

STATE OF NEW YORK

S. 7505--B

A. 9505--B

SENATE - ASSEMBLY

January 22, 2020

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

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

AN ACT to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to the effectiveness thereof; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the

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

LBD12670-03-0

expiration of certain provisions of such chapter; to amend chapter 62 of the laws of 2011, amending the correction law and the executive law relating to merging the department of correctional services and division of parole into the department of corrections and community supervision, in relation to the effectiveness thereof; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; 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; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend chapter 55 of the laws of 2018 amending the criminal procedure law relating to pre-criminal proceeding settlements in the city of New York, in relation to the

effectiveness thereof (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); to amend the state finance law, in relation to establishing the criminal justice discovery compensation fund; to amend the criminal procedure law, in relation to monies recovered by county district attorneys before the filing of an accusatory instrument; and providing for the repeal of certain provisions upon expiration thereof (Part E); in relation to the closure of correctional facilities; and providing for the repeal of such provisions upon expiration thereof (Part F); to amend the correction law and the executive law, in relation to moving adolescent offenders to the office of children and family services; to repeal paragraph (a-1) of subdivision 4 of section 70.20 of the penal law and section 77 of the correction law relating thereto; to repeal paragraphs (a) through (e) of section 508 of the executive law relating to a technical correction; and providing for the repeal of certain provisions upon expiration thereof (Part G); intentionally omitted (Part H); 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 I); intentionally omitted (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to amend the criminal procedure law and the family court act, in relation to establishing the safe homes and families act (Part M); to amend the penal law and the executive law, in relation to firearm licenses (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to amend the criminal procedure law, in relation to determining whether certain misdemeanor crimes are serious offenses under the penal law (Part Q); to amend the penal law and the criminal procedure law, in relation to enacting the "Josef Neumann Hate Crimes Domestic Terrorism Act" (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); intentionally omitted (Part V); to amend the civil service law, in relation to continuing to protect and strengthen unions (Part W); intentionally omitted (Part X); to amend the state finance law and the state technology law, in relation to defining the term technology to include computer information, electronic information, interconnected systems and related material thereto (Part Y); to amend section 1 of part S of chapter 56 of the laws of 2010, relating to establishing a joint appointing authority for the state financial system project, in relation to statewide financial system procurements (Part Z); to amend chapter 95 of the laws of 2000 amending the state finance law, the general municipal law, the public buildings law and other laws relating to bonds, notes and revenues, in relation to extending the effectiveness thereof (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); to amend the alcoholic beverage control law, in relation to establishing the hours during which alcoholic beverages may be sold in certain international airport property (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); to amend the election law, in relation to conducting a full manual recount on all ballots (Part JJ); intentionally omitted (Part KK); intentionally omitted (Part LL); intentionally omitted (Part MM); to amend the tax law and the public authorities law, in relation to AIM-related sales tax payments in the counties of Nassau and Erie (Part NN); intentionally omitted (Part OO); to amend the domestic relations law, in relation to including acts of domestic violence in the criteria the court shall consider in

determining the equitable disposition of property during divorce proceedings (Part PP); to amend the public authorities law, in relation to ensuring pay equity at state and local public authorities (Part QQ); intentionally omitted (Part RR); intentionally omitted (Part SS); intentionally omitted (Part TT); to amend the executive law, in relation to disclosure requirements for certain nonprofits (Part UU); intentionally omitted (Part VV); to amend part E of chapter 60 of the laws of 2015, establishing a commission on legislative, judicial and executive compensation, and providing for the powers and duties of the commission and for the dissolution of the commission, in relation to the powers of the members of the commission (Part WW); to amend the public health law, in relation to rights of sexual offense victims; and to repeal section 631-b of the executive law relating thereto (Subpart A); to amend the executive law, in relation to regulatory fines for small businesses; and to amend a chapter of the laws of 2019, amending the executive law relating to regulatory fines for small businesses, in relation to the effectiveness thereof (Subpart B); to amend a chapter of the laws of 2019, authorizing the commissioner of general services to transfer and convey certain state land to the city of New Rochelle, as proposed in legislative bills numbers S.6228-A and A.7846-A, in relation to specifying the use for which certain state lands are to be transferred to the city of New Rochelle (Subpart C); to amend the social services law, in relation to exempting income earned by persons under the age of twenty-four from certain workforce development programs from the determination of need for public assistance programs (Subpart D); to amend the real property tax law, in relation to making technical changes to allow exemption from certain special districts (Subpart E); to amend the labor law, in relation to adding components sold with instructions to combine such components to create combustion or detonation to the definition of "explosives"; and to repeal certain provisions of such law relating thereto (Subpart F); to amend the private housing finance law, in relation to persons and families in company projects who are required to pay a rental surcharge (Subpart G); to amend a chapter of the laws of 2019, relating to directing the metropolitan transportation authority to rename certain subway stations, as proposed in legislative bills numbers S. 3439-A and A. 1512-A, in relation to directing the metropolitan transportation authority and the New York City transit authority to rename certain subway stations (Subpart H); to amend chapter 383 of the laws of 2019 amending the public authorities law relating to the Roosevelt Island operating corporation, in relation to the continuity of the Roosevelt Island operating corporation (Subpart I); to amend the elder law, in relation to the state office for the aging sexual discrimination training program; and to repeal certain provisions of such law related thereto (Subpart J); to amend the insurance law, in relation to policies or contracts which are not included in the definition of student accident and health insurance (Subpart K); to amend the family court act and the social services law, in relation to notice of indicated reports of child maltreatment and changes of placement in child protective and voluntary foster care placement and review proceedings (Subpart L); to amend the election law, in relation to voter registration form distribution and assistance (Subpart M); to amend the election law, in relation to canvass of ballots cast by certain voters (Subpart N); to amend the labor law, in relation to requiring the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of

elevators and other automated people moving devices; to amend the state finance law, in relation to availability of funds from the elevator and related conveyances safety program account; to amend the administrative code of the city of New York, in relation to the definition of elevator work and elevator agency technician license qualifications and exemptions; to amend part B of a chapter of the laws of 2019, amending the administrative code of the city of New York relating to the licensing of approved elevator agency directors, inspectors, and technicians performing elevator work in the city of New York as proposed in legislative bills numbers S. 4080-C and A. 4509-A, in relation to the effectiveness thereof; to amend part A of a chapter of the laws of 2019, amending the labor law and the state finance law relating to requiring the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators and other automated people moving devices, as proposed in legislative bills numbers S. 4080-C and A. 4509-A, in relation to the effectiveness thereof; and repealing certain provisions of the labor law and the administrative code of the city of New York relating thereto (Subpart O); to amend the general municipal law, in relation to proof of eligibility for volunteer firefighter enhanced cancer disability benefits; and to repeal certain provisions of the general municipal law relating thereto (Subpart P); to amend the insurance law, in relation to "lease-end" charges (Subpart Q); to amend the labor law, in relation to the New York call center jobs act (Subpart R); to amend the public health law and the executive law, in relation to HIV post-exposure prophylaxis and other health care services for sexual assault victims; and to amend a chapter of the laws of 2019, amending the public health law and the executive law relating to HIV post-exposure prophylaxis and other health care services for sexual assault victims, as proposed in legislative bills numbers S. 2279-A and A. 1204-A in relation to the effectiveness thereof (Subpart S); to amend a chapter of the laws of 2019 amending the tax law and the state finance law relating to gifts for the support of the New York state council on the arts, as proposed in legislative bills numbers S. 3570 and A. 7994, in relation to making technical corrections thereto (Subpart T); to amend the tax law, in relation to the senior wellness in nutrition fund (Subpart U); to amend the tax law and administrative code of the city of New York, in relation to the definition of a research tobacco product (Subpart V); to amend the alcoholic beverage control law, in relation to authorizing retail licensees to purchase beer with a business payment card; and to repeal certain provisions of such law relating thereto (Subpart W); to amend the tax law, in relation to a television writers' and directors' fees and salaries credit; and to amend a chapter of the laws of 2019 amending the tax law relating to a television writers' and directors' fees and salaries credit, as proposed in legislative bills numbers S. 5864-A and A. 6683-B, in relation to a television writers' and directors' fees and salaries credit and the effectiveness thereof (Subpart X); to amend the public service law, in relation to the payment of wages to workers; and to repeal a chapter of the laws of 2019, amending the labor law relating to ensuring that utility employees receive the prevailing wage (Subpart Y); to amend the real property law, in relation to regulation of reverse mortgage loans issued under the federal home equity conversion mortgage for seniors program (Subpart Z); to amend the environmental conservation law, in relation to regulation of toxic chemicals in children's products (Subpart AA); to amend the local

finance law, in relation to the electronic open auction public bond sale pilot program (Subpart BB); and to amend chapter 9 of the laws of 2020 relating to allowing the commissioner of transportation to impound or immobilize stretch limousines in certain situations, in relation to the effectiveness thereof (Subpart CC)(Part XX); to amend the public authorities law, in relation to the Nassau county interim finance authority (Part YY); to repeal subdivision 1 of paragraph b of section 33.10 of the local finance law, relating to the issuance of bonds in the county of Westchester (Part ZZ); and to amend the election law, in relation to time allowed employees to vote (Part AAA)

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

1 Section 1. This act enacts into law major components of legislation
2 necessary to implement the state public protection and general govern-
3 ment budget for the 2020--2021 state fiscal year. Each component is
4 wholly contained within a Part identified as Parts A through AAA. The
5 effective date for each particular provision contained within such Part
6 is set forth in the last section of such Part. Any provision in any
7 section contained within a Part, including the effective date of the
8 Part, which makes a reference to a section "of this act", when used in
9 connection with that particular component, shall be deemed to mean and
10 refer to the corresponding section of the Part in which it is found.
11 Section three of this act sets forth the general effective date of this
12 act.

13 PART A

14 Section 1. Section 2 of chapter 887 of the laws of 1983, amending the
15 correction law relating to the psychological testing of candidates, as
16 amended by section 1 of part O of chapter 55 of the laws of 2019, is
17 amended to read as follows:

18 § 2. This act shall take effect on the one hundred eightieth day after
19 it shall have become a law and shall remain in effect until September 1,
20 [~~2020~~] 2021.

21 § 2. Section 3 of chapter 428 of the laws of 1999, amending the execu-
22 tive law and the criminal procedure law relating to expanding the
23 geographic area of employment of certain police officers, as amended by
24 section 2 of part O of chapter 55 of the laws of 2019, is amended to
25 read as follows:

26 § 3. This act shall take effect on the first day of November next
27 succeeding the date on which it shall have become a law, and shall
28 remain in effect until the first day of September, [~~2020~~] 2021, when it
29 shall expire and be deemed repealed.

30 § 3. Section 3 of chapter 886 of the laws of 1972, amending the
31 correction law and the penal law relating to prisoner furloughs in
32 certain cases and the crime of absconding therefrom, as amended by
33 section 3 of part O of chapter 55 of the laws of 2019, is amended to
34 read as follows:

35 § 3. This act shall take effect 60 days after it shall have become a
36 law and shall remain in effect until September 1, [~~2020~~] 2021.

37 § 4. Section 20 of chapter 261 of the laws of 1987, amending chapters
38 50, 53 and 54 of the laws of 1987, the correction law, the penal law and
39 other chapters and laws relating to correctional facilities, as amended

1 by section 4 of part 0 of chapter 55 of the laws of 2019, is amended to
2 read as follows:

3 § 20. This act shall take effect immediately except that section thir-
4 teen of this act shall expire and be of no further force or effect on
5 and after September 1, [~~2020~~] 2021 and shall not apply to persons
6 committed to the custody of the department after such date, and provided
7 further that the commissioner of corrections and community supervision
8 shall report each January first and July first during such time as the
9 earned eligibility program is in effect, to the chairmen of the senate
10 crime victims, crime and correction committee, the senate codes commit-
11 tee, the assembly correction committee, and the assembly codes commit-
12 tee, the standards in effect for earned eligibility during the prior
13 six-month period, the number of inmates subject to the provisions of
14 earned eligibility, the number who actually received certificates of
15 earned eligibility during that period of time, the number of inmates
16 with certificates who are granted parole upon their first consideration
17 for parole, the number with certificates who are denied parole upon
18 their first consideration, and the number of individuals granted and
19 denied parole who did not have earned eligibility certificates.

20 § 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992,
21 amending the tax law and other laws relating to taxes, surcharges, fees
22 and funding, as amended by section 5 of part 0 of chapter 55 of the laws
23 of 2019, is amended to read as follows:

24 (q) the provisions of section two hundred eighty-four of this act
25 shall remain in effect until September 1, [~~2020~~] 2021 and be applicable
26 to all persons entering the program on or before August 31, [~~2020~~] 2021.

27 § 6. Section 10 of chapter 339 of the laws of 1972, amending the
28 correction law and the penal law relating to inmate work release,
29 furlough and leave, as amended by section 6 of part 0 of chapter 55 of
30 the laws of 2019, is amended to read as follows:

31 § 10. This act shall take effect 30 days after it shall have become a
32 law and shall remain in effect until September 1, [~~2020~~] 2021, and
33 provided further that the commissioner of correctional services shall
34 report each January first, and July first, to the chairman of the senate
35 crime victims, crime and correction committee, the senate codes commit-
36 tee, the assembly correction committee, and the assembly codes commit-
37 tee, the number of eligible inmates in each facility under the custody
38 and control of the commissioner who have applied for participation in
39 any program offered under the provisions of work release, furlough, or
40 leave, and the number of such inmates who have been approved for partic-
41 ipation.

42 § 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994,
43 relating to certain provisions which impact upon expenditure of certain
44 appropriations made by chapter 50 of the laws of 1994, enacting the
45 state operations budget, as amended by section 7 of part 0 of chapter 55
46 of the laws of 2019, is amended to read as follows:

47 (c) sections forty-one and forty-two of this act shall expire Septem-
48 ber 1, [~~2020~~] 2021; provided, that the provisions of section forty-two
49 of this act shall apply to inmates entering the work release program on
50 or after such effective date; and

51 § 8. Subdivision h of section 74 of chapter 3 of the laws of 1995,
52 amending the correction law and other laws relating to the incarceration
53 fee, as amended by section 8 of part 0 of chapter 55 of the laws of
54 2019, is amended to read as follows:

55 h. Section fifty-two of this act shall be deemed to have been in full
56 force and effect on and after April 1, 1995; provided, however, that the

1 provisions of section 189 of the correction law, as amended by section
2 fifty-five of this act, subdivision 5 of section 60.35 of the penal law,
3 as amended by section fifty-six of this act, and section fifty-seven of
4 this act shall expire September 1, [~~2020~~] 2021, when upon such date the
5 amendments to the correction law and penal law made by sections fifty-
6 five and fifty-six of this act shall revert to and be read as if the
7 provisions of this act had not been enacted; provided, however, that
8 sections sixty-two, sixty-three and sixty-four of this act shall be
9 deemed to have been in full force and effect on and after March 1, 1995
10 and shall be deemed repealed April 1, 1996 and upon such date the
11 provisions of subsection (e) of section 9110 of the insurance law and
12 subdivision 2 of section 89-d of the state finance law shall revert to
13 and be read as set out in law on the date immediately preceding the
14 effective date of sections sixty-two and sixty-three of this act;

15 § 9. Subdivision (c) of section 49 of subpart A of part C of chapter
16 62 of the laws of 2011, amending the correction law and the executive
17 law relating to merging the department of correctional services and
18 division of parole into the department of corrections and community
19 supervision, as amended by section 9 of part O of chapter 55 of the laws
20 of 2019, is amended to read as follows:

21 (c) that the amendments to subdivision 9 of section 201 of the
22 correction law as added by section thirty-two of this act shall remain
23 in effect until September 1, [~~2020~~] 2021, when it shall expire and be
24 deemed repealed;

25 § 10. Subdivision (aa) of section 427 of chapter 55 of the laws of
26 1992, amending the tax law and other laws relating to taxes, surcharges,
27 fees and funding, as amended by section 10 of part O of chapter 55 of
28 the laws of 2019, is amended to read as follows:

29 (aa) the provisions of sections three hundred eighty-two, three
30 hundred eighty-three and three hundred eighty-four of this act shall
31 expire on September 1, [~~2020~~] 2021;

32 § 11. Section 12 of chapter 907 of the laws of 1984, amending the
33 correction law, the New York city criminal court act and the executive
34 law relating to prison and jail housing and alternatives to detention
35 and incarceration programs, as amended by section 11 of part O of chap-
36 ter 55 of the laws of 2019, is amended to read as follows:

37 § 12. This act shall take effect immediately, except that the
38 provisions of sections one through ten of this act shall remain in full
39 force and effect until September 1, [~~2020~~] 2021 on which date those
40 provisions shall be deemed to be repealed.

41 § 12. Subdivision (p) of section 406 of chapter 166 of the laws of
42 1991, amending the tax law and other laws relating to taxes, as amended
43 by section 12 of part O of chapter 55 of the laws of 2019, is amended to
44 read as follows:

45 (p) The amendments to section 1809 of the vehicle and traffic law made
46 by sections three hundred thirty-seven and three hundred thirty-eight of
47 this act shall not apply to any offense committed prior to such effec-
48 tive date; provided, further, that section three hundred forty-one of
49 this act shall take effect immediately and shall expire November 1, 1993
50 at which time it shall be deemed repealed; sections three hundred
51 forty-five and three hundred forty-six of this act shall take effect
52 July 1, 1991; sections three hundred fifty-five, three hundred fifty-
53 six, three hundred fifty-seven and three hundred fifty-nine of this act
54 shall take effect immediately and shall expire June 30, 1995 and shall
55 revert to and be read as if this act had not been enacted; section three
56 hundred fifty-eight of this act shall take effect immediately and shall

1 expire June 30, 1998 and shall revert to and be read as if this act had
2 not been enacted; section three hundred sixty-four through three hundred
3 sixty-seven of this act shall apply to claims filed on or after such
4 effective date; sections three hundred sixty-nine, three hundred seven-
5 ty-two, three hundred seventy-three, three hundred seventy-four, three
6 hundred seventy-five and three hundred seventy-six of this act shall
7 remain in effect until September 1, [~~2020~~] 2021, at which time they
8 shall be deemed repealed; provided, however, that the mandatory
9 surcharge provided in section three hundred seventy-four of this act
10 shall apply to parking violations occurring on or after said effective
11 date; and provided further that the amendments made to section 235 of
12 the vehicle and traffic law by section three hundred seventy-two of this
13 act, the amendments made to section 1809 of the vehicle and traffic law
14 by sections three hundred thirty-seven and three hundred thirty-eight of
15 this act and the amendments made to section 215-a of the labor law by
16 section three hundred seventy-five of this act shall expire on September
17 1, [~~2020~~] 2021 and upon such date the provisions of such subdivisions
18 and sections shall revert to and be read as if the provisions of this
19 act had not been enacted; the amendments to subdivisions 2 and 3 of
20 section 400.05 of the penal law made by sections three hundred seventy-
21 seven and three hundred seventy-eight of this act shall expire on July
22 1, 1992 and upon such date the provisions of such subdivisions shall
23 revert and shall be read as if the provisions of this act had not been
24 enacted; the state board of law examiners shall take such action as is
25 necessary to assure that all applicants for examination for admission to
26 practice as an attorney and counsellor at law shall pay the increased
27 examination fee provided for by the amendment made to section 465 of the
28 judiciary law by section three hundred eighty of this act for any exam-
29 ination given on or after the effective date of this act notwithstanding
30 that an applicant for such examination may have prepaid a lesser fee for
31 such examination as required by the provisions of such section 465 as of
32 the date prior to the effective date of this act; the provisions of
33 section 306-a of the civil practice law and rules as added by section
34 three hundred eighty-one of this act shall apply to all actions pending
35 on or commenced on or after September 1, 1991, provided, however, that
36 for the purposes of this section service of such summons made prior to
37 such date shall be deemed to have been completed on September 1, 1991;
38 the provisions of section three hundred eighty-three of this act shall
39 apply to all money deposited in connection with a cash bail or a
40 partially secured bail bond on or after such effective date; and the
41 provisions of sections three hundred eighty-four and three hundred
42 eighty-five of this act shall apply only to jury service commenced
43 during a judicial term beginning on or after the effective date of this
44 act; provided, however, that nothing contained herein shall be deemed to
45 affect the application, qualification, expiration or repeal of any
46 provision of law amended by any section of this act and such provisions
47 shall be applied or qualified or shall expire or be deemed repealed in
48 the same manner, to the same extent and on the same date as the case may
49 be as otherwise provided by law;

50 § 13. Subdivision 8 of section 1809 of the vehicle and traffic law, as
51 amended by section 13 of part 0 of chapter 55 of the laws of 2019, is
52 amended to read as follows:

53 8. The provisions of this section shall only apply to offenses commit-
54 ted on or before September first, two thousand [~~twenty~~] twenty-one.

55 § 14. Section 6 of chapter 713 of the laws of 1988, amending the vehi-
56 cle and traffic law relating to the ignition interlock device program,

1 as amended by section 14 of part 0 of chapter 55 of the laws of 2019, is
2 amended to read as follows:

3 § 6. This act shall take effect on the first day of April next
4 succeeding the date on which it shall have become a law; provided,
5 however, that effective immediately, the addition, amendment or repeal
6 of any rule or regulation necessary for the implementation of the fore-
7 going sections of this act on their effective date is authorized and
8 directed to be made and completed on or before such effective date and
9 shall remain in full force and effect until the first day of September,
10 [~~2020~~] 2021 when upon such date the provisions of this act shall be
11 deemed repealed.

12 § 15. Paragraph a of subdivision 6 of section 76 of chapter 435 of the
13 laws of 1997, amending the military law and other laws relating to vari-
14 ous provisions, as amended by section 15 of part 0 of chapter 55 of the
15 laws of 2019, is amended to read as follows:

16 a. sections forty-three through forty-five of this act shall expire
17 and be deemed repealed on September 1, [~~2020~~] 2021;

18 § 16. Section 4 of part D of chapter 412 of the laws of 1999, amending
19 the civil practice law and rules and the court of claims act relating to
20 prisoner litigation reform, as amended by section 16 of part 0 of chap-
21 ter 55 of the laws of 2019, is amended to read as follows:

22 § 4. This act shall take effect 120 days after it shall have become a
23 law and shall remain in full force and effect until September 1, [~~2020~~]
24 2021, when upon such date it shall expire.

25 § 17. Subdivision 2 of section 59 of chapter 222 of the laws of 1994,
26 constituting the family protection and domestic violence intervention
27 act of 1994, as amended by section 17 of part 0 of chapter 55 of the
28 laws of 2019, is amended to read as follows:

29 2. Subdivision 4 of section 140.10 of the criminal procedure law as
30 added by section thirty-two of this act shall take effect January 1,
31 1996 and shall expire and be deemed repealed on September 1, [~~2020~~]
32 2021.

33 § 18. Section 5 of chapter 505 of the laws of 1985, amending the crim-
34 inal procedure law relating to the use of closed-circuit television and
35 other protective measures for certain child witnesses, as amended by
36 section 18 of part 0 of chapter 55 of the laws of 2019, is amended to
37 read as follows:

38 § 5. This act shall take effect immediately and shall apply to all
39 criminal actions and proceedings commenced prior to the effective date
40 of this act but still pending on such date as well as all criminal
41 actions and proceedings commenced on or after such effective date and
42 its provisions shall expire on September 1, [~~2020~~] 2021, when upon such
43 date the provisions of this act shall be deemed repealed.

44 § 19. Subdivision d of section 74 of chapter 3 of the laws of 1995,
45 enacting the sentencing reform act of 1995, as amended by section 19 of
46 part 0 of chapter 55 of the laws of 2019, is amended to read as follows:

47 d. Sections one-a through twenty, twenty-four through twenty-eight,
48 thirty through thirty-nine, forty-two and forty-four of this act shall
49 be deemed repealed on September 1, [~~2020~~] 2021;

50 § 20. Section 2 of chapter 689 of the laws of 1993, amending the crim-
51 inal procedure law relating to electronic court appearance in certain
52 counties, as amended by section 20 of part 0 of chapter 55 of the laws
53 of 2019, is amended to read as follows:

54 § 2. This act shall take effect immediately, except that the
55 provisions of this act shall be deemed to have been in full force and
56 effect since July 1, 1992 and the provisions of this act shall expire

1 September 1, [~~2020~~] 2021 when upon such date the provisions of this act
2 shall be deemed repealed.

3 § 21. Section 3 of chapter 688 of the laws of 2003, amending the execu-
4 tive law relating to enacting the interstate compact for adult offender
5 supervision, as amended by section 21 of part O of chapter 55 of the
6 laws of 2019, is amended to read as follows:

7 § 3. This act shall take effect immediately, except that section one
8 of this act shall take effect on the first of January next succeeding
9 the date on which it shall have become a law, and shall remain in effect
10 until the first of September, [~~2020~~] 2021, upon which date this act
11 shall be deemed repealed and have no further force and effect; provided
12 that section one of this act shall only take effect with respect to any
13 compacting state which has enacted an interstate compact entitled
14 "Interstate compact for adult offender supervision" and having an iden-
15 tical effect to that added by section one of this act and provided
16 further that with respect to any such compacting state, upon the effec-
17 tive date of section one of this act, section 259-m of the executive law
18 is hereby deemed REPEALED and section 259-mm of the executive law, as
19 added by section one of this act, shall take effect; and provided
20 further that with respect to any state which has not enacted an inter-
21 state compact entitled "Interstate compact for adult offender super-
22 vision" and having an identical effect to that added by section one of
23 this act, section 259-m of the executive law shall take effect and the
24 provisions of section one of this act, with respect to any such state,
25 shall have no force or effect until such time as such state shall adopt
26 an interstate compact entitled "Interstate compact for adult offender
27 supervision" and having an identical effect to that added by section one
28 of this act in which case, with respect to such state, effective imme-
29 diately, section 259-m of the executive law is deemed repealed and
30 section 259-mm of the executive law, as added by section one of this
31 act, shall take effect.

32 § 22. Section 8 of part H of chapter 56 of the laws of 2009, amending
33 the correction law relating to limiting the closing of certain correc-
34 tional facilities, providing for the custody by the department of
35 correctional services of inmates serving definite sentences, providing
36 for custody of federal prisoners and requiring the closing of certain
37 correctional facilities, as amended by section 22 of part O of chapter
38 55 of the laws of 2019, is amended to read as follows:

39 § 8. This act shall take effect immediately; provided, however that
40 sections five and six of this act shall expire and be deemed repealed
41 September 1, [~~2020~~] 2021.

42 § 23. Section 3 of part C of chapter 152 of the laws of 2001, amending
43 the military law relating to military funds of the organized militia, as
44 amended by section 23 of part O of chapter 55 of the laws of 2019, is
45 amended to read as follows:

46 § 3. This act shall take effect immediately; provided however that the
47 amendments made to subdivision 1 of section 221 of the military law by
48 section two of this act shall expire and be deemed repealed September 1,
49 [~~2020~~] 2021.

50 § 24. Section 5 of chapter 554 of the laws of 1986, amending the
51 correction law and the penal law relating to providing for community
52 treatment facilities and establishing the crime of absconding from the
53 community treatment facility, as amended by section 24 of part O of
54 chapter 55 of the laws of 2019, is amended to read as follows:

55 § 5. This act shall take effect immediately and shall remain in full
56 force and effect until September 1, [~~2020~~] 2021, and provided further

1 that the commissioner of correctional services shall report each January
 2 first and July first during such time as this legislation is in effect,
 3 to the chairmen of the senate crime victims, crime and correction
 4 committee, the senate codes committee, the assembly correction commit-
 5 tee, and the assembly codes committee, the number of individuals who are
 6 released to community treatment facilities during the previous six-month
 7 period, including the total number for each date at each facility who
 8 are not residing within the facility, but who are required to report to
 9 the facility on a daily or less frequent basis.

10 § 25. Section 2 of part F of chapter 55 of the laws of 2018, amending
 11 the criminal procedure law relating to pre-criminal proceeding settle-
 12 ments in the city of New York, as amended by section 25 of part O of
 13 chapter 55 of the laws of 2019, is amended to read as follows:

14 § 2. This act shall take effect immediately and shall remain in full
 15 force and effect until March 31, [~~2020~~ 2021], when it shall expire and
 16 be deemed repealed.

17 § 26. This act shall take effect immediately, provided however that
 18 section twenty-five of this act shall be deemed to have been in full
 19 force and effect on and after March 31, 2020.

20 PART B

21 Intentionally Omitted

22 PART C

23 Intentionally Omitted

24 PART D

25 Intentionally Omitted

26 PART E

27 Section 1. The state finance law is amended by adding a new section
 28 99-hh to read as follows:

29 § 99-hh. Criminal justice discovery compensation fund. 1. There is
 30 hereby established in the joint custody of the state comptroller and the
 31 commissioner of taxation and finance a fund to be known as the criminal
 32 justice discovery compensation fund.

33 2. (a) Such fund shall consist of forty million dollars upon immediate
 34 transfer from funds secured by payments associated with state sanctioned
 35 deferred prosecution agreements currently held on deposit with the
 36 office of the Manhattan district attorney.

37 (b) The office of the Manhattan district attorney shall annually remit
 38 forty million dollars of future state sanctioned deferred prosecution
 39 agreement funds which have been secured by January first of the subse-
 40 quent year. If forty million dollars in future funding has not been
 41 secured, the office of the Manhattan district attorney shall transfer
 42 forty million dollars from funds secured by payments associated with
 43 state sanctioned deferred prosecution agreements currently held on
 44 deposit with the office of the Manhattan district attorney by January
 45 first.

46 3. Monies of the criminal justice discovery compensation fund, follow-
 47 ing appropriation by the legislature and allocation by the director of
 48 the budget, shall be made available for local assistance services and

1 expenses related to discovery reform implementation, including but not
2 limited to, digital evidence transmission technology, administrative
3 support, computers, hardware and operating software, data connectivity,
4 development of training materials, staff training, overtime costs, liti-
5 gation readiness, and pretrial services. Eligible entities shall
6 include, but not be limited to counties, cities with populations less
7 than one million, and law enforcement and prosecutorial entities within
8 towns and villages.

9 § 2. Section 95.00 of the criminal procedure law, as added by section
10 1 of part F of chapter 55 of the laws of 2018, is amended to read as
11 follows:

12 § 95.00 Pre-criminal proceeding settlement.

13 When a county district attorney of a county located in a city of one
14 million or more recovers monies before the filing of an accusatory
15 instrument as defined in subdivision one of section 1.20 of this chap-
16 ter, after injured parties have been appropriately compensated, the
17 district attorney's office shall retain a percentage of the remaining
18 such monies in recognition that such monies were recovered as a result
19 of investigations undertaken by such office. For each recovery the total
20 amount of such monies to be retained by the county district attorney's
21 office shall equal ten percent of the first twenty-five million dollars
22 received by such office, plus seven and one-half percent of such monies
23 received by such office in excess of twenty-five million dollars but
24 less than fifty million dollars, plus five percent of any such monies
25 received by such office in excess of fifty million dollars but less than
26 one hundred million dollars, plus one percent of such monies received by
27 such office in excess of one hundred million dollars. The remainder of
28 such monies shall be paid by the district attorney's office to the state
29 and to the county in equal amounts within thirty days of receipt, where
30 disposition of such monies is not otherwise prescribed by law. Monies
31 distributed to a county district attorney's office pursuant to this
32 section shall be used to enhance law enforcement efforts within the
33 state of New York. On December first of each year, every district attor-
34 ney shall provide the governor, temporary president of the senate and
35 speaker of the assembly with an annual report detailing the total amount
36 of monies received as described herein by his or her office [~~and~~], a
37 description of how and where such funds, and an itemization of funds
38 received in the previous ten years, were distributed by his or her
39 office but shall not include a description of the distribution of monies
40 where the disclosure of such information would interfere with a law
41 enforcement investigation or a judicial proceeding, and the current
42 total balance of monies held on deposit for state sanctioned deferred
43 prosecution agreements. The report shall include a detailed description
44 of any entity to which funds are distributed, including but not limited
45 to, whether it is a profit or not-for-profit entity, where it is
46 located, and the intended use of the monies distributed, and shall state
47 the law enforcement purpose.

48 § 3. This act shall take effect immediately; provided, however, that
49 subdivision 2 of section 99-hh of the state finance law, as added by
50 section one of this act, shall expire and be deemed repealed March 31,
51 2022, and provided, further that the amendments to section 95.00 of the
52 criminal procedure law made by section two of this act shall not affect
53 the repeal of such section and shall be deemed repealed therewith.

1 Section 1. Notwithstanding the provisions of sections 79-a and 79-b of
2 the correction law, the governor is authorized to close correctional
3 facilities of the department of corrections and community supervision,
4 in the state fiscal year 2020-2021, as he determines to be necessary for
5 the cost-effective and efficient operation of the correctional system,
6 provided that the governor provides at least 90 days notice prior to any
7 such closures to the temporary president of the senate and the speaker
8 of the assembly. Such notice shall include the list of facilities the
9 governor plans to close, the number of incarcerated individuals in said
10 facilities, and the number of staff working in said facilities. The
11 commissioner of corrections and community supervision shall also report
12 in detail to the temporary president of the senate and the speaker of
13 the assembly on the results of staff relocation efforts within 60 days
14 after such closure.

15 § 2. This act shall take effect immediately and shall be deemed to
16 have been in full force and effect on and after April 1, 2020 and shall
17 expire and be deemed repealed March 31, 2021.

18

PART G

19 Section 1. Paragraph (a-1) of subdivision 4 of section 70.20 of the
20 penal law is REPEALED.

21 § 2. Section 77 of the correction law is REPEALED.

22 § 3. The correction law is amended by adding a new section 80 to read
23 as follows:

24 § 80. Transfer of adolescents from the department. The department and
25 the office of children and family services shall jointly establish a
26 transition plan and protocol to be used in transferring custody of all
27 adolescent offenders and individuals under the age of eighteen from the
28 custody of the department to the custody of the office of children and
29 family services on or before October first, two thousand twenty. The
30 plan and protocol shall be completed on or before July first, two thou-
31 sand twenty.

32 § 4. The section heading and subdivisions 1, 2, 7 and 8 of section 508
33 of the executive law, the section heading as added by chapter 481 of the
34 laws of 1978, subdivision 1 as amended by chapter 738 of the laws of
35 2004, subdivisions 2, 7 and 8 as amended by section 82 of part WWW of
36 chapter 59 of the laws of 2017 and such section as renumbered by chapter
37 465 of the laws of 1992, are amended to read as follows:

38 Juvenile offender and adolescent offender facilities. 1. The office of
39 children and family services shall maintain secure facilities for the
40 care and confinement of juvenile offenders and adolescent offenders
41 committed for [~~an indeterminate, determinate or definite~~] a sentence
42 pursuant to the sentencing provisions of the penal law. Such facilities
43 shall provide appropriate services to juvenile offenders and adolescent
44 offenders including but not limited to residential care, educational and
45 vocational training, physical and mental health services, and employment
46 counseling.

47 2. Juvenile offenders and adolescent offenders shall be confined in
48 such facilities until the age of twenty-one in accordance with their
49 sentences, and shall not be released, discharged or permitted home
50 visits except pursuant to the provisions of this section.

51 7. While in the custody of the office of children and family services,
52 an offender shall be subject to the rules and regulations of the office,
53 except that his or her parole, temporary release and discharge shall be
54 governed by the laws applicable to inmates of state correctional facili-

1 ties and his or her transfer to state hospitals in the office of mental
2 health shall be governed by section five hundred nine of this [~~chapter~~
3 article]; provided, however, that an otherwise eligible offender may
4 receive the six-month limited credit time allowance for successful
5 participation in one or more programs developed by the office of chil-
6 dren and family services that are comparable to the programs set forth
7 in section eight hundred three-b of the correction law, taking into
8 consideration the age of offenders. The commissioner of the office of
9 children and family services shall, however, establish and operate
10 temporary release programs at office of children and family services
11 facilities for eligible juvenile offenders and adolescent offenders and
12 contract with the department of corrections and community supervision
13 for the provision of parole supervision services for temporary releas-
14 ees. The rules and regulations for these programs shall not be incon-
15 sistent with the laws for temporary release applicable to inmates of
16 state correctional facilities. For the purposes of temporary release
17 programs for juvenile offenders and adolescent offenders only, when
18 referred to or defined in article twenty-six of the correction law,
19 "institution" shall mean any facility designated by the commissioner of
20 the office of children and family services, "department" shall mean the
21 office of children and family services, "inmate" shall mean a juvenile
22 offender or adolescent offender residing in an office of children and
23 family services facility, and "commissioner" shall mean the commissioner
24 of the office of children and family services. Time spent in office of
25 children and family services facilities and in juvenile detention facil-
26 ities shall be credited towards the sentence imposed in the same manner
27 and to the same extent applicable to inmates of state correctional
28 facilities.

29 8. Whenever a juvenile offender, adolescent offender or a juvenile
30 offender or adolescent offender adjudicated a youthful offender shall be
31 delivered to the director of an office of children and family services
32 facility pursuant to a commitment to the office of children and family
33 services, the officer so delivering such person shall deliver to such
34 facility director a certified copy of the sentence received by such
35 officer from the clerk of the court by which such person shall have been
36 sentenced, a copy of the report of the probation officer's investigation
37 and report, any other pre-sentence memoranda filed with the court, a
38 copy of the person's fingerprint records, a detailed summary of avail-
39 able medical records, psychiatric records and reports relating to
40 assaults, or other violent acts, attempts at suicide or escape by the
41 person while in the custody of a local detention facility.

42 § 5. Paragraphs (a), (b), (c), (d) and (e) of subdivision 2 of section
43 508 of the executive law are REPEALED.

44 § 6. This act shall take effect immediately; provided that:

45 a. sections one and four of this act shall take effect on the sixtieth
46 day after this act shall have become a law and the changes made by
47 section one shall apply to sentences ordered pursuant to section 70.20
48 of the penal law on or after the effective date;

49 b. section two of this act shall take effect October 1, 2020; and

50 c. section three of this act shall expire October 1, 2021 when upon
51 such date the provisions of such section shall be deemed repealed.
52 Effective immediately, the addition, amendment and/or repeal of any rule
53 or regulation necessary for the implementation of this act on its effec-
54 tive date are authorized to be made and completed on or before such
55 effective date.

