STATE OF NEW YORK

S. 2505 A. 3005

SENATE - ASSEMBLY

January 20, 2021

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend 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 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 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 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 907 of the laws of 1984, amending the correction law, the New York

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

LBD12570-01-1

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 the pre-criminal proceeding settlements in the City of New York, in relation to the effectiveness thereof (Part A); to amend the executive law, the criminal procedure law, the domestic relations law, the family court act, the general business law, the insurance law, the labor law, the public health law, the social services law, and the state finance law, in relation to establishing the New York state office to end domestic and gender-based violence (Part B); to amend the penal law, in relation to

establishing the crime of domestic violence (Part C); to amend the family court act, the criminal procedure law, and the domestic relations law, in relation to authorizing the court to require a person subject to an order of protection to pay reasonable costs for repairing damages caused by that person to the premises of a person protected by such order (Part D); to amend the judiciary law and the executive law, in relation to reports of domestic violence data (Part E); to amend the domestic relations law, in relation to the custody of children (Part F); to repeal section 240.37 of the penal law, relating to loitering for the purpose of engaging in a prostitution offense; and to amend the penal law, the criminal procedure law, the social services law and the administrative code of the city of New York, in relation to making technical corrections relating thereto (Part G); to amend the family court act and the education law, in relation to removing the term incorrigible (Part H); to amend the election law, in relation to authorizing judges and their immediate family members to apply for confidentiality of voter registration records (Part I); to amend the criminal procedure law, in relation to the electronic appearance of a defendant (Part J); to amend the executive law, the criminal procedure law, the general municipal law, the public authorities law and the civil service law, in relation to police officers; and to repeal certain provisions of the executive law and the civil service law, relating thereto (Part K); to amend the executive law, in relation to monitoring compliance with executive order two hundred three (Part L); in relation to the closure of correctional facilities; and providing for the repeal of such provisions upon the expiration thereof (Part M); to amend the penal law, in relation to the purchase and disposal of firearms, rifles and shotguns (Part N); to amend the executive law, in relation to the reporting of firearms seized or recovered by law enforcement (Part O); to amend chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, in relation to the effectiveness of such chapter (Part P); to amend election law, in relation to expanding the application period for an absentee ballot request (Part Q); to amend the election law, in relation to establishing a deadline for county boards to process and mail requested absentee ballots (Part R); to amend the election law, in relation to expanding polling site hours of operation during early voting (Part S); to amend the election law, in relation to expediting the absentee ballot counting process (Part T); to amend the election law, in relation to establishing a uniform process to ensure the timely administration of recounts (Part U); to amend the workers' compensation law, in relation to allowing the New York state insurance fund to enter into agreements with private insurance providers to cover out-of-state work (Part V); to amend the workers' compensation law and the insurance law, in relation to diversifying the New York state insurance fund's investment authority (Part W); to amend the workers' compensation law and the insurance law, in relation to specifying methods of calculating deposits and reserves for the aggregate trust fund and reserves of the state insurance fund (Part X); to amend the alcoholic beverage control law, in relation to temporary permits; to amend chapter 396 of the laws of 2010, relating to liquidator's permits and temporary retail permits, in relation to the effectiveness thereof; and to repeal certain provisions of such law relating thereto

(Part Y); to amend the alcoholic beverage control law, in relation to allowing food that is typically found in a motion picture theatre to be deemed in compliance with food requirements to serve alcoholic beverages (Part Z); to amend the civil practice law and rules and the state finance law, in relation to the rate of interest to be paid on judgment and accrued claims (Part AA); to amend the state finance law and the public authorities law, in relation to enacting the "New York medical supplies act" (Part BB); to amend the civil service law, in relation to ceasing reimbursement of the Medicare income related monthly adjustment amounts (IRMAA) to high income state retirees (Part CC); to amend the civil service law, in relation to the state's contribution to the cost of health insurance premiums for future retirees of the state and their dependents (Part DD); to amend the civil service law, in relation to capping the standard medicare premium charge (Part EE); to amend the state technology law and the state finance law, in relation to authorizing comprehensive technology service contracts (Part FF); to amend the state finance law, in relation to posting the names of individuals who are authorized to sign state contracts and eliminating unfavorable terms in state contracts (Part GG); to amend the public officers law, in relation to allowing the exchange of any record or personal information between and among agencies of the state (Part HH); to amend the general business law, in relation to enacting the "New York data accountability and transparency act" (Part II); to amend the general business law, in relation to disclosures for the use of voice recognition features in internet-capable devices (Part JJ); to amend the state finance law, in relation to video lottery terminal aid (Part KK); to amend the state finance law and the tax law, in relation to reducing aid and incentives for municipalities base level grants (Part LL); to amend the general municipal law, in relation to authorized investments for local governments (Part MM); to amend the general municipal law, in relation to enhancing flexibility within the county-wide shared services initiative; and to repeal certain provisions of the general municipal law relating thereto (Part NN); to amend chapter 308 of the laws of 2012, amending the general municipal law relating to providing local governments greater contract flexibility and cost savings by permitting certain shared purchasing among political subdivisions, in relation to the effectiveness thereof (Part OO); to amend the county law, the correction law, the executive law, the judiciary law, the criminal procedure law and the education law, in relation to authorizing shared county jails (Part PP); and to provide for the administration of certain funds and accounts related to the 2021-2022 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to the administration of certain funds and accounts; to amend part D of chapter 389 of the laws of 1997 relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of certain bonds or notes; to amend part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the issuance of certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend the New York state medical care facilities finance agency act, in relation to the issuance of certain bonds or notes; to amend the New York state urban development corporation act, in relation to the issuance of certain bonds or notes; to amend chapter 329 of the laws of 1991, amending the

state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend the New York state urban development corporation act, in relation to the issuance of certain bonds or notes; to amend the private housing finance law, in relation to housing program bonds and notes; to amend the New York state urban development corporation act, in relation to authorizing the dormitory authority of the state of New York and the urban development corporation to enter into line of credit facilities, and in relation to state-supported debt issued during the 2022 fiscal year; to amend the state finance law, in relation to payments of bonds; to amend the state finance law, in relation to the mental health services fund; to amend the public health law, in relation to secured hospital project bonds; to repeal paragraph c of subdivision 5 of section 89-b of the state finance law relating to the dedicated highway and bridge trust fund; to repeal subdivision (j) of section 92-dd of the state finance law relating to the HCRA resources fund; to repeal subdivision 3-a of the public health law relating to eligible secured hospital borrower; and providing for the repeal of certain provisions upon expiration thereof (Part QQ)

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

Section 1. This act enacts into law major components of legislation necessary to implement the state public protection and general government budget for the 2021-2022 state fiscal year. Each component is wholly contained within a Part identified as Parts A through QQ. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Section 2 of chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, as amended by section 1 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall remain in effect until September 1, [~~2021~~] **2023**.

§ 2. Section 3 of 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, as amended by section 2 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 3. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law, and shall remain in effect until the first day of September, [~~2021~~] **2023**, when it shall expire and be deemed repealed.

§ 3. Section 3 of 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, as amended by section 3 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 3. This act shall take effect 60 days after it shall have become a law and shall remain in effect until September 1, [~~2021~~] 2023.

§ 4. Section 20 of 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, as amended by section 4 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 20. This act shall take effect immediately except that section thirteen of this act shall expire and be of no further force or effect on and after September 1, [~~2021~~] 2023 and shall not apply to persons committed to the custody of the department after such date, and provided further that the commissioner of corrections and community supervision shall report each January first and July first during such time as the earned eligibility program is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the standards in effect for earned eligibility during the prior six-month period, the number of inmates subject to the provisions of earned eligibility, the number who actually received certificates of earned eligibility during that period of time, the number of inmates with certificates who are granted parole upon their first consideration for parole, the number with certificates who are denied parole upon their first consideration, and the number of individuals granted and denied parole who did not have earned eligibility certificates.

§ 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 5 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

(q) the provisions of section two hundred eighty-four of this act shall remain in effect until September 1, [~~2021~~] 2023 and be applicable to all persons entering the program on or before August 31, [~~2021~~] 2023.

§ 6. Section 10 of chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, as amended by section 6 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 10. This act shall take effect 30 days after it shall have become a law and shall remain in effect until September 1, [~~2021~~] 2023, and provided further that the commissioner of correctional services shall report each January first, and July first, to the chairman of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of eligible inmates in each facility under the custody and control of the commissioner who have applied for participation in any program offered under the provisions of work release, furlough, or leave, and the number of such inmates who have been approved for participation.

§ 7. Subdivision (c) of section 46 of 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, as amended by section 7 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

(c) sections forty-one and forty-two of this act shall expire September 1, [~~2021~~] 2023; provided, that the provisions of section forty-two of this act shall apply to inmates entering the work release program on or after such effective date; and

§ 8. Subdivision h of section 74 of chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, as amended by section 8 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

h. Section fifty-two of this act shall be deemed to have been in full force and effect on and after April 1, 1995; provided, however, that the provisions of section 189 of the correction law, as amended by section fifty-five of this act, subdivision 5 of section 60.35 of the penal law, as amended by section fifty-six of this act, and section fifty-seven of this act shall expire September 1, [~~2021~~] 2023, when upon such date the amendments to the correction law and penal law made by sections fifty-five and fifty-six of this act shall revert to and be read as if the provisions of this act had not been enacted; provided, however, that sections sixty-two, sixty-three and sixty-four of this act shall be deemed to have been in full force and effect on and after March 1, 1995 and shall be deemed repealed April 1, 1996 and upon such date the provisions of subsection (e) of section 9110 of the insurance law and subdivision 2 of section 89-d of the state finance law shall revert to and be read as set out in law on the date immediately preceding the effective date of sections sixty-two and sixty-three of this act;

§ 9. Subdivision (c) of section 49 of subpart A of part C of 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, as amended by section 9 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

(c) that the amendments to subdivision 9 of section 201 of the correction law as added by section thirty-two of this act shall remain in effect until September 1, [~~2021~~] 2023, when it shall expire and be deemed repealed;

§ 10. Subdivision (aa) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 10 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

(aa) the provisions of sections three hundred eighty-two, three hundred eighty-three and three hundred eighty-four of this act shall expire on September 1, [~~2021~~] 2023;

§ 11. Section 12 of 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, as amended by section 11 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 12. This act shall take effect immediately, except that the provisions of sections one through ten of this act shall remain in full force and effect until September 1, [~~2021~~] 2023 on which date those provisions shall be deemed to be repealed.

§ 12. Subdivision (p) of section 406 of chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, as amended by section 12 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

(p) The amendments to section 1809 of the vehicle and traffic law made by sections three hundred thirty-seven and three hundred thirty-eight of

this act shall not apply to any offense committed prior to such effective date; provided, further, that section three hundred forty-one of this act shall take effect immediately and shall expire November 1, 1993 at which time it shall be deemed repealed; sections three hundred forty-five and three hundred forty-six of this act shall take effect July 1, 1991; sections three hundred fifty-five, three hundred fifty-six, three hundred fifty-seven and three hundred fifty-nine of this act shall take effect immediately and shall expire June 30, 1995 and shall revert to and be read as if this act had not been enacted; section three hundred fifty-eight of this act shall take effect immediately and shall expire June 30, 1998 and shall revert to and be read as if this act had not been enacted; section three hundred sixty-four through three hundred sixty-seven of this act shall apply to claims filed on or after such effective date; sections three hundred sixty-nine, three hundred seventy-two, three hundred seventy-three, three hundred seventy-four, three hundred seventy-five and three hundred seventy-six of this act shall remain in effect until September 1, [~~2021~~] **2023**, at which time they shall be deemed repealed; provided, however, that the mandatory surcharge provided in section three hundred seventy-four of this act shall apply to parking violations occurring on or after said effective date; and provided further that the amendments made to section 235 of the vehicle and traffic law by section three hundred seventy-two of this act, the amendments made to section 1809 of the vehicle and traffic law by sections three hundred thirty-seven and three hundred thirty-eight of this act and the amendments made to section 215-a of the labor law by section three hundred seventy-five of this act shall expire on September 1, [~~2021~~] **2023** and upon such date the provisions of such subdivisions and sections shall revert to and be read as if the provisions of this act had not been enacted; the amendments to subdivisions 2 and 3 of section 400.05 of the penal law made by sections three hundred seventy-seven and three hundred seventy-eight of this act shall expire on July 1, 1992 and upon such date the provisions of such subdivisions shall revert and shall be read as if the provisions of this act had not been enacted; the state board of law examiners shall take such action as is necessary to assure that all applicants for examination for admission to practice as an attorney and counsellor at law shall pay the increased examination fee provided for by the amendment made to section 465 of the judiciary law by section three hundred eighty of this act for any examination given on or after the effective date of this act notwithstanding that an applicant for such examination may have prepaid a lesser fee for such examination as required by the provisions of such section 465 as of the date prior to the effective date of this act; the provisions of section 306-a of the civil practice law and rules as added by section three hundred eighty-one of this act shall apply to all actions pending on or commenced on or after September 1, 1991, provided, however, that for the purposes of this section service of such summons made prior to such date shall be deemed to have been completed on September 1, 1991; the provisions of section three hundred eighty-three of this act shall apply to all money deposited in connection with a cash bail or a partially secured bail bond on or after such effective date; and the provisions of sections three hundred eighty-four and three hundred eighty-five of this act shall apply only to jury service commenced during a judicial term beginning on or after the effective date of this act; provided, however, that nothing contained herein shall be deemed to affect the application, qualification, expiration or repeal of any provision of law amended by any section of this act and such provisions

shall be applied or qualified or shall expire or be deemed repealed in the same manner, to the same extent and on the same date as the case may be as otherwise provided by law;

§ 13. Subdivision 8 of section 1809 of the vehicle and traffic law, as amended by section 13 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

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

§ 14. Section 6 of chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, as amended by section 14 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 6. This act shall take effect on the first day of April next succeeding the date on which it shall have become a law; provided, however, that effective immediately, the addition, amendment or repeal of any rule or regulation necessary for the implementation of the foregoing sections of this act on their effective date is authorized and directed to be made and completed on or before such effective date and shall remain in full force and effect until the first day of September, [~~2021~~] 2023 when upon such date the provisions of this act shall be deemed repealed.

§ 15. Paragraph a of subdivision 6 of section 76 of chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, as amended by section 15 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

a. sections forty-three through forty-five of this act shall expire and be deemed repealed on September 1, [~~2021~~] 2023;

§ 16. Section 4 of part D of 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, as amended by section 16 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 4. This act shall take effect 120 days after it shall have become a law and shall remain in full force and effect until September 1, [~~2021~~] 2023, when upon such date it shall expire.

§ 17. Subdivision 2 of section 59 of chapter 222 of the laws of 1994, constituting the family protection and domestic violence intervention act of 1994, as amended by section 17 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

2. Subdivision 4 of section 140.10 of the criminal procedure law as added by section thirty-two of this act shall take effect January 1, 1996 and shall expire and be deemed repealed on September 1, [~~2021~~] 2023.

§ 18. Section 5 of 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, as amended by section 18 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 5. This act shall take effect immediately and shall apply to all criminal actions and proceedings commenced prior to the effective date of this act but still pending on such date as well as all criminal actions and proceedings commenced on or after such effective date and its provisions shall expire on September 1, [~~2021~~] 2023, when upon such date the provisions of this act shall be deemed repealed.

§ 19. Subdivision d of section 74 of chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, as amended by section 19 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

d. Sections one-a through twenty, twenty-four through twenty-eight, thirty through thirty-nine, forty-two and forty-four of this act shall be deemed repealed on September 1, [~~2021~~] 2023;

§ 20. Section 2 of chapter 689 of the laws of 1993, amending the criminal procedure law relating to electronic court appearance in certain counties, as amended by section 20 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 2. This act shall take effect immediately, except that the provisions of this act shall be deemed to have been in full force and effect since July 1, 1992 and the provisions of this act shall expire September 1, [~~2021~~] 2023 when upon such date the provisions of this act shall be deemed repealed.

§ 21. Section 3 of chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, as amended by section 21 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 3. This act shall take effect immediately, except that section one of this act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall remain in effect until the first of September, [~~2021~~] 2023, upon which date this act shall be deemed repealed and have no further force and effect; provided that section one of this act shall only take effect with respect to any compacting state which has enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act and provided further that with respect to any such compacting state, upon the effective date of section one of this act, section 259-m of the executive law is hereby deemed REPEALED and section 259-mm of the executive law, as added by section one of this act, shall take effect; and provided further that with respect to any state which has not enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act, section 259-m of the executive law shall take effect and the provisions of section one of this act, with respect to any such state, shall have no force or effect until such time as such state shall adopt an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act in which case, with respect to such state, effective immediately, section 259-m of the executive law is deemed repealed and section 259-mm of the executive law, as added by section one of this act, shall take effect.

§ 22. Section 8 of part H of 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, as amended by section 22 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 8. This act shall take effect immediately; provided, however that sections five and six of this act shall expire and be deemed repealed September 1, [~~2021~~] 2023.

§ 23. Section 3 of part C of chapter 152 of the laws of 2001, amending the military law relating to military funds of the organized militia, as

amended by section 23 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 3. This act shall take effect immediately; provided however that the amendments made to subdivision 1 of section 221 of the military law by section two of this act shall expire and be deemed repealed September 1, [~~2021~~] 2023.

§ 24. Section 5 of 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, as amended by section 24 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 5. This act shall take effect immediately and shall remain in full force and effect until September 1, [~~2021~~] 2023, and provided further that the commissioner of correctional services shall report each January first and July first during such time as this legislation is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of individuals who are released to community treatment facilities during the previous six-month period, including the total number for each date at each facility who are not residing within the facility, but who are required to report to the facility on a daily or less frequent basis.

§ 25. Section 2 of part F of chapter 55 of the laws of 2018, amending the criminal procedure law relating to pre-criminal proceeding settlements in the city of New York, as amended by section 25 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 2. This act shall take effect immediately and shall remain in full force and effect until March 31, [~~2021~~] 2023, when it shall expire and be deemed repealed.

§ 26. This act shall take effect immediately, provided however that section twenty-five of this act shall be deemed to have been in full force and effect on and after March 31, 2021.

PART B

Section 1. The article heading of article 21 of the executive law, as added by chapter 463 of the laws of 1992, is amended to read as follows:

ARTICLE 21

NEW YORK STATE OFFICE [~~FOR THE PREVENTION OF~~] TO END DOMESTIC AND GENDER-BASED VIOLENCE

§ 2. Section 575 of the executive law, as added by chapter 463 of the laws of 1992, paragraph (e) of subdivision 3 as amended and subdivision 9 as added by chapter 368 of the laws of 1997, paragraph (l) of subdivision 3 as added by chapter 339 of the laws of 2011, paragraph (m) of subdivision 3 as added, paragraph (n) of subdivision 3 as relettered, and paragraph (b) of subdivision 4 as amended by chapter 204 of the laws of 2020, subdivision 4 as amended by section 1 and subdivision 10 as added by section 3 of part A of chapter 491 of the laws of 2012, subdivisions 7 and 8 as added by chapter 396 of the laws of 1994, and paragraph (d) of subdivision 10 as amended by chapter 248 of the laws of 2017, is amended to read as follows:

§ 575. New York state office [~~for the prevention of~~] to end domestic and gender-based violence. 1. Establishment of office. There is hereby established within the executive department the "New York state office

[~~for the prevention of~~] to end domestic and gender-based violence", hereinafter in this section referred to as the "office".

2. Duties and responsibilities. The office shall advise the governor and the legislature on the most effective ways for state government to respond to the problem of domestic and gender-based violence. In fulfilling this responsibility, the office shall consult with experts, service providers and representative organizations in the field of domestic and gender-based violence and shall act as an advocate for domestic and gender-based violence victims and survivor-centered programs.

3. Definitions. For the purposes of this section the following terms shall have the following meanings:

(a) "Domestic violence" means a pattern of behavior used by an individual to establish and maintain power and control over their intimate partner. Such behavior includes abusive and coercive tactics, threats and actions that may or may not rise to the level of criminal behavior, including, but not limited to, physical, emotional, financial, and sexual abuse.

(b) "Gender-based violence" means threats to harm, or actual harms committed against a person or persons based on actual or perceived sex, gender, sexual orientation, gender identity or expression or other such sex/gender related characteristics. "Gender-based violence" shall include, but not be limited to, domestic violence; sexual violence; human trafficking; reproductive coercion and violence; stalking; and child-abuse as connected to gender-based violence. "Gender-based violence" shall not include actions taken by a person in self-defense against an act or series of acts of gender-based violence.

4. Activities. In addition, the office shall develop and implement policies and programs designed to assist victims of domestic and gender-based violence and their families, and to provide education and prevention, training and technical assistance. Such domestic and gender-based violence-related activities shall include, but not be limited to:

(a) Serving as a clearinghouse for information and materials;

(b) Developing and coordinating community outreach and public education throughout the state;

(c) Developing and delivering training to professionals, including but not limited to professionals in the fields of:

(i) domestic and gender-based violence;

(ii) health and mental health;

(iii) social and human services;

(iv) public education;

(v) law enforcement and criminal justice;

(vi) alcohol and substance abuse[~~.~~];

(d) Developing and promoting school-based prevention programs;

(e) Providing technical assistance to state and local government bodies and other agencies and to private businesses and not-for-profit corporations, on effective survivor-centered policies and responses to domestic and gender-based violence, including development of [~~a~~] model [~~domestic violence~~] policies[~~, pursuant to subdivisions seven, eight and nine of this section~~];

(f) Promoting and facilitating interagency cooperation among state agencies and intergovernmental cooperation between different levels of government in the state in the delivery and/or funding of survivor-centered services;

(g) Operating, in collaboration with survivors, state coalitions, and other stakeholders, as an advocate for [~~domestic violence services and~~] victims and for survivor-centered domestic and gender-based violence services, including periodic solicitation of input from survivors and service providers regarding successes, challenges, and needs;

(h) Undertaking program and services needs assessments on its own initiative or at the request of the governor, the legislature or service providers;

(i) Examining the relationship between domestic and gender-based violence and other problems and making recommendations for effective policy response;

(j) Collecting data, conducting research, and holding public hearings;

(k) Making periodic reports to the governor and the legislature recommending policy and program directions and reviewing the activities of the office;

(l) [~~Developing~~] Working with stakeholders in developing and promoting [~~senior center based~~] gender-based violence prevention programs;

(m) [~~promoting best practices for abusive partner intervention~~] Investigating, establishing and promoting best practices for accountability for those who harm their intimate partners;

(n) Administering grant funds appropriated and made available to support compliance with article one hundred twenty-nine-b of the education law; and undertaking such actions, duties, and responsibilities as may be necessary to serve the purpose of article one hundred twenty-nine-b of the education law;

(o) Any other activities including the making of and promulgation of rules and regulations deemed necessary to [~~facilitate the prevention of~~] end domestic and gender-based violence within the scope and purview of this article which are not otherwise inconsistent with any other provisions of law.

[~~4.~~] 5. Advisory council. (a) An advisory council is hereby established to make recommendations on domestic and gender-based violence related issues and effective strategies [~~for the prevention of~~] to end domestic and gender-based violence, to assist in the development of appropriate policies and priorities for effective intervention, public education and advocacy, and to facilitate and assure communication and coordination of efforts among state agencies and between different levels of government, state, federal, and municipal, [~~for the prevention of~~] to end domestic and gender-based violence.

(b) The advisory council shall consist of nine members and seventeen ex-officio members. Each member shall be appointed to serve for a term of three years and shall continue in office until a successor appointed member is made. A member appointed to fill a vacancy shall be appointed for the unexpired term of the member he or she is to succeed. All of the members shall be individuals with expertise in the area of domestic and gender-based violence. Three members shall be appointed by the governor, two members shall be appointed upon the recommendation of the temporary president of the senate, two members shall be appointed upon the recommendation of the speaker of the assembly, one member shall be appointed upon the recommendation of the minority leader of the senate, and one member shall be appointed upon the recommendation of the minority leader of the assembly. The ex-officio members of the advisory board shall consist of the director of the office, who shall chair the council, and the following members or their designees: the commissioner of the office of temporary and disability assistance; the commissioner of the department of health; the commissioner of the education department; the

commissioner of the office of mental health; the commissioner of the office of [~~alcoholism and substance abuse~~] **addiction** services **and supports**; the commissioner of the division of criminal justice services; the superintendent of the division of state police; the director of the office of probation and correctional alternatives; the commissioner of the office of children and family services; the director of the office of victim services; the chief administrative judge of the office of court administration; the commissioner of the department of labor; the director of the state office for the aging; the commissioner of the department of corrections and community supervision; the commissioner of homes and community renewal; the chief executive officer of the New York state coalition against domestic violence; and the executive director of the New York state coalition against sexual assault.

(c) The advisory council shall meet as often as deemed necessary by the chair but in no event less than two times per year.

(d) The members of the advisory council shall receive no salary or other compensation for their services but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties within amounts made available by appropriation therefor subject to the approval of the director of the budget. The ex-officio members of the advisory council shall receive no additional compensation for their services on the advisory council above the salary they receive from the respective departments or divisions that employ them.

[~~5.~~] **6.** Executive director. (a) The governor shall appoint an executive director of the office who shall serve at the pleasure of the governor.

(b) The executive director shall receive an annual salary fixed by the governor within the amounts appropriated specifically therefor and shall be entitled to reimbursement for reasonable expenses incurred in connection with the performance of the director's duties.

(c) **The director of the office, with the approval of the governor, may accept as agent of the state any grant, including federal grants, or any gift or donation for any of the purposes of this article. Any moneys so received may be expended by the office to effectuate any purpose of this article, subject to the applicable provisions of the state finance law**.

(d) The executive director shall appoint staff and perform such other functions to ensure the efficient operation of the office.

[~~6.~~] **7.** Assistance of other agencies. The office may request and shall receive in a timely manner from any department, division, board, bureau, commission or agency of the state, such information and assistance as shall enable it to properly carry out its powers and duties pursuant to this article.

[~~7. Model domestic violence policy for counties. (a) The office shall convene a task force of county level municipal officials, municipal police and members of the judiciary, or their representatives, and directors of domestic violence programs, including representatives from a statewide advocacy organization for the prevention of domestic violence, to develop a model domestic violence policy for counties. For the purposes of this subdivision, "county" shall have the same meaning as such term is defined in section three of the county law, except that the city of New York shall be deemed to be one county. The office shall give due consideration to the recommendations of the governor, the temporary president of the senate and the speaker of the assembly for participation by any person on the task force, and shall make reasonable efforts to assure regional balance in membership.~~

~~(b) The purpose of the model policy shall be to provide consistency and coordination by and between county agencies and departments, including criminal justice agencies and the judiciary, and, as appropriate, by municipalities or other jurisdictions within the county and other governmental agencies and departments, by assuring that best practices, policies, protocols and procedures are used to address the issue of domestic violence, and to secure the safety of the victim including, but not limited to:~~

~~(i) response, investigation and arrest policies by police agencies;~~

~~(ii) response by other criminal justice agencies, including disposition of domestic violence complaints, the provision of information and orders of protection;~~

~~(iii) response by human services and health agencies, including identification, assessment, intervention and referral policies and responses to victims and the perpetrators of domestic violence;~~

~~(iv) training and appropriate and relevant measures for periodic evaluation of community efforts; and~~

~~(v) other issues as shall be appropriate and relevant for the task force to develop such policy.~~

~~(c) Such model policy shall be reviewed by the task force to assure consistency with existing law and shall be made the subject of public hearings convened by the office throughout the state at places and at times which are convenient for attendance by the public, after which the policy shall be reviewed by the task force and amended as necessary to reflect concerns raised at the hearings. If approved by the task force, such model policy shall be provided as approved with explanation of its provisions to the governor and the legislature not later than two years after the effective date of this subdivision. Notification of the availability of such model domestic violence policy shall be made by the office to every county in the state, and copies of the policy shall be made available to them upon request.~~

~~(d) The office in consultation with the task force, providers of service, the advisory council and others, including representatives of a statewide advocacy organization for the prevention domestic violence, shall provide technical support, information and encouragement to counties to implement the provisions of the model policy on domestic violence.~~

~~(e) Nothing contained in this subdivision shall be deemed to prevent the governing body of a county from designating a local advisory committee to investigate the issues, work with providers of domestic violence programs and other interested parties, and to aid in the implementation of the policy required by this subdivision. Such governing body or advisory committee may request and shall receive technical assistance from the office for the development of such a policy. Implementation of the model domestic violence policy may take place in a form considered appropriate by the governing body of a county, including guidelines, regulations and local laws.~~

~~(f) The office shall survey county governments within four years of the effective date of this subdivision to determine the level of compliance with the model domestic violence policy, and shall take such steps as shall be necessary to aid county governments in the implementation of such policy.~~]

8. State domestic violence policy. [~~(a) The office shall survey every state agency to determine any activities, programs, rules, regulations, guidelines or statutory requirements that have a direct or indirect bearing on the state's efforts and abilities to address the issue of~~

~~domestic violence including, but not limited to, the provision of services to victims and their families. Within two years of the effective date of this subdivision, the office shall compile such information and provide a report, with appropriate comments and recommendations, to the governor and the legislature. For the purposes of this subdivision, "state agency" shall have the same meaning as such term is defined in section two-a of the state finance law.~~

~~(b) Within three years of the effective date of this subdivision the office shall recommend a state domestic violence policy consistent with statute and best practice, policies, procedures and protocols to the governor and the legislature. The purpose of such model policy shall be to provide consistency and coordination by and between state agencies and departments to address the issue of domestic violence. In developing such model policy, the office shall consult with a statewide advocacy organization for the prevention of domestic violence, and shall assure that the advisory council reviews all data and recommendations and shall not submit such model policy until approved by the advisory council. Such recommendations shall be provided exclusive of any study or report the office is required to undertake pursuant to a chapter of the laws of nineteen hundred ninety-four, entitled "the family protection and domestic violence intervention act of 1994".~~

~~(c)~~] No state agency shall promulgate a rule pursuant to the state administrative procedure act, or adopt a guideline or other procedure, including a request for proposals, directly or indirectly affecting the provision of services to victims of domestic **and gender-based** violence, or the provision of services by residential or non-residential domestic violence programs, as such terms are defined in section four hundred fifty-nine-a of the social services law, or establish a grant program directly or indirectly affecting such victims of domestic **or gender-based** violence or providers of service, without first consulting the office, which shall provide all comments in response to such rules, guidelines or procedures in writing directly to the chief executive officer of such agency, to the administrative regulations review committee and to the appropriate committees of the legislature having jurisdiction of the subject matter addressed within two weeks of receipt thereof, provided that failure of the office to respond as required herein shall not otherwise impair the ability of such state agency to promulgate a rule. This paragraph shall not apply to an appropriation which finances a contract with a not-for-profit organization which has been identified for a state agency without the use of a request for proposals.

9. [~~Model domestic violence employee awareness and assistance policy. (a) The office shall convene a task force including members of the business community, employees, employee organizations, representatives from the department of labor and the empire state development corporation, and directors of domestic violence programs, including representatives of statewide advocacy organizations for the prevention of domestic violence, to develop a model domestic violence employee awareness and assistance policy for businesses.~~

~~The office shall give due consideration to the recommendations of the governor, the temporary president of the senate, and the speaker of the assembly for participation by any person on the task force, and shall make reasonable efforts to assure regional balance in membership.~~

~~(b) The purpose of the model employee awareness and assistance policy shall be to provide businesses with the best practices, policies, protocols and procedures in order that they ascertain domestic violence~~

~~awareness in the workplace, assist affected employees, and provide a safe and helpful working environment for employees currently or potentially experiencing the effects of domestic violence. The model plan shall include but not be limited to:~~

~~(i) the establishment of a definite corporate policy statement recognizing domestic violence as a workplace issue as well as promoting the need to maintain job security for those employees currently involved in domestic violence disputes;~~

~~(ii) policy and service publication requirements, including posting said policies and service availability pamphlets in break rooms, on bulletin boards, restrooms and other communication methods;~~

~~(iii) a listing of current domestic violence community resources such as shelters, crisis intervention programs, counseling and case management programs, legal assistance and advocacy opportunities for affected employees;~~

~~(iv) measures to ensure workplace safety including, where appropriate, designated parking areas, escort services and other affirmative safeguards;~~

~~(v) training programs and protocols designed to educate employees and managers in how to recognize, approach and assist employees experiencing domestic violence, including both victims and batterers; and~~

~~(vi) other issues as shall be appropriate and relevant for the task force in developing such model policy.~~

~~(c) Such model policy shall be reviewed by the task force to assure consistency with existing law and shall be made the subject of public hearings convened by the office throughout the state at places and at times which are convenient for attendance by the public, after which the policy shall be reviewed by the task force and amended as necessary to reflect concerns raised at the hearings. If approved by the task force, such model policy shall be provided as approved with explanation of its provisions to the governor and the legislature not later than one year after the effective date of this subdivision. The office shall make every effort to notify businesses of the availability of such model domestic violence employee awareness and assistance policy.~~

~~(d) The office in consultation with the task force, providers of services, the advisory council, the department of labor, the empire state development corporation, and representatives of statewide advocacy organizations for the prevention of domestic violence, shall provide technical support, information, and encouragement to businesses to implement the provisions of the model domestic violence employee awareness and assistance policy.~~

~~(e) Nothing contained in this subdivision shall be deemed to prevent businesses from adopting their own domestic violence employee awareness and assistance policy.~~

~~(f) The office shall survey businesses within four years of the effective date of this section to determine the level of model policy adoption amongst businesses and shall take steps necessary to promote the further adoption of such policy.~~

~~10.~~] Fatality review team. (a) There shall be established within the office a fatality review team for the purpose of analyzing, in conjunction with local representation, the domestic violence-related death or near death of individuals, with the goal of:

(i) examining the trends and patterns of domestic violence-related fatalities in New York state;

(ii) educating the public, service providers, and policymakers about domestic violence fatalities and strategies for intervention and prevention; and

(iii) recommending policies, practices, procedures, and services to reduce fatalities due to domestic violence.

