STATE OF NEW YORK

S. 8005 A. 9005

SENATE - ASSEMBLY

January 19, 2022

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 part E of chapter 55 of the laws of 2020, amending the state finance law relating to establishing the criminal justice discovery compensation fund; amending the criminal procedure law relating to monies recovered by county district attorneys before the filing of an accusatory instrument; and providing for the repeal of certain provisions upon expiration thereof, in relation to making certain provisions of the state finance law permanent (Part A); to amend the correction law, in relation to the placement of incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex within state and local correctional facilities (Part B); to amend the correction law in relation to limited credit time and eligibility for furloughs and educational leave (Part C); to repeal subdivision 9 of section 201 of the correction law relating to the parole supervision fee (Part D); to amend the correction law and public health law, in relation to authorizing the department of corrections and community supervision access to certain records (Part E); to amend the executive law, in relation to requiring members of the state parole board to devote their entire time to the duties of their office (Part F); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part G); to amend the civil practice law and rules and the executive law, in relation to establishing a mandatory training certification for all domestic and gender-based victim advocates and creating the New York state gender-based violence training institute within the office for the prevention of domestic violence (Part H); to amend the executive law, in relation to awarding reimbursement for certain items of essential personal property (Part I); to amend chapter 674 of the laws of 1993, amending

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

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the public buildings law relating to value limitations on contracts, in relation to extending the effectiveness thereof (Part J); to amend the alcoholic beverage control law, in relation to allowing a municipality to elect to receive notice by email (Part K); to amend the alcoholic beverage control law, in relation to requiring certain information to be requested in applications for licenses; and to repeal certain provisions of such law relating thereto (Part L); to amend chapter 396 of the laws of 2010 amending the alcoholic beverage control law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness thereof (Part M); to amend the election law, in relation to voter registration (Part N); to amend the election law, in relation to the boundaries of election districts and the designation of polling places (Part O); to amend the alcoholic beverage control law, in relation to authorizing retail licensees for on-premises consumption to sell and/or deliver alcoholic beverages for off-premises consumption (Part P); to amend the general municipal law, in relation to prohibiting nepotism and certain gifts and conflicts of interest (Part Q); to amend the civil service law, in relation to establishing continuing eligible lists (Part R); to amend the civil service law, in relation to promotional examination eligibility (Part S); to amend the civil service law, in relation to the transfer of civil service sections 55-b and 55-c employees (Part T); to amend the civil service law, in relation to eligibility for shift pay differentials (Part U); 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 V); to amend the general municipal law, in relation to streamlining the county-wide shared services initiative (Part W); to amend the state finance law, the tax law, and the public authorities law, in relation to providing aid and incentives for municipalities to towns and villages; and providing for the repeal of certain provisions of the tax law relating thereto (Part X); to provide for the administration of certain funds and accounts related to the 2022-2023 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 chapter 81 of the laws of 2002 relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of certain bonds & 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 private housing finance law, in relation to housing program bonds and notes; to amend part D of chapter 63 of the laws of 2005, relating to the composition

and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the New York state urban development corporation act, in relation to the nonprofit infrastructure capital investment program; to amend the New York state urban development corporation act, in relation to personal income tax notes for 2022, 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 for 2022, 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 state finance law, in relation to the issuance of revenue bonds; to repeal subdivisions 4 and 5 of section 16 of part T of chapter 57 of the laws of 2007, relating to providing for the administration of certain funds and accounts related to the 2007-2008 budget; and providing for the repeal of certain provisions upon expiration thereof (Part Y); to establish the "independent ethics commission reform act of 2022"; to amend the executive law, in relation to creating the independent commission on ethics and lobbying in government, and to repeal certain provisions of such law relating thereto; and to amend the legislative law, the public officers law, and the executive law, in relation to making technical corrections thereto (Part Z); to amend the criminal procedure law and the correction law, in relation to automatic sealing of certain convictions (Part AA); and to amend the correction law, in relation to employment by a private sector entity or as part of a prison industries certification program authorized by the United States (Part BB)

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 2022-2023 state fiscal year. Each component is wholly contained within a Part identified as Parts A through BB. 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 3 of part E of chapter 55 of the laws of 2020, amending the state finance law relating to establishing the criminal justice discovery compensation fund; amending the criminal procedure law relating to monies recovered by county district attorneys before the filing of an accusatory instrument; and providing for the repeal of certain provisions upon expiration thereof, is amended to read as follows:

§ 3. This act shall take effect immediately; provided, however, [~~that subdivision 2 of section 99-hh of the state finance law, as added by~~

~~section one of this act, shall expire and be deemed repealed March 31, 2022, and provided, further~~] that the amendments to section 95.00 of the criminal procedure law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 31, 2022.

PART B

Section 1. Subdivision 1 of section 71 of the correction law is amended by adding a new paragraph (c) to read as follows:

(c) Notwithstanding the foregoing, incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex may be received at a correctional facility designated for males or females. The department shall establish a mechanism by which incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex may request placement in a facility designated for males or females prior to reception.

§ 2. The correction law is amended by adding a new section 135 to read as follows:

§ 135. Placement based on gender identity. Incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex may request to be placed in a correctional facility with persons of the gender that is consistent with such person's gender identity.

(a) Decisions regarding the placement of incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex in a facility designated for the confinement of males or females shall be made on a case-by-case basis, with careful consideration given to housing consistent with the individual's gender identity, following an individualized and informed assessment but subject to denial based on safety, security or health concerns. The department shall provide a determination in writing to the affected person.

(b) If an incarcerated individual raises concerns for their health or safety at any time, or if their placement raises safety, security or health concerns at any time, their housing and placement shall be reassessed.

(c) Any incarcerated individual who has been placed in a facility consistent with the individual's gender identity, may request at any time to be transferred to a facility housing individuals of their assigned sex at birth.

(i) If granted, such request shall be effectuated as soon as practicable.

(ii) Any incarcerated individual who has a gender identity that differs from their assigned sex at birth, has a diagnosis of gender dysphoria, who identifies as transgender, gender nonconforming, or nonbinary, or who is intersex who has declined to be housed in a facility consistent with the individual's gender identity, or who has requested to leave such a placement, may request to have their placement

reassessed in accordance with procedures established by the commissioner.

§ 3. Section 137 of the correction law is amended by adding a new subdivision 7 to read as follows:

7. The commissioner shall promulgate rules and regulations to ensure the appropriate treatment of incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex such that:

(a) incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex shall:

(i) have access to department-issued undergarments and clothing that are consistent with the individuals' gender identity, and shall have the ability to receive undergarments, clothing and personal care items through package procedures, subject to gender-neutral restrictions; and

(ii) have the right to gender affirming medical and mental health care consistent with the community standard of care.

(iii) The absence of a documented history of gender variance shall not preclude an incarcerated individual from self-identification as transgender, gender nonconforming, or nonbinary.

(b) No employee of the department shall misgender any individual in the care or custody of the department by intentionally referring to someone, including but not limited to, a transgender, gender nonconforming, nonbinary or intersex person, using a word, pronoun or form of address that does not correctly reflect the gender with which they identify.

(c) Employees of the department shall only use information pertaining to an incarcerated individual's gender identity and expression as necessary for the performance of their official duties and shall not reveal any information related to an incarcerated individual's gender identity and expression other than to the extent necessary for legitimate operational functions of the facility or the department.

(d) No incarcerated individual may be denied access to programming or education based on their gender identity or expression.

(e) The commissioner shall implement procedures for incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex to designate their gender preference for personal searches.

(f) The department shall provide training on the provisions of this subdivision to all personnel every two years.

(g) The department shall make available documentation summarizing the provisions of this subdivision to incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex, and shall widely distribute such documentation such that it is readily accessible.

§ 4. Section 500-b of the correction law is amended by adding a new subdivision 14 to read as follows:

14. Notwithstanding any other provision, incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex may request to

be placed in a housing unit designated for individuals of the gender that most closely aligns with such individuals' gender identity.

(a) Decisions regarding the placement of incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex shall be made on a case-by-case basis, with careful consideration given to housing most closely aligning with the individuals' gender identity, following an individualized and informed assessment but subject to denial based on safety, security or health concerns. The chief administrative officer or their designee shall provide a determination in writing to the affected person.

(b) If an incarcerated individual placed in a housing unit consistent with the individual's gender identity or expression raises concerns for their health or safety at any time, or if their placement raises safety, security or health concerns at any time, their housing and placement shall be reassessed.

(c) An incarcerated individual who has been placed in a housing unit consistent with the individual's gender identity may request at any time to be transferred to a housing unit housing individuals of their assigned sex at birth.

(i) Such request shall be reviewed as soon as practicable.

(ii) An individual who has declined to be housed in a housing unit consistent with the individual's gender identity, or who has requested to leave such a placement, may request to have their placement reassessed in accordance with procedures established by the chief administrative officer or their designee.

§ 5. Subdivision 1 of section 500-k of the correction law, as separately amended by chapters 93 and 322 of the laws of 2021, is amended to read as follows:

1. Subdivisions five [~~and~~], six and seven of section one hundred thirty-seven of this chapter, except paragraphs (d) and (e) of subdivision six of such section, relating to the treatment of incarcerated individuals in state correctional facilities are applicable to incarcerated individuals confined in county jails; except that the report required by paragraph (f) of subdivision six of such section shall be made to a person designated to receive such report in the rules and regulations of the state commission of correction, or in any county or city where there is a department of correction, to the head of such department; and the state commission of correction shall promulgate rules and regulations which prescribe the manner in which subdivision seven of section one hundred thirty-seven of this chapter shall apply to the treatment of incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex confined in local correctional facilities.

§ 6. Subdivision (a) of section 601 of the correction law, as amended by section 209 of chapter 322 of the laws of 2021, is amended to read as follows:

(a) Whenever an incarcerated individual shall be delivered to the superintendent of a state correctional facility pursuant to an indeterminate or determinate sentence, the officer so delivering such incarcerated individual shall deliver to such superintendent, the sentence and commitment or certificate of conviction, or a certified copy thereof, and a copy of any order of protection pursuant to section 380.65 of the criminal procedure law received by such officer from the clerk of the

court by which such incarcerated individual shall have been sentenced, a copy of the report of the probation officer's investigation and report or a detailed statement covering the facts relative to the crime and previous history certified by the district attorney, a copy of the incarcerated individual's fingerprint records, a detailed summary of available medical records, psychiatric records and reports relating to assaults, or other violent acts, attempts at suicide or escape by the incarcerated individual while in the custody of the local correctional facility**, a copy of records reflecting the individual's gender identity and gender-related housing requests**; any such medical or psychiatric records in the possession of a health care provider other than the local correctional facility shall be summarized in detail and forwarded by such health care provider to the medical director of the appropriate state correctional facility upon request; the superintendent shall present to such officer a certificate of the delivery of such incarcerated individual, and the fees of such officer for transporting such incarcerated individual shall be paid from the treasury upon the audit and warrant of the comptroller. Whenever an incarcerated individual of the state is delivered to a local facility, the superintendent shall forward summaries of such records to the local facility with the incarcerated individual.

§ 7. Subdivision (a) of section 601 of the correction law, as amended by section 209-a of chapter 322 of the laws of 2021, is amended to read as follows:

(a) Whenever an incarcerated individual shall be delivered to the superintendent of a state correctional facility pursuant to an indeterminate or determinate sentence, the officer so delivering such incarcerated individual shall deliver to such superintendent, the sentence and commitment or certificate of conviction, or a certified copy thereof, and a copy of any order of protection pursuant to section 380.65 of the criminal procedure law received by such officer from the clerk of the court by which such incarcerated individual shall have been sentenced, a copy of the report of the probation officer's investigation and report or a detailed statement covering the facts relative to the crime and previous history certified by the district attorney, a copy of the incarcerated individual's fingerprint records, a detailed summary of available medical records, psychiatric records and reports relating to assaults, or other violent acts, attempts at suicide or escape by the incarcerated individual while in the custody of the local correctional facility**, a copy of records reflecting the individual's gender identity and gender-related housing requests**; any such medical or psychiatric records in the possession of a health care provider other than the local correctional facility shall be summarized in detail and forwarded by such health care provider to the medical director of the appropriate state correctional facility upon request; the superintendent shall present to such officer a certificate of the delivery of such incarcerated individual, and the fees of such officer for transporting such incarcerated individual shall be paid from the treasury upon the audit and warrant of the comptroller. Whenever an incarcerated individual of the state is delivered to a local facility, the superintendent shall forward summaries of such records to the local facility with the incarcerated individual.

§ 8. This act shall take effect immediately; provided, however, that section five of this act shall take effect on the same date and in the same manner as section 13 of chapter 93 of the laws of 2021, takes effect; provided, further, that the amendments to section 500-b of the

correction law made by section four of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and provided, further, that the amendments to subdivision (a) of section 601 of the correction law made by section six of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision d of section 74 of chapter 3 of the laws of 1995, as amended when upon such date the provisions of section seven of this act shall take effect.

PART C

Section 1. Subparagraph i of paragraph (c) of subdivision 1 of section 803-b of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows,

(i) participates in no less than two years of college programming **or participates in one year of college programming while confined in a general confinement facility and thereafter participates in six months of college programming while a participant in educational release**; or

§ 2. Subdivisions 4 and 7 of section 851 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

4. "Furlough program" means a program under which eligible incarcerated individuals may be granted the privilege of leaving the premises of an institution for a period not exceeding seven days for the purpose of seeking employment, maintaining family ties, solving family problems, seeking post-release housing, attending a short-term educational or vocational training course, or for any matter necessary to the furtherance of any such purposes. **Notwithstanding the provisions of subdivision two of this section, an eligible incarcerated individual for the furlough program shall also include an incarcerated individual who is not serving a sentence for an offense that would render such person ineligible for the limited credit time allowance, as set forth in section eight hundred three-b of this chapter, and provided further that such incarcerated individual has successfully participated in college programming while incarcerated with the department in a general confinement facility for a period of at least one year, and is presently successfully participating in college programming through educational leave as provided for in subdivision seven of this section.**

7. "Educational leave" means a privilege granted to an eligible incarcerated individual to leave the premises of an institution for a period not exceeding fourteen hours in any day for the purpose of education or vocational training, or for any matter necessary to the furtherance of any such purposes. **Notwithstanding the provisions of subdivision two of this section, an eligible incarcerated individual for educational leave shall also include an incarcerated individual who is not serving a sentence for an offense that would render such person ineligible for the limited credit time allowance, as set forth in section eight hundred three-b of this chapter, and provided further that such incarcerated individual has successfully participated in college programming while incarcerated with the department in a general confinement facility for a period of at least one year.**

§ 3. This act shall take effect on April 1, 2022; provided, however, that the amendments to subdivisions 4 and 7 of section 851 of the correction law made by section two of this act shall not affect the expiration of such section and shall be deemed expired therewith.

PART D

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

§ 2. This act shall take effect immediately.

PART E

Section 1. Subdivision (a) of section 601 of the correction law, as amended by section 209 of chapter 322 of the laws of 2021, is amended to read as follows:

(a) Whenever an incarcerated individual shall be delivered to the superintendent of a state correctional facility pursuant to an indeterminate or determinate sentence, the officer so delivering such incarcerated individual shall deliver to such superintendent, the sentence and commitment or certificate of conviction, or a certified copy thereof, and a copy of any order of protection pursuant to section 380.65 of the criminal procedure law received by such officer from the clerk of the court by which such incarcerated individual shall have been sentenced, a copy of the report of the probation officer's investigation and report or a detailed statement covering the facts relative to the crime and previous history certified by the district attorney, a copy of the incarcerated individual's fingerprint records, a detailed summary of available medical records, psychiatric records and reports relating to assaults, or other violent acts, attempts at suicide or escape by the incarcerated individual while in the custody of the local correctional facility; any such medical or psychiatric records in the possession of a health care provider other than the local correctional facility shall be summarized in detail and forwarded by such health care provider to the medical director of the appropriate state correctional facility upon request; the superintendent shall present to such officer a certificate of the delivery of such incarcerated individual, and the fees of such officer for transporting such incarcerated individual shall be paid from the treasury upon the audit and warrant of the comptroller. **The sentence and commitment or certificate of conviction shall be deemed to grant authorization to the department of corrections and community supervision to request a certified copy or certified transcript of birth on behalf of an incarcerated individual, when such request is made pursuant to subdivision four of section four thousand one hundred seventy-four of the public health law or section four thousand one hundred seventy-nine of such law.** Whenever an incarcerated individual of the state is delivered to a local facility, the superintendent shall forward summaries of such records to the local facility with the incarcerated individual.

§ 2. Subdivision 4 of section 4174 of the public health law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

4. No fee shall be charged for a search, certification, certificate, certified copy or certified transcript of a record to be used for school entrance, employment certificate or for purposes of public relief or when required by the veterans administration to be used in determining the eligibility of any person to participate in the benefits made available by the veterans administration or when required by a board of elections for the purposes of determining voter eligibility or when requested by the department of corrections and community supervision or a local correctional facility as defined in subdivision sixteen of

section two of the correction law for the purpose of providing a certified copy or certified transcript of birth to an incarcerated individual in anticipation of such incarcerated individual's release from custody or to obtain a death certificate to be used for administrative purposes for an incarcerated individual who has died under custody or when requested by the office of children and family services or an authorized agency for the purpose of providing a certified copy or certified transcript of birth to a youth placed in the care and custody or custody and guardianship of the local commissioner of social services or the care and custody or custody and guardianship of the office of children and family services in anticipation of such youth's discharge from placement or foster care. **Whenever a request is made by the department of corrections and community supervision for a certified copy or certified transcript of birth on behalf of an incarcerated individual pursuant to this section, a certified copy of the sentence and commitment or certificate of conviction shall be deemed to grant authorization by the incarcerated individual to the department to submit such request on their behalf, and no other authorization shall be required.**

§ 3. Section 4179 of the public health law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 4179. Vital records; fees; city of New York. Notwithstanding the provisions of paragraph one of subdivision a of section 207.13 of the health code of the city of New York, the department of health shall charge, and the applicant shall pay, for a search of two consecutive calendar years under one name and the issuance of a certificate of birth, death or termination of pregnancy, or a certification of birth or death, or a certification that the record cannot be found, a fee of fifteen dollars for each copy. Provided, however, that no such fee shall be charged when the department of corrections and community supervision or a local correctional facility as defined in subdivision sixteen of section two of the correction law requests a certificate of birth or certification of birth for the purpose of providing such certificate of birth or certification of birth to an incarcerated individual in anticipation of such incarcerated individual's release from custody or to obtain a death certificate to be used for administrative purposes for an incarcerated individual who has died under custody or when the office of children and family services or an authorized agency requests a certified copy or certified transcript of birth for a youth placed in the custody of the local commissioner of social services or the custody of the office of children and family services pursuant to article three of the family court act for the purpose of providing such certified copy or certified transcript of birth to such youth in anticipation of discharge from placement. **Whenever a request is made by the department of corrections and community supervision for a certified copy or certified transcript of birth on behalf of an incarcerated individual pursuant to this section, a certified copy of the sentence and commitment or certificate of conviction shall be deemed to grant authorization by the incarcerated individual to the department to submit such request on their behalf, and no other authorization shall be required.**

§ 4. This act shall take effect on September 1, 2022; provided, however, that the amendments to subdivision (a) of section 601 of the correction law made by section one of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

PART F

Section 1. Section 259-b of the executive law is amended by adding a new subdivision 8 to read as follows:

8. Members of the board shall devote their entire time to the duties of their office and shall not practice in their respective profession or callings.