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PART H

Intentionally Omitted

PART I

Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax law, as amended by section 1 of part M of chapter 55 of the laws of 2018, 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, two thousand seventeen--two thousand eighteen, two thousand eighteen--two thousand nineteen [~~and~~], two thousand nineteen--two thousand twenty, two thousand twenty--two thousand twenty-one and two thousand twenty-one--two thousand twenty-two;

§ 2. This act shall take effect April 1, 2020.

PART J

Intentionally Omitted

PART K

Intentionally Omitted

PART L

Intentionally Omitted

PART M

Section 1. This act shall be known and may be cited as the "safe homes and families act".

§ 2. Section 140.10 of the criminal procedure law is amended by adding a new subdivision 6 to read as follows:

6. (a) A police officer who responds to a report of a family offense as defined in section 530.11 of this chapter and section eight hundred twelve of the family court act may take temporary custody of any firearm, rifle, electronic dart gun, electronic stun gun, disguised gun, imitation weapon, shotgun, antique firearm, black powder rifle, black powder shotgun, or muzzle-loading firearm that is in plain sight or is discovered pursuant to a consensual or other lawful search, and shall take temporary custody of any such weapon that is in the possession of any person arrested for the commission of such family offense or suspected of its commission. An officer who takes custody of any weapon pursuant to this paragraph shall also take custody of any license to carry, possess, repair, and dispose of such weapon issued to the person arrested or suspected of such family offense. The officer shall deliver such weapon and/or license to the appropriate law enforcement officer as provided in subparagraph (f) of paragraph one of subdivision a of section 265.20 of the penal law.

1 (b) Upon taking custody of weapons or a license described in paragraph
2 (a) of this subdivision, the responding officer shall give the owner or
3 person in possession of such weapons or license a receipt describing
4 such weapons and/or license and indicating any identification or serial
5 number on such weapons. Such receipt shall indicate where the weapons
6 and/or license can be recovered and describe the process for recovery
7 provided in paragraph (e) of this subdivision.

8 (c) Not less than forty-eight hours after effecting such seizure, and
9 in the absence of (i) an order of protection, an extreme risk protection
10 order, or other court order prohibiting the owner from possessing such a
11 weapon and/or license, or (ii) a pending criminal charge or conviction
12 which prohibits such owner from possessing such a weapon and/or license,
13 and upon a written finding that there is no legal impediment to the
14 owner's possession of such a weapon and/or license, the court or, if no
15 court is involved, licensing authority or custodian of the weapon shall
16 direct return of a weapon not otherwise disposed of in accordance with
17 subdivision one of section 400.05 of the penal law and/or such license
18 taken into custody pursuant to this section.

19 (d) If any other person demonstrates that such person is the lawful
20 owner of any weapon taken into custody pursuant to this section, and
21 provided that the court or, if no court is involved, licensing authority
22 or custodian of the weapon has made a written finding that there is no
23 legal impediment to the person's possession of such a weapon, such
24 court, licensing authority or custodian of the weapon, as the case may
25 be, shall direct that such weapon be returned to such lawful owner.

26 (e) All weapons in the possession of a law enforcement official pursu-
27 ant to this section shall be subject to the provisions of applicable
28 law, including but not limited to subdivision six of section 400.05 of
29 the penal law; provided, however, that any such weapon shall be retained
30 and not disposed of by the law enforcement agency for at least two years
31 unless legally transferred by the owner to an individual permitted by
32 law to own and possess such weapon.

33 § 3. The section heading and paragraphs (a) and (b) of subdivision 1
34 of section 530.14 of the criminal procedure law, as amended by chapter
35 60 of the laws of 2018, are amended and a new paragraph (c) is added to
36 subdivision 1 to read as follows:

37 Suspension and revocation of a license to carry, possess, repair or
38 dispose of a firearm or firearms pursuant to section 400.00 of the penal
39 law and ineligibility for such a license; order to surrender **firearms;**
40 **order to seize** firearms.

41 (a) the court shall suspend any such existing license possessed by the
42 defendant, order the defendant ineligible for such a license and order
43 the immediate surrender of any or all firearms, rifles and shotguns
44 owned or possessed where the court receives information that gives the
45 court good cause to believe that (i) the defendant has a prior
46 conviction of any violent felony offense as defined in section 70.02 of
47 the penal law; (ii) the defendant has previously been found to have
48 willfully failed to obey a prior order of protection and such willful
49 failure involved (A) the infliction of physical injury, as defined in
50 subdivision nine of section 10.00 of the penal law, (B) the use or
51 threatened use of a deadly weapon or dangerous instrument as those terms
52 are defined in subdivisions twelve and thirteen of section 10.00 of the
53 penal law, or (C) behavior constituting any violent felony offense as
54 defined in section 70.02 of the penal law; or (iii) the defendant has a
55 prior conviction for stalking in the first degree as defined in section
56 120.60 of the penal law, stalking in the second degree as defined in

1 section 120.55 of the penal law, stalking in the third degree as defined
2 in section 120.50 of the penal law or stalking in the fourth degree as
3 defined in section 120.45 of such law; ~~[and]~~

4 (b) the court shall where the court finds a substantial risk that the
5 defendant may use or threaten to use a firearm, rifle or shotgun unlaw-
6 fully against the person or persons for whose protection the temporary
7 order of protection is issued, suspend any such existing license
8 possessed by the defendant, order the defendant ineligible for such a
9 license and order the immediate surrender pursuant to subparagraph (f)
10 of paragraph one of subdivision a of section 265.20 and subdivision six
11 of section 400.05 of the penal law, of any or all firearms, rifles and
12 shotguns owned or possessed~~[+]~~; ~~and~~

13 (c) the court may where the defendant willfully refuses to surrender
14 such firearm, rifle or shotgun pursuant to paragraphs (a) and (b) of
15 this subdivision, or for other good cause shown, order the immediate
16 seizure of such firearm, rifle or shotgun, and search therefor, pursuant
17 to an order issued in accordance with article six hundred ninety of this
18 part, consistent with such rights as the defendant may derive from this
19 article or the constitution of this state or the United States.

20 § 4. Paragraphs (a) and (b) of subdivision 2 of section 530.14 of the
21 criminal procedure law, as amended by chapter 60 of the laws of 2018,
22 are amended and a new paragraph (c) is added to read as follows:

23 (a) the court shall revoke any such existing license possessed by the
24 defendant, order the defendant ineligible for such a license and order
25 the immediate surrender of any or all firearms, rifles and shotguns
26 owned or possessed where such action is required by section 400.00 of
27 the penal law; ~~[and]~~

28 (b) the court shall where the court finds a substantial risk that the
29 defendant may use or threaten to use a firearm, ~~[rifles]~~ rifle or ~~[shot-~~
30 ~~guns]~~ shotgun unlawfully against the person or persons for whose
31 protection the order of protection is issued, (i) revoke any such exist-
32 ing license possessed by the defendant, order the defendant ineligible
33 for such a license and order the immediate surrender of any or all
34 firearms, rifles and shotguns owned or possessed or (ii) suspend or
35 continue to suspend any such existing license possessed by the defend-
36 ant, order the defendant ineligible for such a license and order the
37 immediate surrender pursuant to subparagraph (f) of paragraph one of
38 subdivision a of section 265.20 and subdivision six of section 400.05 of
39 the penal law, of any or all firearms, rifles and shotguns owned or
40 possessed~~[+]~~; ~~and~~

41 (c) the court may where the defendant willfully refuses to surrender
42 such firearm, rifle or shotgun pursuant to paragraphs (a) and (b) of
43 this subdivision, or for other good cause shown, order the immediate
44 seizure of such firearm, rifle or shotgun, and search therefor, pursuant
45 to an order issued in accordance with article six hundred ninety of this
46 part, consistent with such rights as the defendant may derive from this
47 article or the constitution of this state or the United States.

48 § 5. Paragraphs (a) and (b) of subdivision 3 of section 530.14 of the
49 criminal procedure law, as amended by chapter 60 of the laws of 2018,
50 are amended and a new paragraph (c) is added to read as follows:

51 (a) the court shall revoke any such existing license possessed by the
52 defendant, order the defendant ineligible for such a license and order
53 the immediate surrender of any or all firearms, rifles and shotguns
54 owned or possessed where the willful failure to obey such order involved
55 (i) the infliction of physical injury, as defined in subdivision nine of
56 section 10.00 of the penal law, (ii) the use or threatened use of a

1 deadly weapon or dangerous instrument as those terms are defined in
2 subdivisions twelve and thirteen of section 10.00 of the penal law,
3 (iii) behavior constituting any violent felony offense as defined in
4 section 70.02 of the penal law; or (iv) behavior constituting stalking
5 in the first degree as defined in section 120.60 of the penal law,
6 stalking in the second degree as defined in section 120.55 of the penal
7 law, stalking in the third degree as defined in section 120.50 of the
8 penal law or stalking in the fourth degree as defined in section 120.45
9 of such law; ~~and~~

10 (b) the court shall where the court finds a substantial risk that the
11 defendant may use or threaten to use a firearm, rifle or shotgun unlaw-
12 fully against the person or persons for whose protection the order of
13 protection was issued, (i) revoke any such existing license possessed by
14 the defendant, order the defendant ineligible for such a license and
15 order the immediate surrender pursuant to subparagraph (f) of paragraph
16 one of subdivision a of section 265.20 and subdivision six of section
17 400.05 of the penal law, of any or all firearms, rifles and shotguns
18 owned or possessed or (ii) suspend any such existing license possessed
19 by the defendant, order the defendant ineligible for such a license and
20 order the immediate surrender pursuant to subparagraph (f) of paragraph
21 one of subdivision a of section 265.20 and subdivision six of section
22 400.05 of the penal law, of any or all firearms, rifles and shotguns
23 owned or possessed~~[-]; and~~

24 (c) the court may where the defendant willfully refuses to surrender
25 such firearm, rifle or shotgun pursuant to paragraphs (a) and (b) of
26 this subdivision, or for other good cause shown, order the immediate
27 seizure of such firearm, rifle or shotgun, and search therefor, pursuant
28 to an order issued in accordance with article six hundred ninety of this
29 part, consistent with such rights as the defendant may derive from this
30 article or the constitution of this state or the United States.

31 § 6. Paragraph (b) of subdivision 5 of section 530.14 of the criminal
32 procedure law, as amended by chapter 60 of the laws of 2018, is amended
33 and a new paragraph (d) is added to read as follows:

34 (b) The prompt surrender of one or more firearms, rifles or shotguns
35 pursuant to a court order issued pursuant to this section shall be
36 considered a voluntary surrender for purposes of subparagraph (f) of
37 paragraph one of subdivision a of section 265.20 of the penal law. The
38 disposition of any such weapons, including weapons ordered to be seized
39 pursuant to this section and section eight hundred forty-two-a of the
40 family court act, shall be in accordance with the provisions of subdivi-
41 sion six of section 400.05 of the penal law; provided, however, that
42 upon termination of any suspension order issued pursuant to this section
43 or section eight hundred forty-two-a of the family court act, upon writ-
44 ten application of the subject of the order, with notice and opportunity
45 to be heard to the district attorney, the county attorney, the protected
46 party, and every licensing officer responsible for issuance of a
47 firearms license to the subject of the order pursuant to article four
48 hundred of the penal law, and upon a written finding that there is no
49 legal impediment to the subject's possession of a surrendered firearm,
50 rifle or shotgun, any court of record exercising criminal jurisdiction
51 may order the return of a firearm, rifle or shotgun not otherwise
52 disposed of in accordance with subdivision six of section 400.05 of the
53 penal law. When issuing such order in connection with any firearm
54 subject to a license requirement under article four hundred of the penal
55 law, if the licensing officer informs the court that he or she will seek

1 to revoke the license, the order shall be stayed by the court until the
2 conclusion of any license revocation proceeding.

3 (d) If any other person demonstrates that such person is the lawful
4 owner of any weapon taken into custody pursuant to this section or
5 section eight hundred forty-two-a of the family court act, and provided
6 that the court has made a written finding that there is no legal imped-
7 iment to the person's possession of such a weapon, such court shall
8 direct that such weapon be returned to such lawful owner.

9 § 7. Subdivisions 6 and 7 of section 530.14 of the criminal procedure
10 law, as amended by chapter 60 of the laws of 2018, are amended to read
11 as follows:

12 6. Notice. (a) Where an order requiring surrender, revocation, suspen-
13 sion, seizure or ineligibility has been issued pursuant to this section,
14 any temporary order of protection or order of protection issued shall
15 state that such firearm license has been suspended or revoked or that
16 the defendant is ineligible for such license, as the case may be, and
17 that the defendant is prohibited from possessing any firearm, rifle or
18 shotgun.

19 (b) The court revoking or suspending the license, ordering the defend-
20 ant ineligible for such a license, or ordering the surrender or seizure
21 of any firearm, rifle or shotgun shall immediately notify the duly
22 constituted police authorities of the locality concerning such action
23 and, in the case of orders of protection and temporary orders of
24 protection issued pursuant to section 530.12 of this article, shall
25 immediately notify the statewide registry of orders of protection.

26 (c) The court revoking or suspending the license or ordering the
27 defendant ineligible for such a license shall give written notice there-
28 of without unnecessary delay to the division of state police at its
29 office in the city of Albany.

30 (d) Where an order of revocation, suspension, ineligibility [~~or~~],
31 surrender or seizure is modified or vacated, the court shall immediately
32 notify the statewide registry of orders of protection and the duly
33 constituted police authorities of the locality concerning such action
34 and shall give written notice thereof without unnecessary delay to the
35 division of state police at its office in the city of Albany.

36 7. Hearing. The defendant shall have the right to a hearing before the
37 court regarding any revocation, suspension, ineligibility [~~or~~], surren-
38 der or seizure order issued pursuant to this section, provided that
39 nothing in this subdivision shall preclude the court from issuing any
40 such order prior to a hearing. Where the court has issued such an order
41 prior to a hearing, it shall commence such hearing within fourteen days
42 of the date such order was issued.

43 § 8. The section heading and paragraphs (a) and (b) of subdivision 1
44 of section 842-a of the family court act, as amended by chapter 60 of
45 the laws of 2018, are amended and a new paragraph (c) is added to subdi-
46 vision 1 to read as follows:

47 Suspension and revocation of a license to carry, possess, repair or
48 dispose of a firearm or firearms pursuant to section 400.00 of the penal
49 law and ineligibility for such a license; order to surrender firearms;
50 order to seize firearms.

51 (a) the court shall suspend any such existing license possessed by the
52 respondent, order the respondent ineligible for such a license, and
53 order the immediate surrender pursuant to subparagraph (f) of paragraph
54 one of subdivision a of section 265.20 and subdivision six of section
55 400.05 of the penal law, of any or all firearms, rifles and shotguns
56 owned or possessed where the court receives information that gives the

1 court good cause to believe that: (i) the respondent has a prior
2 conviction of any violent felony offense as defined in section 70.02 of
3 the penal law; (ii) the respondent has previously been found to have
4 willfully failed to obey a prior order of protection and such willful
5 failure involved (A) the infliction of physical injury, as defined in
6 subdivision nine of section 10.00 of the penal law, (B) the use or
7 threatened use of a deadly weapon or dangerous instrument as those terms
8 are defined in subdivisions twelve and thirteen of section 10.00 of the
9 penal law, or (C) behavior constituting any violent felony offense as
10 defined in section 70.02 of the penal law; or (iii) the respondent has a
11 prior conviction for stalking in the first degree as defined in section
12 120.60 of the penal law, stalking in the second degree as defined in
13 section 120.55 of the penal law, stalking in the third degree as defined
14 in section 120.50 of the penal law or stalking in the fourth degree as
15 defined in section 120.45 of such law; [~~and~~]

16 (b) the court shall where the court finds a substantial risk that the
17 respondent may use or threaten to use a firearm, rifle or shotgun unlaw-
18 fully against the person or persons for whose protection the temporary
19 order of protection is issued, suspend any such existing license
20 possessed by the respondent, order the respondent ineligible for such a
21 license, and order the immediate surrender pursuant to subparagraph (f)
22 of paragraph one of subdivision a of section 265.20 and subdivision six
23 of section 400.05 of the penal law, of any or all firearms, rifles and
24 shotguns owned or possessed[~~+~~]; and

25 (c) the court may where the defendant willfully refuses to surrender
26 such firearm, rifle or shotgun pursuant to paragraphs (a) and (b) of
27 this subdivision, or for other good cause shown, order the immediate
28 seizure of such firearm, rifle or shotgun, and search therefor, pursuant
29 to an order issued in accordance with article six hundred ninety of the
30 criminal procedure law, consistent with such rights as the defendant may
31 derive from this article or the constitution of this state or the United
32 States.

33 § 9. Paragraphs (a) and (b) of subdivision 2 of section 842-a of the
34 family court act, as amended by chapter 60 of the laws of 2018, are
35 amended and a new paragraph (c) is added to read as follows:

36 (a) the court shall revoke any such existing license possessed by the
37 respondent, order the respondent ineligible for such a license, and
38 order the immediate surrender pursuant to subparagraph (f) of paragraph
39 one of subdivision a of section 265.20 and subdivision six of section
40 400.05 of the penal law, of any or all firearms, rifles and shotguns
41 owned or possessed where the court finds that the conduct which resulted
42 in the issuance of the order of protection involved (i) the infliction
43 of physical injury, as defined in subdivision nine of section 10.00 of
44 the penal law, (ii) the use or threatened use of a deadly weapon or
45 dangerous instrument as those terms are defined in subdivisions twelve
46 and thirteen of section 10.00 of the penal law, or (iii) behavior
47 constituting any violent felony offense as defined in section 70.02 of
48 the penal law; [~~and~~]

49 (b) the court shall, where the court finds a substantial risk that the
50 respondent may use or threaten to use a firearm, rifle or shotgun unlaw-
51 fully against the person or persons for whose protection the order of
52 protection is issued, (i) revoke any such existing license possessed by
53 the respondent, order the respondent ineligible for such a license and
54 order the immediate surrender pursuant to subparagraph (f) of paragraph
55 one of subdivision a of section 265.20 and subdivision six of section
56 400.05 of the penal law, of any or all firearms, rifles and shotguns

1 owned or possessed or (ii) suspend or continue to suspend any such
2 existing license possessed by the respondent, order the respondent inel-
3 ible for such a license, and order the immediate surrender pursuant to
4 subparagraph (f) of paragraph one of subdivision a of section 265.20 and
5 subdivision six of section 400.05 of the penal law, of any or all
6 firearms, rifles and shotguns owned or possessed[-]; and

7 (c) the court may where the defendant willfully refuses to surrender
8 such firearm, rifle or shotgun pursuant to paragraphs (a) and (b) of
9 this subdivision, or for other good cause shown, order the immediate
10 seizure of such firearm, rifle or shotgun, and search therefor, pursuant
11 to an order issued in accordance with article six hundred ninety of the
12 criminal procedure law, consistent with such rights as the defendant may
13 derive from this article or the constitution of this state or the United
14 States.

15 § 10. Paragraphs (a) and (b) of subdivision 3 of section 842-a of the
16 family court act, as amended by chapter 60 of the laws of 2018, are
17 amended and a new paragraph (c) is added to read as follows:

18 (a) the court shall revoke any such existing license possessed by the
19 respondent, order the respondent ineligible for such a license, and
20 order the immediate surrender pursuant to subparagraph (f) of paragraph
21 one of subdivision a of section 265.20 and subdivision six of section
22 400.05 of the penal law, of any or all firearms, rifles and shotguns
23 owned or possessed where the willful failure to obey such order involves
24 (i) the infliction of physical injury, as defined in subdivision nine of
25 section 10.00 of the penal law, (ii) the use or threatened use of a
26 deadly weapon or dangerous instrument as those terms are defined in
27 subdivisions twelve and thirteen of section 10.00 of the penal law, or
28 (iii) behavior constituting any violent felony offense as defined in
29 section 70.02 of the penal law; or (iv) behavior constituting stalking
30 in the first degree as defined in section 120.60 of the penal law,
31 stalking in the second degree as defined in section 120.55 of the penal
32 law, stalking in the third degree as defined in section 120.50 of the
33 penal law or stalking in the fourth degree as defined in section 120.45
34 of such law; [~~and~~]

35 (b) the court shall where the court finds a substantial risk that the
36 respondent may use or threaten to use a firearm, rifle or shotgun unlaw-
37 fully against the person or persons for whose protection the order of
38 protection was issued, (i) revoke any such existing license possessed by
39 the respondent, order the respondent ineligible for such a license,
40 whether or not the respondent possesses such a license, and order the
41 immediate surrender pursuant to subparagraph (f) of paragraph one of
42 subdivision a of section 265.20 and subdivision six of section 400.05 of
43 the penal law, of any or all firearms, rifles and shotguns owned or
44 possessed or (ii) suspend any such existing license possessed by the
45 respondent, order the respondent ineligible for such a license, and
46 order the immediate surrender of any or all firearms, rifles and shot-
47 guns owned or possessed[-]; and

48 (c) the court may where the defendant willfully refuses to surrender
49 such firearm, rifle or shotgun pursuant to paragraphs (a) and (b) of
50 this subdivision, or for other good cause shown, order the immediate
51 seizure of such firearm, rifle or shotgun, and search therefor, pursuant
52 to an order issued in accordance with article six hundred ninety of the
53 criminal procedure law, consistent with such rights as the defendant may
54 derive from this article or the constitution of this state or the United
55 States.

1 § 11. Subdivisions 6 and 7 of section 842-a of the family court act,
2 as amended by chapter 60 of the laws of 2018, are amended to read as
3 follows:

4 6. Notice. (a) Where an order requiring surrender, revocation, suspen-
5 sion, **seizure** or ineligibility has been issued pursuant to this section,
6 any temporary order of protection or order of protection issued shall
7 state that such firearm license has been suspended or revoked or that
8 the respondent is ineligible for such license, as the case may be, and
9 that the defendant is prohibited from possessing any firearms, rifles or
10 shotguns.

11 (b) The court revoking or suspending the license, ordering the
12 respondent ineligible for such license, or ordering the surrender **or**
13 **seizure** of any firearm, rifles or shotguns shall immediately notify the
14 statewide registry of orders of protection and the duly constituted
15 police authorities of the locality of such action.

16 (c) The court revoking or suspending the license or ordering the
17 defendant ineligible for such license shall give written notice thereof
18 without unnecessary delay to the division of state police at its office
19 in the city of Albany.

20 (d) Where an order of revocation, suspension, ineligibility, [~~or~~]
21 surrender, **or seizure** is modified or vacated, the court shall immediate-
22 ly notify the statewide registry of orders of protection and the duly
23 constituted police authorities of the locality concerning such action
24 and shall give written notice thereof without unnecessary delay to the
25 division of state police at its office in the city of Albany.

26 7. Hearing. The respondent shall have the right to a hearing before
27 the court regarding any revocation, suspension, ineligibility [~~or~~],
28 surrender **or seizure** order issued pursuant to this section, provided
29 that nothing in this subdivision shall preclude the court from issuing
30 any such order prior to a hearing. Where the court has issued such an
31 order prior to a hearing, it shall commence such hearing within fourteen
32 days of the date such order was issued.

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

35

PART N

36 Section 1. Subdivision 17 of section 265.00 of the penal law, as added
37 by chapter 1041 of the laws of 1974, paragraph (a) as amended by chapter
38 264 of the laws of 2003, paragraph (b) as separately amended by sections
39 2 and 3 of chapter 232 of the laws of 2010, and paragraph (c) as added
40 by chapter 60 of the laws of 2018, is amended to read as follows:

41 17. "Serious offense" means (a) [~~any of the following offenses defined~~
42 ~~in the former penal law as in force and effect immediately prior to~~
43 ~~September first, nineteen hundred sixty seven: illegally using, carrying~~
44 ~~or possessing a pistol or other dangerous weapon; making or possessing~~
45 ~~burglar's instruments; buying or receiving stolen property; unlawful~~
46 ~~entry of a building; aiding escape from prison; that kind of disorderly~~
47 ~~conduct defined in subdivisions six and eight of section seven hundred~~
48 ~~twenty two of such former penal law; violations of sections four hundred~~
49 ~~eighty three, four hundred eighty three b, four hundred eighty four h~~
50 ~~and article one hundred six of such former penal law; that kind of crim-~~
51 ~~inal sexual act or rape which was designated as a misdemeanor; violation~~
52 ~~of section seventeen hundred forty seven d and seventeen hundred forty-~~
53 ~~seven e of such former penal law; any violation of any provision of~~
54 ~~article thirty three of the public health law relating to narcotic drugs~~

~~which was defined as a misdemeanor by section seventeen hundred fifty-one a of such former penal law, and any violation of any provision of article thirty-three A of the public health law relating to depressant and stimulant drugs which was defined as a misdemeanor by section seventeen hundred forty-seven b of such former penal law.~~

~~(b)~~ any of the following offenses defined in the current penal law and any offense in any jurisdiction or the former penal law that includes all of the essential elements of any of the following offenses:
 illegally using, carrying or possessing a pistol or other dangerous weapon; possession of burglar's tools; criminal possession of stolen property in the third degree; escape in the third degree; jostling; fraudulent accosting; endangering the welfare of a child; [~~the offenses defined in article two hundred thirty-five,~~] obscenity in the third degree; issuing abortifacient articles; permitting prostitution; promoting prostitution in the third degree; stalking in the fourth degree; stalking in the third degree; [~~the offenses defined in article one hundred thirty, the offenses defined in article two hundred twenty~~] sexual misconduct; forcible touching; sexual abuse in the third degree; sexual abuse in the second degree; criminal possession of a controlled substance in the seventh degree; criminally possessing a hypodermic instrument; criminally using drug paraphernalia in the second degree; criminal possession of methamphetamine manufacturing material in the second degree; and a hate crime defined in article four hundred eighty-five of this chapter.

~~[(b) any of the following offenses defined in the penal law: illegally using, carrying or possessing a pistol or other dangerous weapon; possession of burglar's tools; criminal possession of stolen property in the third degree; escape in the third degree; jostling; fraudulent accosting; endangering the welfare of a child; the offenses defined in article two hundred thirty-five; issuing abortifacient articles; permitting prostitution; promoting prostitution in the third degree; stalking in the third degree; stalking in the fourth degree; the offenses defined in article one hundred thirty; the offenses defined in article two hundred twenty.~~

~~(e)~~ (b) any of the following offenses defined in the current penal law and any offense in any jurisdiction or in the former penal law that includes all of the essential elements of any of the following offenses, where the defendant and the person against whom the offense was committed were members of the same family or household as defined in subdivision one of section 530.11 of the criminal procedure law and as established pursuant to section 370.15 of the criminal procedure law: assault in the third degree; menacing in the third degree; menacing in the second degree; criminal obstruction of breathing or blood circulation; unlawful imprisonment in the second degree; coercion in the third degree; criminal tampering in the third degree; criminal contempt in the second degree; harassment in the first degree; aggravated harassment in the second degree; criminal trespass in the third degree; criminal trespass in the second degree; arson in the fifth degree; or attempt to commit any of the above-listed offenses.

(c) any misdemeanor offense in any jurisdiction or in the former penal law that includes all of the essential elements of a felony offense as defined in the current penal law.

§ 2. Section 400.00 of the penal law is amended by adding a new subdivision 1-a to read as follows:

1-a. For purposes of subdivision one of this section, serious offense shall include an offense in any jurisdiction or the former penal law

1 that includes all of the essential elements of a serious offense as
2 defined by subdivision seventeen of section 265.00 of this chapter.
3 Nothing in this subdivision shall preclude the denial of a license based
4 on the commission of, arrest for or conviction of an offense in any
5 other jurisdiction which does not include all of the essential elements
6 of a serious offense.

7 § 3. Section 837 of the executive law is amended by adding a new
8 subdivision 22 to read as follows:

9 22. (a) Maintain and annually update a list of offenses in states and
10 territories of the United States other than New York that include all of
11 the essential elements of a serious offense as defined by subdivision
12 seventeen of section 265.00 of the penal law, to assist courts, licens-
13 ing authorities and others in determining which offenses in such other
14 states and territories qualify as a serious offense for purposes of
15 article two hundred sixty-five of the penal law, subdivision seventeen
16 of section 265.00 of the penal law, and subdivision one-a of section
17 400.00 of the penal law. The division shall append to such list of
18 offenses a disclaimer that such list shall be for informational purposes
19 only and is not intended to be a substitute for the advice of an attor-
20 ney or counselor-at-law.

21 (b) Such updated list shall be prominently posted on the website main-
22 tained by the division. Each list shall bear the date of posting, and
23 each posted and dated listing shall be separately maintained by the
24 division as a record available to the public. The first list compiled
25 under this subdivision shall be prominently posted by the division no
26 later than nine months after the effective date of this subdivision.

27 § 4. This act shall take effect immediately; provided, however, that
28 sections one and two of this act shall take effect one year after it
29 shall have become a law and shall apply to out-of-state convictions
30 entered in such jurisdictions on or after such date.

31 PART O

32 Intentionally Omitted

33 PART P

34 Intentionally Omitted

35 PART Q

36 Section 1. Subdivisions 1 and 2 of section 370.15 of the criminal
37 procedure law, as added by chapter 60 of the laws of 2018, are amended
38 to read as follows:

39 1. When a defendant has been charged with assault in the third degree,
40 menacing in the third degree, menacing in the second degree, criminal
41 obstruction of breathing or blood circulation, unlawful imprisonment in
42 the second degree, coercion in the third degree, criminal tampering in
43 the third degree, criminal contempt in the second degree, harassment in
44 the first degree, aggravated harassment in the second degree, criminal
45 trespass in the third degree, criminal trespass in the second degree,
46 arson in the fifth degree, or attempt to commit any of the above-listed
47 offenses, the people ~~may~~ **shall**, at arraignment or no later than
48 forty-five days after arraignment, serve on the defendant and file with
49 the court a notice alleging that the defendant and the person alleged to

1 be the victim of such crime were members of the same family or household
2 as defined in subdivision one of section 530.11 of this chapter.

3 2. Such notice shall include the name of the person alleged to be the
4 victim of such crime and shall specify the nature of the alleged
5 relationship as set forth in subdivision one of section 530.11 of this
6 chapter. Upon conviction of such offense, the court shall advise the
7 defendant that he or she is entitled to a hearing solely on the allega-
8 tion contained in the notice and, if necessary, an adjournment of the
9 sentencing proceeding in order to prepare for such hearing, and that if
10 such allegation is sustained, that determination and conviction will be
11 reported to the division of criminal justice services. If such allega-
12 tion is sustained, the court shall report the determination and
13 conviction to the division of criminal justice services within three
14 business days.

15 § 2. This act shall take effect immediately.

16 PART R

17 Section 1. Short title. This act shall be known and may be cited as
18 the "Josef Neumann Hate Crimes Domestic Terrorism Act".

19 § 2. The opening paragraph of section 485.00 of the penal law, as
20 amended by chapter 8 of the laws of 2019, is amended to read as follows:

21 The legislature finds and determines as follows: criminal acts involv-
22 ing violence, intimidation and destruction of property based upon bias
23 and prejudice have become more prevalent in New York state in recent
24 years. The intolerable truth is that in these crimes, commonly and
25 justly referred to as "hate crimes", victims are intentionally selected,
26 in whole or in part, because of their race, color, national origin,
27 ancestry, gender, gender identity or expression, religion, religious
28 practice, age, disability or sexual orientation. Hate crimes do more
29 than threaten the safety and welfare of all citizens. They inflict on
30 victims incalculable physical and emotional damage and tear at the very
31 fabric of free society. Crimes motivated by invidious hatred toward
32 particular groups not only harm individual victims but send a powerful
33 message of intolerance and discrimination to all members of the group to
34 which the victim belongs. Hate crimes can and do intimidate and disrupt
35 entire communities and vitiate the civility that is essential to healthy
36 democratic processes. In a democratic society, citizens cannot be
37 required to approve of the beliefs and practices of others, but must
38 never commit criminal acts on account of them. [~~Current law~~] However,
39 these criminal acts do occur and are occurring more and more frequently.
40 Quite often, these crimes of hate are also acts of terror. The recent
41 attacks in Monsey, New York as well as the shootings in El Paso, Texas;
42 Pittsburgh, Pennsylvania; Sutherland Springs, Texas; Orlando, Florida;
43 and Charleston, South Carolina illustrate that mass killings are often
44 apolitical, motivated by the hatred of a specific group coupled with a
45 desire to inflict mass casualties. The current law emphasizes the poli-
46 tical motivation of an act over its catastrophic effect and does not
47 adequately recognize the harm to public order and individual safety that
48 hate crimes cause. Therefore, our laws must be strengthened to provide
49 clear recognition of the gravity of hate crimes and the compelling
50 importance of preventing their recurrence.

51 § 3. Subdivision 3 of section 485.05 of the penal law, as amended by
52 section 9 of part NN of chapter 55 of the laws of 2018, is amended to
53 read as follows:

1 3. A "specified offense" is an offense defined by any of the following
2 provisions of this chapter: section 120.00 (assault in the third
3 degree); section 120.05 (assault in the second degree); section 120.10
4 (assault in the first degree); section 120.12 (aggravated assault upon a
5 person less than eleven years old); section 120.13 (menacing in the
6 first degree); section 120.14 (menacing in the second degree); section
7 120.15 (menacing in the third degree); section 120.20 (reckless endan-
8 germent in the second degree); section 120.25 (reckless endangerment in
9 the first degree); section 121.12 (strangulation in the second degree);
10 section 121.13 (strangulation in the first degree); subdivision one of
11 section 125.15 (manslaughter in the second degree); subdivision one, two
12 or four of section 125.20 (manslaughter in the first degree); section
13 125.25 (murder in the second degree); section 120.45 (stalking in the
14 fourth degree); section 120.50 (stalking in the third degree); section
15 120.55 (stalking in the second degree); section 120.60 (stalking in the
16 first degree); subdivision one of section 130.35 (rape in the first
17 degree); subdivision one of section 130.50 (criminal sexual act in the
18 first degree); subdivision one of section 130.65 (sexual abuse in the
19 first degree); paragraph (a) of subdivision one of section 130.67
20 (aggravated sexual abuse in the second degree); paragraph (a) of subdi-
21 vision one of section 130.70 (aggravated sexual abuse in the first
22 degree); section 135.05 (unlawful imprisonment in the second degree);
23 section 135.10 (unlawful imprisonment in the first degree); section
24 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in
25 the first degree); section 135.60 (coercion in the third degree);
26 section 135.61 (coercion in the second degree); section 135.65 (coercion
27 in the first degree); section 140.10 (criminal trespass in the third
28 degree); section 140.15 (criminal trespass in the second degree);
29 section 140.17 (criminal trespass in the first degree); section 140.20
30 (burglary in the third degree); section 140.25 (burglary in the second
31 degree); section 140.30 (burglary in the first degree); section 145.00
32 (criminal mischief in the fourth degree); section 145.05 (criminal
33 mischief in the third degree); section 145.10 (criminal mischief in the
34 second degree); section 145.12 (criminal mischief in the first degree);
35 section 150.05 (arson in the fourth degree); section 150.10 (arson in
36 the third degree); section 150.15 (arson in the second degree); section
37 150.20 (arson in the first degree); section 155.25 (petit larceny);
38 section 155.30 (grand larceny in the fourth degree); section 155.35
39 (grand larceny in the third degree); section 155.40 (grand larceny in
40 the second degree); section 155.42 (grand larceny in the first degree);
41 section 160.05 (robbery in the third degree); section 160.10 (robbery in
42 the second degree); section 160.15 (robbery in the first degree);
43 section 240.25 (harassment in the first degree); subdivision one, two or
44 four of section 240.30 (aggravated harassment in the second degree);
45 section 490.10 (soliciting or providing support for an act of terrorism
46 in the second degree); section 490.15 (soliciting or providing support
47 for an act of terrorism in the first degree); section 490.20 (making a
48 terroristic threat); section 490.25 (crime of terrorism); section 490.30
49 (hindering prosecution of terrorism in the second degree); section
50 490.35 (hindering prosecution of terrorism in the first degree); section
51 490.37 (criminal possession of a chemical weapon or biological weapon in
52 the third degree); section 490.40 (criminal possession of a chemical
53 weapon or biological weapon in the second degree); section 490.45 (crim-
54 inal possession of a chemical weapon or biological weapon in the first
55 degree); section 490.47 (criminal use of a chemical weapon or biological
56 weapon in the third degree); section 490.50 (criminal use of a chemical

1 weapon or biological weapon in the second degree); section 490.55 (crim-
2 inal use of a chemical weapon or biological weapon in the first degree);
3 or any attempt or conspiracy to commit any of the foregoing offenses.

4 § 4. The penal law is amended by adding two new sections 490.27 and
5 490.28 to read as follows:

6 § 490.27 Domestic act of terrorism motivated by hate in the second
7 degree.

8 A person is guilty of the crime of domestic act of terrorism motivated
9 by hate in the second degree when, acting with the intent to cause the
10 death of, or serious physical injury to, five or more other persons, in
11 whole or in substantial part because of the perceived race, color,
12 national origin, ancestry, gender, gender identity or expression, reli-
13 gion, religious practice, age, disability, or sexual orientation of such
14 other persons, regardless of whether that belief or perception is
15 correct, he or she, as part of the same criminal transaction, attempts
16 to cause the death of, or serious physical injury to, such five or more
17 persons, provided that the victims are not participants in the criminal
18 transaction.

19 Domestic act of terrorism motivated by hate in the second degree is a
20 class A-I felony.

21 § 490.28 Domestic act of terrorism motivated by hate in the first
22 degree.

23 A person is guilty of the crime of domestic act of terrorism motivated
24 by hate in the first degree when, acting with the intent to cause the
25 death of, or serious physical injury to, five or more other persons, in
26 whole or in substantial part because of the perceived race, color,
27 national origin, ancestry, gender, gender identity or expression, reli-
28 gion, religious practice, age, disability, or sexual orientation of such
29 other person or persons, regardless of whether that belief or perception
30 is correct, he or she, as part of the same criminal transaction:

31 1. causes the death of at least one other person, provided that the
32 victim or victims are not a participant in the criminal transaction; and

33 2. causes or attempts to cause the death of four or more additional
34 other persons, provided that the victims are not a participant in the
35 criminal transaction; and

36 3. the defendant was more than eighteen years old at the time of the
37 commission of the crime.

