the general municipal law to determine if such claim shall be approved, reduced, amended or rejected. Such review and determination shall be made in accordance with section ninety-two-d of the general municipal law.

§ 4. Section 2 of chapter 273 of the laws of 2017, amending the general municipal law relating to granting sick leave for officers and employees with a qualifying World Trade Center condition, is amended to read as follows:

§ 2. The state shall reimburse any public authority or municipal corporation with a population of less than one million people for the cost of any line duty sick leave granted pursuant to this act. Such reimbursement shall be made in accordance with the provisions of section 92-d of the general municipal law.

§ 5. The administrative code of the city of New York is amended by adding a new section 12-140 to read as follows:

§ 12-140 Line of duty sick leave for World Trade Center rescue, recovery or cleanup operations. Notwithstanding any other law, rule or regulation to the contrary, officers and employees of a city with a population of one million or more who (i) do not receive benefits similar to those provided by this section pursuant to a collectively bargained agreement, section 14-122.1 of this code, section 15-108.1 of this code, or other statutory provision and (ii) filed and received approval for such filed notice of participation in World Trade Center rescue, recovery or cleanup operations engaged in while employed by the state, a public authority or a municipal corporation and subsequently develop a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, shall, after receipt of a written request for line of duty sick leave, be granted line of duty sick leave commencing on the date that such employee was diagnosed with a qualifying World Trade Center condition regardless of whether such officer or employee was employed by his or her current employer at the time that such officer or employee participated in World Trade Center rescue, recovery or cleanup operations. The officer or employee shall be compensated at his or her regular rate of pay for those regular work hours during which the officer or employee is absent from work. Such leave shall be provided without loss of an officer or employee's accrued sick

leave. Nothing in this section shall limit an employer's power pursuant to another provision of law to discipline an officer or employee by termination, reduction of salary, or any other appropriate measure; to terminate an appointee who has not completed his or her probationary term; and to apply for ordinary or accident disability retirement for an officer or employee.

§ 6. The commissioner of the department of civil service, in consultation with the state comptroller and the commissioner of the department of taxation and finance, shall promulgate rules and regulations to assist with the implementation of section 92-d of the general municipal law. Such rules and regulations shall be issued no later than 90 days after this act shall have become a law. Notwithstanding any other provisions to the contrary in the state administrative procedure act, such rules and regulations may be adopted on an emergency basis if necessary to meet such 90-day deadline.

§ 7. The commissioner of the department of taxation and finance, in consultation with the state comptroller, shall issue guidance regarding the tax treatment to officers and employees who have received restored sick leave no later than sixty days after this act shall have become a law.

§ 8. This act shall take effect immediately; provided that section one of this act shall be deemed to have been in full force and effect on the same date as chapter 273 of the laws of 2017; and provided further that this act shall apply to all claims for reimbursement filed pursuant to section 92-d of the general municipal law, as amended by this act; and provided further, that any officer or employee who is currently employed by a city with a population of one million or more who has been diagnosed with a qualifying World Trade Center condition and is using sick leave due to such condition shall receive a restoration of such sick leave retroactive to the date such officer or employee was diagnosed with a qualifying World Trade Center condition.

PART RR

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

§ 167-a. Reimbursement for medicare [~~premium~~] charges. Upon exclusion from the coverage of the health benefit plan of supplementary medical insurance benefits for which an active or retired employee or a dependent covered by the health benefit plan is or would be eligible under the federal old-age, survivors and disability insurance program, an amount equal to the premium charge **and any other additional charges** for such supplementary medical insurance benefits for such active or retired employee and his or her dependents, if any, shall be paid monthly or at other intervals to such active or retired employee from the health insurance fund. Where appropriate, such amount may be deducted from contributions payable by the employee or retired employee; or where appropriate in the case of a retired employee receiving a retirement allowance, such amount may be included with payments of his or her retirement allowance. All state employer, employee, retired employee and dependent contributions to the health insurance fund, including contributions from public authorities, public benefit corporations or other quasi-public organizations of the state eligible for participation in the health benefit plan as authorized by subdivision two of section one hundred sixty-three of this article, shall be adjusted as necessary to

cover the cost of reimbursing federal old-age, survivors and disability insurance program premium charges under this section. This cost shall be included in the calculation of premium or subscription charges for health coverage provided to employees and retired employees of the state, public authorities, public benefit corporations or other quasi-public organizations of the state; provided, however, the state, public authorities, public benefit corporations or other quasi-public organizations of the state shall remain obligated to pay no less than its share of such increased cost consistent with its share of premium or subscription charges provided for by this article. All other employer contributions to the health insurance fund shall be adjusted as necessary to provide for such payments. **For purposes of this section, the term "health benefit plan of supplementary medical insurance benefits" shall mean the health benefit plan prescribed by section one hundred sixty-one of this article and shall include prescription drugs and medications, group hospitalization, surgical and medical insurance provided pursuant to such section.**

§ 2. This act shall take effect immediately.

PART SS

Section 1. Subdivision 3 of section 363-a of the retirement and social security law, as amended by chapter 437 of the laws of 2016, is amended to read as follows:

3. As used in this section, the terms "firefighter" and "police officer" mean any member who is performing police or fire service, as the phrase police or fire service is defined in paragraphs a, b, c, d, f (as added by chapter six hundred seventy-four of the laws of nineteen eighty-six), f (as added by chapter six hundred seventy-seven of the laws of nineteen eighty-six), g, h**, i** and j of subdivision eleven of section three hundred two of this article, and who, prior to entry into service as a firefighter or police officer, successfully passed a physical examination which failed to disclose evidence of any disease or other impairment of the heart.

§ 2. The amendments to section 363-a of the retirement and social security law made by section one of this act shall not affect, impair, or invalidate any temporary right, privilege, or benefit conferred pursuant to the provisions of a general, special or local law (other than pursuant to articles 14 and 15 of the retirement and social security law) for any member of a public retirement system or pension plan funded by the state or one of its political subdivisions, nor shall any amendments thereto affect the application of such provisions as extended by the provisions of section 480 of the retirement and social security law.

§ 3. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill is a technical correction to Chapter 561 of the Laws of 2015. It would add a "heart bill" performance of duty disability provision for police officers of the State University of New York who are members of the New York State and Local Police and Fire Retirement System.

If this bill is enacted, it could lead to more disabilities being classified as "performance of duty". We anticipate that few performance of duty disability retirements will be granted, and thus, the resulting costs will be negligible.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated January 18, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-42, prepared by the Actuary for the New York State and Local Retirement System.

PART TT

Section 1. Subdivision 1 of section 167 of the civil service law, as amended by chapter 582 of the laws of 1988, paragraph (a) as amended by section 7 of part T of chapter 56 of the laws of 2010 and paragraph (b) as amended by chapter 317 of the laws of 1995, is amended to read as follows:

1. (a) The full cost of premium or subscription charges for the coverage of retired state employees who are enrolled in the statewide and the supplementary health benefit plans established pursuant to this article and who retired prior to January first, nineteen hundred eighty-three shall be paid by the state. Nine-tenths of the cost of premium or subscription charges for the coverage of state employees and retired state employees retiring on or after January first, nineteen hundred eighty-three **and prior to October first, two thousand eleven** who are enrolled in the statewide and supplementary health benefit plans shall be paid by the state. Three-quarters of the cost of premium or subscription charges for the coverage of dependents of such state employees and retired state employees shall be paid by the state. Except as provided in paragraph (b) of this subdivision, the state shall contribute toward the premium or subscription charges for the coverage of each state employee or retired state employee who is enrolled in an optional benefit plan and for the dependents of such state employee or retired state employee the same dollar amount which would be paid by the state for the premium or subscription charges for the coverage of such state employee or retired state employee and his or her dependents if he or she were enrolled in the statewide and the supplementary health benefit plans, but not in excess of the premium or subscription charges for the coverage of such state employee or retired state employee and his or her dependents under such optional benefit plan. For purposes of this subdivision, employees of the state colleges of agriculture, home economics, industrial labor relations, and veterinary medicine, the state agricultural experiment station at Geneva, and any other institution or agency under the management and control of Cornell university as the representative of the board of trustees of the state university of New York, and employees of the state college of ceramics under the management and control of Alfred university as the representative of the

board of trustees of the state university of New York, shall be deemed to be state employees whose salaries or compensation are paid directly by the state.

(b) Effective January first, nineteen hundred eighty-nine, notwithstanding any other law, rule or regulation, and where, and to the extent that, an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter so provides or where and to the extent the employee health insurance council so directs with respect to any other state employees and for retired state employees retiring on or after January first, nineteen hundred eighty-three **and prior to October first, two thousand eleven**, the state shall contribute nine-tenths of the cost of premiums or subscription charges for coverage of each such state employee or retired state employee who is enrolled in an optional benefit plan and three-fourths of such premium or subscription charges for dependents of such state employees or retired state employees enrolled in such optional benefit plan; provided, however, effective January first, nineteen hundred ninety-six, the contribution rates for the hospitalization and medical components of each optional benefit plan shall not exceed one hundred percent of the dollar amount of the state's contribution toward the hospitalization and medical components of individual and dependent coverage, respectively, in the Empire Plan. In the case of state employees retiring prior to January first, nineteen hundred eighty-three, the state shall contribute one hundred percent of the individual premium and three-fourths of such premium for dependents of such retired employees enrolled in such optional benefit plan; however, these contribution rates shall not exceed one hundred percent of the employer dollar amount contribution for individual and dependent coverage respectively in the Empire Plan.

(c) Effective October first, two thousand eleven, notwithstanding any other law, rule or regulation, and where, and to the extent that, an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter so provides, the state's contribution for cost of premium or subscription charges for the coverage of state employees and retired state employees enrolled in the statewide and the supplementary health benefit plans established pursuant to this article or an optional benefit plan shall be:

(i) For state employees employed in a title allocated or equated to salary grade nine or below, the state shall contribute eighty-eight percent of the cost or premium subscription charges for such employees enrolled in the statewide and the supplementary health benefit plans established pursuant to this article for an optional benefit plan and seventy-three percent of the cost or premium subscription charges for dependents of such state employees enrolled in the statewide and the supplementary health benefit plans established pursuant to this article or an optional benefit plan; provided, however, that the contribution rates for the hospitalization, medical, and mental health and substance abuse components of each optional benefit plan shall not exceed one hundred percent of the dollar amount of the state's contribution toward the hospitalization, medical, and mental health and substance abuse components of individual and dependent coverage, respectively, in the Empire Plan.

(ii) For state employees employed in a title allocated or equated to salary grade ten or above, the state shall contribute eighty-four percent of the cost or premium subscription charges for such employees enrolled in the statewide and the supplementary health benefit plans established pursuant to this article or an optional benefit plan and

sixty-nine percent of the cost or premium subscription charges for dependents of such state employees enrolled in the statewide and the supplementary health benefit plans established pursuant to this article or an optional benefit plan; provided, however, that the contribution rates for the hospitalization, medical, and mental health and substance abuse components of each optional benefit plan shall not exceed one hundred percent of the dollar amount of the state's contribution toward the hospitalization, medical, and mental health and substance abuse components of individual and dependent coverage, respectively, in the Empire Plan.

(iii) For retired state employees retiring on or after October first, two thousand eleven and before January first, two thousand twelve, the state shall contribute eighty-eight percent of the cost or premium subscription charges for such employees enrolled in the statewide and the supplementary health benefit plans established pursuant to this article or an optional benefit plan and seventy-three percent of the cost or premium subscription charges for dependents of such state employees enrolled in the statewide and the supplementary health benefit plans established pursuant to this article or an optional benefit plan; provided, however, that the contribution rates for the hospitalization, medical, and mental health and substance abuse components of each optional benefit plan shall not exceed one hundred percent of the dollar amount of the state's contribution toward the hospitalization, medical, and mental health and substance abuse components of individual and dependent coverage, respectively, in the Empire Plan.

(iv) For retired state employees retiring on or after January first, two thousand twelve from a title allocated or equated to salary grade nine or below, the state shall contribute eighty-eight percent of the cost or premium subscription charges for such employees enrolled in the statewide and the supplementary health benefit plans established pursuant to this article or an optional benefit plan and seventy-three percent of the cost or premium subscription charges for dependents of such state employees enrolled in the statewide and the supplementary health benefit plans established pursuant to this article or an optional benefit plan; provided, however, that the contribution rates for the hospitalization, medical, and mental health and substance abuse components of each optional benefit plan shall not exceed one hundred percent of the dollar amount of the state's contribution toward the hospitalization, medical, and mental health and substance abuse components of individual and dependent coverage, respectively, in the Empire Plan.

(v) For retired state employees retiring on or after January first, two thousand twelve from a title allocated or equated to salary grade ten or above, the state shall contribute eighty-four percent of the cost or premium subscription charges for such employees enrolled in the statewide and the supplementary health benefit plans established pursuant to this article or an optional benefit plan and sixty-nine percent of the cost or premium subscription charges for dependents of such state employees enrolled in the statewide and the supplementary health benefit plans established pursuant to this article or an optional benefit plan; provided, however, that the contribution rates for the hospitalization, medical, and mental health and substance abuse components of each optional benefit plan shall not exceed one hundred percent of the dollar amount of the state's contribution toward the hospitalization, medical, and mental health and substance abuse components of individual and dependent coverage, respectively, in the Empire Plan.

(d) Notwithstanding any other law, rule or regulation, for the premium or subscription charges for the coverage of retired state employees retiring on and after October first, two thousand eleven enrolled in the statewide and the supplementary health benefit plans or an optional benefit plan established pursuant to this article the state's contribution rate for individual and dependent coverage shall equal the contribution rate in effect on the date that the state employee retired; if, however, such retired state employee's service terminated prior to retirement and such retired state employee was entitled to a vested retirement allowance pursuant to the retirement and social security law on the date his or her service terminated and such retired state employee maintained his or her enrollment in the statewide and the supplementary health benefit plans or an optional benefit plan established pursuant to this article the state's contribution rate for individual and dependent coverage shall equal the contribution rate in effect on the date that such retired state employee's service terminated; provided, however, that the contribution rates for the hospitalization, medical, and mental health and substance abuse components of each optional benefit plan shall not exceed one hundred percent of the dollar amount of the state's contribution toward the hospitalization, medical, and mental health and substance abuse components of individual and dependent coverage, respectively, in the Empire Plan.

§ 2. Subdivision 8 of section 167 of the civil service law, as amended by section 2 of part A of chapter 491 of the laws of 2011, is amended to read as follows:

8. Notwithstanding any inconsistent provision of law, where and to the extent that an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter so provides, the state cost of premium or subscription charges for eligible employees covered by such agreement may be modified pursuant to the terms of such agreement. The president, with the approval of the director of the budget, may extend the modified state cost of premium or subscription charges for state employees [~~or retirees~~] not subject to an agreement referenced above and shall promulgate the necessary rules or regulations to implement this provision.

§ 3. The legislative law is amended by adding a new section 49 to read as follows:

§ 49. Legislation implementing collective bargaining agreements. Legislation which enacts or amends any provision of law for the purpose of implementing an agreement between the state and an employee organization entered into pursuant to article fourteen of the civil service law shall be limited to the provisions necessary to implement such agreement.

§ 4. This act shall take effect immediately provided that sections one and two of this act shall be deemed to have been in effect on October 1, 2011. All premiums paid by retired state employees in excess of those consistent with the provisions of this act shall be returned to such retired state employees, or to their estate, as the case may be, by the comptroller as soon as practicable, but in no event later than sixty days after such effective date, provided, however, that no interest shall be paid thereon.

PART UU

Section 1. 1. The provisions of this act shall apply to any new town created pursuant to the division of a town into two or more towns pursu-

ant to article 5 of the town law as adopted by the qualified electors at a biennial town election held November 7, 2017.

2. For the purposes of this act "new town" shall refer to a town created pursuant to the division of any existing town by a proposition adopted at a biennial town election held November 7, 2017.

§ 2. 1. Notwithstanding section 80 and subdivision 2 of section 74 of the town law, the election of town officers for the new town shall be held on the Tuesday next succeeding the first Monday in November 2018.

2. Notwithstanding section 24 of the town law, all elective officers other than town councilmen, town justices and the receiver of taxes and assessments shall hold their respective offices for 1 year. The terms of office of town councilmen shall be 1 year each for 2 town councilmen and 3 years each for 2 town councilmen. The term of office of the receiver of taxes and assessments shall be 3 years. The term of each town officer elected to office in November 2018 shall commence January 1, 2019. The terms of town officers elected for a 1 year term shall expire December 31, 2019 and the terms of officers elected for a 3 year term shall expire December 31, 2021, unless otherwise provided for in law.

§ 3. Notwithstanding section 80 of the town law, the election held pursuant to section two of this act shall be deemed the first biennial town election for the new town, for the purposes of:

1. the effective date for the purposes of exercise of governmental functions pursuant to subdivision 2 of section 74 of the town law;

2. the disposition of property pursuant to section 75 of the town law;

3. the apportionment of debts pursuant to section 76 of the town law;

4. the meetings of town boards pursuant to section 77 of the town law; and,

5. the right of action upon failure of towns to agree upon the disposition of assets and debts pursuant to section 78 of the town law.

§ 4. Pursuant to subdivision 1 of section three of this act and subdivision 2 of section 74 of the town law, the new town shall be effective for the purposes of the exercise of governmental functions January 1, 2019.

§ 5. By January 31, 2019, the town board of the new town shall meet to adopt a final budget for the new town's fiscal year 2019 with the same force and effect as though prepared and adopted pursuant to article 8 of the town law. Such budget shall be adopted in accordance with article 8 of town law to the extent practicable, provided, however, the budget adopted by the new town shall be in the form and contain such information as required by section 107 of the town law, and, provided further, the new town shall not be required to hold a public hearing as required in section 108 of the town law.

§ 6. 1. Biennial town elections to be held after January 1, 2019 in the new town shall be held every odd-numbered year pursuant to section 80 of the town law.

2. The terms of office for elective officers of the new town elected after January 1, 2019 shall be as provided for pursuant to section 24 of the town law.

3. In the event that the entire territory of the new town shall become coterminous with a village and a proposition submitted to the voters pursuant to article 17 of the village law has resulted in favor of the local government operating principally as a village, provisions of article 17 of the village law shall supersede subdivisions one and two of this section.

§ 7. Paragraph c of subdivision 14 of section 3602 of the education law is amended by adding a new subparagraph 3 to read as follows:

(3) Notwithstanding any provisions of this paragraph, a school district shall be eligible for incentive building aid pursuant to this subdivision if after August first, two thousand seventeen, the boundaries of such school district change so as to result in a net loss of taxable property and a corresponding annual loss in property tax revenue that exceeds five hundred thousand dollars as of the effective date of the boundary alteration to such school district.

§ 8. This act shall take effect immediately.

PART VV

Section 1. Paragraph (e) of subdivision 6 of section 186-f of the tax law, as added by section 39 of part B of chapter 56 of the laws of 2010, is amended to read as follows:

(e) up to the sum of thirty-four million dollars annually may be allocated for services and expenses that support the operations and mission of the division of homeland security and emergency services as appropriated by the legislature.

§ 2. This act shall take effect immediately.

PART WW

Section 1. Section 532 of the real property tax law is amended by adding a new subdivision (k) to read as follows:

(k) Land owned by the state situate in the towns of McDonough and Preston in the county of Chenango, constituting a portion of Bowman Lake State Park, the title to which was vested in the state on February twenty-first, two thousand seventeen.

§ 2. This act shall take effect immediately.