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

PART G

Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax law, as amended by section 1 of part I of chapter 55 of the laws of 2020, is amended to read as follows:

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

§ 2. This act shall take effect April 1, 2022.

PART H

Section 1. Paragraphs 4 and 5 of subdivision (a) of section 4510 of the civil practice law and rules, as added by chapter 309 of the laws of 2021, are amended to read as follows:

4. "Domestic violence program" means a residential program for victims of domestic violence or a non-residential program for victims of domestic violence as defined in section four hundred fifty-nine-a of the social services law [~~or~~], any similar program operated by an Indian tribe, as defined by section two of the Indian law**, or any other program operated by a not-for-profit organization or local social services district, for the purpose of providing non-residential services to victims of domestic violence, including, but not limited to, information and referral services, advocacy, counseling, and community education and outreach activities and providing or arranging for hotline services**.

5. "Domestic violence advocate" means any person who is acting under the direction and supervision of a [~~licensed and approved~~] domestic violence program and has satisfied the training standards required by the office of children and family services **and the office for the prevention of domestic violence**.

§ 2. Section 575 of the executive law is amended by adding a new subdivision 11 to read as follows:

11. Domestic violence advocate certification. (a) The office shall, in coordination with the office of children and family services, the office for victim services, and the department of health, and in consultation with the New York state coalition against domestic violence, the New York state coalition against sexual assault, and state advocacy organizations for the prevention of domestic and gender-based violence, promulgate rules and regulations which establish:

(i) minimum training standards for domestic violence advocates, as defined in section forty-five hundred ten of the civil practice law and rules; and

(ii) procedures for certification of current and future domestic violence advocates, including volunteer advocates, provided such domestic violence advocates have met the minimum training standards as set forth in this subdivision.

(b) Minimum training standards established by the office must include thirty hours of pre-service training and within the first year of service and at least ten hours of in-service training for domestic violence counselors. This training shall include but not be limited to, instruction on the following:

(i) client-counselor confidentiality requirements;

(ii) child abuse and maltreatment identification and reporting responsibilities;

(iii) the dynamics of domestic and gender-based violence;

(iv) crisis intervention techniques;

(v) communication skills and intervention techniques with a focus on trauma informed service delivery;

(vi) an overview of the state criminal justice system;

(vii) an update and review of state laws on domestic violence, sexual offenses, sexual abuse and incest;

(viii) the availability of publicly-funded and community resources for clients;

(ix) accessing and applying for state and federal funding streams dedicated to the provision of services for victims of domestic violence;

(x) diversity and inclusion which includes understanding how culture, ethnicity, religion, sexuality and/or gender identity/expression can influence/impact domestic violence victims, and how to provide services to victims in a respectful manner so as to increase the quality of services and provide better outcomes; and

(xi) information on the availability of medical and legal assistance for such clients.

(c) Minimum training standards established by the office may provide for substitution of certain experience for any provision of the training standards.

(d) Minimum training standards established by the office must provide that any person who has been certified by an approved rape crisis program as having satisfied the training standards specified in subdivision fifteen of section two hundred six of the public health law, as added by chapter four hundred thirty-two of the laws of nineteen hundred ninety-three, be deemed to have met the minimum training standards for domestic violence advocates.

(e) There shall be established within the office a gender-based violence training institute for the purpose of providing guidance, training and technical assistance to domestic and gender-based violence programs to implement training programs in accordance with the minimum standards set forth in this subdivision.

§ 3. The office of children and family services and the New York state department of health shall review all rules and regulations related to training of domestic violence advocates, rape crisis counselors, and staff of licensed and approved domestic violence programs and rape crisis programs, and ensure such rules and regulations are updated consistent with the provisions of section two of this act no later than one year after it shall have become a law.

§ 4. This act shall take effect immediately; provided that section one of this act shall take effect one year after it shall have become a law.

PART I

Section 1. Subdivision 8 of section 621 of the executive law, as added by chapter 197 of the laws of 1983, is amended to read as follows:

8. "Essential personal property" shall mean articles of personal property necessary and essential to the health[~~, welfare~~] or safety of the victim.

§ 2. Subdivision 9 of section 631 of the executive law, as amended by chapter 487 of the laws of 2014, is amended to read as follows:

9. Any award made for the cost of repair or replacement of essential personal property, including cash losses of essential personal property, shall be limited to an amount of [~~five~~] twenty-five hundred dollars, except that all cash losses of essential personal property shall be limited to the amount of one hundred dollars. In the case of medically necessary life-sustaining equipment which was lost or damaged as the direct result of a crime, the award shall be limited to the amount of ten thousand dollars.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law and apply to all claims filed on or after such effective date.

PART J

Section 1. Section 3 of chapter 674 of the laws of 1993, amending the public buildings law relating to value limitations on contracts, as amended by section 2 of part HH of chapter 55 of the laws of 2019, is amended to read as follows:

§ 3. This act shall take effect immediately and shall remain in full force and effect only until June 30, [~~2022~~] 2027.

§ 2. This act shall take effect immediately.

PART K

Section 1. Section 110-b of the alcoholic beverage control law is amended by adding a new subdivision 6-a to read as follows:

6-a. Such notification may be made by email, provided the municipality in which the premises is located elects to take service in such form. Such an election shall be in a writing signed by the authorized agent or clerk of the municipality. Proof of email service shall be provided to the authority in the form of an email from the municipality that reasonably identifies the applicant, or by other such forms of proof as determined by the authority.

§ 2. This act shall take effect immediately.

PART L

Section 1. Section 110 of the alcoholic beverage control law is REPEALED and a new section 110 is added to read as follows:

§ 110. An application for a license issued under this chapter shall contain the following information or documentation:

1. The name, trade name, if any, business address, address of the proposed licensed premises, telephone number, email address and social security or federal employer identification number of the applicant.

2. The following information for each principal of the applicant:

(a) name;

(b) date and place of birth;

(c) permanent home address;

(d) telephone number and email address;

(e) social security number;

(f) residential address or addresses and employment history for the five years preceding the filing of the application;

(g) a list of any licenses to traffic in alcoholic beverages held or applied for by the individual;

(h) a statement as to whether the principal has a criminal conviction that would prohibit the individual from holding a license issued under this chapter;

(i) the street and number of the proposed licensed premises;

(j) drawings, including a floor plan, depicting the appearance of the interior or exterior of the proposed licensed premises as well as a plot map of the general area where the proposed licensed premises will be located;

(k) a statement that the location and layout of the premises to be licensed does not violate any requirement of this chapter or any local regulation relating to location and layout of licensed premises;

(l) a description of the type of establishment, including but not limited to a restaurant, hotel, tavern, or grocery store, to be operated at the premises which shall include, for on-premises licenses, such other information as may be required by the authority;

(m) for applications for on-premises licenses, a statement indicating whether the premises will have topless entertainment and/or exotic dancing, whether topless or otherwise, including, but not limited to, pole dancing and lap dancing, at the premises along with any other information required by the authority to identify the applicant's method of operation;

(n) a statement explaining how the applicant has control of the premises, either by: ownership of a fee interest; a lease; a management or other agreement giving the applicant control over the food and beverage operations at the premises; or a binding agreement to obtain such ownership, lease or agreement;

(o) a list of the funds being invested into the licensed business and the anticipated expenses to start the business;

(p) the name of any individual not listed in this subdivision who has a financial interest in the licensed business through a loan, gift of funds, percentage of revenue, etc.; and

(q) the fingerprints of the individuals named in this subdivision which shall be transmitted to the division of criminal justice services.

For purposes of this subdivision, principal means: if the applicant is an individual, that individual; if the applicant is a partnership, any individual owning, directly or indirectly, ten percent or more of the partnership; if the applicant is a corporation, the officers and directors of the corporation and any individual owning, directly or indirectly, ten percent or more of the corporation; if the applicant is a limited liability company, the managing members and any individual owning, directly or indirectly, ten percent or more of the limited liability company.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law; provided that any license application pending or filed with the authority on or after the effective date of this act shall be subject to section one of this act.

PART M

Section 1. 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 chapter 375 of the laws of 2021, 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, 2022~~].

§ 2. This act shall take effect immediately.

PART N

Section 1. Subdivision 3 of section 5-210 of the election law, as amended by chapter 255 of the laws of 2015, is amended to read as follows:

3. Completed application forms, when received by any board of elections and, with respect to application forms promulgated by the federal election commission, when received by the state board of elections, or showing a dated cancellation mark of the United States Postal Service or contained in an envelope showing such a dated cancellation mark which is not later than the [~~twenty-fifth~~] **fifteenth** day before the next ensuing primary, general or special election, and received no later than the [~~twentieth~~] **tenth** day before such election, or delivered in person to such board of elections not later than the tenth day before [~~a special~~] **such** election, shall entitle the applicant to vote in such election, if he or she is otherwise qualified, provided, however, such applicant shall not vote on a voting machine until his or her identity is verified. Any board of elections receiving an application form from a person who does not reside in its jurisdiction but who does reside elsewhere in the state of New York, shall forthwith forward such application form to the proper board of elections. Each board of elections shall make an entry on each such form of the date it is received by such board.

§ 2. This act shall take effect immediately.

PART O

Section 1. Section 4-104 of the election law is amended by adding a new subdivision 5-a to read as follows:

5-a. Whenever a contiguous property of a college or university contains three hundred or more registrants who are registered to vote at an address on such contiguous property, the polling place designated for such registrants shall be on such contiguous property or at a nearby location recommended by the college or university and agreed to by the board of elections.

§ 2. Paragraph a of subdivision 3 of section 4-100 of the election law, as amended by chapter 260 of the laws of 2021, is amended to read as follows:

a. Each election district shall be in compact form and may not be partly within and partly without a ward, town, city, a village which has five thousand or more inhabitants and is wholly within one town, **the contiguous property of a college or university which contains three hundred or more registrants who are registered to vote at an address on such contiguous property,** or a county legislative, assembly, senatorial

or congressional district. Except as provided in paragraph b of this subdivision, election district boundaries, other than those boundaries which are coterminous with the boundaries of those political subdivisions **and college or university properties** mentioned in this paragraph, must be streets, rivers, railroad lines or other permanent characteristics of the landscape which are clearly visible to any person without the need to use any technical or mechanical device. An election district shall contain not more than nine hundred fifty registrants (excluding registrants in inactive status) or, with the approval of the county board of elections, not more than two thousand registrants (excluding registrants in inactive status), but any election district may be divided for the convenience of the voters.

§ 3. This act shall take effect January 1, 2024.

PART P

Section 1. Section 106 of the alcoholic beverage control law is amended by adding a new subdivision 2-a to read as follows:

2-a. Notwithstanding any provision of law to the contrary, in addition to any other privilege provided under this chapter, any retail license that allows for liquor and/or wine sale for on-premises consumption shall also include the privilege to sell for take-out and delivery, any product it may otherwise sell at retail, in sealed original, unsealed original, and non-original containers, subject to and upon adoption of rules and regulations of the authority which may include, but need not be limited to, any reasonable limitation on: quantity and volume, food required at time of purchase, hours of sale, and the sealing of open containers.

§ 2. This act shall take effect immediately.

PART Q

Section 1. Paragraph (a) of subdivision 3 of section 800 of the general municipal law, as amended by chapter 1043 of the laws of 1965, is amended to read as follows:

(a) his [~~spouse, minor children and dependents~~] **or her familial member where such familial member is any person living in the same household as the municipal officer or employee, any person who is a direct descendant of such municipal officer or employee's grandparents or the spouse of such descendant, and where such contract is entered into after the effective date of the chapter of the laws of two thousand twenty-two that amends this paragraph**, except a contract of employment with the municipality which such officer or employee serves,

§ 2. Subdivision 1 of section 803 of the general municipal law, as amended by chapter 499 of the laws of 2005, is amended to read as follows:

1. Any municipal officer or employee who has, will have, or later acquires an interest in or whose [~~spouse~~] **familial member, as that term is used in section eight hundred of this article,** has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the municipality of which he or she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to his or her immediate supervisor and to the governing body thereof as soon as he or she has knowledge of such actual or prospective

interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body.

§ 3. Paragraph a of subdivision 1 of section 805-a of the general municipal law, as amended by chapter 813 of the laws of 1987, is amended to read as follows:

a. directly or indirectly, solicit any gift, or accept or receive any gift having [~~a value of seventy-five dollars or~~] more **than a nominal value**, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part;

§ 4. This act shall take effect immediately.

PART R

Section 1. Section 57 of the civil service law, as added by chapter 83 of the laws of 1963, is amended to read as follows:

§ 57. Continuous recruitment for certain positions. Notwithstanding any other provisions of this chapter or any other law, the civil service department or a municipal commission may establish a continuing eligible list for any class of positions [~~for which it finds inadequate numbers of well qualified persons available for recruitment~~]. Names of eligibles shall be inserted in such list from time to time as applicants are tested and found qualified in examinations held at such intervals as may be prescribed by the civil service department or municipal commission having jurisdiction. Such successive examinations shall, so far as practicable, be constructed and rated so as to be equivalent tests of the merit and fitness of candidates. The name of any candidate who passes any such examination and who is otherwise qualified shall be placed on the continuing eligible list in the rank corresponding to [~~his~~] **the candidate's** final rating on such examination. The period of eligibility of successful candidates for certification and appointment from such continuing eligible list, as a result of any such examination, shall be fixed by the civil service department or municipal commission but, except as a list may reach an announced terminal date, such period shall not be less than one year; nor shall such period of eligibility exceed four years. Subject to such conditions and limitations as the civil service department or municipal commission may prescribe, a candidate may take more than one such examination; provided, however, that no such candidate shall be certified simultaneously with more than one rank on the continuing eligible list. With respect to any candidate who applies for and is granted additional credit in any such examination as a disabled or non-disabled veteran, and for the limited purpose of granting such additional credit, the eligible list shall be deemed to be established on the date on which [~~his~~] **the candidate's** name is added thereto.

§ 2. This act shall take effect immediately.

PART S

Section 1. Subdivision 11 of section 52 of the civil service law, as amended by chapter 214 of the laws of 1989, is amended to read as follows:

11. Notwithstanding any other provision of law, the state department of civil service may, for titles designated by it, extend to employees

in the state service who are holding or who have held a position in the non-competitive or labor class of such service the same opportunity as employees in the competitive class to take promotion examinations [~~if such examinations are to be held in conjunction with open competitive examinations~~].

§ 2. Subdivision 12 of section 52 of the civil service law, as added by chapter 453 of the laws of 1976, is amended to read as follows:

12. Notwithstanding any other provisions of law, a municipal commission may, for entrance level titles as defined and designated by it, extend to employees in the service of a civil division who are holding or who have held a position in the non-competitive class of such service for a period of two years the same opportunity as employees in the competitive class to take promotion examinations for which such non-competitive class service is determined by the municipal commission to be appropriate preparation [~~if such examinations are to be held in conjunction with open competitive examinations~~].

§ 3. This act shall take effect immediately.

PART T

Section 1. Section 55-b of the civil service law is amended by adding a new subdivision 3 to read as follows:

3. Those employees hired under subdivision one of this section, shall be afforded the opportunity to transfer into competitive class positions, provided that they meet the requirements for competitive examination; and possess the requisite credentials, licenses, and certifications as necessary.

§ 2. Section 55-c of the civil service law is amended by adding a new subdivision 4 to read as follows:

4. Those employees hired under subdivision one of this section, shall be afforded the opportunity to transfer into competitive class positions, provided that they meet the requirements for competitive examination; and possess the requisite credentials, licenses, and certifications as necessary.

§ 3. This act shall take effect immediately.

PART U

Section 1. Subdivision 6 of section 130 of the civil service law, as amended by chapter 307 of the laws of 1979, is amended to read as follows:

6. Shift pay differentials. Whenever the director finds that under prevailing wage practices in private or other public employment in the state, employees in a given occupation receive a higher rate of pay or wage differential for a work shift other [~~than a normal day shift~~] than that which is paid to employees in the same occupation [~~for a normal day shift~~], [~~he~~] **the director** may, subject to the approval of the director of the budget, authorize a pay differential to be paid to those employees in positions in the same or related occupations in the state service and who are [~~regularly~~] assigned to an equivalent or substantially equivalent work shift, on a statewide basis, provided however, where the director finds that in a particular geographical area or areas wage practices would warrant a shift differential for employees in a particular occupation then the director may grant a work shift pay differential for such employees, subject to the approval of the director of the budget. In determining whether to authorize a pay differential the

director shall consider the various duties on each shift, [~~other than the normal day shift,~~] in relation to the normal day shift. A pay differential under this subdivision shall be a percentage of basic salary, an hourly rate, an annual rate, or a fixed dollar amount per pay period, as prescribed in each case by the director of the classification and compensation division subject to approval of the director of the budget. Such differential shall be paid in addition to and shall not be part of an employee's basic annual salary, and shall not affect or impair any performance advancement payments, performance awards, longevity payments or other rights or benefits to which an employee may be entitled under the provisions of this chapter, provided, however, that any differential payable pursuant to this subdivision shall be included as compensation for retirement purposes. A pay differential shall be terminated for any employee when [~~he~~] the employee ceases to be employed in the work shift or position for which such pay differential was authorized. A pay differential shall remain in effect until terminated by the director of the classification and compensation division with the consent of the director of the budget or until a new pay differential is authorized pursuant to this subdivision. The director of the budget may adopt such regulations as [~~he may deem~~] necessary to carry out the provisions of this subdivision.

§ 2. This act shall take effect immediately.

PART V

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. Subdivision (a) of section 5004 of the civil practice law and rules, as amended by chapter 831 of the laws of 2021, is amended to read as follows:

(a) [~~Interest shall be at the rate of nine per centum per annum, except where otherwise provided by statute; provided~~] 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 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. Provided, however, the annual rate of interest to be paid in an action arising out of a consumer debt where a natural person is a defendant shall be two per centum per annum (i) on a judgment or accrued claim for judgments entered on or after the effective date of the chapter of the laws of two thousand twenty-one which amended this section, and (ii) for interest upon a judgment pursuant to section five thousand three of this article from the date of the entry of judgment on any part of a judgment entered before the effective date of the chapter of the laws of two thousand twenty-one which amended this section that is unpaid as of such effective date.

§ 3. 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.

§ 4. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2022; provided, however, section two of this act shall take effect on the same date and in the same manner as section 1 of chapter 831 of the laws of 2021, takes effect.