(b) A domestic violence-related death or near death shall mean any death or near death caused by a family or household member as defined in section eight hundred twelve of the family court act or section 530.11 of the criminal procedure law, except that there shall be no review of the death or near death of a child for those cases in which the office of children and family services is required to issue a fatality report in accordance with subdivision five of section twenty of the social services law.

(c) The team shall review deaths or near deaths in cases that have been adjudicated and have received a final judgment and that are not under investigation.

(d) Members of a domestic violence fatality review team shall be appointed by the executive director, [~~in consultation with the advisory council,~~] and shall include, but not be limited to, one representative from the office of children and family services, the office of temporary and disability assistance, the division of criminal justice services, the state police, the department of health, the office of court administration, the office of probation and correctional alternatives, the department of corrections and community supervision, the office of victim services, at least one representative from local law enforcement, a county prosecutor's office, a local social services district, a member of the judiciary, and a domestic violence services program approved by the office of children and family services. A domestic violence fatality review team may also include representatives from sexual assault services programs, public health, mental health and substance abuse agencies, hospitals, clergy, local school districts, local divisions of probation, local offices of the department of corrections and community supervision, the office of the medical examiner or coroner, any local domestic violence task force, coordinating council or other interagency entity that meets regularly to support a coordinated community response to domestic violence, any other program that provides services to domestic violence victims, or any other person necessary to the work of the team, including survivors of domestic violence.

(e) The team shall identify potential cases and shall select which deaths or near deaths will be reviewed each year. Localities may request that the team conduct a review of a particular death or near death.

(f) The team shall work with officials and organizations within the community where the death or near death occurred to conduct each review.

(g) Team members shall serve without compensation but are entitled to be reimbursed for travel expenses to the localities where a fatality review will be conducted and members who are full-time salaried officers or employees of the state or of any political subdivision of the state are entitled to their regular compensation.

(h) To the extent consistent with federal law, upon request the team shall be provided client-identifiable information and records necessary for the investigation of a domestic violence-related death or near death incident, including, but not limited to:

(i) records maintained by a local social services district;

(ii) law enforcement records, except where the provision of such records would interfere with an ongoing law enforcement investigation or

identify a confidential source or endanger the safety or welfare of an individual;

(iii) court records;

(iv) probation and parole records;

(v) records from domestic violence residential or non-residential programs;

(vi) records from any relevant service provider, program or organization; and

(vii) all other relevant records in the possession of state and local officials or agencies provided, however, no official or agency shall be required to provide information or records concerning a person charged, investigated or convicted in such death or near death in violation of such person's attorney-client privilege.

(i) Any information or records otherwise **sealed,** confidential and privileged in accordance with state law which are provided to the team shall remain **sealed,** confidential**, and privileged** as otherwise provided by law. All records received, meetings conducted, reports and records made and maintained and all books and papers obtained by the team shall be confidential and shall not be open or made available, except by court order or as set forth in paragraphs (k) and (l) of this subdivision.

(j) Any person who releases or permits the release of any information protected under paragraph (i) of this subdivision to persons or agencies not authorized to receive such information shall be guilty of a class A misdemeanor.

(k) Team members and persons who present information to the team shall not be questioned in any civil or criminal proceeding regarding any opinions formed as a result of a meeting of the team. Nothing in this section shall be construed to prevent a person from testifying as to information which is obtained independently of the team or information which is public.

(l) Team members are not liable for damages or other relief in any action brought by reason of the reasonable and good faith performance of a duty, function, or activity of the team.

(m) Consistent with all federal and state confidentiality protections, the team may provide recommendations to any individual or entity for appropriate actions to improve a community's response to domestic violence.

(n) The team shall periodically submit a cumulative report to the governor and the legislature incorporating the aggregate data and a summary of the general findings and recommendations resulting from the domestic violence fatality reviews completed pursuant to this subdivision. The cumulative report shall thereafter be made available to the public, consistent with federal and state confidentiality protections.

§ 3. Subdivision 6 of section 530.11 of the criminal procedure law, as amended by chapter 663 of the laws of 2019, is amended to read as follows:

6. Notice. Every police officer, peace officer or district attorney investigating a family offense under this article shall advise the victim of the availability of a shelter or other services in the community, and shall immediately give the victim written notice of the legal rights and remedies available to a victim of a family offense under the relevant provisions of this chapter and the family court act. Such notice shall be prepared, at minimum, in plain English, Spanish, Chinese and Russian and if necessary, shall be delivered orally, and shall include but not be limited to the information contained in the following statement:

"Are you the victim of domestic violence? If you need help now, you can call 911 for the police to come to you. You can also call a domestic violence hotline. You can have a confidential talk with an advocate at the hotline about help you can get in your community including: where you can get treatment for injuries, where you can get shelter, where you can get support, and what you can do to be safe. The New York State 24-hour Domestic & Sexual Violence Hotline number is (insert the state-wide multilingual 800 number). They can give you information in many languages. If you are deaf or hard of hearing, call 711.

This is what the police can do:

They can help you and your children find a safe place such as a family or friend's house or a shelter in your community.

You can ask the officer to take you or help you and your children get to a safe place in your community.

They can help connect you to a local domestic violence program.

They can help you get to a hospital or clinic for medical care.

They can help you get your personal belongings.

They must complete a report discussing the incident. They will give you a copy of this police report before they leave the scene. It is free.

They may, and sometimes must, arrest the person who harmed you if you are the victim of a crime. The person arrested could be released at any time, so it is important to plan for your safety.

If you have been abused or threatened, this is what you can ask the police or district attorney to do:

File a criminal complaint against the person who harmed you.

Ask the criminal court to issue an order of protection for you and your child if the district attorney files a criminal case with the court.

Give you information about filing a family offense petition in your local family court.

You also have the right to ask the family court for an order of protection for you and your children.

This is what you can ask the family court to do:

To have your family offense petition filed the same day you go to court.

To have your request heard in court the same day you file or the next day court is open.

Only a judge can issue an order of protection. The judge does that as part of a criminal or family court case against the person who harmed you. An order of protection in family court or in criminal court can say:

That the other person have no contact or communication with you by mail, phone, computer or through other people.

That the other person stay away from you and your children, your home, job or school.

That the other person not assault, harass, threaten, strangle, or commit another family offense against you or your children.

That the other person turn in their firearms and firearms licenses, and not get any more firearms.

That you have temporary custody of your children.

That the other person pay temporary child support.

That the other person not harm your pets or service animals.

If the family court is closed because it is night, a weekend, or a holiday, you can go to a criminal court to ask for an order of protection.

If you do not speak English or cannot speak it well, you can ask the police, the district attorney, or the criminal or family court to get you an interpreter who speaks your language. The interpreter can help you explain what happened.

You can get the forms you need to ask for an order of protection at your local family court (insert addresses and contact information for courts). You can also get them online: www.NYCourts.gov/forms.

You do not need a lawyer to ask for an order of protection.

You have a right to get a lawyer in the family court. If the family court finds that you cannot afford to pay for a lawyer, it must get you one for free.

If you file a complaint or family court petition, you will be asked to swear to its truthfulness because it is a crime to file a legal document that you know is false."

The division of criminal justice services in consultation with the state office [~~for the prevention of~~] to end domestic and gender-based violence shall prepare the form of such written notice consistent with provisions of this section and distribute copies thereof to the appropriate law enforcement officials pursuant to subdivision nine of section eight hundred forty-one of the executive law.

Additionally, copies of such notice shall be provided to the chief administrator of the courts to be distributed to victims of family offenses through the criminal court at such time as such persons first come before the court and to the state department of health for distribution to all hospitals defined under article twenty-eight of the public health law. No cause of action for damages shall arise in favor of any person by reason of any failure to comply with the provisions of this subdivision except upon a showing of gross negligence or willful misconduct.

§ 4. Subparagraph (i) of paragraph (b) of subdivision 3 of section 15 of the domestic relations law, as amended by chapter 35 of the laws of 2017, is amended to read as follows:

(i) provide notification to each minor party of his or her rights, including but not limited to, rights in relation to termination of the marriage, child and spousal support, domestic violence services and access to public benefits and other services, which notification shall be developed by the office of court administration, in consultation with the office [~~for the prevention of~~] to end domestic and gender-based violence;

§ 5. Section 214-b of the executive law, as amended by chapter 432 of the laws of 2015, is amended to read as follows:

§ 214-b. Family offense intervention. The superintendent shall, for all members of the state police including new and veteran officers, develop, maintain and disseminate, in consultation with the state office [~~for the prevention of~~] to end domestic and gender-based violence, written policies and procedures consistent with article eight of the family court act and applicable provisions of the criminal procedure and domestic relations laws, regarding the investigation of and intervention in incidents of family offenses. Such policies and procedures shall make provision for education and training in the interpretation and enforcement of New York's family offense laws, including but not limited to:

(a) intake and recording of victim statements, and the prompt translation of such statements if made in a language other than English, in accordance with subdivision (c) of this section, on a standardized "domestic violence incident report form" promulgated by the state division of criminal justice services in consultation with the superinten-

dent and with the state office [~~for the prevention of~~] to end domestic and gender-based violence, and the investigation thereof so as to ascertain whether a crime has been committed against the victim by a member of the victim's family or household as such terms are defined in section eight hundred twelve of the family court act and section 530.11 of the criminal procedure law;

(b) the need for immediate intervention in family offenses including the arrest and detention of alleged offenders, pursuant to subdivision four of section 140.10 of the criminal procedure law, and notifying victims of their rights, in their native language, if identified as other than English, in accordance with subdivision (c) of this section, including but not limited to immediately providing the victim with the written notice provided in subdivision six of section 530.11 of the criminal procedure law and subdivision five of section eight hundred twelve of the family court act.

(c) The superintendent, in consultation with the division of criminal justice services and the office [~~for the prevention of~~] to end domestic and gender-based violence shall determine the languages in which such translation required by subdivision (a) of this section, and the notification required pursuant to subdivision (b) of this section, shall be provided. Such determination shall be based on the size of the New York state population that speaks each language and any other relevant factor. Such written notice required pursuant to subdivision (b) of this section shall be made available to all state police officers in the state.

§ 6. Subdivision 1 of section 221-a of the executive law, as amended by chapter 492 of the laws of 2015, is amended to read as follows:

1. The superintendent, in consultation with the division of criminal justice services, office of court administration, and the office [~~for the prevention of~~] to end domestic and gender-based violence, shall develop a comprehensive plan for the establishment and maintenance of a statewide computerized registry of all orders of protection issued pursuant to articles four, five, six, eight and ten of the family court act, section 530.12 of the criminal procedure law and, insofar as they involve victims of domestic violence as defined by section four hundred fifty-nine-a of the social services law, section 530.13 of the criminal procedure law and sections two hundred forty and two hundred fifty-two of the domestic relations law, and orders of protection issued by courts of competent jurisdiction in another state, territorial or tribal jurisdiction, special orders of conditions issued pursuant to subparagraph (i) or (ii) of paragraph (o) of subdivision one of section 330.20 of the criminal procedure law insofar as they involve a victim or victims of domestic violence as defined by subdivision one of section four hundred fifty-nine-a of the social services law or a designated witness or witnesses to such domestic violence, and all warrants issued pursuant to sections one hundred fifty-three and eight hundred twenty-seven of the family court act, and arrest and bench warrants as defined in subdivisions twenty-eight, twenty-nine and thirty of section 1.20 of the criminal procedure law, insofar as such warrants pertain to orders of protection or temporary orders of protection; provided, however, that warrants issued pursuant to section one hundred fifty-three of the family court act pertaining to articles three and seven of such act and section 530.13 of the criminal procedure law shall not be included in the registry. The superintendent shall establish and maintain such registry for the purposes of ascertaining the existence of orders of protection, temporary orders of protection, warrants and special orders

of conditions, and for enforcing the provisions of paragraph (b) of subdivision four of section 140.10 of the criminal procedure law.

§ 7. The opening paragraph of subdivision 15 of section 837 of the executive law, as amended by chapter 432 of the laws of 2015, is amended to read as follows:

Promulgate, in consultation with the superintendent of state police and the state office [~~for the prevention of~~] to end domestic and gender-based violence, and in accordance with paragraph (f) of subdivision three of section eight hundred forty of this article, a standardized "domestic violence incident report form" for use by state and local law enforcement agencies in the reporting, recording and investigation of all alleged incidents of domestic violence, regardless of whether an arrest is made as a result of such investigation. Such form shall be prepared in multiple parts, one of which shall be immediately provided to the victim, and shall include designated spaces for: the recordation of the results of the investigation by the law enforcement agency and the basis for any action taken; the recordation of a victim's allegations of domestic violence; the age and gender of the victim and the alleged offender or offenders; and immediately thereunder a space on which the victim may sign and verify such victim's allegations. Such form shall also include, but not be limited to spaces to identify:

§ 8. Paragraph (f) of subdivision 3 of section 840 of the executive law, as amended by chapter 432 of the laws of 2015, is amended to read as follows:

(f) Develop, maintain and disseminate, in consultation with the state office [~~for the prevention of~~] to end domestic and gender-based violence, written policies and procedures consistent with article eight of the family court act and applicable provisions of the criminal procedure and domestic relations laws, regarding the investigation of and intervention by new and veteran police officers in incidents of family offenses. Such policies and procedures shall make provisions for education and training in the interpretation and enforcement of New York's family offense laws, including but not limited to:

(1) intake and recording of victim statements, and the prompt translation of such statements if made in a language other than English, in accordance with subparagraph three of this paragraph, on a standardized "domestic violence incident report form" promulgated by the division of criminal justice services in consultation with the superintendent of state police, representatives of local police forces and the state office [~~for the prevention of~~] to end domestic and gender-based violence, and the investigation thereof so as to ascertain whether a crime has been committed against the victim by a member of the victim's family or household as such terms are defined in section eight hundred twelve of the family court act and section 530.11 of the criminal procedure law; and

(2) the need for immediate intervention in family offenses including the arrest and detention of alleged offenders, pursuant to subdivision four of section 140.10 of the criminal procedure law, and notifying victims of their rights, in their native language, if identified as other than English, in accordance with subparagraph three of this paragraph, including but not limited to immediately providing the victim with the written notice required in subdivision six of section 530.11 of the criminal procedure law and subdivision five of section eight hundred twelve of the family court act;

(3) determine, in consultation with the superintendent of state police and the office [~~for the prevention of~~] to end domestic and gender-based

violence, the languages in which such translation required by subparagraph one of this paragraph, and the notification required by subparagraph two of this paragraph, shall be provided. Such determination shall be based on the size of the New York state population that speaks each language and any other relevant factor. Such written notice required pursuant to subparagraph two of this paragraph shall be made available to all local law enforcement agencies throughout the state. Nothing in this paragraph shall prevent the council from using the determinations made by the superintendent of state police pursuant to subdivision (c) of section two hundred fourteen-b of this chapter;

§ 9. The opening paragraph of paragraph 2 of subdivision (b) of section 153-c of the family court act, as added by chapter 367 of the laws of 2015, is amended to read as follows:

Development of a pilot program. A plan for a pilot program pursuant to this section shall be developed by the chief administrator of the courts or his or her delegate in consultation with one or more local programs providing assistance to victims of domestic violence, the office [~~for the prevention of~~] to end domestic and gender-based violence, and attorneys who represent family offense petitions. The plan shall include, but is not limited to:

§ 10. Paragraph 2 of subdivision (a) of section 249-b of the family court act, as added by chapter 476 of the laws of 2009, is amended to read as follows:

2. provide for the development of training programs with the input of and in consultation with the state office [~~for the prevention of~~] to end domestic and gender-based violence. Such training programs must include the dynamics of domestic violence and its effect on victims and on children, and the relationship between such dynamics and the issues considered by the court, including, but not limited to, custody, visitation and child support. Such training programs along with the providers of such training must be approved by the office of court administration following consultation with and input from the state office for the prevention of domestic violence; and

§ 11. The closing paragraph of subdivision 5 of section 812 of the family court act, as amended by chapter 663 of the laws of 2019, is amended to read as follows:

The division of criminal justice services in consultation with the state office [~~for the prevention of~~] to end domestic and gender-based violence shall prepare the form of such written notice consistent with the provisions of this section and distribute copies thereof to the appropriate law enforcement officials pursuant to subdivision nine of section eight hundred forty-one of the executive law. Additionally, copies of such notice shall be provided to the chief administrator of the courts to be distributed to victims of family offenses through the family court at such time as such persons first come before the court and to the state department of health for distribution to all hospitals defined under article twenty-eight of the public health law. No cause of action for damages shall arise in favor of any person by reason of any failure to comply with the provisions of this subdivision except upon a showing of gross negligence or willful misconduct.

§ 12. Subdivision 3 of section 403 of the general business law, as amended by chapter 715 of the laws of 2019, is amended to read as follows:

3. The advisory committee shall advise the secretary on all matters relating to this article, and on such other matters as the secretary shall request. In advising the secretary on matters concerning profes-

sional education or curriculum, inclusive of the maintenance of cultural and ethnic awareness within the prescribed curriculum in regard to hair types, including, but not limited to, curl pattern, hair strand thickness, and volume of hair, the advisory committee shall, to the extent practicable, consult with the state education department. The advisory committee is directed, in consultation with the department of state, the New York state office [~~for the prevention of~~] to end domestic and gender-based violence and an advocacy group recognized by the federal department of health and human services, which has the ability to coordinate statewide and with local communities on programming and educational materials related to the prevention and intervention of domestic violence in New York state, to develop, provide for and integrate awareness training on domestic violence and sexual assault for all prospective students seeking to be licensed under this article. Further, on a voluntary basis for those seeking to renew their license as provided for in this article to develop and provide access to educational material for domestic violence and sexual assault awareness.

§ 13. Section 408-b of the general business law, as amended by chapter 71 of the laws of 2020, is amended to read as follows:

§ 408-b. Domestic violence and sexual assault awareness education. The department shall ensure that domestic violence and sexual assault awareness education courses are made available to all licensees and applicants for a license or renewal pursuant to this article and that such courses are offered through the department's website. The department, in consultation with the office [~~for the prevention of~~] to end domestic and gender-based violence and advocacy groups recognized by the federal department of health and human services or the federal department of justice, which have the ability to coordinate statewide and with local communities on programming and educational materials related to the prevention and intervention of domestic violence or sexual assault in New York state, shall develop and provide access to domestic violence and sexual assault awareness education courses appropriate for those licensed under this article.

§ 14. Subsections (f) and (g) and paragraph 8 of subsection (h) of section 2612 of the insurance law, subsection (f) as amended by chapter 246 of the laws of 2005, subsection (g) as added by chapter 361 of the laws of 2006, and paragraph 8 of subsection (h) as added by section 2 of part E of chapter 491 of the laws of 2012, are amended to read as follows:

(f) If any person covered by an insurance policy issued to another person as the policyholder delivers to the insurer that issued the policy, at its home office, a valid order of protection against the policyholder, issued by a court of competent jurisdiction in this state, the insurer shall be prohibited for the duration of the order from disclosing to the policyholder the address and telephone number of the insured, or of any person or entity providing covered services to the insured. If a child is the covered person, the right established by this subsection may be asserted by, and shall also extend to, the parent or guardian of the child. The superintendent, in consultation with the commissioner of health and the office of children and family services and the office [~~for the prevention of~~] to end domestic and gender-based violence, shall promulgate rules to guide and enable insurers to guard against the disclosure of the address and location of an insured who is a victim of domestic violence.

(g) If any person covered by a group insurance policy delivers to the insurer that issued the policy, at its home office, a valid order of

protection against another person covered by the group policy, issued by a court of competent jurisdiction in this state, the insurer shall be prohibited for the duration of the order from disclosing to the person against whom the valid order of protection was issued the address and telephone number of the insured person covered by the order of protection, or of any person or entity providing covered services to the insured person covered by the order of protection. If a child is the covered person, the right established by this subsection may be asserted by, and shall also extend to, the parent or guardian of the child. The superintendent, in consultation with the commissioner of health, the office of children and family services and the office [~~for the prevention of~~] to end domestic and gender-based violence, shall promulgate rules to guide and enable insurers to guard against the disclosure of the address and location of an insured who is a victim of domestic violence.

(8) The superintendent, in consultation with the commissioner of health, the office of children and family services and the office [~~for the prevention of~~] to end domestic and gender-based violence, shall promulgate rules to guide health insurers in guarding against the disclosure of the information protected pursuant to this subsection.

§ 15. Section 10-a of the labor law, as added by chapter 527 of the laws of 1995, is amended to read as follows:

§ 10-a. Domestic violence policy. The commissioner shall study the issue of employees separated from employment due to acts of domestic violence as referred to in and qualified by section four hundred fifty-nine-a of the social services law. The commissioner shall consult with the New York state office [~~for the prevention of~~] to end domestic and gender-based violence and its advisory council, the department of social services, the division of women and members of the public in preparing such study. Such study shall include a review of case histories in which unemployment compensation was sought and an analysis of the policies in other states. A copy of such study shall be transmitted to the temporary president of the senate and the speaker of the assembly on or before January fifteenth, nineteen hundred ninety-six and shall contain policy recommendations.

§ 16. Section 10-b of the labor law, as added by chapter 368 of the laws of 1997, is amended to read as follows:

§ 10-b. Domestic violence employee awareness and assistance. The commissioner shall assist the office [~~for the prevention of~~] to end domestic and gender-based violence in the creation, approval and dissemination of the model domestic violence employee awareness and assistance policy as further defined in subdivision nine of section five hundred seventy-five of the executive law. Upon completion and approval of the model plan as outlined in subdivision nine of section five hundred seventy-five of the executive law, the commissioner shall assist in the promotion of the model policy to businesses in New York state.

§ 17. Section 2137 of the public health law, as added by chapter 163 of the laws of 1998, is amended to read as follows:

§ 2137. Domestic violence recognition. The department shall, in consultation with the office [~~for the prevention of~~] to end domestic and gender-based violence and statewide organizations and community based organizations, develop a protocol for the identification and screening of victims of domestic violence who may either be a protected individual or a contact as used in this title.

§ 18. Subdivision 2 of section 2803-p of the public health law, as added by chapter 271 of the laws of 1997, is amended to read as follows:

2. Every hospital having maternity and newborn services shall provide information concerning family violence to parents of newborn infants at any time prior to the discharge of the mother. Such information shall also be provided by every diagnostic and treatment center offering prenatal care services to women upon an initial prenatal care visit. The commissioner shall, in consultation with the state office [~~for the prevention of~~] to end domestic and gender-based violence and the department of social services, prepare, produce and transmit such notice to such facilities in quantities sufficient to comply with the requirements of this section. Such notice shall contain information which shall include but not be limited to the effects of family violence and the services available to women and children experiencing family violence.

Such information shall be in clear and concise language readily comprehensible. Nothing in this section shall preclude a facility from providing the notice required by this section as an addendum to, or in connection with, any other information required to be provided by any other provision of law, rule or regulation.

§ 19. Subdivision 3 of section 2805-z of the public health law, as amended by chapter 37 of the laws of 2020, is amended to read as follows:

3. The commissioner shall promulgate such rules and regulations as may be necessary and proper to carry out effectively the provisions of this section. Prior to promulgating such rules and regulations, the commissioner shall consult with the office [~~for the prevention of~~] to end domestic and gender-based violence and other such persons as the commissioner deems necessary to develop a model policy for hospitals to utilize in complying with this section and to identify the domestic violence or victim assistance organizations operating in each hospital's geographic area, a list of which the commissioner shall provide to hospitals with the model policy.

§ 20. The opening paragraph of subdivision (g) of section 17 of the social services law, as added by chapter 280 of the laws of 2002, is amended to read as follows:

require participation of all employees of a child protective service in a training course which has been developed by the office [~~for the prevention of~~] to end domestic and gender-based violence in conjunction with the office of children and family services whose purpose is to develop an understanding of the dynamics of domestic violence and its connection to child abuse and neglect. Such course shall:

§ 21. Subdivision 1 of section 111-v of the social services law, as added by chapter 398 of the laws of 1997, is amended to read as follows:

1. The department, in consultation with appropriate agencies including but not limited to the New York state office [~~for the prevention of~~] to end domestic and gender-based violence, shall by regulation prescribe and implement safeguards on the confidentiality, integrity, accuracy, access, and the use of all confidential information and other data handled or maintained, including data obtained pursuant to section one hundred eleven-o of this article and including such information and data maintained in the automated child support enforcement system. Such information and data shall be maintained in a confidential manner designed to protect the privacy rights of the parties and shall not be disclosed except for the purpose of, and to the extent necessary to, establish paternity, or establish, modify or enforce an order of support.

§ 22. Subdivisions 1, 2 and 3 of section 349-a of the social services law, as added by section 36 of part B of chapter 436 of the laws of 1997, are amended to read as follows:

1. The department, after consultation with the office [~~for the prevention of~~] to end domestic and gender-based violence and statewide domestic violence advocacy groups, shall by regulation establish requirements for social services districts to notify all applicants and, upon recertification, recipients, of procedures for protection from domestic violence and the availability of services. Such notice shall inform applicants and recipients that the social services district will make periodic inquiry regarding the existence of domestic violence affecting the individual. Such notice shall also inform individuals that response to these inquiries is voluntary and confidential; provided, however, that information regarding neglect or abuse of children will be reported to child protective services.

2. Such inquiry shall be performed utilizing a universal screening form to be developed by the department after consultation with the office [~~for the prevention of~~] to end domestic and gender-based violence and statewide domestic violence advocacy groups. An individual may request such screening at any time, and any individual who at any time self identifies as a victim of domestic violence shall be afforded the opportunity for such screening.

3. An individual indicating the presence of domestic violence, as a result of such screening, shall be promptly referred to a domestic violence liaison who meets training requirements established by the department, after consultation with the office [~~for the prevention of~~] to end domestic and gender-based violence and statewide domestic violence advocacy groups.

§ 23. The opening paragraph of subdivision 2 and the opening paragraph of subdivision 3 of section 427-a of the social services law, as added by chapter 452 of the laws of 2007, are amended to read as follows:

Any social services district interested in implementing a differential response program shall apply to the office of children and family services for permission to participate. The criteria for a social services district to participate will be determined by the office of children and family services after consultation with the office [~~for the prevention of~~] to end domestic and gender-based violence, however the social services district's application must include a plan setting forth the following:

The criteria for determining which cases may be placed in the assessment track shall be determined by the local department of social services, in conjunction with the office of children and family services and after consultation with the office [~~for the prevention of~~] to end domestic and gender-based violence. Provided, however, that reports including any of the following allegations shall not be included in the assessment track of a differential response program:

§ 24. Subdivision (a) of section 483-cc of the social services law, as amended by chapter 368 of the laws of 2015, is amended to read as follows:

(a) As soon as practicable after a first encounter with a person who reasonably appears to a law enforcement agency, district attorney's office, or an established provider of social or legal services designated by the office of temporary and disability assistance, the office [~~for the prevention of~~] to end domestic and gender-based violence or the office of victim services to be a human trafficking victim, that law enforcement agency or district attorney's office shall notify the office

of temporary and disability assistance and the division of criminal justice services that such person may be eligible for services under this article or, in the case of an established provider of social or legal services, shall notify the office of temporary and disability assistance and the division of criminal justice services if such victim consents to seeking services pursuant to this article.

§ 25. Subdivision (a) of section 483-ee of the social services law, as amended by chapter 413 of the laws of 2016, is amended to read as follows:

(a) There is established an interagency task force on trafficking in persons, which shall consist of the following members or their designees: (1) the commissioner of the division of criminal justice services; (2) the commissioner of the office of temporary and disability assistance; (3) the commissioner of health; (4) the commissioner of the office of mental health; (5) the commissioner of labor; (6) the commissioner of the office of children and family services; (7) the commissioner of the office of alcoholism and substance abuse services; (8) the director of the office of victim services; (9) the executive director of the office [~~for the prevention of~~] to end domestic and gender-based violence; and (10) the superintendent of the division of state police; and the following additional members, who shall be promptly appointed by the governor, each for a term of two years, provided that such person's membership shall continue after such two year term until a successor is appointed and provided, further, that a member may be reappointed if again recommended in the manner specified in this subdivision: (11) two members, who shall be appointed on the recommendation of the temporary president of the senate; (12) two members, who shall be appointed on the recommendation of the speaker of the assembly; (13) two members, who shall be appointed on the recommendation of the not-for-profit organization in New York state that receives the largest share of funds, appropriated by and through the state budget, for providing services to victims of human trafficking, as shall be identified annually in writing by the director of the budget; and (14) one member, who shall be appointed on the recommendation of the president of the New York state bar association; and others as may be necessary to carry out the duties and responsibilities under this section. The task force will be co-chaired by the commissioners of the division of criminal justice services and the office of temporary and disability assistance, or their designees. It shall meet as often as is necessary, but no less than three times per year, and under circumstances as are appropriate to fulfilling its duties under this section. All members shall be provided with written notice reasonably in advance of each meeting with date, time and location of such meeting.

§ 26. Subdivision 3 of section 97-yyy of the state finance law, as added by chapter 634 of the laws of 2002, is amended to read as follows:

3. Moneys of the fund, following appropriation by the legislature and allocation by the director of the budget, shall be available for the purpose of funding expenses of the office [~~for the prevention of~~] to end domestic and gender-based violence for educational and prevention programs undertaken pursuant to article twenty-one of the executive law.

§ 27. This act shall take effect immediately; provided however that section nineteen of this act shall take effect on the same date and in the same manner as section 2 of chapter 733 of the laws of 2019, as amended, takes effect; and provided further that the amendments to subdivision (a) of section 483-ee of the social services law made by

section twenty-five of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.

PART C

Section 1. The penal law is amended by adding a new section 120.65 to read as follows:

§ 120.65 Domestic violence.

A person is guilty of domestic violence when he or she:

1. commits a serious offense as defined in paragraph (c) of subdivision seventeen of section 265.00 of this chapter and the person against whom the offense is committed is a member of the same family or household as defined in subdivision one of section 530.11 of the criminal procedure law; or

2. commits the crime of assault in the third degree as defined in subdivisions one and two of section 120.00 of this article, or reckless endangerment in the second degree as defined in section 120.20 of this article, or criminal obstruction of breathing or blood circulation as defined in section 121.11 of this article, or forcible touching as defined in section 130.52 of this title, or sexual abuse in the second degree as defined in section 130.60 of this title, or sexual abuse in the third degree as defined in section 130.55 of this title, or unlawful imprisonment in the second degree as defined in section 135.05 of this title and the person against whom the offense is committed is a current or former spouse, parent, or guardian of the person committing the offense; a person with whom the person committing the offense shares a child in common; a person who is cohabiting with or has cohabited with the person committing the offense as a spouse, parent, or guardian, or a person similarly situated to a spouse, parent, or guardian of the victim.

Domestic violence is a class A misdemeanor.

§ 2. Subdivision 17 of section 265.00 of the penal law is amended by adding a new paragraph (d) to read as follows:

(d) domestic violence as defined by subdivision one of section 120.65 of this chapter.

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

PART D

Section 1. Paragraph 2 of subdivision (j) and subdivision (k) of section 446 of the family court act, paragraph 2 of subdivision (j) as added and subdivision (k) as amended by chapter 261 of the laws of 2020, are amended to read as follows:

2. For purposes of this subdivision, "connected device" shall mean any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or bluetooth address; [~~and~~]

(k) **to pay the reasonable costs of repairing damages caused by the respondent to a premises owned or occupied by the protected party;**

(l) to make rent or mortgage payments on the premises owned or occupied by the protected party;

(m) to pay the reasonable costs of relocation for the protected party, including but not limited to security deposits, utility deposits, moving services and first and last month's rent, provided that this responsi-

bility does not entitle the respondent access to the protected party's address or location; and

(n) to observe such other conditions as are necessary to further the purposes of protection. The court may also award custody of the child, during the term of the order of protection to either parent, or to an appropriate relative within the second degree. Nothing in this section gives the court power to place or board out any child or to commit a child to an institution or agency. In making orders of protection, the court shall so act as to insure that in the care, protection, discipline and guardianship of the child his religious faith shall be preserved and protected.

§ 2. Paragraph 2 of subdivision (k) and subdivision (l) of section 551 of the family court act, paragraph 2 of subdivision (k) as added and subdivision (l) as amended by chapter 261 of the laws of 2020, are amended to read as follows:

2. For purposes of this subdivision, "connected device" shall mean any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or bluetooth address; [~~and~~]

(l) **to pay the reasonable costs of repairing damages caused by the respondent to a premises owned or occupied by the protected party;**

(m) to make rent or mortgage payments on the premises owned or occupied by the protected party;

(n) to pay the reasonable costs of relocation for the protected party, including but not limited to security deposits, utility deposits, moving services and first and last month's rent, provided that this responsibility does not entitle the respondent access to the protected party's address or location; and

(o) to observe such other conditions as are necessary to further the purposes of protection.

§ 3. Paragraph 2 of subdivision (k) and subdivision (l) of section 656 of the family court act, paragraph 2 of subdivision (k) as added and subdivision (l) as amended by chapter 261 of the laws of 2020, are amended to read as follows:

2. For purposes of this subdivision, "connected device" shall mean any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or bluetooth address; [~~and~~]

(l) **to pay the reasonable costs of repairing damages caused by the respondent to a premises owned or occupied by the protected party;**

(m) to make rent or mortgage payments on the premises owned or occupied by the protected party;

(n) to pay the reasonable costs of relocation for the protected party, including but not limited to security deposits, utility deposits, moving services and first and last month's rent, provided that this responsibility does not entitle the respondent access to the protected party's address or location; and

(o) to observe such other conditions as are necessary to further the purposes of protection.

§ 4. Paragraph 2 of subdivision (k) and subdivision (l) of section 842 of the family court act, paragraph 2 of subdivision (k) as added and subdivision (l) as amended by chapter 261 of the laws of 2020, are amended to read as follows:

2. For purposes of this subdivision, "connected device" shall mean any device, or other physical object that is capable of connecting to the

internet, directly or indirectly, and that is assigned an internet protocol address or bluetooth address; [~~and~~]

(l) **to pay the reasonable costs of repairing damages caused by the respondent to a premises owned or occupied by the protected party;**

(m) to make rent or mortgage payments on the premises owned or occupied by the protected party;

(n) to pay the reasonable costs of relocation for the protected party, including but not limited to security deposits, utility deposits, moving services and first and last month's rent, provided that this responsibility does not entitle the respondent access to the protected party's address or location; and

(o) to observe such other conditions as are necessary to further the purposes of protection.