PART XX

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

§ 259-f. Certain sex offenders; residence near school grounds. The commissioner, in consultation with the board, director of probation and correctional alternatives and commissioner of criminal justice services, shall establish by rule a uniform standard for measuring and enforcing the distance restrictions for proposed residences for registered sex offenders who are subject to the provision of subdivision fourteen of section two hundred fifty-nine-c of this article or subdivision four-a of section 65.10 of the penal law. Such standard shall include specific requirements and the methodology for the enforcement of the distance restrictions and such standard shall be posted on the internet website of the division of criminal justice services.

§ 2. Subdivision 14 of section 220.00 of the penal law, as amended by chapter 292 of the laws of 1994, is amended to read as follows:

14. "School grounds" means (a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school, or (b) any area accessible to the public located within one thousand feet of the real property boundary line comprising any such school or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising any such school. For the purposes of this section an "area accessible to the public" shall mean

sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants. **Provided, however, that for the purposes of subdivision fourteen of section two hundred fifty-nine-c of the executive law or subdivision four-a of section 65.10 of this chapter, such one thousand foot distance shall be measured from the closest point of the real property boundary line of the school grounds to the closest point of the real property boundary line of the residence of the sex offender.**

§ 3. This act shall take effect immediately.

PART YY

Section 1. The penal law is amended by adding a new section 220.66 to read as follows:

§ 220.66 Criminal sale of a controlled substance upon the grounds of a drug or alcohol treatment center.

1. A person is guilty of criminal sale of a controlled substance upon the grounds of a drug or alcohol treatment center when he or she knowing and unlawfully sells a controlled substance in violation of:

(a) any one of subdivisions one through six-a of section 220.34 of this article, when such sale takes place upon the grounds of a drug or alcohol treatment center; or

(b) any one of subdivisions one through eight of section 220.39 of this article, when such sale takes place upon the grounds of a drug or alcohol treatment center.

2. For the purposes of this section, "upon the grounds of a drug or alcohol treatment center" means (a) in, on or within any building, structure, parking lot or land contained within the real property boundary line of any facility which provides chemical dependence services, as defined in subdivision fifty-five of section 1.03 of the mental hygiene law, or a methadone clinic, or (b) any area accessible to the public located within one thousand feet of the real property boundary line comprising any facility which provides chemical dependence services, as defined in subdivision fifty-five of section 1.03 of the mental hygiene law, or any methadone clinic, or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising such a facility or methadone clinic. For the purposes of this section, "area accessible to the public" means sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

3. For the purposes of this section, a rebuttable presumption shall be established that a defendant has knowledge that he or she is upon the grounds of a drug or alcohol treatment center when notice is conspicuously posted of the presence or proximity of a drug or alcohol treatment center or methadone clinic.

Criminal sale of a controlled substance upon the grounds of a drug or alcohol treatment center is a class B felony.

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

PART ZZ

Section 1. Subdivision 13 of section 220.16 of the penal law, as amended by chapter 75 of the laws of 1995, is amended and a new subdivision 14 is added to read as follows:

13. phencyclidine and said phencyclidine weighs one thousand two hundred fifty milligrams or more[~~.~~]**; or**

14. one or more preparations, compounds, mixtures or substances containing heroin and said preparations, compounds, mixtures or substances are of an aggregate weight of 1.5 grams or more, or such preparations, compounds, mixtures or substances are packaged in fifty or more containers, packets or "decks".

§ 2. Subdivision 7 of section 220.18 of the penal law, as amended by chapter 75 of the laws of 1995, is amended and a new subdivision 8 is added to read as follows:

7. methadone and said methadone weighs two thousand eight hundred eighty milligrams or more[.]; or

8. one or more preparations, compounds, mixtures or substances containing heroin and said preparations, compounds, mixtures or substances are of an aggregate weight of twelve grams or more, or such preparations, compounds, mixtures or substances are packaged in four hundred or more containers, packets or "decks".

§ 3. Subdivision 2 of section 220.21 of the penal law, as amended by chapter 75 of the laws of 1995, is amended and a new subdivision 3 is added to read as follows:

2. methadone and said methadone weighs five thousand seven hundred sixty milligrams or more[.]; or

3. one or more preparations, compounds, mixtures or substances containing heroin and said preparations, compounds, mixtures or substances are of an aggregate weight of twenty-four grams or more, or such preparations, compounds, mixtures or substances are packaged in eight hundred or more containers, packets or "decks".

§ 4. Subdivision 7 of section 220.41 of the penal law, as amended by chapter 75 of the laws of 1995, is amended and a new subdivision 8 is added to read as follows:

7. methadone and the methadone weighs three hundred sixty milligrams or more[.]; or

8. one or more preparations, compounds, mixtures or substances containing heroin and the preparations, compounds, mixtures or substances are of an aggregate weight of 1.5 grams or more, or such preparations, compounds, mixtures or substances are packaged in fifty or more containers, packets or "decks".

§ 5. Subdivision 2 of section 220.43 of the penal law, as amended by chapter 75 of the laws of 1995, is amended and a new subdivision 3 is added to read as follows:

2. methadone and the methadone weighs two thousand eight hundred eighty milligrams or more[.]; or

3. one or more preparations, compounds, mixtures or substances containing heroin and the preparations, compounds, mixtures or substances are of an aggregate weight of six grams or more, or such preparations, mixtures or substances are packaged in two hundred or more containers, packets or "decks".

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

PART AAA

Section 1. Subdivision 7 of section 220.00 of the penal law, as amended by chapter 664 of the laws of 1985, is amended to read as follows:

7. "Narcotic drug" means any controlled substance listed in schedule I(b), I(c), II(b) or II(c) other than methadone or heroin.

§ 2. The opening paragraph and subdivision 8 of section 220.06 of the penal law, the opening paragraph as amended by chapter 75 of the laws of 1995, subdivision 8 as added by chapter 264 of the laws of 2003, are amended and a new subdivision 9 is added to read as follows:

A person is guilty of criminal possession of a controlled substance in the fifth degree when he **or she** knowingly and unlawfully possesses:

8. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid, as defined in paragraph four of subdivision (e) of schedule I of section thirty-three hundred six of the public health law, and said preparations, compounds, mixtures or substances are of an aggregate weight of twenty-eight grams or more[~~.~~]**; or**

9. one or more preparations, compounds, mixtures or substances containing heroin, and said preparations, compounds, mixtures or substances are of an aggregate weight of five hundred milligrams or more.

§ 3. The opening paragraph and subdivision 15 of section 220.09 of the penal law, the opening paragraph as amended by chapter 75 of the laws of 1995 and subdivision 15 as added by chapter 264 of the laws of 2003, are amended and two new subdivisions 16 and 17 are added to read as follows:

A person is guilty of criminal possession of a controlled substance in the fourth degree when he **or she** knowingly and unlawfully possesses:

15. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid, as defined in paragraph four of subdivision (e) of schedule I of section thirty-three hundred six of the public health law, and said preparations, compounds, mixtures or substances are of an aggregate weight of two hundred grams or more[~~.~~]**; or**

16. one or more preparations, compounds, mixtures or substances containing heroin, its salts, isomers or salts of isomers and said preparations, compounds, mixtures or substances are of an aggregate weight of one gram or more; or

17. one or more preparations, compounds, mixtures or substances containing two or more controlled substances, their salts, isomers or salts of isomers, and said preparations, compounds, mixtures or substances are of an aggregate weight of three grams or more.

§ 4. The opening paragraph and subdivision 13 of section 220.16 of the penal law, as amended by chapter 75 of the laws of 1995, are amended and two new subdivisions 14 and 15 are added to read as follows:

A person is guilty of criminal possession of a controlled substance in the third degree when he **or she** knowingly and unlawfully possesses:

13. phencyclidine and said phencyclidine weighs one thousand two hundred fifty milligrams or more[~~.~~]**; or**

14. one or more preparations, compounds, mixtures or substances containing heroin, its salts, isomers or salts of isomers and said preparations, compounds, mixtures or substances are of an aggregate weight of two grams or more; or

15. one or more preparations, compounds, mixtures or substances containing two or more controlled substances, their salts, isomers or salts of isomers, and said preparations, compounds, mixtures or substances are of an aggregate weight of six grams or more.

§ 5. Subdivision 7 of section 220.18 of the penal law, as amended by chapter 75 of the laws of 1995, is amended and two new subdivisions 8 and 9 are added to read as follows:

7. methadone and said methadone weighs two thousand eight hundred eighty milligrams or more[~~.~~]**; or**

8. one or more preparations, compounds, mixtures or substances containing heroin, its salts, isomers or salts of isomers and said preparations, compounds, mixtures or substances are of an aggregate weight of five grams or more; or

9. one or more preparations, compounds, mixtures or substances containing two or more controlled substances, their salts, isomers or salts of isomers, and said preparations, compounds, mixtures or substances are of an aggregate weight of thirty-six grams or more.

§ 6. Subdivision 2 of section 220.21 of the penal law, as amended by chapter 75 of the laws of 1995, is amended and two new subdivisions 3 and 4 are added to read as follows:

2. methadone and said methadone weighs five thousand seven hundred sixty milligrams or more[~~.~~]; or

3. one or more preparations, compounds, mixtures or substances containing heroin, its salts, isomers or salts of isomers and said preparations, compounds, mixtures or substances are of an aggregate weight of twenty-five grams or more; or

4. one or more preparations, compounds, mixtures or substances containing two or more controlled substances, their salts, isomers or salts of isomers, and said preparations, compounds, mixtures or substances are of an aggregate weight of one hundred eighty grams or more.

§ 7. The opening paragraph and subdivision 9 of section 220.39 of the penal law, the opening paragraph as amended by chapter 1051 of the laws of 1973 and subdivision 9 as added by chapter 410 of the laws of 1979, are amended and two new subdivisions 10 and 11 are added to read as follows:

A person is guilty of criminal sale of a controlled substance in the third degree when he or she knowingly and unlawfully sells:

9. a narcotic preparation to a person less than twenty-one years old[~~.~~]; or

10. one or more preparations, compounds, mixtures or substances containing two or more controlled substances, their salts, isomers or salts of isomers, and said preparations, compounds, mixtures or substances are of an aggregate weight of eight grams or more; or

11. heroin.

§ 8. The opening paragraph and subdivision 7 of section 220.41 of the penal law, the opening paragraph as added by chapter 276 of the laws of 1973 and subdivision 7 as amended by chapter 75 of the laws of 1995, are amended and two new subdivisions 8 and 9 are added to read as follows:

A person is guilty of criminal sale of a controlled substance in the second degree when he or she knowingly and unlawfully sells:

7. methadone and the methadone weighs three hundred sixty milligrams or more[~~.~~]; or

8. one or more preparations, compounds, mixtures or substances containing heroin, its salts, isomers or salts of isomers and said preparations, compounds, mixtures or substances are of an aggregate weight of five grams or more; or

9. one or more preparations, compounds, mixtures or substances containing two or more controlled substances, their salts, isomers or salts of isomers, and said preparations, compounds, mixtures or substances are of an aggregate weight of sixteen grams or more.

§ 9. Section 220.43 of the penal law, as amended by chapter 785 of the laws of 1975, subdivisions 1 and 2 as amended by chapter 75 of the laws of 1995, is amended to read as follows:

§ 220.43 Criminal sale of a controlled substance in the first degree.

A person is guilty of criminal sale of a controlled substance in the first degree when he **or she** knowingly and unlawfully sells:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and the preparations, compounds, mixtures or substances are of an aggregate weight of two ounces or more; or

2. methadone and the methadone weighs two thousand eight hundred eighty milligrams or more**; or**

3. one or more preparations, compounds, mixtures or substances containing heroin, its salts, isomers or salts of isomers and said preparations, compounds, mixtures or substances are of an aggregate weight of twenty-five grams or more; or

4. one or more preparations, compounds, mixtures or substances containing two or more controlled substances, their salts, isomers or salts of isomers, and said preparations, compounds, mixtures or substances are of an aggregate weight of forty grams or more.

Criminal sale of a controlled substance in the first degree is a class A-I felony.

§ 10. Section 220.46 of the penal law, as added by chapter 896 of the laws of 1971, is amended to read as follows:

§ 220.46 Criminal injection of a narcotic drug.

A person is guilty of criminal injection of a narcotic drug when he **or she** knowingly and unlawfully possesses a narcotic drug **other than fentanyl** and he **or she** intentionally injects by means of a hypodermic syringe or hypodermic needle all or any portion of that drug into the body of another person with the latter's consent.

Criminal injection of a narcotic drug is a class E felony.

§ 11. The penal law is amended by adding a new section 220.47 to read as follows:

§ 220.47 Criminal injection of heroin or fentanyl.

A person is guilty of criminal injection of heroin or fentanyl when he or she knowingly and unlawfully possesses heroin or fentanyl and he or she intentionally injects by means of a hypodermic syringe or hypodermic needle all or any portion of that drug into the body of another person with the latter's consent.

Criminal injection of heroin or fentanyl is a class C felony.

§ 12. Section 220.60 of the penal law, as amended by chapter 276 of the laws of 1973 and subdivisions (e) and (f) as amended and subdivisions (g) and (h) as added by chapter 394 of the laws of 1974, is amended to read as follows:

§ 220.60 Criminal possession of precursors of controlled substances.

A person is guilty of criminal possession of precursors of controlled substances when, with intent to manufacture a controlled substance unlawfully, he **or she** possesses at the same time:

(a) carbamide (urea) and propanedioc and malonic acid or its derivatives; or

(b) ergot or an ergot derivative and diethylamine or dimethylformamide or diethylamide; or

(c) phenylacetone (1-phenyl-2 propanone) and hydroxylamine or ammonia or formamide or benzaldehyde or nitroethane or methylamine.

(d) pentazocine and methyliodide; or

(e) phenylacetonitrile and dichlorodiethyl methylamine or dichlorodiethyl benzylamine; or

(f) [~~diephenylacetonitrile~~] **diphenylacetonitrile** and dimethylaminoisopropyl chloride; or

(g) piperidine and cyclohexanone and bromobenzene and lithium or magnesium; or

(h) 2, 5-dimethoxy benzaldehyde and nitroethane and a reducing agent; or

(i) acetic anhydride and sodium carbonate and ammonium chloride.

Criminal [~~prossession~~] possession of precursors of controlled substances is a class E felony.

§ 13. Subdivision 1 of section 230.34 of the penal law as added by chapter 74 of the laws of 2007, is amended to read as follows:

1. unlawfully providing to a person who is patronized, with intent to impair said person's judgment: (a) a narcotic drug or a narcotic preparation; (b) concentrated cannabis as defined in paragraph (a) of subdivision four of section thirty-three hundred two of the public health law; (c) methadone; [~~or~~] (d) gamma-hydroxybutyrate (GHB) or flunitrazepan, also known as Rohypnol; or (e) heroin;

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

PART BBB

Section 1. Subdivision 7 of section 220.41 of the penal law, as amended by chapter 75 of the laws of 1995, is amended and a new subdivision 8 is added to read as follows:

7. methadone and the methadone weighs three hundred sixty milligrams or more[~~.~~]; or

8. one or more preparations, compounds, mixtures or substances containing carfentanil and said preparations, compounds, mixtures or substances are an aggregate weight of two milligrams or more.

§ 2. Subdivision 2 of section 220.43 of the penal law, as amended by chapter 75 of the laws of 1995, is amended and a new subdivision 3 is added to read as follows:

2. methadone and the methadone weighs two thousand eight hundred eighty milligrams or more[~~.~~]; or

3. one or more preparations, compounds, mixtures or substances containing carfentanil and said preparations, compounds, mixtures or substances are an aggregate weight of ten milligrams or more.

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

PART CCC

Section 1. Section 3502 of the public health law is amended by adding a new subdivision 6 to read as follows:

6. (a) (i) Notwithstanding the provisions of this section or any other provision of law, rule or regulation to the contrary, licensed practitioners, persons licensed under this article and unlicensed personnel employed at a correctional facility may, in a manner permitted by the regulations promulgated pursuant to this subdivision, utilize body imaging scanning equipment that applies ionizing radiation to humans for purposes of screening inmates committed to such facility, in connection with the implementation of such facility's security program.

(ii) The utilization of such body imaging scanning equipment shall be in accordance with regulations promulgated by the department.

(b) Prior to establishing, maintaining or operating in a correctional facility any body imaging scanning equipment, the commissioner shall ensure that such facility is in compliance with the regulations promulgated pursuant to this subdivision and otherwise applicable requirements

for the installation, registration, maintenance, operation and inspection of body imaging scanning equipment.

(c) The regulations promulgated pursuant to subparagraph (ii) of paragraph (a) of this subdivision shall include, but not be limited to:

(i) A requirement that prior to operating body imaging scanning equipment, unlicensed personnel employed at correctional facilities shall have successfully completed a training course approved by the department and that such personnel receive additional training on an annual basis;

(ii) Limitations on exposure which shall be no more than fifty percent of the annual exposure limits for non-radiation workers as specified by applicable regulations, except that inmates under the age of eighteen shall not be subject to more than five percent of such annual exposure limits, and pregnant women shall not be subject to such scanning at any time. Procedures for identifying pregnant women shall be set forth in the regulations;

(iii) Registration with the department of each body imaging scanning machine purchased or installed at a local correctional facility;

(iv) Inspection and regular reviews of the use of body imaging scanning equipment by the department; and

(v) A requirement that records be kept regarding each use of body imaging scanning equipment by the correctional facility.

(d) For the purpose of this subdivision, "body imaging scanning equipment" or "equipment" means equipment that utilizes a low dose of ionizing radiation to produce an anatomical image capable of detecting objects placed on, attached to or secreted within a person's body.

(e) For the purposes of this subdivision, "correctional facility" shall have the same meaning as found in paragraph (a) of subdivision four of section two of the correction law.

(f) For the purpose of this subdivision, "commissioner" shall have the same meaning as found in subdivision two of section two of the correction law.

(g) The state department of corrections and community supervision shall submit an annual report to the department, the speaker of the assembly, and the temporary president of the senate. Such report shall be submitted within eighteen months after the initial date of registration of such equipment with the department, and annually thereafter, and shall contain the following information as to each such facility:

(i) the number of times the equipment was used on inmates upon intake, after visits, and upon the suspicion of contraband, as well as any other event that triggers the use of such equipment;

(ii) the average, median, and highest number of times the equipment was used on any inmate, with corresponding exposure levels;

(iii) the number of times the use of the equipment detected the presence of drug contraband, weapon contraband, and any other illegal or impermissible object or substance;

(iv) incidents or any injuries or illness resulting from the use of such equipment or reported by persons scanned by such equipment; and

(v) any other information the department may reasonably require.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that this act shall expire and be deemed repealed five years after such effective date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART DDD

Section 1. Section 112 of the correction law is amended by adding a new subdivision 5 to read as follows:

5. The commissioner shall establish a contraband screening plan which shall include, but not be limited to:

(a) the random selection and search of visitors' vehicles upon entering a correctional facility's grounds;

(b) the use of a leashed and controlled canine at the entrance of each correctional facility at a minimum of twelve facilities per week on a random, but rotating basis to ensure all facilities are included;

(c) the search of visitors entering the facility which shall include, but not be limited to, electronic searches, imaging scanning searches provided such image scanning devices do not use backscatter technology, pat searches and visual searches; and

(d) the training of staff on up to date and current contraband screening procedures.

(e) The commissioner shall provide a copy of such contraband screening plan as well as the prior year's plan including but not limited to results of the canine assignments, results of the search of visitors' vehicles, number of attempts to promote contraband and the number of urine tests with results conducted statewide in each facility to the legislature by December thirty-first each year.

§ 2. This act shall take effect immediately.