38 Domestic act of terrorism motivated by hate in the first degree is a
39 class A-I felony.

40 Notwithstanding any other provision of law, when a person is convicted
41 of domestic act of terrorism motivated by hate in the first degree, the
42 sentence shall be life imprisonment without parole.

43 § 5. Paragraph (q) of subdivision 8 of section 700.05 of the criminal
44 procedure law, as amended by section 3 of part A of chapter 1 of the
45 laws of 2004, is amended to read as follows:

46 (q) Soliciting or providing support for an act of terrorism in the
47 second degree as defined in section 490.10 of the penal law, soliciting
48 or providing support for an act of terrorism in the first degree as
49 defined in section 490.15 of the penal law, making a terroristic threat
50 as defined in section 490.20 of the penal law, crime of terrorism as
51 defined in section 490.25 of the penal law, domestic act of terrorism
52 motivated by hate in the second degree as defined in section 490.27 of
53 the penal law, domestic act of terrorism motivated by hate in the first
54 degree as defined in section 490.28 of the penal law, hindering prose-
55 cution of terrorism in the second degree as defined in section 490.30 of
56 the penal law, hindering prosecution of terrorism in the first degree as

1 defined in section 490.35 of the penal law, criminal possession of a
2 chemical weapon or biological weapon in the third degree as defined in
3 section 490.37 of the penal law, criminal possession of a chemical weap-
4 on or biological weapon in the second degree as defined in section
5 490.40 of the penal law, criminal possession of a chemical weapon or
6 biological weapon in the first degree as defined in section 490.45 of
7 the penal law, criminal use of a chemical weapon or biological weapon in
8 the third degree as defined in section 490.47 of the penal law, criminal
9 use of a chemical weapon or biological weapon in the second degree as
10 defined in section 490.50 of the penal law, and criminal use of a chemi-
11 cal weapon or biological weapon in the first degree as defined in
12 section 490.55 of the penal law.

13 § 6. Domestic terrorism task force. (a) There is hereby created the
14 domestic terrorism task force to examine, evaluate and determine how to
15 prevent mass shootings by domestic terrorists, consisting of nine
16 members, each to serve until two years after the effective date of this
17 act.

18 (b) (1) Such members shall be appointed as follows: one member shall
19 be the commissioner of the division of criminal justice services; one
20 member shall be the superintendent of state police; three members shall
21 be appointed by the governor; one member shall be appointed by the
22 temporary president of the senate; one member shall be appointed by the
23 minority leader of the senate; one member shall be appointed by the
24 speaker of the assembly; and one member shall be appointed by the minor-
25 ity leader of the assembly. Appointments shall be made within sixty days
26 of the effective date of this act. Vacancies in the task force shall be
27 filled in the same manner provided for original appointments.

28 (2) All appointees shall have expertise in fields or disciplines
29 related to criminal justice or violence prevention.

30 (3) The task force shall be chaired by the commissioner of the divi-
31 sion of criminal justice services. The task force shall elect a vice-
32 chair by majority vote and other necessary officers from among all
33 appointed members.

34 (4) The task force shall meet at least quarterly at the call of the
35 chair. Meetings may be held via teleconference. Special meetings may be
36 called by the chair at the request of a majority of the members of the
37 task force.

38 (5) Members of the task force shall receive no compensation for their
39 services but shall be reimbursed for their actual expenses incurred in
40 the performance of their duties in the work of the task force.

41 (c) The task force shall:

42 (1) study mass shooting incidents;

43 (2) recommend practices to identify potential mass shooters and
44 prevent mass shooting incidents; and

45 (3) recommend practices to provide for the security of locations like-
46 ly to be targeted by a mass shooter.

47 (d) The task force may establish advisory committees as it deems
48 appropriate on matters relating to the task force's functions, powers
49 and duties. Such committees shall be chaired by a task force member, but
50 may be composed of task force members as well as other individuals
51 selected by the task force to provide expertise of interest specific to
52 the charge of such committees.

53 (e) The task force may, as it deems appropriate, request that studies,
54 surveys and analyses relating to the task force's powers and duties be
55 performed by any state department, commission, agency or public authori-
56 ty. All state departments, commissions, agencies or public authorities

1 shall provide information and advice in a timely manner and otherwise
2 assist the task force with its work; provided however, any information
3 or records otherwise confidential and privileged in accordance with
4 state or federal law that are provided to the task force pursuant to
5 this subdivision shall remain confidential as provided by such state or
6 federal law.

7 (f) The task force shall provide a preliminary report to the governor
8 and the legislature of its findings, conclusions, recommendations and
9 activities already undertaken by the task force, not later than thirteen
10 months after the effective date of this act, and a final report of its
11 findings, conclusions, recommendations and activities already undertaken
12 by the task force, not later than twenty-two months after the effective
13 date of this act and shall submit with its reports legislative proposals
14 as it deems necessary to implement its recommendations.

15 § 7. This act shall take effect on the first of November next succeed-
16 ing the date on which it shall have become a law.

17 PART S

18 Intentionally Omitted

19 PART T

20 Intentionally Omitted

21 PART U

22 Intentionally Omitted

23 PART V

24 Intentionally Omitted

25 PART W

26 Section 1. Paragraph (h) of subdivision 1 of section 209-a of the
27 civil service law, as amended by section 1 of part E of chapter 55 of
28 the laws of 2019, is amended to read as follows:

29 (h) to disclose home addresses, personal telephone numbers, personal
30 cell phone numbers, personal e-mail addresses of a public employee, as
31 the term "public employee" is defined in subdivision seven of section
32 two hundred one of this article, except (i) where required pursuant to
33 the provisions of this article, [~~and~~] (ii) to the extent compelled to do
34 so by lawful service of process, subpoena, court order, or (iii) in
35 accordance with subdivision four of section two hundred eight of this
36 article, or as otherwise required by law. This paragraph shall not
37 prohibit other provisions of law regarding work-related, publicly avail-
38 able information such as title, salary, and dates of employment.

39 § 2. Paragraph (b) of subdivision 4 of section 208 of the civil
40 service law, as added by section 1 of part RRR of chapter 59 of the laws
41 of 2018, is amended and a new paragraph (c) is added to read as follows:

42 (b) Within thirty days of providing the notice in paragraph a of this
43 subdivision, a public employer shall allow a duly appointed represen-
44 tative of the employee organization that represents that bargaining unit
45 to meet with such employee for a reasonable amount of time during his or
46 her work time without charge to leave credits, unless otherwise speci-

1 fied within an agreement bargained collectively under article fourteen
2 of the civil service law, provided however that arrangements for such
3 meeting must be scheduled in consultation with a designated represen-
4 tative of the public employer[+]; and

5 (c) Upon the request of the certified and recognized employee organ-
6 ization, and if the public employer conducts new employee orientations,
7 the public employer shall provide the employee organization mandatory
8 access to such new employee orientations. The employee organization
9 shall receive not less than ten days' notice in advance of an orien-
10 tation, except that a shorter notice may be provided in a specific
11 instance where there is an urgent need critical to the employer's oper-
12 ations that was not reasonably foreseeable to provide such notice. The
13 structure, time, and manner of exclusive representative access shall be
14 determined through mutual agreement between the employer and the employ-
15 ee organization.

16 § 3. Section 215 of the civil service law, as added by section 1 of
17 part DD of chapter 56 of the laws of 2019, is amended to read as
18 follows:

19 § 215. [**Agency**] Dues or agency shop fee deductions. 1. Notwithstanding
20 any other law to the contrary, any public employer, any employee organ-
21 ization, the comptroller and the board, or any of their employees or
22 agents, shall not be liable for, and shall have a complete defense to,
23 any claims or actions under the laws of this state for requiring,
24 deducting, receiving, or retaining dues or agency shop fee deductions
25 from public employees, and current or former public employees shall not
26 have standing to pursue these claims or actions, if the dues or fees
27 were permitted or mandated at the time under the laws of this state then
28 in force and paid, through payroll deduction or otherwise, prior to June
29 twenty-seventh, two thousand eighteen.

30 2. This section shall apply to claims and actions pending or filed on
31 or after June twenty-seventh, two thousand eighteen.

32 3. The enactment of this section shall not be interpreted to create
33 the inference that any relief made unavailable by this section would
34 otherwise be available.

35 § 4. This act shall take effect immediately.

36 PART X

37 Intentionally Omitted

38 PART Y

39 Section 1. Subdivision 10 of section 160 of the state finance law, as
40 added by chapter 83 of the laws of 1995, is amended to read as follows:

41 10. "Technology" means either a good or a service or a combination
42 thereof, [~~that results in a technical method of achieving a practical~~
43 ~~purpose or in improvements in productivity~~] used in the application of
44 any computer or electronic information or interconnected system that is
45 used in the acquisition, storage, manipulation, management, movement,
46 control, display, switching, interchange, transmission, or reception of
47 data or voice including, but not limited to, hardware, software, infor-
48 mation appliances, firmware, programs, systems, networks, infrastruc-
49 ture, media, and related material used to automatically and electron-
50 ically collect, receive, access, transmit, display, store, record,
51 retrieve, analyze, evaluate, process, classify, manipulate, manage,
52 assimilate, control, communicate, exchange, convert, coverage, inter-

1 face, switch, or disseminate data of any kind or form, and shall include
 2 all associated consulting, management, facilities, maintenance and
 3 training. Goods may be either new or used.

4 § 2. Subdivision 5 of section 101 of the state technology law, as
 5 added by chapter 430 of the laws of 1997 and as renumbered by chapter
 6 437 of the laws of 2004, is amended to read as follows:

7 5. "Technology" means [~~a good, service, or good and service that~~
 8 ~~results in a digital, electronic or similar technical method of achiev-~~
 9 ~~ing a practical purpose or in improvements in productivity, including~~
 10 ~~but not limited to information management, equipment, software, operat-~~
 11 ~~ing systems, interface systems, interconnected systems, telecommuni-~~
 12 ~~cations, data management, networks, and network management, consulting,~~
 13 ~~supplies, facilities, maintenance and training] either a good or a
 14 service or a combination thereof, used in the application of any comput-
 15 er or electronic information or interconnected system that is used in
 16 the acquisition, storage, manipulation, management, movement, control,
 17 display, switching, interchange, transmission, or reception of data or
 18 voice including, but not limited to, hardware, software, information
 19 appliances, firmware, programs, systems, networks, infrastructure,
 20 media, and related material used to automatically and electronically
 21 collect, receive, access, transmit, display, store, record, retrieve,
 22 analyze, evaluate, process, classify, manipulate, manage, assimilate,
 23 control, communicate, exchange, convert, coverage, interface, switch, or
 24 disseminate data of any kind or form, and shall include all associated
 25 consulting, management, facilities, maintenance, support and training.
 26 Goods may be either new or used.~~

27 § 3. This act shall take effect immediately.

28 PART Z

29 Section 1. Section 1 of part S of chapter 56 of the laws of 2010,
 30 relating to establishing a joint appointing authority for the state
 31 financial system project, is amended to read as follows:

32 Section 1. The division of the budget and office of the state comp-
 33 troller may dedicate such officers and employees as may be needed to a
 34 joint project, which shall be known as the [~~state~~] statewide financial
 35 system project, and which shall be responsible for the development,
 36 implementation and maintenance of a single, statewide financial manage-
 37 ment system for use by the office of the state comptroller and all agen-
 38 cies. The division of the budget and the office of the state comptroller
 39 shall serve jointly as the appointing authority for all titles within
 40 the project, and shall jointly appoint a project [~~manager~~] director
 41 therefor. For purposes of appointment and promotion under the civil
 42 service law, the [~~state~~] statewide financial system project shall be
 43 treated as if it were a single department. For the purposes of procure-
 44 ment and contracting pursuant to the state finance law, the statewide
 45 financial system project shall be treated as a single department,
 46 provided that all procurements and contracts issued and agreed to by the
 47 statewide financial system project shall be subject to the approval of
 48 the division of the budget and the office of the state comptroller.

49 § 2. This act shall take effect immediately.

50 PART AA

51 Section 1. Subdivision 4 of section 27 of chapter 95 of the laws of
 52 2000 amending the state finance law, the general municipal law, the

1 public buildings law and other laws relating to bonds, notes and reven-
2 ues, as amended by chapter 33 of the laws of 2015, is amended to read as
3 follows:

4 4. Section seventeen of this act shall take effect July 1, 2000, and
5 shall expire on June 30, [~~2020~~ 2030]; provided, however, that any lease
6 entered into for a term greater than ten years during the effective
7 period of this section shall continue in full force and effect, and
8 provided that upon the expiration of such section the commissioner of
9 general services shall continue to be empowered to enter into leases
10 having terms not exceeding ten years.

11 § 2. This act shall take effect immediately.

12 PART BB

13 Intentionally Omitted

14 PART CC

15 Intentionally Omitted

16 PART DD

17 Intentionally Omitted

18 PART EE

19 Intentionally Omitted

20 PART FF

21 Section 1. Paragraphs (a) and (b) of subdivision 5 of section 106 of
22 the alcoholic beverage control law, paragraph (a) as amended by chapter
23 297 of the laws of 2016, paragraph (b) as amended by chapter 83 of the
24 laws of 1995, are amended and a new paragraph (c) is added to read as
25 follows:

26 (a) Except as provided in paragraph (c) of this subdivision, on
27 Sunday, from four ante meridiem to ten o'clock a.m., except pursuant to
28 a permit issued under section ninety-nine-h of this chapter.

29 (b) [~~On~~] Except as provided in paragraph (c) of this subdivision, on
30 any other day between four ante meridiem and eight ante meridiem.

31 (c) On any day between three ante meridian and six ante meridian, for
32 a premises located within an international airport owned or operated by
33 the Port Authority of New York and New Jersey. The provisions of this
34 paragraph shall not be subject to change pursuant to subdivision eleven
35 of section seventeen of this chapter.

36 § 2. This act shall take effect immediately.

37 PART GG

38 Intentionally Omitted

39 PART HH

40 Intentionally Omitted

41 PART II

1 Intentionally Omitted

2 PART JJ

3 Section 1. Section 9-208 of the election law is amended by adding a
4 new subdivision 4 to read as follows:

5 4. (a) The board of elections or a bipartisan committee appointed by
6 the board shall conduct a full manual recount of all ballots for a
7 particular contest:

8 i. Where the margin of victory is twenty votes or less; or

9 ii. Where the margin of victory is 0.5% or less; or

10 iii. In a contest where one million or more ballots have been cast and
11 the margin of victory is less than 5,000 votes.

12 (b) For the purposes of this section, the term margin of victory shall
13 mean the margin between all votes cast in the entire contest following
14 the recanvass of votes.

15 (c) Where the contest involves portions of two or more counties, the
16 margin of victory shall be determined by the state board of elections
17 based on the most recent recanvass results for the contest submitted by
18 the boards of elections of the counties involved.

19 (d) The result of the manual recount of ballots shall supersede the
20 returns filed by the inspectors of election of the election district in
21 which the canvass was initially made.

22 § 2. This act shall take effect on the first of January next succeed-
23 ing the date on which it shall have become a law and shall apply to any
24 election held 120 days or more after such effective date.

25 PART KK

26 Intentionally Omitted

27 PART LL

28 Intentionally Omitted

29 PART MM

30 Intentionally Omitted

31 PART NN

32 Section 1. Paragraph 3 of subdivision (c) of section 1261 of the tax
33 law, as amended by section 9 of part SS-1 of chapter 57 of the laws of
34 2008, is amended to read as follows:

35 (3) However, the taxes, penalties and interest which (i) the county of
36 Nassau, (ii) the county of Erie, to the extent the county of Erie is
37 contractually or statutorily obligated to allocate and apply or pay net
38 collections to the city of Buffalo and to the extent that such county
39 has set aside net collections for educational purposes attributable to
40 the Buffalo school district, or the city of Buffalo or (iii) the county
41 of Erie is authorized to impose pursuant to section twelve hundred ten
42 of this article, other than such taxes in the amounts described, respec-
43 tively, in subdivisions one and two of section one thousand two hundred
44 sixty-two-e of this part, during the period that such section authorizes
45 Nassau county to establish special or local assistance programs there-
46 under, together with any penalties and interest related thereto, and

1 after the comptroller has reserved such refund fund and such costs,
2 shall, commencing on the next payment date after the effective date of
3 this sentence and of each month thereafter, until such date as (i) the
4 Nassau county interim finance authority shall have no obligations
5 outstanding, or (ii) the Buffalo fiscal stability authority shall cease
6 to exist, or (iii) the Erie county fiscal stability authority shall
7 cease to exist, be paid by the comptroller, respectively, to (i) the
8 Nassau county interim finance authority to be applied by the Nassau
9 county interim finance authority, or (ii) to the Buffalo fiscal stability
10 ty authority to be applied by the Buffalo fiscal stability authority, or
11 (iii) to the Erie county fiscal stability authority to be applied by the
12 Erie county fiscal stability authority, as the case may be, in the
13 following order of priority: first pursuant to the Nassau county interim
14 finance authority's contracts with bondholders or the Buffalo fiscal
15 stability authority's contracts with bondholders or the Erie county
16 fiscal stability authority's contracts with bondholders, respectively,
17 then to pay the Nassau county interim finance authority's operating
18 expenses not otherwise provided for or the Buffalo fiscal stability
19 authority's operating expenses not otherwise provided for or the Erie
20 county fiscal stability authority's operating expenses not otherwise
21 provided for, respectively, then (i) for the Nassau county interim
22 finance authority to pay to the state as soon as practicable in the
23 months of May and December each year, the amount necessary to fulfill
24 the town and village distribution requirement on behalf of Nassau county
25 pursuant to paragraph five-a of this subdivision, or (ii) for the
26 Buffalo fiscal stability authority to pay to the state as soon as prac-
27 ticable in the months of May and December each year, the percentage of
28 the amount necessary to fulfill the town and village distribution
29 requirement on behalf of Erie county pursuant to paragraph five-a of
30 this subdivision that equates to the percentage of the county net
31 collections that the city of Buffalo and the Buffalo city school
32 district, together, are due in the months of May and December each year,
33 or (iii) for the Erie county fiscal stability authority to pay to the
34 state as soon as practicable in the months of May and December each
35 year, the amount necessary to fulfill the town and village distribution
36 requirement on behalf of Erie county pursuant to paragraph five-a of
37 this subdivision, less the amount being paid to the state by the Buffalo
38 fiscal stability authority in each respective month, and then (i) pursu-
39 ant to the Nassau county interim finance authority's agreements with the
40 county of Nassau, which agreements shall require the Nassau county
41 interim finance authority to transfer such taxes, penalties and interest
42 remaining after providing for contractual or other obligations of the
43 Nassau county interim finance authority, and subject to any agreement
44 between such authority and the county of Nassau, to the county of Nassau
45 as frequently as practicable; or (ii) pursuant to the Buffalo fiscal
46 stability authority's agreements with the city of Buffalo, which agree-
47 ments shall require the Buffalo fiscal stability authority to transfer
48 such taxes, penalties and interest remaining after providing for
49 contractual or other obligations of the Buffalo fiscal stability author-
50 ity, and subject to any agreement between such authority and the city of
51 Buffalo, to the city of Buffalo or the city of Buffalo school district,
52 as the case may be, as frequently as practicable; or (iii) pursuant to
53 the Erie county fiscal stability authority's agreements with the county
54 of Erie, which agreements shall require the Erie county fiscal stability
55 authority to transfer such taxes, penalties and interest remaining after
56 providing for contractual or other obligations of the Erie county fiscal

1 stability authority, and subject to any agreement between such authority
2 and the county of Erie, to the county of Erie as frequently as practica-
3 ble. During the period that the comptroller is required to make payments
4 to the Nassau county interim finance authority described in the previous
5 sentence, the county of Nassau shall have no right, title or interest in
6 or to such taxes, penalties and interest required to be paid to the
7 Nassau county interim finance authority, except as provided in such
8 authority's agreements with the county of Nassau. During the period that
9 the comptroller is required to make payments to the Buffalo fiscal
10 stability authority described in the second previous sentence, the city
11 of Buffalo and such school district shall have no right, title or inter-
12 est in or to such taxes, penalties and interest required to be paid to
13 the Buffalo fiscal stability authority, except as provided in such
14 authority's agreements with the city of Buffalo. During the period that
15 the comptroller is required to make payments to the Erie county fiscal
16 stability authority described in the third previous sentence, the county
17 of Erie shall have no right, title or interest in or to such taxes,
18 penalties and interest required to be paid to the Erie county fiscal
19 stability authority, except as provided in such authority's agreements
20 with the county of Erie.

21 § 2. Paragraph 5-a of subdivision (c) of section 1261 of the tax law,
22 as added by section 3 of part PPP of chapter 59 of the laws of 2019, is
23 amended to read as follows:

24 (5-a) However, after the comptroller has made the payments to the
25 Nassau county interim finance authority, the Buffalo fiscal stability
26 authority, and the Erie county fiscal stability authority required by
27 [~~paragraphs two,~~] paragraph three [~~and five~~] of this subdivision, for
28 each municipality that received a base level grant in state fiscal year
29 two thousand eighteen-two thousand nineteen but not in state fiscal year
30 two thousand nineteen-two thousand twenty under the aid and incentives
31 for municipalities program pursuant to subdivision ten of section
32 fifty-four of the state finance law, the comptroller shall annually
33 withhold from each county except Nassau and Erie from the remaining
34 taxes, penalties and interest imposed by the county in which a majority
35 of the population of such municipality resides, and on behalf of Nassau
36 and Erie counties the comptroller shall annually receive from the Nassau
37 county interim finance authority, the Buffalo fiscal stability authori-
38 ty, and the Erie county fiscal stability authority, an amount equal to
39 the base level grant received by such municipality in state fiscal year
40 two thousand eighteen-two thousand nineteen and shall annually distrib-
41 ute, by December fifteenth, two thousand nineteen and by such date annu-
42 ally thereafter, such amount directly to such municipality, unless such
43 municipality has a fiscal year ending May thirty-first, then such annual
44 distribution shall be made by May fifteenth, two thousand twenty and by
45 such date annually thereafter. No county shall have any right, title or
46 interest in or to the taxes, penalties and interest required to be with-
47 held [~~and~~] or distributed pursuant to this paragraph.

48 § 3. Subdivision 5 of section 3657 of the public authorities law, as
49 added by chapter 84 of the laws of 2000, is amended to read as follows:

50 5. Tax revenues received by the authority pursuant to section twelve
51 hundred sixty-one of the tax law, together with any other revenues
52 received by the authority, shall be applied in the following order of
53 priority: first pursuant to the authority's contracts with bondholders,
54 then to pay the authority's operating expenses not otherwise provided
55 for, then to pay to the state pursuant to paragraph three of subdivision
56 (c) of section twelve hundred sixty-one of the tax law, and then,

1 subject to the authority's agreements with the county, to transfer the
2 balance of such tax revenues not required to meet contractual or other
3 obligations of the authority to the county as frequently as practicable.

4 § 4. Subdivision 5 of section 3865 of the public authorities law, as
5 amended by chapter 86 of the laws of 2004, is amended to read as
6 follows:

7 5. Revenues of the authority shall be applied in the following order
8 of priority: first to pay debt service or for set asides to pay debt
9 service on the authority's bonds, notes, or other obligations and to
10 replenish any reserve funds securing such bonds, notes or other obli-
11 gations of the authority, in accordance with the provision of any inden-
12 ture or bond resolution of the authority; then to pay the authority's
13 operating expenses not otherwise provided for; then to pay to the state
14 pursuant to paragraph three of subdivision (c) of section twelve hundred
15 sixty-one of the tax law; and then, subject to the authority's agreement
16 with the city, for itself or on behalf of the city's dependent school
17 district and any other covered organization, to transfer as frequently
18 as practicable the balance of revenues not required to meet contractual
19 or other obligations of the authority to the city or the city's depend-
20 ent school district as provided in subdivision seven of this section.

21 § 5. Subdivision 5 of section 3965 of the public authorities law, as
22 added by chapter 182 of the laws of 2005, is amended to read as follows:

23 5. Revenues of the authority shall be applied in the following order
24 of priority: first to pay debt service or for set asides to pay debt
25 service on the authority's bonds, notes, or other obligations and to
26 replenish any reserve funds securing such bonds, notes or other obli-
27 gations of the authority in accordance with the provision of indenture
28 or bond resolution of the authority; then to pay the authority's operat-
29 ing expenses not otherwise provided for; then to pay to the state pursu-
30 ant to paragraph three of subdivision (c) of section twelve hundred
31 sixty-one of the tax law; and then, subject to the authority's agree-
32 ments with the county for itself or on behalf of any covered organiza-
33 tion to transfer as frequently as practicable the balance of revenues
34 not required to meet contractual or other obligations of the authority
35 to the county as provided in subdivision seven of this section.

36 § 6. This act shall take effect immediately.

37 PART OO

38 Intentionally Omitted

39 PART PP

40 Section 1. Subparagraph 14 of paragraph d of subdivision 5 of part B
41 of section 236 of the domestic relations law, as amended by chapter 281
42 of the laws of 1980 and as renumbered by chapter 229 of the laws of
43 2009, is amended to read as follows:

44 (14) whether either party has committed an act or acts of domestic
45 violence, as described in subdivision one of section four hundred
46 fifty-nine-a of the social services law, against the other party and the
47 nature, extent, duration and impact of such act or acts; and

48 (15) any other factor which the court shall expressly find to be just
49 and proper.

50 § 2. This act shall take effect on the thirtieth day after it shall
51 have become a law and shall apply to matrimonial actions commenced on or
52 after such effective date. Nothing in this act shall be deemed to affect

1 the validity of any agreement made pursuant to subdivision 3 of part B
2 of section 236 of the domestic relations law or section 425 of the fami-
3 ly court act prior to the effective date of this act. Effective imme-
4 diately, the addition, amendment and/or repeal of any rule or regulation
5 necessary for the implementation of this act on its effective date are
6 authorized to be made on or before such date.

7 PART QQ

8 Section 1. The public authorities law is amended by adding a new
9 section 3 to read as follows:

10 § 3. Pay equity. 1. In order to attract unusual merit and ability to
11 the service of public authorities in the state of New York, to stimulate
12 higher efficiency among the personnel, to provide skilled leadership in
13 administration, to reward merit and to insure the highest return in
14 services for the necessary costs of administration, it is hereby
15 declared that public authorities shall, consistent with the federal
16 Equal Pay Act of 1963 (29 U.S.C. § 206), the federal Civil Rights Act
17 (42 U.S.C. § 2000e-2), article fifteen of the executive law, and section
18 forty-c of the civil rights law, ensure a fair, non-biased compensation
19 structure for all employees in which status within one or more protected
20 class or classes is not considered either directly or indirectly in
21 determining the proper compensation for a title or in determining the
22 pay for any individual or group of employees, ensure that no employee
23 with status within one or more protected class or classes shall be paid
24 a wage at a rate less than the rate at which an employee without status
25 within the same protected class or classes in the same establishment is
26 paid for similar work or substantially similar work and provide regular
27 increases in pay in proper proportion to increase of ability, increase
28 of output and increase of quality of work demonstrated in service.

29 2. For the purpose of this section:

30 (a) the term "protected class" includes age, race, creed, color,
31 national origin, sexual orientation, gender identity or expression,
32 military status, sex, disability, predisposing genetic characteristics,
33 familial status, marital status, or domestic violence victim status, and
34 any employee protected from discrimination pursuant to paragraphs (a),
35 (b), and (c) of subdivision one of section two hundred ninety-six of the
36 executive law, and any intern protected from discrimination pursuant to
37 section two hundred ninety-six-c of the executive law.

38 (b) the term "compensation" shall include but not be limited to: all
39 earnings of an employee for labor or services rendered, regardless of
40 whether the amount of earnings is paid on an annual salary, hourly,
41 biweekly or per diem basis; reimbursement for expenses; health, welfare
42 and retirement benefits; and vacation pay, sick pay, separation or holi-
43 day pay, or any other form of remuneration.

44 (c) employees shall be deemed to work in the same establishment if the
45 employees work for the same employer at workplaces located in the same
46 geographical region, no larger than a county, taking into account popu-
47 lation distribution, economic activity, and/or the presence of munici-
48 palties.

49 (d) the term "public authorities" shall mean any authority as defined
50 in section two of this title.

51 3. (a) It shall not be a violation of this section for an employer to
52 pay different compensation to employees, where such payments are made
53 pursuant to:

54 (1) a bona fide seniority or merit system;

1 (2) a bona fide system that measures earnings by quantity or quality
2 of production;

3 (3) a bona fide system based on geographic differentials;

4 (4) any other bona fide factor other than status within one or more
5 protected class or classes, such as education, training, or experience.
6 Such factor: (A) shall not be based upon or derived from a differential
7 in compensation based on status within one or more protected class or
8 classes; and (B) shall be job-related with respect to the position in
9 question and shall be consistent with business necessity. Such exception
10 under this paragraph shall not apply when the employee demonstrates (i)
11 that an employer uses a particular employment practice that causes a
12 disparate impact on the basis of status within one or more protected
13 class or classes, (ii) that an alternative employment practice exists
14 that would serve the same purpose and not produce such differential, and
15 (iii) that the employer has refused to adopt such alternative practice;
16 or

17 (5) a collective bargaining agreement.

18 (b) For the purpose of paragraph (a) of this subdivision, "business
19 necessity" shall be defined as a factor that bears a manifest relation-
20 ship to the employment in question.

21 (c) Nothing set forth in this section shall be construed to impede,
22 infringe or diminish the rights and benefits which accrue to employees
23 through collective bargaining agreements, or otherwise diminish the
24 integrity of the existing collective bargaining relationship.

25 § 2. This act shall take effect immediately.

26 PART RR

27 Intentionally Omitted

28 PART SS

29 Intentionally Omitted

30 PART TT

31 Intentionally Omitted

32 PART UU

33 Section 1. Section 172-b of the executive law is amended by adding a
34 new subdivision 9 to read as follows:

35 9. Any registered charitable organization that is required to file an
36 annual financial report pursuant to subdivision one or two of this
37 section, or that is required to file a funding disclosure report pursu-
38 ant to section one hundred seventy-two-e of this article, and/or a
39 financial disclosure report pursuant to section one hundred
40 seventy-two-f of this article for a reporting period during the applica-
41 ble fiscal year shall also be required to file such annual financial
42 report, including all required forms and attachments, with the depart-
43 ment of state.

44 § 1-a. Paragraph (b) of subdivision 1 and subdivisions 2 and 3 of
45 section 172-e of the executive law, as added by section 1 of part F of
46 chapter 286 of the laws of 2016, are amended to read as follows:

47 (b) "In-kind donation" shall mean donations of staff, staff time,
48 personnel[7] or any other human resources, offices[7] or office

1 supplies, [~~financial support of any kind or any other resources~~] except
2 that an in-kind donation shall not include an in-kind donation made by a
3 person or entity in the course of an activity that is substantially
4 related to accomplishing the covered entity's tax exempt purposes where
5 the in-kind donator is offering or providing goods or services for
6 substantially less than fair market value to individuals, corporations
7 or groups, and those goods or services are actually purchased or
8 consumed by wholly unaffiliated individuals, corporations or groups for
9 no charge or substantially less than fair market value, and may include,
10 but is not limited to, pro bono legal services and other forms of tech-
11 nical assistance.

12 2. Funding disclosure reports to be filed by covered entities. (a) Any
13 covered entity that makes an in-kind donation in excess of [~~two~~] ten
14 thousand [~~five hundred~~] dollars to a recipient entity during a relevant
15 reporting period shall file a funding disclosure report with the depart-
16 ment of [~~law~~] state. The funding disclosure report shall include:

17 (i) the name and address of the covered entity that made the in-kind
18 donation;

19 (ii) the name and address of the recipient entity that received or
20 benefitted from the in-kind donation;

21 (iii) the names of any persons who exert operational or managerial
22 control over the covered entity. The disclosures required by this para-
23 graph shall include the name of at least one natural person;

24 (iv) the date [~~the in-kind~~] such donation was made by the covered
25 entity; and

26 (v) [~~any donation in excess of two thousand five hundred dollars to~~
27 ~~the covered entity during the relevant reporting period including the~~
28 ~~identity of the donor of any such donation~~] a description of the in-kind
29 donation, including the charitable purpose advanced by such donation, if
30 any, and any restrictions on the use of such donation by the recipient
31 entity.

32 [~~(vi) the date of any such donation to a covered entity.~~]

33 (b) The covered entity shall file a funding disclosure report with the
34 department of [~~law~~] state within thirty days of the close of a reporting
35 period.

36 3. Public disclosure of funding disclosure reports. The department of
37 [~~law~~] state shall promulgate any regulations necessary to implement
38 these requirements and shall [~~forward the disclosure reports to the~~
39 ~~joint commission on public ethics for the purpose of publishing~~] publish
40 such reports on the [~~commission's~~] department's website[~~, within thirty~~
41 ~~days of the close of each reporting period~~] when authorized pursuant to
42 subdivision two of this section; provided however that the [~~attorney~~
43 ~~general~~] secretary of state, or his or her designee, may determine that
44 disclosure of [~~donations to the covered entity~~] all or a portion of the
45 in-kind donations to the covered entity and financial assistance
46 provided by any covered entity to one or more recipient entities, shall
47 not be made public if, based upon a review of the relevant facts
48 presented by the covered entity, such disclosure may cause harm,
49 threats, harassment, or reprisals to the source of the donation or to
50 individuals or property affiliated with the source of the donation. The
51 covered entity may appeal the [~~attorney general's~~] secretary's determi-
52 nation and such appeal shall be heard by a judicial hearing officer who
53 is independent and not affiliated with or employed by the department of
54 [~~law, pursuant to regulations promulgated by the department of law. The~~
55 ~~covered entity's sources of donations~~] state. The total amount of
56 in-kind donations to the covered entity and financial assistance

1 provided by any covered entity to one or more recipient entities that
2 are the subject of such appeal shall not be made public pending final
3 judgment on appeal.

4 § 2. Paragraph (b) of subdivision 1 and subdivisions 2 and 3 of
5 section 172-f of the executive law, as added by section 1 of part G of
6 chapter 286 of the laws of 2016, are amended to read as follows:

7 (b) "Covered communication" means a communication by a covered entity,
8 ~~[that does not require a report]~~ not otherwise reported by such covered
9 entity pursuant to article one-A of the legislative law or article four-
10 teen of the election law, by a covered entity conveyed to five hundred
11 or more members of a general public audience in the form of: (i) an
12 audio or video communication via broadcast, cable or satellite; (ii) a
13 written communication via advertisements, pamphlets, circulars, flyers,
14 brochures, letterheads; or (iii) other published statement which: refers
15 to and advocates for or against a clearly identified elected official
16 ~~[or the position of any elected official or administrative or legisla-~~
17 ~~tive body relating to the outcome of any vote or substance of any legis-~~
18 ~~lation, potential legislation, pending legislation, rule, regulation,~~
19 ~~hearing, or decision by any legislative, executive or administrative~~
20 ~~body],~~ executive or administrative body or legislative body relating to
21 the sponsorship, support, opposition, or outcome of any proposed legis-
22 lation, pending legislation, rule, regulation, hearing or decision, or
23 advocates for or against action by any elected official, executive or
24 administrative body or legislative body.

25 2. Disclosure of expenditures for covered communications. (a) Any
26 covered entity that makes expenditures for covered communications in an
27 aggregate amount or fair market value exceeding ten thousand dollars in
28 a calendar year shall file a financial disclosure report with the
29 department of ~~[law]~~ state. The financial disclosure report shall
30 include:

31 (i) the name and address of the covered entity that made the expendi-
32 ture for covered communications;

33 (ii) the name or names of any individuals who exert operational or
34 managerial control over the covered entity. The disclosures required by
35 this paragraph shall include the name of at least one natural person;

36 (iii) a detailed description of the covered communication;

37 (iv) the dollar amount paid for each covered communication, the name
38 and address of the person or entity receiving the payment, and the date
39 the payment was made; and

40 ~~[(iv)]~~ (v) for any restricted donation received by the covered entity
41 in whole or in part for the support of the covered communication, the
42 name and address of any individual, corporation, association, or group
43 that made a donation ~~[of one thousand dollars or more]~~ to the covered
44 entity and the date of such donation, and the amount of the donation,
45 together with a description of any restriction.

46 (b) The covered entity shall file a financial disclosure report with
47 the department of ~~[law]~~ state within thirty days of the close of a
48 reporting period.

49 ~~[(c) If a covered entity keeps one or more segregated bank accounts~~
50 ~~containing funds used solely for covered communications and makes all of~~
51 ~~its expenditures for covered communications from such accounts, then~~
52 ~~with respect to donations included in subparagraph (iv) of paragraph (a)~~
53 ~~of this subdivision, the financial report need only include donations~~
54 ~~deposited into such accounts.]~~

55 3. Public disclosure of funding disclosure reports. The department of
56 ~~[law]~~ state shall ~~[make the financial disclosure reports available to~~

~~the public on the department of law website within thirty days of the close of each reporting period, provided however that the attorney general, or his or her designee, may determine that disclosure of donations shall not be made public~~ promulgate any regulations necessary to implement these requirements and shall publish on the department's website the reports of covered communications required by this section. Such publishing shall not include the names and addresses of individual donors to covered entities, nor shall such publishing include the covered entity's Internal Revenue Service Form 990 Schedule B. Such report shall not be made public pursuant to this section if, based upon a review of the relevant facts presented by the covered entity, such disclosure may cause harm, threats, harassment, or reprisals to the source of the donation or to individuals or property affiliated with the source of the donation. The covered entity may appeal the ~~attorney general's~~ secretary's determination and such appeal shall be heard by a judicial hearing officer who is independent and not affiliated with or employed by the department of ~~law~~ state, pursuant to regulations promulgated by the department of ~~law~~ state. ~~The covered entity shall not be required to disclose the sources of donations~~ The reports subject to disclosure pursuant to this section that are the subject of such appeal pursuant to this section shall not be made public pending final judgment on appeal.

§ 3. Section 172-e of the executive law is amended by adding a new subdivision 4 to read as follows:

4. If a covered entity's or recipient entity's annual report filed pursuant to section one hundred seventy-two-b of this article does not include a completed Internal Revenue Service Form 990 schedule B and that covered entity makes, or that recipient entity receives, qualifying donations pursuant to subdivision two of this section, that entity shall in addition to filing a disclosure with the department of law, also file with the department of state a complete Internal Revenue Service Form 990 Schedule B, regardless of whether such form is submitted or required to be submitted to the Internal Revenue Service.