§ 5. Clause (B) of subparagraph 8 of paragraph (a) of subdivision 1 of section 530.12 of the criminal procedure law, as added by chapter 261 of the laws of 2020, is amended and three new subparagraphs 9, 10 and 11 are added to read as follows:

(B) For purposes of this subparagraph, "connected device" shall mean any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or bluetooth address[~~.~~]**;**

(9) to pay the reasonable costs of repairing damages caused by the defendant to a premises owned or occupied by the protected party;

(10) to make rent or mortgage payments on the premises owned or occupied by the protected party; and

(11) to pay the reasonable costs of relocation for the protected party, including but not limited to security deposits, utility deposits, moving services and first and last month's rent, provided that this responsibility does not entitle the respondent access to the protected party's address or location.

§ 6. Paragraphs (e) and (f) of subdivision 5 of section 530.12 of the criminal procedure law, paragraph (e) as amended and paragraph (f) as added by chapter 261 of the laws of 2020, are amended and three new paragraphs (g), (h) and (i) are added to read as follows:

(e) to permit a designated party to enter the residence during a specified period of time in order to remove personal belongings not in issue in this proceeding or in any other proceeding or action under this chapter, the family court act or the domestic relations law; [~~or~~]

(f) (i) to refrain from remotely controlling any connected devices affecting the home, vehicle or property of the person protected by the order.

(ii) For purposes of this paragraph, "connected device" shall mean any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or bluetooth address[~~.~~]**;**

(g) to pay the reasonable costs of repairing damages caused by the respondent to a premises owned or occupied by the protected party;

(h) to make rent or mortgage payments on the premises owned or occupied by the protected party; or

(i) to pay the reasonable costs of relocation for the protected party, including but not limited to security deposits, utility deposits, moving services and first and last month's rent, provided that this responsibility does not entitle the respondent access to the protected party's address or location;

§ 7. Subdivision 1 of section 530.13 of the criminal procedure law is amended by adding three new paragraphs (e), (f) and (g) to read as follows:

(e) to pay the reasonable costs of repairing damages caused by the respondent to a premises owned or occupied by the protected party;

(f) to make rent or mortgage payments on the premises owned or occupied by the protected party; or

(g) to pay the reasonable costs of relocation for the protected party, including but not limited to security deposits, utility deposits, moving services and first and last month's rent, provided that this responsibility does not entitle the respondent access to the protected party's address or location;

§ 8. Subparagraph 2 of paragraph (d) of subdivision 4 of section 530.13 of the criminal procedure law, as added by chapter 261 of the laws of 2020, is amended and three new paragraphs (e), (f) and (g) are added to read as follows:

2. For purposes of this paragraph, "connected device" shall mean any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or bluetooth address[~~.~~]**;**

(e) to pay the reasonable costs of repairing damages caused by the defendant to a premises owned or occupied by the protected party;

(f) to make rent or mortgage payments on the premises owned or occupied by the protected party; and

(g) to pay the reasonable costs of relocation for the protected party, including but not limited to security deposits, utility deposits, moving services and first and last month's rent, provided that this responsibility does not entitle the respondent access to the protected party's address or location.

§ 9. Clause (ii) of subparagraph 9 and subparagraph 10 of paragraph a of subdivision 3 of section 240 of the domestic relations law, as amended by chapter 261 of the laws of 2020, are amended to read as follows:

(ii) For purposes of this subparagraph, "connected device" shall mean any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or bluetooth address; [~~and~~]

(10) **to pay the reasonable costs of repairing damages caused by the respondent to a premises owned or occupied by the protected party;**

(11) to make rent or mortgage payments on the premises owned or occupied by the protected party;

(12) to pay the reasonable costs of relocation for the protected party, including but not limited to security deposits, utility deposits, moving services and first and last month's rent, provided that this responsibility does not entitle the respondent access to the protected party's address or location; and

(13) to observe such other conditions as are necessary to further the purposes of protection.

§ 10. Subparagraph 2 of paragraph (i) and paragraph (j) of subdivision 1 of section 252 of the domestic relations law, as amended by chapter 261 of the laws of 2020, are amended to read as follows:

(2) For purposes of this paragraph, "connected device" shall mean any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or bluetooth address; [~~and~~]

(j) to pay the reasonable costs of repairing damages caused by the respondent to a premises owned or occupied by the protected party; and

(k) to make rent or mortgage payments on the premises owned or occupied by the protected party;

(l) to pay the reasonable costs of relocation for the protected party, including but not limited to security deposits, utility deposits, moving services and first and last month's rent, provided that this responsibility does not entitle the respondent access to the protected party's address or location; and

(m) to observe such other conditions as are necessary to further the purposes of protection.

§ 11. This act shall take effect immediately.

PART E

Section 1. Subdivision 5 of section 216 of the judiciary law, as added by section 5 of part UU of chapter 56 of the laws of 2020, is amended to read as follows:

5. The chief administrator of the courts, in conjunction with the division of criminal justice services, shall collect data and report every six months regarding pretrial release and detention. Such data and report shall contain information categorized by gender, racial and ethnic background; regarding the nature of the criminal offenses, including the top charge of each case; whether an order of protection was issued for a family offense; the number and type of charges in each defendant's criminal record; the number of individuals released on recognizance; the number of individuals released on non-monetary conditions, including the conditions imposed; the number of individuals committed to the custody of a sheriff prior to trial; the rates of failure to appear and rearrest; the outcome of such cases or dispositions; the length of the pretrial detention stay and any other such information as the chief administrator and the division of criminal justice services may find necessary and appropriate. Such report shall aggregate the data collected by county; court, including city, town and village courts; and judge. The data shall be disaggregated in order to protect the identity of individual defendants. The report shall be released publicly and published on the websites of the office of court administration and the division of criminal justice services. The first report shall be published twelve months after this subdivision shall have become a law, and shall include data from the first six months following the enactment of this section. Reports for subsequent periods shall be published every six months thereafter.

§ 2. Section 216 of the judiciary law is amended by adding a new subdivision 6 to read as follows:

6. The chief administrator of the courts shall prepare a report each month related to persons charged with a felony or misdemeanor offense where the defendant and the person alleged to be the victim of such crime were members of the same family or household as defined in subdivision one of section 530.11 of the criminal procedure law. Such report shall contain information on the number of cases within each county, categorized by felony and misdemeanor, in which the court issued an order of protection for a family offense. The reports shall be provided each month to the division of criminal justice services and the office for the prevention of domestic violence.

§ 3. Section 837-u of the executive law, as added by section 6 of part UU of chapter 56 of the laws of 2020, is amended to read as follows:

§ 837-u. The division of criminal justice services, in conjunction with the chief administrator of the courts, shall collect data and report annually regarding pretrial release and detention. Such data and report shall contain information categorized by gender, racial and ethnic background; regarding the nature of the criminal offenses, including the top charge of each case; **whether an order of protection was issued for a family offense;** the number and type of charges in each defendant's criminal record; the number of individuals released on recognizance; the number of individuals released on non-monetary conditions, including the conditions imposed; the number of individuals committed to the custody of a sheriff prior to trial; the rates of failure to appear and rearrest; the outcome of such cases or dispositions; whether the defendant was represented by counsel at every court appearance regarding the defendant's securing order; the length of the pretrial detention stay and any other such information as the chief administrator and the division of criminal justice services may find necessary and appropriate. Such annual report shall aggregate the data collected by county; court, including city, town and village courts; and judge. The data shall be disaggregated in order to protect the identity of individual defendants. The report shall be released publicly and published on the websites of the office of court administration and the division of criminal justice services. The first report shall be published eighteen months after this section shall have become a law, and shall include data from the first twelve months following the enactment of this section. Reports for subsequent years shall be published annually on or before that date thereafter.

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

PART F

Section 1. Subdivision 1 of section 240 of the domestic relations law is amended by adding a new paragraph (k) to read as follows:

(k) In determining the best interests of the child, the court shall not: (1) consider the sex, sexual orientation, gender identity or gender expression of the parties; or (2) prohibit a party from undergoing gender reassignment.

§ 2. This act shall take effect immediately.

PART G

Section 1. The repeal of section 240.37 of the penal law, as effected by section two of this act, is hereby declared to be ameliorative, and it is the intent of the legislature that no prosecution under such section be commenced, continued, or refiled.

§ 2. Section 240.37 of the penal law is REPEALED.

§ 3. Section 230.01 of the penal law, as amended by chapter 189 of the laws of 2018, is amended to read as follows:

§ 230.01 Prostitution; affirmative defense.

In any prosecution under section 230.00, section 230.03, section 230.19, **section** 230.20, subdivision 2 of section 230.25, subdivision 2 of section 230.30[~~,~~] **or** section 230.34-a [~~**or subdivision two of section 240.37**~~] of this [~~**part**~~] **article**, it is an affirmative defense that the defendant's participation in the offense was a result of having been a victim of compelling prostitution under section 230.33 **of this article**, a victim of sex trafficking under section 230.34 of this article, a

victim of sex trafficking of a child under section 230.34-a of this article or a victim of trafficking in persons under the trafficking victims protection act (United States Code, Title 22, Chapter 78).

§ 4. Section 60.47 of the criminal procedure law, as added by section 2 of part I of chapter 57 of the laws of 2015, is amended to read as follows:

§ 60.47 Possession of condoms; receipt into evidence.

Evidence that a person was in possession of one or more condoms may not be admitted at any trial, hearing, or other proceeding in a prosecution for section 230.00 [~~or section 240.37~~] of the penal law for the purpose of establishing probable cause for an arrest or proving any person's commission or attempted commission of such offense.

§ 5. Paragraphs (c) and (d) of subdivision 1 of section 160.10 of the criminal procedure law, paragraph (c) as amended by chapter 762 of the laws of 1971 and paragraph (d) as amended by chapter 232 of the laws of 2010, are amended to read as follows:

(c) A misdemeanor defined outside the penal law which would constitute a felony if such person had a previous judgment of conviction for a crime[~~; or~~

~~(d) Loitering for the purpose of engaging in a prostitution offense as defined in subdivision two of section 240.37 of the penal law~~].

§ 6. Subdivision 4 of section 170.30 of the criminal procedure law, as added by chapter 402 of the laws of 2014, is amended to read as follows:

4. After arraignment upon an information, a simplified information, a prosecutor's information or misdemeanor complaint on a charge of prostitution pursuant to section 230.00 of the penal law [~~or loitering for the purposes of prostitution pursuant to subdivision two of section 240.37 of the penal law, provided that the person does not stand charged with loitering for the purpose of patronizing a prostitute, where such offense allegedly occurred when the person was sixteen or seventeen years of age,~~] the local criminal court may dismiss such charge in its discretion in the interest of justice on the ground that a defendant participated in services provided to him or her.

§ 7. The opening paragraph of subdivision 1 of section 170.80 of the criminal procedure law, as amended by chapter 402 of the laws of 2014, is amended to read as follows:

Notwithstanding any other provision of law, at any time at or after arraignment on a charge of prostitution pursuant to section 230.00 of the penal law [~~or loitering for the purposes of prostitution pursuant to subdivision two of section 240.37 of the penal law, provided that the person does not stand charged with loitering for the purpose of patronizing a prostitute, where such offense allegedly occurred when the person was sixteen or seventeen years of age except where~~], after consultation with counsel, a knowing and voluntary plea of guilty has been entered to such charge, any judge or justice hearing any stage of such case may, upon consent of the defendant after consultation with counsel:

§ 8. Subdivision 2 of section 420.35 of the criminal procedure law, as amended by chapter 144 of the laws of 2020, is amended to read as follows:

2. Except as provided in this subdivision or subdivision two-a of this section, under no circumstances shall the mandatory surcharge, sex offender registration fee, DNA databank fee or the crime victim assistance fee be waived. A court shall waive any mandatory surcharge, DNA databank fee and crime victim assistance fee when: (i) [~~the defendant is convicted of loitering for the purpose of engaging in prostitution under~~

~~section 240.37 of the penal law (provided that the defendant was not convicted of loitering for the purpose of patronizing a person for prostitution); (ii)~~] the defendant is convicted of prostitution under section 230.00 of the penal law; [~~(iii)~~] (ii) the defendant is convicted of a violation in the event such conviction is in lieu of a plea to or conviction for [~~loitering for the purpose of engaging in prostitution under section 240.37 of the penal law (provided that the defendant was not alleged to be loitering for the purpose of patronizing a person for prostitution) or~~] prostitution under section 230.00 of the penal law; [~~or (iv)~~] (iii) the court finds that a defendant is a victim of sex trafficking under section 230.34 of the penal law or a victim of trafficking in persons under the trafficking victims protection act (United States Code, Title 22, Chapter 78); or [~~(v)~~] (iv) the court finds that the defendant is a victim of sex trafficking of a child under section 230.34-a of the penal law.

§ 9. Subdivision 4 of section 720.15 of the criminal procedure law, as added by chapter 402 of the laws of 2014, is amended to read as follows:

4. Notwithstanding any provision in this article, a person charged with prostitution as defined in section 230.00 of the penal law [~~or loitering for the purposes of prostitution as defined in subdivision two of section 240.37 of the penal law, provided that the person does not stand charged with loitering for the purpose of patronizing a prostitute, and such person is aged sixteen or seventeen when such offense occurred,~~] regardless of whether such person (i) had prior to commencement of trial or entry of a plea of guilty been convicted of a crime or found a youthful offender, or (ii) subsequent to such conviction for prostitution [~~or loitering for prostitution~~] is convicted of a crime or found a youthful offender, the provisions of subdivisions one and two of this section requiring or authorizing the accusatory instrument filed against a youth to be sealed, and the arraignment and all proceedings in the action to be conducted in private shall apply.

§ 10. Subdivision 1 of section 720.35 of the criminal procedure law, as amended by chapter 402 of the laws of 2014, is amended to read as follows:

1. A youthful offender adjudication is not a judgment of conviction for a crime or any other offense, and does not operate as a disqualification of any person so adjudged to hold public office or public employment or to receive any license granted by public authority but shall be deemed a conviction only for the purposes of transfer of supervision and custody pursuant to section two hundred fifty-nine-m of the executive law. A defendant for whom a youthful offender adjudication was substituted, who was originally charged with prostitution as defined in section 230.00 of the penal law [~~or loitering for the purposes of prostitution as defined in subdivision two of section 240.37 of the penal law provided that the person does not stand charged with loitering for the purpose of patronizing a prostitute, for an offense allegedly committed when he or she was sixteen or seventeen years of age~~], shall be deemed a "sexually exploited child" as defined in subdivision one of section four hundred forty-seven-a of the social services law and therefore shall not be considered an adult for purposes related to the charges in the youthful offender proceeding or a proceeding under section 170.80 of this chapter.

§ 11. Paragraph (d) of subdivision 1 of section 447-a of the social services law, as amended by chapter 189 of the laws of 2018, is amended to read as follows:

(d) engages in acts or conduct described in article two hundred sixty-three [~~or section 240.37~~] of the penal law.

§ 12. The third undesignated paragraph of subdivision a of section 3-118 of the administrative code of the city of New York, as amended by chapter 189 of the laws of 2018, is amended to read as follows:

Sexually exploited youth. The term "sexually exploited youth" means persons under the age of 18 who have been subject to sexual exploitation because they (a) are the victim of the crime of sex trafficking as defined in section 230.34 of the penal law; (b) engage in any act as defined in section 230.00 of the penal law; (c) are a victim of the crime of compelling prostitution as defined in section 230.33 of the penal law; (d) are a victim of the crime of sex trafficking of a child as defined in section 230.34-a of the penal law; or (e) engage in acts or conduct described in article [~~263 or section 240.37~~] **two hundred sixty-three** of the penal law. The term shall also mean persons under the age of 18 who have been subject to incest in the third degree, second degree or first degree, as defined in sections 255.25, 255.26, and 255.27 of the penal law, respectively, or any of the sex offenses enumerated in article [~~130~~] **one hundred thirty** of the penal law.

§ 13. This act shall take effect immediately.

PART H

Section 1. Subdivisions (a) and (c) of section 712 of the family court act, as amended by section 1 of part K of chapter 56 of the laws of 2019, are amended to read as follows:

(a) "Person in need of supervision". A person less than eighteen years of age: (i) who does not attend school in accordance with the provisions of part one of article sixty-five of the education law; (ii) who is [~~incorrigible,~~] ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority; (iii) who violates the provisions of: (1) section 221.05; or (2) 230.00 of the penal law; (iv) or who appears to be a sexually exploited child as defined in paragraph (a), (c) or (d) of subdivision one of section four hundred forty-seven-a of the social services law, but only if the child consents to the filing of a petition under this article.

(c) "Fact-finding hearing". A hearing to determine whether the respondent did the acts alleged to show that he or she violated a law or is [~~incorrigible,~~] ungovernable or habitually disobedient and beyond the control of his or her parents, guardian or legal custodian.

§ 2. Paragraph (i) of subdivision (a) of section 732 of the family court act, as amended by section 9 of part G of chapter 58 of the laws of 2010, is amended to read as follows:

(i) the respondent is an habitual truant or is [~~incorrigible,~~] ungovernable, or habitually disobedient and beyond the lawful control of his or her parents, guardian or lawful custodian, or has been the victim of sexual exploitation as defined in subdivision one of section four hundred forty-seven-a of the social services law, and specifying the acts on which the allegations are based and the time and place they allegedly occurred. Where habitual truancy is alleged or the petitioner is a school district or local educational agency, the petition shall also include the steps taken by the responsible school district or local educational agency to improve the school attendance and/or conduct of the respondent;

§ 3. Section 773 of the family court act, as amended by chapter 920 of the laws of 1982, is amended to read as follows:

§ 773. Petition for transfer [~~for incorrigibility~~]. Any institution, society or agency in which a person was placed under section seven hundred fifty-six **of this article** may petition to the court which made the order of placement for transfer of that person to a society or agency, governed or controlled by persons of the same religious faith or persuasion as that of the child, where practicable, or, if not practicable, to some other suitable institution, or to some other suitable institution on the ground that [~~such person~~]

(a) [~~is incorrigible and that his or her~~] **the** presence **of such person** is seriously detrimental to the welfare of the applicant institution, society, agency or other persons in its care, or

(b) after placement by the court**, such person** was released on parole or probation from such institution, society or agency and a term or condition of the release was willfully violated. The petition shall be verified by an officer of the applicant institution, society or agency and shall specify the act or acts bringing the person within this section.

§ 4. Subdivision (h) of section 1012 of the family court act, as added by chapter 1015 of the laws of 1972, is amended to read as follows:

(h) "Impairment of emotional health" and "impairment of mental or emotional condition" includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out or misbehavior, [~~including incorrigibility,~~] ungovernability or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the respondent to exercise a minimum degree of care toward the child.

§ 5. Section 4111 of the education law is amended to read as follows:

§ 4111. Arrest of truants. Any attendance officer may arrest without warrant anywhere within the state any Indian child between six and sixteen years of age, found away from his home and who is then a truant from instruction upon which he is lawfully required to attend within the districts of which such attendance officer has jurisdiction. He shall forthwith deliver a child so arrested either to the person in parental relation to the child, or to the teacher of the school from which said child is then a truant, or in case of habitual [~~or incorrigible~~] truants, shall bring them before a magistrate for commitment to a school for delinquents, as provided in section forty-one hundred twelve **of this article**.

§ 6. Section 4707 of the education law is amended to read as follows:

§ 4707. Children admitted to such school. Children not more than eighteen nor less than eight years of age may be admitted to or received in such school, either (1) upon the application of the parents or guardians having the legal custody or control of such children, accompanied by the written consent of such parents or guardians, or (2) upon commitment thereto as truants [~~or incorrigible pupils as provided in section thirty-two hundred fourteen of this chapter,~~] or (3) upon commitment thereto as juvenile delinquents as provided by law, provided that children convicted of crime shall not be committed to such school. Children who have no homes or who are without proper parental control or who are under improper guardianship may be sent to and received in such school, in the same manner and under the same authority as in case of other children who are improperly provided for at home.

§ 7. Subdivision 2 of section 4807 of the education law is amended to read as follows:

2. Truants[~~, incorrigible pupils~~] or children coming within any of the descriptions mentioned in section thirty-two hundred fourteen of this chapter upon commitment thereto either by the school authorities or by a court having jurisdiction thereof.

§ 8. Section 4809 of the education law, as amended by chapter 550 of the laws of 1978, is amended to read as follows:

§ 4809. Transfer of pupils. The board of managers shall have full power to transfer to other institutions any child [~~committed by a court found to be incorrigible, not amenable to proper discipline and training of the school, or mentally retarded, in the manner and by the methods prescribed and set forth in the penal law~~] **if a court grants a petition for transfer pursuant to section seven hundred seventy-three of the family court act**.

§ 9. This act shall take effect immediately.

PART I

Section 1. Subdivision 1 of section 5-508 of the election law is amended by adding two new paragraphs (c) and (d) to read as follows:

(c) "Judge" means the same as such term is defined in section twenty-six of the general construction law, provided further that it shall include individuals who have retired from such position.

(d) "Immediate family of judge" means the persons legally married to a judge, persons formerly married to a judge regardless of whether they still reside in the same household, the parent, child, sibling of a judge, and any other person who regularly resides or has regularly resided in the same household as a judge.

§ 2. Subdivision 2 of section 5-508 of the election law, as amended by chapter 396 of the laws of 2017, is amended to read as follows:

2. Upon application made to the supreme court, county court, or family court, in the county wherein a victim of domestic violence**, judge, or the immediate family of a judge,** is registered pursuant to this article, the court may issue an order requiring that any registration record kept or maintained in accordance with this article and any other records with respect to such an individual be kept separate and apart from other such records and not be made available for inspection or copying by the public or any other person, except election officials acting within the course and scope of their official duties and only as pertinent and necessary in connection therewith.

§ 3. Section 5-508 of the election law is amended by adding a new subdivision 3 to read as follows:

3. Any person who qualifies for confidentiality of registration records pursuant to the provisions of this section may also omit their home address from public display where it is otherwise required by the provisions of this chapter by writing "OMITTED" in its place and, where required, notifying the county board of elections.

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

PART J

Section 1. Subdivision 1 of section 182.20 of the criminal procedure law, as amended by chapter 332 of the laws of 2009, is amended to read as follows:

1. Notwithstanding any other provision of law and except as provided in section 182.30 of this article, the court, in its discretion, may dispense with the personal appearance of the defendant, except an appearance at a hearing or trial, and conduct an electronic appearance in connection with a criminal action pending in [~~Albany, Bronx, Broome, Erie, Kings, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Putnam, Queens, Richmond, St. Lawrence, Tompkins, Chautauqua, Cattaraugus, Clinton, Essex, Montgomery, Rensselaer, Warren, Westchester, Suffolk, Herkimer or Franklin~~] **any** county, provided that the chief administrator of the courts has authorized the use of electronic appearance and the defendant, after consultation with counsel, consents on the record. Such consent shall be required at the commencement of each electronic appearance to such electronic appearance.

§ 2. This act shall take effect immediately, provided, however, that the amendments to subdivision 1 of section 182.20 of the criminal procedure law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART K

Section 1. Short title. This act shall be known and may be cited as the "New York state professional policing act of 2021".

§ 2. Legislative findings and declaration. It is hereby declared to be the policy of this state to promote professional police services and to ensure that persons appointed to the position of police officer are held to standards that will ensure that their interactions with all individuals are appropriate and ensure that the rights of all parties are respected. Law enforcement agencies and the police officers they employ interact with many persons, including individuals who are not residents of their jurisdiction. Ensuring that all New York law enforcement agencies and police officers are held to a similar professional standard is a matter of substantial state concern.

§ 3. Subdivision 1-a of section 53 of the executive law, as added by chapter 104 of the laws of 2020, is amended to read as follows:

1-a. receive and investigate complaints from any source, or upon his or her own initiative, concerning allegations of corruption, fraud, use of excessive force, criminal activity, conflicts of interest or abuse by any police officer in a covered agency **and promptly inform the division of criminal justice services, in the form and manner as prescribed by the division, of such allegations and the progress of investigations related thereto. Nothing in this subdivision shall require the division of criminal justice services to take action or prevent the division of criminal justice from taking action authorized pursuant to subdivision four of section eight hundred forty-five of this chapter in the time and manner determined by the commissioner of the division of criminal justice services**.

§ 4. Subdivision 3 of section 75 of the executive law is amended by adding a new paragraph (b-1) to read as follows:

(b-1) promptly inform the division of criminal justice services, in the form and manner prescribed by the division, of such allegations and the progress of investigations related thereto. Nothing in this paragraph shall require the division of criminal justice services to take action or prevent the division of criminal justice from taking action authorized pursuant to subdivision four of section eight hundred forty-five of this chapter in the time and manner determined by the commissioner of the division of criminal justice services;

§ 5. Paragraph (c) of subdivision 5 of section 75 of the executive law, as added by chapter 104 of the laws of 2020, is amended to read as follows:

(c) The head of any covered agency shall advise the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate [~~and~~], the minority leader of the assembly and the division of criminal justice services within ninety days of the issuance of a report by the law enforcement misconduct investigative office as to the remedial action that the agency has taken in response to any recommendation for such action contained in such report.

§ 6. Subdivision 4 of section 837 of the executive law is amended by adding a new paragraph (e-1) to read as follows:

(e-1) Collect demographic data with respect to persons appointed as a police officer, including but not limited to racial and gender characteristics; and

§ 7. Subdivisions 1 and 5 of section 839 of the executive law, subdivision 1 as added by chapter 399 of the laws of 1972, subdivision 5 as amended by chapter 459 of the laws of 1975 and such section as renumbered by chapter 603 of the laws of 1973, are amended to read as follows:

1. There is hereby created within the division a municipal police training council composed of [~~eight~~] ten members, who shall be selected as follows:

(a) [~~three~~] one shall be appointed by the governor who shall be a full-time faculty member of a college or university who teaches in the area of criminal justice or police science;

(b) [~~two~~] one shall be appointed by the governor from a list of at least [~~six~~] three nominees submitted by the New York state sheriffs' association, who shall be incumbent sheriffs in the state having at least two years of service on the law enforcement training committee of such association or having other specialized experience in connection with police training which, in the opinion of the chairman of such law enforcement training committee, provides the sheriff with at least an equivalent background in the field of police training; and

(c) [~~two~~] one shall be appointed by the governor from a list of at least [~~six~~] three nominees submitted by the New York state association of chiefs of police, who shall be incumbent chiefs of police or commissioners of police of a municipality in the state having at least two years of service on the police training committee of such association or having other specialized experience in connection with police training which, in the opinion of the chairman of such training committee, provides the chief of police or commissioner of police with at least an equivalent background in the field of police training; and

(d) one shall be the commissioner of police of the city of New York or a member of his department, designated by such commissioner and approved by the governor[~~.~~]; and

(e) one shall be the superintendent of the state police; and

(f) one shall be appointed by the governor who shall be an incumbent chief of police or commissioner of police from a municipality in the state with a police department consisting of more than one hundred officers; and

(g) one shall be appointed by the governor who shall be an incumbent sheriff in the state from an agency with more than one hundred deputy sheriffs; and

(h) one shall be appointed by the governor who shall be a representative of victims of crime; and

(i) one shall be appointed by the governor who shall be a representative from a community with high numbers of police and community interactions; and

(j) one shall be appointed by the governor who shall be an incumbent executive from a peace officer employing agency or municipality.

5. The council shall meet at least four times in each year. Special meetings may be called by the chairman and shall be called by him at the request of the governor or upon the written request of [~~five~~] six members of the council. The council may establish its own requirements as to quorum and its own procedures with respect to the conduct of its meetings and other affairs; provided, however, that all recommendations made by the council to the governor pursuant to subdivision one of section eight hundred forty of this chapter shall require the affirmative vote of [~~five~~] six members of the council.

§ 8. Paragraph (h) of subdivision 1 of section 840 of the executive law is REPEALED.

§ 9. Subdivision 2 of section 840 of the executive law, as amended by chapter 66 of the laws of 1973, is amended to read as follows:

2. The council shall promulgate, and may from time to time amend, such rules and regulations prescribing height, weight [~~and~~], physical fitness and psychological requirements for eligibility of persons for provisional or permanent appointment in the competitive class of the civil service as police officers of any county, city, town, village or police district as it deems necessary and proper for the efficient performance of police duties.

§ 10. Section 840 of the executive law is amended by adding a new subdivision 2-b to read as follows:

2-b. The council shall promulgate, and may from time to time amend, such rules and regulations prescribing background investigations for eligibility of persons for provisional or permanent appointment in the competitive class of the civil service as police officers of any county, city, town, village or police district as it deems necessary and proper for the efficient performance of police duties, which requirements shall be incorporated by the law enforcement accreditation council as part of the mandatory accreditation pursuant to this chapter.

§ 11. Subdivision 4 of section 845 of the executive law, as added by chapter 491 of the laws of 2010, is amended to read as follows:

4. Upon the failure or refusal to comply with the requirements of subdivision two of this section, [~~the commissioner may apply to the supreme court for an order directed to the person responsible requiring compliance. Upon such application the court may issue such order as may be just, and a failure to comply with the order of the court shall be a contempt of court and punishable as such~~] or upon information indicating that a report made pursuant to subdivision two of this section does not accurately reflect the circumstances pertaining to an officer who has ceased to serve, the commissioner may update the central registry of police and peace officers to accurately reflect the information required by subdivision two of this section. The commissioner may consider reliable hearsay evidence in making a determination to update the central registry of police and peace officers. An agency responsible for compliance with subdivision two of this section or an individual affected by such reporting, may apply to a court, pursuant to the provisions of article seventy-eight of the civil practice law and rules, upon a dispute concerning the accuracy of the information maintained on the central registry of police and peace officers.

§ 12. Paragraph (c) of subdivision 1 of section 846-h of the executive law, as added by chapter 521 of the laws of 1988, is amended and new paragraph (d) is added to read as follows:

(c) The council shall recommend rules and regulations establishing [~~an~~] a voluntary accreditation process that encourages and provides law enforcement agencies with a voluntary opportunity to demonstrate that they meet the model standards developed by the council. The accreditation process shall provide that applications for accreditation shall be submitted by the chief law enforcement officer of the agency so applying only upon the approval of the chief elected officer, or if there is no chief elected officer, by the local governing body. Such model standards and rules and regulations shall be transmitted to the temporary president of the senate, the speaker of the assembly, every law enforcement agency, mayor and appropriate town and county official in the state on or before April first, nineteen hundred eighty-nine. The rules and regulations in final form shall be transmitted to the governor on or after June first, nineteen hundred eighty-nine and shall be effective following their approval by the governor. Accreditation of hiring practices only shall, however, be mandatory for agencies employing police officers defined in paragraphs (b), (c), (d), (e), (f), (j), (k), (l), (o), (p), (s) and (u) of subdivision thirty-four of section 1.20 of the criminal procedure law only after the council promulgates rules and regulations solely for the purpose of ensuring hiring practices protect the integrity of the department which may promulgate requirements related to hiring, background checks, verification of good moral character and the reporting of misconduct to the division.

(d) The council may revoke, or withhold the granting of, the accreditation status of an agency for failure to adhere to mandatory accreditation standards listed in paragraph (c) of this subdivision, or for any agency that has voluntarily adopted additional accreditation standards, such accreditation may be revoked as to such agency for such standards.

§ 13. Subdivisions 2, 4 and 5 of section 846-h of the executive law, as added by chapter 521 of the laws of 1988, are amended to read as follows:

2. (a) The law enforcement agency accreditation council shall consist of:

(i) [~~Three~~] Two incumbent sheriffs of the state;

(ii) [~~Three~~] Two incumbent chiefs of police;

(iii) One incumbent deputy sheriff;

(iv) One incumbent police officer;

(v) The superintendent of state police;

(vi) The commissioner of police of the city of New York;

(vii) One incumbent chief executive officer of a county of the state;

(viii) One incumbent mayor of a city or village of the state;

(ix) One incumbent chief executive officer of a town of the state;

(x) One member of a statewide labor organization representing police officers as that term is defined in subdivision thirty-four of section 1.20 of the criminal procedure law;

(xi) One full-time faculty member of a college or university who teaches in the area of criminal justice or police science; [~~and~~]

(xii) Two members appointed pursuant to subparagraph (ix) of paragraph (c) of this subdivision.

(xiii) One incumbent chief of police or commissioner of police from a municipality in the state with a police department consisting of more than one hundred officers;

(xiv) One incumbent sheriff in the state from an agency with more than one hundred deputy sheriffs;

(xv) One representative of victims of crime; and

(xvi) One representative from a community with high numbers of police an community interactions.

(b) With the exception of the superintendent of state police and the commissioner of police of the city of New York, each member of the council shall be appointed by the governor to serve a [~~two year~~] two-year term. Any member appointed by the governor may be reappointed for additional terms.

(c) The governor shall make appointments to the council as follows:

(i) Each member who is an incumbent sheriff of the state shall be chosen from a list of two eligible persons submitted by the New York state sheriffs' association;

(ii) Each member who is an incumbent chief of police shall be chosen from a list of two eligible persons submitted by the New York state association of chiefs of police;

(iii) The member who is an incumbent deputy sheriff shall be chosen from a list of two eligible persons submitted jointly by the New York state sheriffs' association and the New York state deputy sheriffs' association, inc.;

(iv) The member who is an incumbent police officer shall be chosen from a list of two eligible persons submitted jointly by the New York state association of chiefs of police and a statewide labor organization representing police officers as that term is defined in subdivision thirty-four of section 1.20 of the criminal procedure law;

(v) The member who is an incumbent chief executive officer of a county of the state shall be chosen from a list of two eligible persons submitted by the New York state association of counties;

(vi) The member who is an incumbent mayor of a city or village of the state shall be chosen from a list of two eligible persons submitted by the New York state conference of mayors;

(vii) The member who is an incumbent chief executive officer of a town of the state shall be chosen from a list of two eligible persons submitted by the association of towns of the state of New York;

(viii) The governor may appoint any eligible person to be a member who is an active member of a statewide labor organization representing police officers; and

(ix) The temporary president of the senate and the speaker of the assembly shall each nominate one member as provided in subparagraph (xii) of paragraph (a) of this subdivision.