PART EEE

Section 1. Section 72-c of the general municipal law, as amended by section 1 of subpart C of part C of chapter 97 of the laws of 2011, is amended to read as follows:

§ 72-c. Expenses of members of the police department**, the fire department** and other peace officers in attending police **or firefighter** training schools. The board or body of a county, city, town or village authorized to appropriate and to raise money by taxation and to make payments therefrom, is hereby authorized, in its discretion, to appropriate and to raise money by taxation and to make payments from such moneys, for the annual expenses of the members of the police department of such municipal corporation in attending a police training school, **and for the annual expenses of the members of the fire department of such municipal corporation in attendance in a firefighter training school,** as provided by the regulations of the department, either within such municipal corporation or elsewhere within the state; and for the payment of reasonable expenses of such members and other police officers [~~or~~]**,** peace officers **or firefighters** of the municipality while going to, attending, and returning from any training school conducted by or under the auspices of the federal bureau of investigation, **or, in the case of firefighters, under the auspices of the appropriate entity,** whether within or without the state. Notwithstanding any inconsistent provision of any general, special or local law to the contrary, whenever a member of the police department of a municipal corporation has attended a police training school, **or a member of the fire department of a municipal corporation has attended a firefighter training school,** the expense of which was borne by such municipal corporation, terminates employment with such municipal corporation and commences employment with any other municipal corporation or employer county sheriff, such employer municipal corporation or employer county sheriff shall reimburse the prior

employer municipal corporation for such expenses, including, salary, tuition, enrollment fees, books, and the cost of transportation to and from training school, as follows: on a pro rata basis, to be calculated by subtracting from the number of days in the three years following the date of the member's graduation from police **or firefighter** training school, the number of days between the date of the member's graduation from training school and the date of the termination of employment with the municipal corporation which paid for such training, and multiplying the difference by the per diem cost of such expenses, to be calculated by dividing the total cost of such expenses by the number of days in the three years following the date of the member's graduation, if such change in employment occurs within three years of such member's graduation from police **or firefighter** training school. Provided, however, the employer municipal corporation or employer county sheriff shall not be required to reimburse the prior employer municipal corporation for that portion of such expenses which is reimbursable by the member to the prior employer municipal corporation under the terms of an employment or labor agreement. Provided, further, however, the employer municipal corporation or employer county sheriff shall not be required to reimburse the prior employer municipal corporation for such basic training if such change in employment occurs after the expiration of the validity of the member's certificate attesting to the satisfactory completion of an approved municipal police **or firefighter** basic training program.

§ 2. This act shall take effect immediately.

PART FFF

Section 1. Section 212 of the retirement and social security law is amended by adding a new subdivision 4 to read as follows:

4. Notwithstanding the provisions of subdivisions one and two of this section, such annual earnings limitations for a retired police officer employed by a school district or a board of cooperative educational services, in either the classified or unclassified service as a school resource officer, school safety officer, school security officer or any other substantially similar position or office that is designed to provide safety and/or security on school grounds, provided that such retired police officer is duly qualified, competent and physically fit for performance of the duties of the position in which he or she is to be employed as determined by the school district and is properly certified where such certification is required, shall be fifty thousand dollars for the year two thousand eighteen and thereafter.

§ 2. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill will allow retired police officers to be employed by a school district as a school safety officer, school security officer or any other substantially similar position for an annual salary of less than $50,000 and continue to receive their full retirement benefit. Currently, this privilege is only allowed to retired police officers who are employed as a school resource officer.

If this bill is enacted, insofar as it will affect the New York State and Local Police and Fire Retirement System, we expect few retirees to be affected. There would be negligible additional annual costs.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2016 actuarial valuation. Distributions and other statistics can be found in the 2016

Report of the Actuary and the 2016 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015 and 2016 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2016 New York State and Local Retirement System Financial Statements and Supplementary Information.

This estimate, dated February 23, 2018 and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 1, prepared by the New York State Senate Standing Committee on Finance.

PART GGG

Section 1. This Part enacts into law components of legislation relating to school safety. Each component is wholly contained within a Subpart identified as Subparts A through D. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this Part sets forth the general effective date of this Part.

SUBPART A

Section 1. Section 490.00 of the penal law, as added by chapter 300 of the laws of 2001, is amended to read as follows:

§ 490.00 Legislative findings.

The devastating consequences of the recent barbaric attack on the World Trade Center and the Pentagon underscore the compelling need for legislation that is specifically designed to combat the evils of terrorism. Indeed, the bombings of American embassies in Kenya and Tanzania in 1998, the federal building in Oklahoma City in 1995, Pan Am Flight number 103 in Lockerbie in 1988, the 1997 shooting atop the Empire State Building, the 1994 murder of Ari Halberstam on the Brooklyn Bridge [~~and~~], the 1993 bombing of the World Trade Center, **and the mass shootings in San Bernardino, California and Charleston, South Carolina in 2015, the Orlando nightclub in 2016, the Las Vegas strip in 2017, and at Marjory Stoneman Douglas High School in Parkland, Florida in 2018, among others,** will forever serve to remind us that terrorism is a serious and deadly problem that disrupts public order and threatens individual safety both at home and around the world. Terrorism is inconsistent with civilized society and cannot be tolerated.

Although certain federal laws seek to curb the incidence of terrorism, there are no corresponding state laws that facilitate the prosecution and punishment of terrorists in state courts. Inexplicably, there is also no criminal penalty in this state for a person who solicits or raises funds for, or provides other material support or resources to, those who commit or encourage the commission of horrific and cowardly acts of terrorism. Nor do our criminal laws proscribe the making of terrorist threats or punish with appropriate severity those who hinder the prosecution of terrorists. Finally, our death penalty statute must

be strengthened so that the cold-blooded execution of an individual for terrorist purposes is a capital offense.

A comprehensive state law is urgently needed to complement federal laws in the fight against terrorism and to better protect all citizens against terrorist acts **and mass shootings**. Accordingly, the legislature finds that our laws must be strengthened to ensure that terrorists, as well as those who solicit or provide financial and other support to terrorists, are prosecuted and punished in state courts with appropriate severity.

§ 2. Subdivision 1 of section 490.05 of the penal law, as added by chapter 300 of the laws of 2001, is amended to read as follows:

1. "Act of terrorism":

(a) for purposes of this article means**: (i)** an act or acts constituting a specified offense as defined in subdivision three of this section for which a person may be convicted in the criminal courts of this state pursuant to article twenty of the criminal procedure law, or an act or acts constituting an offense in any other jurisdiction within or outside the territorial boundaries of the United States which contains all of the essential elements of a specified offense, that is intended to:

[~~(i)~~] **(A)** intimidate or coerce a civilian population;

[~~(ii)~~] **(B)** influence the policy of a unit of government by intimidation or coercion; or

[~~(iii)~~] **(C)** affect the conduct of a unit of government by murder, assassination or kidnapping; or

(ii) the knowing, unlawful discharge of a firearm with the intent to cause physical harm or death to another person, or damage to private or public property:

(A) within a distance of one thousand feet from the grounds of a public, parochial or private school; or

(B) within a distance of one thousand feet from the grounds of a place of worship; or

(C) in a place of business with one or more employees; or

(D) within one thousand feet of a mass gathering of more than twenty-five people.

(b) for purposes of subparagraph (xiii) of paragraph (a) of subdivision one of section 125.27 of this chapter means**: (i)** activities that involve a violent act or acts dangerous to human life that are in violation of the criminal laws of this state and are intended to:

[~~(i)~~] **(A)** intimidate or coerce a civilian population;

[~~(ii)~~] **(B)** influence the policy of a unit of government by intimidation or coercion; or

[~~(iii)~~] **(C)** affect the conduct of a unit of government by murder, assassination or kidnapping[~~.~~]**; or**

(ii) the knowing, unlawful discharge of a firearm with the intent to cause physical harm or death to another person, or damage to private or public property:

(A) within a distance of one thousand feet from the grounds of a public, parochial or private school; or

(B) within a distance of one thousand feet from the grounds of a place of worship; or

(C) in a place of business with one or more employees; or

(D) within one thousand feet of a mass gathering of more than twenty-five people.

§ 3. Subdivision 1 of section 490.25 of the penal law, as added by chapter 300 of the laws of 2001, is amended to read as follows:

1. A person is guilty of a crime of terrorism when, with intent to intimidate or coerce a civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government, school, house of worship or business or mass gathering by murder, assassination or kidnapping, he or she commits a specified offense.

§ 4. The executive law is amended by adding a new article 26-A to read as follows:

ARTICLE 26-A

NEW YORK STATE INTELLIGENCE CENTER

Section 730. The New York state intelligence center.
731. Definitions.
732. Operation of center.
733. Collection of criminal intelligence information.
734. Confidentiality and immunity from service of process; penalties.
735. Receipt of information; immunity from liability.
736. Collection of information prohibited; exceptions; oversight.
737. Fusion operation centers of the New York state intelligence center.

§ 730. The New York state intelligence center. 1. There is hereby established a New York state intelligence center in the division of state police.

2. The New York state intelligence center shall receive; process; collect; integrate; evaluate; analyze; fuse; disseminate; maintain and share intelligence information and other information to support governmental agencies and private organizations in detecting, preventing, investigating, responding to and recovering from criminal and terrorist activity in compliance with applicable state and federal laws, rules and regulations.

3. It shall be the major purpose of the New York state intelligence center to:

(a) receive, process, collect, integrate, evaluate, analyze, fuse, disseminate, maintain and share intelligence information in a timely manner;

(b) receive, process, collect, integrate, evaluate, analyze, fuse, disseminate, maintain and share all terrorism related intelligence; conduct threat and vulnerability assessments; and disseminate intelligence accordingly;

(c) ensure, and enhance connectivity of federal, state, and local partners to the New York state intelligence center, as well as to regional and local fusion centers in support of information sharing and analysis in accordance with the national strategy for information sharing and safeguarding;

(d) expand outreach and information-sharing efforts beyond the law enforcement community, to include fire, public health, EMS, emergency management, the private sector, and other relevant and affected entities as individuals in accordance with the national strategy for information sharing and safeguarding;

(e) augment private sector outreach efforts to critical infrastructure sectors and at-risk businesses;

(f) increase public awareness and suspicious activity reporting through ongoing outreach and education on security issues, to include community organizations, private security partners, and the general public;

(g) enhance statewide, regional and local planning efforts to ensure ongoing information sharing and to identify information sharing gaps through needs assessments in accordance with the national strategy for information sharing and safeguarding;

(h) ensure the presence and security of information, as well as, technology and systems to facilitate information security, and appropriate information sharing and analysis;

(i) conduct training and exercises to build and test intelligence collection and management of information sharing and intelligence capabilities;

(j) promote the hiring, training and use of intelligence analysts in support of state homeland security strategy;

(k) provide further support to statewide and federal initiatives that foster and promote the collection, management and safeguarding of the sharing of information and intelligence;

(l) facilitate the obtainment of security clearances for key personnel and policymakers whose duties require access to classified information;

(m) improve situational awareness by providing classified briefings and information to cleared personnel;

(n) prevent acts of terrorism as defined pursuant to federal law and article four hundred ninety of the penal law;

(o) expand information sharing and collaboration through the establishment of partnerships with academic institutions involved in homeland security, terrorism studies, intelligence and related fields of study.

§ 731. Definitions. As used in this article:

1. "Collect" means to solicit or receive.

2. "Intelligence information" means data that has been evaluated and determined to be relevant to the identification of criminal and/or terrorist activity of individuals or organizations that are reasonably suspected of involvement in such activity.

3. "Division" means division of state police.

§ 732. Operation of center. 1. The division shall operate the New York state intelligence center under the direction of the governor.

2. The division shall cooperate, subject to applicable state and federal laws, rules and regulations with:

(a) the division of homeland security and emergency services;

(b) local, state, or federal government agencies including but not limited to:

(i) representatives of New York state agencies, including but not limited to, the division of homeland security and emergency services; the division of military and naval affairs and its component commands; the department of education; the metropolitan transportation authority; the department of correctional services; the division of criminal justice services; the department of financial services; the department of motor vehicles; the division of parole; and such other and further entities as the superintendent of state police deems prudent;

(ii) representatives of local government and schools, including but not limited to, the police department of the city of New York; the police department of the city of Albany; the police department of the city of Buffalo; the department of education of the city of New York; the Albany city school district; the Buffalo city school district; the department of environmental protection of the city of New York; the Schenectady county probation department; and such other and further entities as the superintendent of state police deems prudent;

(iii) invited representatives of the federal government, including but not limited to, the United States department of homeland security; the

federal bureau of investigation; the United States department of justice; the drug enforcement administration; the bureau of alcohol, tobacco, firearms, explosives; the United States border patrol; the United States customs and border protection; U.S. immigration and customs enforcement; the school security administration; the office of the United States attorney for the northern district of New York; the office of the United States attorney for the southern district of New York; the office of the United States attorney for the western district of New York; and such other and further entities as the superintendent of state police deems prudent; and

(c) private organizations.

§ 733. Collection of intelligence information. The New York state intelligence center may collect intelligence information if:

1. reasonable suspicion exists that the subject of the intelligence information is involved with or has knowledge of possible criminal or terrorist activity; or

2. the intelligence information is relevant to criminal or terrorist activity or may reasonably lead to information relevant to criminal or terrorist activity.

§ 734. Confidentiality and immunity from service of process; penalties. 1. Papers, records, documents, reports, materials, databases, or other evidence or information relative to intelligence or any terrorism investigation in the possession of the New York state intelligence center shall be confidential and shall not be subject to the freedom of information law. The division shall conduct an annual review of information contained in any database maintained by the New York state intelligence center. Data determined to not have a nexus to terrorist activity shall be removed from such database. A reasonable suspicion standard shall be applied when determining whether or not information has a nexus to terrorist activity.

2. No person, having access to information maintained by the New York state intelligence center, shall be subject to subpoena in a civil action in any court of the state to testify concerning a matter of which he has knowledge pursuant to his access to criminal intelligence information maintained by the New York state intelligence center.

3. No person or agency receiving information from the New York state intelligence center shall release or disseminate that information without prior authorization from the New York state intelligence center.

4. Any person who knowingly disseminates information in violation of this section is guilty of a class D felony.

5. Any person who knowingly disseminates information in violation of this section is guilty of a class B felony if such dissemination results in death or serious bodily injury to another person.

§ 735. Receipt of information; immunity from liability. 1. No cause of action for defamation, invasion of privacy, or negligence shall arise against any person for reason of that person's furnishing of information concerning any suspected, anticipated, or completed criminal violation when the information is provided to or received from the division or any federal or state governmental entity established for the purposes of detecting and preventing acts of terrorism.

2. No person shall be subject to such cause of action for cooperating with, or furnishing evidence or information regarding any suspected criminal violation to, the division.

3. This section shall not provide immunity for those disclosing or furnishing false information with malice or willful intent to injure any person.

4. This section does not abrogate or modify in any way common law or statutory privilege or immunity heretofore enjoyed by any person or entity.

§ 736. Collection of information prohibited; exceptions; oversight. 1. The division shall not collect, maintain or share with any other law enforcement agency, information about the political or religious associations, views or activities of a person unless:

(a) the information directly relates to an investigation of criminal or terrorist activity; or

(b) there are reasonable grounds to believe that the subject of the information is involved in the criminal or terrorist activity; or

(c) there are reasonable grounds to believe that the subject of the information will lead to information relevant to criminal or terrorist activity.

2. Information about a person's political or religious associations, views or activities that is collected or maintained by the division shall be destroyed if:

(a) a criminal charge, to which the information is material or directly related, is not brought against the person within five years from the date of the collection of the information;

(b) a criminal charge, to which the information is material or directly related, was brought and has resulted in a dismissal, failure to prosecute, or acquittal; or

(c) the information was collected or maintained in violation of subdivision one of this section.

§ 737. Fusion operation centers of the New York state intelligence center. 1. The New York state intelligence center shall operate no less than three fusion operation centers to perform its proscribed roles, duties and functions as described in this article. Such fusion operation centers shall operate in accordance with this article and all relevant federal laws, rules and regulations pertaining to fusion centers and the national strategy for information sharing and safeguarding. Where any portion of this article shall be deemed inconsistent with relevant federal laws, rules and regulations pertaining to fusion centers and the national strategy for information sharing and safeguarding, the superintendent of state police, by regulation, may amend the practices, roles, duties and functions of the New York state intelligence center to be consistent with such federal laws, rules and regulations pertaining to fusion centers and the national strategy for information sharing and safeguarding, so as to continue the sharing of information and intelligence with federal authorities.

2. The New York state intelligence center shall operate fusion operation centers in Albany county, Erie county, the city of New York, and such other and further locations as the superintendent of state police deems prudent and within budget appropriations therefor.

§ 5. If any item, clause, sentence, subparagraph, subdivision, section or other part of this act, or the application thereof to any person or circumstances shall be held to be invalid, such holding shall not affect, impair or invalidate the remainder of this act, or the application of such section or part of a section held invalid, to any other person or circumstances, but shall be confined in its operation to the item, clause, sentence, subparagraph, subdivision, section or other part of this act directly involved in such holding, or to the person and circumstances therein involved.

§ 6. This act shall take effect immediately.

SUBPART B

Section 1. Section 2.10 of the criminal procedure law is amended by adding a new subdivision 85 to read as follows:

85. Retired police officers employed by a school district, nonpublic school, charter school, or a board of cooperative educational services, as a school resource officer; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

§ 2. This act shall take effect immediately.

SUBPART C

Section 1. Subdivision 5 of section 240.60 of the penal law, as added by chapter 561 of the laws of 1999, is amended to read as follows:

5. Knowing the information reported, conveyed or circulated to be false or baseless and under circumstances in which it is likely public alarm or inconvenience will result, he or she initiates or circulates a report or warning of an alleged occurrence or an impending occurrence of a fire, an explosion, [~~or~~] the release of a hazardous substance**, or an intentional act or continuing course of action that would cause serious physical harm to ten or more people,** upon school grounds and it is likely that persons are present on said grounds.

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

SUBPART D

Section 1. Short title. This act shall be known and may be cited as "Suzanne's Law".

§ 2. The penal law is amended by adding a new section 70.12 to read as follows:

§ 70.12 Sentence of imprisonment for a crime committed against a person on school grounds.

1. Definition of a crime committed against a person on school grounds. The term "a crime committed against a person on school grounds" shall mean any crime defined in section 120.05 (assault in the second degree), 120.06 (gang assault in the second degree), 120.07 (gang assault in the first degree), 120.08 (assault on a peace officer, police officer, fireman or emergency medical services professional), 120.10 (assault in the first degree), 120.11 (aggravated assault upon a police officer or a peace officer), 120.12 (aggravated assault upon a person less than eleven years old), 120.13 (menacing in the first degree), 130.25 (rape in the third degree), 130.30 (rape in the second degree), 130.35 (rape in the first degree), 130.40 (criminal sexual act in the third degree), 130.45 (criminal sexual act in the second degree), 130.50 (criminal sexual act in the first degree), 130.65 (sexual abuse in the first degree), 130.66 (aggravated sexual abuse in the third degree), 130.67 (aggravated sexual abuse in the second degree), 130.70 (aggravated sexual abuse in the first degree), 130.75 (course of sexual conduct against a child in the first degree), 130.80 (course of sexual conduct against a child in the second degree), 130.95 (predatory sexual assault), 130.96 (predatory sexual assault against a child), 135.10 (unlawful imprisonment in the first degree), 135.20 (kidnapping in the second degree), 135.25 (kidnapping in the first degree) or 135.65 (coercion in the first

degree) of this chapter, or any attempt or conspiracy to commit any of the foregoing crimes, when the crime (a) constitutes a felony and (b) occurs on school grounds. For purposes of this section, "school grounds" shall mean (i) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private nursery school, daycare facility, elementary, parochial, intermediate, junior high, vocational, high school, trade school, junior college, community college, college, university or other institution of higher education, or (ii) any area accessible to the public located within one thousand feet of the real property boundary line comprising any such school or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising any such school. For the purposes of this section, "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

2. Authorized sentence. (a) Notwithstanding any other provision of law, when a person is convicted of a crime committed against a person on school grounds which is a class C, D, or E felony, the crime shall be deemed to be one category higher than the crime the person committed, or attempted or conspired to commit.