§ 4. Section 172-f of the executive law is amended by adding a new subdivision 4 to read as follows:

4. If a covered entity's annual report filed pursuant to section one hundred seventy-two-b of this article does not include a completed Internal Revenue Service Form 990 schedule B, the entity shall in addition to filing a disclosure with the department of law, also file with the department of state a complete Internal Revenue Service Form 990 schedule B, regardless of whether such form is submitted or required to be submitted to the Internal Revenue Service.

§ 5. The executive law is amended by adding a new section 93-a to read as follows:

§ 93-a. Examination of reports. The secretary of state shall examine all reports required to be filed with the department of state pursuant to article seven-A of this chapter in order to determine the nature and extent of the in-kind support provided by any covered entity to one or more recipient entities, as such terms are defined in section one hundred seventy-two-e of this chapter, and the nature and extent of covered communications by any covered entity, as such terms are defined in section one hundred seventy-two-f of this chapter. Notwithstanding any inconsistent provision of law, whenever the secretary of state, in consultation with the department of taxation and finance or the department of law, determines that the nature and extent of a covered entity's in-kind support to other entities or the nature and extent of a covered

1 entity's spending on covered communications is inconsistent with the
2 charitable purposes of such covered entity, the secretary shall cause
3 the reports required by article seven-A of this chapter filed by such
4 entity to be published on the website of the department of state upon
5 such finding. Provided, however, that such publishing shall not include
6 the names and addresses of individual donors to covered entities nor
7 shall such publishing include the covered entity's Internal Revenue
8 Service Form 990 Schedule B. The secretary shall report to the governor,
9 the temporary president of the senate and the speaker of the assembly,
10 by December thirty-first, two thousand twenty-two, and annually there-
11 after, on topics including but not limited to: the nature and extent of
12 in-kind support provided by covered entities to recipient entities, as
13 such terms are defined in section one hundred seventy-two-e of this
14 chapter and the nature and extent of expenditures for covered communi-
15 cations. The secretary may request the assistance of the department of
16 taxation and finance or the department of law in order to complete this
17 report. Provided however that such report shall not include the names
18 and addresses of individual donors to covered entities nor shall such
19 report include the covered entity's Internal Revenue Service Form 990
20 Schedule B.

21 § 6. Severability. If any clause, sentence, paragraph, section or part
22 of this act shall be adjudged by any court of competent jurisdiction to
23 be invalid and after exhaustion of all further judicial review, the
24 judgment shall not affect, impair or invalidate the remainder thereof,
25 but shall be confined in its operation to the clause, sentence, para-
26 graph, section or part of this act directly involved in the controversy
27 in which the judgment shall have been rendered.

28 § 7. This act shall take effect January 1, 2021. Effective immediate-
29 ly, the addition, amendment and/or repeal of any rule or regulation
30 necessary for the implementation of this act on its effective date are
31 authorized to be made and completed on or before such effective date.

32 PART VV

33 Intentionally Omitted

34 PART WW

35 Section 1. Section 2 and subdivision 7 of section 3 of part E of chap-
36 ter 60 of the laws of 2015, establishing a commission on legislative,
37 judicial, and executive compensation, and providing for the powers and
38 duties of the commission and for the dissolution of the commission,
39 subdivision 7 of section 3 as amended by section 1 of part VVV of chap-
40 ter 59 of the laws of 2019, are amended to read as follows:

41 § 2. 1. (a) On the first of June of every fourth year, commencing June
42 1, 2015, there shall be established a commission on legislative, judi-
43 cial and executive compensation to examine, evaluate and make recommen-
44 dations with respect to adequate levels of compensation and non-salary
45 benefits for members of the legislature, judges and justices of the
46 state-paid courts of the unified court system, statewide elected offi-
47 cials, and those state officers referred to in section 169 of the execu-
48 tive law.

49 (b) Notwithstanding any provision of this act to the contrary, the
50 commission established in the year 2019 may examine, evaluate and make
51 recommendations with respect to adequate levels of compensation and
52 non-salary benefits for judges and justices of the state-paid courts of

1 the unified court system during its examination of and making recommen-
2 ations for legislative and executive compensation in the year 2020.

3 2. (a) In accordance with the provisions of this section, the commis-
4 sion shall examine: (1) the prevailing adequacy of pay levels and other
5 non-salary benefits received by members of the legislature, statewide
6 elected officials, and those state officers referred to in section 169
7 of the executive law; and

8 (2) the prevailing adequacy of pay levels and non-salary benefits
9 received by the judges and justices of the state-paid courts of the
10 unified court system and housing judges of the civil court of the city
11 of New York and determine whether any of such pay levels warrant adjust-
12 ment; and

13 (b) The commission shall determine whether: (1) for any of the four
14 years commencing on the first of April of such years, following the year
15 in which the commission is established or authorized by this act to
16 evaluate and make recommendations on such salaries, the annual salaries
17 for the judges and justices of the state-paid courts of the unified
18 court system and housing judges of the civil court of the city of New
19 York warrant an increase; and

20 (2) on the first of January after the November general election at
21 which members of the state legislature are elected following the year in
22 which the commission is established, and on the first of January follow-
23 ing the next such election, the like annual salaries and allowances of
24 members of the legislature, and salaries of statewide elected officials
25 and state officers referred to in section 169 of the executive law
26 warrant an increase.

27 3. In discharging its responsibilities under subdivision two of this
28 section, the commission shall take into account all appropriate factors
29 including, but not limited to: the overall economic climate; rates of
30 inflation; changes in public-sector spending; the levels of compensation
31 and non-salary benefits received by executive branch officials and
32 legislators of other states and of the federal government; the levels of
33 compensation and non-salary benefits received by professionals in
34 government, academia and private and nonprofit enterprise; and the
35 state's ability to fund increases in compensation and non-salary bene-
36 fits.

37 7. The commission shall make a report to the governor, the legislature
38 and the chief judge of the state of its findings, conclusions, determi-
39 nations and recommendations, if any, not later than the thirty-first of
40 December of the year in which the commission is established for judicial
41 compensation and the fifteenth of November the following year for legis-
42 lative and executive compensation; provided, however, the report made by
43 the commission in the year two thousand twenty regarding judicial,
44 legislative and executive compensation shall be issued not later than
45 November 15, 2020. Any findings, conclusions, determinations and recom-
46 mendations in the report must be adopted by a majority vote of the
47 commission and shall also be supported by at least one member appointed
48 by each appointing authority. Each recommendation made to implement a
49 determination pursuant to section two of this act shall have the force
50 of law, and shall supersede, where appropriate, inconsistent provisions
51 of article 7-B of the judiciary law, section 169 of the executive law,
52 and sections 5 and 5-a of the legislative law, unless modified or abro-
53 gated by statute prior to April first of the year as to which such
54 determination applies to judicial compensation and January first of the
55 year as to which such determination applies to legislative and executive
56 compensation.

1 § 2. This act shall take effect immediately.

2 PART XX

3 Section 1. This Part enacts into law major components of legislation
4 relating to issues deemed necessary for the state. Each component is
5 wholly contained within a Subpart identified as Subparts A through CC.
6 The effective date for each particular provision contained within such
7 Subpart is set forth in the last section of such Subpart. Any provision
8 in any section contained within a Subpart, including the effective date
9 of the Subpart, which makes reference to a section "of this act", when
10 used in connection with that particular component, shall be deemed to
11 mean and refer to the corresponding section of the Subpart in which it
12 is found. Section three of this Part sets forth the general effective
13 date of this Part.

14 SUBPART A

15 Section 1. Section 631-b of the executive law, as added by a chapter
16 of the laws of 2019 amending the executive law in relation to enacting
17 the "safe way home act", as proposed in legislative bills numbers S.
18 3966-A and A. 5775-A, is REPEALED.

19 § 2. Paragraph (b) of subdivision 1 of section 2805-i of the public
20 health law, as amended by section 1 of part HH of chapter 57 of the laws
21 of 2018, is amended to read as follows:

22 (b) contacting a rape crisis or victim assistance organization, if
23 any, providing victim assistance to the geographic area served by that
24 hospital to establish the coordination of non-medical services, includ-
25 ing but not limited to transportation within the geographic area served
26 by that organization, upon the conclusion of initial medical services,
27 free of charge from the medical facility to sexual offense victims who
28 request such coordination and services;

29 § 3. Subparagraph 3 of paragraph (b) of subdivision 4-b of section
30 2805-i of the public health law, as added by chapter 1 of the laws of
31 2000, is amended to read as follows:

32 (3) Promptly after the examination is completed, the victim shall be
33 permitted to shower, be provided with a change of clothing, be informed
34 that a rape crisis or victim assistance organization providing victim
35 assistance to the geographic area served by that hospital is available
36 to provide transportation within the geographic area served by that
37 organization, upon the conclusion of initial medical services, free of
38 charge from the medical facility, and receive follow-up information,
39 counseling, medical treatment and referrals for same.

40 § 4. Subparagraph 1 of paragraph (a) of subdivision 6 of section
41 2805-i of the public health law, as added by chapter 407 of the laws of
42 2018, is amended to read as follows:

43 (1) consult with a local rape crisis or local victim assistance organ-
44 ization, to have a representative of such organization accompany the
45 victim through the sexual offense examination, [**and**] to have such an
46 organization be summoned by the medical facility, police agency, prose-
47 cutorial agency or other law enforcement agency before the commencement
48 of the physical examination or interview, pursuant to this section, and
49 to have such organization provide transportation within the geographic
50 area served by that organization, free of charge from the medical facil-
51 ity to sexual offense victims who request such services upon discharge;

1 § 5. This act shall take effect on the same date and in the same
2 manner as a chapter of the laws of 2019, amending the executive law in
3 relation to enacting the "safe way home act", as proposed in legislative
4 bills numbers S. 3966-A and A. 5775-A, takes effect.

5 SUBPART B

6 Section 1. Section 170-c of the executive law, as added by a chapter
7 of the laws of 2019, amending the executive law relating to regulatory
8 fines for small businesses, as proposed in legislative bills numbers S.
9 5815-C and A. 7540-B, is amended to read as follows:

10 § 170-c. Regulatory penalties for small businesses. 1. Unless explic-
11 itly exempted or excluded by any other law, rule or regulation, upon a
12 first time violation of a state agency's rules or regulations related to
13 paperwork submitted to a state agency or actions or omissions that are
14 determined by such state agency to be de minimus, a small business, as
15 defined in subdivision eight of section one hundred two of the state
16 administrative procedure act, shall be afforded a cure period or other
17 opportunity for ameliorative action if the violation can be corrected,
18 the successful completion of which will prevent the imposition of penal-
19 ties on the party or parties subject to enforcement of such de minimus
20 violation. However, no waiver of penalties or cure period or other
21 opportunity for ameliorative action may be given if the agency deter-
22 mines that the violation [~~resulted~~] may result in a natural resource
23 damage claim or serious actual harm, or may [~~have presented~~] present an
24 [~~imminent and substantial~~] endangerment to public safety, human health
25 or the environment, is a violation of human or civil rights law, results
26 in loss of employee wages or benefits, interferes with any remedy,
27 review, or resolution related to harassment or discrimination claims,
28 was or is a willful violation, [~~involved~~] involves tax fraud, violates
29 requirements related to federal funding to the state, relates to state
30 funding or procurement, is similar to prior violations, is a penal law
31 violation, [~~or~~] relates to a material or substantive portion of the
32 business, or is in contravention of the public interest and/or policy
33 reflected by the agency's mission. Upon such first violation, a state
34 agency shall (a) provide the small business with a copy of [~~any~~] the
35 applicable small business regulation guides pursuant to section one
36 hundred two-a of the state administrative procedure act and any other
37 helpful [~~compliance~~] guidance or information detailing the agency's
38 rules and regulations, to the extent such materials exist, or (b) to the
39 extent practicable, provide [~~an opportunity for an in-person meeting,~~
40 ~~teleconference or videoconference with the small business to help~~
41 ~~assist~~] such small business assistance with compliance with the agency's
42 rules and regulations. The agency shall have the discretion to deter-
43 mine the appropriate period of time to allow [~~for~~] such small business
44 to cure or take such other ameliorative action [~~to occur~~] to address
45 such violation, which shall be reasonable but shall not be less than
46 [~~ninety~~] fifteen business days unless a longer period is allowed pursu-
47 ant to law or regulation.

48 2. As used in this section[~~+(a) "Small business" shall mean a busi-~~
49 ~~ness which is resident in this state, independently owned and operated,~~
50 ~~not dominant in its field and employs one hundred or less persons-~~
51 ~~(b)~~] "[~~State~~] state agency" shall mean an agency as defined in subdi-
52 vision one of section one hundred two of the state administrative proce-
53 dure act; provided that "state agency" shall not include the department

1 of taxation and finance [~~but shall also mean~~], the workers' compensation
2 board nor the department of financial services.

3 3. Nothing herein shall prevent or preclude any other waivers of
4 penalties that may be applicable by this or any other agency.

5 § 2. Section 2 of a chapter of the laws of 2019, amending the execu-
6 tive law relating to regulatory fines for small businesses, as proposed
7 in legislative bills numbers S. 5815-C and A. 7540-B, is amended to read
8 as follows:

9 § 2. This act shall take effect immediately and shall expire and be
10 deemed repealed two years after such date.

11 § 3. This act shall take effect immediately, provided, however, that
12 section one of this act takes effect on the same date and in the same
13 manner as a chapter of the laws of 2019, amending the executive law
14 relating to regulatory fines for small businesses, as proposed in legis-
15 lative bills numbers S. 5815-C and A. 7540-B, takes effect.

16 SUBPART C

17 Section 1. Sections 5 and 6 of a chapter of the laws of 2019, author-
18 izing the commissioner of general services to transfer and convey
19 certain state land to the city of New Rochelle, as proposed in legisla-
20 tive bills numbers S.6228-A and A.7846-A, are amended to read as
21 follows:

22 § 5. Any lands transferred pursuant to this act shall be used for the
23 purposes of the city of New Rochelle to utilize the subject property
24 exclusively for the construction of municipal facilities, specifically a
25 city hall building and [~~to satisfy the~~] affordable housing [~~needs of~~
26 ~~residents of~~] located in the city of New Rochelle, which solely for the
27 purposes of this act, shall mean that one hundred percent of the rental
28 dwelling units in the building shall, upon initial rental and upon each
29 subsequent rental following a vacancy, be affordable to and restricted
30 to occupancy by individuals or families in accordance with a plan devel-
31 oped and approved by the commissioner of the New York state division of
32 homes and community renewal, and upon termination of such use, title to
33 the lands so transferred shall revert to the state of New York. In lieu
34 of such reversion, the city of New Rochelle may purchase the reverter
35 interest in the subject property at the current fair market values less
36 the value of any improvements thereon as determined by independent
37 certified appraisal or appraisals.

38 § 6. This act shall take effect immediately; provided however, that
39 the authority of the commissioner of general services to transfer and
40 convey the aforesaid lands and improvements pursuant to this act shall
41 expire two years after such effective date.

42 § 2. This act shall take effect on the same date and in the same
43 manner as a chapter of the laws of 2019, authorizing the commissioner of
44 general services to transfer and convey certain state land to the city
45 of New Rochelle, as proposed in legislative bills numbers S.6228-A and
46 A.7846-A, takes effect.

47 SUBPART D

48 Section 1. Subparagraph (vii) of paragraph (a) of subdivision 8 of
49 section 131-a of the social services law, as amended by a chapter of the
50 laws of 2019 amending the social services law relating to exempting
51 income earned by persons under the age of twenty-four from certain work-
52 force development programs from the determination of need for public

1 assistance programs, as proposed in legislative bills numbers S.6443 and
2 A.6753-A, is amended, and a new subparagraph (ix) is added to read as
3 follows:

4 (vii) all of the income of a dependent child living with a parent or
5 other caretaker relative, who is receiving such aid or for whom an
6 application for such aid has been made, which is derived from partic-
7 ipation in [~~(i) the summer youth employment program, provided however,
8 that in the case of earned income such disregard must be applied for at
9 least, but no longer than the length of such program; or (ii)~~] a program
10 carried out under the federal job training partnership act (P.L. 97-300)
11 or any successor act, provided, however, that in the case of earned
12 income such disregard must be applied for at least, but no longer than,
13 six months per calendar year for each such child. [~~Provided however, a
14 local social services district may exempt all the income of an individ-
15 ual, up to the age of twenty four, which is derived from their partic-
16 ipation in the summer youth employment program, in accordance with
17 clause (i) of this subparagraph,~~]

18 (ix) all of the income derived from participation in the summer youth
19 employment program, provided however, that such income shall be exempt
20 only for an individual who is not older than age twenty-four at the time
21 of enrollment in the summer youth employment program and such disregard
22 must be applied for the length of the individual's participation in such
23 program.

24 § 2. This act shall take effect on the same date and in the same
25 manner as a chapter of the laws of 2019 amending the social services law
26 relating to exempting income earned by persons under the age of twenty-
27 four from certain workforce development programs from the determination
28 of need for public assistance programs, as proposed in legislative bills
29 numbers S.6443 and A.6753-A, takes effect.

30 SUBPART E

31 Section 1. Subdivisions 1 and 3 of section 459 of the real property
32 tax law, as amended by a chapter of the laws of 2019, amending the real
33 property tax law relating to permitting special districts to adopt a
34 local law providing for an exemption for improvements to residential
35 real property for the purpose of facilitating accessibility of such
36 property to a physically disabled owner, as proposed in legislative
37 bills numbers S.6452 and A.5137-A, are amended to read as follows:

38 1. After a public hearing, the governing body of a county, city, town
39 or village may adopt a local law or a school district [~~or special
40 district~~] may adopt a resolution, providing for an exemption pursuant to
41 the provisions of this section. Such local law or resolution may provide
42 that an improvement to any real property used solely for residential
43 purposes as a one, two or three family residence shall be exempt from
44 taxation and special ad valorem levies to the extent of any increase in
45 value attributable to such improvement if such improvement is used for
46 the purpose of facilitating and accommodating the use and accessibility
47 of such real property by (a) a resident owner of the real property who
48 is physically disabled, or (b) a member of the resident owner's house-
49 hold who is physically disabled, if such member resides in the real
50 property. A local law or resolution adopted pursuant to this section
51 may provide that the exemption shall apply to improvements constructed
52 prior to the effective date of such local law or resolution.

53 3. Such exemption shall be granted only upon application by the owner
54 or all of the owners of the real property on a form prescribed and made

1 available by the commissioner. The applicant shall furnish such informa-
2 tion as the commissioner shall require. The application shall be filed
3 together with the appropriate certified statement of physical disability
4 or certificate of blindness with the assessor of the appropriate county,
5 city, town, or village[~~, or special district~~] on or before the taxable
6 status date of such county, city, town, or village[~~, or special~~
7 ~~district~~].

8 § 2. This act shall take effect on the same date and in the same
9 manner as a chapter of the laws of 2019, amending the real property tax
10 law relating to permitting special districts to adopt a local law
11 providing for an exemption for improvements to residential real property
12 for the purpose of facilitating accessibility of such property to a
13 physically disabled owner, as proposed in legislative bills numbers
14 S.6452 and A.5137-A, takes effect.

15 SUBPART F

16 Section 1. Section 465 of the labor law, as added by a chapter of the
17 laws of 2019 amending the labor law relating to licenses to purchase,
18 use, or store certain compounds, as proposed in legislative bills
19 numbers S.1456 and A.4452, is REPEALED.

20 § 2. Subdivision 1 of section 451 of the labor law, as amended by
21 section 2 of part CC of chapter 57 of the laws of 2009, is amended to
22 read as follows:

23 1. "Explosives" means gunpowder, powders used for blasting, high
24 explosives, blasting materials, detonating fuses, detonators, pyrotech-
25 nics and other detonating agents, fireworks and dangerous fireworks as
26 defined in section 270.00 of the penal law, smokeless powder and any
27 chemical compound or any mechanical mixture containing any oxidizing and
28 combustible units, or other ingredients in such proportions, quantities,
29 or packing that ignition by fire, friction, concussion, percussion or
30 detonation of any part thereof may cause and is intended to cause an
31 explosion, but shall not include gasoline, kerosene, naphtha, turpen-
32 tine, benzine, acetone, ethyl ether, benzol or quantities of black
33 powder not exceeding five pounds for use in firing of antique firearms
34 or artifacts or replicas thereof. Fixed ammunition and primers for small
35 arms, pyrotechnic devices which are designed for and being used for
36 legitimate wildlife management or controls, safety fuses and matches
37 shall not be deemed to be explosives when, as provided by regulation,
38 the individual units contain any of the above-mentioned articles or
39 substances in such limited quantity, of such nature and so packed that
40 it is impossible to produce an explosion of such units to the injury of
41 life, limb or property. The term "explosives" shall also include two or
42 more components that are advertised and sold together with instructions
43 on how to combine the components to create any device designed or
44 specially adapted to facilitate a detonation or combustion.

45 § 3. This act shall take effect on the same date and in the same
46 manner as a chapter of the laws of 2019, amending the labor law relating
47 to licenses to purchase, use, or store certain compounds, as proposed in
48 legislative bills numbers S.1456 and A.4452, takes effect.

49 SUBPART G

50 Section 1. Paragraph (a) of subdivision 2 of section 31 of the private
51 housing finance law, as amended by a chapter of the laws of 2019, amend-
52 ing the private housing finance law relating to the aggregate annual

1 income of low income persons or families eligible for accommodations in
2 a company project, as proposed in legislative bills numbers S.4133 and
3 A.5350, is amended to read as follows:

4 (a) The dwelling or non-housekeeping accommodations without board in a
5 company project shall be available for persons or families of low income
6 whose probable aggregate annual income at the time of admission and
7 during the period of occupancy does not exceed, the greater of (i) the
8 median income for such persons or families for the metropolitan statis-
9 tical area in which the project is located, or if a project is located
10 outside a metropolitan statistical area, the median income for such
11 persons or families for the county in which the project is located, as
12 most recently determined by the United States department of housing and
13 urban development, in which case any person or family becoming eligible
14 for admission pursuant to this subparagraph shall pay, from the time of
15 admission, a rental surcharge as provided for in subdivision three of
16 this section, computed on the basis of the income limitations applicable
17 to such persons or families in the absence of this subparagraph, or (ii)
18 eight times the rental, including the value or cost to them of heat,
19 light, water and cooking fuel, of the dwellings that may be furnished to
20 such persons or families, except that in the case of families with three
21 or more dependents, such ratio shall not exceed nine to one. Persons or
22 families with two or less dependents eligible for admission or continued
23 occupancy pursuant to subparagraph (ii) of this paragraph or subpara-
24 graph (ii) of this paragraph prior to the effective date of a chapter of
25 the laws of two thousand nineteen that amended subparagraph (ii) of this
26 paragraph, shall pay a rental surcharge computed on the basis of an
27 income limitation of seven times the rental and families with three or
28 more dependents eligible for admission or continued occupancy pursuant
29 to subparagraph (ii) of this paragraph or subparagraph (ii) of this
30 paragraph prior to the effective date of a chapter of the laws of two
31 thousand nineteen that amended subparagraph (ii) of this paragraph,
32 shall pay a rental surcharge computed on the basis of an income limita-
33 tion of eight times the cost of the rental, including in each instance
34 the value or cost to the persons or families of heat, light, water and
35 cooking fuel, of the dwellings furnished to such persons or families.

36 The "probable aggregate annual income" in the case of dwelling accom-
37 modations means the annual income of the chief wage earner of the fami-
38 ly, plus all other income of other members of the family over the age of
39 twenty-one years, plus a proportion of income of gainfully employed
40 members under the age of twenty-one years, the proportion to be deter-
41 mined by the company as approved by the commissioner or the supervising
42 agency, as the case may be, excluding therefrom a deduction of fifteen
43 thousand dollars from the income of secondary wage earners of the family
44 or a larger deduction if approved by the commissioner or the supervising
45 agency, as the case may be, except that the company, as approved by the
46 commissioner or the supervising agency, as the case may be, may exclude
47 a proportion of the income of other members of the family over the age
48 of twenty-one years for the purpose of determining eligibility for
49 admission or continued occupancy, or for establishing the rental of such
50 family, or for all such purposes; in the case of such non-housekeeping
51 accommodations it means the annual income of the occupant, provided that
52 the commissioner or supervising agency, as the case may be, may make
53 rules and regulations relative to the allocation of the income of a
54 family among the members thereof for the purpose of determining the
55 income attributable to such occupant.

1 § 2. This act shall take effect on the same date and in the same
2 manner as a chapter of the laws of 2019, amending the private housing
3 finance law relating to the aggregate annual income of low income
4 persons or families eligible for accommodations in a company project, as
5 proposed in legislative bills numbers S.4133 and A.5350, takes effect.

6 SUBPART H

7 Section 1. Section 1 of a chapter of the laws of 2019, relating to
8 directing the metropolitan transportation authority to rename certain
9 subway stations, as proposed in legislative bills numbers S. 3439-A and
10 A. 1512-A, is amended to read as follows:

11 Section 1. [The] Upon a determination by the Metropolitan Transporta-
12 tion Authority or the New York City Transit Authority that sufficient
13 funds have been committed to it specifically for such purpose, the
14 Metropolitan Transportation Authority, the public benefit corporation
15 created by section twelve hundred sixty-three of the public authorities
16 law, and the New York City Transit Authority, the public benefit corpo-
17 ration created by section twelve hundred one of the public authorities
18 law, shall use such specifically committed funds to rename the President
19 Street subway station on the IRT Nostrand Avenue line of the New York
20 city subway ~~[is hereby named]~~ to the President Street - Medgar Evers
21 College station and the Franklin Avenue subway station on the IRT East-
22 ern Parkway line ~~[is hereby named]~~ of the New York City subway to the
23 Franklin Avenue - Medgar Evers College station. The MTA shall ensure
24 that all signs, ~~[maps,~~ and any other items issued by the MTA are
25 updated to accurately reflect the new name of the stations within ~~[such~~
26 ~~time and in such manner as the MTA shall deem appropriate]~~ ten months.

27 § 2. Section 2 of a chapter of the laws of 2019, relating to directing
28 the metropolitan transportation authority to rename certain subway
29 stations, as proposed in legislative bills numbers S. 3439-A and A.
30 1512-A, is amended to read as follows:

31 § 2. This act shall take effect immediately, and shall be deemed
32 repealed after the signs, and any other items are accurately updated.
33 The chief executive officer of the Metropolitan Transportation Authority
34 or president of the New York City transit authority shall notify the
35 legislative bill drafting commission upon the completion of such updates
36 in order that the commission may maintain an accurate and timely effec-
37 tive data base of the official text of the laws of the state of New York
38 in furtherance of effectuating the provisions of section 44 of the
39 legislative law and section 70-b of the public officers law.

40 § 3. This act shall take effect immediately; provided, however, that
41 section one of this act shall take effect on the same date and in the
42 same manner as a chapter of the laws of 2019, relating to directing the
43 metropolitan transportation authority to rename certain subway stations,
44 as proposed in legislative bills numbers S. 3439-A and A. 1512-A.

45 SUBPART I

46 Section 1. Section 3 of chapter 383 of the laws of 2019 amending the
47 public authorities law relating to the Roosevelt Island operating corpo-
48 ration is amended to read as follows:

49 § 3. Title 35 of Article 8 of the public authorities law constituting
50 the Roosevelt Island operating corporation created by this act shall be
51 deemed for all purposes to be a continuation of the Roosevelt Island
52 operating corporation as it was constituted immediately preceding the

1 effective date of this act and shall not be construed as a newly created
2 corporation. All members of the Roosevelt Island operating corporation
3 board of directors appointed to the board of the corporation as such
4 corporation was constituted immediately preceding the effective date of
5 this act shall continue in office until the expiration of their terms
6 and until their successors are appointed and have qualified. All unex-
7 pendent balances of appropriations of monies heretofore made or allo-
8 cated to the Roosevelt Island operating corporation as such corporation
9 was constituted immediately preceding the effective date of this act
10 whether obligated or unobligated, are hereby transferred to and made
11 available to the Roosevelt Island operating corporation as created by
12 this act. All rules, regulations, orders, determinations, and decisions
13 of the Roosevelt Island operating corporation, as it was constituted
14 immediately preceding the effective date of this act, shall continue in
15 full force and effect as rules, regulations, orders, determinations and
16 decisions of the Roosevelt Island operating corporation created by this
17 act.

18 § 4. This act shall take effect immediately.

19 § 2. This act shall take effect immediately and shall be deemed to
20 have been in full force and effect on the same date and in the same
21 manner as chapter 383 of the laws of 2019 took effect.

22

SUBPART J

23 Section 1. Subdivisions 15 and 16 of section 202 of the elder law,
24 subdivision 15 as amended by section 31-b of part AA of chapter 56 of
25 the laws of 2019, and subdivision 16 as added by chapter 455 of the laws
26 of 2016, are amended and a new subdivision 17 is added to read as
27 follows:

28 15. to periodically, in consultation with the state director of veter-
29 ans' services, review the programs operated by the office to ensure that
30 the needs of the state's aging veteran population are being met and to
31 develop improvements to programs to meet such needs; ~~and~~

32 16. to the extent appropriations are available, and in consultation
33 with the office of children and family services, conduct a public educa-
34 tion campaign that emphasizes zero-tolerance for elder abuse. Such
35 campaign shall include information about the signs and symptoms of elder
36 abuse, identification of potential causes of elder abuse, resources
37 available to assist in the prevention of elder abuse, where suspected
38 elder abuse can be reported, contact information for programs offering
39 services to victims of elder abuse such as counseling, and assistance
40 with arranging personal care and shelter. Such campaign may include, but
41 not be limited to: printed educational and informational materials;
42 audio, video, electronic, other media; and public service announcements
43 or advertisements~~[-]~~; and

44 17. subject to an appropriation, make available to designated agencies
45 as defined in paragraph (a) of subdivision one of section two hundred
46 fourteen of this title, a training program for the purpose of raising
47 awareness, removing barriers and improving services for older adults
48 based on their sexual orientation and gender identity or expression as
49 defined in section two hundred ninety-two of the executive law. Such
50 training program may include:

51 (i) an overview of the history, unique needs, and concerns of lesbian,
52 gay, bisexual, transgender, asexual, gender non-conforming and gender
53 non-binary older adults;

1 (ii) reasons why lesbian, gay, bisexual, transgender, asexual, gender
 2 non-conforming and gender non-binary older adults may choose not to
 3 self-identify; and

4 (iii) tools that may be used to incorporate lesbian, gay, bisexual,
 5 transgender, asexual, gender non-conforming and gender non-binary older
 6 adult concerns into direct care and steps that may be taken to improve
 7 the quality of services and support provided.

8 § 2. Subdivisions 13 and 14 of section 203 of the elder law, as added
 9 by a chapter of the laws of 2019, amending the elder law relating to the
 10 state office for the aging sexual discrimination training program, as
 11 proposed in legislative bills numbers S. 5958 and A. 7593, are REPEALED.

12 § 3. This act shall take effect on the same date and in the same
 13 manner as a chapter of the laws of 2019, amending the elder law relating
 14 to the state office for the aging sexual discrimination training
 15 program, as proposed in legislative bills numbers S. 5958 and A. 7593,
 16 takes effect.

17 SUBPART K

18 Section 1. Subparagraph (B) of paragraph 1 of subsection (a) of
 19 section 3240 of the insurance law, as amended by chapter 461 of the laws
 20 of 2015, clause (ii) as amended by a chapter of the laws of 2019, amend-
 21 ing the insurance law relating to policies or contracts which are not
 22 included in the definition of student accident and health insurance, as
 23 proposed in legislative bills numbers S. 6197 and A. 492, is amended to
 24 read as follows:

25 (B) "Student accident and health insurance" shall not include:

26 (i) a policy or contract that provides limited scope dental or vision
 27 benefits meeting the definition of "excepted benefits" set forth in
 28 section 2791 of the public health service act, 42 U.S.C. § 300gg-91(c);
 29 [~~ex~~]

30 (ii) [~~a~~] an accident policy or contract that provides benefits meeting
 31 the definition of "excepted benefits" set forth in section 2791 of the
 32 public health service act, 42 U.S.C. § 300gg-91(c), if the policy or
 33 contract [~~is limited to insurance coverage for personal risks incident~~
 34 ~~to planned travel, including sickness, accident, disability, or death~~
 35 ~~occurring during travel, provided that such health benefits are not~~
 36 ~~offered on a stand-alone basis and are incidental to other coverage.~~

37 [~~(iii) an accident policy or contract that provides benefits meeting~~
 38 ~~the definition of "excepted benefits" set forth in section 2791 of the~~
 39 ~~public health service act, 42 U.S.C. § 300gg-91(c), if the policy or~~
 40 ~~contract~~]:

41 (I) is limited to coverage for intercollegiate sports injuries only;

42 (II) provides benefits to diagnose and treat any intercollegiate
 43 sports injury and does not include a benefit dollar maximum amount per
 44 injury that is less than the overall benefit dollar maximum amount per
 45 student under the intercollegiate sports injury policy or contract;

46 (III) provides benefits on an expense incurred basis;

47 (IV) provides that premiums are paid in full by the institution of
 48 higher education;

49 (V) includes prominent disclosure to the student that the accident
 50 policy is not a substitute for comprehensive hospital and medical cover-
 51 age;

52 (VI) provides coverage for intercollegiate sports injuries primary to
 53 any student accident and health insurance policy or contract or any
 54 student health plan issued pursuant to section one thousand one hundred

1 twenty-four of this chapter; except that a policy or contract meeting
 2 the requirements of this item may be excess or secondary to any other
 3 policy or contract of accident and health insurance; and

4 (VII) includes a maximum benefit amount that is no less than the
 5 deductible under the separate athletic association policy or contract if
 6 designed to coordinate with a separate policy or contract issued to an
 7 athletic association that extends coverage for intercollegiate sports
 8 injuries;

9 (iii) an accident policy or contract that provides benefits meeting
 10 the definition of "excepted benefits" set forth in section 2791 of the
 11 public health service act, 42 U.S.C. § 300gg-91(c)(1)(A), if the policy
 12 or contract:

13 (I) is limited to transportation expenses in the event an insured
 14 student incurs a covered sickness or accident, including transportation
 15 expenses for a medical escort to travel with the student and transporta-
 16 tion expenses for returning the student to the student's domicile;

17 (II) provides that premiums are paid in full by the institution of
 18 higher education;

19 (III) covers students enrolled in the institution of higher education;

20 (IV) includes prominent disclosure to the student that the accident
 21 policy is not a substitute for comprehensive hospital and medical cover-
 22 age; and

23 (V) provides coverage for a period of twelve months; or

24 (iv) an insurance policy, contract, or certificate that provides
 25 hospital, medical, or surgical expense coverage for a student while
 26 studying outside the United States for a period of twelve months or less
 27 that is issued to a student, provided that the student is also covered
 28 by comprehensive hospital and medical coverage within the United States
 29 and the insurance policy, contract, or certificate:

30 (I) is subject to the requirements of subsections (b), (c), (d), (e),
 31 (h), and (i) of this section;

32 (II) meets the definition of "expatriate health plan" set forth in 42
 33 U.S.C. § 18014(d)(2);

34 (III) excludes coverage within the United States;

35 (IV) may offer coverage for global evacuation and repatriation in the
 36 event of the insured student's sickness or accident; and

37 (V) may offer coverage for trip cancellation, trip interruption,
 38 baggage, personal effects, or global evacuation and repatriation,
 39 including evacuation in the event of a natural or man-made disaster,
 40 such as an epidemic, political event, war, terrorist act, riot, or civil
 41 insurrection, pursuant to section three thousand four hundred fifty-two
 42 of this chapter.

43 § 2. Clause (iii) of subparagraph (C) of paragraph 3 of subsection (a)
 44 of section 4237 of the insurance law, as amended by chapter 461 of the
 45 laws of 2015, is amended to read as follows:

46 (iii) as described in item (ii), (iii) or (iv) of subparagraph (B) of
 47 paragraph one of subsection (a) of section three thousand two hundred
 48 forty of this chapter.

49 § 3. Paragraphs 3, 4 and 5 of subsection (a) of section 3452 of the
 50 insurance law, as added by chapter 318 of the laws of 2008, are amended
 51 to read as follows:

52 (3) The policy may be issued to:

53 (A) any railroad company, steamship company, carrier by air, public
 54 bus carrier, or other common carrier of passengers, which shall be
 55 deemed the policyholder, where the policy insures its passengers; [~~or~~]

1 (B) an institution of higher education as provided in paragraph two of
2 subsection (a) of section three thousand two hundred forty of this chap-
3 ter; or

4 (C) any other group where the superintendent has determined in a regu-
5 lation that the members are engaged in a common enterprise, or have an
6 economic or social affinity or relationship, and that the issuance of
7 the policy would not be contrary to the best interests of the public.

8 (4) [~~The~~] (A) Except as provided in subparagraph (B) of paragraph one
9 of subsection (a) of section three thousand two hundred forty of this
10 chapter, the policy may provide coverage for trip cancellation, trip
11 interruption, baggage, and personal effects when limited to a specific
12 trip. The policy shall be sold in connection with transportation
13 provided by the common carrier or, with respect to other groups as
14 permitted by the superintendent in accordance with subparagraph [~~(B)~~]
15 (C) of paragraph three of this subsection, subject to such limitations
16 provided in the regulation promulgated by the superintendent.

17 (B) A policy issued to an institution of higher education shall comply
18 with clause (V) of item (iv) of subparagraph (B) of paragraph one of
19 subsection (a) of section three thousand two hundred forty of this chap-
20 ter.

21 (5) Coverage under the policy shall be limited to the group member's
22 risks with respect to a particular trip, except a policy issued to an
23 institution of higher education shall comply with item (iv) of subpara-
24 graph (B) of paragraph one of subsection (a) of section three thousand
25 two hundred forty of this chapter.

26 § 4. Paragraph 1 of subsection (c) of section 3452 of the insurance
27 law, as added by chapter 318 of the laws of 2008, is amended to read as
28 follows:

29 (1) Unless the group policy provides for a longer policy period, the
30 policy shall be issued or renewed for a one-year policy period, except a
31 policy issued to an institution of higher education shall be issued or
32 renewed for a period consistent with item (iv) of subparagraph (B) of
33 paragraph one of subsection (a) of section three thousand two hundred
34 forty of this chapter.