(d) In making such appointments, the governor shall select individuals from municipalities that are representative, to the extent possible, of the varying sizes of communities and law enforcement agencies in the state.

(e) Any member chosen to fill a vacancy, including a vacancy in the chairperson, created otherwise than by expiration of term shall be appointed by the governor for the unexpired term of the member he is to succeed. Any such vacancy shall be filled in the same manner as the original appointment.

(f) Any member who shall cease to hold the position which qualified him for such appointment shall cease to be a member of the council.

4. The governor shall designate from among the members of the council a chairperson who shall serve at the pleasure of the governor. **During a vacancy of the chairperson the commissioner of the division of criminal justice services shall serve as the temporary chairperson.**

5. The law enforcement agency accreditation council shall meet at least four times in a year. Special meetings may be called by the chairperson and shall be called by him at the request of the governor or upon the written request of [~~nine~~] ten members of the council. The council may establish its own quorum rules and procedures with respect to the conduct of its meetings and other affairs not inconsistent with law; provided, however, that all recommendations made by the council to the governor as provided in paragraph (c) of subdivision one of this section shall require the affirmative vote of ten members of the council.

§ 14. Paragraphs (b), (c), (d), (e), (f), (j), (k), (l), (o), (p), (s) and (u) of subdivision 34 of section 1.20 of the criminal procedure law, paragraph (e) as amended by chapter 662 of the laws of 1972, paragraph (f) as amended by chapter 22 of the laws of 1974, paragraph (j) as amended by chapter 858 of the laws of 1972, paragraph (k) as separately amended by chapters 282 and 877 of the laws of 1974, paragraph (l) as added by chapter 282 of the laws of 1974, paragraph (o) as amended by chapter 599 of the laws of 2000, paragraph (p) as amended by chapter 476 of the laws of 2018, paragraph (s) as added by chapter 424 of the laws of 1998 and paragraph (u) as added by chapter 558 of the laws of 2005, are amended to read as follows:

(b) Sheriffs, under-sheriffs and deputy sheriffs of counties outside of New York City where such department meets the mandatory accreditation requirements pursuant to section eight hundred forty-six-h of the executive law;

(c) A sworn officer of an authorized county or county parkway police department where such department meets the mandatory accreditation requirements pursuant to section eight hundred forty-six-h of the executive law;

(d) A sworn officer of an authorized police department or force of a city, town, village or police district where such department or force meets the mandatory accreditation requirements pursuant to section eight hundred forty-six-h of the executive law;

(e) A sworn officer of an authorized police department of an authority or a sworn officer of the state regional park police in the office of parks and recreation where such department or force meets the mandatory accreditation requirements pursuant to section eight hundred forty-six-h of the executive law;

(f) A sworn officer of the capital police force of the office of general services where such force meets the mandatory accreditation requirements pursuant to section eight hundred forty-six-h of the executive law;

(j) A sworn officer of the division of law enforcement in the department of environmental conservation where such division meets the mandatory accreditation requirements pursuant to section eight hundred forty-six-h of the executive law;

(k) A sworn officer of a police force of a public authority created by an interstate compact where such force meets the mandatory accreditation requirements pursuant to section eight hundred forty-six-h of the executive law;

(l) Long Island railroad police[~~,~~] where such department or force meets the mandatory accreditation requirements pursuant to section eight hundred forty-six-h of the executive law;

(o) A sworn officer of the water-supply police employed by the city of New York, appointed to protect the sources, works, and transmission of water supplied to the city of New York, and to protect persons on or in the vicinity of such water sources, works, and transmission[~~,~~] where

such department or force meets the mandatory accreditation requirements pursuant to section eight hundred forty-six-h of the executive law;

(p) Persons appointed as railroad police officers pursuant to section eighty-eight of the railroad law[~~.~~] where such department or force meets the mandatory accreditation requirements pursuant to section eight hundred forty-six-h of the executive law;

(s) A university police officer appointed by the state university pursuant to paragraph 1 of subdivision two of section three hundred fifty-five of the education law[~~.~~] where such department or force meets the mandatory accreditation requirements pursuant to section eight hundred forty-six-h of the executive law;

(u) Persons appointed as Indian police officers pursuant to section one hundred fourteen of the Indian law[~~.~~] where such department or force meets the mandatory accreditation requirements pursuant to section eight hundred forty-six-h of the executive law;

§ 15. The opening paragraph of paragraph (b) and paragraph (c) of subdivision 1 and paragraph a of subdivision 2 of section 209-q of the general municipal law, the opening paragraph of paragraph (b) and paragraph (c) of subdivision 1 as amended by chapter 551 of the laws of 2001 and paragraph a of subdivision 2 as amended by chapter 435 of the laws of 1997, are amended to read as follows:

[~~A~~] Unless otherwise determined by the commissioner of the division of criminal justice services, a certificate attesting to satisfactory completion of an approved municipal police basic training program awarded by the executive director of the municipal police training council pursuant to this subdivision shall remain valid:

(c) As used in this subdivision, the term "interruption" shall mean a period of separation from employment as a police officer or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law, by reason of such officer's leave of absence, resignation or removal, other than removal for cause where the certificate is permanently invalid.

a. The term "police officer", as used in this section, shall mean a [~~member of a police force or other organization of a municipality or a detective or rackets investigator employed by the office of the district attorney in any county located in a city of one million or more persons who is responsible for the prevention or detection of crime and the enforcement of the general criminal laws of the state, but shall not include any person serving as such solely by virtue of his occupying any other office or position, nor shall such term include a sheriff or under-sheriff, the sheriff or deputy sheriff of the city of New York, commissioner of police, deputy or assistant commissioner of police, chief of police, deputy or assistant chief of police or any person having an equivalent title who is appointed or employed by a county, city, town, village or police district to exercise equivalent supervisory authority~~] person defined as a police officer pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law who is appointed or employed by a county, city, town, village or police district.

§ 16. Paragraph (a-1) of subdivision 4 of section 1279 of the public authorities law, as added by chapter 104 of the laws of 2020, is amended to read as follows:

(a-1) to receive and investigate complaints from any source, or upon his or her own initiative, concerning allegations of corruption, fraud,

use of excessive force, criminal activity, conflicts of interest or abuse by any police officer under the jurisdiction of the office of the metropolitan transportation authority **and promptly inform the division of criminal justice services, in the form and manner as prescribed by the division, of such allegations and the progress of investigations related thereto. Nothing in this paragraph shall require the division of criminal justice services to take action or prevent the division of criminal justice services from taking action authorized pursuant to subdivision four of section eight hundred forty-five of the executive law in the time and manner determined by the commissioner of the division of criminal justice services**.

§ 17. Paragraphs (c) and (d) of subdivision 1 of section 58 of the civil service law, as amended by chapter 244 of the laws of 2013, are amended to read as follows:

(c) he or she satisfies the height, weight [~~and~~], physical **and psychological** fitness requirements prescribed by the municipal police training council pursuant to the provisions of section eight hundred forty of the executive law; and

(d) he or she is of good moral character **as determined by a background investigation standard promulgated by the municipal police training council pursuant to the provisions of section eight hundred forty of the executive law or pursuant to the mandatory accreditation standards pursuant to section eight hundred forty-six-h of the executive law**.

§ 18. Subdivision 5 of section 58 of the civil service law is REPEALED and subdivision 6 is renumbered subdivision 5.

§ 19. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided however the amendments to paragraph (c) of subdivision 1 of section 846-h of the executive law made by section twelve of this act and the amendments to subdivision 34 of section 1.20 of the criminal procedure law made by section fourteen of this act pertaining to the required accreditation of police agencies shall take effect three years after such effective date; and provided further that if chapter 104 of the laws of 2020 shall not have taken effect on or before such date then sections three, four, five and sixteen of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2020, takes effect.

PART L

Section 1. Section 63 of the executive law is amended by adding a new subdivision 17 to read as follows:

17. (a) Any local government entity which has a police agency operating with police officers as defined under section 1.20 of the criminal procedure law that fails to transmit to the director of the division of the budget the certification required by executive order number two hundred three issued on June twelfth, two thousand twenty and titled "New York State Police Reform and Reinvention Collaborative" on or before April first, two thousand twenty-one shall, upon request of the governor or the director of the division of the budget, be required to install a monitor, to oversee operations of such police agency, until such time that the required certification is submitted to the director of the division of the budget. Such monitor shall be appointed by the attorney general, in consultation with the governor, at the expense of the police agency or responsible local government. The certification filed with the director of the division of the budget must affirm that such local government has complied with the process set forth in execu-

tive order number two hundred three by adopting a local law or resolution that includes its plan to adopt and implement the recommendations resulting from its review and consultation with the community to improve such police force deployments, strategies, policies, procedures, and practices for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.

(b) The appointment of a monitor, pursuant to paragraph (a) of this subdivision, shall be imposed in addition to any withholding of appropriated state funds by the director of the division of the budget in accordance with the authority granted in any appropriations bill enacted for such fiscal years in which such withholding of funds occurs, as directed by executive order number two hundred three.

§ 2. This act shall take effect immediately.

PART M

Section 1. Notwithstanding the provisions of sections 79-a and 79-b of the correction law, the governor is authorized to close correctional facilities of the department of corrections and community supervision, as he determines to be necessary for the cost-effective and efficient operation of the correctional system, provided that the governor provides at least 90 days' notice prior to any such closures to the temporary president of the senate and the speaker of the assembly.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2021 and shall expire and be deemed repealed March 31, 2023.

PART N

Section 1. Section 265.17 of the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

§ 265.17 Criminal purchase or disposal of a weapon.

A person is guilty of criminal purchase or disposal of a weapon when:

1. Knowing that he or she is prohibited by law from possessing a firearm, rifle or shotgun because of a prior conviction or because of some other disability which would render him or her ineligible to lawfully possess a firearm, rifle or shotgun in this state, or he or she being the subject of an outstanding warrant of arrest issued upon the alleged commission of a felony or serious offense, such person purchases or otherwise acquires a firearm, rifle or shotgun from another person; or

2. Knowing that it would be unlawful for another person to possess a firearm, rifle or shotgun, or knowing that another person is the subject of an outstanding warrant of arrest issued upon the alleged commission of a felony or serious offense, he or she purchases or otherwise acquires a firearm, rifle or shotgun for, on behalf of, or for the use of such other person; or

3. Knowing that another person is prohibited by law from possessing a firearm, rifle or shotgun because of a prior conviction or because of some other disability which would render him or her ineligible to lawfully possess a firearm, rifle or shotgun in this state, or knowing that another person is the subject of an outstanding warrant of arrest issued upon the alleged commission of a felony or serious offense, a person disposes of a firearm, rifle or shotgun to such other person.

Criminal purchase or disposal of a weapon is a class D felony.

§ 2. This act shall take effect July 1, 2021.

PART O

Section 1. Subdivisions 4 and 5 of section 230 of the executive law, as added by chapter 189 of the laws of 2000, are amended and three new subdivisions 6, 7 and 8 are added to read as follows:

4. The superintendent of the division of state police shall establish and maintain within the division a criminal gun clearinghouse as a central repository of information regarding all guns seized, forfeited, found or otherwise coming into the possession of any state or local law enforcement agency which are believed to have been used in the commission of a crime. The superintendent of the division of state police shall adopt and promulgate regulations prescribing reporting procedures for such state or local law enforcement agencies, including the form for reporting such information. In addition to any other information which the superintendent of the division of state police may require, the form shall require (a) the serial number or other identifying information on the gun, if available and (b) a brief description of the circumstances under which the gun came into the possession of the law enforcement agency, including the crime which was or may have been committed with the gun. **Whenever a state or local law enforcement agency seizes or recovers a gun that was unlawfully possessed, recovered from a crime scene, or is reasonably believed to have been used in or associated with the commission of a crime, or is otherwise recovered by such agency as an abandoned or discarded gun, such agency shall report such seized or recovered gun to the criminal gun clearinghouse as soon as practicable, but in no case more than twenty-four hours after such agency has taken possession of such gun. Every report made to the criminal gun clearinghouse shall result in the submission of a request to the national tracing center of the bureau of alcohol, tobacco, firearms and explosives to initiate a trace of such gun and the bureau of alcohol, tobacco, firearms and explosives shall be directed to provide the gun trace results to the superintendent of the division of state police and to the law enforcement agency that submitted the clearinghouse report.**

5. [~~**In any case where a state or local law enforcement agency investigates the commission of a crime in this state and a specific gun is known to have been used in such crime, such agency shall submit a request to the national tracing center of the United States Department of Treasury, bureau of alcohol, tobacco and firearms to trace the movement of such gun and such federal agency shall be requested to provide the superintendent of the division of state police and the local law enforcement agency with the results of such a trace. This subdivision shall not apply where the source of a gun is already known to a local law enforcement agency.**~~] **All state and local law enforcement agencies shall participate in the bureau of alcohol, tobacco, firearms and explosives collective data sharing program for the purpose of sharing gun trace data among all law enforcement agencies in the state on a reciprocal basis.**

6. (a) Whenever a state or local law enforcement agency seizes or recovers a gun that was unlawfully possessed, recovered from the scene of a crime, or is reasonably believed to have been used in or associated with the commission of a crime, or is otherwise recovered by such agency as an abandoned or discarded gun, such agency shall arrange for every such gun that is determined to be of a type that is eligible for

national integrated ballistic information network data entry and correlation to be test-fired as soon as practicable, and the results of such test-firing shall be submitted forthwith to the national integrated ballistic information network to determine whether such gun is associated or related to a crime, criminal event, or any individual associated or related to a crime or criminal event or reasonably believed to be associated or related to a crime or criminal event.

(b) Whenever a state or local law enforcement agency seizes or recovers any ammunition cartridge case from the scene of a crime that is of a type that is eligible for national integrated ballistic information network data entry and correlation, or otherwise has reason to believe that any seized or recovered ammunition cartridge case that is of a type that is eligible for national integrated ballistic information network data entry and correlation is related to or associated with the commission of a crime or the unlawful discharge of a gun, such agency shall, as soon as practicable, arrange for the ballistics information to be submitted to the national integrated ballistic information network.

7. Whenever a state or local law enforcement agency seizes or recovers any gun, such agency shall promptly enter the make, model, caliber, and serial number of such gun into the national crime information center system to determine whether such gun was reported stolen.

8. The superintendent may adopt rules and regulations to effectuate the provisions of this section.

§ 2. This act shall take effect July 1, 2021.

PART P

Section 1. Section 5 of chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, as amended by section 1 of part E of chapter 57 of the laws of 2016, is amended to read as follows:

§ 5. This act shall take effect January 1, 1997 and shall expire and be deemed repealed September 1, [~~2021~~] 2026; provided that any person who has begun to receive the benefits of this act prior to its expiration and repeal shall be entitled to continue to receive the benefits of this act after its expiration and repeal until completion of a baccalaureate degree or cessation of status as an active member, whichever occurs first.

§ 2. This act shall take effect immediately.

PART Q

Section 1. Paragraph (d) of subdivision 2 of section 8-400 of the election law, as separately amended by chapters 97 and 104 of the laws of 2010, is amended to read as follows:

(d) The board of elections shall mail an absentee ballot to every qualified voter otherwise eligible for such a ballot, who requests such an absentee ballot from such board of elections in writing in a letter, telefax indicating the address, phone number and the telefax number from which the writing is sent or other written instrument, which is signed by the voter and received by the board of elections not earlier than the [~~thirtieth~~] forty-fifth day nor later than the seventh day before the election for which the ballot is first requested and which states the address where the voter is registered and the address to which the ballot is to be mailed; provided, however, a military voter may request

a military ballot or voter registration application or an absentee ballot application in a letter as provided in subdivision three of section 10-106 of this chapter; and provided further, a special federal voter may request a special federal ballot or voter registration application or an absentee ballot application in a letter as provided in paragraph d of subdivision one of section 11-202 of this chapter. The board of elections shall enclose with such ballot a form of application for absentee ballot if the applicant is registered with such board of elections.

§ 2. This act shall take effect immediately.

PART R

Section 1. Section 8-406 of the election law, as amended by chapter 296 of the laws of 1988, is amended to read as follows:

§ 8-406. Absentee ballots, delivery of. If the board shall find that the applicant is a qualified voter of the election district containing [~~his~~] **the applicant's** residence as stated in [~~his~~] **the applicant's** statement and that [~~his~~] **the applicant's** statement is sufficient, it shall, as soon as practicable after it shall have determined [~~his~~] **the applicant's** right thereto, **and within four business days of receiving the application, or, where the application was received between the tenth day and not later than the seventh day before the election, within twenty-four hours,** mail to [~~him~~] **the applicant** at an address designated by [~~him~~] **the applicant**, or deliver to [~~him~~] **the applicant**, or to any person designated for such purpose in writing by [~~him~~] **the applicant**, at the office of the board, such an absentee voter's ballot or set of ballots and an envelope therefor. If the ballot or ballots are to be sent outside of the United States to a country other than Canada or Mexico, such ballot or ballots shall be sent by air mail. However, if an applicant who is eligible for an absentee ballot is a resident of a facility operated or licensed by, or under the jurisdiction of, the department of mental hygiene, or a resident of a facility defined as a nursing home or residential health care facility pursuant to subdivisions two and three of section two thousand eight hundred one of the public health law, or a resident of a hospital or other facility operated by the Veteran's Administration of the United States, such absentee ballot need not be so mailed or delivered to any such applicant but, may be delivered to the voter in the manner prescribed by section 8-407 of this [~~chapter~~] **title** if such facility is located in the county or city in which such voter is eligible to vote.

§ 2. This act shall take effect immediately.

PART S

Section 1. Paragraphs (a), (b) and (c) of subdivision 4 of section 8-600 of the election law, as added by chapter 6 of the laws of 2019, are amended to read as follows:

(a) Polls shall be open for early voting for at least eight hours between seven o'clock in the morning and [~~eight~~] **nine** o'clock in the evening each week day during the early voting period.

(b) At least one polling place for early voting shall remain open until [~~eight~~] **nine** o'clock in the evening on at least [~~two~~] **three** week days in each calendar week during the early voting period. If polling places for early voting are limited to voters from certain areas pursuant to subdivision three of this section, polling places that remain

open until [~~eight~~] nine o'clock shall be designated such that any person entitled to vote early may vote until [~~eight~~] nine o'clock in the evening on at least [~~two~~] three week days during the early voting period.

(c) Polls shall be open for early voting for at least [~~five~~] ten hours between nine o'clock in the morning and [~~six~~] nine o'clock in the evening on each Saturday, Sunday and legal holiday during the early voting period.

§ 2. This act shall take effect immediately.

PART T

Section 1. Subdivision 1 of section 9-209 of the election law, as amended by chapter 104 of the laws of 2010, is amended to read as follows:

1. (a) The board of elections shall designate itself or such of its employees as it shall deem appropriate as a set of poll clerks to examine, cast and canvass such ballots, and fix a time and place for their meeting for such [~~purpose, provided that such meeting shall be no more than fourteen days after a general or special election and no more than eight days after a primary election at which such ballots are voted.~~] purposes. Starting forty days prior to the day of the election, such poll clerks shall examine and determine the validity of absentee ballot envelopes as they are received by the board of elections. Such examination shall occur every business day prior to the day of the election, or, upon bipartisan agreement, on such other schedule as determined by the board, provided that the board post when such examinations shall occur on its website.

(b) Beginning four hours before the close of polls on the election day, board of elections employees shall begin to prepare and canvass valid absentee ballots received prior to such date for canvassing by hand or central scanner. Such preparation shall include, but not be limited to, reviewing the voter history record for each voter who submitted an absentee ballot to reflect any instance of early voting by such voters, opening absentee ballot affirmation envelopes, removing ballots from absentee ballot affirmation envelopes, stacking absentee ballots, and inserting ballots into a central scanner or other vote counting device. Any ballots prepared and canvassed during this period shall be secured in the same manner as voted ballots cast during early voting or on election day. All absentee ballots not set aside to be cured by the voter pursuant to this section and received prior to election day shall be canvassed on election day.

(c) No unofficial tabulations of election results shall be printed or viewed in any manner until after the close of polls on election day at which time such tabulations shall be added into the election night canvass totals.

(d) Board of elections employees shall follow all relevant provisions of this article for canvassing, processing, recording, and announcing results of voting and securing ballots, scanners, and other election materials. Such canvass may occur at the offices of the board of elections, or such other location designated by the board of elections.

(e) In canvassing such ballots, the board shall take all measures necessary to ensure the privacy of voters and non-public release of election results prior to the close of polls on election day.

(f) The board may designate additional sets of poll clerks and if it designates more than one such set shall apportion among all such sets the election districts from which such ballots have been received,

provided that all such ballots from a single election district shall be assigned to a single set of clerks, and that each such set shall be divided equally between representatives of the two major political parties. Each such set of clerks shall be deemed a central board of inspectors for purposes of this section.

[~~(b)~~] **(g)** At least five days prior to the time fixed for [~~such~~] **a** meeting **to examine or cast and canvass absentee ballots subsequent to the day of the election**, the board shall send notice by first class mail to each candidate, political party, and independent body entitled to have had watchers present at the polls in any election district in the board's jurisdiction. Such notice shall state the time and place fixed by the board for such canvass.

[~~(c)~~] **(h)** Each such candidate, political party, and independent body shall be entitled to appoint such number of watchers to attend upon each central board of inspectors as such candidate, political party, or independent body was entitled to appoint at such election in any one election district for which such central board of inspectors is designated to act.

§ 2. Section 9-209 of the election law is amended by adding three new subdivisions 4, 5 and 6 to read as follows:

4. If the board of elections manually canvasses ballots, it shall review the ballot to determine its validity consistent with section 9-112 of this article. In cases where the express intent of the voter is unambiguous, any stray marks or writing shall not be a basis for voiding an absentee ballot. If the absentee ballots are tabulated by an optical scan voting system, then a review of the absentee ballot shall not occur.

5. If an affidavit ballot was cast by a voter on the day of election and it is determined he or she also submitted an absentee ballot, such affidavit shall be left aside, unopened.

6. The state board of elections shall promulgate rules or regulations necessary for the implementation of these provisions including, but not be limited to, (i) ensuring that voters who submitted an absentee ballot and thereafter voted in person during the early voting period do not have their absentee ballot canvassed in the election; (ii) ballots shall be subject to the requirements of voter privacy; and (iii) any individual who has previously requested an absentee ballot shall be required to vote on an affidavit ballot to ensure that duplicate votes are not recorded.

§ 3. Clause (A) of subparagraph (i) of paragraph (a) of subdivision 2 of section 9-209 of the election law, as amended by chapter 308 of the laws of 2011, is amended to read as follows:

(A) If a person whose name is on an envelope as a voter has already voted in person at such election, or if his or her name and residence as stated on the envelope are not on a registration poll record, or the computer generated list of registered voters or the list of special presidential voters, or if there is no name on the envelope, or if the envelope is not sealed, such envelope shall be laid aside unopened**; provided, however, that if the envelope is not sealed, such voter shall receive notice pursuant to paragraph (a) of subdivision three of this section**.

§ 4. Paragraph c of subdivision 3 of section 5-506 of the election law, as amended by section 6 of part XX of chapter 55 of the laws of 2019, is amended to read as follows:

c. The computer generated registration list prepared for each election in each election district shall be prepared in a manner which meets or

exceeds standards for clarity and speed of production established by the state board of elections, shall be in a form approved by such board, shall include the names of all voters eligible to vote in such election and shall be in alphabetical order, except that, at a primary election, the names of the voters enrolled in each political party may be placed in a separate part of the list or in a separate list, as the board of elections in its discretion, may determine. Such list shall contain, adjacent to each voter's name, or in a space so designated, at least the following: street address, date of birth, party enrollment, year of registration, a computer reproduced facsimile of the voter's signature or an indication that the voter is unable to sign his **or her** name, a place for the voter to sign his **or her** name at such election and a place for the inspectors to mark the voting machine number, the public counter number if any, or the number of any paper ballots given the voter. **Such list shall also include a notation indicating if such voter was provided an absentee ballot for the applicable election. The format for such notation shall be promulgated by the state board of elections and used uniformly in computer generated registration lists.**

§ 5. Subdivision 1 of section 4-128 of the election law, as amended by section 2 of part XX of chapter 55 of the laws of 2019, is amended to read as follows:

1. The board of elections of each county shall provide the requisite number of official and facsimile ballots, two cards of instruction to voters in the form prescribed by the state board of elections, at least one copy of the instruction booklet for inspectors, a sufficient number of maps, street finders or other descriptions of all of the polling places and election districts within the political subdivision in which the polling place is located to enable the election inspectors and poll clerks to determine the correct election district and polling place for each street address within the political subdivision in which the polling place is located, distance markers, tally sheets and return blanks, pens, pencils, or other appropriate marking devices, envelopes for the ballots of voters whose registration poll records are not in the ledger or whose names are not in the computer generated registration list, **envelopes for the absentee ballots of voters who have elected to vote by machine to be voided,** envelopes for returns, identification buttons, badges or emblems for the inspectors and clerks in the form prescribed by the state board of elections and such other articles of stationery as may be necessary for the proper conduct of elections, except that when a town, city or village holds an election not conducted by the board of elections, the clerk of such town, city or village, shall provide such official and facsimile ballots and the necessary blanks, supplies and stationery for such election.

§ 6. Section 8-302 of the election law is amended by adding two new subdivisions 2-b and 3-d to read as follows:

2-b. If on election day or during early voting a voter's name appears in the ledger or computer generated registration list with a notation indicating that the voter was provided an absentee ballot, such voter shall be permitted to cast his or her vote on the voting machine if the voter surrenders his or her absentee ballot and affirmation oath envelope to the inspector and such absentee ballot is marked "VOTED IN PERSON" and placed by the inspector in an envelope designated for this purpose.

3-d. If on election day or during early voting a voter's name appears in the ledger or computer generated registration list with a notation indicating that the voter was provided an absentee ballot and such voter

is unable to surrender his or her ballot and affirmation oath envelope pursuant to subdivision two-b of this section, such voter shall only be entitled to vote by affidavit ballot.

§ 7. Section 16-106 of the election law is amended by adding a new subdivision 4-a to read as follows:

4-a. In order to obtain any order for temporary or preliminary injunctive relief or an impound order halting or altering the canvassing of absentee or affidavit ballots as provided for in section 9-209 of this chapter, in addition to the criteria in article sixty-three of the civil practice law and rules, the petitioner must show, by clear and convincing evidence, that, because of procedural irregularities or other facts arising during the election, the petitioner will be irreparably harmed absent such relief. For purposes of this section, allegations that opinion polls or testimonial evidence that an election will be within the margin of the recount as specified in paragraph (a) of subdivision four of section 9-208 of this chapter are insufficient to show irreparable harm to a petitioner by clear and convincing evidence.

§ 8. Subdivision 20 of section 17-130 of the election law is amended to read as follows:

20. Intentionally opens an absentee voter's envelope or examines the contents thereof after the receipt of the envelope by the board of elections and before the close of the polls at the election except as provided for in section 9-209 of this chapter; or,

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

PART U

Section 1. Paragraphs (a), (b) and (c) of subdivision 4 of section 9-208 of the election law, as added by section 1 of part JJ of chapter 55 of the laws of 2020, are amended to read as follows:

(a) [~~The~~] Based on the results of the canvass three days following the deadline for receipt of absentee ballots, the board of elections or a bipartisan committee appointed by the board shall conduct a full manual recount of all ballots for a particular contest:

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

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

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

(b) For the purposes of this section, the term margin of victory shall mean the margin between all votes cast in the entire contest [~~following the recanvass of votes~~] based on the current results of the canvass three days following the deadline for receipt of absentee ballots.

(c) Where the contest involves portions of two or more counties, the margin of victory shall be determined by the state board of elections based on the [~~most recent recanvass results~~] current results of the canvass three days following the deadline for the receipt of absentee ballots for the contest submitted by the boards of elections of the counties involved.

§ 2. Subdivision 4 of section 9-208 of the election law is amended by adding a new paragraph (e) to read as follows:

(e) Any manual recount shall begin by two days after the date required by law and be completed within five days.

§ 3. This act shall take effect immediately.

PART V

Section 1. Section 76 of the workers' compensation law is amended by adding a new subdivision 1-a to read as follows:

1-a. a. The purposes of the state insurance fund are hereby enlarged to permit it to enter agreements with insurers licensed to write workers' compensation insurance in states outside New York to issue policies to state insurance fund policyholders covering those policyholders' obligations to secure the payment of workers' compensation benefits under the laws of states other than New York. The state insurance fund shall also be authorized to receive premiums into its workers' compensation fund for policies written under such agreements and to pay from such fund: (i) reimbursement of all losses and loss adjustment expenses under such policies; and (ii) fees and other costs, including but not limited to those for claims services, relating to such agreements. An agreement under this subdivision shall not include the provision of claims services for any claim under this chapter.

b. For a policyholder to be eligible for insurance in states other than New York provided through agreements entered into under this subdivision, either: (i) the policyholder's workers' compensation premiums with the state insurance fund covering its employees under this chapter must be greater than the premiums charged to cover the policyholder's obligations to pay workers' compensation benefits in all states, in the aggregate, other than New York when covered under such agreements; or (ii) the payroll for the policyholder's operations in New York must be greater than the policyholder's payroll in all states, in the aggregate, other than New York when covered under such agreements for the prior policy period. For determining eligibility, "premiums" mean estimated premiums as determined by the state insurance fund at the beginning of the policy period. In addition, for a policyholder to be eligible for insurance in states other than New York through the state insurance fund, the policyholder must meet the state insurance fund's underwriting criteria for other states coverage as specified by rules of the commissioners.

§ 2. This act shall take effect immediately.

PART W

Section 1. The section heading and subdivisions 1, 2, 3 and 7 of section 87 of the workers' compensation law, the section heading and subdivision 1 as amended and subdivisions 2, 3 and 7 as added by section 20 of part GG of chapter 57 of the laws of 2013, are amended to read as follows:

[~~Investment of surplus or reserve~~] Investments. 1. Any of the reserve funds belonging to the state insurance fund, by order of the commissioners, approved by the superintendent of financial services, may be invested in the types of [~~securities~~] investments described in [~~subdivisions one, two, three, four, five, six, eleven, twelve, twelve-a, thirteen, fourteen, fifteen, nineteen, twenty, twenty-one, twenty-one-a, twenty-four, twenty-four-a, twenty-four-b, twenty-four-c and twenty-five of section two hundred thirty-five of the banking law or in paragraph~~] paragraphs one, two, three and four of subsection (b) of section one thousand four hundred two of the insurance law and paragraphs one, two, three, four, five, six, seven, and eleven of subsection (a) of section one thousand four hundred four of the insurance law with the qualitative standards or quantitative limitations which are set forth in such paragraphs except that [~~up to~~] a minimum of five percent of such reserve funds [~~may~~] shall be invested in the types of securities [~~of any solvent~~

~~American institution as~~] described in [~~such paragraph irrespective of the rating of such institution's obligations or other similar qualitative standards described therein~~] paragraphs one, two, three and four of subsection (b) of section one thousand four hundred two of the insurance law.

2. Any [~~of the surplus~~] funds belonging to the state insurance fund exceeding seventy percent of the aggregate of loss reserves, loss expense reserves and fifty percent of unearned premium reserves, by order of the commissioners, approved by the superintendent of financial services, may be invested in the types of [~~securities described in subdivisions one, two, three, four, five, six, eleven, twelve, twelve-a, thirteen, fourteen, fifteen, nineteen, twenty, twenty-one, twenty-one-a, twenty-four, twenty-four-a, twenty-four-b, twenty-four-c and twenty-five of section two hundred thirty-five of the banking law or, up to fifty percent of surplus funds, in the types of securities or~~] investments described in [~~paragraphs two, three, eight and ten of~~] paragraphs one, two, three and four of subsection (b) of section one thousand four hundred two of the insurance law and subsection (a) of section one thousand four hundred four of the insurance law, [~~except that up to ten percent of surplus funds may be invested in the securities of any solvent American institution as described in such paragraphs irrespective of the rating of such institution's obligations or other similar qualitative standards described therein,~~] but such investments shall not be subject to the qualitative standards or quantitative limitations which are set forth with respect to any investment permitted by such subsection and [~~up to fifteen percent of surplus funds in securities or investments which do not otherwise qualify for investment under this section as shall be made with the care, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims as provided for the state insurance fund under this article, but shall not include any direct derivative instrument or derivative transaction except for hedging purposes~~] in accordance with section one thousand four hundred ten of the insurance law. [~~Notwithstanding any other provision in this subdivision, the aggregate amount that the state insurance fund may invest in the types of securities or investments described in paragraphs three, eight and ten of subsection (a) of section one thousand four hundred four of the insurance law and as a prudent person acting in a like capacity would invest as provided in this subdivision shall not exceed fifty percent of such surplus funds.~~]

3. Any [~~of the surplus or reserve~~] funds belonging to the state insurance fund, upon like approval of the superintendent of financial services, may be loaned on the pledge of any such securities. The commissioners, upon like approval of the superintendent of financial services, may also sell any of such securities or investments.

7. Notwithstanding any provision in this section, the [~~surplus and reserve~~] funds of the state insurance fund shall not be invested in any investment that has been found by the superintendent of financial services to be against public policy or in any investment prohibited by the provisions of [~~paragraph six of subsection (a) of section one thousand four hundred four of the insurance law or by the provisions of~~] paragraph one, two, three, four, six, seven, eight, nine or ten of subsection (a) of section one thousand four hundred seven of the insurance law or in excess of any limitation provided under section one thousand four hundred nine of the insurance law.

§ 2. Subsection (c) of section 1108 of the insurance law, as amended by section 38 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

(c) The state insurance fund of this state, except as to the provisions of **section one thousand four hundred ten,** subsection (d) of section two thousand three hundred thirty-nine, section three thousand one hundred ten, subsection (a), paragraph one of subsection (b), paragraph three of subsection (c) and subsection (d) of section three thousand two hundred one, sections three thousand two hundred two, three thousand two hundred four, subsections (a) through (d) of section three thousand two hundred twenty-one, subsections (b) and (c) of section four thousand two hundred twenty-four, section four thousand two hundred twenty-six and subsections (a) and (b), (g) through (j), and (n) of section four thousand two hundred thirty-five of this chapter and except as otherwise specifically provided by the laws of this state.