(b) Notwithstanding any other provision of law, when a person is convicted of a crime committed against a person on school grounds which is a class B felony:

(i) the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of this article;

(ii) the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of this article;

(iii) the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of this article;

(iv) the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to section 70.05 of this article; and

(v) the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of this article.

§ 3. The highway law is amended by adding a new section 318 to read as follows:

§ 318. Assault and abduction free school zone signs. The state, any political subdivision of the state and any other public or private entity having jurisdiction over any highway within school grounds, as defined in subdivision one of section 70.12 of the penal law, may, upon the request of the appropriate school authority, place, cause to be placed, or permit to be placed within the right of way of such highway signs indicating an assault and abduction free school zone.

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

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

that this act would have been enacted even if such invalid provisions had not been included herein.

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

PART HHH

Section 1. Subdivision 3 of section 215 of the executive law, as amended by chapter 478 of the laws of 2004, is amended to read as follows:

3. The sworn members of the New York state police shall be appointed by the superintendent and permanent appointees may be removed by the superintendent only after a hearing. **Members who have been assigned or appointed as investigators or senior investigators in the bureau of criminal investigation or as a station commander, zone commander, zone sergeant, first sergeant, staff sergeant, chief technical sergeant, technical lieutenant, captain or major for a period of three continuous years or more may be removed or demoted from such assignment or appointment only after a hearing, the procedure of which shall be in accordance with regulations adopted by the superintendent of state police; provided, however, that a hearing shall not be required when reduction in rank from such position is based solely on reasons of the economy, consolidation or abolition of functions, or curtailment of activities.** No person shall be appointed to the New York state police force as a sworn member unless he or she shall be a citizen of the United States, between the ages of twenty-one and twenty-nine years except that in the superintendent's discretion, the maximum age may be extended to thirty-five years. Notwithstanding any other provision of law or any general or special law to the contrary the time spent on military duty, not exceeding a total of six years, shall be subtracted from the age of any applicant who has passed his or her twenty-ninth birthday, solely for the purpose of permitting qualification as to age and for no other purpose. Such limitations as to age however shall not apply to persons appointed to the positions of counsel, first assistant counsel, assistant counsel, and assistant deputy superintendent for employee relations nor to any person appointed to the bureau of criminal investigation pursuant to section two hundred sixteen of this article nor shall any person be appointed unless he or she has fitness and good moral character and shall have passed a physical and mental examination based upon standards provided by the rules and regulations of the superintendent. Appointments shall be made for a probationary period which, in the case of appointees required to attend and complete a basic training program at the state police academy, shall include such time spent attending the basic school and terminate one year after successful completion thereof. All other sworn members shall be subject to a probationary period of one year from the date of appointment. Following satisfactory completion of the probationary period the member shall be a permanent appointee. Voluntary resignation or withdrawal from the New York state police during such appointment shall be submitted to the superintendent for approval. Reasonable time shall be required to account for all equipment issued or for debts or obligations to the state to be satisfied. Resignation or withdrawal from the division during a time of emergency, so declared by the governor, shall not be approved if contrary to the best interest of the state and shall be a misdemeanor. No sworn member removed from the New York state police shall be eligible for reappoint-

ment. The superintendent shall make rules and regulations subject to approval by the governor for the discipline and control of the New York state police and for the examination and qualifications of applicants for appointment as members thereto and such examinations shall be held and conducted by the superintendent subject to such rules and regulations. The superintendent is authorized to charge a fee of twenty dollars as an application fee for any person applying to take a competitive examination for the position of trooper, and a fee of five dollars for any competitive examination for a civilian position. The superintendent shall promulgate regulations subject to the approval of the director of the budget, to provide for a waiver of the application fee when the fee would cause an unreasonable hardship on the applicant and to establish a fee schedule and charge fees for the use of state police facilities.

§ 2. This act shall take effect immediately.

PART III

Section 1. Section 607-c of the retirement and social security law is amended by adding a new subdivision g to read as follows:

g. Any sheriff, deputy sheriff, undersheriff, or correction officer as defined in subdivision a of section sixty-three-b of this chapter, and who is employed in Nassau county, who becomes physically or mentally incapacitated for the performance of duties as the natural and proximate result of an injury, sustained in the performance or discharge of his or her duties by, or as the natural and proximate result of an intentional or reckless act of any civilian visiting, or otherwise present at, an institution under the jurisdiction of such county where such injury was sustained and documented after the enactment of this section, shall be paid a performance of duty disability retirement allowance equal to that which is provided in section sixty-three of this chapter, subject to the provisions of section sixty-four of this chapter. Notwithstanding any other provision of law to the contrary, none of the provisions of this subdivision shall be subject to section twenty-five of this chapter.

§ 2. All past service costs associated with implementing the provisions of this act will be borne by Nassau county, and may be amortized over a ten year period.

§ 3. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill will allow any sheriff, undersheriff, deputy sheriff, or correction officer employed by Nassau County to become eligible to receive a performance of duty benefit due to the intentional or reckless act of a civilian visiting an institution under the jurisdiction of such county. The benefit will be 75% of final average salary less worker's compensation. Currently, to be eligible for such improved benefit, it is required that such injuries were sustained as the result of an "act of an inmate". Such injuries must be sustained and documented after the enactment of this legislation.

If this legislation is enacted during the 2018 legislative session, we anticipate that there will be an increase in the annual contributions of Nassau County of approximately $210,000 for the fiscal year ending March 31, 2019.

In addition to the annual contributions discussed above, it is estimated that there will be a past service cost of approximately $1.22 million which would be borne by Nassau County as a one-time payment. This estimate is based on the assumption that payment will be made on

February 1, 2019. If Nassau County elects to amortize this cost over a 10 year period, the cost for the first year would be $162,000.

These estimated costs are based on 880 sheriffs, undersheriffs, deputy sheriffs and correction officers employed by Nassau County with a total estimated annual salary of approximately $96 million for the fiscal year ending March 31, 2017.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016 and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated November 15, 2017, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-8, prepared by the Actuary for the New York State and Local Retirement System.

PART JJJ

Section 1. Subdivision c of section 500 of the retirement and social security law, as amended by section 9-a of part A of chapter 504 of the laws of 2009, is amended to read as follows:

c. If the comptroller certifies that the contribution rate under this article for any participating employer who is participating on the effective date hereof would be at least one percent higher than the rate which would be applicable to such employer for an employee who is subject to article eleven of this chapter and who was hired prior to July first, nineteen hundred seventy-six, the provisions of this article shall not apply with respect to such participating employer, provided, however that members who first join the New York state and local police and fire retirement system on or after January first, two thousand ten**, members who first join the New York city police pension fund or the New York city fire department pension fund on or after April first, two thousand eighteen, and police/fire members as that term is defined in section five hundred one of this article who have made an election to be subject to the provisions of article twenty-two of this chapter pursuant to subdivision b of section twelve hundred five of this chapter,** shall not be subject to the provisions of this article. In such event, the provisions of article eleven and article twenty-two of this chapter shall continue to be applicable to such participating employer and its employees, as provided in section four hundred fifty-one of this chapter. If, as a result of actuarial experience, such employer's contribution rate should increase to the extent that it is not at least one percent lower than the contribution rate under this article, then, upon certification of such fact by the comptroller, the provisions of this subdivision shall no longer apply with respect to the employees of such employer who thereafter first join or rejoin a public retirement system.

§ 2. Section 1200 of the retirement and social security law, as added by section 1 of part A of chapter 504 of the laws of 2009, is amended to read as follows:

§ 1200. Definitions. For purposes of this article the terms:

a. "Member" shall mean a person who is employed as a police officer or firefighter by any employer **other than the city of New York** who first joins [~~the~~] **a** retirement system on or after January first, two thousand ten**, a person who is employed as a police officer or firefighter by the city of New York who first joins a retirement system on or after April first, two thousand eighteen, or a police/fire member as that term is defined in section five hundred one of this chapter who has made an election, pursuant to subdivision b of section twelve hundred five of this article, to be subject to the provisions of this article**.

b. "Retirement system" shall mean the New York state and local police and fire retirement system**, the New York city police pension fund, or the New York city fire department pension fund**.

§ 3. Section 1201 of the retirement and social security law, as added by section 1 of part A of chapter 504 of the laws of 2009, is amended to read as follows:

§ 1201. Applicability. Notwithstanding any provision of law to the contrary, the provisions of this article shall be applicable to all [~~employees in the retirement system who first joined such system on or after January first, two thousand ten~~] **members of a retirement system as those terms are defined in section twelve hundred of this article**.

§ 4. Section 1204 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

§ 1204. Member contributions. Members who are subject to the provisions of this article shall contribute three percent of annual wages to the retirement system in which they have membership, except that beginning April first, two thousand thirteen for members who first become members of the New York state and local police and fire retirement system on or after April first, two thousand twelve**; beginning April first, two thousand eighteen for members who first become members of the New York city police pension fund or the New York city fire department pension fund on or after April first, two thousand eighteen; and for members who have made an election to be subject to the provisions of this article pursuant to subdivision b of section twelve hundred five of this article, beginning on the date that such election is filed with the administrative head of the pension fund**, the rate at which each such member shall contribute in any current plan year (April first to March thirty-first) shall be determined by reference to the wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year as follows:

a. members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages;

b. members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages;

c. members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages;

d. members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages; and

e. members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages.

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first) in which such member has established membership in [~~the New York state and local police and fire~~] a retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer. Effective April first, two thousand twelve, all members subject to the provisions of this article shall not be required to make member contributions on annual wages excluded from the calculation of final average salary pursuant to section [~~1203~~] twelve hundred three of this article. Nothing in this section, however, shall be construed or deemed to allow members to receive a refund of any member contributions on such wages paid prior to April first, two thousand twelve.

Members who are enrolled in a retirement plan that limits the amount of creditable service a member can accrue shall not be required to make contributions pursuant to this section after accruing the maximum amount of service credit allowed by the retirement plan in which they are enrolled. The state comptroller, or for the New York city police pension fund and the New York city fire department pension fund, the board of trustees, shall promulgate such regulations as may be necessary and appropriate with respect to the deduction of such contribution from members' wages and for the maintenance of any special fund or funds with respect to amounts so contributed. In no way shall the member contributions made pursuant to this section be used to provide for pension increases or annuities of any kind.

§ 5. Section 1205 of the retirement and social security law, as added by section 1 of part A of chapter 504 of the laws of 2009, is amended to read as follows:

§ 1205. Recalculation of benefits. a. Notwithstanding any other provision of law, any member who has joined the New York state and local police and fire retirement system pursuant to the provisions of article fourteen of this chapter on or after July first, two thousand nine may elect to have his or her retirement benefits calculated pursuant to this article by filing within one hundred twenty days of the effective date of [~~this section~~] the chapter of the laws of two thousand eighteen which amended this subdivision a request for such calculation with the retirement system in the form and manner prescribed by the state comptroller.

b. Notwithstanding any provision to the contrary in subdivision a of this section, or any other provision of law, any police/fire member as that term is defined in section five hundred one of this chapter may make an election, which shall be irrevocable and shall be duly executed and filed with the administrative head of the retirement system no later than one hundred twenty days after the effective date of this subdivision, to be subject to the provisions of this article and have his or her retirement benefits calculated pursuant to this article. No member contributions shall be refunded.

§ 6. Section 1206 of the retirement and social security law, as added by section 1 of part A of chapter 504 of the laws of 2009, is amended to read as follows:

§ 1206. Conflicting provisions. Except as otherwise provided in this article, or in conflict therewith, the provisions of article eleven of this chapter and title thirteen of the administrative code of the city of New York, including any plan that has been elected by the employer or is otherwise applicable under article eight of this chapter or title

thirteen of the administrative code of the city of New York shall govern the retirement benefits provided under this article. In the event of any conflict between the provisions of this article and any other provision of law, this article shall govern.

§ 7. Paragraph 2 of subdivision a of section 1207 of the retirement and social security law, as added by chapter 303 of the laws of 2017, is amended to read as follows:

2. A member who first joins such system on or after January first, two thousand eighteen in active service who has credit for at least one year of member service may borrow, no more than once during each twelve month period, an amount, not less than one thousand dollars and which would not cause the balance owed pursuant to this section, including any amounts borrowed then outstanding, to exceed (i) fifty percent of the member's total contributions made pursuant to section [~~five hundred seventeen of this chapter~~] twelve hundred four of this article or any other article of this chapter (including interest credited at the rate set forth in subdivision c of such section five hundred seventeen of this chapter compounded annually); or (ii) fifty thousand dollars, whichever is less.

§ 8. Section 1209 of the retirement and social security law, as added by chapter 18 of the laws of 2012, is amended to read as follows:

§ 1209. Final average salary. For members who first become members of the New York state and local police and fire retirement system on or after April first, two thousand twelve, members who first join the New York city police pension fund or the New York city fire department pension fund on or after April first, two thousand eighteen, and members who have made an election to be subject to the provisions of this article pursuant to subdivision b of section twelve hundred five of this article, a member's final average salary shall be equal to one-fifth of the highest total wages earned by such member during any continuous period of employment for which the member was credited with five years of service credit; provided, however, if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous four years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. Wages in excess of the annual salary paid to the governor pursuant to section three of article four of the state constitution shall be excluded from the computation of final average salary for members who first become members of the New York state and local police and fire retirement system on or after April first, two thousand twelve.

§ 9. Section 1210 of the retirement and social security law, as added by chapter 18 of the laws of 2012, is amended to read as follows:

§ 1210. Wages. For members who first become members of the New York state and local police and fire retirement system on or after April first, two thousand twelve, members who first join the New York city police pension fund or the New York city fire department pension fund on or after April first, two thousand eighteen, and members who have made an election to be subject to the provisions of this article pursuant to subdivision b of section twelve hundred five of this article, the following items shall not be included in the definition of wages: a. wages in excess of the annual salary paid to the governor pursuant to section three of article four of the state constitution, b. lump sum payments for deferred compensation, sick leave, accumulated vacation or other credits for time not worked, c. any form of termination pay, d. any additional compensation paid in anticipation of retirement, and e.

in the case of employees who receive wages from three or more employers in a twelve month period, the wages paid by the third and each successive employer.

§ 10. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50: This part of S.7505-B would provide that members of the New York City Police and Fire Department who are hired after April 1, 2018 are members of the Police and Fire Retirement plan provided pursuant to Article 22 of the Retirement and Social Security Law (otherwise known as "Tier II"). It would further provide that current members who were hired on or after January 1, 2010, have a one-time option to make an irrevocable election to become members of Tier II. The purpose of this bill is to give Police and Fire members of Tier III and Tier III-Modified an opportunity to transfer to Tier II, which was allowed to expire on 2009.

There were 10,780 active members of the New York City FIRE retirement system effective June 30, 2015, but the population of firefighters who are members of Tier III or Tier III-Modified is unknown based upon a review of the FDNY Comprehensive Annual Report ending December 31, 2017. For the City Fiscal Year ending June 30, 2017, there are projected to be 13,163 New York City Police Tier III members. Hence, the total population affected by this legislation is unknown. The number of eligible members that will elect to transfer to Tier II is unknown and how many new hires there will be in both Police and Fire in the short to intermediate term is also unknown.

PART KKK

Section 1. The volunteer firefighters' benefit law is amended by adding a new section 7-b to read as follows:

§ 7-b. Payment of death benefits. 1. All death benefits payable under section seven of this article shall be paid to the person or persons entitled to such benefit within ninety days of the date such person or persons files an application with the workers' compensation board to receive such benefit, except if the employer or insurance carrier files a notice of controversy with the chair of the workers' compensation board in accordance with section twenty-five of the workers' compensation law; provided that if there is a discrepancy in the claim for benefits that would prevent the claim from being processed within ninety days, the workers' compensation board shall provide written notice to the claimant within such ninety day period explaining the discrepancy and why the claim cannot be processed within the ninety day period.

2. The workers' compensation board shall conduct outreach services to provide coordinated information to the person or persons entitled to a death benefit payable under section seven of this article regarding assistance available to help such person or persons with the death benefit program's application procedures.

§ 2. The volunteer ambulance workers' benefit law is amended by adding a new section 7-b to read as follows:

§ 7-b. Payment of death benefits. 1. All death benefits payable under section seven of this article shall be paid to the person or persons entitled to such benefit within ninety days of the date such person or persons files an application with the workers' compensation board to receive such benefit, except if the employer or insurance carrier files a notice of controversy with the chair of the workers' compensation board in accordance with section twenty-five of the workers' compensation law; provided that if there is a discrepancy in the claim for

benefits that would prevent the claim from being processed within ninety days, the workers' compensation board shall provide written notice to the claimant within such ninety day period explaining the discrepancy and why the claim cannot be processed within the ninety day period.

2. The workers' compensation board shall conduct outreach services to provide coordinated information to the person or persons entitled to a death benefit payable under section seven of this article regarding assistance available to help such person or persons with the death benefit program's application procedures.

§ 3. This act shall take effect immediately.

PART LLL

Section 1. The executive law is amended by adding a new section 45-a to read as follows:

§ 45-a. Deceased police officer, firefighter and emergency medical services family housing assistance program. 1. For the purposes of this section:

(a) "Deceased public protection employee" means: (1) a police officer, as defined in subdivision thirty-four of section 1.20 of the criminal procedure law who died as the natural and proximate result of the performance of his or her duties as a police officer;

(2) a paid municipal firefighter who died as the natural and proximate result of the performance of his or her duties as a firefighter; or

(3) a paid member of a municipal emergency medical service who died as the natural and proximate result of the performance of his or her duties while providing emergency medical services.

(b) "Department" means the department of audit and control.

(c) "Family" means the spouse and/or any dependent of a deceased public protection employee, when fifty-one or more percent of the income for the support of such spouse and/or dependent was attributable to income earned by the deceased public protection employee while he or she was alive.

(d) "Housing expense" means, the monthly rent paid for the primary residence of the family of a deceased public protection employee, or the monthly payment upon a bond or note secured by a mortgage upon the primary residence of the family of a deceased public protection employee.

2. There shall be established, in the department, the deceased police officer, firefighter and emergency medical services family housing assistance program. The purpose of such program shall be to provide monthly payments to the families of deceased public protection employees for their housing expenses. Provided that:

(a) no such monthly payment to any family of a deceased public protection employee shall exceed one thousand dollars;

(b) such monthly payments to any family of a deceased public protection employee shall not be paid for any period in excess of ten years;

(c) no such monthly payment shall exceed the housing expense of a family of a deceased public protection employee; and

(d) the department shall annually review each such family's eligibility for monthly payments pursuant to this section.

3. A family of a deceased public protection employee seeking monthly payments for its housing expenses pursuant to this section shall submit an application to the department in such form and having such content as shall be determined by the comptroller by rule. The department shall

thereafter make a determination upon each application within thirty days of the receipt thereof. In the event of the denial of an application, the department shall provide the applicant with the reason or reasons for such denial in writing.

4. The comptroller shall promulgate and implement such rules and regulations as he or she shall deem to be necessary to implement the provisions of this section.