35 § 5. Subparagraph (B) of paragraph 7 of subsection (c) of section 3452
36 of the insurance law, as added by chapter 318 of the laws of 2008, is
37 amended to read as follows:

38 (B) The coverage shall terminate as provided in the certificate, which
39 shall in no event be later than the conclusion of the trip, except
40 coverage under a policy issued to an institution of higher education as
41 provided in item (iv) of subparagraph (B) of paragraph one of subsection
42 (a) of section three thousand two hundred forty of this chapter shall
43 terminate in accordance with the provisions of that section.

44 § 6. This act shall take effect on the same date and in the same
45 manner as a chapter of the laws of 2019, amending the insurance law
46 relating to policies or contracts which are not included in the defi-
47 nition of student accident and health insurance, as proposed in legisla-
48 tive bills numbers S. 6197 and A. 492, takes effect.

49

SUBPART L

50 Section 1. Subdivision 5 of section 1017 of the family court act, as
51 added by a chapter of the laws of 2019 amending the family court act and
52 the social services law relating to notice of indicated reports of child
53 maltreatment and changes of placement in child protective and voluntary

1 foster care placement and review proceedings, as proposed in legislative
2 bills numbers S. 6215 and A. 7974, is amended to read as follows:

3 5. In any case in which an order has been issued pursuant to this
4 article remanding or placing a child in the custody of the local social
5 services district, the social services official or authorized agency
6 charged with custody or care of the child shall report any anticipated
7 change in placement to the ~~[attorneys for the parties and the attorney
8 for the child not later than ten days prior to such change in any case
9 in which the child is moved from the foster home or program into which
10 he or she has been placed or in which the foster parents move out of
11 state with the child; provided, however, that where an immediate change
12 of placement on an emergency basis is required, the report shall be
13 transmitted no later than the next business day after such change in
14 placement has been made. The social services official or authorized
15 agency shall also submit a report to the attorneys for the parties and
16 the attorney for the child or include in the placement change report any
17 indicated report of child abuse or maltreatment concerning the child or
18 (if a person or persons caring for the child is or are the subject of
19 the report) another child in the same home within five days of the indi-
20 cation of the report. The official or agency may protect the confiden-
21 tiality of identifying or address information regarding the foster or
22 prospective adoptive parents. Reports regarding indicated reports of
23 child abuse or maltreatment provided pursuant to this subdivision shall
24 include a statement advising recipients that the information in such
25 report of child abuse or maltreatment shall be kept confidential, shall
26 be used only in connection with a proceeding under this article or
27 related proceedings under this act and may not be redisclosed except as
28 necessary for such proceeding or proceedings and as authorized by law.
29 Reports under this paragraph may be transmitted by any appropriate
30 means, including, but not limited to, by electronic means or placement
31 on the record during proceedings in family court] court and the attor-
32 neys for the parties, including the attorney for the child, forthwith,
33 but not later than one business day following either the decision to
34 change the placement or the actual date the placement change occurred,
35 whichever is sooner. Such notice shall indicate the date that the place-
36 ment change is anticipated to occur or the date the placement change
37 occurred, as applicable. Provided, however, if such notice lists an
38 anticipated date for the placement change, the local social services
39 district or authorized agency shall subsequently notify the court and
40 attorneys for the parties, including the attorney for the child, of the
41 date the placement change occurred; such notice shall occur no later
42 than one business day following the placement change.~~

43 § 2. Subdivision (j) of section 1055 of the family court act, as added
44 by a chapter of the laws of 2019 amending the family court act and the
45 social services law relating to notice of indicated reports of child
46 maltreatment and changes of placement in child protective and voluntary
47 foster care placement and review proceedings, as proposed in legislative
48 bills numbers S. 6215 and A. 7974, is amended to read as follows:

49 (j) In any case in which an order has been issued pursuant to this
50 section placing a child in the custody or care of the commissioner of
51 social services, the social services official or authorized agency
52 charged with custody of the child shall report any anticipated change in
53 placement to the ~~[attorneys for the parties and the attorney for the
54 child not later than ten days prior to such change in any case in which
55 the child is moved from the foster home or program into which he or she
56 has been placed or in which the foster parents move out of state with~~

~~the child; provided, however, that where an immediate change of placement on an emergency basis is required, the report shall be transmitted no later than the next business day after such change in placement has been made. The social services official or authorized agency shall also submit a report to the attorneys for the parties and the attorney for the child or include in the placement change report any indicated report of child abuse or maltreatment concerning the child or (if a person or persons caring for the child is or are the subject of the report) another child in the same home within five days of the indication of the report. The official or agency may protect the confidentiality of identifying or address information regarding the foster or prospective adoptive parents. Reports regarding indicated reports of child abuse or maltreatment provided pursuant to this subdivision shall include a statement advising recipients that the information in such report of child abuse or maltreatment shall be kept confidential, shall be used only in connection with a proceeding under this article or related proceedings under this act and may not be redisclosed except as necessary for such proceeding or proceedings and as authorized by law. Reports under this paragraph may be transmitted by any appropriate means, including, but not limited to, by electronic means or placement on the record during proceedings in family court]~~ court and the attorneys for the parties, including the attorney for the child, forthwith, but not later than one business day following either the decision to change the placement or the actual date the placement change occurred, whichever is sooner. Such notice shall indicate the date that the placement change is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the placement change, the local social services district or authorized agency shall subsequently notify the court and attorneys for the parties, including the attorney for the child, of the date the placement change occurred; such notice shall occur no later than one business day following the placement change.

§ 3. Clause (H) of subparagraph (vii) of paragraph 2 of subdivision (d) of section 1089 of the family court act, as added by a chapter of the laws of 2019 amending the family court act and the social services law relating to notice of indicated reports of child maltreatment and changes of placement in child protective and voluntary foster care placement and review proceedings, as proposed in legislative bills numbers S. 6215 and A. 7974, is amended to read as follows:

(H) ~~a direction that the social services official or authorized agency charged with care and custody or guardianship and custody of the child, as applicable, report any anticipated change in placement to the [attorneys for the parties and the attorney for the child not later than ten days prior to such change in any case in which the child is moved from the foster home or program into which he or she has been placed or in which the foster parents move out of state with the child; provided, however, that where an immediate change of placement on an emergency basis is required, the report shall be transmitted no later than the next business day after such change in placement has been made. The social services official or authorized agency shall also submit a report to the attorneys for the parties and the attorney for the child or include in the placement change report any indicated report of child abuse or maltreatment concerning the child or (if a person or persons caring for the child is or are the subject of the report) another child in the same home within five days of the indication of the report. The official or agency may protect the confidentiality of identifying or~~

~~address information regarding the foster or prospective adoptive parents. Reports under this paragraph shall not be sent to attorneys for birth parents whose parental rights have been terminated or who have surrendered their child or children. Reports regarding indicated reports of child abuse or maltreatment provided pursuant to this subdivision shall include a statement advising recipients that the information in such report of child abuse or maltreatment shall be kept confidential, shall be used only in connection with a proceeding under this article or related proceedings under this act and may not be redisclosed except as necessary for such proceeding or proceedings and as authorized by law. Reports under this paragraph may be transmitted by any appropriate means including, but not limited to, by electronic means or placement on the record during proceedings in family court]~~ court and the attorneys for the parties, including the attorney for the child, forthwith, but not later than one business day following either the decision to change the placement or the actual date the placement change occurred, whichever is sooner. Such notice shall indicate the date that the placement change is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the placement change, the local social services district or authorized agency shall subsequently notify the court and attorneys for the parties, including the attorney for the child, of the date the placement change occurred; such notice shall occur no later than one business day following the placement change; and

§ 4. Paragraph (g) of subdivision 3 of section 358-a of the social services law, as added by a chapter of the laws of 2019 amending the family court act and the social services law relating to notice of indicated reports of child maltreatment and changes of placement in child protective and voluntary foster care placement and review proceedings, as proposed in legislative bills numbers S. 6215 and A. 7974, is amended to read as follows:

(g) In any case in which an order has been issued pursuant to this section approving a foster care placement instrument, the social services official or authorized agency charged with custody or care of the child shall report any anticipated change in placement to the ~~[attorneys for the parties and the attorney for the child not later than ten days prior to such change in any case in which the child is moved from the foster home or program into which he or she has been placed or in which the foster parents move out of state with the child; provided, however, that where an immediate change of placement on an emergency basis is required, the report shall be transmitted no later than the next business day after such change in placement has been made. The social services official or authorized agency shall also submit a report to the attorneys for the parties and the attorney for the child or include in the placement change report any indicated report of child abuse or maltreatment concerning the child or (if a person or persons caring for the child is or are the subject of the report) another child in the same home within five days of the indication of the report. The official or agency may protect the confidentiality of identifying or address information regarding the foster or prospective adoptive parents. Reports regarding indicated reports of child abuse or maltreatment provided pursuant to this subdivision shall include a statement advising recipients that the information in such report of child abuse or maltreatment shall be kept confidential, shall be used only in connection with a proceeding under this section or related proceedings under the family court act and may not be redisclosed except~~

1 ~~as necessary for such proceeding or proceedings and as authorized by~~
2 ~~law. Reports under this paragraph may be transmitted by any appropriate~~
3 ~~means including, but not limited to, by electronic means or placement on~~
4 ~~the record during proceedings in family court] court and the attorneys
5 for the parties, including the attorney for the child, forthwith, but
6 not later than one business day following either the decision to change
7 the placement or the actual date the placement change occurred, whichev-
8 er is sooner. Such notice shall indicate the date that the placement
9 change is anticipated to occur or the date the placement change
10 occurred, as applicable. Provided, however, if such notice lists an
11 anticipated date for the placement change, the local social services
12 district or authorized agency shall subsequently notify the court and
13 attorneys for the parties, including the attorney for the child, of the
14 date the placement change occurred; such notice shall occur no later
15 than one business day following the placement change.~~

16 § 5. This act shall take effect on the same date and in the same
17 manner as a chapter of the laws of 2019 amending the family court act
18 and the social services law relating to notice of indicated reports of
19 child maltreatment and changes of placement in child protective and
20 voluntary foster care placement and review proceedings, as proposed in
21 legislative bills numbers S. 6215 and A. 7974, takes effect.

22

SUBPART M

23 Section 1. Subdivision 18 of section 5-211 of the election law, as
24 amended by a chapter of the laws of 2019, amending the election law
25 relating to voter registration form distribution and assistance, as
26 proposed in legislative bills numbers S. 1128-A and A. 2599-A, is
27 amended to read as follows:

28 18. (a) (i) On or before January first, two thousand twenty, all
29 institutions of the state university of New York and the city university
30 of New York shall create and make available to all students a webpage
31 for voter education on each such institution's website, containing a
32 link to an application for voter registration, a link to an application
33 for an absentee ballot, contact information for the county board of
34 elections, and the name and contact information for the administrator
35 responsible for voter registration assistance on each campus.

36 (ii) Each such institution shall, at the beginning of the school year,
37 and again in January of a year in which the president of the United
38 States is to be elected, provide an application for voter registration
39 and an application for an absentee ballot to each student in each such
40 institution. [~~Such institutions shall also offer each student an appli-~~
41 ~~cation for an absentee ballot. Such institutions shall provide the same~~
42 ~~degree of assistance as required of participating agencies.~~] Each insti-
43 tution shall be considered in compliance with [~~these~~] the requirements
44 of this subparagraph for each student to whom the institution electron-
45 ically transmits a message containing the link to the webpage for voter
46 education [~~and~~], the link to an application for voter registration and
47 the link to an application for an absentee ballot, if such information
48 is in an electronic message devoted exclusively to voter registration.

49 (iii) Each such institution shall provide the same degree of assist-
50 ance as required of participating agencies.

51 (b) [~~Each institution~~] The state university of New York and the city
52 university of New York, on behalf of each institution within its system,
53 shall on or before [~~January~~] June first, two thousand twenty, and each

1 subsequent year, submit a report disaggregated according to each insti-
2 tution to the state board of elections that includes:

3 (i) the efforts of the institution to register voters in the preceding
4 calendar year;

5 (ii) a date-stamped screen shot of the webpage for voter education
6 that contains the required information under paragraph (a) of this
7 subdivision;

8 (iii) the number of students who were registered for course work in
9 the preceding twelve months at such institution and the number of
10 [~~students who clicked~~] clicks on the links to online voter registration
11 and absentee ballot applications; and

12 (iv) any other efforts or recommendations the institution plans to
13 implement to improve access to voter registration and absentee ballot
14 voting for students at the institution.

15 (c) The state board of elections shall make the reports provided
16 pursuant to paragraph (b) of this subdivision publicly available on its
17 website.

18 § 2. This act shall take effect on the same date and in the same
19 manner as a chapter of the laws of 2019, amending the election law
20 relating to voter registration form distribution and assistance, as
21 proposed in legislative bills numbers S. 1128-A and A. 2599-A, takes
22 effect.

23 SUBPART N

24 Section 1. Subparagraph (v) of paragraph (a) of subdivision 2 of
25 section 9-209 of the election law, as added by a chapter of the laws of
26 2019 amending the election law relating to canvass of ballots cast by
27 certain voters, as proposed in legislative bills numbers S. 3045-B and
28 A. 1320-A, is amended to read as follows:

29 (v) If the board of elections determines that a person was entitled to
30 vote at such election, the board shall cast and canvass such ballot if
31 such board finds that the voter substantially complied with the require-
32 ments of this chapter. For purposes of this subparagraph, substantially
33 complied shall mean the board can determine the voter's eligibility
34 based on the statement of the affiant or records of the board.

35 § 2. This act shall take effect on the same date and in the same
36 manner as a chapter of the laws of 2019 amending the election law relat-
37 ing to canvass of ballots cast by certain voters, as proposed in legis-
38 lative bills numbers S. 3045-B and A. 1320-A, takes effect.

39 SUBPART O

40 Section 1. Article 33 of the labor law, as added by section 1 of part
41 A of a chapter of the laws of 2019, amending the labor law and the state
42 finance law relating to requiring the licensing of persons engaged in
43 the design, construction, inspection, maintenance, alteration, and
44 repair of elevators and other automated people moving devices, as
45 proposed in legislative bills numbers S. 4080-C and A. 4509-A, is
46 REPEALED and a new article 33 is added to read as follows:

47 ARTICLE 33

48 ELEVATORS AND OTHER CONVEYANCES; LICENSING

49 Section 950. Application.

50 951. Definitions.

51 952. Licensing and compliance requirements.

52 953. License procedure.

1 954. Qualifications, training, and continuing education.

2 955. Powers of the commissioner.

3 956. New York state elevator safety and standards advisory
4 board.

5 957. Exempt persons.

6 § 950. Application. 1. This article covers licensing of businesses and
7 occupations that engage in design, construction, installation,
8 inspection, testing, maintenance, alteration, service, and repair of the
9 following equipment:

10 (a) hoisting and lowering mechanisms equipped with a car or platform
11 which moves between two or more landings. This equipment includes, but
12 is not limited to elevators, platform lifts, and non-residential stair-
13 way chair lifts;

14 (b) power driven stairways and walkways for carrying persons between
15 landings. This equipment includes, but is not limited to, escalators and
16 moving walks;

17 (c) hoisting and lowering mechanisms equipped with a car, which serves
18 two or more landings and is restricted to the carrying of material by
19 its limited size or limited access to the car. This equipment includes,
20 but is not limited to, dumbwaiters, material lifts, and dumbwaiters with
21 automatic transfer devices as defined in section nine hundred fifty-one
22 of this article; and

23 (d) automatic guided transit vehicles on guideways with an exclusive
24 right-of-way. This equipment includes, but is not limited to, automated
25 people movers.

26 2. The following equipment is not covered by this article:

27 (a) personnel and material hoists;

28 (b) manlifts;

29 (c) mobile scaffolds, towers, and platforms;

30 (d) powered platforms and equipment for exterior and interior mainte-
31 nance;

32 (e) conveyor and related equipment;

33 (f) cranes, derricks, hoists, hooks, jacks, and slings;

34 (g) industrial trucks;

35 (h) portable equipment, except for portable escalators;

36 (i) tiering and piling machines used to move materials to and from
37 storage located and operating entirely within one story;

38 (j) equipment for feeding or positioning materials including, but not
39 limited to, machine tools and printing presses;

40 (k) skip or furnace hoists;

41 (l) wharf ramps;

42 (m) railroad car lifts or dumpers;

43 (n) stairway chairlifts for private residences; and

44 (o) line jacks, false cars, shafters, moving platforms, and similar
45 equipment used for installing an elevator by a contractor licensed in
46 this state.

47 3. The licensing provisions of this article shall not apply to the
48 owners or lessees of private residences who design, construct, install,
49 alter, repair, service, or maintain conveyances that are located or will
50 be located in such owner or lessee's private residence. However, any
51 person hired to design, construct, install, alter, repair, service,
52 maintain, or perform any other work related to such conveyances must
53 comply with the provisions of this article.

54 4. No license shall be required for the removal or dismantling of
55 conveyances.

1 5. No license shall be required for the outfitting, removal, refinish-
2 ing, or replacement of interior finishes, including wall panels, drop
3 ceilings, handrails and flooring, removal or replacement of interior
4 lighting, recladding of doors, transoms and front return panels, finish-
5 ing, or ornamental work on car operating panels.

6 6. The provisions of this article and the rules adopted pursuant ther-
7 eto shall be the minimum standard required and shall supersede any
8 special law or local ordinance inconsistent therewith, and no local
9 ordinance inconsistent therewith shall be adopted, but nothing herein
10 contained shall prevent the enactment by local law or ordinance of addi-
11 tional requirements and restrictions.

12 7. Any municipal corporation may waive licensing fees for any individ-
13 ual seeking an elevator license, or its equivalent, offered by such
14 municipal corporation if such individual holds an elevator mechanic's
15 license pursuant to this article; provided, however, that any elevator
16 mechanic's license, or its equivalent, offered by a municipal corpo-
17 ration shall not be inconsistent with the requirements of this article
18 and nothing herein shall prevent the enactment by local law or ordinance
19 of additional requirements.

20 § 951. Definitions. As used in this article, the following terms shall
21 have the following definitions:

22 1. "Automated people mover" means a guided transit mode with fully
23 automated operation, featuring vehicles that operate on guideways with
24 exclusive right-of-way.

25 2. "Accessibility lift" means elevators or conveyances that are
26 intended for transportation of persons with disabilities, such as plat-
27 form lifts and stairway chairlifts, including equipment covered by the
28 provisions of ASME (American Society of Mechanical Engineers) A18.1 2017
29 Safety Standard for Platform Lifts and Stairway Chairlifts.

30 3. "Accessibility lift technician" means a person who performs acces-
31 sibility lift work.

32 4. "Accessibility lift technician's license" means a restricted eleva-
33 tor mechanic's license that authorizes the holder to engage in accessi-
34 bility lift work.

35 5. "Accessibility lift work" means elevator and conveyance work that
36 is restricted to accessibility lifts.

37 6. "Business license" means a license that authorizes the holder to
38 engage in the business of elevator and conveyance work, or elevator and
39 conveyance inspections.

40 7. "Elevator and conveyance work" means performing activities that
41 include the design, construction, installation, testing, maintenance,
42 alteration, service, and repair of any elevator or conveyance.

43 8. "Elevator or conveyance" means any equipment identified in para-
44 graphs (a) through (d) of subdivision one of section nine hundred fifty
45 of this article, including any elevator, dumbwaiter, escalator, moving
46 sidewalk, platform lifts, non-residential stairway chairlifts and auto-
47 mated people movers. Elevator or conveyance shall not mean any equip-
48 ment identified in subdivision two of section nine hundred fifty of this
49 article.

50 9. "Elevator and conveyance inspections" means performing the
51 inspection or any related testing of any elevator or conveyance, but
52 does not include government regulatory inspections performed by an
53 authority having jurisdiction to enforce any applicable building codes
54 and any elevator codes.

55 10. "Elevator" means a hoisting and lowering mechanism, equipped with
56 a car, that moves within guides and serves two or more landings.

1 11. "Elevator or conveyance component" means any elevator or convey-
2 ance, or any parts, components, or subsystems thereof, or any combina-
3 tion thereof.

4 12. "Elevator contractor" means any business that engages in elevator
5 and conveyance work.

6 13. "Elevator helper/apprentice/assistant mechanic" means any person
7 who works under the general direction of a licensed elevator mechanic.

8 14. "Elevator inspector" means any person who performs elevator and
9 conveyance inspections, whether individually or through an elevator
10 inspection contractor or public employer.

11 15. "Elevator inspection contractor" means any business that performs
12 elevator and conveyance inspections.

13 16. "Elevator mechanic" means any person who performs elevator and
14 conveyance work.

15 17. "Escalator" means a power-driven, inclined, continuous stairway
16 used for raising or lowering passengers.

17 18. "Existing installation" means an installation that has been
18 completed or is under construction prior to the effective date of this
19 article.

20 19. "License" means a credential duly issued by the commissioner
21 authorizing the holder to engage a business or an occupation whose scope
22 includes accessibility lift work, or elevator and conveyance work, or
23 elevator and conveyance inspections.

24 20. "Elevator contractor's license" means a business license that
25 entitles the holder thereof to engage in the business of elevator and
26 conveyance work in this state.

27 21. "Elevator inspection contractor's license" means a business
28 license that entitles the holder thereof to engage in the business of
29 elevator and conveyance inspections in this state.

30 22. "Elevator mechanic's license" means an occupational license that
31 entitles the holder thereof to engage in elevator and conveyance work in
32 this state for a licensed elevator contractor.

33 23. "Elevator inspector's license" means an occupational license that
34 entitles the holder thereof to perform elevator and conveyance
35 inspections in this state for a licensed elevator inspection contractor.

36 24. "Elevator accessibility technician's license" means an occupa-
37 tional license that entitles the holder thereof to engage in elevator
38 and conveyance work in this state that is restricted to platform lifts
39 including those installed in private residences which are covered by the
40 provisions of ASME (American Society of Mechanical Engineers) codes and
41 standards A18.1 2017 Safety Standard for Platform Lifts and Stairway
42 Chairlifts and any successor standard for just platform lifts and stair-
43 way chairlifts. An applicant for such a restricted license shall
44 complete an application approved by the commissioner and shall have at
45 least three years verified work experience in constructing, maintaining,
46 and repairing such lifts and shall provide the commissioner a certif-
47 icate of completion of an accessibility training program for lifts under
48 the scope of A18.1 2017 such as the certified accessibility and private
49 residence lift technician (CAT) training provided by the National Asso-
50 ciation of Elevator Contractors (NAEC), or an equivalent program as
51 determined by the commissioner.

52 25. "Moving walk/sidewalk" means a type of passenger-carrying device
53 on which passengers stand or walk, and in which the passenger-carrying
54 surface remains parallel to its direction of motion and is uninter-
55 rupted.

1 26. "Occupational license" means a license that authorizes the holder
2 to engage in accessibility lift work, or elevator and conveyance work or
3 elevator and conveyance inspections.

4 27. "Person" means any natural person.

5 28. "Business" means any corporation, or instrumentality of a corpo-
6 ration, self-employed person, company, unincorporated association, firm,
7 partnership, limited liability company, corporation, or any other enti-
8 ty, or any owner or operator of any of the foregoing entities.

9 29. "Private residence" means a separate dwelling or a separate apart-
10 ment in a multiple dwelling, which is occupied by members of a single
11 family unit.

12 30. "Repair" means reconditioning or renewal of any elevator or
13 conveyance or component necessary to keep such equipment in compliance
14 with applicable code requirements.

15 31. "Alteration" means any change to any conveyance or component other
16 than maintenance, repair, or replacement, but shall not include the
17 professional services of engineering or architecture as defined in
18 sections seventy-two hundred one and seventy-three hundred one of the
19 education law.

20 32. "Design" means the act or process of planning the repair, alter-
21 ation, or construction of any conveyance, but shall not include the
22 professional services of engineering or architecture as defined in
23 sections seventy-two hundred one and seventy-three hundred one of the
24 education law.

25 33. "Construction" means the act or process of constructing any
26 conveyance, and includes vertically constructing or connecting any
27 conveyance or part or system thereof.

28 34. "Inspection" means a critical examination, observation, or evalu-
29 ation of quality and code compliance of any conveyance.

30 35. "Testing" means a process or trial of operation of any conveyance.

31 36. "Maintenance" means a process of routine examination, lubrication,
32 cleaning, and adjustment of any conveyance or components for the purpose
33 of ensuring performance in accordance with any applicable code require-
34 ments.

35 37. "Service or servicing" means a service call or other unscheduled
36 visit, not including routine maintenance or a repair, to troubleshoot,
37 adjust or repair an improperly functioning or an otherwise shut down
38 conveyance.

39 38. "Temporarily dormant elevator, dumbwaiter, or escalator" means an
40 installation temporarily placed out of service under the following
41 circumstances: (a) (i) when such installation's power supply has been
42 disconnected; and (ii) the car is parked and any doors are closed and
43 latched; and (iii) a wire seal is installed on the mainline disconnect
44 switch by an elevator inspector; or (b) as determined by state or local
45 law, code, rule, or regulation.

46 39. "Personnel and material hoists" means rack and pinion hoists,
47 alimaks, and machines of a similar nature used for the hoisting of
48 construction material, equipment and personnel, or the removal of
49 debris, all during the construction, renovation, and/or demolition phase
50 of any construction project whether an inside or outside hoist.

51 40. "Installation" means to place or fix any conveyance or component
52 in position for operation.

53 41. "Subsidiary" means an entity that is controlled directly, or indi-
54 rectly through one or more intermediaries, by an elevator contractor or
55 elevator inspection contractor or by such contractor's parent company.

1 42. "Successor" means an entity engaged in work substantially similar
2 to that of the predecessor, where there is substantial continuity of
3 operation with that of the predecessor.

4 43. "Board" means the New York state elevator safety and standards
5 advisory board established by section nine hundred fifty-six of this
6 article.

7 § 952. Licensing and compliance requirements. 1. Except as otherwise
8 provided for in subdivisions three, four, and five of section nine
9 hundred fifty of this article, it shall be unlawful for any business or
10 person:

11 (a) to engage in the business of elevator and conveyance work, or
12 accessibility lift work, or hold themselves out as an elevator contrac-
13 tor, or both, unless such person or business has a valid elevator
14 contractor's license; or

15 (b) to engage in the business of elevator and conveyance inspections,
16 or hold themselves out as an elevator inspection contractor, or both
17 unless such person or business has a valid elevator inspection contrac-
18 tor's license; or

19 (c) any combination of the above.

20 2. Except as otherwise provided for in subdivisions three, four, and
21 five of section nine hundred fifty of this article, it shall be unlawful
22 for any person:

23 (a) to engage in elevator and conveyance work, or to hold themselves
24 out as an elevator mechanic, or both, unless such person has a valid
25 elevator mechanic's license and works for a licensed elevator contractor
26 or a public entity; or

27 (b) to engage in accessibility lift work, or to hold themselves out as
28 accessibility lift technicians, or both, unless such person has a valid
29 accessibility lift technician's license and works for a licensed eleva-
30 tor contractor or a public entity; or

31 (c) to engage in elevator and conveyance inspections, or to hold them-
32 selves out as an elevator inspector, or both, unless such person holds
33 an elevator inspector's license and works for a licensed elevator
34 inspection contractor or a public entity; or

35 (d) any combination of the above, provided, however, that the instal-
36 lation of branch circuits and wiring terminations for machine room and
37 pit lighting, receptacles and HVAC as described in the NFPA National
38 Electric Code 620.23 and 620.24 as well as fire and heat detectors and
39 alarms, may be performed by a licensed electrical contractor.

40 3. It shall be the responsibility of licensees to ensure that any
41 elevator and conveyance work or elevator and conveyance inspections that
42 they perform is in compliance with existing state and local building and
43 maintenance codes.

44 4. It shall be the responsibility of holders of business licenses to
45 ensure that the licensing requirements of subdivisions one and two of
46 this section are complied with by their employees and by businesses that
47 they contract with, and to immediately report to the commissioner any
48 failures to comply with the licensing requirements of subdivisions one
49 and two of this section by other businesses or persons that they become
50 aware of.

51 § 953. License procedure. All applications for licenses shall be
52 submitted to the department in writing on forms furnished by the commis-
53 sioner and shall contain the information set forth in this section as
54 well as any additional information that the commissioner may require.
55 The commissioner shall also set fees for licensing under this section.
56 Upon approval of an application for a license the commissioner shall

1 issue such license which shall be valid for two years. The fees for such
2 license and renewal thereof shall be set by the commissioner. Any
3 denial for such application shall set forth the reasons therefor.

4 1. Applications for business licenses. Every application for a license
5 under this article shall include the following:

6 (a) the name, residence address, and business address of the appli-
7 cant;

8 (b) the number of years the applicant has engaged in the business or
9 practice of elevator contracting;

10 (c) the approximate number of persons, if any, to be employed by the
11 applicant;

12 (d) evidence that the applicant is or will be covered by general
13 liability, personal injury, and property damage insurance; and

14 (e) any other information which the commissioner may require.

15 2. Application for occupational licenses. Every application for a
16 license under this article shall include the following:

17 (a) the name and residential address of the applicant;

18 (b) the relevant experience of the applicant, including years, or
19 hours, or both, of experience in performing elevator and conveyance
20 work, or elevator inspection work, or both and the nature of such expe-
21 rience, and the names of the elevator contractors or elevator inspection
22 contractors that the applicant has worked for, including the license
23 numbers of such contractors;

24 (c) any training completed by the applicant, including certificates of
25 completion;

26 (d) any continuing education completed by the applicant, including
27 certificates of completion;

28 (e) the name and license number, if known, of the elevator contractor
29 or elevator inspection contractor that the applicant works for or seeks
30 to work for; and

31 (f) any other information which the commissioner may require.

32 3. The department shall maintain and publish a registry of all
33 licenses issued pursuant to this section and shall make the registry
34 available on its website.

35 § 954. Qualifications, training, and continuing education. 1. No
36 license or application for renewal shall be granted to any business or
37 person who has not paid the required application fee and demonstrated
38 his or her qualifications and abilities, training, and any applicable
39 continuing education, by obtaining and maintaining in good standing the
40 industry certifications and continuing education identified or required
41 in this section.

42 (a) Applicants for an elevator mechanic's license must possess a
43 current industry certification issued by the National Association of
44 Elevator Contractors (NAEC) as a Certified Elevator Technician (CET), or
45 equivalent certification recognized by the commissioner.

46 (b) Applicants for an accessibility lift technician license must
47 possess a current industry certification issued by the National Associ-
48 ation of Elevator Contractors (NAEC) as a certified accessibility and
49 private residence lift technician (CAT) program or an equivalent certif-
50 ication recognized by the commissioner.

51 (c) Applicants for an elevator inspector's license must possess a
52 current industry certification issued by the Qualified Elevator Inspec-
53 tor Training Fund (QEITF) or by the National Association of Elevator
54 Safety Authorities (NAESA) as a qualified elevator inspector (QEI) or an
55 equivalent license recognized by the commissioner.

1 2. Applicants for an elevator contractor's license must demonstrate to
2 the commissioner that such elevator contractor employs licensed elevator
3 mechanics who perform elevator and conveyance work and have proof of
4 compliance with the insurance requirements of this article.

5 3. Applicants for an elevator inspection contractor's license must
6 demonstrate to the satisfaction of the commissioner that such applicant
7 is a certified elevator inspector, or employs certified elevator inspec-
8 tors, or both, to perform elevator and conveyance inspections and have
9 proof of compliance with the insurance requirements of this article.

10 4. Alternative qualifications. Applicants for an elevator mechanic's
11 license or accessibility lift technician's license who do not possess
12 the industry certifications identified above may demonstrate their qual-
13 ifications and abilities, training, and continuing education by provid-
14 ing acceptable proof of:

15 (a) a certificate of successful completion and successfully passing
16 the mechanic examination of a nationally recognized training program for
17 the elevator industry including, but not limited to, the national eleva-
18 tor industry educational program or its equivalent, supplemented with
19 continuing education as may be required by this section; or

20 (b) a certificate of successful completion of the state registered
21 apprenticeship programs for the apprenticeable trades of Elevator Servi-
22 cer Repairer, including the joint apprentice and training committee of
23 the elevator industry of local 3, IBEW, EE division training program, or
24 equivalent registered apprenticeship program for elevator mechanics,
25 having standards substantially equivalent to those programs and regis-
26 tered with the bureau of apprenticeship and training, U.S. department of
27 labor or a state apprenticeship council, supplemented with continuing
28 education as may be required by this section; or

29 (c) work on elevator construction, maintenance or repair with direct
30 and immediate supervision in this state for a period of not less than
31 four years immediately prior to the effective date of this article
32 supplemented with continuing education and testing as may be required by
33 this section; or

34 (d) successful completion of an examination established by the New
35 York state civil service commission or a municipal civil service commis-
36 sion having jurisdiction as defined by subdivision four of section two
37 of the civil service law, subsequent appointment to a position related
38 to work on elevator construction, maintenance, mechanics, inspection, or
39 repair as may be properly classified by the commissioner of civil
40 service or a municipal civil service commission having jurisdiction, and
41 work on elevator construction, maintenance, mechanics, inspection, or
42 repair, with direct and immediate supervision in this state for a period
43 of not less than four years immediately prior to the effective date of
44 this article supplemented with continuing education as may be required
45 by this section.

46 5. Continuing education. The renewal of all licenses granted under the
47 provisions of subdivision four of this section shall be conditioned upon
48 acceptable proof of completion of a course designed to ensure the
49 continuing education of licensees on new and existing national, state,
50 and local conveyances codes and standards and on technology and techni-
51 cal education and workplace safety, provided the applicant was notified
52 of the availability of such courses when the license was previously
53 granted or renewed. Such course shall consist of not less than eight
54 contact hours (.8 CEU) annually and completed preceding any such license
55 renewal. The commissioner shall establish requirements for continuing
56 education and training programs, and shall approve such programs and

1 providers, as well as maintain a list of approved programs which shall
2 be made available to license applicants, permit applicants, renewal
3 applicants and other interested parties upon request. The commissioner
4 may promulgate rules and regulations setting forth the criteria for
5 approval of such programs, the procedures to be followed in applying for
6 such approval, and other rules and regulations as the commissioner deems
7 necessary and proper to effectuate the purposes of this section.

8 6. Examinations. The board shall determine, if after the successful
9 completion of the first renewal, if an examination is warranted as a
10 condition of a subsequent renewal provided the applicant was notified of
11 the availability of such examination when the license was previously
12 granted or renewed. The board shall take into consideration previous
13 years' experience, training, and previous relevant examinations that the
14 applicant has already completed.

15 § 955. Powers of the commissioner. 1. The commissioner shall have the
16 authority to inspect, or cause to be inspected, ongoing or completed
17 conveyance projects and to conduct an investigation thereof upon the
18 commissioner's own initiation or upon receipt of a complaint by any
19 person or entity. However, nothing in this subdivision shall permit the
20 commissioner to enter a private residence.

21 2. If, upon receipt of a complaint alleging a violation of this arti-
22 cle, the commissioner reasonably believes that such violation exists, he
23 or she shall investigate as soon as practicable to determine if such
24 violation exists. If the commissioner determines that no violation or
25 danger exists, the commissioner shall inform the complaining person or
26 entity. If, upon investigation, the commissioner determines that the
27 alleged violation exists, the commissioner may deem such violation to
28 create a dangerous condition for purposes of section two hundred of this
29 chapter only and may issue a notice thereunder prohibiting further work.

30 3. The commissioner may, after a notice and hearing, suspend or revoke
31 a license issued under this article based on any of the following
32 violations:

33 (a) any false statement as to a material matter in the application;

34 (b) fraud, or misrepresentation, in securing a license;

35 (c) failure to notify the commissioner and the owner or lessee of a
36 conveyance of any condition not in compliance with this article;

37 (d) a violation of section nine hundred fifty-two of this article; or

38 (e) a finding by the commissioner that a license holder has violated
39 this article or any rule or regulation promulgated thereunder twice
40 within a period of three years, or that a license holder has violated a
41 provision of this article and such violation resulted in a serious
42 threat to the health or safety of an individual or individuals. The
43 commissioner may, in addition to ordering that such license be revoked,
44 bar such license holder from being eligible to reapply for such license,
45 or any other license under this article, for a period not to exceed two
46 years.

47 4. (a) Except as provided in paragraph (b) of this subdivision, if the
48 commissioner finds, after notice and hearing, that an individual has
49 violated any provision of this article, he or she may impose a civil
50 penalty not to exceed one thousand dollars for each such violation. Upon
51 a second or subsequent violation within three years of the determination
52 of a prior violation, the commissioner may impose a civil penalty not to
53 exceed two thousand dollars.

54 (b) The penalty provided for in paragraph (a) of this subdivision may
55 be increased to an amount not to exceed five thousand dollars if the
56 violation resulted in a serious threat to the health or safety of an

1 individual or individuals provided, however, that such penalty may be
2 increased to an amount not to exceed twenty-five thousand dollars if the
3 violation resulted in the death of any individual or individuals.

4 5. The commissioner may bring an action in a court of competent juris-
5 isdiction to enjoin any conduct that violates the provisions of this arti-
6 cle.

7 6. The board shall examine the various state and local requirements
8 and industry standards and practices with respect to elevator
9 inspections in this state and shall provide recommendations to the
10 commissioner for coordinating existing state, local, and private
11 inspections to ensure that elevators are being inspected by licensed
12 inspectors.

13 7. The commissioner may promulgate rules and regulations necessary to
14 carry out and effectuate the provisions of this article.

15 § 956. New York state elevator safety and standards advisory board. 1.
16 An elevator safety and standards advisory board is hereby created, to
17 consist of thirteen members. The governor shall appoint seven members,
18 the temporary president of the senate shall appoint three members, and
19 the speaker of the assembly shall appoint three members. The appointees
20 to the board shall be representatives of elevator manufacturers, build-
21 ing owners or managers, elevator industry construction workers, elevator
22 servicing companies, elevator industry associations, elevator mechanics,
23 or fire marshals. The board shall meet on an as needed basis to advise
24 the commissioner on the implementation of this article. The board shall
25 elect a chairperson to serve for the term of their appointment to the
26 board.

27 2. The members appointed pursuant to this section shall serve at the
28 pleasure of the authority appointing such member. The members shall
29 serve without salary or compensation, but shall be reimbursed for neces-
30 sary expenses incurred in the performance of their duties.