§ 3. Subsection (a) of section 1410 of the insurance law, as added by chapter 650 of the laws of 1998, is amended to read as follows:

(a) For purposes of this section, except subsection (k) of this section, an insurer shall mean a domestic life insurer, a domestic property/casualty insurer, a domestic reciprocal insurer, a domestic mortgage guaranty insurer, a domestic co-operative property/casualty insurance corporation [~~or~~]**,** a domestic financial guaranty insurer**, or the state insurance fund of this state**.

§ 4. This act shall take effect immediately.

PART X

Section 1. Subdivision 5 of section 27 of the workers' compensation law, as amended by chapter 6 of the laws of 2007, is amended to read as follows:

5. All computations made **or directed** by the board shall be upon the basis of **(i)** the survivorship annuitants table of mortality, the remarriage tables of the Dutch Royal Insurance Institution **applicable to claims for accidents occurring on or before December thirty-first, two thousand twenty-one, and (ii) beginning January first, two thousand twenty-two, and on January first of each tenth year thereafter, the United States life table for the total population published by the department of health and human services and the remarriage table published by the United States railroad retirement board applicable to claims for accidents occurring on or after January first of the year following the adoption of any revision of such tables as provided in this subdivision** and interest at three and one-half per centum per annum on claims based on accidents occurring up to and including June thirtieth, nineteen hundred thirty-nine, at three per centum per annum on claims based on accidents occurring from July first, nineteen hundred thirty-nine up to and including August thirty-first, nineteen hundred eighty-three, at six per centum per annum on claims based on accidents occurring from September first, nineteen hundred eighty-three up to and including December thirty-first, two thousand and at the industry standard rate on claims based on accidents occurring thereafter, except (a) that computations of present values of death benefits required to be paid into the aggregate trust fund by an insurance carrier which is a stock corporation or a mutual association shall be based, in the case of a dependent parent, grandparent, blind or physically disabled child or spouse, upon said table of mortality disregarding possible change in or termination of dependency, with interest at three and one-half per

centum per annum on claims based on accidents occurring up to and including June thirtieth, nineteen hundred thirty-nine, at three per centum per annum on claims based on accidents occurring from July first, nineteen hundred thirty-nine up to and including August thirty-first, nineteen hundred eighty-three, at six per centum per annum on claims based on accidents occurring from September first, nineteen hundred eighty-three up to and including December thirty-first, two thousand and at the industry standard rate on claims based on accidents occurring thereafter and (b) that computations of present values of permanent partial disability benefits awarded for a definite number of weeks shall be on the basis of annuities certain with interest at three and one-half per centum per annum on claims based on accidents occurring up to and including June thirtieth, nineteen hundred thirty-nine, at three per centum per annum on claims based on accidents occurring from July first, nineteen hundred thirty-nine up to and including August thirty-first, nineteen hundred eighty-three, at six per centum per annum on claims based on accidents occurring from September first, nineteen hundred eighty-three up to and including December thirty-first, two thousand and at the industry standard rate on claims based on accidents occurring thereafter.

§ 2. The closing paragraph of subdivision 7 of section 27 of the workers' compensation law, as amended by chapter 6 of the laws of 2007 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

Such additional payments shall be required until the surplus of the fund equals or exceeds one per centum of the total outstanding loss reserves as shown by three successive annual reports of the fund to the superintendent of financial services and such additional payment shall be required as a payment upon each award based on an accident occurring prior to July first next succeeding the third such annual report, but not as a payment upon any award based on an accident occurring on or after said July first; provided, however, that if and when the surplus of the fund as shown by any annual report thereafter shall be less than one per centum of the total outstanding loss reserves, then the additional payments as provided in paragraphs (a), (b), (c) and (d) of this subdivision shall be resumed and shall be payable upon any award based on an accident occurring on or after July first next succeeding the close of the year for which such annual report is made. Thereafter, the suspension or resumption of additional payments as required by this subdivision shall be governed by the foregoing provisions. Such loss reserves shall be computed based upon the tables specified in subdivision five of this section **applicable to the calculation of the deposit for the claim on which such deposit is based** and interest at a standard to be determined by the superintendent of financial services by regulation.

§ 3. Section 86 of the workers' compensation law, as amended by chapter 7 of the laws of 1989 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

§ 86. Catastrophe surplus and reserves for workers' compensation. Ten per centum of the premiums collected from employers insured in the fund for workers' compensation shall be set aside for the creation of a surplus until such surplus shall amount to the sum of one hundred thousand dollars, and thereafter five per centum of such premiums, until such time as in the judgment of the commissioners such surplus shall be sufficiently large to cover the catastrophe hazard. Thereafter the contribution to such surplus may be reduced or discontinued conditional

upon constant maintenance of a sufficient surplus to cover the catastrophe hazard. Reserves shall be set up and maintained adequate to meet anticipated losses and carry all claims and policies to maturity, which reserves shall be computed [~~to reflect the present values, at five percent interest per annum, of the determined and estimated unpaid losses, and other requirements computed in accordance with such rules as shall be approved by the superintendent of financial services~~] **pursuant to subsections (d) and (e) of section four thousand one hundred seventeen of the insurance law**.

§ 4. Subsection (c) of section 1108 of the insurance law, as amended by section 38 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

(c) The state insurance fund of this state, except as to the provisions of subsection (d) of section two thousand three hundred thirty-nine, section three thousand one hundred ten, subsection (a), paragraph one of subsection (b), paragraph three of subsection (c) and subsection (d) of section three thousand two hundred one, sections three thousand two hundred two, three thousand two hundred four, subsections (a) through (d) of section three thousand two hundred twenty-one, **subsections (d) and (e) of section four thousand one hundred seventeen,** subsections (b) and (c) of section four thousand two hundred twenty-four, section four thousand two hundred twenty-six and subsections (a) and (b), (g) through (j), and (n) of section four thousand two hundred thirty-five of this chapter and except as otherwise specifically provided by the laws of this state.

§ 5. Subsection (e) of section 4117 of the insurance law, as amended by chapter 11 of the laws of 1986, is amended to read as follows:

(e) Whenever in the judgment of the superintendent, the loss and loss expense reserves of any property/casualty insurance company doing business in this state **or of the state insurance fund of this state** calculated in accordance with the foregoing provisions are inadequate or excessive, [~~he~~] **the superintendent** may prescribe any other basis [~~which~~] **that** will produce adequate and reasonable reserves.

§ 6. This act shall take effect January 1, 2022.

PART Y

Section 1. Section 76-b of the alcoholic beverage control law is REPEALED.

§ 2. Subdivision 1-b of section 83 of the alcoholic beverage control law is REPEALED.

§ 3. Paragraph (b) of subdivision 1 of section 97-a of the alcoholic beverage control law, as added by chapter 396 of the laws of 2010, is amended to read as follows:

(b) to the applicant for a new retail license [~~where the prospective licensed premises is located in a municipality with a population of less than one million~~] during the period that the application is pending.

§ 4. Paragraphs (b) and (c) of subdivision 5 of section 97-a of the alcoholic beverage control law, as added by chapter 396 of the laws of 2010, are amended and a new paragraph (d) is added to read as follows:

(b) in the case of all other retail applications, to purchase and sell such alcoholic beverages as would be permitted to be purchased and sold under the privileges of the license applied for; [~~and~~]

(c) to sell such alcoholic beverages to consumers only and not for resale[~~.~~]**; and**

(d) in the case of a permit granted under paragraph (b) of subdivision one of this section where the prospective licensed premises are located in a municipality with a population of more than one million, to operate the premises only under the following conditions: the premises shall close no later than twelve o'clock antemeridian each day, shall have recorded background music only, with no live music, DJ's, karaoke, or similar forms of music, and shall have no dancing.

§ 5. The alcoholic beverage control law is amended by adding a new section 97-c to read as follows:

§ 97-c. Temporary manufacturing permit. 1. Any person may apply to the liquor authority for a temporary permit to operate any alcoholic beverage manufacturing facility as may be licensed under this chapter. Such application shall be in writing and verified and shall contain information as the liquor authority shall require. Such application shall be accompanied by a check or draft in the amount of one hundred twenty-five dollars for such permit.

2. Upon application, the liquor authority may issue such temporary permit when:

(a) the applicant has a manufacturing license application at the same premises pending before the liquor authority, together with all required filing and license fees; and

(b) the applicant has obtained and provided evidence of all permits, licenses and other documents necessary for the operation of such a business; and

(c) any current license in effect at the premises has been surrendered or placed in safekeeping, or has been deemed abandoned by the authority.

3. The liquor authority in granting such permit shall ensure that:

(a) issuance of the permit will not inordinately hinder the operation or effective administration of this chapter; and

(b) the applicant would in all likelihood be able to ultimately obtain the manufacturing license being applied for; and

(c) the applicant has substantially complied with the requirements necessary to obtain such license.

4. The application for a permit shall be approved or denied by the liquor authority within forty-five days after the receipt of such application.

5. A temporary permit shall authorize the permittee to operate a manufacturing facility for the manufacture and sale of alcoholic beverages according to the laws applicable to the type of manufacturing license being applied for.

6. Such temporary permit shall remain in effect for six months or until the manufacturing license being applied for is approved and the license granted, whichever is shorter. Such permit may be extended at the discretion of the liquor authority for additional three-month periods of time upon payment of an additional fee of fifty dollars for each such extension.

7. Notwithstanding any provision of law to the contrary, a temporary permit may be summarily cancelled or suspended at any time if the liquor authority determines that good cause for cancellation or suspension exists. The liquor authority shall promptly notify the permittee in writing of such cancellation or suspension and shall set forth the reasons for such action.

8. The liquor authority in reviewing such application shall review the entire record and grant the temporary permit unless good cause is otherwise shown. A decision on an application shall be based on substantial

evidence in the record and supported by a preponderance of the evidence in favor of the applicant.

§ 6. Section 5 of chapter 396 of the laws of 2010, amending the alcoholic beverage control law, relating to liquidator's permits and temporary retail permits, as amended by section 1 of item AAA of subpart B of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

§ 5. This act shall take effect on the sixtieth day after it shall have become a law[~~, provided that paragraph (b) of subdivision 1 of section 97-a of the alcoholic beverage control law as added by section two of this act shall expire and be deemed repealed October 12, 2021~~].

§ 7. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that upon effect, any valid permit issued under section 76-b of the alcoholic beverage control law shall remain in effect according to the terms of section 76-b of the alcoholic beverage control law as if such section had not been repealed, and provided further, any application duly submitted prior to the effective date of this act and not yet acted upon shall be processed as if such section had not been repealed, and if such application is approved, any permit issued shall remain in effect according to the terms of section 76-b of the alcoholic beverage control law as if such section had not been repealed.

PART Z

Section 1. Section 106 of the alcoholic beverage control law is amended by adding a new subdivision 16 to read as follows:

16. A person holding a retail on-premises license for a movie theatre granted pursuant to section sixty-four-a of this chapter shall:

(a) for every purchase of an alcoholic beverage, require the purchaser to provide written evidence of age as set forth in paragraph (b) of subdivision two of section sixty-five-b of this chapter; and

(b) allow the purchase of only one alcoholic beverage per transaction; and

(c) only permit the sale or delivery of alcoholic beverages directly to an individual holding a ticket for a motion picture with a Motion Picture Association of America rating of "PG-13", "R", or "NC-17"; and

(d) not commence the sale of alcoholic beverages until one hour prior to the start of the first motion picture and cease all sales of alcoholic beverages after the conclusion of the final motion picture.

§ 2. Subdivision 6 of section 64-a of the alcoholic beverage control law, as amended by chapter 475 of the laws of 2011, is amended to read as follows:

6. No special on-premises license shall be granted except for premises in which the principal business shall be (a) the sale of food or beverages at retail for consumption on the premises or (b) the operation of a legitimate theatre**, including a motion picture theatre that is a building or facility which is regularly used and kept open primarily for the exhibition of motion pictures for at least five out of seven days a week, or on a regular seasonal basis of no less than six contiguous weeks, to the general public where all auditorium seating is permanently affixed to the floor and at least sixty-five percent of the motion picture theatre's annual gross revenues is the combined result of admission revenue for the showing of motion pictures and the sale of food and non-alcoholic beverages,** or such other lawful adult entertainment or recreational facility as the liquor authority, giving due regard to the

convenience of the public and the strict avoidance of sales prohibited by this chapter, shall by regulation classify for eligibility. [~~Nothing contained in this subdivision shall be deemed to authorize the issuance of a license to a motion picture theatre, except those meeting the definition of restaurant and meals, and where all seating is at tables where meals are served.~~]

§ 3. Subdivision 8 of section 64-a of the alcoholic beverage control law, as added by chapter 531 of the laws of 1964, is amended to read as follows:

8. Every special on-premises licensee shall regularly keep food available for sale to its customers for consumption on the premises. The availability of sandwiches, soups or other foods, whether fresh, processed, pre-cooked or frozen, shall be deemed compliance with this requirement. **For motion picture theatres licensed under paragraph (b) of subdivision six of this section, food that is typically found in a motion picture theatre, including but not limited to: popcorn, candy, and light snacks, shall be deemed to be in compliance with this requirement.** The licensed premises shall comply at all times with all the regulations of the local department of health. Nothing contained in this subdivision, however, shall be construed to require that any food be sold or purchased with any liquor, nor shall any rule, regulation or standard be promulgated or enforced requiring that the sale of food be substantial or that the receipts of the business other than from the sale of liquor equal any set percentage of total receipts from sales made therein.

§ 4. Subdivision 9 of section 64-a of the alcoholic beverage control law is renumbered subdivision 10 and a new subdivision 9 is added to read as follows:

9. In the case of a motion picture theatre applying for a license under this section, any municipality required to be notified under section one hundred ten-b of this chapter may express an opinion with respect to whether the application should be approved, and such opinion may be considered in determining whether good cause exists to deny any such application.

§ 5. This act shall take effect immediately.

PART AA

Section 1. Section 5004 of the civil practice law and rules, as amended by chapter 258 of the laws of 1981, is amended to read as follows:

§ 5004. Rate of interest. [~~Interest shall be at the rate of nine per centum per annum, except where otherwise provided by statute.~~] **Notwithstanding any other provision of law or regulation to the contrary, including any law or regulation that limits the annual rate of interest to be paid on a judgment or accrued claim, the annual rate of interest to be paid on a judgment or accrued claim shall be calculated at the one-year United States treasury bill rate. For the purposes of this section, the "one-year United States treasury bill rate" means the weekly average one-year constant maturity treasury yield, as published by the board of governors of the federal reserve system, for the calendar week preceding the date of the entry of the judgment awarding damages. Provided however, that this section shall not apply to any provision of the tax law which provides for the annual rate of interest to be paid on a judgment or accrued claim.**

§ 2. Section 16 of the state finance law, as amended by chapter 681 of the laws of 1982, is amended to read as follows:

§ 16. Rate of interest on judgments and accrued claims against the state. The rate of interest to be paid by the state upon any judgment or accrued claim against the state shall [~~not exceed nine per centum per annum~~] be calculated at the one-year United States treasury bill rate. For the purposes of this section, the "one-year United States treasury bill rate" means the weekly average one-year constant maturity treasury yield, as published by the board of governors of the federal reserve system, for the calendar week preceding the date of the entry of the judgment awarding damages. Provided however, that this section shall not apply to any provision of the tax law which provides for the annual rate of interest to be paid on a judgment or accrued claim.

§ 3. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2021.

PART BB

Section 1. Short title. This act shall be known and may be cited as the "New York Medical Supplies Act".

§ 2. The state finance law is amended by adding a new section 148 to read as follows:

§ 148. Certain contracts involving personal protective equipment and medical supplies. 1. Notwithstanding any other provisions of law, all contracts over fifty thousand dollars in value made and awarded by any department or agency of the state for the purchase of personal protective equipment or medical supplies shall require that the personal protective equipment or medical supply items be produced or made in whole or substantial part in the United States.

2. For purposes of this section:

(a) "personal protective equipment" means all equipment worn to minimize exposure to medical hazards, including gloves, masks, face shields, eye protection, respirators, medical hair and shoe coverings, and disposable gowns and aprons.

(b) "medical supplies" means materials necessary to respond to health emergencies or pandemics, including and without limitation ventilators, medical test kits, and vaccines.

(c) "United States" means the United States, its territories, or possessions.

3. The provisions of this section shall not apply if the head of the department or agency purchasing the personal protective equipment or medical supplies, in his or her sole discretion, determines that such provisions would not be in the public interest; that obtaining such personal protective equipment or medical supplies in the United States would increase the cost of the contract by an unreasonable amount; that such personal protective equipment or medical supplies cannot be produced or made in the United States in sufficient and reasonably available quantities and of satisfactory quality or design to meet the department's or agency's requirements; or that purchasing personal protective equipment or medical supplies manufactured outside of the United States is necessary to avoid a delay in the delivery of critical services that could compromise the public welfare.

4. Nothing in this section is intended to contravene any existing treaties, laws, trade agreements, or regulations of the United States or subsequent trade agreements entered into between any foreign countries and the state or the United States.

5. Subject to the provisions of this section, the department of economic development, in consultation with the office of general

services and the division of the budget, shall be authorized to establish rules and regulations for the effective administration of this section.

§ 3. The public authorities law is amended by adding a new section 2878-c to read as follows:

§ 2878-c. Certain contracts involving personal protective equipment and medical supplies. 1. Notwithstanding any other provisions of law, all contracts over fifty thousand dollars in value made and awarded by any state authority for the purchase of personal protective equipment or medical supplies shall require that the personal protective equipment or medical supply items be produced or made in whole or substantial part in the United States.

2. For purposes of this section:

(a) "personal protective equipment" means all equipment worn to minimize exposure to medical hazards, including gloves, masks, face shields, eye protection, respirators, medical hair and shoe coverings, and disposable gowns and aprons.

(b) "medical supplies" means materials necessary to respond to health emergencies or pandemics, including and without limitation ventilators, medical test kits, and vaccines.

(c) "United States" means the United States, its territories, or possessions.

3. The provisions of this section shall not apply if the head of the state authority purchasing the personal protective equipment or medical supplies, in his or her sole discretion, determines that such provisions would not be in the public interest; that obtaining such personal protective equipment or medical supplies in the United States would increase the cost of the contract by an unreasonable amount; that such personal protective equipment or medical supplies cannot be produced or made in the United States in sufficient and reasonably available quantities and of satisfactory quality or design to meet the state authority's requirements; or that purchasing personal protective equipment or medical supplies manufactured outside of the United States is necessary to avoid a delay in the delivery of critical services that could compromise the public welfare.

4. Nothing in this section is intended to contravene any existing treaties, laws, trade agreements, or regulations of the United States or subsequent trade agreements entered into between any foreign countries and the state or the United States.

5. Subject to the provisions of this section, the department of economic development, in consultation with the office of general services and the division of the budget, shall be authorized to establish rules and regulations for the effective administration of this section.

§ 4. This act shall take effect April 1, 2021 and shall apply to any state contracting opportunities advertised on or after such date and shall exclude contracts for which an invitation for bid, request for proposal, or similar solicitation has been issued prior to April 1, 2021.

PART CC

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

§ 167-a. Reimbursement for medicare premium charges. Upon exclusion from the coverage of the health benefit plan of supplementary medical insurance benefits for which an active or retired employee or a dependent covered by the health benefit plan is or would be eligible under the federal old-age, survivors and disability insurance program, an amount equal to the **standard medicare** premium charge for such supplementary medical insurance benefits for such active or retired employee and his or her dependents, if any, shall be paid monthly or at other intervals to such active or retired employee from the health insurance fund. **Furthermore, effective January first, two thousand twenty-two there shall be no payment whatsoever for the income related monthly adjustment amount for amounts (premiums) incurred on or after January first, two thousand twenty-one to any active or retired employee and his or her dependents, if any.** Where appropriate, such **standard medicare premium** amount may be deducted from contributions payable by the employee or retired employee; or where appropriate in the case of a retired employee receiving a retirement allowance, such **standard medicare premium** amount may be included with payments of his or her retirement allowance. All state employer, employee, retired employee and dependent contributions to the health insurance fund, including contributions from public authorities, public benefit corporations or other quasi-public organizations of the state eligible for participation in the health benefit plan as authorized by subdivision two of section one hundred sixty-three of this article, shall be adjusted as necessary to cover the cost of reimbursing federal old-age, survivors and disability insurance program premium charges under this section. This cost shall be included in the calculation of premium or subscription charges for health coverage provided to employees and retired employees of the state, public authorities, public benefit corporations or other quasi-public organizations of the state; provided, however, the state, public authorities, public benefit corporations or other quasi-public organizations of the state shall remain obligated to pay no less than its share of such increased cost consistent with its share of premium or subscription charges provided for by this article. All other employer contributions to the health insurance fund shall be adjusted as necessary to provide for such payments.

§ 2. This act shall take effect immediately and shall apply on January 1, 2021 for the income related monthly adjustment amount for amounts, premiums, incurred on or after January 1, 2021.

PART DD

Section 1. Section 167 of the civil service law is amended by adding a new subdivision 10 to read as follows:

10. Notwithstanding any inconsistent provision of law, the state's contribution for the cost of premium or subscription charges for the coverage of retired state employees who are enrolled in the statewide and the supplementary health benefit plans established pursuant to this article and who are hired on or after October first, two thousand twenty-one shall be as set forth in this subdivision.

(a) For state employees who retire from a position at or equated to grade ten or higher with at least ten but less than twenty years of service, the state shall pay fifty percent of the cost of premium or subscription charges for the individual coverage of such retired state employees. Such contributions shall increase by two percent of the cost of premium or subscription charges for each year of service in excess of

ten years, to a maximum of sixty-eight percent of the cost of premium or subscription charges. For state employees who retire from a position at or equated to grade ten or higher with twenty or more years of service, the state shall pay seventy-four percent of the cost of premium or subscription charges for the individual coverage of such retired state employees. Such contributions shall increase by one percent of the cost of premium or subscription charges for each year of service in excess of twenty years, to a maximum of eighty-four percent of the cost of premium or subscription charges.

(b) For state employees who retire from a position at or equated to grade nine or lower with at least ten but less than twenty years of service, the state shall pay fifty-four percent of the cost of premium or subscription charges for the individual coverage of such retired state employees. Such contributions shall increase by two percent of the cost of premium or subscription charges for each year of service in excess of ten years, to a maximum of seventy-two percent of the cost of premium or subscription charges. For state employees who retire from a position at or equated to grade nine or lower with twenty or more years of service, the state shall pay seventy-eight percent of the cost of premium or subscription charges for the individual coverage of such retired state employees. Such contributions shall increase by one percent of the cost of premium or subscription charges for each year of service in excess of twenty years, to a maximum of eighty-eight percent of the cost of premium or subscription charges.

(c) For state employees who retire from a position at or equated to grade ten or higher with at least ten but less than twenty years of service, the state shall pay thirty-five percent of the cost of premium or subscription charges for the coverage of dependents of such retired state employees; such contribution shall increase by two percent of the cost of premium or subscription charges for each year of service in excess of ten years, to a maximum of fifty-three percent of the cost of premium or subscription charges for such dependents. For state employees who retire from a position at or equated to grade ten or higher with twenty or more years of service, the state shall pay fifty-nine percent of the cost of premium or subscription charges for the coverage of dependents of such retired state employees; such contribution shall increase by one percent of the cost of premium or subscription charges for each year of service in excess of twenty years, to a maximum of sixty-nine percent of the cost of premium or subscription charges for such dependents.

(d) For state employees who retire from a position at or equated to grade nine or lower with at least ten but less than twenty years of service, the state shall pay thirty-nine percent of the cost of premium or subscription charges for the coverage of dependents of such retired state employees; such contribution shall increase by two percent of the cost of premium or subscription charges for each year of service in excess of ten years, to a maximum of fifty-seven percent of the cost of premium or subscription charges for such dependents. For state employees who retire from a position at or equated to grade nine or lower with twenty or more years of service, the state shall pay sixty-three percent of the cost of premium or subscription charges for the coverage of dependents of such retired state employees; such contribution shall increase by one percent of the cost of premium or subscription charges for each year of service in excess of twenty years, to a maximum of seventy-three percent of the cost of premium or subscription charges for such dependents.

(e) With respect to all such retired state employees, each increment of one or two percent of the cost of premium or subscription charges for each year of service shall be applicable for whole years of service to the state and shall not be applied on a pro-rata basis for partial years of service.

(f) The provisions of this subdivision shall not be applicable to:

(1) Members of the New York state and local police and fire retirement system;

(2) Members in the uniformed personnel in institutions under the jurisdiction of the state department of corrections and community supervision or who are security hospital treatment assistants, as defined in section eighty-nine of the retirement and social security law; and

(3) Any state employee determined to have retired with an ordinary, accidental, or performance of duty disability retirement benefit.

(g) For the purposes of determining the cost of premium or subscription charges to be paid by the state on behalf of retired state employees enrolled in the New York state health insurance program who are hired on or after October first, two thousand twenty-one, the state shall consider all years of service that a retired state employee has accrued in a public retirement system of the state or an optional retirement program established pursuant to article three, eight-B, or one hundred twenty-five-A of the education law. The provisions of this paragraph may not be used to grant eligibility for retiree state health insurance coverage to a retiree who is not otherwise eligible to enroll in the New York state health insurance program as a retiree.

§ 2. This act shall take effect October 1, 2021.

PART EE

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

§ 167-a. Reimbursement for medicare premium charges. Upon exclusion from the coverage of the health benefit plan of supplementary medical insurance benefits for which an active or retired employee or a dependent covered by the health benefit plan is or would be eligible under the federal old-age, survivors and disability insurance program, an amount equal to the standard medicare premium charge for such supplementary medical insurance benefits for such active or retired employee and his or her dependents, if any, shall be paid monthly or at other intervals to such active or retired employee from the health insurance fund; provided, however, such payment for the standard medicare premium charge shall not exceed one hundred forty-eight dollars and fifty cents per month. Where appropriate, such standard medicare premium amount may be deducted from contributions payable by the employee or retired employee; or where appropriate in the case of a retired employee receiving a retirement allowance, such standard medicare premium amount may be included with payments of his or her retirement allowance. All state employer, employee, retired employee and dependent contributions to the health insurance fund, including contributions from public authorities, public benefit corporations or other quasi-public organizations of the state eligible for participation in the health benefit plan as authorized by subdivision two of section one hundred sixty-three of this article, shall be adjusted as necessary to cover the cost of reimbursing federal old-age, survivors and disability insurance program premium charges under this section. This cost shall be included in the calcu-

lation of premium or subscription charges for health coverage provided to employees and retired employees of the state, public authorities, public benefit corporations or other quasi-public organizations of the state; provided, however, the state, public authorities, public benefit corporations or other quasi-public organizations of the state shall remain obligated to pay no less than its share of such increased cost consistent with its share of premium or subscription charges provided for by this article. All other employer contributions to the health insurance fund shall be adjusted as necessary to provide for such payments.

§ 2. This act shall take effect immediately and shall apply to the standard medicare premium amount on and after April 1, 2021.

PART FF

Section 1. Section 103 of the state technology law is amended by adding a new subdivision 22 to read as follows:

22. To issue procurements for technology, as defined in section one hundred one of this article, in the manner as prescribed in this subdivision. (a) Notwithstanding section one hundred sixty-three of the state finance law, or any other provision of law to the contrary, the office may issue solicitations for comprehensive technology service contracts pursuant to this section and may award comprehensive technology service contracts for technology as prescribed in this subdivision. A comprehensive technology service contract shall mean any contract for both the design and build of any technology, which may allow for the approval of work at the discretion of the office which is not pre-determined in the contract, subject to conditions deemed appropriate by the director, by a single entity or multiple entities acting as one, which may include any and all technology as defined in this article and shall only be used for those contracts which result in a complete and operable system delivered to the state.

(b) For all procurements conducted pursuant to this section, the office shall advertise in the New York state contract reporter and on the website of the office for no less than fifteen business days, a request for proposals which shall include a detailed description of the work to be performed, any minimum and mandatory qualifications, a brief description of how the proposals will be scored, and any other criteria that the office deems necessary and appropriate. Scoring criteria shall be drafted and sealed by the office prior to the opening of any bids. Such scoring criteria shall be objective to the extent practicable and shall include cost as determined by the office. If the winning proposal scores less than five percent higher than the second highest scoring proposal, the office shall be empowered to request such two bidders to re-submit their proposals in a manner prescribed by the office, consistent with this article, which the office shall then evaluate based on the original sealed scoring criteria for final award.

(c) All terms used in this section shall have the same meaning otherwise prescribed in this chapter or in articles nine and eleven of the state finance law, except for those terms specifically defined in this section.

(d) The office shall keep a procurement record as defined in section one hundred sixty-three of the state finance law, which shall be furnished to the office of the state comptroller upon request pursuant to section one hundred twelve of the state finance law.

§ 2. Subdivisions 3 and 4 of section 163-a of the state finance law, subdivision 3 as added by chapter 430 of the laws of 1997 and subdivision 4 as amended by section 10 of part O of chapter 55 of the laws of 2012, are amended and a new subdivision 5 is added to read as follows:

3. A vendor has furnished at government request specifications or information regarding a product or service they provide, but such vendor has not been directly requested to write specifications for such product or service or an agency technology procurement proposal; [~~or~~]

4. The [~~state agency together with~~] director of the office of information technology services, upon request by a state agency, determines that the restriction is not in the best interest of the state[~~. Such office shall notify each member of the advisory council established in article one of the state technology law of any such waiver of these restrictions.~~]; or

5. For the office of information technology services, the restrictions contained within this section shall not apply to procurements issued pursuant to subdivision twenty-two of section one hundred three of the state technology law.

§ 3. This act shall take effect immediately.

PART GG

Section 1. Section 110 of the state finance law is amended by adding a new subdivision 1-a to read as follows:

1-a. Each department that maintains a public website shall publicly post and maintain a webpage on that website showing the current list of the names of the individuals who the department has authorized to execute contracts on behalf of the department, which the department has filed with the comptroller pursuant to subdivision one of this section. Such posting shall provide clear notice to the public of those individuals who are authorized to execute contracts to which the department or the state is a party.

§ 2. The state finance law is amended by adding a new section 139-m to read as follows:

§ 139-m. Terms and conditions in contracts that shall be void. The following terms or conditions in any contract entered into by the state or any department thereof shall be void and unenforceable:

1. Any term or condition that requires the state or the department to indemnify or hold harmless another person, except as otherwise authorized by law;

2. Any term or condition by which the state or the department agrees to binding arbitration or any other binding extra-judicial dispute resolution process in which the final resolution is not determined by the state;

3. Any term or condition which purports to reserve a right to the contractor to unilaterally amend, revise, or add to the terms and conditions without the consent of the state or the department;

4. Any term or condition by which the state or the department agrees to limit the liability of another person for bodily injury, death, or damage to tangible property caused by the negligence or willful misconduct of such person or such person's employees or agents; and

5. Any term or condition that designates the law of a jurisdiction other than the state of New York as the law governing the contract. Notwithstanding the foregoing, any contract containing such term or condition shall otherwise be enforceable as if the contract did not contain such term or condition.

§ 3. This act shall take effect immediately.

PART HH

Section 1. Section 96 of the public officers law is amended by adding a new subdivision 3 to read as follows:

(3) For purposes of this section, the exchange of any record or personal information between and among agencies of the state shall not constitute disclosure of any record or personal information under subdivision one of this section and is not subject to the requirements therein. The exchange of such records between agencies shall be presumptively permissible, unless such disclosure is otherwise prohibited by law.

§ 2. This act shall take effect immediately.

PART II

Section 1. Short Title. This act shall be known and may be cited as the "New York data accountability and transparency act".

§ 2. The general business law is amended by adding a new section 899-cc to read as follows:

§ 899-cc. New York data accountability and transparency act. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings, unless otherwise specified:

(a) "Affiliate" shall mean a legal entity that controls, is controlled by, or is under common control with, another legal entity, where the entity holds itself out as affiliated or under common ownership such that a consumer acting reasonably under the circumstances would anticipate their personal information being provided to an affiliate.

(b) "Consumer" shall mean an identified or identifiable natural person who is a New York resident.

(c) "Covered entities" shall mean legal entities, including any affiliates, that conduct business in New York state or produce products or services that are intentionally targeted to residents of New York state, and that satisfy one or more of the following thresholds:

(i) Controls or processes personal information of one hundred thousand consumers or more; or

(ii) Derives over fifty percent of gross revenue from the sale, control, or processing of personal information.

(d) "De-identified data" means:

(i) Data that cannot be linked to a known natural person without additional information not available to the covered entity; or

(ii) Data that: has been modified to a degree that the risk of re-identification is small as determined by a person with appropriate knowledge of and experience with generally accepted statistical and scientific principles and methods for de-identifying data; is subject to a public commitment by the controller not to attempt to re-identify the data; and, to which one or more enforceable controls to prevent re-identification has been applied. Enforceable controls to prevent re-identification may include legal, administrative, technical, or contractual controls.

(e) "Direct relationship" shall mean that the consumer is a past or present:

(i) customer, client, subscriber or user of the business's goods or services;

(ii) investor in the business; or

(iii) donor to the business.

(f) "Identified or identifiable natural person" shall mean a person who can be identified, directly or indirectly, in particular by reference to specific information including, but not limited to, a name, an identification number, specific geolocation data, or an online identifier.