§ 2. The state finance law is amended by adding a new section 85 to read as follows:

§ 85. Deceased police officer, firefighter and emergency medical services family housing fund. 1. There is hereby established in the custody of the state comptroller a special fund to be known as the "deceased police officer, firefighter and emergency medical services family housing fund".

2. Such fund shall consist of all moneys appropriated, credited or transferred thereto from any other fund or source pursuant to law, and any moneys contributed or donated thereto.

3. The moneys of the fund, following appropriation thereof, shall be expended for the purposes of the deceased police officer, firefighter and emergency medical services family housing assistance program established pursuant to section forty-five-a of the executive law. Moneys of the fund shall be paid out on the audit and warrant of the state comptroller on vouchers certified or approved by him or her.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART MMM

Section 1. Short title. This act shall be known and may be cited as the "nuclear facility closing workers' protection act".

§ 1-a. Legislative intent. The closure of Indian Point Nuclear Power Plant will have a devastating effect on the local workforce that relies on this facility for employment. This act is intended to ensure that the local workforce remains employed locally. This act shall not be construed to conflict, interfere, circumvent, or in any manner abrogate existing or future collective bargaining agreements or contracts between any of the involved parties, or parties that are not subject to the project labor agreement.

§ 2. The public service law is amended by adding a new section 28 to read as follows:

§ 28. Nuclear electric plants; closure or sale plan. 1. Not less than eighteen months prior to the closure or sale of a nuclear electric plant located in Westchester county, the electric corporation owning, operating or managing such plant shall submit to the department a plan detailing the process for the closure or sale of the nuclear electric plant. Such plan shall include (a) details and specifics on the electric corporation's plan to comply with article twenty-five-A of the labor law as they apply to nuclear electric plants, and (b) a workforce retention component which shall utilize the existing labor force during the closure and decommissioning period. The workforce retention component shall include provisions that any construction work which may be performed during the closure and decommissioning period, shall be performed pursuant to a project labor agreement, as defined in section

two hundred twenty-two of the labor law, entered into with a bona fide building and construction trades labor organization having jurisdiction over the scope of work to be performed. In addition, every plan submitted pursuant to this section shall be in such form and contain such information as the department shall determine to be necessary and proper. For purposes of this section, "construction work" shall include, but not be limited to, any demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation or alteration, which is customarily performed by a building and construction trades organization.

2. No nuclear electric plant located in Westchester county shall be closed or sold unless:

(a) the plan submitted pursuant to subdivision one of this section, or an amended version of such plan as may be required by the department, shall have been approved by the department;

(b) after the approval of such plan pursuant to paragraph (a) of this subdivision, the affected employees shall have been provided notice of employment loss, as required by section eight hundred sixty-b of the labor law, not less than one year prior to such closure or sale;

(c) the plan approved pursuant to paragraph (a) of this subdivision is included as a material term of every contract and plan relating to the closure of sale of the electric plant; and

(d) the department has granted its approval of every contract or plan providing for the sale or closure of the electric plant.

3. Upon a finding of the department that an electric corporation violated any provision of this section, or that any person has violated the provisions of a plan approved pursuant to this section, all contracts and plans relating to the closure or sale of the nuclear electric plant by the electric corporation shall be deemed null and void, and such corporation or person, after notice and hearing, may be liable for a civil fine of not less than five million dollars to be imposed by the department.

§ 3. Section 860-a of the labor law is amended by adding two new subdivisions 1-a and 1-b to read as follows:

1-a. "Electric corporation" shall have the same meaning as provided in subdivision thirteen of section two of the public service law, but shall only apply to an "electric corporation" located in Westchester county.

1-b. "Electric plant" shall have the same meaning as provided in subdivision twelve of section two of the public service law, but shall only apply to an "electric plant" located in Westchester county.

§ 4. Section 860-b of the labor law is amended by adding a new subdivision 1-a to read as follows:

1-a. Notwithstanding the provisions of subdivision one of this section, in the case of an employer that is an electric corporation owning, operating or maintaining a nuclear electric plant, such employer shall not order a mass layoff, relocation or employment loss until its plan to implement the provisions of this article shall have been approved by the department of public service pursuant to section twenty-eight of the public service law, and thereafter, at least one year before the order takes effect, such employer gives written notice of the order to the following:

(a) affected employees and the representatives of the affected employees;

(b) the department; and

(c) the local workforce investment boards established pursuant to the federal Workforce Investment Act (P.L. 105-220) for the locality in which the mass layoff, relocation or employment loss will occur.

§ 5. Subdivision 3 of section 860-b of the labor law, as added by chapter 475 of the laws of 2008, is amended to read as follows:

3. Notwithstanding the requirements of subdivision one or one-a of this section, an employer is not required to provide notice if a mass layoff, relocation, or employment loss is necessitated by a physical calamity or an act of terrorism or war.

§ 6. The opening paragraph of subdivision 1 of section 860-g of the labor law, as added by chapter 475 of the laws of 2008, is amended to read as follows:

An employer who fails to give notice as required by paragraph (a) of subdivision one or paragraph (a) of subdivision one-a of section eight hundred sixty-b of this article before ordering a mass layoff, relocation, or employment loss is liable to each employee entitled to notice who lost his or her employment for:

§ 7. Section 860-h of the labor law is amended by adding a new subdivision 5 to read as follows:

5. Notwithstanding any other provision of this section to the contrary, if an employer that is an electric corporation owning, operating or maintaining a nuclear electric plant violates any provision of this article, such corporation, after notice and hearing, may be liable for a civil fine of not less than five million dollars to be imposed by the department.

§ 8. The labor law is amended by adding a new section 860-j to read as follows:

§ 860-j. Employment loss at a nuclear electric plant. 1. The electric corporation owning, operating or maintaining a nuclear electric plant at which there will be a mass layoff, relocation or employment loss, shall within ten days of providing notice thereof pursuant to subdivision one-a of section eight hundred sixty-b of this article shall cause to be conducted and completed an extensive health screening, in accordance with the regulations of the commissioner of health, of all employees, contractors and subcontractors working at such plant. Such health screening shall include general health screening, and screening for diseases and conditions related to employment in a nuclear electric plant.

2. Each electric corporation owning, operating or maintaining a nuclear electric plant at which there will be a mass layoff, relocation or employment loss shall establish and operate employment retraining programs for all employees, contractors and subcontractors who are affected by an employment loss. Such programs shall be conducted, subject to the supervision of the department, during the one-year notice period provided for in subdivision one-a of section eight hundred sixty-b of this article. Furthermore, training shall be provided to acquire any necessary skills and certifications for employment by any entity which is engaged in the closure or decommissioning of the nuclear electric plant. Every person who completes training pursuant to this subdivision shall be granted an employee preference.

§ 9. Subdivision 1 of section 206 of the public health law is amended by adding a new paragraph (w) to read as follows:

(w) by rule and regulation, establish standards and guidelines for the extensive health screenings of persons working in nuclear electric plants, required by subdivision one of section eight hundred sixty-j of the labor law.

§ 10. The New York state energy research development authority shall finance the employment retraining programs required pursuant to section 860-j of the labor law through any funds such authority maintains, including but not limited to, the market development portfolio of the clean energy fund. Provided, however, such authority shall not increase or collect additional fees, rentals, penalties or other charges authorized and in existence prior to the effective date of this act for the financing of such programs.

§ 11. This act shall take effect immediately.

PART NNN

Section 1. Section 106 of the alcoholic beverage control law is amended by adding a new subdivision 18 to read as follows:

18. Removal of alcohol from a licensed premises in a leisure and recreation district. Notwithstanding any law, rule, or regulation to the contrary, any holder of a license to sell alcoholic beverages issued under sections fifty-one, fifty-one-a, fifty-five, fifty-eight, fifty-eight-a, sixty-one, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, seventy-six, seventy-six-a, seventy-six-c, seventy-six-d, eighty-one and eighty-one-a of this chapter or a permit issued under sections ninety-seven, ninety-seven-a and ninety-eight of this chapter may sell or otherwise provide alcoholic beverages to a patron of the license holder in the manner authorized in the license and the patron may remove an open glass, cup or other container of the beer, cider, liquor; or wine from the licensed premises and may possess and consume the beer, cider, liquor, or wine outside of the licensed premises if: (a) the licensed premises is located within a leisure and recreation district and (b) the patron remains in possession of the beer, cider, liquor, or wine within the boundaries of the leisure and recreation district in which they obtained the beverage. Nothing contained in this section shall restrict the privileges for a licensee or permittee to sell beer for consumption off-premises.

§ 2. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 16 to read as follows:

16. "Leisure and recreation district" shall mean an area officially designated by local law of the governing body of a municipality as a leisure and recreation district.

§ 3. The general municipal law is amended by adding a new section 72-s to read as follows:

§ 72-s. Designation of leisure and recreation districts. Subject to the provisions of this section, the governing body of a municipality, as defined in subdivision three of section two hundred thirty-nine-b of this chapter, may establish by local law one or more leisure and recreation districts within the corporate boundaries of the municipality and designate the geographic area or areas to be included within the district. The governing body of a municipality, by local law may modify the boundaries of a leisure and recreation district. The governing body of a municipality shall provide that individuals possessing alcoholic beverages within the leisure and recreation district may not remove them from the leisure and recreation district and shall be subject to a civil penalty if they remove alcoholic beverages from the leisure and recreation district unless such beverages were purchased for off-premises consumption.

§ 4. This act shall take effect immediately.

PART OOO

Section 1. Subdivision 1 of section 37 of the town law, as amended by chapter 708 of the laws of 1992, is amended to read as follows:

1. The receiver of taxes and assessments, if the office be elective, shall hold no other elective public office. Except as otherwise provided in section twenty-five hundred six of the education law, he **or she** shall have and possess and exercise in the manner and within the time prescribed by law all the rights, powers, authority and jurisdiction possessed and exercised by the town tax collector and the school district collectors in the town of which he **or she** is receiver of taxes and assessments and he **or she** shall be subject to all of the duties of such officers. Except as otherwise provided in section twenty-five hundred six of the education law, and unless [~~there has been an agreement between the town board and the school board to the contrary,~~] **the school board advises the town's receiver of taxes in writing by certified mail, return receipt requested, by no later than September first of each year prior to collecting its own taxes,** it shall be the duty of such receiver of taxes and assessments to receive and collect all state, county, town and school taxes, and all assessments that may be levied or assessed in the town, and all fees thereon prescribed by law, including all other moneys provided by law to be paid to the town tax collector or school district collectors, except that the town board of a town may by resolution authorize the receiver of taxes and assessments to receive taxes for thirty days after the first day specified in the notice for the payment of such taxes, at a charge of not more than one per centum upon such taxes or without additional charge, and except that the town board of a town may by resolution authorize the receiver of taxes and assessments to receive taxes heretofore payable to school district collectors after the expiration of such thirty day period with such fee, not more than five per centum upon such taxes, as the town board shall determine and specify in such resolution. Upon the passage of such resolution, the town board shall determine and fix the fee to be collected upon such taxes. Except as otherwise provided by law, the receiver of taxes shall receive and collect all water rates, sewer rentals, permit fees and other fees and charges payable to said town. Except as otherwise provided by this section, all fees, interest or penalties collected by him **or her** upon any tax or assessment heretofore payable to the town tax collector, or school district collectors, shall belong to the town. Except as otherwise permitted by section fifteen hundred eighty-eight of the real property tax law, such receiver shall enter daily in a suitable book or books a record of all moneys received by him **or her** and such book or books shall be public records and shall be open during office hours to public inspection. Within twenty-four hours after receiving the same, he **or she** shall deposit and secure all sums of money received and collected by him **or her** to the credit of the supervisor in or with a bank or trust company designated by the town board and notify the supervisor thereof, except that all school district moneys collected shall be deposited to the credit of the school district in such bank or banks as may be designated from time to time by the boards of education or trustees of the school districts, and except that after payment to the supervisor in full of all moneys payable to him **or her** pursuant to any warrant for the collection of taxes, the residue, if any, shall be deposited to the credit of the receiver of taxes and assessments, in such banks or trust companies as have been designated by the town board in the type of account specified by such board and such

moneys shall be paid to the county treasurer not later than the fifteenth day of each month following the receipt thereof, and upon expiration of such warrant the receiver shall comply with the provisions of section nine hundred forty of the real property tax law. In lieu of the aforesaid immediate deposit of school district moneys to the credit of the school districts, the receiver of taxes and assessments may deposit such school district moneys to his **or her** own credit as receiver of taxes and assessments in the same account or accounts which he **or she** uses for depositing and disbursing county tax moneys; provided that, within five days after so depositing such school district moneys, he **or she** shall make appropriate distribution thereof by depositing appropriate sums to the credit of the school district as hereinbefore provided. Notwithstanding the foregoing provisions of this section, the town board, by resolution, may direct the receiver of taxes and assessments to deposit and secure in the manner provided by section ten of the general municipal law, in his **or her** name as receiver of taxes and assessments, within twenty-four hours after receipt thereof, all moneys collected by him **or her** which are due to the supervisor. All such moneys so deposited shall be paid to the supervisor at such times as may be specified in such resolution, but in no event later than the fifteenth day of each month following the receipt thereof. The town board may require that any moneys deposited to the credit of the receiver pursuant to this subdivision be deposited in an interest bearing account. The interest earned on tax moneys so deposited, collected on behalf of the state, county, any school district or special district, shall belong to the taxing entity for which such moneys were collected unless such entity has, by statute in the case of the state or otherwise by resolution, authorized the town to credit all or a percentage of such interest to the general fund of the town. Upon the adoption of such statute or resolution, the taxing entity shall notify, in writing, all town supervisors of the percentage of interest the town is authorized to credit to its general fund. The provisions of this subdivision regarding the deposit of moneys and crediting of interest shall be controlling and shall apply to each town, notwithstanding any inconsistent provisions of any general, special or local law.

§ 2. This act shall take effect immediately.

PART PPP

Section 1. Paragraph b of subdivision 13 of section 1950 of the education law, as added by chapter 33 of the laws of 1976, is amended to read as follows:

b. The acquisition of such facilities is hereby declared and determined to be a school district purpose and an object or purpose for which each such component school district is hereby authorized to expend money and contract indebtedness. The period of probable usefulness of such object or purpose is hereby determined to be thirty years. Each such component school district is hereby authorized to finance its share of the cost of the acquisition of such facilities together with costs incidental to such financing, including, but not limited to legal fees, printing, engraving and publication of notices, either from any current funds legally available therefor, or by the issuance of obligations pursuant to the local finance law; provided, however, **that subject to the approval of the qualified voters, the school district's share of capital local expenditures approved by the board of education of the board of cooperative educational services, as defined in subparagraph**

(ii) of paragraph c of subdivision two of section two thousand twenty-three-a of this title, shall not be included in such component school district's tax levy pursuant to such paragraph. Provided, further, that (i) no approval of the voters of such component school district shall be required, (ii) the voting of a special tax or a tax to be collected in installments shall not be a condition precedent to the adoption of a bond resolution for such object or purpose, (iii) a majority vote of the entire voting strength of the board of education shall be sufficient for adoption of such a bond resolution, which bond resolution may be adopted at a regular meeting, or a special meeting of the board of education called on not less than twelve hours oral or written notice, which may be held either within or outside of such district, (iv) any such bond resolution shall take effect immediately and shall not be subject either to a mandatory or permissive referendum, and (v) no such bond resolution shall be adopted prior to the execution by the board of cooperative educational services and the component school districts of such board of cooperative educational services of the agreement required by paragraph a of this subdivision.

§ 2. Paragraph c of subdivision 2 of section 2023-a of the education law, as amended by section 1 of subpart C of part C of chapter 20 of the laws of 2015, is amended to read as follows:

c. "Capital local expenditures" means (i) the taxes associated with budgeted expenditures resulting from the financing, refinancing, acquisition, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for school district capital facilities or school district capital equipment, including debt service and lease expenditures, and transportation capital debt service, subject to the approval of the qualified voters where required by law; and (ii) the school district's share of capital local expenditures, as defined in subparagraph (i) of this paragraph, of the board of cooperative educational services of which the school district is a component, as authorized pursuant to paragraph b of subdivision thirteen of section nineteen hundred fifty of this title. [~~The commissioner of taxation and finance shall, as appropriate, promulgate rules and regulations which may provide for adjustment of capital local expenditures to reflect a school district's share of additional budgeted capital expenditures made by a board of cooperative educational services.~~]

§ 3. This act shall take effect immediately; provided that the amendments to section 2023-a of the education law, made by section two of this act, shall not affect the expiration and repeal of such section, and shall expire and be deemed repealed therewith.

PART QQQ

Section 1. Subparagraph (i) of paragraph (b) of subdivision 3 of section 3-c of the general municipal law, as amended by section 2 of subpart C of part C of chapter 20 of the laws of 2015, is amended to read as follows:

(i) The commissioner of taxation and finance shall calculate a quantity change factor for each local government for the coming fiscal year based upon the physical or quantity change, as defined by section twelve hundred twenty of the real property tax law, reported to the commissioner of taxation and finance by the assessor or assessors pursuant to section five hundred seventy-five of the real property tax law. The quantity change factor shall show the percentage by which the full value

of the taxable real property in the local government has changed due to physical or quantity change between the second final assessment roll or rolls preceding the final assessment roll or rolls upon which taxes are to be levied, and the final assessment roll or rolls immediately preceding the final assessment roll or rolls upon which taxes are to be levied[~~. The commissioner of taxation and finance shall, as appropriate, promulgate rules and regulations regarding the calculation of the quantity change factor which may adjust the calculation based on the development on tax exempt land~~], and shall include the change in assessed value for each property on the exempt side of the tax rolls under a payment in lieu of tax agreement.

§ 2. Paragraph b of subdivision 2-a of section 2023-a of the education law, as amended by section 3 of subpart C of part C of chapter 20 of the laws of 2015, is amended to read as follows:

b. The commissioner of taxation and finance shall calculate a quantity change factor for the coming school year for each school district based upon the physical or quantity change, as defined by section twelve hundred twenty of the real property tax law, reported to the commissioner of taxation and finance by the assessor or assessors pursuant to section five hundred seventy-five of the real property tax law. The quantity change factor shall show the percentage by which the full value of the taxable real property in the school district has changed due to physical or quantity change between the second final assessment roll or rolls preceding the final assessment roll or rolls upon which taxes are to be levied, and the final assessment roll or rolls immediately preceding the final assessment roll or rolls upon which taxes are to be levied[~~. The commissioner of taxation and finance shall, as appropriate, promulgate rules and regulations regarding the calculation of the quantity change factor which may adjust the calculation based on the development on tax exempt land~~], and shall include the change in assessed value for each property on the exempt side of the tax rolls under a payment in lieu of tax agreement.

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law, provided, however, that the amendments to section 3-c of the general municipal law and section 2023-a of the education law made by sections one and two of this act, respectively, shall not affect the repeal of such sections and shall be deemed repealed therewith. Effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of this act on its effective date are authorized to be made on or before such effective date.

PART RRR

Section 1. Paragraphs (a) and (b) of subdivision 6 of section 202 of the state administrative procedure act, paragraph (a) as added by chapter 17 of the laws of 1984 and paragraph (b) as amended by chapter 483 of the laws of 1988, are amended to read as follows:

(a) Notwithstanding any other provision of law, if an agency finds for a good cause that the immediate adoption of a rule is necessary for the preservation of the public health, safety or general welfare [~~and that compliance with the requirements of subdivision one of this section would be contrary to the public interest, the agency may dispense with all or part of such requirements and adopt the rule on an emergency basis~~], and one or more of the following conditions are met, the agency

may dispense with all or part of the requirements of subdivision one of this section and adopt the rule on an emergency basis:

(i) the usual rule making procedures are impractical because there is an emergency that poses an imminent and actual threat to public health or safety; or

(ii) the delay involved in adopting the rule through the usual rule making procedure would cause the agency to be out of compliance with a judicial decision, federal or state law; or

(iii) the delay in adopting the rule through the usual rule making procedure would result in a loss of federal funds; or

(iv) the delay involved in adopting the rule through the usual rule making procedure provided in subdivision one of this section would lead to irreparable injury.