PART W

Section 1. Subdivision 8 of section 239-bb of the general municipal law, as amended by chapter 294 of the laws of 2021, 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 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 and transmitted 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 by submitting one consolidated application per plan, and agree on the distribution and use of any matching funding in order to qualify for matching funding. Any such consolidated application shall be submitted to the department of state in such form and manner as directed by the department no later than December thirty-first of the second calendar year following plan adoption; provided, however, that for plans adopted prior to calendar year two thousand twenty, for which no application for matching funding has been submitted, one consolidated application per plan year may be submitted to the department no later than December thirty-first, two thousand twenty-two.

§ 2. This act shall take effect immediately.

PART X

Section 1. Paragraph b of subdivision 10 of section 54 of the state finance law is amended by adding a new subparagraph (vii) to read as follows:

(vii) Notwithstanding subparagraph (i) of this paragraph, within amounts appropriated in the state fiscal year commencing April first, two thousand twenty-two, and annually thereafter, there shall be apportioned and paid to each existing municipality as of April first, two thousand twenty-two a base level grant in an amount equal to the aid received by such municipality in the state fiscal year commencing April first, two thousand eighteen; provided, however, and notwithstanding any law to the contrary, in the state fiscal year commencing April first, two thousand twenty-two, and annually thereafter, the town of Palm Tree shall receive a base level grant of twenty-four thousand two hundred thirteen dollars, and the village of Sagaponack shall receive a base level grant of two thousand dollars, and the village of Woodbury shall receive a base level grant of twenty-seven thousand dollars, and the village of South Blooming Grove shall receive a base level grant of nineteen thousand dollars.

§ 2. Paragraph 3 of subdivision c of section 1261 of the tax law, as amended by section 1 of part NN of chapter 55 of the laws of 2020, is amended to read as follows:

(3) However, the taxes, penalties and interest which (i) the county of Nassau, (ii) the county of Erie, to the extent the county of Erie is contractually or statutorily obligated to allocate and apply or pay net collections to the city of Buffalo and to the extent that such county has set aside net collections for educational purposes attributable to the Buffalo school district, or the city of Buffalo or (iii) the county of Erie is authorized to impose pursuant to section twelve hundred ten of this article, other than such taxes in the amounts described, respectively, in subdivisions one and two of section one thousand two hundred sixty-two-e of this part, during the period that such section authorizes Nassau county to establish special or local assistance programs thereunder, together with any penalties and interest related thereto, and after the comptroller has reserved such refund fund and such costs, shall, commencing on the next payment date after the effective date of this sentence and of each month thereafter, until such date as (i) the Nassau county interim finance authority shall have no obligations outstanding, or (ii) the Buffalo fiscal stability authority shall cease to exist, or (iii) the Erie county fiscal stability authority shall cease to exist, be paid by the comptroller, respectively, to (i) the

Nassau county interim finance authority to be applied by the Nassau county interim finance authority, or (ii) to the Buffalo fiscal stability authority to be applied by the Buffalo fiscal stability authority, or (iii) to the Erie county fiscal stability authority to be applied by the Erie county fiscal stability authority, as the case may be, in the following order of priority: first pursuant to the Nassau county interim finance authority's contracts with bondholders or the Buffalo fiscal stability authority's contracts with bondholders or the Erie county fiscal stability authority's contracts with bondholders, respectively, then to pay the Nassau county interim finance authority's operating expenses not otherwise provided for or the Buffalo fiscal stability authority's operating expenses not otherwise provided for or the Erie county fiscal stability authority's operating expenses not otherwise provided for, respectively, [~~then (i) for the Nassau county interim finance authority to pay to the state as soon as practicable in the months of May and December each year, the amount necessary to fulfill the town and village distribution requirement on behalf of Nassau county pursuant to paragraph five-a of this subdivision, or (ii) for the Buffalo fiscal stability authority to pay to the state as soon as practicable in the months of May and December each year, the percentage of the amount necessary to fulfill the town and village distribution requirement on behalf of Erie county pursuant to paragraph five-a of this subdivision that equates to the percentage of the county net collections that the city of Buffalo and the Buffalo city school district, together, are due in the months of May and December each year, or (iii) for the Erie county fiscal stability authority to pay to the state as soon as practicable in the months of May and December each year, the amount necessary to fulfill the town and village distribution requirement on behalf of Erie county pursuant to paragraph five-a of this subdivision, less the amount being paid to the state by the Buffalo fiscal stability authority in each respective month,~~] and then (i) pursuant to the Nassau county interim finance authority's agreements with the county of Nassau, which agreements shall require the Nassau county interim finance authority to transfer such taxes, penalties and interest remaining after providing for contractual or other obligations of the Nassau county interim finance authority, and subject to any agreement between such authority and the county of Nassau, to the county of Nassau as frequently as practicable; or (ii) pursuant to the Buffalo fiscal stability authority's agreements with the city of Buffalo, which agreements shall require the Buffalo fiscal stability authority to transfer such taxes, penalties and interest remaining after providing for contractual or other obligations of the Buffalo fiscal stability authority, and subject to any agreement between such authority and the city of Buffalo, to the city of Buffalo or the city of Buffalo school district, as the case may be, as frequently as practicable; or (iii) pursuant to the Erie county fiscal stability authority's agreements with the county of Erie, which agreements shall require the Erie county fiscal stability authority to transfer such taxes, penalties and interest remaining after providing for contractual or other obligations of the Erie county fiscal stability authority, and subject to any agreement between such authority and the county of Erie, to the county of Erie as frequently as practicable. During the period that the comptroller is required to make payments to the Nassau county interim finance authority described in the previous sentence, the county of Nassau shall have no right, title or interest in or to such taxes, penalties and interest required to be paid to the Nassau county interim finance authority,

except as provided in such authority's agreements with the county of Nassau. During the period that the comptroller is required to make payments to the Buffalo fiscal stability authority described in the second previous sentence, the city of Buffalo and such school district shall have no right, title or interest in or to such taxes, penalties and interest required to be paid to the Buffalo fiscal stability authority, except as provided in such authority's agreements with the city of Buffalo. During the period that the comptroller is required to make payments to the Erie county fiscal stability authority described in the third previous sentence, the county of Erie shall have no right, title or interest in or to such taxes, penalties and interest required to be paid to the Erie county fiscal stability authority, except as provided in such authority's agreements with the county of Erie.

§ 3. Paragraph 5-a of subdivision c of section 1261 of the tax law is REPEALED.

§ 4. Subdivision 5 of section 3657 of the public authorities law, as amended by section 3 of part NN of chapter 55 of the laws of 2020, is amended to read as follows:

5. Tax revenues received by the authority pursuant to section twelve hundred sixty-one of the tax law, together with any other revenues received by the authority, shall be applied in the following order of priority: first pursuant to the authority's contracts with bondholders, then to pay the authority's operating expenses not otherwise provided for, [~~then to pay to the state pursuant to paragraph three of subdivision (c) of section twelve hundred sixty-one of the tax law,~~] and then, subject to the authority's agreements with the county, to transfer the balance of such tax revenues not required to meet contractual or other obligations of the authority to the county as frequently as practicable.

§ 5. Subdivision 5 of section 3965 of the public authorities law, as amended by section 5 of part NN of chapter 55 of the laws of 2020, is amended to read as follows:

5. Revenues of the authority shall be applied in the following order of priority: first to pay debt service or for set asides to pay debt service on the authority's bonds, notes, or other obligations and to replenish any reserve funds securing such bonds, notes or other obligations of the authority in accordance with the provision of indenture or bond resolution of the authority; then to pay the authority's operating expenses not otherwise provided for; [~~then to pay to the state pursuant to paragraph three of subdivision (c) of section twelve hundred sixty-one of the tax law;~~] and then, subject to the authority's agreements with the county for itself or on behalf of any covered organization to transfer as frequently as practicable the balance of revenues not required to meet contractual or other obligations of the authority to the county as provided in subdivision seven of this section.

§ 6. Subdivision 5 of section 3865 of the public authorities law, as amended by section 4 of part NN of chapter 55 of the laws of 2020, is amended to read as follows:

5. Revenues of the authority shall be applied in the following order of priority: first to pay debt service or for set asides to pay debt service on the authority's bonds, notes, or other obligations and to replenish any reserve funds securing such bonds, notes or other obligations of the authority, in accordance with the provision of any indenture or bond resolution of the authority; then to pay the authority's operating expenses not otherwise provided for; [~~then to pay to the state pursuant to paragraph three of subdivision (c) of section twelve hundred sixty-one of the tax law;~~] and then, subject to the authority's agree-

ment with the city, for itself or on behalf of the city's dependent school district and any other covered organization, to transfer as frequently as practicable the balance of revenues not required to meet contractual or other obligations of the authority to the city or the city's dependent school district as provided in subdivision seven of this section.

§ 7. This act shall take effect July 1, 2022.

PART Y

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. New York City assessment account (22062).
52. Cultural education account (22063).
53. Local services account (22078).
54. DHCR mortgage servicing account (22085).
55. Housing indirect cost recovery account (22090).
56. DHCR-HCA application fee account (22100).
57. Low income housing monitoring account (22130).
58. Corporation administration account (22135).
59. New York State Home for Veterans in the Lower-Hudson Valley account (22144).
60. Deferred compensation administration account (22151).
61. Rent revenue other New York City account (22156).
62. Rent revenue account (22158).
63. Transportation aviation account (22165).
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. New York state cannabis revenue fund (24800).
77. Fantasy sports administration account (24951).
78. Highway and bridge capital account (30051).
79. Aviation purpose account (30053).
80. State university residence hall rehabilitation fund (30100).
81. State parks infrastructure account (30351).
82. Clean water/clean air implementation fund (30500).
83. Hazardous waste remedial cleanup account (31506).
84. Youth facilities improvement account (31701).
85. Housing assistance fund (31800).
86. Housing program fund (31850).
87. Highway facility purpose account (31951).
88. New York racing account (32213).
89. Capital miscellaneous gifts account (32214).
90. Information technology capital financing account (32215).
91. New York environmental protection and spill remediation account (32219).
92. Mental hygiene facilities capital improvement fund (32300).
93. Correctional facilities capital improvement fund (32350).
94. New York State Storm Recovery Capital Fund (33000).

95. OGS convention center account (50318).
96. Empire Plaza Gift Shop (50327).
97. Centralized services fund (55000).
98. Archives records management account (55052).
99. Federal single audit account (55053).
100. Civil service administration account (55055).
101. Civil service EHS occupational health program account (55056).
102. Banking services account (55057).
103. Cultural resources survey account (55058).
104. Neighborhood work project account (55059).
105. Automation & printing chargeback account (55060).
106. OFT NYT account (55061).
107. Data center account (55062).
108. Intrusion detection account (55066).
109. Domestic violence grant account (55067).
110. Centralized technology services account (55069).
111. Labor contact center account (55071).
112. Human services contact center account (55072).
113. Tax contact center account (55073).
114. Department of law civil recoveries account (55074).
115. Executive direction internal audit account (55251).
116. CIO Information technology centralized services account (55252).
117. Health insurance internal service account (55300).
118. Civil service employee benefits division administrative account (55301).
119. Correctional industries revolving fund (55350).
120. Employees health insurance account (60201).
121. Medicaid management information system escrow fund (60900).

§ 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, 2023, 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. $2,653,000,000 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. $1,237,000,000 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. $139,200,000 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. $496,000,000 from the general fund to the mobile sports wagering fund, education account (24955), 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 1367 of the racing, pari-mutuel wagering and breeding law.

5. $7,000,000 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.

6. An amount up to the unencumbered balance in the fund on March 31, 2023 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.

7. 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.

8. $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).

9. $900,000 from the general fund to the miscellaneous special revenue fund, Batavia school for the blind account (22032).

10. $900,000 from the general fund to the miscellaneous special revenue fund, Rome school for the deaf account (22053).

11. $343,400,000 from the state university dormitory income fund (40350) to the miscellaneous special revenue fund, state university dormitory income reimbursable account (21937).

12. $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.

13. $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, 2022 through March 31, 2023.

14. $7,790,000 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).

15. $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).

16. $4,200,000 from any of the state education department's special revenue or internal service funds to the capital projects fund (30000).

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. $100,000,000 from the general fund to the environmental protection fund, environmental protection fund transfer account (30451).

6. $6,000,000 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).

12. Up to $10,000,000 from the general fund to the miscellaneous special revenue fund, patron services account (22163).

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.

10. $900,000 from the general fund to the Veterans' Remembrance and Cemetery Maintenance and Operation account (20201).

11. $505,000,000 from the general fund to the housing program fund (31850).

General Government:

1. $12,000,000 from the general fund to the health insurance revolving fund (55300).

2. $292,400,000 from the health insurance reserve receipts fund (60550) to the general fund.

3. $150,000 from the general fund to the not-for-profit revolving loan fund (20650).

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

5. $3,000,000 from the miscellaneous special revenue fund, surplus property account (22036), to the general fund.

6. $19,000,000 from the miscellaneous special revenue fund, revenue arrearage account (22024), to the general fund.

7. $1,826,000 from the miscellaneous special revenue fund, revenue arrearage account (22024), to the miscellaneous special revenue fund, authority budget office account (22138).

8. $1,000,000 from the miscellaneous special revenue fund, parking account (22007), to the general fund, for the purpose of reimbursing the costs of debt service related to state parking facilities.

9. $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.

10. $10,000,000 from the general fund to the agencies internal service fund, state data center account (55062).

11. $12,000,000 from the miscellaneous special revenue fund, parking account (22007), to the centralized services, building support services account (55018).

12. $30,000,000 from the general fund to the internal service fund, business services center account (55022).

13. $8,000,000 from the general fund to the internal service fund, building support services account (55018).

14. $1,500,000 from the combined expendable trust fund, plaza special events account (20120), to the general fund.

15. $50,000,000 from the general fund to the New York State cannabis revenue fund (24800).

16. $50,000,000 from the New York State cannabis revenue fund (24800) 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. $8,750,000 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. $112,500,000 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. $1,000,000,000 from the general fund to the health care transformation fund (24850).

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.

4. $850,000 from the miscellaneous special revenue fund, DOL elevator safety program fund (22252) to the miscellaneous special revenue fund, DOL fee and penalty account (21923).

Mental Hygiene:

1. $3,800,000 from the general fund, to the agencies internal service fund, civil service EHS occupational health program account (55056).

2. $2,000,000 from the general fund, to the mental hygiene facilities capital improvement fund (32300).

3. $20,000,000 from the opioid settlement fund (23817) to the miscellaneous capital projects fund, opioid settlement capital account.

4. $20,000,000 from the miscellaneous capital projects fund, opioid settlement capital account to the opioid settlement fund (23817).

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. $22,773,000 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. $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.

6. $136,130,000 from the general fund to the correctional facilities capital improvement fund (32350).

7. $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.

8. $10,000,000 from the miscellaneous special revenue fund, statewide public safety communications account (22123), to the capital projects fund (30000).

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

10. $1,000,000 from the general fund to the agencies internal service fund, neighborhood work project account (55059).

11. $7,980,000 from the miscellaneous special revenue fund, fingerprint identification & technology account (21950), to the general fund.

12. $1,100,000 from the state police motor vehicle law enforcement and motor vehicle theft and insurance fraud prevention fund, motor vehicle theft and insurance fraud account (22801), to the general fund.

Transportation:

1. $20,000,000 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assist-

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

Miscellaneous:

1. $750,000,000 from the general fund to any funds or accounts for the purpose of reimbursing certain outstanding accounts receivable balances.

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

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

4. $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).

6. $12,750,000,000 from the special revenue federal fund, ARPA-Fiscal Recovery Fund (25546) to the general fund, state purposes account (10050) to cover eligible costs incurred by the state.

§ 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, 2023:

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 $13,694,000 from revenues credited to any of the department of health's special revenue funds, to the miscellaneous special revenue fund, administration account (21982).

7. Upon the request of the attorney general, up to $4,000,000 from revenues credited to the federal health and human services fund, federal health and human services account (25117) or the miscellaneous special revenue fund, recoveries and revenue account (22041), to the miscellaneous special revenue fund, litigation settlement and civil recovery account (22117).

8. Upon the request of the commission 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.

9. Upon the request of the commission 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. On or before March 31, 2023, 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, 2023, 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, 2023, 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, 2023.

§ 9. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $1,100,384,416 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2022 through June 30, 2023 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 $48,834,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2022 to June 30, 2023 for general fund operating support pursuant to subparagraph (4-b) of paragraph h of subdivision 2 of section three hundred fifty-five 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 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, 2022 to June 30, 2023 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.

§ 12. 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, 2023.

§ 13. 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, 2023.

§ 14. 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 $100 million from each fund.

§ 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 $700 million from the unencumbered balance of any special revenue fund or account, agency fund or account, internal service fund or account, enterprise fund or account, or any combination of such funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2022-23 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.

§ 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 $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.

§ 17. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $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.

§ 18. 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, 2022, the proceeds of which will be utilized to support energy-related state activities.

§ 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 make the following contributions to the state treasury to the credit of the general fund on or before March 31, 2023: (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.

§ 20. 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, 2023 from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation.

§ 21. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 20 of part JJJ of chapter 59 of the laws of 2021, 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-one~~] twenty-two, 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 [~~$1,979,457,000~~] $1,830,985,000, 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-one~~] twenty-two.

§ 22. 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, 2023, 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. $456,000 from the miscellaneous special revenue fund, New York city veterans' home account (22141).

4. $570,000 from the miscellaneous special revenue fund, New York state home for veterans' and their dependents at oxford account (22142).

5. $170,000 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).

§ 23. Subdivision 8 of section 53 of the state finance law, as amended by chapter 58 of the laws of 1982, is amended to read as follows:

8. Notwithstanding the foregoing provisions of this section, in addition to the restrictions set forth therein, the governor may authorize a transfer to the general fund, to a capital projects fund, or to a fund established to account for revenues from the federal government only after the approval of:

(1) the temporary president of the senate or the [~~chairman~~] **chair** of the senate finance committee **(the "senate")**; and

(2) the speaker of the assembly or the [~~chairman~~] **chair** of the assembly ways and means committee **(the "assembly")**.

Provided however, if either the senate or the assembly fails to affirmatively deny or approve such transfer within ten days from the date on which the governor provides notification of such transfer, then the transfer shall be deemed approved by both the senate and the assembly.

§ 24. Subdivision 6 of section 4 of the state finance law, as amended by section 25 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

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

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

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

§ 25. Subdivision 4 of section 40 of the state finance law, as amended by section 26 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

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

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

§ 26. Subdivision 2 of section 92-cc of the state finance law, as amended by section 12-a of part I of chapter 60 of the laws of 2015, is amended to read as follows:

2. Such fund shall have a maximum balance not to exceed [~~five~~] **fifteen** per centum of the aggregate amount projected to be disbursed from the [~~general fund~~] **state operating funds** during the fiscal year immediately following the then-current fiscal year. At the request of the director of the budget, the state comptroller shall transfer monies to the rainy day reserve fund up to and including an amount equivalent to [~~seventy-five one-hundredths of one~~] **three** per centum of the aggregate amount projected to be disbursed from the [~~general fund~~] **state operating funds** during the then-current fiscal year, unless such transfer would increase the rainy day reserve fund to an amount in excess of [~~five~~] **fifteen** per centum of the aggregate amount projected to be disbursed from the [~~general fund~~] **state operating funds** during the fiscal year immediately following the then-current fiscal year, in which event such transfer shall be limited to such amount as will increase the rainy day reserve fund to such [~~five~~] **fifteen** per centum limitation.