(g) "Personal information" shall mean data relating to an identified or identifiable natural person provided further that:

(i) personal Information shall include but is not limited to:

(A) an identifier such as a real name, alias, signature, date of birth, gender identity, sexual orientation, marital status, physical characteristic or description, postal address, telephone number, unique personal identifier, military identification number, online identifier, Internet Protocol address, email address, account name, mother's maiden name, social security number, driver's license number, passport number, or other similar identifier;

(B) information such as employment, employment history, bank account number, credit card number, debit card number, insurance policy number, or any other financial information, medical information, mental health information, or health insurance information;

(C) commercial information, including a record of personal property, income, assets, leases, rentals, products or services purchased, obtained, or considered, or other purchasing or consuming history;

(D) biometric information, including a retina or iris scan, fingerprint, voiceprint, or scan of hand or face geometry;

(E) internet or other electronic network activity information, including browsing history, search history, content, including text, photographs, audio or video recordings, or other user-generated content, non-public communications, and information regarding an individual's interaction with an internet website, mobile application, or advertisement;

(F) historical or real-time geolocation data;

(G) audio, visual, thermal, olfactory, or similar information;

(H) education records, as defined in section thirty-three hundred two of the education law;

(I) political information or information on criminal convictions or arrests;

(J) any required security code, access code, password, or username necessary to permit access to the account of an individual;

(K) traits or characteristics of an individual protected under the human rights law; or

(L) an inference drawn from any of the information described in this paragraph to create a profile about an individual reflecting the individual's preferences, characteristics, psychological trends, preferences, predispositions, behavior, attitudes, intelligence, abilities, or aptitudes.

(ii) Personal information shall not include:

(A) De-identified data;

(B) Personal information that is collected by a business about a natural person in the course of the natural person acting as a job applicant to, an employee of, owner of, director of, officer of, medical staff member of, or contractor of that business to the extent that the natural person's personal information is collected and used by the business solely within the context of the natural person's role or former role as a job applicant to, an employee of, owner of, director of, officer of, medical staff member of, or a contractor of that business;

(C) Personal information that is collected by a business that is emergency contact information of the natural person acting as a job applicant to, an employee of, owner of, director of, officer of, medical staff member of, or contractor of that business to the extent that the personal information is collected and used solely within the context of having an emergency contact on file; or

(D) Personal information that is necessary for the business to retain to administer benefits for another natural person relating to the natural person acting as a job applicant to, an employee of, owner of, director of, officer of, medical staff member of, or contractor of that business to the extent that the personal information is collected and used solely within the context of administering those benefits.

(h) "Publicly available information" is that which a covered entity has a reasonable basis to believe is lawfully made available to the general public from: federal, state or local government records; widely distributed media; or disclosures to the general public that are required to be made by federal, state or local law.

(i) "Verifiable consumer request" means a request that is made by a consumer, by a consumer on behalf of the consumer's minor child, or by a natural person or a person registered with the secretary of state, authorized by the consumer to act on the consumer's behalf, and that the covered entity can reasonably verify to be the consumer about whom the business has collected personal information. A covered entity is not obligated to perform any action related to paragraph (g) of subdivision three of this section if the covered entity cannot verify that the consumer making the request is the consumer about whom the covered entity has collected information or is a person authorized by the consumer to act on such consumer's behalf.

2. Exceptions. This section shall not apply to:

(a) State and local government entities, including agencies, boards, commissions, and authorities;

(b) Personal Information that is:

(i) Collected, stored, or otherwise utilized in accordance with the Federal Health Insurance Portability and Accountability Act of 1996, the Health Information Technology for Economic and Clinical Health Act, the Gramm-Leach-Bliley Act, or the Driver's Privacy Protection Act;

(ii) Maintained for employment records purposes, to the extent that such data sets are required to be maintained by an entity to meet its legal requirements;

(iii) Collected, stored, or otherwise utilized in accordance with the Fair Credit Reporting Act;

(iv) Publicly available information; or

(v) De-identified data.

3. Requirements of covered entities. A covered entity shall:

(a) Limit the collection of personal information to personal information obtained by lawful means and in accordance with subdivision five of this section.

(b) Only collect personal information relevant to the purposes for which they are intended to be used and only to the extent necessary for those purposes.

(c) At or before the point of collection, inform the consumer as to the type of personal information to be collected and the purposes for which such personal information shall be used. A covered entity shall not collect additional categories of personal information or use personal information collected for additional purposes without providing

the consumer with notice of such collection and the option to limit such collection pursuant to subdivision five of this section.

(d) Not use or disclose personal information for purposes other than those specified, except:

(i) when the consumer has the option to limit the use or disclosure in accordance with subdivision five of this section; or

(ii) as otherwise required by law.

(e) Protect personal information by implementing security safeguards to protect against risks such as loss, unauthorized access, destruction, use, modification, or unauthorized disclosure of such data.

(f) Clearly state the identity and location of any data processors, affiliates, or controllers.

(g) Upon receipt of a verifiable consumer request, provide a consumer with the ability:

(i) to obtain confirmation of whether or not the covered entity possesses personal information about the consumer;

(ii) to have personal information collected about the consumer in the last twelve months communicated to the consumer, within a reasonable time, at no charge, in a reasonable manner, and in a form that is readily intelligible to the consumer, provided that a covered entity may, but shall not be required to provide personal information to a consumer more than twice in a twelve month period;

(iii) the reasons for and the ability to challenge a denial of a request under subparagraphs (iv) and (v) of this paragraph denied and to be able to challenge such denial;

(iv) to challenge data relating to the consumer and, if the challenge is successful, to have the data returned, destroyed, rectified, completed or amended; and

(v) destroy or return personal information without undue delay, and direct all affiliates to do the same, in the following circumstances:

(A) the personal information is no longer necessary for the purposes for which it was collected or otherwise processed;

(B) the consumer affirmatively requests the covered entity stops the collection, storage, or processing of personal information;

(C) the personal information has been unlawfully collected or processed; or

(D) upon a request pursuant to paragraph (c) of subdivision four of this section.

4. Consumers' rights. The department of state, in consultation with the department of financial services, shall create a consumer data privacy bill of rights, which shall include, at a minimum the rights delineated in this subdivision and information on how a consumer may enforce such rights, as well as any other information deemed necessary to inform consumers of their rights regarding data privacy in accordance with this section or any other relevant provision of law. The rights afforded under this subdivision shall be in addition to any other rights afforded under any other provision of state or federal law. Consumers shall have the following rights:

(a) The right to protection of their personal information by covered entities.

(b) The right to exercise control over what personal information covered entities collect from them and how it is used.

(c) The right to request that a covered entity return, destroy, amend or otherwise alter the personal information collected about the consumer in accordance with paragraph (g) of subdivision three of this section.

Provided however, this right shall not apply to the extent that the possession, and processing of such data:

(i) is exercising the right of freedom of speech or other legal right by the covered entity or another party;

(ii) is necessary for compliance with a legal obligation;

(iii) is maintained for reasons of public interest in the area of public health;

(iv) is solely used for archiving purposes in the public interest, for scientific or historical research purposes or statistical purposes in so far as the right to erasure is likely to render impossible or seriously impair the achievement of the objectives of that collection or processing;

(v) is used for the establishment, exercise or defense of legal claims; or

(vi) is used to complete the transaction for which the personal information was collected, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, provide a good or service requested by the consumer, or reasonably anticipated within the context of a business' ongoing business relationship with the consumer, or otherwise perform a contract between the business and the consumer.

(d) The right to easily understandable and accessible information about the privacy and security practices of a covered entity.

(e) The right to secure and responsible handling of personal information.

(f) The right to access and correct personal information in a form and manner that can be accessed by the consumer, and that is appropriate to ensure the data remains protected.

(g) The right to opt-out of the sale of personal information, as follows:

(i) A consumer shall have the right, at any time, to direct a covered entity that sells or shares personal information about the consumer to third parties not to sell or share the consumer's personal information. This right may be referred to as the right to opt-out of sale or sharing;

(ii) A covered entity that sells consumers' personal information to, or shares it with, third parties shall provide notice to consumers in a clear and unambiguous manner that this information may be sold or shared and that consumers have the "right to opt-out" of the sale or sharing of their personal information pursuant to subdivision five of this section;

(iii) Notwithstanding paragraph (a) of this subdivision, a business shall not sell or share the personal information of consumers if the business has actual knowledge that the consumer is less than eighteen years of age, unless the consumer's parent or guardian has affirmatively authorized the sale or sharing of the consumer's personal information. A business that willfully disregards the consumer's age shall be deemed to have had actual knowledge of the consumer's age;

(iv) A business that has received direction from a consumer not to sell or share the consumer's personal information or, in the case of a minor consumer's personal information has not received consent to sell or share the minor consumer's personal information, shall be prohibited from selling or sharing the consumer's personal information after its receipt of the consumer's direction, unless the consumer subsequently opts-in to the sale or sharing of the consumer's personal information; or

(v) Right to equal services after exercising of any rights.

(h) (i) Except as otherwise permitted in this paragraph, a covered entity shall not discriminate against a consumer because the consumer exercised any of the consumer's rights under this section, including, but not limited to, by:

(A) Denying goods or services to the consumer;

(B) Charging different prices or rates for goods or services, including through the use of discounts or other benefits or imposing penalties; or

(C) Providing a different level or quality of goods or services to the consumer.

(ii) Nothing in this section shall prohibit a covered entity from charging a consumer a different price or rate, or from providing a different level or quality of goods or services to the consumer, if that difference is reasonably related to the value provided to the business by the consumer's personal information.

(iii) This paragraph does not prohibit a covered entity from offering loyalty, rewards, premium features, discounts, or club card programs otherwise consistent with this section.

(iv) A covered entity may offer financial incentives, including payments to consumers as compensation, for the collection, sale, sharing, or retention of a consumer's personal information. A covered entity that offers any financial incentives pursuant to this subdivision, shall clearly and conspicuously notify consumers of such financial incentives.

(v) A covered entity may enroll a consumer into a financial incentive program only if the consumer gives the covered entity prior opt-in consent that clearly describes the material terms of the financial incentive program, and which may be revoked by the consumer at any time. If a consumer declines to provide opt-in consent, then the covered entity shall wait at least twelve months before making a subsequent request that the consumer provide opt-in consent. Provided however, nothing shall preclude a covered entity from enrolling a consumer into such a financial incentive program, prior to such twelve month period upon the receipt of a verifiable consumer request to opt-in to such program.

(vi) A covered entity shall not use financial incentive practices that are unjust, unreasonable, coercive, or usurious in nature.

5. Methods of limiting sale, sharing, collection and use of personal information. (a) A covered entity that sells or shares consumers' personal information shall, in a form that is reasonably accessible to consumers:

(i) Provide a clear and conspicuous link on the covered entity's internet homepages, titled "Do Not Sell or Share My Personal Information", to an internet web page that enables a consumer, or a person authorized by the consumer, to opt-out of the sale or sharing of the consumer's personal information;

(ii) Provide a clear and conspicuous link on the covered entity's internet homepages, titled "Limit the Use and Collection of My Personal Information", that enables a consumer, or a person authorized by the consumer, to limit the collection, use or disclosure of the consumer's personal information to those uses authorized by subdivision three of this section;

(iii) At the covered entity's discretion, utilize a single, clearly labeled link on the covered entity's internet homepages, in lieu of complying with subparagraphs (i) and (ii) of this paragraph, if that link easily allows a consumer to opt-out of the sale or sharing of the consumer's personal information and to limit the use, collection or disclosure of the consumer's personal information; and

(iv) In the event that a covered entity responds to opt-out requests received pursuant to subparagraph (i), (ii), or (iii) of this paragraph by informing the consumer of a charge for the use of any product or service, present the terms of any financial incentive offered in accordance with paragraph (i) of subdivision four of this section for the retention, use, sale, or sharing of the consumer's personal information.

(b) A covered entity that receives a request pursuant to paragraph (a) of this subdivision must comply with the request as soon as technically feasible, but in no instance longer than thirty days from the receipt of the request.

6. Outreach and education. The department of state consumer protection division (the "division") shall, in conjunction with the department of financial services, develop, establish, and implement a public education awareness program advising consumers about:

(a) The existence of the consumer data privacy bill of rights and where such bill of rights can be accessed and downloaded;

(b) The significance each individual consumer personal private data point holds in the marketplace;

(c) Affirmative steps consumers can take to prevent unauthorized use of personal private data and the dangers inherent in not protecting such data;

(d) The program shall include a dedicated webpage on the division's website, brochures, consumer guides, posters or any combination thereof; and

(e) The program shall be made available to the public by any means deemed appropriate by the division, and may include internet, radio, and print advertising. The program may also identify and recruit individuals to serve as visible, public ambassadors to promote critical consumer personal information privacy messages.

7. Consumer data privacy advisory board. (a) The consumer data privacy advisory board shall consist of the following members, or their designees:

(i) The attorney general;

(ii) The secretary of state;

(iii) The superintendent of financial services;

(iv) The chief information security officer;

(v) The chief data officer; and

(vi) Two members appointed by the governor upon the recommendation of the attorney general, one of which must be an officer or employee of a covered entity, and one of which must be an officer or employee of a data privacy public interest or advocacy group. These two members shall serve for three year terms.

(b) The members of the board shall serve without compensation, except that each of them shall be allowed the necessary and actual expenses incurred in the performance of any of their duties hereunder.

(c) The board may conduct any business authorized herein when a quorum of the members are represented in session.

(d) The board shall meet at least once per year and shall provide guidance and recommendations related to this section, any regulations promulgated hereunder, and other matters related to consumer data privacy.

8. Recordkeeping requirements. Covered entities shall maintain records, in a form and manner as prescribed by the secretary of state, pertaining to their business practices demonstrating compliance with the provisions of this section and any other information as requested by the

secretary of state. Such information shall be made available for inspection upon the request of the secretary of state.

9. Enforcement. The secretary of state shall have the power to enforce the provisions of this section, and upon complaint of any person, or on his or her own initiative, to investigate any violation thereof, if in the opinion of the secretary of state such investigation is warranted. Upon a finding of a violation of any provision of this section, the secretary of state may assess a civil penalty of up to seven thousand five hundred dollars for each such violation, which may be imposed on a per day basis for any continuing violation.

10. Regulations. The department of state shall have the authority to issue rules and regulations pursuant to this section to effectuate this section.

§ 3. This act shall take effect two years after it shall have become a law.

PART JJ

Section 1. The general business law is amended by adding a new article 32-A to read as follows:

ARTICLE 32-A

VOICE RECOGNITION FEATURES IN PRODUCTS

Section 676. Disclosures for the use of voice recognition features in products.

§ 676. Disclosures for the use of voice recognition features in products. 1. Definitions. For purposes of this section, the following definitions shall apply:

(a) "Cloud computing storage service" shall have the same definition as such term is defined by the National Institute of Standards and Technology Special Publication 800-145, or a successor publication, and includes the service and deployment models referenced therein.

(b) "Connected device" shall mean a television, video game console as defined in section three hundred ninety-six-kk of this chapter, computer as defined in section three hundred ninety-two-a of this chapter, computer accessory as defined in section three hundred ninety-two-a of this chapter, internet-capable device as defined in section five hundred thirty-eight-b of this chapter, or a toy as defined in paragraph (f) of this subdivision.

(c) "De-identified data" shall mean:

(i) Data that cannot be linked to a known natural person without additional information not available to the covered entity; or

(ii) Data that: has been modified to a degree that the risk of re-identification is small as determined by a person with appropriate knowledge of and experience with generally accepted statistical and scientific principles and methods for de-identifying data; is subject to a public commitment by the controller not to attempt to re-identify the data; and to which one or more enforceable controls to prevent re-identification has been applied. Enforceable controls to prevent re-identification may include legal, administrative, technical, or contractual controls.

(d) "Personal information" shall mean data relating to an identified or identifiable natural person provided further that:

(i) Personal information shall include but is not limited to:

(A) an identifier such as a real name, alias, signature, date of birth, gender identity, sexual orientation, marital status, physical characteristic or description, postal address, telephone number, unique

personal identifier, military identification number, online identifier, Internet Protocol address, email address, account name, mother's maiden name, social security number, driver's license number, passport number, or other similar identifier;

(B) information such as employment, employment history, bank account number, credit card number, debit card number, insurance policy number, or any other financial information, medical information, mental health information, or health insurance information;

(C) commercial information, including a record of personal property, income, assets, leases, rentals, products or services purchased, obtained, or considered, or other purchasing or consuming history;

(D) biometric information, including a retina or iris scan, fingerprint, voiceprint, or scan of hand or face geometry;

(E) internet or other electronic network activity information, including browsing history, search history, content, including text, photographs, audio or video recordings, or other user-generated content, nonpublic communications, and information regarding an individual's interaction with an internet website, mobile application, or advertisement;

(F) historical or real-time geolocation data;

(G) audio, visual, thermal, olfactory, or similar information;

(H) education records, as defined in section thirty-three hundred two of the education law;

(I) political information or information on criminal convictions or arrests;

(J) any required security code, access code, password, or username necessary to permit access to the account of an individual;

(K) characteristics of protected classes under the human rights law, including race, color, national origin, religion, sex, age, or disability; or

(L) an inference drawn from any of the information described in this paragraph to create a profile about an individual reflecting the individual's preferences, characteristics, psychological trends, preferences, predispositions, behavior, attitudes, intelligence, abilities, or aptitudes.

(ii) Personal information shall not include de-identified data.

(e) "Retained" shall mean the saving or storing, or both saving and storing, of voice recorded data longer than the minimum time necessary to complete a requested command by the user.

(f) "Toy" shall mean any product designed or intended by the manufacturer to be used by children or adults for amusement or play.

(g) "User" shall mean a person who originally purchases, leases, or takes ownership of a connected device or another person designated by the user to perform the initial setup or installation of the connected device, but such term shall not include a person who is incidentally recorded when a voice recognition feature is activated by a user.

(h) "Voice recognition feature" shall mean the function of a connected device with a voice recognition feature that allows the collection, recording, storage, analysis, transmission, interpretation, or other use of spoken words or other sounds, except that this term shall not include spoken words or other sounds that are not recorded, retained, or transmitted beyond the connected device.

(i) "Voice recorded data" shall mean audio recordings or transcriptions of those recordings collected through the operation of a voice recognition feature by the manufacturer of a connected device.

2. Disclosures on use of voice recognition. (a) A person or entity shall not sell or otherwise provide a connected device or toy containing

a voice recognition feature within this state without prominently informing purchasers both prior to the sale on its packaging and during the initial setup or installation that, at a minimum, the device may be recording the user. During the initial setup or installation such device must disclose: the categories of personal information collected, the purposes for which this personal information is collected, and that if the person or entity is retaining such voice recorded data, for how long, and whether a natural person may listen to such audio.

(b) Nothing in this section shall be construed to authorize the disclosure of any recordings retained by the manufacturer, any affiliates of the same, or any third parties with a contractual relationship with the manufacturer, to any individual or entity, including a law enforcement agency, or any officer, employee, or agent of such agency, unless otherwise authorized by law or pursuant to a judicial order.

(c) A manufacturer shall not be liable for functionality provided by applications that the user chooses to use in a cloud computing storage service or are downloaded and installed by a user, unless the manufacturer collects, controls, or has access to any personal information collected or elicited by the applications.

(d) This section shall not apply to a product or service used only to record information by a covered entity, a health care provider, a business associate, a health care service plan, a contractor, an employee or another person that is subject to the Health Insurance Portability and Accountability Act of 1996 or regulations promulgated under such act, with respect to any action that such act regulates.

(e) This section shall not apply to any connected device regulated by the United States Food and Drug Administration under 21 C.F.R. parts 800 to 1299 or other requirements, regulations, and guidance the United States Food and Drug Administration promulgates with respect to medical devices, including software as a medical device.

3. Enforcement. The secretary of state shall have the power to enforce the provisions of this section, and upon complaint of any person, or on his or her own initiative, to investigate any violation thereof, if in the opinion of the secretary of state such investigation is warranted. Upon a finding of a violation of any provision of this section, the secretary of state may assess a civil penalty of up to two thousand five hundred dollars for each such violation.

§ 2. This act shall take effect one year after it shall have become a law.

PART KK

Section 1. Section 54-l of the state finance law, as added by section 1 of part J of chapter 57 of 2011, paragraph b of subdivision 2 as amended by section 1 of part X of chapter 55 of the laws of 2014 and subdivision 5 as added by section 5 of part S of chapter 39 of the laws of 2019, is amended to read as follows:

§ 54-l. State assistance to eligible cities [~~and eligible municipalities~~] in which a video lottery gaming facility is located. 1. Definitions. When used in this section, unless otherwise expressly stated:

[~~a.~~] "Eligible city" shall mean a city with a population equal to or greater than one hundred twenty-five thousand and less than one million in which a video lottery gaming facility is located and operating as of January first, two thousand nine pursuant to section sixteen hundred seventeen-a of the tax law.

[~~b. "Eligible municipality" shall mean a county, city, town or village in which a video lottery gaming facility is located pursuant to section sixteen hundred seventeen-a of the tax law that is not located in a city with a population equal to or greater than one hundred twenty-five thousand.~~]

2. [~~a.~~] Within the amount appropriated therefor, an eligible city shall receive an amount equal to **ninety-five percent of** the state aid payment received in the state fiscal year commencing April first, two thousand [~~eight~~] **twenty** from an appropriation for aid to municipalities with video lottery gaming facilities.

[~~b. Within the amounts appropriated therefor, eligible municipalities shall receive an amount equal to seventy percent of the state aid payment received in the state fiscal year commencing April first, two thousand eight from an appropriation for aid to municipalities with video lottery gaming facilities.~~]

3. [~~a.~~] State aid payments made to an eligible city pursuant to [~~paragraph a of~~] subdivision two of this section shall be used to increase support for public schools in such city.

[~~b. State aid payments made to an eligible municipality pursuant to paragraph b of subdivision two of this section shall be used by such eligible municipality to: (i) defray local costs associated with a video lottery gaming facility, or (ii) minimize or reduce real property taxes.~~]

4. Payments of state aid pursuant to this section shall be made on or before June thirtieth of each state fiscal year to the chief fiscal officer of each eligible city [~~and each eligible municipality~~] on audit and warrant of the state comptroller out of moneys appropriated by the legislature for such purpose to the credit of the local assistance fund in the general fund of the state treasury.

[~~5. The town and county in which the facility defined in paragraph five of subdivision a of section sixteen hundred seventeen-a of the tax law is located shall receive assistance payments made pursuant to this section at the same dollar level realized by the village of Monticello, Sullivan county, the town of Thompson, Sullivan county, and Sullivan county. Each village in which the facility defined in paragraph five of subdivision a of section sixteen hundred seventeen-a of the tax law is located shall receive assistance payments made pursuant to this section at the rate of fifty percent of the dollar level realized by the village of Monticello. Any payments made pursuant to this subdivision shall not commence until the facility defined in paragraph five of subdivision a of section sixteen hundred seventeen-a of the tax law has realized revenue for a period of twelve consecutive months.~~]

§ 2. This act shall take effect immediately.

PART LL

Section 1. Subparagraph (i) of paragraph a of subdivision 10 of section 54 of the state finance law, as added by section 1 of part F of chapter 56 of the laws of 2007, is amended to read as follows:

(i) "Municipality" means a city with a population less than one million[~~, town or village~~].

§ 2. Subparagraph (v) of paragraph b of subdivision 10 of section 54 of the state finance law, as added by section 1 of part PPP of chapter 59 of the laws of 2019, is amended and a new subparagraph (vi) is added to read as follows:

(v) Notwithstanding subparagraph (i) of this paragraph, within amounts appropriated in the state fiscal year commencing April first, two thousand nineteen, [~~and annually thereafter,~~] there shall be apportioned and paid to each municipality [~~which is a city~~] a base level grant in an amount equal to the prior year aid received by such city, and there shall be apportioned and paid to each [~~municipality which is a~~] town or village a base level grant in accordance with clause two of this subparagraph.

(1) When used in this subparagraph, unless otherwise expressly stated:

(A) "two thousand eighteen--two thousand nineteen AIM funding" shall mean the sum of the base level grant paid in the state fiscal year that began April first, two thousand eighteen pursuant to this paragraph.

(B) "two thousand seventeen total expenditures" shall mean all funds and total expenditures for a town or a village as reported to the state comptroller for local fiscal years ended in two thousand seventeen.

(C) "AIM Reliance" shall mean two thousand eighteen-two thousand nineteen AIM funding calculated as a percentage of two thousand seventeen total expenditures, provided that, for a village which dissolved during the state fiscal year that began April first, two thousand eighteen, the village's two thousand eighteen--two thousand nineteen AIM funding shall be added to the existing two thousand eighteen--two thousand nineteen AIM funding of the town into which the village dissolved for purposes of this calculation.

(2) A base level grant equal to a town or village's prior year aid only if such town or village's AIM reliance equals two percent or greater as reported to and published by the state comptroller as of January tenth, two thousand nineteen.

(vi) Notwithstanding subparagraph (i) of this paragraph, within amounts appropriated in the state fiscal year commencing April first, two thousand twenty-one, and annually thereafter, there shall be apportioned and paid to each municipality a base level grant in accordance with clause two of this subparagraph:

(1) When used in this subparagraph, unless otherwise expressly stated:

(A) "two thousand nineteen-two thousand twenty AIM funding" shall mean the sum of the base level grant paid in the state fiscal year that began April first, two thousand nineteen pursuant to this paragraph.

(B) "two thousand nineteen expenditures" shall mean general fund expenditures for a municipality as reported to and published by the state comptroller for local fiscal years ended in two thousand nineteen.

(C) "AIM Reliance" shall mean two thousand nineteen-two thousand twenty AIM funding calculated as a percentage of two thousand nineteen expenditures.

(2) A base level grant equal to:

(A) eighty percent of a municipality's two thousand nineteen-two thousand twenty AIM funding if such municipality's AIM Reliance was equal to or less than 8.1500 percent; or

(B) eighty-five percent of a municipality's two thousand nineteen-two thousand twenty AIM funding if such municipality's AIM Reliance was higher than 8.1500 percent but less than or equal to 11.3436 percent; or

(C) ninety percent of a municipality's two thousand nineteen-two thousand twenty AIM funding if such municipality's AIM Reliance was higher than 11.3436 percent but less than or equal to 14.1522 percent; or

(D) ninety-seven and one-half percent of a municipality's two thousand nineteen-two thousand twenty AIM funding if such municipality's AIM Reliance was higher than 14.1522 percent; or

(E) eighty percent of a municipality's two thousand nineteen-two thousand twenty AIM funding if such municipality has not, by May fifteenth, two thousand twenty-one, reported the information to the state comptroller necessary to establish its two thousand nineteen expenditures.

§ 3. Paragraph 5-a of subdivision (c) of section 1261 of the tax law, as amended by section 2 of part NN of chapter 55 of the laws of 2020, is amended to read as follows:

(5-a) However, after the comptroller has made the payments to the Nassau county interim finance authority, the Buffalo fiscal stability authority, and the Erie county fiscal stability authority required by paragraph three of this subdivision, for each municipality that received a base level grant in state fiscal year two thousand eighteen-two thousand nineteen [~~but not in state fiscal year two thousand nineteen-two thousand twenty~~] under the aid and incentives for municipalities program pursuant to subdivision ten of section fifty-four of the state finance law, the comptroller shall annually withhold from each county except Nassau and Erie from the remaining taxes, penalties and interest imposed by the county in which a majority of the population of such municipality resides, and on behalf of Nassau and Erie counties the comptroller shall annually receive from the Nassau county interim finance authority, the Buffalo fiscal stability authority, and the Erie county fiscal stability authority, an amount equal to **eighty percent of** the base level grant received by such municipality in state fiscal year two thousand eighteen-two thousand nineteen and shall annually distribute, by December fifteenth, two thousand [~~nineteen~~] **twenty-one** and by such date annually thereafter, such amount directly to such municipality, unless such municipality has a fiscal year ending May thirty-first, then such annual distribution shall be made by May fifteenth, two thousand [~~twenty~~] **twenty-two** and by such date annually thereafter. No county shall have any right, title or interest in or to the taxes, penalties and interest required to be withheld or distributed pursuant to this paragraph.

§ 4. This act shall take effect immediately, provided, however, that the amendments made to paragraph 5-a of subdivision (c) of section 1261 of the tax law made by section three of the act shall not take effect until July 1, 2021.

PART MM

Section 1. The opening paragraph of subparagraph 2 of paragraph a and subparagraph 2 of paragraph b of subdivision 3 of section 11 of the general municipal law, the opening paragraph of subparagraph 2 of paragraph a as amended by section 1 of part W of chapter 406 of the laws of 1999 and subparagraph 2 of paragraph b as amended by chapter 130 of the laws of 1998, are amended to read as follows:

notwithstanding any other provision of general, special or local law, any city having a population of one million or more **and any county** may also make investments in the following:

(2) Such obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company or, with respect to the city of New York **and counties**, a reputable dealer in such obligations as shall be designated by the state comptroller, in this state. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company or dealer in obligations only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing

to the local government by the bank or trust company. All obligations held in the custody of a bank or trust company pursuant to this paragraph shall be held by such bank or trust company pursuant to a written custodial agreement as set forth in paragraph a of subdivision three of section ten of this article.

§ 2. Paragraph b of subdivision 3 of section 11 of the general municipal law, as amended by chapter 548 of the laws of 1997, is amended to read as follows:

b. Such obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company or, with respect to the city of New York **and counties**, a reputable dealer in such obligations as shall be designated by the state comptroller, in this state. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company or dealer in obligations only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the local government by the bank or trust company. All obligations held in the custody of a bank or trust company pursuant to this paragraph shall be held by such bank or trust company pursuant to a written custodial agreement as set forth in paragraph a of subdivision three of section ten of this article.

§ 3. This act shall take effect immediately, provided however the amendments to subdivision 3 of section 11 of the general municipal law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 2 of chapter 130 of the laws of 1998, as amended, when upon such date the provisions of section two of this act shall take effect.

PART NN

Section 1. Subdivision 8 of section 239-bb of the general municipal law, as added by section 1 of part EE of chapter 55 of the laws of 2018, is amended to read as follows:

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

the matching funding and agree on the distribution and use of any matching funding in order to qualify for matching funding. **Each county shall be authorized to submit one consolidated application for matching funds for each approved and transmitted plan. All actions from a plan for which matching funds will be requested shall adhere to the same twelve-month period beginning either January first or July first. The secretary of state shall develop the application with any necessary requirements for receipt of state matching funds.**

§ 2. Subdivision 11 of section 239-bb of the general municipal law is REPEALED.

§ 3. This act shall take effect immediately.

PART OO

Section 1. Section 2 of chapter 308 of the laws of 2012 amending the general municipal law relating to providing local governments greater contract flexibility and cost savings by permitting certain shared purchasing among political subdivisions, as amended by chapter 211 of the laws of 2018, is amended to read as follows:

§ 2. This act shall take effect immediately, and shall expire and be deemed repealed July 31, [~~2021~~] **2023**.

§ 2. This act shall take effect immediately.

PART PP

Section 1. Section 217 of the county law is amended to read as follows:

§ 217. County jail. Each county shall continue to maintain a county jail as prescribed by law**; provided, however, this section shall not prohibit contiguous counties from jointly maintaining a jail pursuant to a shared services agreement that has been reviewed and approved by the New York state commission of correction. The commission's review and approval of a shared services agreement shall be limited to the portions of the agreement that directly affect the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all persons confined in the jail**.

§ 2. Subdivision 1 of section 500-a of the correction law is amended by adding a new paragraph (h) to read as follows:

(h) Notwithstanding any other law to the contrary, nothing in this subdivision shall prohibit contiguous counties from jointly maintaining a jail pursuant to section two hundred seventeen of the county law.

§ 3. Subdivision 1 of section 500-c of the correction law, as added by chapter 907 of the laws of 1984, is amended to read as follows:

1. Except as provided in subdivision two of this section, the sheriff of each county shall have custody of the county jail of such county**; provided however, that for contiguous counties jointly maintaining a jail pursuant to section two hundred seventeen of the county law, the sheriff of the county in which such jail is located shall regularly consult with the sheriff of any county jointly maintaining the jail**.

§ 4. Paragraph (b) of subdivision 3 of section 259-i of the executive law, as amended by section 11 of part E of chapter 62 of the laws of 2003, is amended to read as follows:

(b) A person who shall have been taken into custody pursuant to this subdivision for violation of one or more conditions of presumptive release, parole, conditional release or post-release supervision shall, insofar as practicable, be incarcerated in the county or city in which

the arrest occurred. **Notwithstanding any other law to the contrary, nothing in this subdivision shall prohibit contiguous counties from jointly maintaining a jail pursuant to section two hundred seventeen of the county law.**

§ 5. Paragraph (a) of subdivision 16 of section 2 of the correction law, as amended by chapter 681 of the laws of 1990, is amended to read as follows:

(a) "Local correctional facility." Any place [~~operated~~] **maintained** by [~~a county~~] **one or more contiguous counties,** or the city of New York as a place for the confinement of persons duly committed to secure their attendance as witnesses in any criminal case, charged with crime and committed for trial or examination, awaiting the availability of a court, duly committed for any contempt or upon civil process, convicted of any offense and sentenced to imprisonment therein or awaiting transportation under sentence to imprisonment in a correctional facility, or pursuant to any other applicable provisions of law.

§ 6. Subdivision 1 of section 751 of the judiciary law, as amended by chapter 399 of the laws of 1988, is amended to read as follows:

1. Except as provided in subdivisions (2), (3) and (4), punishment for a contempt, specified in section seven hundred fifty, may be by fine, not exceeding one thousand dollars, or by imprisonment, not exceeding thirty days, in the jail of the county where the court is sitting, or both, in the discretion of the court. **If the county jail in which the court is sitting has entered into a shared services agreement pursuant to section two hundred seventeen of the county law, the person may be imprisoned in a jail in the contiguous county that is party to such agreement.** Where the punishment for contempt is based on a violation of an order of protection issued under section 530.12 or 530.13 of the criminal procedure law, imprisonment may be for a term not exceeding three months. Where a person is committed to jail, for the nonpayment of a fine, imposed under this section, he must be discharged at the expiration of thirty days; but where he is also committed for a definite time, the thirty days must be computed from the expiration of the definite time.

Such a contempt, committed in the immediate view and presence of the court, may be punished summarily; when not so committed, the party charged must be notified of the accusation, and have a reasonable time to make a defense.