(a-1) Within thirty days of the adoption of the emergency rule, the agency shall separately submit a notice of proposed rule making for such rule to the secretary of state to commence the usual rule making procedures set forth in subdivision one of this section.

(b) Unless otherwise provided by law, such emergency rule shall not remain in effect for longer than ninety days after being filed with the secretary of state unless within such time the agency complies with the requirements of subdivision one of this section and adopts the rule pursuant to the provisions of subdivision five of this section, provided, however, if such emergency rule is readopted prior to the expiration of such ninety day period such readoption and any subsequent readoptions shall remain in effect for no longer than sixty days. Upon any readoption, the agency shall publish and make available to the public an assessment of public comments received on the emergency rule or the separate notice of proposed rulemaking for such rule. The emergency rule may remain in effect, at the latest, for as long as the separate notice of proposed rulemaking remains in effect pursuant to subdivision two of this section. When the separate notice of proposed rulemaking expires pursuant to subdivision two of this section, the emergency rule shall also expire and be ineffective for the purposes of this section.

§ 2. This act shall take effect immediately.

PART SSS

Section 1. Section 201-a of the state administrative procedure act, as added by chapter 189 of the laws of 1996, paragraph (g) of subdivision 2 as amended by chapter 304 of the laws of 2016, is amended to read as follows:

§ 201-a. Job impact. 1. In developing a rule, an agency shall strive to accomplish the objectives of applicable statutes in a manner which minimizes any unnecessary adverse impacts on existing jobs and promotes the development of new employment opportunities, including opportunities for self-employment, for the residents of the state.

2. Before proposing a rule for adoption or adopting a rule on an emergency basis, an agency shall evaluate the potential impact of the rule on jobs and employment opportunities.

(a) When it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on jobs and employment opportunities, the agency shall include in the notice of proposed rule making or the notice of emergency adoption a statement that the agency has determined that the rule will not have a substantial adverse impact on jobs and employment opportunities; provided, however, that, where

appropriate, such statement shall indicate that the agency has determined the rule will have a positive impact on jobs and employment opportunities, or will have no impact on jobs and employment opportunities. Except where it is evident from the subject matter of the rule that the rule could only have a positive impact or no impact on jobs and employment opportunities, the agency shall include in the statement prepared pursuant to this paragraph a summary of the information and methodology underlying its determination.

(b) When it is apparent from the nature and purpose of the rule that it may have a substantial adverse impact on jobs or employment opportunities, the agency shall issue a job impact statement which contains information on:

(i) the nature of the impact the rule will have on jobs and employment opportunities;

(ii) the categories of jobs or employment opportunities affected by the rule;

(iii) the approximate number of jobs or employment opportunities affected in each category;

(iv) any region of the state where the rule would have a disproportionate adverse impact on jobs or employment opportunities; and

(v) any measures which the agency [~~has taken~~] **or other state agencies have taken or could take** to minimize any unnecessary adverse impacts on existing jobs and to promote the development of new employment opportunities.

(c) When the information available to an agency is insufficient to enable it to determine whether a rule will have a substantial adverse impact on jobs or employment opportunities, or to prepare a job impact statement pursuant to paragraph (b) of this subdivision, the agency shall issue a statement indicating the information which it needs to complete a job impact statement and requesting the assistance of other state agencies and the public in obtaining such information.

(d) An agency shall issue a revised job impact statement when:

(i) [~~the~~] **it is necessary to correct or supplement** information presented in the **previous** statement [~~is~~] **that was** inadequate or incomplete;

(ii) the proposed rule contains any substantial revisions which necessitate that such statement be modified; or

(iii) the agency has issued a statement pursuant to paragraph (c) of this subdivision, and has received information from other state agencies or the public which enable it to provide a more complete evaluation of the potential impact of the rule on jobs and employment opportunities.

(e) If, after requesting the assistance of other state agencies and the public pursuant to paragraph (c) of this subdivision, an agency is still unable to determine whether the rule will have a substantial adverse impact on jobs and employment opportunities, it may adopt the rule. When adopting a rule pursuant to this paragraph, the agency shall issue a revised job impact statement which includes information on the measures the agency took to evaluate the potential impact of the rule on jobs and employment opportunities. **No rule may be adopted pursuant to this paragraph if it is the subject of a statement of concurrence pursuant to subdivision three of this section until the requirements of subdivision three of this section have been met.**

(f) When adopting a rule on an emergency basis, an agency may defer the issuance of any statement pursuant to this section, provided that the statement is published in the state register within thirty days of the effective date of the emergency rule.

(g) When any statement issued pursuant to this section exceeds two thousand words, the agency shall prepare a summary of such statement in less than two thousand words for publication in the state register in which it shall identify the website of the agency, or of another state entity, on which the full text of the statement has been posted.

(h) An agency may consider a series of closely related and simultaneously proposed rules as one rule for the purpose of submitting a consolidated job impact statement.

(i) Where a rule would have a measurable impact on opportunities for self-employment, the agency shall include a discussion of such impact in any statement prepared pursuant to this section.

(j) An agency shall make available the methodology and data or data sources used to prepare any statement issued pursuant to paragraph (b) of subdivision two of this section.

3. (a) The commissioner of labor and the commissioner of economic development may review any statement issued pursuant to this section, and may consult informally with any agency preparing such a statement and advise it on the potential impact of a rule on jobs and employment opportunities.

(b) When the commissioner of labor and the commissioner of economic development concur in a determination that additional evaluation of the potential impact of a proposed rule on jobs and employment opportunities is needed to assist in the minimization of any unnecessary adverse impacts of the rule on jobs or employment opportunities, they shall issue a statement of concurrence and transmit a copy of such statement to the agency and to the secretary of state for publication in the state register. The statement of concurrence shall:

(i) identify each proposed rule which is the subject of the statement of concurrence;

(ii) set forth the basis for the determination that additional evaluation of the potential impact of the rule is needed to assist in the minimization of any unnecessary adverse impacts on jobs or employment opportunities, and, where relevant, identify each aspect of the job impact statement which is incomplete or deficient;

(iii) include appropriate recommendations for additional evaluation of the impact of the rule or of any measures which the agency should consider to minimize any adverse impacts of the rule on jobs or employment opportunities; and

(iv) specify a time period of not more than ninety days for the agency to perform such additional evaluation or consider such recommendations.

(c) An agency shall strive to perform such additional evaluation or consider such measures as are recommended in a statement of concurrence within the time period set forth therein. No agency shall adopt the rule which is the subject of the statement of concurrence until:

(i) the agency has performed the additional evaluation or considered the measures recommended in the statement of concurrence, and has issued a revised job impact statement, which is acceptable to the commissioners of economic development and labor, setting forth any changes which it will make to the rule to minimize any adverse impacts on jobs or employment opportunities; or

(ii) after the expiration of the time period set forth in the statement of concurrence.

(d) The statement of concurrence shall be considered public comment for the purpose of this article and shall be summarized and analyzed in any assessment of public comment.

4. Nothing in this section shall be construed as preventing an agency from adopting a rule on an emergency basis at any time.

5. Copies of any statement prepared pursuant to this section, including any statement of concurrence, shall be distributed as provided in subdivision six-a of section two hundred two of this article.

6. For the purposes of this section:

(a) "rule" shall mean any rule proposed or any rule adopted on an emergency basis pursuant to this article, except for:

(i) any rule defined in subparagraph (ii) of paragraph (a) of subdivision two of section one hundred two of this [~~article~~] **chapter**;

(ii) any rule defined in [~~subdivisions ten,~~] **subdivision** eleven [~~or twelve~~] of section one hundred two of this [~~article~~] **chapter**; or

(iii) any rule proposed or adopted by the state comptroller or the attorney general.

(b) "impact on jobs or employment opportunities" shall mean a change in the number of jobs and employment opportunities, including opportunities for self-employment, primarily attributable to the adoption of a rule, which would otherwise be available to the residents of the state in the two-year period commencing on the date the rule takes effect. **"Impact on jobs or employment opportunities" shall also mean a significant change in employment status, including whether adoption of a rule would have a significant impact on average wage levels, hours and/or duration of employment.**

(c) "substantial adverse impact on jobs or employment opportunities" shall mean a decrease of more than one hundred full-time annual jobs and employment opportunities, including opportunities for self-employment, in the state, or the equivalent in part-time or seasonal employment, which would otherwise be available to the residents of the state in the two-year period commencing on the date the rule takes effect. **"Substantial adverse impact on jobs or employment opportunities" shall also mean any changes in the status of such jobs and employment opportunities, including but not limited to any significant net reductions in average wage levels, hours and/or duration of employment, that would represent a substantial adverse impact on incomes or economic security.**

§ 2. Subparagraphs (vi) and (viii) of paragraph (f) of subdivision 1 of section 202 of the state administrative procedure act, subparagraph (vi) as amended by chapter 304 of the laws of 2016 and subparagraph (viii) as amended by chapter 229 of the laws of 2000, are amended to read as follows:

(vi) include a regulatory impact statement prepared pursuant to section two hundred two-a of this article **and any job impact statement prepared pursuant to section two hundred one-a of this article**, provided, however, if **either** such statement exceeds two thousand words, the notice shall include only a summary of such statement in less than two thousand words and the full text of such statement shall be posted on a website maintained by the agency or another state entity until such statement is revised or the proposed rule is adopted or withdrawn or expires pursuant to this article;

(viii) give the name, public office address and telephone number of an agency representative, who is knowledgeable on the proposed rule, from whom the complete text of such rule and any scientific or statistical study, report and analysis that served as the basis for the rule and any supporting data, the regulatory impact statement, **the job impact statement,** the regulatory flexibility analysis, and the rural area flexibility analysis may be obtained; from whom information about any public

hearing may be obtained; and to whom written data, views and arguments may be submitted; and

§ 3. Subparagraphs (v) and (vii) of paragraph (c) of subdivision 4-a of section 202 of the state administrative procedure act, subparagraph (v) as amended by chapter 304 of the laws of 2016, and subparagraph (vii) as amended by chapter 171 of the laws of 1994, are amended to read as follows:

(v) include a revised regulatory impact statement, when required by the provisions of paragraph (b) of subdivision six of section two hundred two-a of this article **and any revised job impact statement prepared pursuant to section two hundred one-a of this article**, provided, however, if **either** such statement exceeds two thousand words, the notice shall include only a summary of such statement in less than two thousand words and shall identify the website of the agency, or of another state entity, on which the complete revised text has been posted;

(vii) give the name, address and telephone number of an agency representative knowledgeable on the rule, from whom the complete revised text of such rule, any revised regulatory impact statement**, any revised job impact statement,** any revised regulatory flexibility analysis and any revised rural area flexibility analysis may be obtained; from whom information about any additional public hearing may be obtained; and to whom written data, views and arguments may be submitted;

§ 4. Subparagraphs (v) and (viii) of paragraph (c) of subdivision 5 of section 202 of the state administrative procedure act, subparagraph (v) as amended by chapter 304 of the laws of 2016 and subparagraph (viii) as amended by chapter 171 of the laws of 1994, are amended to read as follows:

(v) include a revised regulatory impact statement, when required by the provisions of paragraph (b) of subdivision six of section two hundred two-a of this article **and any revised job impact statement prepared pursuant to section two hundred one-a of this article**, provided, however, if **either** such statement exceeds two thousand words, the notice shall include only a summary of such statement in less than two thousand words;

(viii) give the name, public office address and telephone number of an agency representative from whom the complete text of the rule and any revised regulatory impact statement, **revised job impact statement,** revised regulatory flexibility analysis, **revised** rural area flexibility analysis or assessment of comments may be obtained; and

§ 5. Subparagraphs (viii) and (x) of paragraph (d) of subdivision 6 of section 202 of the state administrative procedure act, subparagraph (viii) as added by chapter 17 of the laws of 1984 and renumbered by chapter 850 of the laws of 1990 and subparagraph (x) as amended by chapter 171 of the laws of 1994, are amended to read as follows:

(viii) include a regulatory impact statement prepared pursuant to section two hundred two-a of this [~~**chapter**~~] **article and any job impact statement prepared pursuant to section two hundred one-a of this article,** or a statement setting forth that the regulatory impact statement **and/or job impact statement** will appear in the state register within thirty days of the effective date of the emergency rule, provided, however, if [~~**either**~~] **any such** statement exceeds two thousand words, the notice shall include only a summary of such statement in less than two thousand words;

(x) give the name, public office address and telephone number of an agency representative, knowledgeable on the rule, from whom a complete

text of such rule, the regulatory impact statement, **the job impact statement,** regulatory flexibility analysis, and the rural area flexibility analysis may be obtained; from whom information about any public hearing may be obtained; and to whom written data, views and arguments may be submitted; and

§ 6. Paragraphs (a) and (b) of subdivision 6-a of section 202 of the state administrative procedure act, as amended by chapter 295 of the laws of 2017, are amended to read as follows:

(a) An agency shall transmit a copy of any rule making notice prepared pursuant to this article to the governor, the temporary president of the senate, the speaker of the assembly and the administrative regulations review commission at the time such notice is submitted to the secretary of state for publication in the state register. Such transmittal shall include the complete rule text, regulatory impact statement, **job impact statement,** regulatory flexibility analysis, rural area flexibility analysis, or revisions thereof, and any other information submitted to the secretary of state pursuant to this article.

(b) An agency shall make a copy of the complete text of any proposed, adopted or emergency rule, regulatory impact statement, **job impact statement,** regulatory flexibility analysis, rural area flexibility analysis, or revisions thereof available to the public at the time such documents are submitted to the secretary of state for publication in the state register and shall send to any person a copy of such text upon written or electronic request.

§ 7. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall apply to any rule first proposed or adopted on an emergency basis on or after such date.

PART TTT

Section 1. The state administrative procedure act is amended by adding a new article 6 to read as follows:

ARTICLE 6

TASK FORCE FOR REVIEW OF THE STATE ADMINISTRATIVE PROCEDURE ACT

Section 601. Legislative intent.

602. Task force for the review of the state administrative procedure act.

§ 601. Legislative intent. The state administrative procedure act was first enacted in nineteen hundred seventy-five to create a uniform, consistent process to administrative rulemaking, adjudication and licensing. Since nineteen hundred seventy-five this act has been amended numerous times but there has never been a comprehensive review of the efficacy of the act in its entirety. The legislature hereby finds and declares that it is in the public interest to have such a comprehensive review to ensure that administrative rulemaking, adjudication and licensing is consistent, uniform, and not unnecessarily burdensome for regulated entities.

§ 602. Task force for the review of the state administrative procedure act. 1. There shall be established a task force for the review of the state administrative procedure act ("task force"). Such task force shall examine, evaluate and make recommendations concerning the efficiency of the rulemaking process, whether this act ensures the establishment of consistent, uniform rules and whether the statutory process results in rules, regulations and licenses that are overly burdensome on regulated entities.

2. The task force shall be composed of nine members appointed as follows: three members appointed by the governor, at least one of whom shall be chosen from among the commissioners of agencies with significant regulatory oversight; two members appointed by the temporary president of the senate, one of whom shall be the senate chairperson of the administrative regulatory review commission; two members appointed by the speaker of the assembly, one of which shall be the assembly chairperson of the administrative regulatory review commission; one member appointed by the minority leader of the senate; and one member appointed by the minority leader of the assembly. The governor shall designate the chair of the task force. All appointed members of the task force shall have experience in regulatory or administrative law, or experience in a field regulated by multiple state agencies, or a representative of organized labor in a regulated field.

3. The task force shall hold public hearings throughout the state and shall have the powers of a legislative committee pursuant to the legislative law. The task force shall consult with members of the small business and agricultural communities and regulated entities and citizens from every region of the state.

4. On or before December thirty-first, two thousand nineteen, the task force shall provide a written report to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, the minority leader of the assembly, and the chairpersons of the administrative regulatory review commission. The report shall include, but not be limited to, recommendations for specific amendments to this act as well as any additional recommendations the task force deems relevant. Any recommendations shall incorporate the following principles: (a) agencies should conduct risk assessments based on the best-available data and science; (b) agencies should ensure that a full cost benefit analysis is undertaken for major regulations; (c) the rulemaking process must include an objective, transparent peer and public review; (d) regulations should be subject to legislative and judicial oversight and review; and (e) agencies should prioritize compliance over enforcement.

5. The members of the task force shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this section.

6. To the maximum extent feasible, the task force shall be entitled to request and receive and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission, or agency of the state or any political subdivision or public authority thereof as it may reasonably request to carry out properly its powers and duties pursuant to this section.

§ 2. This act shall take effect immediately.

PART UUU

Section 1. The executive law is amended by adding a new section 170-c to read as follows:

§ 170-c. Regulatory fines for small businesses. 1. Notwithstanding any other law, rule or regulation to the contrary, no state agency shall fine a small business for a first violation of such agency's rules or regulations, unless the agency determines that the violation directly affected public health or safety. Upon such first violation, a state agency shall (a) provide the small business with a copy of any applicable small business regulation guides pursuant to section one hundred

two-a of the state administrative procedure act and any other helpful compliance information detailing the agency's rules and regulations, or (b) hold an in-person meeting with the small business to help assist such small business with compliance with the agency's rules and regulations.

2. "Small business" as used in this section shall mean a business which is resident in this state, independently owned and operated, not dominant in its field and employs one hundred or less persons.

§ 2. This act shall take effect immediately.

PART VVV

Section 1. The state administrative procedure act is amended by adding a new section 102-b to read as follows:

§ 102-b. Small business liaison. Each agency shall designate an existing employee to serve as its liaison to small businesses regulated by such agency. The direct contact information of the small business liaison shall be prominently posted and easily accessible on the agency website. The small business liaison shall:

(a) serve as an initial primary contact for small businesses to contact with any inquiries;

(b) be equipped to provide small businesses with basic information on the agency and its regulations;

(c) help small businesses navigate the agency bureaucracy to identify and contact the appropriate staff person within the agency, either at the state or regional level, for more specific information pertaining to the small business;

(d) hear the concerns of small businesses, report those concerns to appropriate agency staff and offer possible solutions to such concerns;

(e) advocate within the agency on behalf of small businesses, and make recommendations to the agency head on matters affecting small businesses;

(f) initiate and encourage small business education and outreach programs on behalf of the agency, as appropriate;

(g) collaborate with the appropriate agency staff on any small business regulation guide pursuant to section one hundred two-a of this article and any small business regulatory flexibility analysis pursuant to section two hundred two-b of this chapter; and

(h) coordinate his or her activities with the division for small business within the department of economic development, and the small business development center.

§ 2. On or before January 1, 2019, the small business liaison shall report to the agency head the number of inquiries he or she has received from small businesses in 2018, and the agency head shall determine whether a separate full-time employee will be needed for such position going forward and make any appropriate budget request to the governor and legislature for the ensuing fiscal year.

§ 3. This act shall take effect immediately.