§ 27. Paragraph (c) of subdivision 4 of section 99-aa of the state finance law, as added by section 22-d of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(c) At the request of the director of the budget, the state comptroller shall transfer monies from the general fund to the trust fund up to and including an amount equivalent to **one and** fifty one-hundredths of one per centum of the total actuarial accrued liability included in the state of New York comprehensive annual financial report.

§ 28. Subdivision 4 of section 89-h of the state finance law, as amended by chapter 92 of the laws of 2021, is amended to read as follows:

4. The moneys of the medical cannabis trust fund, following appropriation by the legislature, shall be allocated upon a certificate of approval of availability by the director of the budget as follows: (a) Twenty-two and five-tenths percent of the monies shall be transferred to the counties in New York state in which the medical cannabis was manufactured and allocated in proportion to the gross sales originating from medical cannabis manufactured in each such county; (b) twenty-two and five-tenths percent of the moneys shall be transferred to the counties in New York state in which the medical cannabis was dispensed and allocated in proportion to the gross sales occurring in each such county; (c) five percent of the monies shall be transferred to the office of addiction services and supports, which shall use that revenue for additional drug abuse prevention, counseling and treatment services; (d) five percent of the revenue received by the department shall be trans-

ferred to the division of criminal justice services, which shall use that revenue for a program of discretionary grants to state and local law enforcement agencies that demonstrate a need relating to article three of the cannabis law; said grants could be used for personnel costs of state and local law enforcement agencies; and (e) forty-five percent of the monies shall be [~~transferred~~] **deposited** to the New York state cannabis revenue fund. For purposes of this subdivision, the city of New York shall be deemed to be a county.

§ 29. 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.

§ 30. Subdivision 1 of section 16 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 25 of part JJJ of chapter 59 of the laws of 2021, 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 [~~nine billion one hundred thirty-nine million six hundred nineteen thousand dollars $9,139,619,000~~] **nine billion five hundred two million seven hundred thirty-nine thousand dollars $9,502,739,000**, 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 [~~nine billion one hundred thirty-nine million six hundred nineteen thousand dollars $9,139,619,000~~] nine billion five hundred two million seven hundred thirty-nine thousand dollars $9,502,739,000, 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.

§ 31. 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 26 of part JJJ of chapter 59 of the laws of 2021, 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 seventy-four million six hundred thousand dollars $374,600,000~~] four hundred twenty-six million one hundred thousand dollars $426,100,000, 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.

§ 32. Subdivision 3 of section 1285-p of the public authorities law, as amended by section 27 of part JJJ of chapter 59 of the laws of 2021, 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 [~~seven billion one hundred thirty million ten thousand dollars $7,130,010,000~~] eight billion eighty-nine million one hundred ten thousand dollars $8,089,110,000, 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.

§ 33. 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 28 of part JJJ of chapter 59 of the laws of 2021, 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 forty-seven million five hundred thousand dollars $347,500,000~~] three hundred eighty-three million five hundred thousand dollars $383,500,000, 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 [~~one billion three hundred eight million six hundred eighty-six thousand dollars $1,308,686,000~~] one billion five hundred ninety-one million nine hundred eighty-six thousand dollars $1,591,986,000, 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.

§ 34. Paragraph (c) of subdivision 19 of section 1680 of the public authorities law, as amended by section 29 of part JJJ of chapter 59 of the laws of 2021, 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 [~~fifteen billion five hundred fifty-five million eight hundred sixty-four thousand dollars $15,555,864,000~~] sixteen billion three hundred seventy-one million eight hundred sixty-four thousand dollars

$16,371,864,000; 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.

§ 35. Paragraph (c) of subdivision 14 of section 1680 of the public authorities law, as amended by section 30 of part JJJ of chapter 59 of the laws of 2021, 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 six hundred sixty-one million thirty thousand dollars $9,661,030,000~~] ten billion ninety-eight million six hundred twenty-six thousand dollars $10,098,626,000. 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.

§ 36. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 31 of part JJJ of chapter 59 of the laws of 2021, 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 sixty-six million two hundred fifty-seven thousand dollars $1,066,257,000~~] one billion one hundred twenty-three million one hundred forty thousand dollars $1,123,140,000. 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.

§ 37. 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 32 of part JJJ of chapter 59 of the laws of 2021, 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 seventy-six million fifteen thousand dollars $876,015,000~~] nine hundred eleven million seven hundred fifteen thousand dollars $911,715,000, 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 seventy-six million fifteen thousand dollars $876,015,000~~] nine hundred eleven million seven hundred fifteen thousand dollars $911,715,000, 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.

§ 38. 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 33 of part JJJ of chapter 59 of the laws of 2021, 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 [~~ten billion four hundred seventy-six million seven hundred seventy-three thousand dollars $10,476,773,000~~] ten billion nine hundred thirty-two million six hundred thirty-three thousand dollars $10,932,633,000, 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 [~~ten billion four hundred seventy-six million seven hundred seventy-three thousand dollars $10,476,773,000~~] ten billion nine hundred thirty-two million six hundred thirty-three thousand dollars $10,932,633,000, 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.

§ 39. 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 34 of part JJJ of chapter 59 of the laws of 2021, 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 seventy-two million dollars $172,000,000~~] **one hundred ninety-seven million dollars $197,000,000**, 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.

§ 40. 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 35 of part JJJ of chapter 59 of the laws of 2021, 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 [~~two hundred ninety-three million dollars $293,000,000~~] **three hundred ninety-three million dollars $393,000,000**, 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.

§ 41. 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 36 of part JJJ of chapter 59 of the laws of 2021, 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 [~~twelve billion two hundred sixty million five hundred twenty-eight thousand dollars $12,260,528,000~~] **thirteen billion fifty-three million eight hundred eighty-one thousand dollars $13,053,881,000** cumulatively by the end of fiscal year [~~2021-22~~] **2022-23**. **For purposes of this subdivision, such projects shall be deemed to include capital grants to cities, towns and villages for the reimbursement of eligible capital costs of local highway and bridge projects within such municipality, where allocations to cities, towns and villages are based on the total number of New York or United States or interstate signed touring route miles for which such municipality has capital maintenance responsibility, and where such eligible capital costs include the costs of construction and repair of highways, bridges, highway-railroad crossings, and other transportation facilities for projects with a service life of ten years or more.**

§ 42. Subdivision 1 of section 1689-i of the public authorities law, as amended by section 37 of part JJJ of chapter 59 of the laws of 2021, 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 ninety-nine million dollars $299,000,000~~] **three hundred thirteen million dollars $313,000,000**.

§ 43. 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 38 of part JJJ of chapter 59 of the laws of 2021, 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 [~~eleven billion two hundred seventy-nine million two hundred two thousand dollars $11,279,202,000~~] **thirteen billion nine hundred thirty-eight million four hundred two thousand dollars $13,938,402,000**, 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.

§ 44. Subdivision 1 of section 386-b of the public authorities law, as amended by section 39 of part JJJ of chapter 59 of the laws of 2021, 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 [~~eight billion eight hundred thirty-nine million nine hundred sixty-three thousand dollars $8,839,963,000~~] ten billion one hundred forty-seven million

eight hundred sixty-three thousand dollars $10,147,863,000, 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. Paragraph (a) of subdivision 2 of section 47-e of the private housing finance law, as amended by section 40 of part JJJ of chapter 59 of the laws of 2021, is amended to read as follows:

(a) Subject to the provisions of chapter fifty-nine of the laws of two thousand, in order to enhance and encourage the promotion of housing programs and thereby achieve the stated purposes and objectives of such housing programs, the agency shall have the power and is hereby authorized from time to time to issue negotiable housing program bonds and notes in such principal amount as shall be necessary to provide sufficient funds for the repayment of amounts disbursed (and not previously reimbursed) pursuant to law or any prior year making capital appropriations or reappropriations for the purposes of the housing program; provided, however, that the agency may issue such bonds and notes in an aggregate principal amount not exceeding [~~seven billion five hundred forty-five million one hundred seven thousand dollars $7,545,107,000~~] **twelve billion four hundred fifty-one million five hundred eleven thousand dollars $12,451,511,000**, 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.

§ 46. 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 41 of part JJJ of chapter 59 of the laws of 2021, 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, **Native American Indian Nation schools,** 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 [~~two hundred thirty-six million dollars $236,000,000~~] **three hundred one million seven hundred thousand dollars $301,700,000**, 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.

§ 47. 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 42 of part JJJ of chapter 59 of the laws of 2021, 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 [~~nine hundred seventy-four million two hundred fifty-four thousand dollars $974,254,000~~] **one billion one hundred twenty-five million sixty-six thousand dollars $1,125,066,000** 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.

§ 48. Paragraph (b) of subdivision 1 of section 385 of the public authorities law, as amended by section 43 of part JJJ of chapter 59 of the laws of 2021, 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 [~~eighteen billion one hundred fifty million dollars $18,150,000,000~~] nineteen billion seven hundred seventy-six million nine hundred twenty thousand dollars $19,776,920,000, 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.

§ 49. Subdivision 1 of section 386-a of the public authorities law, as amended by section 44 of part JJJ of chapter 59 of the laws of 2021, 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 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. Notwithstanding any other provision of law to the contrary, including the limitations contained in subdivision four of section sixty-seven-b of the state finance law, (A) any bonds and notes

issued prior to April first, two thousand [~~twenty-two~~] **twenty-three** pursuant to this section may be issued with a maximum maturity of fifty years, and (B) any bonds issued to refund such bonds and notes may be issued with a maximum maturity of fifty years from the respective date of original issuance of such bonds and notes.

§ 50. Subdivision 1 of section 1680-r of the public authorities law, as amended by section 47 of part JJJ of chapter 59 of the laws of 2021, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the capital restructuring financing program for health care and related facilities licensed pursuant to the public health law or the mental hygiene law and other state costs associated with such capital projects, the health care facility transformation programs, the essential health care provider program, and other health care capital project costs. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~three billion fifty-three million dollars $3,053,000,000~~] **four billion six hundred fifty-three million dollars $4,653,000,000**, 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.

§ 51. Subdivision 1 of section 1680-k of the public authorities law, as amended by section 62 of part BBB of chapter 59 of the laws of 2018, is amended to read as follows:

1. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any provisions of law to the contrary, the dormitory authority is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed forty million [~~seven hundred fifteen thousand dollars~~] **eight hundred thirty thousand dollars ($40,830,000)** 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 the construction of the New York state agriculture and markets food laboratory. Eligible project costs may include, but not be limited to the cost of design, financing, site investigations, site acquisition and preparation, demolition, construction, rehabilitation, acquisition of machinery and equipment, and infrastructure improvements. Such bonds and notes of such authorized issuers shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuers for debt service and related expenses pursuant to any service contract executed pursuant to subdivision two of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest

income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 52. Paragraph (b) of subdivision 3 and clause (B) of subparagraph (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chapter 63 of the laws of 2005 relating to the composition and responsibilities of the New York state higher education capital matching grant board, as amended by section 7 of part K of chapter 39 of the laws of 2019, are amended to read as follows:

(b) Within amounts appropriated therefor, the board is hereby authorized and directed to award matching capital grants totaling [~~three hundred million dollars, $300,000,000~~] **three hundred thirty million dollars, $330,000,000**. Each college shall be eligible for a grant award amount as determined by the calculations pursuant to subdivision five of this section. In addition, such colleges shall be eligible to compete for additional funds pursuant to paragraph (h) of subdivision four of this section.

(B) The dormitory authority shall not issue any bonds or notes in an amount in excess of [~~three hundred million dollars, $300,000,000~~] **three hundred thirty million dollars, $330,000,000** for the purposes of this section; excluding bonds or notes issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Except for purposes of complying with the internal revenue code, any interest on bond proceeds shall only be used to pay debt service on such bonds.

§ 53. Subdivision 1 of section 51 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 42-c of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the nonprofit infrastructure capital investment program and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~one hundred twenty million dollars~~] **one hundred seventy million dollars $170,000,000**, 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.

§ 54. 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 54-b to read as follows:

§ 54-b. Personal income tax notes. 1. Findings and declaration of need. (a) The state of New York finds and determines that shortfalls in the state's financial plan arising from adverse economic and fiscal events and risks, disasters and emergencies, including but not limited

to, public health emergencies, may occur or develop, and that the financial impact of such events, risks, disasters and emergencies could be prudently mitigated by certain fiscal management authorization measures being 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 personal income tax revenue anticipation notes with a maturity no later than March 31, 2023, in one or more series in an aggregate principal amount for each fiscal year not to exceed three billion dollars, and to pay costs of issuance of such notes, for the purpose of temporarily financing budgetary needs of the state. Such purpose shall constitute an authorized purpose under subdivision two of section sixty-eight-a of the state finance law for all purposes of article five-C of the state finance law with respect to the notes authorized by this paragraph. Such notes shall not be renewed, extended or refunded. For so long as any notes authorized by this paragraph shall be outstanding, the restrictions, limitations and requirements contained in article five-B of the state finance law shall not apply.

(c) Such 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 debt service and related expenses pursuant to any financing agreement described in paragraph (d) of this subdivision, and such notes shall contain on the face thereof a statement to such effect. Such notes shall be issued on a subordinate basis and shall be secured by subordinate payments from the revenue bond tax fund established pursuant to section ninety-two-z of the state finance law. Except for purposes of complying with the internal revenue code, any interest income earned on note proceeds shall only be used to pay debt service on such notes. All of the provisions of the state finance law, the dormitory authority act and this act relating to notes and bonds which are not inconsistent with the provisions of this section shall apply to notes authorized by paragraph (b) of this subdivision, including but not limited to the power to establish adequate reserves therefor, subject to the final maturity limitation for such notes set forth in paragraph (b) of this subdivision. The issuance of any notes authorized by paragraph (b) of this subdivision shall further be subject to the approval of the director of the division of the budget.

(d) Notwithstanding any other law, rule or regulation to the contrary but subject to the limitations contained in paragraph (b) of this subdivision, in order to assist the dormitory authority and the corporation in undertaking the administration and financing of such notes, the director of the budget is hereby authorized to supplement any existing financing agreement with the dormitory authority and/or the corporation, or to enter into a new financing agreement with the dormitory authority and/or the corporation, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation shall agree, so as to provide to the dormitory authority and the corporation, a sum not to exceed the debt service payments and related expenses required for any notes issued pursuant to paragraph (b) of this subdivision. Any financing agreement supplemented or 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 purposes, subject to annual appropriation by the legislature. Any such financing agreement or any payments made or to be made thereunder may be assigned or pledged by the dormitory authority and the corporation as security for the notes authorized by paragraph (b) of this subdivision.

(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 issuance of personal income tax revenue anticipation notes issued by the dormitory authority and the corporation pursuant to paragraph (b) of this subdivision.

(f) 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 proceeds of personal income tax revenue anticipation notes issued by the dormitory authority and the New York state urban development corporation pursuant to paragraph (b) of this subdivision.

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 section 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.

§ 55. 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 55-b to read as follows:

§ 55-b. Line of credit facilities. 1. Findings and declaration of need. (a) The state of New York finds and determines that shortfalls in the state's financial plan arising from adverse economic and fiscal events and risks, disasters and emergencies, including but not limited to, public health emergencies, may occur or develop, and that the financial impact of such events, risks, disasters and emergencies could be prudently mitigated by certain fiscal management authorization measures being legislatively authorized and established.

(b) Definitions. When used in this subdivision:

(i) "Line of credit facility" shall mean one or more revolving credit commitment arrangements between the dormitory authority of the state of New York and/or the urban development corporation with an individual financial institution or a consortium of financial institutions for the purpose of assisting the state to temporarily finance its budgetary needs.

(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, the dormitory authority of the state of New York and the urban development corporation are authorized until March 31, 2023 to: (i) enter into one or more line of credit facilities not in excess of two billion dollars in aggregate principal amount; (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; provided, however, that the total principal amounts of such draws for each fiscal year shall not exceed two billion dollars; and (iii) secure repayment of all draws under such line of credit facilities and the payment of related expenses and fees, which repayment and payment obligations 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 into 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 term of any line of credit facility shall be one year from the date of incurrence; provided however that no draw on any such line of credit facility shall occur after March 31, 2023, and provided further that any such line of credit facility whose term extends beyond March 31, 2023 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, 2023, as well as the payment of 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.

(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 (c) of this subdivision.

(e) Notwithstanding any other provision of law to the contrary, for so long as any amounts under a line of credit facility authorized by paragraph (c) of this subdivision are due and payable, such amounts shall not constitute nor be treated as state-supported debt for purposes of article 5-B of the state finance law. 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 line of credit facility established in accordance with the authorization contained in paragraph (c) of this subdivision.

(f) Each draw on a line of credit facility authorized by paragraph (c) of this subdivision shall only be made if the service contract or other agreement entered into in connection with such line of credit facility

is supported by sufficient appropriation authority enacted by the legislature to repay the amount of the draw and to pay the related expenses and fees to become due and payable. Amounts repaid under a line of credit facility may be re-borrowed 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 that provides for the repayment of any such re-borrowed amounts and the payment of the 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 (c) of this subdivision and the payment of the related expenses and fees beyond the moneys received for such purpose under any service contract or other agreement authorized by paragraph (g) of this subdivision.

(g) The director of the budget is authorized to enter into one or more service contracts or other agreements, none of which shall exceed one year 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 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. Any such service contract or other 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) Any service contract or other agreement entered into pursuant to paragraph (g) 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 (c) of this subdivision.

(i) 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, subject to the limitations and restrictions set forth in this subdivision.

(j) No later than seven days after a draw occurs on a 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.

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.

§ 56. 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 58 to read as follows:

§ 58. Gateway project. 1. Findings and declaration of need. The state of New York finds and determines that providing funding for the passenger rail transportation project commonly known as the gateway project, is needed to preserve and improve the functionality and strengthen the resiliency of long-distance and commuter rail infrastructure between the state of New York and the state of New Jersey.

2. Definitions. When used in this section:

"Commission" shall mean the gateway development commission, a bi-state commission and a body corporate and politic established by the state of New Jersey and the state of New York, acting in the public interest and exercising essential governmental functions in accordance with the Gateway development commission act, and any successor thereto.

"Federal transportation loan" shall mean one or more loans made to the commission to finance the Hudson tunnel project under or pursuant to any U.S. Department of Transportation program or act, including but not limited to the Railroad Rehabilitation & Improvement Financing Program or the Transportation Infrastructure Finance and Innovation Act, which loan or loans are related to the state capital commitment.

"Gateway development commission act" shall mean chapter 108 of the laws of New York, 2019, as amended.

"Gateway project" shall mean the passenger rail and related infrastructure projects undertaken by the commission, including the hudson tunnel project.