§ 7. Subdivision 4 of section 40 of the correction law, as amended by chapter 247 of the laws of 2018, is amended to read as follows:

4. "Municipal official" means (a) the sheriff or, where a local correctional facility is under the jurisdiction of a county department, the head of such department, and clerk of the board of supervisors, in the case of a county jail; (b) [~~the~~] **any** sheriff or other officer having custody or administrative jurisdiction and the clerk of [~~the~~] **any** board of supervisors, in the case of a [~~county penitentiary~~] **jail maintained by two or more contiguous counties pursuant to section two hundred seventeen of the county law**; (c) the clerk of the board of supervisors in the case of a county lockup; (d) the mayor and the city clerk, in the case of a city jail or lockup; (e) the supervisor and town clerk, in the case of a town lockup; (f) the mayor and village clerk, in the case of a village lockup; (g) the clerk of the board of supervisors of the county wherein located and the officer having custody or control, in the case of a court detention pen or a hospital prison ward.

§ 8. Paragraph (b) of subdivision 3 of section 430.20 of the criminal procedure law, as amended by chapter 788 of the laws of 1971, is amended to read as follows:

(b) In any other case, commitment must be to the county jail[~~, workhouse or penitentiary, or to a penitentiary outside the county~~] **or, in a county jointly maintaining a jail pursuant to section two hundred seventeen of the county law, to such jail,** and the order of commitment must specify the institution to which the defendant is to be delivered.

§ 9. Subdivision 35 of section 1.20 of the criminal procedure law is amended to read as follows:

35. "Commitment to the custody of the sheriff," when referring to an order of a court located in a county or city which has established a department of correction, means commitment to the commissioner of correction of such county or city. **When referring to an order of a court located in a county jointly maintaining a jail pursuant to section two hundred seventeen of the county law, "commitment to the custody of the sheriff" shall mean commitment to the sheriff of the county in which such jail is located.**

§ 10. Paragraph a of subdivision 7 of section 3202 of the education law, as amended by chapter 564 of the laws of 2001, is amended to read as follows:

a. A person under twenty-one years of age who has not received a high school diploma and who is incarcerated in a correctional facility maintained by [~~a county~~] **one or more contiguous counties** or by the city of New York or in a youth shelter is eligible for educational services pursuant to this subdivision and in accordance with the regulations of the commissioner. Such services shall be provided by the school district in which the facility or youth shelter is located, within the limits of the funds allocated by the commissioner for such purposes pursuant to section thirty-six hundred two of this chapter and pursuant to a plan approved by the commissioner. School districts shall submit such plan by July fifteenth of each school year. Boards of education are authorized to contract for the provision of such educational services by a board of cooperative educational services or by another public school district.

§ 11. This act shall take effect immediately; provided that the amendments to subdivision 1 of section 500-c of the correction law made by section three of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART QQ

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

1. DOL-Child performer protection account (20401).
2. Local government records management account (20501).
3. Child health plus program account (20810).
4. EPIC premium account (20818).
5. Education - New (20901).
6. VLT - Sound basic education fund (20904).
7. Sewage treatment program management and administration fund (21000).
8. Hazardous bulk storage account (21061).
9. Utility environmental regulatory account (21064).

10. Federal grants indirect cost recovery account (21065).
11. Low level radioactive waste account (21066).
12. Recreation account (21067).
13. Public safety recovery account (21077).
14. Environmental regulatory account (21081).
15. Natural resource account (21082).
16. Mined land reclamation program account (21084).
17. Great lakes restoration initiative account (21087).
18. Environmental protection and oil spill compensation fund (21200).
19. Public transportation systems account (21401).
20. Metropolitan mass transportation (21402).
21. Operating permit program account (21451).
22. Mobile source account (21452).
23. Statewide planning and research cooperative system account (21902).
24. New York state thruway authority account (21905).
25. Mental hygiene program fund account (21907).
26. Mental hygiene patient income account (21909).
27. Financial control board account (21911).
28. Regulation of racing account (21912).
29. State university dormitory income reimbursable account (21937).
30. Criminal justice improvement account (21945).
31. Environmental laboratory reference fee account (21959).
32. Training, management and evaluation account (21961).
33. Clinical laboratory reference system assessment account (21962).
34. Indirect cost recovery account (21978).
35. Multi-agency training account (21989).
36. Bell jar collection account (22003).
37. Industry and utility service account (22004).
38. Real property disposition account (22006).
39. Parking account (22007).
40. Courts special grants (22008).
41. Asbestos safety training program account (22009).
42. Camp Smith billeting account (22017).
43. Batavia school for the blind account (22032).
44. Investment services account (22034).
45. Surplus property account (22036).
46. Financial oversight account (22039).
47. Regulation of Indian gaming account (22046).
48. Rome school for the deaf account (22053).
49. Seized assets account (22054).
50. Administrative adjudication account (22055).
51. Federal salary sharing account (22056).
52. New York City assessment account (22062).
53. Cultural education account (22063).
54. Local services account (22078).
55. DHCR mortgage servicing account (22085).
56. Housing indirect cost recovery account (22090).
57. DHCR-HCA application fee account (22100).
58. Low income housing monitoring account (22130).
59. Corporation administration account (22135).
60. New York State Home for Veterans in the Lower-Hudson Valley account (22144).
61. Deferred compensation administration account (22151).
62. Rent revenue other New York City account (22156).
63. Rent revenue account (22158).

64. Tax revenue arrearage account (22168).
65. New York state medical indemnity fund account (22240).
66. Behavioral health parity compliance fund (22246).
67. State university general income offset account (22654).
68. Lake George park trust fund account (22751).
69. State police motor vehicle law enforcement account (22802).
70. Highway safety program account (23001).
71. DOH drinking water program account (23102).
72. NYCCC operating offset account (23151).
73. Commercial gaming regulation account (23702).
74. Highway use tax administration account (23801).
75. New York state secure choice administrative account (23806).
76. Fantasy sports administration account (24951).
77. Highway and bridge capital account (30051).
78. Aviation purpose account (30053).
79. State university residence hall rehabilitation fund (30100).
80. State parks infrastructure account (30351).
81. Clean water/clean air implementation fund (30500).
82. Hazardous waste remedial cleanup account (31506).
83. Youth facilities improvement account (31701).
84. Housing assistance fund (31800).
85. Housing program fund (31850).
86. Highway facility purpose account (31951).
87. Information technology capital financing account (32215).
88. New York racing account (32213).
89. Capital miscellaneous gifts account (32214).
90. New York environmental protection and spill remediation account (32219).
91. Mental hygiene facilities capital improvement fund (32300).
92. Correctional facilities capital improvement fund (32350).
93. New York State Storm Recovery Capital Fund (33000).
94. OGS convention center account (50318).
95. Empire Plaza Gift Shop (50327).
96. Centralized services fund (55000).
97. Archives records management account (55052).
98. Federal single audit account (55053).
99. Civil service EHS occupational health program account (55056).
100. Banking services account (55057).
101. Cultural resources survey account (55058).
102. Neighborhood work project account (55059).
103. Automation & printing chargeback account (55060).
104. OFT NYT account (55061).
105. Data center account (55062).
106. Intrusion detection account (55066).
107. Domestic violence grant account (55067).
108. Centralized technology services account (55069).
109. Labor contact center account (55071).
110. Human services contact center account (55072).
111. Tax contact center account (55073).
112. Department of law civil recoveries account (55074).
113. Executive direction internal audit account (55251).
114. CIO Information technology centralized services account (55252).
115. Health insurance internal service account (55300).
116. Civil service employee benefits division administrative account (55301).
117. Correctional industries revolving fund (55350).

118. Employees health insurance account (60201).
119. Medicaid management information system escrow fund (60900).
120. New York state cannabis revenue fund.

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

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

§ 2. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2022, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:

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

Education:

1. $2,520,000,000 from the general fund to the state lottery fund, education account (20901), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.
2. $746,000,000 from the general fund to the state lottery fund, VLT education account (20904), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.
3. $125,600,000 from the general fund to the New York state commercial gaming fund, commercial gaming revenue account (23701), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 97-nnnn of the state finance law that are in excess of the amounts deposited in such fund for purposes pursuant to section 1352 of the racing, pari-mutuel wagering and breeding law.
4. $6,000,000 from the interactive fantasy sports fund, fantasy sports education account (24950), to the state lottery fund, education account (20901), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law.

5. An amount up to the unencumbered balance from the charitable gifts trust fund, elementary and secondary education account (24901), to the general fund, for payment of general support for public schools pursuant to section 3609-a of the education law.

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

7. $300,000 from the New York state local government records management improvement fund, local government records management account (20501), to the New York state archives partnership trust fund, archives partnership trust maintenance account (20351).

8. $900,000 from the general fund to the miscellaneous special revenue fund, Batavia school for the blind account (22032).

9. $900,000 from the general fund to the miscellaneous special revenue fund, Rome school for the deaf account (22053).

10. $343,400,000 from the state university dormitory income fund (40350) to the miscellaneous special revenue fund, state university dormitory income reimbursable account (21937).

11. $8,318,000 from the general fund to the state university income fund, state university income offset account (22654), for the state's share of repayment of the STIP loan.

12. $68,000,000 from the state university income fund, state university hospitals income reimbursable account (22656) to the general fund for hospital debt service for the period April 1, 2021 through March 31, 2022.

13. $7,850,000 from the miscellaneous special revenue fund, office of the professions account (22051), to the miscellaneous capital projects fund, office of the professions electronic licensing account (32222).

14. $24,000,000 from any of the state education department's special revenue and internal service funds to the miscellaneous special revenue fund, indirect cost recovery account (21978).

15. $4,200,000 from any of the state education department's special revenue or internal service funds to the capital projects fund (30000).

16. $1,500,000 from the miscellaneous special revenue fund, office of the professions account (22051), to the general fund from fees charged to each non-licensee owner of a firm that is incorporating as a professional service corporation formed to lawfully engage in the practice of public accountancy.

17. $12,500,000 from the School Capital Facilities Financing Reserve Fund to the Capital Projects Fund account (30000), for excess debt service reserve fund balances related to bonds that have been fully retired. Such excess funds shall be used to support the development of a modernized State aid data system for the education department.

Environmental Affairs:

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

2. $5,000,000 from any of the department of environmental conservation's special revenue federal funds, and/or federal capital funds, to the conservation fund (21150) or Marine Resources Account (21151) as necessary to avoid diversion of conservation funds.

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

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

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

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

6. $1,800,000 from the general fund to the hazardous waste remedial fund, hazardous waste oversight and assistance account (31505).

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

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

9. $7,000,000 from the general fund to the enterprise fund, state fair account (50051).

10. $4,000,000 from the waste management & cleanup account (21053) to the general fund.

11. $3,000,000 from the waste management & cleanup account (21053) to the environmental protection fund transfer account (30451).

Family Assistance:

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

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

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

4. $175,000,000 from any of the office of temporary and disability assistance or department of health special revenue funds to the general fund.

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

6. $35,000,000 from any of the office of children and family services, office of temporary and disability assistance, department of labor, and department of health special revenue federal funds to the office of children and family services miscellaneous special revenue fund, multi-agency training contract account (21989).

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

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

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

General Government:

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

2. $12,000,000 from the general fund to the health insurance revolving fund (55300).

3. $292,400,000 from the health insurance reserve receipts fund (60550) to the general fund.

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

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

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

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

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

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

10. $3,435,000 from the general fund to the centralized services fund, COPS account (55013).

11. $11,460,000 from the general fund to the agencies internal service fund, central technology services account (55069), for the purpose of enterprise technology projects.

12. $10,000,000 from the general fund to the agencies internal service fund, state data center account (55062).

13. $12,000,000 from the agencies enterprise fund, parking services account (22007), to the centralized services, building support services account (55018).

14. $30,000,000 from the general fund to the internal service fund, business services center account (55022).

15. $8,000,000 from the general fund to the internal service fund, building support services account (55018).

16. $1,500,000 from the agencies enterprise fund, special events account (20120), to the general fund.

Health:

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

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

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

4. $20,294,000 from the HCRA resources fund (20800) to the miscellaneous special revenue fund, empire state stem cell trust fund account (22161).

5. $2,000,000 from the miscellaneous special revenue fund, certificate of need account (21920), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

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

7. $6,000,000 from the miscellaneous special revenue fund, professional medical conduct account (22088), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

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

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

10. An amount up to the unencumbered balance from the charitable gifts trust fund, health charitable account (24900), to the general fund, for payment of general support for primary, preventive, and inpatient health care, dental and vision care, hunger prevention and nutritional assistance, and other services for New York state residents with the overall goal of ensuring that New York state residents have access to quality health care and other related services.

11. $500,000 from the miscellaneous special revenue fund, New York State cannabis revenue fund, to the miscellaneous special revenue fund, environmental laboratory fee account (21959).

12. An amount up to the unencumbered balance from the public health emergency charitable gifts trust fund to the general fund, for payment of goods and services necessary to respond to a public health disaster emergency or to assist or aid in responding to such a disaster.

13. $2,585,000 from the miscellaneous special revenue fund, patient safety center account (22140), to the general fund.

14. $1,000,000 from the miscellaneous special revenue fund, nursing home receivership account (21925), to the general fund.

15. $133,000 from the miscellaneous special revenue fund, quality of care account (21915), to the general fund.

16. $2,200,000 from the miscellaneous special revenue fund, adult home quality enhancement account (22091), to the general fund.

Labor:

1. $600,000 from the miscellaneous special revenue fund, DOL fee and penalty account (21923), to the child performer's protection fund, child performer protection account (20401).

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

3. $50,000,000 from the DOL fee and penalty account (21923), unemployment insurance special interest and penalty account (23601), and public work enforcement account (21998), to the general fund.

Mental Hygiene:

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

2. $3,800,000 from the general fund, to the agencies internal service fund, civil service EHS occupational health program account (55056).

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

Public Protection:

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

2. $2,587,000 from the general fund to the miscellaneous special revenue fund, recruitment incentive account (22171).

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

4. $2,000,000,000 from any of the division of homeland security and emergency services special revenue federal funds to the general fund.

5. $11,149,000 from the miscellaneous special revenue fund, criminal justice improvement account (21945), to the general fund.

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

7. $131,500,000 from the general fund to the correctional facilities capital improvement fund (32350).

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

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

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

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

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

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

14. $30,500,000 from the miscellaneous special revenue fund, statewide public safety communications account (22123), to the general fund.

Transportation:

1. $20,000,000 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assistance account (21401), of which $12,000,000 constitutes the base need for operations.

2. $727,500,000 from the general fund to the dedicated highway and bridge trust fund (30050).

3. $244,250,000 from the general fund to the MTA financial assistance fund, mobility tax trust account (23651).

4. $5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the dedicated highway and bridge trust fund (30050), for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the dedicated highway and bridge trust fund (30050) for such purpose pursuant to section 94 of the transportation law.

5. $3,000,000 from the miscellaneous special revenue fund, traffic adjudication account (22055), to the general fund.

6. $8,557,000 from the mass transportation operating assistance fund, metropolitan mass transportation operating assistance account (21402), to the capital projects fund (30000).

7. $5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the general fund, for disbursements made from such fund for motor carrier safety that are in excess of the

amounts deposited in the general fund for such purpose pursuant to section 94 of the transportation law.

8. $4,721,000 from the mass transportation operating assistance fund, public transportation systems operating assistance account (21401), to the general fund.

9. $107,474,000 from the mass transportation operating assistance fund, metropolitan mass transportation operating assistance account (21402), to the general fund.

10. $22,557,000 from the dedicated mass transportation trust fund, transit account (20851), to the general fund.

11. $3,985,000 from the dedicated mass transportation trust fund, commuter rail account (20852), to the general fund.

12. $2,372,000 from the dedicated mass transportation trust fund, non-MTA account (20853), to the general fund.

13. $12,552,000 from the metropolitan transportation authority financial assistance fund, mobility tax trust account (23651), to the general fund.

14. $6,552,000 from the New York central business district trust fund (23653) to the general fund.

Miscellaneous:

1. $250,000,000 from the general fund to any funds or accounts for the purpose of reimbursing certain outstanding accounts receivable balances or fund spending expected to be incurred to maintain essential governmental operations which are in excess of available cash resulting from a reduction of dedicated revenue sources that were waived or otherwise impacted by reduced utilization directly or indirectly associated with executive order and/or societal response to the novel coronavirus, COVID-19.

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

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

4. $15,500,000 from the general fund, community projects account GG (10256), to the general fund, state purposes account (10050).

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

§ 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, on or before March 31, 2022:

1. Upon request of the commissioner of environmental conservation, up to $12,745,400 from revenues credited to any of the department of environmental conservation special revenue funds, including $4,000,000 from the environmental protection and oil spill compensation fund (21200), and $1,834,600 from the conservation fund (21150), to the environmental conservation special revenue fund, indirect charges account (21060).

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

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

4. Upon request of the commissioner of the division of housing and community renewal, up to $6,221,000 from revenues credited to any division of housing and community renewal federal or miscellaneous special

revenue fund to the miscellaneous special revenue fund, housing indirect cost recovery account (22090).

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

6. Upon request of the commissioner of health up to $13,225,000 from revenues credited to any of the department of health's special revenue funds, to the miscellaneous special revenue fund, administration account (21982).

§ 4. On or before March 31, 2022, the comptroller is hereby authorized and directed to deposit earnings that would otherwise accrue to the general fund that are attributable to the operation of section 98-a of the state finance law, to the agencies internal service fund, banking services account (55057), for the purpose of meeting direct payments from such account.

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

§ 6. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2022, up to $16,000,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Buffalo.

§ 7. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2022, up to $6,500,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Albany.

§ 8. Notwithstanding any law to the contrary, the state university chancellor or his or her designee is authorized and directed to transfer estimated tuition revenue balances from the state university collection fund (61000) to the state university income fund, state university general revenue offset account (22655) on or before March 31, 2022.

§ 9. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $978,934,300 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2021 through June 30, 2022 to support operations at the state university.

§ 10. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up

to $20,000,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2021 to June 30, 2022 to support operations at the state university in accordance with the maintenance of effort pursuant to subparagraph (4) of paragraph h of subdivision 2 of section 355 of the education law.

§ 11. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the state university chancellor or his or her designee, up to $55,000,000 from the state university income fund, state university hospitals income reimbursable account (22656), for services and expenses of hospital operations and capital expenditures at the state university hospitals; and the state university income fund, Long Island veterans' home account (22652) to the state university capital projects fund (32400) on or before June 30, 2022.

§ 12. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund, Stony Brook hospital collection account (61006), Brooklyn hospital collection account (61007), and Syracuse hospital collection account (61008) to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to pay hospital operating costs or to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals on or before March 31, 2022.

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

§ 14. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $1 billion from the unencumbered balance of any special revenue fund or account, agency fund or account, internal service fund or account, enterprise fund or account, or any combination of such funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2021-22 budget. Transfers from federal funds, debt service funds, capital projects funds, the community projects fund, or

funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

§ 15. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $100 million from any non-general fund or account, or combination of funds and accounts, to the miscellaneous special revenue fund, technology financing account (22207), the miscellaneous capital projects fund, the federal capital projects account (31350), information technology capital financing account (32215), or the centralized technology services account (55069), for the purpose of consolidating technology procurement and services. The amounts transferred to the miscellaneous special revenue fund, technology financing account (22207) pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account made in pursuance to an appropriation by law. Transfers to the technology financing account shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule or permanent statute, and shall be transferred to the technology financing account pursuant to a schedule agreed upon by the affected agency commissioner. Transfers from funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

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

§ 17. Notwithstanding any provision of law to the contrary, as deemed feasible and advisable by its trustees, the power authority of the state of New York is authorized and directed to transfer to the state treasury to the credit of the general fund up to $20,000,000 for the state fiscal year commencing April 1, 2021, the proceeds of which will be utilized to support energy-related state activities.

§ 18. Notwithstanding any provision of law, rule or regulation to the contrary, the New York state energy research and development authority is authorized and directed to make the following contributions to the state treasury to the credit of the general fund on or before March 31, 2022: (a) $913,000; and (b) $23,000,000 from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation.

§ 19. Notwithstanding any provision of law, rule or regulation to the contrary, the New York state energy research and development authority is authorized and directed to transfer five million dollars to the credit of the Environmental Protection Fund on or before March 31, 2022 from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation.

§ 20. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 20 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

5. Notwithstanding the provisions of section one hundred seventy-one-a of the tax law, as separately amended by chapters four hundred eighty-one and four hundred eighty-four of the laws of nineteen hundred eighty-one, and notwithstanding the provisions of chapter ninety-four of the laws of two thousand eleven, or any other provisions of law to the contrary, during the fiscal year beginning April first, two thousand [~~twenty~~] **twenty-one**, the state comptroller is hereby authorized and directed to deposit to the fund created pursuant to this section from amounts collected pursuant to article twenty-two of the tax law and pursuant to a schedule submitted by the director of the budget, up to [~~$2,073,116,000~~] **$586,503,000**, as may be certified in such schedule as necessary to meet the purposes of such fund for the fiscal year beginning April first, two thousand [~~twenty~~] **twenty-one**.

§ 21. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2022, the following amounts from the following special revenue accounts to the capital projects fund (30000), for the purposes of reimbursement to such fund for expenses related to the maintenance and preservation of state assets:

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

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

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

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

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

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

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

8. $7,502,241 from the miscellaneous special revenue fund, state university general income reimbursable account (22653).

9. $135,656,957 from the miscellaneous special revenue fund, state university revenue offset account (22655).

10. $49,329,802 from the state university dormitory income fund, state university dormitory income fund (40350).

11. $1,000,000 from the miscellaneous special revenue fund, litigation settlement and civil recovery account (22117).

§ 22. Subdivision 5 of section 4 of the state finance law, as amended by section 16 of part PP of chapter 56 of the laws of 2009, is amended to read as follows:

5. No money or other financial resources shall be transferred or temporarily loaned from one fund to another without specific statutory

authorization for such transfer or temporary loan, except that money or other financial resources of a fund may be temporarily loaned to the general fund during the state fiscal year provided that such loan shall be repaid in full no later than [~~(a) four months after it was made or (b) by~~] the end of the same fiscal year in which it was made, [~~whichever period is shorter,~~] so that an accurate accounting and reporting of the balance of financial resources in each fund may be made. The comptroller is hereby authorized to temporarily loan money from the general fund or any other fund to the fund/accounts that are authorized to receive a loan. Such loans shall be limited to the amounts immediately required to meet disbursements, made in pursuance of an appropriation by law and authorized by a certificate of approval issued by the director of the budget with copies thereof filed with the comptroller and the chair of the senate finance committee and the chair of the assembly ways and means committee. The director of the budget shall not issue such a certificate unless he or she shall have determined that the amounts to be so loaned are receivable on account. When making loans, the comptroller shall establish appropriate accounts and if the loan is not repaid by the end of the month, provide on or before the fifteenth day of the following month to the director of the budget, the chair of the senate finance committee and the chair of the assembly ways and means committee, an accurate accounting and report of the financial resources of each such fund at the end of such month. Within ten days of the receipt of such accounting and reporting, the director of the budget shall provide the comptroller and the chair of the senate finance committee and the chair of the assembly ways and means committee an expected schedule of repayment by fund and by source for each outstanding loan. Repayment shall be made by the comptroller from the first cash receipt of this fund.

§ 23. The opening paragraph of subdivision 3 of section 93-b of the state finance law, as amended by section 1 of part M of chapter 57 of the laws of 2016, is amended to read as follows:

Notwithstanding any other provisions of law to the contrary, [~~commencing on April first, two thousand fifteen, and continuing through March thirty-first, two thousand twenty-one,~~] the comptroller is hereby authorized to transfer monies from the dedicated infrastructure investment fund to the general fund, and from the general fund to the dedicated infrastructure investment fund, in an amount determined by the director of the budget to the extent moneys are available in the fund; provided, however, that the comptroller is only authorized to transfer monies from the dedicated infrastructure investment fund to the general fund in the event of an economic downturn as described in paragraph (a) of this subdivision; and/or to fulfill disallowances and/or settlements related to over-payments of federal medicare and medicaid revenues in excess of one hundred million dollars from anticipated levels, as determined by the director of the budget and described in paragraph (b) of this subdivision.

§ 24. Notwithstanding any other law, rule, or regulation to the contrary, the state comptroller is hereby authorized and directed to use any balance remaining in the mental health services fund debt service appropriation, after payment by the state comptroller of all obligations required pursuant to any lease, sublease, or other financing arrangement between the dormitory authority of the state of New York as successor to the New York state medical care facilities finance agency, and the facilities development corporation pursuant to chapter 83 of the laws of 1995 and the department of mental hygiene for the purpose of making

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

§ 25. Subdivision 1 of section 16 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 28 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~eight billion eight hundred seventeen million two hundred ninety-nine thousand dollars $8,817,299,000~~] nine billion one hundred thirty-nine million six hundred nineteen thousand dollars $9,139,619,000, and shall include all bonds, notes and other obligations issued pursuant to chapter 56 of the laws of 1983, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the correctional facilities capital improvement fund to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the department of corrections and community supervision from the correctional facilities capital improvement fund for capital projects. The aggregate amount of bonds, notes or other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the department of corrections and community supervision; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~eight billion eight hundred seventeen million two hundred ninety-nine thousand dollars $8,817,299,000~~] nine billion one hundred thirty-nine million six hundred nineteen thousand dollars $9,139,619,000, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt

service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

§ 26. Subdivision (a) of section 27 of part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, as amended by section 29 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, the urban development corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~three hundred twenty-three million one hundred thousand dollars $323,100,000~~] three hundred seventy-four million six hundred thousand dollars $374,600,000, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects including IT initiatives for the division of state police, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 27. Subdivision 3 of section 1285-p of the public authorities law, as amended by section 30 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

3. The maximum amount of bonds that may be issued for the purpose of financing environmental infrastructure projects authorized by this section shall be [~~six billion three hundred seventy-four million ten thousand dollars $6,374,010,000~~] seven billion one hundred thirty million ten thousand dollars $7,130,010,000, exclusive of bonds issued to fund any debt service reserve funds, pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision one of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 28. Subdivision (a) of section 48 of part K of chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, as amended by section 31 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000 but notwithstanding the provisions of section 18 of the urban development

corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~three hundred fourteen million dollars $314,000,000~~] three hundred forty-seven million five hundred thousand dollars $347,500,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security and training facilities for the division of state police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects fund, and is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~$1,115,800,000 one billion one hundred fifteen million eight hundred thousand dollars~~] one billion two hundred seventy-eight million eight hundred thousand dollars $1,278,800,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing improvements to State office buildings and other facilities located statewide, including the reimbursement of any disbursements made from the state capital projects fund. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision (b) of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 29. Paragraph (c) of subdivision 19 of section 1680 of the public authorities law, as amended by section 32 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, the dormitory authority shall not issue any bonds for state university educational facilities purposes if the principal amount of bonds to be issued when added to the aggregate principal amount of bonds issued by the dormitory authority on and after July first, nineteen hundred eighty-eight for state university educational facilities will exceed [~~fourteen billion seven hundred forty-one million eight hundred sixty-four thousand dollars $14,741,864,000~~] fifteen billion four hundred fifty-five million eight hundred sixty-four thousand dollars $15,455,864,000; provided, however, that bonds issued or to be issued shall be excluded from such limitation if: (1) such bonds are issued to refund state university construction bonds and state university construction notes previously issued by the housing finance agency; or (2) such bonds are issued to refund bonds of the authority or other obligations issued for state university educational facilities purposes and the present value of the aggregate debt service on the refunding bonds does not exceed the present value of the aggregate debt service on the bonds refunded thereby; provided, further that upon certification by the director of the budget that the issuance of refunding bonds or other obligations issued between April first, nineteen hundred ninety-two and March thirty-first, nineteen hundred ninety-three will generate long term economic benefits to the state, as assessed on a present value basis, such issuance will be deemed to have met the present value test noted above. For purposes of this subdivision, the present value of the aggregate debt service of the refunding bonds and the aggregate debt

service of the bonds refunded, shall be calculated by utilizing the true interest cost of the refunding bonds, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding bonds from the payment dates thereof to the date of issue of the refunding bonds to the purchase price of the refunding bonds, including interest accrued thereon prior to the issuance thereof. The maturity of such bonds, other than bonds issued to refund outstanding bonds, shall not exceed the weighted average economic life, as certified by the state university construction fund, of the facilities in connection with which the bonds are issued, and in any case not later than the earlier of thirty years or the expiration of the term of any lease, sublease or other agreement relating thereto; provided that no note, including renewals thereof, shall mature later than five years after the date of issuance of such note. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the state university of New York, and the state university construction fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 30. Paragraph (c) of subdivision 14 of section 1680 of the public authorities law, as amended by section 33 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of bonds for city university community college facilities, except to refund or to be substituted for or in lieu of other bonds in relation to city university community college facilities pursuant to a resolution of the dormitory authority adopted before July first, nineteen hundred eighty-five or any resolution supplemental thereto, if the principal amount of bonds so to be issued when added to all principal amounts of bonds previously issued by the dormitory authority for city university community college facilities, except to refund or to be substituted in lieu of other bonds in relation to city university community college facilities will exceed the sum of four hundred twenty-five million dollars and (ii) the dormitory authority shall not deliver a series of bonds issued for city university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so to be issued when added to the principal amount of bonds previously issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to city university facilities, will exceed [~~nine billion two hundred twenty-two million seven hundred thirty-two thousand dollars $9,222,732,000~~] nine billion five hundred forty-eight million eight hundred thirty thousand dollars $9,548,830,000. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 31. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 34 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

10-a. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provision of the law to the contrary, the maximum amount of bonds and notes to be issued after March thirty-first, two thousand two, on behalf of the state, in relation to any locally sponsored community college, shall be [~~one billion fifty-one million six hundred forty thousand dollars $1,051,640,000~~] **one billion sixty-six million two hundred fifty-seven thousand dollars $1,066,257,000**. Such amount shall be exclusive of bonds and notes issued to fund any reserve fund or funds, costs of issuance and to refund any outstanding bonds and notes, issued on behalf of the state, relating to a locally sponsored community college.

§ 32. Subdivision 1 of section 17 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 35 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~eight hundred forty million three hundred fifteen thousand dollars $840,315,000~~] **eight hundred seventy-six million fifteen thousand dollars $876,015,000**, which authorization increases the aggregate principal amount of bonds, notes and other obligations authorized by section 40 of chapter 309 of the laws of 1996, and shall include all bonds, notes and other obligations issued pursuant to chapter 211 of the laws of 1990, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the youth facilities improvement fund, to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the office of children and family services from the youth facilities improvement fund for capital projects. The aggregate amount of bonds, notes and other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the office of children and family services; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~eight hundred forty million three hundred fifteen thousand dollars $840,315,000~~] **eight hundred seventy-six million fifteen thousand dollars $876,015,000**, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate

(compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

§ 33. Paragraph b of subdivision 2 of section 9-a of section 1 of chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, as amended by section 36 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

b. The agency shall have power and is hereby authorized from time to time to issue negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary, after taking into account other moneys which may be available for the purpose, to provide sufficient funds to the facilities development corporation, or any successor agency, for the financing or refinancing of or for the design, construction, acquisition, reconstruction, rehabilitation or improvement of mental health services facilities pursuant to paragraph a of this subdivision, the payment of interest on mental health services improvement bonds and mental health services improvement notes issued for such purposes, the establishment of reserves to secure such bonds and notes, the cost or premium of bond insurance or the costs of any financial mechanisms which may be used to reduce the debt service that would be payable by the agency on its mental health services facilities improvement bonds and notes and all other expenditures of the agency incident to and necessary or convenient to providing the facilities development corporation, or any successor agency, with funds for the financing or refinancing of or for any such design, construction, acquisition, reconstruction, rehabilitation or improvement and for the refunding of mental hygiene improvement bonds issued pursuant to section 47-b of the private housing finance law; provided, however, that the agency shall not issue mental health services facilities improvement bonds and mental health services facilities improvement notes in an aggregate principal amount exceeding [~~nine billion nine hundred twenty-seven million two hundred seventy-six thousand dollars $9,927,276,000~~] **ten billion four hundred seventy-six million seven hundred seventy-three thousand dollars $10,476,773,000**, excluding mental health services facilities improvement bonds and mental health services facilities improvement notes issued to refund outstanding mental health services facilities improvement bonds and mental health services facilities improvement notes; provided, however, that upon any such refunding or repayment of mental health services facilities improvement bonds and/or mental health services facilities improvement notes the total aggregate principal amount of outstanding mental health services facilities improvement bonds and mental health facilities improvement notes may be greater than [~~nine billion nine hundred twenty-seven million two hundred seventy-six thousand dollars $9,927,276,000~~] **ten billion four hundred seventy-six million seven hundred seventy-three thousand dollars $10,476,773,000**, only if, except as hereinafter provided with respect to mental health services facilities bonds and mental health services facilities notes issued to refund mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law, the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or

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

§ 34. Subdivision (a) of section 28 of part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, as amended by section 37 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, one or more authorized issuers as defined by section 68-a of the state finance law are hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~one hundred fifty-seven million dollars $157,000,000~~] **one hundred seventy-two million dollars $172,000,000**, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects for public protection facilities in the Division of Military and Naval Affairs, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for

purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 35. Section 53 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 38 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

§ 53. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the acquisition of equipment, including but not limited to the creation or modernization of information technology systems and related research and development equipment, health and safety equipment, heavy equipment and machinery, the creation or improvement of security systems, and laboratory equipment and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~one hundred~~] **two hundred** ninety-three million dollars [~~$193,000,000~~] **$293,000,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the urban development corporation in undertaking the financing for project costs for the acquisition of equipment, including but not limited to the creation or modernization of information technology systems and related research and development equipment, health and safety equipment, heavy equipment and machinery, the creation or improvement of security systems, and laboratory equipment and other state costs associated with such capital projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the urban development corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the urban development corporation agree, so as to annually provide to the dormitory authority and the urban development corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged

by the dormitory authority and the urban development corporation as security for its bonds and notes, as authorized by this section.

§ 36. Subdivision (b) of section 11 of chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, as amended by section 39 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

(b) Any service contract or contracts for projects authorized pursuant to sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the transportation law, and entered into pursuant to subdivision (a) of this section, shall provide for state commitments to provide annually to the thruway authority a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget, to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund or to reimburse the state for funding such projects having a cost not in excess of [~~eleven billion three hundred forty-nine million eight hundred seventy-five thousand dollars $11,349,875,000~~] **eleven billion eight hundred thirty-seven million two hundred twenty-seven thousand dollars $11,837,227,000** cumulatively by the end of fiscal year [~~2020-21~~] **2021-22**.