PART WWW

Section 1. Section 87 of the legislative law is amended by adding a new subdivision 4 to read as follows:

4. The commission shall have the power to object to all, or a portion of any administrative rule or regulation that has been adopted or that has been proposed by an agency pursuant to the rule making procedures of

section two hundred two of the state administrative procedure act. Should in the performance of its duties, a majority of members of the commission find that an administrative rule or a portion of an administrative rule is (i) arbitrary, capricious, an abuse of agency discretion, or is otherwise not in accordance with law; or (ii) is contrary to constitutional, right power, privilege or immunity; or (iii) is inconsistent with, or in excess of statutory jurisdiction, authority, or limitations, or is short of statutory right; or (iv) has been adopted or has been proposed without substantial observance of the procedures required by law; the commission may, in writing, notify the agency of their objection and reason or reasons for their objection. A written letter of objection must be mailed or delivered to the agency responsible for the adoption or proposal of the objected to rule. A valid letter of objection must be signed by each member of the commission that has decided to object to the rule in its entirety, or in part. The commission must also file a certified copy of the letter of objection with the department of state, division of administrative rules.

§ 2. Paragraph (a) of subdivision 9 of section 202 of the state administrative procedure act is amended by adding three new subparagraphs (vi), (vii) and (viii) to read as follows:

(vi) following receipt of a valid letter of objection that is written and signed by a majority of the members of the administrative regulations review commission, publish such letter in the next issue of the state register.

(vii) following receipt of a valid response to a letter of objection written and signed by the commissioner, director or counsel of that agency, publish such written response in the next issue of the state register.

(viii) reject any letter of objection or any written response to a letter of objection that is deficient for lacking at least a minimal explanation of an objectionable issue, or the requisite signature or signatures, and give prompt notice of deficiency to the administrative regulations review commission or agency.

§ 3. Section 202 of the state administrative procedure act is amended by adding a new subdivision 10 to read as follows:

10. Objection. (a) If in the performance of their duties, as specified in subdivision one of section eighty-seven of the legislative law, a majority of the members of the administrative regulations review commission decide to object to an administrative rule or a portion of an administrative rule that has been adopted or that has been proposed, an objection must be made in accordance with the procedures specified in subdivision four of section eighty-seven of the legislative law.

(b) An agency that receives a letter of objection pertaining to a rule that has been proposed, but has not been adopted must read and consider the objection and issue a written response prior to adoption of the objected to rule. Agencies must provide written responses to letters of objection to the department of state, division of administrative rules for publication in the state register. A written response to a letter of objection must state that the agency has either (i) agreed to change the rule in whole, or in part in accordance with the objection and will publish the requisite notice of revised rule making, or (ii) needs additional time to consider the objection and possible changes and will publish a notice of withdrawal, or (iii) that the agency has decided against making any changes to the proposed rule. Written responses to letters of objection must state that the objection was read and considered and include at least a brief explanation of the agency's rationale

for either agreeing with the objection, or requiring additional time for consideration, or for disagreeing with the objection. Any agency decision to stop, extend, or proceed with promulgation of all or part of an objected to rule, must be done in accordance with the rule making requirements of this section.

(c) An agency that receives a letter of objection pertaining to all or part of a rule that has been adopted must read and consider the objection and issue a written response within forty-five days of receiving the letter of objection. Agencies must provide written responses to letters of objection to the administrative regulations review commission as well as a certified copy of any such response to the department of state, division of administrative rules for publication in the state register. A written response to a letter of objection must state that the agency either (i) agrees to change the rule in whole, or in part in accordance with the objection and will publish a notice of proposed rule making needed to promulgate a new corrected rule, or (ii) needs additional time to consider the objection and possible changes, or (iii) that the agency has decided against making any changes to the rule. Written responses to letters of objection must acknowledge that the objection was read and considered and include at least a brief explanation of the agency's decision to agree with the objection, or to require additional time for consideration of the objection, or to disagree with the objection. Should an agency decide that additional time is needed to consider the objection as well as possible solutions, an agency will be provided up to an additional forty-five days to provide a written response to the objection.

(d) An agency will not be compelled by the administrative regulations review commission to change an adopted or proposed rule in response to a letter of objection; however refusal to do so, can be used as evidence by a petitioner in action challenging an administrative rule or a portion of an administrative rule in an adjudicatory hearing pursuant to article three of this chapter, or an action for declaratory judgment pursuant to section two hundred five of this article, or in a proceeding made against an agency pursuant to article seventy-eight of the civil practice law and rules.

§ 4. Section 102 of the executive law is amended by adding a new subdivision 6 to read as follows:

6. All letters of objection that state at least a brief explanation of an objectionable issue pertaining to an adopted or a proposed administrative rule in its entirety, or in part, that are written and signed by a majority of the members of the administrative regulations review commission; as well as any written response to a letter of objection that includes at least a brief response to the objection and the signature of the commissioner, director or counsel of a state agency must be included in the official compilation of codes, rules and regulations of the state of New York. All such letters of objection and written responses to objections shall be made available to members of the public and shall be included within any published unofficial compilations of the codes, rules and regulations of the state of New York, including the unofficial version that is linked to on the department of state website. Letters of objection and written agency responses to objections shall be received, recorded and compiled consistent with all other requirements of this section and sections one hundred one-a, one hundred one-b, one hundred three, one hundred four, one hundred five, one hundred six and one hundred six-a of this article.

§ 5. This act shall take effect immediately.

PART XXX

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

SUBPART A

Section 1. Section 87 of the legislative law is amended by adding a new subdivision 4 to read as follows:

4. The commission shall have the power to delay the adoption of a proposed administrative rule. Should in the performance of its duties, a majority of the members of the commission agree that a proposed administrative rule raises one or more questions or concerns in relation to any of the four issues for consideration that are specified in subdivision one of this section, the commission may, in writing, notify the agency responsible for the proposed rule that the commission has decided to delay the adoption of the rule by ninety days. A written letter to delay adoption of a proposed rule must be mailed or delivered to the agency that proposed the rule at issue. A valid letter to delay adoption of a rule must be signed by each member of the commission that has agreed to delay the adoption and must include at least a brief explanation of the commission's one or more questions or concerns regarding the proposed rule. The commission must also file a certified copy of the letter to delay adoption of a rule with the department of state, division of administrative rules.

§ 2. Subparagraphs (iv) and (v) of paragraph (a) of subdivision 9 of section 202 of the state administrative procedure act, subparagraph (iv) as amended and subparagraph (v) as added by chapter 490 of the laws of 2016, are amended and three new subparagraphs (vi), (vii) and (viii) are added to read as follows:

(iv) publish all notices and statements, required by this section and section two hundred one-a of this [~~chapter~~] **article**, in the state register as soon as practicable; [~~and~~]

(v) prescribed guidance, developed in consultation with the office of information technology services, for online posting of text and information pursuant to this section[~~.~~]**;**

(vi) following the receipt of a certified copy of a valid letter to delay adoption of a rule, publish such a letter in the next issue of the state register;

(vii) publish a clear and conspicuous notice of delay, which shall state that the rule making process for the proposed rule will be delayed ninety days; such notices shall be published to accompany related letters to delay the adoption of a rule in the state register; and

(viii) reject any letter to delay adoption of a rule that is deficient for lacking at least a minimal explanation of the questions or concerns pertaining to the proposed rule, or the requisite signatures and give prompt notice of the deficiency to the administrative regulations review commission.

§ 3. Section 202 of the state administrative procedure act is amended by adding a new subdivision 10 to read as follows:

10. Delay adoption of a proposed rule. (a) If in the performance of their duties, as specified in subdivision one of section eighty-seven of the legislative law, a majority of the members of the administrative regulations review commission agree that a proposed administrative rule raises one or more questions or concerns in relation to any of the four issues for consideration that are specified in subdivision one of section eighty-seven of the legislative law, the commission may, delay the adoption of such a rule by ninety days, pursuant to the requirements of subdivision four of section eighty-seven of the legislative law.

(b) The ninety day period to delay rule making shall begin on the date that the notice of delay is published in the state register and shall end ninety days following the publication of the notice of delay.

(c) If a ninety day period of delay begins during the public comment period for a proposed rule, the agency responsible for the proposed rule will be required to consider all public comments received during that period of delay.

(d) Any agency that receives a letter to delay adoption of a rule shall consider every question or concern raised by the administrative regulations review commission within that letter. Agencies must also consider proposing alternative means in order to address the one or more questions or concerns that are stated in the letter to delay adoption of a rule.

(e) Following consideration of all questions or concerns, as well as alternatives, agencies shall be allowed to withdraw or revise a proposed rule during or after the ninety day period of delay has ended, pursuant to the rule making requirements of this section.

(f) No agency shall be compelled to change a proposed rule in response to a letter to delay adoption of a rule. However, any agency that receives a letter to delay adoption of a rule must at least respond to each specific question or concern raised in that letter, within the assessment of public comment made pursuant to the notice of adoption requirements of paragraph (b) of subdivision five of this section.

(g) The administrative regulations review commission will have no ability to delay a rule that is adopted on an emergency basis pursuant to subdivision six of this section.

§ 4. This act shall take effect immediately.

SUBPART B

Section 1. Paragraphs (e) and (f) of subdivision 2 of section 202-b of the state administrative procedure act are relettered paragraphs (f) and (g) and a new paragraph (e) is added to read as follows:

(e) an assessment of the minimum time that will be needed by small businesses and local governments to come into compliance with the rule, taking into consideration any applicable practical, legal and economic or fiscal constraints on such compliance, and a description of the measures that the agency intends to utilize to ensure that small businesses and local governments are informed of new or amended compliance requirements with sufficient lead time to achieve compliance without experiencing unnecessary costs or burdens;

§ 2. The opening paragraph and paragraph (b) of subdivision 6 of section 202-b of the state administrative procedure act, as amended by chapter 611 of the laws of 1996, are amended to read as follows:

When any rule is proposed for which a regulatory flexibility analysis is required, the agency shall assure that **it has actively solicited the participation of** small businesses and local governments [~~have been given an opportunity to participate~~] in the rule making through **activities in addition to publication in the state register and posting on the agency's website,** such [~~activities~~] as:

(b) the direct notification of interested small businesses and local governments affected by the proposed rule **or organizations representing the interests of such entities**;

§ 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law and shall apply to all rules for which a notice of proposed rule making is published on or after such date.

SUBPART C

Section 1. Subparagraph (iv) of paragraph (c) of subdivision 5 of section 202 of the state administrative procedure act, as amended by chapter 610 of the laws of 1987, is amended to read as follows:

(iv) give the effective date of the rule**, provided, however, that, with respect to rules that require changes to compliance or billing standards that could result in eventual withholdings or takebacks due to Medicaid auditing and/or self-disclosure obligations, such effective date shall not be sooner than ninety (90) days from the publication of the notice of adoption of the rule**;

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

SUBPART D

Section 1. Paragraph (a) of subdivision 4-a of section 202 of the state administrative procedure act, as amended by chapter 396 of the laws of 1993, is amended to read as follows:

(a) Except with respect to any rule defined in subparagraph (ii) of paragraph (a) of subdivision two of section one hundred two of this chapter, prior to the adoption of a rule, an agency shall submit a notice of revised rule making to the secretary of state for publication in the state register for any proposed rule which contains a substantial revision. The public shall be afforded an opportunity to submit comments on the revised text of a proposed rule. Unless a different time is specified in statute, the notice of revised rule making must appear in the state register at least [~~thirty~~] **forty-five** days prior to the adoption of the rule. The notice of revised rule making shall indicate the last date for submission of comments on the revised text of the proposed rule, which, unless a different time is specified in statute, shall be not less than [~~thirty~~] **forty-five** days after the date of publication of such notice.

§ 2. This act shall take effect immediately.

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

the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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

PART YYY

Section 1. Short title. This act shall be known and may be cited as the "small business negotiated rule making act of 2018".

§ 2. Legislative intent. The legislature hereby finds that providing additional opportunities for direct small business and public participation in the development of potentially controversial rules can enhance the ability of the agency to develop the most appropriate and effective regulatory language, and can reduce the time and expense occasioned by litigation over the rule. Negotiated rule making provides a means of improving the substance and increasing the acceptability of rules, by affording to the agency, regulated small businesses and the public the opportunity for face-to-face negotiations over a rule making proposal which is under development by the agency. The opportunity for representatives of the various persons and small businesses interested in a rule to meet and communicate with each other provides a framework for the sharing of information, knowledge and expertise in order to develop a consensus on the most effective and appropriate rule making proposal. Fair representation of all interested parties and a skilled facilitator are essential elements of a successful negotiated rule making process.

Therefore, the legislature declares it to be in the public interest to set forth a statutory process for negotiated rule making in the state administrative procedure act as an alternative means of developing appropriate and effective proposed rules.

§ 3. The state administrative procedure act is amended by adding a new article 2-A to read as follows:

ARTICLE 2-A
NEGOTIATED RULE MAKING

Section 250. Purpose of article.
251. Definitions.
252. Determination of the need for negotiated rule making.
253. Notice of proposed committee formation.
254. Committee establishment.
255. Conduct of committee activities.
256. Committee termination.
257. Services, facilities and payment of expenses of committee members.
258. Judicial review.

§ 250. Purpose of article. The purpose of this article is to establish a statutory framework for the selection of appropriate subjects for negotiated rule making, and for the conduct of negotiated rule making. Nothing in this article is intended to limit other innovative rule making procedures otherwise authorized by statute.

§ 251. Definitions. As used in this article:

1. "Consensus" means unanimous concurrence among the interests represented on a negotiated rule making committee established pursuant to this article, unless such committee by unanimous concurrence (a) agrees to

define such term to mean a general but not unanimous concurrence; or (b) agrees upon another specified definition.

2. "Facilitator" means a person who impartially aids in the discussions and negotiations among the members of a negotiated rule making committee in developing a proposed rule.

3. "Interest" means, with respect to an issue or matter, multiple parties which have a similar point of view or which are likely to be affected in a similar manner.

4. "Negotiated rule making" means rule making through the use of a negotiated rule making committee.

5. "Negotiated rule making committee" or "committee" means an advisory committee established by an agency in accordance with the provisions of this article to consider and discuss issues for the purpose of reaching a consensus in the development of a proposed rule.

§ 252. Determination of the need for negotiated rule making. 1. An agency may propose to establish a negotiated rule making committee to negotiate and develop a proposed rule, if the head of the agency determines that the use of negotiated rule making is appropriate and in the public interest. In making this determination the head of the agency shall consider whether:

(a) there is a need for a rule;

(b) there are a limited number of identifiable interests or small businesses that will be significantly affected by the rule;

(c) there is a reasonable likelihood that such a committee can be convened with balanced representation of persons who can adequately represent the interest identified under paragraph (b) of this subdivision and who are willing to negotiate in good faith to reach a consensus on a proposed rule;

(d) there is reasonable likelihood that such a committee will reach a consensus on the proposed rule within a fixed period of time;

(e) use of negotiated rule making will not unreasonably delay the notice of proposed rule making and the issuance of a final rule;

(f) the agency has adequate resources and is willing to commit such resources as may be needed, including technical assistance, to a negotiated rule making committee;

(g) the negotiated rule making will not impose a disadvantage on persons whose participation is essential but who lack the resources to participate, or, if participation would impose such disadvantage, it is likely that the agency may obtain and make available such resources in a manner consistent with section two hundred fifty-seven of this article; and

(h) the agency will use the consensus of the committee with respect to the proposed rule as the basis for a rule proposed by the agency for notice and comment.

2. An agency which determines that the proposal of a negotiated rule making proceeding is appropriate and in the public interest shall propose such action to the committee. Such proposal shall indicate the basis for the agency's determination, and shall list the interests which the agency believes to be necessary for representation in the negotiated rule making proceeding and the basis for determining that the proposed list of interests is fair and balanced. The agency's proposal shall be made available to the public on request.

§ 253. Notice of proposed committee formation. 1. If an agency approves the proposal to conduct a negotiated rule making proceeding, then the agency shall publish in the state register and such trade and

other specialized publications, and by such electronic means as it deems appropriate a notice which shall include:

(a) an announcement that the agency intends to establish a negotiated rule making committee to negotiate and develop a proposed rule;

(b) a description of the subject and scope of the rule to be developed, and the issues to be considered;

(c) a list of small businesses and other interests which have been determined to be likely to be significantly affected by the rule;

(d) a list of the persons proposed to represent such interests and the person or persons proposed to represent the agency;

(e) a proposed agenda and schedule for completing the work of the committee, including a target date for publication by the agency of a proposed rule for notice and comment;

(f) a description of administrative support to be provided to the committee by the agency;

(g) a solicitation of comments on the proposal to establish a committee, and the proposed membership of the committee; and

(h) an explanation of how a person may apply to nominate another person for membership on the committee, as provided in subdivision three of this section.

2. Special efforts shall be made by the agency to solicit participation by small businesses, residents of rural areas, inner-city urban areas, minority and disadvantaged groups, and other interests who may otherwise not be represented or may be underrepresented in the negotiated rule making proceeding.

3. Persons who would be significantly affected by a proposed rule and who believe that their interests would not be adequately represented by any person proposed by the agency to represent their interests, or who believe that the proposed representation of interests on the committee will not be fair and balanced, may apply for or nominate another person for membership on the committee to represent such interests or to achieve such balance. Each application or nomination shall include:

(a) the name of the applicant or nominee and a description of the interests such person shall represent;

(b) information that the applicant or nominee is qualified to represent such interests;

(c) a written commitment that the applicant or nominee shall actively participate in good faith in the development of the rule under consideration; and

(d) the reasons for believing that any person or persons proposed to represent interests in the notice published pursuant to subdivision one of this section would not adequately represent the interests of the person submitting the application or nomination.

4. The agency shall provide for a period of at least thirty calendar days for the submission of comments and applications under this section.

5. Any small business or person who is dissatisfied with an agency decision that:

(a) it is not necessary to provide for representation of the interest which such business or person proposes to represent; or

(b) an individual is not the best qualified person to represent an interest, may appeal such decision to the agency. Such business or person shall advise the agency of such appeal and shall provide the committee and agency with a statement of the basis for such appeal. In making a decision on representation of an interest, evidence that an organization has authorized a person to represent it shall be sufficient to demonstrate that such individual is best qualified to represent that

organization. The agency shall notify the proposed committee members of the appeal. The decision by the agency shall be issued within thirty days and shall be final.

§ 254. Committee establishment. 1. After considering comments and applications submitted pursuant to section two hundred fifty-three of this article, the agency shall determine whether a negotiated rule making committee can adequately represent, in a fair and balanced manner, all interests that will be significantly affected by the proposed rule, and whether it would be feasible and appropriate to establish a committee for a particular rule making. In establishing and administering a committee, the agency shall comply with the intent of this article.

2. The agency shall promptly publish notice of its determination and the reasons therefor in the state register, in such trade or other specialized publications, or by electronic means as it deems appropriate. In addition, a copy of such notice shall be sent to any person who applied for or nominated another person for membership on such committee.

3. The agency shall provide appropriate administrative support to the committee, including technical assistance.

§ 255. Conduct of committee activities. 1. Each negotiated rule making committee established pursuant to this article shall consider the matters proposed for consideration by the agency and shall attempt to reach consensus on a proposed rule with respect to such matters.

2. The person or persons representing the agency on a committee shall participate in the deliberations and activities of the committee with the same rights and responsibilities as the other members of the committee, and shall be authorized to fully represent the agency in the discussions and negotiations of the committee.

3. The agency shall nominate a person to serve as a facilitator for the negotiations of the committee, subject to the approval of the committee by consensus. If the committee does not approve the nominee of the agency as facilitator, the committee shall select by consensus a person to serve as the facilitator. A person designated to represent the agency in negotiation of substantive issues shall not serve as facilitator or chair of the committee.

4. A facilitator approved or selected by a committee shall:

(a) chair the meetings of the committee in an impartial manner;

(b) impartially assist the members of the committee in conducting discussions and negotiations;

(c) manage the keeping of committee minutes, except that any personal notes and materials of the facilitator or members of the committee shall not be subject to this section; and

(d) at the conclusion of the proceeding, provide the agency with his or her observations and comments on the usefulness and effectiveness of the negotiated rule making proceeding, and such other comments as he or she deems pertinent.