"Hudson tunnel project" shall mean the project consisting of construction of a tunnel connecting the states of New York and New Jersey and the completion of certain ancillary facilities including construction of concrete casing at Hudson Yards in Manhattan, New York and the rehabilitation of the existing North River Tunnels.

"State capital commitment" shall mean an aggregate principal amount not to exceed $2,350,000,000, plus any interest costs, including capitalized interest, and related expenses and fees payable by the state of New York to the commission under one or more service contracts or other agreements pursuant to this section, as well as any expenses of the state incurred in connection therewith.

"Related expenses and fees" shall mean commitment fees and other ancillary costs, expenses and fees incurred, and to become due and payable, by the commission in connection with the Federal transportation loan.

3. Notwithstanding any other provision of law to the contrary, in order to provide for the payment for the state capital commitment, the director of the budget is hereby authorized to enter into one or more service contracts or other agreements with the commission, none of which shall exceed the maximum duration of the Federal transportation loan, upon such terms and conditions as the director of the budget and commission agree, so as to provide to the commission, for each state fiscal year, a sum not to exceed the amount required for the payment of the state capital commitment for such fiscal year. Any such service contract or other agreement 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, that no liability shall be incurred by the state beyond the monies available for such purpose, and that such obligation is subject to annual appropriation by the legislature. Any such service contract or other agreement and any payments made or to be made thereunder may be assigned and pledged by the commission as security for the repayment by the commission of the Federal transportation loan.

4. The director of the budget is also 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 the state capital commitment provided for herein and the service contract or other agreement authorized by subdivision 3 of this section.

§ 57. Subdivisions 4 and 5 of section 16 of part T of chapter 57 of the laws of 2007, relating to providing for the administration of certain funds and accounts related to the 2007-2008 budget, are REPEALED.

§ 58. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2022; provided, however, that the provisions of sections one, one-a, two, three, four, five, six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-two, and twenty-three of this act shall expire March 31, 2023 when upon such date the provisions of such sections shall be deemed repealed; provided, further, that the amendments to section 89-h of the state finance law made by section twenty-eight of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART Z

Section 1. This act shall be known and may be cited as the "independent ethics commission reform act of 2022".

§ 2. Section 94 of the executive law is REPEALED and a new section 94 is added to read as follows:

§ 94. Independent commission on ethics and lobbying in government. 1. Commission established. There is hereby established within the department of state, the "independent commission on ethics and lobbying in government", an independent agency responsible for administering, enforcing, and interpreting New York state's ethics and lobbying laws. The commission shall have and exercise the powers and duties set forth in this section with respect to statewide elected officials, members of the legislature and employees of the legislature, and state officers and employees as defined in section seventy-three of the public officers law, candidates for statewide elected office and for the senate or

assembly, and the political party chairman as is defined in section seventy-three-a of the public officers law, lobbyists and the clients of lobbyists as defined in section one-c of the legislative law, and individuals who have formerly held such positions, were lobbyists or clients of lobbyists as defined in section one-c of the legislative law, or who have formerly been such candidates. This section shall not be deemed to have revoked or rescinded any regulations or advisory opinions in effect on the effective date of this section that were issued by predecessor ethics and lobbying bodies. The commission shall cooperate, consult, and coordinate with the legislative ethics commission, to the extent possible, to administer and enforce the laws under its jurisdiction.

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

(a) "commission" means the independent commission on ethics and lobbying in government established pursuant to subdivision one of this section.

(b) "selection committee" means the committee of the American Bar Association accredited New York state-law school deans or interim deans tasked with selecting the members of the commission pursuant to subdivision three of this section.

(c) "respondent" means the individual or individuals or organization or organizations subject to an inquiry, investigation, or enforcement action.

3. Selection committee. (a) The selection committee shall select five commission members.

(b) The selection committee shall publish a procedure by which it will solicit and receive applications from members of the public, review qualifications, and select commission membership and reappointment in accordance with this section. The chair of the selection committee shall rotate annually among the deans in alphabetical order by the names of their respective law schools. Appropriate staffing and other resources shall be provided for in the commission's budget for the selection committee to carry out its powers, functions, and duties.

(c) The majority of the selection committee shall constitute a quorum to hold a meeting.

(d) Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding of the selection committee shall be open to the public, except the applicable records pertaining to the selection process for a member's seat shall be subject to disclosure pursuant to article six of the public officers law only after an individual member is appointed to the commission. Requests for such records shall be made to, and processed by, the commission's records access officer.

(e) In the selection of the commission members, the selection committee shall take all appropriate steps to recruit and prioritize the selection of members who will bring diversity of lived experience, diversity of geographic location, and professional expertise and skill-sets, such as, but not limited to, ethics, familiarity with the lobbying industry, public administration, compliance, or education, to reflect the mission of the commission.

(f) No individual shall be eligible for appointment as a member of the commission who is currently, or has within the last two years:

(i) been registered as a lobbyist in New York state;

(ii) been a member of the New York state legislature, a statewide elected official, or a commissioner of an executive agency appointed by the governor;

(iii) been a political party chairman, as defined in section seventy-three of the public officers law; or

(iv) been a state officer or employee or legislative employee as defined in section seventy-three of the public officers law.

4. Commission. (a) The first class of members of the commission shall serve staggered terms to ensure continuity. For the first class of the commission, two members shall serve a term of four years, two members shall serve a term of two years, and one member shall serve a term of one year. All subsequent members shall serve a term of four years. No member shall be selected to the commission for more than two full consecutive terms, except, that a member who has held the position by filling a vacancy, can be selected to the commission for an additional two full consecutive terms.

(b) The commission by majority vote shall elect a chairperson from among its members for a term of two years. A chairperson may be elected to more than one term for such office.

(c) Members of the commission may be removed by majority vote of the commission solely for substantial neglect of duty, misconduct in office, violation of the confidentiality restrictions set forth in this section, inability to discharge the powers or duties of office or violation of this section, after written notice and opportunity for a reply.

(d) Any vacancy occurring on the commission shall be filled within thirty days of its occurrence in the same manner as a member is initially selected to complete the vacant term.

(e) During the period of a member's service as a member of the commission, the member shall refrain from making, or soliciting from other persons, any contributions to candidates for election to the offices of governor, lieutenant governor, member of the assembly or the senate, attorney general or state comptroller.

(f) Members of the commission shall receive a per diem allowance equal to the salary of a justice of the supreme court divided by two hundred twenty for each day or each pro-rated day actually spent in the performance of the member's duties under this section, and, in addition thereto, shall be reimbursed for all reasonable expenses actually and necessarily incurred by the member in the performance of the member's duties under this section. For the purposes of this subdivision, a day shall consist of at least seven and one-half hours spent in the performance of the member's duties under this section.

(g) A meeting may be called by the chairperson or three members of the commission. The commission shall be subject to articles six and seven of the public officers law.

(h) Three members of the commission shall constitute a quorum, and the commission shall have the power to act by majority vote of the total number of members of the commission without vacancy.

(i) The commission shall meet at least once per month for at least ten months in a calendar year. The commission shall hold a public hearing at least once each calendar year to take testimony regarding the operation of the commission and solicit public input regarding potential or proposed changes in the laws under its jurisdiction.

5. Powers. (a) The commission has the authority to: (i) adopt, amend, and rescind any rules and regulations pertaining to section seventy-three, seventy-three-a or seventy-four of the public officers law, article one-A of the legislative law, or section one hundred seven of the civil service law; (ii) adopt, amend, and rescind any procedures of the commission, including but not limited to, procedures for advice and

guidance, training, filing, review, and enforcement of financial disclosure statements, investigations, enforcement, and due process hearings; and (iii) develop and promulgate any programs for reviews, training, and guidance to carry out the commission's mission.

(b) The commission has the authority to compel the testimony of witnesses, and may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.

6. Executive director and commission staff. The commission shall:

(a) (i) Appoint an executive director who shall act in accordance with the policies of the commission. The executive director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties assigned by this section, and shall be a qualified, independent professional. No individual shall be eligible to be appointed as an executive director if the individual is currently, or within the last two years has been:

(1) registered as a lobbyist in New York state;

(2) a member of the New York state legislature or a statewide elected official or a commissioner of an executive agency appointed by the governor; or

(3) a political party chairman, as defined in section seventy-three of the public officers law.

(ii) Notwithstanding the provisions of this subdivision, the executive director may be a current or former New York state government employee. The executive director shall, prior to the individual's appointment, have had at least ten years of experience in the management of auditing, investigation, and enforcement of governmental operations, or management of complex compliance programs relating to ethics and lobbying.

(iii) The appointment and removal of the executive director shall be made solely by a majority vote of the commission.

(iv) The term of office of the executive director shall be four years from the date of appointment. The salary of the executive director shall be determined by the members of the commission based on experience.

(v) The commission may remove the executive director for neglect of duty, misconduct in office, violation of the confidentiality restrictions in this section, or inability or failure to discharge the powers or duties of office, including the failure to follow the lawful instructions of the commission.

(b) Delegate authority to the executive director to act in the name of the commission between meetings of the commission provided such delegation is in writing, the specific powers to be delegated are enumerated, and the commission shall not delegate any decisions specified in this section that require a vote of the commission.

(c) Establish units within the commission to carry out it duties, including, but not limited to, (i) an advice and guidance unit, (ii) a training unit, (iii) a financial disclosure unit, (iv) a lobbying unit, and (v) an investigations and enforcement unit.

(d) Appoint such other staff as are necessary to carry out its duties under this section, including, but not limited to, a deputy director of an advice and guidance unit to provide timely confidential advice to persons subject to the commission's jurisdiction, a deputy director for training, a deputy director for investigations and enforcement, and a deputy director for lobbying.

(e) Review and approve a staffing plan provided and prepared by the executive director which shall contain, at a minimum, a list of the various units and divisions as well as the number of positions in each

unit, titles and their duties, and salaries, as well as the various qualifications for each position including, but not limited to, education and prior experience for each position.

7. Advice and guidance. (a) The commission shall establish a unit or units solely for ethics and lobbying guidance, and give such prompt, informal advice to persons whose conduct it oversees.

(b) Persons receiving such informal advice may rely on that advice absent misrepresentation or omission of material facts to the commission and such communications with the commission shall be treated as confidential, except as disclosure is needed to prevent or rectify a crime or fraud, or prevent a substantial threat to public health or safety or if required by court order.

(c) The commission may also render, on written request or on its own initiative, advisory opinions, and may allow for public comment before issuance of an advisory opinion. Such an opinion rendered by the commission shall be relied on by those subject to the commission's jurisdiction and until, or unless, amended, superseded, or revoked. Such opinion may also be relied upon by any such person, and may be introduced and shall be a defense, in any criminal or civil action.

8. Training. (a) The commission shall establish a training unit and shall develop and administer an on-going program for the education and training in ethics and lobbying for those subject to the provisions of this section, as follows:

(i) The commission shall develop and administer a comprehensive live or live-online ethics training course and shall designate and train instructors to conduct such training. Such live course shall be designed to include practical application of the material covered and a question-and-answer participatory segment. Unless the commission grants an extension or waiver for good cause shown, statewide elected officials, members of the legislature and employees of the legislature, and state officers and employees as defined in sections seventy-three and seventy-three-a of the public officers law, and the political party chairman as is defined in section seventy-three-a of the public officers law, shall complete the live course within ninety days of appointment or employment and shall complete the live course every two years subsequently.

(ii) The commission shall develop and administer an online ethics refresher course for all individuals listed under subparagraph (i) of this paragraph who have previously completed the live course. Such refresher course shall be designed to include any changes in law, regulation, or policy or in the interpretation thereof, and practical application of the material covered. Unless the commission grants an extension or waiver for good cause shown, such individuals shall take such refresher course once every year after having completed the live course under subparagraph (i) of this paragraph.

(iii) The commission shall develop and administer an online live question and answer course for agency ethics officers.

(iv) The commission shall develop and administer training courses for lobbyists and clients of lobbyists.

(v) The provisions of this subdivision shall be applicable to the legislature except to the extent that an ethics training program is otherwise established by the assembly and/or senate for their respective members and employees and such program meets or exceeds each of the requirements set forth in this subdivision.

(vi) On an annual basis, the commission, in coordination with the legislative ethics commission, shall determine the status of compliance

with the training requirements under this subdivision by each state agency and by the senate and the assembly. Such determination shall include aggregate statistics regarding participation in such training and shall be reported on a quarterly basis to the governor and the legislature in writing.

9. Financial disclosure statements. (a) The commission may delegate all or part of review, inquiry and advice in this section to the staff under the supervision of the executive director.

(b) The commission shall make available forms for annual statements of financial disclosure required to be filed pursuant to section seventy-three-a of the public officers law; and the commission shall update the financial disclosure form to include the term "domestic partner" on the form.

(c) The commission shall review the financial disclosure statements of the statewide elected officials and members of the legislature within sixty days of their filings to determine, among other things, deficiencies and conflicts.

(d) The commission shall review financial disclosure statements filed in accordance with the provisions of this section and (i) inquire into any disclosed conflict to recommend how best to address such conflict; and

(ii) ascertain whether any person subject to the reporting requirements of section seventy-three-a of the public officers law has failed to file such a statement, has filed a deficient statement or has filed a statement which reveals a possible violation of section seventy-three, seventy-three-a or seventy-four of the public officers law.

(e) If a person required to file a financial disclosure statement with the commission has failed to file a disclosure statement or has filed a deficient statement, the commission shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen-day period to cure the deficiency, and advise the person of the penalties for failure to comply with the reporting requirements. This first notice of deficiency shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the commission shall send a notice of delinquency (i) to the reporting person; (ii) in the case of a statewide elected official, to the chief of staff or counsel to the statewide elected official; (iii) in the case of a member of the legislature or a legislative employee, to the temporary president of the senate and the speaker of the assembly; and (iv) in the case of a state officer, employee or board member, to the appointing authority for such person. Such notice of delinquency may be sent at any time during the reporting person's service as a statewide elected official, state officer or employee, member of the assembly or the senate, or a legislative employee or a political party chair or while a candidate for statewide office, or within one year after termination of such service or candidacy. A copy of any notice of delinquency or report shall be included in the reporting person's file and be available for public inspection and copying pursuant to the provisions of this section. The jurisdiction of the commission, when acting pursuant to this subdivision with respect to financial disclosure, shall continue notwithstanding that the reporting person separates from state service, or ceases to hold public or political party office, or ceases to be a candidate, provided the commission notifies such person of the alleged failure to file or deficient filing pursuant to this subdivision.

(f) The commission shall adopt a procedure whereby a person who is required to file an annual financial disclosure statement with the commission may request an additional period of time within which to file such statement, other than members of the legislature, candidates for members of the legislature and legislative employees, due to justifiable cause or undue hardship.

(g) The commission may permit any person who is required to file a financial disclosure statement with the commission to request that the commission delete from the copy thereof made available for public inspection and copying one or more items of information which may be deleted by the commission upon a finding by the commission that the information which would otherwise be required to be made available for public inspection and copying will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, the commission, in its notification of denial, shall inform the person of their right to appeal the commission's determination in a proceeding commenced against the commission, pursuant to article seventy-eight of the civil practice law and rules.

(h) The commission may permit any person who is required to file a financial disclosure statement with the commission to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse, domestic partner, or unemancipated children which item or items may be exempted by the commission upon a finding by the commission that the reporting individual's spouse, domestic partner, on their own behalf, or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported shall have no material bearing on the discharge of the reporting person's official duties. If such request for exemption is denied, the commission, in its notification of denial, shall inform the person of their right to appeal the commission's determination, pursuant to article seventy-eight of the civil practice law and rules.

(i) The commission may permit any person required to file a financial disclosure statement to request an exemption from any requirement to report the identity of a client pursuant to the question under subparagraph (b) of paragraph eight of subdivision three of section seventy-three-a of the public officers law in such statement based upon an exemption set forth in such question. The reporting individual need not seek an exemption to refrain from disclosing the identity of any client with respect to any matter where they or their firm provided legal representation to the client in connection with an investigation or prosecution by law enforcement authorities, bankruptcy, or domestic relations matters. In addition, clients or customers receiving medical or dental services, mental health services, residential real estate brokering services, or insurance brokering services need not be disclosed. Pending any application for deletion or exemption to the commission relating to the filing of a financial disclosure statement, all information which is the subject or part of the application shall remain confidential. Upon an adverse determination by the commission, the reporting individual may request, and upon such request the commission shall provide, that any information that is the subject or part of the application remain confidential for a period of thirty days following notice of such determination. In the event that the reporting individual resigns their office and holds no

other office subject to the jurisdiction of the commission, the information shall not be made public and shall be expunged in its entirety.

(j) The commission shall permit any person who has not been determined by the person's appointing authority to hold a policy-making position, but who is otherwise required to file a financial disclosure statement to request an exemption from such requirement in accordance with rules and regulations governing such exemptions. Such rules and regulations shall provide for exemptions to be granted either on the application of an individual or on behalf of persons who share the same job title or employment classification which the commission deems to be comparable for purposes of this section. Such rules and regulations may permit the granting of an exemption where, in the discretion of the commission, the public interest does not require disclosure and the applicant's duties do not involve the negotiation, authorization or approval of:

(i) contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses as such terms are defined in section seventy-three of the public officers law;

(ii) the purchase, sale, rental or lease of real property, goods or services, or a contract therefor;

(iii) the obtaining of grants of money or loans; or

(iv) the adoption or repeal of any rule or regulation having the force and effect of law.

10. Investigation and enforcement. (a) The commission shall receive complaints and referrals alleging violations of section seventy-three, seventy-three-a or seventy-four of the public officers law, article one-A of the legislative law, or section one hundred seven of the civil service law.

(b) The commission shall conduct any investigation necessary to carry out the provisions of this section. Pursuant to this power and duty, the commission may administer oaths or affirmations, subpoena witnesses, compel their attendance and testimony, and require the production of any books or records which it may deem relevant or material.

(c) The commission staff shall review and investigate, as appropriate, any information in the nature of a complaint or referral received by the commission or initiated by the commission, including through its review of media reports and other information, where there is specific and credible evidence that a violation of section seventy-three, seventy-three-a, or seventy-four of the public officers law, section one hundred seven of the civil service law or article one-A of the legislative law by a person or entity subject to the jurisdiction of the commission including members of the legislature and legislative employees and candidates for members of the legislature.

(d) Upon the conclusion of an investigation, if the commission determines there is credible evidence of a violation of the laws under its jurisdiction, it shall provide the respondent timely notice for a due process hearing. The commission shall also inform the respondent of its rules regarding the conduct of adjudicatory proceedings and appeals and the other due process procedural mechanisms available to the respondent.

(e) The hearing shall be conducted before an independent arbitrator. Such hearing shall afford the respondent with a reasonable opportunity to appear in person, and by attorney, give sworn testimony, present evidence, and cross-examine witnesses.

(f) The commission may, at any time, develop procedures and rules for resolution of de minimus or minor violations that can be resolved

outside of the enforcement process, including the sending of a confidential guidance or educational letter.