§ 37. Subdivision 1 of section 1689-i of the public authorities law, as amended by section 40 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

1. The dormitory authority is authorized to issue bonds, at the request of the commissioner of education, to finance eligible library construction projects pursuant to section two hundred seventy-three-a of the education law, in amounts certified by such commissioner not to exceed a total principal amount of [~~two hundred sixty-five million dollars $265,000,000~~] **two hundred seventy-nine million dollars $279,000,000**.

§ 38. Section 44 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 41 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

§ 44. Issuance of certain bonds or notes. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, high tech innovation and economic development infrastructure program, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, downstate revitalization initiative, market New York projects, fairground buildings, equipment or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project,

strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative, heavy equipment, economic development and infrastructure projects, Roosevelt Island operating corporation capital projects, Lake Ontario regional projects, Pennsylvania station and other transit projects and other state costs associated with such projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~ten billion three hundred thirty-four million eight hundred fifty-one thousand dollars $10,334,851,000~~] **eleven billion two hundred fifty-four million two hundred two thousand dollars $11,254,202,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

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

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

§ 39. Subdivision 1 of section 386-b of the public authorities law, as amended by section 42 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of financing peace bridge projects and capital costs of state and local highways, parkways, bridges, the New York state thruway, Indian reservation roads, and facilities, and transportation infrastructure projects including aviation projects, non-MTA mass transit projects, and rail service preservation projects, including work appurtenant and ancillary thereto. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~six billion nine hundred forty-two million four hundred sixty-three thousand dollars $6,942,463,000~~] **eight billion eight hundred thirty-nine million nine hundred sixty-three thousand dollars $8,839,963,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 40. Paragraph (a) of subdivision 2 of section 47-e of the private housing finance law, as amended by section 43 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

(a) Subject to the provisions of chapter fifty-nine of the laws of two thousand, in order to enhance and encourage the promotion of housing programs and thereby achieve the stated purposes and objectives of such housing programs, the agency shall have the power and is hereby authorized from time to time to issue negotiable housing program bonds and notes in such principal amount as shall be necessary to provide sufficient funds for the repayment of amounts disbursed (and not previously reimbursed) pursuant to law or any prior year making capital appropri-

ations or reappropriations for the purposes of the housing program; provided, however, that the agency may issue such bonds and notes in an aggregate principal amount not exceeding [~~six billion five hundred thirty-one million five hundred twenty-three thousand dollars $6,531,523,000~~] **seven billion eighty-six million six hundred seven thousand dollars $7,086,607,000**, plus a principal amount of bonds issued to fund the debt service reserve fund in accordance with the debt service reserve fund requirement established by the agency and to fund any other reserves that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other charges and expenses, including underwriters' discount, trustee and rating agency fees, bond insurance, credit enhancement and liquidity enhancement related to the issuance of such bonds and notes. No reserve fund securing the housing program bonds shall be entitled or eligible to receive state funds apportioned or appropriated to maintain or restore such reserve fund at or to a particular level, except to the extent of any deficiency resulting directly or indirectly from a failure of the state to appropriate or pay the agreed amount under any of the contracts provided for in subdivision four of this section.

§ 41. Subdivision 1 of section 50 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 44 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs undertaken by or on behalf of **the state education department,** special act school districts, state-supported schools for the blind and deaf, approved private special education schools, non-public schools, community centers, day care facilities, residential camps, day camps, and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~one hundred fifty-five million dollars $155,000,000~~] **one hundred ninety-six million dollars $196,000,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 42. Subdivision 1 of section 47 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 45 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the office of information technology services, department of law, and other state costs associated with such capital

projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~eight hundred thirty million fifty-four thousand dollars, $830,054,000~~] nine hundred forty-nine million two hundred fifty-four thousand dollars $949,254,000 excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 43. Paragraph (b) of subdivision 1 of section 385 of the public authorities law, as amended by section 1 of part G of chapter 60 of the laws of 2005, is amended to read as follows:

(b) The authority is hereby authorized, as additional corporate purposes thereof solely upon the request of the director of the budget: (i) to issue special emergency highway and bridge trust fund bonds and notes for a term not to exceed thirty years and to incur obligations secured by the moneys appropriated from the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law; (ii) to make available the proceeds in accordance with instructions provided by the director of the budget from the sale of such special emergency highway and bridge trust fund bonds, notes or other obligations, net of all costs to the authority in connection therewith, for the purposes of financing all or a portion of the costs of activities for which moneys in the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law are authorized to be utilized or for the financing of disbursements made by the state for the activities authorized pursuant to section eighty-nine-b of the state finance law; and (iii) to enter into agreements with the commissioner of transportation pursuant to section ten-e of the highway law with respect to financing for any activities authorized pursuant to section eighty-nine-b of the state finance law, or agreements with the commissioner of transportation pursuant to sections ten-f and ten-g of the highway law in connection with activities on state highways pursuant to these sections, and (iv) to enter into service contracts, contracts, agreements, deeds and leases with the director of the budget or the commissioner of transportation and project sponsors and others to provide for the financing by the authority of activities authorized pursuant to section eighty-nine-b of the state finance law, and each of the director of the budget and the commissioner of transportation are hereby authorized to enter into service contracts, contracts, agreements, deeds and leases with the authority, project sponsors or others to provide for such financing. The authority shall not issue any bonds or notes in an amount in excess of [~~$16.5 billion~~] eighteen billion one hundred fifty million dollars $18,150,000,000, plus a principal amount of bonds or notes: (A) to fund capital reserve funds; (B) to provide capitalized interest; and, (C) to fund other costs of issuance. In computing for the purposes of this subdivision, the aggregate amount of indebtedness evidenced by bonds and notes of the authority issued pursuant to this section, as amended by a chapter of the laws of nineteen

hundred ninety-six, there shall be excluded the amount of bonds or notes issued that would constitute interest under the United States Internal Revenue Code of 1986, as amended, and the amount of indebtedness issued to refund or otherwise repay bonds or notes.

§ 44. Subdivision 1 of section 386-a of the public authorities law, as amended by section 44 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of assisting the metropolitan transportation authority in the financing of transportation facilities as defined in subdivision seventeen of section twelve hundred sixty-one of this chapter or other capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~two billion one hundred seventy-nine million eight hundred fifty-six thousand dollars $2,179,856,000~~] twelve billion five hundred fifteen million eight hundred fifty-six thousand dollars $12,515,856,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 45. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 57 to read as follows:

§ 57. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the Empire Station Complex project, and such project shall be deemed a capital work or purpose for purposes of subdivision 3 of section 67-b of the state finance law. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed one billion three hundred million dollars $1,300,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the urban development corpo-

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

§ 46. Paragraphs (a) and (b) of subdivision 1 of section 54 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 49-a of part JJ of chapter 56 of the laws of 2020, are amended to read as follows:

(a) The state of New York finds and determines that the global spread of the COVID-19 [~~coronavirus disease is having and~~] pandemic is expected to continue to have a significant adverse impact on the health and welfare of individuals in the state as well as [~~a significant financial impact on the state~~] to the financial condition of the state during the state's 2022 fiscal year and beyond. The [~~serious threat posed by~~] anticipated shortfalls and deferrals in the state's financial plan receipts caused by the COVID-19 [~~coronavirus disease~~] pandemic has [~~caused governments, including~~] required the state[~~,~~] to adopt policies, regulations and procedures [~~to~~] that suspend various legal requirements [~~in order to (i) respond to and mitigate the impact of the outbreak, and (ii) provide temporary relief to individuals, including the deferral of the federal income tax payment deadline from April 15, 2020 to a later date in the calendar year. The state of New York further finds and determines that~~] and address state budgetary pressures, some of which require certain fiscal management authorization measures [~~should be~~] to be legislatively authorized and established.

(b) Notwithstanding any other provision of law to the contrary, including, specifically, the provisions of chapter 59 of the laws of 2000 and section sixty-seven-b of the state finance law, the dormitory authority of the state of New York and the corporation are hereby authorized to issue until December 31, [~~2020~~] 2021, notes with a maturity no later than March 31, [~~2021~~] 2022, to be designated as personal income tax revenue or bond anticipation notes, in one or more series in an aggregate principal amount not to exceed eight billion dollars, excluding notes issued to finance one or more debt service reserve funds, to pay costs of issuance of such notes, and notes issued to renew, refund or otherwise repay such notes previously issued, for the purpose of temporarily financing budgetary needs of the state [~~following the federal government deferral of the federal income tax payment deadline from April 15, 2020 to a later date in the calendar year~~]. Such purpose shall constitute an authorized purpose under subdivision two of section sixty-eight-a of the state finance law for all purposes of arti-

cle five-C of the state finance law with respect to the notes, renewal notes, refunding notes and any state personal income tax revenue bonds issued to refinance any notes, renewal notes, refunding notes authorized by this paragraph. On or before their maturity, such notes may be renewed or refunded once with renewal or refunding notes for an additional period not to exceed one year from the date of renewal or refunding. If on or before the maturity date of such notes or such renewal or refunding notes, the director of the division of the budget shall determine that all or a portion of such notes or such renewal or refunding notes shall be refinanced on a long term basis, such notes or such renewal or refunding notes may be refinanced with state personal income tax revenue bonds in one or more series in an aggregate principal amount not to exceed the then outstanding principal amount of such notes or such renewal or refunding notes plus an amount necessary to finance one or more debt service reserve funds and to pay costs of issuance of such refunding bonds, notwithstanding any other provision of law to the contrary, including, specifically, the provisions of chapter fifty-nine of the laws of two thousand and section sixty-seven-b of the state finance law**, other than subdivision four of section sixty-seven-b of the state finance law**. For so long as any notes, renewal or refunding notes or such refunding bonds authorized by this paragraph shall remain outstanding, including any state-supported debt issued to refinance the refunding bonds authorized by this paragraph, the restrictions, limitations and requirements contained in article five-B of the state finance law shall not apply**, other than subdivision four of section sixty-seven-b of such article**.

§ 47. Section 55 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 49-b of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

§ 55. 1. Findings and declaration of need. (a) The state of New York finds and determines that the global spread of the COVID-19 [~~coronavirus disease~~] **pandemic** is [~~having and is~~] expected to continue to have a significant **adverse** impact on the health and welfare of individuals in the state as well as [~~a significant~~] **to the** financial [~~impact on~~] **condition of** the state **during the state's 2022 fiscal year and beyond**. The [~~serious threat posed by~~] **anticipated shortfalls and deferrals in the state's financial plan receipts caused by** the COVID-19 [~~coronavirus disease~~] **pandemic** has [~~caused governments, including~~] **required** the state[~~,~~] to adopt policies, regulations and procedures [~~to~~] **that** suspend various legal requirements [~~in order to: (i) respond to and mitigate the impact of the outbreak;~~] and [~~(ii)~~] address **state** budgetary pressures [~~to the state arising from anticipated shortfalls and deferrals in the state's fiscal 2021 financial plan receipts, thereby requiring that~~]**, some of which require** certain fiscal management authorization measures **to** be **legislatively** authorized and established.

(b) **Definitions. When used in this subdivision the following terms shall have the meanings set forth below:**

(i) "State-supported debt" shall mean any state personal income tax revenue bonds, state sales tax revenue bonds or service contract bonds issued by the dormitory authority of the state of New York or the urban development corporation to refinance one or more line of credit facilities provided for in this subdivision, together with any related expenses and fees, and any such bonds or notes issued to fund reserve funds and costs of issuance, for which the state is contractually obligated to pay debt service subject to an appropriation.

(ii) "Related expenses and fees" shall mean interest costs, commitment fees and other costs, expenses and fees incurred in connection with a line of credit facility and/or a service contract or other agreement of the state securing such line of credit facility that contractually obligates the state to pay debt service subject to an appropriation.

(c) Notwithstanding any other provision of law to the contrary, including, specifically, the provisions of chapter 59 of the laws of 2000 and section 67-b of the state finance law, [~~during the state's 2021 fiscal year,~~] the dormitory authority of the state of New York and the urban development corporation are authorized until March 31, 2024 to: (i) enter into commitments with financial institutions for the establishment of one or more line of credit facilities and other similar revolving financing arrangements not in excess of three billion dollars in aggregate principal amount outstanding at any one time; (ii) draw, at one or more times at the direction of the director of the budget, upon such line of credit facilities and provide to the state the amounts so drawn for the purpose of assisting the state to temporarily finance its budgetary needs; and (iii) secure repayment of such draws under such line of credit facilities [~~with a service contract of the state~~], together with related expenses and fees, which payment obligation thereunder shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent moneys are available and that no liability shall be incurred by the state beyond the moneys available for such purpose, and that such payment obligation is subject to annual appropriation by the legislature. Any line of credit facility agreements entered by the dormitory authority of the state of New York and/or the urban development corporation with financial institutions pursuant to this section may contain such provisions that the dormitory authority of the state of New York and/or the urban development corporation deem necessary or desirable for the establishment of such credit facilities. The maximum [~~original~~] term of any line of credit facility shall be [~~one year~~] three years from the date of incurrence; provided however that no draw on any such line of credit facility [~~may be extended, renewed or refinanced for up to two additional one year terms~~] shall occur after March 31, 2024, and provided further that any such line of credit facility whose term extends beyond March 31, 2024, shall be supported by sufficient appropriation authority enacted by the legislature that provides for the repayment of all amounts drawn and remaining unpaid as of March 31, 2024, together with related expenses and fees incurred and to become due and payable by the dormitory authority of the state of New York and/or the urban development corporation. If on or before the maturity date of the [~~original~~] term of any such line of credit facility [~~or any renewal or extension term thereof~~], the director of the division of the budget shall determine that all or a portion of [~~any outstanding line of credit facility~~] the amounts drawn and remaining unpaid, together with related expenses and fees to become due and payable by the dormitory authority of the state of New York and/or the urban development corporation shall be refinanced on a long-term basis, the dormitory authority of the state of New York and/or the urban development corporation are authorized to refinance such [~~line of credit facility with state personal income tax revenue bonds and/or state service contract bonds~~] amounts by issuing state-supported debt in one or more series in an aggregate principal amount not to exceed the [~~then outstanding principal amount of such line of credit facility and any accrued interest thereon~~] aggregate amount being so refinanced, including related expenses and fees, plus an amount

necessary to finance one or more debt service reserve funds and to pay costs of issuance of such [~~state personal income tax revenue bonds and/or state service contract bonds~~] state-supported debt.

[~~(c)~~] (d) Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the general fund, all amounts provided by the dormitory authority of the state of New York and/or the urban development corporation to the state from draws made on any line of credit facility authorized by paragraph [~~(b)~~] (c) of this subdivision.

[~~(d)~~] (e) Notwithstanding any other provision of law to the contrary, including specifically the provisions of subdivision 3 of section 67-b of the state finance law, no capital work or purpose shall be required for any indebtedness incurred in connection with any line of credit facility authorized by paragraph [~~(b)~~] (c) of this subdivision [~~and any extensions or renewals thereof~~], or for any [~~state personal income tax revenue bonds and/or state service contract bonds~~] state-supported debt issued to refinance any [~~of the foregoing~~] line of credit facility authorized by paragraph (c) of this subdivision, or for any service contract or other agreement entered into in connection with any such line of credit facility, all in accordance with this section.

[~~(e)~~] (f) Notwithstanding any other provision of law to the contrary, for so long as any such line of credit facility shall remain outstanding, the restrictions, limitations and requirements contained in article 5-B of the state finance law shall not apply. In addition, other than subdivision 4 of section 67-b of such article such restrictions, limitations and requirements shall not apply to any [~~state personal income tax revenue bonds and/or state service contract bonds~~] state-supported debt issued to refund such line of credit facility for so long as such [~~state personal income tax revenue bonds and/or state service contract bonds~~] state-supported debt shall remain outstanding, including any state-supported debt issued to refund [~~such state personal income tax revenue bonds and/or state service contract bonds~~] state-supported debt issued to refinance any line of credit facility. Any such line of credit facility, [~~including any extensions or renewals thereof, and any state personal income tax revenue bonds and/or state service contract bonds~~] and, to the extent applicable, any state-supported debt issued to [~~refund~~] refinance such line of credit facilities shall be deemed to be incurred or issued for (i) an authorized purpose within the meaning of subdivision 2 of section 68-a of the state finance law for all purposes of article 5-C of the state finance law and section 92-z of the state finance law, and/or (ii) an authorized purpose within the meaning of subdivision 2 of section 69-m of the state finance law for all purposes of article 5-F of the state finance law and section 92-h of the state finance law, as the case may be. As applicable, all of the provisions of the state finance law, the dormitory authority act and the New York state urban development corporation act relating to notes and bonds which are not inconsistent with the provisions of this section shall apply to any issuance of [~~state personal income tax revenue bonds and/or state service contract bonds~~] state-supported debt issued to refinance any line of credit facility authorized by paragraph [~~(b)~~] (c) of this subdivision. The issuance of any [~~state personal income tax revenue bonds and/or state service contract bonds issued~~] state-supported debt to refinance any such line of credit facility shall further be subject to the approval of the director of the division of the budget.

[~~(f) Any draws~~] (g) Each draw on a line of credit facility authorized by paragraph [~~(b)~~] (c) of this subdivision shall only be made [~~and~~] if

the service contract **or other agreement** entered into in connection with such line of credit [~~facilities shall only be executed and delivered to the dormitory authority of the state of New York and/or the urban development corporation if the legislature has enacted sufficient appropriation authority to provide for the repayment of all amounts expected to be drawn by the dormitory authority of the state of New York and/or the urban development corporation under such line of credit facility during fiscal year 2021~~] **facility is supported by sufficient appropriation authority enacted by the legislature to repay the amount of the draw, together with related expenses and fees to become due and payable**. Amounts repaid under a line of credit facility [~~during fiscal year 2021~~] may be re-borrowed [~~during such fiscal year~~] **under the same or another line of credit facility authorized by paragraph (c) of this subdivision** provided that the legislature has enacted sufficient appropriation authority [~~to provide~~] **that provides** for the repayment of any such re-borrowed amounts**, together with related expenses and fees to become due and payable**. Neither the dormitory authority of the state of New York nor the urban development corporation shall have any financial liability for the repayment of draws under any line of credit facility authorized by paragraph [~~(b)~~] **(c)** of this subdivision beyond the moneys received for such purpose under [~~the~~] **any** service contract **or other agreement** authorized by paragraph [~~(g)~~] **(h)** of this subdivision.

[~~(g)~~] **(h)** The director of the budget is authorized to enter into one or more service contracts or other agreements, none of which shall exceed 30 years in duration, with the dormitory authority of the state of New York and/or the urban development corporation, upon such terms and conditions as the director of the budget and dormitory authority of the state of New York and/or the urban development corporation shall agree. Any service contract or other [~~agreements~~] **agreement** entered into pursuant to this paragraph shall provide for state commitments to provide annually to the dormitory authority of the state of New York and/or the urban development corporation a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget and the dormitory authority of the state of New York and/or the urban development corporation, to fund the payment of **all** amounts **to become** due **and payable** under any line of credit facility and**, to the extent applicable** any [~~state personal income tax revenue bonds and/or state service contract bonds~~] **state-supported debt** issued to refinance **all or a portion of the amounts drawn and remaining unpaid, together with related expenses and fees to become due and payable under** such line of credit facility. Any such service contract or other [~~agreements~~] **agreement** shall provide that the obligation of the director of the budget or of the state to fund or to pay the amounts therein provided for shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent moneys are available and that no liability shall be incurred by the state beyond the moneys available for such purpose, and that such obligation is subject to annual appropriation by the legislature.

[~~(h)~~] **(i)** Any service contract or other [~~agreements~~] **agreement** entered into pursuant to paragraph [~~(g)~~] **(h)** of this subdivision or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority of the state of New York and/or the urban development corporation as security for any related payment obligation it may have with one or more financial institutions in connection with a line of credit facility authorized by paragraph [~~(b)~~] **(c)** of this subdivision.

[~~(i)~~] (j) In addition to the foregoing, the director of the budget, the dormitory authority of the state of New York and the urban development corporation shall each be authorized to enter into such other agreements and to take or cause to be taken such additional actions as are necessary or desirable to effectuate the purposes of the transactions contemplated by a line of credit facility and the related service contract or other agreement.

[~~(j)~~] (k) No later than seven days after a draw occurs on the line of credit facility, the director of the budget shall provide notification of such draw to the president pro tempore of the senate and the speaker of the assembly.

[~~(k)~~] (l) The authorization, establishment and use by the dormitory authority of the state of New York and the urban development corporation of a line of credit facility authorized by paragraph [~~(b)~~] (c) of this subdivision, and the execution, sale and issuance of [~~state personal income tax revenue bonds and/or state service contract bonds~~] state-supported debt to refinance any such line of credit facility shall not be deemed an action, as such term is defined in article 8 of the environmental conservation law, for the purposes of such article. Such exemption shall be strictly limited in its application to such financing activities of the dormitory authority of the state of New York and the urban development corporation undertaken pursuant to this section and does not exempt any other entity from compliance with such article.

[~~(l)~~] (m) Nothing contained in this section shall be construed to limit the abilities of the director of the budget and the authorized issuers of state-supported debt to perform their respective obligations on existing service contracts or other agreements entered into prior to April 1, [~~2020~~] 2021.

2. Effect of inconsistent provisions. Insofar as the provisions of this section are inconsistent with the provisions of any other law, general, special, or local, the provisions of this act shall be controlling.

3. Severability; construction. The provisions of this section shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this section to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part of this section or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 48. Section 56 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 49-c of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

§ 56. State-supported debt; [~~2021~~] 2022. 1. In light of the [~~significant~~] continuing adverse impact that the [~~global spread of the~~] COVID-19 [~~coronavirus disease~~] pandemic is [~~having and is~~] expected to [~~continue to~~] have on the health and welfare of individuals in the state as well as [~~on~~] to the financial condition of the state during the state's 2022 fiscal year, and notwithstanding any other provision of law to the contrary, the dormitory authority of the state of New York and the urban development corporation are each authorized to issue state-supported debt pursuant to article 5-B, article 5-C and article 5-F of

the state finance law to assist the state to manage its financing needs during its [~~2021~~] 2022 fiscal year, without regard to any restrictions, limitations and requirements contained in article 5-B of the state finance law[~~, other than subdivision 4 of section 67-b of such article~~], and such state-supported debt shall be deemed to be issued for (i) an authorized purpose within the meaning of subdivision 2 of section 68-a of the state finance law for all purposes of article 5-C of the state finance law and section 92-z of the state finance law, or (ii) an authorized purpose within the meaning of subdivision 2 of section 69-m of the state finance law for all purposes of article 5-F of the state finance law and section 92-h of the state finance law, as the case may be. Furthermore, any bonds issued directly by the state during the state's [~~2021~~] 2022 fiscal year shall be issued without regard to any restrictions, limitations and requirements contained in article 5-B of the state finance law[~~, other than subdivision 4 of section 67-b of such article~~]. For so long as any state-supported debt issued during the state's [~~2021~~] 2022 fiscal year shall remain outstanding, including any state-supported debt issued to refund state-supported debt issued during such fiscal year, the restrictions, limitations and requirements contained in article 5-B of the state finance law, [~~other than subdivision 4 of section 67-b of such article,~~] shall not apply.

2. Effect of inconsistent provisions. Insofar as the provisions of this section are inconsistent with the provisions of any other law, general, special, or local, the provisions of this act shall be controlling.

3. Severability; construction. The provisions of this section shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this section to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part of this section or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 49. Section 3238-a of the public authorities law, as amended by section 1 of part V of chapter 63 of the laws of 2003, is amended to read as follows:

§ 3238-a. Payment to city of New York. 1. Notwithstanding any inconsistent provision of law, the corporation shall transfer to the city of New York one hundred seventy million dollars from the resources of the corporation pursuant to section thirty-two hundred thirty-nine of this title[~~. Such payment~~]; provided, however, that on and after July first, two thousand twenty, the obligation of the corporation to make such transfer shall be conditioned on any bonds issued by the sales tax asset receivables corporation that are secured by the corporation's payments described in this subdivision being outstanding in accordance with the trust indenture under which they were issued, while any such bonds are outstanding such payments shall be made during each city fiscal year. Such payments from the corporation shall be made from the fund established by section ninety-two-r of the state finance law and in accordance with the provisions thereof.

2. The city of New York, acting by the mayor alone, may assign all or any portion of such amount to any not-for-profit corporation incorporated pursuant to section fourteen hundred eleven of the not-for-profit

corporation law and, upon such assignment, the amount so assigned shall be the property of such not-for-profit corporation for all purposes. Following notice from the city of New York to the corporation and the comptroller of such assignment, such payment shall be made directly to the city's assignee. If such not-for-profit corporation issues bonds and/or notes, the state does hereby pledge and agree with the holders of any issue of bonds and/or notes secured by such a pledge that the state will not limit or alter the rights vested in such not-for-profit corporation to fulfill the terms of any agreements made with such holders or in any way impair the rights and remedies of such holders or the security for such bonds and/or notes until such bonds and/or notes, together with the interest thereon and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully paid and discharged. The foregoing pledge and agreement may be included in any agreement with the holders of such bonds or notes. Nothing contained in this section shall be deemed to restrict the right of the state to amend, modify, repeal or otherwise alter statutes imposing or relating to the taxes subject to such assignment, but such taxes shall in all events continue to be so payable, as assigned, so long as any such taxes are imposed.

3. The state may, at any time, provide proceeds of state supported debt, as defined in subdivision one of section sixty-seven-a of the state finance law, or other available monies, to the trustee for the bonds of the sales tax asset receivable corporation secured by the corporation's payments described in subdivision one of this section in an amount sufficient to fully pay and discharge such bonds by means of a legal defeasance of all such outstanding bonds in accordance with the trust indenture under which they were issued. Upon any such legal defeasance of such bonds, the corporation's obligation contained in subdivision one of this section to transfer funds to the city of New York shall be deemed satisfied and fully discharged.

4. Notwithstanding any inconsistent provision of law, the dormitory authority of the state of New York and the New York state urban development corporation are hereby authorized to issue bonds in one or more series pursuant to article five-C or article five-F of the state finance law in an aggregate principal amount sufficient to (i) finance the legal defeasance of all of the outstanding bonds of the sales tax asset receivable corporation secured by the corporation's payments described in subdivision one of this section, (ii) one or more related debt service reserve funds, and (iii) costs of issuance attributable to such bonds, and the issuance of such bonds is hereby determined to be for an "authorized purpose", as defined in subdivision two of section sixty-eight-a and subdivision two of section sixty-nine-m of the state finance law, as the case may be.

§ 50. Paragraph a of subdivision 5 of section 89-b of the state finance law, as amended by section 11 of part C of chapter 57 of the laws of 2014, is amended to read as follows:

a. Moneys in the dedicated highway and bridge trust fund shall, following appropriation by the legislature, be utilized for: reconstruction, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways, and bridges thereon, to restore such facilities to their intended functions; construction, reconstruction, enhancement and improvement of state, county, town, city, and village roads, highways, parkways, and bridges thereon, to address current and projected capacity problems including costs for traffic mitigation activities; aviation

projects authorized pursuant to section fourteen-j of the transportation law and for payments to the general debt service fund of amounts equal to amounts required for service contract payments related to aviation projects as provided and authorized by section three hundred eighty-six of the public authorities law; programs to assist small and minority and women-owned firms engaged in transportation construction and reconstruction projects, including a revolving fund for working capital loans, and a bonding guarantee assistance program in accordance with provisions of this chapter; matching federal grants or apportionments to the state for highway, parkway and bridge capital projects; the acquisition of real property and interests therein required or expected to be required in connection with such projects; preventive maintenance activities necessary to ensure that highways, parkways and bridges meet or exceed their optimum useful life; expenses of control of snow and ice on state highways by the department of transportation including but not limited to personal services, nonpersonal services and fringe benefits, payment of emergency aid for control of snow and ice in municipalities pursuant to section fifty-five of the highway law, expenses of control of snow and ice on state highways by municipalities pursuant to section twelve of the highway law, and for expenses of arterial maintenance agreements with cities pursuant to section three hundred forty-nine of the highway law; personal services, nonpersonal services, and fringe benefit costs of the department of transportation for bus safety inspection activities, rail safety inspection activities, and truck safety inspection activities; costs of the department of motor vehicles, including but not limited to personal and nonpersonal services; costs of engineering and administrative services of the department of transportation, including but not limited to fringe benefits; the contract services provided by private firms in accordance with section fourteen of the transportation law; personal services and nonpersonal services, for activities including but not limited to the preparation of designs, plans, specifications and estimates; construction management and supervision activities; costs of appraisals, surveys, testing and environmental impact statements for transportation projects; expenses in connection with buildings, equipment, materials and facilities used or useful in connection with the maintenance, operation, and repair of highways, parkways and bridges thereon; and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; and construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, and the payment of debt service required on any bonds, notes or other obligations and related expenses for highway, parkway, bridge and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail

passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, purposes authorized on or after the effective date of this section. Beginning with disbursements made on and after the first day of April, nineteen hundred ninety-three, moneys in such fund shall be available to pay such costs or expenses made pursuant to appropriations or reappropriations made during the state fiscal year which began on the first of April, nineteen hundred ninety-two. Beginning the first day of April, nineteen hundred ninety-three, moneys in such fund shall also be used for transfers to the general debt service fund and the [~~revenue bond tax~~] **general** fund of amounts equal to that respectively required for service contract and financing agreement payments as provided and authorized by section three hundred eighty of the public authorities law, section eleven of chapter three hundred twenty-nine of the laws of nineteen hundred ninety-one, as amended, and sections sixty-eight-c and sixty-nine-o of this chapter.

§ 51. Paragraph c of subdivision 5 of section 89-b of the state finance law is REPEALED.

§ 52. Subdivision 5 of section 97-f of the state finance law, as amended by section 49 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

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

§ 53. Subdivision 8 of section 97-f of the state finance law, as amended by section 49 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

8. [~~In addition to the amounts required to be maintained on deposit in the mental health services fund pursuant to subdivision five of this section and subject to subdivision nine of this section, the fund shall maintain on deposit an amount equal to the debt service and other cash requirements on mental health services facilities bonds issued by authorized issuers pursuant to sections sixty-eight-b and sixty-nine-n of this chapter. The amount required to be maintained in such fund shall be (i) twenty percent of the amount of the next payment coming due relating to mental health services facilities bonds issued by an authorized issuer multiplied by the number of months from the date of the last such payment with respect to payments required to be made semi-annually, plus (ii) those amounts specified in any financing agreement between the issuer and the state, acting through the director of the budget, with respect to payments required to be made other than semi-annually, including for variable rate bonds, interest rate exchange or similar agreements or other financing arrangements permitted by law. Concurrently with the making of any such payment, the facilities development corporation shall deliver to the comptroller, the director of the budget and the New York state medical care facilities finance agency a certificate stating the aggregate amount to be maintained on deposit in the mental health services fund to comply in full with the provisions of this subdivision.~~

~~No later than five days prior to the payment to be made by the state comptroller on such mental health services facilities bonds pursuant to sections ninety-two-z and ninety-two-h of this article, the~~] **The** amount of [~~such~~] payment **on such mental health services facilities bonds pursuant to sections ninety-two-z and ninety-two-h of this article,** shall be transferred by the state comptroller from the mental health services fund to the [~~revenue bond tax fund established by section ninety-two-z of this article and the sales tax revenue bond fund established by section ninety-two-h of this article~~] **mental hygiene general fund state operation account**. The accumulation of moneys pursuant to this subdivision and subsequent transfer to the [~~revenue bond tax fund and the sales tax revenue bond fund~~] **mental hygiene general fund state operation account** shall be subordinate in all respects to payments to be made to the New York state medical care facilities finance agency and to any pledge or assignment pursuant to subdivision six of this section.

§ 54. Subdivision 9 of section 97-f of the state finance law, as added by section 49 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

9. In determining the amounts required to be maintained in the mental health services fund under [~~subdivisions~~] **subdivision** five [~~and eight~~] of this section in each month, the amount of receipts associated with loans, leases and other agreements with voluntary agencies accumulated and set aside in the mental hygiene facilities improvement fund income account under paragraph g of subdivision three of section nine of the facilities development corporation act shall be taken into account as a credit but only if such crediting does not result in the amounts required to be maintained in the mental health services fund exclusive of any credit to be less than the amount required under subdivision five of this section in each month.

§ 55. Subdivision (j) of section 92-dd of the state finance law is REPEALED.

§ 56. Subdivision 3-a of section 2872 of the public health law is REPEALED and a new subdivision 3-a is added to read as follows:

3-a. "Secured hospital project bonds" shall mean outstanding bonds issued on behalf of a not-for-profit hospital corporation organized under the laws of this state, which hospital has previously been designated by the commissioner and the public health council to be eligible to receive distributions from the reimbursement pools established pursuant to paragraph (c) of subdivision nine of section twenty-eight hundred seven-a of this chapter, or any successor pool or pools established to serve a substantially similar purpose to such pools.

§ 57. Section 2874 of the public health law is amended by adding a new subdivision 5 to read as follows:

5. The dormitory authority of the state of New York and the New York state urban development corporation are each hereby authorized to issue bonds in one or more series pursuant to article 5-C or article 5-F of the state finance law for the purpose of refunding outstanding secured hospital project bonds, as defined in subdivision three-a of section twenty-eight hundred seventy-two of this article, and to finance one or more related debt service reserve funds and to pay costs of issuance attributable to such refunding bonds. The use of all savings resulting from the refunding of any outstanding secured hospital project bonds, including original issue premium, shall be determined by the director of the budget.

§ 58. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2021; provided, however, that the provisions of sections one, one-a, two, three, four, five, six, seven, eight, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-one, and twenty-two of this act shall expire March 31, 2022 when upon such date the provisions of such sections shall be deemed repealed; and provided further that section forty-six of this act shall be deemed to have been in full force and effect on and after April 1, 2020; and provided further that the amendments to section 3238-a of the public authorities law made by section forty-nine of this act shall be subject to the repeal of such section and shall expire and be deemed repealed therewith.

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

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