5. A committee established pursuant to this article may adopt procedures governing its operation not inconsistent with the law.

6. (a) If a committee reaches a consensus on a proposed rule, at the conclusion of negotiations the committee shall transmit to the agency which established the committee a report containing such proposed rule, which shall be proposed for adoption by the agency within sixty days of receipt of the report. If the committee does not reach consensus on a proposed rule, the committee may transmit to the agency a report specifying any areas in which the committee reached a consensus. The commit-

tee may include in the report and other information, recommendations or materials that the committee considers appropriate. Any committee member may include as an addendum to the report additional information, recommendations or materials.

(b) Any report transmitted pursuant to this section shall be provided to the committee at the same time such report is provided to the agency.

7. In addition to the report required by subdivision six of this section, a committee shall submit to the agency the records, materials and reports that were used to arrive at its recommendations. All such records shall be made available to the public for inspection and copying.

8. All records and reports made pursuant to this section, except for any personal notes and materials of the facilitator or members of the committee, shall be open and accessible to the public for inspection and copying.

§ 256. Committee termination. A negotiated rule making committee shall terminate upon promulgation of the final rule under consideration, unless the committee's charter contains an earlier termination date.

§ 257. Services, facilities and payment of expenses of committee members. 1. An agency may employ or enter into contracts for the services of an individual or organization to serve as the facilitator for a negotiated rule making committee under this article, or may use the services of a state employee to act as the facilitator for such a committee.

2. For the purposes of this section, an agency may use the services and facilities of other state agencies, and public and private agencies and instrumentalities, with the consent of such agencies and instrumentalities, and may receive and accept voluntary and uncompensated services from them.

3. Members of a committee shall be responsible for their own expenses of participation on such committee.

§ 258. Judicial review. Any action relating to establishing, assisting or terminating a negotiated rule making committee pursuant to this article shall not be subject to judicial review. Nothing in this section shall bar judicial review of a rule if such judicial review is otherwise provided by law. A rule which is the product of negotiated rule making and is subject to judicial review shall not be accorded any greater deference by a court than a rule which is the product of other rule making procedures.

§ 4. The provisions of this act shall preempt and supersede any inconsistent executive order relating to negotiated rule making.

§ 5. This act shall take effect immediately.

PART ZZZ

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

SUBPART A

Section 1. Section 204-a of the state administrative procedure act, as added by chapter 479 of the laws of 2001, is amended to read as follows:

§ 204-a. Alternate methods for implementing regulatory mandates. 1. As used in this section:

(a) "local government" means any county, city, town, village, school district, fire district or other special district;

(b) "regulatory mandate" means any rule which requires one or more local governments to create a new program, increase the level of service for an existing program or otherwise comply with mandatory requirements; and

(c) "petition" means a document submitted by a local government **or governments** seeking approval of an alternate method for implementing a regulatory mandate.

2. A **local government, or two or more local governments acting jointly, may seek approval for an alternate method of implementing a regulatory mandate by submitting to the appropriate state agency a** petition **which** shall include **but not be limited to**:

(a) **for each involved local government,** an indication that submission has been approved by the governing body of the local government or by an officer duly authorized by the governing body to do so;

(b) an identification of the regulatory mandate which is the subject of the petition and information sufficient to establish that the proposed alternate method of implementation is consistent with and will effectively carry out the objectives of the regulatory mandate;

(c) information on [~~the~~] **any** process used by the local government **or governments** to ensure**, where appropriate,** that all stakeholders have been [~~appropriately~~] involved in the process of developing the alternate method, including where relevant the date of any hearing, forum or other meeting to seek input on the alternate method;

(d) documentation that the petition has been submitted to the authorized agents of any certified or recognized employee organizations representing employees who would be [~~effected~~] **affected** by implementation of the alternate method;

(e) [~~a proposed plan and timetable for compiling and reporting information to facilitate evaluation of the effectiveness of the alternate method;~~

~~(f) if~~] **whether** the state [~~provides~~] **has provided** financial assistance for complying with the regulatory mandate[~~, any proposed amount or percentage of such assistance which would be returned to the state due to savings from implementing the alternate method~~]; [~~and~~

~~(g)~~] **(f)** the name, public office address and telephone number of the representative of [~~the~~] **each petitioning** local government who will coordinate requests for additional information on the petition[~~.~~]**; and**

[~~3. Two~~] **(g) where two** or more local governments [~~may submit a petition~~] **have petitioned** jointly, [~~provided that each local government meets the requirements of paragraphs (a), (c), (d) and (g) of subdivision two of this section, and provided that the petition~~] **information which** addresses the manner in which responsibility for implementation will be allocated between or among the participating local governments.

[~~4.~~] **3.** The agency shall cause a notice of the petition to be published in the state register **and a newspaper of general circulation in the impacted community** and shall receive comments on the petition for a period of thirty days. Such notice shall either include the full text of the information set forth in the petition or shall set forth the

address of a website on which the full text has been posted. The notice shall include the name, public office address [~~and~~], telephone number[~~, and may include a fax number~~] and electronic mail address[~~,~~] of an agency representative from whom additional information on the petition can be obtained and to whom comments on the petition may be submitted.

[~~5.~~] 4. (a) Not later than thirty days after the last day of the comment period, the agency shall approve or disapprove the petition. The agency may approve the petition without change or with such conditions or modifications as the agency deems appropriate. Notice of the agency determination **including any such conditions or modifications** shall be provided in writing to the local government and shall be published in the state register. **Such notice shall either include the full text of the determination or shall set forth the address of a website on which the full text has been posted.** The agency shall not grant a petition unless it determines that the petition has met the requirements of subdivision two of this section and that the local government has established that the alternate method is consistent with and will effectively carry out the objectives of the regulatory mandate; provided, however, that no petition shall be approved which would result in the contravention of any environmental, health or safety standard or would reduce any benefits or rights accorded by law or rule to third parties. In approving a petition, an agency may waive a statutory provision only if it is specifically authorized by law to waive such provision. An approval shall include a timetable for agency evaluation of the effectiveness of the alternate method.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, upon receipt of an objection to a petition from the authorized agent of any certified or recognized employee organization representing employees who would be affected by implementation of the alternate method, the agency shall provide any such organizations with an opportunity for a hearing. If an adjudicatory proceeding is requested, the petition shall not be approved unless the agency determines by a preponderance of the evidence that implementing the alternate method would not affect such employees by contravening any environmental, health or safety standard, reducing any rights or benefits or violating the terms of any negotiated agreement, and that all other requirements of this section have been met. The provisions of this subdivision are in addition to and shall not be construed to impair or modify any rights of such employees under any other law, regulation or contract.

5. Not later than the first day of February, any agency that has made one or more determinations pursuant to subdivision four of this section in the preceding calendar year shall submit for publication in the state register a notice identifying, for each such determination, the local government or governments that submitted the petition, the regulatory mandate, the issue of the state register in which the notice of determination was published, and the address of a website on which the full text of the determination has been posted. The full text shall be maintained for the entire period that a petition remains approved.

6. Nothing in this section shall require a local government to commence or continue an alternate method of implementation if it determines in its sole discretion not to do so, except to the extent that a local government has committed to commencing or continuing an alternate method in a joint petition submitted pursuant to subdivision [~~three~~] two of this section.

7. A state agency may rescind its approval of a petition [~~at any time if it determines, based on the information reported pursuant to para-~~

~~graph (e) of subdivision two of this section or other information available to it, that the alternate method is not effectively carrying out the objectives of the regulatory mandate or is being implemented in a manner detrimental to the public interest~~] only after a hearing, provided, however, that the agency may suspend its approval of a petition prior to a hearing if it finds that immediate suspension is necessary to address an imminent threat to health or safety. Notice of a hearing must be provided to the petitioner at least thirty days prior to the hearing and must be posted on the agency's website. Such notice must state the basis for the agency's decision to seek rescission and inform the local government that it may request information relied upon by the agency in making its determination, which information must be provided to the local government at least seven days in advance of the hearing. After such hearing, the agency may rescind its approval upon a finding that the alternate method of implementation is not consistent with or does not effectively carry out the objectives of the regulatory mandate.

[~~7.~~] 8. Notwithstanding any other provision of law, implementation of an alternate method approved by an agency pursuant to this section shall be deemed to lawfully meet all requirements of the regulatory mandate. An agency shall retain the authority to enforce compliance with the alternate method in the same manner as it may enforce compliance with the underlying rule. Any action on a petition by a state agency shall be subject to review pursuant to article seventy-eight of the civil practice law and rules.

[~~8.~~] 9. In accordance with the timetable established pursuant to subdivision [~~four~~] three of this section, the agency shall evaluate the effectiveness of the alternate method in carrying out the objectives of the regulatory mandate. The evaluation shall identify any savings or other benefits, and any costs or other disadvantages, of implementing the alternate method, and shall address the desirability of incorporating the alternate method into the rules of the agency. Notice of availability of the evaluation shall be published in the state register.

§ 2. This act shall take effect on the first of January after it shall have become a law.

SUBPART B

Section 1. Short title. This act shall be known and may be cited as the "unfunded mandate review act".

§ 2. Section 51 of the legislative law, as added by chapter 985 of the laws of 1983, is amended to read as follows:

§ 51. Fiscal impact notes on bills affecting political subdivisions. 1. For the purpose of this section, the term "political subdivision" means the state, or any division, agency or body of the state; or any county, city, town, village, special district or school district.

2. [~~The legislature shall by concurrent resolution of the senate and assembly prescribe rules requiring fiscal notes to accompany, on a separate form, bills and amendments to bills, except as otherwise prescribed by such rules, which would substantially affect the revenues or expenses, or both, of any political subdivision~~] Whenever a committee of either house reports a bill that includes an unfunded mandate affecting a political subdivision, the bill shall be accompanied by:

(a) an identification and description of any mandate in the bill anticipated to have a direct or indirect cost, a qualitative, and if practicable, a quantitative assessment of the costs and benefits of the mandate; and

(b) a fiscal impact note provided by the comptroller. Fiscal note estimates shall include total cost of complying with the bill and future projected costs. If the comptroller determines that an estimate is not feasible to make, the comptroller shall report reasons for determining an estimate cannot be made.

3. Fiscal notes shall not, however, be required for bills: (a) subject to the provisions of section fifty of this chapter, or (b) accompanied by special home rule requests submitted by political subdivisions, or (c) which provide discretionary authority to political subdivisions, or (d) submitted pursuant to section twenty-four of the state finance law.

4. If the estimate or estimates contained in a fiscal note are inaccurate, such inaccuracies shall not affect, impair or invalidate such bill.

5. Except as provided in subdivisions three and four of this section, the legislature shall not consider a bill including an unfunded mandate affecting a political subdivision if it is not accompanied by a description and fiscal impact note as provided in subdivision two of this section.

§ 3. The executive law is amended by adding a new section 50-a to read as follows:

§ 50-a. Review of legislation affecting political subdivisions. 1. Fiscal impact notes on bills affecting political subdivisions. Upon the request of a legislative committee chairman or the minority ranking member, the comptroller shall provide a fiscal impact note for any bill that includes an unfunded mandate affecting a political subdivision. Fiscal note estimates shall include total cost of complying with the bill and future projected costs. If the comptroller determines that an estimate is not feasible to make, the comptroller shall report the reasons for determining an estimate cannot be made.

2. Continuing mandate study. The comptroller shall conduct a study of legislative proposals containing an unfunded mandate upon a political subdivision. In conducting this continuing study, the comptroller shall solicit and consider information or comments from elected officials advisory panels and stakeholders. To the extent accurate estimates are reasonably feasible, the estimates shall include future costs to the extent that such differ significantly from or extend beyond five years.

3. Cost of regulations. The comptroller shall prepare a comparison between the estimated costs of implementing a regulation provided by the relevant agency and the administrative regulation review commission, and provide the comparison to the legislative committee chairman and the ranking minority member of the committee from which the request pursuant to section two hundred eight of the state administrative procedure act originated.

§ 4. The state administrative procedure act is amended by adding a new section 208 to read as follows:

§ 208. Unfunded mandate review. 1. There is hereby established an administrative regulation review commission. It shall be the duty of the commission, upon the request of a legislative committee chairman or the ranking minority member, to provide an estimated cost of any proposed regulation, and to provide such estimate to the comptroller for his or her review pursuant to subdivision two of section fifty-a of the executive law.

2. It shall be the duty of the administrative regulation review commission to examine all unfunded mandates imposed upon any political subdivision and report recommendations biennially to the legislature regarding:

(a) ways to allow flexibility in complying with specific mandates which may be unnecessarily rigid or complex;
(b) reconciling any two or more mandates which impose contradictory or inconsistent requirements;
(c) terminating any duplicative, obsolete, impractical or unnecessary mandates;
(d) suspending on a temporary basis the mandates which are not vital to public health and safety;
(e) consolidating or simplifying mandates; and
(f) mitigating negative impacts that may result from relieving a political subdivision.
In issuing this report, the commission shall consult with the governor, state agencies, legislature, any relevant advisory groups and stakeholder groups.

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

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

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

PART AAAA

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

CHAPTER 12
COMMISSION ON ROOSEVELT AVENUE

§ 22-1201 Commission on Roosevelt Avenue. a. A commission on Roosevelt Avenue is hereby established to examine, evaluate, make recommendations and advise the governor, the state legislature, the mayor and the council concerning, but not limited to:
(1) economic development along Roosevelt Avenue in the borough of Queens, between Forty-Ninth Street and One Hundred Fourteenth Street;
(2) the reduction of crime along Roosevelt Avenue in the borough of Queens, between Forty-Ninth Street and One Hundred Fourteenth Street;
(3) quality of life issues affecting those persons residing along Roosevelt Avenue in the borough of Queens, between Forty-Ninth Street and One Hundred Fourteenth Street; and
(4) the establishment and implementation of improved enforcement and coordination efforts by city and state agencies which have oversight functions along Roosevelt Avenue in the borough of Queens, between Forty-Ninth Street and One Hundred Fourteenth Street.
b. (1) The commission on Roosevelt Avenue shall be composed of fifteen members as follows:
(A) the commanding officer of the one hundred eighth precinct of the police department, or his or her designee;

(B) the commanding officer of the one hundred tenth precinct of the police department, or his or her designee;
(C) the commanding officer of the one hundred fifteenth precinct of the police department, or his or her designee;
(D) the commissioner of consumer affairs, or his or her designee, who shall be the chair of the commission;
(E) a representative of community board number two;
(F) a representative of community board number three;
(G) a representative of community board number four;
(H) a local business representative appointed by community board number two;
(I) a local business representative appointed by community board number three;
(J) a local business representative appointed by community board number four;
(K) the commissioner of sanitation, or his or her designee;
(L) the commissioner of health and mental hygiene, or his or her designee;
(M) the chairman of the state liquor authority, or his or her designee;
(N) the commissioner of the fire department, or his or her designee; and
(O) a representative of an immigrant advocacy or services organization within the city appointed by the mayor.
(2) The members of the commission on Roosevelt Avenue shall receive no compensation for their services pursuant to this section.
c. Within one year of the effective date of this section the commission on Roosevelt Avenue shall establish and submit to the governor, state legislature, mayor and council an action plan for Roosevelt Avenue. Such plan shall include the commission's findings, conclusions and recommendations, and a comprehensive plan that identifies long-term solutions to persistent crime and hampered economic development along Roosevelt Avenue in the borough of Queens, between Forty-Ninth Street and One Hundred Fourteenth Street.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law, and shall expire and be deemed repealed five years after such date.

PART BBBB

Section 1. Short title. This act shall be known and may be cited as the "youth violence prevention task force act".

§ 2. Youth violence prevention task force; members. 1. There is created the "youth violence prevention task force" (hereinafter referred to as the task force) consisting of seven members to be appointed as follows:

a. one member of the senate who shall be appointed by the temporary president of the senate;

b. one member of the senate who shall be appointed by the minority leader of the senate;

c. one member of the assembly who shall be appointed by the speaker of the assembly;

d. one member of the assembly who shall be appointed by the minority leader of the assembly; and

e. three members who shall be appointed by the governor, one of whom shall be designated as the chairperson of the task force by the governor.

2. The members of the task force shall serve without compensation but shall be entitled to reimbursement for their reasonable and necessary expenses incurred in the performance of their duties.

3. The task force may utilize skilled experts, and shall receive the cooperation of those state agencies it deems appropriate to assist the task force in carrying out its duties.

4. The task force shall hold hearings across the state.

§ 3. Youth violence prevention task force; duties. The task force shall study and evaluate the effectiveness of current and existing programs related to the prevention of youth violence. The task force shall further issue a report to the governor and the legislature on or before December 1, 2019 concerning its activities and findings.

§ 4. This act shall take effect immediately and shall expire and be deemed repealed on December 1, 2019.

PART CCCC

Section 1. Subdivision 4 of section 170.15 of the criminal procedure law, as amended by chapter 67 of the laws of 2000, is amended to read as follows:

4. Notwithstanding any provision of this section to the contrary, in any county outside a city having a population of one million or more, upon or after arraignment of a defendant on an information, a simplified information, a prosecutor's information or a misdemeanor complaint pending in a local criminal court, such court may, upon motion of the defendant and with the consent of the district attorney, order that the action be removed from the court in which the matter is pending to another local criminal court in the same county which has been designated a [~~drug~~] court **formed to address a matter of special concern based upon the status of the defendant or the victim, commonly known as a "problem solving court," including, but not limited to, drug court, domestic violence court, youth court, mental health court, and veterans court,** by the chief administrator of the courts, and such [~~drug~~] **problem solving** court may then conduct such action to [~~judgement~~] **judgment** or other final disposition; provided, however, that an order of removal issued under this subdivision shall not take effect until five days after the date the order is issued unless, prior to such effective date, the [~~drug~~] **problem solving** court notifies the court that issued the order that:

(a) it will not accept the action, in which event the order shall not take effect, or

(b) it will accept the action on a date prior to such effective date, in which event the order shall take effect upon such prior date.

Upon providing notification pursuant to paragraph (a) or (b) of this subdivision, the [~~drug~~] **problem solving** court shall promptly give notice to the defendant, his or her counsel and the district attorney.

§ 2. This act shall take effect immediately.

PART DDDD

Section 1. Commission established. (a) A commission to be known as the New York state 2020 complete count commission, hereafter referred to as the commission, is hereby established to identify issues that may have

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

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

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

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

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

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

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

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

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

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

(d) The members of the commission shall receive no compensation for their services as members, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

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

(f) The commission may appoint such staff as may be necessary to carry out its duties. Such staff shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses incurred by them in the performance of the commission's duties.

§ 2. Powers and duties of the commission. (a) The commission shall study, examine and review the issues that may have led to past United States census undercounts in New York state and shall make recommendations to ensure an accurate count in the 2020 United States census.

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

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

(d) The commission may request and shall receive from any subdivision, department, board, commission, office, agency, or other instrumentality of the state or of any political subdivision thereof such facilities, assistance and data reasonably available as it deems necessary or desir-

able for the proper execution of its powers and duties and to effectuate the purposes set forth in this act.

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

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

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

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

§ 3. This act shall take effect immediately.

PART EEEE

Section 1. Subdivision 5 of section 265.00 of the penal law is amended to read as follows:

5. "Gravity knife" means any knife which has a blade which is released from the handle or sheath thereof **solely** by the force of gravity [~~**or the application of centrifugal force**~~] which, when released, is locked in place by means of a button, spring, lever or other device.

§ 2. This act shall take effect immediately.

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

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