31 3. The board may consult with engineering authorities and organiza-
32 tions concerned with standard safety codes, rules and regulations
33 governing the maintenance, servicing, construction, alteration, instal-
34 lation, and inspection of conveyances and the adequate, reasonable, and
35 necessary qualifications of elevator mechanics, contractors, and inspec-
36 tors.

37 4. The board shall have the authority to administer, oversee, and
38 approve examinations for the purpose of qualifying applicants pursuant
39 to subdivision six of section nine hundred fifty-four of this article.
40 In exercising this authority, the board shall, in its discretion, deter-
41 mine the criteria and standards for examinations to satisfy the require-
42 ments of this subdivision, such as the mechanic examination of the
43 national elevator industry educational program, or an equivalent exam-
44 ination recognized by the board, which shall satisfy the requirements of
45 this subdivision.

46 § 957. Exempt persons. 1. This article shall not be construed to apply
47 to the practice, conduct, activities, or services by a person licensed
48 to practice architecture within this state pursuant to article one
49 hundred forty-seven of the education law or engineering within this
50 state pursuant to article one hundred forty-five of the education law.

51 2. This article shall not be construed to apply to the outfitting,
52 removal, refinishing, or replacement of interior finishes of elevators,
53 including wall panels, drop ceilings, handrails and flooring, removal or
54 replacement of interior lighting, recladding of doors, transoms and
55 front return panels, finishing or ornamental work on elevator car oper-
56 ating panels.

1 3. This article shall not be construed to apply to the operation of an
2 elevator by any person employed as an operator of such elevator, includ-
3 ing elevators operating under a temporary certificate of occupancy as
4 issued by the appropriate issuing agency.

5 § 2. Subdivision 3 of section 97-ssss of the state finance law, as
6 added by section 2 of part A of a chapter of the laws of 2019, amending
7 the labor law and the state finance law relating to requiring the
8 licensing of persons engaged in the design, construction, inspection,
9 maintenance, alteration, and repair of elevators and other automated
10 people moving devices, as proposed in legislative bills numbers S.
11 4080-C and A. 4509-A, is amended to read as follows:

12 3. Moneys of the fund shall be available to the commissioner of labor
13 for purposes of offsetting the costs incurred by the commissioner of
14 labor for the administration of article thirty-three of the labor law,
15 including the administration of elevator and related conveyances safety
16 programs, the administration of licenses [~~and permits~~], and the adminis-
17 tration of [~~certificates of operation~~] licenses as set forth in such
18 article thirty-three.

19 § 3. The undesignated paragraph subtitled "elevator agency helper" of
20 section 28-401.3 of the administrative code of the city of New York, as
21 added by section 1 of part B of a chapter of the laws of 2019, amending
22 the administrative code of the city of New York relating to the licens-
23 ing of approved elevator agency directors, inspectors, and technicians
24 performing elevator work in the city of New York, as proposed in legis-
25 lative bills numbers S. 4080-C and A. 4509-A, is amended to read as
26 follows:

27 ELEVATOR AGENCY HELPER. An individual having required qualifications
28 to perform elevator work, as defined in this chapter, under the direct
29 and continuing supervision of an elevator agency director[~~, and in the~~
30 ~~presence of a licensed elevator agency technician~~].

31 § 4. The undesignated paragraph subtitled "elevator work" of section
32 28-401.3 of the administrative code of the city of New York, as added by
33 section 1 of part B of a chapter of the laws of 2019, amending the
34 administrative code of the city of New York relating to the licensing of
35 approved elevator agency directors, inspectors, and technicians perform-
36 ing elevator work in the city of New York, as proposed in legislative
37 bills numbers S. 4080-C and A. 4509-A, is amended to read as follows:

38 ELEVATOR WORK. Alteration, assembly, installation, maintenance,
39 repair, replacement and modernization work, as defined by ASME A17.1 as
40 modified by appendix K of the New York city building code, performed on
41 conveyances regulated by this code or other applicable laws or rules.
42 Elevator work does not include material hoists, platform lifts, stair
43 chair lifts, or personnel hoists. Outfitting, removal, refinishing, or
44 replacement of interior finishes, including wall panels, drop ceilings,
45 handrails and flooring, removal or replacement of interior lighting,
46 recladding of doors, transoms and front return panels, finishing or
47 ornamental work on elevator car operating panels shall not be considered
48 elevator work. Operation of an elevator by any person employed as an
49 operator of such elevator, including operation of an elevator operating
50 under a temporary certificate of occupancy as issued by the department
51 of buildings or such other issuing agency shall not be considered eleva-
52 tor work.

53 § 5. Section 28-425.3 of the administrative code of the city of New
54 York, as added by section 3 of part B of a chapter of the laws of 2019,
55 amending the administrative code of the city of New York relating to the
56 licensing of approved elevator agency directors, inspectors, and techni-

1 cians performing elevator work in the city of New York, as proposed in
2 legislative bills numbers S. 4080-C and A. 4509-A, is REPEALED and a new
3 section 28-425.3 is added to read as follows:

4 § 28-425.3 Qualifications. The agency may, by rule, establish quali-
5 fications for elevator agency technicians, including, but not limited
6 to, acceptable proof that an applicant has worked on elevator
7 construction, maintenance or repair with direct and immediate super-
8 vision in this state for a specified period of time prior to the effec-
9 tive date of this article; provided, however, that the provisions of
10 this section and any rules adopted pursuant thereto shall not be incon-
11 sistent with the requirements for elevator mechanics contained in arti-
12 cle thirty-three of the labor law and nothing herein shall prevent the
13 enactment by local law, ordinance, or rule of additional requirements.

14 § 6. The administrative code of the city of New York is amended by
15 adding a new section 28-425.4 to read as follows:

16 § 28-425.4 Exemptions. No elevator agency technician license shall be
17 required for the outfitting, removal, refinishing, or replacement of
18 interior finishes, including wall panels, drop ceilings, handrails and
19 flooring, removal or replacement of interior lighting, recladding of
20 doors, transoms and front return panels, finishing or ornamental work on
21 car operating panels.

22 § 7. Section 28-427.6 of the administrative code of the city of New
23 York, as added by section 3 of part B of a chapter of the laws of 2019,
24 amending the administrative code of the city of New York relating to the
25 licensing of approved elevator agency directors, inspectors, and techni-
26 cians performing elevator work in the city of New York, as proposed in
27 legislative bills numbers S. 4080-C and A. 4509-A, is REPEALED.

28 § 8. Section 5 of part B of a chapter of the laws of 2019, amending
29 the administrative code of the city of New York relating to the licens-
30 ing of approved elevator agency directors, inspectors, and technicians
31 performing elevator work in the city of New York, as proposed in legis-
32 lative bills numbers S. 4080-C and A. 4509-A, is amended to read as
33 follows:

34 § 5. This act shall take effect [~~three~~] two years after it shall have
35 become a law. Effective immediately, any rules and regulations neces-
36 sary for the timely implementation of this act on its effective date
37 shall be promulgated on or before such date.

38 § 9. Section 3 of part A of a chapter of the laws of 2019, amending
39 the labor law and the state finance law relating to requiring the
40 licensing of persons engaged in the design, construction, inspection,
41 maintenance, alteration, and repair of elevators and other automated
42 people moving devices, as proposed in legislative bills numbers S.
43 4080-C and A. 4509-A, is amended to read as follows:

44 § 3. This act shall take effect [~~on the one hundred eightieth day~~] two
45 years after it shall have become a law, provided, however, that effec-
46 tive immediately, the addition, amendment and/or repeal of any rules or
47 regulations necessary for the implementation of this act on its effec-
48 tive date, and the appointment of the New York state elevator safety and
49 standards board, are authorized and directed to be established, made and
50 completed on or before such effective date.

51 § 10. This act shall take effect immediately; provided, however that
52 sections one and two of this act shall take effect on the same date and
53 in the same manner as part A of a chapter of the laws of 2019, amending
54 the labor law and the state finance law relating to requiring the
55 licensing of persons engaged in the design, construction, inspection,
56 maintenance, alteration, and repair of elevators and other automated

1 people moving devices, as proposed in legislative bills numbers S.
2 4080-C and A. 4509-A, takes effect; and sections three through seven of
3 this act shall take effect on the same date and in the same manner as
4 part B of a chapter of the laws of 2019, amending the administrative
5 code of the city of New York relating to the licensing of approved
6 elevator agency directors, inspectors, and technicians performing eleva-
7 tor work in the city of New York, as proposed in legislative bills
8 numbers S. 4080-C and A. 4509-A, takes effect.

9

SUBPART P

10 Section 1. Subparagraphs (i) and (ii) of paragraph a of subdivision 1
11 of section 205-cc of the general municipal law, subparagraph (i) as
12 added by chapter 334 of the laws of 2017 and subparagraph (ii) as
13 amended by a chapter of the laws of 2019 amending the general municipal
14 law relating to proof of eligibility for volunteer firefighter enhanced
15 cancer disability benefits, as proposed in legislative bills numbers S.
16 4173-A and A. 5957-A, are amended to read as follows:

17 (i) A volunteer firefighter having five or more years of faithful and
18 actual service in the protection of life and property from fire in the
19 interior of buildings [~~and~~] subsequent to having successfully passed a
20 physical examination [~~on entry to the firefighter service,~~] which [~~exam-~~
21 ~~ination~~] failed to reveal any evidence of cancers as defined in para-
22 graph b of this subdivision; and

23 (ii) Having submitted proof of five years of interior firefighting
24 service by providing verification that he or she has passed at least
25 five yearly certified mask fitting tests as set forth in 29 CFR 1910.134
26 or the applicable National Fire Protection Association standards for
27 mask fit testing or, for firefighters who entered the fire service prior
28 to January first, two thousand twenty, documentation identified by the
29 office of fire prevention and control in rules and regulations promul-
30 gated pursuant to subdivision seven of this section which shall include,
31 but not be limited to, training or certification records, health care
32 provider records, internal fire department records, or any combination
33 of official documents capable of evidencing that the firefighter meets
34 the requirements of this section.

35 § 2. Subdivision 7 of section 205-cc of the general municipal law, as
36 added by chapter 334 of the laws of 2017, is amended to read as follows:

37 7. The office of fire prevention and control, in consultation with the
38 department of financial services and the workers' compensation board,
39 shall adopt such rules and regulations as are reasonable and necessary
40 to implement the provisions of this section. Such regulations shall
41 include establishing acceptable documentation for proof of eligibility,
42 the process by which a firefighter files a claim for the enhanced cancer
43 disability benefit, how the beneficiary of such eligible volunteer fire-
44 fighter files a claim for the enhanced cancer death benefit, the process
45 by which claimants can appeal a denial of benefits and what proof is
46 deemed acceptable to qualify for such benefits.

47 § 3. Subdivision 8 of section 205-cc of the general municipal law, as
48 added by a chapter of the laws of 2019 amending the general municipal
49 law relating to proof of eligibility for volunteer firefighter enhanced
50 cancer disability benefits, as proposed in legislative bills numbers S.
51 4173-A and A. 5957-A, is REPEALED.

52 § 4. This act shall take effect on the same date and in the same
53 manner as a chapter of the laws of 2019 amending the general municipal
54 law relating to proof of eligibility for volunteer firefighter enhanced

1 cancer disability benefits, as proposed in legislative bills numbers S.
2 4173-A and A. 5957-A, takes effect.

3 SUBPART Q

4 Section 1. Subsection (k) of section 7902 of the insurance law, as
5 amended by a chapter of the laws of 2019, amending the insurance law
6 relating to expanding the availability of meaningful service contracts
7 to protect New Yorkers leasing automobiles for their personal use from
8 unanticipated "lease-end" charges related to excess use or wear and tear
9 of the leased vehicle, as proposed in legislative bills numbers S. 3631
10 and A. 268, is amended to read as follows:

11 (k) "Service contract" means a contract or agreement, for a separate
12 or additional consideration, for a specific duration to perform the
13 repair, replacement or maintenance of property, or indemnification for
14 repair, replacement or maintenance, due to a defect in materials or
15 workmanship or wear and tear, with or without additional provision for
16 indemnity payments for incidental damages, provided any such indemnity
17 payment per incident shall not exceed the purchase price of the property
18 serviced. Service contracts may include towing, rental and emergency
19 road service, and may also provide for the repair, replacement or main-
20 tenance of property for damage resulting from power surges and acci-
21 dental damage from handling. Service contracts may also include
22 contracts to repair, replace or maintain residential appliances and
23 systems. Such term shall also mean a contract or agreement made (1) by
24 or for the manufacturer or seller of a motor vehicle tire for repair or
25 replacement of the tire or wheel as the result of damage arising from a
26 road hazard, (2) by or for the supplier or seller of a service for
27 repair of chips or cracks in a motor vehicle windshield, but not includ-
28 ing services that involve the replacement of the entire windshield, and
29 (3) by or for the supplier or seller of a service for repair or removal
30 of dents, dings or creases from a motor vehicle without affecting the
31 existing paint finish using paintless dent repair techniques, but not
32 including services that involve the replacement of vehicle body panels,
33 or sanding, bonding or painting. In conjunction with a motor vehicle
34 leased for personal use, such term shall also mean a contract to perform
35 the repair, replacement or maintenance of property, or to provide indem-
36 nification for repair, replacement or maintenance, due to excess wear
37 and use or damage for [~~items such as tires, paint cracks or chips,~~
38 interior stains, rips or scratches[~~, exterior dents or scratches,~~
39 ~~windshield cracks or chips,~~] or missing interior [~~or exterior~~] parts
40 that result in a lease-end charge not otherwise covered by a service
41 agreement or warranty, provided any such payment shall not exceed the
42 purchase price of the vehicle.

43 § 2. This act shall take effect on the same date and in the same
44 manner as a chapter of the laws of 2019, amending the insurance law
45 relating to expanding the availability of meaningful service contracts
46 to protect New Yorkers leasing automobiles for their personal use from
47 unanticipated "lease-end" charges related to excess use or wear and tear
48 of the leased vehicle, as proposed in legislative bills numbers S. 3631
49 and A. 268, takes effect.

50 SUBPART R

51 Section 1. Sections 770, 771, 772 and 773 of the labor law, as added
52 by a chapter of the laws of 2019, amending the labor law relating to

1 enacting the "New York call center jobs act", as proposed in legislative
2 bills numbers S. 1826-C and A. 567-C, are amended to read as follows:

3 § 770. Definitions. As used in this article:

4 1. The term "call center" means a facility or other operation whereby
5 employees receive phone calls or other electronic communication for the
6 purpose of providing customer assistance [~~or other service~~].

7 2. (a) The term "call center employer" means any business entity that
8 employs fifty or more employees, excluding part-time employees; or fifty
9 or more employees that in the aggregate work at least fifteen hundred
10 hours per week, excluding overtime hours, for the purpose of staffing a
11 call center.

12 (b) The term "part-time employee" means an employee who is employed
13 for an average of fewer than twenty hours per week or who has been
14 employed for fewer than six of the twelve months preceding the date on
15 which notice is required under this article.

16 (c) The term "tax credit" means any of the following tax credits
17 allowed under the tax law: recovery tax credit, tax-free New York area
18 tax elimination credit, minimum wage reimbursement credit, empire state
19 jobs retention program credit, economic transformation and facility
20 redevelopment program tax credit, excelsior jobs program credit, employ-
21 ee training incentive program tax credit, empire state apprenticeship
22 program tax credit, and employment incentive tax credit.

23 § 771. List of relocated call centers. 1. A call center employer that
24 intends to relocate a call center or more than thirty percent of a call
25 center's employees measured as the employment level of the previous
26 calendar month compared to the average employment level at such site
27 over the previous twelve months, from New York state to a foreign coun-
28 try [~~or any other state, or reduce call volume handled at call centers~~
29 ~~in New York state by at least thirty percent, measured as the call~~
30 ~~volume of the previous calendar month compared to the average monthly~~
31 ~~call volume of the previous twelve months, and intends to relocate such~~
32 ~~operations from New York state to a foreign country or any other state,~~
33 shall notify the commissioner at least [~~one hundred~~] ninety days before
34 such relocation.

35 2. A call center employer that violates subdivision one of this
36 section shall be subject to a civil penalty not to exceed ten thousand
37 dollars for each day of such violation, except that the commissioner may
38 reduce such amount for just cause shown.

39 3. The commissioner shall compile an annual list of all call center
40 employers that relocate [~~or reduce call volume~~] pursuant to subdivision
41 one of this section, and such list shall be made available to the public
42 and shall prominently display a link to the list on the department's
43 website. The commissioner shall provide a copy of such list to the
44 commissioner of taxation and finance.

45 [~~4. The commissioner shall make the list created pursuant to subdivi-~~
46 ~~sion three of this section, available to the public and shall prominent-~~
47 ~~ly display a link to the list on the department's website.~~]

48 § 772. Grants, guaranteed loans and tax benefits. 1. Except as
49 provided in subdivision [~~three~~] four of this section and notwithstanding
50 any other provision of law, a call center employer that appears on the
51 list described in section seven hundred seventy-one of this article
52 shall be ineligible to enter into any agreements for any [~~direct or~~
53 ~~indirect~~] state grants[, ~~or~~ state guaranteed loans[, ~~tax benefits or~~
54 ~~other financial governmental support~~] for a period of five years from
55 the date such list is published.

1 2. Except as provided in subdivision [~~three~~] four of this section and
2 notwithstanding any other provision of law, a call center employer that
3 appears on the list described in section seven hundred seventy-one of
4 this article shall remit the unamortized value of any state grant or
5 state guaranteed loans [~~, or any tax benefits or other governmental~~
6 ~~support~~] it has previously received [~~in the past five years. The~~
7 ~~provisions of this subdivision shall apply to grants, loans, tax bene-~~
8 ~~fits and financial governmental assistance that is entered into on or~~
9 ~~after the effective date of this article~~] for the call center appearing
10 on the list, if the agreement for such grants and loans was entered into
11 after the effective date of this article. Nothing in this subdivision
12 shall be deemed to prevent the call center employer from receiving any
13 grant to provide training or other employment assistance to individuals
14 who are selected as being in particular need of training or other
15 employment assistance due to the transfer or relocation of the call
16 center employer's facility or operating units.

17 3. Except as provided in subdivision four of this section and notwith-
18 standing any other provision of law, a call center employer that appears
19 on the list described in section seven hundred seventy-one of this arti-
20 cle shall not be allowed any tax credit described in subdivision (c) of
21 section seven hundred seventy of this article for the five taxable
22 years, excluding short taxable years, immediately succeeding the taxable
23 year in which the call center first appears on such list, if the agree-
24 ment for such tax credit was entered into after the effective date of
25 this article.

26 4. The commissioner, in consultation with the appropriate agency
27 providing a loan [~~or~~], grant[~~,~~] or tax credit may waive the requirement
28 provided under subdivision one, two or three of this section if the call
29 center employer demonstrates that such requirement would:

- 30 (a) threaten state or national security;
31 (b) result in substantial actual or potential job loss in the state of
32 New York; or
33 (c) harm the environment.

34 If the commissioner waives such requirement, such commissioner shall
35 promptly notify the commissioner of taxation and finance of such waiver.

36 § 773. Procurement contracts. The head of each state agency shall use
37 reasonable best efforts to ensure that all state-business-related
38 contracts for call center and customer service work be performed by
39 state contractors or other agents or subcontractors entirely within the
40 state of New York. [~~State contractors who currently perform such work~~
41 ~~outside the state of New York shall have two years following the effec-~~
42 ~~tive date of this article to comply with this section, provided, that if~~
43 ~~any such contractors which perform work outside this state adds customer~~
44 ~~service employees who will perform work on such contracts, those new~~
45 ~~employees shall immediately be employed within the state of New York,~~
46 ~~except that businesses subject to a contract agreed to prior to the~~
47 ~~effective date of this article with terms extending beyond a date great-~~
48 ~~er than two years after the effective date of this article shall be~~
49 ~~subject to the provisions of this subdivision at the next point in which~~
50 ~~the contract is subject to renewal~~] Presence on the list described in
51 section seven hundred seventy-one of this article shall be considered a
52 negative indication of ability to maintain jobs in the state as part of
53 any vendor responsibility analysis.

54 § 2. This act shall take effect on the same date and in the same
55 manner as a chapter of the laws of 2019, amending the labor law relating

1 to enacting the "New York call center jobs act", as proposed in legisla-
2 tive bills numbers S. 1826-C and A. 567-C, takes effect.

3 SUBPART S

4 Section 1. Subdivision 1 of section 2805-i of the public health law,
5 as amended by section 1 of part HH of chapter 57 of the laws of 2018,
6 paragraph (c) as amended by a chapter of the laws of 2019, amending the
7 public health law and the executive law relating to HIV post-exposure
8 prophylaxis and other health care services for sexual assault victims,
9 as proposed in legislative bills numbers S. 2279-A and A. 1204-A, is
10 amended to read as follows:

11 1. Every hospital providing treatment to alleged victims of a sexual
12 offense shall be responsible for:

13 (a) maintaining sexual offense evidence and the chain of custody as
14 provided in subdivision two of this section;

15 (b) informing sexual offense victims of the availability of rape
16 crisis and local victim assistance organizations, if any, in the
17 geographic area served by the hospital, and contacting a rape crisis or
18 local victim assistance organization[~~, if any, providing victim assist-~~
19 ~~ance to the geographic area served by that hospital]~~ to establish the
20 coordination of non-medical services to sexual offense victims who
21 request such coordination and services;

22 (c) offering and making available appropriate HIV post-exposure treat-
23 ment therapies; including a [~~full regimen~~] seven day starter pack of HIV
24 post-exposure prophylaxis for a person eighteen years of age or older,
25 or the full regimen of HIV post-exposure prophylaxis for a person less
26 than eighteen years of age, in cases where it has been determined, in
27 accordance with guidelines issued by the commissioner, that a signif-
28 icant exposure to HIV has occurred, and informing the victim that
29 payment assistance for such therapies and other crime related expenses
30 may be available from the office of victim services pursuant to the
31 provisions of article twenty-two of the executive law. With the consent
32 of the victim of a sexual assault, the hospital emergency room depart-
33 ment shall provide or arrange for an appointment for medical follow-up
34 related to HIV post-exposure prophylaxis and other care as appropriate[~~7~~
35 ~~and inform the victim that payment assistance for such care may be~~
36 ~~available from the office of victim services pursuant to the provisions~~
37 ~~of article twenty-two of the executive law~~]; and

38 (d) ensuring sexual assault survivors are not billed for sexual
39 assault forensic exams and are notified orally and in writing of the
40 option to decline to provide private health insurance information and
41 have the office of victim services reimburse the hospital for the exam
42 pursuant to subdivision thirteen of section six hundred thirty-one of
43 the executive law.

44 § 2. Subdivision 1 of section 201 of the public health law is amended
45 by adding a new paragraph (x) to read as follows:

46 (x) produce an annual report analyzing the costs related to the sexual
47 assault examination direct reimbursement program as created under subdi-
48 vision thirteen of section six hundred thirty-one of the executive law
49 and provide such report to the office of victim services on or before
50 September first of each year. Such report shall be provided to the
51 governor, temporary president of the senate and the speaker of the
52 assembly.

53 § 3. Subdivision 13 of section 631 of the executive law, as amended by
54 a chapter of the laws of 2019, amending the public health law and the

1 executive law relating to HIV post-exposure prophylaxis and other health
2 care services for sexual assault victims, as proposed in legislative
3 bills numbers S. 2279-A and A. 1204-A, is amended to read as follows:

4 13. (a) Notwithstanding any other provision of law, rule, or regu-
5 lation to the contrary, when any New York state accredited hospital,
6 accredited sexual assault examiner program, or licensed health care
7 provider furnishes services to any sexual assault survivor, including
8 but not limited to a health care forensic examination in accordance with
9 the sex offense evidence collection protocol and standards established
10 by the department of health, such hospital, sexual assault examiner
11 program, or licensed healthcare provider shall provide such services to
12 the person without charge and shall bill the office directly. The
13 office, in consultation with the department of health, shall define the
14 specific services to be covered by the sexual assault forensic exam
15 reimbursement fee, which must include at a minimum forensic examiner
16 services, hospital or healthcare facility services related to the exam,
17 and any necessary related laboratory tests [~~and necessary~~] or pharmaceu-
18 ticals; including but not limited to HIV post-exposure prophylaxis
19 provided by a hospital emergency room at the time of the forensic rape
20 examination pursuant to paragraph (c) of subdivision one of section
21 twenty-eight hundred five-i of the public health law. [~~Follow-up~~] For a
22 person eighteen years of age or older, follow-up HIV post-exposure
23 prophylaxis costs shall continue to be [~~billed by the health care~~
24 ~~provider to the office directly and~~] reimbursed [~~by the~~] according to
25 established office [~~directly~~] procedure. The office, in consultation
26 with the department of health, shall also generate the necessary regu-
27 lations and forms for the direct reimbursement procedure.

28 (b) The rate for reimbursement shall be the amount of itemized
29 charges, to be reimbursed at the Medicaid rate and which shall cumula-
30 tively not [~~exceeding~~] exceed (1) eight hundred dollars[~~, provided,~~
31 ~~however, the office shall, in consultation~~] for an exam of a sexual
32 assault survivor where no sexual offense evidence collection kit is
33 used; (2) one thousand two hundred dollars for an exam of a sexual
34 assault survivor where a sexual offense evidence collection kit is used;
35 (3) one thousand five hundred dollars for an exam of a sexual assault
36 survivor who is eighteen years of age or older, with or without the use
37 of a sexual offense evidence collection kit, and with the provision of a
38 necessary HIV post-exposure prophylaxis seven day starter pack; and (4)
39 two thousand five hundred dollars for an exam of a sexual assault survi-
40 vor who is less than eighteen years of age, with or without the use of a
41 sexual offense evidence collection kit, and with the provision of the
42 full regimen of necessary HIV post-exposure prophylaxis [~~with the~~
43 ~~department of health, annually review and determine if a higher rate for~~
44 ~~reimbursement for itemized charges exceeding eight hundred dollars is~~
45 ~~feasible and appropriate based on the actual cost of reimbursable~~
46 ~~expenses, and adjust such rate for reimbursement accordingly~~]. The
47 hospital, sexual assault examiner program, or licensed health care
48 provider must accept this fee as payment in full for these specified
49 services. No additional billing of the survivor for said services is
50 permissible. A sexual assault survivor may voluntarily assign any
51 private insurance benefits to which she or he is entitled for the
52 healthcare forensic examination, in which case the hospital or health-
53 care provider may not charge the office; provided, however, in the event
54 the sexual assault survivor assigns any private health insurance bene-
55 fit, such coverage shall not be subject to annual deductibles or coinsu-
56 rance or balance billing by the hospital, sexual assault examiner

1 program or licensed health care provider. A hospital, sexual assault
2 examiner program or licensed health care provider shall, at the time of
3 the initial visit, request assignment of any private health insurance
4 benefits to which the sexual assault survivor is entitled on a form
5 prescribed by the office; provided, however, such sexual assault survi-
6 vor shall be advised orally and in writing that he or she may decline to
7 provide such information regarding private health insurance benefits if
8 he or she believes that the provision of such information would substan-
9 tially interfere with his or her personal privacy or safety and in such
10 event, the sexual assault forensic exam fee shall be paid by the office.
11 Such sexual assault survivor shall also be advised that providing such
12 information may provide additional resources to pay for services to
13 other sexual assault victims. Such sexual assault survivor shall also
14 be advised that the direct reimbursement program established by this
15 subdivision does not automatically make them eligible for any other
16 compensation benefits available from the office including, but not
17 limited to, reimbursement for mental health counseling expenses, relo-
18 cation expenses, and loss of earnings, and that such compensation bene-
19 fits may only be made available to them should the sexual assault survi-
20 vor or other person eligible to file pursuant to section six hundred
21 twenty-four of this article, file a compensation application with the
22 office. If he or she declines to provide such health insurance informa-
23 tion, he or she shall indicate such decision on the form provided by the
24 hospital, sexual assault examiner program or licensed health care
25 provider, which form shall be prescribed by the office.

26 § 4. Section 3 of a chapter of the laws of 2019, amending the public
27 health law and the executive law relating to HIV post-exposure prophylaxis
28 and other health care services for sexual assault victims, as
29 proposed in legislative bills numbers S. 2279-A and A. 1204-A, is
30 amended to read as follows:

31 § 3. This act shall take effect on the one hundred eightieth day after
32 it shall have become a law and apply to all claims filed on or after
33 such date; provided that effective immediately, the commissioner of
34 health and the director of the office of victim services shall make
35 regulations and take other action necessary to implement this act on
36 such date.

37 § 5. This act shall take effect immediately, provided, however, that
38 sections one, two and three of this act take effect on the same date and
39 in the same manner as a chapter of the laws of 2019, amending the public
40 health law and the executive law relating to HIV post-exposure prophylaxis
41 and other health care services for sexual assault victims, as
42 proposed in legislative bills numbers S. 2279-A and A. 1204-A, takes
43 effect.

44

SUBPART T

45 Section 1. Section 1 of a chapter of the laws of 2019 amending the tax
46 law and the state finance law relating to gifts for the support of the
47 New York state council on the arts, as proposed in legislative bills
48 numbers S. 3570 and A. 7994, is amended to read as follows:

49 Section 1. ~~[The legislature hereby finds and determines that, due to~~
50 ~~severe budgetary constraints, the amount of state funds available for~~
51 ~~the support of the New York state council on the arts has been sharply~~
52 ~~diminished over the past few years. This decrease in support has had a~~
53 ~~devastating effect upon many of New York's cultural institutions, as~~
54 ~~well as many related or dependent businesses and employees. Accordingly,~~

1 ~~the~~] The legislature hereby finds and determines that taxpayers of the
2 state of New York should have the opportunity to use the New York state
3 personal income tax form as a mechanism for making voluntary contribu-
4 tions for the support of the New York state council on the arts. It is
5 the intent of the legislature that any funds so contributed shall
6 supplement and not offset or diminish in any way the amount of funds
7 made available to the New York state council on the arts pursuant to
8 annual budget appropriations.

9 § 2. This act shall take effect on the same date and in the same
10 manner as a chapter of the laws of 2019 amending the tax law and the
11 state finance law relating to gifts for the support of the New York
12 state council on the arts, as proposed in legislative bills numbers S.
13 3570 and A. 7994, takes effect.

14 SUBPART U

15 Section 1. Section 209-M of the tax law, as added by a chapter of the
16 laws of 2019, amending the tax law and the state finance law relating to
17 establishing a gift for home delivered meals for seniors on the business
18 franchise and personal income tax forms and establishing the senior
19 wellness in nutrition fund, as proposed in legislative bills numbers
20 S.5987 and A.4632, is amended to read as follows:

21 § 209-M. Gift for home delivered meals for seniors. Effective for any
22 tax year commencing on or after January first, two thousand nineteen, a
23 taxpayer in any taxable year may elect to contribute to the support of
24 the senior wellness in nutrition fund for the purpose of providing home
25 delivered meals to seniors. Such contribution shall be in any whole
26 dollar amount and shall not reduce the amount of state tax owed by such
27 taxpayer. The commissioner shall include space on the business franchise
28 income tax return, entitled "~~Meals on Wheels~~ Home Delivered Meals for
29 Seniors", to enable a taxpayer to make such contribution. Notwithstand-
30 ing any other provision of law, all revenues collected pursuant to this
31 section shall be credited to the senior wellness in nutrition fund and
32 shall only be used for those purposes enumerated in section ninety-one-g
33 of the state finance law.

34 § 2. Section 626-a of the tax law, as added by a chapter of the laws
35 of 2019, amending the tax law and the state finance law relating to
36 establishing a gift for home delivered meals for seniors on the business
37 franchise and personal income tax forms and establishing the senior
38 wellness in nutrition fund, as proposed in legislative bills numbers
39 S.5987 and A.4632, is amended to read as follows:

40 § 626-a. Gift for home delivered meals for seniors. Effective for any
41 tax year commencing on or after January first, two thousand nineteen, an
42 individual in any taxable year may elect to contribute to the support of
43 the senior wellness in nutrition fund for the purpose of providing home
44 delivered meals to seniors. Such contribution shall be in any whole
45 dollar amount and shall not reduce the amount of state tax owed by such
46 individual. The commissioner shall include space on the personal income
47 tax return, entitled "~~Meals on Wheels~~ Home Delivered Meals for
48 Seniors", to enable a taxpayer to make such contribution. Notwithstand-
49 ing any other provision of law, all revenues collected pursuant to this
50 section shall be credited to the senior wellness in nutrition fund and
51 used only for the purposes enumerated in section ninety-one-g of the
52 state finance law.

53 § 3. This act shall take effect on the same date and in the same
54 manner as a chapter of the laws of 2019, amending the tax law and the

1 state finance law relating to establishing a gift for home delivered
2 meals for seniors on the business franchise and personal income tax
3 forms and establishing the senior wellness in nutrition fund, as
4 proposed in legislative bills numbers S.5987 and A.4632, takes effect.

5 SUBPART V

6 Section 1. Subdivision 20 of section 470 of the tax law, as amended by
7 a chapter of the laws of 2019, amending the tax law relating to research
8 tobacco products, as proposed in legislative bills numbers S.5300 and
9 A.7351, is amended to read as follows:

10 20. "Research tobacco product." [~~Anything that would otherwise be~~
11 ~~defined as a tobacco product or cigarette shall not be defined as a~~
12 ~~tobacco product or cigarette if it is made by a manufacturer specif-~~
13 ~~ically for an accredited college or university, to be held by the~~
14 ~~college or university until sale or transfer to a laboratory, hospital,~~
15 ~~medical center, institute, college or university, or other institution]~~
16 A tobacco product or cigarette that is labeled as a research tobacco
17 product, manufactured for use in research for health, scientific, or
18 [other research or] similar experimental purposes[. A research tobacco
19 product shall carry a marking designating it as such and indicating it
20 shall only be used for health, scientific, or other research or exper-
21 imental purposes and not be], is exclusively used for such purposes by
22 an accredited college, university or hospital, or a researcher affil-
23 iated with an accredited college, university or hospital, and is not
24 offered for sale[, or sold[, or distributed] to consumers [except as
25 part of the health, scientific, or other research or experimental] for
26 any purpose.

27 § 2. Section 474 of the tax law is amended by adding a new subdivision
28 5 to read as follows:

29 5. Every accredited college, university or hospital that receives
30 research tobacco products as defined in subdivision twenty of section
31 four hundred seventy of this article shall, in good faith, file an annu-
32 al information return on or before the last day of January reporting all
33 research tobacco products received by such college, university or hospi-
34 tal or its affiliated researcher within the preceding calendar year.
35 Such return shall be in the form and shall include such information as
36 the commissioner prescribes by regulation. Any person required to file
37 an information return by this subdivision who willfully fails to timely
38 file such return or willfully fails to provide any material information
39 required to be reported on such return may be subject to a penalty of up
40 to one thousand dollars.

41 § 3. Subdivisions 1 and 19 of section 11-1301 of the administrative
42 code of the city of New York, subdivision 1 as amended and subdivision
43 19 as added by local law number 145 of the city of New York for the year
44 2017, are amended and a new subdivision 21 is added to read as follows:

45 1. "Cigarette." Any roll for smoking made wholly or in part of tobacco
46 or any other substance, irrespective of size or shape and whether or not
47 such tobacco or substance is flavored, adulterated or mixed with any
48 other ingredient, the wrapper or cover of which is made of paper or any
49 other substance or material but is not made in whole or in part of
50 tobacco. "Cigarette" shall not include a research tobacco product.

51 19. "Tobacco product." Any product which contains tobacco that is
52 intended for human consumption, including any component, part, or acces-
53 sory of such product. Tobacco product shall include, but not be limited
54 to, any cigar, little cigar, chewing tobacco, pipe tobacco, roll-your-

1 own tobacco, snus, bidi, snuff, shisha, or dissolvable tobacco product.
2 Tobacco product shall not include cigarettes or any product that has
3 been approved by the United States food and drug administration for sale
4 as a tobacco use cessation product or for other medical purposes and
5 that is being marketed and sold solely for such purposes. "Tobacco
6 products" shall not include research tobacco products.

7 21. "Research tobacco product." A tobacco product or cigarette that is
8 labeled as a research tobacco product, is manufactured for use in
9 research for health, scientific, or similar experimental purposes, is
10 exclusively used for such purposes by an accredited college, university
11 or hospital, or a researcher affiliated with an accredited college,
12 university or hospital, and is not offered for sale or sold to consumers
13 for any purpose.

14 § 4. This act shall take effect on the same date and in the same
15 manner as a chapter of the laws of 2019 amending the tax law relating to
16 research tobacco products, as proposed in legislative bills numbers
17 S.5300 and A.7351, takes effect.

18 SUBPART W

19 Section 1. Paragraphs h and j of subdivision 1 of section 101-aaa of
20 the alcoholic beverage control law, as added by a chapter of the laws of
21 2019, amending the alcoholic beverage control law relating to authoriz-
22 ing retail licenses to purchase beer, wine or liquor with a business
23 payment card, as proposed in legislative bills numbers S. 4241-A and A.
24 6701-A, are amended to read as follows:

25 h. "Business payment card" means: (1) any credit card issued to a
26 retail licensee for business or commercial use pursuant to an agreement
27 that allows the holder thereof to obtain goods and services on the cred-
28 it of the issuer or a debit card that provides access to a bank account
29 of a retail licensee; (2) a credit or debit card from an issuer accepted
30 by the manufacturer or wholesaler as permitted by the authority in regu-
31 lation; and (3) such credit card shall not include cards in which a
32 manufacturer or wholesaler has a financial interest or cards by which
33 their use benefits a manufacturer or wholesaler. Such card must be
34 issued in the same name as a retail licensee and registered to the same
35 address as the address on the retail license, or as otherwise permitted
36 by the authority in regulation.