(g) The jurisdiction of the commission when acting pursuant to this section shall continue notwithstanding that a statewide elected official or a state officer or employee or member of the legislature or legislative employee separates from state service, or a political party chair ceases to hold such office, or a candidate ceases to be a candidate, or a lobbyist or client of a lobbyist ceases to act as such, provided that the commission notifies such individual or entity of the alleged violation of law within two years from the individual's separation from state service or termination of party service or candidacy, or from the last report filed pursuant to article one-A of the legislative law. Nothing in this section shall serve to limit the jurisdiction of the commission in enforcement of subdivision eight of section seventy-three of the public officers law.

(i) An individual subject to the jurisdiction of the commission who knowingly and intentionally violates the provisions of subdivisions two through five-a, seven, eight, twelve or fourteen through seventeen of section seventy-three of the public officers law, section one hundred seven of the civil service law, or a reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or fraudulent omission or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to section seventy-three-a of the public officers law, shall be subject to a civil penalty in an amount not to exceed forty thousand dollars and the value of any gift, compensation or benefit received as a result of such violation.

(ii) An individual who knowingly and intentionally violates the provisions of paragraph a, b, c, d, e, g, or i of subdivision three of section seventy-four of the public officers law, shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation.

(iii) An individual subject to the jurisdiction of the commission who knowingly and willfully violates article one-A of the legislative law shall be subject to civil penalty as provided for in that article.

(iv) With respect to a potential violation of any criminal law where the commission finds sufficient cause by a majority vote, it shall refer such matter to the appropriate law enforcement authority for further investigation.

(v) In assessing the amount of the civil penalties to be imposed, the commission shall consider the seriousness of the violation, the amount of gain to the individual and whether the individual previously had any civil or criminal penalties imposed pursuant to this section, and any other factors the commission deems appropriate.

(vi) A civil penalty for false filing shall not be imposed under this subdivision in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated.

(vii) Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, or a violation of subdivision six of section seventy-three of the public officers law, except that the commission may recommend that the individual in violation of such subdivision or section be disciplined.

(viii) The commission shall be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under article seventy-eight of the civil practice law and rules relating to the assessment of the civil penalties or the recommendation of employee discipline herein authorized. Such rule shall provide for due process procedural mechanisms substantially similar to those set forth in article three of the state administrative procedure act but such mechanisms need not be identical in terms or scope.

(h) (i) The commission shall have jurisdiction to investigate, but shall have no jurisdiction to impose penalties or discipline upon members of or candidates for member of the legislature or legislative employees for any violation of the public officers law. If, after investigation and a due process hearing, the commission has found, by a majority vote, a substantial basis to conclude that a member of the legislature or a legislative employee or candidate for member of the legislature has violated any provisions of such laws, it shall prepare a written report of its findings and provide a copy of that report to the legislative ethics commission, and to such individual in violation of such law. The commission shall provide to the legislative ethics commission copies of the full investigative file and hearing record.

(ii) With respect to the investigation of any individual who is not a member of the legislature or a legislative employee or candidate for member of the legislature, if after its investigation and due process hearing, the commission has found a substantial basis to conclude that the individual has violated the public officers law or the legislative law, the commission shall determine whether, in addition to or in lieu of any fine authorized by this article, the respondent should be referred to their employer for discipline with a warning, admonition, censure, suspension or termination or other appropriate discipline. With regard to statewide elected officials, the commission may not order suspension or termination but may recommend impeachment. The commission shall then issue a report containing its determinations including its findings of fact and conclusions of law to the respondent. The commission shall publish such report on its website within twenty days of its delivery to the respondent.

11. Confidentiality. (a) When an individual becomes a commissioner or staff of the commission, such individual shall be required to sign a non-disclosure statement.

(b) Except as otherwise required or provided by law, testimony received, or any other information obtained by a commissioner or staff of the commission, shall not be disclosed by any such individual to any person or entity outside of the commission during the pendency of any matter. Any confidential communication to any person or entity outside the commission related to the matters before the commission shall occur only as authorized by the commission. For the purposes of this paragraph, "matter" shall mean any complaint, review, inquiry, or investigation into alleged violations of this chapter.

(c) The commission shall establish procedures necessary to prevent the unauthorized disclosure of any information received by any member of the commission or staff of the commission. Any breaches of confidentiality may be investigated by the New York state office of the inspector general, attorney general, or other appropriate law enforcement authority upon a majority vote of the commission to refer, and appropriate action shall be taken.

(d) Any commission member or person employed by the commission who intentionally and without authorization releases confidential information received or generated by the commission shall be guilty of a class A misdemeanor.

12. Annual report. (a) The commission shall make an annual public report prioritizing transparency and summarizing the activities of the commission during the previous year and recommending any changes in the laws governing the conduct of persons subject to the jurisdiction of the commission, or the rules, regulations and procedures governing the commission's conduct. Such report shall include, but is not limited to:

(i) information on the number and type of complaints received by the commission and the status of such complaints;

(ii) information relating to the investigation or investigations opened by the commission, including the current status of each such investigation;

(iii) where a matter has been resolved, the date and nature of the disposition and any sanction imposed; provided, however, that such annual report shall not contain any information for which disclosure is not permitted pursuant to this section or other laws;

(iv) information regarding financial disclosure compliance for the preceding year; and

(v) information regarding lobbying law filing compliance for the preceding year.

(b) Such a report shall be filed in the office of the governor and with the legislature on or before the first day of February for the preceding year.

13. Website. (a) Within one hundred twenty days of the effective date of this section, the commission shall create and thereafter maintain a publicly accessible website which shall set forth the procedure for filing a complaint with the commission, the filing of financial disclosure statements filed by state officers or employees or legislative employees, the filing of statements required by article one-A of the legislative law, and any other records or information which the commission determines to be appropriate.

(b) The commission shall post on its website the following documents:

(i) the information set forth in an annual statement of financial disclosure filed pursuant to section seventy-three-a of the public officers law except information deleted pursuant to paragraph (g) of subdivision nine of this section;

(ii) notices of delinquency sent under subdivision nine of this section;

(iii) notices of civil assessments imposed under this section which shall include a description of the nature of the alleged wrongdoing, the procedural history of the complaint, the findings and determinations made by the commission, and any sanction imposed;

(iv) the terms of any settlement or compromise of a complaint or referral which includes a fine, penalty or other remedy;

(v) those required to be held or maintained publicly available pursuant to article one-A of the legislative law; and

(vi) reports issued by the commission pursuant to this section.

14. Additional powers. In addition to any other powers and duties specified by law, the commission shall have the power and duty to administer and enforce all the provisions of this section.

15. Severability. If any part or provision of this section or the application thereof to any person or organization is adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalid,

such judgment shall not affect or impair any other part or provision or the application thereof to any other person or organization, but shall be confined in its operation to such part or provision.

§ 3. Subdivision (f) of section 1-c of the legislative law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

(f) The term "commission" shall mean the **independent** commission on [~~**public integrity**~~] **ethics and lobbying in government** created by section ninety-four of the executive law.

§ 4. Subdivisions 7, 9, 10, 12 and 13 of section 80 of the legislative law, as amended by section 9 of part A of chapter 399 of the laws of 2011, are amended to read as follows:

7. The commission shall:

a. Appoint an executive director who shall act in accordance with the policies of the commission, provided that the commission may remove the executive director for neglect of duty, misconduct in office, or inability or failure to discharge the powers or duties of office;

b. Appoint such other staff as are necessary to assist it to carry out its duties under this section;

c. Adopt, amend, and rescind policies, rules and regulations consistent with this section to govern procedures of the commission which shall not be subject to the promulgation and hearing requirements of the state administrative procedure act;

d. Administer the provisions of this section;

e. Specify the procedures whereby a person who is required to file an annual financial disclosure statement with the commission may request an additional period of time within which to file such statement, due to justifiable cause or undue hardship; such rules or regulations shall provide for a date beyond which in all cases of justifiable cause or undue hardship no further extension of time will be granted;

f. Promulgate guidelines to assist appointing authorities in determining which persons hold policy-making positions for purposes of section seventy-three-a of the public officers law and may promulgate guidelines to assist firms, associations and corporations in separating affected persons from net revenues for purposes of subdivision ten of section seventy-three of the public officers law, and promulgate guidelines to assist any firm, association or corporation in which any present or former statewide elected official, state officer or employee, member of the legislature or legislative employee, or political party chairman is a member, associate, retired member, of counsel or shareholder, in complying with the provisions of subdivision ten of section seventy-three of the public officers law with respect to the separation of such present or former statewide elected official, state officer or employee, member of the legislature or legislative employee, or political party chairman from the net revenues of the firm, association or corporation. Such firm, association or corporation shall not be required to adopt the procedures contained in the guidelines to establish compliance with subdivision ten of section seventy-three of the public officers law, but if such firm, association or corporation does adopt such procedures, it shall be deemed to be in compliance with such subdivision ten;

g. Make available forms for financial disclosure statements required to be filed pursuant to subdivision six of section seventy-three and section seventy-three-a of the public officers law as provided by the [~~**joint**~~] **independent** commission on [~~**public**~~] ethics **and lobbying in government**;

h. Review financial disclosure statements in accordance with the provisions of this section, provided however, that the commission may

delegate all or part of the review function relating to financial disclosure statements filed by legislative employees pursuant to sections seventy-three and seventy-three-a of the public officers law to the executive director who shall be responsible for completing staff review of such statements in a manner consistent with the terms of the commission's delegation;

i. Upon written request from any person who is subject to the jurisdiction of the commission and the requirements of sections seventy-three, seventy-three-a and seventy-four of the public officers law, render formal advisory opinions on the requirements of said provisions. A formal written opinion rendered by the commission, until and unless amended or revoked, shall be binding on the legislative ethics commission in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person, and may be introduced and shall be a defense in any criminal or civil action. The [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** shall not investigate an individual for potential violations of law based upon conduct approved and covered in its entirety by such an opinion, except that such opinion shall not prevent or preclude an investigation of and report to the legislative ethics commission concerning the conduct of the person who obtained it by the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** for violations of section seventy-three, seventy-three-a or seventy-four of the public officers law to determine whether the person accurately and fully represented to the legislative ethics commission the facts relevant to the formal advisory opinion and whether the person's conduct conformed to those factual representations. The [~~joint~~] **independent** commission **on ethics and lobbying in government** shall be authorized and shall have jurisdiction to investigate potential violations of the law arising from conduct outside of the scope of the terms of the advisory opinion; and

j. Issue and publish generic advisory opinions covering questions frequently posed to the commission, or questions common to a class or defined category of persons, or that will tend to prevent undue repetition of requests or undue complication, and which are intended to provide general guidance and information to persons subject to the commission's jurisdiction;

k. Develop educational materials and training with regard to legislative ethics for members of the legislature and legislative employees including an online ethics orientation course for newly-hired employees and, as requested by the senate or the assembly, materials and training in relation to a comprehensive ethics training program; and

l. Prepare an annual report to the governor and legislature summarizing the activities of the commission during the previous year and recommending any changes in the laws governing the conduct of persons subject to the jurisdiction of the commission, or the rules, regulations and procedures governing the commission's conduct. Such report shall include: (i) a listing by assigned number of each complaint and report received from the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** which alleged a possible violation within its jurisdiction, including the current status of each complaint, and (ii) where a matter has been resolved, the date and nature of the disposition and any sanction imposed, subject to the confidentiality requirements of this section. Such annual report shall not contain any information for

which disclosure is not permitted pursuant to subdivision twelve of this section.

9. (a) An individual subject to the jurisdiction of the commission with respect to the imposition of penalties who knowingly and intentionally violates the provisions of subdivisions two through five-a, seven, eight, twelve, fourteen or fifteen of section seventy-three of the public officers law or a reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to section seventy-three-a of the public officers law shall be subject to a civil penalty in an amount not to exceed forty thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph a, b, c, d, e, g, or i of subdivision three of section seventy-four of the public officers law shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Assessment of a civil penalty hereunder shall be made by the commission with respect to persons subject to its jurisdiction. In assessing the amount of the civil penalties to be imposed, the commission shall consider the seriousness of the violation, the amount of gain to the individual and whether the individual previously had any civil or criminal penalties imposed pursuant to this section, and any other factors the commission deems appropriate. For a violation of this section, other than for conduct which constitutes a violation of subdivision twelve, fourteen or fifteen of section seventy-three or section seventy-four of the public officers law, the legislative ethics commission may, in lieu of or in addition to a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. Where the commission finds sufficient cause, it shall refer such matter to the appropriate prosecutor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, or a violation of subdivision six of section seventy-three of the public officers law, except that the appointing authority may impose disciplinary action as otherwise provided by law. The legislative ethics commission shall be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under article seventy-eight of the civil practice law and rules relating to the assessment of the civil penalties herein authorized. Such rules, which shall not be subject to the promulgation and hearing requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in such article three but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition, with respect to the assessment of such penalty, or unless such denial of request is reversed within such time period, and upon becoming final shall be subject to review at the instance of the

affected reporting individuals in a proceeding commenced against the legislative ethics commission, pursuant to article seventy-eight of the civil practice law and rules.

(b) Not later than forty-five calendar days after receipt from the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** of a written substantial basis investigation report and any supporting documentation or other materials regarding a matter before the commission pursuant to [~~subdivision fourteen-a of~~] section ninety-four of the executive law, unless requested by a law enforcement agency to suspend the commission's action because of an ongoing criminal investigation, the legislative ethics commission shall make public such report in its entirety; provided, however, that the commission may withhold such information for not more than one additional period of the same duration or refer the matter back to the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** once for additional investigation, in which case the legislative ethics commission shall, upon the termination of such additional period or upon receipt of a new report by the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** after such additional investigation, make public the written report and publish it on the commission's website. If the legislative ethics commission fails to make public the written report received from the [~~joint~~] **independent** commission **on ethics and lobbying in government** in accordance with this paragraph, the [~~joint~~] **independent** commission **on ethics and lobbying in government** shall release such report publicly promptly and in any event no later than ten days after the legislative ethics commission is required to release such report. The legislative ethics commission shall not refer the matter back to the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** for additional investigation more than once. If the commission refers the matter back to the [~~joint~~] **independent** commission **on ethics and lobbying in government** for additional fact-finding, the [~~joint commission's~~] **independent commission on ethics and lobbying in government's** original report shall remain confidential.

10. Upon receipt of a written report from the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** pursuant to subdivision fourteen-a of section seventy-three of the public officers law, the legislative ethics commission shall commence its review of the matter addressed in such report. No later than ninety days after receipt of such report, the legislative ethics commission shall dispose of the matter by making one or more of the following determinations:

a. whether the legislative ethics commission concurs with the [~~joint commission's~~] **independent commission on ethics and lobbying in government's** conclusions of law and the reasons therefor;

b. whether and which penalties have been assessed pursuant to applicable law or rule and the reasons therefor; and

c. whether further actions have been taken by the commission to punish or deter the misconduct at issue and the reasons therefor.

The commission's disposition shall be reported in writing and published on its website no later than ten days after such disposition unless requested by a law enforcement agency to suspend the commission's action because of an ongoing criminal investigation.

12. a. Notwithstanding the provisions of article six of the public officers law, the only records of the commission which shall be available for public inspection and copying are:

(1) the terms of any settlement or compromise of a complaint or referral or report which includes a fine, penalty or other remedy reached

after the commission has received a report from the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** pursuant to [~~subdivision fourteen-a of~~] section ninety-four of the executive law;

(2) generic advisory opinions;

(3) all reports required by this section; and

(4) all reports received from the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** pursuant to [~~subdivision fourteen-a of~~] section ninety-four of the executive law and in conformance with paragraph (b) of subdivision [~~nine-b~~] **nine** of this section.

b. Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding of the commission shall be open to the public, except if expressly provided otherwise by this section or the commission.

13. Within one hundred twenty days of the effective date of this subdivision, the commission shall create and thereafter maintain a publicly accessible website which shall set forth the procedure for filing a complaint with the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government**, and which shall contain any other records or information which the commission determines to be appropriate.

§ 5. Paragraphs (c), (d) and (d-1) of subdivision 1 of section73-a of the public officers law, paragraphs (c) and (d) as amended and paragraph (d-1) as added by section 5 of part A of chapter 399 of the laws of 2011, are amended to read as follows:

(c) The term "state officer or employee" shall mean:

(i) heads of state departments and their deputies and assistants;

(ii) officers and employees of statewide elected officials, officers and employees of state departments, boards, bureaus, divisions, commissions, councils or other state agencies, who receive annual compensation in excess of the filing rate established by paragraph (l) of this subdivision or who hold policy-making positions, as annually determined by the appointing authority and set forth in a written instrument which shall be filed with the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** established by section ninety-four of the executive law during the month of February, provided, however, that the appointing authority shall amend such written instrument after such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument; and

(iii) members or directors of public authorities, other than multistate authorities, public benefit corporations and commissions at least one of whose members is appointed by the governor, and employees of such authorities, corporations and commissions who receive annual compensation in excess of the filing rate established by paragraph (l) of this subdivision or who hold policy-making positions, as determined annually by the appointing authority and set forth in a written instrument which shall be filed with the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** established by section ninety-four of the executive law during the month of February, provided, however, that the appointing authority shall amend such written instrument after such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument.

(d) The term "legislative employee" shall mean any officer or employee of the legislature who receives annual compensation in excess of the filing rate established by paragraph (l) below or who is determined to

hold a policy-making position by the appointing authority as set forth in a written instrument which shall be filed with the legislative ethics commission and the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government**.

(d-1) A financial disclosure statement required pursuant to section seventy-three of this article and this section shall be deemed "filed" with the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** upon its filing, in accordance with this section, with the legislative ethics commission for all purposes including, but not limited to, [~~subdivision fourteen of~~] section ninety-four of the executive law, subdivision nine of section eighty of the legislative law and subdivision four of this section.

§ 6. Subdivision 2 of section 73-a of the public officers law, as amended by section 5 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

2. (a) Every statewide elected official, state officer or employee, member of the legislature, legislative employee and political party chairman and every candidate for statewide elected office or for member of the legislature shall file an annual statement of financial disclosure containing the information and in the form set forth in subdivision three of this section. On or before the fifteenth day of May with respect to the preceding calendar year: (1) every member of the legislature, every candidate for member of the legislature and legislative employee shall file such statement with the legislative ethics commission which shall provide such statement along with any requests for exemptions or deletions to the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** for filing and rulings with respect to such requests for exemptions or deletions, on or before the thirtieth day of June; and (2) all other individuals required to file such statement shall file it with the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government**, except that:

(i) a person who is subject to the reporting requirements of this subdivision and who timely filed with the internal revenue service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May fifteenth but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement;

(ii) a person who is required to file an annual financial disclosure statement with the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government**, and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship, in accordance with required rules and regulations [~~on the subject~~] adopted pursuant to [~~paragraph c of subdivision nine of~~] section ninety-four of the executive law shall file such statement with-

in the additional period of time granted; and the legislative ethics commission shall notify the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** of any extension granted pursuant to this paragraph;

(iii) candidates for statewide office who receive a party designation for nomination by a state committee pursuant to section 6-104 of the election law shall file such statement within ten days after the date of the meeting at which they are so designated;

(iv) candidates for statewide office who receive twenty-five percent or more of the vote cast at the meeting of the state committee held pursuant to section 6-104 of the election law and who demand to have their names placed on the primary ballot and who do not withdraw within fourteen days after such meeting shall file such statement within ten days after the last day to withdraw their names in accordance with the provisions of such section of the election law;

(v) candidates for statewide office and candidates for member of the legislature who file party designating petitions for nomination at a primary election shall file such statement within ten days after the last day allowed by law for the filing of party designating petitions naming them as candidates for the next succeeding primary election;

(vi) candidates for independent nomination who have not been designated by a party to receive a nomination shall file such statement within ten days after the last day allowed by law for the filing of independent nominating petitions naming them as candidates in the next succeeding general or special election;

(vii) candidates who receive the nomination of a party for a special election shall file such statement within ten days after the date of the meeting of the party committee at which they are nominated;

(viii) a candidate substituted for another candidate, who fills a vacancy in a party designation or in an independent nomination, caused by declination, shall file such statement within ten days after the last day allowed by law to file a certificate to fill a vacancy in such party designation or independent nomination;

(ix) with respect to all candidates for member of the legislature, the legislative ethics commission shall within five days of receipt provide the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** the statement filed pursuant to subparagraphs (v), (vi), (vii) and (viii) of this paragraph.