37 j. "Final business payment card invoice amount" means the amount
38 charged by a manufacturer or wholesaler to a retail licensee pursuant to
39 paragraph (c) of subdivision two of this section; and shall equal the
40 final cash invoice amount plus [~~remuneration for surcharges and fees~~
41 ~~incurred by a manufacturer or wholesaler as a result of such a trans-~~
42 ~~action, which shall be calculated by multiplying the final cash invoice~~
43 ~~amount by a rate determined annually by the authority] three percent of
44 the final cash invoice amount. The three percent represents the
45 surcharges and fees that are charged to the manufacturer or wholesaler
46 by the business payment card issuer or a person or entity associated
47 with the issuer.~~

48 § 2. Subdivision 2-a of section 101-aaa of the alcoholic beverage
49 control law, as added by a chapter of the laws of 2019, amending the
50 alcoholic beverage control law relating to authorizing retail licenses
51 to purchase beer, wine or liquor with a business payment card, as
52 proposed in legislative bills numbers S. 4241-A and A. 6701-A, is
53 amended and a new subdivision 2-b is added to read as follows:

1 2-a. A manufacturer or wholesaler that accepts business payment cards
2 shall clearly state the final cash invoice amount and the final business
3 payment card invoice amount on an invoice provided to a retail licensee.
4 Nothing in this section shall preclude, or permit a manufacturer or
5 wholesaler to [~~preclude~~ prevent], a retail licensee that receives such
6 an invoice from electing to use any other form of payment method permit-
7 ted pursuant to subdivision two of this section following receipt of
8 such invoice.

9 2-b. Nothing herein contained shall be construed to require any
10 manufacturer or wholesaler to accept business payment cards as a method
11 of payment by any retail licensee, provided that if such payment method
12 is made available it shall be available on equal terms to all retail
13 licensees.

14 § 3. Subdivision 2 of section 55-b of the alcoholic beverage control
15 law, as amended by a chapter of the laws of 2019, amending the alcoholic
16 beverage control law relating to authorizing retail licenses to purchase
17 beer, wine or liquor with a business payment card, as proposed in legis-
18 lative bills numbers S. 4241-A and A. 6701-A, is amended to read as
19 follows:

20 2. No brewer or beer wholesaler may increase the price per case, draft
21 package or special package of beer sold to beer wholesalers or retail
22 licensees until at least one hundred eighty days have elapsed since his
23 last price decrease on such case, draft package or special package,
24 provided, however, that the brewer or beer wholesaler may increase any
25 price established by him at any time in the amount of any direct tax
26 increase on beer or [~~in the amount necessary~~] three percent of the final
27 cash invoice amount to reasonably remunerate such wholesaler for
28 surcharges and fees incurred for business payment card payments, as
29 [~~determined by the authority pursuant to~~] provided for by paragraph j of
30 subdivision one of section one hundred one-aaa of this chapter, or on
31 containers thereof, actually paid by such brewer or beer wholesaler, and
32 provided further, however, that if a brewer or beer wholesaler has
33 increased his price to beer wholesalers at any time pursuant to the
34 provisions hereof, the beer wholesaler may increase the price estab-
35 lished by him on such package in an amount equal to the direct price
36 increase to the beer wholesaler. The price per case, draft package or
37 special package of beer sold to beer wholesalers or retail licensees on
38 the first day of the month following the effective date of this act
39 shall be deemed the base price, to or from which price increases or
40 decreases may be made in accordance with the provisions of this section.

41 § 4. Paragraphs g, h, and i of subdivision 1 of section 101-aa of the
42 alcoholic beverage control law, as added by a chapter of the laws of
43 2019 amending the alcoholic beverage control law relating to authorizing
44 retail licenses to purchase beer, wine or liquor with a business payment
45 card, as proposed in legislative bills numbers S.4241-A and A.6701-A,
46 are REPEALED.

47 § 5. Subdivision 2 of section 101-aa of the alcoholic beverage control
48 law, as amended by a chapter of the laws of 2019 amending the alcoholic
49 beverage control law relating to authorizing retail licenses to purchase
50 beer, wine or liquor with a business payment card, as proposed in legis-
51 lative bills numbers S.4241-A and A.6701-A, is amended to read as
52 follows:

53 2. No manufacturer or wholesaler licensed under this chapter shall
54 sell or deliver any liquor or wine to any retail licensee except as
55 provided for in this section:

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

1 (b) on terms requiring payment by such retail licensee for such alco-
2 holic beverages on or before the final payment date of the credit period
3 for which delivery is made[~~, or~~

4 ~~(c) by business payment card; provided that a manufacturer or whole-~~
5 ~~saler that exercises reasonable diligence to ensure the sale comports~~
6 ~~with the requirements of this section shall not be found to have~~
7 ~~violated this subdivision where a retail licensee uses a credit card~~
8 ~~other than a business payment card].~~

9 § 6. Subdivision 2-a of section 101-aa of the alcoholic beverage
10 control law, as added by a chapter of the laws of 2019 amending the
11 alcoholic beverage control law relating to authorizing retail licenses
12 to purchase beer, wine or liquor with a business payment card, as
13 proposed in legislative bills numbers S.4241-A and A.6701-A, is
14 REPEALED.

15 § 7. This act shall take effect on the same date and in the same
16 manner as a chapter of the laws of 2019, amending the alcoholic beverage
17 control law relating to authorizing retail licenses to purchase beer,
18 wine or liquor with a business payment card, as proposed in legislative
19 bills numbers S. 4241-A and A. 6701-A, takes effect.

20 SUBPART X

21 Section 1. Section 24-b of the tax law, as added by a chapter of the
22 laws of 2019, amending the tax law relating to a television writers' and
23 directors' fees and salaries credit, as proposed in legislative bills
24 numbers S. 5864-A and A. 6683-B, is amended to read as follows:

25 § 24-b. Television writers' and directors' fees and salaries credit.
26 (a)(1) A taxpayer which is a qualified film production company, or a
27 qualified independent film production company, or which is a sole
28 proprietor of or a member of a partnership which is a qualified film
29 production company or a qualified independent film production company,
30 and which is subject to tax under articles nine-A or twenty-two of this
31 chapter, shall be allowed a credit against such tax, pursuant to the
32 provisions referenced in subdivision (c) of this section, to be computed
33 as hereinafter provided.

34 (2) The amount of the credit shall be the product (or pro rata share
35 of the product, in the case of a member of a partnership) of thirty
36 percent and the qualified television writers' and directors' fees and
37 salaries costs paid or incurred in the production of a qualified film,
38 provided that: (i) the credit amount shall not exceed fifty thousand
39 dollars for qualified television writers' and directors' fees and sala-
40 ries claimed for such expenses incurred for the employment of any one
41 specific writer or director for the production of a single television
42 pilot or a single episode of a television series, and (ii) the credit
43 amount shall not exceed one hundred fifty thousand dollars for qualified
44 television writers' and directors' fees and salaries claimed for such
45 expenses incurred for the employment of any one specific writer or
46 director. In addition, under no circumstances shall the credit amount
47 include fees or salaries for more than one director per episode. The
48 credit shall be allowed for the taxable year in which the production of
49 such qualified film is completed.

50 (3) No qualified television writers' and directors' fees and salaries
51 used by a taxpayer either as the basis for the allowance of the credit
52 provided for pursuant to this section or used in the calculation of the
53 credit provided pursuant to this section shall be used by such taxpayer
54 to claim any other credit allowed pursuant to this chapter.

1 (b) Definitions. As used in this section, the following terms shall
2 have the following meanings:

3 (1) "Qualified film production company" is a corporation, partnership,
4 limited partnership, or other entity or individual whose project is
5 conditionally eligible to receive a tax credit under section twenty-four
6 of this article which or who is principally engaged in the production of
7 a qualified film and controls the qualified film during production.

8 (2) "Qualified independent film production company" is a corporation,
9 partnership, limited partnership, or other entity or individual whose
10 project is conditionally eligible to receive a tax credit under section
11 twenty-four of this article, that or who (i) is principally engaged in
12 the production of a qualified film with a maximum budget of fifteen
13 million dollars, (ii) controls the qualified film during production, and
14 (iii) either is not a publicly traded entity, or no more than five
15 percent of the beneficial ownership of which is owned, directly or indi-
16 rectly, by a publicly traded entity.

17 (3) "Qualified film" means a television film, television pilot and/or
18 each episode of a television series, regardless of the medium by means
19 of which the film, pilot or episode is created or conveyed.

20 (4) "Qualified television writers' and directors' fees and salaries"
21 means[~~+(i)~~] salaries or fees paid to a writer or director who receives
22 an on-air credit[~~+(ii) for a non-credited writer, up to seventy-five~~
23 ~~thousand dollars in salaries or fees per series of episodes. Provided~~],
24 provided that in each case, such writer or director is a minority group
25 member, as defined in subdivision eight of section three hundred ten of
26 the executive law, or a woman, and provided, further, that salaries or
27 fees paid to any writer or director who is a profit participant in the
28 qualified film shall not be eligible. Such fees shall not include relo-
29 cation fees or hotel costs and per diems. In addition, such fees shall
30 not include salaries or fees paid to writers or directors for work done
31 on episodes of television series that were deemed conditionally eligible
32 for the tax credit under section twenty-four of this article prior to
33 the tax year for which the credit is first available.

34 (5) "Writer" means a person who is[~~+(i)~~] engaged by a qualified film
35 production company or a qualified independent film production company to
36 write [~~literary material (including making changes or revisions in~~
37 ~~literary material), when the company has the right by contract to direct~~
38 ~~the performance of personal services in writing or preparing such mate-~~
39 ~~rial or in making revisions, modifications or changes therein, or (ii)~~
40 ~~engaged by the company and who performs services (at the company's~~
41 ~~direction or with its consent) in writing or preparing such literary~~
42 ~~material or making revisions, modifications, or changes in such materi-~~
43 ~~al.] television scripts, outlines, rewrites, stories, or teleplays for
44 television series and [~~(iii)~~] who reports to work regularly in a writers
45 room located in the state. For the purposes of this definition, "writ-
46 er" shall not include showrunners or executive producers.~~

47 (6) [~~"Literary material" shall be deemed to include stories, adapta-~~
48 ~~tions, treatments, original treatments, scenarios, continuities, tele-~~
49 ~~plays, screenplays, dialogue, scripts, sketches, plots, outlines, narra-~~
50 ~~tive synopses, routines, narrations, and formats.~~

51 ~~(7)]~~ "Writers room" means a room or physical location in the state
52 where writers employed by a qualified film production company or quali-
53 fied independent film production company write [~~or revise literary mate-~~
54 ~~rials] television scripts, outlines, rewrites, stories, or teleplays for
55 television series utilized in a qualified film. A writers room is~~

1 located in the state only if it is in use in the state at least eighty
2 percent of the time it is in existence.

3 [~~(8)~~] (7) "Director" means an individual employed or retained to
4 direct the production, as the word "direct" is commonly used in the
5 motion picture industry, [~~and~~] who would be classified as a director
6 under the basic agreement in place between the Association of Motion
7 Picture and Television Producers and the Director's Guild of America and
8 who [~~is a resident of New York~~] must meet the minimum criteria for work
9 on qualified productions in New York state as established by the commis-
10 sioner of economic development by regulation.

11 [~~(9)~~] (8) "Profit participant" is an individual who has negotiated for
12 a percentage of profits generated by a qualified film. Profit partic-
13 ipation does not include monies contractually required by collectively
14 bargained agreements for reuse of a qualified film on different plat-
15 forms over time.

16 (c) Cross-references. For application of the credit provided for in
17 this section, see the following provisions of this chapter:

18 (1) article 9-A: section 210-B: subdivision 54.

19 (2) article 22: section 606: subsection (v).

20 (d) Notwithstanding any provision of this chapter, (1) employees and
21 officers of the department of economic development and the department
22 shall be allowed and are directed to share and exchange information
23 regarding the credits applied for, allowed, or claimed pursuant to this
24 section and taxpayers who are applying for credits or who are claiming
25 credits, including information contained in or derived from credit claim
26 forms submitted to the department and applications for certification
27 submitted to the department of economic development, and (2) the commis-
28 sioner and the commissioner of the department of economic development
29 may release the names and addresses of any taxpayer claiming this credit
30 and the amount of the credit earned by the taxpayer. Provided, however,
31 if a taxpayer claims this credit because it is a member of a limited
32 liability company or a partner in a partnership, only the amount of
33 credit earned by the entity and not the amount of credit claimed by the
34 taxpayer may be released.

35 (e) Maximum amount of credits. (1) The aggregate amount of tax credits
36 allowed under this section, subdivision fifty-four of section two
37 hundred ten-B and subsection (v) of section six hundred six of this
38 chapter in any calendar year shall be five million dollars. Such aggre-
39 gate amount of credits shall be allocated by the department of economic
40 development among taxpayers in order of priority based upon the date of
41 filing an application for allocation of television writers' and direc-
42 tors' fees and salaries credit with such department. If the total amount
43 of allocated credits applied for in any particular year exceeds the
44 aggregate amount of tax credits allowed for such year under this
45 section, such excess shall be treated as having been applied for on the
46 first day of the subsequent year.

47 (2) The commissioner of economic development, after consulting with
48 the commissioner, shall promulgate regulations [~~by October thirty-first,~~
49 ~~two thousand nineteen~~] to establish procedures for the allocation of tax
50 credits as required by subdivision (a) of this section. Such rules and
51 regulations shall include provisions describing the application process,
52 the due dates for such applications, the standards which shall be used
53 to evaluate the applications, the documentation that will be provided to
54 taxpayers to substantiate to the department the amount of tax credits
55 allocated to such taxpayers, and such other provisions as deemed neces-
56 sary and appropriate. Notwithstanding any other provisions to the

1 contrary in the state administrative procedure act, such rules and regu-
2 lations may be adopted on an emergency basis [~~if necessary to meet such~~
3 ~~October thirty-first, two thousand nineteen deadline~~].

4 (f) The department of economic development shall submit to the gover-
5 nor, the temporary president of the senate, and the speaker of the
6 assembly, an annual report to be submitted on February first of each
7 year evaluating the effectiveness of the television writers' and direc-
8 tors' fees and salaries tax credit provided by this section in stimulat-
9 ing the growth of diversity in the film industry in the state. Such
10 report shall include, but need not be limited to, the number of quali-
11 fied film production companies and/or qualified independent film
12 production companies which received a television writers' and directors'
13 fees and salaries credit, the credit amounts claimed by each qualified
14 film production company and/or qualified independent film production
15 company, as well as the impact on employment and the economy of the
16 state. Such report shall be based on data available from the application
17 filed with the department of economic development for allocation of
18 television writers' and directors' fees and salaries credits. Notwith-
19 standing any provision of law to the contrary, the information contained
20 in the report shall be public information. The report may also include
21 any recommendations of changes in the calculation or administration of
22 the credit, and any other recommendation of the commissioner of the
23 department of economic development regarding continuing modification,
24 repeal of such act, and such other information regarding the act as the
25 commissioner of the department of economic development may feel useful
26 and appropriate.

27 § 2. Section 6 of a chapter of the laws of 2019, amending the tax law
28 relating to a television writers' and directors' fees and salaries cred-
29 it, as proposed in legislative bills numbers S. 5864-A and A. 6683-B, is
30 amended to read as follows:

31 § 6. Study of the underutilization of minority and women screenwriters
32 and directors. 1. Study. Subject to an appropriation which shall
33 provide sufficient funding necessary to complete such study, the depart-
34 ment of economic development shall select, through the request for
35 proposal process, an entity independent of such department which shall
36 serve as such department's designee for the purpose of conducting a
37 study to investigate the statistical significance of the underutiliza-
38 tion of minority and women screenwriters and directors. Such study shall
39 conduct or provide for an examination of, but not be limited to, a
40 comparison of available minority and women screenwriters and directors
41 against the share of screenwriting and directing work such groups
42 receive on projects in New York state to demonstrate the statistically
43 significant underutilization of that population.

44 2. Report. (a) Upon the completion of the study conducted pursuant to
45 subdivision one of this section, the department of economic development
46 shall deliver a report of the findings of such study to the governor,
47 the temporary president of the senate, and the speaker of the assembly
48 and post the study on the website of the department of economic develop-
49 ment. (b) If the department of economic development determines that the
50 study has found statistically significant evidence of the underutiliza-
51 tion of minority and women screenwriters and directors against the share
52 of screenwriting and directing work such groups receive on projects in
53 the state, then the department of economic development shall so notify
54 the governor, the temporary president of the senate, the speaker of the
55 assembly, the commissioner of taxation and finance and the legislative
56 bill drafting commission.

1 3. Powers. All other departments or agencies of the state or subdivi-
2 sions thereof, and local governments shall, at the request of the
3 department of economic development or its designee chosen pursuant to
4 subdivision one of this section, provide expertise, assistance, and/or
5 data that are relevant or material to the completion of the study
6 directed to be completed by subdivision one of this section and the
7 report directed to be completed by subdivision two of this section. The
8 department of economic development, or its designee, shall also be
9 authorized to obtain relevant information from any recognized entities
10 representing the television industry or segments thereof towards the
11 completion of such study.

12 § 7. This act shall take effect immediately, [~~and shall apply to taxa-~~
13 ~~ble years beginning on or after January 1, 2020~~] provided, however, that
14 the provisions of sections one, two, three, four, and five of this act
15 shall take effect on the first of January next succeeding the date the
16 department of economic development provides notice to the legislative
17 bill drafting commission of a determination pursuant to paragraph (b) of
18 subdivision two of section six of this act and shall apply to taxable
19 years on and after such date; provided that the department of economic
20 development shall notify the legislative bill drafting commission upon
21 the occurrence of the submission of the report provided for in paragraph
22 (b) of subdivision two of section six of this act in order that the
23 commission may maintain an accurate and timely effective data base of
24 the official text of the laws of the state of New York in furtherance of
25 effectuating the provisions of section 44 of the legislative law and
26 section 70-b of the public officers law. Effective immediately, the
27 addition, amendment and/or repeal of any rule or regulation necessary
28 for the implementation of this act on its effective date are authorized
29 to be made and completed on or before such effective date.

30 § 3. This act shall take effect immediately; provided, however that
31 section one of this act and section 6 of a chapter of the laws of 2019,
32 amending the tax law relating to a television writers' and directors'
33 fees and salaries credit, as proposed in legislative bills numbers S.
34 5864-A and A. 6683-B, as amended by section two of this act shall take
35 effect on the same date and in the same manner as such chapter of the
36 laws of 2019, takes effect.

37 SUBPART Y

38 Section 1. A chapter of the laws of 2019, amending the labor law
39 relating to ensuring that utility employees receive the prevailing wage,
40 as proposed in legislative bills numbers S. 6265-A and A. 8083-A, is
41 REPEALED.

42 § 2. The public service law is amended by adding a new section 42-a to
43 read as follows:

44 § 42-a. Payment of wages to workers; certain cases. 1. The legislature
45 hereby finds that the protection of critical infrastructure is furthered
46 by the enhanced training, experience and expertise of workers in all
47 positions at such facilities. Given that the state of New York, due to
48 its representation as a beacon of liberty, diversity and equality, and
49 its history of being the target of terrorist attacks, will always be a
50 target for those who wish to do this country and this state harm, New
51 York has a fundamental obligation to harden its infrastructure against
52 any such threats or activity. In hardening the infrastructure there is
53 no greater asset than the human capital that serve at the front lines of
54 the effort to thwart terrorist attacks. The electric and steam generat-

1 ing facilities in the state, when active, provide a target that requires
2 the hardening not only of the physical infrastructure but the human
3 infrastructure as well. Turnover in such positions, for the service
4 workers who provide cleaning, security and maintenance services at such
5 active generating facilities will decrease if the workers are paid
6 increased wages. The reduction of turnover will allow for the more
7 developed and trained workforce to continue to provide the measure of
8 safety and security the state requires. Given that important state
9 interest, it is therefore found and declared that the workers at such
10 facilities shall be trained to ensure their ability to meet the security
11 needs of the facilities that they work upon. It is further found and
12 declared that the reduction of turnover may be accomplished by the
13 payment of rates of pay in line with those prevailing in such trade or
14 occupation, as otherwise defined.

15 2. The wages paid, and benefits provided, to building service employ-
16 ees who are employed at a work location that is an active major electric
17 or steam generating facility, or at a transmission or distribution
18 facility considered critical infrastructure as determined by the divi-
19 sion of homeland security and emergency services in consultation with
20 the department, shall be subject to article nine of the labor law. For
21 purposes of this section "major electric generating facility" means an
22 electric generating facility with a nameplate generating capacity of
23 twenty-five thousand kilowatts or more, including interconnection elec-
24 tric transmission lines and fuel gas transmission lines, and "major
25 steam generating facility" means a steam generating facility with a
26 generating capacity to be determined by the department.

27 § 3. This act shall take effect on the same date and in the same
28 manner as a chapter of the laws of 2019, amending the labor law relating
29 to ensuring that utility employees receive the prevailing wage, as
30 proposed in legislative bills numbers S. 6265-A and A. 8083-A, takes
31 effect, provided, however, that section two of this act shall take
32 effect on the one hundred eightieth day after it shall have become a
33 law.

34 SUBPART Z

35 Section 1. Paragraph (b) of subdivision 2 of section 280-b of the real
36 property law, as added by a chapter of the laws of 2019, amending the
37 real property law relating to regulation of reverse mortgages issued
38 under the federal home equity conversion mortgage for seniors program,
39 as proposed in legislative bills numbers S. 4407 and A. 5626, is amended
40 to read as follows:

41 (b) use the words "government insured" or other similar language
42 [~~representing~~] in a manner that falsely represents that reverse mortgage
43 loans are insured, supported and sponsored by any governmental entity in
44 any commercial, mailing, advertisement or writing relating thereto; or

45 § 2. This act shall take effect on the same date and in the same
46 manner as a chapter of the laws of 2019, amending the real property law
47 relating to regulation of reverse mortgages issued under the federal
48 home equity conversion mortgage for seniors program, as proposed in
49 legislative bills numbers S. 4407 and A. 5626, takes effect.

50 SUBPART AA

51 Section 1. Title 9 of article 37 of the environmental conservation
52 law, as added by a chapter of the laws of 2019 amending the environ-

1 mental conservation law relating to regulation of toxic chemicals in
 2 children's products, as proposed in legislative bills numbers S. 501-B
 3 and A. 6296-A, is amended to read as follows:

4 TITLE IX

5 TOXIC CHEMICALS IN CHILDREN'S PRODUCTS

6 Section 37-0901. Definitions.

7 37-0903. [~~Consumer notice~~] Applicability.

8 37-0905. Chemicals of concern and high-priority chemicals.

9 [~~37-0905.~~] 37-0907. Reporting on the use of chemicals.

10 [~~37-0907.~~] 37-0909. Sales prohibition.

11 [~~37-0909. Applicability.~~] 37-0911. Children's product safety
 12 council; established.

13 [~~37-0911. Enforcement and implementation~~] 37-0913. Notice to
 14 retailers and the public.

15 [~~37-0913. Regulations~~] 37-0915. Enforcement and implementation.

16 37-0917. Regulations.

17 § 37-0901. Definitions.

18 As used in this title, unless the context otherwise indicates, the
 19 following terms have the following meanings.

20 1. "Children's apparel" means any item of clothing that consists of
 21 fabric or related material intended or promoted for use in children's
 22 clothing. Children's apparel does not mean protective equipment designed
 23 to prevent injury, including, but not limited to, bicycle helmets,
 24 athletic supporters, knee pads or elbow pads.

25 2. "Chemical" means a substance with a distinct molecular composition
 26 or a group of structurally related substances and includes the breakdown
 27 products of the substance or substances that form through decomposition,
 28 degradation or metabolism.

29 3. "[~~Chemicals~~] Chemical of concern" [~~means:~~

30 ~~(a) 1,1,2,2-Tetrachloroethane (CAS 79-34-5)~~

31 ~~(a-1) 1,2-Dibromoethane (CAS 106-93-4)~~

32 ~~(a-2) 1,1,3,3-Tetramethyl-4-butylphenol; 4-tert-octylphenol (CAS 140-~~
 33 ~~66-9)~~

34 ~~(a-3) (1,1,3,3-Tetramethylbutyl) Phenol; Octylphenol (CAS~~
 35 ~~27193-28-8)~~

36 ~~(a-4) 1,3-Butadiene (CAS 106-99-0)~~

37 ~~(b) 1,4-Dioxane (CAS 123-91-1)~~

38 ~~(c) 2,2',3,3',4,4',5,5',6,6'-Decabromodiphenyl ether; BDE-209 (CAS~~
 39 ~~1163-19-5)~~

40 ~~(d) 2,4-Diaminotoluene (CAS 95-80-7)~~

41 ~~(d-1) 2,4-Dihydroxybenzophenone; resbenzophenone (CAS 131-56-6)~~

42 ~~(e) 2-Aminotoluene (CAS 95-53-4)~~

43 ~~(f) 2-Ethylhexanoic acid (CAS 149-57-5)~~

44 ~~(f-1) 2-Ethyl-hexyl-2, 3, 4, 5-tetrabromobenzoate (TBB) (CAS~~
 45 ~~183658-27-7)~~

46 ~~(g) 2-Ethyl-hexyl-4-methoxycinnamate (CAS 5466-77-3)~~

47 ~~(g-1) 2-Naphthylamine (CAS 91-59-8)~~

48 ~~(h) 2-Methoxyethanol (CAS 109-86-4)~~

49 ~~(i) 3,3'-Dimethylbenzidine and dyes metabolized to~~
 50 ~~3,3'-Dimethylbenzidine (CAS 119-93-7)~~

51 ~~(i-1) 4-Hydroxybiphenol (CAS 92-69-3)~~

52 ~~(j) 4-Nonylphenol; 4-NP and its isomer mixtures including CAS~~
 53 ~~84852-15-3 and CAS 25154-52-3 (CAS 104-40-5)~~

54 ~~(j-1) 4,4-methylenebis(2-chloroaniline) (CAS 101-14-4)~~

55 ~~(k) 4-Tert-octylphenol; 1,1,3,3-Tetramethyl-4-butylphenol (CAS~~
 56 ~~140-66-9)~~

1 ~~(l) Acetaldehyde (CAS 75-07-0)~~
2 ~~(m) Acrylonitrile (CAS 107-13-1)~~
3 ~~(n) Aniline (CAS 62-53-3)~~
4 ~~(o) Antimony & antimony compounds (CAS 7440-36-0)~~
5 ~~(p) Arsenic & arsenic compounds (CAS 7440-38-2) including arsenic~~
6 ~~trioxide & dimethyl arsenic (CAS 75-60-5)~~
7 ~~(q) Asbestos (CAS 1332-21-4)~~
8 ~~(r) Benzene (CAS 71-43-2)~~
9 ~~(s) Benzene, pentachloro (CAS 608-93-5)~~
10 ~~(s-1) Benzidine and its salts (CAS 92-87-5)~~
11 ~~(t) Benzophenone-2 (BP-2); 2,2',4,4' tetrahydroxybenzophenone (CAS~~
12 ~~131-55-5)~~
13 ~~(t-1) Bis(2-ethylhexyl) tetrabromophthalate (TBPH) (CAS 26040-51-7)~~
14 ~~(t-2) Bis(chloromethyl) propane-1-3-diyltetrakis-(2-chloroethyl)~~
15 ~~bis(phosphate)(V6)(CAS 38051-10-4)~~
16 ~~(u) Bisphenol A (CAS 80-05-7)~~
17 ~~(u-1) Bisphenol F (CAS 620-92-8)~~
18 ~~(u-2) Bisphenol S (CAS 80-09-1)~~
19 ~~(v) Butyl benzyl phthalate (BBP) (CAS 85-68-7)~~
20 ~~(w) Butyl paraben (CAS 94-28-6)~~
21 ~~(x) Butylated Hydroxyanisole, (BHA) (CAS 25013-16-5)~~
22 ~~(y) C.I. solvent yellow 14 (CAS 842-07-9)~~
23 ~~(z) Cadmium & cadmium compounds (CAS 7440-43-9)~~
24 ~~(aa) Carbon disulfide (CAS 75-15-0)~~
25 ~~(aa-1) Chlorinated paraffins (CAS 108171-26-2)~~
26 ~~(bb) Cobalt & cobalt compounds (CAS 7440-48-4)~~
27 ~~(bb-1) Decabromodiphenyl ethane (DBPE) (CAS 84852-53-9)~~
28 ~~(bb-2) Decabromodiphenyl ether (CAS 163-19-5)~~
29 ~~(cc) Di-2-ethylhexyl phthalate (CAS 117-81-7)~~
30 ~~(cc-1) Di-(2-methoxyethyl) phthalate (DMEP) (CAS 117-82-8)~~
31 ~~(dd) Dibutyl phthalate (CAS 84-74-2)~~
32 ~~(dd-1) Dicyclohexyl phthalate (DCHP) (CAS 84-61-7)~~
33 ~~(ee) Diethyl phthalate (CAS 84-66-2)~~
34 ~~(ee-1) Diisobutyl phthalate (DIBP) (CAS 84-69-5)~~
35 ~~(ff) Diisodecyl phthalate (DIDP) (CAS 26761-40-0)~~
36 ~~(gg) Diisononyl phthalate (DINP) (CAS 28553-12-0)~~
37 ~~(hh) Di-n-hexyl phthalate (CAS 84-75-3)~~
38 ~~(ii) Di-n-octyl phthalate (DNOP) (CAS 117-84-0)~~
39 ~~(ii-1) Dipentyl phthalate (DPP) (CAS 131-18-0)~~
40 ~~(ii-2) Epichlorohydrin (CAS 106-98-9)~~
41 ~~(jj) Estragole (CAS 140-67-0)~~
42 ~~(kk) Ethyl paraben (CAS 120-47-8)~~
43 ~~(ll) Ethylbenzene (CAS 100-41-4)~~
44 ~~(mm) Ethylene glycol (CAS 107-21-1)~~
45 ~~(nn) Ethylene glycol monoethyl ester (CAS 110-80-5)~~
46 ~~(nn-1) Ethyl hexyl d-phenol phosphate (EHDPP) (CAS 1241-94-7)~~
47 ~~(oo) Formaldehyde (CAS 50-0-0)~~
48 ~~(pp) Hexabromocyclododecane (HBCD) (CAS 25637-99-4)~~
49 ~~(qq) Hexachlorobenzene (CAS 118-74-1)~~
50 ~~(rr) Hexachlorobutadiene (CAS 87-68-3)~~
51 ~~(rr-1) Isopropylated triphenyl phosphate (IPTPP) (CAS 68437-41-7)~~
52 ~~(ss) Lead & lead compounds (CAS 7439-92-1)~~
53 ~~(tt) Mercury & mercury compounds (CAS 7439-97-6) including methyl~~
54 ~~mercury (CAS 22967-92-6)~~
55 ~~(uu) Methyl ethyl ketone (CAS 78-93-3)~~
56 ~~(vv) Methyl paraben (CAS 99-76-3)~~

1 ~~(ww) Methylene chloride (CAS 75-09-2)~~
2 ~~(ww-1) Methyl tert-butyl ether (MTBE) (CAS 1634-04-4)~~
3 ~~(xx) Molybdenum & molybdenum compounds (CAS 7439-98-7)~~
4 ~~(xx-1) Mono-n-butylphthalate (CAS 131-70-4)~~
5 ~~(yy) N-methylpyrrolidone (CAS 872-50-4)~~
6 ~~(yy-1) Nickel and nickel compounds (CAS N/A)~~
7 ~~(zz) N-nitrosodimethylamine (CAS 62-75-9)~~
8 ~~(aaa) N-nitrosodiphenylamine (CAS 86-30-6)~~
9 ~~(bbb) Nonylphenol (CAS 25154-52-3)~~
10 ~~(ccc) Para-chloroaniline (CAS 106-47-3)~~
11 ~~(ddd) Perchloroethylene (CAS 127-18-4)~~
12 ~~(ddd-1) Perfluorooctanoic acid (PFOA & related substances) (CAS~~
13 ~~335-67-1)~~
14 ~~(eee) Perfluorooctanyl sulphonic acid and its salts (PFOS) (CAS 1763-~~
15 ~~23-1)~~
16 ~~(fff) Phenol (CAS 108-95-2)~~
17 ~~(ggg) Phenol, 4-octyl (CAS 1806-26-4)~~
18 ~~(hhh) P-hydroxybenzoic acid (CAS 99-96-7)~~
19 ~~(iii) Propyl paraben (CAS 94-13-3)~~
20 ~~(iii-1) Short chain chlorinated paraffins (SCCP) (CAS 85535-84-8)~~
21 ~~(jjj) Silica, crystalline (in the form of quartz or cristabelite dust)~~
22 ~~(CAS 14808-60-7)~~
23 ~~(kkk) Styrene (CAS 100-42-5)~~
24 ~~(lll) Tetrabromobisphenol A (CAS 79-94-7)~~
25 ~~(lll-1) Tetrachloroethene (CAS 127-18-4)~~
26 ~~(mmm) Toluene (CAS 108-88-3)~~
27 ~~(mmm-1) Trieresyl phosphate (TCP) (CAS 1330-78-5)~~
28 ~~(mmm-2) Tri-n-butyl phosphate (TNBP) (CAS 126-73-8)~~
29 ~~(mmm-3) Triphenyl phosphate (TPP) (CAS 115-86-6)~~
30 ~~(nnn) Tris(1,3-dichloro-2-propyl) phosphate (CAS 13674-87-3)~~
31 ~~(nnn-1) Tris(1-chloro-2-propyl) phosphate (TCPP) (CAS 13674-84-5)~~
32 ~~(ooo) Tris(2-chloroethyl) phosphate (CAS 115-96-8)~~
33 ~~(ooo-1) Tris(2,3-dibromopropylphosphate) (CAS 126-72-7)~~
34 ~~(ppp) Vinyl chloride (CAS 75-01-4)]~~ means a chemical identified by the
35 department by rule pursuant to subdivision one of section 37-0905 of
36 this title.

37 4. "Children" means a person or persons aged twelve and under.

38 5. "Children's product" means a consumer product primarily intended
39 for, made for or marketed for use by children, such as baby products,
40 toys, car seats, school supplies, personal care products as defined in
41 section 37-0117 of this article, a product designed or intended by the
42 manufacturer to help a child with sucking or teething, to facilitate
43 sleep, relaxation, or the feeding of a child, and children's novelty
44 products, children's jewelry as defined in section 37-0115 of this arti-
45 cle, children's bedding, furniture, furnishings, and apparel. "Chil-
46 dren's product" does not include (a) batteries; [~~or~~] (b) consumer elec-
47 tronic products and their component parts including but not limited to
48 personal computers, audio and video equipment, calculators, wireless
49 phones, game consoles, video toys that can be connected to a video
50 screen and are operated at a nominal voltage exceeding twenty-four volts
51 and handheld devices incorporating a video screen, used to access inter-
52 active software and their associated peripherals, accessories and
53 peripherals to children's electronic products including plugs, keyboards
54 and headphones, interactive software, intended for leisure and enter-
55 tainment, such as computer games, and their storage media, such as
56 compact disks; or (c) [~~a food or beverage or an additive to a food or~~

1 ~~beverage regulated by the United States Food and Drug Administration.~~
2 ~~"Children's product" also does not include a drug, biologic or medical~~
3 ~~device regulated by the United States Food and Drug Administration]~~
4 sporting equipment including bicycles and tricycles, skis, snow boards,
5 sleds, and roller skates; and hunting and fishing equipment or compo-
6 nents thereof; (d) science kits including chemistry sets and model rock-
7 ets; (e) toy engines and sets of darts with metallic points; (f) motor
8 vehicles or their component parts, watercraft or their component parts,
9 all-terrain vehicles or their component parts, or off-highway motorcy-
10 cles or their component parts.

11 6. "Consumer product" means any product that is regularly used or
12 purchased to be used for personal, family or household purposes. Consum-
13 er product shall not mean: (a) a food or beverage or an additive to a
14 food or beverage regulated by the United States Food and Drug Adminis-
15 tration; or (b) a drug, biologic or medical device regulated by the
16 United States Food and Drug Administration.

17 [~~6-~~] 7. "Distributor" means a person who sells children's products to
18 retail establishments on a wholesale basis.

19 [~~7-~~] 8. "Manufacturer" means any person who currently manufactures a
20 children's product or whose brand name is affixed to the children's
21 product. In the case of a children's product that was imported into the
22 United States, "manufacturer" includes the importer or first domestic
23 distributor of the children's product if the person who currently manu-
24 factures or assembles the children's product or whose brand name is
25 affixed to the children's product does not have a presence in the United
26 States.

27 [~~8-~~] 9. "Practical quantification limit" means the lowest level that
28 can be reliably achieved within specified limits of precision and accu-
29 racy during routine laboratory operating conditions.

30 [~~9-"Dangerous"] 10. "High-priority chemical" means (a) [~~the following~~~~
31 ~~chemicals:~~

32 ~~CASRN13674-87-8 Tris (1, 3-dichloro-2-propyl) phosphate~~

33 ~~CASRN71-43-2 Benzene~~

34 ~~CASRN7439-92-1 lead and compounds (inorganic)~~

35 ~~CASRN7439-97-6 Mercury and mercury compounds, including methyl~~
36 ~~mercury (CASRN 22967-92-6)~~

37 ~~CASRN50-00-0 Formaldehyde~~

38 ~~CASRN1332-21-4 Asbestos~~

39 ~~CASRN7440-38-2 Arsenic and arsenic compounds including arsenic~~
40 ~~trioxide (CASRN 1327-53-3)~~

41 ~~and dimethyl arsenic (CASRN 75-60-5)~~

42 ~~CASRN7440-43-9 Cadmium~~

43 ~~CASRN Assorted Organohalogen flame retardants~~

44 ~~(b) a chemical adopted by the department pursuant to section 37-0903]~~

45 a chemical designated pursuant to paragraph (a) of subdivision two of
46 section 37-0905 of this title; and

47 (b) a chemical adopted by the department pursuant to paragraph (b) of
48 subdivision two of section 37-0905 of this title.

49 [~~10-~~] 11. "Intentionally added chemical" means a chemical in a product
50 that serves an intended function in the product component.

51 12. "Toy" means a product designed or intended by the manufacturer to
52 be used by children at play.

53 13. "Trace contaminant" means a trace amount of a chemical or chemi-
54 cals that is incidental to manufacturing, including an unintended
55 by-product of chemical reactions during the manufacture of the chil-

1 dren's product, a trace impurity in feed-stock, an incompletely reacted
2 chemical mixture, or a degradation product.

3 14. "Very persistent" means having a half-life greater than or equal
4 to one of the following: (a) a half-life in soil or sediment of greater
5 than one hundred eighty days; (b) a half-life greater than or equal to
6 sixty days in water or evidence of long-range transport.

7 15. "Very bioaccumulative" means having a bioconcentration factor or
8 bioaccumulation factor greater than or equal to five thousand, or if
9 neither are available, having a log Kow greater than 5.0.

10 § 37-0903. [~~Consumer notice.~~

11 ~~1. Publishing of lists. Within one hundred eighty days of the effec-~~
12 ~~tive date of this title, the department shall post lists of dangerous~~
13 ~~chemicals and chemicals of concern on the department's website.~~

14 ~~2. Periodic review. (a) The department, in consultation with the~~
15 ~~department of health, shall periodically review the list of dangerous~~
16 ~~chemicals and, may through regulation, add or remove dangerous chemicals~~
17 ~~or chemicals of concern from such lists.~~

18 ~~(b) The department, in consultation with the department of health, may~~
19 ~~identify a chemical as a dangerous chemical if, upon such review, it is~~
20 ~~present in a children's product and meets any of the following criteria:~~

21 ~~(i) The chemical or its metabolites have been found through biomon-~~
22 ~~itoring to be present in humans;~~

23 ~~(ii) The chemical has been found through sampling and analysis to be~~
24 ~~present in household dust, indoor air, drinking water or elsewhere in~~
25 ~~the home environment;~~

26 ~~(iii) The chemical has been found through monitoring to be present in~~
27 ~~fish, wildlife or the natural environment; or~~

28 ~~(iv) The sale or use of the chemical or a children's product contain-~~
29 ~~ing the chemical has been banned in another state or states within the~~
30 ~~United States because of the health effects of such chemical.~~

31 ~~(c) The department, in consultation with the department of health, may~~
32 ~~remove a chemical from the list of dangerous chemicals if, upon review,~~
33 ~~it determines on the basis of credible scientific evidence that such~~
34 ~~chemical no longer meets the criteria for listing under paragraph (b) of~~
35 ~~this subdivision.~~

36 ~~(d) The department, in consultation with the department of health~~
37 ~~shall identify a chemical as a chemical of concern if, upon review, it~~
38 ~~determines that the chemical has been identified by a state, federal or~~
39 ~~international governmental entity on the basis of credible scientific~~
40 ~~evidence as:~~

41 ~~(i) A carcinogen, reproductive or developmental toxicant, neurotoxi-~~
42 ~~cant, asthmagen, or endocrine disruptor;~~

43 ~~(ii) Persistent, bioaccumulative and toxic; or~~

44 ~~(iii) Very persistent and very bioaccumulative.] Applicability.~~

45 1. New children's products. The provisions of this title shall apply
46 to chemicals of concern and high-priority chemicals in children's
47 products sold or distributed as new and does not apply to used chil-
48 dren's products that are sold or distributed for free at secondhand
49 stores, yard sales, on the internet or donated to charities.

50 2. Exceptions. (a) The requirements of this title shall not apply to
51 high priority chemicals used in or for industry or manufacturing,
52 including chemicals processed or otherwise used in or for industrial or
53 manufacturing processes and not included in the final product.

54 (b) Combustion. The requirements of this title shall not apply to
55 high-priority chemicals generated solely as combustion by-products or
56 that are present in combustible fuels.

1 (c) Small business exception. The requirements of this title shall not
2 apply to children's product manufacturers that employ five persons or
3 fewer and are independently owned and operated.

4 (d) Retailers. A retailer is exempt from the requirements of this
5 title unless that retailer knowingly sells a children's product contain-
6 ing a high-priority chemical after the effective date of its prohibition
7 for which that retailer has received notification pursuant to section
8 37-0913 of this title.

9 § 37-0905. Chemicals of concern and high-priority chemicals.

10 1. Chemicals of concern.

11 (a) Within two years of the effective date of this title, the depart-
12 ment, in consultation with the department of health, shall promulgate a
13 list of chemicals of concern. A chemical may be listed as a chemical of
14 concern if it has been identified by a government entity and/or identi-
15 fied on the basis of credible scientific evidence as being:

16 (i) a carcinogen, reproductive or developmental toxicant, neurotoxi-
17 cant, asthmagen, or endocrine disruptor;

18 (ii) persistent, bioaccumulative and toxic; or

19 (iii) very persistent and very bioaccumulative.

20 (b) The department shall review lists codified or promulgated in other
21 states as chemicals of concern to determine if such chemicals meet the
22 criteria of paragraph (a) of this subdivision. The department at a mini-
23 mum shall consider:

24 (i) 1,1,2,2-Tetrachloroethane (CAS 79-34-5)

25 (ii) 1,1,3,3-Tetramethyl-4-butylphenol; 4-tert-octylphenol (CAS
26 140-66-9)

27 (iii) 1,4-Dioxane (CAS 123-91-1)

28 (iv) 2,2',3,3',4,4',5,5',6,6'-Decabromodiphenyl ether; BDE-209 (CAS
29 1163-19-5)

30 (v) 2,4-Diaminotoluene (CAS 95-80-7)

31 (vi) 2-Aminotoluene (CAS 95-53-4)

32 (vii) 2-Ethylhexanoic acid (CAS 149-57-5)

33 (viii) 2-Ethyl-hexyl-2, 3, 4, 5 tetrabromobenzoate (TBB) (CAS 183658-
34 27-7)

35 (ix) 2-Ethyl-hexyl-4-methoxycinnamate (CAS 5466-77-3)

36 (x) 2-Methoxyethanol (CAS 109-86-4)

37 (xi) 3,3'-Dimethylbenzidine and dyes metabolized to
38 3,3'-Dimethylbenzidine (CAS 119-93-7)

39 (xii) 4-Nonylphenol; 4-NP and its isomer mixtures including CAS
40 84852-15-3 and CAS 25154-52-3 (CAS 104-40-5)

41 (xiii) Acetaldehyde (CAS 75-07-0)

42 (xiv) Acrylonitrile (CAS 107-13-1)

43 (xv) Aniline (CAS 62-53-3)

44 (xvi) Antimony & antimony compounds (CAS 7440-36-0)

45 (xvii) Arsenic & arsenic compounds (CAS 7440-38-2) including arsenic
46 trioxide & dimethyl arsenic (CAS 75-60-5)

47 (xviii) Asbestos (CAS 1332-21-4)

48 (xix) Benzene (CAS 71-43-2)

49 (xx) Benzene, pentachloro (CAS 608-93-5)

50 (xxi) Benzophenone-2 (BP-2); 2,2',4,4'-tetrahydroxybenzophenone (CAS
51 131-55-5)

52 (xxii) Bis(2-ethylhexyl) tetrabromophthalate (TBPH) (CAS 26040-51-7)

53 (xxiii) Bis(chloromethyl) propane-1-3-diyltetrakis-(2-chloroethyl)
54 bis(phosphate)(V6)(CAS 38051-10-4)

55 (xxiv) Bisphenol A (CAS 80-05-7)

56 (xxv) Bisphenol F (CAS 620-92-8)

- 1 (xxvi) Bisphenol S (CAS 80-09-1)
- 2 (xxvii) Butyl benzyl phthalate (BBP) (CAS 85-68-7)
- 3 (xxviii) Butylated Hydroxyanisole; (BHA) (CAS 25013-16-5)
- 4 (xxix) C.I. solvent yellow 14 (CAS 842-07-9)
- 5 (xxx) Cadmium & cadmium compounds (CAS 7440-43-9)
- 6 (xxxii) Carbon disulfide (CAS 75-15-0)
- 7 (xxxiii) Chlorinated paraffins (CAS 108171-26-2)
- 8 (xxxiiii) Cobalt & cobalt compounds (CAS 7440-48-4)
- 9 (xxxiv) Decabromodiphenyl ethane (DBPE) (CAS 84852-53-9)
- 10 (xxxv) Di-2-ethylhexyl phthalate (CAS 117-81-7)
- 11 (xxxvi) Di-(2-methoxyethyl) phthalate (DMEP) (CAS 117-82-8)
- 12 (xxxvii) Dicyclohexyl phthalate (DCHP) (CAS 84-61-7)
- 13 (xxxviii) Diethyl phthalate (CAS 84-66-2)
- 14 (xxxix) Diisobutyl phthalate (DIBP) (CAS 84-69-5)
- 15 (xl) Di-n-hexyl phthalate (CAS 84-75-3)
- 16 (xli) Di-n-octyl phthalate (DNOP) (CAS 117-84-0)
- 17 (xlii) Dipentyl phthalate (DPP) (CAS 131-18-0)
- 18 (xliii) Ethylene glycol (CAS 107-21-1)
- 19 (xliv) Ethylene glycol monoethyl ester (CAS 110-80-5)
- 20 (xlv) Ethyl hexyl d-phenol phosphate (EHDPP) (CAS 1241-94-7)
- 21 (xlvi) Formaldehyde (CAS 50-0-0)
- 22 (xlvii) Hexabromocyclododecane (HBCD) (CAS 25637-99-4)
- 23 (xlviii) Hexachlorobenzene (CAS 118-74-1)
- 24 (xlix) Hexachlorobutadiene (CAS 87-68-3)
- 25 (l) Isopropylated triphenyl phosphate (IPTPP) (CAS 68437-41-7)
- 26 (li) Mercury & mercury compounds (CAS 7439-97-6) including methyl
- 27 mercury (CAS 22967-92-6)
- 28 (lii) Methyl ethyl ketone (CAS 78-93-3)
- 29 (liii) Methyl paraben (CAS 99-76-3)
- 30 (liv) Methylene chloride (CAS 75-09-2)
- 31 (lv) N-methylpyrrolidone (CAS 872-50-4)
- 32 (lvi) Nickel and nickel compounds (CAS N/A)
- 33 (lvii) N-nitrosodimethylamine (CAS 62-75-9)
- 34 (lviii) N-nitrosodiphenylamine (CAS 86-30-6)
- 35 (lvix) Perchloroethylene (CAS 127-18-4)
- 36 (lx) Perfluorooctanoic acid (PFOA & related substances) (CAS 335-67-1)
- 37 (lxi) Perfluorooctanyl sulphonic acid and its salts (PFOS) (CAS 1763-
- 38 23-1)
- 39 (lxii) Phenol (CAS 108-95-2)
- 40 (lxiii) Phenol, 4-octyl- (CAS 1806-26-4)
- 41 (lxiv) P-hydroxybenzoic acid (CAS 99-96-7)
- 42 (lxv) Propyl paraben (CAS 94-13-3)
- 43 (lxvi) Styrene (CAS 100-42-5)
- 44 (lxvii) Tetrabromobisphenol A (CAS 79-94-7)
- 45 (lxviii) Tetrachloroethene (CAS 127-18-4)
- 46 (lxix) Toluene (CAS 108-88-3)
- 47 (lxx) Tricresyl phosphate (TCP) (CAS 1330-78-5)
- 48 (lxxi) Tri-n-butyl phosphate (TNBP) (CAS 126-73-8)
- 49 (lxxii) Triphenyl phosphate (TPP) (CAS 115-86-6)
- 50 (lxxiii) Tris(1-chloro-2-propyl) phosphate (TCPP) (CAS 13674-84-5)
- 51 (lxxiv) Tris(2-chloroethyl) phosphate (CAS 115-96-8)
- 52 (lxxv) Tris(2,3-dibromopropylphosphate) (CAS 126-72-7)
- 53 (lxxvi) Vinyl chloride (CAS 75-01-4)
- 54 (lxxvii) Organohalogen flame retardants
- 55 (c) The department, in consultation with the department of health,
- 56 shall periodically review the list of chemicals of concern and may

1 through regulation add or remove a chemical from the list on the basis
2 of credible scientific evidence. The department may remove a chemical
3 from the list of chemicals of concern if, upon review, it determines on
4 the basis of credible scientific evidence that such chemical no longer
5 meets the criteria for listing under paragraph (a) of this subdivision.

6 2. High-priority chemicals. (a) The following chemicals are designated
7 high priority chemicals for purposes of this title:

8 (i) Tris (1, 3 dichloro-2-propyl) phosphate (CAS 13674-87-8)

9 (ii) Benzene (CAS 71-43-2)

10 (iii) Mercury and mercury compounds, including methyl mercury (CAS
11 7439-97-6)

12 (iv) Asbestos (CAS 1332-21-4)

13 (v) Arsenic and arsenic compounds (CAS 7440-38-2) including arsenic
14 trioxide (CASRN 1327-53-3) and dimethyl arsenic (CASRN 75-60-5)

15 (vi) Cadmium (CAS 7440-43-9) (other than toy coatings)

16 (vii) Organohalogen flame retardants in upholstered bedding or furni-
17 ture

18 (b) The department shall periodically review the list of high priority
19 chemicals and may by rule add to the list of high-priority chemicals if
20 the criteria of paragraph (a) of subdivision one of this section are met
21 and the chemical is present in a children's product and meets any of the
22 following criteria:

23 (i) The chemical or its metabolites have been found through biomon-
24 itoring to be present in humans;

25 (ii) The chemical has been found through sampling and analysis to be
26 present in household dust, indoor air, drinking water or elsewhere in
27 the home environment;

28 (iii) The chemical has been found through monitoring to be present in
29 fish, wildlife or the natural environment; or

30 (iv) The sale or use of the chemical or a children's product contain-
31 ing the chemical has been banned in another state or states within the
32 United States because of the health effects of such chemical or the
33 children's product safety council established pursuant to section
34 37-0911 of this title has recommended the chemical be listed as a high-
35 priority chemical. The department shall, as part of its periodic
36 review, consider whether the sale or use of a chemical or a children's
37 product containing the chemical has been banned in another state or
38 within the United States because of the health effects of such chemical.

39 (c) The department, in consultation with the department of health, may
40 remove a chemical from the list of high priority chemicals if it deter-
41 mines on the basis of credible scientific evidence that such chemical no
42 longer meets the criteria of paragraph (b) of this subdivision.

43 § [37-0905.] 37-0907. Reporting on the use of chemicals.

44 1. Reporting of chemical use. No later than twelve months after a
45 [~~dangerous~~] ~~chemical of concern or high-priority~~ chemical appears on the
46 [~~list published~~] ~~lists promulgated~~ pursuant to section [~~37-0903~~] 37-0905
47 of this title, every manufacturer who offers a children's product for
48 sale or distribution in this state that contains a [~~dangerous chemical~~
49 ~~or~~] ~~chemical of concern~~ or a high-priority chemical shall report such
50 chemical use at or above practical quantification limits to the depart-
51 ment, provided however, that the department may, through regulation,
52 establish an alternative threshold for the reporting of trace contam-
53 inants.

54 (a) This report must at a minimum identify the children's product, the
55 [~~dangerous~~] ~~high-priority~~ chemical or chemicals of concern contained in

1 the children's product and the intended purpose of such chemicals. The
2 department may also require reporting of the following information:

3 (i) the amount of such chemical in the children's product; or
4 (ii) information on the likelihood that the chemical will be released
5 from the children's product to the environment during the product's life
6 cycle and the extent to which users of the product are likely to be
7 exposed to the chemical.

8 (b) The department is authorized to direct submission of such report
9 to the interstate chemicals clearinghouse and may otherwise provide for
10 reciprocal data sharing with other states which require reporting of the
11 same information.

12 2. Waiver of reporting. Upon application by a manufacturer, the
13 commissioner may waive all or part of the reporting requirements under
14 subdivision one of this section for one or more specified uses of a
15 [~~dangerous~~] high-priority chemical. In making such determination, the
16 commissioner may consider: (a) if substantially equivalent information
17 is already publicly available or that the information is not needed for
18 the purposes of this chapter, (b) similar waivers granted by other
19 states, and (c) whether the specified use or uses are minor in volume.

20 3. [~~Notice. (a) A manufacturer of a children's product containing a~~
21 ~~dangerous chemical shall notify persons that offer the children's prod-~~
22 ~~uct for sale or distribution in the state, in a form prescribed by the~~
23 ~~department, of the presence of such dangerous chemical, and provide such~~
24 ~~persons with information regarding the toxicity of such chemical.~~

25 (~~b) The department shall notify consumers about children's products~~
26 ~~containing chemicals of concern and dangerous chemicals. The notifica-~~
27 ~~tion shall be published on the department's website.~~

28 4.] Fees. The manufacturer shall pay a fee upon submission of a
29 report of chemical use pursuant to subdivision one of this section or a
30 waiver request pursuant to subdivision two of this section to cover the
31 department's reasonable costs in the administration and enforcement of
32 this title. Exclusive of fines and penalties, the state shall only
33 recover its actual cost of administration and enforcement.

34 § [~~37-0907.~~] 37-0909. Sales prohibition.

35 1. Effective January first, two thousand twenty-three, no person shall
36 distribute, sell or offer for sale in this state a children's product
37 [~~containing~~] in which tris (1, 3 dichloro-2-propyl) phosphate (CAS
38 13674-87-8), benzene (CAS 71-43-2), [~~formaldehyde (other than in~~
39 ~~textiles)], or asbestos[~~, and organohalogen flame retardants~~] (CAS
40 1332-21-4) is intentionally added. This provision shall not apply: (a)
41 to a children's product solely based on its containing an enclosed
42 battery or enclosed electronic components [~~and~~]; (b) where state regu-
43 lation of children's products is preempted by federal law; (c) where the
44 chemical is present as a trace contaminant; or (d) to an inaccessible
45 component of a children's product that during reasonable, foreseeable
46 use and abuse of the product would not come into direct contact with a
47 child's skin or mouth, as determined by the department. The commissioner
48 may exempt a children's product from this prohibition if, in the commis-
49 sioner's judgment, the lack of availability of the children's product
50 could pose an unreasonable risk to public health, safety or welfare.~~

51 2. [~~Effective three years after being added to the dangerous chemicals~~
52 ~~list, no person shall distribute, sell, or offer for sale in this state~~
53 ~~a children's product that contains a chemical added to the dangerous~~
54 ~~chemicals list pursuant to section 37-0903 of this title] (a) To the
55 extent allowed by federal law, the department may, by regulation,
56 prohibit the distribution, sale, or offer for sale in this state of a~~

1 children's product that contains a chemical added to the high-priority
2 chemicals list pursuant to section 37-0905 of this title, or a chemical
3 recommended for prohibition by the children's product safety council
4 pursuant to paragraph (b) of subdivision five of section 37-0911 of this
5 title.

6 (b) In developing rules to prohibit a chemical pursuant to this subdi-
7 vision, the department shall rely on credible scientific evidence and
8 consider information relevant to the hazards based on the quantitative
9 extent of potential exposures to the chemical under its intended or
10 reasonably anticipated conditions of use.

11 § 37-0911. Children's product safety council; established. 1. There
12 shall be established, within the department, the children's product
13 safety council. Such council shall be composed of ten members as
14 follows:

15 (a) the commissioner, or the commissioner's designee, who shall be the
16 chair of the council;

17 (b) the commissioner of health or his or her designee;

18 (c) a designee of the commissioner with expertise in epidemiology,
19 toxicology or health risk assessment;

20 (d) a designee of the commissioner of health with expertise in epide-
21 miology, toxicology or health risk assessment; and

22 (e) six members appointed by the governor, two of whom shall be recom-
23 ended by the temporary president of the senate, and two by the speaker
24 of the assembly.

25 2. (a) Of the four members appointed to the children's product safety
26 council and recommended by the temporary president of the senate and the
27 speaker of the assembly, the temporary president of the senate and the
28 speaker of the assembly shall each recommend:

29 (i) one member who has expertise in pediatrics; and

30 (ii) one member who has a background or expertise in toxicology or
31 health risk assessment.

32 (b) Of the two additional members appointed to the children's product
33 safety council, the governor shall appoint members who have a background
34 in environmental health and safety, risk assessment or medicine.

35 (c) The members of such council appointed pursuant to paragraph (e) of
36 subdivision one of this section shall serve terms of two years.

37 (d) The members appointed pursuant to paragraph (e) of subdivision one
38 of this section shall each serve his or her term of office or until his
39 or her successor is appointed; provided that any vacancy in the position
40 of an appointed member shall be filled in the same manner as the
41 original appointment and only for the unexpired term of the vacancy.

42 3. The members of the children's product safety council shall receive
43 no compensation for their services, but shall be allowed their actual
44 and necessary expenses incurred in the performance of their duties
45 pursuant to this title.

46 4. The children's product safety council shall meet at such times and
47 places as may be determined by its chair. The council shall meet at a
48 minimum of two times per year. All meetings shall be open to the public
49 pursuant to article seven of the public officers law. A majority of the
50 members of such council shall constitute a quorum for the transaction of
51 business. Action may be taken, and motions and resolutions adopted, at
52 any meeting by the affirmative vote of a majority of the full membership
53 of the council.

54 5. (a) The council shall make recommendations to the department relat-
55 ing to those chemicals, which the department may list as high-priority
56 chemicals pursuant to section 37-0905 of this title. The council shall

1 provide the department with its first list of recommended high-priority
2 chemicals no later than one year from the initial meeting of the coun-
3 cil, and the council shall update the list annually thereafter. In
4 determining what chemicals shall be recommended as high-priority chemi-
5 cals the council shall, at a minimum, consider the criteria of paragraph
6 (b) of subdivision two of section 37-0905 of this title;

7 (b) The council shall make recommendations to the department relating
8 to those chemicals which should be prohibited by the department pursuant
9 to subdivision two of section 37-0909 of this title.

10 (i) In determining what chemicals shall be recommended for prohibi-
11 tion, the council shall, at a minimum, consider those chemicals listed
12 as high-priority chemicals pursuant to section 37-0905 of this title.

13 (ii) The council shall provide the department with its first list of
14 such chemicals no later than two years from the initial meeting of the
15 council. The council shall update the list, including a review of the
16 chemicals listed as high-priority chemicals pursuant to section 37-0905
17 of this title, annually thereafter.

18 6. The children's product safety council shall be entitled to request
19 and receive information from any state, municipal department, board,
20 commission or agency that may be required or are deemed necessary for
21 the purposes of such council.

22 7. Before the council advances any recommendation to the department,
23 the council shall provide an opportunity for public and stakeholder
24 comments. Final recommendations of the council shall be posted on the
25 department's website within thirty days after the council adopts such
26 recommendations.

27 ~~[This provision shall not apply: (a) to a children's product solely~~
28 ~~based on its containing an enclosed battery or enclosed electronic~~
29 ~~components and (b) where state regulation of children's products is~~
30 ~~preempted by federal law. The commissioner may exempt a children's~~
31 ~~product from this prohibition if, in the commissioner's judgment, the~~
32 ~~lack of availability of the children's product could pose an unreason-~~
33 ~~able risk to public health, safety or welfare.~~

34 ~~§ 37-0909. Applicability.~~

35 ~~1. New children's products. The provisions of this title shall apply~~
36 ~~to chemicals in children's products sold or distributed as new and does~~
37 ~~not apply to used children's products that are sold or distributed for~~
38 ~~free at secondhand stores, yard sales, on the internet or donated to~~
39 ~~charities.~~

40 ~~2. Industry. The requirements of this title shall not apply to priori-~~
41 ~~ty chemicals used in or for industry or manufacturing, including chemi-~~
42 ~~cals processed or otherwise used in or for industrial or manufacturing~~
43 ~~processes and not included in the final product.~~

44 ~~3. Transportation. The requirements of this title shall not apply to~~
45 ~~motor vehicles or their component parts, watercraft or their component~~
46 ~~parts, all terrain vehicles or their component parts, or off-highway~~
47 ~~motorcycles or their component parts, except that the use of dangerous~~
48 ~~chemicals in detachable car seats is not exempt.~~

49 ~~4. Combustion. The requirements of this title shall not apply to~~
50 ~~dangerous chemicals generated solely as combustion by products or that~~
51 ~~are present in combustible fuels.~~

52 ~~5. Exceptions. The requirements of this title shall not apply to chil-~~
53 ~~dren's product makers that employ five persons or fewer, and are inde-~~
54 ~~pendently owned and operated.~~

55 ~~6. Retailers. A retailer is exempt from the requirements of this title~~
56 ~~unless that retailer knowingly sells a children's product containing a~~

~~dangerous chemical after the effective date of its prohibition for which that retailer has received notification pursuant to subdivision three of section 37-0905 of this title.~~ § 37-0913. Notice to retailers and the public.

1. A manufacturer of a children's product containing a high-priority chemical shall notify persons that offer the children's product for sale or distribution in the state, in a form prescribed by the department, of the use of such high-priority chemical and provide such persons with information regarding the toxicity of such chemical, except that this subdivision shall apply to trace contaminants in a manner consistent with section 37-0907 of this title.

2. The department shall provide information to the public about children's products containing chemicals of concern or high priority chemicals by posting such information as reported by the manufacturers on the department's website, provided however, that the department shall not be held liable for the accuracy of a manufacturer's report.

§ [~~37-0911.~~] 37-0915. Enforcement and implementation.

1. Failure to provide notice. A children's product containing a [~~dangerous~~] high-priority chemical may not be sold, offered for sale or distributed for sale in this state unless the manufacturer has provided [~~the notification~~] a report to the department required under section [~~37-0905~~] 37-0907 of this title by the date required in such section. The commissioner may exempt a children's product from this prohibition if, in the commissioner's judgment, the lack of availability of the children's product could pose an unreasonable risk to public health, safety or welfare.

2. Statement of compliance. [~~If there are grounds to suspect that a children's product is being offered for sale in violation of this title, the~~] The department may request the manufacturer of the children's product to provide a statement of compliance on a form provided by the department, within [~~ten~~] fifteen days of receipt of a request from the department. The statement of compliance shall:

(a) attest that the children's product does not contain the [~~dangerous~~] high-priority chemical; or

(b) attest [~~and provide the department with documentation~~] that notification [~~of the presence of the dangerous chemical has been provided to the department or provide notice as required by section 37-0905 of this title~~] required by section 37-0913 of this title has been provided; [~~or~~]

(c) attest that the manufacturer has notified persons who sell the product in this state that the sale of the children's product is prohibited;

(d) attest that the presence of a high-priority chemical is only as a trace contaminant; or

(e) attest that the chemical prohibited pursuant to subdivision two of section 37-0909 of this title is only present in an inaccessible component of the children's product.

§ [~~37-0913.~~] 37-0917. Regulations.

The department may adopt any rules and regulations it deems necessary to implement the provisions of this title.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2019 amending the environmental conservation law relating to regulation of toxic chemicals in children's products, as proposed in legislative bills numbers S. 501-B and A. 6296-A, takes effect.

1

SUBPART BB

2 Section 1. Section 58.10 of the local finance law, as added by chapter
3 643 of the laws of 2019, is amended to read as follows:

4 § 58.10 Electronic open auction public bond sale pilot program. a. As
5 used in this section:

6 1. "Municipality" means a county with a population of four hundred
7 thousand or more, or a city or town with a population of one hundred
8 thousand or more that has issued at least twenty-five million dollars in
9 bonds within at least one of the preceding three years.

10 2. "Nationally recognized electronic securities bidding service" means
11 a bidding service that is approved by the [~~state comptroller~~] super-
12 intendant pursuant to subdivision b of this section.

13 3. "Open auction" means a bond sale procedure that allows a bidder to
14 receive information with respect to the ranking of its bids prior to the
15 conclusion of the bidding period in accordance with the municipality's
16 notice of such bond sale circulated in accordance with applicable
17 requirements of this chapter.

18 4. "Program" means the electronic open auction public bond sale pilot
19 program established pursuant to this section.

20 5. "Superintendent" means the superintendent of financial services.

21 b. 1. There is hereby established an electronic open auction bond sale
22 pilot program authorizing municipalities to conduct open auction public
23 bond sales through any nationally recognized electronic securities
24 bidding service approved by the [~~state comptroller~~] superintendent.
25 Nationally recognized electronic securities bidding services desiring to
26 operate an electronic open auction shall apply to the [~~state comp-~~
27 ~~troller~~] superintendent for authorization to do so by filing an applica-
28 tion with the [~~state comptroller~~] superintendent. The [~~state comp-~~
29 ~~troller~~] superintendent shall make available an application form that
30 provides the [~~state comptroller~~] superintendent with information regard-
31 ing the technology and security practices maintained by the nationally
32 recognized electronic securities bidding service, the requirements to be
33 established for bidding by bidders, the methods by which auction sales
34 are conducted, the experience of the nationally recognized electronic
35 securities bidding service in conducting electronic open auctions of
36 bonds, and other information the [~~state comptroller~~] superintendent may
37 deem relevant.

38 2. If the [~~state comptroller~~] superintendent determines that the
39 requirements and conditions of the open auction are in accordance with
40 the provisions of this chapter and the bidding service provides a
41 secure, open and competitive opportunity for qualified bidders to submit
42 proposals, the application shall be deemed approved.

43 3. The [~~state comptroller~~] superintendent shall post information
44 regarding the nationally recognized electronic securities bidding
45 services that have been approved for use by municipalities on the [~~state~~
46 ~~comptroller~~] department of financial services website.

47 c. If the chief fiscal officer of the municipality has authorized the
48 receipt of bids in an electronic open auction format, such electronic
49 bids may be submitted in the form of open auctions conducted through a
50 nationally recognized electronic securities bidding service which entity
51 shall be deemed to be the designated receiving device pursuant to
52 section 58.00 of this title. Notice of any bond sale shall provide for
53 the manner in which the bidding period may be extended and the basis for
54 determination of the winning bidder.

1 d. Notwithstanding the provisions of subdivision one of section three
2 hundred five of the state technology law, if the notice of sale for the
3 open auction public bond contains a provision that bids will only be
4 accepted electronically in the manner provided in such notice of sale,
5 the municipality shall not be required to accept non-electronic bids in
6 any form.

7 e. The municipality's chief fiscal officer shall administer the
8 program and shall publish its policies and procedures for the procure-
9 ment of nationally recognized electronic securities bidding services on
10 the municipality's internet website. Such policies and procedures shall
11 include policies to prevent fraud. Except as modified by this section,
12 the municipal program shall comply with this chapter and all other
13 applicable laws, rules and regulations related to the sale of bonds.

14 f. The municipality's chief fiscal officer shall review the electronic
15 open auction bidding process to ensure that the bond sale was completed
16 in a timely fashion; the sale was completed without errors; and the
17 process was favorable as compared to the method currently used by the
18 municipality.

19 g. The municipality shall conduct evaluations of the program annually
20 with a summary evaluation at the end of the two year program. The muni-
21 cipality shall submit the evaluations to the [~~state comptroller~~] super-
22 intendent, the temporary president of the senate and the speaker of the
23 assembly. Such report shall include, but not be limited to, any demon-
24 strated evidence that sale of public bonds using electronic open
25 auctions is comparable to the cost of issuing public bonds through the
26 current sealed bid process, the fees associated with nationally recog-
27 nized electronic securities bidding services, whether the use of elec-
28 tronic open auctions resulted in an increased number of bidders and
29 whether the process was favorable as compared to the method currently
30 used by the municipality.

31 § 2. This act shall take effect immediately; provided, that the amend-
32 ments to section 58.10 of the local finance law made by section one of
33 this act shall not affect the repeal of such section and shall be deemed
34 to repeal therewith.

35

SUBPART CC

36 Section 1. Section 2 of chapter 9 of the laws of 2020, relating to
37 allowing the commissioner of transportation to impound or immobilize
38 stretch limousines in certain situations, is amended to read as follows:

39 § 2. This act shall take effect [~~one year~~] on the ninetieth day after
40 it shall have become a law. Effective immediately, the addition, amend-
41 ment and/or repeal of any rule or regulation necessary for the implemen-
42 tation of this act on its effective date are authorized to be made and
43 completed on or before such effective date.

44 § 2. This act shall take effect immediately.

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

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

PART YY

5 Section 1. Subdivisions 1 and 2 of section 3656 of the public authori-
6 ties law, as amended by chapter 685 of the laws of 2003, are amended to
7 read as follows:

8 1. The authority shall have the power and is hereby authorized from
9 time to time to issue bonds in such principal amounts as it may deter-
10 mine to be necessary pursuant to section thirty-six hundred fifty-five
11 of this title to pay any financeable costs and to fund reserves to
12 secure such bonds, including incidental expenses in connection there-
13 with. Provided, however, [~~the aggregate principal amounts of such bonds
14 issued to pay the financeable costs described in paragraph (a) of subdivi-
15 sion twelve of section thirty six hundred fifty one of this title
16 shall not exceed four hundred fifteen million dollars, excluding bonds,
17 notes, or other obligations issued to refund or otherwise repay bonds,
18 notes, or other obligations theretofore issued for such purposes.~~

19 ~~Notwithstanding the foregoing limit on the amount of bonds that the
20 authority may issue to pay the financeable costs described in paragraph
21 (a) of subdivision twelve of section thirty-six hundred fifty-one of
22 this title, the authority shall have the power to issue up to an addi-
23 tional seven hundred ninety million dollars of bonds, excluding bonds,
24 notes, or other obligations issued to refund or otherwise repay bonds,
25 notes, or other obligations theretofore issued for such purpose, to pay
26 such costs if the county's indebtedness to be refunded, repaid or
27 restructured with the payment of such bonds was originally incurred by
28 the county to pay tax certiorari settlements or assignments of any kind
29 to which the county is a party. Provided further, the aggregate princi-
30 pal amounts of such bonds issued to pay the financeable costs described
31 in paragraph (c) of subdivision twelve of section thirty-six hundred
32 fifty-one of this title, which resulted from certiorari proceedings
33 commenced prior to June first, two thousand, shall not exceed four
34 hundred million dollars, excluding bonds, notes, or other obligations
35 issued to refund or otherwise repay bonds, notes, or other obligations
36 theretofore issued for such purposes. And, provided further,~~

37 the aggregate principal amounts of such bonds issued to pay the financeable coun-
38 ty costs described in paragraph (c) of subdivision twelve of section
39 thirty-six hundred fifty-one of this title, which resulted from certior-
40 ari proceedings commenced on or after June first, two thousand, shall
41 not exceed [~~four~~ **eight**] hundred million dollars in the aggregate [~~for
42 the fiscal years two thousand through two thousand seven, however, of
43 said four hundred million dollars only fifteen million dollars may be
44 issued in the fiscal year two thousand six and ten million dollars may
45 be issued in the fiscal year two thousand seven~~], excluding bonds,
46 notes, or other obligations issued to refund or otherwise repay bonds,
47 notes, or other obligations theretofore issued for such purposes. Effec-
48 tive in the year two thousand six, upon request of the county, the
49 authority shall issue, in the amount requested, bonds to pay tax
50 certiorari settlements or judgments of any kind to which the county is a
51 party, not to exceed fifteen million dollars; and effective in the year
52 two thousand seven, upon request of the county, the authority shall
53 issue, in the amount requested, bonds to pay tax certiorari settlements
54 or judgments of any kind to which the county is a party, not to exceed

1 ten million dollars. Whenever this title establishes a limit on the
2 principal amount of bonds that the authority is authorized to issue,
3 there shall not be counted against such limit (i) amounts determined by
4 the authority as reasonable to be used to pay the cost of issuing such
5 bonds, (ii) the amount of bonds that would constitute interest under the
6 Internal Revenue Code of 1986, as amended, and (iii) amounts determined
7 by the authority as necessary to establish any reserves.

8 The authority shall have the power from time to time to refund any
9 bonds of the authority by the issuance of new bonds, whether the bonds
10 to be refunded have or have not matured, and may issue bonds partly to
11 refund bonds of the authority then outstanding and partly to pay the
12 financeable costs pursuant to section thirty-six hundred fifty-five of
13 this title. Bonds issued by the authority shall be payable solely out of
14 particular revenues or other moneys of the authority as may be desig-
15 nated in the proceedings of the authority under which the bonds shall be
16 authorized to be issued, subject to any agreements entered into between
17 the authority and the county, and subject to any agreements with the
18 holders of outstanding bonds pledging any particular revenues or moneys;
19 but in no event shall transitional state aid be pledged as security for
20 or be made available for the payment of bonds.

21 2. The authority is authorized to issue its bonds for a period ending
22 not later than December thirty-first, two thousand [~~seven~~] twenty-one.
23 The authority may issue bonds to refund bonds previously issued without
24 regard to the limitation in the first sentence of this subdivision, but
25 in no event shall any bonds of the authority finally mature later than
26 January thirty-first, two thousand [~~thirty-six~~] fifty-one. Notwithstand-
27 ing any other provision of law, no bond of the authority shall mature
28 more than thirty years from the date of its issue.

29 § 2. Severability. If any provision of this act or if any application
30 thereof to any person or circumstances is held invalid, the remainder of
31 this act and the application of the provision to the other person and
32 circumstances shall not be affected thereby.

33 § 3. This act shall take effect immediately.

34 PART ZZ

35 Section 1. Subdivision 1 of paragraph b of section 33.10 of the local
36 finance law is REPEALED.

37 § 2. This act shall take effect immediately.

38 PART AAA

39 Section 1. Section 3-110 of the election law, as amended by section 1
40 of part YY of chapter 55 of the laws of 2019, is amended to read as
41 follows:

42 § 3-110. Time allowed employees to vote. 1. [~~A~~] If a registered voter
43 does not have sufficient time outside of his or her scheduled working
44 hours, within which to vote on any day at which he or she may vote, at
45 any election, he or she may, without loss of pay for up to [~~three~~] two
46 hours, take off so much working time as will, when added to his or her
47 voting time outside his or her working hours, enable him or her to vote
48 [~~at any election~~].

49 2. [~~The employee~~] If an employee has four consecutive hours either
50 between the opening of the polls and the beginning of his or her work-
51 ing shift, or between the end of his or her working shift and the clos-
52 ing of the polls, he or she shall be deemed to have sufficient time

1 outside his or her working hours within which to vote. If he or she has
2 less than four consecutive hours he or she may take off so much working
3 time as will, when added to his or her voting time outside his or her
4 working hours enable him or her to vote, but not more than two hours of
5 which shall be without loss of pay, provided that he or she shall be
6 allowed time off for voting only at the beginning or end of his or her
7 working shift, as the employer may designate, unless otherwise mutually
8 agreed.

9 3. If the employee requires working time off to vote the employee
10 shall notify his or her employer not more than ten nor less than two
11 working days before the day of the election that he or she requires time
12 off to vote in accordance with the provisions of this section.

13 4. Not less than ten working days before every election, every employ-
14 er shall post conspicuously in the place of work where it can be seen as
15 employees come or go to their place of work, a notice setting forth the
16 provisions of this section. Such notice shall be kept posted until the
17 close of the polls on election day.

18 § 2. This act shall take effect immediately.

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

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