(b) As used in this subdivision, the terms "party", "committee" (when used in conjunction with the term "party"), "designation", "primary", "primary election", "nomination", "independent nomination" and "ballot" shall have the same meanings as those contained in section 1-104 of the election law.

(c) If the reporting individual is a senator or member of assembly, candidate for the senate or member of assembly or a legislative employee, such statement shall be filed with both the legislative ethics commission established by section eighty of the legislative law and the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** in accordance with paragraph (d-1) of subdivision one of this section. If the reporting individual is a statewide elected official, candidate for statewide elected office, a state officer or employee or a political party chairman, such statement shall be filed with the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** established by section ninety-four of the executive law.

(d) The [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** shall obtain from the state board of elections a list of

all candidates for statewide office and for member of the legislature, and from such list, shall determine and publish a list of those candidates who have not, within ten days after the required date for filing such statement, filed the statement required by this subdivision.

(e) Any person required to file such statement who commences employment after May fifteenth of any year and political party chairman shall file such statement within thirty days after commencing employment or of taking the position of political party chairman, as the case may be. In the case of members of the legislature and legislative employees, such statements shall be filed with the legislative ethics commission within thirty days after commencing employment, and the legislative ethics commission shall provide such statements to the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** within forty-five days of receipt.

(f) A person who may otherwise be required to file more than one annual financial disclosure statement with both the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** and the legislative ethics commission in any one calendar year may satisfy such requirement by filing one such statement with either body and by notifying the other body of such compliance.

(g) A person who is employed in more than one employment capacity for one or more employers certain of whose officers and employees are subject to filing a financial disclosure statement with the same ethics commission, as the case may be, and who receives distinctly separate payments of compensation for such employment shall be subject to the filing requirements of this section if the aggregate annual compensation for all such employment capacities is in excess of the filing rate notwithstanding that such person would not otherwise be required to file with respect to any one particular employment capacity. A person not otherwise required to file a financial disclosure statement hereunder who is employed by an employer certain of whose officers or employees are subject to filing a financial disclosure statement with the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** and who is also employed by an employer certain of whose officers or employees are subject to filing a financial disclosure statement with the legislative ethics commission shall not be subject to filing such statement with either such commission on the basis that his aggregate annual compensation from all such employers is in excess of the filing rate.

(h) A statewide elected official or member of the legislature, who is simultaneously a candidate for statewide elected office or member of the legislature, shall satisfy the filing deadline requirements of this subdivision by complying only with the deadline applicable to one who holds a statewide elected office or who holds the office of member of the legislature.

(i) A candidate whose name will appear on both a party designating petition and on an independent nominating petition for the same office or who will be listed on the election ballot for the same office more than once shall satisfy the filing deadline requirements of this subdivision by complying with the earliest applicable deadline only.

(j) A member of the legislature who is elected to such office at a special election prior to May fifteenth in any year shall satisfy the filing requirements of this subdivision in such year by complying with the earliest applicable deadline only.

(k) The [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** shall post for at least five years beginning for filings made on January first, two thousand thirteen the annual statement of

financial disclosure and any amendments filed by each person subject to the reporting requirements of this subdivision who is an elected official on its website for public review within thirty days of its receipt of such statement or within ten days of its receipt of such amendment that reflects any corrections of deficiencies identified by the commission or by the reporting individual after the reporting individual's initial filing. Except upon an individual determination by the commission that certain information may be deleted from a reporting individual's annual statement of financial disclosure, none of the information in the statement posted on the commission's website shall be otherwise deleted.

§ 7. Subparagraphs (b), (b-2) and (c) of paragraph 8 of subdivision 3 of section 73-a of the public officers law, as amended by section 6 of part K of chapter 286 of the laws of 2016, are amended to read as follows:

(b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN:

If the reporting individual personally provides services to any person or entity, or works as a member or employee of a partnership or corporation that provides such services (referred to hereinafter as a "firm"), then identify each client or customer to whom the reporting individual personally provided services, or who was referred to the firm by the reporting individual, and from whom the reporting individual or his or her firm earned fees in excess of $10,000 during the reporting period for such services rendered in direct connection with:

(i) A contract in an amount totaling $50,000 or more from the state or any state agency for services, materials, or property;

(ii) A grant of $25,000 or more from the state or any state agency during the reporting period;

(iii) A grant obtained through a legislative initiative during the reporting period; or

(iv) A case, proceeding, application or other matter that is not a ministerial matter before a state agency during the reporting period.

For purposes of this question, "referred to the firm" shall mean: having intentionally and knowingly taken a specific act or series of acts to intentionally procure for the reporting individual's firm or knowingly solicit or direct to the reporting individual's firm in whole or substantial part, a person or entity that becomes a client of that firm for the purposes of representation for a matter as defined in subparagraphs (i) through (iv) of this paragraph, as the result of such procurement, solicitation or direction of the reporting individual. A reporting individual need not disclose activities performed while lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivision seven of section seventy-three of this article.

The disclosure requirement in this question shall not require disclosure of clients or customers receiving medical or dental services, mental health services, residential real estate brokering services, or insurance brokering services from the reporting individual or his or her firm. The reporting individual need not identify any client to whom he or she or his or her firm provided legal representation with respect to investigation or prosecution by law enforcement authorities, bankruptcy, or domestic relations matters. With respect to clients represented in

other matters, where disclosure of a client's identity is likely to cause harm, the reporting individual shall request an exemption from the [~~joint~~] **independent** commission **on ethics and lobbying in government** pursuant to [~~paragraph (i-1) of subdivision nine of~~] section ninety-four of the executive law, provided, however, that a reporting individual who first enters public office after July first, two thousand twelve, need not report clients or customers with respect to matters for which the reporting individual or his or her firm was retained prior to entering public office.

Client	Nature of Services Provided

(b-2) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

(i) With respect to reporting individuals who receive ten thousand dollars or more from employment or activity reportable under question 8(a), for each client or customer NOT otherwise disclosed or exempted in question 8 or 13, disclose the name of each client or customer known to the reporting individual to whom the reporting individual provided services: (A) who paid the reporting individual in excess of five thousand dollars for such services; or (B) who had been billed with the knowledge of the reporting individual in excess of five thousand dollars by the firm or other entity named in question 8(a) for the reporting individual's services.

Client	Services Actually Provided	Category of Amount (in Table I)

FOLLOWING IS AN ILLUSTRATIVE, NON-EXCLUSIVE LIST OF EXAMPLES OF DESCRIPTIONS OF "SERVICES ACTUALLY PROVIDED":

* REVIEWED DOCUMENTS AND CORRESPONDENCE;
* REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;
* PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
* CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/MEMBERS OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
* PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT BY NAME);
* REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR REPRESENTATION OR CONSULTATION;
* COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);
* PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);
* COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).

(ii) With respect to reporting individuals who disclosed in question 8(a) that the reporting individual did not provide services to a client but provided services to a firm or business, identify the category of amount received for providing such services and describe the services rendered.

Services Actually Provided	Category of Amount (Table I)

A reporting individual need not disclose activities performed while lawfully acting in his or her capacity as provided in paragraphs (c), (d), (e) and (f) of subdivision seven of section seventy-three of this article.

The disclosure requirement in questions (b-1) and (b-2) shall not require disclosing clients or customers receiving medical, pharmaceutical or dental services, mental health services, or residential real estate brokering services from the reporting individual or his or her firm or if federal law prohibits or limits disclosure. The reporting individual need not identify any client to whom he or she or his or her firm provided legal representation with respect to investigation or prosecution by law enforcement authorities, bankruptcy, family court, estate planning, or domestic relations matters, nor shall the reporting individual identify individuals represented pursuant to an insurance policy but the reporting individual shall in such circumstances only report the entity that provides compensation to the reporting individual; with respect to matters in which the client's name is required by law to be kept confidential (such as matters governed by the family court act) or in matters in which the reporting individual represents or provides services to minors, the client's name may be replaced with initials. To the extent that the reporting individual, or his or her firm, provided legal representation with respect to an initial public offering, and professional disciplinary rules, federal law or regulations restrict the disclosure of information relating to such work, the reporting individual shall (i) disclose the identity of the client and the services provided relating to the initial public offering to the office of court administration, who will maintain such information confidentially in a locked box; and (ii) include in his or her response to questions (b-1) and (b-2) that pursuant to this paragraph, a disclosure to the office of court administration has been made. Upon such time that the disclosure of information maintained in the locked box is no longer restricted by professional disciplinary rules, federal law or regulation, the reporting individual shall disclose such information in an amended disclosure statement in response to the disclosure requirements in questions (b-1) and (b-2). The office of court administration shall develop and maintain a secure portal through which information submitted to it pursuant to this paragraph can be safely and confidentially stored. With respect to clients represented in other matters not otherwise exempt, the reporting individual may request an exemption to publicly disclosing the name of that client from the [~~joint~~] **independent** commission **on ethics and lobbying in government** pursuant to [~~paragraph (i-1) of subdivision nine of~~] section ninety-four of the executive law, or from the office of court administration. In such application, the reporting individual shall state the following: "My client is not currently receiving my services or seeking my services in connection with:

(i) A proposed bill or resolution in the senate or assembly during the reporting period;

(ii) A contract in an amount totaling $10,000 or more from the state or any state agency for services, materials, or property;

(iii) A grant of $10,000 or more from the state or any state agency during the reporting period;

(iv) A grant obtained through a legislative initiative during the reporting period; or

(v) A case, proceeding, application or other matter that is not a ministerial matter before a state agency during the reporting period."

In reviewing the request for an exemption, the [~~joint~~] **independent** commission **on ethics and lobbying in government** or the office of court administration may consult with bar or other professional associations and the legislative ethics commission for individuals subject to its jurisdiction and may consider the rules of professional conduct. In making its determination, the [~~joint~~] **independent** commission **on ethics and lobbying in government** or the office of court administration shall conduct its own inquiry and shall consider factors including, but not limited to: (i) the nature and the size of the client; (ii) whether the client has any business before the state; and if so, how significant the business is; and whether the client has any particularized interest in pending legislation and if so how significant the interest is; (iii) whether disclosure may reveal trade secrets; (iv) whether disclosure could reasonably result in retaliation against the client; (v) whether disclosure may cause undue harm to the client; (vi) whether disclosure may result in undue harm to the attorney-client relationship; and (vii) whether disclosure may result in an unnecessary invasion of privacy to the client.

The [~~joint~~] **independent** commission **on ethics and lobbying in government** or, as the case may be, the office of court administration shall promptly make a final determination in response to such request, which shall include an explanation for its determination. The office of court administration shall issue its final determination within three days of receiving the request. Notwithstanding any other provision of law or any professional disciplinary rule to the contrary, the disclosure of the identity of any client or customer in response to this question shall not constitute professional misconduct or a ground for disciplinary action of any kind, or form the basis for any civil or criminal cause of action or proceeding. A reporting individual who first enters public office after January first, two thousand sixteen, need not report clients or customers with respect to matters for which the reporting individual or his or her firm was retained prior to entering public office.

(c) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN:

If the reporting individual receives income of ten thousand dollars or greater from any employment or activity reportable under question 8(a), identify each registered lobbyist who has directly referred to such individual a client who was successfully referred to the reporting individual's business and from whom the reporting individual or firm received a fee for services in excess of five thousand dollars. Report only those referrals that were made to a reporting individual by direct communication from a person known to such reporting individual to be a

registered lobbyist at the time the referral is made. With respect to each such referral, the reporting individual shall identify the client, the registered lobbyist who has made the referral, the category of value of the compensation received and a general description of the type of matter so referred. A reporting individual need not disclose activities performed while lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivision seven of section seventy-three of this article. The disclosure requirements in this question shall not require disclosing clients or customers receiving medical, pharmaceutical or dental services, mental health services, or residential real estate brokering services from the reporting individual or his or her firm or if federal law prohibits or limits disclosure. The reporting individual need not identify any client to whom he or she or his or her firm provided legal representation with respect to investigation or prosecution by law enforcement authorities, bankruptcy, family court, estate planning, or domestic relations matters, nor shall the reporting individual identify individuals represented pursuant to an insurance policy but the reporting individual shall in such circumstances only report the entity that provides compensation to the reporting individual; with respect to matters in which the client's name is required by law to be kept confidential (such as matters governed by the family court act) or in matters in which the reporting individual represents or provides services to minors, the client's name may be replaced with initials. To the extent that the reporting individual, or his or her firm, provided legal representation with respect to an initial public offering, and federal law or regulations restricts the disclosure of information relating to such work, the reporting individual shall (i) disclose the identity of the client and the services provided relating to the initial public offering to the office of court administration, who will maintain such information confidentially in a locked box; and (ii) include in his or her response a statement that pursuant to this paragraph, a disclosure to the office of court administration has been made. Upon such time that the disclosure of information maintained in the locked box is no longer restricted by federal law or regulation, the reporting individual shall disclose such information in an amended disclosure statement in response to the disclosure requirements of this paragraph. The office of court administration shall develop and maintain a secure portal through which information submitted to it pursuant to this paragraph can be safely and confidentially stored. With respect to clients represented in other matters not otherwise exempt, the reporting individual may request an exemption to publicly disclosing the name of that client from the [~~joint~~] **independent** commission **on ethics and lobbying in government** pursuant to [~~paragraph (i-1) of subdivision nine of~~] section ninety-four of the executive law, or from the office of court administration. In such application, the reporting individual shall state the following: "My client is not currently receiving my services or seeking my services in connection with:

(i) A proposed bill or resolution in the senate or assembly during the reporting period;

(ii) A contract in an amount totaling $10,000 or more from the state or any state agency for services, materials, or property;

(iii) A grant of $10,000 or more from the state or any state agency during the reporting period;

(iv) A grant obtained through a legislative initiative during the reporting period; or

(v) A case, proceeding, application or other matter that is not a ministerial matter before a state agency during the reporting period."

In reviewing the request for an exemption, the [~~joint~~] **independent** commission **on ethics and lobbying in government** or the office of court administration may consult with bar or other professional associations and the legislative ethics commission for individuals subject to its jurisdiction and may consider the rules of professional conduct. In making its determination, the [~~joint~~] **independent** commission **on ethics and lobbying in government** or the office of court administration shall conduct its own inquiry and shall consider factors including, but not limited to: (i) the nature and the size of the client; (ii) whether the client has any business before the state; and if so, how significant the business is; and whether the client has any particularized interest in pending legislation and if so how significant the interest is; (iii) whether disclosure may reveal trade secrets; (iv) whether disclosure could reasonably result in retaliation against the client; (v) whether disclosure may cause undue harm to the client; (vi) whether disclosure may result in undue harm to the attorney-client relationship; and (vii) whether disclosure may result in an unnecessary invasion of privacy to the client.

The [~~joint~~] **independent** commission **on ethics and lobbying in government** or, as the case may be, the office of court administration shall promptly make a final determination in response to such request, which shall include an explanation for its determination. The office of court administration shall issue its final determination within three days of receiving the request. Notwithstanding any other provision of law or any professional disciplinary rule to the contrary, the disclosure of the identity of any client or customer in response to this question shall not constitute professional misconduct or a ground for disciplinary action of any kind, or form the basis for any civil or criminal cause of action or proceeding. A reporting individual who first enters public office after December thirty-first, two thousand fifteen, need not report clients or customers with respect to matters for which the reporting individual or his or her firm was retained prior to entering public office.

Client	Name of Lobbyist	Description of Matter	Category of Amount (in Table 1)

§ 8. Subdivisions 4 and 7 of section 73-a of the public officers law, subdivision 4 as amended by section 5 of part A of chapter 399 of the laws of 2011 and subdivision 7 as added by section 3 of part CC of chapter 56 of the laws of 2015, are amended to read as follows:

4. A reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be subject to a civil penalty in an amount not to exceed forty thousand dollars. Assessment of a civil penalty hereunder shall be made by the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** or by the legislative ethics commission, as the case may be, with respect to

persons subject to their respective jurisdictions. The [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** acting pursuant to subdivision fourteen of section ninety-four of the executive law or the legislative ethics commission acting pursuant to subdivision eleven of section eighty of the legislative law, as the case may be, may, in lieu of or in addition to a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. The [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** and the legislative ethics commission shall each be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules, which shall not be subject to the approval requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in such article three but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** or the legislative ethics commission, pursuant to article seventy-eight of the civil practice law and rules.

7. With respect to an application to either the [~~joint~~] **independent** commission **on ethics and lobbying in government** or the office of court administration for an exemption to disclosing the name of a client or customer in response to questions 8 (b-1), 8 (b-2) and 8 (c), all information which is the subject of or a part of such application shall remain confidential. The name of the client need not be disclosed by the reporting individual unless and until the [~~joint~~] **independent** commission **on ethics and lobbying in government** or the office of court administration formally advises the reporting individual that he or she must disclose such names and the reporting individual agrees to represent the client. Any commissioner or person employed by the [~~joint~~] **independent** commission **on ethics and lobbying in government** or any person employed by the office of court administration who, intentionally and without authorization from a court of competent jurisdiction releases confidential information related to a request for an exemption received by the commission or the office of court administration shall be guilty of a class A misdemeanor.

§ 9. Paragraph (d) of subdivision 1 of section 172-e of the executive law, as added by section 1 of part F of chapter 286 of the laws of 2016, is amended to read as follows:

(d) "Recipient entity" shall mean any corporation or entity that is qualified as an exempt organization or entity by the United States Department of the Treasury under I.R.C. 501(c)(4) that is required to file a source of funding report with the [~~joint~~] **independent** commission

on [~~public~~] ethics **and lobbying in government** pursuant to sections one-h and one-j of the legislative law.

§ 10. The closing paragraph of paragraph four of subdivision (c) of section 1-h of the legislative law, as added by section 1 of part D of chapter 286 of the laws of 2016, is amended to read as follows:

The [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** shall promulgate regulations to implement these requirements.

§ 11. The closing paragraph of paragraph four of subdivision (c) of section 1-j of the legislative law, as amended by section 2 of part D of chapter 286 of the laws of 2016, is amended to read as follows:

The [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** shall promulgate regulations to implement these requirements.

§ 12. Paragraph (a) of subdivision 1 of section 73 of the public officers law, as amended by section 1 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

(a) The term "compensation" shall mean any money, thing of value or financial benefit conferred in return for services rendered or to be rendered. With regard to matters undertaken by a firm, corporation or association, compensation shall mean net revenues, as defined in accordance with generally accepted accounting principles as defined by the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** or legislative ethics commission in relation to persons subject to their respective jurisdictions.

§ 13. Paragraph (a) of subdivision 6 of section 73 of the public officers law, as amended by section 3 of part K of chapter 286 of the laws of 2016, is amended to read as follows:

(a) Every legislative employee not subject to the provisions of section seventy-three-a of this chapter shall, on and after December fifteenth and before the following January fifteenth, in each year, file with the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** and the legislative ethics commission a financial disclosure statement of

(1) each financial interest, direct or indirect of himself or herself, his or her spouse and his or her unemancipated children under the age of eighteen years in any activity which is subject to the jurisdiction of a regulatory agency or name of the entity in which the interest is had and whether such interest is over or under five thousand dollars in value.

(2) every office and directorship held by him or her in any corporation, firm or enterprise which is subject to the jurisdiction of a regulatory agency, including the name of such corporation, firm or enterprise.

(3) any other interest or relationship which he or she determines in his or her discretion might reasonably be expected to be particularly affected by legislative action or in the public interest should be disclosed.

§ 14. Paragraph (h) of subdivision 8 of section 73 of the public officers law, as amended by section 10 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

(h) Notwithstanding the provisions of subparagraphs (i) and (ii) of paragraph (a) of this subdivision, a former state officer or employee may contract individually, or as a member or employee of a firm, corporation or association, to render services to any state agency when the agency head certifies in writing to the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** that the services of such former officer or employee are required in connection with the agency's

response to a disaster emergency declared by the governor pursuant to section twenty-eight of the executive law.

§ 15. Subdivisions 8-a, 8-b and 10 of section 73 of the public officers law, subdivision 8-a as amended by chapter 357 of the laws of 2001, the opening paragraph of subdivision 8-a as amended by section 11 and subdivision 8-b as amended by section 12 of part A of chapter 399 of the laws of 2011, and subdivision 10 as amended by section 5 of part K of chapter 286 of the laws of 2016, are amended to read as follows:

8-a. The provisions of subparagraphs (i) and (ii) of paragraph (a) of subdivision eight of this section shall not apply to any such former state officer or employee engaged in any of the specific permitted activities defined in this subdivision that are related to any civil action or proceeding in any state or federal court, provided that the attorney general has certified in writing to the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government**, with a copy to such former state officer or employee, that the services are rendered on behalf of the state, a state agency, state officer or employee, or other person or entity represented by the attorney general, and that such former state officer or employee has expertise, knowledge or experience which is unique or outstanding in a field or in a particular matter or which would otherwise be generally unavailable at a comparable cost to the state, a state agency, state officer or employee, or other person or entity represented by the attorney general in such civil action or proceeding. In those instances where a state agency is not represented by the attorney general in a civil action or proceeding in state or federal court, a former state officer or employee may engage in permitted activities provided that the general counsel of the state agency, after consultation with the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government**, provides to the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** a written certification which meets the requirements of this subdivision. For purposes of this subdivision the term "permitted activities" shall mean generally any activity performed at the request of the attorney general or the attorney general's designee, or in cases where the state agency is not represented by the attorney general, the general counsel of such state agency, including without limitation:

(a) preparing or giving testimony or executing one or more affidavits;

(b) gathering, reviewing or analyzing information, including documentary or oral information concerning facts or opinions, attending depositions or participating in document review or discovery;

(c) performing investigations, examinations, inspections or tests of persons, documents or things;

(d) performing audits, appraisals, compilations or computations, or reporting about them;

(e) identifying information to be sought concerning facts or opinions; or

(f) otherwise assisting in the preparation for, or conduct of, such litigation.

Nothing in this subdivision shall apply to the provision of legal representation by any former state officer or employee.

8-b. Notwithstanding the provisions of subparagraphs (i) and (ii) of paragraph (a) of subdivision eight of this section, a former state officer or employee may contract individually, or as a member or employee of a firm, corporation or association, to render services to any state agency if, prior to engaging in such service, the agency head certifies in writing to the [~~joint~~] **independent** commission on [~~public~~] ethics **and**

lobbying in government that such former officer or employee has expertise, knowledge or experience with respect to a particular matter which meets the needs of the agency and is otherwise unavailable at a comparable cost. Where approval of the contract is required under section one hundred twelve of the state finance law, the comptroller shall review and consider the reasons for such certification. The [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** must review and approve all certifications made pursuant to this subdivision.

10. Nothing contained in this section, the judiciary law, the education law or any other law or disciplinary rule shall be construed or applied to prohibit any firm, association or corporation, in which any present or former statewide elected official, state officer or employee, or political party chairman, member of the legislature or legislative employee is a member, associate, retired member, of counsel or shareholder, from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with a state agency, or a city agency with respect to a political party chairman in a county wholly included in a city with a population of more than one million, otherwise proscribed by this section, the judiciary law, the education law or any other law or disciplinary rule with respect to such official, member of the legislature or officer or employee, or political party chairman, where such statewide elected official, state officer or employee, member of the legislature or legislative employee, or political party chairman does not share in the net revenues, as defined in accordance with generally accepted accounting principles by the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** or by the legislative ethics commission in relation to persons subject to their respective jurisdictions, resulting therefrom, or, acting in good faith, reasonably believed that he or she would not share in the net revenues as so defined; nor shall anything contained in this section, the judiciary law, the education law or any other law or disciplinary rule be construed to prohibit any firm, association or corporation in which any present or former statewide elected official, member of the legislature, legislative employee, full-time salaried state officer or employee or state officer or employee who is subject to the provisions of section seventy-three-a of this article is a member, associate, retired member, of counsel or shareholder, from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with, the court of claims, where such statewide elected official, member of the legislature, legislative employee, full-time salaried state officer or employee or state officer or employee who is subject to the provisions of section seventy-three-a of this article does not share in the net revenues, as defined in accordance with generally accepted accounting principles by the [~~joint~~] **independent** commission on [~~public~~] ethics **and lobbying in government** or by the legislative ethics commission in relation to persons subject to their respective jurisdictions, resulting therefrom, or, acting in good faith, reasonably believed that he or she would not share in the net revenues as so defined.

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

PART AA

Section 1. The criminal procedure law is amended by adding a new section 160.57 to read as follows:

§ 160.57 Automatic sealing of convictions.

1. For purposes of this section, "expiration of sentence" shall mean the maximum date on which either any sentence of incarceration, whether in a local jail or state correctional facility, including any term of post release supervision, or any sentence of probation would expire if such sentence were to run from the date such sentence was imposed by the court without consideration of any conditional or supervised release from custody, credits or reductions a defendant may be due, may earn, and/or may have earned.

2. Convictions for certain traffic infractions and violations or any crime defined in the laws of this state shall be sealed in accordance with paragraph (c) of this subdivision as follows:

(a) Convictions for subdivision one of section eleven hundred ninety-two of the vehicle and traffic law shall be sealed three years after the completion of any sentence imposed including the payment of any fine imposed.

(b) Convictions for misdemeanors and felonies shall be sealed upon satisfaction of the following conditions:

(i) if the conviction to be sealed is a misdemeanor, at least three years have passed from the expiration of such sentence and if the conviction to be sealed is a felony at least seven years have passed since the expiration of sentence;

(ii) the conviction is not defined as a sex offense under section one hundred sixty-eight-a of the correction law;

(iii) the defendant is not currently incarcerated or under supervision of any parole or probation department; and

(iv) the defendant does not have a pending criminal case in this state.

(c) Where a conviction is eligible for sealing pursuant to this paragraph before, on, or after the effective date of this section, the office of court administration shall immediately notify the division of criminal justice services, the court of conviction, and the heads of all appropriate police and sheriff departments that the conviction is sealed.

(d) Records of convictions sealed pursuant to this paragraph shall not be accessed, made available to any person or public or private agency, or used by any state agency covered by subdivision three of this section except for:

(i) the defendant and such defendant's attorney;

(ii) any court or prosecutor for the purposes of a pending criminal action;

(iii) qualified agencies, as defined in subdivision nine of section eight hundred thirty-five of the executive law, and federal and state law enforcement agencies, when acting within the scope of their law enforcement duties or other specific statutory authority;

(iv) the court, prosecutor, and defense counsel if the defendant becomes a witness in a criminal proceeding, or the claimant and respondent if the defendant becomes a witness in a civil proceeding;

(v) when an individual is a defendant in a criminal action and the sealed records of conviction of a third-party are integral to their defense. In such instances, use of sealed records shall be requested upon ex parte motion in any superior court, or in any district court, city court or the criminal court of the city of New York provided that such court is where the action is pending. The applicant must demonstrate to the satisfaction of the court that the records will be used for the purpose of this subparagraph;

(vi) any prospective employer of a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of this chapter, in relation to an application for employment as a police officer, provided, however, that every person who is an applicant shall be furnished with a copy of all records obtained under this paragraph and afforded an opportunity to make an explanation thereto;

(vii) any federal, state or local officer or agency with responsibility for the issuance of licenses to possess a firearm, rifle or shotgun or with responsibility for conducting background checks before transfer or sale of a firearm or explosive, when the officer or agency is acting pursuant to such responsibility. This includes the criminal justice information services division of the federal bureau of investigation, for the purposes of responding to queries to the national instant background check system regarding attempts to purchase or otherwise take possession of firearms, rifles or shotguns, as defined in 18 U.S.C. § 921 (A)(3);

(viii) for the purposes of civilian investigation or evaluation of a civilian complaint or civil action concerning law enforcement or prosecution actions, upon ex parte motion in any superior court, or in any district court, city court or the criminal court of the city of New York provided that such court sealed the record; the applicant must demonstrate to the satisfaction of the court that the records will be used for the purposes of this subparagraph; and

(ix) for information provided to an individual or entity pursuant to paragraph (e) of subdivision four of section eight hundred thirty-seven of the executive law or for bona fide research purposes provided all identifying information is removed.

(e) Where the sealing required by this paragraph has not taken place, or where supporting court records cannot be located or have been destroyed, and a defendant or their attorney submits notification of such fact to the office of the court administration, the conviction shall be sealed as set forth in this subdivision.

3. Where a conviction is eligible for sealing pursuant to this section the office of court administration shall immediately notify the division of criminal justice services, the court of conviction and the heads of all appropriate police departments, prosecutors' offices and law enforcement agencies that the conviction is sealed. Upon receipt of such notification, records of or relating to such conviction, including every photograph of such defendant and photographic plates or proof, and all palmprints, fingerprints and retina scans taken or made of such individual pursuant to the provisions of this article in regard to the eligible conviction, and all duplicates, reproductions, and copies thereof, shall be sealed and shall not be released except as provided by paragraph (d) of subdivision two of this section. Every official record and paper and duplicates and copies thereof, including, but not limited to, judgments and orders of a court but not including published court decisions or opinions or records and briefs on appeal, relating to the conviction, on file with the agency shall be marked as sealed by conspicuously indicating on the face of the record or at the beginning of the digitized file of the record that the record has been designated as sealed.

4. (a) Nothing in this section requires the destruction of DNA information maintained in the New York state DNA database of such individual pursuant to the provisions of the executive law in regard to the eligible conviction.

(b) Nothing in this section requires the sealing or destruction of records maintained by the department of motor vehicles, and nothing in this section shall be construed to contravene the vehicle and traffic law, the federal driver's privacy protection act (18 U.S.C 2721 et. seq.), or the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 31311).

(c) In any civil action, an official record of a conviction that has been sealed pursuant to this section may not be introduced as evidence of negligence against a person or entity that provided employment, contract labor or services, volunteer work, licensing, tenancy, a home purchase, a mortgage, an education, a loan, or insurance if such record was sealed and was not provided to the person or entity by or on behalf of a governmental entity in accordance with this section in response to such person's or entity's authorized and timely request for conviction history information.

(d) A person or entity described in this subdivision, acting reasonably and in good faith, may not have a duty to investigate the fact of a prior conviction that has been sealed pursuant to this section.

5. No defendant shall be required or permitted to waive eligibility for sealing pursuant to this section as part of a plea of guilty, sentence or any agreement related to a conviction for a violation of the laws of this state. Any such waiver is void and unenforceable.

6. Sealing as set forth in subdivision three of this section is without prejudice to a defendant or their attorney seeking further relief pursuant to section 440.10 of this chapter. Nothing in this section shall diminish or abrogate any rights or remedies otherwise available to the defendant.

7. All records for a conviction subject to sealing under this section where the conviction was entered on or before the effective date of this section shall receive the appropriate relief promptly and, in any event, no later than two years after such effective date.

8. A conviction which is sealed pursuant to this section is included within the definition of a conviction for the purposes of any criminal proceeding in which the fact of a prior conviction would enhance a penalty or is an element of the offense charged.

§ 2. Section 9 of the correction law, as added by section 2 of part OO of chapter 56 of the laws of 2010, the section heading as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9. Access to information of incarcerated individuals via the internet. Notwithstanding any provision of law to the contrary, any information relating to the conviction of a person[~~, except for a person convicted of an offense that would make such person ineligible for merit time under section eight hundred three of this chapter or an offense for which registration as a sex offender is required as set forth in subdivision two or three of section one hundred sixty-eight-a of this chapter,~~] that is posted on a website maintained by or for the department, under article six of the public officers law, may be posted on such website for a period not to exceed five years after the expiration of such person's sentence of imprisonment and at the conclusion of any period of parole or post-release supervision[~~; provided, however, that in the case of a person who has been committed to the department on more than one occasion, the department may post conviction information relating to any prior commitment on such website for a period not to exceed five years after the expiration of such person's sentence of imprisonment and any period of parole or post-release supervision arising from the most recent commitment to the department~~].

§ 3. Severability. If any provision of this act or the application thereof to any person, corporation or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

§ 4. This act shall take effect eighteen months after it shall have become a law.

PART BB

Section 1. Subdivision 2 of section 170 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

2. Notwithstanding any other provision of law, it shall be lawful for an incarcerated individual of the department to work in an institution of the department in the manufacture and production of goods, including but not limited to, license plates, identification plates and insignia for vehicles, and for the department to sell or otherwise dispose of for profit such goods to the government of the United States or to any state of the United States, or political subdivision thereof, or any public corporation or eleemosynary association or corporation funded in whole or in part by any federal, state or local funds. **It shall also be lawful for incarcerated individuals to be employed by and be paid fair and just compensation by a private sector entity or to be paid as part of a prison industries certification program authorized by section one hundred seventy-two of this article and certified by the United States department of justice in accordance with 18 U.S.C. § 1761.**

§ 2. Subdivisions 1 and 2 of section 171 of the correction law, subdivision 1 as amended by chapter 322 of the laws of 2021 and subdivision 2 as amended by chapter 364 of the laws of 1983, are amended to read as follows:

1. The commissioner and the superintendents [~~and officials of all penitentiaries in the state~~] may cause incarcerated individuals in the state correctional facilities [~~and such penitentiaries~~] who are physically capable thereof to be employed for not to exceed eight hours of each day other than Sundays and public holidays. Notwithstanding any other provision of this section, however, the commissioner and superintendents [~~of state correctional facilities~~] may employ incarcerated individuals on a volunteer basis on Sundays and public holidays in specialized areas of the facility, including kitchen areas, vehicular garages, rubbish pickup and grounds maintenance, providing, however, that incarcerated individuals so employed shall be allowed an alternative free day within the normal work week.

2. Such labor shall be either for the purpose of the production of supplies for said institutions, or for the state, or any political subdivision thereof, or for any public institution owned or managed and controlled by the state, or any political subdivision thereof; or for the purpose of industrial training and instruction, or partly for one, and partly for the other of such purposes. **It shall also be lawful for incarcerated individuals to be employed by and be paid fair and just compensation by a private sector entity, or be paid as part of a prison industries certification program authorized by section one hundred seventy-two of this article and certified by the United States department of justice in accordance with 18 U.S.C. § 1761.**

§ 3. The correction law is amended by adding a new section 172 to read as follows:

§ 172. Employment by private sector entities; prison industries certification program. 1. The commissioner may enter into contracts with private sector individuals, partnerships, corporations, or other business entities whereby an area within a correctional facility may be made available to such entity for use as a work site at which incarcerated individuals who volunteer may be employed by such entities. Except for the permissible offsets against wages, the laws of the state with respect to employment conditions shall apply to incarcerated individuals participating in employment through private sector entities or through a prison industries certification program.

2. The commissioner is hereby authorized and empowered to establish and implement a prison industries certification program in one or more correctional facilities of the department as provided for in 18 U.S.C. § 1761. The commissioner shall promulgate rules and regulations consistent with such federal and state laws which shall include, but not be limited to, provisions defining incarcerated individual eligibility and ensuring incarcerated individuals are compensated at wages which are comparable to the wages paid for work of similar nature in the locality in which the work is performed, and provisions providing for the gross wages of incarcerated individuals to be offset in an aggregate amount not to exceed fifty percent for taxes, support of family, restitution for crime victims, and other lawful obligations.

§ 4. Section 177 of the correction law is amended by adding a new subdivision 8 to read as follows:

8. Notwithstanding any other provision of law to the contrary, the commissioner may enter into a contract or contracts with private sector individuals, partnerships, corporations or other business entities whereby an area within a correctional facility may be made available to such entity for use as a work site at which incarcerated individuals who volunteer may be employed by such entity or employed as part of a prison industries certification program established pursuant to section one hundred seventy-two of this article.

§ 5. Section 178 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 178. Participation in work release and other community activities**; employment by private entities or participation in a prison industries certification program**. Nothing contained in this article shall be construed or applied so as to prohibit private employment of incarcerated individuals in the community under a work release program, or a residential treatment facility program formulated pursuant to any provision of this chapter**, or the employment of incarcerated individuals by a private sector entity or participation in a prison industries program pursuant to section one hundred seventy-two of this article**.

§ 6. Section 187 of the correction law is amended by adding a new subdivision 5 to read as follows:

5. The compensation paid to incarcerated individuals employed by private entities under section one hundred seventy-two of this article shall be set in accordance with rules and regulations adopted by the commissioner. The compensation paid to incarcerated individuals participating in a prison industries program shall be set in accordance with 18 U.S.C. § 1761.

§ 7. This act shall take effect on the first of January next succeeding the date upon which the people shall approve and ratify amendments to section 24 of article 3 of the constitution by a majority of the

electors voting thereon relating to authorizing incarcerated individuals to be employed by and be paid compensation by a private sector entity as part of a prison industries certification program authorized by the laws of the United States.

§ 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 BB of this act shall be as specifically set forth in the last section of such Parts.